THE
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OF CANADA
1952

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QUEEN'S PRINTER AND CONTROLLER OF STATIONERY
OTTAWA, 1952
# REVISED STATUTES OF CANADA

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CHAPTER 112.

An Act respecting the Federal District Commission.

SHORT TITLE.

1. This Act may be cited as the Federal District Commission Act. 1926-27, c. 55, s. 1.

INTERPRETATION.

2. In this Act,

(a) "Commission" means the Federal District Commission;

(b) "Minister" means the Minister of Finance and Receiver General;

(c) "National Capital District" means the National Capital District established pursuant to this Act. 1926-27, c. 55, s. 2; 1946, c. 51, s. 1.

3. (1) There shall be a Commission to be called the Federal District Commission, consisting of twenty members.

(2) Eighteen members shall be appointed by the Governor in Council to hold office during pleasure for a period not exceeding five years.

(3) One member shall be appointed by the Corporation of the City of Ottawa to hold office during pleasure for such period not exceeding five years as the Corporation may by by-law determine.

(4) One member shall be appointed by the Corporation of the City of Hull to hold office during pleasure for such period not exceeding five years as the Corporation may by by-law determine.

(5) The members appointed by the Governor in Council shall include one member for each province who shall be ordinarily resident in the province for which he is appointed.

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(6) R.S., 1952.
(6) A retiring member is eligible for re-appointment. 1946, c. 51, s. 2; 1951, c. 50, s. 1.

4. The Governor in Council may from time to time designate an area within and in the district surrounding the City of Ottawa to be known as the National Capital District. 1946, c. 51, s. 2.

5. (1) The Commission is a body corporate, and has power to make such by-laws, employ such persons, and pay and defray such expenses as are necessary to enable it to carry into effect the purposes for which it is constituted or any of the powers conferred on it by this Act; but no by-laws so made shall come into force or effect until approved by the Governor in Council, and no alteration, modification or repeal of any such by-law shall have any force or effect until approved by the Governor in Council.

(2) Any by-law of the Commission may impose penalties not exceeding fifty dollars, recoverable upon summary conviction, for the infraction of its provisions, and may provide for the imprisonment of offenders in default of payment of such penalties for any term not exceeding two months. 1926-27, c. 55, s. 4.

6. (1) The Commission is for all purposes of this Act an agent of Her Majesty and its powers under this Act may be exercised only as an agent of Her Majesty.

(2) Actions, suits or other legal proceedings in respect of any right or obligation acquired or incurred by the Commission on behalf of Her Majesty, whether in its name or in the name of Her Majesty, may be brought or taken by or against the Commission in the name of the Commission in any court that would have jurisdiction if the Commission were not an agent of Her Majesty. 1950, c. 51, s. 1.

7. (1) The Governor in Council shall designate one of the commissioners appointed by the Governor in Council to be chairman of the Commission, and he shall hold office as chairman during pleasure.

(2) There shall be a secretary of the Commission, who shall be appointed by the Governor in Council, and who shall hold office during pleasure. 1926-27, c. 55, s. 5.

8. The Chairman and other members of the Commission shall serve without remuneration, but they are entitled to receive and be paid their actual disbursements for expenses necessarily incurred by them in the discharge of their duties under this Act. 1926-27, c. 55, s. 6.

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9. (1) The Commission shall co-ordinate construction and development work in the National Capital District in accordance with general plans approved from time to time under this Act.

(2) Proposals for the location, erection, alteration or extension of a building or other work by or on behalf of the Government of Canada or by any person on lands owned, leased or otherwise controlled by the Government of Canada in the National Capital District shall be referred to the Commission prior to the commencement of the work.

(3) No building or other work shall be erected, altered or extended by or on behalf of the Government of Canada in the National Capital District unless the site, location and plans thereof have first been approved by the Commission.

(4) No person shall erect, alter or extend a building or other work on land in the National Capital District owned, leased or otherwise controlled by the Government of Canada unless the site, location and plans thereof have first been approved by the Commission.

(5) Every person who contravenes or fails to comply with subsection (4) is guilty of an offence and liable on summary conviction to a fine not exceeding five hundred dollars.

(6) In any case where the Commission does not give its approval under this section the Governor in Council may give such approval.

(7) This section does not apply to interior alterations in a work or building. 1946, c. 51, s. 4.

10. The Commission may

(a) purchase, acquire and hold real property within the National Capital District for the purpose of public parks or squares, streets, avenues, drives, thoroughfares, bridges or other structures;

(b) do, perform and execute all necessary or proper acts or things for the purposes of preparing, building, improving, repairing, maintaining and protecting all or any of the works of or under the control of the Commission, and for preserving order thereon;

(c) co-operate with any local municipality in the improvement and beautifying of the same or the vicinity thereof by the development, maintenance or improvement of public parks, squares, streets, avenues, drives, thoroughfares, bridges or other structures in such municipality or in the vicinity thereof;

(d) powers. 1946, c. 51, s. 4.
(d) operate or grant concessions for the operation of places of refreshment, amusement or shelter, or for the encouragement of recreation, sports and games, upon any property under its administration or control;

(e) subject to the approval of the Governor in Council sell any real property of the Commission not being a portion of any public park or square, street, avenue, drive or thoroughfare, that is not required for the purposes of the Commission; and

(f) lease any real property of the Commission for any period during which it is not required for the purposes of the Commission;

and for all or any of the aforesaid purposes, the Commission may expend the whole or any portion of the sums that are placed at its credit under this Act, except that any moneys that may be received by the Commission by way of special grant for the carrying out of any particular work or undertaking shall be expended solely upon such work or undertaking. 1926-27, c. 55, s. 7; 1946, c. 51, s. 5.

11. (1) The Commission may construct in the National Capital District, in accordance with plans approved under this Act, a railway and related facilities, and for such purpose may acquire by purchase, lease or otherwise such land and real property as the Commission may, from time to time, deem necessary or expedient.

(2) The Commission may sell, convey or lease the railway and related facilities to any railway company or from time to time enter into agreements with any railway company or companies for the sole, joint or several use of such railway or facilities and for the maintenance by such company or companies of such railway or facilities and the operation thereof by any motive power.

(3) In the exercise of the powers granted by this section such provisions of the Railway Act as are susceptible of application thereto shall apply, but nothing in this section shall be deemed to constitute the Commission a railway company save for the purpose of carrying out the provisions of subsection (2). 1951, c. 50, s. 2.

12. The Minister may pay to the Commission, out of any unappropriated moneys in the Consolidated Revenue Fund, the sum of three hundred thousand dollars a year for a period not exceeding fifteen years from the 1st day of April, 1947, to be expended by the Commission for the purposes and subject to the provisions of this Act; such annual payments shall be made in four equal quarterly instalments.

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instalments, payable on the first days of April, July, October and January, respectively, in each year, and the amount of each payment under this section shall be paid by the Minister into a chartered bank to be designated by him, to the credit of the Commission. 1946, c. 51, s. 6.

13. (1) The Minister may provide, for the purposes of the Commission in so far as they relate to the purchase of land or the carrying into effect of any scheme of improvements and undertakings requiring a larger outlay than is available out of the actual annual income of the Commission, by the sale or other disposition of securities of the Commission, guaranteed as hereinafter provided, an amount or amounts not to exceed in the aggregate three million dollars, or he may, with the approval of the Governor in Council, pay to the Commission, out of any unappropriated moneys in the Consolidated Revenue Fund, such sum or sums, not exceeding three million dollars as may be required for said purposes, or may make such provision partly in one way and partly in the other.

(2) The Commission may, for the purposes of this section, create and issue obligations, bonds, debentures or other securities, herein called securities; all negotiations for the sale or other disposition of the securities shall be carried on by the Minister.

(3) The Governor in Council may from time to time authorize the guarantee of the principal and interest of such securities.

(4) With respect to such securities, the Governor in Council may from time to time approve or decide

(a) the rate of interest and the kind of securities to be issued and guaranteed, and the form and terms thereof;
(b) the form and manner of the guarantee or guarantees;
(c) the time, manner and amount of any issue or issues; and
(d) the terms and conditions of any sale, pledge or other disposition of the securities.

(5) The guarantee or guarantees may be signed on behalf of Her Majesty by the Minister, or by such other person as the Governor in Council may from time to time designate for that purpose, and such signature is conclusive evidence for all purposes of the validity of any such guarantee and that the provisions of this Act have been complied with.

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6 Disposition of proceeds deposited in trust.

(6) The proceeds of any sale, pledge or other disposition of the securities shall be deposited in a bank or banks to the credit of the Minister, in trust for the Commission, and shall from time to time be released to the Commission by the Minister in his discretion, to be applied for the purposes of this Act. 1928, c. 26, s. 2; 1946, c. 51, s. 7.

14. (1) No securities shall be issued by the Commission for a period extending beyond the 1st day of July, 1976.

(2) The Minister may, from time to time, out of any unappropriated moneys in the Consolidated Revenue Fund, provide such sums as may be required to pay the interest on any securities issued under the provisions of this Act, and may also provide such sums as are required for the purpose of establishing a sinking fund or of retiring the securities by annual instalments, so that the total amount of the securities shall be fully paid and redeemed on or before the 1st day of July, 1976. 1946, c. 51, s. 8.

15. All works or undertakings of the Commission are hereby declared to be works for the general advantage of Canada. 1926-27, c. 55, s. 12.

16. (1) No separate parcel of real property shall be purchased or acquired by the Commission at a cost in excess of five thousand dollars except with the previous consent of the Governor in Council; and if the Commission is unable to agree with the owner of real property as to the price to be paid therefor, the Commission shall, with the consent of the Governor in Council, have the right to acquire the same without the consent of the owner and the provisions of the Expropriation Act are, mutatis mutandis, applicable to the acquisition of such real property by the Commission.

(2) Any plan and description deposited under the provisions of the Expropriation Act may be signed by the Chairman of the Commission or by one of the commissioners thereof, on behalf of the Commission, and the land shown upon and described in such plan and description so deposited shall thereupon be and become vested in the Commission, unless the plan and description indicates that the land taken is required for a limited time only, or that a limited estate or interest therein is taken; and by the deposit in such latter case the right of possession for such limited time or such limited estate or interest shall be and become vested in the Commission.

(3) The compensation payable in respect of the taking of any lands so vested in the Commission, or of any interest therein or of lands injuriously affected by the construction thereof, is the amount required by the Commission for the purpose of establishing a sinking fund or retiring the securities.

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of the undertaking or works shall be ascertained in accordance with the provisions of the *Expropriation Act*, and for that purpose the Attorney General of Canada may file an information in the Exchequer Court on behalf of the Commission to all intents and purposes as if such land had been expropriated by and vested in Her Majesty under the provisions of the said Act and the Minister may pay to any person, out of any unappropriated moneys forming part of the Consolidated Revenue Fund of Canada, any sum to which, under the judgment of the Exchequer Court, in virtue of the provisions of this section, he is entitled as compensation money or costs. 1928, c. 26, s. 3; 1946, c. 51, s. 9.

**17.** The Commission may, with the previous consent of the Governor in Council, pay grants to the appropriate authorities in a municipality in respect of property situated within the municipality in the National Capital District which has been acquired or which is acquired for inclusion in Gatineau Park, the grants not to exceed in any tax year of the municipality amounts estimated by the Commission to be sufficient to compensate such authorities for the loss of tax revenue during that tax year in respect of municipal and school taxes by reason of the acquisition of the property by the Commission. 1951, c. 50, s. 3.

**18.** Except in the case of purchase or acquisition of real property at a cost not in excess of five thousand dollars, the Commission shall from time to time before making expenditures under this Act, submit to the President of Her Majesty's Privy Council for Canada detailed estimates of the expenditures proposed to be made by it, which estimates shall be accompanied by such full information as is sufficient to enable the Governor in Council to determine as to the necessity or advisability of such proposed expenditures, or of any portion thereof; and no such expenditure shall be made by the Commission under this Act until it has been approved by the Governor in Council. 1946, c. 51, s. 10.

**19.** The Commission shall send to the President of Her Majesty's Privy Council for Canada on or before the 1st day of September in each year a detailed statement of all its receipts and expenditures up to the last day of March in such year; and copies of such statements shall be laid before Parliament by the President within the first fourteen days of the next following session. 1946, c. 51, s. 10.

**20.**

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**20.** The Commission shall as soon as possible after the 31st day of December in each year make to the President of Her Majesty's Privy Council for Canada an annual report for the information of Parliament, setting forth a description of the nature and extent of the works and undertakings of the Commission for the year ended on the 31st day of December in that year, and such other matters as appear to it to be of public interest in relation to the said Commission; copies of such annual reports shall be laid before Parliament by the President within the first fourteen days of the next following session. 1946, c. 51, s. 10.

**21.** The Commission shall, whenever required by the President of Her Majesty's Privy Council for Canada, render detailed accounts of its receipts and expenditures for such period or to such day as he designates; and all books of account, records, bank books and papers of the Commission shall at all times be open to the inspection of the President or of such person as the President names to inspect them. 1946, c. 51, s. 10.

**22.** All expenditures by the Commission are subject to the audit of the Auditor General in the same manner as other public moneys. 1926-27, c. 55, s. 18.

**23.** It shall be unlawful for any commissioner or the secretary of the Commission to enter into any contract with the Commission or to be pecuniarily interested, either directly or indirectly, in any contract or work for which any portion of the moneys at the credit of the Commission is to be paid. 1926-27, c. 55, s. 19.

**24.** Subject to the provisions of this Act the Commission shall possess and be vested with all the assets, rights, credits, effects and property, real, personal and mixed, of whatsoever kind and wheresoever situated, belonging to the Ottawa Improvement Commission, and shall pay, discharge, carry out and perform all the debts, liabilities, obligations and duties thereof. 1926-27, c. 55, s. 20.

EDMOND CLOUTIER, C.M.G., O.A., D.S.P.
QUEEN'S PRINTER AND CONTROLLER OF STATIONERY
OTTAWA, 1952

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CHAPTER 113.

An Act to Control and Regulate the Sale of Feeding Stuffs.

SHORT TITLE.

1. This Act may be cited as the Feeding Stuffs Act, 1937, Short title. c. 30, s. 1.

INTERPRETATION.

2. In this Act Definitions.

(a) “brand” means any distinctive mark or name applied to a feeding stuff other than that by which it is generally known to the trade;

(b) “chop feed” means the product of chopping, grinding or crushing wheat, rye, barley, oats (avena sativa), Indian corn, buckwheat (Fagopyrum esculentum), flax, emmer, spelt, field peas, field beans or soy beans, whether used singly or in combination, or such other grains or seeds as the Minister may from time to time by regulation prescribe;

(c) “feeding stuff” means any article intended for consumption by livestock and purporting to supply proteins, carbohydrates, fats, minerals, condiments or vitamins, and shall include any article prepared for the purpose of preventing or correcting nutritional disorders;

(d) “inspector” means any person designated by the Minister to enforce the provisions of this Act or the regulations;

(e) “live stock” means and includes horses, mules, cattle, sheep, goats, swine, foxes, rabbits and poultry and such other animal or bird as the Minister may from time to time by regulation prescribe;

(f) “Minister” means the Minister of Agriculture;

(g) “official analyst” means any analyst appointed under this Act;

(h) R.S., 1952.
(h) "owner" means the person applying for and accorded registration under this Act;

(i) "package" means and includes sack, bag, barrel, bin or other container;

(j) "regulation" means any regulation made under the authority of this Act. 1937, c. 30, s. 2.

3. (1) Subject to subsection (2), this Act does not apply to

(a) whole hays, straws, corn stover and silage when unmixed with any other material;

(b) hulled oats, hulled barley, cracked Indian corn and the whole seeds or grains of cultivated farm crops;

(c) feeding stuff prepared in accordance with a prescription provided and signed by the purchaser for consumption or processing by such purchaser;

(d) feeding stuff for export from Canada and so labelled; or

(e) feeding stuffs sold by the individual grower thereof.

(2) Such hulled oats, hulled barley, cracked Indian corn and the whole seeds or grains of cultivated farm crops as are intended for consumption by live stock shall be deemed to be feeding stuff for the purposes of section 14. 1946, c. 16, s. 1.

REGISTRATION, LABELS AND CONTENTS.

4. (1) No feeding stuff mentioned in column 1 of Schedule A shall be imported into, manufactured, distributed, advertised, sold or offered or held in possession for sale in Canada which has not first been registered with and had a registration number assigned to it by the Minister.

(2) Application for registration or renewal thereof shall be made by the person first marketing such feeding stuff or by his accredited agent in such form and manner and setting forth such particulars as may from time to time be prescribed.

(3) Any such application shall be accompanied by a registration fee of two dollars.

(4) Where the applicant for registration or any renewal thereof does not reside in Canada the Minister may require that the application be countersigned by a representative or agent of the applicant resident in Canada and be accompanied by the undertaking of such representative or agent in form satisfactory to the Minister, to accept responsibility for any failure in respect of the registered article to comply with the provisions of this Act or the regulations.

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(5) When in his opinion the public interest so requires, the Minister may by regulation provide that only feeding stuffs of the kind or composition specified in such regulations shall be eligible for registration under this Act and the Minister may refuse to register any feeding stuff that is not of such kind or composition.

(6) The Minister may refuse to register any feeding stuff

(a) if in his opinion the brand or name would tend to deceive or mislead a purchaser in respect of the composition or utility value of the feeding stuff;

(b) under a brand or name identical with or in the opinion of the Minister likely to be confused with a brand or name already applied to a registered feeding stuff;

(c) if the specific name of each and every ingredient used in its manufacture be not stated; or

(d) if a sample of the feeding stuff, which, upon request, the applicant shall submit and certify as representative of the feeding stuff to be registered, is found not to accord with the provisions of this Act or the regulations.

(7) No change in the brand, name, chemical composition or ingredients of a registered feeding stuff shall be made without the written approval of the Minister, who may refuse to allow any change that in his opinion would lower the feeding value of such feeding stuff but may authorize, either at the time of registration or subsequently, such variations as in his opinion do not warrant registration as a separate and distinct article.

(8) Every registration unless sooner cancelled expires on the last day of the registration year next following the date of issue but may be renewed from year to year.

(9) The Minister may cancel the registration of any feeding stuff in respect of which there has been a violation of this Act or regulations in the registration, importation, manufacture, distribution, advertisement, sale or offering or having in possession for sale. 1937, c. 30, s. 4; 1947, c. 6, s. 1.

5. (1) Every package containing any feeding stuff mentioned in column 1 of Schedule A shall be labelled in such manner as may from time to time by regulation be prescribed.

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(2) Every such label shall, in relation to such feeding stuff, show conspicuously and legibly:

(a) the name and address of the registered owner;

(b) the brand and name, which shall include such particulars of the composition and nutritive purposes as may be prescribed;

(c) the registration number;

(d) the net weight of contents;

(e) the specific name of each ingredient, employing such terms, and giving such particulars of the character, quality and quantity of any ingredient, as may be prescribed;

(f) the guaranteed analysis setting forth such particulars as are mentioned in column 2 of such Schedule; and

(g) any matter mentioned in this subsection that is also required to be set forth upon application for registration corresponding as set forth upon the label in every particular with that so set forth upon application. 1937, c. 30, s. 5.

6. (1) The package containing any by-product, resulting from the milling of wheat for the production of flour, imported into, manufactured, advertised, sold or offered or held in possession for sale in Canada as feeding stuff shall be labelled in such manner as may from time to time by regulation be prescribed.

(2) Every such label shall show conspicuously and legibly:

(a) the name and address of the person responsible for packaging such feeding stuff;

(b) the name of the by-product which shall be one of the names indicated in column 1 of Schedule B, which name shall not have associated with it any name, brand or description tending to qualify the meaning of the prescribed name of the by-product; and

(c) the guaranteed analysis setting forth the minimum percentages of crude protein and crude fat and the maximum percentage of crude fibre.

(3) No such by-product shall contain crude fibre in excess of the percentage by weight indicated in column 2 of such Schedule B.

(4) Any such by-product shall be free from any screenings, sourings or other materials except as hereinafter provided.

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(5) Any such by-product may be used in such combination and under such conditions in any compounded feeding stuff containing not less than twelve per cent of crude protein and not more than fourteen per cent of crude fibre as the Governor in Council may from time to time prescribe. 1937, c. 30, s. 6.

7. Whenever any feeding stuff is sold otherwise than in a package, the vendor shall, in such manner as may from time to time by regulation be prescribed, provide the purchaser with the information required to be labelled on packages of such feeding stuff. 1937, c. 30, s. 7.

8. No feeding stuff shall be imported into, manufactured, distributed, advertised, sold or offered or held in possession for sale in Canada that contains in excess of the tolerances which the Minister may from time to time by regulation prescribe

(a) any seeds, damaged grain or other material designated by regulation as injurious to, or unsuitable for feeding livestock;
(b) any vital weed seeds; or
(c) any chaff, dust, floor sweepings or other material of like character from time to time designated by regulation. 1937, c. 30, s. 8.

9. There may be appointed in the manner authorized by law such inspectors and analysts as the Minister may consider necessary for the effective carrying out of the provisions of this Act. 1937, c. 30, s. 9.

10. An inspector may at all reasonable times enter any premises in which he has reasonable cause to believe any feeding stuff is being or has been prepared for sale and may take for analysis samples of any feeding stuff there found on payment of the value of such samples. 1937, c. 30, s. 10.

OFFENCES AND PENALTIES.

11. Every person is guilty of an offence and liable upon summary conviction to a fine not exceeding five hundred dollars and not less than fifty dollars and in default of payment of the fine imposed to imprisonment for a term not exceeding two months unless such fine is sooner paid who

(a) unlawfully uses any registration number;
(b) fraudulently lessens the value of any feeding stuff;

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(c) wilfully removes, alters or effaces the prescribed tags, markings or information placed on packages of feeding stuff or provided with or placed on bulk or unpackaged feeding stuff in accordance with this Act;

(d) fraudulently alters or uses a certificate of analysis of an official analyst;

(e) wilfully obstructs, hinders, resists or in any way opposes an inspector in the execution of his duties under this Act; or

(f) makes unauthorized disposition of feeding stuff placed under detention. 1937, c. 30, s. 11.

12. Every person is guilty of an offence and liable upon summary conviction to a fine not exceeding one hundred dollars and not less than five dollars for a first offence and not exceeding five hundred dollars and not less than fifty dollars for each subsequent offence and in either case in default of payment of the fine imposed to imprisonment for a term not exceeding two months unless such fine is sooner paid, who sells or who for sale imports, manufactures, distributes, advertises, offers or has in possession any feeding stuff that

(a) is not registered as required by this Act,

(b) is not labelled or accompanied by any statement in accord with this Act or the regulations, or

(c) in relation to the provisions of this Act or to the feeding stuff is labelled or represented incorrectly or in a manner likely to mislead any person. 1937, c. 30, s. 12.

13. Every person is guilty of an offence and liable on summary conviction to a fine not exceeding fifty dollars and not less than five dollars and in default of payment of the imposed fine to imprisonment for a term not exceeding one month unless such fine is sooner paid who contravenes any provision of this Act or the regulations in respect of which no penalty is hereinbefore prescribed. 1937, c. 30, s. 13.

REGULATIONS.

14. The Governor in Council may from time to time make regulations not inconsistent with the provisions of this Act

(a) requiring and specifying particulars of the character, quality and quantity of any feeding stuff not included in the Schedules or of any ingredient or constituent thereof to be labelled on packages containing, or provided to the purchaser of, such feeding stuff;

(b) R.S., 1952.
(b) prescribing standards of quality and contents and fixing the permissible limits of variability for any feeding stuff or any ingredients or constituents thereof;
(c) prescribing the unit or units in which shall be stated the net content weight of packages of feeding stuff;
(d) prescribing particulars of the character, quality and quantity of ingredients of feeding stuffs to be marked on packages;
(e) prescribing and limiting the vitamin claims that may be made for any feeding stuff or any ingredients or constituents thereof; and
(f) with respect to any other matter concerning which he may deem regulation necessary for the execution of the purposes of this Act. 1937, c. 30, s. 14; 1946, c. 16, s. 2.

15. The Minister may from time to time make regulations not inconsistent with the provisions of this Act respecting

(a) registration of feeding stuffs;
(b) labelling of packages;
(c) information to purchasers of feeding stuff;
(d) procuring and analysis of samples;
(e) analysis for purchaser of feeding stuff and the fees therefor;
(f) particulars of the composition and nutritive purposes to be included in the brand or name of any feeding stuff;
(g) the names under which simple or compound feeding stuffs shall be sold;
(h) what shall constitute a registration year with respect to any feeding stuff;
(i) what shall be regarded as weed seeds;
(j) the disposition of damaged feeding stuff; and
(k) any other matter in regard to which he is by this Act required or authorized to prescribe. 1937, c. 30, s. 15.

MISCELLANEOUS PROVISIONS.

16. (1) Upon the sale of any feeding stuff, any contract or notice to the contrary notwithstanding, there shall be implied a warranty that it conforms to any statement made in relation thereto and to this Act and the regulations. 1937, c. 30, s. 15.

(2) R.S.; 1952.
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(2) No statement shall be made indicating the vitamin strength of any fish oil, fish liver oil or other feeding stuff, or that any such article has been biologically tested unless such statement is based on a test acceptable to the Minister who may require submission of satisfactory evidence that such test has been made. 1937, c. 30, s. 17.

17. In any prosecution under this Act a certificate as to the analysis of any feeding stuff signed or purporting to be signed by an official analyst is prima facie evidence of the facts stated in such certificate and conclusive evidence of the authority of the person giving or making the same without any proof of appointment or signature. 1937, c. 30, s. 18.

18. The Minister may publish the results of analysis and examination of feeding stuffs made in connection with the enforcement of this Act and any additional information relative thereto which in his opinion is in the public interest. 1937, c. 30, s. 19.

19. Whenever any feeding stuff is to be exported from Canada it shall be so labelled in such manner as may from time to time by regulation be prescribed. 1937, c. 30, s. 20.

20. Any feeding stuff in respect of which any offence against this Act or the regulations is committed may be placed under detention by an inspector at the risk and expense of the owner until such time as such feeding stuff has been made to comply with the provisions of the Act and the regulations and upon the conviction of the person charged with such offence may be forfeited to Her Majesty and may be destroyed or otherwise disposed of as the Minister may direct. 1937, c. 30, s. 21.

21. In any complaint, information or conviction under this Act the matter complained of may be declared and shall be held to have arisen within the meaning of the Criminal Code relating to summary convictions, at the place where the feeding stuff was sold, offered or had in possession for sale, found or placed under detention. 1937, c. 30, s. 22.

22. The Minister may appoint an advisory board which may, at his request, recommend to him such regulations as in its opinion should be established under this Act. 1937, c. 30, s. 23.

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## SCHEDULE A

<table>
<thead>
<tr>
<th>Column 1</th>
<th>Column 2</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Article of Feeding Stuff.</strong></td>
<td><strong>Particulars of analysis to be guaranteed in accordance with Section 5 (2) (f).</strong></td>
</tr>
<tr>
<td>Feeding stuffs (excluding chop feeds), ground, crushed or in meal, cake, pellet or biscuit form, not otherwise provided for, and to which, in the opinion of the Minister, the particulars specified are appropriate.</td>
<td>Amounts to be stated as percentages of the weight of the article, provided that iodine may be stated as ounces per hundred pounds of the article. Minimum amount of crude protein. Minimum amount of crude fat. Maximum amount of crude fibre.</td>
</tr>
<tr>
<td>Mixed feeding stuffs, commonly called supplemental feeds, purported to supply both proteins and minerals in excess of the amounts required in complete or balanced meal mixtures.</td>
<td>Actual amounts (within permitted tolerances) of such of the following as are intentionally or purportedly present: Calcium (Ca), Phosphorus (P), Iodine (I), Iron (Fe) and Salt (NaCl). Minimum amount of crude protein. Minimum amount of crude fat. Maximum amount of crude fat if in excess of 7 per cent. Maximum amount of crude fibre.</td>
</tr>
<tr>
<td>Blood meal</td>
<td>Minimum amount of crude protein.</td>
</tr>
<tr>
<td>Bone meal, or any other bone product except bone char.</td>
<td>Minimum amount of crude protein. Maximum amount of crude fat if in excess of 5 per cent. Actual amounts (within permitted tolerances) of phosphorus (P) and calcium (Ca).</td>
</tr>
<tr>
<td>Dried milk or buttermilk</td>
<td>Minimum amount of crude protein.</td>
</tr>
<tr>
<td>Dried whey</td>
<td>Minimum amount of crude protein. Minimum amount of lactose.</td>
</tr>
<tr>
<td>Fish liver meal</td>
<td>Minimum amount of crude protein. Minimum and maximum amounts of crude fat.</td>
</tr>
<tr>
<td>Fish meal or any other product (except liver meal) of fish or fish waste.</td>
<td>Minimum amount of crude protein. Maximum amount of crude fat. Maximum amount of crude fibre if in excess of 2 per cent. Maximum amount of salt (NaCl).</td>
</tr>
<tr>
<td>Meat meal or scrap, tankage or any other product of meat or meat and bone, including whale meat.</td>
<td>Minimum amount of crude protein. Maximum amount of crude fat. Maximum amount of crude fibre if in excess of 2 per cent.</td>
</tr>
<tr>
<td>Semi-solid milk or buttermilk</td>
<td>Minimum amount of crude protein. Maximum amount of moisture.</td>
</tr>
</tbody>
</table>

1937, c. 30, Sch. A.
<table>
<thead>
<tr>
<th>Name of wheat by-product</th>
<th>Maximum crude fibre content in accordance with section 6 (3)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Bran</td>
<td>11.5 per cent.</td>
</tr>
<tr>
<td>Shorts</td>
<td>8.0 per cent.</td>
</tr>
<tr>
<td>Middlings</td>
<td>4.5 per cent.</td>
</tr>
<tr>
<td>Feed flour</td>
<td>2.0 per cent.</td>
</tr>
<tr>
<td>Wheat germ</td>
<td>2.5 per cent.</td>
</tr>
</tbody>
</table>

1937, c. 30, Sch. B.

EDMOND CLOUTIER, C.M.G., O.A., D.S.P.
QUEEN'S PRINTER AND CONTROLLER OF STATIONERY
OTTAWA, 1952
CHAPTER 114.
An Act respecting Public Ferries.

SHORT TITLE.
1. This Act may be cited as the Ferries Act. R.S., c. 68, Short title. s. 1.

INTERPRETATION.
2. In this Act,
   (a) "ferry" means any ferry between any province and any British or foreign country, or between any two provinces;
   (b) "licence" or "renewal," includes all ferry licences or renewals thereof;
   (c) "Minister" means the Minister of Public Works.

R.S., c. 68, s. 2.

APPLICATION.
3. Nothing in this Act extends to the owner or master of any vessel plying between two ports in Canada or regularly entered or cleared by the officers of Her Majesty's Customs at any such port, or, in any way, affects any privilege in respect to ferries granted previously to the 1st day of March, 1887, to the proprietor of any bridge or to any railway or other company by the Parliament of Canada, or by the legislature of any of the provinces then composing Canada, before such province became a part of Canada.
R.S., c. 68, s. 3.

LICENCES.
4. Every licence of ferry shall be under the Great Seal and shall be issued by the Governor in Council.
R.S., c. 68, s. 4.

5. (1) Whenever any ferry, other than a ferry between Canada and any other country, is established or becomes vacant the Minister shall offer the licence or renewal of licence for competition.

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licence for such ferry to public competition, and for that
purpose give notice in the English and French languages
in the Canada Gazette, and in one or more newspapers
published or circulated in the locality in which the ferry
is situate, of the time and place at which tenders will be
received for the licence, or renewal of licence, for such
ferry.

(2) The Minister shall report the result of such competi-
tion to the Governor in Council, and the licence, or renewal
thereof, shall be granted accordingly. R.S., c. 68, s. 5.

6. (1) In the case of a ferry between Canada and any
other country, the Governor in Council may authorize
a ferry licence to be granted, or to be renewed, for any
period not exceeding ten years, as the exigencies of the
case require.

(2) Every such licence is liable to cancellation for
any violation of the Customs laws of Canada, or of the
country between which and Canada the ferry is established,
and for any violation of the regulations made by the Gover-
nor in Council, as hereinafter provided.

(3) In the case of a ferry between any two provinces,
a ferry licence may be granted, after public competition
as hereinbefore provided, for any period not exceeding
five years.

(4) The Governor in Council, if he is satisfied that the
regulations hereinafter mentioned have been complied with
and the public requirements met, may in any case, without
calling for tenders as aforesaid, authorize the extension
of the licence for an additional period of five years, upon
such terms as are set forth in the order in council. R.S.,
c. 68, s. 6.

REGULATIONS.

7. The Governor in Council may, from time to time,
make such regulations as he deems expedient, for any of
the following purposes:

(a) establishing the extent and limit of all, or any such
ferries as aforesaid;

(b) defining the manner in which, the conditions, includ-
ing any duty or sum to be paid for the licence, under
which, and the period for which, licences shall be
granted in respect of such ferries, or any one or more
of them;

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(c) determining the size and description of the vessels to be used on any such ferries by the persons holding licences in respect thereof, and the nature of the accommodation and conveniences to be provided for passengers carried in such vessels;

(d) fixing the tolls or rates at which persons and chattels shall be carried over such ferries, and the manner and places at which such tolls or rates shall be published or made known;

(e) enforcing the payment of such tolls or rates, by the persons carried, or for whom chattels are carried, over such ferries;

(f) regulating the conduct of persons holding licences in respect of such ferries, and fixing the times and hours and parts of hours during and at which vessels employed on such ferries shall cross and recross or depart from either side of any such ferry for that purpose;

(g) annulling and declaring the forfeiture of any ferry licence, in consequence of the conditions thereof, or any of them, not having been fulfilled, or in consequence of such licence having been obtained by fraud or misrepresentation or through error; and

(h) imposing penalties, not exceeding ten dollars in any case, for the violation of any such regulation. R.S., c. 68, s. 7.

INQUIRIES.

8. Whenever reasonable grounds are shown to the Minister, he may, either himself or by any person specially appointed by him for that purpose, make inquiry under oath, as to any matter connected with any ferry or ferry licence. R.S., c. 68, s. 9.

9. The Minister or such person has the same power as is vested in any court of justice in civil cases, of summoning witnesses, of enforcing their attendance, and of requiring and compelling them to give evidence on oath, whether orally or in writing, and to produce such document and things as he deems requisite to the full investigation of such matter. R.S., c. 68, s. 9.

PENALTIES.

10. Every person who interferes with the rights of any licensed ferryman, by conveying passengers or goods, for hire or profit or with the intention to lessen the tolls or rights, revenue of any ferry, within the limits assigned to such ferryman by the Crown, shall, upon conviction thereof before R.S., 1952.
before a justice of the peace for the county, city or district in which either terminus of the ferry is situate, incur a penalty not exceeding twenty dollars. R.S., c. 68, s. 10.

APPROPRIATION OF PENALTIES AND LICENCE FEES.

11. (1) All fines or penalties imposed by this Act, or by any regulations under the authority thereof, are recoverable in a summary manner before any one justice of the peace.

(2) One moiety of every such penalty shall be paid to the informer, and the other moiety shall belong to the Crown. R.S., c. 68, s. 11.

12. All moneys arising out of such ferry licences, and out of fines and penalties incurred in regard to the same, or otherwise, under this Act, shall form part of the Consolidated Revenue Fund of Canada. R.S., c. 68, s. 12.
CHAPTER 115.

An Act to Regulate the Sale of Agricultural Fertilizers.

SHORT TITLE.

1. This Act may be cited as the Fertilizers Act. R.S., Short title. c. 69, s. 1.

INTERPRETATION.

2. In this Act Definitions.
   (a) "available" means the percentage soluble by methods "Available." of analysis prescribed by regulation;
   (b) "brand" means the trade name given each fertilizer "Brand." by the manufacturer or importer or seller;
   (c) "fertilizer" includes every processed manure contain- "Fertilizer." ing nitrogen or phosphoric acid or potash, as deter- mined by regulation;
   (d) "fineness" as applied to basic slag and natural rock "Fineness." phosphate means the percentage capable of passing through a screen containing ten thousand openings of equal size to the square inch;
   (e) "guaranteed analysis" means the calculation of a fer- "Guaranteed analysis." tilizer by the manufacturer, importer or seller, and must be stated in per cent by weight of nitrogen, phos- phoric acid and potash;
   (f) "inspector" means any inspector appointed under "Inspector." this Act;
   (g) "Minister" means the Minister of Agriculture; "Minister."
   (h) "nitrogen" means atomic nitrogen (N); "Nitrogen."
   (i) "official analyst" means any official analyst appointed "Official analyst." under this Act;
   (j) "package" includes every sack, bag, barrel, case or "Package. other container;
   (k) "phosphoric acid" means phosphoric anhydride "Phosphoric acid." (P₂O₅);
   (l) "potash" means potassium oxide (K₂O); "Potash."
   (m) "registration number" means a specific number "Registration number." given by the Minister under authority of this Act for each brand of fertilizer;

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(n) "regulation" means any regulation made by the Minister under authority of this Act;

(o) "water soluble nitrogen" means nitrogen soluble in water when analysed by methods prescribed by regulation. R.S., c. 69, s. 2.

ADMINISTRATION.

3. Such inspectors and official analysts may be appointed as are required for the purposes of this Act. R.S., c. 69, s. 3.

4. (1) No person shall manufacture, import or advertise any fertilizer for sale in Canada, unless each brand is first registered with the Minister and a registration number assigned to it.

(2) Application for registration must be made by the manufacturer or importer in such form as the Minister prescribes, and must be accompanied by a registration fee of ten dollars or twenty dollars or thirty dollars for each brand registered, according as it contains one, two or three of the following substances, that is to say, nitrogen, phosphoric acid and potash.

(3) The assignment of a registration number of itself authorizes the sale of a fertilizer for the period continuing until the 1st day of July following the date upon which it is granted; but such registration may be renewed from year to year and the same registration number may be assigned to the fertilizer if no change is made in the brand name, guaranteed analysis, materials from which it is made, or the fineness thereof.

(4) The fees for the renewal of a registration number are the same as those for the original registration.

(5) Each application for a registration number shall be accompanied by a statement giving the following particulars:

(a) the name and address of the manufacturer;
(b) the name and address of the person applying for the registration;
(c) the brand name and trade mark, if any;
(d) the guaranteed analysis, stating separately in minimum percentages only
   (i) water soluble nitrogen;
   (ii) total nitrogen;
   (iii) available phosphoric acid;
   (iv) total phosphoric acid;
   (v) potash soluble in water; and
   (vi) available nitrogen when the nitrogen is purported to be available under the provisions of section 5;

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(e) the name of each material from which the fertilizer is made;

(f) in the case of basic slag or natural rock phosphate or a mixture of both, the fineness thereof; and

(g) such other relevant information as the Minister may require.

(6) The Minister may refuse to register any fertilizer if in his opinion

(a) the brand name would tend to deceive or mislead the purchaser with respect to the guaranteed analysis or the materials from which the fertilizer is made, or

(b) the guaranteed analysis and the materials from which it is made are approximately the same as those of another brand of fertilizer registered by the same manufacturer or importer.

(7) The Minister may cancel any registration that in his opinion has been made in violation of any of the provisions of this Act or any regulations.

(8) Where the applicant for a registration number is non-resident in Canada, the application shall be signed by a representative or agent of the applicant domiciled and resident in Canada as well as by the applicant himself, and shall contain an undertaking by the agent or such representative to be held responsible for due compliance with the provisions of this Act; unless such agency or a like agency is maintained registered as above, the applicant ceases to have the right to import, sell or offer, or hold for sale any fertilizer in Canada. R.S., s. 69, s. 4; 1928, c. 27, ss. 1, 2; 1947, c. 7, s. 1.

5. (1) No person shall sell, offer, expose or hold for sale in Canada any fertilizer unless each package containing the fertilizer, or a tag or label durably attached thereto, is branded or marked on one side in printed characters in such form and manner as may be prescribed by regulation with the following information only:

(a) the name and address of the manufacturer or importer;

(b) brand name;

(c) registration number and designation of year of issue;

(d) the guaranteed analysis, stating separately in minimum percentages only, without fractions, and whenever present in the fertilizer

(i) water soluble nitrogen;

(ii) total nitrogen;

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(iii) available phosphoric acid;  
(iv) total phosphoric acid;  
(v) potash soluble in water;  
(vi) in the case of basic slag or natural rock phosphate or a mixture of both, the fineness thereof; and  
(vii) whenever present in the fertilizer, the percentage by weight of leather, hoof, horn, hair, wool-waste, peat, garbage, tankage or any similar organic material, unless it has been treated in such a way as to make the nitrogen or potash or phosphoric acid therein available as determined by methods of analysis to be prescribed by regulation;  
(e) the names of the constituent materials of a fertilizer mixture may be stated as prescribed by regulation; and  
(f) such other relevant information as may be prescribed by regulation.

(2) When the fertilizer is sold in bulk and is not contained in packages, the prescribed information mentioned in this section shall be stated on the invoice of sale.

(3) The brand name, guaranteed analysis and constituent materials shall be stated the same as on the application for registration made under section 4. 1928, c. 27, s. 3; 1947, c. 7, s. 2.

6. No person shall advertise, offer, sell, expose or hold in possession for sale in Canada,  
(a) any fertilizer except as provided by regulation, unless it contains not less than two per cent of nitrogen or five per cent of available phosphoric acid or four per cent of potash soluble in water, and not less than a total of twenty per cent of nitrogen, available phosphoric acid and potash soluble in water, or  
(b) any substance or material claimed to possess properties beneficial to soil fertility or plant growth unless such claims are substantiated by experimental evidence acceptable to the Minister. 1928, c. 27, s. 4; 1947, c. 7, s. 3.

7. No person shall advertise, offer, sell, expose or hold in possession for sale any fertilizer containing sufficient destructive ingredients or properties that may prove harmful to plant growth when the fertilizer is used in a reasonable manner. 1947, c. 7, s. 4.

8. This Act does not apply to the selling or offering for sale of fertilizers for manufacturing purposes. R.S., c. 69, s. 8.

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9. Section 4 does not apply
(a) to fertilizers that are manufactured from a prescription received by the manufacturer from a purchaser in the purchaser's own handwriting and countersigned by an inspector, if such fertilizers are not purchased for resale or actually again sold in Canada; or
(b) to the following fertilizer chemicals if commercially pure, containing not less than the percentages stated hereunder, namely:

<table>
<thead>
<tr>
<th>Name</th>
<th>Nitrogen (N)</th>
<th>Phosphoric Acid (P₂O₅)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Ammonium nitrate</td>
<td>31%</td>
<td></td>
</tr>
<tr>
<td>Ammonium phosphate</td>
<td>11% nitrogen (N) and 48% available phosphoric acid (P₂O₅)</td>
<td></td>
</tr>
<tr>
<td>Ammoniated superphosphate</td>
<td>2% nitrogen (N) and 20% phosphoric acid (P₂O₅) or 3% nitrogen (N) and 18% phosphoric acid (P₂O₅)</td>
<td></td>
</tr>
<tr>
<td>Animal tankage</td>
<td>6% nitrogen (N) and 12% phosphoric acid (P₂O₅)</td>
<td></td>
</tr>
<tr>
<td>Basic slag (Thomas phosphate)</td>
<td>16% total phosphoric acid (P₂O₅), 14% available phosphoric acid (P₂O₅) and 80% fineness</td>
<td></td>
</tr>
<tr>
<td>Bone meal</td>
<td>2% nitrogen (N) and 22% phosphoric acid (P₂O₅)</td>
<td></td>
</tr>
<tr>
<td>Cyanamid</td>
<td>20% nitrogen (N)</td>
<td></td>
</tr>
<tr>
<td>Dry blood</td>
<td>12% nitrogen (N)</td>
<td></td>
</tr>
<tr>
<td>Muriate of potash</td>
<td>60% potash (K₂O) soluble in water</td>
<td></td>
</tr>
<tr>
<td>Natural rock phosphate of stated origin</td>
<td>25% total phosphoric acid (P₂O₅) and 80% fineness</td>
<td></td>
</tr>
<tr>
<td>Nitrate of soda</td>
<td>16% nitrogen (N)</td>
<td></td>
</tr>
<tr>
<td>Potash manure salts</td>
<td>25% water soluble potash (K₂O)</td>
<td></td>
</tr>
<tr>
<td>Sulphate of ammonia</td>
<td>20% nitrogen (N)</td>
<td></td>
</tr>
<tr>
<td>Sulphate of potash</td>
<td>48% water soluble potash (K₂O)</td>
<td></td>
</tr>
<tr>
<td>Sulphate of potash-magnesia</td>
<td>30% water soluble potash (K₂O)</td>
<td></td>
</tr>
<tr>
<td>Superphosphate</td>
<td>18% available phosphoric acid (P₂O₅)</td>
<td></td>
</tr>
</tbody>
</table>

Any other fertilizer chemical as prescribed by regulation. 1928, c. 27, s. 6; 1947, c. 7, s. 5.

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Fertilizers.

10. (1) The Minister may appoint an advisory board, which may at his request prepare and recommend to him such regulations as it is of opinion should be established under this Act.

(2) The Minister may make regulations

(a) prescribing the form in which applications for registration and renewals of registration shall be made as provided in this Act;

(b) prescribing for the purposes of this Act the nomenclature of materials or groups of materials from which fertilizers are manufactured, and also the brand names that may be employed for any registered fertilizer, with a view to simplifying and harmonizing the employment of brand names in relation to their guaranteed analysis as provided in this Act;

(c) prescribing the procedure to be followed and the implements to be employed in the taking of samples for official analysis by inspectors and by purchasers; the number of samples to be taken and how they shall be forwarded or preserved, and by whom; and the number and qualifications of impartial witnesses before whom samples of fertilizers for official analysis shall be taken;

(d) prescribing methods of analysis to be followed and limits of variability that may be tolerated as between the information marked on the container or on a label attached thereto or on the invoice of sale, as required under this Act, and the statement of analysis by an official analyst;

(e) prescribing the fee or fees that may be charged by any official analyst for the examination and analysis of any fertilizer submitted to him for analysis under the provisions of this Act, and from time to time change the amount of such fee or fees as may be deemed advisable or necessary;

(f) prescribing the size, colour and character of the tags or labels to be used for the purposes of this Act, and the size and character of the printing required to be marked on such tag or labels or on the container as provided in this Act;

(g) prescribing the methods to be used in the examination or analysis of any fertilizer for the purposes of this Act;

(h) prescribing the chemical, physical or other properties of fertilizers for use in any province or other zone of Canada or for any crop or soil requirement and prohibiting the sale and the advertising, offering, exposing
Fertilizers. Chap. 115.

or holding in possession for sale in such province or zone or for such use unless the properties of the fertilizers are in accordance with the properties so prescribed; and

(i) for any other purpose deemed by him to be necessary Generally.

11. (1) Any purchaser of a fertilizer may obtain an analysis of such fertilizer by making application therefor to any official analyst.

(2) Each sample shall contain at least one pound weight of the fertilizer, and must be taken in accordance with the method prescribed for taking official samples under section 12.

(3) The sample taken must be forwarded to the official analyst in such container as may be prescribed by regulation.

(4) There shall be sent with each sample forwarded for analysis under the provisions of this section a statement giving

(a) the name and address of the applicant;
(b) the name and address of the manufacturer or importer or seller; and
(c) the registration number, if any;
and such fee as may be prescribed by regulation. R.S., c. 69, s. 11.

12. (1) An inspector may enter any premises to examine any fertilizer or other material claimed to be of fertilizing value, and has the right to take official samples therefrom.

(2) An official sample shall be so taken as to be fairly representative of the bulk from which it is taken, and shall be taken in the presence of the seller or his representative or such qualified impartial witness or witnesses as may be prescribed by regulation, and shall be taken from packages comprising not less than ten per cent of the separate original packages of each lot sampled; and when the fertilizer is in bulk the sample shall be taken from ten different sections thereof.

(3) The part or parts taken must be thoroughly mixed and divided into two or more equal samples, as may be prescribed by regulation.

(4) Each of the said last mentioned samples of the fertilizer must contain at least one pound, and a form to be prescribed by regulation shall be made out in duplicate by R.S., 1952.
by the inspector and signed, and one duplicate enclosed with each sample and sealed in the presence of the witness or witnesses or the seller or his representative.

(5) One of the samples shall be left with the seller, one sample shall be sent to an official analyst appointed under this Act, and any other sample or samples shall be preserved or disposed of as may be prescribed by regulation. R.S., c. 69, s. 12.

13. (1) A certificate of analysis signed by an official analyst appointed under this Act is prima facie evidence of analysis therein set out.

(2) Where the person from whom the official sample is taken by an inspector and respecting which an analysis has been made disputes the correctness of such analysis, he may, within twenty days of the receipt of a certified copy of such analysis, notify the Minister in writing that he intends to present evidence to controvert the correctness of the analysis of the official analyst, stating in full the nature of such evidence.

(3) In the absence of such notice the certificate of the official analyst is final and conclusive evidence of the facts therein set out.

(4) Where the evidence so presented is such as in the opinion of the Minister would justify a further investigation the Minister may cause a second part of the same sample to be analysed by such official analyst as he may name, and the certificate of analysis of such official analyst shall be conclusive evidence of the facts therein set out. R.S., c. 69, s. 13.

14. The Minister may publish the results of analyses and examination of fertilizers made in connection with the enforcement of this Act, together with any additional information which in the opinion of the Minister is advisable. R.S., c. 69, s. 14.

OFFENCES AND PENALTIES.

15. Subject to the provisions of section 16, any person who violates any of the provisions of this Act, or of any regulation for which no other penalty is prescribed by this Act, is liable on summary conviction to a fine not exceeding one hundred dollars for the first offence, and, for a second offence, to a fine of not less than one hundred dollars and not exceeding two hundred dollars, and for every subsequent offence to a fine of not less than two hundred dollars and
not exceeding five hundred dollars, and in default of pay-
ment of any such fine to imprisonment for a term not
exceeding thirty days. R.S., c. 69, s. 15.

16. (1) Any person accused of selling, offering, exposing
or holding in his possession for sale any fertilizer that
does not comply with the requirements of this Act or of
any regulation, who proves that the fertilizer respecting
which action is taken was bought by him directly within
one year from a manufacturer or merchant domiciled in
Canada, that if contained in a package it was not opened,
and whether contained in a package or not that the state of
the fertilizer was not altered while it was in his possession,
and that he had no reason to believe that the said fertilizer
did not comply with the provisions of this Act, is, upon
disclosing the name and address of the person from whom
the fertilizer was purchased, the place where it was pur-
chased and the date of the sale, liable upon conviction for
the costs of the prosecution only, and a prosecution may be
brought against such last named person for violating the
provisions of this Act or any regulation within six months
from the date of such disclosure and not later.

(2) Every magistrate who has disposed of any case under
this section shall, within one month from the date of his
judgment therein, send to the Minister a report of the
case, giving the name and address of the person who sold
the fertilizer to the accused and the date and place of the
sale, and the name and address of the accused. R.S., c. 69,
s. 16.

17. Any person who

(a) unlawfully uses any registration number assigned, or
as if it had been assigned, under this Act;

(b) wilfully lowers the fertilizer value of a fertilizer by
mixing any other substance thereto after the fertilizer
has been placed on the market by the manufacturer or
importer or dealer; or

(c) wilfully obstructs, hinders, resists or in any way
opposes any inspector charged with the enforcement
of this Act,

is liable to a fine of not less than five hundred dollars and
penalties, not exceeding one thousand dollars, or to imprisonment
for any term not less than sixty days and not exceeding
twelve months. R.S., c. 69, s. 17.

Proceedings not to affect other legal rights.

18. No proceedings taken under this Act against any person in any way interfere with, or lessen the right of, an aggrieved person to any legal remedy to which he may be entitled. R.S., c. 69, s. 18.

Penalty for adulteration, incorrect marks, or false representation.

19. Any person who advertises, offers, sells, exposes or holds in possession for sale in Canada any fertilizer or material purported to be of fertilizing value, found to be adulterated or incorrectly or misleadingly marked, labelled, printed or named, or falsely represented in advertising or otherwise, or not registered in accordance with the provisions of this Act, is guilty of a violation of this Act. 1928, c. 27, s. 7.

Seizure and confiscation.

20. Any fertilizer not properly and correctly registered, tagged, labelled, marked or branded in accordance with the provisions of section 5, may be seized upon view by an inspector and held at the expense of the owner until compliance with the aforesaid provisions is effected, but if the owner fails to comply with the aforesaid provisions after twenty-one days, such fertilizer may be confiscated and disposed of as the Minister may direct. 1928, c. 27, s. 7.

Imported for resale or delivery in Canada.

21. Every fertilizer imported for resale in Canada, or for delivery to a purchaser who has purchased the fertilizer in Canada from an agent or representative of a vendor located in another country, shall be sold and delivered subject to the provisions of this Act and the Minister has power to establish regulations for the effective enforcement thereof. 1928, c. 27, s. 7.

EDMOND CLOUTIER, C.M.G., O.A., D.S.P.
QUEEN'S PRINTER AND CONTROLLER OF STATIONERY
OTTAWA, 1952

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CHAPTER 116.


SHORT TITLE.

1. This Act may be cited as the Financial Administration Act. 1951 (2nd Sess.), c. 12, s. 1.

INTERPRETATION.

2. In this Act

(a) “appropriate Minister” means

(i) with respect to a department mentioned in subparagraph (i) of paragraph (f), the Minister presiding over the department,

(ii) with respect to any other department, the Minister designated by the Governor in Council as the appropriate Minister,

(iii) with respect to the Senate and the House of Commons, the respective Speaker, and with respect to the Library of Parliament, the Speakers of the Senate and the House of Commons, and

(iv) with respect to a corporation to which Part VIII applies, the Minister designated by the Governor in Council as the appropriate Minister;

(b) “appropriation” means any authority of Parliament to pay money out of the Consolidated Revenue Fund;

(c) “authorized agent” means any person authorized by the Minister to accept subscriptions for or make sales of securities;

(d) “Comptroller” means the Comptroller of the Treasury appointed under this Act;

(e) “Consolidated Revenue Fund” means the aggregate of all public moneys that are on deposit at the credit of the Receiver General;

(f) “department” means

(i) any of the departments named in Schedule A, 181 2865

(ii) R.S., 1952.
(ii) any other division or branch of the public service of Canada, including a commission appointed under the Inquiries Act, designated by the Governor in Council as a department for the purposes of this Act, (iii) the staffs of the Senate, the House of Commons and the Library of Parliament, and (iv) any corporation named in Schedule B;

(g) "fiscal agent" means the Bank of Canada and a fiscal agent appointed under Part IV;

(h) "fiscal year" means the period from the 1st day of April in one year to the 31st day of March in the next year;

(i) "Minister" means the Minister of Finance and Receiver General;

(j) "money" includes negotiable instruments;

(k) "money paid to Canada for a special purpose" includes all money that is paid to a public officer under or pursuant to a statute, trust, treaty, undertaking, or contract, and is to be disbursed for a purpose specified in or pursuant to such statute, trust, treaty, undertaking or contract;

(l) "negotiable instrument" includes any cheque, draft, traveller's cheque, bill of exchange, postal note, money order, postal remittance and any other similar instrument;

(m) "public money" means all money belonging to Canada received or collected by the Receiver General or any other public officer in his official capacity or any person authorized to receive or collect such money, and includes (i) duties and revenues of Canada, (ii) money borrowed by Canada or received through the issue or sale of securities, (iii) money received or collected for or on behalf of Canada, and (iv) money paid to Canada for a special purpose;

(n) "public officer" includes a Minister and any person employed in the public service of Canada;

(o) "registrar" means the Bank of Canada and a registrar appointed under Part IV; and

(p) "securities" means securities of Canada and includes bonds, notes, deposit certificates, non-interest bearing certificates, debentures, treasury bills, treasury notes and any other security representing part of the public debt of Canada. 1951 (2nd Sess.), c. 12, s. 2.

R.S., 1952. PART I.
3. (1) There shall be a board called the Treasury Board, consisting of the Minister of Finance, who is the Chairman, and any five members of the Queen's Privy Council for Canada, who may be nominated from time to time by the Governor in Council.

(2) The Governor in Council may nominate such additional members of the Queen's Privy Council for Canada as he sees fit to be alternates to serve in the place of members of the Board.

(3) Subject to the terms of this Act and any directions of the Governor in Council, the Treasury Board may determine its own rules and methods of procedure. 1951 (2nd Sess.), c. 12, s. 3.

4. The Minister may designate an officer of the Department of Finance to be Secretary of the Treasury Board, and shall from among the persons employed in the Department of Finance provide the Board with such other employees as are necessary for the proper conduct of the business of the Board. 1951 (2nd Sess.), c. 12, s. 4.

5. (1) The Treasury Board shall act as a committee of the Queen's Privy Council for Canada on all matters relating to finance, revenues, estimates, expenditures and financial commitments, accounts, establishments, the terms and conditions of employment of persons in the public service, and general administrative policy in the public service referred to the Board by the Governor in Council or on which the Board considers it desirable to report to the Governor in Council, or on which the Board considers it necessary to act under powers conferred by this or any other Act.

(2) The Governor in Council may authorize the Treasury Board to exercise all or any of the powers, other than powers of appointment, of the Governor in Council under the Civil Service Act, the Civil Service Superannuation Act, the Defence Services Pension Act, and Parts II to VI of the Royal Canadian Mounted Police Act.

(3) The Treasury Board may prescribe from time to time the manner and form in which the accounts of Canada and the accounts of the several departments shall be kept, and may direct any person receiving, managing or disbursing public money to keep any books, records or accounts that the Board considers necessary.

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(4) The Treasury Board in the exercise of its powers under this or any other statute is subject to any direction given to it by the Governor in Council, and the Governor in Council may by order amend or revoke any action of the Board. 1951 (2nd Sess.), c. 12, s. 5.

6. The Treasury Board may require from any public officer or any agent of Her Majesty any account, return, statement, document, report or information that the Board considers necessary for the due performance of its duties. 1951 (2nd Sess.), c. 12, s. 6.

7. The Treasury Board may make regulations
(a) respecting the collection, management and administration of, and the accounting for, public money;
(b) respecting the keeping of records of property of Her Majesty;
(c) subject to any other Act, prescribing rates of compensation, hours of work and other conditions of employment of persons in the public service;
(d) notwithstanding the Civil Service Act,
   (i) authorizing the payment to persons in the public service of compensation or other rewards for inventions or practical suggestions for improvements, and
   (ii) governing payments to persons in the public service by way of reimbursement for travelling or other expenses and allowances to meet special expenses arising out of their duties; and
(e) subject to any other Act, for any other purpose necessary for the efficient administration of the public service. 1951 (2nd Sess.), c. 12, s. 7.

8. There shall be a department of the Government of Canada called the Department of Finance over which the Minister of Finance and Receiver General appointed by commission under the Great Seal of Canada shall preside. 1951 (2nd Sess.), c. 12, s. 8.

9. The Minister has the management and direction of the Department of Finance, the management of the Consolidated Revenue Fund and the supervision, control and direction of all matters relating to the financial affairs of Canada not by law assigned to any other Minister. 1951 (2nd Sess.), c. 12, s. 9.

10. (1) The Governor in Council may appoint an officer, called the Deputy Minister of Finance and Receiver General, to be the deputy head of the Department of Finance and to hold office during pleasure.

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(2) Subject to section 11, such other officers and employees as are necessary for the proper conduct of the business of the Department shall be appointed in accordance with the provisions of the *Civil Service Act*. 1951 (2nd Sess.), c. 12, s. 10.

11. (1) The Governor in Council shall appoint as an officer of the Department of Finance an officer called the Comptroller of the Treasury.

(2) The salary of the Comptroller shall be fixed by the Governor in Council.

(3) The Comptroller shall be appointed to hold office during good behaviour, but he is removable by the Governor in Council for misbehaviour or for incapacity, inability or failure to perform his duties properly, or for other cause.

(4) Where the Comptroller is removed from office, the Order in Council providing for his removal and the documents relating thereto shall be laid before Parliament within fifteen days after it is made, or if Parliament is not then in session, within fifteen days after the commencement of the next ensuing session.

(5) The Governor in Council may appoint a person to act as Comptroller during the illness, incapacity or other absence of the Comptroller, or during a vacancy in the office of Comptroller. 1951 (2nd Sess.), c. 12, s. 11.

12. Notwithstanding any Act, the Comptroller is entitled to free access at all convenient times to all files, documents and other records relating to the accounts of every department, and he is also entitled to require and receive from members of the public service such information, reports and explanations as he may deem necessary for the proper performance of his duties. 1951 (2nd Sess.), c. 12, s. 12.

13. The Comptroller may station in any department any person employed in his office to enable him more effectively to carry out his duties, and the department shall provide the necessary office accommodation for any person so stationed. 1951 (2nd Sess.), c. 12, s. 13.

14. (1) The Comptroller shall require every person employed in his office who is to examine the accounts of a department pursuant to this Act to comply with any security requirements applicable to, and to take any oath of secrecy required to be taken by persons employed in that department.

(2) The Comptroller may suspend from the performance of his duties any person employed in his office. 1951 (2nd Sess.), c. 12, s. 14.

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15. On the request of the appropriate Minister and with the approval of the Minister of Finance, the Comptroller may
(a) provide accounting and other services in connection with the collection and accounting of public money for a department, and
(b) examine the collecting and accounting practices applied in a department, and report thereon to the appropriate Minister. 1951 (2nd Sess.), c. 12, s. 15.

PART II.

PUBLIC MONEY.

16. (1) Subject to this Part, all public money shall be deposited to the credit of the Receiver General.

(2) The Minister shall establish, in the name of the Receiver General, accounts with such banks and fiscal agents as he designates for the deposit of public money.

(3) Every person who collects or receives public money shall keep a record of receipts and deposits thereof in such form and manner as the Treasury Board may prescribe by regulation.

(4) Every person employed in the collection or management or charged with the receipt of public money and every other person who collects or receives public money shall pay all public money coming into his hands to the credit of the Receiver General through such officers, banks or persons and in such manner as the Minister directs. 1951 (2nd Sess.), c. 12, s. 16.

17. (1) The Minister may, when he deems it advisable for the sound and efficient management of public money or the public debt, purchase, acquire and hold securities and pay therefor out of the Consolidated Revenue Fund.

(2) The Minister may sell any securities purchased, acquired or held pursuant to subsection (1), and the proceeds of the sales shall be deposited to the credit of the Receiver General.

(3) Any net profit resulting in any fiscal year from the purchase, holding or sale of securities pursuant to this section shall be credited to the revenues of that fiscal year, and any net loss resulting in any fiscal year from such purchase, holding or sale shall be charged to an appropriation provided by Parliament for the purpose.

(4) For the purposes of subsection (3), the net profit or loss in any fiscal year shall be determined by taking into account realized profits and losses on securities sold, the amortization

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amortization applicable to the fiscal year of premiums and
discounts on securities, and interest applicable to the
fiscal year. 1951 (2nd Sess.), c. 12, s. 17.

18. Where a service is provided by Her Majesty to any Services.
person and the Governor in Council is of opinion that the
whole or part of the cost of the service should be borne by
the person to whom it is provided, the Governor in Council
may, subject to the provisions of any Act relating to that
service, by regulation prescribe the fee that may be charged
for the service. 1951 (2nd Sess.), c. 12, s. 18.

19. (1) Where money is received by a public officer from any person as a deposit to ensure the doing of any act or thing, the public officer shall hold or dispose of the money in accordance with regulations of the Treasury Board.

(2) Where money is paid by any person to a public officer for any purpose that is not fulfilled, the money may, in accordance with regulations of the Treasury Board, be returned or repaid to that person, less such sum as in the opinion of the Board is properly attributable to any service rendered.

(3) Money paid to the credit of the Receiver General and not being public money may be returned or repaid in accordance with regulations of the Treasury Board. 1951 (2nd Sess.), c. 12, s. 19.

20. (1) Money received by or on behalf of Her Majesty for a special purpose and paid into the Consolidated Revenue Fund may be paid out of the Consolidated Revenue Fund for that purpose, subject to the provisions of any statute applicable thereto.

(2) Subject to any other Act, interest may be allowed and paid from the Consolidated Revenue Fund in respect of money to which subsection (1) applies, in accordance with and at rates fixed by the Minister with the approval of the Governor in Council. 1951 (2nd Sess.), c. 12, s. 20.

21. Where the Senate or House of Commons, by resolution or pursuant to any rule or standing order, authorizes a refund of public money that was received in respect of any proceedings before Parliament, the Minister may pay the refund out of the Consolidated Revenue Fund. 1951 (2nd Sess.), c. 12, s. 21.

22. (1) The Governor in Council, on the recommenda-
tion of the Treasury Board, whenever he considers it in the public interest, may remit any tax, fee or penalty.

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(2) A remission pursuant to this section may be total or partial, conditional or unconditional, and may be granted
(a) before, after or pending any suit or proceeding for the recovery of the tax, fee or penalty in respect of which it is granted,
(b) before or after any payment thereof has been made or enforced by process or execution, and
(c) in the case of a tax or fee, in any particular case or class of case and before the liability therefor arises.

(3) A remission pursuant to this section may be granted
(a) by forbearing to institute a suit or proceeding for the recovery of the tax, fee or penalty in respect of which the remission is granted,
(b) by delaying, staying or discontinuing any suit or proceeding already instituted,
(c) by forbearing to enforce, staying or abandoning any execution or process upon any judgment,
(d) by the entry of satisfaction upon any judgment, or
(e) by repaying any sum of money paid to or recovered by the Minister for the tax, fee or penalty.

(4) Where a remission is granted under this section subject to a condition, and the condition is not performed, it may be enforced, or all proceedings may be had as if there had been no remission.

(5) A conditional remission, upon performance of the condition, and an unconditional remission, have effect as if the remission was made after the tax, fee or penalty in respect of which it was granted had been sued for and recovered.

(6) No tax paid to Her Majesty on any goods shall be remitted by reason only that after the payment of the tax and after release from the control of customs or excise officers, the goods were lost or destroyed.

(7) Remissions granted under this or any other Act may be paid out of the Consolidated Revenue Fund.

(8) A statement of each remission of one thousand dollars or more granted under this section shall be reported to the House of Commons in the Public Accounts.

(9) Where a penalty imposed by any law relating to the revenue has been wholly and unconditionally remitted pursuant to this section, the remission has the effect of a pardon for the offence for which the penalty was incurred, and thereafter the offence has no legal effect prejudicial to the person to whom the remission was granted.

(10) In this section “tax” includes any tax, impost, duty or toll payable to Her Majesty, imposed or authorized to be defined.

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be imposed by any Act of Parliament, and "penalty" includes any forfeiture or pecuniary penalty imposed or authorized to be imposed by any Act of Parliament for any contravention of the laws relating to the collection of the revenue, or to the management of any public work producing toll or revenue, notwithstanding that part of such forfeiture or penalty is payable to the informer or prosecutor, or to any other person. 1951 (2nd Sess.), c. 12, s. 22.

23. (1) The Governor in Council, on the recommendation of the Treasury Board, may, if he considers it in the public interest, delete from the accounts, in whole or in part, any obligation or debt due to Her Majesty or any claim by Her Majesty,

(a) that does not exceed five hundred dollars and has been outstanding for five years or more, or

(b) that does not exceed one thousand dollars and has been outstanding for ten years or more.

(2) The obligations, debts and claims deleted from the Public Accounts under this section during any year shall be reported in the Public Accounts for that year. 1951 (2nd Sess.), c. 12, s. 23.

PART III.

PUBLIC DISBURSEMENTS.

24. Subject to the British North America Acts, 1867 to 1951, no payments shall be made out of the Consolidated Revenue Fund without the authority of Parliament. 1951 (2nd Sess.), c. 12, s. 24.

25. All estimates of expenditures submitted to Parliament shall be for the services coming in course of payment during the fiscal year. 1951 (2nd Sess.), c. 12, s. 25.

26. Where an appropriation is made for any purpose in any Act of Parliament for granting to Her Majesty any sum of money to defray expenses of the public service for a fiscal year, no payment shall be made pursuant to that appropriation out of the Consolidated Revenue Fund unless a warrant, prepared on the order of the Governor in Council, has been signed by the Governor General authorizing expenditures to be charged against the appropriation, but no payments in excess of the amount of expenditures so authorized shall be made. 1951 (2nd Sess.), c. 12, s. 26.

27. Where a guarantee has been given under the authority of Parliament by or on behalf of Her Majesty for the payment of any debt or obligation, any amount required R.S., 1952.
required to be paid by the terms of the guarantee may, subject to the Act authorizing the guarantee, be paid out of the Consolidated Revenue Fund. 1951 (2nd Sess.), c. 12, s. 27.

28. (1) Where an accident happens to any public work or building when Parliament is not in session and an expenditure for the repair or renewal thereof is urgently required, or where any other matter arises when Parliament is not in session in respect of which an expenditure not foreseen or provided for by Parliament is urgently required for the public good, the Governor in Council, upon the report of the Minister that there is no appropriation for the expenditure, and the report of the appropriate Minister that the expenditure is urgently required, may order a special warrant to be prepared to be signed by the Governor General authorizing the payment of the amount estimated to be required for such expenditure.

(2) A special warrant issued pursuant to this section shall for the purposes of this Act be deemed to be an appropriation for the fiscal year in which the warrant is issued.

(3) Every warrant issued under this section shall be published in the Canada Gazette within thirty days after it is issued, and a statement showing all warrants issued under this section and the amounts thereof shall be laid by the Minister before the House of Commons within fifteen days after the commencement of the next ensuing session of Parliament.

(4) For the purposes of this section Parliament shall be deemed to be not in session when it is under adjournment sine die or to a day more than two weeks after the day the accident happened or the other matter arose. 1951 (2nd Sess.), c. 12, s. 28.

29. At the commencement of each fiscal year or at such other times as the Treasury Board may direct, the deputy head or other officer charged with the administration of a service for which there is an appropriation by Parliament or an item included in estimates then before the House of Commons shall prepare and submit to the Treasury Board through the Comptroller a division of such appropriation or item into allotments in the form detailed in the estimates submitted to Parliament for such appropriation or item, or in such other form as the Board may prescribe, and when approved by the Board the allotments shall not be varied or amended without the approval of the Board, and the expenditures charged to the appropriation shall be limited to the amounts of such allotments. 1951 (2nd Sess.), c. 12, s. 29.
30. (1) No contract providing for the payment of any money by Her Majesty shall be entered into or have any force or effect unless the Comptroller certifies that there is a sufficient unencumbered balance available out of an appropriation or out of an item included in estimates before the House of Commons to discharge any commitments under such contract that would, under the provisions thereof, come in course of payment during the fiscal year in which the contract was entered into.

(2) Every contract involving the payment of money by Her Majesty shall be submitted to the Comptroller as soon as it is made or entered into, unless the Comptroller certifies that he does not require it.

(3) The Comptroller shall establish and maintain a record of all commitments chargeable to each appropriation.

(4) Where the Comptroller is satisfied that an agreement was entered into in order to defray an immediate expenditure that, through accident to public property or other emergency, was necessary to protect such property or to provide for such emergency, he may issue his certificate accordingly and thereupon the agreement is exempt from the operation of subsection (1) from the time the agreement was entered into. 1951 (2nd Sess.), c. 12, s. 30.

31. (1) No charge shall be made against an appropriation except upon the requisition of the appropriate Minister of the department for which the appropriation was made, or by a person authorized by him in writing.

(2) Every requisition for a payment out of the Consolidated Revenue Fund shall be in such form, accompanied by such documents and certified in such manner as the Comptroller may require.

(3) The Comptroller shall reject a requisition if he is of the opinion that the payment

(a) would not be a lawful charge against the appropriation,

(b) would result in an expenditure in excess of the appropriation, or

(c) would reduce the balance available in the appropriation so that it would not be sufficient to meet the commitments charged against it.

(4) The Comptroller may transmit to the Treasury Board any requisition with respect to which he desires the direction of the Board, and the Board may order that payment be made or refused.

(5) Where the Comptroller

(a) declines to make a payment,

(b) disallows an item in an account, or

(c) refuses to give a certificate required by this Act,

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the appropriate Minister of the department concerned may report the circumstances to the Treasury Board for its decision, and the Board may confirm or overrule the action of the Comptroller and give such directions as are necessary to carry out its decision.

(6) Whenever the Comptroller is of the opinion that a doubt exists as to the legality or otherwise of a proposed charge to an appropriation provided for the expenses of the Senate, the House of Commons or the Library of Parliament, he shall forthwith, through the Minister, draw the matter to the attention of the appropriate Minister who shall obtain a decision in accordance with such procedure as may from time to time be prescribed by the Senate or the House of Commons as the case may be or, in the case of the Library of Parliament, by the Senate and the House of Commons, and the Comptroller shall act in accordance with the decision.

(7) Where, in respect of any contract under which a cost audit is required to be made, the Comptroller reports that any costs or charges claimed by the contractor should not in the opinion of the Comptroller be allowed, such costs or charges shall not be allowed to the contractor unless the Treasury Board otherwise directs. 1951 (2nd Sess.), c. 12, s. 31.

32. No payment shall be made for the performance of work or the supply of goods, whether under contract or not, in connection with any part of the public service, unless, in addition to any other voucher or certificate that is required, the deputy of the appropriate Minister or other officer authorized by such Minister certifies

(a) that the work has been performed or the material supplied or both, as the case may be, and that the price charged is according to contract, or if not specified by contract, is reasonable, or

(b) where a payment is to be made before completion of the work or delivery of the goods, that the payment is in accordance with the contract. 1951 (2nd Sess.), c. 12, s. 32.

33. (1) Every payment pursuant to an appropriation, except a payment made under subsection (2), shall be made under the direction and control of the Comptroller by cheque drawn on the account of the Receiver General or other instrument, in such form and authenticated in such manner as the Treasury Board directs. 2876

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(2) Where an instrument issued under subsection (1) is presented by a bank to the Receiver General for payment, the Receiver General, or an officer authorized by him, may pay the instrument out of the Consolidated Revenue Fund.  

1951 (2nd Sess.), c. 12, s. 33.  

34.  

(1) Every cheque or other instrument issued under the direction of the Comptroller, when paid, shall be delivered into the custody of the Minister for examination and adjustment with the statements of cheques or other instruments issued.  

(2) The Treasury Board on the recommendation of the Auditor General may make regulations governing the destruction from time to time of such cheques or other instruments.  

1951 (2nd Sess.), c. 12, s. 34.  

35.  

The balance of an appropriation granted for a fiscal year that remains unexpended at the end of the fiscal year shall lapse, except that during the thirty days immediately following the end of the fiscal year a payment may be made under the appropriation for the purpose of discharging a debt payable  

(a) during or prior to the fiscal year, or  

(b) during the said thirty days for goods received or services rendered prior to the end of the fiscal year, and such payment may be charged in the accounts for the fiscal year.  

1951 (2nd Sess.), c. 12, s. 35.  

36.  

(1) The Treasury Board may make regulations authorizing the making of accountable advances chargeable to the appropriation for the service in respect of which the advance is made.  

(2) An advance for which an accounting has not been made at the termination of the fiscal year in which it was made shall be repaid or accounted for within thirty days thereafter or within such additional number of days, not exceeding thirty, as the Comptroller may fix in any particular case or class of case.  

(3) The Comptroller may recover any accountable advance or any portion thereof that is not repaid or accounted for as required by subsection (2) out of any moneys payable by Her Majesty to the person to whom the advance was made.  

(4) Every accountable advance that is not repaid or accounted for as required by this section shall be reported in the Public Accounts.  

1951 (2nd Sess.), c. 12, s. 36.  

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37. An amount received as a refund or repayment of an expenditure or advance and deposited to the credit of the Receiver General shall be included in the unexpended balance of the appropriation against which it was charged. 1951 (2nd Sess.), c. 12, s. 37.

38. It is a term of every contract providing for the payment of any money by Her Majesty that payment thereunder is subject to there being an appropriation for the particular service for the fiscal year in which any commitment thereunder would come in course of payment. 1951 (2nd Sess.), c. 12, s. 38.

39. The Governor in Council may make regulations with respect to the conditions under which contracts may be entered into and, notwithstanding any other Act,

(a) may direct that no contract by the terms of which payments are required in excess of such amount or amounts as the Governor in Council may prescribe shall be entered into or have any force or effect unless entry into the contract has been approved by the Governor in Council or the Treasury Board, and

(b) may make regulations with respect to the security to be given to and in the name of Her Majesty to secure the due performance of contracts. 1951 (2nd Sess.), c. 12, s. 39.

40. Where a payment under a contract is withheld to ensure the due performance of the contract, the payment may, subject to this Act, be charged to the appropriation for that contract, and the amount so charged may be credited to a special account in the Consolidated Revenue Fund, to be paid out in accordance with the contract under regulations of the Treasury Board. 1951 (2nd Sess.), c. 12, s. 40.

PART IV.

PUBLIC DEBT.

41. No money shall be borrowed or security issued by or on behalf of Her Majesty without the authority of Parliament. 1951 (2nd Sess.), c. 12, s. 41.

42. Where authority is conferred by Parliament to borrow money on behalf of Her Majesty, the Governor in Council, subject to the Act authorizing the borrowing, may authorize the Minister

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(a) to borrow the money by the issue and sale of securities in such form, for such separate sums, at such rate of interest and upon such other terms and conditions as the Governor in Council may approve, and

(b) to enter into such contracts or agreements relating to the borrowing of the money or the issue or sale of securities relating thereto on such terms and conditions as the Governor in Council may approve.  1951 (2nd Sess.), c. 12, s. 42.

43. The Governor in Council may authorize the Minister to borrow such sums of money as are required for the payment of any securities that were issued under the authority of Parliament, other than section 44, and are maturing or have been called for redemption.  1951 (2nd Sess.), c. 12, s. 43.

44. Where it appears to the Governor in Council that the Consolidated Revenue Fund will be insufficient to meet the disbursements lawfully authorized to be made from it, the Governor in Council may authorize the Minister to borrow, at such rate of interest and on such terms and conditions as the Governor in Council may approve, for a period not exceeding six months, an amount not exceeding such amount as he deems necessary to ensure that the Consolidated Revenue Fund will be sufficient to meet those disbursements.  1951 (2nd Sess.), c. 12, s. 44.

45. An annual statement of all borrowing transactions on behalf of Her Majesty shall be included in the Public Accounts.  1951 (2nd Sess.), c. 12, s. 45.

46. (1) Securities issued under the authority of this Part shall be signed by the Deputy Minister of Finance or an officer of the Department of Finance designated by the Governor in Council to sign on behalf of the Deputy Minister of Finance, and shall be countersigned by such officer of the Department of Finance or other person as the Governor in Council designates for that purpose.

(2) The Minister may direct that there be substituted facsimiles for signatures in the proper handwriting of one or both of the persons authorized to sign or countersign securities under this section, facsimiles thereof printed from engraving.

(3) Where both the signature and countersignature on a security issued under this section are to be printed, they shall be printed, together with a distinguishing mark, from engraving, on the securities after they have been delivered to the Minister, a registrar or a fiscal agent and while the securities R.S., 1952: 2879.
47. The Governor in Council may
(a) appoint one or more registrars to perform such services in respect of the registration of loans as the Governor in Council may prescribe,
(b) appoint one or more fiscal agents to perform such services in respect of loans as the Governor in Council may prescribe, and
(c) fix the remuneration or compensation of any registrar or fiscal agent appointed under this section. 1951 (2nd Sess.), c. 12, s. 47.

48. (1) The Minister shall cause to be maintained a system of books and records
(a) showing all money authorized by Parliament to be borrowed by the issue and sale of securities,
(b) containing a description and record of all money so borrowed and securities issued, and
(c) showing all amounts paid in respect of the principal of or interest on all money so borrowed.

(2) Every fiscal agent and registrar shall annually and as often as required by the Minister give to the Minister an accounting, in such form and terms and containing such information as the Minister prescribes, of all his transactions as fiscal agent or registrar. 1951 (2nd Sess.), c. 12, s. 48.

49. The Governor in Council may provide for the creation and management of a sinking fund with respect to any issue of securities or with respect to all securities issued. 1951 (2nd Sess.), c. 12, s. 49.

50. The payment of all money borrowed and interest thereon and of the principal of and interest on all securities issued by or on behalf of Her Majesty with the authority of Parliament is a charge on and payable out of the Consolidated Revenue Fund. 1951 (2nd Sess.), c. 12, s. 50.

51. All money required under section 49 to provide a sinking fund or other means of securing repayment of securities, the remuneration and compensation of registrars and fiscal agents appointed under section 47 and all costs, expenses and charges incurred in the negotiation or raising of loans or in the issue, redemption, servicing, payment and management of any loan and any securities issued in respect thereof, may, with the authority of the Governor in Council, be paid out of the Consolidated Revenue Fund. 1951 (2nd Sess.), c. 12, s. 51.

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52. Where it is provided by a prospectus or other official notice issued by or under the authority of the Minister that a subscriber may purchase securities by payments to an authorized agent, or by deductions from the remuneration of the subscriber by his employer, the amount of any such payment or deduction that has not been accounted for by the delivery of securities to the subscriber or repaid to the subscriber shall be deemed to be money received in trust for Her Majesty by the agent or employer for which he is accountable to Her Majesty under section 89, and for the purpose of the Bankruptcy Act and the Winding-up Act, where the money paid or deducted cannot be identified among the assets of the employer or agent, a portion of the said assets equal in value to the amount of the payment or deduction shall be deemed to be segregated and held in trust for Her Majesty. 1951 (2nd Sess.), c. 12, s. 52.

53. There shall be established in the Consolidated Revenue Fund an account to be known as the Investors' Indemnity Account to which shall be credited the sum of twenty-five thousand dollars, such further amounts as are appropriated by Parliament for the purposes of this section, and any recoveries of the losses referred to in section 54. 1951 (2nd Sess.), c. 12, s. 53.

54. The Minister may, in accordance with and subject to the regulations, pay out of the Investors' Indemnity Account any losses sustained by subscribers for securities who have paid all or part of the purchase price of such securities but have not received the security or repayment of the amount so paid, and losses sustained by any person in the redemption of securities. 1951 (2nd Sess.), c. 12, s. 54.

55. Her Majesty and a fiscal agent or registrar acting as such are not bound to see to the execution of any express or implied trust to which any securities are subject. 1951 (2nd Sess.), c. 12, s. 55.

56. The Governor in Council may make such regulations as he deems necessary to provide for the management of the public debt of Canada and the payment of interest thereon and, without limiting the generality of the foregoing, may make regulations for the inscription or registration of securities and prescribing the effect of such inscription or registration.
(b) for the transfer, transmission, exchange, redemption, cancellation and destruction of any securities, and, without limiting the generality of the foregoing,

(i) for the transmission, transfer or redemption of securities pursuant to judgment or as the result of the death, dissolution or bankruptcy of the registered owner thereof, and

(ii) prescribing the conditions upon which the transfer, transmission, exchange and redemption of securities registered in the names of infants, minors or other persons not of full capacity to enter into ordinary contracts, may be made,

(c) for the issue of securities or making of payments in respect of damaged, lost, stolen or destroyed securities or interest coupons, and of the cheques pertaining thereto and prescribing conditions to such issue or payment,

(d) requiring guarantees to be given to the registrar in such manner and by such persons as the regulations may prescribe, before the registrar is authorized to make any entry in the register,

(e) authorizing the correction by the registrar, in such circumstances as may be prescribed by the regulations, of errors in the register and otherwise authorizing rectification of the register, and

(f) providing for the payment of losses out of the Investors' Indemnity Account. 1951 (2nd Sess.), c. 12, s. 56.

PART V.

PUBLIC STORES.

57. Every department shall maintain adequate records of stores and the appropriate Minister or such other authority as the Governor in Council may direct may make rules and give directions governing the acquisition, receipt, custody, issue and control of such stores. 1951 (2nd Sess.), c. 12, s. 57.

58. Subject to this section, where Parliament has authorized a department to operate a revolving fund for the purpose of acquiring and managing stores or for manufacturing, producing, processing or dealing in stores or materials, and has fixed the amount that may be charged to that revolving fund at any time,

(a) payments may be made out of the Consolidated Revenue Fund for these purposes subject to such terms and conditions as the Treasury Board may prescribe, and

(b) providing for the payment of losses out of the Investors' Indemnity Account. 1951 (2nd Sess.), c. 12, s. 56.
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(b) the Comptroller shall keep an account to which shall be charged

(i) the cost of such of the stores and materials on hand in the department at the time the revolving fund is established as the Treasury Board may prescribe, and

(ii) the payments made under paragraph (a).

(2) There shall be shown as credits in the account

(a) all money received by the Receiver General in respect of operations of the revolving fund, and

(b) amounts charged to appropriations as the reimbursement of costs charged to the revolving fund of stores or material issued or work performed in respect of services for which the appropriations were made.

(3) A payment made out of the Consolidated Revenue Limit.

Fund pursuant to subsection (1) together with the balance of the revolving fund shall not be greater than the amount fixed by Parliament as the amount that may be charged to the revolving fund at any time or such lesser amount as the Treasury Board may prescribe.

(4) For the purposes of this section “balance of the revolving fund” means the aggregate of all payments charged to the revolving fund, less all credits to the revolving fund.

(5) At the end of each fiscal year the value of the inventory held and accounts receivable in respect of the operations of a revolving fund shall be determined in accordance with regulations of the Treasury Board, and if such value added to the receipts shown in the revolving fund, exceeds the total of expenditures shown in the revolving fund and liabilities in respect of operations of the revolving fund then due and payable, the excess shall be transferred from the revolving fund as revenue, but if the value is less no amount may be credited to the revolving fund to meet the deficiency except with the authority of Parliament. 1951 (2nd Sess.), c. 12, s. 58.

59. All accounting transactions with respect to a revolving fund under this Part shall be recorded at cost, but for the purpose of valuing stores or materials on hand at the time the revolving fund is established and of valuing inventories and issues of stores and materials, cost may be determined in accordance with such recognized accounting practices as the appropriate Minister with the approval of the Treasury Board, may direct. 1951 (2nd Sess.), c. 12, s. 59.

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60. (1) The appropriate Minister may from time to time, but not less frequently than once in every five years, constitute a board of survey to enquire into the state of the stores under the management of a department.

(2) Where a board of survey constituted under subsection (1) recommends the deletion from inventory of any obsolete or unserviceable stores or materials or any stores or materials lost or destroyed, the appropriate Minister with the approval of the Treasury Board, may direct the deletion of all or any part of such stores or materials from the inventory, but the value of stores or materials so deleted shall not be credited to a revolving fund except with the authority of Parliament.

(3) A statement in such form as the Treasury Board prescribes of all stores and materials deleted from inventories pursuant to subsection (2) shall be included annually in the Public Accounts. 1951 (2nd Sess.), c. 12, s. 60.

61. The Comptroller may examine records, accounts and procedures respecting stores and materials and report thereon to the Minister or the appropriate Minister. 1951 (2nd Sess.), c. 12, s. 61.

62. For the purposes of this Part, the Treasury Board may by regulation define for any department the expressions "stores", "materials" and "issues". 1951 (2nd Sess.), c. 12, s. 62.

PART VI.

PUBLIC ACCOUNTS.

63. (1) The Minister shall cause accounts to be kept in such a manner as to show,

(a) the expenditures made under and commitments chargeable against each appropriation,

(b) the revenues of Canada, and

(c) the other payments into and out of the Consolidated Revenue Fund.

(2) Subject to regulations of the Treasury Board, the Minister

(a) shall cause accounts to be kept to show such of the assets and direct and contingent liabilities of Canada, and

(b) may establish such reserves with respect to the assets and liabilities,

as in his opinion are required to give a true and fair view of the financial position of Canada.

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(3) The accounts of Canada shall be kept in the currency of Canada. 1951 (2nd Sess.), c. 12, s. 63.

64. (1) An annual report, called the Public Accounts, shall be laid before the House of Commons by the Minister on or before the 31st day of December, or if Parliament is then not in session, within fifteen days after the commencement of the next ensuing session.

(2) The Public Accounts shall be in such form as the Minister may direct, and shall include:

(a) a report on the financial transactions of the fiscal year;
(b) a statement, certified by the Auditor General, of the expenditures and revenues of Canada for the fiscal year;
(c) a statement, certified by the Auditor General, of such of the assets and liabilities of Canada as in the opinion of the Minister are required to show the financial position of Canada as at the termination of the fiscal year;
(d) the contingent liabilities of Canada; and
(e) such other accounts and information as are necessary to show, with respect to the fiscal year, the financial transactions and financial position of Canada, or are required by any Act to be shown in the Public Accounts. 1951 (2nd Sess.), c. 12, s. 64.

PART VII.

THE AUDITOR GENERAL.

65. (1) The Governor in Council shall by commission under the Great Seal of Canada appoint an officer called the Auditor General of Canada to hold office during good behaviour until he attains the age of sixty-five years, but he is removable by the Governor General on address of the Senate and House of Commons.

(2) The Auditor General shall out of the Consolidated Revenue Fund be paid a salary of fifteen thousand dollars per annum.

(3) The provisions of the *Civil Service Superannuation Act,* except those relating to tenure of office, apply to the Auditor General.

(4) Such officers and employees as are necessary to enable the Auditor General to perform his duties shall be appointed in accordance with the provisions of the *Civil Service Act.*

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(5) The Governor in Council may appoint a person temporarily to perform the duties of the Auditor General during a vacancy in the office of Auditor General. 1951 (2nd Sess.), c. 12, s. 65.

66. (1) Notwithstanding any Act, the Auditor General is entitled to free access at all convenient times to all files, documents and other records relating to the accounts of every department, and he is also entitled to require and receive from members of the public service such information, reports and explanations as he may deem necessary for the proper performance of his duties.

(2) The Auditor General may station in any department any person employed in his office to enable him more effectively to carry out his duties, and the department shall provide the necessary office accommodation for any such officer so stationed.

(3) The Auditor General shall require every person employed in his office who is to examine the accounts of a department pursuant to this Act to comply with any security requirements applicable to, and to take any oath of secrecy required to be taken by persons employed in that department.

(4) The Auditor General may suspend from the performance of his duty any person employed in his office. 1951 (2nd Sess.), c. 12, s. 66.

67. The Auditor General shall examine in such manner as he may deem necessary the accounts relating to the Consolidated Revenue Fund and to public property and shall ascertain whether in his opinion

(a) the accounts have been faithfully and properly kept,
(b) all public money has been fully accounted for, and the rules and procedures applied are sufficient to secure an effective check on the assessment, collection and proper allocation of the revenue,
(c) money has been expended for the purposes for which it was appropriated by Parliament, and the expenditures have been made as authorized, and
(d) essential records are maintained and the rules and procedures applied are sufficient to safeguard and control public property. 1951 (2nd Sess.), c. 12, s. 67.

68. The Auditor General shall

(a) make such examination of the accounts and records of each registrar as he deems necessary, and such other examinations of a registrar's transactions as the Minister may require, and

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(b) when and to the extent required by the Minister, participate in the destruction of any redeemed or cancelled securities or unissued reserves of securities, authorized to be destroyed under this Act, and may, by arrangement with the registrar, maintain custody and control, jointly with the registrar, of cancelled and unissued securities.  

1951 (2nd Sess.), c. 12, s. 68.

69. The Auditor General shall examine and certify in accordance with the outcome of his examinations the several statements required by section 64 to be included in the Public Accounts, and any other statement that the Minister may present for audit certificate.  

1951 (2nd Sess.), c. 12, s. 69.

70. (1) The Auditor General shall report annually to the House of Commons the results of his examinations and shall call attention to every case in which he has observed that 

(a) any officer or employee has wilfully or negligently omitted to collect or receive any money belonging to Canada,

(b) any public money was not duly accounted for and paid into the Consolidated Revenue Fund,

(c) any appropriation was exceeded or was applied to a purpose or in a manner not authorized by Parliament,

(d) an expenditure was not authorized or was not properly vouched or certified,

(e) there has been a deficiency or loss through the fraud, default or mistake of any person, or

(f) a special warrant authorized the payment of any money,

and to any other case that the Auditor General considers should be brought to the notice of the House of Commons.  

(2) The report of the Auditor General shall be laid before the House of Commons by the Minister on or before the 31st day of December, or, if Parliament is then not in session, within fifteen days after the commencement of the next ensuing session and if the Minister does not, within the time prescribed by this section, present the report to the House of Commons, the Auditor General shall transmit the report to the Speaker for tabling in the House of Commons.  

1951 (2nd Sess.), c. 12, s. 70.

71. The Auditor General shall, whenever the Governor in Council, the Treasury Board or the Minister directs, inquire into and report on any matter relating to the financial affairs of Canada or to public property and on any person or organization that has received financial aid from 2887 the R.S. 1952.

the Government of Canada or in respect of which financial aid from the Government of Canada is sought. 1951 (2nd Sess.), c. 12, s. 71.

72. Any report of the Auditor General to the Governor in Council or the Treasury Board shall be made through the Minister. 1951 (2nd Sess.), c. 12, s. 72.

73. Whenever it appears to the Auditor General that any public money has been improperly retained by any person, he shall forthwith report the circumstances of such cases to the Minister. 1951 (2nd Sess.), c. 12, s. 73.

74. The Auditor General may examine any person on oath on any matter pertaining to any account subject to audit by him and for the purposes of any such examination the Auditor General may exercise all the powers of a commissioner under Part I of the *Inquiries Act.* 1951 (2nd Sess.), c. 12, s. 74.

75. An officer of the public service nominated by the Treasury Board shall examine and certify to the House of Commons in accordance with the outcome of his examinations the receipts and disbursements of the office of the Auditor General. 1951 (2nd Sess.), c. 12, s. 75.

PART VIII.

CROWN CORPORATIONS.

76. (1) In this Part
(a) “agency corporation” means a Crown corporation named in Schedule C;
(b) “auditor” means, in relation to a corporation, the person authorized by Parliament to audit the accounts and financial transactions of the corporation;
(c) “Crown corporation” means a corporation that is ultimately accountable, through a Minister, to Parliament for the conduct of its affairs, and includes the corporations named in Schedule B, Schedule C and Schedule D;
(d) “departmental corporation” means a Crown corporation named in Schedule B; and
(e) “proprietary corporation” means a Crown corporation named in Schedule D.

(2) The Governor in Council may by order delete the name of any corporation from Schedule B, Schedule C or Schedule D and shall thereupon add the name of that corporation to the appropriate schedule in accordance with subsection (3).

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(3) The Governor in Council may by order
(a) add to Schedule B any Crown corporation that is a servant or agent of Her Majesty in right of Canada and is responsible for administrative, supervisory or regulatory services of a governmental nature;
(b) add to Schedule C any Crown corporation that is an agent of Her Majesty in right of Canada and is responsible for the management of trading or service operations on a quasi-commercial basis, or for the management of procurement, construction or disposal activities on behalf of Her Majesty in right of Canada; and
(c) add to Schedule D any Crown corporation that
(i) is responsible for the management of lending or financial operations, or for the management of commercial and industrial operations involving the production of or dealing in goods and the supplying of services to the public, and
(ii) is ordinarily required to conduct its operations without appropriations. 1951 (2nd Sess.), c. 12, s. 76.

(a) no provision is made in any Act for the appointment of an auditor to audit the accounts and financial transactions of the corporation, or
(b) the auditor is to be appointed pursuant to the *Companies Act*,
the Governor in Council shall designate a person to audit the accounts and financial transactions of the corporation.

(2) Notwithstanding any other Act, the Auditor General Auditor General eligible.
Auditor is eligible to be appointed the auditor, or a joint auditor, of a Crown corporation. 1951 (2nd Sess.), c. 12, s. 77.

78. (1) Sections 79 to 88, both inclusive, apply to Application. agency corporations and proprietary corporations, but in the event of any inconsistency between the provisions thereof and the provisions of any other Act, the provisions of such other Act prevail.

(2) This Part does not apply to departmental corporations except as provided in section 76. 1951 (2nd Sess.), c. 12, s. 78.

79. The financial year of a corporation is the calendar Financial year. year, unless the Governor in Council otherwise directs. 1951 (2nd Sess.), c. 12, s. 79.

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80. (1) Each agency corporation shall annually submit to the appropriate Minister an operating budget for the next following financial year of the corporation for the approval of the appropriate Minister and the Minister of Finance.

(2) For each corporation the appropriate Minister shall annually lay before Parliament the capital budget for its financial year approved by the Governor in Council on the recommendation of the appropriate Minister and the Minister of Finance.

(3) The Treasury Board, on the joint recommendation of the Minister of Finance and the appropriate Minister, may by regulation prescribe the form in which budgets required by this section shall be prepared. 1951 (2nd Sess.), c. 12, s. 80.

81. (1) A corporation may, with the approval of the Minister of Finance, maintain in its own name one or more accounts in the Bank of Canada or in such bank in Canada or financial institution outside of Canada as the Minister of Finance may approve.

(2) The Minister of Finance may, with the concurrence of the appropriate Minister, direct a corporation to pay all or any part of the money of the corporation to the Receiver General to be placed to the credit of a special account in the Consolidated Revenue Fund in the name of the corporation, and the Minister of Finance may pay out, for the purposes of the corporation, or repay to the corporation, all or any part of the money in the special account.

(3) Notwithstanding the other provisions of this section, where the appropriate Minister and the Minister of Finance, with the approval of the Governor in Council, so direct, a corporation shall pay to the Receiver General so much of the money administered by it as the appropriate Minister and the Minister of Finance consider to be in excess of the amount required for the purposes of the corporation, and any money so paid may be applied towards the discharge of any obligation of the corporation to Her Majesty, or may be applied as revenues of Canada. 1951 (2nd Sess.), c. 12, s. 81.

82. (1) At the request of the appropriate Minister, and subject to the approval of the Governor in Council, the Minister of Finance may from time to time lend money to a corporation for working capital out of money in the Consolidated Revenue Fund.

(2) The aggregate amount of loans outstanding made to any one corporation under this section shall not at any time exceed five hundred thousand dollars.

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(3) A loan under this section is subject to such terms and conditions as the Governor in Council approves and is repayable within a period not exceeding twelve months from the day on which the loan was made.

(4) A report of every loan to a corporation under this section shall be laid by the Minister of Finance before Parliament within fifteen days after it is made or, if Parliament is not then in session, within fifteen days after the commencement of the next ensuing session. 1951 (2nd Sess.), c. 12, s. 82.

83. The Governor in Council may make regulations with respect to the conditions upon which an agency corporation may undertake contractual commitments. 1951 (2nd Sess.), c. 12, s. 83.

84. Subject to any order of the Governor in Council made on the joint recommendation of the Minister of Finance and the appropriate Minister, a corporation may make provision for reserves for depreciation of assets, for uncollectable accounts and for other purposes. 1951 (2nd Sess.), c. 12, s. 84.

85. (1) A corporation shall keep proper books of account and proper records in relation thereto.

(2) Subject to such directions as to form as the Minister of Finance and the appropriate Minister may jointly give, a corporation shall prepare in respect of each financial year statements of accounts which shall include

(a) a balance sheet, a statement of income and expense and a statement of surplus, containing such information as, in the case of a company incorporated under the Companies Act, is required to be laid before the company by the directors at an annual meeting, and

(b) such other information in respect of the financial affairs of the corporation as the appropriate Minister or the Minister of Finance may require.

(3) A corporation shall, as soon as possible, but within three months after the termination of each financial year submit an annual report to the appropriate Minister in such form as he may prescribe, which shall include the statement of accounts specified in subsection (2), and the appropriate Minister shall lay the report before Parliament within fifteen days after he receives it or, if Parliament is not then in session, within fifteen days after the commencement of the next ensuing session.

(4) A corporation shall make to the appropriate Minister such reports of its financial affairs as he requires. 1951 (2nd Sess.), c. 12, s. 85.

86. R.S., 1952.
86. The auditor is entitled to have access at all convenient times to all records, documents, books, accounts and vouchers of a corporation, and is entitled to require from the directors and officers of the corporation such information and explanations as he deems necessary. 1951 (2nd Sess.), c. 12, s. 86.

87. (1) The auditor shall report annually to the appropriate Minister the result of his examination of the accounts and financial statements of a corporation, and the report shall state whether in his opinion

(a) proper books of account have been kept by the corporation;

(b) the financial statements of the corporation

(i) were prepared on a basis consistent with that of the preceding year and are in agreement with the books of account,

(ii) in the case of the balance sheet, give a true and fair view of the state of the corporation's affairs as at the end of the financial year, and

(iii) in the case of the statement of income and expense, give a true and fair view of the income and expense of the corporation for the financial year; and

(c) the transactions of the corporation that have come under his notice have been within the powers of the corporation under this Act and any other Act applicable to the corporation;

and the auditor shall call attention to any other matter falling within the scope of his examination that in his opinion should be brought to the attention of Parliament.

(2) The auditor shall from time to time make to the corporation or to the appropriate Minister such other reports as he may deem necessary or as the appropriate Minister may require.

(3) The annual report of the auditor shall be included in the annual report of the corporation.

(4) Notwithstanding section 78, this section operates in lieu of section 124 of the Companies Act. 1951 (2nd Sess.), c. 12, s. 87.

88. In any case where the auditor is of the opinion that any matter in respect of a corporation should be brought to the attention of the Governor in Council, the Treasury Board or the Minister of Finance, such report shall be made forthwith through the appropriate Minister. 1951 (2nd Sess.), c. 12, s. 88.
PART IX.

CIVIL LIABILITY AND OFFENCES.

89. (1) Whenever the Minister has reason to believe that any person

(a) has received money for Her Majesty and has not duly paid it over,

(b) has received money for which he is accountable to Her Majesty and has not duly accounted for it, or

(c) has in his hands any public money applicable to any purpose and has not duly applied it,

the Minister may cause a notice to be served on such person, or on his representative in case of his death, requiring him within such time from the service of the notice as may be named therein, duly to pay over, account for, or apply such money, as the case may be, and to transmit to the Minister proper vouchers that he has done so.

(2) Where a person has failed to comply with a notice served on him under subsection (1) within the time stated therein, the Minister shall state an account between such person and Her Majesty, showing the amount of the money not duly paid over, accounted for or applied, as the case may be, and, in the discretion of the Minister, charging interest on the whole or any part thereof at the rate of five per cent per annum from such date as the Minister may determine, and in any proceedings for the recovery of such money a copy of the account stated by the Minister, certified by him, shall be prima facie evidence that the amount stated therein, together with interest, is due and payable to Her Majesty, without proof of the signature of the Minister or his official character, and without further proof thereof, and such amount and interest may be recovered as a debt due to Her Majesty. 1951 (2nd Sess.), c. 12, s. 89.

90. Where it appears

(a) by the books or accounts kept by or in the office of any person employed in the collection or management of the revenue,

(b) in any accounting by such person, or

(c) by his written acknowledgment or confession,

that such person has, by virtue of his office or employment, received money belonging to Her Majesty and has refused or neglected to pay over such money to the proper persons at the proper times, an affidavit deposing to such facts, taken by any person having knowledge thereof, shall, in any proceedings for the recovery of such money, be received in evidence and shall be prima facie proof of the facts stated therein. 1951 (2nd Sess.), c. 12, s. 90.

91. R.S., 1952.
91. Where by reason of any malfeasance, wilful neglect of duty or gross negligence by any person employed in collecting or receiving any public money, any sum of money is lost to Her Majesty, such person is accountable for such sum as if he had collected and received it and it may be recovered from him as if he had collected and received it. 1951 (2nd Sess.), c. 12, s. 91.

92. Every officer or person acting in any office or employment connected with the collection, management or disbursement of public money who
(a) receives any compensation or reward for the performance of any official duty, except as by law prescribed;
(b) conspires or colludes with any other person to defraud Her Majesty, or makes opportunity for any person to defraud Her Majesty;
(c) designedly permits any violation of the law by any other person;
(d) wilfully makes or signs any false entry in any book, or wilfully makes or signs any false certificate or return in any case in which it is his duty to make an entry, certificate or return;
(e) having knowledge or information of the violation of any revenue law by any person, or of fraud committed by any person against Her Majesty, under any revenue law of Canada, fails to report, in writing, such knowledge or information to his superior officer; or
(f) demands or accepts or attempts to collect, directly or indirectly, as payment or gift or otherwise, any sum of money, or other thing of value, for the compromise, adjustment or settlement of any charge or complaint for any violation or alleged violation of law, is guilty of an indictable offence, and is liable on conviction to a fine not exceeding five hundred dollars, and to imprisonment for any term not exceeding five years. 1951 (2nd Sess.), c. 12, s. 92.

93. Every person who
(a) promises, offers or gives any bribe to any officer or any person acting in any office or employment connected with the collection, management or disbursement of public money, with intent
(i) to influence his decision or action on any question or matter that is then pending, or may, by law, be brought before him in his official capacity, or
(ii) to influence such officer or person to commit, or aid or abet in committing any fraud on the revenue, or to connive at, collude in, or allow or permit any opportunity

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opportunity for the commission of any such fraud,
or

(b) accepts or receives any such bribe,
is guilty of an indictable offence, and is liable on conviction to a fine not exceeding three times the amount so offered or accepted, and to imprisonment for any term not exceeding five years. 1951 (2nd Sess.), c. 12, s. 93.

94. All books, papers, accounts and documents kept or used by, or received or taken into the possession of any person who is or has been employed in the collection or management of the revenue or in accounting for the revenue, by virtue of that employment, shall be deemed to be chattels belonging to Her Majesty; and all money or valuable securities received or taken into the possession of any such officer or person by virtue of his employment shall be deemed to be money and valuable securities belonging to Her Majesty. 1951 (2nd Sess.), c. 12, s. 94.

PART X.

MISCELLANEOUS.

95. (1) Where, in the opinion of the Minister of Justice, any person is indebted to Her Majesty in right of Canada in any specific sum of money, the Treasury Board may authorize the Minister of Finance to retain by way of deduction or set-off the amount of any such indebtedness out of any sum of money that may be due or payable by Her Majesty in right of Canada to such person.

(2) Where, in the opinion of the Minister of Justice, any person is indebted in any specific sum of money on account of taxes payable to any province, and an agreement exists between Canada and the province whereby Canada is authorized to collect the tax on behalf of the province, the Treasury Board may authorize the Minister of Finance to retain by way of deduction or set-off, out of any sum of money that may be due or payable by Her Majesty in right of Canada to such person, the amount of such indebtedness, but the amount so retained shall not exceed the amount that might under the laws of the province be seized or attached under execution or garnishee proceedings.

(3) Where, in the opinion of the Minister,

(a) any person is indebted to a province in any specific sum of money by reason of his having received from the province a payment, in respect of which Canada has contributed under the provisions of any Act, to which he was not entitled, and

(b) the province has made reasonable efforts to effect recovery of the amount of such indebtedness,

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the Treasury Board may authorize the Minister to retain by way of deduction or set-off the amount of such indebtedness out of any sum of money that may be due and payable by Her Majesty in right of Canada to such person, and the amount so deducted less the portion thereof that in the opinion of the Minister is proportionate to the contribution in respect thereof made by Canada, may be paid to the province out of the Consolidated Revenue Fund. 1951 (2nd Sess.), c. 12, s. 95.

96. Whenever it appears to the Governor in Council that any account, statement, return or document required by any Act of Parliament or otherwise to be laid before one or both Houses of Parliament contains the same information as or less information than is contained in the Public Accounts, the Governor in Council may direct that the account, statement, return or other document be discontinued, and thereafter it need not be prepared or laid before either House of Parliament. 1951 (2nd Sess.), c. 12, s. 96.

97. Subject to any other Act of Parliament, no transfer, lease or loan of property owned by Her Majesty in right of Canada shall be made to any person, except in accordance with regulations or on the direction of the Governor in Council. 1951 (2nd Sess.), c. 12, s. 97.

98. (1) There shall be established in the Consolidated Revenue Fund a special account to be known as the Public Officers Guarantee Account to which shall be transferred or credited, in accordance with the regulations,

(a) the balance of the Government Officers Guarantee Fund,

(b) amounts paid by departments by way of premiums, and

(c) amounts recovered by Her Majesty in respect of payments out of the said Account or the Government Officers Guarantee Fund,

and payment may be made out of the said Account, in accordance with the regulations, by way of indemnity for losses suffered by Her Majesty or others by reason of defalcations or other fraudulent acts or omissions of public officers.

(2) The Treasury Board may make regulations

(a) prescribing the conditions upon which payments may be made out of the Public Officers Guarantee Account,

(b) requiring departments to deposit amounts to the credit of the said Account, and

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(c) governing the operation of the said Account by the Minister.

(3) Every payment out of the Public Officers Guarantee Reporting Account and the amount of every loss suffered by Her Majesty by reason of defalcations or other fraudulent acts or omissions of a public officer, together with a statement of the circumstances, shall be reported annually in the Public Accounts. 1951 (2nd Sess.), c. 12, s. 98.

99. No bank shall make a charge for cashing a cheque or other instrument drawn on the Receiver General or on his account in the Bank of Canada or any other bank, or for cashing any other instrument issued as authority for the payment of money out of the Consolidated Revenue Fund, or in respect of any cheque or other instrument drawn in favour of the Receiver General, the Government of Canada or any department thereof or any public officer in his capacity as such, and tendered for deposit to the credit of the Receiver General. 1951 (2nd Sess.), c. 12, s. 99.

100. The Governor in Council may make regulations for carrying the purposes and provisions of this Act into effect. 1951 (2nd Sess.), c. 12, a. 100.
SCHEDULE A.

Department of Agriculture.
Department of Citizenship and Immigration.
Department of Defence Production.
Department of External Affairs.
Department of Finance.
Department of Fisheries.
Department of Insurance.
Department of Justice.
Department of Labour.
Department of Mines and Technical Surveys.
Department of National Defence.
Department of National Health and Welfare.
Department of National Revenue.
Post Office Department.
Department of Public Works.
Department of Public Printing and Stationery.
Department of Resources and Development.
Department of the Secretary of State of Canada.
Department of Trade and Commerce.
Department of Transport.
Department of Veterans Affairs.

1951 (2nd Sess.), c. 12, Sch. A.

SCHEDULE B.

Agricultural Prices Support Board.
Atomic Energy Control Board.
Canadian Maritime Commission.
Director of Soldier Settlement.
The Director, The Veterans' Land Act.
Dominion Coal Board.
Fisheries Prices Support Board.
National Gallery of Canada.
National Research Council.
Unemployment Insurance Commission.

1951 (2nd Sess.), c. 12, Sch. B.

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**SCHEDULE C.**

Canadian Arsenals Limited.
Canadian Commercial Corporation.
Canadian Patents and Development Limited.
Canadian Sugar Stabilization Corporation Ltd.
Commodity Prices Stabilization Corporation Ltd.
Crown Assets Disposal Corporation.
Defence Construction (1951) Limited.
Federal District Commission.
National Battlefields Commission.
National Harbours Board.
Park Steamship Company Limited.

1951 (2nd Sess.), c. 12, Sch. C.

**SCHEDULE D.**

Canadian Broadcasting Corporation.
Canadian Farm Loan Board.
Canadian National (West Indies) Steamships, Limited.
Canadian Overseas Telecommunication Corporation.
Central Mortgage and Housing Corporation.
Eldorado Mining and Refining (1944) Limited.
Export Credits Insurance Corporation.
National Railways as defined in the *Canadian National-Canadian Pacific Act*.
Northern Transportation Company (1947) Limited.
Northwest Territories Power Commission.
Polymer Corporation Limited.
Trans-Canada Air Lines.

1951 (2nd Sess.), c. 12, Sch. D.

EDMOND CLOUTIER, C.M.G., O.A., D.S.P.
QUEEN'S PRINTER AND CONTROLLER OF STATIONERY
OTTAWA, 1952
CHAPTER 117.

An Act respecting Benefits to Fire Fighters who served in the United Kingdom.

SHORT TITLE.

1. This Act may be cited as the Fire Fighters War Service Benefits Act. 1946, c. 52, s. 1.

INTERPRETATION.

2. In this Act (a) "discharge" means ceasing to serve as a fire fighter; "Discharge."
(b) "fire fighter" means a member of the Corps of (Civilian) Canadian Fire Fighters for Service in the United Kingdom who was on service; "Fire fighter."
(c) "gratuity" means a gratuity payable under section 3; "Gratuity."
(d) "service" means service while in receipt of pay and allowances as a fire fighter outside the continents of North and South America, the islands adjacent thereto and the territorial waters thereof, and includes service in Greenland, Iceland or the Aleutian Islands but does not include service in Newfoundland, Bermuda or the West Indies. 1946, c. 52, s. 2.

3. (1) Subject to the provisions of this Act, every fire fighter is, upon discharge, entitled to be paid a gratuity of fifteen dollars for every thirty days of service.
(2) Payment of a gratuity shall be made in monthly instalments, payable in arrear, not exceeding the amount of pay and allowances paid to, or in respect of the fire fighter for the thirty days immediately preceding his discharge.

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(3) For the purposes of subsection (2) the expression "pay and allowances" includes allowance in lieu of rations and quarters at the standard rates payable in Canada notwithstanding that at the date of his discharge the fire fighter was not receiving such allowance, and dependants' allowance.

(4) Sections 5, 6, 14, 15, 16, 17, 18, 24 and 26 of the War Service Grants Act apply mutatis mutandis to the payment of gratuities under this Act.

(5) Payment of a gratuity shall be made only upon application therefor by or on behalf of the fire fighter claiming the gratuity.

(6) The Minister of Veterans Affairs may issue directions relating to the manner of payment of the gratuity and generally for carrying this section into effect. 1946, c. 52, s. 3.

4. Every fire fighter shall, upon discharge, be deemed to have been engaged in service as defined in the Veterans Insurance Act and, subject to the provisions of that Act, is entitled to all the rights, privileges and benefits provided by that Act as if he were a veteran within the meaning of that Act. 1946, c. 52, s. 4.

5. Every fire fighter who performed service for a period of not less than one hundred and eighty-three days, exclusive of time in cells, detention prison, in a state of desertion, and complete days of absence without leave, is, upon discharge, entitled to a rehabilitation grant as defined in paragraph (f) of section 2 of the Veterans Rehabilitation Act of the same amount and subject to the same conditions as he would have received had he been a member of the naval, military or air forces of Canada. 1946, c. 52, s. 5.

6. Every fire fighter is, upon discharge, entitled to (a) vocational and technical training benefits under the Veterans Rehabilitation Act, including allowances incidental thereto, as if he were a veteran within the meaning of that Act, and

(b) the rights, privileges and benefits under the Unemployment Insurance Act as if he were a veteran within the meaning of that Act. 1946, c. 52, s. 6.

7. Every fire fighter who is in receipt of a pension under the Pension Act with respect to a disability arising out of the war that commenced in September, 1939, is, upon discharge as pensioners. 1946, c. 52, s. 7.
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3 discharge, in addition to the rights, privileges and benefits under section 6 of this Act, entitled to the rights, privileges and benefits under the Veterans' Land Act as if he were a veteran within the meaning of that Act. 1946, c. 52, s. 7.

8. The Governor in Council may make regulations for carrying the purposes and provisions of this Act into effect. 1946, c. 52, s. 8.

EDMOND CLOUTIER, C.M.G., O.A., D.S.P.
QUEEN’S PRINTER AND CONTROLLER OF STATIONERY
OTTAWA, 1952
CHAPTER 118.

An Act respecting the Inspection of Fish and Marine Plants.

SHORT TITLE.

1. This Act may be cited as the Fish Inspection Act. 1949 Short title. (2nd Sess.), c. 23, s. 1.

INTERPRETATION.

2. In this Act Definitions.
   (a) "container" includes any type of receptacle or "Container." package used in packing or marketing fish;
   (b) "establishment" means any place where fish are "Establishment." processed for export or stored for export;
   (c) "fish" means any fish, including shellfish and crusta- "Fish." ceans, and marine animals, and any parts, products or by-products thereof;
   (d) "inspection certificate" means a certificate of inspec- "Inspection certificate." tion issued under this Act;
   (e) "inspector" means an inspector appointed under this "Inspector." Act;
   (f) "marine plant" includes Irish moss, kelp, and other "Marine salt water plants, and the products and by-products plant." thereof;
   (g) "Minister" means the Minister of Fisheries; and "Minister." (h) "processing" includes cleaning, filleting, smoking, "Processing." salting, icing, packing, freezing, cooking, pickling, drying or preparing fish for market in any other manner. 1949 (2nd Sess.), c. 23, s. 2.

PART I.

FISH AND FISH CONTAINERS.

3. The Governor in Council may for the purpose of Regulations. regulating the export or import of fish and containers make regulations
   (a) prescribing grades, quality and standards of fish;
   (b) respecting the processing, storing, grading, packaging, marking, transporting and inspection of fish;
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(c) respecting the quality and specifications for containers of fish and the marking and inspection of such containers;

(d) requiring the registration of establishments and the licensing of persons engaged as principals or agents in the export or import of fish or containers;

(e) prescribing the requirements for the equipment and sanitary operation of establishments, of premises operated by an importer for the purpose of importing fish, and of any boats, vehicles or other equipment used in connection with an establishment or in connection with fishing or the import or export of fish;

(f) prescribing fees for registration of establishments, issue of licences and grading and inspection services;

(g) prohibiting the sale or offering for sale or holding in possession for sale of any fish or containers under any grade name or standard prescribed by the regulations under this Part unless all the requirements of this Part and the regulations thereunder with respect thereto have been complied with, or under any name calculated to mislead or deceive;

(h) prescribing the manner in which samples of any fish may be taken; and

(i) prohibiting or restricting any export or import or any attempt or offer to export or import any fish or containers unless all the requirements of this Part and the regulations thereunder with respect thereto have been complied with. 1949 (2nd Sess.), c. 23, s. 3.

4. (1) An inspector may at any time

(a) enter any place or premises, or any steamship, vessel or boat, or any railway car, truck, carriage, car, aircraft or other vehicle used for the carriage or storage of fish and may open any container that he has reason to believe contains fish,

(b) require to be produced for inspection or for the purpose of obtaining copies thereof or extracts therefrom any books, shipping bills, bills of lading, or other documents or papers, and

(c) take any samples for inspection.

(2) No person shall obstruct, impede or refuse to admit an inspector or other person acting in execution of this Part or any regulation thereunder and no person shall aid or assist any person in obstructing, impeding or refusing to admit such inspector or other person. 1949 (2nd Sess.), c. 23, s. 4.

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5. A person interested in a decision of an inspector in respect of any inspection, grading, marking or other matter under this Part or the regulations thereunder may appeal to the Minister in accordance with the procedure prescribed by the Governor in Council. 1949 (2nd Sess.), c. 23, s. 5.

6. For the purposes of this Part, inspectors may administer oaths and take and receive affidavits, declarations, and affirmations. 1949 (2nd Sess.), c. 23, s. 6.

7. (1) Whenever an inspector believes on reasonable grounds that an offence against this Part or any regulation thereunder has been committed, he may seize all fish and containers by means of or in relation to which he reasonably believes the offence was committed.

(2) All fish and containers seized pursuant to subsection (1) may be detained for a period of two months following the day of seizure, unless during that period proceedings under this Part in respect of those fish and containers are undertaken, in which case the fish and containers may be further detained until such proceedings are finally concluded.

(3) Where a person is convicted of an offence against this Part or any regulation thereunder, the fish and containers by means of or in relation to which the offence was committed, upon such conviction, in addition to any penalty imposed, are forfeited to Her Majesty and may be disposed of as the Minister may direct. 1949 (2nd Sess.), c. 23, s. 7.

8. (1) An inspector or constable may arrest without a warrant any person found committing an offence under this Part and shall forthwith take any person so arrested before a justice of the peace to be examined and dealt with according to law.

(2) A person arrested pursuant to subsection (1) shall not be detained in custody longer than twenty-four hours without an order of a justice of the peace. 1949 (2nd Sess.), c. 23, s. 8.

9. (1) No person shall falsify or unlawfully alter, destroy, erase or obliterate any declaration, inspection certificate or other document made or issued under this Part or the regulations thereunder or any marks placed on any containers pursuant to this Part or the regulations thereunder.

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(2) Every person who violates subsection (1) is guilty of an offence and is liable on summary conviction to a fine of not less than fifty dollars and not exceeding five hundred dollars or to imprisonment for a term of not less than two months and not exceeding six months or to both fine and imprisonment. 1949 (2nd Sess.), c. 23, s. 9.

Dealing in unwholesome fish.

10. (1) No person shall import, export, sell for export or have in his possession for export any fish intended for human consumption unless the fish is wholesome and fit for human food.

(2) Every person who violates subsection (1) is guilty of an offence and is liable on summary conviction to a fine of not less than one hundred dollars and not exceeding five hundred dollars or to imprisonment for a term of not less than three months and not exceeding six months or to both fine and imprisonment. 1949 (2nd Sess.), c. 23, s. 10.

Offence and penalty generally.

11. Every person who violates any of the provisions of this Part or the regulations thereunder for which no penalty is elsewhere provided in this Part is guilty of an offence and is liable on summary conviction to a fine not exceeding five hundred dollars or to imprisonment for a term not exceeding six months or to both fine and imprisonment. 1949 (2nd Sess.), c. 23, s. 11.

PART II.

MARINE PLANTS.

12. No person shall export any marine plant in respect of which regulations have been made under this Part, unless it is inspected, graded, marked or designated, and labelled in accordance with such regulations. 1949 (2nd Sess.), c. 23, s. 12.

Regulations.

13. The Governor in Council may make regulations
(a) prescribing standards of grade, class or quality for marine plants and the names or marks that may be used to designate such grade, class or quality;
(b) providing for inspection, grading and labelling of marine plants, the form, issue and use of inspection certificates, and prescribing inspection fees; and
(c) generally for carrying any of the purposes or provisions of this Part into effect. 1949 (2nd Sess.), c. 23, s. 13.

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Fish Inspection.

14. (1) Every inspection certificate is _prima facie_ evidence of the facts therein stated and is receivable in evidence without proof of any signature or the official character of any person appearing to have signed it.

(2) No person shall attach or apply any inspection certificate to any marine plant unless the inspection certificate was issued with respect to such marine plant.

(3) No person shall alter or falsify any inspection certificate. 1949 (2nd Sess.), c. 23, s. 14.

15. Every person who violates any provision of this Part or any regulation thereunder is guilty of an offence and is liable on summary conviction to a fine not exceeding two hundred dollars or to imprisonment for a term not exceeding six months or to both fine and imprisonment. 1949 (2nd Sess.), c. 23, s. 15.

PART III.

GENERAL.

16. This Act applies to the shipment of fish or marine plants from one province to another as though the shipment from a province were an export and the shipment into a province were an import. 1949 (2nd Sess.), c. 23, s. 16.

17. (1) Such inspectors and other officers, clerks and employees as are necessary for the proper administration of this Act shall be appointed in the manner authorized by law.

(2) Every inspector appointed for the purpose of this Act shall, previous to his entering upon the duties of his office, take and subscribe to the following oath:

I, of in the county of in the province of do swear that I will faithfully and honestly execute the office and trust committed to me of (name of office), and that I will not either directly or indirectly, engage in or in anywise carry on the business of trading or dealing in fish or marine plants during my term of office as . So help me God. 1949 (2nd Sess.), c. 23, s. 17.

18. Every offence against this Act or the regulations shall, for the purposes of any prosecution, be deemed to have been committed and every cause of complaint under 2909 this R.S., 1952.
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18. This Act shall be deemed to have arisen in the place where the offence was actually committed, or the place where it was first discovered by an inspector or the place where the defendant resides or is found. 1949 (2nd Sess.), c. 23, s. 18.

19. This Act shall be administered by the Minister of Fisheries. 1949 (2nd Sess.), c. 23, s. 19.

20. The Fish Inspection Act, chapter 72 of the Revised Statutes of Canada, 1927, is repealed. 1949 (2nd Sess.), c. 23, s. 20.

21. This Act or any Part shall come into force on a day to be fixed by proclamation of the Governor in Council. 1949 (2nd Sess.), c. 23, s. 21.

EDMOND CLOUTIER, C.M.G., O.A., D.S.P.
QUEEN'S PRINTER AND CONTROLLER OF STATIONERY
OTTAWA, 1952

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CHAPTER 119.

An Act respecting Fisheries.

SHORT TITLE.

1. This Act may be cited as the Fisheries Act. 1932, Short title. c. 42, s. 1.

INTERPRETATION.

2. In this Act,
   (a) “Canadian” means a British subject resident in Canada;
   (b) “close time” means a specified period during which fish to which it applies, may not be fished;
   (c) “fish” includes shell fish, crustaceans and marine animals;
   (d) “fishery” includes the area, locality, place or station in or on which a pound, seine, net, weir or other fishing appliance is used, set, placed or located, and the area, tract or stretch of water in or from which fish may be taken by the said pound, seine, net, weir or other fishing appliance, and also the pound, seine, net, weir, or other fishing appliance used in connection therewith;
   (e) “fishing” means fishing for or catching fish by any method;
   (f) “fishing vessel” includes any ship or boat, or any other description of vessel used in fishing;
   (g) “lawful excuse” means (i) ability to prove that fish in possession during the close time therefor at the place of possession, were legally caught; or (ii) the unintentional or incidental catching of any fish that may not then be taken, when legally fishing for other fish;
   (h) “Minister” means the Minister of Fisheries. 1932, “Minister.” c. 42, s. 2.

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APPLICATION.

3. Nothing in this Act shall be taken to authorize the granting of fishery leases conferring an exclusive right to fish in property belonging not to Canada but to some province thereof. 1932, c. 42, s. 3.

4. Nothing in this Act precludes the granting by the Minister of written permission to obtain fish and fish spawn for purposes of stocking or artificial breeding or for scientific purposes. 1932, c. 42, s. 4.

5. (1) There may be appointed in the manner authorized by law, fishery officers, whose powers and duties are as defined by this Act and the regulations, and by instructions from the Minister, and whose titles are as specified in their appointments.

(2) Every fishery officer is for all the purposes of this Act and the regulations a justice of the peace during his term of office as a fishery officer.

(3) The Minister may appoint fit and proper persons to act as fishery guardians, who hold office during the pleasure of the Minister, and who have for the purposes of this Act and the regulations the powers of a police constable. 1932, c. 42, s. 5.

6. Every fishery officer and fishery guardian shall take and subscribe an oath in the form following, that is to say:

I, A.B., a fishery officer (or guardian) in and for the District of . . . . . . . . . . . . . . . . . do solemnly swear that to the best of my judgment, I will faithfully, honestly, and impartially fulfil, execute and perform the office and duty of such officer (or guardian) according to the true intent and meaning of the Fisheries Act and regulations and in accordance with my instructions. So help me God. 1932, c. 42, s. 6.

FISHERY LEASES AND LICENCES.

7. The Minister may, in his absolute discretion, wherever the exclusive right of fishing does not already exist by law, issue or authorize to be issued, leases and licences for fisheries or fishing, wheresoever situate or carried on; but except as hereinafter provided, leases or licences for any term exceeding nine years shall be issued only under authority of the Governor General in Council. 1932 c. 42, s. 7.

8. Except where licence fees are prescribed in this Act, the Governor in Council may from time to time prescribe the
the fees that shall be charged for fishery licences. 1935, c. 5, s. 1.

9. The Minister may cancel any lease or licence issued under the authority of this Act, if he has ascertained that the operations under such licence were not conducted in conformity with its provisions. 1932, c. 42, s. 8.

SEAL FISHING.

10. (1) No one shall with boat or vessel or in any other way during the time of fishing for seals, knowingly or wilfully disturb, impede or injure any sedentary seal fishery, or prevent, or impede the shoals of seals from coming into such fishery or knowingly or wilfully frighten such shoals.

(2) Disputes between occupiers of seal fisheries concerning limits and the mode of fishing or setting nets shall be decided summarily by any fishery officer or justice of the peace, by whom arbitrators may be appointed to assess damages; and any damages assessed or which arise out of a repetition or continuance of the difficulty ordered to be remedied, may be levied under the warrant of any fishery officer or justice of the peace. 1932, c. 42, s. 10.

SALMON FISHING.

11. Salmon fry, parr and smolt shall not at any time be fished for, caught or killed, and no salmon or grilse of less weight than three pounds shall be caught or killed, otherwise than by angling with hook and line. 1932, c. 42, s. 11.

12. The use of nets, weirs or other apparatus of a like nature for the capture of salmon shall be confined to tidal waters except where otherwise provided by regulation and, where not otherwise specified by law, any fishery officer may determine the length and place of each net or other apparatus used in any of the waters of Canada. 1932, c. 42, s. 12.

13. All stationary nets, or other stationary appliances for the capture of salmon, shall be placed at distances of not less than two hundred and fifty yards apart, without intermediate fishing nets or appliances of any kind being set or used. 1932, c. 42, s. 13.

14. Any fishery officer may direct, either in writing or orally on sight, that a greater space than two hundred and fifty yards shall be left between stationary salmon nets or other stationary fishing apparatus. 1932, c. 42, s. 14.

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15. In the Provinces of Nova Scotia, New Brunswick, Prince Edward Island and Quebec no salmon shall be fished for, caught or killed otherwise than by angling with hook and line, within two hundred yards of the mouth of any tributary of any creek or stream which salmon frequent to spawn. 1932, c. 42, s. 15.

LOBSTER FISHERIES.

16. The owner or manager of every lobster factory or canning establishment shall by the date fixed by the Minister for that purpose, deliver to the fishery officer for the district on a form provided by the Minister a statement under oath showing,

(a) the number of fishermen employed, and of the lobster traps used in connection with his factory or canning establishment;

(b) the number of persons employed in such factory or canning establishment, distinguishing the sexes;

(c) the number of cases of lobsters, and the weights thereof, packed during the legal lobster fishing season last concluded and ended; and

(d) such other details and particulars as are required by the Minister. 1932, c. 42, s. 16.

17. (1) No one shall maintain a pound or enclosure in which lobsters, legally caught during the open season, shall be retained for sale during the close season at a place where the pound or enclosure is located, or for export therefrom, except under a licence from the Minister, and no lobsters shall be taken from any such pound or enclosure, and disposed of during the close season at the place where it is located, except under a certificate from a fishery officer or fishery guardian, setting forth the pound from which the lobsters were taken and that they had been legally caught during the open season.

(2) Each such pound or enclosure shall be marked with the name of the licensee and the number of his licence. Such marking shall be in black on a white ground, and the letters and figures shall be at least six inches in height.

(3) The annual fee for such licence shall be seventy-five dollars. 1932, c. 42, s. 17.

POSSESSION OF FISH.

18. No one, without lawful excuse, the proof whereof lies on him, shall fish for, buy, sell or have in his possession any fish, or portion of any fish, at a place where at that time fishing for such fish is prohibited by law. 1932, c. 42, s. 18.

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19. (1) Every Customs officer, police officer or constable, clerk of a market or other person in charge of any market-place in any village, town or city, may seize and, upon view, confiscate any fish caught or killed during prohibited seasons, or that appears to have been killed by unlawful means.

(2) Every such seizure and confiscation, with the date, place and circumstance thereof, shall together with the name, residence and calling of the person in whose possession such fish was found, be duly reported to the nearest fishery officer. 1932, c. 42, s. 19.

CONSTRUCTION OF FISHWAYS.

20. (1) Every slide, dam or other obstruction across or in any stream where the Minister determines it to be necessary for the public interest that a fish-pass should exist, shall be provided by the owner or occupier with a durable and efficient fishway, or canal around the slide, dam or other obstruction, which shall be maintained in a good and effective condition by said owner or occupier, in such place and of such form and capacity as will in the opinion of the Minister satisfactorily permit the free passage of fish through the same; where it is determined by the Minister in any case that the provision of an efficient fishway or canal around the slide, dam or other obstruction is not feasible, or that the spawning areas above such slide, dam or other obstruction are destroyed, the Minister may require the owner or occupier of such slide, dam or other obstruction to pay to him from time to time such sum or sums of money as he may require to construct, operate and maintain such complete fish hatchery establishment as will in his opinion meet the requirements for maintaining the annual return of migratory fish.

(2) The place, form and capacity of the fishway or canal to be constructed must be approved by the Minister before construction thereof is begun; and immediately after the fishway is completed and in operation the owner or occupier of any dam or obstruction shall make such changes and adjustments at his own cost as will in the opinion of the Minister be necessary for its efficient operation under actual working conditions, if such are found to be needed.

(3) The owner or occupier of every fishway or canal shall keep it open and unobstructed and shall keep it supplied with such sufficient quantity of water as the Minister considers necessary to enable the fish frequenting the waters in which such fishway or canal is placed to pass through the same during such times as are specified by any
fishery officer; and, where leaks in a dam cause a fishway therein to be inefficient, the Minister may require the owner or occupier of such dam to prevent such leaks therein.

(4) The Minister may authorize the payment of one-half of the expense incurred by such owner or occupier in constructing and maintaining any fishway or canal; and after a fishway or canal that has been duly approved by the Minister has been built at the cost of the owner or occupier of any slide, dam or other obstruction, or after such owner or occupier has paid one-half the cost thereof and such fishway or canal thereafter proves to be ineffective, except as provided in subsection (2), the total cost of any change in such fishway or canal or any new fishway or canal required to enable the fish to pass by such slide, dam or other obstruction, shall be paid by Her Majesty.

(5) The Minister, in order to procure the construction of any fishway or canal, pending proceedings against any owner or occupier for the penalty imposed by this Act, may make and complete the same forthwith, and may authorize any person to enter upon the premises with the necessary workmen, means and materials for such purpose and may recover from the owner or occupier the whole expense so incurred by action in the name of Her Majesty.

(6) Where unused slides, dams, obstructions, or anything detrimental to fish exist, and the owner or occupier thereof does not after notice given by the Minister remove the same, or if the owner is not resident in Canada, or his exact place of residence is unknown to the Minister, the Minister may, without being liable to damages, or in any way to indemnify the said owner or occupier, cause such slide, dam, obstruction, or thing detrimental to fish life to be removed or destroyed and in cases where notice has been given to the owner or occupier, may recover from said owner or occupier the expense of so removing or destroying the same.

(7) The Minister may require the owner or occupier of any slide, dam or other obstruction to install and maintain such fish stops or diverters, both above and below any dam or obstruction as will in his opinion be adequate to prevent the destruction of fish or to assist in providing for their ascent.

(8) At every slide, dam or other obstruction, where the Minister determines it to be necessary the owner or occupier thereof shall, when required by the Minister, provide a sufficient flow of water over the spillway or crest, with connecting...
connecting sluices into the river below to permit the safe and unimpeded descent of fish.

(9) The owner or occupier of any slide, dam or other obstruction shall make such provision as the Minister determines to be necessary for the free passage of both ascending and descending migratory fish, during the period of construction thereof.

(10) The owner or occupier of any slide, dam or other obstruction shall permit to escape into the river bed below the said slide, dam or other obstruction, such quantity of water, at all times, as will, in the opinion of the Minister, be sufficient for the safety of fish and for the flooding of the spawning grounds to such depth as will, in the opinion of the Minister, be necessary for the safety of the ova deposited thereon. 1932, c. 42, s. 20.

GENERAL PROHIBITIONS.

21. No one shall fish for, take, catch or kill fish in any water, or along any beach, or within any fishery described in any lease or licence, or place, use, draw or set therein any fishing gear or apparatus, except by permission of the occupant under such lease or licence for the time being, or shall disturb or injure any such fishery. 1932, c. 42, s. 21.

22. Seines, nets or other fishing apparatus shall not be set or used in such manner or in such place as to obstruct the navigation of boats and vessels and no boats or vessels shall destroy or wantonly injure in any way seines, nets or other fishing apparatus lawfully set. 1932, c. 42, s. 22.

23. Every person using stakes, posts, buoys or other materials placed for fishing purposes in any water shall remove the same within forty-eight hours after ceasing to use them, and in all cases at the expiry of the fishing season. 1932, c. 42, s. 23.

24. (1) One-third of the width of any river or stream, and not less than two-thirds of the width of the main channel at low tide, in every tidal stream shall be always left open, and no kind of net or other fishing apparatus, logs, or any material of any kind shall be used or placed therein.

(2) The use of weirs for catching eels exclusively, and the use of dams for catching eels, shall be prevented only in cases where, and at times when they injure other fisheries or, by completely barring any passage, they deprive other weirs of water for river bed below dam.

1932, c. 42, s. 24.

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weirs of a share in the run of eels; and such place, time and circumstances may be determined by any fishery officer.

(3) The Minister may authorize the placing and maintaining of barriers, screens, or other obstructions, in streams to prevent the escape of fish held for fish breeding purposes, or any other purpose that he deems in the public interest, and no person shall injure any such barrier, screen or other obstruction. 1932, c. 42, s. 24.

25. No one shall injure or obstruct any fishway or canal built, constructed or used to enable fish to pass over or around any slide, dam or other obstruction or do anything to stop, impede or hinder fish from entering or passing the same or to stop, impede or hinder fish from surmounting any obstacle or leap, nor shall any one fish in any manner within twenty-five yards downstream from the lower entrance to any fishway or canal, obstacle or leap. 1932, c. 42, s. 25.

26. No one shall hunt or kill fish or marine animals of any kind, other than porpoises, whales, walruses, sea lions and hair seals, by means of rockets, explosive materials, or explosive projectiles or shells. 1932, c. 42, s. 26.

27. No one shall erect, use or maintain in any of the waters of Canada whether subject to any exclusive right of fishery or not, any net, weir, or other device which unduly obstructs the passage of fish; and the Minister or any fishery officer may order the removal of or remove any net, weir, or other device which, in the opinion of the Minister or any fishery officer, unduly obstructs the passage of fish. 1932, c. 42, s. 27.

28. (1) In the Provinces of British Columbia, Manitoba, Saskatchewan and Alberta, the Northwest Territories and the Yukon Territory, every ditch, channel or canal constructed or adapted for conducting water from any lake, river or stream, for irrigating, manufacturing, domestic or other purposes, shall if the Minister deems it necessary in the public interest, be provided at its entrance or intake with a fish guard or a metal or wire grating, covering or netting, so fixed as to prevent the passage of fish from any lake, river or stream into such ditch, channel or canal.

(2) Such fish guards shall have meshes or holes of such dimensions as the Minister may prescribe, and shall be built and maintained by the owner or occupier of such ditch, channel or canal, subject to the approval of the Minister or of such officer as he may appoint to examine it.

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(3) The owner or occupier of such ditch, channel or canal shall maintain such fish guard in a good and efficient state of repair, and shall not permit its removal except for renewal or repair, and during the time such renewal or repair is being effected the sluice or gate at the intake or entrance shall be closed, and the passage of fish into the ditch, channel or canal prevented. 1932, c. 42, s. 28.

29. No one shall catch, fish for, take, buy, sell, possess or export any fish for the purposes of converting it into fish meal, manure, guano, or fertilizer, or for the manufacture or conversion of such fish into oil, fish meal or manure or other fertilizing product, except under authority of the Minister; but the Minister may by notice published in the Canada Gazette, except any kind or kinds of fish from the operation of this section or any part of this section, and may at any time by a notice similarly published, withdraw such exception. 1932, c. 42, s. 29.

30. The eggs or fry of fish on the spawning grounds, shall not at any time be destroyed. 1932, c. 42, s. 30.

31. No one shall leave any port or place in Canada to fish outside the territorial waters of Canada for fish the catching of which is at such time prohibited in the territorial waters of Canada opposite to or nearest the place where such person proposes to fish, and no one shall bring into Canada any fish caught outside the territorial waters of Canada when fishing for such fish is prohibited inside the territorial waters of Canada opposite or nearest to the place where such fish was caught, or shall bring into Canada any vessels, boats, nets, fishing gear, implements or appliances used in such fishing. 1932, c. 42, s. 31.

32. No one shall use a purse seine in any of the waters of Canada, except under licence from the Minister for the taking of salmon, pilchard, herring, smelts, mackerel and pollock. 1932, c. 42, s. 32.

INJURY TO FISHING GROUNDS AND POLLUTION OF WATERS.

33. (1) No one shall throw overboard ballast, coal ashes, stones, or other prejudicial or deleterious substances in any river, harbour or roadstead, or in any water where fishing is carried on, or leave or deposit or cause to be thrown, left or deposited, upon the shore, beach or bank of any water or upon the beach between high and low tides, R.S., 1952.
Offal may be buried offshore, etc.

low water mark, remains or offal of fish, or of marine animals, or leave decayed or decaying fish in any net or other fishing apparatus; such remains or offal may be buried offshore, above high water mark.

(2) No person shall cause or knowingly permit to pass into, or put or knowingly permit to be put, lime, chemical substances or drugs, poisonous matter, dead or decaying fish, or remnants thereof, mill rubbish or sawdust or any other deleterious substance or thing, whether the same is of a like character to the substances named in this section or not, in any water frequented by fish, or that flows into such water, nor on ice over either such waters.

Slash, stumps, etc., prohibited.

(3) No person engaging in logging, lumbering, land clearing or other operations, shall put or knowingly permit to be put, any slash, stumps or other debris into any water frequented by fish or that flows into such water, or on the ice over either such water, or at a place from which it is likely to be carried into either such water. 1932, c. 42, s. 33.

REGULATIONS.

34. (1) The Governor in Council may make regulations
(a) to prevent or remedy the obstruction and pollution of streams;
(b) to regulate and prevent fishing;
(c) to prohibit the destruction of fish or eggs of fish;
(d) to forbid fishing except under authority of leases or licences;
(e) prescribing the time when and the manner in which fish may be fished for and caught;
(f) to prohibit the export of any fish or any portion of any fish from Canada or the taking or carrying of fish or any portion of any fish from any one province of Canada to any other province thereof;
and without restricting the foregoing provisions of this section,
(g) generally as may be necessary for the proper management and regulation of the sea-coast and inland fisheries.

(2) Every offence against any regulation may be stated as in violation of this Act. 1932, c. 42, s. 34.

POWERS OF FISHERY OFFICERS AND OTHER JUSTICES.

35. Any fishery officer or justice of the peace may, on view, convict any person committing any of the offences punishable
punishable under the provisions of this Act, or under any
regulations, and may remove and detain any fish unlaw-
fully caught and any boat, vessel, fishing apparatus or other
materials used in committing any offence or in connection
therewith, or which such fishery officer or justice of the
peace has reason to believe was so used. 1932, c. 42, s. 35.

36. Any fishery officer or justice of the peace may
search, break open and search, or grant a warrant to search,
any house, vessel or place where he has reason to believe
that any fish taken in violation of this Act, or of any regu-
lation, or anything used in violation thereof, is concealed.
1932, c. 42, s. 36.

37. Any fishery officer, fishery guardian or peace officer
may arrest without warrant a person whom he, on reason-
able and probable grounds, believes to have committed an
offence against this Act or any regulation, or whom he
finds committing or preparing to commit an offence against
this Act or any regulation. 1932, c. 42, s. 37.

38. Where any offence under this Act is committed in,
upon or near any waters forming the boundary between
different counties or districts, or fishery districts, such
offence may be prosecuted before any justice of the peace
in either of such counties or districts, or before any fishery
officer for either fishery district. 1932, c. 42, s. 38.

39. Every one who resists or wilfully obstructs any
fishery officer or fishery guardian in the execution of his
duty, or any person acting in aid of such officer or guardian,
is guilty of an offence punishable on indictment, or on
summary conviction, and liable if convicted on indictment
to a term not exceeding two years' imprisonment, and on
summary conviction to a term not exceeding six months' imprisonment with hard labour or to a fine of one hundred
dollars. 1932, c. 42, s. 39.

40. In the discharge of his duties any fishery officer,
fishery guardian or other person or persons accompanying
him or authorized to such effect by the fishery officer, may
enter upon and pass through or over private property with-
out being liable for trespass. 1932, c. 42, s. 40.

41. Disputes between persons relative to fishing limits
or claims to fishery stations, or relative to the position and
use of nets and other fishing apparatus, shall be settled
by the local fishery officer. 1932, c. 42, s. 41.

42. R.S., 1952.
42. Fishery officers may determine or prescribe the distance between each and every fishery and shall forthwith remove any fishing apparatus or materials that the owner neglects or refuses to remove; and such owner is liable for a violation of this Act, and for the cost of removing such apparatus and materials and any damages that may result therefrom. 1932, c. 42, s. 42.

43. The Minister, or any fishery officer duly authorized by the Minister, has power to define the boundaries of tidal waters and estuaries and to designate what is the mouth of any river, stream or other water for the purposes of this Act. 1932, c. 42, s. 43.

44. Gurry grounds may be designated or defined by any fishery officer. 1932, c. 42, s. 44.

45. Any fishery officer, stipendiary magistrate, or commissioned officer of Her Majesty's navy, on board of any vessel belonging to or chartered by the Government of Canada, employed in the service of protecting the fisheries, and every commissioned officer of Her Majesty's navy serving on board of any vessel cruising and being in the waters, harbours or ports of Canada, shall, for the purpose of affording protection to Her Majesty's subjects engaged in the fisheries, and of enforcing any laws relating to such fisheries, have and exercise the powers of a justice of the peace, without property qualification, and without taking any oath of office, in all the waters, where for the time being and for the purposes above described, they are so engaged. 1932, c. 42, s. 45.

46. Property seized by any fishery officer, stipendiary magistrate, or naval officer, acting as aforesaid, may be removed for disposal to the nearest or most convenient port or place where any revenue officer or other public officer empowered to deal with the matter resides. 1932, c. 42, s. 46.

47. (1) Whenever it is impracticable for any fishery officer, stipendiary magistrate or naval officer, acting in such capacity, to cause any prisoner to be conveyed to, and committed to the nearest common gaol, he may detain him on board of the vessel, or transfer him to another vessel for conveyance to and delivery at the most convenient place, and with all convenient despatch, where he can be duly committed into the custody of the sheriff or other officer.
officer of the county or district in which the common gaol is situated to which he is ordered to be committed.

(2) Until such prisoner is so delivered into the immediate custody of any sheriff or gaoler the fishery officer, stipendiary magistrate or naval officer having him in charge, shall have, in all places through which it is necessary to convey such prisoner, the same authority and power in regard to such prisoner, and to command the aid of any of Her Majesty's subjects in preventing his escape, or in retaking him in case of escape, as any county or district sheriff or peace officer has while lawfully conveying a prisoner from one part of his own district to another.

(3) Every such offence shall be deemed to have been committed in the county or district to the common gaol of which the commitment has been actually made. 1932, c. 42, s. 47.

GENERAL.

48. The Minister may authorize to be set apart any river or other water for the natural or artificial propagation of fish. 1932, c. 42, s. 48.

49. Special licences and leases for any term of years may be granted to any person who wishes to plant or form oyster beds in any of the bays, inlets, harbours, creeks or rivers, or between any of the islands on the coast of Canada; and the holder of any such lease or licence has the exclusive right to the oysters produced or found on the beds within the limits of such lease or licence. 1932, c. 42, s. 49.

50. (1) The Governor in Council may, upon such terms and conditions as are agreed upon, authorize the government of any province to grant leases of such areas of the sea coast, bays, inlets, harbours, creeks, rivers and estuaries of such province as the government of such province considers suitable for the cultivation and production of oysters, and any persons to whom such leases are granted by such province, subject to the fishery regulations of Canada, have the exclusive right to the oysters produced or found on the beds within the limits of their respective leases.

(2) In the event of such areas, or any part thereof, being in a public harbour, nothing in this section prejudices the right or title of Canada to the enjoyment and use of such harbour for every purpose other than the cultivation and production of oysters. 1932, c. 42, s. 50.

51. R.S., 1952.
51. (1) Every subject of Her Majesty may use vacant public property, such as by law is common and accessory to public rights of fishery and navigation for the purpose of landing, salting, curing and drying fish, and may cut wood thereon for such purposes, and no other person shall occupy the same station unless it has been abandoned by the first occupant for twelve consecutive months; and at the expiration of that period any new occupier shall pay the value of the flakes and stages and other property thereon, of which he takes possession, or the buildings and improvements may be removed by the original owner.

(2) No property leased or licensed shall be deemed vacant. 1932, c. 42, s. 51.

52. The owner or manager of every fish curing or canning establishment or fresh fish business, and the captain or owner of every fishing vessel, and the owner of every fishing boat, fishing trap, weir or other fishing instrument in Canada, shall, at the request of the Minister or a fishery officer, furnish a true return, covering the period specified by the Minister or such fishery officer, containing the whole or any one or more of the following particulars:

(a) all fish caught;
(b) all fish bought;
(c) all fish packed or canned;
(d) the value of the fish caught, bought, packed or canned;
(e) the number of fishermen employed and their nationality;
(f) the number of shore workers employed;
(g) the number and value of the fishing vessels and boats employed;
(h) the quantity and value of fishing gear used;
(i) the number and value of buildings and fixtures used; and
(j) such other details and particulars as may be required by the Minister or such fishery officer. 1932, c. 42, s. 52.

53. (1) No dory, flat or other boat whatsoever shall set out from any vessel engaged in deep-sea or bank fishing or be launched therefrom for the purpose of fishing with hooks and lines, trawls or other similar appliances, or with intent that the same shall be used in so fishing, or for the purpose of examining trawls, set lines or other similar appliances for fishing, unless there is placed in such boat,
to be retained therein during absence from such vessel, a mariner’s compass, nor unless there is placed in such boat at least two quarts of drinking water and two pounds of solid food for each man of the crew of such boat.

(2) The owner of such vessel shall supply her at the commencement of her voyage with as many serviceable mariner’s compasses as she carries boats, in addition to the vessel’s compass, and also with the necessary utensils for holding water and with a serviceable fog-horn or trumpet.

(3) No collector or other Customs officer shall grant a clearance to such vessel or allow her to go to sea unless the master thereof has a certificate from a fishery officer or other person authorized by the Minister to give such certificates that the vessel is properly equipped with a mariner’s compass and suitable utensils for holding water for each boat carried by her and with a serviceable fog-horn or trumpet. 1932, c. 42, s. 53.

OFFENCES AND PENALTIES.

54. Every owner or manager of a lobster factory or canning establishment who neglects by the date fixed by the Minister for that purpose, to send to or furnish the fishery officer for the district on the form prescribed by the Minister a statement under oath, showing

(a) the number of fishermen employed, and of the lobster traps used in connection with his factory or canning establishment;

(b) the number of persons employed in such factory or canning establishment, distinguishing the sexes;

(c) the number of cases of lobsters, and the weights thereof, packed during the legal lobster fishing season last concluded and ended; and

(d) such other details and particulars as are required by the Minister;

is liable to a penalty of not less than one hundred dollars and costs, and not more than four hundred dollars and costs. 1932, c. 42, s. 55.

55. (1) Every person is guilty of an offence, and shall incur therefor a penalty of not less than one hundred dollars and not more than two thousand dollars, recoverable with costs upon summary conviction, who at any time, except under licence from the Minister,

(a) with intent to fish or to cause any other person to fish with a vessel that uses an "otter" or other trawl of a similar nature for catching fish in the sea.
Bringing in fish caught beyond territorial waters.

(b) knowingly brings into Canada any fish taken or caught in the sea beyond the territorial waters of Canada with any vessel that uses an “otter” or other trawl of a similar nature, or any vessel that uses an “otter” or other trawl of a similar nature for catching fish in the sea beyond the territorial waters of Canada, if the leaving or departure from Canada of such vessel constituted an offence under this section, and the fish or vessel so brought in shall be confiscated to Her Majesty for violation of this Act, in the manner provided by section 64.

Vessels to be registered.

(2) No such vessel shall carry on fishing operations from or to any Canadian port or ports, unless such vessel is registered as a British ship in Canada and is owned by a Canadian or by a body corporate incorporated under the laws of Canada or of one of the provinces thereof, and having its principal place of business in Canada.

Fishing restricted to 12 mile limit.

(3) No such vessel shall carry on fishing operations from or to any Canadian port or ports, unless it restricts its fishing operations to waters that are at least twelve miles distant from the nearest shore on the Atlantic sea coast of Canada; the proof that such fishing operations are so restricted at all times lies on the captain of the vessel; but this subsection does not apply to small draggers operated by inshore fishermen if exempted from the provisions of this subsection by special permit which the Minister is hereby authorized to issue for that purpose; and in the application of this subsection to the coasts of Newfoundland the words “three miles” shall be substituted for the words “twelve miles”.

Exception.

Licences.

(4) The Minister may determine the number of such vessels that shall be eligible to be licensed.

Regulations.

(5) Regulations may be made under the provisions of section 34

(a) prescribing the form of licence;

(b) specifying the evidence to be submitted with an application for a licence;

(c) fixing the conditions under which a licence shall be issued; and

(d) making any other provisions respecting licences.

Burden of proof.

(6) The burden of proving absence of intent or knowledge, when intent or knowledge is necessary to constitute an offence under this section, lies upon the person accused.

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and intent or knowledge shall be presumed unless negativ
by proof. 1932, c. 42, s. 56; 1934, c. 6, s. 1; 1949, c. 6, s. 27.

56. Every owner or occupier of a slide, dam or other
obstruction across or in any stream,

(a) where the Minister determines it to be necessary for
the public interest that a canal around a dam or a
fish-pass therein, should exist, who, after three days' notice in writing, neglects or refuses to provide a
durable and efficient fishway or canal, or who neglects or refuses to maintain the same in a good and effective
condition in such place and of such form and capacity as will admit of the passage of fish;

(b) where the Minister requires the installation and
maintenance of such fish stops or diverters as will in
his opinion be adequate to prevent the destruction of
fish and to assist in providing for their ascent, who
after three days' notice in writing, neglects or refuses
to provide the same; or

(c) where the Minister determines it to be necessary to
provide a sufficient flow of water over the spillway or
crest, with connecting sluices into the river below,
to permit the safe and unimpeded descent of fish, who
after three days' notice in writing, neglects or refuses
to provide such

is liable to a penalty of not less than four dollars and
not more than twenty dollars for each day or part of a day
during which such notice is not complied with. 1932,
c. 42, s. 57.

57. (1) Where the Minister determines that the pro-
vision, which he deems necessary for the public interest,
of an efficient fishway or canal around any slide, dam or
other obstruction is not feasible or that the spawning areas
above such slide, dam or other obstruction are destroyed
by reason of any such obstruction, the owner or occupier
of any such slide, dam or other obstruction shall from time
to time pay to the Receiver General such lump sum or
annual sum of money as may be assessed against him by
the Minister for the purpose of constructing, operating and
maintaining such complete hatchery establishment as will,
in the opinion of the Minister, meet the requirements for
maintaining the annual return of migratory fish.

(2) Such lump sum or annual sum shall be payable at
such time or times as the Minister may direct and may be
sued for and recovered with full costs of suit in the
Exchequer Court of Canada. 1939, c. 44, s. 2.

58. R.S., 1952.
58. Every person who hunts or kills fish or marine animals of any kind, other than porpoises, whales, walruses, sea lions and hair seals, by means of rockets, explosive materials or explosive projectiles or shells, is liable to a penalty of not less than one hundred dollars and costs, or to imprisonment for not less than three months, or both, and not more than five hundred dollars and costs or to imprisonment for six months or both. 1932, c. 42, s. 58.

59. In the Provinces of British Columbia, Manitoba, Saskatchewan and Alberta, and in the Northwest Territories and the Yukon Territory every owner of a ditch, channel or canal constructed or adapted for conducting water from any lake, river or stream for irrigating, manufacturing, domestic or other purposes, who

(a) neglects or refuses to provide and maintain in a good and sufficient state of repair at its entrance or intake a fishguard or a metal or wire grating, covering or netting with meshes of such dimensions as the Minister may prescribe, approved by the Minister or such officer as he from time to time appoints to examine it, and so fixed as to prevent the passage of fish from any lake, river or stream into such ditch, channel or canal;

(b) permits the removal of such fishguard, grating or netting, except for renewal or repair; or

(c) during the time such renewal or repair is being effected, neglects or refuses to close the sluice or gate at the intake or entrance of such ditch, channel or canal, so as to prevent the passage of fish into such ditch, channel or canal;

is, after three days' notice in writing from the Minister, or from a fishery officer, liable to a penalty of not less than four dollars and not more than twenty dollars for each day or part of a day during which such ditch, channel or canal remains unprovided with such duly approved, and properly maintained netting, grating or fishguard or closed as the case may be. 1932, c. 42, s. 59.

60. Every one who, contrary to the provisions of this Act throws overboard ballast, coal ashes, stones or other prejudicial or deleterious substances in any river, harbour or roadstead or any water where fishing is carried on, or leaves or deposits or causes to be thrown, left or deposited, upon the shore, beach or bank of any water, or upon the beach between high and low water mark, remains or offal of fish or of marine animals, or leaves decayed or decaying fish in any net or other fishing apparatus, is liable, for each
each offence, to a penalty not less than twenty dollars and costs and not more than one hundred dollars and costs, or to imprisonment for a term not exceeding two months; and every one so offending, whether master or servant, and the master or owner of any vessel or boat from which such ballast or offal, or other prejudicial substance is thrown, is liable to penalty and imprisonment as aforesaid for each offence. 1932, c. 42, s. 60.

61. Every person who causes or knowingly permits to pass into, or puts or knowingly permits to be put, lime, chemical substances or drugs, poisonous matter, dead or decaying fish, or remnants thereof, mill rubbish or sawdust or any other deleterious substance or thing, whether the same is of the like character to the substances named in this section or not, in any water frequented by fish, is liable, for the first offence, to a penalty of twenty dollars and costs, for the second offence, to a penalty of not less than forty dollars and costs, and not more than eighty dollars and costs, and also in addition thereto a further penalty of not less than ten dollars and not more than twenty dollars for every day during which such offence is continued; and for the third or any subsequent offence, to a penalty of not less than one hundred dollars and costs, and not more than two hundred dollars and costs, and also in addition thereto a further penalty not exceeding twenty dollars for every day during which such offence is continued. 1932, c. 42, s. 61.

62. Every person who wilfully destroys or injures any place set apart under the authority of the Minister for the propagation of fish, or who fishes therein without written permission from a fishery officer, or uses therein any fishing light or other implement for fishing during the period for which such waters are so set apart, is liable to a penalty of not less than fifty dollars and costs and not more than two hundred dollars and costs, and, in default of payment, to imprisonment for a term not less than six months, and not more than twelve months or both. 1932, c. 42, s. 62.

63. (1) The owner of any vessel who (a) permits any dory, flat or other boat whatsoever to set out from any vessel engaged in deep-sea or bank fishing, or to be launched therefrom for the purpose of fishing with hooks and lines, trawls, or other similar appliances, or with intent that the same shall be used in so fishing, or for the purpose of examining trawls, 185

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set lines or other similar appliances for fishing without there being placed in such boat to be retained therein during absence from such vessel, a mariner’s compass, and at least two quarts of drinking water and two pounds of solid food for each man of the crew of such boat; or

(b) fails to supply any vessel by him so engaged in deep-sea or bank fishing, at the commencement of her voyage with as many serviceable mariner’s compasses as she carries boats, in addition to the vessel’s compass and also with the necessary utensils for holding water and with a serviceable fog-horn or trumpet;

is guilty of an offence against this Act, and is liable for each offence to a penalty of not less than two hundred dollars and costs and not more than five hundred dollars and costs, or to imprisonment for a term not less than six months and not exceeding twelve months, or both.

(2) The master of any such vessel from which a boat is launched or sets out in contravention of the provisions of this section is also guilty of an offence against this Act, and is liable therefor to a penalty of not less than one hundred dollars and costs and not more than two hundred and fifty dollars and costs, or to imprisonment for a term not less than six months, or to both.

(3) The owner and master of any such vessel that goes to sea or attempts to go to sea without first obtaining and exhibiting to the collector or other proper Customs officer a certificate from a fishery officer or other person authorized by the Minister to grant such certificates that the vessel is properly equipped with a mariner’s compass and suitable utensils for holding water for each boat carried by her and with a serviceable fog-horn or trumpet, are each guilty of an offence against this Act and are each liable therefor to a penalty of not less than one hundred dollars and costs and not more than two hundred dollars and costs or to imprisonment for a term not exceeding six months. 1932, c. 42, s. 63.

64. All vessels, boats, canoes, rafts, vehicles of any description, nets, fishing gear, materials, implements or appliances used in violation of this Act or any regulation, or in connection with which a violation of this Act or any regulation, is committed and any fish, taken, caught, killed, conveyed, bought, sold or had in possession in violation of this Act or any regulation, and all other fish, otherwise legally
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legally taken, caught, killed, conveyed, bought, sold or had in possession and of whatever size and description, which are intermixed therewith, shall be confiscated to Her Majesty and may be seized and confiscated, on view, by any fishery officer, or taken and removed by any person for delivery to any fishery officer or justice of the peace. 1932, c. 42, s. 64.

65. Should any nets, seines, or other fishing apparatus be set or used in violation of this Act or any regulation for more than one day, then each day during which such seines, nets, or other fishing apparatus remain so set or used constitutes a separate offence, and may be punished accordingly; and should any other violation of this Act, or of any regulation, continue for more than one day, then each day during which such violation continues constitutes a separate offence, and may be punished as such. 1932, c. 42, s. 65.

66. Except as herein otherwise provided, every one who violates or prepares to violate any provision of this Act, or any regulation, is liable to a penalty of not more than one thousand dollars and costs, and, in default of payment, to imprisonment for a term not exceeding twelve months, or to both. 1932, c. 42, s. 66.

67. When not otherwise specified every proprietor, owner, agent, tenant, occupier, partner or person actually in charge, either as occupant or servant, shall be deemed to be jointly and severally liable for any penalties or moneys recovered under any of the provisions of this Act, or of any regulation. 1932, c. 42, s. 67.

68. Any fishery officer or fishery guardian, who violates this Act or any regulation, or who aids, abets or connives at any violation of this Act or of any regulation, is liable upon summary conviction before any recorder, commissioner of police, judge of the sessions of the peace, police, stipendiary or district magistrate or any two justices of the peace, to a penalty not exceeding five hundred dollars and costs or six months' imprisonment and not less than one hundred dollars and costs or three months' imprisonment. 1932, c. 42, s. 68.

MODE OF RECOVERY.

69. (1) Every penalty or forfeiture imposed by this Act or by any regulation, may be recovered or enforced on parole complaint, before any fishery officer, stipendiary magistrate or justice of the peace, in a summary manner.

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Service of summons.

(2) Three days shall elapse between the service and the return day of the summons to any defendant served within fifteen miles, and one day more for each additional fifteen miles of the distance between the place at which the summons is issued and the place of service; but where it is expedient to proceed against a defendant without delay, any fishery officer or justice of the peace may issue a summons, returnable immediately, to compel the defendant to appear before him forthwith or may issue a warrant for the apprehension of such defendant simultaneously with the summons. 1932, c. 42, s. 69.

Limitation of suits.

70. Penalties incurred under this Act, or any regulation, shall be sued for within two years from the commission of the offence. 1932, c. 42, s. 70.

Distress of defendant's goods if any.

71. Where any defendant has goods and chattels whereon the costs may be levied, the complainant may, under the warrant of any fishery officer or other justice of the peace, distrain for the amount thereof, notwithstanding the imprisonment of the person convicted. 1932, c. 42, s. 71.

FORM OF PROCEDURE.

Form of procedure.

72. Except in so far as in this Act is otherwise specially provided all penalties and forfeitures incurred under this Act or under any regulation are recoverable and enforceable by summary proceedings taken under the provisions of the Criminal Code relating to summary convictions. 1932, c. 42, s. 72.

No quashing for want of form.

73. No proceeding or conviction under this Act or under any regulation under it shall be set aside or quashed on certiorari or otherwise for irregularity or defect in form, and no warrant of arrest or commitment shall be held void by reason of any defect therein, if it is therein alleged that the defendant has been convicted, and there is a good and valid conviction to sustain the same. 1932, c. 42, s. 73.

APPLICATIONS OF FINES AND FORFEITURES.

Fines and forfeitures.

74. The Governor General in Council may prescribe the manner in which the proceeds of penalties and the proceeds of the sale of confiscated articles shall be distributed. 1932, c. 42, s. 74.

Appeal in case of grievance by conviction.

75. Persons aggrieved by any conviction for any offence under this Act may appeal by petition to the Minister, 2932

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who may remit penalties and restore forfeitures under this Act; but when a conviction takes place or an order is made by a justice of the peace or fishery officer for the payment of money or dismissing an information or complaint under this Act, nothing in this section prevents any person who thinks himself aggrieved by any such conviction or order or dismissal, the prosecutor or complainant, as well as the defendant, from the right of appeal that he has under the provisions of the Criminal Code relating to summary convictions. 1932, c. 42, s. 75.

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EDMOND CLOUTIER, C.M.G., O.A., D.S.P.
QUEEN'S PRINTER AND CONTROLLER OF STATIONERY
OTTAWA, 1952
CHAPTER 120.

An Act for the Support of the Prices of Fisheries Products during the transition from War to Peace.

SHORT TITLE.

1. This Act may be cited as the *Fisheries Prices Support Act*. 1944-45, c. 42, s. 1.

INTERPRETATION.

2. In this Act, 
   (a) "fisheries product" means any natural product of the commercial fisheries of Canada designated by the Governor in Council and includes any product derived therefrom, if so designated; 
   (b) "Board" means the Fisheries Prices Support Board established under this Act; and 
   (c) "Minister" means the Minister of Fisheries. 1944-45, c. 42, s. 2.

FISHERIES PRICES SUPPORT BOARD.

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

   (2) The Board is a body corporate and politic and shall be deemed to be, for the purposes of this Act, the agent of Her Majesty in right of Canada. 

   (3) The Board has the capacity to contract and to sue and be sued in the name of the Board. 

   (4) Actions, suits or other legal proceedings in respect of any right or obligation acquired or incurred by the Board on behalf of Her Majesty, whether in its name or in the name of Her Majesty, may be brought or taken by or against the Board, in the name of the Board in any court that would have jurisdiction if the Board were not an agent of Her Majesty.

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(5) Each member of the Board shall be paid such sum for his services as the Governor in Council may from time to time determine.

(6) Three members of the Board constitute a quorum.

(7) The chairman, and in his absence the vice-chairman, shall preside at the meetings of the Board.

(8) In all meetings of the Board, the votes of the majority of the members govern.

(9) Where any member by reason of any temporary incapacity, is unable at any time to perform the duties of his office, the Governor in Council may appoint a temporary substitute member upon such terms and conditions as the Governor in Council may prescribe.

(10) Before any member enters upon the execution of his duties he shall take and subscribe before the Clerk of the Privy Council an oath of office which shall be filed in the office of the said Clerk.

(11) The head office of the Board shall be in the City of Ottawa, in the Province of Ontario, but meetings of the Board may be held at such other places as the Board may decide. 1944-45, c. 42, s. 3; 1949, c. 6, s. 42; 1950, c. 51, s. 10.

4. The Board may, with the approval of the Governor in Council, employ such professional, technical or other officers, clerks and employees, as it may deem necessary for the proper conduct of its business, and fix their remuneration. 1944-45, c. 42, s. 4.

5. (1) Notwithstanding anything in the Civil Service Act, the Civil Service Superannuation Act, or any other Act of the Parliament of Canada, a civil servant who, at the time of his appointment or employment under or pursuant to the provisions of this Act, is a contributor under the provisions of the Civil Service Superannuation Act, continues to be a contributor under the said Act; his service under this Act shall be counted as service in the civil service for the purposes of the Civil Service Superannuation Act, and he, his widow and children or other dependants, if any, are eligible to receive the respective allowances or gratuities provided by the said Act; and in the event of his being retired from his office or position under this Act for any reason other than that of misconduct, he is eligible for re-appointment in the civil service or to receive the same benefits under the Civil Service Superannuation Act as if his office or position had been abolished.

(2) Any member or employee of the Board, who at the time of his appointment or employment under or pursuant to the provisions of this Act, holds a position in the civil service, or is an employee within the meaning of the Civil Service Act, continues to retain and to be eligible to receive all the benefits, except salary, as a civil servant, that he would have been eligible to receive had he remained under that Act. 1944-45, c. 42, s. 5.

6. All property acquired or held by the Board shall be vested in Her Majesty in right of Canada. 1944-45, c. 42, s. 6.

7. The Board shall, within three months after the termination of each fiscal year, submit to the Minister an annual report of expenditures incurred and proceedings taken under the Act in such form as he may prescribe, and the Minister shall lay the same before Parliament forthwith or, if Parliament is not then sitting, within fifteen days after the commencement of the next ensuing session. 1944-45, c. 42, s. 7.

8. Subject to the provisions of this Act, the Board is subject to the provisions of the Financial Administration Act. 1944-45, c. 42, s. 8.

POWERS OF THE BOARD.

9. (1) For the purposes of this Act the Board shall, subject to and in accordance with the regulations of the Governor in Council, have authority

(a) to prescribe from time to time with the approval of the Governor in Council prices at which the Board may purchase fisheries products;

(b) to purchase directly or by means of agents at such prices any fisheries product if such product on inspection meets standards as to grade and quality prescribed by or under any Act of the Parliament of Canada, but any fisheries product for which Dominion Government standards have not been established may be purchased by the Board or its agents on such basis of quality as the Board may designate;

(c) to pay to the producer of a fisheries product directly or through such agent as the Board may determine the difference between a price prescribed by the Board with the approval of the Governor in Council for such fisheries product and the average price as determined by the Board at which such product is sold during a specified period if such average price is below such prescribed price;

(d) to apply.
(d) to sell or otherwise dispose of, directly or by means of agents, any fisheries product purchased by the Board;

(e) to package, process, store, ship, transport or export, directly or by means of agents, any fisheries product;

(f) to enter into contracts or appoint agents to do anything authorized under this Act;

(g) to purchase at market or contract prices and export any fisheries product under any contract or agreement between Her Majesty in right of Canada and any other government or agency thereof, and to do all things necessarily incidental thereto;

(h) to purchase at the request of any department of the Government of Canada any fisheries product required by such department;

(i) to appoint Commodity Boards or other agents to undertake the purchase and the disposition of fisheries products, but any boards appointed under this paragraph shall include representatives of the primary producers; and

(j) to appoint a committee, or committees, to assist the Board in an advisory capacity.

To maintain returns from fisheries.

(2) In prescribing prices under paragraphs (a) and (c) of subsection (1), the Board shall endeavour to ensure adequate and stable returns for fisheries by promoting orderly adjustment from war to peace conditions and shall endeavour to secure a fair relationship between the returns from fisheries and those from other occupations. 1944-45, c. 42, s. 9.

Expenses.

10. (1) The Board may out of moneys appropriated by Parliament for the purpose pay all necessary administrative expenses including reasonable travelling and living expenses of members of any Commodity Board or advisory committee or persons whose services may be temporarily required by the Board, while such members or persons are engaged in the work of the Board.

(2) Expenditures for the purpose of this Act other than administrative expenses provided for under subsection (1), shall be paid by the Minister of Finance on the requisition of the Board, out of unappropriated moneys in the Consolidated Revenue Fund, under and by virtue of the authority of the Governor in Council on the recommendation of the Treasury Board in an amount not to exceed in the aggregate twenty-five million dollars.

R.S., 1952.
(3) There shall be kept by the Minister of Finance an account called the Fisheries Prices Support Account to which shall be charged all expenditures by the Board other than the aforesaid administrative expenditures, and to which shall be credited all proceeds of sale of fisheries products, which proceeds shall be available in the Account to pay for further expenditures of the Board; the net operating profit of the Board in each fiscal year, as reflected in the said Account, shall be deposited to the credit of the Consolidated Revenue Fund, as revenue; and the net operating loss in any fiscal year may be recouped to the said Account from moneys appropriated by Parliament for the purpose.

(4) In determining net operating profits and losses inventory shall be valued at actual cost thereof. 1944-45, c. 42, s. 10.

11. The Governor in Council may make such regulations as may be necessary for the efficient enforcement and operation of this Act and for carrying out the provisions thereof according to their true intent and meaning. 1944-45, c. 42, s. 11.
CHAPTER 121.

An Act to establish The Fisheries Research Board of Canada.

SHORT TITLE.

1. This Act may be cited as the Fisheries Research Board Act. 1937, c. 31, s. 1.

INTERPRETATION.

2. In this Act,

(a) “Board” means “The Fisheries Research Board of Canada”;

(b) “Minister” means the Minister of Fisheries;

(c) “Department” means the Department of Fisheries.

Definitions.

1937, c. 31, s. 2.

3. There shall be a body to be called “The Fisheries Research Board of Canada” which shall be under the control of the Minister. 1937, c. 31, s. 3.

4. The Board shall consist of fifteen members appointed by the Minister as follows: two from the Department, two representing the fishery industry on the Atlantic coast, two representing the fishery industry on the Pacific coast, and nine scientists selected from a list including nominations which may be made by any Canadian University whose staff embraces scientists engaged in research work in any way bearing upon fishery problems; for subsequent appointments of scientific members a list including nominations as aforesaid shall be supplied to the Minister by the Board. 1937, c. 31, s. 4.

5. Members shall be appointed for a term of five years, and a retiring member is eligible for re-appointment. 1937, c. 31, s. 5.

Duration of office.

6. The Board has charge of all Dominion fishery research stations in Canada, and has the conduct and control of investigations of practical and economic problems connected with marine and fresh water fisheries, flora and fauna, and such other work as may be assigned to it by the Minister. 1937, c. 31, s. 6.

7. The Board shall meet annually at the City of Ottawa, and at such meetings shall elect one member to be Chairman and another to be Vice-Chairman, each of whom shall hold office until the next annual meeting; other meetings of the Board may be held at such places and at such times as are necessary for the work of the Board. 1947, c. 61, s. 1.

8. The Board may make by-laws for the conduct of its business, but no by-law shall be in force until it is approved by the Governor in Council. 1947, c. 61, s. 1.

9. (1) Except as in this Act otherwise provided no member of the Board shall receive payment or emolument for his services as such, but each member shall receive such payments for his travelling and other expenses in connection with the work of the Board as may be approved by the Governor in Council.

(2) The Chairman, if not an officer of the Department, and the Vice-Chairman, if not an officer of the Department, may be paid such emolument as the Board with the approval of the Minister decides. 1947, c. 61, s. 1.

10. (1) The Governor in Council shall designate one of the members appointed from the Department to be the Executive Director of the Board.

(2) The Executive Director shall be the chief administrative officer of the Board and shall perform such duties as the Board with the approval of the Minister prescribes and shall also be the secretary of the Board.

(3) The Executive Director shall be paid, out of the moneys appropriated by Parliament for the work of the Board, such salary as the Governor in Council may fix. 1947, c. 61, s. 2.

11. The Board may, subject to the approval of the Minister, employ such scientific, technical and other officers and employees as may be necessary for the proper performance of the Board's work, fix the tenure of their appointments and their remuneration, and prescribe their several duties. 1947, c. 61, s. 2.

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12. (1) Notwithstanding anything in the *Civil Service Application of Civil Act*, the *Civil Service Superannuation Act* or any other Act of the Parliament of Canada, a person who, immediately prior to his appointment or employment under this Act, was a contributor under the *Civil Service Superannuation Act*, while holding office under this Act, continues to be a contributor under the *Civil Service Superannuation Act*; for the purposes of the *Civil Service Superannuation Act*, his service under this Act shall be counted as service in the civil service and he, his widow and children or other dependants, if any, or his legal representatives may be granted the respective allowances or gratuities provided by the *Civil Service Superannuation Act*; and in the event of his being retired from his office or position under this Act for any reason other than that of misconduct, he is eligible for re-appointment in the civil service or to receive the same benefits under the *Civil Service Superannuation Act* as he might have been granted if he were retired under like circumstances from a position in the civil service.

(2) Any member or employee of the Board, who at the time of his appointment or employment under this Act, holds a position in the civil service, or is an employee within the meaning of the *Civil Service Act*, continues to retain and to be eligible for all the benefits, except salary, as a civil servant, that he would have been eligible to receive had he remained under that Act. 1947, c. 61, s. 2.

13. All receipts and expenditures of the Board are subject to examination and audit by the Auditor General. 1937, c. 31, s. 10.

14. From the moneys appropriated by Parliament for the work of the Board, or which the Board may receive through bequest, donation or the sale of natural history specimens or from any other source, the Board shall expend such sums as are necessary for its work. 1947, c. 61, s. 3.

15. The Board shall make a report upon the work done by it to the Minister as soon as possible after the close of each fiscal year. 1937, c. 31, s. 12.
CHAPTER 122.

An Act for carrying into effect the Agreement for a Food and Agriculture Organization of the United Nations between Canada and certain other Nations and Authorities.

WHEREAS the United Nations Interim Commission on Food and Agriculture was constituted in July, 1943, to prepare a plan for a permanent international organization for food and agriculture, which plan is embodied in an Agreement, set out in the Schedule, establishing the Constitution of the Food and Agriculture Organization of the United Nations to be signed and come into force as soon as twenty nations have notified their acceptance of the Constitution;

AND WHEREAS Canada is transmitting an instrument of acceptance of the Constitution to the Interim Commission on Food and Agriculture, and it is expedient that the Governor in Council should have power to do all such things as may be proper and expedient for giving effect to the Agreement: 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 Food and Agriculture Organization of the United Nations Act. 1945, c. 4, s. 1.

2. (1) The Constitution of the Food and Agriculture Organization is hereby approved.

(2) The Governor in Council may make such appointments, establish such offices, make such orders in council and do such things as appear to him to be necessary for carrying out the provisions of the Constitution set out in the Schedule.

2945 (3) R.S., 1952.
Chap. 122.  Food and Agriculture of the U.N.  Sch.

(3) All expenditures incurred in carrying out the provisions of subsection (2) shall be defrayed out of moneys provided by Parliament. 1945, c. 4, s. 2.

3. The Secretary of State for External Affairs shall prepare and lay before Parliament a report of operations under this Act as soon as practicable after the close of each fiscal year, but in any event within thirty days after the end of each fiscal year, or, if Parliament is not then sitting, within thirty days after the commencement of the next ensuing session. 1945, c. 4, s. 3.

SCHEDULE

CONSTITUTION

of the

FOOD AND AGRICULTURE ORGANIZATION OF

THE UNITED NATIONS

PREAMBLE—

The Nations accepting this Constitution, being determined to promote the common welfare by furthering separate and collective action on their part for the purposes of:

raising levels of nutrition and standards of living of the peoples under their respective jurisdictions,

securing improvements in the efficiency of the production and distribution of all food and agricultural products,

betering the condition of rural populations,

and thus contributing toward an expanding world economy,

hereby establish the Food and Agriculture Organization of the United Nations, hereinafter referred to as the "Organization", through which the Members will report to one another on the measures taken and the progress achieved in the fields of action set forth above.

ARTICLE I (FUNCTIONS OF THE ORGANIZATION)

1. The Organization shall collect, analyze, interpret, and disseminate information relating to nutrition, food and agriculture.

2. The Organization shall promote and, where appropriate, shall recommend national and international action with respect to:

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(a) scientific, technological, social, and economic research relating to nutrition, food and agriculture;

(b) the improvement of education and administration relating to nutrition, food and agriculture, and the spread of public knowledge of nutritional and agricultural science and practice;

(c) the conservation of natural resources and the adoption of improved methods of agriculture production;

(d) the improvement of the processing, marketing, and distribution of food and agricultural products;

(e) the adoption of policies for the provision of adequate agricultural credit, national and international;

(f) the adoption of international policies with respect to agricultural commodity arrangements.

3. It shall also be the function of the Organization:

(a) to furnish such technical assistance as governments may request;

(b) to organize, in co-operation with the governments concerned, such missions as may be needed to assist them to fulfill the obligations arising from their acceptance of the recommendations of the United Nations Conference on Food and Agriculture; and

(c) generally to take all necessary and appropriate action to implement the purposes of the Organization as set forth in the Preamble.

ARTICLE II (MEMBERSHIP)

1. The original Members of the Organization shall be such of the nations specified in Annex I as accept this Constitution in accordance with the provisions of Article XXI.

2. Additional Members may be admitted to the Organization by a vote concurred in by a two-thirds majority of all the members of the Conference and upon acceptance of this Constitution as in force at the time of admission.

ARTICLE III (THE CONFERENCE)

1. There shall be a Conference of the Organization in which each Member nation shall be represented by one member.

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2. R.S., 1952.
2. Each Member nation may appoint an alternate, associates, and advisers to its member of the Conference. The Conference may make rules concerning the participation of alternates, associates, and advisers in its proceedings, but any such participation shall be without the right to vote except in the case of an alternate or associate participating in the place of a member.

3. No member of the Conference may represent more than one Member nation.

4. Each Member nation shall have only one vote.

5. The Conference may invite any public international organization which has responsibilities related to those of the Organization to appoint a representative who shall participate in its meetings on the conditions prescribed by the Conference. No such representative shall have the right to vote.

6. The Conference shall meet at least once in every year.

7. The Conference shall elect its own officers, regulate its own procedure, and make rules governing the convocation of sessions and the determination of agenda.

8. Except as otherwise expressly provided in this Constitution or by rules made by the Conference, all matters shall be decided by the Conference by a simple majority of the votes cast.

ARTICLE IV (FUNCTIONS OF THE CONFERENCE)

1. The Conference shall determine the policy and approve the budget of the Organization and shall exercise the other powers conferred upon it by this Constitution.

2. The Conference may by a two-thirds majority of the votes cast make recommendations concerning questions relating to food and agriculture to be submitted to Member nations for consideration with a view to implementation by national action.

3. The Conference may by a two-thirds majority of the votes cast submit conventions concerning questions relating to food and agriculture to Member nations for consideration with a view to their acceptance by the appropriate constitutional procedure.

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4. The Conference shall make rules laying down the procedure to be followed to secure:

(a) proper consultation with governments and adequate technical preparation prior to consideration by the Conference of proposed recommendations and conventions; and

(b) proper consultation with governments in regard to relations between the Organization and national institutions or private persons.

5. The Conference may make recommendations to any public international organization regarding any matter pertaining to the purpose of the Organization.

6. The Conference may by a two-thirds majority of the votes cast agree to discharge any other functions consistent with the purposes of the Organization which may be assigned to it by governments or provided for by any arrangement between the Organization and any other public international organization.

ARTICLE V (THE EXECUTIVE COMMITTEE)

1. The Conference shall appoint an Executive Committee consisting of not less than nine or more than fifteen members or alternate or associate members of the Conference or their advisers who are qualified by administrative experience or other special qualifications to contribute to the attainment of the purpose of the Organization. There shall be not more than one member from any Member nation. The tenure and other conditions of office of the members of the Executive Committee shall be subject to rules to be made by the Conference.

2. Subject to the provisions of paragraph 1 of this Article, the Conference shall have regard in appointing the Executive Committee to the desirability that its membership should reflect as varied as possible an experience of different types of economy in relation to food and agriculture.

3. The Conference may delegate to the Executive Committee such powers as it may determine, with the exception of the powers set forth in paragraph 2 of Article II, Article IV, paragraph 1 of Article VII, Article XIII, and Article XX of this Constitution.

4. The members of the Executive Committee shall exercise the powers delegated to them by the Conference on behalf of the whole Conference and not as representatives of their respective governments.
5. The Executive Committee shall appoint its own officers, and subject to any decisions of the Conference, shall regulate its own procedure.

ARTICLE VI (OTHER COMMITTEES AND CONFERENCES)

1. The Conference may establish technical and regional standing committees and may appoint committees to study and report on any matter pertaining to the purpose of the Organization.

2. The Conference may convene general, technical, regional, or other special conferences and may provide for the representation at such conferences, in such manner as it may determine, of national and international bodies concerned with nutrition, food and agriculture.

ARTICLE VII (THE DIRECTOR-GENERAL)

1. There shall be a Director-General of the Organization who shall be appointed by the Conference by such procedure and on such terms as it may determine.

2. Subject to the general supervision of the Conference and its Executive Committee, the Director-General shall have full power and authority to direct the work of the Organization.

3. The Director-General or a representative designated by him shall participate, without the right to vote, in all meetings of the Conference and of its Executive Committee and shall formulate for consideration by the Conference and the Executive Committee proposals for appropriate action in regard to matters coming before them.

ARTICLE VIII (STAFF)

1. The staff of the Organization shall be appointed by the Director-General in accordance with such procedure as may be determined by rules made by the Conference.

2. The staff of the Organization shall be responsible to the Director-General. Their responsibilities shall be exclusively international in character and they shall not seek or receive instructions in regard to the discharge thereof from any authority external to the Organization. The Member nations undertake fully to respect the international character of the responsibilities of the staff and not to seek to influence any of their nationals in the discharge of such responsibilities.

R.S., 1952.
3. In appointing the staff the Director-General shall, subject to the paramount importance of securing the highest standards of efficiency and of technical competence, pay due regard to the importance of selecting personnel recruited on as wide a geographical basis as is possible.

4. Each Member nation undertakes, in so far as it may be possible under its constitutional procedure, to accord to the Director-General and senior staff diplomatic privileges and immunities and to accord to other members of the staff all facilities and immunities accorded to non-diplomatic personnel attached to diplomatic missions, or alternatively to accord to such other members of the staff the immunities and facilities which may hereafter be accorded to equivalent members of the staffs of other public international organizations.

ARTICLE IX (SEAT)

The seat of the Organization shall be determined by the Conference.

ARTICLE X (REGIONAL AND LIAISON OFFICES)

1. There shall be such regional offices as the Director-General with the approval of the Conference may decide.

2. The Director-General may appoint officials for liaison with particular countries or areas subject to the agreement of the Government concerned.

ARTICLE XI (REPORTS BY MEMBERS)

1. Each Member nation shall communicate periodically to the Organization reports on the progress made toward achieving the purpose of the Organization set forth in the Preamble and on the action taken on the basis of recommendations made and conventions submitted by the Conference.

2. These reports shall be made at such times and in such form and shall contain such particulars as the Conference may request.

3. The Director-General shall submit these reports, together with analyses thereof, to the Conference and shall publish such reports and analyses as may be approved for publication by the Conference together with any reports relating thereto adopted by the Conference.

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4. The Director-General may request any Member nation to submit information relating to the purpose of the Organization.

5. Each Member nation shall, on request, communicate to the Organization, on publication, all laws and regulations and official reports and statistics concerning nutrition, food and agriculture.

ARTICLE XII

(Co-operation with other Organizations)

1. In order to provide for close co-operation between the Organization and other public international organizations with related responsibilities, the Conference may, subject to the provisions of Article XIII, enter into agreements with the competent authorities of such organizations defining the distribution of responsibilities and methods of co-operation.

2. The Director-General may, subject to any decisions of the Conference, enter into agreements with other public international organizations for the maintenance of common services, for common arrangements in regard to recruitment, training, conditions of service, and other related matters, and for interchanges of staff.

ARTICLE XIII

(Relation to any General World Organization)

1. The Organization shall, in accordance with the procedure provided for in the following paragraph, constitute a part of any general international organization to which may be entrusted the co-ordination of the activities of international organizations with specialized responsibilities.

2. Arrangements for defining the relations between the Organization and any such general organization shall be subject to the approval of the Conference. Notwithstanding the provisions of Article XX, such arrangements may, if approved by the Conference by a two-thirds majority of the votes cast, involve modification of the provisions of this Constitution: Provided that no such arrangements shall modify the purposes and limitations of the Organization as set forth in this Constitution.

ARTICLE XIV (Supervision of Other Organizations)

The Conference may approve arrangements placing other public international organizations dealing with questions...
tions relating to food and agriculture under the general authority of the Organization on such terms as may be agreed with the competent authorities of the organization concerned.

ARTICLE XV (LEGAL STATUS)

1. The Organization shall have the capacity of a legal person to perform any legal act appropriate to its purpose which is not beyond the powers granted to it by this Constitution.

2. Each Member nation undertakes, in so far as it may be possible under its constitutional procedure, to accord to the Organization all the immunities and facilities which it accords to diplomatic missions, including inviolability of premises and archives, immunity from suit, and exemptions from taxation.

3. The Conference shall make provision for the determination by an administrative tribunal of disputes relating to the conditions and terms of appointment of members of the staff.

ARTICLE XVI (FISH AND FOREST PRODUCTS)

In this Constitution the term "agriculture" and its derivatives include fisheries, marine products, forestry, and primary forestry products.

ARTICLE XVII (INTERPRETATION OF CONSTITUTION)

Any question or dispute concerning the interpretation of this Constitution or any international convention adopted thereunder shall be referred for determination to an appropriate international court or arbitral tribunal in the manner prescribed by rules to be adopted by the Conference.

ARTICLE XVIII (EXPENSES)

1. Subject to the provisions of Article XXV, the Director-General shall submit to the Conference an annual budget covering the anticipated expenses of the Organization. Upon approval of a budget the total amount approved shall be allocated among the Member nations in proportions determined, from time to time, by the Conference. Each Member nation undertakes, subject to the requirements of its constitutional procedure, to contribute to the Organization promptly its share of the expenses so determined.
2. Each Member nation shall, upon its acceptance of this Constitution, pay as its first contribution its proportion of the annual budget for the current financial year.

3. The financial year of the Organization shall be July 1 to June 30 unless the Conference should otherwise determine.

ARTICLE XIX (Withdrawal)

Any Member nation may give notice of withdrawal from the Organization at any time after the expiration of four years from the date of its acceptance of this Constitution. Such notice shall take effect one year after the date of its communication to the Director-General of the Organization subject to the Member nation's having at that time paid its annual contribution for each year of its membership including the financial year following the date of such notice.

ARTICLE XX (Amendment of Constitution)

1. Amendments to this Constitution involving new obligations for Member nations shall require the approval of the Conference by a vote concurred in by a two-thirds majority of all the members of the Conference and shall take effect on acceptance by two-thirds of the Member nations for each Member nation accepting the amendment and thereafter for each remaining Member nation on acceptance by it.

2. Other amendments shall take effect on adoption by the Conference by a vote concurred in by a two-thirds majority of all the members of the Conference.

ARTICLE XXI (Entry into Force of Constitution)

1. This Constitution shall be open to acceptance by the nations specified in Annex I.

2. The instruments of acceptance shall be transmitted by each government to the United Nations Interim Commission on Food and Agriculture, which shall notify their receipt to the governments of the nations specified in Annex I. Acceptance may be notified to the Interim Commission through a diplomatic representative, in which case the instrument of acceptance must be transmitted to the Commission as soon as possible thereafter.

R.S., 1952.
3. Upon the receipt by the Interim Commission of twenty notifications of acceptance the Interim Commission shall arrange for this Constitution to be signed in a single copy by the diplomatic representatives, duly authorized thereto, of the nations who shall have notified their acceptance, and upon being so signed on behalf of not less than twenty of the nations specified in Annex I this Constitution shall come into force immediately.

4. Acceptances the notification of which is received after the entry into force of this Constitution shall become effective upon receipt by the Interim Commission or the Organization.

ARTICLE XXII

(FIRST SESSION OF THE CONFERENCE)

The United Nations Interim Commission on Food and Agriculture shall convene the first session of the Conference to meet at a suitable date after the entry into force of this Constitution.

ARTICLE XXIII (LANGUAGES)

Pending the adoption by the Conference of any rules regarding languages, the business of the Conference shall be transacted in English.

ARTICLE XXIV (TEMPORARY SEAT)

The temporary seat of the Organization shall be at Washington unless the Conference should otherwise determine.

ARTICLE XXV (FIRST FINANCIAL YEAR)

The following exceptional arrangements shall apply in respect of the financial year in which this Constitution comes into force:

(a) the budget shall be the provisional budget set forth in Annex II to this Constitution; and

(b) the amounts to be contributed by the Member nations shall be in the proportions set forth in Annex II to this Constitution:

Provided that each Member nation may deduct therefrom the amount already contributed by it toward the expenses of the Interim Commission.
ARTICLE XXVI

(DISSOLUTION OF THE INTERIM COMMISSION)

On the opening of the first session of the Conference, the United Nations Interim Commission on Food and Agriculture shall be deemed to be dissolved and its records and other property shall become the property of the Organization.

ANNEX I

NATIONS ELIGIBLE FOR ORIGINAL MEMBERSHIP

AUSTRALIA    INDIA
BELGIUM   IRAN
BOLIVIA  IRAQ
BRAZIL   LIBERIA
CANADA  LUXEMBOURG
CHILE  MEXICO
CHINA   NETHERLANDS
COLOMBIA  NEW ZEALAND
COSTA RICA  NICARAGUA
CUBA   NORWAY
CZECHOSLOVAKIA   PANAMA
DENMARK   PARAGUAY
DOMINICAN REPUBLIC  PERU
ECUADOR  PHILIPPINE COMMONWEALTH
EGYPT   POLAND
EL SALVADOR  UNION OF SOUTH AFRICA
ETHIOPIA  UNION OF SOVIET SOCIALIST REPUBLICS
FRANCE  
Greece  UNITED KINGDOM
GUATEMALA  UNITED STATES OF AMERICA
HAITI    URUGUAY
HONDURAS  VENEZUELA
ICELAND  YUGOSLAVIA

ANNEX II

BUDGET FOR THE FIRST FINANCIAL YEAR

The provisional budget for the first financial year shall be a sum of 2,500,000 U.S. dollars, the unspent balance of which shall constitute the nucleus of a capital fund.

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R.S., 1952.
This sum shall be contributed by the Member nations in the following proportions:

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<th>Country</th>
<th>Per cent</th>
<th>Country</th>
<th>Per cent</th>
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1945, c. 4, Sch.
CHAPTER 123.
An Act respecting Food and Drugs.

SHORT TITLE.
1. This Act may be cited as the Food and Drugs Act. Short title. R.S., c. 76, s. 1.

INTERPRETATION.
2. In this Act, Definitions.
(a) "Department" means the Department of the Government under which or in connection with which this Act is administered;
(b) "Dominion analyst" means any analyst designated for the purposes of this Act and includes the Chief Dominion Analyst and the Assistant Chief Dominion Analyst;
(c) "drug" includes all medicine for internal or external use for man or animal; any substance, mixture of substances and any article that may be used for the diagnosis, treatment, mitigation or prevention of disease in man or animal; any cosmetic; any material that may be used for disinfection in premises in which food is manufactured, prepared or kept or for the control of vermin in such premises;
(d) "food" includes every article used for food or drink by man, and every ingredient intended for mixing with the food or drink of man for any purpose whatever;
(e) "inspector" means any person duly appointed for the purpose of carrying out the provisions of this Act;
(f) "magistrate" includes any judge of the sessions of the peace, recorder, police magistrate, two justices of the peace or any magistrate or court having the power or authority of two or more justices of the peace;
(g) "Minister" means the Minister charged with the administration of this Act;

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"Package."

(h) "package" includes any box, bottle, basket, tin, barrel, case, receptacle, sack, bag, wrapper or other thing in which any article is placed or packed;

"Sample."

(i) "sample" means a sample of any food or drug taken under the provisions of this Act or of any regulation;

"Medicine."

(j) "medicine" means any substance or mixture of substances that may be used in restoring, correcting or modifying organic functions;

"Cosmetic."

(k) "cosmetic" means any material intended to cleanse, improve or alter the complexion, skin, hair or teeth; and shall include deodorants and perfumes;

"Manufacture."

(l) "manufacture" means manufacture for sale. R.S., c. 76, s. 2; 1939, c. 3, ss. 1, 2.

PART I.

REGULATIONS.

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

(a) prescribing standards of quality for and fixing the limits of variabilities permissible in any article of food or drug the standard of which is not otherwise prescribed by this Act or the Meat and Canned Foods Act;

(b) respecting the packaging and labelling of any article of food or drug and the design of any such package or label with a view to preventing the public or the purchaser being deceived or misled as to the character, strength, quality or quantity of the article and requiring, notwithstanding anything in paragraph (f) of section 8, a declaration of net contents upon any package containing a cosmetic;

(c) prescribing the duties of inspectors;

(d) prescribing a tariff of fees to be paid for analysing any article of food or drug;

(e) prescribing that a portion not exceeding one-half of the fine imposed upon any person violating the provisions of this Act may be paid to any person who has given information leading to conviction in the case in question, but no portion of any fine shall be paid to any Dominion analyst or to any inspector or to any employee in the Department;

(f) for the disposal of import shipments of food or drugs refused entry under section 12;

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(g) for designating as Dominion analyst any member of the technical staff appointed to the services of the Department of National Health and Welfare or, upon the request of any province, city or other municipality, any duly qualified analyst then and for such time as the said analyst remains so employed by the said province, city or other municipality, and designating any Dominion analyst as Inspector;

(h) adding to or removing from the list contained in Schedule A such abnormal physical states, disorders, diseases, or symptoms of diseases, and adding to or removing from Schedule B such material, as may be deemed by the Minister to be necessary in the public interest;

(i) providing for the licensing of manufacturers of cosmetics, whether such manufacturers carry on business as such within or without Canada, specifying such terms and conditions as may be deemed advisable in the public interest and prescribing a tariff of fees to be paid for any such licence;

(j) prohibiting the sale or defining the conditions of sale of any substance that may be injurious to health when used as a food or drug or restricting in like manner its use as an ingredient in the manufacture of food or drug;

(k) defining the conditions of sale of any drug in the interest and for the protection of the public health;

(l) exempting from any requirements of this Act any drug or type of drug for which such control is deemed to be inadvisable and for removing such exemption as may be required;

(m) respecting false, exaggerated or misleading claims for any article of food or drug; and

(n) for carrying out the provisions of this Act.

(2) Regulations made under any of the provisions of this Act shall have the same force and effect as if embodied in this Act.

(3) The part of paragraph (b) of subsection (1) that applies to cosmetics, and paragraph (i) of subsection (1) shall come into force on a day to be fixed by proclamation of the Governor in Council. R.S., c. 76, s. 3; 1934, c. 54, s. 1; 1939, c. 3, ss. 3, 4, 5, 10; 1945, c. 7, s. 1; 1946, c. 23, s. 1.

ADULTERATION.

4. Food shall be deemed to be adulterated within the meaning of this Act if

(a) any substance has been mixed with it so as to reduce or lower or injuriously affect its quality or strength;

(b) when deemed to be adulterated.

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(b) any inferior or cheaper substance has been substituted wholly or in part for the article;
(c) any valuable constituent of the article has been wholly or in part abstracted;
(d) it consists in whole or in part of any filthy, putrid, disgusting, rotten, decomposed or diseased animal or vegetable substance, whether manufactured or not, or it is otherwise unfit for food;
(e) it is obtained from a diseased animal, or from an animal fed upon unwholesome food;
(f) it contains any added poisonous ingredient, or any ingredient that may render it injurious to the health of the person consuming it, whether added with intent or otherwise; or
(g) its strength or purity falls below the standard, or its constituents are present in quantity not within the limits of variability fixed by the Governor in Council as hereinafter provided. R.S., c. 76, s. 4; 1946, c. 23, s. 2.

5. Any adulteration of milk shall be deemed to be injurious to health. R.S., c. 76, s. 5.

6. (1) Every drug shall be deemed to be adulterated within the meaning of this Act if its strength, quality or purity falls below the professed standard under which it is sold, or if, when offered or exposed for sale under or by a name,
(a) recognized in the latest edition of the British Pharmacopoeia,
(b) recognized in the latest edition of any foreign pharmacopoeia, or
(c) that is not recognized in any pharmacopoeia but is found in some generally recognized standard work on materia medica or drugs, it differs from the standard of strength, quality or purity laid down therein.

(2) Unless a drug is sold in such manner as plainly to indicate that its quality is to be judged by an authority other than the British Pharmacopoeia, and such authority is named, it shall be deemed to be adulterated unless it conforms to the standard of strength, quality and purity for such drug as defined by the latest edition of the British Pharmacopoeia.

(3) Notwithstanding subsections (1) and (2), the Governor in Council may make regulations respecting any or all of the drugs mentioned or described in Schedule B, 2962

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prescribing standards of quality and potency;

(b) defining official methods for biological testing, which methods shall permit manufacturers to have biological tests made in any laboratory;

(c) providing for the licensing of manufacturers preparing drugs mentioned or described in Parts II and III of Schedule B;

(d) providing for the inspection of premises, equipment and technical qualifications of the staff of manufacturers preparing drugs mentioned or described in Parts II and III of Schedule B;

(e) requiring that manufacturers of drugs mentioned or described in Part IV of Schedule B submit test portions of each and every batch of such drugs to be tested in the laboratories of the Department of National Health and Welfare, and requiring that only approved batches may be imported, sold or offered for sale; and

(f) prescribing a tariff of fees for inspection, licensing and biological testing.

(4) Any drug mentioned or described in Schedule B shall be deemed to be adulterated if it has not been manufactured, tested and labelled in accordance with regulations made by the Governor in Council under this section, or if it differs in quality or potency from the standard for such drug established by such regulations. R.S., c. 76, s. 6; 1945, c. 7, s. 1.

7. No person shall import, offer for sale, or sell any food or drug represented by label or by advertisement to the general public as a treatment for any of the diseases, disorders or abnormal physical states named or included in Schedule A or in any amendment to such Schedule. 1946, c. 23, s. 3.

MISBRANDING.

8. Food or drug shall be deemed to be misbranded within the meaning of this Act if

(a) it is an imitation of, or substitute for, or resembles in a manner likely to deceive, another article of food or drug under the name of which it is sold or offered or exposed for sale and is not plainly and conspicuously labelled so as to indicate its true character;

(b) it is stated to be the product of a place or a country of which it is not truly a product;

(c) it is sold or offered for sale by a name that belongs to another article;

(d) it is so coloured or coated, powdered or polished that damage is concealed, or it is made to appear better or of greater value than it really is;

(e) R.S., 1952.
(e) false or exaggerated claims are made for it upon
the label or otherwise;

(f) in package form, sealed by or put up by the manu-
facturer or producer, and bearing his name and address,
the contents of each package are not conspicuously and
correctly stated within limits of variability to be fixed
by regulations as in this Act provided, in terms of
weight, measure or number, upon the outside of the
package, except that this paragraph does not apply
to packages the weight of which including the package
and contents is under two ounces, and nothing in this
section shall be taken to require the statement of
weight, measure or number upon containers or pack-
ages of standard size as provided by orders of the
Governor in Council under the Meat and Canned Foods
Act;

(g) it is not labelled in accordance with the require-
ments of this Act;

(h) the package containing it, or the label on the pack-
age, bears any statement, design or device regarding
the ingredients or the substances contained therein,
which statement, design or device is false or misleading
in any particular, or the package is deceptive with
respect to design, construction or fill; or

(i) the package containing it, or the label on the package,
bears the name of an individual or of a company,
claimed to be the manufacturer or producer of the article,
which individual or company is fictitious or
non-existent. R.S., c. 76, s. 7.

9. (1) Every article of food that is a compound, mixture,
imitation or substitute shall be plainly and correctly
labelled as such.

(2) The words “pure” or “genuine” or words equivalent
to these terms, shall not be used on the labels or in con-
nection with such articles.

(3) Such articles shall be so packed, marked or labelled
as not to be likely to deceive any person with respect to
their true nature. R.S., c. 76, s. 8.

10. (1) Notwithstanding section 9, no person shall
import, manufacture, sell or offer for sale any compound
vinegar, vinegar mixture, imitation vinegar or substitute
for vinegar.

(2) Any acetic acid found in the possession of a manu-
facturer of food products or on any of the premises occupied
by him as such shall be deemed to be of a kind that might
be

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be employed for purposes of adulteration and may be seized by an inspector, and such manufacturer is liable upon summary conviction for a first offence to a fine not exceeding two hundred dollars and costs and not less than fifty dollars and costs or to imprisonment for any term not exceeding three months, or to both fine and imprisonment and for each subsequent offence to a fine not exceeding five hundred dollars and costs and not less than one hundred dollars and costs or to imprisonment for any term not exceeding six months or to both fine and imprisonment, and the acetic acid in question shall be forfeited to Her Majesty and may be disposed of as the Minister may direct. 1934, c. 54, s. 3.

PROCURING SAMPLES.

11. (1) Any inspector may procure samples of food or drugs from any person who has such articles in his possession for the purpose of sale, or who sells or exposes the same for sale.

(2) Such inspector may procure such samples either by purchasing the same or by requiring the person in whose possession they are to show him and allow him to inspect all such articles in his possession, and the place or places in which such articles are stored, and to give him samples of such articles on payment or tender of the value of such samples.

(3) An inspector may, if he has reason to believe that any article of food or drug is held or exposed or offered for sale in violation of the requirements of this Act, seize and hold such article until a sample taken by him and submitted for analysis to the Dominion analyst has been reported upon and thereafter until the inspector has given an order for its disposal. R.S., c. 76, s. 9.

12. (1) Any inspector when authorized thereto by the Minister has the right to examine any customs entries of imports of food or drugs into Canada and to take samples of any food or drug sought to be imported into Canada and to submit such samples for analysis to a Dominion analyst for examination and report.

(2) In any case where samples are taken such food or drug shall not be delivered to the importer or consignee until the Dominion analyst has reported upon the samples taken.

(3) If he reports that the food or drug is adulterated or misbranded, such food or drug shall not be admitted into Canada for use as a food or drug. 1934, c. 54, s. 10.

13. The Department may order that the manufacturer of any article of food or drug shall furnish a declaration in prescribed form asserting that the article in question as manufactured by him has been made in accordance with all requirements of this Act and the regulations, and if importation is sought for any shipment of such article of food or drug, customs entry shall be refused if the shipment invoices and bills of lading are not accompanied by duly certified copies of such declaration. 1939, c. 3, s. 7.

ANALYSIS.

14. The inspector procuring any sample with the intention of submitting it to be analysed shall,

(a) after the transaction has been completed, forthwith notify the seller, or his agent selling the article, of his intention to submit it to a Dominion analyst for analysis,

(b) except in special cases as provided by the regulations, divide the article into three parts to be then and there separated and each part marked and sealed up or fastened up as its nature may permit, and

(c) deliver one of such parts to the seller or his agent, and send the other two parts to the Department for analysis. R.S., c. 76, s. 11.

15. (1) The person from whom any sample is obtained under this Act may require the inspector obtaining it

(a) to annex to the vessel or package containing the parts of the sample that he is hereby required to transmit to the Department the name and address of such person, and

(b) to secure with a seal or seals belonging to him the vessel or package containing such parts of the sample, and the address annexed thereto, in such manner that the vessel or package cannot be opened or the name and address taken off without breaking such seal or seals.

(2) The certificate of the analyst shall state

(a) the name and address so annexed to the vessel or package,

(b) that the vessel or package was not open, and

(c) that the seal or seals securing to the vessel or package the name and address of such person were not broken until such time as he opened the vessel or package, for the purpose of making his analysis.

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(3) No such certificate is receivable in evidence unless there is contained therein such statement, or a statement to like effect. R.S., c. 76, s. 12.

16. (1) When the inspector has, by the means afore-said, procured samples of the articles to be analysed, he shall send the same to the Department for purposes of analysis.

(2) If it appears to the Dominion analyst that the sample is adulterated or misbranded within the meaning of this Act the Dominion analyst shall so certify, stating in such certificate whether such adulteration is, in his opinion, injurious to the health of the person consuming the same or not.

(3) The certificate so given shall be received as evidence in any proceedings taken against any person in pursuance of this Act, subject to the right of such person to require the attendance of the Dominion analyst for the purpose of cross-examination.

(4) A copy of such certificate shall be furnished forthwith by the Department to the person from whom the sample was procured. R.S., c. 76, s. 13.

17. (1) If the person who supplied the article respecting which the certificate referred to in section 16 is given, deems himself aggrieved thereby, he may, within twenty days of the receipt of the copy of such certificate furnished to him, notify the Minister in writing that he intends to present evidence in his own behalf to controvert the certificate of the Dominion analyst, stating in full the nature of such evidence.

(2) In the absence of such notice the certificate of the analyst shall be taken as final. R.S., c. 76, s. 14.

18. (1) Should the evidence submitted by the person referred to in section 17 be such as in the opinion of the Chief Dominion Analyst to justify further investigation, the Chief Dominion Analyst may cause the second part of the sample submitted to the Department, as hereinbefore provided, to be analysed to his satisfaction.

(2) A certificate of such analysis signed by the Chief Dominion Analyst is final and conclusive evidence of the facts therein set out. R.S., c. 76, s. 15.

19. (1) Nothing in this Act shall be held to prevent any person from submitting any sample of food or drug for analysis. R.S., 1952.
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(1) The council of any city, town, county or village or other municipality, may appoint one or more inspectors of food or drugs.

(2) Any such inspector may require a Dominion analyst to analyse any samples of food or drugs procured by him if such samples have been procured in accordance with the requirements of this Act. R.S., c. 76, s. 17.

21. Such Dominion analyst shall, on payment of the prescribed fee, forthwith analyse the same and give the inspector a certificate of such analysis. R.S., c. 76, s. 18.

22. Such inspector may prosecute any person manufacturing, selling or offering or exposing for sale within the city, county, town or village for which he is appointed inspector any article of food or drug that has been certified by a Dominion analyst to be adulterated or misbranded within the meaning of this Act. R.S., c. 76, s. 19.

23. All penalties imposed and recovered at the suit of any such inspector shall be paid into the revenue of the city, county, town or village by the council of which such inspector was appointed, and may be used in such manner as the council of such city, county, town or village may direct. R.S., c. 76, s. 20.

24. (1) Whenever any article of food or any drug is reported by a Dominion analyst as being adulterated or misbranded within the meaning of this Act, the Minister may order such article, and all other articles of the same kind that were in the same place at the time the article analysed was obtained, to be seized by an inspector and detained by him until an analysis of the sample of the whole is made, and thereafter until the inspector has given an order for its disposal.

(2) If the Dominion analyst reports to the Minister that the whole or any part of such articles of food or drugs as have been submitted for analysis by the aforesaid inspector

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25. (1) The Chief Dominion Analyst shall report from time to time to the Minister the number of articles of food and drugs analysed under this Act, and shall specify the nature and kind of adulteration detected, the nature and kind of misbranding found thereon, together with all particulars regarding the vendors and manufacturers of such articles.

(2) The reports of the Chief Dominion Analyst shall be published and printed for the information of the public at such times and in such manner as the Minister directs.

R.S., c. 76, s. 22.

PENALTIES.

26. (1) Every person who by himself or his agent or Sale of employee manufactures for sale, sells, offers for sale or adulterated exposes for sale, any article of food or any drug that is misbranded, is guilty of an offence, and

(a) if such adulteration is deemed to be injurious to health within the meaning of this Act, is for a first offence liable upon summary conviction to a fine not exceeding two hundred dollars and costs, and not less than fifty dollars and costs, or to imprisonment for any term not exceeding three months, or to both fine and imprisonment, and for each subsequent offence to a fine not exceeding five hundred dollars and costs and not less than fifty dollars and costs, or to imprisonment for any term not exceeding six months, or to both fine and imprisonment; and

(b) if such adulteration is not deemed to be injurious to health within the meaning of this Act, or if the article is misbranded, for a first offence is liable upon summary conviction to a fine not exceeding one hundred dollars and costs and not less than twenty-five dollars and costs, or to imprisonment for any term not exceeding three months, and for each subsequent offence to a fine not exceeding two hundred dollars and costs and not less than fifty dollars and costs, or to imprisonment for any term not exceeding six months, or to both fine and imprisonment.

(2) In all cases where the adulteration is proved to have been wilful the penalties imposed by this section shall be doubled.  

R.S., c. 76, s. 23.

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27. (1) Where the person accused proves to the magistrate before whom any prosecution is brought for selling, offering or exposing for sale any article of food or drug that is adulterated or misbranded,

(a) that he purchased the article in question for and as an article of the same nature, substance and quality as that demanded of him by the purchaser or inspector,

(b) that he sold it in the same state as that in which he purchased it, and

(c) that he could not with reasonable diligence have obtained knowledge of its adulteration or misbranding, he shall be discharged from such prosecution, but he is liable to pay the costs incurred by the prosecutor unless he has given due notice to him or gives notice in court that he will rely on the above defence and has called or calls the party from whom he purchased the said article into the case as hereinafter provided.

(2) Where, as provided in subsection (1), the person presenting such defence submits a sworn declaration that he purchased the article in good faith, he or the prosecutor shall lay information against such third party, and the magistrate shall at the same time hear all the parties and decide upon the entire merits of the case, including the question of costs, not only as regards the person originally accused, but also as regards the third party so brought into the case. R.S., c. 76, s. 24.

28. No conviction, judgment or order in respect of an offence against this Act shall be removed by certiorari into any of Her Majesty's courts of record. R.S., c. 76, s. 25.

29. If any sum of money within the limits of the penalties provided by this Act is voluntarily paid to and accepted by the Minister as a penalty and costs for a first offence under this Act, such sum of money may be dealt with as if lawfully recovered upon a prosecution. R.S., c. 76, s. 26.

30. Where, after being requested to do so by an inspector, any person who has in his possession or under his control any food or drug refuses or omits

(a) to show the inspector the place in which such articles are stored;

(b) to admit the inspector into every such place;

(c) to show the inspector all or any of such articles in his possession;

(d) to permit the inspector to inspect the same;

(e) to give any sample thereof; or

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(f) to furnish the inspector with any light or assistance he requires for any of such purposes;

he is guilty of an offence, and is liable, upon summary conviction, to a fine not exceeding two hundred dollars and costs, and not less than fifty dollars and costs, or to imprisonment for any term not exceeding three months, or to both fine and imprisonment. R.S., c. 76, s. 27.

31. Every person who removes, alters or interferes in any way with any goods seized under this Act without an inspector’s order for disposal shall be deemed guilty of an offence under this Act. R.S., c. 76, s. 28.

32. Any article seized under this Act may at the option of the inspector be kept or stored in the building or place where it was seized or such article may, by the direction of the inspector, be removed to any other place. R.S., c. 76, s. 29.

33. (1) Any material found in possession of a manufacturer of food or drugs, or in any of the premises occupied by him as such, and being apparently of a kind that might be employed for purposes of adulteration and for the possession of which he is unable to account to the satisfaction of an inspector, may be seized by such inspector and a sample of such material submitted for identification to a Dominion analyst.

(2) Should the Dominion analyst’s certificate prove the material to be of such a kind as might be used for purposes of adulteration, the manufacturer shall be deemed wilfully to have exposed for sale adulterated food or drugs, and is liable, upon summary conviction, for a first offence, to a fine not exceeding two hundred dollars and costs, and not less than fifty dollars and costs, or to imprisonment for any term not exceeding three months, or to both fine and imprisonment, and for each subsequent offence to a fine not exceeding five hundred dollars and costs and not less than one hundred dollars and costs, or to imprisonment for any term not exceeding six months, or to both fine and imprisonment, and the material in question shall be forfeited to Her Majesty, and may be disposed of as the Minister may direct. R.S., c. 76, s. 30.

34. No person shall distribute, cause or permit to be distributed from door to door or in a public place or on a public highway or through the mail, any sample of any drug, but this section does not prevent manufacturers or wholesale dealers from distributing samples by mail or otherwise. R.S., 1952.
otherwise in compliance with individual requests for them, or from distributing samples to physicians, veterinary surgeons, dentists, registered nurses, hospitals, or to retail druggists for individual redistribution to adults only. R.S., c. 76, s. 31.

35. Every person who

(a) attaches to any article or package of food or drug sold or offered or exposed for sale any label or mark containing any untrue or misleading name, device or statement; or

(b) neglects or refuses to label or mark any article or package of food or drug in accordance with the requirements of this Act;

is for a first offence liable, upon summary conviction, to a fine not exceeding two hundred dollars and costs and not less than fifty dollars and costs, or to imprisonment for any term not exceeding three months, or to both fine and imprisonment, and for each subsequent offence to a fine not exceeding three hundred dollars and costs and not less than fifty dollars and costs, or to imprisonment for any term not exceeding six months, or to both fine and imprisonment. R.S., c. 76, s. 32.

36. (1) Every person is guilty of an offence under this Act who advertises any food or drug in a manner that is misleading or likely to create erroneous impressions regarding its value, composition, merit or safety, either by reason of statements made or device made use of in such advertisement, or because of failure to disclose in such advertisement essential facts concerning the actual properties of such food or drug.

(2) For the purpose of subsection (1), responsibility for the advertisement rests upon the person who causes the advertisement to be issued and not upon the printer, publisher or other party who issues such advertisement in good faith. 1939, c. 3, s. 8.

37. Any person failing to observe any requirement of this Act for which a specific penalty has not been provided shall for a first or subsequent offence incur in each case the penalty provided in section 30. R.S., c. 76, s. 33.

38. (1) Any expenses incurred in connection with procuring and analysing any food or drug, together with necessary travelling expenses of any inspector or Dominion analyst, shall, if the person from whom the sample is taken is convicted of having in his possession, selling, offering or exposing

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exposing for sale any food or drug adulterated or misbranded in violation of this Act, be deemed to be a portion of the costs of the proceedings against him, and shall be paid by him accordingly.

(2) Such expenses of prosecution shall also include a reasonable counsel fee, in the discretion of the magistrate.

(3) In the case of a private prosecutor, if the prosecution is dismissed as being instituted without reasonable and probable cause, the costs of defence shall be taxed against the prosecutor. R.S., c. 76, s. 34.

39. Nothing in this Act affects the power of proceeding other by indictment against any offender, or takes away any other remedy against such offender. R.S., c. 76, s. 35.

40. Except as herein otherwise provided, all fees paid and penalties recovered under this Act shall form part of the Consolidated Revenue Fund of Canada. R.S., c. 76, s. 36.

41. Nothing in this Act repeals or modifies any provision of the Meat and Canned Foods Act or the Fish Inspection Act. R.S., c. 76, s. 37.

PART II.

EXPORTS.

42. The provisions of this Act do not apply to any packaged food or drug not manufactured or sold for consumption in Canada the package whereof is marked in distinct overprinting with the word "Export" and is the subject of a certificate that the package and its contents do not contravene any known requirement of the law of the country to which it is or is about to be consigned. 1939, c. 3, s. 9.

SCHEDULE A

Alcoholism,
Appendicitis,
Arteriosclerosis,
Blood Poisoning,
Bright's Disease,
Cancer,
Diabetes,
Diphtheria,
Disorders of menstrual flow,
Disorders of the prostatic gland,
Dropsy,

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Epilepsy

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Epilepsy,  
Erysipelas,  
Gallstones, Kidney Stones, Bladder Stones,  
Gangrene,  
Goitre,  
Heart Diseases,  
High Blood Pressure,  
Infantile Paralysis,  
Influenza,  
Lockjaw,  
Locomotor Ataxia,  
Obesity,  
Pleurisy,  
Pneumonia,  
Ruptures,  
Scarlet Fever,  
Sexual Impotence,  
Small Pox,  
Spinal Meningitis,  
Trachoma,  
Tuberculosis,  
Tumours,  
Typhoid Fever,  
Ulcers of the gastro-intestinal tract,  
Venereal Diseases.

Order in Council, P.C. 5642, Nov. 8, 1949.
Sch.  

Food and Drugs.  

Chap. 123.  

SCHEDULE B

PART I

Hormones, including sex hormones, and preparations thereof; any animal tissue preparation, or any synthetic drug, purporting to have physiological action similar to that of a hormone; drugs containing any of the foregoing.

PART II

Drugs of natural or synthetic origin that are not hypodermic tablets, that purport to be sterile, and that are intended for parenteral use including application to open wounds, alone or with added solvent, diluent, preservative, or other substance.

PART III

Drugs prepared from micro-organisms or viruses; toxins; sera; antibiotics; analogous preparations.

PART IV

Organic compounds of arsenic and analogous preparations prepared for parenteral use.

PART V

Amaranth,  
Amaranth, Concentrated Solution,  
Anhydrous Ephedrine,  
Aqueous Solution of Iodine,  
Arsenical Solution,  
Arsphenamine,  
Brilliant Blue FCF,  
Calamine,  
Calamine Lotion,  
Cassia Oil,  
Coconut Oil,  
Corn Oil,  
Cyclopropane,  
Dichlorophenarsine Hydrochloride,  
Digitalis,  
Digitoxin,  
Digoxin,  
Dilute Phosphoric Acid,  
Dried Thyroid,  
Epinephrine,  
Epinephrine Hydrochloride  
Solution,  
Gelatin,  
Halibut Liver Oil,  
Injection of Digitalis,  
Injection of Digitoxin,  
Injection of Digoxin,  
Injection of Lanatoside C,  
Injection of Ouabain,  
Injection of Strophanthin,  
Lanatoside C,  
Liniment of Camphor,  
Magnesium Sulphate,  
Neoarsphenamine,  
Nitrous Oxide,  
Ouabain,  
Oxophenarsine Hydrochloride,  
Phosphoric Acid,  
Pituitary Extract (Posterior Lobe),  

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Ponceau 3R,  
Powdered Digitalis,  
Sodium Phosphate,  
Sodium Sulphate,  
Spirit of Nitrous Ether,  
Strong Solution of Iodine,  
Strophanthin,  
Strophanthus,  
Sulpharsphenamine,  
Sulphathiazole Sodium,  
Tartrazine,  
Tetracaine Hydrochloride,  
Tincture of Digitalis,  
Tincture of Strophanthus,  
Weak Solution of Iodine,  
Zinc Sulphate.

Order in Council, P.C. 5643, Nov. 8, 1949.

EDMOND CLOUTIER, C.M.G., O.A., D.S.P.,  
QUEEN'S PRINTER AND CONTROLLER OF STATIONERY  
OTTAWA, 1953
CHAPTER 124.

An Act respecting Foreign Enlistment.

SHORT TITLE.

1. This Act may be cited as the Foreign Enlistment Act. Short title. 1937, c. 32, s. 1.

INTERPRETATION.

2. In this Act, Definitions.

(a) "armed forces" includes army, naval and air forces or services, combatant or non-combatant, but does not include surgical, medical, nursing and other services engaged solely in humanitarian work and which are under the control or supervision of the Canadian Red Cross or other recognized Canadian humanitarian society;

(b) "conveyance" includes ships, vessels, aircraft, trains, and motor and other vehicles;

(c) "equips" in relation to a ship, includes the furnishing of anything that is used for the purpose of fitting or adapting the ship for the sea, or for naval service, and all words relating to equipment shall be construed accordingly;

(d) "foreign state" includes any foreign prince, colony, province or part of any province or people, or any person or persons exercising or assuming to exercise the powers of government in or over any foreign country, colony, province, or part of any province or people;

(e) "illegally enlisted person" means a person who has accepted or agreed to accept any commission or engagement, or who is about to quit Canada with intent to accept any commission or engagement, or who has been induced to go on board a conveyance under a misapprehension or false representation of the service in which

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which such person is to be engaged with the intention
or in order that such person may accept or agree to
accept any commission or engagement contrary to the
provisions of this Act;

(f) “within Canada” includes Canadian waters as defined
for the purposes of the Custom Act. 1937, c. 32, s. 2.

3. Any person who, being a Canadian national, within or
without Canada, voluntarily accepts or agrees to accept
any commission or engagement in the armed forces of any
foreign state at war with any friendly foreign state, or,
whether a Canadian national or not, within Canada, induces
any other person to accept or agree to accept any commis-
son or engagement in any such armed forces, is guilty of
an offence under this Act. 1937, c. 32, s. 3.

4. Any person who, being a Canadian national, quits or
goes on board any conveyance with a view of quitting
Canada with intent to accept any commission or engage-
ment in the armed forces of any foreign state at war
with any friendly foreign state, or, whether a Canadian
national or not, within Canada, induces any other person
to quit or go on board any conveyance with a view of
quitting Canada, with a like intent, is guilty of an offence
under this Act. 1937, c. 32, s. 4.

5. Any person who induces any other person to quite
Canada, or to go on board any conveyance within Canada
under a misrepresentation or false representation of the
service in which such person is to be engaged, with the
intent or in order that such person may accept or agree to
accept any commission or engagement in the armed forces
of any foreign state at war with a friendly state, is guilty
of an offence under this Act. 1937, c. 32, s. 5.

6. (1) A person who, having the control or direction of, or
being the owner of any conveyance, knowingly either takes
on board or engages to take on board or has on board such
conveyance, within Canada, any illegally enlisted person,
is guilty of an offence under this Act.

(2) Such conveyance shall be detained until the trial or
conviction of such person or owner and until all fines or
penalties imposed on such person or owner have been paid

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or security approved by the Court having jurisdiction in
the matter has been given for the payment thereof. 1937,
c. 32, s. 6.

7. (1) Subject to subsection (2) any person who, within
Canada, does any of the following acts, that is to say,

(a) builds or agrees to build or causes to be built, any

Builds ship.

ship with intent or knowledge, or having reasonable
cause to believe that the same shall or will be employed
in or by the armed forces of any foreign state at war
with any friendly state;

(b) issues or delivers any commission for any ship with
Commis:

Commission.

intent or knowledge or having reasonable cause to
believe that the same shall or will be employed in or
by the armed forces of any foreign state at war with
any friendly state;

(c) equips any ship with intent or knowledge or having
Equipsship.

reasonable cause to believe that the same shall or will
be employed in or by the armed forces of any foreign
state at war with any friendly state;

(d) despatches or causes or allows to be despatched, any
Despatches

Despatches ship, with intent or knowledge or having reasonable

ship, with intent or knowledge or having reasonable cause to believe that the same shall or will be employed
in or by the armed forces of any foreign state at war with
any friendly state;

is guilty of an offence under this Act.

(2) A person building, causing to be built, or equipping
Exception.

a ship in any of the cases mentioned in subsection (1), in
pursuance of a contract made before the commencement of
such war as aforesaid, shall not be deemed to have com-
mitted an offence under this Act, if, forthwith, upon a pro-
clamation of neutrality or any other proclamation notify-
ing or bringing into operation the provisions of this Act, he
gives notice to the Secretary of State for External Affairs
that he is so building, causing to be built, or equipping,
such ship, and furnishes such particulars of the contract
and of any matters relating to or done, or to be done under
the contract, as may be required by the Secretary of State
for External Affairs, and, if he gives such security and takes
and permits to be taken such other measures, if any, as the
Secretary of State for External Affairs may prescribe for
insuring that such ship shall not be despatched, delivered
or removed, or otherwise dealt with, without the permission
in writing of the Secretary of State for External Affairs,
until the termination of such war as aforesaid. 1937, c.
32, s. 7.

8. When any ship is built by order of or on behalf of any
foreign state, when at war with a friendly state, or is
delivered to or to the order of such foreign state, or to any
person

Ships

employed by
armed forces
of foreign
state deemed
to have been
built for such
purpose.

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person who to the knowledge of the person building is an agent of such foreign state, or is paid for by such foreign state or such agent, and is employed in or by the armed forces of such foreign state, such ship shall, until the contrary is proved, be deemed to have been built with a view to being so employed, and the burden lies on the builder of such ship of proving that he did not know that the ship was intended to be so employed in or by the armed forces of such foreign state. 1937, c. 32, s. 8.

9. Any person who, within Canada, by any addition to or substitution in the armament or equipment, increases or augments, or procures to be increased or augmented, or is knowingly concerned in increasing or augmenting the war-like force of any ship, which at the time of its being within Canada was a ship in or of the armed forces of any foreign state at war with any friendly state, is guilty of an offence under this Act. 1937, c. 32, s. 9.

10. Any person who, within Canada, prepares or fits out any army, naval or air expedition, to proceed against the dominions of any friendly state, is guilty of an offence against this Act. 1937, c. 32, s. 10.

11. Any person who, within Canada, recruits or otherwise induces any person or body of persons to enlist or to accept any commission or engagement in the armed forces of any foreign state or other armed forces operating in such state, is guilty of an offence under this Act, except that this section does not apply to the action of foreign consular or diplomatic officers or agents in enlisting persons who are nationals of the countries which they represent, and who are not Canadian nationals, in conformity with the regulations of the Governor in Council. 1937, c. 32, s. 11.

12. Where any ship, goods, or merchandise, captured as prize of war within Canada in violation of Canadian neutrality, or captured by any ship that may have been built, equipped, commissioned or despatched, or the force of which may have been augmented, contrary to the provisions of this Act, are brought within Canada by the captor, or by any agent of the captor, or by any person having come into possession thereof with a knowledge that the same was prize of war so captured as aforesaid, it shall be lawful for the original owner of such prize or his agent, or for any person authorized in that behalf by the government of the foreign state to which such owner belongs, or in which the ship captured as aforesaid may have been duly registered,
to make application to the Exchequer Court of Canada for seizure and detention of such prize, and the Court shall, on due proof of the facts, order such prize to be restored.

1937, c. 32, s. 12.

13. Every order referred to in section 12 shall be executed and carried into effect in the same manner, and subject to the same right of appeal, as in case of any order made in the exercise of the ordinary jurisdiction of such Court; and in the meantime, and until a final order has been made, on such application the Court has power to make all such provisional and other orders as to the care or custody of such captured ship, goods, or merchandise, and (if the same be of perishable nature, or incurring risk of deterioration) for the sale thereof, and with respect to the deposit or investment of the proceeds of any such sale, as may be made by such Court in the exercise of its ordinary jurisdiction.

1937, c. 32, s. 13.

14. Any person who is guilty of an offence against this Act shall be deemed to be guilty of an indictable offence, and shall be punishable by fine not exceeding two thousand dollars, or by imprisonment for a term not exceeding two years, with or without hard labour, or by both fine and imprisonment; but such offence may, instead of being prosecuted as an indictable offence, be prosecuted summarily under the provisions of the Criminal Code relating to summary convictions, and if so prosecuted, such offence shall be punishable by fine not exceeding five hundred dollars, or by imprisonment not exceeding twelve months, with or without hard labour, or by both fine and imprisonment.

1937, c. 32, s. 14.

15. (1) Any ship in respect of which an offence under section 7 has been committed and the equipment thereof, shall be forfeited to Her Majesty.

(2) Any conveyance and the equipment thereof and all arms, ammunition and implements of war used in or forming part of an expedition in respect of which an offence has been committed under the provisions of section 10, shall be forfeited to Her Majesty. 1937, c. 32, s. 15.

16. For the purpose of giving jurisdiction in criminal proceedings under this Act, every offence shall be deemed to have been committed, every cause or complaint to have arisen either in the place in which the same was committed or arose, or in any place in which the offender or person complained against may be. 1937, c. 32, s. 16.

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17. Subject to the provisions of this Act, criminal proceedings arising hereunder shall be subject to and governed by the Criminal Code. 1937, c. 32, s. 17.

18. All proceedings for forfeiture of conveyances, goods or merchandise, under the provisions of this Act, may be taken in the Exchequer Court of Canada, or in any court of competent jurisdiction. 1937, c. 32, s. 18.

19. The Governor in Council may, from time to time, by order or regulation, provide for any or all of the following matters:

(a) the application of the provisions of this Act, with necessary modifications, to any case in which there is a state of armed conflict, civil or otherwise, either within a foreign country or between foreign countries;

(b) the seizure, detention and disposition of conveyances, goods and merchandise;

(c) the requirement of the consent of an authority or authorities to prosecutions, seizures, detentions and forfeiture proceedings;

(d) the designation of officers or authorities who may execute any of the provisions of this Act; and

(e) the issue, restriction, cancellation and impounding of passports, whether within Canada or elsewhere, to the extent to which such action is deemed by him to be necessary or expedient for carrying out the general purposes of this Act. 1937, c. 32, s. 19.

EDMOND CLOUTIER, C.M.G., O.A., D.S.P.
QUEEN'S PRINTER AND CONTROLLER OF STATIONERY
OTTAWA, 1952

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CHAPTER 125.

An Act respecting Foreign Insurance Companies in Canada.

WHEREAS the Parliament of Canada has jurisdiction, by properly framed legislation, to prohibit aliens, whether natural persons or foreign companies, from carrying on the business of insurance in Canada without a licence; and

WHEREAS certain sections of the Insurance Act, chapter 101 of the Revised Statutes of Canada, 1927, requiring foreign insurance companies to obtain a licence as a condition of carrying on business in Canada, have been declared, in view of their relation to other provisions of the said Act, to be not properly framed and, therefore, unconstitutional; and

WHEREAS foreign insurance companies are soliciting applications for and issuing life insurance policies as protection and long term investments of the savings of their policyholders in Canada, and such companies now have outstanding more than four million four hundred thousand policies in Canada to an aggregate amount of more than two billions of dollars; and

WHEREAS foreign insurance companies, associations and exchanges now have insurance in force against the destruction of property in Canada by fire to an amount of more than four and a quarter billions of dollars, and insurance providing for the payment of large sums dependent on other contingencies; and

WHEREAS such insurance constitutes an important factor in the international trade and commercial relations of Canada; and

WHEREAS certain foreign insurance companies and exchanges have in times past become insolvent while carrying on business in Canada, and the policyholders in Canada thereof would have sustained serious losses but for provisions in the then existing legislation which required such companies and exchanges to deposit assets in Canada as security for their liabilities in Canada, and to make returns as R.S., 1952.
as to their business and financial standing, and to submit
to inspection by representatives of the Government; and

WHEREAS foreign insurance companies, associations and
exchanges, transacting the business of insurance throughout
Canada, receive each year from policyholders in Canada
many millions of dollars in premiums, and incur liabilities
to such policyholders requiring involved actuarial and other
computations for their determination, and the ability or
inability of such companies, associations and exchanges
to discharge such liabilities, as they become due, is depen-
dent upon the character and value of their assets available
for such purpose; and

WHEREAS it is contrary to the public interest that such
foreign insurance companies, associations and exchanges
which are unable to discharge their liabilities to policy-
holders in Canada as they become due, or are otherwise
insolvent, should be permitted to carry on the business of
insurance in Canada; and

WHEREAS it is desirable to provide, by a system of reg-
istration, deposit of securities, inspection and returns,
against such foreign companies, associations or exchanges
engaging in or continuing to carry on business in Canada
while unable to discharge their liabilities to such policy-
holders as they become due or while otherwise insolvent and
to declare the conditions upon which such companies,
associations and exchanges shall be deemed to be insolvent
and be subject to be wound up under the provisions of the
Winding-up Act.

THEREFORE, His Majesty, by and with the advice and
consent of the Senate and House of Commons of Canada,
enacts as follows:
1932, c. 47, Preamble; 1934, c. 36, ss. 1, 2.

SHORT TITLE.

1. This Act may be cited as the Foreign Insurance
Companies Act. 1932, c. 47, s. 1.

INTERPRETATION.

2. (1) In this Act,

(a) "annual statement" includes both the statement of
the Canadian business and of the general business of
the company required by this Act to be made;

(b) "assets in Canada" means all deposits that a com-
pany has made with the Minister and all assets that
have been vested in trust for the company under,
and for the purposes of, this Act;

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(c)
(c) "association" means any association of persons formed in any foreign country upon the plan known as Lloyds whereby each associate underwriter becomes liable for a stated, limited or proportionate part of the whole amount insured by a policy;

(d) "business of insurance" means the making of any contract of insurance, and includes any act or acts of inducement to enter into such a contract, and any act or acts relating to the performance thereof, or the rendering of any service in connection therewith;

(e) "chief agency" means the principal office or place of business of the company in Canada;

(f) "chief agent" means the chief agent of the company in Canada, named as such in the power of attorney hereinafter referred to by whatever name he may be designated;

(g) "company" means any corporation incorporated under the laws of any foreign country for the purpose of carrying on the business of insurance, and includes "association," "exchange" and "fraternal benefit society" as respectively defined by this Act;

(h) "Department" means the Department of Insurance constituted by the Department of Insurance Act;

(i) "exchange" means a group of persons formed in any foreign country for the purpose of exchanging reciprocal contracts of indemnity or inter-insurance with each other through the same attorney, where the principal office of the exchange is in a foreign country;

(j) "fraternal benefit society" means a corporation having representative form of government and incorporated under the laws of any foreign country, for fraternal, benevolent or religious purposes among which purposes is the insuring of the members, or the dependent children of the members, thereof, exclusively, against accident, sickness, disability or death, and includes a corporation so incorporated on the mutual plan for the purpose of so insuring the members, or the dependent children of the members, of such a corporation exclusively;

(k) "Minister" means the Minister of Finance;

(l) "officer" includes the manager, secretary, treasurer, actuary and any other person designated as "officer" by the by-laws of the company;

(m) "policy" means any written contract of insurance whether contained in one or more documents, and in the case of insurance in a fraternal benefit society, any contract of insurance whether evidenced by a written
written document or not and any certificate of membership relating in any way to insurance; and includes any annuity contract;

"Policy-holder in Canada."

(n) "policyholder in Canada" means the person who for the time being is the legal holder of a "policy in Canada";

"Policy in Canada."

(o) "policy in Canada" as regards life insurance, means a policy issued or effected by a company registered under this Act upon the life of a person resident in Canada or Newfoundland at the time the policy was issued or effected; and, as regards fire insurance, means a policy issued or effected by such a company upon property within Canada or Newfoundland; and, as regards any other class of insurance, means a policy issued or effected by such a company where the risks covered by the policy were ordinarily within Canada or Newfoundland at the time the policy was issued or effected;

"President."

(p) "president" includes the chairman, governor, manager or other principal officer of the company;

"Secretary."

(q) "secretary" means and includes the officer by whom the usual duties of a secretary are performed; and

"Superintendent."

(r) "Superintendent" means the Superintendent of Insurance.

(2) The Governor in Council may, on the recommendation of the Minister, make regulations determining and defining, for the purposes of this Act and of any certificate of registry granted thereunder, what shall be deemed to be a distinct class of insurance, and the nature of each such class of insurance. 1932, c. 47, s. 2; 1950, c. 38, s. 1.

PART I.

CERTIFICATES OF REGISTRATION AND DEPOSITS.

3. There shall be established and maintained in the Department of Insurance a register in which shall be entered the names of all companies registered under this Act and to which certificates of registry are granted. 1932, c. 47, s. 3.

4. No company shall transact the business of insurance in Canada (save as hereinafter expressly provided) unless it is registered and holds a certificate of registry from the Minister. 1932, c. 47, s. 4.

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5. Every company shall, as a condition of being registered, file in the Department,

(a) in the case of a company, other than an association or exchange, a copy of the charter, Act of incorporation, or articles of association of the company, certified by the proper officer in charge of the original thereof; and in the case of an association or exchange, such document or documents relating to its constitution as the Minister may require;

(b) a power of attorney from the company to its chief agent or attorney in Canada, in such form as may be required by the Minister;

(c) a statement in such form as may be required by the Minister of the condition and affairs of the company, on the 31st day of December next preceding, or up to the usual balancing day of the company, if such day is not more than twelve months before the filing of the statement, and such additional statements or information as the Minister may require as to its solvency and as to its ability to meet all its obligations; and

(d) evidence satisfactory to the Minister that the company is authorized under the laws of the country in which its head office is situate to transact in such country the class of insurance business for which the company desires to be registered in Canada. 1932, c. 47, s. 5; 1934, c. 36, s. 3.

6. (1) The power of attorney shall

(a) declare at what place in Canada the chief agency of the company is or is to be established; and

(b) expressly authorize such attorney to receive from the Minister and the Superintendent all notices that under the laws of Canada are required to be given or that it is thought advisable to give.

(2) Whenever any company registered under this Act changes its chief agent or chief agency in Canada the company shall file a further power of attorney appointing the new chief agent or designating the new chief agency, as the case may be. 1932, c. 47, s. 6; 1934, c. 36, s. 4.

7. (1) Every company shall, as a further condition of being registered, make a deposit with the Minister in any of the securities hereinafter specified in that behalf.

(2) The deposit in the case of a fraternal benefit society shall be the sum of ten thousand dollars.

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(3) The deposit in the case of a company other than a fraternal benefit society shall be,
  
  (a) for a certificate of registry to transact life insurance, or fire insurance, the sum of one hundred thousand dollars, and

  (b) for a certificate of registry to transact any other class of insurance, such sum as the Treasury Board may determine. 1932, c. 47, s. 7.

8. (1) Every company that on the 26th day of May, 1932, held a licence from the Minister shall be deemed to have complied with the provisions of this Act precedent to the granting of a certificate of registry, and to be registered hereunder, and such company is subject to the provisions hereof.

  (2) Any company that on the 26th day of May, 1932, did not hold such a licence but held a licence under the laws of any province and was transacting the business of insurance therein, shall not be required to make the deposit required to be made under the provisions of section 7 in respect of a certificate of registry for fire insurance, but before the granting of a certificate of registry to it hereunder, such company shall have assets in Canada, for the purposes of this Act, in excess of its liabilities in Canada, as determined in accordance with the provisions of this Act. 1934, c. 36, s. 5.

9. (1) Where the name of any company applying to be registered is in the opinion of the Superintendent objectionable on the grounds that the name of the company is either
  
  (a) that of any company registered under this Act or of any corporation registered under the Canadian and British Insurance Companies Act or a name liable to be confounded with the name of any such company or corporation, or

  (b) otherwise on public grounds objectionable, the Superintendent shall so report to the Minister.

  (2) Before so reporting to the Minister the Superintendent shall, by notice in writing in that behalf, afford the company applying to be registered and any other interested party an opportunity to be heard, and at any such hearing any of the interested parties may adduce evidence, documentary or oral, in support of his contention; and, for the purpose of conducting such hearing, the Superintendent has all the powers of a Commissioner under Part I of the Inquiries Act.

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(3) The Minister, after consideration of the report of the Superintendent and of the evidence, if any, adduced before him, may refuse to register the company.

(4) Where the refusal of the Minister to register the company is based upon any of the grounds of objection set forth in paragraph (a) of subsection (1) an appeal, in such case but in no other, lies in a summary manner to the Exchequer Court of Canada, which has power to make all necessary rules for the conduct of appeals under this subsection; and the provisions of subsection (2) of section 34 are applicable in respect of every such appeal, save that wherever the word “Superintendent” appears in the said subsection there shall, for the purposes of every such appeal, be substituted the word “Minister.”

(5) From any final judgment given by the Exchequer Supreme Court of Canada upon any appeal brought before the said Court under the provisions of this section, any of the interested parties, including the Crown, may, within fifteen days from the day on which such judgment has been given, appeal to the Supreme Court of Canada, and the judgment of the Supreme Court of Canada upon any such appeal is, in all cases, final and conclusive, and notwithstanding any Royal prerogative, or anything contained in the Interpretation Act or in the Supreme Court Act or any other statute or law, no further appeal lies or shall be brought from any judgment so pronounced by the Supreme Court of Canada. 1934, c. 36, s. 6.

10. (1) The certificate of registry shall be in such form or forms for the different classes of companies as may be from time to time determined by the Minister, and shall specify the business to be carried on by the company, but the business of life insurance shall not be specified in the certificate of registry granted to any association or exchange.

(2) The certificate of registry expires on the 31st day of March in each year, but may be renewed from year to year, or for any term less than a year.

(3) Any certificate of registry or renewal thereof may contain any limitations or conditions that the Minister may deem necessary to give effect to the provisions of this Act. 1932, c. 47, s. 10.

11. (1) Every company on first obtaining a certificate of registry shall forthwith give due notice thereof in the Canada Gazette, and in at least one newspaper in the county of 2989 R.S., 1952.
county, city or place where the chief agency is established, and shall continue the publication thereof for the space of four weeks.

(2) The Minister shall cause to be published quarterly in the Canada Gazette a list of the companies registered under this Act with the amount of deposit made by each company.

(3) Upon any company being first registered, or upon the certificate of registry of any company being withdrawn, in the interval between the publication of two such quarterly lists, the Minister shall cause to be published a notice thereof in the Canada Gazette for the space of four weeks. 1932, c. 47, s. 11.

12. Every company registered under this Act to transact the business of life insurance, other than a fraternal benefit society, shall, in respect of its life insurance business in Canada, at all times maintain assets in Canada of an amount at least equal to its liabilities to policyholders in Canada, including matured claims and the reserve for outstanding policies in Canada required under this Act to be included in the annual statement, after deducting any claim the company has against such policies, together with its other liabilities in Canada. 1932, c. 47, s. 12.

13. Every fraternal benefit society registered under this Act to transact any class of insurance business shall at all times maintain assets in Canada of an amount at least equal to its liabilities to policyholders in Canada under policies in Canada issued on or after the 1st day of January, 1920, computed in accordance with the provisions of subsection (2) of section 43. 1934, c. 36, s. 7.

14. (1) Subject to subsection (2), every company other than a fraternal benefit society, registered under this Act to transact any class of insurance business, other than life insurance, shall at all times maintain assets in Canada in respect of any such class of business of an amount at least equal to the liabilities of the company in Canada, including the liabilities of the company in respect of its outstanding unmatured policies in Canada computed in accordance with the provisions of section 48.

(2) The assets in Canada of a purely mutual fire insurance company or of an exchange shall continue to form a part of the general assets of the company or exchange, available
available pari passu to all its policyholders or subscribers in or out of Canada in the same manner as its other funds; but no such company or exchange shall, except with the consent of the Treasury Board, and upon such terms and conditions as the Treasury Board may determine, reduce the amount of its assets in Canada below the amount otherwise required by this Act to be maintained in Canada.

(3) Subsection (2) does not apply to any such company or exchange that files with the Minister, in a form approved by him, a declaration that the assets in Canada of such company or exchange are held for the protection of the policyholders in Canada, exclusively, of such company or exchange. 1934, c. 36, s. 8.

15. (1) All deposits required under the provisions of this Act may be made by any company in securities of or guaranteed by the Dominion of Canada, or in securities of or guaranteed by any province of Canada; or in securities of or guaranteed by the United Kingdom of Great Britain and Northern Ireland or any British Dominion or colony; or in securities of or guaranteed by the government of the country in which the company is incorporated or formed.

(2) The value of such securities shall be computed at Valuation, their market value at the time when they are deposited.

(3) If any other than the aforesaid securities are offered Accepting other securities. as a deposit, they may be accepted at such valuation and on such conditions as the Treasury Board may direct. 1932, c. 47, s. 15.

16. (1) Where the market value of any of the securities Further deposit where value declines. deposited by any company declines below that at which they were deposited, the Minister may notify the Company to make such further deposit as will ensure the accepted value of all the securities deposited by the company being equal to the sum which it is required by this Act to deposit.

(2) On failure by the company to make such further Failure to make further deposit within sixty days after being called upon to do so, the Minister may withdraw its certificate of registry. 1932, c. 47, s. 16.

17. (1) Any company registered under this Act may, at Further deposit at option of company. any time, deposit with the Minister any further securities beyond the sum herein required to be deposited.

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(2) Any securities so deposited with the Minister shall be held by him and be dealt with as if the same had been part of the sum so required to be deposited. 1932, c. 47, s. 17.

Withdrawal of excess deposit.

18. Where at any time the deposit of any company with the Minister exceeds the sum required under the provisions of this Act, the Treasury Board may, upon being satisfied that the interests of the company's policyholders in Canada will not be prejudiced thereby, authorize the withdrawal of the amount of such excess or any portion thereof. 1932, c. 47, s. 18.

Handing over interest on securities.

19. So long as the requirements of this Act are complied with by any company and no notice of any final judgment against the company or order made by the proper court in that behalf for the winding-up of the company or the distribution of its assets is served upon the Minister, the interest upon the securities forming the deposit shall be handed over to the company as it falls due. 1932, c. 47, s. 19.

Assets vested in trust.

20. (1) Any company may vest in Canada assets in trust for the company for the purposes of this Act in a trust corporation incorporated by or under the authority of an Act of the Parliament of Canada or of the Legislature of one of the provinces of Canada appointed by the company and approved by the Minister.

(2) The assets that may be so vested in trust for the purposes of this Act are those set forth in Schedule I, having regard to the class or classes of insurance business in respect of which the assets are so vested in trust.

(3) The trust deed shall first be approved by the Minister, who with the approval of the Treasury Board shall determine from time to time the value at which such assets shall be accepted for the purposes of this Act, and the trustees may deal with such assets in any manner provided by the deed of trust appointing them, but so that the accepted value of the assets held by them shall not fall below the value required by this Act. 1932, c. 47, s. 20; 1950, c. 38, s. 2.

STATEMENTS AND RETURNS.

Annual statements.

21. (1) Every company registered under or subject to this Act shall make annual statements of its condition and affairs, at the balancing day of the company in each year, and the form and manner of making such statements shall, as to the Canadian business of the company, be such as the Minister

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Minister may from time to time determine for the purposes of this Act; and, as to its general business, shall be in the same form as the company is required by law to furnish to the government of the country in which its head office is situate.

(2) Where the company is not required by law to furnish a statement to the government of the country in which its head office is situate, then such statement, as to its general business, shall be in such form as the company usually submits to its members or shareholders.

(3) In the event of no statement of its general business being submitted to the members or shareholders, then the statement shall show in concise form the assets and liabilities of the company at such balancing day, and the income and expenditure of the company for the year ending on such balancing day.

(4) The annual statement of Canadian business required to be made under this section shall be deposited in the Department on the 1st day of January next following the date at which the condition and affairs of the company are thereby shown or within two months after that day, but such schedules to the statement as may be designated by the Minister from time to time may be deposited not later than three months after the said 1st day of January.

(5) Every company shall, at the time of making its annual statement of Canadian business, declare any change which has been made since the date of deposit of its next preceding annual statement in the charter, Act of incorporation or articles of association of the company and any change that has been made in the chief agency or chief agent, or the attorney of the company, as the case may be.

22. The statement of general business required to be made under section 21 shall be deposited in the Department within one month after it is required by law to be furnished to the government of the country in which the head office of the company is situated, or, if the statement is not required to be so furnished, then within one month after its submission at the annual meeting of the shareholders or members of the company, but in no case later than the 30th day of June next following the date at which the condition and affairs of the company are thereby shown.

23. The statement of Canadian business of every company shall be verified by the oath of the company's chief agent in Canada; and the statement of general business shall be verified by oath.

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shall be verified by the oath of the president, vice-president, or managing director, and the secretary, manager or actuary of the company; but in the case of an association or exchange registered under this Act the said statements shall be verified in such manner as the Superintendent may direct and prescribe. 1932, c. 47, s. 23.

24. (1) Every company shall keep at the chief agency in Canada original records and documents sufficient to enable the chief agent to prepare and furnish the required statement of Canadian business, and such that the said statement may be readily verified therefrom, except that in the case of any company that does not issue policies signed or counter-signed by a resident agent or an official of a branch office in Canada, such records and documents shall be sufficient if they exhibit, in respect of its Canadian business

(a) insurance written and in force, including cancellations, and gross premium deposits thereon;
(b) dividends or refunds of unabsorbed premium deposits paid or credited to policyholders in Canada;
(c) losses incurred and losses paid to policyholders in Canada; and
(d) all assets in Canada.

(2) The Superintendent may examine the books, records, vouchers, receipts and other documents of the company relating to its business in Canada, for the purpose of checking and verifying the said statement of such business and the schedules or other documents relating to or forming part thereof, and has power to make all necessary corrections in the statement, in accordance with the information obtained from the said books, records and documents. 1932, c. 47, s. 24; 1950, c. 38, s. 5.

25. (1) In every annual statement of Canadian business, required to be deposited by section 21, the securities shall be shown at the market values applicable to them at the date of the statement or, in the discretion of the Superintendent, at a date not more than sixty days before the date of the statement.

(2) With respect to the business of life insurance, redeemable securities not in default, issued or guaranteed by the Government of Canada or by the government of any province of Canada or by the Government of the United Kingdom or by the Government of the United States of America, shall also be shown in the statement at the amortized values applicable to the securities at the date of the statement.
(3) When, in the opinion of the Minister, the market variation values are unduly depressed, the Minister may, on report of the Superintendent, authorize, for the purpose of subsection (1), the use of values in excess of the market values but not exceeding the values used for this purpose in the next preceding annual statement of the company or, in the case of securities acquired by the company since the date of that statement, not exceeding the book values at the date of the statement to be deposited. 1950, c. 38, s. 6.

26. (1) Where any company registered under this Act to transact the business of life insurance has assets vested in trust with a trust corporation for the purposes of this Act, the trust corporation shall prepare as at the last day of June and of December in each year and deposit in the Department within thirty-one days after each of the said days, a statement, verified under oath by the manager and the secretary or other principal officers of the trust corporation and in such form as the Minister may from time to time determine, showing the changes during the preceding half year in the assets of the company so vested in trust for its life insurance business.

(2) The statements so deposited shall be embodied by the Superintendent by way of appendix or otherwise in the annual report prepared by him for the Minister. 1950, c. 38, s. 7.

INSPECTION AND REPORT BY SUPERINTENDENT.

27. The Superintendent shall

(a) enter in a book, under the heading of each company, the securities deposited on its account with the Minister naming in detail the several securities, their par value, their date of maturity, and value at which they are received as deposit; and such book shall be open to public inspection;

(b) in each case, before the granting of any certificate of registry or the renewal of any such certificate, make a report to the Minister that the requirements of this Act have been complied with, and that from the statement of the affairs of the company it is in a condition to meet its liabilities;

(c) keep a record of the certificates of registry as they are issued;

(d) visit personally, or cause a duly qualified member of his staff to visit, the chief agency in Canada of each company registered under this Act, at least once in every year, and examine the statements of the condition and affairs of the Canadian business of each company,

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pany, and report thereon to the Minister as to all matters requiring his attention and decision; but where in the opinion of the Superintendent the circumstances so warrant in the case of any company, he may make such examination less frequently than annually but not less frequently than once in every three years; and

(e) prepare for the Minister, from the said statements, an annual report, giving full particulars of the condition and affairs of each company. 1932, c. 47, s. 27; 1950, c. 38, s. 8.

28. (1) When the Superintendent, after an examination into the condition and affairs of any company registered to transact business in Canada, as disclosed by the annual or other statements furnished by the company to the Minister or for any other reason, deems it necessary or expedient to make a further examination into the affairs of the company, and so reports to the Minister, the Minister may, in his discretion, instruct the Superintendent to visit the chief agency of the company, thoroughly to inspect and examine into all its affairs, and to make all such further inquiries as are necessary to ascertain its condition and ability to meet its obligations, and whether it has complied with all the provisions of this Act.

(2) The officers or agents of the company shall cause the books of the company to be open for the inspection of the Superintendent, and shall otherwise facilitate such examination so far as it is in their power.

(3) For the purpose of such inquiry, the Superintendent may examine under oath the officers or agents of the company. 1932, c. 47, s. 28.

29. (1) A report of all companies so visited by the Superintendent shall be entered in a book kept for that purpose, with notes and memoranda showing the condition of each company.

(2) The Superintendent shall make a special report in writing to the Minister, stating his opinion as to the standing and financial position of every company so visited, and any other matters which he thinks desirable to be made known to the Minister. 1932, c. 47, s. 29.

30. (1) The Superintendent may address any inquiries to any company registered under this Act, or to the president, manager, actuary or secretary thereof, for the purpose of ascertaining its condition and ability to meet its obligations, and it is the duty of any company or officer so addressed promptly to reply in writing to any such inquiries.

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(2) The Superintendent may, in his discretion, embody in his annual report to the Minister the inquiries made by him under this section and the answers thereto. 1932, c. 47, s. 30; 1934, c. 36, s. 12.

31. The Minister may, from time to time, instruct the Superintendent to examine at the head office thereof into the general condition and affairs of any company registered under this Act. 1932, c. 47, s. 31.

32. (1) Where upon an examination of the assets of any company it appears to the Superintendent that the value placed by the company upon the real estate owned by it in Canada or any parcel thereof is too great, he may either request the company to procure an appraisement of such real estate by one or more competent valuators, or may himself procure an appraisement at the company's expense, and the appraised value, if it is materially less than that shown in the return made by the company, may be substituted for the latter in the annual report prepared for the Minister by the Superintendent.

(2) Where it appears to the Superintendent that the amount of any loan secured by mortgage or hypothec upon any parcel of real estate in Canada, together with the interest due and accrued thereon, is greater than the value of such parcel, or that such parcel is not sufficient security for the loan and interest, he may in like manner request the company to procure an appraisement of the parcel of real estate, or may himself at the company's expense procure an appraisement and where from the appraised value it appears that the parcel of real estate is not adequate security for the loan and interest, he may write off from the loan and interest a sum sufficient to reduce the same to such an amount as may fairly be realizable from such real estate, in no case to exceed the appraised value thereof, and may insert such reduced value in his said annual report. 1932, c. 47, s. 32.

33. (1) In his annual report prepared for the Minister, the Superintendent shall include a summary classification of the assets in Canada of each company registered under this Act.

(2) In his said report the Superintendent shall make all necessary corrections in the annual statements made by the companies as herein provided and may increase or diminish the liabilities of such companies to the true and correct amounts as ascertained by him in the examination of their affairs at the chief agencies thereof in Canada, or otherwise. 1932, c. 47, s. 33; 1950, c. 38, s. 9.

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34. (1) An appeal lies in a summary manner from the ruling of the Superintendent as to the admissibility of any asset not allowed by him, or as to any item or amount so added to liabilities, or as to any correction or alteration made in any statement, or as to any other matter arising in the carrying out of the provisions of this Act, to the Exchequer Court of Canada, which court has power to make all necessary rules for the conduct of appeals under this section.

(2) For the purposes of such appeal the Superintendent shall at the request of the company concerned give a certificate in writing setting forth the ruling appealed from and the reasons therefor, which ruling is binding upon the company unless the company within fifteen days after notice of such ruling serves upon the Superintendent notice of its intention to appeal therefrom, setting forth the grounds of appeal, and within fifteen days thereafter files its appeal with the registrar of the said court and with due diligence prosecutes the same, in which case action on such ruling shall be suspended until the court has rendered judgment thereon. 1932, c. 47, s. 34.

RELEASE OF ASSETS IN CANADA.

35. (1) Any company registered under this Act that desires to obtain the release of its assets in Canada by reason of having decided to discontinue business in Canada may make application in writing to the Minister for the release of its assets in Canada.

(2) The assets in Canada of any such company shall not, except as herein otherwise provided, be released, unless

(a) the company has obtained the surrender of its outstanding policies in Canada, or has transferred such policies to some company registered under this Act or some corporation registered under the Canadian and British Insurance Companies Act;

(b) the company files with the Minister a list of all policyholders in Canada, if any, whose policies have not been so surrendered or transferred together with a financial statement of the condition and affairs of the company, and if the company is registered to transact the business of life insurance, a list of all policyholders in Canada whose policies have been so surrendered or transferred; and

(c) the company furnishes proof of the publication, for three calendar months in the Canada Gazette, and in at least one newspaper in the county, city or place in which the chief agency is established, of a notice that it will apply to the Minister for the release of its assets.

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in Canada on a certain day, which shall be not less than three months after the date of the notice, and calling upon its policyholders in Canada opposing such release to file their opposition with the Minister on or before the day so named.

(3) After the day so named in the said notice, if the Minister is satisfied that the company is not liable under any policies of insurance, and has discharged all its obligations in Canada, he may, with the concurrence of the Treasury Board, release to the company its assets in Canada.

(4) The Minister, with the concurrence of the Treasury Board, may authorize the trustee in which assets are vested in trust for any such company, to employ any portion of such assets for the purpose of effecting the surrender or transfer of outstanding policies in Canada as aforesaid, but not so as to reduce the assets in Canada of the company below the requirements of this Act in respect of continuing policyholders.

(5) Where it appears that any such company has not obtained the surrender, or transfer, as aforesaid, of its outstanding policies in Canada, but that the deposit of the company with the Minister is substantially in excess of the requirements of this Act in respect of the continuing policyholders the Minister, after the day so named in the notice aforesaid, may, from time to time, release to the company such portion of the excess as he deems proper in the circumstances, and shall continue to hold the remainder of the deposit for the protection of the continuing policyholders as by this Act provided.

(6) Notwithstanding the provisions of this section, if the company is in liquidation the assets in Canada of the company may, on the order of any court having jurisdiction under the Winding-up Act, be released by the Minister to the liquidator. 1932, c. 47, s. 35; 1934, c. 36, s. 13.

PART II.

COMPANIES TRANSACTING LIFE INSURANCE.

36. This Part applies to companies registered under this Life insurance Act to transact only the business of life insurance, and to other companies so registered to transact the business of life and other insurance, in respect of the life insurance business of such companies. 1932, c. 47, s. 37.

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37. (1) Subject to subsection (2), where any company, in the exercise of its powers, combines such business with other classes of insurance business, it shall maintain separate and distinct accounts, funds and securities in respect of its life insurance business in Canada, and such funds and securities shall be available only for the protection of life insurance policyholders in Canada, and shall not be liable for the payment of claims arising from the other class or classes of business which the company transacts.

(2) The maintenance of separate and distinct accounts, funds and securities in respect of any such company's life insurance business shall not be required by reason only that it combines with its life insurance business any of the following classes of insurance, namely:

(a) insurance against disability caused by accident or sickness, if included in a policy of life insurance and if the disability benefits do not exceed the following, namely, the waiver of premiums falling due during the continuance of such disability and a disability indemnity payable for a period or periods not exceeding one hundred weeks at a weekly rate not exceeding one-half of one per cent of the sum assured on the date of the occurrence of such disability payable in the event of death, and thereafter an indemnity not exceeding one-half of the said rate, ceasing upon the termination of the life insurance risks insured against under the policy, or a lump sum disability indemnity in respect of total and permanent disability which, together with any other disability indemnity otherwise at any time paid under the policy, shall not exceed the said sum assured, and in a deferred annuity contract a disability indemnity not exceeding the rate of annuity provided by the contract;

(b) insurance against death as a result of accident if included in a policy of life insurance and if the additional benefit payable in event of accidental death does not exceed the sum assured on the date of death payable in event of death from any cause;

(c) annuities of all kinds; or

(d) insurance providing for the establishment, accumulation and payment of sinking, redemption, accumulation, renewal or endowment funds.

(3) In this section, the words "sum assured" wherever they appear, mean the principal sum that is payable in event of death where the life insurance money is payable in one sum, or the commuted value of the income or installments provided upon death where the life insurance money is payable.
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is payable otherwise than in one sum, but not including any additional sum payable under the policy on death as a result of accident.

(4) Any company registered under this Act to transact the business of life insurance may, if its charter empowers it so to do, and subject to the provisions of this section, transact the classes of insurance enumerated in paragraphs (a), (b), (c) and (d) of subsection (2). 1932, c. 47, s. 38.

38. The liabilities in the annual statement required to be filed under the provisions of this Act in respect of the Canadian business of every company shall include a reserve for all unmatured obligations guaranteed under the terms of its policies, which reserve shall be computed in accordance with the provisions of Schedule II and the provisions of the said Schedule have force and effect according to the tenor thereof. 1932, c. 47, s. 39.

PART III.

FRATERNAL BENEFIT SOCIETIES.

39. (1) This Part applies only to fraternal benefit societies registered under this Act.

(2) Every fraternal benefit society registered under the provisions of this Act is, when so registered, exempt from the provisions of section 38. 1932, c. 47, s. 41.

40. No fraternal benefit society shall be registered under this Act if it is in effect the property of its officers or collectors or belongs to any private proprietary, or if it is conducted as a trading or mercantile venture, or for purposes of commercial gain. 1932, c. 47, s. 42.

41. It shall be a condition of the granting of a certificate of registry or any renewal thereof to a fraternal benefit society that no by-law of the society shall empower or purport to empower any subordinate branch of the society in Canada to grant sickness benefits to any member of the branch unless the by-law makes adequate provision to secure upon an actuarial basis the solvency of the sick benefit fund of the branch. 1932, c. 47, s. 43.

42. (1) Every fraternal benefit society shall, before a certificate of registry is granted to it under this Act, file with the Superintendent, in addition to the other statements and documents required by this Act to be filed, a report made 3001 Actuarial valuation certificate issued. 190

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made by an actuary, appointed by the society, including therein, in such detail as the Superintendent may require, the results of an actuarial valuation made by the said actuary as at the next preceding 31st day of December or such later date as the Superintendent may specify, of each of the benefit funds maintained by the society having regard to the prospective liabilities of, and contributions to, each fund.

(2) Such report shall include a declaration by the said actuary that in his opinion the assets of the society applicable to each fund, taken at the value accepted by the Superintendent, together with the premiums, dues and other contributions to be thereafter received from the members according to the scale in force at the date of the said valuation, are sufficient to provide for the payment at maturity of all the obligations of the fund without deduction or abatement.

(3) The society shall also file with the Superintendent a statement of its condition and affairs in such detail as the Superintendent may require, as at the date of the said valuation. 1932, c. 47, s. 44.

43. (1) The annual statement of Canadian business required to be deposited in the Department under the provisions of this Act by every fraternal benefit society shall, to the extent that the Minister may require, show separately the business in respect of policies in Canada issued on or after the 1st day of January, 1920, together with the liabilities in respect of such business; and, for the purposes of Part III of the Winding-up Act, the society's policies in Canada and policyholders in Canada shall be deemed to be the policies in Canada issued on or after the said date, the holders thereof respectively.

(2) For the purposes of sections 13 and 52, the liabilities of any such society to its policyholders in Canada of any class of insurance shall be deemed to be its liabilities in respect of its policies in Canada of such class issued on or after the said date, including in the said liabilities a reserve based on such mortality and other tables as are, in the opinion of the Superintendent, appropriate, and a rate of interest not exceeding four per cent per annum.

(3) The annual statement of Canadian business required to be deposited by every fraternal benefit society under the provisions of this Act shall include a valuation report, made by an actuary appointed by the society, including therein, in such detail as the Superintendent may from time to time require, the results of an actuarial valuation, as at 3002 the

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the date of the statement, of each of the benefit funds maintained by the society, having regard to the prospective liabilities of, and contributions to each fund, and the actuary shall certify as to each fund that, in his opinion, the reserve shown by such valuation, together with the premiums, dues and other contributions to be thereafter received from the members according to the scale in force at the date of valuation, is sufficient to provide for the payment at maturity of all the obligations of the fund without deduction or abatement.

(4) The reserves shown for each benefit fund in the said report, in respect of the whole business of the society and in respect of the whole Canadian business of the society, shall be included, respectively, in the liabilities of the society in its annual statement of general business and in its annual statement of Canadian business, but the reserves so entered shall not be less than the reserves, if any, which the society is required to maintain by its Act of incorporation or by the general laws to which it is subject. 1932, c. 47, s. 45; 1934, c. 36, s. 16.

44. (1) Where it appears to the Superintendent, from the annual statement filed with him or from any examination or valuation made in pursuance of this Act, that the assets of any fraternal benefit society registered under this Act, or of any benefit fund thereof, are insufficient to provide for the maturity of its policies without deduction or abatement or without increase of premiums or additional premiums, he shall make a special report to the Minister on the condition of the society and shall in such report show the amount of the deficiency in the society’s assets, shown by the annual statement or by any examination or valuation made as aforesaid; but before so reporting to the Minister, the Superintendent may make a special valuation of the liabilities of the society under the said policies.

(2) If the Minister after consideration of the said report concurs in the opinion of the Superintendent, he shall request the society within such time, not exceeding four years, as he may prescribe, to make good such deficiency.

(3) If the society does not within the time so prescribed comply with the request of the Minister, the certificate of registry of the society may be withdrawn. 1932, c. 47, s. 46.

45. The term “actuary” in this Part means a Fellow by “Actuary’’ examination of the Institute of Actuaries of Great Britain, the Faculty of Actuaries in Scotland, or the Society of Actuaries. 1950, c. 38, s. 11.

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PART IV.

COMPANIES, OTHER THAN FRATERNAL BENEFIT SOCIETIES, TRANSACTING INSURANCE OTHER THAN LIFE INSURANCE.

46. This Part applies to all companies, other than fraternal benefit societies, registered under this Act to transact the business of insurance, in respect of any class of such business other than life insurance. 1932, c. 47, s. 48.

47. (1) Every company shall, in respect of its outstanding unmatured policies in Canada, include in the liabilities in its annual statement of Canadian business deposited in the Department reserves not less than the following:

(a) for non-cancellable sickness and accident policies, a reserve computed on such bases and in accordance with such methods as shall place an adequate value on the liabilities thereunder, but in no case shall the value placed upon the benefits under any policy be less than the value placed upon the future premiums nor shall the reserve so computed be less than the reserve computed in accordance with the bases and methods used by the company in computing the reserve for the several classes of such policies in its statement of general business;

(b) for business on the premium note system, eighty per cent of the unearned portion of the assessments that have been levied in respect of all outstanding premium notes held by the company computed pro rata as at the date of the statement; and

(c) for all other business, eighty per cent of the unearned premiums computed pro rata as at the date of the statement.

(2) There shall be included in the said annual statement a report, made by an actuary appointed by the company and qualified within the meaning of section 45 or who is a Fellow by examination of the Casualty Actuarial Society, showing therein, in such detail as the Superintendent may from time to time require, the results of an actuarial valuation, as at the date of the statement, of the policies required to be valued under paragraph (a) of subsection (1), having regard for the prospective liabilities under the policies and the prospective premiums to be paid thereunder, and the actuary shall certify that, in his opinion, the reserves shown by the valuation, together with the premiums to be there-
after paid by the policyholders, are sufficient to provide for
the payment at maturity of all the obligations of the com-
pany under the policies. 1950, c. 38, s. 12.

48. (1) For the purposes of determining the amount of
assets in Canada required to be maintained by every com-
pany in accordance with subsection (2) of section 8 and
section 14, the liability of every company in respect of its
outstanding policies in Canada shall be,

(a) the full unearned premiums computed pro rata for
the unexpired periods of the policies, or

(b) twice the net annual cost to the insured of insurance
in force in Canada on the date of the annual statement
ascertained by deducting from the annual premiums
charged to such insured a credit allowance computed
at the rate of the weighted average dividend or refund
paid or credited by the company to its policyholders
during the preceding five years,

whichever is less, except that the liability in respect of any
outstanding non-cancellable sickness and accident policies
in Canada shall be computed in accordance with section 47.

(2) An addition shall be made to the said liability so
computed in respect of every company which transacts the
business of hail insurance in Canada in an amount at
least equal to fifty per cent of the total net premiums
received by the company in respect of its business of hail
insurance in Canada during the preceding calendar year.
1932, c. 47, s. 50; 1950, c. 38, s. 13.

49. Sections 47 and 48 do not apply to the business of
title insurance transacted in Canada by any company regis-
tered under this Act. 1934, c. 36, s. 18.

50. (1) Any company registered under this Act to trans-
act the business of fire insurance is, upon compliance with
the conditions of this Act other than in respect of an
increase in deposit with the Minister, entitled to receive
a certificate of registry for any one or more of the following
classes of insurance limited to the insurance of the same
property as is insured under a policy of fire insurance of
such company, namely, falling aircraft, earthquake, torna-
do, hail, sprinkler leakage, limited or inherent explosion
and civil commotion, if in the case of a company that is not
an exchange such class or classes of insurance are authorized
by its Act of incorporation or charter.

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(2) Any such company, if a purely mutual company, is entitled to the benefit of subsection (2) of section 14 in respect of the transaction of such additional classes of insurance as well as its fire insurance business. 1934, c. 36, s. 19.

PART V.

WITHDRAWAL OF CERTIFICATES AND PENALTIES.

Withdrawal of Certificates.

51. Where it appears from the annual statements or from an examination, made as provided by this Act, of the condition and affairs of any company registered under this Act to transact the business of life insurance, other than a fraternal benefit society, that its liabilities to policyholders in Canada in respect of its life insurance business, including matured claims and the reserve for outstanding policies required under this Act to be included in the liabilities in the annual statement, after deducting any claim the company has against such policies, together with its other liabilities in Canada exceed its assets in Canada, the Minister shall notify the company and request it to make good the deficiency, and in the event of its failure to make the same good within sixty days after being so requested, the Minister may withdraw its certificate of registry. 1932, c. 47, s. 54.

52. Where it appears from the annual statements or from an examination, made as provided by this Act, of the condition and affairs of any fraternal benefit society registered under this Act to transact any class or classes of insurance business, that its liabilities in respect of outstanding policies in Canada issued on or after the 1st day of January, 1920, including matured claims and a reserve computed in accordance with the provisions of section 43 after deducting any claim the society has against such policies, exceed its assets in Canada, the Minister shall notify the society, and request it to make good the deficiency, and in the event of its failure to make the same good within sixty days after being so requested, the Minister may withdraw its certificate of registry. 1934, c. 36, s. 22.

53. Where it appears from the annual statements or from an examination, made as provided by this Act, of the condition and affairs of any company, other than a fraternal benefit society, registered under this Act, to transact any class of assets—Life companies.

Withdrawal of certificate for deficiency of assets.

Withdrawal of certificate for deficiency of assets—Fraternal benefit societies.

Withdrawal of certificate for deficiency of assets—Other companies.

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class of business, other than life insurance, that its liabilities in respect of all its outstanding policies in Canada, issued in the transaction of any such class of business, computed in accordance with the provisions of section 48, together with other liabilities in Canada, exceed its assets in Canada, the Minister shall notify the company and request it to make good the deficiency, and, in the event of its failure to make the same good within sixty days after being so requested, the Minister may withdraw its certificate of registry. 1934, c. 36, s. 23.

54. Notwithstanding compliance with sections 12, 13, and 14, if the Superintendent reports to the Treasury Board that in his opinion the assets in Canada of any company registered under this Act are not sufficient, having regard for all the circumstances, to give adequate protection to the policyholders in Canada of the company, the Board, after giving the company an opportunity to be heard, may require the company to increase its assets in Canada to such an extent as the Board may deem necessary to give that protection, and in the event of failure to comply with this requirement within such time as the Board may prescribe, the Minister may withdraw the certificate of registry of the company. 1950, c. 38, s. 14.

55. Where any company fails to pay any undisputed claim arising under any policy in Canada of the company, or a disputed claim after final judgment in regular course of law, for the space of ninety days after tender of a legally valid discharge, and after notice of failure to pay has been given to the Minister, such company shall be deemed to be insolvent, and to be subject to be wound up under the provisions of the Winding-up Act, and the Minister shall withdraw the certificate of registry of the company. 1934, c. 36, s. 24.

56. Where any company registered under this Act fails to deposit in the Department annual statements pursuant to the provisions of sections 21 and 22 or declines to permit the examination authorized by subsection (2) of section 24 or by section 31, or refuses to give any information desired for such purpose in its possession or control, its certificate of registry may be withdrawn by the Minister. 1934, c. 36, s. 26.

57. (1) Every company shall cease to be registered and its name shall be removed from the register if the certificate of registry granted to it is withdrawn or if on expiry the certificate has not been renewed.

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(2) When the certificate of registry of any company has been withdrawn by the Minister under any of the provisions of this Act, such certificate may be renewed if, within thirty days after withdrawal, the company complies with the requirements of this Act to the satisfaction of the Minister, and thereupon its name shall be restored to the register.

(3) Where the certificate of registry of any company has not been renewed on the expiry thereof by reason of the Superintendent having made a report to the Minister that, from the statement of affairs of the company, the company is not in a condition to meet its liabilities, or where the certificate of registry of any company has been withdrawn under section 51, 52, 53 or 54, and has not been renewed within thirty days after such expiry or withdrawal, the company shall be deemed to be insolvent and be subject to be wound up under the provisions of the Winding-up Act. 1932, c. 47, s. 61; 1950, c. 38, s. 15.

PENALTIES.

58. Any company, or any person acting on behalf of any such company that transacts any class of insurance business in respect of which the company is not registered under this Act, or does or performs any one or more of the acts constituting the business of insurance in relation to any such class of insurance (save as provided in section 62), is guilty of an offence and liable upon indictment or upon summary conviction, to a penalty for each and every such offence, not exceeding five thousand dollars in the case of a company and not exceeding one thousand dollars in the case of a person acting on behalf of any such company; and in addition, in the case of a natural person, to imprisonment for any term not exceeding six months. 1934, c. 36, s. 28.

59. Any company that makes default in depositing in the Department the annual or other statements required to be so deposited, shall incur a penalty of ten dollars, for each day during which such default continues. 1932, c. 47, s. 63.

60. Any company or person that fails to comply with any provision of this Act, or of the regulations, or with any requirement of the Minister or of the Superintendent made under the authority of this Act, is, if no other pecuniary penalty for such non-compliance is provided in this Act, liable for each non-compliance to a penalty of not less than

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twenty dollars, and not more than five thousand dollars, in the discretion of the court before which such penalty is recoverable. 1934, c. 36, s. 30.

61. All penalties payable under this Act are recoverable and enforceable, with costs, at the suit of Her Majesty, instituted by the Attorney General of Canada in the Exchequer Court of Canada, and shall, when recovered, be applied towards the payment of the expenses of the Department. 1934, c. 36, s. 30.

PART VI.

EXEMPTIONS.

62. The provisions of this Act do not apply

(a) to any company in respect of its business of marine insurance carried on in Canada,

(b) to any company in respect of fire insurance on property situate in Canada, if such insurance is effected outside of Canada and without any solicitation whatsoever directly or indirectly on the part of such company, and further if such company does not within Canada advertise its business in any newspaper or other publication or by circular mailed in Canada or elsewhere, and does not maintain an office or agency therein for the receipt of applications or the transaction of any act, matter or thing relating in any way to its said business; and, subject to the foregoing provisions such company may inspect the property so insured or to be so insured under this section and may adjust any loss incurred in respect thereof, nor

(c) except as hereinbefore provided, to

(i) any company not registered under this Act, in respect of the collection or receipt of premiums on, or other business relating to, any policy of life insurance issued to a person not resident in Canada at the time of the issue of such policy,

(ii) any fraternal benefit society that, prior to the 1st day of January, 1920, was not required to obtain a licence from the Minister and has not on or after the said date obtained such a licence, in respect of any policy or certificate issued in Canada before the said date, or

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(iii) R.S., 1952.
(iii) any society or organization of persons that, under subsection (2) of section 3 of the Insurance Act, chapter 101 of the Revised Statutes of Canada, 1927, was exempted from the provisions of the said Act, unless and until the period of exemption, if the exemption was for a limited period, has expired. 1932, c. 47, s. 65; 1950, c. 38, s. 16.

Declaration.

63. It is hereby declared that this Act has been passed with the object and intent of prescribing the conditions on which foreign insurance companies may be registered for the purpose of transacting the business of insurance in Canada, of determining the conditions upon which such companies shall be deemed to be insolvent and of preventing any such companies that are insolvent from commencing, or continuing, to transact the business of insurance in Canada; and if any provision of this Act should hereafter be determined to have any operation or effect beyond the legislative competence of the Parliament of Canada to authorize and sanction, and to be, in that respect, void and inoperative, it shall, in such respect, be treated as severable from the other provisions of this Act, and such other provisions shall continue to have full force and effect according to their tenor. 1932, c. 47, s. 66.

SCHEDULE I.

Assets that may be Vested in Trust for the Purposes of this Act.

1. Assets of the following classes in which the company has invested its funds:

(a) the bonds, debentures, stocks or other evidences of indebtedness of or guaranteed by the Government of

(i) Canada, Australia, Ceylon, India, New Zealand, Pakistan, the Union of South Africa, and the United Kingdom, or any province or state thereof, and Southern Rhodesia and the Republic of Ireland;

(ii) a colony of the United Kingdom;

(iii) the United States of America or a state thereof;

or

(iv) the country in which the head office of the company is situated or a province or state thereof;

(b) R.S., 1952.
(b) the bonds, debentures or other evidences of indebtedness of or guaranteed by a municipal corporation in Canada; or of a school corporation in Canada; or secured by rates or taxes levied under the authority of the government of a province of Canada on property situate in such province and collectible by the municipalities in which such property is situate;

(c) the bonds or debentures of a corporation that are secured by the assignment to a trust corporation in Canada of an annual payment that the Government of Canada has agreed to make, where such annual payment is sufficient to meet the interest falling due on the bonds or debentures outstanding and the principal amount of the bonds or debentures maturing for payment in the year in which the annual payment is made;

(d) the bonds or debentures issued by a charitable, educational or philanthropic corporation where annual subsidies, sufficient to meet the interest as it falls due on the bonds or debentures and to meet the principal amount of the bonds or debentures on maturity, are, by virtue of a general or private Act of a province of Canada heretofore passed, payable by or under the authority of the province to a trust corporation as trustee for the holders of the bonds or debentures;

(e) the bonds, debentures or other evidences of indebtedness of a Canadian corporation that are fully secured by statutory charge upon real estate or upon the plant or equipment of the corporation used in the transaction of its business, if interest in full has been paid regularly for a period of at least ten years immediately preceding the vesting thereof in trust upon the securities of that class of the corporation then outstanding;

(f) the bonds, debentures or other evidences of indebtedness issued by an authority or other body without share capital established and empowered pursuant to a statute of Canada or of any province thereof to administer, regulate the administration of, provide or operate port, harbour, airport, bridge, highway, tunnel, transportation, communication, sanitation, water, electricity or gas services or facilities and for any of these purposes to levy, impose or make taxes, rates, fees or other charges that may be used only in carrying out the objects of the authority or other body and are sufficient to meet its operating, maintenance and debt service charges;
(g) the bonds, debentures and other securities issued or
guaranteed by the International Bank for Reconstruc-
tion and Development established by the Agreement
for an International Bank for Reconstruction and
Development approved by subsection (1) of section
2 of the Bretton Woods Agreements Act;

(h) the bonds, debentures or other evidences of indedted-
ness of a Canadian corporation that are fully secured
by a mortgage, charge or hypothec to a trustee upon
any, or upon any combination, of the following assets,
(i) real estate,
(ii) the plant or equipment of a corporation that is
used in the transaction of its business, or
(iii) bonds, debentures or other evidences of in-
debtedness or shares of a class or classes specified
in this Schedule as assets that may be vested in
trust,

and the inclusion, as additional security under the
mortgage, charge or hypothec, of any other assets not
of a class specified in this Schedule shall not render
such bonds, debentures or other evidences of indedted-
ness ineligible as assets that may be vested in trust;

(i) obligations or certificates issued by a trustee to
finance the purchase of transportation equipment for a
railway company incorporated in Canada, if the
obligations or certificates are fully secured by
(i) an assignment of the transportation equipment
to, or the ownership thereof by, the trustee, and
(ii) a lease or conditional sale thereof by the trustee
to the railway company;

(j) the bonds, debentures or other evidences of indebted-
ness
(i) of a Canadian corporation that has paid
(A) a dividend in each of the five years immedi-
ately preceding the vesting thereof in trust at least
equal to the specified annual rate upon all of its
preferred shares or
(B) a dividend in each year of a period of five
years ended less than one year before the date of
vesting thereof in trust upon its common shares of
at least four per cent of the average value at which
the shares were carried in the capital stock account
of the corporation during the year in which the
dividend was paid; or
(ii) of or guaranteed by a Canadian corporation where
the earnings of the corporation in a period of five
years ended less than one year before the date of
vesting

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vesting thereof in trust have been equal in sum total to at least ten times and in each of any four of the five years have been equal to at least one and one-half times the annual interest requirements at the date of vesting in trust on all indebtedness of or guaranteed by it other than indebtedness classified as a current liability in the balance sheet of the corporation; and if the corporation owns directly or indirectly more than fifty per cent of the common shares of another corporation, the earnings of the corporations during the said period of five years may be consolidated with due allowance for minority interests, if any, and in that event the interest requirements of the corporations shall be consolidated and such consolidated earnings and consolidated interest requirements shall be taken as the earnings and interest requirements of the corporation; and for the purpose of this subparagraph earnings shall mean earnings available to meet interest charges on indebtedness other than indebtedness classified as a current liability;

\( k \) the preferred shares of a Canadian corporation that has paid

(i) a dividend in each of the five years immediately preceding the date of vesting of such preferred shares in trust at least equal to the specified annual rate upon all of its preferred shares, or

(ii) a dividend in each year of a period of five years ended less than one year before the date of the said vesting upon its common shares of at least four per cent of the average value at which the shares were carried in the capital stock account of the corporation during the year in which the dividend was paid;

\( l \) the fully paid common shares of a Canadian corporation that, in each year of a period of seven years ended less than one year before the date of the vesting of such common shares in trust, has paid a dividend upon its common shares of at least four per cent of the average value at which the shares were carried in the capital stock account of the corporation during the year in which the dividend was paid, but

(i) not more than thirty per cent of the common shares and not more than thirty per cent of the total issue of the shares of any corporation shall be vested in trust by any company, and

(ii)
(ii) a company shall not vest its own shares in trust and a company registered to transact the business of life insurance shall not, in respect of such life insurance business, vest in trust the shares of a company transacting the business of life insurance;

(m) ground rents, mortgages or hypothecs on real estate in Canada, where the amount of the mortgage or hypothec together with the amount of indebtedness under any mortgage or hypothec ranking superior to the mortgage or hypothec that is vested in trust does not exceed sixty per cent of the value of the real estate covered thereby;

(n) mortgages or hypothecs on real estate or leaseholds in Canada or bonds or notes secured by such mortgages or hypothecs, notwithstanding that the mortgage or hypothec exceeds the amount that the company otherwise may vest in trust, if the excess is guaranteed or insured by the government or through an agency of the Government of Canada or of a province thereof;

(o) real estate or leaseholds for the production of income in Canada, either alone or jointly with any other company registered under this Act, if

(i) a lease of the real estate or leasehold is made to, or guaranteed by, a corporation that has met the dividend requirements specified in subparagraph (i) of paragraph (j),

(ii) the lease provides for a net revenue sufficient to yield a reasonable interest return during the period of the lease and to repay at least eighty-five per cent of the amount invested by the company in the real estate or leasehold within the period of the lease but not exceeding thirty years from the date of investment, and

(iii) the total investment of a company in any one parcel of real estate or in any one leasehold does not exceed one-half of one per cent of the accepted value of the total assets in Canada of the company;

and the company may hold, maintain, improve, lease, sell or otherwise deal with or dispose of the real estate or leasehold;

(p) real estate in Canada required by the company for its actual use or occupation or reasonably required by it for the natural expansion of its business; or

(q) cash balances in Canadian funds in the hands of the trustee or in a trust account maintained by the trustee in a chartered bank in Canada.
2. Mortgages and other titles for repayment of loans secured by:

(a) any of the bonds, debentures or other evidences of indebtedness, shares or other securities that may be vested in trust by the company under section 1 of this Schedule, but the amount at which the mortgage or other title so secured may be vested in trust shall not exceed the amount at which the bonds, debentures, or other evidences of indebtedness, shares or other securities might be vested in trust under section 1 of this Schedule;

(b) real estate or leaseholds for a term of years or other estate or interest in real estate in Canada, where the amount of the loan together with the amount of indebtedness under any mortgage or other charge on the real estate or interest therein ranking superior to the loan does not exceed sixty per cent of the value of the real estate or interest therein, subject to the exception that a company that has real estate vested in trust may, upon sale thereof, vest in trust a mortgage or other title accepted as part payment and secured thereon for more than sixty per cent of the sale price of the real estate; or

(c) real estate or leaseholds in Canada, notwithstanding that the loan exceeds the amount that the company may otherwise vest in trust, if the excess is guaranteed or insured by the government or through an agency of the Government of Canada or of a province thereof.

3. Where a company has vested in trust the securities of a corporation and where as a result of a bona fide arrangement for the reorganization of the corporation or for the amalgamation of the corporation with another corporation, the company acquires, in exchange for such securities, bonds, debentures or other evidences of indebtedness or shares not eligible under the foregoing provisions of this Schedule for vesting in trust, the bonds, debentures or other evidences of indebtedness or shares so acquired may be vested in trust for the purposes of this Act but only for a period of five years after their acquisition, or such further period as the Treasury Board may from time to time determine, unless it is shown to the satisfaction of the Treasury Board that such bonds, debentures or other evidences of indebtedness or shares are not inferior in status or value to the securities for which they have been substituted or unless they have become eligible for vesting in trust under the foregoing provisions of this Schedule.

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4. Investments or loans not eligible under the foregoing provisions of this Schedule for vesting in trust, including investments in real estate or leaseholds, subject to the following provisions:

(a) investments in real estate or leaseholds may be vested in trust pursuant to this section if the investment is made only for the production of income and is made in Canada, either alone or jointly with any other company registered under this Act, and the real estate or leasehold may be held, maintained, improved, developed, leased, sold or otherwise dealt with or disposed of, but a parcel of real estate or a leasehold may not be included in the assets vested in trust if the total investment therein exceeds one-half of one per cent of the accepted value of the total assets in Canada of the company;

(b) this section shall be deemed not to enlarge the authority conferred by sections 1 and 2 to vest in trust mortgages or hypothecs or loans on real estate or leaseholds, and not to affect the operation of subparagraphs (i) and (ii) of paragraph (l) of section 1 of this Schedule; and

(c) the total accepted value of the investments and loans vested in trust pursuant to this section, excluding those that are or at any time since vesting in trust have been eligible apart from this section, shall not exceed three per cent of the accepted value of the total assets in Canada of the company.

5. Notwithstanding the foregoing provisions of this Schedule a company may vest in trust, loans and investments made pursuant to the *National Housing Act, 1938*, and the *National Housing Act*.

6. The total accepted value of the assets vested in trust of any company in common shares shall not at any time exceed fifteen per cent of the accepted value of the total assets in Canada of the company.

7. The total accepted value of the real estate or leaseholds for the production of income, vested in trust under this Schedule, shall not at any time exceed five per cent of the accepted value of the total assets in Canada of the company.

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8. A company shall not vest in trust bonds, debentures, or other evidences of indebtedness on which payment of principal or interest is in default.

9. Notwithstanding the limitations in paragraph (m) of section 1 and in paragraph (b) of section 2 of this Schedule, a company may vest in trust any mortgages or hypothecs on real estate in Canada acquired or entered into prior to the 1st day of April, 1950, where the amount of the mortgage or hypothec exceeds sixty per cent of the value of the real estate covered thereby but any such mortgage or hypothec shall not be vested in trust for an amount in excess of sixty per cent of the value of the real estate.

SCHEDULE II.

Reserve for all Unmatured Obligations.

1. In computing the reserve for all unmatured obligations guaranteed under the terms of the policies dependent on life contingencies only, the valuation shall be made in accordance with the following prescriptions, namely:

(a) the rate of interest assumed shall not exceed the rate prescribed in the Annex to this Schedule;

(b) the tables of mortality used shall be the tables prescribed in the said Annex, subject to any modification in the age that the company may deem appropriate and necessary to secure the proper valuation of a particular class of policies and that has the effect of increasing the reserves, but if it appears to a company that the reserves for a particular class of policies cannot be appropriately computed by any table of mortality prescribed in the Annex or by any such table modified as aforesaid, the company shall apply to the Superintendent for approval of the table the company deems most appropriate for the computation;

(c) the method of valuation shall be that specified in the said Annex or any adaptation thereof approved by the Superintendent under the provisions of this Schedule, or any other method the company deems appropriate; but the method used shall be such that the reserve calculated in accordance therewith shall not be less at any duration than the reserve computed in accordance with the valuation provisions in the said Annex, and the method shall make adequate provision for

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for the guaranteed values at the subsequent durations of the policy according to the rate of interest and the table of mortality used in the valuation; and

(d) the reserve in the first policy year need not in any event exceed the reserve computed in accordance with the rate of interest and table of mortality used in the valuation and the method of valuation described in the said Annex.

2. In computing the reserve for all unmatured obligations, guaranteed under the terms of or arising out of policies, dependent on contingencies other than life contingencies only, the bases and methods of valuation employed by the company shall be such as to place an adequate value on the liabilities thereunder, and shall be such that the value of the benefits under each and every policy shall in no case be less than the value placed upon the future premiums.

3. There shall be included in the annual statement a certificate by the actuary of the company, or by the actuary responsible for the valuation if the company has no actuary, to the effect that the reserves shown in the valuation summary are not less than the reserves required by the provisions of this Schedule, and in addition that in his opinion the reserves make a good and sufficient provision for all unmatured obligations of the company guaranteed under the terms of its policies.

4. Where it appears to the Superintendent that the reserve included in the liabilities in the annual statement of any company has not been computed in accordance with the provisions of the preceding sections of this Schedule, he shall make known to the company in what respects in his opinion the valuation does not comply with the said provisions with a view to having such alterations made in the valuation as may be necessary to secure compliance with those provisions, and on failure of the company to have such alterations made the company shall furnish to the Superintendent on request, the full particulars of its policies necessary for computation of the reserve required in accordance with the provisions of the preceding sections of this Schedule, and the reserve so computed by the Superintendent shall be substituted in the liabilities in the annual statement for the reserve computed by the company.

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5. Once in every five years or oftener at the discretion of the Minister, the Superintendent shall himself value or cause to be valued under his supervision all the policies in Canada of every company, and any such valuation shall be made on the bases and in accordance with the methods the company purports to use in computing the reserve included in the liabilities in the annual statement of the company made as of the valuation date, or if the valuation is made as of a date other than the annual statement date, then in the annual statement of the company last made preceding the date of valuation, subject to such alterations as may be made in the reserve under the provisions of section 4 of this Schedule.

6. Instead of making a valuation as provided under section 5 of this Schedule, the Superintendent may satisfy himself by an examination of the valuation made by the company whether the company is maintaining the reserve it purports to maintain and whether the reserve maintained complies with the provisions of this Schedule.

7. Any company, instead of itself computing the reserve to be included in the liabilities in its annual statement, may require the valuation to be made by the Superintendent, in accordance with the provisions of this Schedule, on payment to him of three cents for each policy or bonus addition so valued, which amount the Superintendent shall pay over to the Minister; but the company in preparing the data for valuation may group any number of policies in a manner satisfactory to the Superintendent so that they may be valued as one policy and the charge for the valuation of each group shall be three cents; and a like charge shall be made and paid over to the Minister in respect of any valuations made by the Superintendent under the provisions of section 4 of this Schedule.

8. In any case where the Superintendent approves of a table of mortality under the provisions of this Schedule he shall include in his annual report to the Minister such information concerning the origin and characteristics of the table and the circumstances in which it may be used as the Superintendent deems necessary and appropriate; and approval of any such table may in like manner be withdrawn by the Superintendent.
ANNEX TO SCHEDULE II.

BASES AND METHODS TO BE USED IN COMPUTING THE MINIMUM RESERVE WHICH MAY BE INCLUDED IN THE LIABILITIES IN THE ANNUAL STATEMENT, APART FROM THE BENEFITS GUARANTEED ON DISCONTINUANCE OF PREMIUM PAYMENT WITHOUT SURRENDER.

(A)—As respects benefits depending upon life contingencies only in or arising out of life insurance policies (other than industrial policies) and excluding life annuity settlements.

1. Policies at uniform annual premiums for a uniform amount of insurance throughout.

The bases of valuation for any particular class or group of policies shall be an assumed rate of interest not exceeding three and a half per cent per annum and one of the tables of mortality specified below or any other table that may be approved by the Superintendent.

Tables of Mortality.

(a) Canadian Men Table, CM (5)
(b) British Offices Life Tables, 1893, O" (5)
(c) British Offices Life Tables, 1893, O"
(d) British Offices Life Tables, 1893, O["
(e) Institute of Actuaries of Great Britain, Hm
(f) American Men Table, AM (5)
(g) American Experience Table, Am Exp.
(h) Commissioners 1941 Standard Ordinary Mortality Table, 1941 CSO

The value of the policy as of any date after issue shall be the difference between the then value of the sum assured thereunder (including the then value of any bonus or addition thereto, or reduction in future premiums, made after the date of issue of the policy and subsisting as at the date of valuation), and the then value of the valuation premium (as hereinafter defined) assumed to be payable on each anniversary of the policy following the date of valuation during the term for which premiums are required to be paid in accordance with the terms of the policy to be valued.

If the net level premium for the life insurance risks incurred by the company in issuing the policy does not exceed the whole life net level premium for a like amount of R.S., 1952.
of whole life insurance, the valuation premium shall be the
net level premium for a like policy as of an age one year
greater than the age at entry assumed to be payable at the
beginning of the second and each subsequent policy year for
which premiums are payable under the terms of the policy
to be valued.

If the net level premium for the life insurance risks
incurred by the company in issuing the policy exceeds the
net level premium payable throughout life for a like amount
of whole life insurance, the valuation premium shall be
obtained by adding to each net level annual premium,
excluding the first, such an amount, assumed to be payable
at the beginning of the second and each subsequent policy
year for which premiums are payable under the terms of
the policy to be valued, as is equal in value as of the date
of issue of the policy to the difference between the net level
premiums payable throughout life for a whole life policy
and the one year term premium for, in each case, a policy
of like amount, and of the same age at entry as the policy
to be valued.

2. Policies other than those at uniform annual premiums
for a uniform amount of insurance throughout shall be
valued on bases determined in accordance with the fore-
going provisions of this Schedule with such adaptations
in the valuation methods as seem to the Superintendent
appropriate in the circumstances.

(B)—As respects benefits depending upon life contin-
genies only in or arising out of industrial life insurance
policies, excluding life annuity settlements.

The bases of valuation for any particular class or group
of policies shall be an assumed rate of interest not exceeding
three and one-half per cent per annum and one of the tables
of mortality specified below or any other table which may
be approved by the Superintendent.

Tables of Mortality.

(a) Any of the tables named under (A) (1) above.
(b) The Standard Industrial Table.
(c) 1941 Standard Industrial Mortality Table, 1941 SI.

No reserve shall be held at any valuation within the
first year after issue of any policy. In valuations there-
after the insurance risks of the first policy year shall be
ignored, and, for valuation purposes, the date of issue of
the policy shall be assumed to be one year after the actual
date of issue, the age at issue shall be assumed to be one
3021 year

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year greater than the actual age at issue and the premium term shall be assumed to commence as of the assumed date of issue and to be conterminous with the premium term stated in the policy to be valued.

The valuation premium shall be such a level premium as of the assumed age at issue, payable for the assumed premium term, as is equal in then present value to the insurance risk incurred by the company as from the attainment of the assumed age at issue.

In valuations made as of any date after the attainment of the assumed age at issue the value of the policy shall be the difference between the then value of the sums assured (including the then value of any bonus or addition thereto, or reduction in future premiums, made after the date of issue of the policy and subsisting as of the date of valuation), and the then value of the valuation premium assumed to be payable following the date of valuation during the term for which premiums are required to be paid in accordance with the terms of the policy.

If the terms of any particular class or group of policies are such that the above method of valuation appears to be inapplicable or inappropriate, adaptations in the above method may be made subject to the approval of the Superintendent.

(C)—As respects life annuities (immediate or deferred), including life annuity settlements (other than disability annuities) arising out of life insurance contracts.

The bases of valuation shall be an assumed rate of interest not exceeding three and one-half per cent per annum and one of the tables of mortality specified below, male or female, according to the sex of the nominee, or any other table of mortality that may be approved by the Superintendent.

Tables of Mortality.

(a) Mortality of Annuitants, 1900-1920, \(a(f)\) and \(a(m)\)
(b) Rutherford's Annuity Tables
(c) 1937 Standard Annuity Mortality Table.

In the valuation of deferred annuities, the method of valuation shall be the net level premium method subject to such adaptations as the Superintendent may deem appropriate in any case where the premium for the policy may not be uniform throughout the premium paying period.

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(D)—As respects future payments dependent on a term certain only, including term certain annuities arising out of life insurance contracts.

The valuation shall be made at a rate of interest not exceeding three and one-half per cent per annum, and the method of valuation shall be the net level premium method subject to such adaptations as the Superintendent may deem appropriate in any case where the premium for the policy may not be uniform throughout the premium paying period. 1932, c. 47, Sch. II; 1934, c. 36, s. 35; 1950, c. 38, ss. 18, 19, 20, 21, 22.
CHAPTER 126.

An Act respecting Fruit, Vegetables and Honey.

SHORT TITLE.

1. This Act may be cited as the Fruit, Vegetables and Honey Act. 1935, c. 62, s. 1.

INTERPRETATION.

2. In this Act,

(a) "broker" means any person engaged in negotiating consignments, sales or purchases for or on behalf of the vendor or purchaser respectively;

(b) "closed package" means any package the contents of which cannot be satisfactorily inspected without removing the cover, lid or other closing device;

(c) "commission agent" means any person who receives and handles produce on commission;

(d) "dealer" means any person who acquires produce other than as a retailer or who acting in a representative capacity collects from two or more primary producers and in either case sells the same or consigns or transports the same for sale;

(e) "establishment" means any plant, factory or premises in which produce is canned or preserved for food for export or interprovincial trade;

(f) "export or interprovincial trade" means shipment out of Canada or out of any province to any other province thereof;

(g) "fruit" means fruit known botanically as such of any kind grown in Canada, but does not include any species of wild fruit in respect of which no grade is established;

(h) "grade" means any grade established pursuant to this Act;

(i) "inspector" means any person charged by the Minister with duties relating to the enforcement of this Act;

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"Minister." (j) "Minister" means the Minister of Agriculture;

"Produce." (k) "produce" means fruit or vegetable as defined herein and honey, but for the purposes of sections 10, 11 and 12 excludes honey and includes any kind of fruit or vegetable not grown in Canada;

"To pack." (l) "to pack" means to place produce in any package for the purpose of sale;

"Vegetable." (m) "vegetable" means vegetable known botanically as such of any kind grown in Canada. 1935, c. 62, s. 2.

REGULATIONS.

3. The Minister may from time to time make regulations,

(a) classifying and establishing grades for each kind of produce;

(b) with respect to the inspection, grading, packages and packing, marking, shipment, advertisement and sale of produce produced within or without Canada;

(c) prescribing fees for inspection, registration and licensing;

(d) prescribing when and where any regulation shall be in force;

(e) with respect to the registration of packers and of persons assembling honey;

(f) with respect to the licensing of brokers, commission agents and dealers;

(g) with respect to the cleanliness and sanitation of all premises in which produce is graded or packed or in which honey is assembled, graded or packed;

(h) prescribing punishment upon summary conviction for the violation of any regulation including maximum and minimum fines not exceeding two hundred dollars and imprisonment not exceeding one month for default in payment of any such fine; and

(i) with respect to any other matter concerning which the Minister deems any regulation necessary for the execution of the purposes of this Act. 1935, c. 62, s. 3.

INSPECTION.

4. There may be appointed from time to time in the manner authorized by law such inspectors as are necessary for the enforcement of this Act. 1935, c. 62, s. 4.

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5. Any inspector appointed under this Act may at any time, for the purposes of carrying into effect any provision of this Act or regulations made thereunder,

(a) enter any place or premises, or any steamship, vessel or boat, or any carriage, car, truck or other vehicle used for the carriage of produce;

(b) require to be produced for inspection or for the purpose of obtaining copies thereof or extracts therefrom, any books, shipping bills, bills of lading, sales records, temperature records or other papers;

(c) inspect any produce which is being transported by any vehicle and require the driver of any vehicle suspected to be carrying produce, to stop for the purpose of inspection;

(d) detain for the time necessary to complete his inspection, any shipment of produce; and

(e) at the expense of the producer or packer take samples of honey from any apiary or other place where honey is prepared or packed. 1935, c. 62, s. 5.

6. Produce detained under this Act or the regulations shall at all times be at the risk and expense of the owner, but the inspector shall immediately notify the packer, owner or person having possession of such produce, by prepaid telegram, letter or otherwise, that such produce is being detained in storage or otherwise as the case may be. 1935, c. 62, s. 6.

7. An inspection certificate purporting to be signed by an inspector is prima facie evidence of the facts stated in such certificate and conclusive evidence of the authority of the person giving or making the same without any proof of appointment or signature. 1935, c. 62, s. 7.

8. All produce intended for canning in any establishment shall be presented for inspection and grading as provided by the regulations. 1935, c. 62, s. 8.

9. No person shall obstruct any inspector or refuse to permit produce to be inspected or give to an inspector a false name or address or other false information. 1935, c. 62, s. 9.

LICENSING AND REGISTRATION.

10. No commission agent shall accept or offer to accept for sale on commission or otherwise deal in any produce shipped from a point outside the province in which he carries on business unless thereto licensed by the Minister. 1935, c. 62, s. 10.

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11. No dealer shall ship, buy, accept or offer to accept or otherwise deal in any produce shipped from or to a point outside the province in which he carries on business unless thereto licensed by the Minister. 1935, c. 62, s. 11.

12. No broker shall engage in negotiating shipments on consignment, sales or purchases of any produce from or to a point outside the province in which he carries on business for or on behalf of the vendor or purchaser unless thereto licensed by the Minister. 1935, c. 62, s. 12.

13. The Minister may at the request of any provincial growers' association authorize the registration of foremen packers or head packers in charge of or responsible for the work of one or more persons engaged in packing of produce in orchards, packing-houses, warehouses or other premises. 1935, c. 62, s. 13.

14. No person shall assemble or ship honey for export or interprovincial trade unless he is first duly registered in accordance with the regulations. 1935, c. 62, s. 14.

MISCELLANEOUS.

15. No person shall

(a) transport, pack, advertise, display or offer for sale, sell or have in his possession for sale any produce that has not been graded and inspected and, if in packages, packed and marked in accordance with the provisions of this Act and the regulations, the onus of proof of compliance with such provisions being upon the person charged;

(b) offer or accept for shipment or ship, transport, offer for sale or sell any produce that is below the minimum grade for such kind of produce, except to a person engaged in the operation of an establishment or other manufacturing or processing plant;

(c) represent any produce which he packs, offers for sale or sells in any package to be of a certain grade, variety or class unless such produce has been graded and the package marked in accordance with the regulations;

(d) misrepresent the grade, variety, class or origin of any produce packed, offered for sale or sold by him in any kind of package;

(e) sell or offer for sale or have in his possession for sale any produce in any package of which the faced or shown surface falsely represents the contents in that place.

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more than ten per cent of the produce is smaller in size than, or inferior in grade to, or different in variety or maturity from such faced or shown surface;

(f) sell or offer for sale any produce in any package unless such package is well and properly filled;

(g) pilfer or carelessly handle or destroy produce in the process of packing or in transporting, warehousing or otherwise dealing therewith;

(h) sell, expose, offer for sale or have in his possession for sale or use again for packing produce any package previously marked in accordance with the Act and regulations unless he first completely removes, erases or obliterates the previous marks; or

(i) without authority

(i) use any registered number or mark assigned to any other person,

(ii) use any brand, stencil or label designating the owner, packer or shipper,

(iii) alter, efface or obliterate or cause to be altered, effaced or obliterated, wholly or partially, any marks of any package which has been inspected, or

(iv) mark any package of produce in a manner describing or relating to the grade of the contents otherwise than as required by any regulation under this Act. 1935, c. 62, s. 15.

16. No common carrier shall receive for carriage or carry any produce to a destination without the province wherein the same is received unless such produce is accompanied by an inspection certificate or other evidence of inspection prescribed by regulation. 1935, c. 62, s. 16.

OFFENCES AND PENALTIES.

17. Every person is guilty of an offence and liable on summary conviction to a fine not exceeding one thousand dollars and not less than two hundred dollars and in default of payment of fine to imprisonment for a term not exceeding two months unless the fine is sooner paid who contra-venes any provision of section 9. 1935, c. 62, s. 17.

18. Every person is guilty of an offence and liable on summary conviction to a fine not exceeding one thousand dollars and not less than one hundred dollars and in default of payment of fine to imprisonment for a term not exceeding two months unless the fine is sooner paid who contra-venes any provision of section 10, 11 or 12. 1935, c. 62, s. 18.

19. Every person is guilty of an offence and liable on summary conviction to a fine not exceeding fifty dollars and not less than twenty-five dollars for a first offence and to a fine not exceeding one hundred dollars and not less than fifty dollars for a second offence and to a fine not exceeding two hundred dollars and not less than one hundred dollars for each subsequent offence and in default of payment of the fine to imprisonment for a term not exceeding one month unless the fine is sooner paid who contravenes any provision of section 14, 15 or 16. 1935, c. 62, s. 19.

20. Every person is guilty of an offence and liable on summary conviction to a fine not exceeding fifty dollars and not less than twenty-five dollars and in default of payment of the fine to imprisonment for a term not exceeding one month unless the fine is sooner paid who contravenes any provision of this Act or regulations in respect of which no penalty is hereinbefore or in any regulation specified. 1935, c. 62, s. 20.

21. All produce and all produce packages in respect of which any offence against this Act or regulations thereunder is committed may be placed under detention by an inspector at the risk and expense of the owner until such time as such produce or produce packages comply with the provisions of this Act or regulations, or after a conviction of the owner by a court of competent jurisdiction, may be forfeited to Her Majesty and may be destroyed or otherwise disposed of as the Minister may direct. 1935, c. 62, s. 21.

22. Any pecuniary penalty imposed under this Act is payable to Her Majesty in right of Canada. 1935, c. 62, s. 22.

23. For the purpose of jurisdiction under the provisions of the Criminal Code relating to summary convictions, in any complaint, information or conviction for a violation of any of the provisions of this Act or regulations, the matter complained of may be alleged and shall be held to have arisen at the place where the produce was packed, sold, offered, exposed or had in possession for sale or transportation, as the case may be, or at the residence or usual place of residence of the accused. 1935, c. 62, s. 23.

24. No proceedings taken under this Act or conviction recorded in any way affect the right of any person to any legal remedy to which he may otherwise be entitled. 1935, c. 62, s. 24.
GENERAL.

25. Sections 15 and 16 do not apply
(a) to certified seed potatoes as the same are defined by the Destructive Insect and Pest Act or any regulations made in accordance with the provisions of that Act;
(b) to vegetables with the top leaves attached commonly termed “green vegetables.” 1935, c. 62, s. 25.
CHAPTER 127.

An Act respecting Fugitive Offenders in Canada from other parts of Her Majesty's Dominions.

SHORT TITLE.

1. This Act may be cited as the Fugitive Offenders Act. Short title. R.S., c. 81, s. 1.

INTERPRETATION.

2. In this Act,

(a) "court" means,

(i) in the Province of Ontario, the Supreme Court of Ontario,
(ii) in the Province of Quebec, the Superior Court,
(iii) in the Province of Nova Scotia, New Brunswick, Prince Edward Island or British Columbia, respectively, the Supreme Court for the province,
(iv) in the Province of Manitoba, the Court of Queen's Bench,
(v) in the Province of Saskatchewan, the Court of Queen's Bench,
(vi) in the Province of Alberta, the Supreme Court of Alberta,
(vii) in the Province of Newfoundland, the Supreme Court of Newfoundland,
(viii) in the Yukon Territory, the Territorial Court, or a court, magistrate, or other judicial authority designated as hereinafter mentioned;

(b) "deposition" includes every affidavit, affirmation or statement made upon oath;

(c) "fugitive" means a person accused of having committed an offence to which this Act applies in any part of Her Majesty's dominions, except Canada, and who has left that part;

(d) R.S., 1952.
"Magistrate."

(d) "magistrate" means any justice of the peace or any person having authority to issue a warrant for the apprehension of persons accused of offences, and to commit such persons for trial. R.S., c. 81, s. 2; 1949, c. 6, s. 14.

APPLICATION.

3. This Act applies to treason and to piracy, and to every offence, whether called felony, misdemeanor, crime or by any other name, that is, for the time being, punishable in the part of Her Majesty's dominions in which it was committed, either on indictment or information, by imprisonment with hard labour for a term of twelve months or more, or by any greater punishment; and, for the purposes of this section, rigorous imprisonment, and any confinement in a prison combined with labour, by whatever name it is called, shall be deemed to be imprisonment with hard labour. R.S., c. 81, s. 3.

4. This Act applies to every such offence, notwithstanding that, by the law of Canada, it is not an offence or not an offence punishable in manner aforesaid; and all the provisions of this Act, including those relating to a provisional warrant and to a committal to prison, shall be construed as if the offence were in Canada an offence to which this Act applies. R.S., c. 81, s. 4.

5. This Act applies, so far as is consistent with the tenor thereof, to every person convicted by a court in any part of Her Majesty's dominions of an offence committed either in Her Majesty's dominions or elsewhere who is unlawfully at large before the expiration of his sentence, in like manner as it applies to a person accused of the like offence committed in the part of Her Majesty's dominions in which such person was convicted. R.S., c. 81, s. 5.

6. This Act applies in respect to offences committed before the commencement of this Act, in like manner as if such offences were committed after such commencement. R.S., c. 81, s. 6.

PROCEDURE.

7. (1) Any fugitive, if found in Canada, is liable to be apprehended and returned, in the manner provided by this Act, to the part of Her Majesty's dominions from which he is a fugitive.

(2) A fugitive may be so apprehended under an endorsed warrant or a provisional warrant. R.S., c. 81, s. 7.
8. Whenever a warrant has been issued in a part of Her Majesty's dominions for the apprehension of a fugitive from that part who is or is suspected to be in or on the way to Canada, the Governor General or a judge of a court, if satisfied that the warrant was issued by some person having lawful authority to issue the same, may endorse such warrant in manner provided by this Act, and the warrant so endorsed is a sufficient authority to apprehend the fugitive in Canada and bring him before a magistrate. R.S., c. 81, s. 8.

9. A magistrate in Canada may issue a provisional warrant for the apprehension of a fugitive who is or is suspected of being in or on his way to Canada, on such information and under such circumstances as would, in his opinion, justify the issue of a warrant, if the offence of which the fugitive is accused had been committed within his jurisdiction; and such warrant may be backed and executed accordingly. R.S., c. 81, s. 9.

10. A magistrate issuing a provisional warrant shall forthwith send a report of the issue, together with the information or a certified copy thereof, to the Governor General; and the Governor General may, if he thinks fit, discharge the person apprehended under such warrant. R.S., c. 81, s. 10.

11. A fugitive, when apprehended, shall be brought before a magistrate, who, subject to the provisions of this Act, shall hear the case in the same manner and have the same jurisdiction and powers, as nearly as may be, including the power to remand and admit to bail, as if the fugitive were charged with an offence committed within his jurisdiction. R.S., c. 81, s. 11.

12. If the endorsed warrant for the apprehension of the fugitive is duly authenticated, and such evidence is produced as, subject to the provisions of this Act, according to the law ordinarily administered by the magistrate, raises a strong or probable presumption that the fugitive committed the offence mentioned in the warrant, and that the offence is one to which this Act applies, the magistrate shall commit the fugitive to prison to await his return, and shall forthwith send a certificate of the committal and such report of the case, as he thinks fit, to the Governor General. R.S., c. 81, s. 12.

13. Whenever the magistrate commits the fugitive to prison, he shall inform the fugitive that he will not be surrendered until after the expiration of fifteen days, and that he has a right to apply for a writ of *habeas corpus* or other like process. R.S., c. 81, s. 13.

14. A fugitive apprehended on a provisional warrant may, from time to time, be remanded for such reasonable time, not exceeding seven days at any one time, as under the circumstances seems requisite for the production of an endorsed warrant. R.S., c. 81, s. 14.

15. (1) Upon the expiration of fifteen days, after a fugitive has been committed to prison to await his return, or if a writ of *habeas corpus* or other like process is issued by a court, with reference to such fugitive, after the final decision of the court in the case, if the fugitive is not discharged by the court, the Governor General, by warrant under his hand, if he thinks it just, may order the fugitive to be returned to the part of Her Majesty’s dominions from which he is a fugitive, and for that purpose to be delivered into the custody of the persons to whom the warrant is addressed, or some one or more of them, and to be held in custody, and conveyed to the said part of Her Majesty’s dominions, to be dealt with there, in due course of law, as if he had been there apprehended.

(2) Such warrant shall be forthwith executed according to the tenor thereof. R.S., c. 81, s. 15.

16. Where a fugitive who, in pursuance to this Act, has been committed to prison in Canada to await his return, is not conveyed out of Canada within two months after such committal, the court, upon application by or on behalf of the fugitive, and upon proof that reasonable notice of the intention to make such application has been given to the Governor General, may, unless sufficient cause is shown to the contrary, order the fugitive to be discharged out of custody. R.S., c. 81, s. 16.

17. Whenever it is made to appear to the court that by reason of the trivial nature of the case, or by reason of the application for the return of a fugitive not being made in good faith, in the interests of justice, or that, for any other reason, it would, having regard to the distance, to the facilities for communication, and to all the circumstances of the case, be unjust or oppressive or too severe a punishment to return the fugitive either at all or until the expiration of a certain period, the court may discharge the fugitive.

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fugitive, either absolutely or on bail, or order that he shall not be returned until after the expiration of the period named in the order, or may make such other order in the premises, as to the court seems just. R.S., c. 81, s. 17.

18. A fugitive who has been accused of an offence within Canadian jurisdiction, not being the offence for which his surrender is asked, or who is undergoing sentence under a conviction in Canada, shall not be surrendered until after he has been discharged, whether by acquittal or by expiration of his sentence, or otherwise. R.S., c. 81, s. 18.

19. Whenever a warrant, for the apprehension of a person accused of an offence, has been endorsed in pursuance of this Act, in Canada, any magistrate in Canada has the same power of issuing a warrant to search for any property alleged to have been stolen or to have been otherwise unlawfully taken or obtained by such person, or otherwise to be the subject of such offence, as that magistrate would have if the property had been stolen or otherwise unlawfully taken or obtained, or the offence had been committed wholly within the jurisdiction of such magistrate. R.S., c. 81, s. 19.

20. Any judge of the court may, either in term time or vacation, exercise in chambers, all the powers conferred by this Act upon the court. R.S., c. 81, s. 20.

21. (1) An endorsement of a warrant in pursuance of this Act shall be signed by the authority endorsing the same, and shall authorize all or any of the persons named in the endorsement, and of the persons to whom the warrant was originally directed, and also every constable, to execute the warrant within Canada by apprehending the person named in it, and bringing him before a magistrate in Canada, whether he is the magistrate named in the endorsement or some other.

(2) Every warrant, summons, subpoena and process, and every endorsement made in pursuance of this Act thereon, shall, for the purposes of this Act, remain in force, notwithstanding that the person signing the warrant or such endorsement dies or ceases to hold office. R.S., c. 81, s. 21.

RETURN OF FUGITIVE.

22. Whenever a fugitive or prisoner is authorized to be returned to any part of Her Majesty's dominions in pursuance of this Act, such fugitive or prisoner may be sent thither in any ship registered in Canada or belonging to the Government of Canada. R.S., c. 81, s. 22.

Order to master of Canadian ship to convey fugitive.

23. The Governor General may, by the warrant for the return of the fugitive, order the master of any ship registered in Canada, bound to the said part of Her Majesty's dominions, to receive such fugitive or prisoner, and afford a passage and subsistence during the voyage to him, and to the person having him in custody, and to the witnesses; but such master shall not be required to receive more than one fugitive or prisoner for every hundred tons of his ship's registered tonnage, or more than one witness for every fifty tons of such tonnage. R.S., c. 81, s. 23.

Endorsement upon agreement of the ship.

24. The Governor General shall cause to be endorsed upon the agreement of the ship such particulars with respect to any fugitive prisoner or witness sent in her, as the Minister of Transport, from time to time, requires. R.S., c. 81, s. 24; 1936, c. 34, s. 4.

Duty of master on arrival at destination.

25. Every such master shall, on his ship's arrival in the said part of Her Majesty's dominions, cause such fugitive or prisoner, if he is not in the custody of any person, to be given into the custody of some constable there, to be dealt with according to law. R.S., c. 81, s. 25.

Penalty for non-compliance.

26. Every master who fails, on payment or tender of a reasonable amount for expenses, to comply with an order made in pursuance of this Act, or to cause a fugitive or prisoner committed to his charge to be given into custody as required by this Act, is liable, on summary conviction, to a penalty not exceeding two hundred dollars. R.S., c. 81, s. 26.

EVIDENCE.

Depositions.

27. A magistrate may take depositions for the purposes of this Act, in the absence of a person accused of an offence, in like manner as he might take the same if such person was present and accused of the offence before him. R.S., c. 81, s. 27.

Their use in evidence.

28. Depositions whether taken in the absence of the fugitive or otherwise and copies thereof, and official certificates of, or judicial documents stating facts, may, if duly authenticated, be received in evidence in proceedings under this Act. R.S., c. 81, s. 28.

Authentication of warrants and other documents.

29. (1) Warrants and depositions, and copies thereof, and official certificates of facts, or judicial documents stating facts, shall be deemed duly authenticated for the purposes of this Act if they are authenticated in manner provided for the time being by law, or if they purport to be signed by R.S., 1952.
or authenticated by the signature of a judge, magistrate or officer of the part of Her Majesty's dominions in which the same are issued, taken or made, and are authenticated either by the oath of some witness, or by being sealed with the official seal of a secretary of state, or with the public seal of a British possession, or with the official seal of a governor of a British possession, or of a colonial secretary, or of some secretary or minister administering a department of the government of a British possession.

(2) All courts and magistrates shall take judicial notice of every such seal, and shall admit in evidence without further proof the documents authenticated by it. R.S., c. 81, s. 29.

EDMOND CLOUTIER, C.M.G., O.A., D.S.P.
QUEEN'S PRINTER AND CONTROLLER OF STATIONERY
OTTAWA, 1952

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CHAPTER 128.

An Act to control the Export of Game.

SHORT TITLE.

1. This Act may be cited as the Game Export Act. Short title. 1940-41, c. 17, s. 1.

INTERPRETATION.

2. In this Act, Definitions.
   (a) "export permit" includes any signification of licence "Export permit." to remove game from the province made in writing by an authority thereto competent within the province;
   (b) "game" means the carcass or any part of the carcass, "Game." including the skin, of any wild animal, domestically raised fur bearing animal, wild fowl or wild bird;
   (c) "game officer" means a person declared by this Act "Game officer." to be ex officio a game officer;
   (d) "Minister" means the Minister of Resources and "Minister." Development. 1940-41, c. 17, s. 2; 1949, c. 12, s. 1; 1949 (2nd Sess.), c. 18, s. 9.

3. No person shall knowingly, Provisonal export permit.
   (a) take, carry, send, ship, or have in possession for the purpose of taking, carrying, sending or shipping or receive for shipment or transmission beyond the limits of the province within which such game was killed any game except under the authority of an export permit duly issued under the laws of such province; or
   (b) except as in this Act otherwise provided, have in possession, within Canada beyond the limits of the province within which such game was killed, any game not the subject of an export permit issued as aforesaid. 1940-41, c. 17, s. 3.

4. (1) Every shipment of game out of a province shall be the subject of and accompanied by an export permit issued as aforesaid and, if the game is in a container, there shall Markings on outside of container. R.S., 1952.
shall be shown upon the outside of the container such permit and the name and address of the sender as such and a true statement of the contents shall be clearly and legibly marked on the outside of every such container.

(2) The statement of contents mentioned in subsection (1) shall be clearly set forth in the relative shipping bill or manifest. 1940-41, c. 17, s. 4.

5. Officers appointed under the game laws of any province, members of the Royal Canadian Mounted Police and of the police force of any province, and officers of customs are ex officio game officers and as such may exercise the powers and carry out the duties by this Act given to or imposed upon game officers and for the purposes of this Act and within the territory in respect of which they hold office have all the powers of a peace officer or a police constable. 1940-41, c. 17, s. 6.

6. Any game officer having reason to suspect that the provisions of this Act have been contravened in respect of any game or package, shipment or consignment may seize the same and bring it before a justice of the peace having jurisdiction in the matter. 1940-41, c. 17, s. 7.

7. (1) Any justice of the peace who is satisfied by information upon oath that there is reasonable ground for believing that there is in any store, shop, warehouse, outhouse, dwelling house, garden, yard, vessel, railway, vehicle, aircraft or other place game kept or concealed contrary to the provisions of this Act may issue a warrant under his hand authorizing some constable or game officer named therein to search such place by day or night for such game and to seize and bring it before the justice issuing the warrant or some other justice for the same territorial division to be by him dealt with according to law.

(2) The person having authority over or in charge of any such place shall upon request of the person holding any such warrant afford such person every reasonable facility for making such search and seizure. 1940-41, c. 17, s. 8.

8. (1) The justice before whom any such game is brought may receive the information or complaint of the person so bringing the same and issue his summons thereon directed to the person from whose possession such game was taken and do all other acts and matters necessary preliminary to the hearing of such complaint or information. 3042

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(2) The justice hearing and determining the case if he finds that any provision of this Act has been contravened in respect of the game so brought before him shall declare the same forfeited to Her Majesty and shall dispose of the same as he may be directed by the Attorney-General of the province from which such game had been or was about to be unlawfully removed. 1940-41, c. 17, s. 9.

9. Any person who contravenes any provision of this Act is guilty of an offence and liable on summary conviction to a fine not exceeding one thousand dollars and not less than ten dollars and in default of payment of such fine to imprisonment for a term not exceeding one year unless the fine is sooner paid. 1940-41, c. 17, s. 10.

10. Notwithstanding section 9, any fine imposed upon a conviction of an offence involving more than a single article of game may be computed in respect of each such article as though each such article had been the subject of a separate complaint and the fine imposed shall then be the sum payable in the aggregate as a result of such computation. 1940-41, c. 17, s. 11.

11. (1) The Governor in Council may when requested by any province so to do declare by proclamation that upon and after a day therein named this Act shall be in force in the province in such proclamation designated; and this Act shall upon and after the day named in such proclamation have force and effect within the province or provinces designated therein.

(2) Whenever this Act is in force in any province paragraph (b) of section 3 shall be in force throughout Canada in respect of game killed in such province. 1940-41, c. 17, s. 12.

EDMOND CLOUTIER, C.M.G., O.A., D.S.P.
QUEEN'S PRINTER AND CONTROLLER OF STATIONERY
OTTAWA, 1952

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CHAPTER 129.

An Act respecting the Inspection of Gas and Gas Meters.

SHORT TITLE.

1. This Act may be cited as the Gas Inspection Act. Short title. R.S., c. 82, s. 1.

INTERPRETATION.

2. In this Act, Definitions.
   (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; "Gas."
   (d) "inspector" means any officer appointed under the "Inspector." authority of this Act;
   (e) "meter" means gas meter, and includes every kind "Meter." 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 Com- "Minister." mence;
   (g) "purchaser" means any person to whom gas is "Purchaser." sold;
   (h) "regulation" means any regulation made under "Regulation." 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. R.S., c. 82, s. 2.

REGULATIONS.

3. The Governor in Council may from time to time Regulations. 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 es- tablishing standards therefor;
   (b) R.S., 1952.
(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; and

(g) as to pressure under which gas is to be supplied. R.S., c. 82, s. 3.

**UNITS AND STANDARDS.**

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

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

   (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*. R.S., c. 82, s. 4.

**REGISTRATION.**

5. (1) Every contractor supplying gas to any purchaser shall obtain from the Minister a certificate of registration for his system.

   (2) Such certificate expires on the 31st day of March in each year. R.S., c. 82, s. 5.

**CONTRACTOR'S RIGHTS.**

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; and

   (c) changing or removing when lawfully entitled so to do, any piping, fittings, meters or other apparatus belonging to the contractor.

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(2) The contractor is responsible for, and shall immediately repair and make good all damage caused by such entry, inspection, testing or removal. R.S., c. 82, s. 6.

PRESSURE.

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. R.S., c. 82, s. 7.

DIRECTOR AND OFFICERS.

8. (1) There may be appointed for the purpose of this Act a director, together with such assistants as may be deemed necessary.

(2) Such director has 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.

(3) 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 are

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

(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.

(4) 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.

(5) 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 as by law provided.

(6) 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. R.S., c. 82, s. 8.

R.S., 1952.
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.

(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.

(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.

(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.

(5) Within six years, or such other period as the Governor in Council in any case or class of cases may prescribe, from each verification and sealing, every meter shall be presented by the owner for reverification and resealing, or for the cancellation of the seal, by an inspector.

(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; and no meter on which the seal has been broken shall be continued in use until it has been reverified and resealed.

(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.

(8) Such owner 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.

(9) 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. R.S., c. 82, s. 9; 1950, c. 39, s. 1.
Gas Inspection. Chap. 129.

DISPUTED TESTS.

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.

(2) Tests made under such circumstances shall be designated disputed tests.

(3) 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.

(4) 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.

(5) 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 is final and conclusive.

(6) 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 reverification, then from the date on which it should have been reverified, and the contractor or the purchaser, as the case may be, is entitled to the amount represented by the full error of the meter.

(7) 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. R.S., c. 82, s. 10.

FEES.

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.

(2) 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.

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(3) All fees are due and payable at the time the verifications are made, and shall be paid before the certificate is issued.

(4) An indication of the payment of the fee in respect of a certificate shall be made in the certificate or in such other manner as the Governor in Council may prescribe. R.S., c. 82, s. 11; 1950, c. 39, s. 2; 1950, c. 50, s. 10.

ACCOUNTS.

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. R.S., c. 82, s. 12.

PENALTIES.

13. Every contractor who refuses or neglects to obtain, within thirty days after the 1st day of April in each year, the certificate of registration required by this Act, is liable to a penalty of ten dollars for each day during which such refusal or neglect continues. R.S., c. 82, s. 13.

14. (1) Every person who, except under the authority of this Act,

(a) makes, causes or procures to be made, or assists in making;

(b) forges or counterfeits, or causes or procures to be forged or counterfeited; or

(c) assists in forging or counterfeiting 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 published accordingly, and every one who steals any such stamp or seal is guilty of theft.

(2) 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 is for every such offence liable to a penalty not exceeding two hundred dollars and not less than twenty dollars.

(3) All meters having on them such forged or counterfeited stamps or marks shall be forfeited to Her Majesty, and shall be destroyed or otherwise disposed of as the Minister may direct. R.S., c. 82, s. 14.

R.S., 1952.
15. (1) Every person who

(a) repairs or alters, or causes to be repaired or altered, tampers with or does any other act in relation to any verified meter so as to cause such meter to register unjustly;

(b) prevents or refuses lawful access to any meter in his possession or control; or

(c) obstructs or hinders any examination or testing authorized by this Act;

is liable to a penalty not exceeding one hundred dollars and not less than fifty dollars, and is also liable to pay the expense of and fees for removing and testing the meter and the expense of purchasing and installing a new meter.

(2) The payment of any such penalty as aforesaid does 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. R.S., c. 82, s. 15.

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, is liable to a penalty of not less than five dollars and not more than fifty dollars. R.S., c. 82, s. 16.

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;

(b) refuses or neglects to present any meter installed in any purchaser's service for reverification or resealing within six years after the preceding verification and sealing;

(c) 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;

(d) 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

(e) not keeping records or permitting inspection of them.

For not keeping records or permitting inspection of them.

For installing unverified meter.

For failing to have meter reverified.

For permitting meter to continue in service for more than six years.

For verifying, etc., without authority.

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For breaking seal without authority.

For supplying injurious gas.

For offence for which specific penalty is not provided.

(e) 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;

is 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. R.S., c. 82, s. 17.

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 is 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.

R.S., c. 82, s. 18.

19. Any contractor who supplies any purchaser with manufactured gas containing any trace of sulphuretted hydrogen (H₂S) is liable to a penalty not exceeding one hundred dollars and not less than twenty-five dollars.

R.S., c. 82, s. 19.

20. Every person who violates any of the provisions of this Act, or of any regulation, or refuses or neglects to perform any duty imposed by this Act or a regulation, for which violation no penalty is specifically herein provided, is liable to a penalty of not less than twenty-five dollars and not more than one hundred dollars. R.S., c. 82, s. 20.

R.S., 1952.
21. All penalties imposed under the authority of this Act or of any regulation are 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. R.S., c. 82, s. 21.

EDMOND CLOUTIER, C.M.G., O.A., D.S.P.
QUEEN'S PRINTER AND CONTROLLER OF STATIONERY
OTTAWA, 1952

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CHAPTER 130.

An Act respecting Gold Clause Obligations.

SHORT TITLE.

1. This Act may be cited as the Gold Clauses Act. Short title. 1939, c. 45, s. 1.

2. The expression "gold clause obligation" in this Act means any obligation heretofore or hereafter incurred (including any such obligation that has, at any time heretofore or hereafter, matured or been repudiated) that purports to give to the creditor a right to require payment in gold or in gold coin or in an amount of money measured thereby, and includes any such obligation of the Government of Canada or of any province. 1939, c. 45, s. 2.

3. The provisions of this Act have full force and effect notwithstanding anything contained in any other statute or law. 1939, c. 45, s. 3.

4. In an action in Canada upon a gold clause obligation, tender. (a) tender in currency that is legal tender in the country in the money of which the obligation is or becomes payable, of the nominal or face amount of the obligation, or (b) tender in currency that is legal tender where the tender is made of an amount that is equivalent to the nominal or face amount of the obligation, shall be a legal tender if such tender was made at the place at which the obligation was payable by the terms of the contract whether such tender was made before or after the commencement of such action, and the debtor is, if he has made payment in accordance with such tender, entitled to a discharge of the obligation or of any liability for damages by reason of repudiation of liability upon such obligation. 1939, c. 45, s. 4.

5. R.S., 1952.
5. In an action in Canada upon a foreign judgment rendered in an action commenced after the 3rd day of June, 1939, upon a gold clause obligation,

(a) tender in currency that is legal tender in the country in the money of which such obligation is or becomes payable, of the nominal or face amount of such obligation, or

(b) tender in currency that is legal tender where the tender is made of an amount that is equivalent to the nominal or face amount of such obligation,

shall be a legal tender if such tender was made at the place at which the obligation was payable by the terms of the contract and before the foreign action was commenced, and the debtor is, if he has made payment in accordance with such tender, entitled to a discharge of such judgment. 1939, c. 45, s. 5.

6. Any payment in respect of a gold clause obligation made before the 3rd day of June, 1939, which, if made hereafter, would entitle the debtor to a discharge, shall be deemed to have discharged the obligation. 1939, c. 45, s. 6.

7. Every provision in any obligation heretofore or hereafter incurred, that purports to give to the creditor a right to require payment in gold or in gold coin, or in an amount of money measured thereby, is hereby declared to be contrary to public policy, and every obligation containing such a provision shall have effect as if such provision were not contained therein, and as if it contained a covenant to pay its nominal or face amount in currency that is legal tender in the country in the money of which the obligation is payable, or its equivalent in Canadian currency. 1939, c. 45, s. 7.

8. Every gold clause obligation secured on or enforceable against any work or undertaking subject to the legislative authority of the Parliament of Canada shall be construed as if it contained no reference to gold or gold coin and as if the only amount stipulated to be paid thereunder were its nominal or face amount in currency that is legal tender in the country in the money of which the obligation is payable or its equivalent in Canadian currency. 1939, c. 45, s. 8.

9. In respect of any gold clause obligation, the Exchequer Court of Canada shall not pronounce or enforce any judgment, order or decree wherein the amount of the liability is fixed for any purpose whatsoever at more than the nominal or face value of such obligation in currency.

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that is legal tender in the country in the money of which
such obligation is payable or its equivalent in Canadian
currency. 1939, c. 45, s. 9.

10. Sections 4 and 5, section 7, section 8, and section 9, Sections to
have effect as though contained in separate statutes and be treated
apply to all obligations wherever payable. 1939, c. 45, s. 10.

pendently of each other.

EDMOND CLOUTIER, C.M.G., O.A., D.S.P.
QUEEN'S PRINTER AND CONTROLLER OF STATIONERY
OTTAWA, 1952

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CHAPTER 131.

An Act respecting the Export of Gold.

SHORT TITLE.

1. This Act may be cited as the Gold Export Act. 1932, Short title.
c. 33, s. 1.

2. The Governor in Council may prohibit, from time The export
to time and for any period or periods, the export of gold, whether in the form of coin or bullion, from Canada, except
in such cases as may be deemed desirable by the Minister of Finance and under licences to be issued by him, and no
such licence shall be issued to other than a Canadian chartered bank or the Bank of Canada. 1932, c. 33, s. 2;
1935, c. 21, s. 1.

3. The Governor in Council may make such regulations as he deems necessary or expedient to ensure the carrying
out of the provisions and the intent of this Act, and to
define from time to time as occasion may require what shall
be deemed to be included within the expression "bullion" for the purposes of this Act. 1932, c. 33, s. 3.

4. Whenever a regulation made under section 3 is in force Penalty,
any person who, without a licence issued by or on behalf of the Minister of Finance, as aforesaid, exports or
attempts to export, carries or attempts to carry out of Canada any gold, whether in the form of coin or bullion, is
liable upon summary conviction to a fine not exceeding one thousand dollars or to imprisonment for a term not exceeding two years or to both fine and imprisonment. 1932, c. 33, s. 4.
CHAPTER 132.

An Act to authorize the issue of Government Annuities for Old Age.

SHORT TITLE.

1. This Act may be cited as the Government Annuities Act. R.S., c. 7, s. 1.

INTERPRETATION.

Definitions.

2. In this Act,
   (a) "annuitant" means a person in receipt of, or entitled to the receipt of, an annuity; "Annuitant."
   (b) "annuity" means an annuity issued under the provisions of this Act; "Annuity."
   (c) "Minister" means the Minister appointed by the Governor in Council to administer this Act; and "Minister."
   (d) "purchaser" means any person who has contracted for the purchase of an annuity. R.S., c. 7, s. 2.

Administration.

3. Until otherwise determined by the Governor in Council under the provisions of paragraph (c) of section 2, this Act shall be administered by the Minister of Labour. R.S., c. 7, s. 3.

Sale of annuities authorized.

4. Her Majesty, represented and acting by the Minister, may, subject to the provisions of this Act and of any Order in Council made under the authority of this Act, contract with any person for the sale
   (a) of an immediate or deferred annuity to any person resident or domiciled in Canada,
       (i) for the life of the annuitant;
       (ii) for a term of years certain, not exceeding twenty years, provided the annuitant shall so long live; or
       (iii) for a term of years certain, not exceeding twenty years, or for the life of the annuitant, whichever period shall be the longer;

   (b) R.S., 1952.

(b) of an immediate or deferred annuity to any two persons resident or domiciled in Canada during their joint lives, and with or without continuation to the survivor. R.S., c. 7, s. 4.

5. The purchaser may, by the payment at any time of a sum of not less than ten dollars, or by the payment of a stipulated sum periodically at fixed and definite intervals, to any agent of the Minister appointed under the provisions of this Act, purchase an annuity under the provisions hereof, but the amount payable by way of the annuity so purchased is subject to the terms of section 8. R.S., c. 7, s. 5.

6. (1) Any purchaser who has money sufficient for the purpose deposited in any Post Office Savings Bank, may, upon making demand in such form as is prescribed in that behalf by the Postmaster General, authorize the Postmaster General to transfer to the Minister any sum that such purchaser desires to apply to the purchase of an annuity under this Act.

(2) Any society or association of persons, being a body corporate for fraternal, benevolent, religious or other lawful purposes, may contract with Her Majesty, on behalf of such of its members as are domiciled in Canada, for the sale to such members of annuities otherwise purchasable by them as individuals under this Act; and any sums of money necessary to the carrying out of this object may be paid by such society or association direct to the Minister, or may be deposited in any Post Office Savings Bank, to be transferred by the Postmaster General to the Minister.

(3) Employers of labour may, pursuant to agreement entered into with their employees in that behalf, such agreement to be of a form approved by the Minister, contract with Her Majesty for the sale to such of their employees as are domiciled in Canada of annuities otherwise purchasable by such employees as individuals under this Act; and any sums of money necessary to the carrying out of this object, whether such sums are derived from the wages of the employees solely, or partly from the wages of the employees and partly from contributions of the employers, or from contributions of the employers solely, may be paid by such employers direct to the Minister, or may be deposited in any Post Office Savings Bank to be transferred by the Postmaster General to the Minister; but unless otherwise expressly stipulated, any sums so paid shall be held for the exclusive account of the persons in whose names they were deposited, respectively. R.S., c. 7, s. 6.

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7. All contracts for the purchase of annuities shall be entered into in accordance with the values stated in tables prepared under regulations made pursuant to section 13, and for the time being in use. R.S., c. 7, s. 7.

8. (1) An annuity shall not be granted or issued on the life of any person other than the actual annuitant, nor for an amount less than ten dollars a year; and the total amount payable by way of an annuity or annuities to any annuitant or to joint annuitants shall not exceed twelve hundred dollars a year.

(2) Any contract providing for an annuity to commence to be payable at any greater age than eighty-five years shall, as to purchase price, be subject to the same terms as if the age were exactly eighty-five years.

(3) When a married man who has purchased an annuity payable to himself applies to have a portion thereof converted into an annuity payable to his wife, or when a married woman who has purchased an annuity payable to herself applies to have a portion thereof converted into an annuity payable to her husband, the Minister may make such conversion, if

(a) the application is made within the three months preceding the time when the annuity becomes payable,

(b) the annuity so made payable to the wife does not exceed one-half of the husband's annuity, or the annuity so made payable to the husband does not exceed one-half of the wife's annuity, and

(c) the provisions of this Act and any regulations made under this Act are complied with. R.S., c. 7, s. 8; 1931, c. 33, s. 1.

9. The Minister may refuse to contract for an annuity in any case where he is of opinion that there are sufficient grounds for refusing so to do. R.S., c. 7, s. 9.

10. (1) Except as otherwise provided in this Act, no property, right, title, benefit or interest in, under, or arising out of a contract for an annuity is transferable, either at law or in equity.

(2) The Minister shall not receive nor be affected by notice, however given, of any trust affecting an annuity or affecting moneys paid or payable in respect of an annuity. R.S., c. 7, s. 10.
11. (1) An annuity and all moneys paid or payable and all rights under an annuity contract are exempt from the operation of any law relating to bankruptcy or insolvency, and shall not be seized nor levied upon by or under the process of any court.

(2) If the application for an annuity contract is made and the consideration therefor is paid with intent to delay, hinder or defraud creditors, the creditors are, upon establishing such intent before a court of competent jurisdiction, entitled to receive, and the Minister is hereby authorized to pay to them or to any person authorized by the court to receive it on their behalf, any sum paid in by the purchaser, with interest thereon at the rate of three per cent per annum compounded yearly, or so much thereof as is certified by the court to be required to satisfy the claims of such creditors, and costs; and thereupon the annuity contract shall be cancelled, or the annuity to become payable thereunder shall be proportionately reduced, according as the whole or a part only of the sum payable as aforesaid is so paid by the Minister; or, if an annuity is then payable under the contract, such payment may be made out of and up to an amount equal to the present value of the annuity so payable, and the contract shall thereupon be cancelled, or the annuity payable thereunder proportionately reduced, according as the whole or a part only of such present value is so paid.

(3) No action shall be brought for the cancellation of an annuity granted under this Act after the lapse of two years from the time at which the payment complained of has been made. R.S., c. 7, s. 11.

12. (1) When the annuitant or last survivor of joint annuitants dies before the annuity becomes payable, and any moneys have been paid or deposited as consideration for the annuity, such moneys shall be repaid to the purchaser or to his legal representatives, with interest thereon at the rate of four per cent per annum, compounded yearly; but if there is an express agreement between the Minister and the purchaser as to dealing with such moneys, then they shall be paid as provided in such agreement.

(2) When, under the annuity contract, the annuity is payable for a term of years certain or for the life of the annuitant, whichever period is the longer, and the annuitant dies before the expiration of the said term of years certain, the annuity shall, during the unexpired portion of the said term, be paid to the purchaser or to his legal representatives, with interest thereon at the rate of four per cent per annum, compounded yearly; but if there is an express agreement between the Minister and the purchaser as to dealing with such moneys, then they shall be paid as provided in such agreement.

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legal representatives; but if there is an express agreement to the contrary between the Minister and the purchaser, the annuity shall be paid as provided in such agreement. R.S., c. 7, s. 12.

13. The Governor in Council may make regulations not inconsistent with this Act,

(a) as to the rate of interest to be allowed in the computation of values in the tables hereinafter referred to; and as to the rate of interest to be employed in valuing the annuities as provided for in subsection (2) of section 15;

(b) as to the preparation and use of tables for determining the value of annuities; and the revocation of all or any such tables and the preparation and use of other tables;

(c) as to the mode of making, and the forms of, contracts for annuities, including all requirements as to applications therefor;

(d) as to the selection of agents of the Minister to assist in executing the provisions of this Act, and the remuneration, if any, to such agents therefor;

(e) as to the modes of proving the age and identity and the existence or death of persons;

(f) as to the modes of paying sums of money payable under this Act;

(g) as to dealing with an application of unclaimed annuities; and

(h) for the doing of anything incidental to the foregoing matters, or necessary for the effectual execution and working of this Act and the attainment of the intention and objects thereof. R.S., c. 7, s. 13.

14. The moneys received under the provisions of this Act shall form part of the Consolidated Revenue Fund; and the moneys payable under the said provisions shall be payable out of the said Consolidated Revenue Fund. R.S., c. 7, s. 14.

15. (1) An account shall be kept, to be called the Government Annuities Account, of all moneys received and paid out under the provisions of this Act, and of the assets and liabilities appertaining to the grant of annuities under the said provisions; and among the liabilities included in the said account at the end of each fiscal year shall appear the present value of the prospective annuities contracted for up to the end of such fiscal year.

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(2) R.S., 1952.
(2) The present value referred to in subsection (1) shall, as to interest, be calculated upon such rate as is fixed by the Governor in Council, and, as to mortality, upon such rates as are used in preparing the tables approved of by the Governor in Council and for the time being in use, as provided for in paragraph (b) of section 13. R.S., c. 7, s. 15.

16. There shall be laid before both Houses of Parliament, within the first thirty days of each session, a return containing a full and clear statement and accounts of all business done in pursuance of this Act during the fiscal year next previous to such session. R.S., c. 7, s. 16; 1950, c. 50, s. 10.
CHAPTER 133.

An Act respecting the Operation of Government Companies.

SHORT TITLE.

1. This Act may be cited as the Government Companies Short title. Operation Act. 1946, c. 24, s. 1.

INTERPRETATION.

2. In this Act, Definitions.
   (a) "Company" means a company incorporated under "Company.
      Part I of the Companies Act, all the issued shares of
      capital stock of which are owned by or held in trust
      for Her Majesty in right of Canada, except shares
      necessary to qualify other persons as directors;
   (b) "Minister" means, in relation to each Company, the "Minister." Minister who has direction or control of the affairs
      of the Company. 1946, c. 24, s. 2.

3. (1) Every Company is for all its purposes an agent Company
      of Her Majesty and its powers may be exercised only as an
      agent of Her Majesty.
      (2) Every Company may on behalf of Her Majesty Right to
          contract in its corporate name without specific reference to
          Her Majesty.
          (3) Actions, suits or other legal proceedings in respect Proceedings
              by and
              of any right or obligation acquired or incurred by a Company
              against a
              contract in the name of Her Majesty, may be brought or taken by or
              corporate
              against the Company in the name of the Company in any
              name.
              court that would have jurisdiction if the Company were not
              Proceeding
              an agent of Her Majesty. 1946, c. 24, s. 7; 1950, c. 51, s. 13.

4. (1) Every Company may, notwithstanding the Civil Employ-
      Service Act or any other statute or law, employ such officers
      or servants as it deems necessary to conduct its operations
      and may determine their conditions of employment and
      their remuneration which shall be paid by the Company.
      (2) 1942
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      R.S., 1952.
(2) Every Company has the control and supervision of the officers and servants employed by the Company. 1946, c. 24, s. 8.

5. (1) The Civil Service Superannuation Act does not apply to officers and servants employed by a Company but each Company may with the approval of the Governor in Council establish and support a pension fund or group insurance plan or other pension or superannuation arrangements for the benefit of officers and servants employed by the Company and their dependants and a Company may, with the approval of the Governor in Council, continue any such fund, plan or arrangement established by the Company at the time this Act comes into force.

(2) Notwithstanding subsection (1) or any other statute or law, a person who, immediately prior to his employment by any Company was a contributor under the Civil Service Superannuation Act, continues while employed by the Company to be a contributor under that Act; for the purposes of that Act, his service with the Company shall be counted as service in the civil service and he, his widow, children or other dependants, if any, or his legal representatives may be granted the respective allowances or gratuities provided by the said Act; and in the event of his being retired from employment with such Company for any reason other than that of misconduct, he shall be eligible for re-appointment in the civil service or to receive the same benefits under the Civil Service Superannuation Act, as he might have been granted if he were retired under like circumstances from a position in the civil service.

(3) Any person who at the time of his employment with any Company holds a position in the civil service or is an employee within the meaning of the Civil Service Act shall continue to retain and be eligible for all the benefits, except salary, as a civil servant, that he would have been eligible to receive had he remained under that Act.

(4) The Government Employees Compensation Act applies to officers and servants of a Company and for the purposes of that Act such officers and servants shall be deemed to be employees in the service of Her Majesty. 1946, c. 24, s. 9.

6. This Act shall apply to a Company only from the date of the issue of a proclamation by the Governor in Council declaring this Act to be applicable to such Company. 1946, c. 24, s. 11.

EDMOND CLOUTIER, C.M.G., O.A., D.S.P.
QUEEN'S PRINTER AND CONTROLLER OF STATIONERY
OTTAWA, 1952

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CHAPTER 134.

An Act respecting Compensation for Government Employees.

SHORT TITLE.

1. This Act may be cited as the Government Employees Compensation Act. 1947, c. 18, s. 1.

INTERPRETATION.

2. (1) In this Act, Definitions.
   
   (a) "accident" includes a wilful and an intentional act, "Accident."
   
   (b) "compensation" includes medical and hospital expenses and any other benefits, expenses or allowances that are authorized by the Workmen's Compensation Act of the province in which the accident occurred or the industrial disease was contracted;
   
   (c) "employee" means any person in the service of Her Majesty who is paid a direct wage or salary by or on behalf of Her Majesty, and includes any member, officer or employee of any company, corporation, commission, board or agency established to perform a function or duty on behalf of the Government of Canada who is declared by order of the Governor in Council to be an employee subject to the provisions of this Act;
   
   (d) "industrial disease" means any disease in respect of which compensation is payable under the Workmen's Compensation Act of the province in which such disease was contracted;
   
   (e) "Minister" means the Minister of Labour; and
   
   (f) "province" includes the Yukon Territory and the Northwest Territories.

   (2) This Act does not apply to any person who is a member of any component of the Canadian Forces that is referred to in the National Defence Act as the regular forces, or of the Royal Canadian Mounted Police. 1947, c. 18, s. 2; 1951, c. 16, s. 1.

3. (1) An employee who is caused personal injury by accident arising out of and in the course of his employment or is disabled by reason of an industrial disease due to the nature of his employment, and the dependants of an employee whose death results from such an accident or industrial disease, are, notwithstanding the nature or class of such employment, entitled to receive compensation at the same rate as is provided for an employee, or a dependant of a deceased employee, of a person other than Her Majesty, under the law of the province in which the accident occurred or industrial disease was contracted for determining compensation in cases of employees other than of Her Majesty, and the right to and the amount of such compensation shall be determined subject to the above provisions under such law, and in the same manner and by the same board, officers or authority as that established by such law for determining compensation in cases of employees other than of Her Majesty, or by such other board, officers, or authority, or by such court as the Governor in Council shall from time to time direct.

(2) The benefits of this Act apply to an employee of the Government railways who is caused personal injury by accident arising out of and in the course of his employment or is disabled by reason of an industrial disease due to the nature of his employment, and the dependants of such an employee whose death results from such an accident or industrial disease, to such extent only as the Workmen’s Compensation Act of the province in which the accident occurred or industrial disease was contracted would apply to a person in the employ of a railway company or the dependants of such person under like circumstances.

(3) Any compensation awarded to any employee or the dependants of any deceased employee by any board, officer or authority, or by any court, under the authority of this Act, shall be paid to such employee or dependants or to such person as the board, officer or authority or the court may direct, and the said board, officer, authority and court have the same jurisdiction to award costs as in cases between private parties is conferred by the law of the province where the accident occurred or industrial disease was contracted.

(4) Any compensation or costs awarded under this Act may be paid by the Minister of Finance out of any unappropriated moneys in the Consolidated Revenue Fund of Canada, or the Minister of Finance may from time to time take such amount of money as may be authorized by the Governor in Council.

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Governor in Council from the Consolidated Revenue Fund and deposit such money with the board, officers, authority or court authorized by the law of any province or under this Act to determine compensation cases, from which deposits such board, officers, authority or court may pay any compensation and costs awarded under this Act.

(5) In any province where the general administration expenses of maintaining such board, officers, authority or court are paid by the province or by contributions from employers, or by both, the Minister of Finance may out of any unappropriated moneys in the Consolidated Revenue Fund of Canada

(a) pay such portion of such expenses as is fair and reasonable and is authorized by the Governor in Council, and

(b) make an accountable advance to any such board in respect of the expenses that may be paid by the Minister of Finance under paragraph (a).

1947, c. 18, s. 3; 1951, c. 16, s. 2.

4. Where an employee ordinarily resident in the Yukon Territory or the Northwest Territories is caused personal injury or is killed by accident arising out of and in the course of his employment, or is disabled or his death is caused by an industrial disease due to the nature of his employment, while employed in the Yukon Territory or the Northwest Territories, such accident or industrial disease shall for the purposes of this Act be deemed to have occurred or been contracted in the Province of Alberta. 1951, c. 16, s. 3.

5. Where an employee ordinarily resident in a province, other than the Yukon Territory or the Northwest Territories, is caused personal injury or is killed by accident arising out of and in the course of his employment, or is disabled or his death is caused by an industrial disease due to the nature of his employment, while employed in the Yukon Territory or the Northwest Territories, such accident or industrial disease shall for the purposes of this Act be deemed to have occurred or been contracted in the province in which the employee was ordinarily resident. 1951, c. 16, s. 3.

6. Where an employee, other than a person engaged locally outside of Canada, is caused personal injury or is killed by accident arising out of and in the course of his employment, or is disabled or his death is caused by an industrial disease due to the nature of his employment, 3071

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while employed outside of Canada, such accident or industrial disease shall for the purposes of this Act be deemed to have occurred or been contracted in the province in which the employee was ordinarily resident immediately prior to his entering upon such employment. 1951, c. 16, s. 3.

7. The Governor in Council may make regulations prescribing conditions under which compensation shall be payable, the amount of compensation payable and the manner in which such compensation shall be determined, where an employee is disabled or his death caused by pulmonary tuberculosis due to the nature of his employment and contracted while employed in a hospital or sanatorium operated by the Government of Canada wherein tuberculosis patients are treated, or while employed as a nurse in the field and exposed to this disease, and such disease is not an industrial disease for which compensation is authorized in similar circumstances in the case of an employee other than of Her Majesty under the law of the province in which such tuberculosis was contracted, and compensation shall be payable in accordance with such regulations. 1951, c. 16, s. 3.

8. (1) Where an accident happens to an employee in the course of his employment under such circumstances as entitle him or his dependants to an action against some person other than Her Majesty the employee or his dependants if entitled to compensation under this Act may claim compensation or may bring such action.

(2) If an action is brought and less is recovered and collected than the amount of the compensation to which the employee or his dependants are entitled under this Act the difference between the amount recovered and collected and the amount of such compensation shall be payable as compensation to such employee or his dependants.

(3) If the employee or his dependants elect to claim compensation under this Act Her Majesty shall be subrogated to the rights of the employee or his dependants and may maintain an action in his or their names or in the name of Her Majesty against the person against whom the action lies and any sum recovered shall be paid into the Consolidated Revenue Fund of Canada.

(4) Notice of the election shall be given within three months after the happening of the accident, or in case it results in death, within three months after the death, or within such longer period either before or after the expiration of such three months as may be allowed by the board, officers or authority having power to determine the right to and the amount of the compensation under this Act.

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(5) No employee or dependant of such employee shall have a claim against Her Majesty or any officer, servant or agent of Her Majesty, except for compensation under this Act, in any case where an accident happens to such employee in the course of his employment under such circumstances as entitle him or his dependants to compensation under this Act. 1947, c. 18, s. 9.

9. (1) Where any compensation or costs were awarded or became payable to any person or the dependants of a deceased person in respect of an accident or industrial disease which occurred or was contracted prior to the 1st day of April, 1947, under any Act of the Parliament of Canada or order or regulation made thereunder authorizing the payment of compensation or costs to such person or dependants in the event of injury or death by accident, or disablement or death resulting from an industrial disease, such compensation or costs may be paid by the Minister of Finance out of any unappropriated moneys in the Consolidated Revenue Fund of Canada.

(2) For the purposes of section 19 of the Interpretation Act where any statute, order or regulation referred to in subsection (1) is repealed or revoked or expires, such statute, order or regulation shall be deemed to be repealed or revoked, as the case may be, and this Act shall be deemed to be substituted therefor. 1947, c. 18, s. 10.

10. Subject to the approval of the Governor in Council, the Minister may make regulations for carrying the purposes and provisions of this Act into effect. 1947, c. 18, s. 11.

11. The Minister may from time to time require any company, corporation, commission, board or agency, the employees of which are subject to the provisions of this Act, to pay such percentage of payroll or such other rate or such specific sum as he may deem sufficient to pay the compensation during the current year in respect of injuries to such employees and to pay such proportion of the expenses of administering this Act as the Minister may determine and to maintain a reserve fund to pay the compensation payable in future years in respect of claims of such employees arising under this Act. 1947, c. 18, s. 12.
CHAPTER 135.

An Act respecting the Government Harbours, Piers and Breakwaters.

SHORT TITLE.

1. This Act may be cited as the Government Harbours and Piers Act. R.S., c. 89, s. 1.

INTERPRETATION.

2. In this Act, “Minister” means the Minister of Transport. 1937, c. 10, s. 1.

APPLICATION.

3. Nothing in this Act applies to any harbour under the administration, management and control of the National Harbours Board or of any commissioners appointed under any Act of the Parliament of Canada. 1937, c. 10, s. 2.

WORKS UNDER THE CONTROL OF THE MINISTER.

4. Except such wharfs, piers and breakwaters as are on or connected with canals, the use, maintenance and ordinary repairs of all harbours, wharfs, piers and breakwaters constructed or completed at the expense of Canada, or in any way the property of Canada, and the making and enforcing of regulations concerning such use, maintenance and ordinary repairs, and the collection of tolls and dues for such use, shall be under the control and management of the Minister. R.S., c. 89, s. 4.

5. Such construction and repairs and the works connected therewith, other than maintenance and ordinary repairs, shall be under the control and direction of the Minister of Public Works. R.S., c. 89, s. 5.

POWERS

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POWERS OF MINISTER AND THE GOVERNOR IN COUNCIL.

6. (1) The Minister may appoint such officers, clerks, employees or labourers as he may think proper for the operation, administration and management of the works placed by this Act under his administration, management and control or may designate such existing officers, clerks, employees or labourers of the Department of Transport as he may think fit for that purpose, and such officers, clerks, employees and labourers so appointed or designated shall perform such duties or functions in connection with the management and control of such works, and the collection of tolls and dues to be paid in respect thereof as the Minister may direct.

(2) The Governor in Council may determine the remuneration to be allowed respectively to such officers, clerks, employees and labourers, and the amounts of such remuneration and such expenses as may be authorized by the Minister for lighting, heating or otherwise making serviceable each of such works may, notwithstanding anything in the Financial Administration Act, be retained from the tolls and dues collected thereon. 1937, c. 10, s. 3.

7. The Governor in Council may, on the recommendation of the Minister, make rules and regulations for the use and management of such harbours, wharfs, piers and breakwaters, and a tariff or tariffs of the tolls and dues to be paid for the use of the same, and levied on persons or vessels using them, and on goods, wares or merchandise landed or shipped on or from them; and may, by such rules and regulations, impose penalties not exceeding two hundred dollars, and punishment by imprisonment not exceeding sixty days, for any violation thereof. R.S., c. 89, s. 7.

8. Such tolls, dues and penalties shall be a lien on the goods and on the vessels with their tackle in respect of which they are payable or incurred; and the officer or person appointed to collect the same may detain such vessel or goods until they are paid. R.S., c. 89, s. 9.

9. No vessel leaving any port at which any such tolls or dues are payable shall receive a clearance at the custom-house thereat, unless the master produces to the collector or proper officer of the customs a certificate that the tolls or dues on such vessel have been paid, or that none are payable thereon. R.S., c. 89, s. 10.

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10. If any vessel leaves any port without paying any such tolls or dues, she may be detained at any other port at which she calls until such tolls or dues are paid. 1937, c. 10, s. 4.

COLLECTION OF TOLLS.

11. (1) If any tolls or dues imposed and payable on any goods under this Act by any regulation remain unpaid during four weeks after they are due, the officer or person to whom they are payable may apply to any justice of the peace for an order to levy the same.

(2) Such application shall be accompanied by the oath or solemn affirmation of the applicant, made before such justice, that such tolls or dues, stating the amount thereof, are due on such goods, describing them sufficiently to identify them, and have remained unpaid during twenty-eight days or more, as the case may be.

(3) Upon receiving such application accompanied by the prescribed oath or affirmation, the justice shall issue his warrant to some constable commanding him to sell such goods or so much thereof as is sufficient to pay the sum due, with reasonable costs, not exceeding five dollars, which such constable shall accordingly do, and shall pay over the amount made, less the costs, to the officer or person authorized to collect such tolls or dues. R.S., c. 89, s. 11.

12. (1) All tolls and dues payable under this Act or under any rule or regulation constitute a debt due and payable to Her Majesty jointly and severally (a) by the owner of the goods, wares or merchandise in respect of which such dues or tolls are payable, and the consignee or person to whom such goods, wares or merchandise are delivered or who is in charge of them, or (b) in the case of a vessel, by the owner, master and agent of such vessel.

(2) In the case of a person using a harbour, wharf, pier or breakwater, such tolls and dues are payable by such person.

(3) Such debt may, at any time, be recovered with full costs of suit in any court of competent jurisdiction. R.S., c. 89, s. 12.

13. After deducting the remuneration to officers, clerks, employees and labourers hereinbefore mentioned and the expenses of lighting, heating, or otherwise making serviceable R.S., 1952.

able such works, the remainder, if any, of all tolls and dues received under this Act shall be paid over to the Minister of Finance at such times and in such manner as the Governor in Council directs; and an account thereof shall be rendered to the Minister at such times and in such manner as the Minister directs. 1937, c. 10, s. 5.

14. An account of all such moneys and of all expenditure incurred in the collection thereof, or otherwise under this Act, shall be laid before Parliament at the session next after the close of the fiscal year in which such moneys have been received and such expenditure has been incurred. R.S., c. 89, s. 14.

RECOVERY AND DISPOSAL OF PENALTIES.

15. All pecuniary penalties imposed under this Act may be recovered with costs by summary conviction, under the provisions of the Criminal Code relating to summary convictions and shall belong to Her Majesty for the public uses of Canada. R.S., c. 89, s. 15.

GENERAL.

16. (1) Where the Minister deems it desirable to lease to any provincial government, municipal council, harbour commission, shipping company, or railway company any wharf, pier or breakwater under the control of the Minister, tenders by public advertisement for such lease shall be invited by the Minister for a term not exceeding three years, and the Governor in Council may thereupon lease such wharf, pier or breakwater upon such terms and conditions as are agreed upon.

(2) Nothing in this section interferes with the public use of such wharf, pier or breakwater.

(3) The lessee of such wharf, pier or breakwater shall not charge wharfage tolls or dues in excess of the tolls and dues established under the authority of this Act by the regulations for the government of breakwaters, piers or wharfs in Canada as approved from time to time by the Governor in Council. R.S., c. 89, s. 16.

17. The Minister may enter into an agreement, for a term not exceeding three years, with any person, for the payment of a fixed amount yearly for the use of any wharf, pier or breakwater under his control, in lieu of the tolls and dues leviable for such use in accordance with the rules and regulations made under the authority of this Act, on the vessels and merchandise belonging to or carried by such person. 1937, c. 10, s. 6.
18. The Minister shall lay before Parliament, within one month after the opening of the then next session, a statement of all leases made under the provisions of this Act and the conditions of such leases. R.S., c. 89, s. 18.

19. Nothing in this Act shall be construed to impair, affect, or avoid,

(a) any of the powers or duties of the Minister of Public Works under the Public Works Act, in respect of the construction, improvement, repair or maintenance of the works hereinbefore mentioned;

(b) the power of the Governor in Council to make regulations for the proper use of the said works, concerning their safety and protection from injury, and the prevention of, or liability for damages done to them; or

(c) the effect of any order in council made under the said Act imposing or providing for the collection of tolls or dues for the use of such works, until such order is revoked, or other provisions made for the same purpose under this Act. R.S., c. 89, s. 19.
CHAPTER 136.

An Act respecting Government Railways.

SHORT TITLE.

1. This Act may be cited as the Government Railways Short title. Act. R.S., c. 173, s. 1.

INTERPRETATION.

2. In this Act,
(a) "constable" means a railway constable appointed under this Act;
(b) "county" includes any union of counties, county, "County."
riding or like division of a county in any province, or any division thereof into separate municipalities, in the Province of Quebec;
(c) "Department" means the Department of Transport; "Department."
(d) "Deputy" means the Deputy of the Minister of "Deputy."
Transport;
(e) "engineer" means any engineer or person perma-
ently or temporarily employed by the Minister to perform such work as is ordinarily performed by a civil engineer;
(f) "goods" includes things of every kind that may be "Goods."
conveyed upon the railway, or upon steam or other vessels connected therewith;
(g) "highway" means any public road, street, lane or "Highway."
other public way or communication;
(h) "lands" includes all granted or ungranted, wild or "Lands."
cleared, public or private lands, and all real property,
messuages, lands, tenements and hereditaments of any tenure, and all real rights, easements, servitudes and damages, and all other things for which compen-
sation is to be paid by the Crown;
(i) "Management" means the person or persons ap-
pointed to the management of the Government rail-
ways;

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Government Railways.

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

"Railway." (k) "railway" means any railway, and all property and works connected therewith, under the management and direction of the Department;

"Secretary." (l) "Secretary" means the Secretary of the Department of Transport;

"Superintendent." (m) "superintendent" means the superintendent of the Government railway or railways of which he has, under the Minister, the charge and direction; and

"Toll." (n) "toll" includes any rate or charge or other payment payable for any passenger, animal, carriage, goods, merchandise, matters or thing conveyed on the railway. R.S., c. 173, s. 2; 1936, c. 34, s. 3.

Powers exercised by deputes.

3. Whenever the powers herein given to the Minister are exercised by the superintendent, or by any other person or officer, employee or servant of the Department thereunto specially authorized by the Minister, or his Deputy, or an acting deputy, the same shall be presumed to be exercised by the authority of the Minister, unless the contrary is made to appear. R.S., c. 173, s. 3.

APPLICATION OF ACT.

4. (1) This Act applies to all railways that are vested in Her Majesty, and that are under the control and management of the Minister.

(2) The provisions of this Act, relating to the adjudication of small claims arising in respect of the operation of the Government railways, apply and extend to all claims arising out of the operation of all railways and all branches and extensions thereof, and ferries in connection therewith, under the control and management of the Minister. R.S., c. 173, s. 4.

POWERS.

5. (1) The Minister may by himself, his engineers, superintendents, agents, workmen and servants,

(a) explore and survey the country through which it is proposed to construct any Government railway;

(b) enter into and upon any public lands or the lands of any corporation or person whatsoever for that purpose;

(c) make surveys, examinations or other arrangements on such lands necessary for fixing the site of the railway, and set out and ascertain such parts of the lands as are necessary and proper for the railway;

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(d) fell or remove any trees standing in any woods, lands or forests where the railway is to pass, to the distance of six rods on either side thereof;

(e) make or construct in, upon, across, under or over any land, streets, hills, valleys, roads, railways or tramroads, canals, rivers, brooks, streams, lakes or other waters such temporary or permanent inclined planes, embankments, cuttings, aqueducts, bridges, roads, sidings, ways, passages, conduits, drains, piers, arches or other works as he thinks proper;

(f) make conduits or drains into, through or under any lands adjoining the railway, for the purpose of conveying water from or to the railway;

(g) cross, intersect, join and unite the railway with any other railway at any point on its route, and upon the lands of such other railway, with the necessary conveniences for the purposes of such connection;

(h) construct, maintain and work the railway across, along or upon any stream of water, watercourse, canal, highway or railway that it intersects or touches; but the stream, watercourse, highway, canal or railway so intersected or touched, shall be restored to its former state, or to such state as not to impair its usefulness;

(i) make, complete, alter and keep in repair the railway, with one or more sets of rails or tracks, to be worked by the force and power of steam, or of the atmosphere, or of animals, or by mechanical power, or by any combination of them;

(j) erect and maintain all necessary and convenient buildings, stations, depots, wharfs and fixtures, and from time to time, alter, repair or enlarge the same, and purchase and acquire stationary or locomotive engines and carriages, wagons, floats and other machinery necessary for the accommodation and use of the passengers, freight or business of the railway;

(k) take, transport, carry and convey persons and goods on the railway, and construct, make and do all other matters and things necessary and convenient for making, extending and using the railway;

(l) enter into and upon any lands of Her Majesty, or into and upon the lands of any person, lying along the route or line of railway between the 1st day of November in any year and the 15th day of April next following, and erect and maintain temporary snow fences thereon.

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thereon, subject to the payment of such land damages, if any, as are thereafter established, in the manner by law provided, to have been actually suffered; but all such snow fences so erected shall be removed on or before the 15th day of April next following the erection thereof; and

(m) change the location of the line of railway in any particular part at any time, for the purpose of lessening a curve, reducing a gradient, or otherwise benefiting such line of railway, or for any other purpose of public advantage; and all the provisions of this Act shall relate as fully to the part of such line of railway so at any time changed or proposed to be changed, as to the original line.

(2) Where the Minister, in the execution of any of the powers vested in him, effects a crossing, intersection, junction or union of the railway with any other railway at any point on its route, and upon the lands of such other railway, the Exchequer Court of Canada shall, in the event of disagreement upon the amount of compensation to be made therefor or as to the point or manner of such crossing or connection, determine the same. R.S., c. 173, s. 5.

6. (1) The Minister may, upon the recommendation of the Management, and subject to the authority of the Governor in Council,

(a) lease, in whole or in part, any line or lines of railway connecting with the Government railways, if such line or lines are reported by the chief engineer of the Department to be in a good and safe condition for operation, and

(b) operate any such line or lines of railway as a part of the Government railways,

and any such line or lines of railway so leased and operated shall become and form part of the Government railways.

(2) No such lease has any force or effect nor shall any such connecting railway be entered upon or operated on behalf of the Government of Canada until the said Management and the said chief engineer have approved the terms and conditions of such lease having regard to the beneficial results therefrom to the Government railways, and until the Parliament of Canada has first ratified such lease.

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(3) The Management shall, in their report to the Minister recommending the lease of any line of railway,
(a) give their estimate of the cost of such line, and such information as they are able to give of the moneys received by the company owning the line from the sale of bonds or by way of bonuses or otherwise;
(b) an estimate of future receipts and expenditures in the event of the road being leased as a branch of the Government railways;
(c) state the then present equipment of the road, together with the average rate of freight and charges for passengers on the same and a comparison of such rates with those charged on the Government railways; and
(d) the total receipts and expenditures for three years last past. R.S., c. 173, s. 6.

7. (1) The Minister may, subject to the authority of the Governor in Council, construct, purchase, lease either with or without an agreement to purchase, or otherwise acquire in whole or in part, any line or lines of railway, branch line, railway bridge, railway station, railway terminal, railway ferry or other railway work in the Provinces of Quebec, New Brunswick, Nova Scotia and Prince Edward Island, or in any of the said Provinces, that in his opinion can more conveniently and usefully be operated as part of the Government Railways system, or that may be deemed necessary or desirable for the more efficient operation of the said system.

(2) A copy of every such lease or contract of purchase shall be laid before Parliament within one month after the execution thereof, if Parliament is then sitting, or if Parliament is not then sitting, within ten days after the opening of the next session.

(3) No such line of railway so leased, purchased or otherwise acquired, shall exceed two hundred miles in length in any single instance.

(4) No contract for the construction of a line of railway exceeding twenty-five miles in length shall be entered into or the purchase price of any such railway or other work be paid until after a sum of money for the purpose has been appropriated by Parliament.

(5) Any such railway, or other work, when so constructed, leased, purchased or otherwise acquired, shall form part of the Government Railways system and shall be subject to the provisions of this Act.

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(6) No such railway shall be so constructed, leased, purchased or otherwise acquired unless it directly connects with some part of the then existing Government Railways system.

(7) The Minister and those acting under him shall, for every such purpose, have and may exercise, so far as they may be applicable, all powers given them with respect to a railway under this Act or with respect to lands under the *Expropriation Act*, and any such line or lines of railway or other railway work so constructed, purchased, leased or otherwise acquired as aforesaid, shall become and form a part of the Government Railways system, and shall be constructed and operated by the Minister as a part of such railways system under this Act. R.S., c. 173, s. 7.

8. (1) The Minister may, by and with the authority of the Governor in Council, build, make and construct, and work and use, sidings or branch lines of railway, not exceeding in any one case six miles in length, for the purpose of

(a) connecting any city, town, village, manufactory, mine, or any quarry of stone or slate, or any well or spring, with the main line of the railway, or with any branch thereof,

(b) giving increased facilities to business, or

(c) transporting the products of any such manufactory, mine, quarry, well or spring.

(2) The Minister and those acting under him, for every such purpose, have and may exercise all the powers given them with respect to the main line; and all the provisions of this Act that are applicable to extensions extend and apply to every such siding or branch line of railway.

(3) Where the branch or siding does not exceed one mile in length, the Minister may construct such branch or siding without an order in council; and in the event of his so constructing a branch or siding not exceeding one mile in length, all the provisions of this Act that are applicable to extensions, as aforesaid, likewise apply in the manner aforesaid. R.S., c. 173, s. 8.

9. The Minister shall not cause any obstruction in or impede the free navigation of any river, stream or canal, to or across or along which the railway is carried. R.S., c. 173, s. 9.

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10. Where the railway is carried across any navigable river or canal, the Minister shall leave openings between the abutments or piers of the bridge or viaduct over the same, and shall make the same of such clear height above the surface of the water, or shall construct such drawbridge or swingbridge over the channel of the river, or over the whole width of the canal, as will prevent the free navigation of the river or canal from being obstructed or impeded, subject to such regulations as to the opening of such swingbridge or drawbridge as the Governor in Council makes from time to time. R.S., c. 173, s. 10.

11. No train shall be allowed to pass over any canal, or over the navigable channel of any river, without such proper flooring being first laid under and on both sides of the railway track over such canal or channel as the Minister deems sufficient to prevent anything falling from the railway into such canal or river, or upon the boats or vessels, or craft or persons navigating such canal or river. R.S., c. 173, s. 11.

Running Powers on Grand Trunk and Canada Atlantic.

12. Subject to the provisions of this Act, the Minister has, for the purposes of and in connection with the business and traffic of any railway in his charge or direction by virtue of this Act, running powers over the whole or any portion of the line of the Grand Trunk Railway Company of Canada between Montreal and Coteau Junction, and over all or any of the lines and tracks of the system known or formerly known as the Canada Atlantic Railway System, as the said lines and tracks now exist or as they are hereafter constructed, reconstructed or extended. R.S., c. 173, s. 12.

13. Such running powers shall consist of the right, in perpetuity or for such period or periods from time to time as the Governor in Council determines, to run the engines of any such Government railway, alone or with trains, passenger, freight or mixed, as frequently and at such times as the Minister sees fit, each way, daily or otherwise, over the said lines and tracks, and shall include the right, from time to time as the Minister deems desirable, to use any or all of the terminals, buildings, stations, tracks, sidings, fixtures and appurtenances in connection with, appertaining to or forming part of the said lines and tracks to which such running powers extend as aforesaid, as they now exist or as they or any of them are hereafter constructed,

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constructed, reconstructed or extended, and any other terminals, buildings, stations, tracks, sidings, fixtures or appurtenances in addition thereto or in lieu thereof, now or hereafter owned, leased or used in connection with the said lines and tracks to which the said running powers extend, or by the Government for the purposes of any such Government railway. R.S., c. 173, s. 13.

14. In exercising any such running powers, the Minister has the power to do a through freight and passenger business and a local passenger business. R.S., c. 173, s. 14.

15. The Minister shall submit all tariffs of the tolls to be charged for the carriage of traffic upon the said lines and tracks to which such running powers extend to the Board of Transport Commissioners for Canada, as and in the manner in the Railway Act provided for the submission of tariffs by railway companies to such Board, and the Board has the like jurisdiction with regard to the approval, disallowance and substitution of tariffs so submitted by the Minister as it has under the said Act, in the case of the tariffs submitted by railway companies. R.S., c. 173, s. 15; 1938, c. 53, s. 3.

16. (1) The terms and conditions, and the payment or compensation upon, for or subject to which the said running powers may be so exercised shall, subject to this Act, be determined by the said Board upon the application of the Minister in accordance with the rules of procedure of the Board, subject to a right of appeal to the Supreme Court of Canada.

(2) No compensation is payable for such running powers unless or until they are actually exercised, and then only in so far as they are exercised. R.S., c. 173, s. 16.

HIGHWAYS AND BRIDGES.

17. (1) The railway shall not be carried along an existing highway, but shall merely cross the same in the line of the railway, unless leave has been obtained from the proper municipal or local authority therefor.

(2) No obstruction of such highway with the works shall be made without diverting the highway so as to leave an open and good passage for carriages, and, on the completion of the works, the highway shall be replaced.

(3) In either case the rail itself, if it does not rise above or sink below the surface of the road more than one inch, shall not be deemed an obstruction.

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(4) This section does not limit or interfere with the powers of the Minister to divert or alter any road, street or way, when another convenient road is substituted in lieu thereof. R.S., c. 173, s. 17.

18. No part of the railway that crosses any highway, unless carried over by a bridge, or under by a tunnel, shall rise above or sink below the level of the highway more than one inch; and the railway may be carried across or above any highway subject to the provisions aforesaid. R.S., c. 173, s. 18.

19. The span of the arch of any bridge erected for carrying the railway over or across any highway, shall be constructed and continually maintained at an open and clear breadth and space, under such arch, of not less than twenty feet, and of a height from the surface of such highway to the centre of such arch of not less than twelve feet; and the descent under any such bridge shall not exceed one foot in twenty feet. R.S., c. 173, s. 19.

20. The inclination of the ascent or descent of all bridges erected to carry any highway over any railway shall not be more than one foot in twenty feet increase over the former ascent of the highway; and a good and sufficient fence shall be made on each side of every bridge, which fence shall not be less than four feet above the surface of the bridge. R.S., c. 173, s. 20.

21. (1) Every bridge or other erection or structure or tunnel through or under which any railway to which this Act applies passes, shall, at all times be so maintained as to admit of an open and clear headway of at least seven feet between the top of the highest freight cars used on the railway and the bottom of the lower beams, members or portions of that part of such bridge, erection, structure or tunnel which is over the railway.

(2) The Minister, before using higher freight cars than those which admit of such open and clear headway of at least seven feet, shall, after having first obtained the consent of the municipality or of the owners of such bridge or other erection, structure or tunnel, raise every such bridge or other erection, structure or tunnel, and the approaches thereto, if necessary, so as to admit of such open and clear headway of at least seven feet.

(3) This section does not apply to any bridge, erection, structure or tunnel existing before the 1st day of March, 1887, that is exempted by the Governor in Council. R.S., c. 173, s. 21.

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22. (1) Whenever a highway bridge or any other erection, or structure, or tunnel, is constructed over or on the line of a railway, or whenever it becomes necessary to reconstruct any highway bridge or other erection, or structure, or tunnel already built over or on the line of railway, or to make large repairs to the same, the lower beams, members or portions of the superstructure of any such tunnel, highway or overhead bridge, or of any other erection or structure over any railway, and the approaches thereto, shall be constructed or reconstructed at the cost of the Crown or of the municipality or other owner of the bridge, erection, structure, or tunnel, as the case may be, and shall at all times, be maintained at a sufficient height from the surface of the rails of the railway, to admit of an open and clear headway of at least seven feet between the top of the highest freight cars then used on the railway and the lower beams, members or portions of such bridge or other erection, or tunnel.

(2) After any such construction, reconstruction or large repairs, the Minister, before using higher freight cars than those used on the railway at the time of such construction, reconstruction, or large repairs, shall, after having first obtained the consent of the municipality, or of the owners of such highway bridge, or other erection or structure, or tunnel, raise the said tunnel or bridge, or other erection or structure, and the approaches thereto, if necessary, so as to admit, as aforesaid, of an open and clear headway of at least seven feet over the top of the highest freight cars then about to be used on the railway. R.S., c. 173, s. 22.

23. Sign-boards stretching across or projecting over the highway crossed at a level by any railway, shall be erected and kept up at each crossing at such height as to leave sixteen feet from the highway to the lower edge of the sign-board.

(2) Such sign-board shall have the words Railway Crossing painted on each side of the sign-board, in letters not less than six inches in length. R.S., c. 173, s. 23.

FENCES.

24. (1) Within six months after any lands have been taken for the use of the railway, the Minister, if thereunto required by the proprietors of the adjoining lands, shall erect and thereafter maintain, on each side of the railway, fences at least four feet high and of the strength of an ordinary

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ordinary division fence, with swing gates or sliding gates, commonly called hurdle gates, with proper fastenings, at farm crossings of the railway, for the use of the proprietors of the lands adjoining the railway.

(2) The Minister shall also, within the time aforesaid, construct and thereafter maintain cattle-guards at all public road crossings, suitable and sufficient to prevent cattle and animals from getting on the railway.

(3) In the case of a hurdle gate fifteen inches longer than the opening, two upright posts supporting the gate at each end shall be deemed to be proper fastenings within the meaning of this section.

(4) Every railway gate at a farm crossing shall be of sufficient width for the purposes for which it is intended. R.S., c. 173, s. 24.

25. Until such fences and cattle-guards are duly made, and at any time thereafter during which such fences and cattle-guards are not duly maintained, Her Majesty is, subject to the provisions of this Act relating to injuries to cattle, liable for all damages done by the trains or engines on the railway, to cattle, horses or other animals on the railway, which have gained access thereto for want of such fences and cattle-guards. R.S., c. 173, s. 25.

26. After the fences or guards have been duly made, and while they are maintained, no such liability shall accrue for any such damages, unless negligently or wilfully caused. R.S., c. 173, s. 26.

27. At every road and farm crossing on the grade of the railway, the crossing shall be sufficiently fenced on both sides so as to allow of the safe passage of trains. R.S., c. 173, s. 27.

INJURIES TO CATTLE.

28. No horses, sheep, swine or cattle shall be permitted to be at large upon any highway within half a mile of the intersection of such highway with any railway on grade, unless such animals are in charge of some person to prevent their loitering or stopping on such highway at such intersection. R.S., c. 173, s. 28.

29. All horses, sheep, swine or cattle found at large in violation of section 28 may, by any person finding the same at large, be impounded in the pound nearest to the place R.S., 1952.
place where the same are so found and the pound keeper with whom the same are so impounded shall detain the same in the like manner, and subject to the like regulations, as to the care and disposal thereof, as in the case of cattle impounded for trespass on private property. R.S., c. 173, s. 29.

30. Where the horses, sheep, swine or cattle of any person, which are at large contrary to the provisions here-inbefore contained, are killed or injured by any train at such point of intersection, such person shall not have any right of action or be entitled to compensation in respect of the same, unless they are killed or injured through the negligence or wilfulness of some officer, employee or servant of the Minister. R.S., c. 173, s. 30.

31. (1) When any horses, sheep, swine or cattle at large, whether upon the highway or not, get upon the railway and are killed or injured by a train, the owner of any such animal so killed or injured is, except in the cases otherwise provided for by section 32, entitled to recover the amount of such loss or injury against Her Majesty, unless Her Majesty establishes that such animal got at large through the negligence or wilful act or omission of the owner or his agent, or of the custodian of such animal or his agent.

(2) The fact that any such animal was not in charge of some competent person or persons does not, if the animal was killed or injured upon the railway, and not at the point of intersection with the highway, deprive the owner of his right to recover. R.S., c. 173, s. 31.

32. No person whose horses, cattle, or other animals are killed or injured by any train has any right of action or is entitled to compensation in respect of such horses, cattle, or other animals being so killed or injured, if they were so killed or injured by reason of any person

(a) for whose use any farm crossing is furnished failing to keep the gates at each side of the railway closed, when not in use;

(b) wilfully leaving open any gate on either side of the railway provided for the use of any farm crossing, without some person being at or near such gate to prevent animals from passing through the gate on to the railway;

(c) other than an officer, employee or servant of Her Majesty while acting in the discharge of his duty, taking down any part of a railway fence;

(d)
(d) turning any such horse, cattle, or other animal upon or within the inclosure of any railway, except for the purpose of and while crossing the railway in charge of some competent person using all reasonable care and precaution to avoid accidents; or

(e) except as authorized by this Act, without the consent of Her Majesty, riding, leading or driving any such horse, cattle, or other animal, or suffering the same to enter upon any railway, and within the fences and guards thereof. R.S., c. 173, s. 32.

WORKING THE RAILWAY.

33. There shall be provided and used in and upon trains run for the conveyance of passengers, such apparatus and arrangements as best and most securely place and fix the seats or chairs in the cars or carriages, and as best afford good and sufficient means

(a) of immediate communication between the conductors and the engine drivers of such trains while the trains are in motion;

(b) of applying, by the power of the steam engine or otherwise, at the will of the engine driver or other person appointed to such duty, the brakes to the wheels of the locomotive or tender, or both, or of all or any of the cars or carriages composing the trains; and

(c) of disconnecting the locomotive, tender and cars or carriages from each other by any such power or means. R.S., c. 173, s. 33.

34. (1) Subject to this section every locomotive or railway engine, or train of cars on the railway, shall, before it crosses the track of any other railway on a level, be stopped for at least the space of one minute.

(2) Whenever there has been adopted and is in use on any Government railway at any crossing thereof at rail level by any other railway an interlocking switch and signal system or other device, that, in the opinion of the Minister, will render it safe to permit engines and trains to pass over such crossing without being stopped, the Minister may, by written order, give permission for engines and trains to pass without stopping, under such regulations as to speed and other matters as the Minister deems proper.

(3) The Minister may at any time modify or revoke such order. R.S., c. 173, s. 34.
Stop at draw or swing-bridge.

35. When a railway passes any draw or swingbridge over a navigable river, canal or stream, that is subject to be open for the purposes of navigation, the trains shall in every case be stopped at least three minutes before crossing to ascertain from the bridge tender that the said bridge is closed and in perfect order for passing. R.S., c. 173, s. 35.

Watchman at level crossing.

36. An employee shall be stationed at each point on the line crossed on a level by any other railway, and no train shall proceed over such crossing until signal has been made to the conductor thereof that the way is clear. R.S., c. 173, s. 36.

Reduced speed through cities, etc.

37. No locomotive or railway engine shall pass in or through any thickly peopled portion of any city, town or village at a speed greater than six miles per hour, unless the track is properly fenced. R.S., c. 173, s. 37.

Precautions when moving reversely.

38. Whenever any train of cars is moving reversely in any city, town or village, the locomotive being in the rear, a person shall be stationed on the last car in the train, who shall warn persons standing on or crossing the track of the railway, of the approach of such train. R.S., c. 173, s. 38.

Bell and whistle.

39. Every locomotive engine shall be furnished with a bell of at least thirty pounds weight, and with a steam whistle. R.S., c. 173, s. 39.

How and when to be used.

40. (1) The bell shall be rung or the whistle sounded at the distance of at least eighty rods from every place where the railway crosses any highway, and shall be kept ringing or be sounded, at short intervals, until the engine has crossed such highway.

(2) Her Majesty is liable for all damages sustained by any person by reason of any neglect to comply with this provision.

(3) One-half of such damages shall be chargeable to and be deducted from any salary due to the engineer having charge of such engine, and neglecting to sound the whistle or ring the bell as aforesaid, or shall be recoverable from such engineer. R.S., c. 173, s. 40.

Failure entails liability to damages.

Liability of engineer.

41. Every servant of the Minister employed on a passenger train, or at a station for passengers, shall wear, upon his hat or cap, a badge which shall indicate his office; and he is not, without such badge, entitled to demand R.S., 1952.
or receive from any passenger any fare or ticket, or to exercise any of the powers of his office, or to interfere with any passenger or his baggage or property. R.S., c. 173, s. 41.

42. The trains shall be started and run at regular hours fixed by public notice, and shall furnish sufficient accommodation for the transportation of all such passengers and goods as are within a reasonable time previous thereto offered for transportation at the place of starting, and at the junctions of other railways, and at usual stopping places established for receiving and discharging way-passengers and goods from the trains. R.S., c. 173, s. 42.

43. Such passengers and goods shall be taken, transported and discharged at, from and to such places, on the due payment of the toll, freight or fare lawfully authorized therefor. R.S., c. 173, s. 43.

44. (1) Her Majesty has a lien on all goods transported over the railway, for the freight and charges thereon, as well as for any balance previously due for freight or otherwise by the owner or consignee; and the said goods are liable to be sold by public auction for the payment of the charges thereon and other balances due.

(2) If the owner or his agent does not, within ten days after the arrival of the goods at the place of destination, pay the freight and other charges due thereon, or payable in respect thereof, and take possession of and remove the goods from the railway premises, the superintendent may sell the same at public auction, after giving ten days' public notice of such sale, to defray the railway claims and all expenses incurred in respect thereof, and in the meantime the said goods shall be at the risk of the owner thereof. R.S., c. 173, s. 44.

45. Where any goods remain in the possession of Her Majesty unclaimed for the space of twelve months, the superintendent may thereafter, and on giving public notice thereof by advertisement for six weeks in the official gazette of the province in which such goods are, and in such newspapers as he deems necessary, sell such goods by public auction at a time and place mentioned in such advertisement, and may, out of the proceeds thereof, defray the railway claims and all expenses incurred in respect thereof; and the balance of the proceeds, if any, shall be paid to the Minister of Finance, to be kept until claimed by the person entitled thereto. R.S., c. 173, s. 45.

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Passengers to produce their tickets or be removed.

46. (1) Passengers shall produce and deliver up their railway tickets to the conductor or other person in charge of the train, whenever requested so to do by such officer; and if any passenger refuses so to do, or to pay the proper fare, he may be removed from the train, but a passenger shall not be so removed unless the place of removal is not more than half a mile distant from a station, or not more than a mile distant from a dwelling house in sight of the place of removal and accessible therefrom, and before such removal, the train shall be stopped.

(2) No unnecessary force shall be used in such removal. R.S., c. 173, s. 46.

Non-recourse of passengers injured while standing on platforms, etc.

47. No person who is injured while on the platform of a car, or on any baggage, wood or freight car, in violation of any printed regulations posted up at the time in a conspicuous place inside of the passenger cars then in the train, has any claim in respect of the injury, if there was at the time room inside of such passenger cars, sufficient for the proper accommodation of the passengers. R.S., c. 173, s. 47.

Parcels suspected to be dangerous may be refused.

48. (1) Any officer, employee or servant of the Minister may refuse to take any package or parcel that he suspects may be containing goods of a dangerous nature, and may require the same to be opened to ascertain the fact.

(2) No such goods of a dangerous nature shall be carried, except in cars specially designated for that purpose, on each side of which shall be plainly marked, in large letters, the words Dangerous Explosives. R.S., c. 173, s. 48.

Governor in Council to fix tolls.

49. (1) The Governor in Council may impose and authorize the collection of tolls and dues upon any railway vested in Her Majesty, or under the control or management of the Minister, and, from time to time, in like manner, may alter and change such tolls or dues, and may declare the exemptions therefrom.

(2) All such tolls and dues are payable in advance, if so demanded by the collector thereof. R.S., c. 173, s. 49.

How payable.

Recovery of tolls.

50. All such tolls and dues may be recovered, with costs, in any court of competent jurisdiction, by the collector or person appointed to receive the same, in his own name or in the name of Her Majesty, and by any form of proceeding by which debts to Her Majesty may be recovered. R.S., c. 173, s. 50.

51. All tolls, dues or other revenues imposed and collected in respect of any Government railway, shall be paid by the persons receiving the same to the Minister of Finance, in such manner and at such intervals as are appointed by him; but such intervals shall in no case exceed one month. R.S., c. 173, s. 51.

RULES AND REGULATIONS.

52. The Governor in Council may, from time to time, make such regulations as he deems necessary

(a) for the management, proper use and protection of all or any of the Government railways, including station houses, yards and other property in connection therewith;

(b) for the ascertaining and collection of the tolls, dues and revenues thereon;

(c) to be observed by the conductors, engine drivers and other officers and servants of the Minister, and by all companies and persons using such railways; and

(d) relating to the construction of the carriages and other vehicles to be used in the trains on such railways. R.S., c. 173, s. 52.

53. The Governor in Council may, by such regulations, impose such fines, not exceeding in any one case four hundred dollars, for any violation of any such regulation, as he deems necessary for ensuring the observance of the same and the payment of the tolls and dues to be imposed as aforesaid, and

(b) provide for the retention out of the salary of any officer, employee or servant of the Minister, of the amount of any forfeiture incurred by him for violation of any such regulation. R.S., c. 173, s. 53.

54. The Governor in Council may also, by such regulations, provide for the detention and seizure, at the risk of the owner of any carriage, animal, timber or goods

(a) on which tolls or dues have accrued and have not been paid;

(b) in respect of which any such regulations have been violated;

(c) in respect of which any injury has been done to such railways and not paid for; or

(d) for or on account of which any fine has been incurred and remains unpaid. R.S., c. 173, s. 54.

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55. (1) The Governor in Council may also, by such regulations, provide for the sale of any such carriage, animal, timber or goods, if such tolls, dues, damages or fine is not paid by the time fixed for the purpose, and for the payment of such tolls, dues, damages or fine, out of the proceeds of such sale.

(2) The surplus, if any, shall be returned to the owner or his agent. R.S., c. 173, s. 55.

56. No regulations made under this Act impair the right of the Crown to recover such tolls, dues, fines or damages in the ordinary course of law; and any such tolls, dues, fines or damages may always be recovered under the foregoing provisions. R.S., c. 173, s. 56.

GENERAL.

57. All Government railways are and shall be public works of Canada. R.S., c. 173, s. 58.

58. The Governor in Council may, at any time, cause a line or lines of electric telegraph to be constructed along the line of the railway, for the use of the Government of Canada, and, for that purpose, may enter upon and occupy such lands as are necessary for the purpose. R.S., c. 173, s. 59.

59. Every company owning or operating an electric telegraph shall, when required so to do by the Governor in Council, or any person authorized by him, place the same, and the apparatus and operators used or employed in connection therewith at the exclusive use of the Government of Canada, and shall thereafter be paid reasonable compensation for such service. R.S., c. 173, s. 60.

60. Her Majesty’s naval or military forces, and all artillery, ammunition, baggage, provisions or other stores for their use, and all officers and others travelling on Her Majesty’s naval, military or other service, and their baggage and stores, shall, at all times, when such service is required by one of Her Majesty’s principal secretaries of state, or by the commander of Her Majesty’s forces in Canada, or by the chief naval officer on the North American or North Pacific station, be carried on the railway on such terms and conditions and under such regulations as the Governor in Council makes, from time to time, or as are

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are agreed upon between the Government of Canada and one of Her Majesty's principal secretaries of state. R.S., c. 173, s. 61.

61. The Minister, or any person acting for him, in investigating or making inquiry into any accident upon the railway, or relating to the management of the railway, may examine witnesses under oath; and for that purpose may administer such oath. R.S., c. 173, s. 62.

62. Her Majesty shall not be relieved from liability by any notice, condition or declaration, in the event of any damage arising from any negligence, omission or default of any officer, employee or servant of the Minister; nor shall any officer, employee or servant be relieved from liability by any notice, condition or declaration, if the damage arises from his negligence or omission. R.S., c. 173, s. 63.

63. The cleared land or ground adjoining the railway and belonging to the railway shall at all times be maintained and kept free from dead or dry grass, weeds, thistles and other unnecessary combustible material. R.S., c. 173, s. 64.

64. (1) Whenever damage is caused to property, by a fire started by a railway locomotive working on the railway, Her Majesty, whether Her officers or servants have been guilty of negligence or not, is liable for such damage.

(2) When it is shown that modern and efficient appliances have been used, and that the officers and servants of Her Majesty have not been guilty of any negligence in the working of the railway locomotive by which the fire was started, or in respect of the requirements of section 63, the total amount of compensation recoverable under this subsection shall not exceed five thousand dollars, and it shall be apportioned among the parties who suffered the loss, as the court or judge determines. R.S., c. 173, s. 64.

65. (1) Where there is any insurance existing on the property destroyed or damaged the total amount of damages sustained by any claimant in respect of the destruction of or damage to such property shall, for the purposes of this subsection, be reduced by the amount accepted or recovered by, or for the benefit of, such claimant in respect of such insurance.

(2) Her Majesty is not liable by reason of anything in any policy of insurance or by reason of the payment of any moneys thereunder. R.S., c. 173, s. 64.

Limitation of actions against employees.

66. No action shall be brought against any officer, employee or servant of the Minister for anything done by virtue of his office, service or employment, unless within three months after the act is committed, and upon one month's previous notice thereof in writing; and the action shall be tried in the county or judicial district where the cause of action arose. R.S., c. 173, s. 66.

RAILWAY CONSTABLES.

67. (1) The following persons, namely,

(a) any two justices of the peace, or a stipendiary or police magistrate, in the Provinces of Ontario, Nova Scotia, New Brunswick, Manitoba, British Columbia, Prince Edward Island or in the Northwest Territories;

(b) any judge of the Court of Queen's Bench or Superior Court, or clerk of the peace or clerk of the Crown, or judge of the sessions of the peace, in the Province of Quebec;

(c) in the Province of Saskatchewan or Alberta, any judge of a superior court;

(d) any judge of the Territorial Court or any two justices of the peace or a stipendiary or police magistrate in the Yukon Territory;

may, on the application of the superintendent of any railway that passes within the local jurisdiction of such justices of the peace, magistrate, judge, clerk, or judge of the sessions of the peace, as the case may be, in their or his discretion, appoint any persons recommended for that purpose by such superintendent to act as constables on and along the railway.

(2) Every person so appointed shall take an oath or make a solemn declaration in the form or to the effect following, that is to say:

I, A. B., having been appointed a constable to act upon and along (here name the railway), under the provisions of the Government Railways Act, do swear (or solemnly declare) that I will well and truly serve our Sovereign Lady the Queen, in the said office of constable, without favour or affection, malice or ill-will; and that I will, to the best of my power, cause the peace to be kept, and prevent all offences against the peace; and that while I continue to hold the

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the said office I will, to the best of my skill and knowledge, discharge the duties thereof faithfully, according to law. So help me God. R.S., c. 173, s. 67.

68. (1) Such oath or declaration shall be administered in the Provinces of Ontario, Nova Scotia, New Brunswick, Manitoba, British Columbia, Prince Edward Island, or in the Northwest Territories, by any one such justice or magistrate, and, in the Province of Quebec, by any such judge, clerk, or judge of the sessions of the peace, and in the Provinces of Saskatchewan and Alberta, and in the Yukon Territory, by any such judge or magistrate or by any justice of the peace.

(2) Every constable who is so appointed, and has taken such oath or made such declaration, may act as a constable for the preservation of the peace, and for the security of persons and property against unlawful acts on such railway, or on any of the works belonging thereto, or on and about any trains, roads, wharfs, quays, landing-places, warehouses, lands and premises thereof, whether the same are in the county, city, town, parish, district or other local jurisdiction within which he was appointed, or in any other place through which such railway passes, or in which the same terminates, and in all places not more than one-quarter of a mile distant from such railway.

(3) Such constable shall have all such powers, protections and privileges for the apprehending of offenders, as well by night as by day, and for doing all things for the prevention, discovery and prosecution of crimes and other offences, and for keeping the peace, which any constable duly appointed has within his constablewick. R.S., c. 173, s. 68.

69. Any such constable may take such persons as are punishable by summary conviction for any offence against the provisions of this Act, or of any of the Acts, rules or regulations affecting any such railway, before any justice or justices appointed for any county, city, town, parish, district or other local jurisdiction within which any such railway passes; and every such justice may deal with all such cases as though the offence had been committed and the person taken within the limits of his own local jurisdiction. R.S., c. 173, s. 69.

70. Any judge, or two justices of the peace, or stipendiary magistrate or police magistrate, or other officer, having power as hereinbefore provided to appoint persons to act as constables on and along the railway, may dismiss any R.S., 1952.
any such constable acting within his or their jurisdiction; and the superintendent may dismiss any such constable who is acting on such railway; and upon every such dismissal, all powers, protections and privileges belonging to any such person by reason of such appointment, shall wholly cease; and no person so dismissed shall be again appointed or act as constable for such railway, without the consent of the authority by whom he was dismissed. R.S., c. 173, s. 70.

71. (1) The superintendent shall cause to be recorded in the office of the clerk of the peace or of the municipality for every county, city, town, parish, district or other local jurisdiction through which such railway passes, the name and designation of every constable so appointed at his instance, the date of his appointment and the authority making it, and also the fact of every dismissal of any such constable, the date thereof, and the authority making the same, within one week after the date of such appointment or dismissal, as the case may be.

(2) Such clerk of the peace or of the municipality shall keep such record, in such form as the Governor in Council from time to time directs, in a book which shall be open to public inspection, on payment of such fee or fees as the Governor in Council, from time to time, authorizes. R.S., c. 173, s. 71.

72. (1) Every constable who is guilty of any neglect or breach of duty in his office of constable, is liable, on summary conviction thereof, within any county, city, district or other local jurisdiction through which the railway passes, to a penalty not exceeding eighty dollars or to imprisonment for a term not exceeding two months.

(2) The amount of such penalty may be deducted from any salary due to such offender, if such constable is in receipt of a salary from the Minister. R.S., c. 173, s. 72.

73. Every person who assaults or resists any constable in the execution of his duty, or who incites any person so to do, is for every such offence, liable, on summary conviction, to a penalty not exceeding eighty dollars, or to imprisonment with or without hard labour for a term not exceeding two months. R.S., c. 173, s. 73.

74.
74. Every officer or agent of the Minister, and every conductor of a train, who directs or knowingly permits any baggage, freight, merchandise or lumber cars to be placed in rear of the passenger cars, is guilty of an indictable offence, and shall be punishable accordingly. R.S., c. 173, s. 74.

75. Every person who is intoxicated, while he is in charge of a locomotive engine, or acting as the conductor of a car or train of cars, is guilty of an indictable offence. R.S., c. 173, s. 75.

76. (1) Every officer or servant of, and every person employed by the Minister on any railway under the control of the Minister, who wilfully or negligently violates any rule, order or regulation of the Department, or regulation of the Governor in Council, lawfully made or in force, respecting the railway on which he is employed, and of which a copy has been delivered to him, or has been posted up or open to his inspection in some place where his work or his duties, or any of them, are to be performed, is guilty of an indictable offence if such violation causes injury to any property or to any person, or exposes any property or any person to the risk of injury, or renders such risk greater than it would have been but for such violation, although no actual injury occurs.

(2) Such person shall, in the discretion of the court before which the conviction is had, and according as such court considers the offence proved to be more or less grave, or the injury or risk of injury to person or property to be more or less great, be punished by a fine not exceeding four hundred dollars, or by imprisonment not exceeding the term of five years, or by both fine and imprisonment. R.S., c. 173, s. 76.

77. (1) When such violation does not cause injury to any property or person or expose any property or person to the risk of injury, or make such risk greater than it would have been but for such violation, the officer, servant or other person guilty thereof shall, in the discretion of the justice of the peace before whom the conviction is had, incur a penalty not exceeding the amount of thirty days' pay and not less than fifteen days' pay of the offender from the Department.

(2) Such penalty is recoverable, before any one justice of the peace having jurisdiction where the offence was committed, or where the offender is found. R.S., c. 173, s. 77.

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78. Every person who sends or carries, by the railway, any aquafortis, oil of vitriol, gunpowder, dynamite, nitroglycerine, or any other goods of a dangerous nature, without, at the time of sending or carrying the said goods, distinctly marking their nature on the outside of the package containing the same, and otherwise giving notice in writing to the station master or other servant of the Minister with whom the same are left, shall incur a penalty of five hundred dollars for every such offence. R.S., c. 173, s. 78.

79. Every person who wilfully obstructs any officer or employee of the railway in the execution of his duty, is, on summary conviction, liable for every offence to a penalty not exceeding forty dollars; and in default of payment to imprisonment for any term not exceeding three months. R.S., c. 173, s. 79.

80. Every person who rides, leads or drives any horse or any other animal, or permits any such horse or other animal to enter upon the railway, and within the fences and guards, without the consent of an officer or employee of the Minister, shall, for every such offence, incur a penalty not exceeding forty dollars, and shall also pay to the person aggrieved all damages sustained thereby, but no person is liable to the said penalty when he rides, leads or drives any horse or other animal over a farm crossing, unless he allows such horse or other animal to unnecessarily loiter or remain upon the railway or the appurtenances thereof. R.S., c. 173, s. 80.

81. Every person not connected with the Department or employed by the Minister, who walks along the track of the railway, except where the same is laid across or along a highway, shall, for every such offence, incur a penalty not exceeding twenty dollars. R.S., c. 173, s. 81.

82. (1) Except as herein otherwise provided, all pecuniary penalties imposed by this Act, or by any regulation, are recoverable with costs on summary conviction before a justice of the peace, and, in default of immediate payment of such penalty, after conviction therefor, may be levied by distress and sale of the goods and chattels of the offender, and, for want of sufficient distress and in default of immediate payment, such offender is liable to imprisonment for any term not exceeding thirty days, unless a longer time is, by this Act, in that behalf provided.
(2) A moiety of every penalty shall belong to Her Majesty for the public uses of Canada, and the other moiety to the informer, unless he is an officer or servant of or person in the employ of the Minister, in which case the whole penalty shall belong to Her Majesty for the uses aforesaid. R.S., c. 173, s. 82.

**INTERCOLONIAL RAILWAY.**

**83.** All railways, and all branches and extensions thereof, and ferries connected therewith, vested in Her Majesty, under the control and management of the Minister, and situated in the Provinces of Quebec, Nova Scotia and New Brunswick, are hereby declared to constitute and form the Intercolonial Railway. R.S., c. 173, s. 83.

**84.** In the case of lands that were taken for the Intercolonial Railway, under an Act of the Parliament of Canada passed in the year 1867, chapter 13, intituled An Act respecting the construction of the Intercolonial Railway, if a plan of such lands was deposited of record in the office of the registrar of deeds for the county or registration division in which the lands were situate, but no description thereof was so deposited, as in the seventh section of the said Act required, the deposit of the plan only shall be held, taken and construed to have been a sufficient compliance with the provisions of the said section, and to have operated as a dedication to the public of such lands whereupon the same became and were vested in Her Majesty. R.S., c. 173, s. 84.

**85.** (1) In any case where lands now in the possession of Her Majesty for the said railway were taken under any Act of the Province of Nova Scotia or New Brunswick and

(a) in which, under the provisions of such Act, a plan and description of the lands so taken should have been recorded, filed or deposited in the office of the registrar of deeds of the county in which such lands were situate, but a plan only, without any description, was in fact so recorded, filed or deposited, or

(b) in which a plan and description or plan only of the lands taken was recorded, filed or deposited as aforesaid, although the Act under which the lands were taken did not require any plan or description to be so recorded, filed or deposited,

the recording, filing or depositing of the plan and description, or of the plan only, as the case may be, shall be taken and construed to have been a sufficient compliance with Idem.

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the provisions of such Act, and to have vested in the Crown such an interest in the lands taken as would now be vested in the Crown if the provisions of such Act had been fully and literally complied with.

(2) A certified copy of any such plans and descriptions, or plans only, as the case may be, mentioned in this section or in section 84, may be used and shall be evidence in like manner and with the like effect and under like circumstances as is provided in the Expropriation Act in regard to the plans and descriptions therein mentioned. R.S., c. 173, s. 85.

SMALL CLAIMS.

Suit for claims under $500.

86. (1) Subject as hereinafter provided, any claim against Her Majesty arising out of the operation of the Government railways, and not exceeding in amount the sum of five hundred dollars, for damages alleged to be caused by negligence, or made payable by statute, may be sued for and prosecuted by action, suit or other proceeding in any provincial court having jurisdiction to the said amount over like claims between subjects.

(2) Any such action, suit or other proceeding may be commenced and prosecuted to judgment in the same manner and subject to the same rules of practice and procedure and to the same right of appeal as nearly as may be as in like cases between subjects.

(3) The said court has the same jurisdiction to order or adjudge the payment of costs either by plaintiff or defendant as in like cases in the said court between subjects. R.S., c. 173, s. 86.

Defendant.

87. (1) In any such action, suit or other proceeding Her Majesty shall not be cited as defendant but the process shall be issued against the General Manager of Government Railways and such process may be served upon him or upon any other person duly authorized by him to accept service of or to be served with process in such cases.

(2) The General Manager of Government Railways is entitled by his said description to appear and plead and to defend any such action, suit or other proceeding in the same manner and subject to the same rules of practice and procedure as would apply in a like case to any ordinary individual cited as a defendant in the court in which the proceeding is brought. R.S., c. 173, s. 87.

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88. (1) Any claim by way of set-off or counterclaim which Her Majesty may have against any plaintiff in any such action, suit or other proceeding may be set up, pleaded and prosecuted to judgment therein by and in the name of the General Manager of Government Railways in any case in which, by the rules of procedure and practice of the said court, any individual if defendant in such action could set up, plead and prosecute a set-off or counterclaim.

(2) If judgment is given for the General Manager of Government Railways for any sum of money either as debt, damages or costs, he shall, by his said description, be entitled to sue out execution, levy and recover the said amount with costs in the same manner and subject to the same rules as would apply in a like case as between ordinary individuals.

(3) The General Manager of Government Railways is not by reason of anything in this Act personally liable in person, goods, chattels, estate or otherwise in respect of any such claim, action, suit, proceeding or judgment.

R.S., c. 173, s. 88.

89. The provincial court shall, in determining the liability of the General Manager of Government Railways in any such action, suit or other proceeding, be governed by the rules and principles of law that should be applied if Her Majesty were herself defendant and consented to the jurisdiction of the court; and nothing in this Act prejudices or affects any of the rights or prerogatives of the Crown, or shall be construed to create or impose any liability upon Her Majesty or upon the General Manager of Government Railways, or to confer jurisdiction to adjudge or declare any liability or right to recover that could not be adjudged and declared by the Exchequer Court of Canada if this Act had not been passed and if the action, suit or other proceeding were instituted and prosecuted in that court upon petition of right. R.S., c. 173, s. 89.

90. Where any defence or counterclaim pleaded by or on behalf of the General Manager of Government Railways involves matter beyond the jurisdiction of the provincial court wherein the action, suit or other proceeding is pending, the said court shall not proceed to determine any of the matters in controversy, but shall certify the record in the said action, suit or other proceeding to the Exchequer Court of Canada, and such certified record, together with all the papers and exhibits, shall thereupon be transmitted by the proper officer of the said provincial court to the Registrar.

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Registrar of the Exchequer Court of Canada at Ottawa, and the said action, suit or other proceeding shall be thereafter carried on, proceeded with and determined in the Exchequer Court of Canada as if originally instituted in that court by way of petition of right. R.S., c. 173, s. 90.

91. In the case mentioned in section 90, and in any case upon application of the Attorney General of Canada upon the ground of public interest, the Exchequer Court of Canada may order that any action, suit or other proceeding pending in any provincial court under the authority of this Act shall be transferred from such provincial court to the Exchequer Court of Canada; and any such order of the Exchequer Court of Canada shall be served upon the clerk or other officer of the provincial court who shall thereupon transmit the record, together with all the papers and exhibits, to the Registrar of the Exchequer Court of Canada at Ottawa, and the said action, suit or other proceeding shall thereafter be carried on, proceeded with and determined in the Exchequer Court of Canada as if originally instituted in that court by way of petition of right. R.S., c. 173, s. 91.

92. The General Manager of Government Railways may pay out of any moneys appropriated for the Government Railways any moneys or costs adjudged in any action, suit or other proceeding to be paid by the General Manager of Government Railways, or the Minister of Finance may pay out of any unappropriated moneys forming part of the Consolidated Revenue Fund of Canada any moneys or costs so adjudged to be paid. R.S., c. 173, s. 92.

EDMOND CLOUTIER, C.M.G., O.A., D.S.P.
QUEEN'S PRINTER AND CONTROLLER OF STATIONERY
OTTAWA, 1952

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CHAPTER 137.

An Act respecting Discipline on board of Canadian Government Vessels.

SHORTH TITLE.

1. This Act may be cited as the Government Vessels Discipline Act. R.S., c. 203, s. 1.

INTERPRETATION.

2. In this Act,

(a) “commissioner” or “police commissioner” means any commissioner of police appointed under the Royal Canadian Mounted Police Act;

(b) “master” excepting when used in connection with duties or requirements connected with the ship’s book, includes any person, for the time being, lawfully in command or in charge of any government vessel, as the officer thereof highest in rank then on board;

(c) “police constable” means any police constable appointed under the Royal Canadian Mounted Police Act. R.S., c. 203, s. 2.

APPLICATION.

3. Every vessel employed by the Government of Canada, either temporarily or permanently, shall be deemed to belong, while so employed, to the Government of Canada for the purposes of this Act. R.S., c. 203, s. 3.

SHIP’S BOOK.

4. The master of every vessel belonging to the Government of Canada shall cause every person engaged for service in such vessel, after having had this Act read to him, and before he enters upon the discharge of any duty on board of such vessel, to sign his name in the proper column of a book to be kept by the master for that purpose. R.S., c. 203, s. 4.

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5. Such book shall contain a statement of the name of the vessel, the name of the master, and the year for which it is the ship's book of such vessel, and also statements to the effect that

(a) this Act was read to each person who has signed his name in the proper column, before he signed his name thereto;

(b) each person who has so signed has thereby consented to submit himself to the provisions of this Act, and to conduct himself in an orderly, faithful, honest and sober manner, and to be at all times diligent in the discharge of his duty, and to be obedient to the lawful commands of the master of the said vessel for the time being and of others, his superior officers, whether on board, in boats, or on shore, in everything relating to the said vessel, and the stores thereof, and to this Act;

(c) any embezzlement, or wilful or negligent destruction or loss of or injury to any part of the stores of the said vessel shall be made good out of the wages of the person guilty of the same; and

(d) if such person has entered himself as qualified for a duty which he proves incompetent to perform, he may be discharged or his wages may be reduced at the discretion of the master. R.S., c. 203, s. 5.

6. Such book shall contain separate columns properly headed, intended to contain respectively

(a) the names of the persons engaged, including officers;

(b) the dates when engaged;

(c) the capacity in which each person is to serve, with the relative rank of the officers, indicated by numbers;

(d) the period during which each person is to serve;

(e) the rate of wages at which each person is to be paid;

(f) the names of the witnesses to each signature; and,

(g) the dates of signatures. R.S., c. 203, s. 6.

7. (1) The ship's book of every vessel belonging to the Government of Canada shall be conclusive evidence of the relative rank of every officer therein named.

(2) The signature of any such officer as being in command or in charge of the vessel, and the fact that any such officer was at any particular time in command or in charge thereof, shall not be called in question except by the Crown. R.S., c. 203, s. 7.

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8. The contents of the said book shall be read by the master or other officer of such vessel to each man about to ship on board thereof, and every person so signing any such book shall thenceforth be subject to this Act for and during the period of his engagement as therein mentioned. R.S., c. 203, s. 8.

DISCIPLINE.

9. Whenever any person subject to this Act commits any of the following offences, he is liable on conviction before a commissioner, or before any justice of the peace, Offences and their punishment.

(a) for desertion, to imprisonment for any term not exceeding four weeks with or without hard labour, and also to forfeit all or any part of the clothes and effects he leaves on board, and all or any part of the wages or emoluments which he has then earned;

(b) for neglecting or refusing, without reasonable cause, to join his vessel, or to proceed on any voyage or cruise in his vessel, or for absence without leave at any time within twenty-four hours of the vessel's sailing from any port, or for absence at any time, without leave and without sufficient reason, from his vessel, or from his duty, not amounting to desertion, to imprisonment for any term not exceeding four weeks with or without hard labour, and also at the discretion of the commissioner, or justice, to forfeit out of his wages a sum not exceeding the amount of ten days' pay;

(c) for quitting the vessel without leave after her arrival in port at the close of the season of navigation, and before she is placed in security, to forfeit out of his wages a sum not exceeding ten days' pay;

(d) for wilful disobedience to any lawful command, to imprisonment for any term not exceeding four weeks, with or without hard labour, and also, at the discretion of the commissioner or justice, to forfeit out of his wages a sum not exceeding two days' pay;

(e) for continued wilful disobedience to lawful commands, or continued wilful neglect of duty, to imprisonment for any term not exceeding four weeks, with or without hard labour, and also, at the discretion of the commissioner or justice, to forfeit for every twenty-four hours' continuance of such disobedience or neglect, a sum not exceeding two days' pay;

(f) R.S., 1952.
Chap. 137. Government Vessels Discipline.

Assault of officers. (f) for assaulting any master or officer of any Canadian Government vessel, to imprisonment for any term not exceeding four weeks, with or without hard labour;

Combining to disobey. (g) for combining with any other or others of the crew to disobey lawful commands, or to neglect duty, or to impede the navigation of the vessel, or the progress of the voyage, or the continuance of the cruise, to imprisonment for any term not exceeding four weeks, with or without hard labour; and

Wilful damage or embezzlement. (h) for wilfully damaging the vessel, or embezzling or wilfully damaging any of her stores, to forfeit out of his wages a sum equal in amount to the loss thereby sustained, and also, at the discretion of the commissioner or justice, to imprisonment for any term not exceeding four weeks, with or without hard labour. R.S., c. 203, s. 9.

Entry of offence to be made in the log-book. 10. (1) Upon the commission of any of the offences enumerated in section 9, an entry thereof shall be made in the log-book, and shall be signed by the master and also by one of the officers or one of the crew.

(2) The offender, if still in the vessel, shall before the next subsequent arrival of the vessel at any port, or, if she is at the time in port, before her departure therefrom, be furnished with a copy of such entry, and have the same read over distinctly and audibly to him, and may thereupon make such reply thereto as he thinks fit.

Further entries. (3) A statement that a copy of the said entry has been so furnished, and that the same has been so read over as aforesaid, and the reply, if any, made by the offender, shall likewise be entered and signed in manner aforesaid.

Evidence. (4) In any subsequent legal proceeding, the entries herebefore required shall, if practicable, be produced and proved, and, in default of such production and proof, the commissioner or justice hearing the case may, in his discretion, refuse to receive evidence of the offence. R.S., c. 203, s. 10.

Master or officer may apprehend deserter without warrant. 11. (1) Whenever, either at the commencement or during the progress of any voyage or cruise, any person subject to this Act neglects or refuses to join, or deserts from, or refuses to proceed on any voyage or cruise in any vessel belonging to the Government of Canada in which he is duly engaged to serve, or is found otherwise absenting himself therefrom without leave, the master or any officer of such vessel may, in any place in Canada, with or without
out the assistance of the police constables, apprehend him without first procuring a warrant, and may in any case, and shall, when such person so requires, if practicable, convey him before a commissioner or before some justice of the peace, to be dealt with according to law.

(2) The master or other officer may, if such person does not require himself to be conveyed before a commissioner or justice, or if he does so require, and such course is impracticable by reason of there being no commissioner or justice at or near the place where such person is apprehended, at once convey such person on board such vessel; or the master or other officer may, for the purpose of conveying such person before such commissioner or justice, detain him in custody for a period not exceeding twenty-four hours.

(3) Every police constable shall, when requested so to do, assist any master or officer of a vessel belonging to the Government in apprehending any person offending against the provisions of this Act.

(4) Where any such apprehension appears to the commissioner or justice before whom the case is brought to have been made on improper or insufficient grounds, the master or officer who makes the same or causes the same to be made, shall incur a penalty not exceeding one hundred dollars; but such penalty, if inflicted, is a bar to any action for false imprisonment in respect of such apprehension. R.S., c. 203, s. 11.

12. (1) Whenever a person subject to this Act is brought before any commissioner, or justice of the peace, on the ground of his having neglected or refused to join or proceed on any voyage or cruise in any vessel belonging to the Government of Canada, in which he is engaged to serve, or of having deserted or otherwise absented himself therefrom without leave, such commissioner or justice may, if the master or any officer thereof so requires, instead of committing the offender to prison, cause him to be conveyed on board for the purpose of proceeding on the voyage or cruise, or deliver him to the master or any officer of the vessel, to be by him so conveyed.

(2) The commissioner or justice may in such case order any costs and expenses properly incurred by or on behalf of the master, by reason of the offence, to be paid by the offender, and, if necessary, to be deducted from any wages that he has then earned, or that by virtue of his then existing engagement he may afterwards earn. R.S., c. 203, s. 12.
13. Where any person subject to this Act is imprisoned on the ground of his having neglected or refused to join or to proceed in any voyage or cruise in any vessel belonging to the Government of Canada in which he is engaged to serve, or of his having deserted or otherwise absented himself therefrom without leave, or of his having committed any other breach of discipline, and, where during such imprisonment, and before his engagement is at an end, his services are required on board his vessel, any justice of the peace may, at the request of the master or of any officer thereof, cause such person to be conveyed on board his said vessel for the purpose of proceeding on the voyage or cruise, or to be delivered to the master or any officer of the same, to be by him so conveyed, notwithstanding that the term for which he was sentenced to imprisonment has not expired. R.S., c. 203, s. 13.

14. (1) Whenever a question arises, whether the wages of any person subject to this Act are forfeited for desertion, it shall be sufficient for the person insisting on the forfeiture to show that

(a) such person was duly engaged in, or that he belonged to the vessel from which he is alleged to have deserted;
(b) he quitted such vessel before the completion of the period of his engagement; and
(c) an entry of the desertion has been duly made in the log-book.

(2) The desertion shall thereupon, as far as relates to any forfeiture of wages or emoluments under the provisions hereinbefore contained, be deemed to be proved, unless the person can produce a proper certificate of discharge, or can otherwise show to the satisfaction of the commissioner or justice of the peace hearing the case that he had sufficient reason for leaving his vessel. R.S., c. 203, s. 14.

15. (1) Any justice of the peace for the county or district in which is situated the port where the vessel, on board of which any offence against the provisions of this Act has been committed, touches next after the time of the commission of the offence has jurisdiction over any such offence.

(2) Any sentence of imprisonment under this Act may be carried out in the common gaol of such county or district. R.S., c. 203, s. 15.
CHAPTER 138.

An Act respecting Tolls on Government Works for the Transmission of Timber.

SHORT TITLE.

1. This Act may be cited as the Government Works Tolls Act. R.S., c. 167, s. 1.

INTERPRETATION.

2. In this Act,

(a) "collector of tolls and dues" includes every officer authorized by competent authority to receive any tolls, dues or charges whatsoever, payable by any person using or taking advantage of any works to which this Act applies;

(b) "Minister" means the Minister of Public Works;

(c) "works" includes the slides, booms, dams, bulkheads, and other works and improvements for facilitating the transmission of timber and lumber down any river or stream, which is under the control of the Government of Canada. R.S., c. 167, s. 2.

CONTROL.

3. The collection of tolls and dues on any timber, lumber or saw-logs passing through or using any works to which this Act applies, shall be under the control of the Minister. R.S., c. 167, s. 3.

REGULATIONS.

4. The Governor in Council may, from time to time, make regulations as respects matters relating to such works as aforesaid, and not specially provided for by this or any other Act, and for fixing the rates of toll and the dues to be charged for the use of any such works, or of any series of such works, the rates in such latter case to be denominated through rates, and providing for the manner in which such tolls shall be assessed. R.S., 1952.
tolls and dues shall be ascertained and collected, and also for imposing fines and penalties for any violation of such regulations, not exceeding, in any one case, five hundred dollars. R.S., c. 167, s. 4.

5. The Governor in Council may make regulations authorizing a collector of tolls and dues on any works, in any case or class of cases specified in the regulation, to require any assertion of fact or any statement in relation to any matter to which this Act or any regulation made under it relates, to be verified by the oath of the person making such assertion of fact or statement; and the oath so authorized may be administered by any judge or clerk of any county or circuit court, or any justice of the peace, or any commissioner for taking affidavits for use in any court in Canada, or by the collector of tolls and dues. R.S., c. 167, s. 5.

LIEN FOR TOLLS.

6. (1) All tolls and dues chargeable for the transmission of timber, lumber or saw-logs through or over any works shall be a first charge or lien on all or any part of such timber, lumber or saw-logs.

(2) Every portion of any such timber, lumber or saw-logs so transmitted is liable for the whole or any portion of such tolls and dues wheresoever and so long as the same is found and whether it is or is not converted into deals or boards; but no part of any such timber, lumber, saw-logs or the product thereof bona fide sold, assigned, or transferred is, in addition to the costs, if any, incurred in enforcing the claim for such tolls or dues, liable for more than double the tolls or dues to which it would proportionately to and as a part of the whole of such timber, lumber or saw-logs have been liable in case such tolls and dues were being realized from the whole of such timber, lumber or saw-logs. R.S., c. 167, s. 6.

7. All officers or agents, employed in the collection of such tolls and dues, and all persons acting under the authority of such officers or agents may follow all such timber and may seize and detain the same wherever it is found, until the tolls and dues thereon are paid or secured, as provided by this Act or by any regulation made hereunder. R.S., c. 167, s. 7.

8. In case of the Crown having any claim or lien under this Act on any timber, lumber or saw-logs or on any sawn lumber whether such claim or lien in respect to such sawn lumber
lumber was originally on such sawn lumber or on timber, lumber or saw-logs out of which the same was sawn, no transfer, assignment, sale, mortgage or delivery to any person or any change of owner shall affect in any respect such claim or lien, saving always the right of any innocent holder of any remedy he has at law against the person from whom he received any such timber, lumber, saw-logs or sawn lumber. R.S., c. 167, s. 8.

9. Where any timber, lumber or saw-logs, in respect of which tolls or dues are chargeable, have been converted into sawn lumber and placed in any yard or piling ground with other sawn lumber, in such way that the identity thereof cannot be ascertained, all the sawn lumber in such yard or piling ground shall be deemed to be the product of timber, lumber or saw-logs that have passed over or through works to which this Act applies, and is liable for all tolls and dues with which the timber, lumber or saw-logs, the product of which has been so placed with other sawn lumber in such yard or piling ground, are chargeable. R.S., c. 167, s. 9.

COLLECTION OF TOLLS.

10. Where any timber, lumber or saw-logs, or product thereof, seized and detained for non-payment of tolls, dues, penalties, expenses and costs remains more than thirty days in the custody of the collector or person appointed to guard the same, without the tolls, dues, penalties and expenses being paid, the Minister may order a sale of the said timber, lumber or saw-logs, or product thereof, to be made after such notice as he deems sufficient; and the balance of the proceeds of such sale, after retaining the amount of tolls, dues, penalties and expenses incurred, shall be paid to the owner or person lawfully claiming such timber, lumber or saw-logs, or product thereof; and if a sufficient sum is not realized from such sale to defray such tolls, dues, penalties and expenses, the amount remaining unpaid shall be recoverable, with costs, in any court of competent jurisdiction, by the collector of tolls and dues in his own name, or in the name of Her Majesty; but the whole amount of tolls and penalties shall be recoverable in like manner, with costs, from the owner or person in possession of such timber, lumber or saw-logs, or product thereof, by the collector of tolls and dues, if he, with the permission of the Minister, chooses that method of collection. R.S., c. 167, s. 10.

11. Any officer or person who seizes timber, lumber or saw-logs, or any product thereof, in the discharge of his duty under this Act may, in the name of Her Majesty, call in any assistance necessary for securing and protecting the property so seized. R.S., c. 167, s. 11.

12. All collectors of customs, officers of canals, and all other Government officers, when requested so to do, shall co-operate with the collector of tolls and dues and his assistants, with the view of preventing the transport of timber, lumber or saw-logs, and the products thereof, until the tolls and dues thereon are secured. R.S., c. 167, s. 12.

BURDEN OF PROOF.

13. When any timber, lumber or saw-logs, or product thereof, are seized for non-payment of tolls, dues or penalties or any prosecution is brought for tolls, dues or penalties under this Act, and any question arises whether the tolls, dues or penalties have been paid on such timber, lumber or saw-logs, or product thereof, or whether the same are liable to tolls, dues or penalties for having used the works in respect of which the same are charged, the burden of proving payment or that the works were not used, lies on the owner or person claiming such timber, lumber or saw-logs, or product thereof, and not on the officer seizing the same or instituting such prosecution. R.S., c. 167, s. 13.

RELEASE ON SECURITY.

14. The collector of tolls and dues may, with the sanction of the Minister, release from seizure any timber, lumber or saw-logs, or product thereof, seized under this Act, and deliver the same to the alleged owner, on receiving security by bond, with two good and sufficient sureties, satisfactory to him, to pay double the amount claimed as chargeable in respect of such timber, lumber or saw-logs, or product thereof; and such bond shall be taken in the name of Her Majesty; and if such seizure is maintained by competent authority, the amount actually due, with interest and costs, shall be paid forthwith to the proper officer, otherwise the penalty of such bond shall be enforced and recovered. R.S., c. 167, s. 14.

RETURNS BY RAILWAYS.

15. All managers and officers of railways, when requested by the collector of tolls and dues so to do, shall render a correct account of all timber, lumber and saw-logs which are

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are being forwarded by their respective railways, stating kinds and quantities, and specifying the owners thereof or by whom the same are sent. R.S., c. 167, s. 15.

16. Where any such manager or officer refuses or neglects to give the information required by this Act, the collector of tolls and dues or person acting for him may, if he has reasonable cause to believe that the tolls and dues thereon have not been paid, seize and detain such timber, lumber or saw-logs, together with the cars employed in removing them; and such cars and timber, lumber or saw-logs, shall be forfeited to Her Majesty, unless it is proved that the tolls and dues on such timber, lumber or saw-logs have been paid, or that the timber, lumber or saw-logs are not liable for any such tolls or dues; and the Minister may, in his discretion, order the same, when so forfeited, to be sold. R.S., c. 167, s. 16.

OFFENCES AND PENALTIES.

17. Every manager or officer of any railway who refuses or neglects to give the information required by this Act, or who gives false information, shall incur a penalty not exceeding five hundred dollars and not less than one hundred dollars. R.S., c. 167, s. 17.

18. All fines and pecuniary penalties imposed by this Act or by any regulation made under this Act shall be recoverable in any court of competent jurisdiction. R.S., c. 167, s. 18.

19. All pecuniary penalties imposed by any regulation made under this Act may be recovered by the collector of tolls and dues on summary conviction. R.S., c. 167, s. 19.

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CHAPTER 139.

An Act respecting the Governor General.

SHORT TITLE.

1. This Act may be cited as the Governor General’s Act. Short title. R.S., c. 85, s. 1.

2. The Governor General of Canada for the time being, or other the chief executive officer or administrator carrying on the Government of Canada, on behalf and in the name of the Queen, by whatsoever title he is designated, and his successors, shall be a corporation sole. R.S., c. 85, s. 2.

3. (1) All bonds, recognizances and other instruments by law required to be taken to the Governor General in his public capacity, shall be taken to him and his successors by his name of office, and may be sued for and recovered by him or his successors by his or their name of office as such.

   (2) Such bonds, recognizances or other instruments shall however in no case go to or vest in the personal representatives of the Governor General, chief executive officer or administrator of the Government in whose name they were so taken. R.S., c. 85, s. 3.

4. (1) There shall be payable yearly, and pro rata for any period less than a year, to the Governor General of Canada for the time being, a salary of ten thousand pounds sterling, equal to and of the value of forty-eight thousand six hundred and sixty-six dollars and sixty-three cents.

   (2) Such salary shall be payable out of the Consolidated Second Revenue Fund of Canada, and shall form the second charge thereon. R.S., c. 85, s. 4.

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CHAPTER 140.

An Act to provide for the supervision and regulation of Trading in Grain Futures.

SHORT TITLE.

1. This Act may be cited as the Grain Futures Act. Short title. 1939, c. 31, s. 1.

INTERPRETATION.

2. (1) In this Act, Definitions.
   (a) "Board" means the Board of Grain Commissioners for Canada;
   (b) "cash grain" means grain that is in a position to be sold for cash upon delivery of documents of title representing grain of the specified grade or grades pursuant to contracts for immediate or deferred delivery;
   (c) "grain" means wheat, oats, barley, rye, flaxseed and corn;
   (d) "grain futures" means contracts negotiated by members of The Winnipeg Grain Exchange under the conditions and terms set forth in its by-laws or rules, as principals or agents, for the purchase or sale of grain to be accepted or delivered during future months in respect of which facilities for trading in grain futures have been provided by The Winnipeg Grain Exchange, but does not include contracts for the purchase or sale of cash grain;
   (e) "Minister" means the Minister of Trade and Commerce;
   (f) "products or by-products" of grain means any substance produced by gristing, crushing, grinding, milling, cutting or otherwise processing any kind of grain, or by the sifting or screening of any substance so produced;
   (g) "regulation" means a regulation made by the Board pursuant to the provisions of this Act;

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"Order."

(h) "order" means an order made by the Board pursuant to the provisions of this Act;

"Supervisor."

(i) "supervisor" means an officer of the Board duly appointed pursuant to the provisions of this Act;

"The Winnipeg Grain Exchange."

(j) "The Winnipeg Grain Exchange" means the voluntary association of persons organized, established and maintained to operate and conduct a grain and produce exchange at the City of Winnipeg, in the Province of Manitoba, known as "The Winnipeg Grain Exchange";

"The Winnipeg Grain and Produce Exchange Clearing Association Limited."

(k) "The Winnipeg Grain and Produce Exchange Clearing Association Limited" means the association incorporated under the Companies Act of Manitoba under the name of "The Winnipeg Grain and Produce Exchange Clearing Association Limited."

(2) The Governor in Council may, in the case of any grain exchange in Canada wherein trading in grain is conducted by means of or by reference to grades established under the Canada Grain Act, upon being satisfied that the principal part of the grain dealt in by means of contracts made on such exchange is shipped out of the province of production, or is exported from Canada, and that the transactions in grain on such exchange are transactions in interprovincial or international trade, and that the national interests of Canada are affected by such transactions, extend the provisions of this Act to such grain exchange and to the officers and members thereof, and to persons trading thereon, and to any clearing house association operated in connection therewith. 1939, c. 31, s. 2.

BOARD OF GRAIN COMMISSIONERS.

3. (1) The members of the Board shall perform the duties and exercise the jurisdiction as provided in this Act without receiving any remuneration in addition to that received by them under the Canada Grain Act.

(2) The expenses of the Board incurred under this Act shall be paid out of moneys appropriated by Parliament for the purpose. 1939, c. 31, s. 3.

SUPERVISOR.

4. (1) The Governor in Council may appoint a qualified person to be the supervisor, and such supervisor shall be an officer of the Board and shall hold office during pleasure and receive such salary as may be fixed by the Governor in Council.

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(2) The supervisor shall devote the whole of his time to the performance of his duties under this Act, and shall not accept or hold any other office or employment of profit or gain, or be interested, either directly or indirectly, as shareholder in any company or partner in any firm or otherwise, in any commercial dealing in relation to grain.

(3) Such officer shall, before acting as such, take and subscribe before a superior or county court judge, and cause to be filed with the Board, an oath of office in the following form:

I do solemnly swear that I will faithfully, truly and impartially, to the best of my judgment, skill and ability, execute and perform the duties of my office and that while I continue to hold such office, I will not accept or hold any other office or employment, or be interested, either directly or indirectly, as shareholder in any company or partner in any firm or otherwise, in any commercial dealing in relation to grain. And I further solemnly swear that I will not reveal to anyone, except in the course of my duty, any information that I may obtain in the performance of such. So HELP ME GOD.

(4) Provision may be made according to law for the appointment to act under the Board, of such officers, clerks and employees as may be necessary to assist the supervisor. 1939, c. 31, s. 4.

**SUPERVISION OF TRADING.**

5. (1) The Board may, subject to the approval of the Governor in Council, make regulations not inconsistent with this Act,

(a) requiring members of The Winnipeg Grain Exchange and of The Winnipeg Grain and Produce Exchange Clearing Association Limited to register with the Board;

(b) requiring The Winnipeg Grain Exchange and The Winnipeg Grain and Produce Exchange Clearing Association Limited and the members of each of the said associations to keep such records relating to trading in grain futures on The Winnipeg Grain Exchange as are specified by such regulations, and to preserve the same for such period of time as the regulations prescribe;

(c) requiring The Winnipeg Grain Exchange and The Winnipeg Grain and Produce Exchange Clearing Association Limited and the officers and members of each

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each of the said associations to furnish to the Board or to the supervisor information specified in such regulations regarding trading in grain futures on The Winnipeg Grain Exchange;

(d) requiring every member of The Winnipeg Grain Exchange to use his best endeavours to obtain from his agents and correspondents such particulars of all transactions in grain futures accepted by such member as are specified by such regulations, and to keep such particulars on record for such time as the regulations prescribe;

(e) providing for the inspection during business hours by the supervisor, of the books and records relating to grain futures of The Winnipeg Grain Exchange and The Winnipeg Grain and Produce Exchange Clearing Association Limited and of the members of each of the said associations;

(f) providing for the publication by the Board of information and statistics relating to the marketing of grain;

(g) providing for the procedure and notices which shall be given in connection with any investigations by or any order or regulation of the Board held or made as in this Act provided; and

(h) providing for such other matters as may be deemed necessary for the efficient enforcement and operation of this Act and for the carrying out of its provisions according to their true intent and meaning and for the better attainment of its objects.

(2) Before any such regulation is made notice thereof shall first be given to The Winnipeg Grain Exchange and The Winnipeg Grain and Produce Exchange Clearing Association Limited, and each of the said associations or any member thereof shall be given an opportunity to be heard in connection therewith. 1939, c. 31, s. 5.

6. It shall be the duty of the supervisor to observe trading in grain futures on The Winnipeg Grain Exchange and to report thereon periodically to the Board in such manner and at such times as the Board requires, and to report immediately to the Board any indications of a condition prejudicial to the public interest arising from speculation or from transactions in grain futures. 1939, c. 31, s. 6.

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INVESTIGATION BY THE BOARD.

7. The Board, of its own motion or upon complaint made to it in writing by any interested person, may inquire into transactions in grain futures on The Winnipeg Grain Exchange, and for the purpose of every such inquiry the Board shall have all the powers of a Commissioner appointed under the Inquiries Act. 1939, c. 31, s. 7.

CONTROL OF TRADING.

8. (1) Whenever the Board is of opinion that transactions in grain futures are causing or threatening to cause sudden or undue fluctuations in the price of any kind of grain, the Board may, by order,

(a) fix the minimum margin that shall be deposited in connection with trading in grain futures;

(b) fix the maximum amount of any kind of grain that any person may in a single session of The Winnipeg Grain Exchange or any other period of time commit himself by means of grain futures to accept or deliver;

(c) fix the maximum amount of any kind of grain that any person may at any time be under commitment by means of grain futures to accept or deliver;

(d) suspend from trading privileges any member of The Winnipeg Grain Exchange if in the opinion of the Board such member has been guilty of a breach of this Act or of any regulation or order made thereunder, and require the officials of The Winnipeg Grain Exchange to exclude any such member from trading privileges, and forbid any other member to accept orders from such member for the purchase or sale of grain except for the purpose of closing out then existing trades.

(2) Bona fide hedging transactions shall not be taken into account in determining maximum amounts for the purposes of paragraphs (b) and (c) of subsection (1), and in this subsection "bona fide hedging transactions" means grain futures to the extent that such contracts are offset in quantity by,

(a) the purchase or sale of cash grain,

(b) the ownership of grain or of products or by-products thereof, or

(c) the ownership of grain growing on land owned or leased by the owner of such grain.

(3) The Board may, where in its opinion a by-law or rule of The Winnipeg Grain Exchange has brought about or is threatening to bring about a condition that is prejudicial to the public interest arising from trading in grain futures, revoke or vary by-law or rule. R.S., 1952.
futures, after hearing representations, if any, on behalf of the Exchange, by order revoke or vary any such by-law or rule, but this subsection does not authorize the closing of the grain futures market or any limitation of future trading other than as set out in subsections (1) and (2).

(4) Notice of every order proposed to be made hereunder shall be given to persons interested, in accordance with regulations made in that behalf, and such interested persons shall be given an opportunity to be heard in connection therewith.

(5) The Board may in the like manner and subject to the like conditions, rescind, amend or vary any order and make others.

(6) Any order made under this section may at any time be rescinded by the Governor in Council, but such rescission does not affect the previous operation of such order. 1939, c. 31, s. 8.

9. Any regulation or order shall, so long as the same remains in force, supersede any by-law or rule of The Winnipeg Grain Exchange relating to trading in grain futures in so far as such by-law or rule is repugnant to such regulation or order. 1939, c. 31, s. 9.

APPEALS FROM COMMITTEE.

10. In the case of any dispute arising out of the alleged failure by any person to make delivery of grain in accordance with the terms of a grain futures contract, the Board has jurisdiction to hear an appeal from any determination of such dispute by a committee of The Winnipeg Grain Exchange duly appointed by the President of the said Exchange under the by-laws thereof to hear and determine such matter of dispute, and for the purposes of such jurisdiction, the Board shall have and enjoy each and all of the duties and powers of the aforesaid committee together with full discretionary powers to receive further evidence upon questions of fact, and the Board may make any determination that in its opinion ought to have been made by the said committee, and every determination made pursuant to the jurisdiction hereby vested in the Board has the same force and effect and operates in all respects as if it had been made by the committee. 1939, c. 31, s. 10.

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APPEALS FROM THE BOARD.

11. Any person aggrieved by an order or determination of the Board made under section 8 or 10 may, by notice in writing delivered to the Board within ten days from the date of such order or determination, appeal to the Minister, and the Minister shall in due course hear and determine the appeal, and affirm, amend or revoke the order or determination appealed against, but no such appeal shall, unless the Board otherwise directs, stay the operation of any order made under section 8, nor shall the decision of the Minister affect the operation of any such order prior to the date of such decision. 1939, c. 31, s. 11.

OFFENCES AND PENALTIES.

12. Every person who is guilty of a breach of any provision of this Act or of any order or regulation in respect of which no other penalty is provided is liable on summary conviction to a fine not exceeding one thousand dollars. 1939, c. 31, s. 12.

13. In case any corporation is guilty of a breach of any provision of this Act or of any order or regulation, every officer or servant of such corporation responsible for such breach is liable on summary conviction to a fine not exceeding one hundred dollars and in default of payment thereof to imprisonment for one month. 1939, c. 31, s. 13.

14. In case The Winnipeg Grain Exchange fails to comply with any of the provisions of this Act or of any order or regulation, every officer of the association responsible for such failure is liable on summary conviction to a fine not exceeding one hundred dollars and in default of payment thereof to imprisonment for one month. 1939, c. 31, s. 14.

15. Every officer or servant of The Winnipeg Grain Exchange or of The Winnipeg Grain and Produce Exchange Clearing Association Limited who,

(a) fails or refuses to admit the supervisor to the trading room or other premises of The Winnipeg Grain Exchange or of The Winnipeg Grain and Produce Exchange Clearing Association Limited, or to permit the supervisor to inspect the books of the said Winnipeg Grain Exchange or of the said Winnipeg Grain and Produce Exchange Clearing Association Limited, in pursuance of this Act or of any order or regulation made thereunder, or

(b) in any manner whatsoever obstructs the supervisor in the performance of his duties,

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is liable on summary conviction to a fine not exceeding one hundred dollars and in default of payment thereof to imprisonment for one month. 1939, c. 31, s. 15.

16. Every fine imposed for the breach of any provision of this Act or of any order or regulation, shall be payable to the Receiver General. 1939, c. 31, s. 16.

17. The Board shall report to the Minister, in such form and manner and at such times as the Minister requires, as to the steps taken to supervise and control trading in grain futures as provided for in this Act. 1939, c. 31, s. 17.

EDMOND CLOUTIER, C.M.G., O.A., D.S.P.
QUEEN'S PRINTER AND CONTROLLER OF STATIONERY
OTTAWA, 1952
CHAPTER 141.

An Act respecting the Inspection and Grading of Hay and Straw.

SHORT TITLE.

1. This Act may be cited as the Hay and Straw Inspection Act. 1932-33, c. 26, s. 1.

2. Such inspectors may be appointed as are required for the purposes of this Act. 1932-33, c. 26, s. 2.

3. The Minister of Agriculture may (a) establish regulations prescribing standards of class, quality and condition for hay and straw; (b) by inspection certificate, certify the class, quality and condition of hay and straw, and such inspection certificates issued by officers appointed by law for that purpose shall be accepted in the courts as prima facie evidence of the particulars therein set out; and (c) prescribe the places where, and the conditions under which, hay and straw shall be inspected and the charges to be made for such inspection. 1932-33, c. 26, s. 3.
CHAPTER 142.

An Act respecting the High Commissioner for Canada in the United Kingdom.

SHORT TITLE.

1. This Act may be cited as the High Commissioner in short title. the United Kingdom Act. 1938, c. 30, s. 1.

2. The Governor in Council may, under the Great Seal Appointment. of Canada, from time to time, appoint an officer called the High Commissioner for Canada in the United Kingdom to hold office during pleasure. 1938, c. 30, s. 2.

3. The High Commissioner for Canada in the United Kingdom shall

(a) act as representative and resident agent of Canada in the United Kingdom, and in that capacity, execute such powers and perform such duties as are, from time to time, conferred upon and assigned to him by the Governor in Council;

(b) carry out such instructions as he, from time to time, receives from the Secretary of State for External Affairs respecting the general interests of Canada in the United Kingdom; and

(c) subject to paragraphs (a) and (b), supervise the official activities of the various agencies of the Canadian Government in the United Kingdom. 1938, c. 30, s. 3.

4. There may be appointed in the manner authorized by law such officers and clerks in the office of the High Commissioner for Canada in the United Kingdom as may be necessary for the proper conduct of the business of the office. 1938, c. 30, s. 4.

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CHAPTER 143.

An Act respecting the House of Commons.

SHORT TITLE.

1. This Act may be cited as the House of Commons Act. Short title. R.S., c. 145, s. 1.

DISQUALIFICATIONS OF MEMBERS.

2. (1) No person who, on the day of the nomination at any election to the House of Commons, is a member of any legislative council or of any legislative assembly of any province that is now or hereafter included within Canada, is eligible as a member of the House of Commons, or is capable of being nominated or voted for at such election, or of being elected to or of sitting or voting in the House of Commons.

(2) If any one so declared ineligible is elected and returned as a member of the House of Commons, his election is null and void. R.S., c. 145, s. 2.

3. If any member of the House of Commons is elected and returned to any legislative assembly, or is elected or appointed a member of any legislative council and accepts the seat, his election as a member of the House of Commons thereupon becomes null and void, his seat shall be vacated, and a new writ shall issue forthwith for a new election. R.S., c. 145, s. 3.

4. Any member of the House of Commons elected or appointed to a provincial legislature without his knowledge or consent shall continue to hold his seat in the House of Commons as if no such election or appointment to a provincial legislature had been made, if, without taking his seat in the provincial legislature, and within ten days after being notified of such election or appointment, or, if he is not within the province at the time, then within ten days after his arrival within the province, he resigns his seat in such legislature, and notifies the Speaker of the House of Commons of such resignation. R.S., c. 145, s. 4.

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Penalty for person ineligible sitting or voting.

5. (1) If any person who is by this Act declared ineligible as a member of the House of Commons, or incapable of sitting or voting therein, so sits or votes, he shall forfeit the sum of two thousand dollars for every day he sits or votes.

(2) Such sum may be recovered by any person who sues for the same, by action in any form allowed by law in the province in which the action is brought, in any court having jurisdiction. R.S., c. 145, s. 5.

Recovery.

Resignation of Members.

6. (1) Any member of the House of Commons may resign his seat by:

(a) by giving, in his place in the House, notice of his intention to resign, in which case, and immediately after such notice has been entered by the clerk on the journals of the House, the Speaker shall forthwith address his warrant, under his hand and seal, to the Chief Electoral Officer, for the issue of a writ for the election of a new member in the place of the member resigning, or

(b) by addressing and causing to be delivered to the Speaker a declaration of his intention to resign his seat, made in writing under his hand and seal before two witnesses, which declaration may be so made and delivered either during a session of Parliament, or in the interval between two sessions, in which case the Speaker shall, upon receiving such declaration, forthwith address his warrant, under his hand and seal, to the Chief Electoral Officer, for the issue of a writ for the election of a new member in the place of the member resigning, or

and in either case a writ shall issue accordingly.

(2) An entry of the declaration so delivered to the Speaker shall be thereafter made in the journals of the House. R.S., c. 145, s. 6.

Proceedings where a member wishes to resign and there is no Speaker, or he himself is Speaker.

7. (1) If any member of the House of Commons wishes to resign his seat in the interval between two sessions of Parliament, and there is then no Speaker, or, if the Speaker is absent from Canada, or, if such member is himself the Speaker, he may address or cause to be delivered to any two members of the House the declaration before mentioned of his intention to resign.

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(2) Such two members, upon receiving such declaration, shall forthwith address their warrant, under their hands and seals, to the Chief Electoral Officer for the issue of a new writ for the election of a member in the place of the member so notifying his intention to resign, and such writ shall issue accordingly. R.S., c. 145, s. 7.

8. Any member tendering his resignation in any manner hereinbefore provided, shall be held to have vacated his seat and shall cease to be a member of the House. R.S., c. 145, s. 8.

9. No member shall tender his resignation while his election is lawfully contested, or until after the expiration of the time during which it may by law be contested on other grounds than corruption or bribery. R.S., c. 145, s. 9.

VACANCIES.

10. If any vacancy happens in the House of Commons by the death of any member, or by his accepting any office, the Speaker, on being informed of such vacancy by any member of the House in his place, or by notice in writing under the hands and seals of any two members of the House, shall forthwith address his warrant to the Chief Electoral Officer, for the issue of a new writ for the election of a member to fill the vacancy; and a new writ shall issue accordingly. R.S., c. 145, s. 10.

11. If, when such vacancy happens, or at any time thereafter, before the Speaker’s warrant for a new writ has issued, there is no Speaker of the House, or if the Speaker is absent from Canada, or if the member whose seat is vacated is himself the Speaker, then, any two members of the House may address their warrant, under their hands and seals, to the Chief Electoral Officer, for the issue of a new writ for the election of a member to fill such vacancy; and such writ shall issue accordingly. R.S., c. 145, s. 11.

12. (1) A warrant may issue to the Chief Electoral Officer for the issue of a new writ for the election of a member of the House of Commons to fill any vacancy arising subsequently to a general election, and before the first meeting of Parliament thereafter, by reason of the death or acceptance of such office of any member.

(2) Such writ may issue at any time after such death or acceptance of office.
(3) The election to be held under such writ does not in any manner affect the rights of any person entitled to contest the previous election.

(4) The report of any judge appointed to try such previous election, or of the Supreme Court of Canada, in case of an appeal, shall determine whether the member who has so died or accepted office, or any other person was duly returned or elected thereat.

(5) The determination, if adverse to the return of such member, and in favour of any other candidate, avoids the election held under this section, and the candidate declared duly elected at the previous election is entitled to take his seat as if no such subsequent election had been held. R.S., c. 145, s. 12.

13. (1) In the event of a vacancy occurring a writ shall be issued within six months after the receipt by the Chief Electoral Officer of the warrant for the issue of a new writ for the election of a member of the House of Commons.

(2) This section does not apply where the vacancy in respect of which the warrant has issued occurs within six months of the expiry of the time limited for the duration of the House of Commons.

(3) If Parliament is dissolved after the issue of a new writ hereunder such writ shall thereupon be deemed to have been superseded and withdrawn. R.S., c. 145, s. 13.

14. No person shall be nominated and consent to be nominated so as to be a candidate for election as a member of the House of Commons for more than one electoral district at the same time, and if any person is so nominated for more than one electoral district and consents thereto all such nominations are null and void. R.S., c. 145, s. 14.

15. The person who fills the office of Speaker at the time of any dissolution of Parliament, shall, for the purpose of the following provisions of this Act, be deemed to be the Speaker until a Speaker is chosen by the new Parliament. R.S., c. 145, s. 15.

16. (1) The Governor in Council shall appoint four members of the Queen's Privy Council for Canada who are also members of the House of Commons, who, with the Speaker of the House of Commons, shall be commissioners for the purposes of this section and sections 17 and 18.

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(2) The names and offices of such commissioners shall be communicated by message from the Governor in Council to the House of Commons, in the first week of each session of Parliament.

(3) Three of the commissioners, whereof the Speaker of the House of Commons shall be one, may carry the said provisions into execution.

(4) In the event of the death, disability, or absence from Canada of the Speaker during any dissolution or prorogation of Parliament, any three of the commissioners may carry the said provisions into execution. R.S., c. 145, s. 16.

17. (1) An estimate shall annually be prepared by the Clerk of the House of Commons of the sums which will probably be required to be provided by Parliament for the payment of the indemnity and the actual moving or transportation expenses of members, and of salaries, allowances and contingent expenses of the House, and of the several officers and clerks thereof under his direction, during the fiscal year.

(2) The Sergeant-at-Arms of the House of Commons shall annually prepare an estimate of the sums that will probably be required to be provided by Parliament for the payment of salaries or allowances of the messengers, doorkeepers and servants of the House under his direction, and of the contingent expenses under his direction, during such year.

(3) Such estimates shall be submitted to the Speaker for his approval, and are subject to such approval and to such alterations as the Speaker considers proper.

(4) The Speaker shall thereupon prepare an estimate of the sums requisite for the several purposes aforesaid, and shall sign the same.

(5) Such several estimates of the Clerk, Sergeant-at-Arms and Speaker shall be transmitted by the Speaker to the Minister of Finance for his approval, and shall be laid severally before the House of Commons with the other estimates for the year. R.S., c. 145, s. 17.

18. All sums of money voted by Parliament upon such estimates or payable to members of the House of Commons under the Senate and House of Commons Act, are subject to the order of the commissioners, or any three of them, of whom the Speaker shall be one. R.S., c. 145, s. 18.

19. (1) If any complaint or representation is at any time made to the Speaker for the time being of the misconduct or unfitness of any clerk, officer, messenger or other person attendant on the House of Commons, the Speaker may cause an inquiry to be made into the conduct or fitness of such person.

(2) If thereupon it appears to the Speaker that such person has been guilty of misconduct, or is unfit to hold his situation, the Speaker may, if such clerk, officer, messenger or other person has been appointed by the Crown, suspend him and report such suspension to the Governor General, and, if he has not been appointed by the Crown, suspend or remove him. R.S., c. 145, s. 21.

20. (1) The Clerk of the House of Commons shall subscribe and take before the Speaker the oath of allegiance, and all other officers, clerks and messengers of the House of Commons shall subscribe and take before the Clerk of the House of Commons the oath of allegiance.

(2) The Clerk of the House of Commons shall keep a registry of all such oaths. R.S., c. 145, s. 22.
CHAPTER 144.

An Act respecting the Identification of Criminals.

SHORT TITLE.

1. This Act may be cited as the Identification of Criminals Act. R.S., c. 38, s. 1.

2. (1) Any person in lawful custody, charged with, or under conviction of an indictable offence, or who has been apprehended under the Extradition Act or the Fugitive Offenders Act, may be subjected, by or under the direction of those in whose custody he is, to the measurements, processes and operations practised under the system for the identification of criminals commonly known as the Bertillon Signaletic System, or to any measurements, processes or operations sanctioned by the Governor in Council having the like object in view.

(2) Such force may be used as is necessary to the effectual carrying out and application of such measurements, processes and operations.

(3) The signaletic cards and other results thereof may be published for the purpose of affording information to officers and others engaged in the execution or administration of the law. R.S., c. 38, s. 2; 1947, c. 35, s. 1.

3. No one having the custody of any such person, and no one acting in his aid or under his direction, and no one concerned in such publication, shall incur any liability, civil or criminal, for anything lawfully done under this Act. R.S., c. 38, s. 3.
CHAPTER 145.

An Act respecting Immigration.

SHORT TITLE.

1. This Act may be cited as the Immigration Act. R.S., Short title. c. 93, s. 1.

INTERPRETATION.

2. In this Act, and in all orders in council, proclamations Definitions. and regulations made hereunder,

(a) "alien" means a person who is not a British subject; "Alien."

(b) "Canadian citizen" means a person who is a Cana- "Canadian "citizen."
dian citizen under the Canadian Citizenship Act;

(c) "Canadian domicile" means Canadian domicile "Canadian "Canadian "domicile." acquired and held in accordance with the provisions of section 3;

(d) "deportation" means the removal under authority "Deporta- tion." of this Act of any rejected immigrant or other person, or of any immigrant or other person who has already been landed in Canada, or who has entered or who remains in Canada contrary to any provision of this Act, from any place in Canada at which such immigrant or other person is rejected or detained to the place whence he came to Canada, or to the country of his birth or citizenship;

(e) "Deputy Minister" means the Deputy Minister of "Deputy "Deputy Minister." Citizenship and Immigration;

(f) "Director" means the Director of the Immigration "Director." Branch of the Department of Citizenship and Immigra- 

(g) "domicile" means the place in which a person has "Domicile." his home or in which he resides or to which he returns as his place of permanent abode and does not mean the place where he resides for a mere special or temporary purpose;

(h) "family" includes father and mother, and children "Family." under eighteen years of age;

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(i) R.S., 1952.
(i) "head of family" means the father, mother, son, daughter, brother or sister upon whom the other members of the family are mainly dependent for support;

(ii) "immigrant" means a person who enters Canada with the intention of acquiring Canadian domicile, and for the purposes of this Act every person entering Canada shall be presumed to be an immigrant unless belonging to one of the following classes of persons, hereinafter called "non-immigrant classes;"

(i) Canadian citizens; and persons who have Canadian domicile,

(ii) diplomatic and consular officers, and all accredited representatives and officials of British or foreign governments, their suites, families and guests, coming to Canada to reside or to discharge any official duty or to pass through in transit,

(iii) officers and men, with their wives and families, belonging to or connected with Her Majesty's regular naval and military forces,

(iv) tourists and travellers merely passing through Canada to another country,

(v) students entering Canada for the purpose of attendance, and while in actual attendance, at any university or college authorized by statute or charter to confer degrees; or at any high school or collegiate institute recognized as such for the purpose of this Act by the Minister,

(vi) members of dramatic, artistic, athletic or spectacular organizations entering Canada temporarily for the purpose of giving public performances or exhibitions of an entertaining or instructive nature and actors, artists, lecturers, priests and ministers of religion, authors, lawyers, physicians, professors of colleges, accredited representatives of international trade unions, and commercial travellers entering Canada for the temporary exercise of their respective callings,

(vii) holders of a permit to enter Canada, in force for the time being, in the Form A of the Schedule, signed by the Minister or by some person duly authorized, except that whenever in the opinion of the Minister, Deputy Minister, Board of Inquiry or officer acting as such, any person has been improperly included in any of the non-immigrant classes, or has ceased to belong to any of such classes, such person shall thereupon be considered an immigrant.

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grant within the meaning of this Act and subject to all the provisions of this Act respecting immigrants seeking to enter Canada,

(viii) persons passing in transit through Canada under escort or guard from one port or place out of Canada to another port or place out of Canada;

(k) "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;

(l) "Immigration Act" or "Act" shall be held to include "Immigration Act.

(m) "immigration officer in charge" or "officer in charge" means the immigration officer, or medical officer, or other person in immediate charge or control at a port of entry for the purposes of this Act;

(n) "land," "landed" or "landing," as applied to passengers or immigrants, means their lawful admission into Canada by an officer under this Act, otherwise than for inspection or treatment or other temporary purpose provided for by this Act;

(o) "master" means any person in command of a ship "Master."

(p) "Minister" means the Minister of Citizenship and Immigration;

(q) "officer" means any person appointed under this Act, for any of the purposes of this Act, and any officer of customs; and includes the Deputy Minister, Directors, immigration commissioners, district superintendents, medical officers and inspectors and every person recognized by the Minister as an immigration agent or officer with reference to anything done or to be done under this Act, whether within or outside of Canada, and whether with or without formal appointment;

(r) "owner" as applied to a ship or vessel includes the owner or charterer thereof;

(s) "passenger" means a person lawfully on board any ship, vessel, railway train, vehicle or other contrivance for travel, or transport, and also includes any person riding, walking or otherwise travelling across any international bridge or highway; but shall not be held to include the master or other person in control or command of such vessel, ship, railway train, vehicle, bridge, highway or other contrivance for travel or transport.

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transport, or any member of the crew or staff thereof; or military or naval forces and their families who are carried at the expense of the Government of Great Britain, or the Government of any British Dominion or Colony, but any member of the crew of a ship or of the staff of a railway train or other contrivance for travel or transport who deserts or is discharged in Canada from his ship or railway train or other contrivance for travel or transport shall thereupon be considered a passenger within the meaning of this Act;

"Port of entry." (t) "port of entry" means any port, railway station or place in Canada designated by the Minister for the inspection of immigrants, passengers or other persons;

"Rejected." (u) "rejected," as applied to an immigrant or other person seeking to enter or land in Canada, means that such immigrant or other person has been examined by a Board of Inquiry or officer acting as such and has been refused permission to land in Canada;

"Ship." (v) "ship" or "vessel" includes every boat and craft of any kind whatsoever for travel or transport other than by land;

"Stowaway." (w) "stowaway" means a person who goes to sea secreted in a ship without the consent of the master or other person in charge of the ship, or of a person entitled to give such consent; or a person who travels on any railway train or other vehicle without the consent of the conductor or other person authorized to give such consent;

"Transportation company." (x) "transportation company" means and includes the Dominion Government, any Provincial Government, any municipality, any corporate body or organized firm or person carrying or providing for the transit of passengers, whether by ship, railway, bridge, highway, or otherwise, and any two or more such transportation companies co-operating in the business of carrying passengers. R.S., c. 93, s. 2; 1937, c. 34, ss. 1, 3, 4; 1946, c. 54, ss. 1, 2, 3; 1949 (2nd Sess.), c. 16, s. 6.

CANADIAN DOMICILE.

3. Canadian domicile is acquired and lost for the purposes of this Act, in accordance with the following rules:

(a) Canadian domicile is acquired by a person only by having his domicile for at least five years in Canada after having been landed therein;

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(b) Canadian domicile is lost by a person voluntarily residing out of Canada with the present intention of making his permanent home out of Canada and not for a mere special or temporary purpose;

(c) a person who resides out of Canada as a representative or employee of a firm, business, company or organization, religious or otherwise, established in Canada or who resides out of Canada while in the public service of Canada or of a province, and the spouse or child under eighteen years of age of any such person residing out of Canada with him, shall be deemed not to have lost Canadian domicile by reason of such residence;

(d) no period during which a person is confined in or an inmate of any penitentiary, jail, reformatory, prison or asylum for the insane in Canada shall be counted as a period of domicile in Canada for the purposes of rule (a);

(e) where an order is issued under this Act for the deportation of a person and an appeal therefrom has not been allowed by the Minister or where a permit to remain in Canada is issued by the Minister to a person who has been previously landed in Canada and ordered to be deported, the period during which the said person resides in Canada after such order has been issued or such permit granted, shall not be counted as a period of domicile for the purposes of rule (a); and

(f) no person who belongs to the prohibited or undesirable classes as provided in section 42 may acquire Canadian domicile and any such person who had acquired Canadian domicile prior to becoming a member of such class of prohibited or undesirable immigrants shall forthwith on becoming such a member be deemed to have lost Canadian domicile. 1946, c. 54, s. 4.

PROHIBITED CLASSES.

4. (1) No immigrant, passenger, or other person, unless he is a Canadian citizen, or has Canadian domicile, shall be permitted to enter or land in Canada, or in case of having landed in or entered Canada shall be permitted to remain therein, who belongs to any of the following classes, herein-after called "prohibited classes":

(a) idiots, imbeciles, feeble-minded persons, epileptics, Persons insane persons, and persons who have been insane at any time previously;

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(b) Persons mentally defective. R.S., 1952.
(b) persons afflicted with tuberculosis in any form or with any loathsome disease, or with a disease which is contagious or infectious, or which may become dangerous to the public health, whether such persons intend to settle in Canada or only to pass through Canada in transit to some other country; but if such disease is one which is curable within a reasonably short time, such persons may, subject to the regulations in that behalf, if any, be permitted to remain on board ship if hospital facilities do not exist on shore, or to leave ship for medical treatment; and a person certified by the examining medical officer as being afflicted with trachoma, shall not be admitted to Canada until a period of at least six months has elapsed from the date a medical officer certifies such person as being apparently cured of such disease;

(c) immigrants who are dumb, blind, or otherwise physically defective, unless in the opinion of a Board of Inquiry or officer acting as such they have sufficient money, or have such profession, occupation, trade, employment or other legitimate mode of earning a living that they are not liable to become a public charge or unless they belong to a family accompanying them or already in Canada and which gives security satisfactory to the Minister against such immigrants becoming a public charge;

(d) persons who have been convicted of, or admit having committed, any crime involving moral turpitude;

(e) prostitutes and women and girls coming to Canada for any immoral purpose and pimps or persons living on the avails of prostitution;

(f) persons who procure or attempt to bring into Canada prostitutes or women or girls for the purpose of prostitution or other immoral purpose;

(g) professional beggars or vagrants;

(h) immigrants to whom money has been given or loaned by any charitable organization for the purpose of enabling them to qualify for landing in Canada under this Act, or whose passage to Canada has been paid wholly or in part by any charitable organization, or out of public moneys, unless it is shown that the authority in writing of the Deputy Minister or the Director of Immigration or in case of persons coming from Europe, the authority in writing of the Commissioner of Immigration for Canada in London, has been obtained for the landing in Canada of such persons, and that such authority has been acted upon within a period of sixty days thereafter;

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(i) persons who do not fulfil, meet or comply with the conditions and requirements of any regulations which for the time being are in force and applicable to such persons under this Act;

(ii) persons who in the opinion of the Board of Inquiry or the officer in charge at any port of entry are likely to become a public charge;

(k) persons of constitutional psychopathic inferiority;

(l) persons with chronic alcoholism;

(m) persons not included within any of the foregoing prohibited classes, who upon examination by a medical officer are certified as being mentally or physically defective to such a degree as to affect their ability to earn a living;

(n) persons who believe in or advocate the overthrow by force or violence of the Government of Canada or of constituted law and authority, or who disbelieve in or are opposed to organized government, or who advocate the assassination of public officials, or who advocate or teach the unlawful destruction of property;

(o) persons who are members of or affiliated with any organization entertaining or teaching disbelief in or opposition to organized government, or advocating or teaching the duty, necessity, or propriety of the unlawful assaulting or killing of any officer or officers either of specific individuals or of officers generally, of the Government of Canada or of any other organized government, because of his or their official character, or advocating or teaching the unlawful destruction of property;

(p) enemy aliens or persons who have been alien enemies and who were or may be interned on or after the 11th day of November, 1918, in any part of His Majesty's dominions or by any of His Majesty's allies;

(q) persons guilty of espionage with respect to His Majesty or any of His Majesty's allies;

(r) persons who have been found guilty of high treason or treason or of conspiring against His Majesty, or of assisting His Majesty's enemies in time of war, or of any similar offence against any of His Majesty's allies;

(s) persons who at any time within a period of ten years from the 1st day of August, 1914, were deported from any part of His Majesty's dominions or from any allied country on account of treason or of conspiring against His Majesty, or of any similar offence in connection with the war against any of the allies of His Majesty;
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\( t \) on and after the 1st day of July, 1919, in addition to the foregoing "prohibited classes," the following persons shall also be prohibited from entering or landing in Canada: persons over fifteen years of age, physically capable of reading who cannot read the English or the French language or some other language or dialect; except that any admissible person or any person herefore or hereafter legally admitted, or any citizen of Canada, may bring in or send for his father or grandfather, over fifty-five years of age, his wife, his mother, his grandmother or his unmarried or widowed daughter, if otherwise admissible, whether such relative can read or not and such relative shall be permitted to enter;

\( u \) members of a family (including children over as well as under 18 years of age) accompanying a person who has been rejected, unless in the opinion of the Board of Inquiry no hardship would be involved by separation of the family.

For the purpose of ascertaining whether aliens can read, the immigration officer shall use slips of uniform size prepared by direction of the Minister, each containing not less than thirty and not more than forty words in ordinary use printed in plainly legible type in the language or dialect the person may designate as the one in which he desires the examination to be made, and he shall be required to read the words printed on the slip in such language or dialect; but the provisions of this subsection do not apply to Canadian citizens and persons who have Canadian domicile, to persons in transit through Canada, or to such persons or classes of persons as may from time to time be approved by the Minister.

No resident of Canada, whether he is a Canadian citizen or not, and whether he has a Canadian domicile or not, who leaves Canada to perform any military or other service for any country then at war with His Majesty, or for the purpose of aiding or abetting in any way His Majesty’s enemies, shall be permitted to land in Canada, or remain therein, except with the permission of the Minister.

If any such person is prosecuted for any offence of which he may have been guilty, he is liable to undergo any punishment imposed upon him under such prosecution before he is deported. R.S., c. 93, s. 3; 1937, c. 34, s. 5; 1946, c. 54, s. 5.
5. (1) The Minister may issue a written permit authorizing any person to enter Canada, or having entered or landed in Canada to remain therein without being subject to the provisions of this Act.

(2) Such permit shall be in the Form A of the Schedule, and shall be expressed to be in force for a specified period only, but it may at any time be extended or cancelled by the Minister in writing; and such extension or cancellation shall be in the Form B of the Schedule.

(3) A return of all such permits with particulars and names therefor, issued during the year, shall be made by the Minister to Parliament within thirty days of its meeting. R.S., c. 93, s. 4.

APPOINTMENT, POWERS AND DUTIES OF OFFICERS.

6. Commissioners of Immigration, District Superintendents and such other officers, with such designations or titles as are deemed necessary, may be appointed for carrying out the provisions of this Act. 1937, c. 34, s. 6.

7. The Minister may establish and maintain immigration offices and agencies at such places within and outside of Canada as from time to time he deems proper. R.S., c. 93, s. 6.

8. Subject to any regulation in that behalf, all officers appointed or having authority under this Act may, in emergency, employ such temporary assistance as is required for carrying out any duty devolving upon them under this Act, but no such employment shall continue for a period of more than forty-eight hours without the sanction of the Minister. R.S., c. 93, s. 7.

9. When at a port of entry there is no immigration officer available for duty under this Act, the chief customs officer at that port or any subordinate customs officer designated by him shall be, ex officio, an immigration officer. R.S., c. 93, s. 8.

10. Every officer appointed under this Act shall perform all duties prescribed for him by this Act, or by any order in council, proclamation or regulation made hereunder, and shall also perform such duties as are required of him by the Minister, either directly or through any other officer; and no action taken by any such officer under or for any purpose of this Act shall be deemed to be invalid or unauthorized merely because it was not taken by the officer specially appointed or detailed for the purpose. R.S., c. 93, s. 9.

11. (1) Every officer appointed under this Act has the authority and power of a special constable to enforce any of the provisions of this Act relating to the arrest, detention or deportation of immigrants, aliens or other persons.

(2) Every immigration officer has authority to administer oaths and take evidence under oath or by affirmation in all matters arising under this Act. R.S., c. 93, s. 10.

12. All constables and other peace officers in Canada, whether appointed under Dominion, provincial, or municipal authority, shall, when so directed by the Minister or by any officer under this Act, receive and execute according to the tenor thereof any written order of the Minister, or of the Minister of Justice, or of a Board of Inquiry or officer acting as such, and any warrant of the Deputy Minister, the Director or the Commissioner of Immigration for the arrest, detention or deportation of any immigrant, alien or other person in accordance with the provisions of this Act. 1937, c. 34, s. 7.

13. For the preservation of the peace, and in order that arrests may be made for offences against the laws of Canada, or of any province or municipality thereof, wherein the various immigrant stations are located, the officers in charge of such immigrant stations, as occasion may require, shall admit therein any constables or other peace officers charged with the enforcement of such laws; and for the purposes of this section the authority of such officers and the jurisdiction of the local court shall extend over such immigrant stations. R.S., c. 93, s. 12.

14. 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. R.S., c. 93, s. 13.

15. A Board of Inquiry has 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. R.S., c. 93, s. 14.

16. (1) The hearing of all cases brought before a Board of Inquiry shall be separate and apart from the public, but in the presence of the immigrant, passenger or other person

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person concerned whenever practicable, and such immi-
grant passenger or other person has the right to be repre-
represented by counsel whenever any evidence or testimony
touching the case is received by the Board, and a summary
record of proceedings and of evidence and testimony taken
shall be kept by the Board.

(2) The Board, and any member thereof, may, at dis-
cretion, administer oaths and take evidence under oath or
by affirmation in any form which they deem binding upon
the person being examined. R.S., c. 93, s. 15.

17. (1) In all such cases, a Board of Inquiry may at the All
hearing, receive and base its decision upon any evidence,
considered credible or trustworthy by such Board in the
circumstances of each case; and in all cases where the ques-
tion of the right to enter or land in Canada under this Act
is raised the burden of proof shall rest upon the immigrant,
passenger or other person claiming such right.

(2) A Board of Inquiry may be re-opened by a majority Re-opening
vote of the said Board to that effect, or by the order of
the Minister, the Deputy Minister or the Director for the
hearing and receiving of any additional relevant evidence
or testimony, and the said Board of Inquiry shall have
authority upon such hearing and receiving to alter, amend,
or reverse the decision previously rendered. R.S., c. 93,
s. 16; 1937, c. 34, s. 8.

18. The Board of Inquiry shall appoint its own chair-
man and secretary to keep the record of its proceedings, and
in all cases and questions before it the decision, in writing,
of a majority of the Board shall prevail. R.S., c. 93, s. 17.

19. There shall be no appeal from the decision of such Cases
Board of Inquiry as to the rejection and deportation of immi-
igrants, passengers or other persons seeking to land in Canada,
when such decision is based upon a certificate of
the examining medical officer to the effect that such immi-
grants, passengers or other persons are afflicted with
any loathsome disease, or with a disease which may become
dangerous to the public health, or that they come within
any of the following prohibited classes, namely, idiots, im-
beciles, feeble-minded persons, epileptics and insane per-
sons; but Canadian citizens and persons who have Cana-
dian domicile shall be permitted to land in Canada as a
matter of right. R.S., c. 93, s. 18.

20. (1) In all cases other than provided for in section Cases
19 an appeal may be taken to the Minister against the decision of any such Board of Inquiry or officer in charge
by
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Notice of appeal.

Notice by the immigrant, passenger or other person concerned in the case, if the appellant forthwith serves written notice of such appeal, which notice may be in the Form D in the Schedule, upon the officer in charge or the officer in whose custody the appellant may be.

(2) In the case of the appeal being dismissed by the Minister, the appellant shall be deported and the order for deportation does not become invalid on the ground of any lapse of time between its issuance and execution. R.S., c. 93, s. 19; 1946, c. 54, s. 6.

Deportation when appeal dismissed.

21. Notice of appeal shall act as a stay of all proceedings until a final decision is rendered by the Minister, and within forty-eight hours after the filing of the said notice a summary record of the case shall be forwarded by the immigration officer in charge to the Deputy Minister, accompanied by his views thereon in writing. R.S., c. 93, s. 20.

Stay of proceedings.

22. Pending the decision of the Minister, the appellant and those dependent upon him shall be kept in custody at an immigrant station, unless released under bond as hereinafter provided. R.S., c. 93, s. 21.

Return of record.

23. (1) When there is no Board of Inquiry at a port of entry, the officer in charge shall exercise the powers and discharge the duties of a Board of Inquiry and shall follow as nearly as may be the procedure of such Board as regards hearing and appeal and all other matters over which it has jurisdiction.

(2) The Minister may authorize any immigration officer to exercise the powers and discharge the duties of a Board of Inquiry and such officer so authorized may exercise such powers and discharge such duties at any place in Canada other than a port of entry. R.S., c. 93, s. 22.

Appellant in custody pending decision of Minister.

Officer to exercise powers of Board.

Jurisdiction of courts in cases of rejection and deportation restricted.

24. No court, and no judge or officer thereof, shall have jurisdiction to review, quash, reverse, restrain or otherwise interfere with any proceeding, decision or order of the Minister or of any Board of Inquiry, or officer in charge, had, made or given under the authority and in accordance with the provisions of this Act relating to the detention or deportation of any rejected immigrant, passenger or other person, upon any ground whatsoever, unless such person is a Canadian citizen or has Canadian domicile. R.S., c. 93, s. 23.

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25. The Governor in Council may make such further regulations governing the procedure of Boards of Inquiry and appeal therefrom as are deemed necessary. R.S., c. 93, s. 24.

SPECIAL PROVISION AS TO PASSENGERS BY VESSEL.

26. It shall be the duty of every transportation company bringing passengers or other persons to Canada by vessel to prevent such passengers or other persons leaving such vessel in Canada at any time or place other than as designated by the immigration officer in charge, and the failure of any such company to comply with such duty is an offence against this Act and shall be punished by a fine of not more than five hundred dollars and not less than twenty dollars, in respect of each such passenger or person and every passenger or other person so landed may be arrested and detained for examination as hereinafter provided. R.S., c. 93, s. 25.

27. The master shall furnish to the immigration officer in charge at the port of entry a bill of health, certified by the medical officer of the vessel, such bill of health being in the form approved by the Minister and containing such information as is required from time to time under this Act. R.S., c. 93, s. 26.

28. (1) Before any passengers are permitted to leave a vessel in Canada the immigration officer in charge, or any officer directed by him, may go on board and inspect such vessel, and examine and take extracts from the manifest of passengers, and from the bill of health.

(2) The Governor in Council may make regulations for the inspection of immigrants in the country of their domicile or origin, or at any port of call en route or on board ship, but any such inspection does not relieve any transportation company, owner, agent, consignee or master of a vessel of any of the obligations, fines, or penalties imposed by this Act. R.S., c. 93, s. 27.

29. Medical officers shall make a physical and mental examination of all immigrants, passengers, officers, members of crews or other persons seeking to enter or land in Canada from any ship or vessel, except in the case of Canadian citizens and persons who have Canadian domicile; such examination shall be made in accordance with and subject to regulations prescribed by the Minister. R.S., c. 93, s. 28.
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30. (1) The immigration officer in charge, after satisfying himself that the requirements of this Act, and of any Order in Council, Proclamation or regulation made hereunder, have been carried out, shall grant written permission to the master of the vessel to allow the passengers to leave the vessel.

(2) No vessel shall be granted clearance if the master agent, owner, charterer or consignee violates or refuses or neglects to comply with any provision of this Act; except that clearance may be granted upon deposit with the immigration agent or officer in charge at a port of entry of a sum of money equal to the maximum fine or penalty which may be imposed for the violation of any of the provisions of this Act. R.S., c. 93, s. 29.

SPECIAL PROVISION AS TO PASSENGERS BY LAND.

31. Every transportation company carrying passengers in Canada by land shall, for the purposes of this Act, be considered as one with any transportation company with which it co-operates or makes or affords connection whether in Canada or not and whether under the same management or not, and is liable for any offence against this Act by any company with which it so co-operates or makes or affords connection. R.S., c. 93, s. 30.

32. (1) Regulations made by the Governor in Council under this Act may provide that the obligations of transportation companies bringing immigrants and passengers into Canada by land shall be similar to those imposed by this Act on masters and owners of vessels bringing immigrants and passengers to Canada, including the furnishing of names and descriptions of such immigrants and passengers.

(2) Such regulations may also provide that officers under this Act shall have the power to hold and detain railway trains, cars and other vehicles entering Canada until examination of immigrants and passengers have been made as required by this Act; and may provide penalties for non-compliance with such regulations by transportation companies, or any official or employee thereof.

(3) Such regulations may also impose a duty upon transportation companies to provide, equip and maintain suitable buildings for the examination and detention of passengers for any purpose under this Act at such ports of entry or border stations as may be designated by the Minister; and may provide penalties for non-compliance by transportation companies with such regulation; but no

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transportation company shall be made liable for the safe-
keeping of any person who is in custody of an officer for
any cause under this Act, unless such person is on a vessel,
railway train or other vehicle belonging to or operated or
controlled by such company.

(4) Transportation companies shall furnish to Immigra-
tion officers such free transportation as may be required
in connection with their official duties and shall also fur-
nish free transportation to one immigration officer of each
of the Provincial Governments, as directed by the Minis-
ter. R.S., c. 93, s. 31.

33. Subject to any regulations made under section 32,
the Deputy Minister, under the direction or with the
approval of the Minister, shall prescribe regulations for the
entry, inspection and medical examination of immigrants
and passengers along the border of Canada so as not to
unnecessarily delay, impede or annoy passengers in ordinary
travel. R.S., c. 93, s. 32.

LANDING OF PASSENGERS.

34. (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 de-
tained for examination, which shall be conducted forth-
with on shipboard, or on train, or at some other place
designated for that purpose.

(2) Every passenger or other person seeking to enter or
land in Canada shall answer truly all questions put to him
by any officer when examined under the authority of this
Act; and any person not truly answering such questions
is 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, sub-
ject however to such right of appeal as he may have to
the Minister.

(3) Every passenger or other person so examined shall be
immediately landed unless the examining officer has reason
to believe that the landing of such passenger or other person
would be contrary to any provision of this Act.

(4) Every passenger or other person as to whose right
to enter or land the examining officer has any doubt, shall
be

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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 or released under such bond or security as may be approved by the officer in charge, pending his deportation.

Deportation. (5) An order for deportation by a Board of Inquiry or officer in charge may be made in the Form C in the Schedule, and a copy of the said order shall forthwith be delivered to such passenger or other person, and a copy of the said order shall at the same time be served upon the master or owner of the ship or upon the local agent or other official of the transportation company by which such person was brought to Canada; and such person shall thereupon be deported by such company subject to any appeal which may have been entered on his behalf under this Act.

(6) It shall be a violation of this Act for any person to enter Canada except at a port of entry.

(7) Any person who enters Canada except at a port of entry, or who at a port of entry eludes examination by an officer, or Board of Inquiry, or who enters Canada by force or misrepresentation or stealth or otherwise contrary to any provision of this Act, or who escapes from custody of an officer or from an immigrant station when detained for any cause under this Act, is guilty of an offence under this Act, and liable on conviction to a fine of not more than two hundred dollars or to a term of imprisonment not exceeding three months or to both fine and imprisonment, and any person suspected of an offence under this section may be arrested and detained without a warrant by any officer for examination as provided under this section; and if found not to be a Canadian citizen, or not to have Canadian domicile, such entry shall in itself be sufficient cause for deportation whenever so ordered by a Board of Inquiry or officer in charge subject to any appeal which may have been entered under the provisions of this Act relating thereto.

(8) Any transportation company or person including the master, agent, owner, charterer or consignee of any vessel, who shall bring into or land in Canada by vessel or otherwise, or shall attempt by himself or through another to bring into or land in Canada by vessel or otherwise, or shall conceal or harbour or attempt to conceal or harbour or assist or abet another to conceal or harbour in any place including any building, vessel, railway car, conveyance or vehicle

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vehicle, any prohibited immigrant, passenger or other person, is guilty of an offence against this Act, and is liable upon summary conviction thereof to a fine not exceeding five hundred dollars and not less than fifty dollars or to imprisonment for any term not exceeding six months, or to both fine and imprisonment, for each and every prohibited immigrant, passenger or other person so brought into or landed in Canada or attempted to be brought into or landed in Canada or concealed or harboured or attempted to be concealed or harboured.

(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 willfully 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, is guilty of an offence, and is 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.

(10) Every person who enters Canada as a tourist or traveller or other non-immigrant, but who ceases to be such and remains in Canada, shall forthwith report such facts to the nearest immigration officer and shall present himself before an officer for examination under this Act, and in default of so doing he is liable to a fine of not more than one hundred dollars and is also liable to deportation by order of a Board of Inquiry or officer acting as such.

(11) Pending the final disposition of the case of any person detained or taken into custody for any cause under this Act he may be released under a bond, which bond may be in the Form H in the Schedule, with security approved by the officer in charge, or may be released upon deposit of money with the officer in charge in lieu of a bond, and to an amount approved by such officer, upon condition that such person shall appear before a Board of Inquiry or officer acting as such at any port of entry named by the officer in charge, and at such time as shall be named, for examination in regard to the cause or complaint on account of which he has been detained or taken into custody.

(12) If such person fail to appear for examination at such time and place named, or shall fail to keep and observe every R.S., 1952.
every other condition under which he is so released, then such bond shall be enforced and collected, and the proceeds thereof, or the money deposited in lieu of a bond, as the case may have been, shall be paid into the hands of the Minister of Finance, and shall form part of the Consolidated Revenue Fund of Canada; and such person may be taken into custody forthwith and deported by order of a Board of Inquiry or officer acting as such.

(13) An officer in charge at any port of entry may require a deposit of money, for such amount as such officer may prescribe as a guarantee that any person or organization admitted to Canada as belonging to any of the non-immigrant classes shall leave Canada within the time agreed upon at the time of entry, and the said money so deposited shall be refunded when the officer in charge is satisfied that such person or organization has left Canada.

(14) If, however, such person or organization does not leave Canada within the period agreed upon at the time of entry, the money so deposited shall be forfeited and become part of the Consolidated Revenue Fund of Canada; but the time limit may be extended by an officer in charge with the approval of the Minister.

(15) An officer in charge at any port of entry may, in respect of persons seeking to pass through Canada to another country in direct transit, before they are permitted to pass through Canada, require the transportation company proposing to transport such persons through Canada, to deposit a bond in favour of Her Majesty guaranteeing that the transportation company will comply with the regulations made under subsection (16).

(16) The Governor in Council may prescribe the amount and form of bonds that may be required pursuant to subsection (15) and may make regulations for the identification of persons in respect of whom bonds are required under the said subsection, for the guarding of such persons while being transported through Canada and for their detention pending departure from Canada. R.S., c. 93, s. 33; 1937, c. 34, s. 9; 1947, c. 19, s. 1.

MEDICAL TREATMENT OF SICK AND DISABLED PASSENGERS.

35. (1) A passenger or other person seeking to enter Canada or who has been rejected or is detained for any purpose under this Act, who is suffering from sickness or physical or mental disability, may whenever it is so directed by the Deputy Minister, Director or officer in charge be afforded medical treatment on board ship or in an immigrant station, or may be removed to a suitable hospital for treatment.
treatment, according as the officer in charge decides is required by existing circumstances and the condition of the person’s health as reported upon by the examining medical officer, and the cost of his hospital treatment and medical attention and maintenance shall be paid by the transportation company which brought such person to Canada.

(2) The Deputy Minister, Director or officer in charge, may, whenever it is considered necessary or advisable for the proper care of such person, direct that a suitable attendant, or someone upon whom such person is dependent, or someone who is dependent upon such person, as the case may be, shall be kept with such person during his medical treatment on board ship or at an immigrant station or hospital, or, in case of deportation from any place within Canada, shall accompany such person to his port of embarkation from Canada; and the cost thereof shall be paid by the said transportation company. 1937, c. 34, s. 10.

36. A passenger or other person permitted to enter Canada for medical treatment under this Act shall not be regarded as landed within the meaning of this Act. R.S., c. 93, s. 35.

37. The Deputy Minister, under the direction or with the approval of the Minister, shall prescribe regulations whereby sick and diseased persons may enter Canada for treatment and care at any health resort, hospital, sanitarium, asylum or other place or institution for the cure or care of such persons. R.S., c. 93, s. 36.

REGULATIONS AS TO MONETARY AND OTHER REQUIREMENTS FROM SPECIFIED CLASSES OF IMMIGRANTS.

38. 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

(a) Canadian citizens, and persons who have Canadian domicile;

(b) diplomatic and consular officers, and all accredited representatives and officials of British or foreign governments, their suites, families and guests, coming to Canada to reside or to discharge any official duty or to pass through in transit;

(c) officers and men; with their wives and families, belonging to or connected with Her Majesty’s regular naval and military forces;

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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 that 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 viséd in the manner required. R.S., c. 93, s. 37.

39. The Governor in Council may, by proclamation or order whenever he deems it necessary or expedient,

(a) prohibit the landing in Canada or at any specified port of entry in Canada of any immigrant who has come to Canada otherwise than by continuous journey from the country of which he is a native or naturalized citizen, and upon a through ticket purchased in that country, or prepaid in Canada;

(b) prohibit the landing in Canada of passengers brought to Canada by any transportation company which refuses or neglects to comply with the provisions of this Act;

(c) prohibit or limit in number for a stated period or permanently the landing in Canada, or the landing at any specified port or ports of entry in Canada, of immigrants belonging to any nationality or race or of immigrants of any specified class or occupation, by reason of any economic, industrial or other condition temporarily existing in Canada or because such immigrants are deemed unsuitable having regard to the climatic, industrial, social, educational, labour or other conditions or requirements of Canada or because such immigrants are deemed undesirable owing to their peculiar customs, habits, modes of life and methods of holding property, and because of their probable inability to become readily assimilated or to assume the duties and responsibilities of Canadian citizenship within a reasonable time after their entry. R.S., c. 93, s. 38.

40. When any immigrant or other person is rejected or ordered to be deported from Canada, and such person has not come to Canada by continuous journey from the country of which he is a native or naturalized citizen, but has come indirectly through another country which refuses to allow such person to return or be returned to it, then the transportation

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transportation company bringing such person to such other country shall convey such person from Canada to the country of which he is a native or naturalized citizen whenever so directed by the Minister, Deputy Minister or the Director, and at the cost of such transportation company, and in case of neglect or refusal so to do, such transportation company is guilty of an offence against this Act, and is liable to a fine of not more than five hundred dollars and not less than twenty dollars for each such offence. 1937, c. 34, s. 11.

DEPORTATION OF PROHIBITED AND UNDESIRABLE CLASSES.

41. Whenever any person, other than a Canadian citizen or person having Canadian domicile, is found an inmate of or connected with the management of a house of prostitution or practising prostitution, or who receives, shares in, or derives benefit from any part of the earnings of any prostitute or who manages or is employed by, in, or in connection with any house of prostitution or music or dance hall or other place of amusement or resort habitually frequented by prostitutes, or where prostitutes gather, or who in any way assists any prostitute or protects or promises to protect from arrest any prostitute or who imports or attempts to import any person for the purpose of prostitution or for any other immoral purpose, or who has been convicted of a criminal offence in Canada or who admits the commission prior to landing or entry to Canada, of a crime involving moral turpitude, or has become a professional beggar or a public charge or practises polygamy, or has become an inmate of a penitentiary, gaol, reformatory, prison, asylum or hospital for the insane or the mentally deficient, or an inmate of a public charitable institution, or enters or remains in Canada contrary to any provision of this Act, it shall be the duty of any officer cognizant thereof, and the duty of the clerk, secretary or other official of any municipality in Canada wherein such person may be, to forthwith send a written complaint thereof to the Minister, giving full particulars. R.S., c. 93, s. 40.

42. Whenever any person other than a Canadian citizen advocates in Canada the overthrow by force or violence of the Government of Great Britain or Canada, or other British dominion, colony, possession or dependency, or the overthrow by force or violence of constituted law and authority, or the assassination of any official of the Government of Great Britain or Canada or other British dominion, colony, possession or dependency, or of any foreign government, or by word or act creates or attempts to create riot or disturbance in any province of Canada. 1920, c. 1, s. 1; 1939, c. 23. 3163

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or public disorder in Canada, or by common repute belongs to or is suspected of belonging to any secret society or organization which extorts money from, or in any way attempts to control, any resident of Canada by force or threat of bodily harm, or by blackmail; such person for the purposes of this Act shall be considered and classed as an undesirable immigrant, and it shall be the duty of any officer becoming cognizant thereof, and the duty of the clerk, secretary or other official of any municipality in Canada wherein such person may be, to forthwith send a written complaint thereof to the Minister, giving full particulars. 1928, c. 29, s. 1.

43. (1) Upon receiving a complaint from any officer, or from any clerk or secretary or other official of a municipality against any person alleged to belong to any prohibited or undesirable class, the Minister, the Deputy Minister, the Director or the Commissioner of Immigration may order such person to be taken into custody and detained at an immigrant station for examination and an investigation of the facts alleged in the said complaint to be made by a Board of Inquiry or by an officer acting as such.

(2) Such Board of Inquiry or officer has the same powers and privileges, and shall follow the same procedure, as if the person against whom complaint is made were being examined upon application to enter or land in Canada and such person has the same rights and privileges as he would have if seeking to enter or land in Canada.

(3) If upon investigation of the facts such Board of Inquiry or examining officer is satisfied that such person belongs to any of the prohibited or undesirable classes mentioned in sections 41 and 42, such person shall be deported forthwith, subject, however, to such right of appeal as he may have to the Minister.

(4) The Governor in Council may, at any time, order any such person found by a Board of Inquiry or examining officer to belong to any of the undesirable classes referred to in this Act to leave Canada within a specified period; such order may be in the Form E in the Schedule, and shall be in force as soon as it is served upon such person, or is left for him by any officer at the last-known place of abode or address of such person.

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(5) Any person rejected or deported only by reason of inability to comply with the provisions of any Order in Council, which has been rescinded, may be subsequently permitted to enter or land in Canada by a Board of Inquiry or officer in charge, on complying with the provisions of this Act, but any person rejected or deported by reason of any other cause under this Act or under the Opium and Narcotic Drug Act, or removed, expelled or deported under the authority of any order in council or other regulation made under the War Measures Act, shall not be permitted to enter or land in Canada without the consent of the Minister, and any person who enters or remains in or returns to Canada after such rejection or deportation contrary to the provisions of this section, or who refuses or neglects to leave Canada when ordered so to do by the Governor in Council, as provided by subsection (4), is guilty of an offence against this Act, and any person suspected of an offence under this section may forthwith be arrested and detained without a warrant by any officer for examination and deportation, as provided under section 34, or may be prosecuted for such offence, and is liable on summary conviction to a fine not exceeding five hundred dollars and not less than fifty dollars, or to a term of imprisonment not exceeding one year, or to both fine and imprisonment, and upon payment of the fine or after expiry of any sentence imposed for such offence may be again deported or ordered to leave Canada under this section.

(6) In any case where deportation of the head of a family is ordered, all dependent members of the family may be deported at the same time; and in any case where deportation of a dependent member of a family is ordered on account of having become a public charge, and in the opinion of the Minister such circumstance is due to willful neglect or non-support by the head or other members of the family morally bound to support such dependent member, then all members of the family may be deported at the same time. R.S., c. 93, s. 42; 1937, c. 34, s. 12.

44. (1) Whenever any person other than a Canadian citizen, or a person having Canadian domicile, has become an inmate of a penitentiary, gaol, reformatory or prison, the Minister of Justice may, upon the request of the Minister of Citizenship and Immigration, issue an order to the warden or governor of such penitentiary, gaol, reformatory or prison, which order may be in the Form F in the Schedule, commanding him after the sentence or term of imprisonment of such person has expired to detain such person for, and deliver him to, the officer named in the warrant. R.S., 1952.
warrant issued by the Director or the Commissioner of Immigration, which warrant may be in the Form G in the Schedule, with a view to the deportation of such person.

(2) Such order of the Minister of Justice is sufficient authority to the warden or governor of the penitentiary, gaol, reformatory or prison, as the case may be, to detain and deliver such person to the officer named in the warrant of the Director or the Commissioner of Immigration as aforesaid, and such warden or governor shall obey such order, and such warrant is sufficient authority to the officer named therein to detain such person in his custody, or in custody at any immigrant station, until such person is delivered to the authorized agent of the transportation company that brought such person into Canada, with a view to deportation as herein provided.

(3) Notwithstanding the provisions of subsection (2), whenever any inmate of a penitentiary, gaol, reformatory, or prison, whose deportation has been ordered, cannot be deported within a reasonable period after the sentence has expired such person may be released under bond or deposit of money as may be approved by the Director or the Commissioner of Immigration, upon condition that such person shall surrender himself for deportation at such time and place as shall be named in the bond, and the warrant in the Form G in the Schedule is sufficient authority to the officer named therein to detain such person in his custody, or in custody at an immigrant station, until such person is delivered to the authorized agent of the transportation company that brought him to Canada, with a view to his deportation. 1937, c. 34, s. 13; 1949 (2nd Sess.), c. 16, s. 6.

CONCEALED WEAPONS.

45. No immigrant shall bring into Canada any pistol, sheath knife, dagger, stiletto, or other offensive weapon that can be concealed upon the person, and any officer who has reason to suspect that any immigrant has any such weapon in his possession may search the person and baggage of such immigrant, and may seize any such weapon, which shall thereupon be confiscated to Her Majesty and disposed of as the Minister may direct; but in any such case the immigrant may appeal to the Minister, and the Minister may give such directions for the return or other disposal of such weapon, as he deems just and proper. R.S., c. 93, s. 44.
OBLIGATIONS OF TRANSPORTATION COMPANIES IN CASES OF REJECTION AND DEPORTATION.

46. (1) The cost of maintenance of every immigrant passenger, stowaway, or other person brought to Canada by a transportation company and held at any immigrant station pending final disposition of his case, shall be paid by such transportation company, and any such person rejected by the Board of Inquiry or officer in charge shall, if practicable, be sent back to the place whence he came on the vessel, railway train, or other vehicle by which he was brought to Canada, and the cost of his return shall be paid by such transportation company.

(2) If any such transportation company

(a) refuses or fails to pay the cost of maintenance;

(b) refuses to receive any rejected person back on board of such vessel, railway train, or other vehicle, or on board of any other vessel, railway train or other vehicle owned or operated by the same transportation company, when so directed by the officer in charge;

(c) fails to detain any such person thereon;

(d) refuses or fails to return him to the place whence he came to Canada; or

(e) makes any charge against any detained person for his maintenance while on land, or for the return of any rejected person to the port of embarkation, or takes any security from any such person for the payment of such charge;

the master, agent, owner or transportation company concerned is guilty of an offence against this Act and is liable to a fine of not more than five hundred dollars and not less than fifty dollars for each offence; and no such vessel shall have clearance from any port of Canada until such fine is paid. R.S., c. 93, s. 45.

47. (1) Every person ordered to be deported under this Act who has been brought to Canada by ship, shall be reconveyed free of charge, by the railway company or companies which brought him to the place in Canada where he is being detained for deportation, to the ocean port where he was landed, or the nearest available winter ocean port, as may be directed by the Board of Inquiry, and thence he shall be conveyed free of charge by the transportation company which brought him to Canada to the place in the country whence he was brought or to the country of his birth or citizenship, and in such manner as to passage accommodation as may be directed by the officer in charge; and similarly every such person brought to R.S., 1952.
to Canada by a railway train or other vehicle shall, subject to the regulations made under the provisions of this Act, be reconveyed free of charge by the transportation company which carried him to the place in Canada where he is rejected or where he is being detained for deportation to the place in the country whence he was brought or to the country of his birth or citizenship as may be directed by the officer in charge.

(2) If deportation proceedings are instituted later than five years after the landing or entry of any person or if deportation is ordered by reason of causes arising subsequent to entry, the Minister shall be the final judge of whether the cost of deportation shall be paid by the transportation company or by the Department of Citizenship and Immigration. R.S., c. 93, s. 46; 1949 (2nd Sess.), c. 16, s. 6.

Penalty on transportation company refusing to return person ordered to be deported.

Every transportation company that refuses or neglects to comply with the order of the Director, Commissioner of Immigration, Board of Inquiry, or officer acting as such Board, to take on board, guard safely, and return to the place in the country whence he came, or to the country of his birth or citizenship, as may be directed by such order, any passenger or other person brought to Canada by such transportation company, and ordered to be deported under the provisions of this Act, is liable to a fine of not more than five hundred dollars and not less than fifty dollars, in each case. 1937, c. 34, s. 14.

Regulations for proper treatment of persons deported.

The Minister shall prescribe regulations for the proper detention and treatment on board ship or railway train or other vehicle of all persons who have been ordered to be deported under this Act, both while awaiting and during deportation. R.S., c. 93, s. 48.

Penalty on transportation company permitting escape of person ordered to be deported.

Every transportation company that, through the connivance or negligence of any of its officials or employees, permits the escape of any person delivered into the custody of such transportation company by any officer for deportation under this Act shall, on conviction, be punished by a fine of not more than five hundred dollars and not less than fifty dollars for each offence.

Duty to notify immigration officer when such person escapes.

In the event of such person escaping from the custody of a transportation company, it shall be the duty of the master of the vessel, conductor of the train, dockmaster, special constable or other official or employee of the transportation company in whose custody such person then was, to immediately report such escape to the nearest available immigration officer; and it shall also be the duty of the

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said company forthwith to report such escape to the Commissioner of Immigration, and such report shall state when, and from whom such person was received, and the time and mode of escape.

(3) Failure on the part of such master, conductor, or other official so to report to the nearest available immigration officer shall render him liable to a penalty of not more than twenty dollars and not less than ten dollars for each offence, and failure on the part of the transportation company to so report to the Commissioner of Immigration shall render such company liable to a fine of not more than one hundred dollars and not less than twenty dollars for each offence.

(4) It shall be unlawful for any transportation company to bring to Canada by a vessel from any port outside of Canada, any immigrant, passenger, or other person afflicted with idiocy, imbecility, feeble-mindedness, epilepsy, insanity, constitutional psychopathic inferiority, chronic alcoholism, tuberculosis in any form, or with any loathsome disease or any disease that is contagious or infectious or that may become dangerous to the public health, and if it appears to the satisfaction of the agent or the inspector in charge from an examination made by a medical officer and so certified by said officer that such immigrant, passenger or other person so brought to Canada was afflicted with any of the said diseases or disabilities at the time of embarkation for Canada and that the existence of such disease or disability might have been detected by means of a competent medical examination at the time of embarkation, the transportation company that brings any such person to a port of entry in Canada shall pay to the immigration agent or officer in charge at the port of entry the sum of two hundred dollars and in addition a sum equal to that paid by such immigrant, passenger or other person for his transportation from the place in the country whence he was brought or from the country of his birth or citizenship, for each and every immigrant, passenger or other person brought to Canada in violation of this subsection.

(5) It shall be unlawful for any transportation company to bring to Canada by a vessel from any port outside of Canada, any immigrant, passenger or other person afflicted with any mental defect other than those described in subsection (4), or physical defect of a nature that may affect his liability to earn his living, and if it appears to the satisfaction of the agent or the inspector in charge from an examination made by a medical officer and so certified by said officer that any immigrant or other person
so brought to Canada was so afflicted at the time of embarkation for Canada, and that the existence of such mental or physical defect might have been detected by means of a competent medical examination at such time, the transportation company that brings any such person to a port of entry in Canada shall pay to the immigration agent or officer in charge at the port of entry the sum of twenty-five dollars and in addition a sum equal to that paid by such immigrant, passenger or other person for his transportation from the place of his birth or citizenship for each and every immigrant, passenger or other person brought to Canada in violation of this subsection.

(6) No vessel shall be granted clearance papers pending the determination of the question of the liability to the payment of such fines, or while the fines remain unpaid, nor shall such fines be remitted or refunded unless in the opinion of the Minister a mistake has been made; except that clearance may be granted prior to the determination of such question upon the deposit of a sum sufficient to cover such fines.

(7) Nothing in this section shall be construed to subject transportation companies to a fine for bringing to ports of Canada Canadian citizens and persons who have Canadian domicile and who are permitted to land in Canada as a matter of right. R.S., c. 93, s. 49; 1937, c. 34, s. 15.

OBLIGATIONS OF MASTERS OF VESSELS AND PILOTS.

51. (1) The master of every vessel arriving at any port of entry in Canada shall forthwith after such arrival and before any entry of such vessel is allowed, deliver to the immigration officer in charge a typewritten or printed list or manifest in the form prescribed by the Minister, of all the passengers and stowaways on board such vessel at the time of her departure from the port or place whence she last cleared or sailed for Canada, or who were on board such vessel at the time of her arrival in Canada, or at any time during her voyage; and such typewritten or printed list or manifest shall also show whether any of the persons named thereon are insane, idiotic, epileptic, dumb, blind, or infirm, or suffering from any disease or injury or physical defect which may be cause for rejection under this Act, and whether or not they are accompanied by relatives able to support them, and if any change in the condition of such passenger or stowaway has occurred or developed such change shall also be stated; and such list or manifest shall be verified by the signature and the oath or affirmation of the master or other officer in command, taken before an immigration officer.
immigration officer at the port of arrival, to the effect that he has caused the surgeon of the vessel sailing therewith to make a physical and mental examination of each of the passengers, and that from the report of the surgeon and from his own investigation he believes that the information in the lists or manifests concerning each of the passengers named therein is correct and true in every respect.

(2) The surgeon of the vessel sailing therewith shall also sign each of the lists or manifests and make oath or affirmation in like manner before an immigration officer at the port of arrival, stating his professional experience and qualifications as a physician and surgeon, and that he has made a personal examination of each of the passengers named therein, and that the list or manifest, according to the best of his knowledge and belief, is full, correct and true in all particulars relating to the mental and physical condition of the passengers.

(3) If no surgeon sails with any vessel bringing immigrants to Canada, the mental and physical examinations and the verifications of the lists or manifests shall be made by some competent surgeon employed by the owners of the vessels and the manifests shall be verified by such surgeon before a British consular officer or other officer authorized to administer oaths.

(4) Such manifest shall further state if any birth has taken place during the voyage, and shall state the name, age and last place of residence of any person who has died during the voyage, and shall specify the cause of death and whether such person was accompanied by relatives or other persons who are entitled to take charge of the moneys and effects left by such person and the disposition made thereof.

(5) If there were no such relatives or other persons so entitled, the manifest shall fully designate the quantity and description of the property whether money or otherwise, left by such person; and the master of the vessel shall pay over to the immigration officer in charge at the port at which the vessel is entered, and fully account for, all moneys and effects belonging to any person who has died on the voyage.

(6) The officer in charge shall thereupon give to the master a receipt for all moneys or effects so placed in his hands by the master, which receipt shall contain a full description of the nature or amount thereof.
Failure to deliver, or making partial or false manifest.

(7) If the master of such vessel

(a) fails to deliver such manifest required by this section;

(b) willfully or negligently fails to state therein all the particulars of information required by this section; or

(c) willfully or negligently makes any false statement in such manifest;

he is guilty of an offence against this Act and is liable to a fine not exceeding one hundred dollars and not less than twenty dollars for every person with regard to whom any such omission occurs or any such false statement is made.

Master permitting passengers to land before delivering manifest.

(8) If the master of any vessel arriving at any port of entry in Canada permits any passenger to leave the vessel before he has delivered to the immigration officer in charge a correct manifest in the form prescribed by the regulations in that behalf, and receives permission from the officer in charge to allow the passengers to land, he is liable to a fine of not more than one hundred dollars and not less than twenty dollars for every passenger so leaving the vessel.

Master failing to account for passengers.

(9) If the master of any vessel arriving at any port of entry in Canada fails to produce or satisfactorily account for every passenger whose name appears on the manifest, when required so to do by the immigration officer in charge of the port of entry to which such passenger is manifested, such master is liable to a fine of not more than one hundred dollars and not less than twenty dollars in the case of each such passenger.

Master permitting stowaway to land without permission of officer.

(10) If the master of any vessel arriving at any port of entry in Canada permits any stowaway to leave the vessel without permission of the immigration officer in charge, or through negligence permits such stowaway to escape from the vessel before the immigration officer in charge has given permission for such stowaway to be landed, or after such stowaway has been ordered to be deported, or in the event of such escape fails to report it forthwith to the immigration officer in charge, he is liable to a fine of not more than one hundred dollars and not less than twenty dollars for every stowaway so leaving or escaping from the vessel. R.S., c. 93, s. 50.

Entry in manifest of additional passengers.

52. The master of any vessel sailing from a port outside of Canada who embarks passengers after the vessel has been cleared and examined by the proper officer at the port of departure, and who does not report such additional passengers in the manifest required to be delivered under this Act to the immigration officer in charge at the port of entry, is liable to a fine of not more than one hundred dollars.

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dollars and not less than twenty dollars for each passenger so embarked as aforesaid and not included in one of the said manifests.  R.S., c. 93, s. 51.

53.  (1) The master of every vessel embarking outbound passengers from any seaport of Canada shall, on the return voyage of such vessel to Canada, deliver to the immigration officer in charge a manifest in form prescribed by the regulations in that behalf giving the names of all such passengers on board such vessel, or booked to sail by such vessel, and stating in every case whether they are British subjects or aliens, and their sex, nationality and port of destination.

(2) If the master of any vessel refuses or omits to deliver such manifest of outbound passengers he shall incur a penalty not exceeding one hundred dollars and not less than twenty dollars for every passenger with regard to whom he has refused or wilfully neglected to give the required information, and clearance of such vessel may be refused until such manifest has been delivered to the immigration officer in charge; but the master of any vessel plying between seaports of Canada and adjacent or neighbouring seaports in Newfoundland or the United States may, by written permission of the Minister or Deputy Minister given to such master or to the transportation company of which he is an employee, be exempted from the requirements of this section.  R.S., c. 93, s. 52.

54.  (1) Upon arrival of any vessel in Canada from any port or place outside of Canada, it shall be the duty of the transportation company, owner, agent, consignee, or master of a vessel, to deliver to the agent or inspector in charge at the port of entry such lists as may be required by the Minister containing the names of all officers, seamen or other persons employed on such vessel, which lists shall contain whatever information the Minister shall prescribe, and before the departure of any such vessel, the Minister may also require such transportation company, owner, agent, consignee or master to deliver to the agent or officer in charge at the port of entry a further list containing the names of all officers, members of the crew or other persons who were not employed on such vessel at the time of arrival but who will leave port thereon at the time of departure, and also the names of those who have been paid off or discharged, and all those, if any, who have deserted or landed, and if such transportation company, owner, agent, consignee or master of such vessel neglects or refuses to deliver either of the said lists of officers, members of the crew and other persons employed on such vessel arriving and depart-

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Fine for neglect or refusal.

Discharging crew without examination.

No clearance until fine paid or deposit made.

Temporary entry.

No seaman of prohibited class to land except for medical treatment.

(2) If the master of any vessel arriving at any port of entry in Canada shall pay off or discharge any officer, seaman or other member of the crew or other person employed on such vessel without such person having first been examined by an immigration officer as required under the provisions of this Act, such master shall, if required by the agent or inspector in charge, with the approval of the Minister, pay to the agent or inspector in charge the sum of twenty dollars for such officer, seaman, or other member of the crew or other person employed on such vessel who has been paid off or discharged without first having been examined by an immigration officer, and no such vessel shall be granted clearance pending the determination of the question of the liability to the payment of such fine, and, in the event such fine is imposed, while it remains unpaid; nor shall such fine be remitted or refunded; but clearance may be granted prior to the determination of such question upon deposit of a sum sufficient to cover such fine.

No clearance granted until fine paid or deposit made.

No seaman of prohibited class to land except for medical treatment.

(3) No officer, seaman or other person belonging to the prohibited classes and employed on board any vessel arriving in Canada from any port outside of Canada, shall be permitted to land in Canada except temporarily for medical treatment or pursuant to regulations prescribed by the Minister providing for the ultimate removal or deportation of such officer, seaman or other person from Canada; and the neglect, failure or refusal of the transportation company, owner, agent, consignee or master of such vessel to detain on board any such officer, seaman

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or other person after notice in writing by the agent or immigration officer in charge at the port of entry, and to deport such officer, seaman or other person if required by such agent or immigration officer in charge, or by the Minister, shall render such transportation company, owner, agent, consignee or master liable to a penalty not exceeding five hundred dollars, for which sum the said vessel is liable and may be seized and proceeded against by way of libel in any court having competent jurisdiction; this section does not apply to Canadian citizens or persons having Canadian domicile.

(4) It shall be unlawful for any vessel upon arrival at any port of entry in Canada from any port or place outside of Canada to have on board employed thereon, any person afflicted with idiocy, feeble-mindedness, imbecility, insanity, epilepsy or with any loathsome disease or any disease that is contagious or infectious or that may become dangerous to the public health, and if it appears to the satisfaction of the Minister from an examination made by a medical officer and so certified by such officer, that any such person was so afflicted at the time he was shipped or engaged or taken on board such vessel, and that the existence of such affliction might have been detected by means of a competent medical examination at such time, for every such person so afflicted on board any such vessel at time of arrival the master, owner, agent or consignee shall pay to the immigration agent or officer in charge at such port of entry the sum of fifty dollars and pending departure of the vessel such person shall be detained and treated under supervision of an immigration officer at the expense of the vessel, and no vessel shall be granted clearance pending the determination of the question of the liability to the payment of such fine and while it remains unpaid; but clearance may be granted prior to the determination of such question upon the deposit of a sum sufficient to cover such fine and expenses.

(5) Nothing in this section shall be construed to subject the master, owner, agent or consignee of any vessel to a fine for bringing to a port of entry Canadian citizens, persons having Canadian domicile, or officers, seamen or other persons who have signed articles in Canada, and who are returning under the terms of the articles so signed.

(6) Any transportation company or person, including the owner, agent, consignee, or master of any vessel arriving in Canada, from any port or place outside of Canada, who knowingly signs on the ship's articles, or brings to Canada as any of the officers or crew of such vessel, any person other than a Canadian citizen or a person having Canadian domicile, shall render such transportation company, owner, agent, consignee or master liable to a penalty not exceeding five hundred dollars, for which sum the said vessel is liable and may be seized and proceeded against by way of libel in any court having competent jurisdiction; this section does not apply to Canadian citizens or persons having Canadian domicile.

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adian domicile, with intent to permit such person to land in Canada, contrary to the provisions of this Act, or who represents to the immigration authorities at the port of entry that any such person is a bona fide officer or member of the crew, is liable to a penalty not exceeding five hundred dollars, and not less than fifty dollars for each such person, for which sum the said vessel is liable, and may be seized and proceeded against by way of libel in any court in Canada having competent jurisdiction.

(7) In case any officer, seaman or other member of the crew, or other person employed on any vessel deserts the vessel while in any Canadian port, such vessel shall not be granted clearance until the master or the responsible agent or owner in Canada of the vessel has deposited with the officer in charge such sum as may be prescribed by him, which deposit shall be held as security for the return of such deserter to the vessel or for his deportation, whichever event shall first happen.

(8) In case such deserter returns to the vessel, or is deported under the provisions of this Act, the amount of such deposit shall be returned less any expenses for detention, maintenance, transportation, subsistence, medical or hospital treatment or otherwise which the Government shall have incurred on account of such deserter.

(9) In case such deserter fails to return to the vessel or is not deported under the provisions of this Act within a period of three years from the date such deposit was made, the Minister may, in his discretion, direct that such deposit be forfeited to Her Majesty or that it be returned to the depositor; but no such deposit shall be so returned until the depositor has furnished such security as the Minister considers necessary to insure that any expense incurred by Her Majesty in the detention, maintenance, transportation, subsistence, medical or hospital treatment or deportation in case such deserter shall be found in Canada after the return of such deposit, shall be paid by the depositor. R.S., c. 93, s. 53; 1937, c. 34, s. 16.

55. Nothing in this Act prevents the master of any vessel from permitting any passenger to leave the vessel outside of Canada at the request of such passenger before the arrival of the vessel at her final port of destination; but in every such case the name of the passenger so leaving shall be entered in the manifest of passengers made out at the time of the clearing of the vessel from the port of departure or at the port at which such passenger was embarked. R.S., c. 93, s. 54.

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56. Every pilot who has had charge of any vessel having passengers on board, and knows that any passenger or stowaway has been permitted to leave the vessel contrary to the provisions of this Act, and who does not immediately upon the arrival of such vessel in the port to which he engaged to pilot her, and before the immigration officer in charge has given permission to the passengers to leave the vessel, inform the said officer that such passenger or stowaway has been so permitted to leave the vessel, is liable to a fine of not more than one hundred dollars and not less than ten dollars for every passenger with regard to whom he has wilfully neglected to give such information. R.S., c. 93, s. 55.

PROTECTION OF IMMIGRANTS.

57. Every person who causes or procures the publication or circulation, by advertisement or otherwise, in a country outside of Canada, of false representations as to the opportunities for employment in Canada, or as to the state of the labour market in Canada, intended or adapted to encourage or induce, or to deter or prevent, the immigration into Canada of persons resident in such outside country, or who does anything in Canada for the purpose of causing or procuring the communication to any resident of such country of any such representations which are thereafter so published, circulated or communicated, is guilty of an offence against this Act, and liable on summary conviction before two justices of the peace, to a fine of not more than five hundred dollars, or to imprisonment for a term not exceeding six months, or to both fine and imprisonment. R.S., c. 93, s. 56.

58. If, during the voyage of any vessel carrying immigrants from any port outside of Canada to any port in Canada, the master or any of the crew is guilty of any violation of any law in force in the country in which such foreign port is situate, regarding the duties of such master or crew towards the immigrants in such vessel, or if the master of any such vessel during such voyage commits any breach whatsoever of the contract for the passage made with any immigrant by such master, or by the owners of such vessel, such master or such one of the crew is, for every such violation or breach of contract, liable to a fine not exceeding one hundred dollars and not less than twenty dollars, independently of any remedy which such immigrants complaining may otherwise have. R.S., c. 93, s. 57.

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59. (1) No officer, seaman or other person on board of a vessel bringing immigrants to Canada shall, while such vessel is in Canadian waters, entice or admit any female immigrant into his apartment, or except by the direction or permission of the master of such vessel, first given for such purpose, visit or frequent any part of such vessel assigned to female passengers.

(2) Every officer, seaman or other man employed on board of a vessel bringing immigrants to Canada, who, while such vessel is in Canadian waters, entices or admits any female immigrant into his apartment or, except by the direction or permission of the master of such vessel first given, visits or frequents any part of such vessel assigned to female passengers, is guilty of an offence against this Act and is liable to a fine not exceeding twenty-five dollars for every such offence.

(3) Every master of a vessel who, while such vessel is in Canadian waters, directs or permits any officer or seaman, or other man employed on board of such vessel to visit or frequent any part of such vessel assigned to female immigrants, except for the purpose of doing or performing some necessary act or duty, is guilty of an offence against this Act and is liable to a fine not exceeding twenty-five dollars for every such offence. R.S., c. 93, s. 58.

60. (1) The master of every vessel bringing immigrants to Canada from Europe shall, at all times while the vessel is in Canadian waters, keep posted, in a conspicuous place on the forecastle and in the parts of the steerage of the said vessel assigned to steerage passengers, a written or printed notice in the English, French, Swedish, Danish, German, Russian and Yiddish languages, and such other languages as are ordered from time to time by the Deputy Minister containing the provisions of this Act regarding the prevention of intercourse between the crew and the immigrants and the penalties for the contravention thereof, and shall keep such notice so posted during the remainder of the voyage.

(2) The immigration officer in charge shall inspect every such vessel upon arrival for evidence of compliance with this section, and shall institute proceedings for any penalty incurred for violation thereof.

(3) The Minister may detail officers for duty on vessels carrying immigrants to Canada.

(4) When officers are detailed for such duty they shall remain in that part of the vessel assigned to immigrant passengers, and it shall be their duty to observe such immigrant passengers.
grant passengers during the voyage and to report to the officer in charge at the port of arrival in Canada any information which they may have acquired during the voyage as to the desirability or undesirability of such immigrant passengers.

(5) Every master of a vessel bringing immigrants to Canada from Europe who neglects to post, and keep posted, the notice required by this Act to be posted regarding the prevention of intercourse between the crew and the immigrants and the penalties for contravention thereof, as required by this Act, is guilty of an offence against this Act and is liable to a fine not exceeding one hundred dollars for every such offence. R.S., c. 93, s. 59.

61. (1) If any vessel from any port or place outside of Canada comes within the limits of Canada having on board, or having had on board, at any time, during her voyage

(a) any greater number of passengers than one adult passenger for every fifteen clear superficial feet on each deck of such vessel appropriated to the use of such passengers and unoccupied by stores or other goods, not being the personal luggage of such passengers; or

(b) a greater number of persons, including the master and crew and the cabin passengers, if any, than one for every two tons of the tonnage of such vessel, calculated in the manner used for ascertaining the tonnage of British ships;

the master of such vessel is liable to a fine not exceeding twenty dollars, and not less than ten dollars for each passenger or person constituting such excess.

(2) For the purpose of this section, each person of or "Adult" above the age of fourteen years shall be deemed an adult, and two persons above the age of one year and under the age of fourteen years shall be reckoned and taken as one adult.

(3) If there is a bar or other place for the sale of intoxicating liquors on any such vessel in the quarters assigned to third-class or steerage passengers, or to which third-class or steerage passengers are permitted to have access at any time during the voyage of such vessel to Canada, the master of such vessel is guilty of an offence against this Act and is liable to a fine not exceeding five hundred dollars and not less than fifty dollars; and any officer or member of the crew of such vessel who sells or gives intoxicating liquor to any third-class or steerage passenger, during the voyage of such vessel to Canada, without the consent of the master or ship surgeon or other qualified medical officer, is guilty of a misdemeanour.
medical practitioner on board thereof, is guilty of an 
offence against this Act and is liable to a fine not exceeding 
fifty dollars and not less than ten dollars for every such 
offence. R.S., c. 93, s. 60.

62. Every immigrant on any vessel arriving at a port 
of entry to which the owner or master of such vessel en-
gaged to convey him, if facilities for housing or inland car-
rriage for such immigrant are not immediately available, is 
entitled to remain and keep his luggage on board such 
vessel for a period of twenty-four hours or until such 
facilities are available, whichever first occurs, and the 
master of such vessel shall not, until such time, remove 
any berths or accommodation used by such immigrant. 
R.S., c. 93, s. 61.

63. Passengers and their luggage shall be landed from 
any ship by the master thereof free of expense to the said 
passengers, and such landing shall be either at a usual pub-
lic landing place at the port of entry or at such other place 
as is designated by the officer in charge. R.S., c. 93, s. 62.

64. The Minister or the Deputy Minister may, from 
time to time, by instructions to the immigration officer in 
charge, appoint the places at which passengers arriving at 
such port shall be landed. R.S., c. 93, s. 63.

65. At the places so appointed the Minister or Deputy 
Minister may cause proper shelter and accommodation to 
be provided for immigrants until they can be forwarded 
to their place of destination. R.S., c. 93, s. 64.

66. If both the immigrant parents, or the last surviving 
imigrant parent of any child brought with them in any 
vessel bound for Canada, die on the voyage, or at any immi-
grant station or elsewhere in Canada while still under the 

care of any immigrant agent, or other officer under this 
Act, the Minister, or such officer as he deputes for the pur-
pose, may cause the effects of such parents to be disposed 
of for the benefit of such child to the best advantage in his 
power, or in his discretion to be delivered over to any in-
stitution or person assuming the care and charge of such 
child. R.S., c. 93, s. 65.

67. (1) If complaint is made to the Minister or the 
Deputy Minister against any company or person for any 
violation of this Act, in any matter relating to immigrants 
or immigration, the Minister may cause such inquiry as he 

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thinks proper to be made into the facts of the case, or may bring the matter before the Governor in Council in order that such inquiry may be made under the *Inquiries Act.*

(2) If upon such inquiry it appears to the satisfaction of the Minister that such company or person has been guilty of such violation, the Minister may require such company or person to make such compensation to the person aggrieved, or to do such other thing, as is just and reasonable; or may adopt measures for causing such proceeding to be instituted against such company or person as the case requires. *R.S., c. 93, s. 66.*

68. The Governor in Council may make such regulations and impose such penalties as are deemed expedient to safeguard the interests of immigrants seeking employment from any companies, firms, or persons carrying on the business of intelligence offices or employment or labour agencies at any place in Canada. *R.S., c. 93, s. 67.*

**Immigrant Runners.**

69. (1) The Deputy Minister may issue to agents of transportation companies, forwarding and transfer companies, hotels and boarding houses, a licence authorizing such persons to exercise the vocation of immigrant runners, or of soliciting the patronage of immigrants for their respective companies, hotels or boarding houses, or of booking passengers.

(2) Such licence shall be in the form prescribed by the Deputy Minister. and may at any time be cancelled by him under the direction or with the consent of the Minister. *R.S., c. 93, s. 68.*

70. No person shall, at any port or place in Canada, for hire, reward or gain, or the expectation thereof, conduct, solicit or recommend, either orally or by handbill or placard or in any other manner, any immigrant to or on behalf of any owner of a vessel, or to or on behalf of any inn-keeper or boarding house keeper, or any other person, for any purposes connected with the preparations or arrangements of such immigrant for his passage to his final place of destination in Canada, or elsewhere, or give or pretend to give to such immigrant any information, oral, printed or otherwise, or assist him to his said place of destination, or in any way exercise the vocation of booking passengers, or of taking money for their inland fare, or for the transportation of their luggage, unless such person has first obtained a licence from the Deputy Minister authorizing him to act in such capacity. *R.S., c. 93, s. 69.*

71. *R.S., 1952.*
Selling tickets to immigrants at excessive rates.

71. Every person licensed under this Act as an immigrant runner, or person acting on behalf of any transportation company, or forwarding or transfer company, or hotel or boarding house, and every person in his employ, who sells to any immigrant a ticket or order for the passage of such immigrant, or for the conveyance of his luggage, at a higher rate than that for which it could be purchased directly from the company or person undertaking such conveyance, and every person who purchases any such ticket from an immigrant for less than its value, or gives in exchange for it one of less value, is guilty of an offence against this Act, and the licence of such person shall be cancelled. R.S., c. 93, s. 70.

Persons not to board vessels or enter immigrant stations without authority.

72. No licensed immigrant runner, or agent or person acting on behalf of any transportation company, or other person, shall go on board any vessel after such vessel has arrived in Canadian waters until all passengers thereon have been landed, or shall go into any immigrant station, unless he is authorized so to do by the Deputy Minister or officer in charge. R.S., c. 93, s. 71.

DUTIES OF INN-KEEPERS.

73. (1) Every inn-keeper or boarding house keeper in any city, town, village or place in Canada designated by any order in council, who receives into his house as a boarder or lodger any immigrant within three months after his arrival in Canada, shall cause to be kept conspicuously posted in the public rooms and passages of his house and printed upon his business cards, a list of the prices which will be charged to immigrants per day and per week for board or lodging, or both, and also the prices for separate meals, which cards shall also contain the name of the keeper of such house, together with the name of the street in which it is situate, and its number in such street.

(2) No such inn-keeper or boarding house keeper shall have any lien on the effects of such immigrant for any amount claimed for such boarding or lodging for any sum exceeding five dollars. R.S., c. 93, s. 72.

74. (1) Every such inn-keeper or boarding house keeper who detains the effects of any immigrant by reason of any claim for board or lodging after he has been tendered the sum of five dollars or such less sum as is actually due for the board or lodging of such immigrant, shall incur a penalty not exceeding twenty-five dollars and not less than five dollars, over and above the value of the effects so detained, and he is also liable to restore such effects.

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(2) In the event of such unlawful detention, the effects so detained may be searched for and recovered under search warrant as in the case of stolen goods. R.S., c. 93, s. 73.

RULES, FORMS AND NOTICES.

75. In addition to the Forms set out in the Schedule the Deputy Minister, under direction or with the consent of the Minister, shall prescribe, formulate and issue such rules, notices, forms of reports and manifests, and other forms as are deemed necessary from time to time in connection with regulations made under this Act or for the use and guidance of officers under this Act, or of transportation companies and agents thereof, and masters of vessels and immigrants. R.S., c. 93, s. 74.

UNIFORMS.

76. The Deputy Minister shall, under the direction or with the consent of the Minister, prescribe and contract for suitable uniforms and insignia for the various officers on duty at ports of entry, and the same shall be supplied to such officers, and one-third of the cost thereof shall be chargeable to such officers, or in the case of officers having their uniforms made to order a proportionate sum shall be paid to them on account thereof. R.S., c. 93, s. 75.

77. All officers while on duty at ports of entry, or on duty elsewhere inspecting immigrants or passengers, or acting on a Board of Inquiry, or on duty in connection with the deportation of any person under this Act, shall wear the uniform prescribed for them, unless otherwise directed by the Deputy Minister. R.S., c. 93, s. 76.

PROSECUTIONS AND PROCEDURE.

78. (1) Any officer may institute summary proceedings before any police or stipendiary magistrate, recorder, or any two justices of the peace, against any transportation company, or director, official or employee thereof, or against any other person charged with an offence against this Act, at the place where such offence was committed in Canada, or at the place where such company has an office or place of business in Canada, or where such person then is.

(2) Such magistrate, recorder, or justices of the peace may, in addition to any fine or penalty imposed, award costs against any such company or person as in ordinary cases of summary proceedings, and in default of payment thereof may award imprisonment for a term not exceeding three months, to terminate on payment of the fine or penalty.

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penalty and costs incurred, and may, in his discretion, award any part of such fine or penalty, when recovered, to any one aggrieved by or through the act or neglect of such company or person.

(3) Subject to such award to any one aggrieved, all fines and penalties recovered under this Act shall be paid to the Minister of Finance, and shall form part of the Consolidated Revenue Fund of Canada.

(4) Every duty and every fine or penalty imposed under authority of this Act upon a transportation company, or upon any director, official or employee thereof, or upon any other person, shall, until payment thereof, be a lien upon any and all property of such company or person in Canada, and may be enforced and collected by the seizure and sale of all or any such property under the warrant or process of the magistrate or court before whom it has been sued for, and shall be preferred to all other liens or hypothecations except wages.

(5) Every duty imposed under authority of this Act upon a transportation company shall be a duty devolving upon every director, official or employee thereof, and every duty imposed upon the master of a vessel shall be a duty devolving upon the owner thereof.

(6) Imprisonment of a master or owner of any vessel, or of any official or employee of any transportation company, for any offence against this Act, does not discharge the ship or other property of such company from the lien attached thereto by this Act. R.S., c. 93, s. 77.

79. (1) No conviction or proceeding under this Act shall be quashed for want of form, nor, unless the penalty imposed is one hundred dollars or over, be removed by appeal or certiorari or otherwise into any superior court.

(2) No warrant of commitment shall be held void by reason of any defect therein, if it is therein alleged that the person has been convicted, and there is a good and valid conviction to sustain such warrant.

(3) In case of removal by appeal or certiorari or otherwise of any conviction or proceeding under this Act into any superior court, security shall be given to the extent of one hundred dollars for the costs of such removal proceedings to such superior court. R.S., c. 93, s. 78.

80. Every person who violates any provision of this Act, or of any order in council, proclamation or regulation hereunder in respect of which violation no other penalty is provided by this Act, shall incur a penalty not exceeding one hundred dollars. R.S., c. 93, s. 79.

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EXPENSES OF ADMINISTRATION.

81. All expenses incurred in administering this Act and carrying out the provisions thereof, and of affording help and advice to immigrants, and aiding, visiting and relieving destitute immigrants, procuring medical assistance and otherwise attending to the objects of immigration, shall be paid out of any moneys granted by Parliament for any such purpose and under such regulations or under such orders in council, if any, as are made for the distribution and application of such moneys. R.S., c. 93, s. 81.

GENERAL REGULATIONS.

82. The Governor in Council may, on the recommendation of the Minister, make such orders and regulations, not inconsistent with this Act, as are considered necessary or expedient for enforcing the provisions of this Act according to the true intent and meaning thereof. R.S., c. 93, s. 82.

83. (1) Notwithstanding any law of Canada relating to immigration, every dependant applying for admission into Canada shall, subject to this section, be permitted to enter Canada and upon such admission shall be deemed to have landed within the meaning of Canadian immigration law. 

(2) Before proceeding to Canada the dependant shall be examined by a medical officer in the service of the Government of Canada or an approved medical practitioner and on request the Chief Officer of the Medical Immigration Service shall be furnished with full particulars of the medical examination of the dependant and such particulars may be transmitted to the Public Health Service of the province to which the dependant is destined, with a view to securing necessary treatment and as a protection to public health.

(3) In any case in which medical examination discloses that a dependant is suffering from an infectious or contagious disease, or a disease which may become dangerous to the public health, or that travel would be dangerous to the dependant in his present condition, the admission to Canada of such dependant may be deferred until the production of a medical certificate from an approved medical practitioner establishing that the condition of the person concerned is not infectious or contagious, and that he may travel with reasonable safety.

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Definitions.

"Approved medical practitioner."

"Dependant."

"Member of the forces."

(4) In this section the expression
(a) "approved medical practitioner" means a doctor of medicine approved by the Immigration Medical Service of the Department of National Health and Welfare;
(b) "dependant" means
(i) the wife or widow of a member of the forces who is not resident in Canada and who was married to such member of the forces while such member of the forces was serving outside of Canada or the territorial waters thereof on active service during the war that commenced in September, 1939; or
(ii) the child or children, including adopted children and step-children, of such member of the forces;
(c) "member of the forces" means a member or former member of the naval, army or air forces of Canada who
(i) is serving or has served outside of Canada or the territorial waters thereof on active service, during the war that commenced in September, 1939, and has married outside of Canada while so serving; or
(ii) prior to becoming a member of the naval, army or air forces of Canada has served on active service outside Canada with any other of the naval, army or air forces of His Majesty and married outside of Canada while so serving, if the member was resident in Canada prior to joining such other of His Majesty's forces, left Canada for the purpose of joining that force, and joined it within one year of leaving Canada.

Expiration.

(5) This section shall expire on such day as the Governor in Council may fix by proclamation. 1947, c. 19, s. 3.

Domicile.

84. For the purposes of this Act, domicile in Newfoundland prior to the 1st day of April, 1949, shall be deemed to be domicile in Canada, and the expressions "land" and "enter" include lawful admission into Newfoundland under the laws of Newfoundland. 1949, c. 6, s. 15.
Sch.  

Immigration Act.  

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SCHEDULE.

FORM A.

PERMIT TO ENTER OR REMAIN IN CANADA.

Canada.

The Immigration Act, section 5.

To all Immigration Officers:

This is to certify that

... .................................................................
(name in full)

of .................................................................
(last place of residence)

(occupation or other description)

is hereby permitted to (enter) or (remain in) Canada for a period of ... ................ from the date hereof free from examination or other restrictions under the Immigration Act.

Dated at Ottawa this ... day of ... 19...

... .................................................................

Minister of Citizenship and Immigration.

{Seal of the Department

of Citizenship

and Immigration}

R.S., c. 93, Sch., Form A; 1949 (2nd Sess.), c. 16, s. 6.

FORM B.

CANCELLATION (OR EXTENSION) OF PERMIT.

Canada.

The Immigration Act, section 5.

To all Immigration Officers:

This is to certify that the Permit to (enter) or (remain in) Canada issued to ... ................
(name in full)

of .................................................................
(last place of residence)

on the ... day of ... ................ 19...

is hereby cancelled (or is hereby extended for a further period of ... ................ from the date hereof).

... .................................................................

Minister of Citizenship and Immigration.

{Seal of the Department

of Citizenship

and Immigration}

R.S., c. 93, Sch., Form B; 1949 (2nd Sess.), c. 16, s. 6.

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FORM C.

ORDER FOR DEPORTATION.

Canada.

The Immigration Act, section 34.

To ......................
(transportation company)
and to .................
(person rejected)
Port of Entry .................
Province of .................

This is to certify that .................
(name in full)
of .................
(last place of residence)
a person seeking to enter Canada at this port, ex .................
..............................from ................. which arrived
(mode of travel)
at this port on ................. at .................
o'clock has this day been examined by the Board of Inquiry
(or officer in charge) at this port, and has been rejected for
the following reasons:—

..............................

And the said ................. is hereby ordered to be
deported to the place from whence he came to Canada or
to the country of his birth or citizenship. Such convey-
ance shall be by the transportation company which brought
the said ...................... to Canada.

Dated at ................. this ................. day
of ................. 19 .......
Chairman of the Board of Inquiry
or Immigration Officer in Charge

NOTICE TO PERSON ORDERED TO BE DEPORTED.

If you claim to be a Canadian citizen or to have acquired
Canadian domicile, you have the right to consult counsel
and appeal to the courts against deportation.

In all other cases you may appeal to the Minister of
Citizenship and Immigration against any decision of the
Board of Inquiry or officer in charge whereby you are
ordered to be deported unless such decision is based upon
a certificate of the examining medical officer that you are
affected with a loathsome disease or a disease which may
become dangerous to the public health. The formal notice
of appeal will be supplied to you by the immigration officer
in charge upon request. 1937, c. 34, s. 17, Sch., Form C;
1949 (2nd Sess.), c. 16, s. 6.

R.S., 1952.
FORM D.

NOTICE OF APPEAL.

Canada.

The Immigration Act, section 20.

To the Minister of Citizenship and Immigration, Ottawa, Canada.

I, ..................................... of ...................................

(name in full) (last place of residence)

hereby appeal from the decision of the Board of Inquiry (or officer in charge) at this port whereby my application to land in Canada has been rejected, and I have been ordered to be deported to ..................................

.................................................................

Dated at ................................ the ........ day of ................................ 19...

.................................................................

Appellant.

R.S., c. 93, Sch., Form D; 1949 (2nd Sess.), c. 16, s. 6.

FORM E.

ORDER TO LEAVE CANADA.

Canada.

The Immigration Act, section 43.

To ..................................... of ...................................

Whereas it has been shown by evidence satisfactory to His Excellency the Governor in Council that you advocated in Canada the overthrow of the Government of Canada by force or violence (or as the case may be).

You are hereby ordered under and by virtue of the authority conferred upon His Excellency by section 43 of the Immigration Act within ........ days after the service of this order upon you, or after its being left for you at your last known address or place of abode, to leave and depart from Canada, and not to return.

Dated at Ottawa this .......... day of .......... 19....

.................................................................

Clerk of the Council.

{Seal of the }  
{Privy Council. }

R.S., c. 93, Sch., Form E.

3189 FORM F.

R.S., 1952.
ORDER OF THE MINISTER OF JUSTICE.
Canada.
The Immigration Act, section 44.

To ........................................ (Governor or Warden of gaol, prison, reformatory or peni-
tentiary)

Whereas ................................ of ................................ has become an inmate of ................................ having been convicted of the crime of ................................ And whereas, under the provisions of the Immigration Act, I have been requested by the Minister of Citizenship and Immigration to issue an order to you, the said ................................ to detain the said ................................ (Warden or Governor, as the case may be) ........................................ after expiry of his sentence, or term of imprisonment, and to deliver him to the officer named in the warrant of the Director or the Commissioner of Immigration with a view to the deportation of the said ................................ Now know you that I, the Minister of Justice of Canada, do hereby, under the provisions of the said Act, order you, the said ................................ to detain and de-
(Warden or governor)
liver the said ................................ to ................................ ................................ the officer authorized by warrant aforesaid to receive the said ................................ from you with a view to his deportation under the pro-
visions of the said Act.

For which this shall be your sufficient warrant.

Dated at Ottawa this ................................ day of ................................ 19 ....

Minister of Justice.

[Seal of the]
Department of Justice.

1937, c. 34, s. 18, Sch., Form F; 1949 (2nd Sess.), c. 16, s. 6. 3190

FORM G.
FORM G.

WARRANT OF THE DIRECTOR.

Canada.

The Immigration Act, section 44.

By the Director of the Immigration Branch, Department of Citizenship and Immigration.

To ........................................

Whereas ..................................

has become an inmate of ..........................

(Gaol, prison, reformatory or penitentiary)

And whereas, under the provisions of the Immigration Act, an order has been issued for the deportation of the said .......................... and application has been made to the Minister of Justice for an order addressed to the ..........................

(Governor or warden)

of the said ..........................

(Gaol, prison, reformatory or penitentiary)

commanding him to detain and deliver the said ............ .......................... into your custody after expiry of his sentence of term of imprisonment in the said ............ ..........................

(Gaol, prison, reformatory or penitentiary)

with a view to his deportation under the provisions of the said Act.

Now know you that I ..........................

Director as aforesaid (or Commissioner of Immigration)

do hereby order you to receive the said ............

(Name of prisoner)

and him safely to keep and to convey through any part of Canada, and him to deliver to the transportation company which brought him to Canada, with a view to his deportation to the port from which he came to Canada.

For which this shall be your sufficient warrant.

Dated at Ottawa this ............ day of ............ 19..........

Director of the Immigration Branch

Department of Citizenship and Immigration.

1937, c. 34, s. 19, Sch., Form G; 1949 (2nd Sess.), c. 16, s. 6.

R.S., 1952.
FORM H.

BOND TO APPEAR FOR EXAMINATION.

Canada.

The Immigration Act, section 34.

CANADA {In the matter of the Immigration Act Province of...........} and of A.B.

Be it remembered that on the........day of........ in the year 19...., A.B., formerly of [state place of domicile before coming to Canada], [occupation], a person seeking to enter or remain in Canada; and L.M. of [name of place], in the said province [occupation], and N.O. of the same place [occupation], personally came before me and acknowledged themselves to owe to our Sovereign Lady the Queen, her heirs and successors, the several sums following, that is to say:

The said A.B. the sum of.................dollars, and the said L.M. and N.O. the sum of.................dollars each, of good and lawful current money of Canada, to be made and levied of their several goods and chattels, lands and tenements respectively, to the use of our said Sovereign Lady the Queen, her heirs and successors, if he, the said A.B. fails in the condition hereunder written.

Taken and acknowledged the day and year first above mentioned at.........................in the province aforesaid before me.........................[Justice of Peace, or Notary Public].

The condition of the above written obligation is such, that whereas the said A.B. is held in custody under authority of the Immigration Act for examination touching the right of the said A.B. to enter or remain in Canada; if, therefore, the said A.B. appears before the Board of Inquiry or officer acting as such at the Immigrant Station at ......................... on the ..............day of .........................next at the hour of .........................in the ..............noon, and there surrenders himself into custody of an Immigration Officer and submits to examination under the said Act, and does not attempt to escape from such custody, then this obligation shall be void, otherwise to stand in full force and effect. R.S., c. 93, Sch., Form H.

EDMOND CLOUTIER, C.M.G., O.A., D.S.P.
QUEEN'S PRINTER AND CONTROLLER OF STATIONERY
OTTAWA, 1952

R.S., 1952.
CHAPTER 146.

An Act respecting Immigration Aid Societies.

SHORT TITLE.

1. This Act may be cited as the Immigration Aid Societies Act. R.S., c. 94, s. 1.

INTERPRETATION.

2. In this Act,
   (a) "immigration" or "immigrant" includes "emigration" or "emigrant", when it refers to the act of leaving, or to a person about to leave, Europe for Canada;
   (b) "Minister" means the Minister of Citizenship and Immigration; and
   (c) "society" means the immigration aid society which the context indicates or refers to. R.S., c. 94, s. 2; 1949 (2nd Sess.), c. 16, s. 6.

3. Any negotiable or other instrument authorized by this Act may be drawn in any European language understood by the person executing it, and sums of money mentioned therein may be expressed in any currency used in the country where it is executed and shall be held to mean equivalent amounts expressed in currency of Canada. R.S., c. 94, s. 3.

DISTRICTS.

4. The Minister shall, from time to time, for the purposes of this Act, divide each of the several provinces of Canada into immigration districts; and in each district there shall be an immigration office and an immigration agent. R.S., c. 94, s. 4.

5. Notice of such division, and of any alteration thereof, shall be given in the Canada Gazette, and each such district shall be known as the immigration district of the place where the immigration office is kept. R.S., c. 94, s. 5.

Chap. 146. Immigration Aid Societies Act.

DISTRICT SOCIETIES.

6. An immigration aid society, or immigration aid societies, may be formed in every immigration district for the purpose of assisting immigrants to reach Canada from Europe, and to obtain employment on their arrival in Canada, and of enabling persons in Canada in want of labourers, artisans or servants, to obtain them by such immigration. R.S., c. 94, s. 6.

7. Every such society shall consist of at least twenty-five persons, who may or may not be residents of the immigration district, and who have agreed to form such society, and to subscribe, as the capital of the society, at least five hundred dollars, in shares of twenty dollars each, one-half of which at least shall be paid, on subscribing the declaration of membership hereinafter mentioned, into the hands of a person agreed upon as their secretary-treasurer by such persons, not less than twenty-five, as are present at the meeting at which it is agreed to form such society. R.S., c. 94, s. 7.

8. (1) The persons who agree to form a society shall
   (a) elect or agree upon a president, vice-president, secretary-treasurer, and board of management, composed of at least five members, including the officers above mentioned;
   (b) adopt a constitution and by-laws;
   (c) respectively sign a declaration in the Form in the Schedule.

   (2) In columns opposite to their signatures to the declaration, there shall be inserted the amount or amounts of stock for which the members respectively subscribe, with a statement of the amounts paid up.

   (3) The declaration when so signed shall then be dated and attested by the signatures of the president or vice-president and of the secretary-treasurer.

   (4) There shall be attached to the said declaration the constitution and by-laws of the society, which shall declare the objects of the society to be those mentioned in this Act, and such other special objects, if any, as it is considered necessary to enumerate. R.S., c. 94, s. 8.

CONSTITUTION AND BY-LAWS.

9. The constitution and by-laws shall set forth
   (a) the names of the first president, vice-president, secretary-treasurer, and members of the board of management;

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(b) the place where the office of the society is to be situated;
(c) the time when its meetings will be held;
(d) the manner in which the remainder of the stock of the society shall be paid up;
(e) the annual subscription to be paid by members, if such subscription is deemed advisable;
(f) the manner of admitting new members;
(g) the duties and powers of the board of management and officers;
(h) the time during which the officers and other members of the board of management shall remain in office;
(i) the time and place for and the manner of holding the regular meetings of the society;
(j) the mode of calling and holding special meetings;
(k) the quorum, and mode of voting at such meetings;
(l) the mode of filling vacancies among the officers and members of the board of management, and the manner in which their duties shall be performed by others during their absence;
(m) the period for which the society shall continue, and the mode of dividing its assets at the end of such period, or its profits, from time to time, during such period; and
(n) generally such provisions as are deemed necessary or expedient for the well-working of the society and the attainment of the objects for which it is formed.

R.S., c. 94, s. 9.

10. (1) The declaration shall be made in duplicate, and the duplicates shall be delivered or sent by the secretary-treasurer to the immigration agent of the district, who shall examine the declaration and ascertain whether it is in accordance with this Act, and with the instructions given him on the subject by the Minister.

(2) If the immigration agent has any doubt as to its being conformable to this Act and to such instructions, he may forward it to the Minister for his opinion.

(3) If it is not found so conformable, the immigration agent shall return both duplicates to the secretary-treasurer, informing him of the fact and of the objection to which the declaration is open.

(4) If it is found to be so conformable he shall certify the fact under his hand on both duplicates, shall retain one of them in his office and shall return the other to the secretary-treasurer. R.S., c. 94, s. 10.

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Chap. 146. *Immigration Aid Societies Act.*

11. If there is no other immigration aid society in his district, the immigration agent shall treat the society as number one, and shall fill the blank left in the declaration for that purpose with that number; but if otherwise he shall give each a number in the order in which he certifies the declarations, and shall fill in the blank in each with its proper number, according to such order. R.S., c. 94, s. 11.

**INcorporation.**

12. (1) When the declaration is approved and certified as aforesaid, the society shall be a corporation, or body politic and corporate, by the name taken in the declaration, including the number given it by the immigration agent, and shall have all the powers, rights and immunities assigned to corporations by the *Interpretation Act*, including the right to have a corporate seal, if it thinks fit.

(2) It shall not be necessary that the corporate seal shall be affixed to any document in order to make it the act or deed of the corporation, but it shall be sufficient for that purpose that the document is signed by the secretary-treasurer, and countersigned by the president or vice-president of the society, as such, or by the person or persons acting pro tempore in their stead.

(3) The authority or capacity of any person who signs the same, or his signature, shall not be called in question by any but the corporation, and if not so questioned, shall be admitted in evidence without proof.

(4) Any document purporting to be the duplicate copy of the declaration signed by the proper immigration agent, shall be admitted as evidence of the facts stated therein, without proof of his signature, unless it is called in question by himself, or by the Minister. R.S., c. 94, s. 12.

**POWERS AND DUTIES.**

13. (1) The society may

(a) enter into agreements and contracts, either with its members or with other persons, for any purpose relating to immigration;

(b) lend and borrow money, and take or give any security for the same;

(c) become a party to any promissory note, bill of exchange, or other negotiable security or instrument, in the manner hereinbefore provided as to other documents; and

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(d) receive assistance in money or otherwise from municipal or other corporations, or from any institution, society or person, towards enabling it to attain the objects of this Act, on such terms and conditions as are agreed upon, and which are not inconsistent with this Act or with law.

(2) The total amount of the liabilities of the society shall never exceed the amount of its unpaid subscribed capital.

(3) The members of the board of management shall be personally liable for any such excess. R.S., c. 94, s. 13.

14. The society may
(a) receive applications from persons desiring to obtain artisans, workmen, servants or labourers from Great Britain or from any part of Europe;
(b) enter into any lawful contracts with such persons, including the obligation on the part of such persons, to employ the immigrants referred to on their arrival in Canada, in any manner, at any rate of wages, and for any period, under such penalty, as damages for non-performance as are stipulated in such contract;
(c) receive in advance all or any part of the money to be expended by the society;
(d) take security for the repayment of all or any part thereof to the society, by instalments or in one sum, as is agreed upon. R.S., c. 94, s. 14.

15. The secretary-treasurer shall forthwith transmit every such application, with the requisite information and details, to the immigration agent of the district, with the amount the society has undertaken to advance towards defraying the expenses to be incurred in complying with the application, in paying or partly paying the cost of the ocean passage and other necessary travelling expenses of the emigrants from their home in Europe to the place in Canada where they are required. R.S., c. 94, s. 15.

16. The immigration agent shall
(a) forthwith transmit every such application and the money received by reason thereof, to the proper immigration agent or sub-agent of Canada, in Great Britain or elsewhere, who shall, thereupon, take the necessary steps for procuring and forwarding to the proper place in Canada, such immigrants as are stated in the application;
(b) from time to time, furnish the Minister with such information and details respecting such applications as the Minister requires. R.S., c. 94, s. 16.

17. R.S., 1952.
Agents in Europe to take security from emigrants for repayment of advances.

17. If it is the intention of the society, or of the applicant, that the whole or part of the money advanced towards defraying the expenses of immigration, shall be repaid by the immigrant, either in one sum or by instalments, the immigration agent or sub-agent of Canada in Europe who makes the arrangements for the passage of the intending emigrant to Canada, shall take from such emigrant an instrument in writing binding him to repay such money to the society in Canada in one sum or by instalments, at certain periods, and with interest or without interest, according to the instruction given by the secretary-treasurer to the district immigration agent and communicated through the Minister to the immigration agent or sub-agent in Europe, and he shall witness the execution of such instrument. R.S., c. 94, s. 17.

18. If any sum of money has been advanced to the emigrant for like purposes, by any society, or institution or individual in Great Britain such sum may, with the consent of such society, institution or individual, be included in the amount for which such instrument is given, and may be recovered by the Canadian society aforesaid, and being so recovered, shall be paid over without charge to the society, institution or individual by whom it was advanced, and the agent or sub-agent of immigration who witnesses the execution of the instrument shall give notice of the amount mentioned in the instrument to such society, institution or individual and to the Canadian society. R.S., c. 94, s. 18.

19. Any emigrant who makes such instrument as aforesaid, may, in like manner, execute an instrument, witnessed as above provided, binding himself or herself, in consideration of the sum advanced by the society therein named, to accept employment of the kind therein stated from any named person in the immigration district in which the society is formed, or with any person in such district whom the society designates to the immigrant on his arrival in such district, at a rate of wages to be named in the instrument, and for a term to be also therein named, to serve such person faithfully in such employment during such term, to allow such person to deduct from his wages, at a period or periods to be designated in such instrument, such sum or sums as are also therein designated, and to pay the same to the society on account of any money due by the immigrant. R.S., c. 94, s. 19.

R.S., 1952.
20. (1) Such instrument may be enforced by the society accordingly, by civil suit in any court of competent jurisdiction against the immigrant.

(2) Any refusal or neglect on the part of the immigrant to perform any of the other obligations undertaken by him in such instrument, shall be an offence cognizable before any one justice of the peace, and punishable on summary conviction by a penalty not exceeding twenty dollars and costs, and by imprisonment until such penalty and costs are paid.

(3) The penalty, if paid, shall belong to the society, and be paid over to it by the convicting justice.

(4) The payment of such penalty shall not prevent or affect any civil remedy of the society under such instrument. R.S., c. 94, s. 20.
SCHEDULE.

FORM OF DECLARATION.

We, the undersigned, hereby associate ourselves together as The Immigration Aid Society No. of the immigration district of , and we hereby bind ourselves to observe and obey all the requirements of the Immigration Aid Societies Act, and to pay, respectively, into the hands of the secretary-treasurer the amount of stock set opposite our respective names, one-half on subscribing this declaration, and the other half by the instalments and in the manner hereinafter provided; and we further bind ourselves to observe and obey the constitution and by-laws of the society, which are hereto attached.

<table>
<thead>
<tr>
<th>Signatures of Members</th>
<th>Amount subscribed</th>
<th>Amount paid-up</th>
<th>Balance when payable</th>
</tr>
</thead>
</table>

Dated at this day of 19

President (or Vice-president)

Secretary-treasurer

R.S., c. 94, Sch.

EDMOND CLOUTIER, C.M.G., O.A., D.S.P.
QUEEN'S PRINTER AND CONTROLLER OF STATIONERY
OTTAWA, 1952

R.S., 1952.
CHAPTER 147.
An Act respecting Interprovincial and International Traffic in Intoxicating Liquors.

SHORT TITLE.
1. This Act may be cited as the Importation of Intoxicating Liquors Act. 1928, c. 31, s. 1.

INTERPRETATION.
2. In this Act,
   (a) "intoxicating liquor" means any liquor which is, by the law of the province for the time being in force, deemed to be intoxicating liquor, and which it is unlawful to sell or have in possession without a permit or other authority of the government of the province or any board, commission, officer or other governmental agency authorized to issue such permit or grant such authority; and
   (b) "province" means any province of Canada in which there is for the time being in force an Act giving the government of the province, or any board, commission, officer or other governmental agency control over the sale of intoxicating liquor therein. 1928, c. 31, s. 2.

3. (1) Notwithstanding the provisions of any other Act or law, no person shall import, send, take or transport, or cause to be imported, sent, taken or transported into any province from or out of any place within or without Canada, any intoxicating liquor, except such as has been purchased by or on behalf of, and which is consigned to Her Majesty or the executive government of the province into which it is being imported, sent, taken or transported, or any board, commission, officer or other governmental agency which, by the law of the province, is vested with the right of selling intoxicating liquor.

   (2)
   R.S., 1952.
(2) The provisions of subsection (1) do not apply to
(a) the carriage or transportation of intoxicating liquor
into and through a province by means only of a common
carrier by water or by railway, including any
necessary transfer by truck from railway car to ship or
vice versa, if during the time the intoxicating liquor is
being so carried or transported, the package or vessel
containing the intoxicating liquor is not opened or
broken or any of the intoxicating liquor drunk or used
therefrom;
(b) the importation of intoxicating liquor into a province
by any person duly licensed by the Government of
Canada to carry on the business or trade of a distiller
or brewer where the intoxicating liquor so imported is
imported solely for the purpose of being used for
blending with or flavouring the products of the business
or trade of a distiller or brewer carried on by him in
the province, and while kept by him in the province
is kept in a place or warehouse that conforms in all
respects to the requirements of the law governing such
places or warehouses, and is used solely for blending
with or flavouring the products of his said business
or trade as a distiller or brewer; or
(c) the transfer from one distillery to another of any
spirits or liquor which is permitted by any Act or
regulation lawfully in force or by special permit of the
Department of National Revenue. 1928, c. 31, s. 3.

4. The burden of proving the right to import intoxicat-
ing liquor, or to cause intoxicating liquor to be imported, or
to send, take or transport intoxicating liquor, or to cause
intoxicating liquor to be sent, taken or transported into
any province is on the person accused. 1928, c. 31, s. 4.

5. Every person who violates any of the provisions of
this Act is guilty of an offence, and is liable on summary
conviction to a penalty for the first offence of not more than
two hundred dollars, and in default of payment to imprison-
ment for any term not exceeding three months, and for a
second offence not less than two hundred dollars and not
more than one thousand dollars, and in default of payment
to imprisonment for any term not less than three months
and not more than six months, and for each subsequent
offence to imprisonment for any term not less than six
months or not more than twelve months. 1928, c. 31, s. 5.

R.S., 1952.
6. A prosecution for any offence under this Act may be brought and carried on, and a conviction had, in the city, town or place to or into which any intoxicating liquor is unlawfully imported, sent, taken or transported, or in the place where the accused resides, or in the city, town, or other place from which any intoxicating liquor is unlawfully imported, sent, taken or transported, as aforesaid; but no prosecution shall be brought in any province against a person not within or residing in such province without the written approval of the attorney-general of such province. 1928, c. 31, s. 6.

7. If it is proved upon oath before any judge of the sessions of the peace, recorder, police magistrate, stipendiary magistrate, two justices of the peace, or any magistrate having the power or authority of two or more justices of the peace, that there is reasonable cause to suspect that any intoxicating liquor is in any premises or place and that such intoxicating liquor is or has been dealt with contrary to the provisions of this Act, such officer may grant a warrant to search such premises or place, including any Government railway, vehicle or steamship, for such intoxicating liquor, and if the same or any part thereof is there found, to seize and bring the same before him; and when any person is convicted of any offence against any of the provisions of this Act, the officer or officers so convicting may adjudge and order, in addition to any other penalty, that the intoxicating liquor in respect to which the offence was committed and which has been seized under a search warrant as aforesaid, and all kegs, barrels, cases, boxes, bottles, packages, and other receptacles of any kind whatsoever, found containing the same, be forfeited and destroyed, and such order shall thereupon be carried out by the constable or peace officer who executed the said search warrant or by such other person as may be thereunto authorized by the officer or officers who have made such conviction. 1928, c. 31, s. 7.

8. Nothing in this Act shall be deemed to forbid the importing, sending, taking or transporting, or causing to be imported, sent, taken or transported into any province from or out of any place within or without Canada of intoxicating liquor for sacramental or medicinal purposes or for manufacturing or commercial purposes other than for the manufacture or use thereof as a beverage. 1928, c. 31, s. 8.
CHAPTER 148.

An Act respecting Income Taxes.

SHORT TITLE.

1. This Act may be cited as the Income Tax Act. 1948, Short title. c. 52, s. 1.

PART I.

INCOME TAX.

DIVISION A—LIABILITY FOR TAX.

2. (1) An income tax shall be paid as hereinafter required Residents upon the taxable income for each taxation year of every person resident in Canada at any time in the year.

(2) Where a person who is not taxable under subsection Non-residents employed or (1) for a taxation year

(a) was employed in Canada at any time in the year, or carrying on business in Canada.

(b) carried on business in Canada at any time in the year,

an income tax shall be paid as hereinafter required upon his taxable income earned in Canada for the year determined in accordance with Division D.

(3) The taxable income of a taxpayer for a taxation year Taxable income is his income for the year minus the deductions permitted by Division C. 1948, c. 52, s. 2.

DIVISION B—COMPUTATION OF INCOME.

General Rules.

3. The income of a taxpayer for a taxation year for the purposes of this Part is his income for the year from all sources inside or outside Canada and, without restricting the generality of the foregoing, includes income for the year from all

(a) businesses,

(b) property, and

(c) offices and employments.

1948, c. 52, s. 3.

Part I.


4. Subject to the other provisions of this Part, income for a taxation year from a business or property is the profit therefrom for the year. 1948, c. 52, s. 4.

5. Income for a taxation year from an office or employment is the salary, wages and other remuneration, including gratuities, received by the taxpayer in the year plus

(a) the value of board, lodging and other benefits (except the benefit he derives from his employer's contributions to or under an approved superannuation fund or plan, group insurance plan or medical services plan) received or enjoyed by him in the year in respect of, in the course of or by virtue of the office or the employment; and

(b) all amounts received by him in the year as an allowance for personal or living expenses or as an allowance for any other purpose except

(i) travelling or personal or living expense allowances expressly fixed in an Act of the Parliament of Canada,

(ii) travelling and separation allowances received under service regulations as a member of the naval, army or air forces of Canada,

(iii) representation or other special allowances received in respect of a period of absence from Canada as (A) an ambassador, minister, high commissioner, officer or servant of Canada or a member of the naval, army or air forces of Canada, or

(B) an agent-general, officer or servant of a province,

(iv) representation or other special allowances received by an agent-general of a province in respect of a period while he was in Ottawa as the agent-general of the province,

(v) reasonable allowances for travelling expenses received by an employee from his employer in respect of a period when he was employed in connection with the selling of property or negotiating of contracts for his employer,

(vi) reasonable allowances received by a minister or clergyman in charge of or ministering to a diocese, parish or congregation for expenses for transportation incident to the discharge of the duties of his office or employment, or

(vii) allowances (not in excess of reasonable amounts) for travelling expenses received by an officer or employee (other than an employee employed in connection with the selling of property or negotiating

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of contracts for his employer) from his employer if they were computed by reference to time actually spent by the officer or employee travelling away from
(A) the municipality where the employer’s establishment at which the officer or employee ordinarily worked or to which he ordinarily made his reports was located, and
(B) the metropolitan area, if there is one, where that establishment was located,
in the performance of the duties of his office or employment;
minus the deductions permitted by paragraphs (i), (l) and (q) of subsection (1) of section 11 and by subsections (5) to (11), inclusive, of section 11 but without any other deductions whatsoever. 1948, c. 52, s. 5; 1949 (2nd Sess.), c. 25, s. 1; 1951, c. 51, s. 1; 1951 (2nd Sess.), c. 7, s. 23.

**Amounts Included in Computing Income.**

6. Without restricting the generality of section 3, there shall be included in computing the income of a taxpayer for a taxation year

(a) amounts received in the year as, on account or in lieu of payment of, or in satisfaction of

(i) dividends,
(ii) director’s or other fees,
(iii) annuity payments,
(iv) superannuation or pension benefits,
(v) retiring allowances, or
(vi) death benefit;
(b) amounts received in the year or receivable in the year (depending upon the method regularly followed by the taxpayer in computing his profit) as interest or on account or in lieu of payment of, or in satisfaction of interest;
(c) the taxpayer’s income from a partnership or syndicate for the year whether or not he has withdrawn it during the year;
(d) amounts received by the taxpayer in the year pursuant to a decree, order or judgment of a competent tribunal in an action or proceeding for divorce or judicial separation or pursuant to a written separation agreement as alimony or other allowance payable on a periodic basis for the maintenance of the recipient thereof, children of the marriage, or both the recipient

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and children of the marriage, if the recipient is living apart from the spouse or former spouse required to make the payments;

(e) the amount deducted as a reserve for doubtful debts in computing the taxpayer’s income for the immediately preceding year;

(f) amounts received in the year on account of debts in respect of which a deduction for bad debts had been made in computing the taxpayer’s income for a previous year whether or not the taxpayer was carrying on the business in the taxation year;

(g) amounts received by the taxpayer in the year as premiums paid by a corporation on the redemption or acquisition of any of its shares;

(h) amounts in respect of benefits from or under an estate, trust, contract, arrangement or power of appointment as provided by section 63 or 65;

(i) amounts deemed to have been received in the year by the taxpayer under section 67 as a shareholder in a personal corporation;

(j) amounts received by the taxpayer in the year that were dependent upon use of or production from property whether or not they were instalments of the sale price of the property, but instalments of the sale price of agricultural land shall not be included by virtue of this paragraph; and

(k) amounts allocated to him in the year by a trustee under an employees profit sharing plan as provided by section 79. 1948, c. 52, s. 6; 1950, c. 40, s. 1.

7. Where a payment under a contract or other arrangement can reasonably be regarded as being in part a payment of interest or other payment of an income nature and in part a payment of a capital nature, the part of the payment that can reasonably be regarded as a payment of interest or other payment of an income nature shall, irrespective of when the contract or arrangement was made or the form or legal effect thereof, be included in computing the recipient’s income. 1948, c. 52, s. 7.

8. (1) Where, in a taxation year,

(a) a payment has been made by a corporation to a shareholder otherwise than pursuant to a bona fide business transaction,

(b) funds or property of a corporation have been appropriated in any manner whatsoever to, or for the benefit of, a shareholder, or

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(c)
(c) a benefit or advantage has been conferred on a shareholder by a corporation, otherwise than

(i) on the reduction of capital, the redemption of shares or the winding-up, discontinuance or reorganization of its business,

(ii) by payment of a stock dividend, or

(iii) by conferring on all holders of common shares in the capital of the corporation a right to buy additional common shares therein,

the amount or value thereof shall be included in computing the income of the shareholder for the year.

(2) Where a corporation has, in a taxation year, made a loan to a shareholder, the amount thereof shall be deemed to have been received by the shareholder as a dividend in the year unless

(a) the loan was made

(i) in the ordinary course of its business and the lending of money was part of its ordinary business,

(ii) to an officer or servant of the corporation to enable or assist him to purchase or erect a dwelling house for his own occupation,

(iii) to an officer or servant of the corporation to enable or assist him to purchase from the corporation fully paid shares of the corporation to be held by him for his own benefit, or

(iv) to an officer or servant of the corporation to enable or assist him to purchase an automobile to be used by him in the performance of the duties of his office or employment,

and bona fide arrangements were made at the time the loan was made for repayment thereof within a reasonable time, or

(b) the loan was repaid within one year from the end of the taxation year of the corporation in which it was made and it is established, by subsequent events or otherwise, that the repayment was not made as a part of a series of loans and repayments.

(3) An annual or other periodic amount paid by a corporation to a taxpayer in respect of an income bond or income debenture shall be deemed to have been received by the taxpayer as a dividend unless the corporation is entitled to deduct the amount so paid in computing its income.

(4) This section is applicable in computing the income of a shareholder for the purposes of this Part whether or not the corporation was resident or carried on business in Canada. 1948, c. 52, s. 8; 1950, c. 40, s. 2; 1952, c. 29, s. 1. 3209

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Certain reserves included in computing income.

9. There shall be included, in computing the income for a taxation year of a bank to which the Bank Act or the Quebec Savings Banks Act applies, the amount by which the aggregate of the amounts that, at the end of the year, are set aside or reserved by way of write-down of the value of assets or appropriation to contingency reserves or contingent accounts for the purpose of meeting losses on loans, bad or doubtful debts, depreciation in the value of assets other than bank premises, or other contingencies, is, in the opinion of the Minister of Finance, having regard to all the circumstances, in excess of the reasonable requirements of the bank. 1951, c. 51, s. 2.

Amounts Not Included in Computing Income.

10. (1) There shall not be included in computing the income of a taxpayer for a taxation year

- an amount that is declared to be exempt from income tax by any other legislation of the Parliament of Canada,
- an amount received under a War Savings Certificate issued by His Majesty in right of Canada or under a similar savings certificate issued by His Majesty in right of Newfoundland before April 1, 1949,
- the income for the year of a non-resident person earned in Canada from the operation of a ship or aircraft owned or operated by him, if the country where that person resided grants substantially similar relief for the year to a person resident in Canada,
- a pension payment that is received under or is subject to the Pension Act or the Civilian War Pensions and Allowances Act, or compensation received under regulations made under section 5 of the Aeronautics Act,
- a pension payment received on account of disability or death arising out of war service from a country that was an ally of His Majesty at the time of the war service, if that country grants substantially similar relief for the year to a person receiving a pension referred to in paragraph (d),
- a pension payment in respect of death or injury sustained in the explosion at Halifax in 1917 received from the Halifax Relief Commission the incorporation of which was confirmed by chapter 24 of the Statutes of Canada, 1918,
- compensation received under an employees’ or workmen’s compensation Act of Canada or a province in respect of an injury, disability or death,
- benefits received under the Unemployment Insurance Act,

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(i) a payment or part of a payment from an employee's profit sharing plan that section 79 provides is not to be included,

(j) an amount received as a result of prospecting that section 83 provides is not to be included, or

(k) income from the office of Governor General of Canada.

(2) Where an elected member of a provincial legislative assembly is, under an Act of the provincial legislature, paid an allowance in a taxation year for expenses incident to the discharge of his duties as a member, the allowance shall not be included in computing his income for the year unless it exceeds one-half of the maximum fixed amount provided by law as payable to him by way of salary, indemnity and other remuneration as a member in respect of attendance at a session of the legislature, in which event there shall be included in computing his income for the year only the amount by which the allowance exceeds one-half of that maximum fixed amount. 1948, c. 52, s. 10; 1950, c. 40, s. 4; 1952, c. 29, s. 2.

Deductions Allowed in Computing Income.

11. (1) Notwithstanding paragraphs (a), (b) and (h) of subsection (1) of section 12, the following amounts may be deducted in computing the income of a taxpayer for a taxation year:

(a) such part of the capital cost to the taxpayer of property, or such amount in respect of the capital cost to the taxpayer of property, if any, as is allowed by regulation;

(b) such amount as an allowance in respect of an oil or gas well, mine or timber limit, if any, as is allowed to the taxpayer by regulation;

(c) an amount paid in the year or payable in respect of the year (depending upon the method regularly followed by the taxpayer in computing his income), pursuant to a legal obligation to pay interest on

(i) borrowed money used for the purpose of earning income from a business or property (other than property the income from which would be exempt), or

(ii) an amount payable for property acquired for the purpose of gaining or producing income therefrom or for the purpose of gaining or producing income from a business (other than property the income from which would be exempt), or a reasonable amount in respect thereof, whichever is the lesser;

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(d) such part of a payment
   (i) repaying borrowed money used for the purpose
       of earning income from a business or property
       (other than property the income from which
       would be exempt), or
   (ii) for property acquired for the purpose of gaining
       or producing income therefrom or for the purpose
       of gaining or producing income from a business
       (other than property the income from which would
       be exempt),

made by the taxpayer in the year as is by section 7
required to be included in computing the recipient's
income for a taxation year;

(e) a reasonable amount as a reserve for
   (i) doubtful debts that have been included in com-
       puting the income of the taxpayer for that year
       or a previous year, and
   (ii) doubtful debts arising from loans made in the
       ordinary course of business by a taxpayer part of
       whose ordinary business was the lending of money;

(f) the aggregate of debts owing to the taxpayer
   (i) that are established by him to have become bad
       debts in the year, and
   (ii) that have (except in the case of debts arising
       from loans made in the ordinary course of business
       by a taxpayer part of whose ordinary business was
       the lending of money) been included in computing
       his income for that year or a previous year;

(g) an amount not exceeding $900 paid by the taxpayer
in the year or within 60 days from the end of the year
 to or under an approved superannuation fund or plan
 in respect of services rendered by each employee,
 officer or director of the taxpayer in the year plus such
 amount as may be deducted as a special contribution
 under section 76;

(h) where an approved superannuation fund or plan
contains a provision under which the taxpayer may
provide superannuation or pension benefits for an em-
ployee, officer or director of the taxpayer by making a
lump sum payment to or under the fund or plan in
the year in which the employee, officer or director
retires from the employment or office, an amount paid
by the taxpayer in the year or within 60 days from the
end of the year pursuant thereto as the lump sum in
respect of an employee, officer or director who retired
in the year (except to the extent that it is deductible
under paragraph (g));

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(i) amounts contributed by the taxpayer to or under an approved superannuation fund or plan,
   (ii) not exceeding in the aggregate $900 paid in the year by the taxpayer in respect of services rendered in the year or paid into or under the fund or plan by the taxpayer as part of his dues for the year as a member of a trade union, and

(j) such amount in respect of expenditures on scientific research as is permitted by section 72;

(k) the capital element of each annuity payment (other than a superannuation or pension benefit) included in computing income for the year, that is to say,
   (i) if the annuity was paid under a contract, an amount equal to that part of the payment determined in prescribed manner to have been a return of capital, and
   (ii) if the annuity was paid under a will or trust, such part of the payment as can be established by the recipient not to have been paid out of the income of the estate or trust;

(l) an amount paid by the taxpayer in the year pursuant to a decree, order or judgment of a competent tribunal in an action or proceeding for divorce or judicial separation or pursuant to a written separation agreement as alimony or other allowance payable on a periodic basis for the maintenance of the recipient thereof, children of the marriage, or both the recipient and children of the marriage, if he is living apart from the spouse or former spouse to whom he is required to make the payment;

(m) where a taxpayer is an insurance corporation other than a life insurance corporation, such amounts in respect of payments made or credits allowed by the taxpayer to its policyholders as are permitted by section 74;

(n) such amounts in respect of payments made by the taxpayer pursuant to allocations in proportion to patronage as are permitted by section 75;

(o) an amount equal to annual interest accruing within the taxation year in respect of succession duties or inheritance taxes;
(p) such amount as may be allowed by regulation in respect of taxes on income for the year from mining or logging operations;

(q) where a taxpayer is a member of the clergy or a religious order or is a regular minister of a religious denomination, an amount equal to

(i) the value of the residence or other living accommodation occupied by him in the course of or by virtue of his office or employment as a member of the clergy or a religious order or as a regular minister of a religious denomination, to the extent that such value is included in computing his income by virtue of section 5, or

(ii) rent paid by him for a residence or other living accommodation rented and occupied by him, or the fair rental value of a residence or other living accommodation owned and occupied by him, during the year but not, in either case, exceeding his remuneration from his office or employment as a member of the clergy or a religious order or as a regular minister of a religious denomination; and

(r) an amount paid by the taxpayer in trust for his employees under an employees profit sharing plan as permitted by section 79.

(2) There may be deducted in computing the income of a shareholder from shares in a corporation whose income is from the operation of an oil or gas well, or mine, such amount, if any, as is allowed by regulation.

(3) Where a deduction is allowed under paragraph (b) of subsection (1) in respect of an oil or gas well, mine or timber limit operated by a lessee, the lessor and lessee may agree as to what portion of the allowance each may deduct and, in the event that they cannot agree, the Minister may fix the portions.

(4) Notwithstanding paragraphs (a) and (b) of subsection (1) of section 12, there may be deducted, in computing the income for a taxation year of a bank to which the Bank Act or the Quebec Savings Banks Act applies, such amount as is set aside or reserved for the year either by way of write-down of the value of assets or appropriation to any contingency reserve or contingent account for the purpose of meeting losses on loans, bad or doubtful debts, depreciation in the value of assets other than bank premises, or other contingencies, and is, in the opinion of the Minister of Finance, having regard to all the circumstances, not in excess of the reasonable requirements of the bank.

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(5) Notwithstanding paragraphs (a) and (h) of subsection (1) of section 12, a taxpayer may deduct in computing his income for a taxation year amounts disbursed by him for meals and lodging while employed by a railway company away from his ordinary place of residence as a relieving telegrapher or station agent or on maintenance and repair work to the extent that he has not been reimbursed and is not entitled to be reimbursed in respect thereof.

(6) Where a person in a taxation year was employed in connection with the selling of property or negotiating contracts for his employer, and
(a) under the contract of employment was required to pay his own expenses,
(b) was ordinarily required to carry on the duties of his employment away from his employer's place of business,
(c) was remunerated in whole or part by commissions or other similar amounts fixed by reference to the volume of the sales made or the contracts negotiated, and
(d) was not in receipt of an allowance for travelling expenses in respect of the taxation year that was, by virtue of subparagraph (v) of paragraph (b) of section 5, not included in computing his income, there may be deducted in computing his income for the year, notwithstanding paragraphs (a) and (h) of subsection (1) of section 12, amounts expended by him in the year for the purpose of earning the income from the employment not exceeding the commissions or other similar amounts fixed as aforesaid received by him in the year.

(7) Notwithstanding paragraphs (a) and (h) of subsection (1) of section 12, where a taxpayer was an employee of a person whose principal business was passenger, goods, or passenger and goods transport and the duties of the employment required him, regularly,
(a) to travel, away from the municipality where the employer's establishment to which he reported for work was located and away from the metropolitan area, if there is one, where it was located, on vehicles used by the employer to transport the goods or passengers, and
(b) while so away from such municipality and metropolitan area, to make disbursements for meals and lodging,
amounts so disbursed by him in a taxation year may be
deducted in computing his income for the taxation year to
the extent that he has not been reimbursed and is not
entitled to be reimbursed in respect thereof.

(8) Where an amount in excess of $900 has been con-
tributed by a taxpayer to or under an approved super-
annuation fund or plan during the 1946 or a subsequent
taxation year in respect of services rendered by him before
he became a contributor, it may be included in computing
a deduction under subparagraph (ii) of paragraph (i) of
subsection (1) for a taxation year subsequent to the year
during which it was contributed to the extent that it
exceeds the aggregate of amounts deductible in respect
thereof under this subsection or the said subparagraph (ii)
in computing incomes for years preceding the taxation year.

(9) Where an officer or employee, in a taxation year,
(a) was ordinarily required to carry on the duties of his
employment away from his employer's place of busi-
ness or in different places,
(b) under the contract of employment was required to
pay the travelling expenses incurred by him in the
performance of the duties of his office or employment, and
(c) was not in receipt of an allowance for travelling
expenses that was, by virtue of subparagraph (v) or
(vii) of paragraph (b) of section 5, not included in
computing his income and did not claim any deduction
for the year under subsection (5), (6) or (7),
there may be deducted, in computing his income from the
office or employment for the year, notwithstanding para-
graphs (a) and (h) of subsection (1) of section 12, amounts
expended by him in the year for travelling in the course of
his employment.

(10) Notwithstanding paragraphs (a) and (h) of sub-
section (1) of section 12, the following amounts may, if
paid by a taxpayer in a taxation year, be deducted in
computing his income from an office or employment for the
year
(a) annual professional membership dues the payment
of which was necessary to maintain a professional
status recognized by statute that he was required by
his contract of employment to maintain,
(b) office rent, or salary to an assistant or substitute, the
payment of which by the officer or employee was re-
quired by the contract of employment,

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(c) the cost of supplies that were consumed directly in the performance of the duties of his office or employment and that the officer or employee was required by the contract of employment to supply and pay for,

(d) annual dues to maintain membership in a trade union as defined

(i) by paragraph (r) of subsection (1) of section 2 of the Industrial Relations and Disputes Investigation Act, or

(ii) in any provincial statute providing for the investigation, conciliation or settlement of industrial disputes,

or to maintain membership in an association of public servants the primary object of which is to promote the improvement of the members’ conditions of employment or work, and

(e) annual dues that were, pursuant to the provisions of a collective agreement, retained by his employer from his remuneration and paid to a trade union or association designated in paragraph (d) of which the taxpayer was not a member, to the extent that he has not been reimbursed, and is not entitled to be reimbursed in respect thereof.

(11) Where a deduction may be made under subsection (6) or (9) in computing a taxpayer’s income from an office or employment for a taxation year, notwithstanding paragraph (b) of subsection (1) of section 12, there may be deducted, in computing his income from the office or employment for the year, such part, if any, of the capital cost to the taxpayer of an automobile used in the performance of the duties of his office or employment as is allowed by regulation.

(12) Notwithstanding paragraphs (a) and (d) of subsection (10), annual dues are not deductible thereunder in computing a taxpayer’s income from his office or employment to the extent that they are, in effect, levied

(a) for or under a superannuation fund or plan,

(b) for or under a fund or plan for annuities, insurance or similar benefits, or

(c) for any other purpose not directly related to the ordinary operating expenses of the association or trade union to which they were paid.

(13) Notwithstanding paragraphs (a) and (b) of subsection (1) of section 12, there may be deducted, in computing a taxpayer’s income from shares or securities for a taxation year as defined.
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taxation year, one-half the fees paid by him in the year to
an investment counsel for advice as to the advisability of
purchasing or selling specific shares or securities.

(14) For the purpose of subsection (13), "investment
counsel" means a person whose principal business is advising
others as to the advisability of purchasing or selling specific
shares or securities. 1948, c. 52, s. 11; 1949 (2nd Sess.),
c. 25, s. 4; 1950, c. 40, s. 5; 1951, c. 51, s. 3; 1952, c. 29, s. 3.

Deductions Not Allowed in Computing Income.

12. (1) In computing income, no deduction shall be
made in respect of

(a) an outlay or expense except to the extent that it
was made or incurred by the taxpayer for the purpose
of gaining or producing income from property or a
business of the taxpayer,

(b) an outlay, loss or replacement of capital, a payment
on account of capital or an allowance in respect of
depreciation, obsolescence or depletion except as
expressly permitted by this Part,

(c) an outlay or expense to the extent that it may
reasonably be regarded as having been made or incurred
for the purpose of gaining or producing exempt income
or in connection with property the income from which
would be exempt,

(d) the annual value of property except rent for prop-
erty leased by the taxpayer for use in his business,

(e) an amount transferred or credited to a reserve, con-
tingent account or sinking fund except as expressly
permitted by this Part,

(f) an amount paid by a corporation other than a per-
sonal corporation as interest or otherwise to holders of
its income bonds or income debentures unless the bonds
or debentures have been issued or the income provisions
thereof have been adopted since 1930

(i) to afford relief to the debtor from financial
difficulties, and

(ii) in place of or as an amendment to bonds or
debentures that at the end of 1930 provided un-
conditionally for a fixed rate of interest,

(g) a corporation tax, as defined by regulation, paid to
the government of a province or to a municipality, or

(h) personal or living expenses of the taxpayer except
travelling expenses (including the entire amount ex-
pended for meals and lodging) incurred by the tax-
payer while away from home in the course of carry-
ing on his business.

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(2) In computing income, no deduction shall be made in respect of an outlay or expense otherwise deductible except to the extent that the outlay or expense was reasonable in the circumstances.

(3) In computing a taxpayer's income for a taxation year, no deduction shall be made in respect of an otherwise deductible outlay or expense payable by the taxpayer to a person with whom he was not dealing at arm's length if the amount thereof has not been paid before the day one year after the end of the taxation year; but, if an amount that was not deductible in computing the income of one taxation year by virtue of this subsection was subsequently paid, it may be deducted in computing the taxpayer's income for the taxation year in which it was paid. 1948, c. 52, s. 12.

Miscellaneous Rules for Computing Income.

13. (1) Where a taxpayer's chief source of income for a taxation year is neither farming nor a combination of farming and some other source of income, his income for the year shall be deemed to be not less than his income from all sources other than farming minus the lesser of
   (a) one-half his farming loss for the year, or
   (b) $5,000.

(2) For the purpose of this section, the Minister may determine that a taxpayer's chief source of income for a taxation year is neither farming nor a combination of farming and some other source of income.

(3) For the purpose of this section, a "farming loss" is a loss from farming computed by applying the provisions of this Act respecting computation of income from a business mutatis mutandis except that no deduction may be made under paragraph (a) of subsection (1) of section 11. 1952, c. 29, s. 4.

14. (1) When a taxpayer has adopted a method for computing income from a business or property for a taxation year and that method has been accepted for the purposes of this Part, income from the business or property for a subsequent year shall, subject to the other provisions of this Part, be computed according to that method unless the taxpayer has, with the concurrence of the Minister, adopted a different method.

(2) For the purpose of computing income, the property described in an inventory shall be valued at its cost to the taxpayer or its fair market value, whichever is lower, or in such other manner as may be permitted by regulation. 1948, c. 52, s. 14.
15. (1) Where a person is a partner or an individual is a proprietor of a business, his income from the partnership or business for a taxation year shall be deemed to be his income from the partnership or business for the fiscal period or periods that ended in the year.

(2) Where an individual was a member of a partnership the affairs of which were wound up during a fiscal period of the partnership by reason of the death or withdrawal of a partner or by reason of a new member being taken into the partnership, for the purpose of subsection (1), the fiscal period may, if the taxpayer so elects, be deemed to have ended at the time it would have ended if the affairs of the partnership had not been so wound up.

(3) Where an individual was the proprietor of a business and disposed of it during a fiscal period of the business, for the purpose of subsection (1), the fiscal period may, if the taxpayer so elects, be deemed to have ended at the time it would have ended if the taxpayer had not disposed of the business during the fiscal period. 1948, c. 52, s. 15; 1950, c. 40, s. 6.

16. (1) A payment or transfer of money, rights or things made pursuant to the direction of, or with the concurrence of, a taxpayer to some other person for the benefit of the taxpayer or as a benefit that the taxpayer desired to have conferred on the other person shall be included in computing the taxpayer’s income to the extent that it would be if the payment or transfer had been made to him.

(2) For the purposes of this Part, a payment or transfer in a taxation year of money, rights or things made to the taxpayer or some other person for the benefit of the taxpayer and other persons jointly or a profit made by the taxpayer and other persons jointly in a taxation year shall be deemed to have been received by the taxpayer in the year to the extent of his interest therein notwithstanding that there was no distribution or division thereof in that year. 1948, c. 52, s. 16.

17. (1) Where a taxpayer carrying on business in Canada has purchased anything from a person with whom he was not dealing at arm’s length at a price in excess of the fair market value, the fair market value thereof shall, for the purpose of computing the taxpayer’s income from the business, be deemed to have been paid or to be payable therefor.

(2) Where a taxpayer carrying on business in Canada has sold anything to a person with whom he was not dealing at arm’s length at a price less than the fair market value, the

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(3) Where a taxpayer carrying on business in Canada has paid, or agreed to pay, to a non-resident person with whom he was not dealing at arm's length as price, rental, royalty or other payment for use or reproduction of any property, or as consideration for the carriage of goods or passengers or for other services, an amount greater than the amount (hereinafter referred to as “the reasonable amount”) that would have been reasonable in the circumstances if the non-resident person and the taxpayer had been dealing at arm’s length, the reasonable amount shall, for the purpose of computing the taxpayer’s income from the business, be deemed to have been the amount that was paid or is payable therefor.

(4) Where a non-resident person has paid, or agreed to pay, to a taxpayer carrying on business in Canada with whom he was not dealing at arm’s length as price, rental, royalty or other payment for use or reproduction of any property, or as consideration for the carriage of goods or passengers or for other services, an amount less than the amount (hereinafter referred to as “the reasonable amount”) that would have been reasonable in the circumstances if the non-resident person and the taxpayer had been dealing at arm’s length, the reasonable amount shall, for the purpose of computing the taxpayer’s income from the business, be deemed to have been the amount that was paid or is payable therefor.

(5) Where property of a corporation has been appropriated in any manner whatsoever to, or for the benefit of, a shareholder, for no consideration or for a consideration below the fair market value, if the sale thereof at the fair market value would have increased the corporation's income for a taxation year, for the purpose of determining the corporation’s income for the year, it shall be deemed to have sold the property during the year and to have received therefor the fair market value thereof.

(6) Where property of a corporation has been appropriated in any manner whatsoever to, or for the benefit of, a shareholder, on the winding up of the corporation, if the sale thereof at the fair market value immediately prior to the winding up would have increased the corporation's income for a taxation year, for the purpose of determining the corporation’s income for the year, it shall be deemed to have sold the property during the year and to have received therefor the fair market value thereof.
(7) Where depreciable property of a taxpayer as defined for the purpose of section 20 has been disposed of under such circumstances that subsection (2) of section 20 is applicable to determine, for the purpose of paragraph (a) of subsection (1) of section 11, the capital cost of the property to the person by whom the property was acquired, subsections (2), (5) and (6) are not applicable in respect of the disposition. 1948, c. 52, s. 17; 1952, c. 29, s. 5.

18. (1) A lease-option agreement, a hire-purchase agreement or other contract or arrangement for the leasing or hiring of property, except immovable property used in carrying on the business of farming, by which it is agreed that the property may, on the satisfaction of a condition, vest in the lessee or other person to whom the property is leased or hired shall, for the purpose of computing the income of the lessee or other such person, be deemed to be an agreement for the sale of the property and rent or other consideration paid or given thereunder shall be deemed to be on account of the price of the property and not for its use; and the lessee or other person in whom the property may vest shall, for the purpose of determining a deduction under paragraph (a) of subsection (1) of section 11, be deemed to have acquired the property at a capital cost equal to the price fixed by the contract or arrangement minus the aggregate of all amounts paid by him

(a) in the case of a contract or arrangement relating to movable property, before the 1949 taxation year, and

(b) in the case of any other contract or arrangement, before the 1950 taxation year, under the contract or arrangement on account of the rent or other consideration.

(2) Where a person is deemed under subsection (1) to have acquired property under a contract or arrangement and the contract or arrangement is subsequently rescinded or determined, he shall, for the purpose of section 20, be deemed to have disposed of the property for the price fixed by the contract or arrangement minus the aggregate of all amounts paid by him under the contract or arrangement on account of the rent or other consideration. 1950, c. 40, s. 7.

19. (1) Where a corporation resident in Canada has loaned money to a non-resident person and the loan has remained outstanding for one year or longer without interest at a reasonable rate having been included in computing the lender's income, interest thereon, computed at 5% per annum

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annum for the taxation year or part of the year during which the loan was outstanding, shall, for the purpose of computing the lender's income, be deemed to have been received by the lender on the last day of each taxation year during all or part of which the loan has been outstanding.

(2) Subsection (1) does not apply if a tax has been paid Exception. on the amount of the loan under Part III.

(3) Subsection (1) does not apply if the loan was made to a subsidiary controlled corporation and it is established that the money that was loaned was used in the subsidiary corporation's business for the purpose of gaining or producing income. 1948, c. 52, s. 19; 1951, c. 51, s. 5.

20. (1) Where depreciable property of a taxpayer of a prescribed class has, in a taxation year, been disposed of and the proceeds of disposition exceed the undepreciated capital cost to him of depreciable property of that class immediately before the disposition, the lesser of

(a) the amount of the excess, or

(b) the amount that the excess would be if the property had been disposed of for the capital cost thereof to the taxpayer,

shall be included in computing his income for the year. Determination of net amount.

(2) Where one or more amounts are by subsection (1) required to be included in computing a taxpayer's income for a taxation year in respect of the disposition of depreciable property of a prescribed class and the taxpayer has, during the year but following the dispositions, acquired further depreciable property of that class, notwithstanding subsection (1) and paragraph (e) of subsection (5), the following rules are applicable:

(a) if the aggregate of the amounts that would, according to the terms of subsection (1), be included thereunder in computing his income is equal to or exceeds the amount that would, according to the terms of paragraph (e) of subsection (5), be the undepreciated capital cost to him of depreciable property of that class at the end of the year before any deduction is made under paragraph (a) of subsection (1) of section 11 for that year,

(i) the amount to be included in computing his income for the year under subsection (1) in respect of dispositions of depreciable property of that class is that aggregate minus the amount that would be that undepreciated capital cost, and

(ii)
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(ii) the undepreciated capital cost to him of depreciable property of that class at the end of the year is nothing;

and

(b) if the aggregate of the amounts that would, according to the terms of subsection (1), be included thereunder in computing his income is less than the amount that would, according to the terms of paragraph (e) of subsection (5), be the undepreciated capital cost to him of depreciable property of that class at the end of the year before any deduction is made under paragraph (a) of subsection (1) of section 11 for that year,

(i) no amounts shall be included in computing his income for the year in respect of depreciable property of that class under subsection (1), and

(ii) the undepreciated capital cost to him of depreciable property of that class at the end of the year before any deduction is made under paragraph (a) of subsection (1) of section 11 for the year is the amount that it would be according to the terms of paragraph (e) of subsection (5) minus that aggregate.

Reference to "taxation year", "his income".

(3) Where a taxpayer is an individual and his income for a taxation year includes income from a business the fiscal period of which does not coincide with the calendar year, if depreciable property acquired for the purpose of gaining or producing income for the business has been disposed of,

(a) a reference in subsection (1) or (2) to a "taxation year" or "the year" shall be read as a reference to a "fiscal period" or "the period"; and

(b) a reference in subsection (1) or (2) to "his income" shall be read as a reference to "his income from the business".

Depreciation.

(4) Where depreciable property did, at any time after the commencement of 1949, belong to a person (hereinafter referred to as the original owner) and has, by one or more transactions between persons not dealing at arm's length, become vested in a taxpayer, the following rules are, notwithstanding section 17, applicable for the purposes of this section and regulations made under paragraph (a) of subsection (1) of section 11:

(a) the capital cost of the property to the taxpayer shall be deemed to be the amount that was the capital cost of the property to the original owner;

(b) where the capital cost of the property to the original owner exceeds the actual capital cost of the property

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to the taxpayer, the excess shall be deemed to have been allowed to the taxpayer in respect of the property under regulations made under paragraph (a) of subsection (1) of section 11 in computing income for taxation years before the acquisition thereof by the taxpayer.

(5) In this section and regulations made under paragraph Idem. (a) of subsection (1) of section 11,

(a) "depreciable property of a taxpayer" as of any time in a taxation year means property in respect of which the taxpayer has been allowed, or is entitled to, a deduction under regulations made under paragraph (a) of subsection (1) of section 11 in computing income for that or a previous taxation year;

(b) "disposition of property" includes any transaction or event entitling a taxpayer to proceeds of disposition of property;

(c) "proceeds of disposition" of property include

(i) the sale price of property that has been sold,
(ii) compensation for property damaged, destroyed, taken or injuriously affected, either lawfully or unlawfully, or under statutory authority or otherwise,
(iii) an amount payable under a policy of insurance in respect of loss or destruction of property, and
(iv) an amount payable under a policy of insurance in respect of damage to property except to the extent that the amount has, within a reasonable time after the damage, been expended on repairing the damage;

(d) "total depreciation allowed to a taxpayer" before any time for property of a prescribed class means the aggregate of all amounts allowed to the taxpayer in respect of property of that class under regulations made under paragraph (a) of subsection (1) of section 11 in computing income for taxation years before that time; and

(e) "undepreciated capital cost to a taxpayer of depreciable property" of a prescribed class as of any time means the capital cost to the taxpayer of depreciable property of that class acquired before that time minus the aggregate of

(i) the total depreciation allowed to the taxpayer for property of that class before that time,
(ii) for each disposition before that time of property of the taxpayer of that class, the least of

(A) the proceeds of disposition thereof,

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(B)

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(B) the capital cost to him thereof, or
(C) the undepreciated capital cost to him of property of that class immediately before the disposition, and

(iii) each amount by which the undepreciated capital cost to the taxpayer of depreciable property of that class as of the end of a previous year was reduced by virtue of subsection (2).

Idem.

(6) For the purpose of this section and regulations made under paragraph (a) of subsection (1) of section 11, the following rules apply:

(a) where a taxpayer, having acquired property for the purpose of gaining or producing income therefrom or for the purpose of gaining or producing income from a business, has commenced at a later time to use it for some other purpose, he shall be deemed to have disposed of it at that later time at its fair market value at that time;

(b) where a taxpayer, having acquired property for some other purpose, has commenced at a later time to use it for the purpose of gaining or producing income therefrom, or for the purpose of gaining or producing income from a business, he shall be deemed to have acquired it at that later time at its fair market value at that time;

(c) where a taxpayer has acquired property by gift, bequest or inheritance, the capital cost to him shall be deemed to have been the fair market value thereof at the time he so acquired it;

(d) where a taxpayer has given property away otherwise than by will, he shall be deemed to have disposed of it at the time of the gift at its fair market value at that time;

(e) where property has, since it was acquired by a taxpayer, been regularly used in part for the purpose of gaining or producing income therefrom or for the purpose of gaining or producing income from a business and in part for some other purpose, the taxpayer shall be deemed to have acquired, for the purpose of gaining or producing income, the proportion of the property that the use regularly made of the property for gaining or producing income is of the whole use regularly made of the property at a capital cost to him equal to the same proportion of the capital cost to him of the whole property; and, if the property has, in such a case, been disposed of, the proceeds of disposition of the proportion of the property deemed to have been acquired for

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gaining or producing income shall be deemed to be the same proportion of the proceeds of disposition of the whole property;

(f) where, at any time after a taxpayer has acquired property, there has been a change in the relation between the use made by him of the property for gaining or producing income and the use made of the property for other purposes, the property shall, for the purpose of paragraph (e), be deemed to have been disposed of at that time by the taxpayer at its fair market value at that time and to have been reacquired at the same time at a capital cost equal to the same amount;

(g) where an amount can reasonably be regarded as being in part the consideration for disposition of depreciable property of a taxpayer of a prescribed class and as being in part consideration for something else, the part of the amount that can reasonably be so regarded shall be deemed to be the proceeds of disposition of the depreciable property of that class irrespective of the form or legal effect of the contract or agreement;

(h) where a taxpayer has received or is entitled to receive a grant, subsidy or other assistance from a government, municipality or other public authority in respect of or for the acquisition of property, the capital cost of the property shall be deemed to be the capital cost thereof to the taxpayer minus the amount of the grant, subsidy or other assistance.

(7) In paragraphs (a), (b), (e) and (f) of subsection "Business" defined, in the case of a non-resident taxpayer, "business" means a business wholly carried on in Canada or such part of a business as is wholly carried on in Canada.

(8) Subsection (1) does not apply in determining a taxpayer's income for a taxation year from farming or fishing unless he has elected to take a deduction for that or a previous year under regulations made under paragraph (a) of subsection (1) of section 11 other than a regulation providing solely for an allowance for computing income from farming or fishing.

(9) Notwithstanding subsection (8), where a deduction has been taken under the Canadian Vessel Construction Assistance Act for any year, subsection (1) is applicable in respect of the prescribed class created by that Act. 1949 (2nd Sess.), c. 25, s. 7; 1950, c. 40, s. 8; 1952, c. 29, s. 32.  

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21. (1) Where a person has, on or after the 1st day of August, 1917, transferred property, either directly or indirectly, by means of a trust or by any other means whatsoever, to his spouse, or to a person who has since become his spouse, the income for a taxation year from the property or from property substituted therefor shall be deemed to be income of the transferor and not of the transferee.

(2) Where a person has received remuneration as the employee of his spouse, the amount thereof shall not be deducted in computing income from the spouse’s business and shall not be included in computing the employee’s income.

(3) Where, in a taxation year, a person has received remuneration as the employee of a partnership in which his spouse was a partner, the proportion of the remuneration that the spouse’s interest in the partnership business was of the interest of all the partners shall be deemed to have been received by the spouse as part of the income from the business for the year and not to have been received by the employee.

(4) Where a husband and wife were partners in a business, the income of one spouse from the business for a taxation year may, in the discretion of the Minister, be deemed to belong to the other spouse. 1948, c. 52, s. 21.

22. (1) Where a taxpayer has, since 1930, transferred property to a person who was under 19 years of age, either directly or indirectly, by means of a trust or by any other means whatsoever, the income for a taxation year from the property or from property substituted therefor shall be deemed to be income of the taxpayer and not of the transferee unless the transferee has before the end of the year attained the age of 19 years.

(2) Where, by a trust created in any manner whatsoever since 1934, property is held on condition

(a) that it or property substituted therefor may

(i) revert to the person from whom the property or property for which it was substituted was directly or indirectly received, or

(ii) pass to persons to be determined by him at a time subsequent to the creation of the trust, or

(b) that, during the lifetime of the person from whom the property or property for which it was substituted was directly or indirectly received, the property shall not be disposed of except with his consent or in accordance with his direction,

income from the property shall be deemed to be income of such person.

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23. Where a taxpayer has, at any time before the end of a taxation year (whether before or after the commencement of this Act), transferred or assigned to a person with whom he was not dealing at arm's length the right to an amount that would, if the right thereto had not been so transferred or assigned, be included in computing his income for the taxation year because the amount would have been received or receivable by him in or in respect of the year, the amount shall be included in computing the taxpayer's income for the taxation year unless the income is from property and the taxpayer has also transferred or assigned the property. 1950, c. 40, s. 9.

24. (1) Where a person has received a security or other right or a certificate of indebtedness or other evidence of indebtedness wholly or partially as or in lieu of payment of or in satisfaction of an interest, dividend or other debt that was then payable and the amount of which would be included in computing his income if it had been paid, the value of the security, right or indebtedness or the applicable portion thereof shall, notwithstanding the form or legal effect of the transaction, be included in computing his income for the taxation year in which it was received; and a payment in redemption of the security, satisfaction of the right or discharge of the indebtedness shall not be included in computing the recipient's income.

(2) Where a security or other right or a certificate of indebtedness or other evidence of indebtedness has been received by a person wholly or partially as, or in lieu of payment of or in satisfaction of a debt before the debt was payable, but was not itself payable or redeemable before the day on which the debt was payable, it shall, for the purpose of subsection (1), be deemed to have been received when the debt became payable by the person holding it at that time.

(3) This section is enacted for greater certainty and shall not be construed as limiting the generality of the other provisions of this Part by which amounts are required to be included in computing income. 1948, c. 52, s. 24.

25. An amount received by one person from another, 
   (a) during a period while the payee was an officer of, or in the employment of, the payer, or 
   (b) on account or in lieu of payment of, or in satisfaction of, an obligation arising out of an agreement made by the payer with the payee immediately prior to, during or immediately after a period that the payee was an officer of, or in the employment of, the payer, 

shall be deemed, for the purpose of section 5, to be remuneration for the payee's services rendered as an officer or during the period of employment, unless it is established that, irrespective of when the agreement, if any, under which the amount was received was made or the form or legal effect thereof, it cannot reasonably be regarded as having been received 

(i) as consideration or partial consideration for accepting the office or entering into the contract of employment, 
(ii) as remuneration or partial remuneration for services as an officer or under the contract of employment, or 
(iii) in consideration or partial consideration for covenant with reference to what the officer or employee is, or is not, to do before or after the termination of the employment. 1949 (2nd Sess.), c. 25, s. 9.

DIVISION C—COMPUTATION OF TAXABLE INCOME.

26. (1) For the purpose of computing the taxable income of an individual for a taxation year, there may be deducted from his income for the year such of the following amounts as are applicable:

(a) $2,000 in the case of a taxpayer who, during the year, was 
   (i) a married person who supported his spouse, 
   (ii) a person who had a child wholly dependent upon him for support, if the child was, during the year, 
      (A) under 21 years of age, or 
      (B) 21 years of age or over and dependent by reason of mental or physical infirmity, 
   (iii) an unmarried person or a married person not supporting his spouse who maintained a self-contained domestic establishment and actually supported
supported therein a person wholly dependent upon him and connected with him by blood relationship, marriage or adoption, or

(iv) an unmarried minister or clergyman in charge of a diocese, parish or congregation who maintained a self-contained domestic establishment and employed therein a full-time servant;

(b) $1,000 in the case of an individual not entitled to a deduction under paragraph (a);

(c) for each child or grandchild of the taxpayer who, during the year, was wholly dependent upon him for support and was

(i) under 21 years of age, or

(ii) 21 years of age or over and dependent by reason of mental or physical infirmity,

$150 if the child or grandchild was a child qualified for family allowance and $400 if the child or grandchild was not so qualified;

(d) an amount expended by the taxpayer during the taxation year for the support of a person who, during the year, was dependent on the taxpayer for support and was

(i) his parent or grandparent and dependent by reason of mental or physical infirmity,

(ii) his brother or sister

(A) under 21 years of age, or

(B) 21 years of age or over and dependent by reason of mental or physical infirmity,

not exceeding $150 if the person was a child qualified for family allowance and $400 if he was not so qualified; and

(e) $500 in the case of a taxpayer who has attained the age of 65 years before the end of the year.

(2) Where a married person supported his spouse during a taxation year and the spouse

(a) has income for the year while married exceeding $250 and not exceeding $1,000, the deduction of $2,000 allowed the married person by paragraph (a) of subsection (1) shall be reduced by the amount by which the spouse’s income exceeds $250, or

(b) has income for the year while married exceeding $1,000, each spouse is entitled to the deduction permitted by paragraph (b) of subsection (1) and not that permitted by paragraph (a) thereof;

and, for the purpose of this subsection, where a man and his wife lived together during the taxation year, he shall be deemed to have supported her during that year.
(3) For the purpose of the deduction for a child under paragraph (c) of subsection (1), it shall be assumed, unless the contrary is established, that an illegitimate child was wholly dependent on his mother and that any other child was wholly dependent on his father.

(4) A taxpayer who is entitled to a deduction under paragraph (a) of subsection (1) by reason of having a dependant as described therein may not make a deduction under paragraph (c) or (d) of subsection (1) in respect of the same dependant unless the dependant is a child of the taxpayer and he employs a full-time servant in a self-contained domestic establishment where he supports the child.

(5) Where a taxpayer is entitled to a deduction in computing his income for a taxation year under paragraph (1) of subsection (1) of section 11 in respect of a payment for the maintenance of a spouse or child, the spouse or child shall, for the purposes of this section, be deemed not to be the spouse or child of the taxpayer.

(6) Where more than one taxpayer is entitled to deduct an amount under paragraph (d) of subsection (1) in respect of the same dependant, no more than $150 or $400, as the case may be, is deductible in respect of the dependant and, where the taxpayers cannot agree as to what portion of the amount each can deduct, the Minister may fix the portions.

27. (1) For the purpose of computing the taxable income of a taxpayer for a taxation year, there may be deducted from the income for the year such of the following amounts as are applicable:

(a) the aggregate of gifts made by the taxpayer in the year to charitable organizations in Canada exempt from tax under this Part by paragraph (e) of subsection (1) of section 62, corporations or trusts resident in Canada and exempt from tax under this Part by paragraph (f) or (g) of subsection (1) of section 62, Her Majesty in right of the provinces and Canadian municipalities, not exceeding

(i) in the case of a corporation, 5% of its income for the year, and

(ii) in the case of an individual, 10% of his income for the year,

if payment of the amounts given is proven by filing receipts with the Minister;

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(b) the aggregate of gifts made by the taxpayer in the year to Her Majesty in right of Canada, if payment of the amounts given is proven by filing receipts with the Minister;

(c) an amount equal to that portion of medical expenses in excess of 4% of the taxpayer's income for the year paid either by the taxpayer or his legal representatives

(i) within a period of 12 months ending in the year and not included in the calculation of a deduction for medical expenses under this Act for a previous year, or

(ii) in the event of the death of the taxpayer, within a period of 12 months commencing in the year and not included in the calculation of a deduction for medical expenses under this Act for a previous year, if payment was made

(iii) to a medical practitioner, dentist or nurse qualified to practise under the laws of the place where the expenses were incurred or a public or licensed private hospital in respect of a birth in the family of, illness of or operation on the taxpayer, his spouse or any dependant in respect of whom he may make a deduction from income under section 26 for the year in which the expense was incurred,

(iv) as remuneration for one full-time attendant upon the taxpayer, his spouse or any such dependant who was throughout the whole of a 12 months' period ending in the taxation year necessarily confined by reason of illness, injury or affliction to a bed or wheelchair,

(v) as remuneration for one full-time attendant upon the taxpayer, his spouse or any such dependant who was totally blind at any time in the taxation year and required the services of an attendant,

(vi) for an artificial limb, a spinal brace, a brace for a limb, an aid to hearing or a wheelchair for the taxpayer, his spouse or any such dependant, or

(vii) for insulin, cortisone, adrenocorticotropic (ACTH), liver extract injectible for pernicious anaemia or vitamin B12 for pernicious anaemia, purchased for use by the taxpayer, his spouse or any such dependant as prescribed by such a medical practitioner,

but not exceeding the aggregate of 3233
(viii) $2,000 in the case of a person who is entitled to a deduction of $2,000 under paragraph (a) of subsection (1) of section 26 or would be so entitled if it were not for subsection (2) of the said section and $1,500 in the case of any other person (but a husband and wife are entitled to only one such deduction of $2,000 between them), and

(ix) $500 for each dependant in respect of whom he may make a deduction from income under section 26 but not exceeding $2,000 in respect of such dependants,

if payment of the expenses is proven by filing receipts with the Minister;

(d) $500 if the taxpayer

(i) was totally blind at any time in the year or was, throughout the whole of the year, necessarily confined, by reason of illness, injury or affliction, to a bed or wheel chair, and

(ii) did not include any amount in respect of remuneration for an attendant by reason of his blindness, illness, injury or affliction in calculating a deduction for medical expenses under this section for the year; and

(e) business losses sustained in the 5 taxation years immediately preceding and the taxation year immediately following the taxation year, but

(i) an amount in respect of a loss is only deductible to the extent that it exceeds the aggregate of amounts previously deductible in respect of that loss under this Act,

(ii) no amount is deductible in respect of the loss of any year until the deductible losses of previous years have been deducted, and

(iii) no amount is deductible in respect of losses from the income of any year except to the extent of the lesser of

(A) the taxpayer's income for the taxation year from the business in which the loss was sustained, or

(B) the taxpayer's income for the taxation year minus all deductions permitted by the provisions of this Division other than this paragraph or section 26.

(2) Where an individual was, during the taxation year, a member of a religious order and had, as such, taken a vow of perpetual poverty, he may, in lieu of the deduction permitted by paragraph (a) of subsection (1) deduct from his

his income for the year an amount equal to his earned income for the year as defined by section 32 if, of his income, that amount has been paid to the order.

(3) Where a person resided during the whole of a taxation year in Canada near the boundary between Canada and the United States of America, if

(a) he commuted to his principal place of employment or business in the United States, and

(b) his chief source of income for the year was that employment or business,
a gift made by him in the year to a religious, charitable, scientific, literary or educational organization created or organized in or under the law of the United States that would be allowed as a deduction under the United States Internal Revenue Code shall, for the purpose of paragraph (a) of subsection (1), be deemed to have been made to a charitable organization in Canada exempt from tax under this Part by paragraph (e) of subsection (1) of section 62.

1948, c. 52, s. 26; 1949 (2nd Sess.), c. 25, s. 11; 1950, c. 40, s. 10; 1951, c. 51, s. 6; 1952, c. 29, s. 7.

28. (1) Where a corporation in a taxation year received a dividend from a corporation that

(a) was resident in Canada in the year and was not, by virtue of a statutory provision, exempt from tax under this Part for the year,

(b) was exempt from tax under this Part for the year by virtue of the provision exempting investment companies,

(c) had never paid tax under this Part by virtue of provisions allowing a deduction or exemption from tax on income derived from the operation of base metal, strategic mineral, metalliferous and industrial mineral mines during the first three years of production,

(d) was a non-resident corporation more than 25% of the issued share capital of which (having full voting rights under all circumstances) belonged to the receiving corporation, or

(e) was a foreign business corporation more than 25% of the issued share capital of which (having full voting rights under all circumstances) belonged to the receiving corporation,
an amount equal to the dividend minus any amount deducted under subsection (2) of section 11 in computing the receiving corporation's income may be deducted from the income of that corporation for the year for the purpose of determining its taxable income.

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(2) Notwithstanding subsection (1), where
(a) a dividend was paid by a corporation that was resident in Canada and was controlled by the receiving corporation, and
(b) the payer corporation had undistributed income on hand at the end of its last complete taxation year before the control was acquired (which undistributed income is hereinafter referred to as the "designated surplus"),

if the dividend was paid out of designated surplus, no amount is deductible under subsection (1), and, if a portion of the dividend was paid out of designated surplus, the amount deductible under subsection (1) is the dividend minus the aggregate of

(c) the portion of the dividend that was paid out of designated surplus, and

(d) the part of any amount deductible under subsection (2) of section 11 in computing the receiving corporation’s income reasonably attributable to the portion of the dividend that was not paid out of designated surplus.

(3) For the purpose of subsection (2), one corporation is controlled by another corporation if more than 50% of its issued share capital (having full voting rights under all circumstances) belongs to the other corporation or to the other corporation and persons with whom the other corporation does not deal at arm’s length.

(4) In this section, “control period” means the period from the commencement of the payer corporation’s taxation year in which the control was acquired to the time when the dividend was paid.

(5) In this section, the amount of a corporation’s earnings for a control period that was available for payment of dividends at a particular time is the amount by which

(a) the aggregate of its incomes for the completed taxation years in the control period, exceeds

(b) the aggregate of

(i) its taxes under this Part for the completed taxation years in the control period,

(ii) all dividends paid in the control period before the particular time, to the extent that they are not, for the purpose of subsection (2), deemed to have been paid out of designated surplus, and

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(iii) such part of the dividends deemed under this Part to have been received from the corporation in the control period before the particular time as was included in computing the recipients' incomes to the extent that they are not, for the purpose of subsection (2), deemed to have been paid out of designated surplus.

(6) For the purpose of subsection (2)

(a) where the amount of a corporation's earnings for the control period that was available for payment of dividends was, at the time a particular dividend was paid, equal to or greater than the particular dividend plus all other dividends paid by the payer corporation at the same time as the particular dividend, no part of the particular dividend shall be regarded as having been paid out of designated surplus, and

(b) in any other case, the portion of the particular dividend that was paid out of designated surplus is the proportion of

(i) the aggregate of the particular dividend and all other dividends paid by the payer corporation at the same time as the particular dividend minus the amount, if any, of the corporation's earnings for the control period that was available for payment of dividends at that time, or

(ii) the designated surplus minus the aggregate of

(A) the tax-paid undistributed income of the payer corporation as of the commencement of the control period,

(B) any amount upon which tax has been paid by the payer corporation under Part II after the commencement of the control period and before the dividend was paid, and

(C) the dividends paid by the payer corporation out of the designated surplus during the control period but before the particular dividend was paid,

whichever is the lesser, that the particular dividend is of the aggregate of the particular dividend and all other dividends paid by the payer corporation at the same time as the particular dividend.

(7) For the purpose of subsection (6), where a corporation has, at the same time paid dividends on issued share capital of different classes and a class had full voting rights under all circumstances and another had not, the dividends paid on share capital of different classes.
on the share capital that had full voting rights under all circumstances shall be deemed to have been paid immediately after the other dividends.

(8) For the purpose of subsection (6), dividends paid on the same day shall, subject to subsection (7), be deemed to have been paid at the same time.

(9) For the purpose of this section, dividends deemed by this Act to have been received from the payer corporation and required by this Act to be included in computing the recipient's income shall be deemed to have been paid by the payer corporation.

(10) Where a corporation in a taxation year received a dividend from a corporation that is taxable under subsection (2) of section 2 for the year, an amount equal to the proportion of

(a) the dividend,
(b) any amount deducted under subsection (2) of section 11 in computing the receiving corporation's income, that the paying corporation's taxable income earned in Canada for the immediately preceding year is of the whole of its taxable income for that year may be deducted from the income of the receiving corporation for the taxation year for the purpose of determining its taxable income.

(11) Where a corporation has, in its return of income under this Part for a taxation year, deducted under this section an amount in respect of a dividend, no loss arising from transactions with reference to the share in respect of which the dividend was received shall be allowed to reduce the income of the taxpayer for that or a subsequent taxation year unless it is established by the corporation that

(a) the corporation owned the share 365 days or longer before the loss was sustained, and
(b) the corporation did not, at the time the dividend was received, own more than 5% of the issued share capital of the corporation from which the dividend was received.

(12) Subsection (2) is not applicable

(a) where the receiving corporation acquired control of the payer corporation on or before May 10, 1950, or
(b) where the receiving corporation acquired control of the payer corporation after May 10, 1950, and before June 30, 1950, pursuant to a right that existed on or before May 10, 1950. 1948, c. 52, s. 27; 1950, c. 40, s. 11; 1951, c. 51, s. 7; 1952, c. 29, s. 8.

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29. Where an individual was resident in Canada during part of a taxation year, and during some other part of the year was not resident in Canada, was not employed in Canada and was not carrying on business in Canada, for the purpose of this Act, his taxable income for the taxation year is

(a) his income for the period or periods in the year during which he was resident in Canada, was employed in Canada or was carrying on business in Canada computed as though such period or periods were the whole taxation year,

minus

(b) the aggregate of such of the deductions from income permitted for determining taxable income as may reasonably be considered wholly applicable to such period or periods and of such part of any other of the said deductions as may reasonably be considered applicable to such period or periods. 1949 (2nd Sess.), c. 25, s. 13.

30. Notwithstanding anything in this Part, the taxable income of a life insurance corporation for a taxation year is the aggregate of the amounts credited to shareholders' account or otherwise appropriated for or on account of shareholders during the year minus the aggregate of

(a) amounts charged in the year to the shareholders as their fair proportion of losses incurred upon investments or other losses of a similar character,

(b) amounts transferred in the year from the shareholders' account to an insurance fund or an investment reserve fund,

(c) in a case where an amount equal to dividends or portions of dividends would be deductible under section 28, if that section were applicable, such proportion of the amount credited or appropriated as aforesaid as may reasonably be regarded as having been derived from those dividends or portions of dividends, and

(d) gifts made out of the shareholders' account by the taxpayer in the year to organizations in Canada operated exclusively for charitable purposes not exceeding in the aggregate for the year 5% of the amount so credited or appropriated minus the amounts described by paragraphs (a) and (b). 1948, c. 52, s. 29; 1949 (2nd Sess.), c. 25, s. 14.
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DIVISION D—TAXABLE INCOME EARNED IN CANADA BY NON-RESIDENTS.

31. (1) For the purposes of this Act, a non-resident person’s taxable income earned in Canada for a taxation year is

(a) the part of his income for the year that may reasonably be attributed to the duties performed by him in Canada or the business carried on by him in Canada, minus

(b) the aggregate of such of the deductions from income permitted for determining taxable income as may reasonably be considered wholly applicable and of such part of any other of the said deductions as may reasonably be considered applicable.

(2) Where one or more non-resident persons rendered services in Canada as directors, officers or employees of a corporation carrying on business in Canada the majority of the voting shares of which were owned or controlled by him or them or a trustee acting on his or their behalf, all dividends and interest received by him or them or a trustee on his or their behalf from the corporation or a subsidiary thereof, shall be deemed to have been earned by him or them in Canada. 1948, c. 52, s. 30.

DIVISION E—COMPUTATION OF TAX.

Rules Applicable to Individuals.

32. (1) The tax payable by an individual under this Part upon his taxable income or taxable income earned in Canada, as the case may be (in this section referred to as the “amount taxable”) for a taxation year is

(a) 17% of the amount taxable if the amount taxable does not exceed $1,000,

(b) $170 plus 19% of the amount by which the amount taxable exceeds $1,000 if the amount taxable exceeds $1,000 and does not exceed $2,000,

(c) $360 plus 22% of the amount by which the amount taxable exceeds $2,000 if the amount taxable exceeds $2,000 and does not exceed $4,000,

(d) $800 plus 25% of the amount by which the amount taxable exceeds $4,000 if the amount taxable exceeds $4,000 and does not exceed $6,000,

(e) $1,300 plus 30% of the amount by which the amount taxable exceeds $6,000 if the amount taxable exceeds $6,000 and does not exceed $8,000,

(f) $1,900 plus 35% of the amount by which the amount taxable exceeds $8,000 if the amount taxable exceeds $8,000 and does not exceed $10,000,

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(g) $2,600 plus 40% of the amount by which the amount taxable exceeds $10,000 if the amount taxable exceeds $10,000 and does not exceed $12,000,

(h) $3,400 plus 45% of the amount by which the amount taxable exceeds $12,000 if the amount taxable exceeds $12,000 and does not exceed $15,000,

(i) $4,750 plus 50% of the amount by which the amount taxable exceeds $15,000 if the amount taxable exceeds $15,000 and does not exceed $25,000,

(j) $9,750 plus 55% of the amount by which the amount taxable exceeds $25,000 if the amount taxable exceeds $25,000 and does not exceed $35,000,

(k) $15,250 plus 60% of the amount by which the amount taxable exceeds $35,000 if the amount taxable exceeds $35,000 and does not exceed $50,000,

(l) $24,250 plus 65% of the amount by which the amount taxable exceeds $50,000 if the amount taxable exceeds $50,000 and does not exceed $75,000,

(m) $40,500 plus 70% of the amount by which the amount taxable exceeds $75,000 if the amount taxable exceeds $75,000 and does not exceed $100,000,

(n) $58,000 plus 75% of the amount by which the amount taxable exceeds $100,000 if the amount taxable exceeds $100,000 and does not exceed $150,000,

(o) $95,500 plus 80% of the amount by which the amount taxable exceeds $150,000 if the amount taxable exceeds $150,000 and does not exceed $250,000,

(p) $175,500 plus 86% of the amount by which the amount taxable exceeds $250,000 if the amount taxable exceeds $250,000.

(2) An individual, other than a trust or estate or an individual whose income for the year is wholly or partly from a business, whose taxable income or taxable income earned in Canada, as the case may be, for a taxation year is $3,000 or less and whose investment income for the year is not more than $2,400, may, in lieu of the tax under subsection (1), pay a tax computed in accordance with a prescribed table, which shall be prepared in accordance with the following rules:

(a) the table shall be divided into ranges of amounts not exceeding $10 each and specify the tax payable on every amount taxable within each range, and

(b) the tax payable on amounts taxable within one of the ranges referred to in paragraph (a) shall be the amount in dollars (excluding any fractional part of a dollar).

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dollar) that is nearest the tax otherwise payable under subsection (1) on the average of the highest and lowest amounts in the range.

Tax on investment income.

(3) There shall be added to the tax of each individual computed under subsection (1) for each year an amount equal to 4% of the amount by which the taxpayer's investment income for the year exceeds the greater of 

(a) $2,400, or

(b) the aggregate of the deductions from income for the year to which he is entitled under section 26.

Definition of "investment income."

(4) For the purpose of this section, "investment income" means the income for the taxation year minus the aggregate of the earned income for the year and the amounts deductible from income under paragraphs (a), (c) and (d) of subsection (1) of section 27.

"Earned income."

(5) For the purpose of this section, "earned income" means

(a) salary or wages, superannuation or pension benefits, retiring allowances, death benefits, royalties in respect of a work or invention of which the taxpayer was the author or inventor, and amounts allocated to the taxpayer by a trustee under an employees profit sharing plan, and

(b) income from the carrying on of a business either alone or as a partner actively engaged in the business.

Excess over reasonable remuneration.

(6) Where a taxpayer's remuneration for a taxation year is in excess of a fair and reasonable remuneration for services rendered by the taxpayer, the excess shall be deemed, for the purpose of this section, to be investment income for the year.

Allocation of expenses.

(7) Where a disbursement or expense was laid out or expended for the purpose of earning both earned income and investment income, it shall, for the purpose of this section, be allocated in reasonable portions to earned income and investment income.

Notch provision.

(8) Where

(a) the tax otherwise payable by a taxpayer for a taxation year under this Part is greater than it would be if the income of a dependant or spouse for the year did not exceed an amount fixed by this Act or a regulation, and

(b) the tax otherwise payable under this Part for the year is greater than the aggregate of

(i) the tax that would be payable if the income of the dependant or spouse were that fixed amount, and

(ii)
(ii) the amount by which the income of the dependant or spouse is in excess of that fixed amount, the tax payable under this Part for the year may be reduced to the aggregate of the amounts described by subparagraphs (i) and (ii) of paragraph (b). 1948, c. 52, s. 31; 1949 (2nd Sess.), c. 25, s. 15; 1951, c. 51, s. 8; 1952, c. 29, s. 9.

33. (1) Where an individual has paid tax on income for a taxation year to the government of a province in which he resided, was employed or carried on business during the year, there may be deducted from the tax otherwise payable under this Part for the year the lesser of

(a) an amount equal to the tax so paid, or

(b) 5% of the tax otherwise payable under this Part for the year.

(2) For the purpose of this section “tax otherwise payable under this Part” means the tax otherwise payable after making any deduction under section 38 but before making any deduction in respect of taxes paid to the government of a country other than Canada. 1948, c. 52, s. 32.

34. There may be deducted from the tax otherwise payable by a non-resident individual under this Part for a taxation year the amount deducted or withheld in the year under Part III from dividends or interest that are deemed by subsection (2) of section 31 to have been earned by him in Canada. 1948, c. 52, s. 33.

35. (1) Where a part of a payment is required, by section 7, to be included in computing the income of a taxpayer resident in Canada for a taxation year and it may reasonably be regarded as a payment of interest in respect of a period of not less than three years, the amount thereof may, at the option of the taxpayer, be deemed not to be income of the taxpayer for the purposes of this Part, in which case the taxpayer shall pay in addition to any other tax payable for the year a tax on the amount thereof equal to the portion thereof that

(a) the aggregate of the taxes otherwise payable by the taxpayer under this Part for the taxation year and the two years immediately preceding the taxation year (before making any deduction under section 33, 34, 38 or 41),

is of

(b) the aggregate of the taxpayer's incomes for those three years.
(2) Where a taxpayer who has elected under subsection (1) that an amount shall be deemed not to be income for the purpose of this Part was not resident in Canada throughout the whole of the taxation year and the two immediately preceding taxation years, the tax payable under this section is the portion of the amount on which the tax is payable that

(a) the aggregate of the taxes that would have been payable by the taxpayer under this Part for the taxation year and the two immediately preceding taxation years (before making any deduction under section 33, 34, 38 or 41) if he had been resident in Canada throughout those years and his incomes for those years had been from sources in Canada,

is of

(b) the aggregate of the taxpayer's incomes for those three years;

and, in such a case, the election is not valid unless the taxpayer has filed, with his election, a return of his incomes for the two immediately preceding taxation years in the same form and containing the same information as the returns that he would have been required to file under this Part if he had been resident in Canada in those years. 1951, c. 51, s. 9.

36. (1) In the case of

(a) a single payment

(i) out of or pursuant to a superannuation or pension fund or plan upon the death, withdrawal or retirement from employment of an employee or former employee or upon the winding-up of the fund or plan in full satisfaction of all rights of the payee in or under the fund or plan, or

(ii) upon retirement of an employee in recognition of long service and not made out of or under a superannuation fund or plan,

(b) a payment or payments made by an employer to an employee or former employee upon or after retirement in respect of loss of office or employment, or

(c) a payment or payments made as a death benefit, the payment or payments made in a taxation year may, at the option of the taxpayer by whom it is or they are received, be deemed not to be income of the taxpayer for the purpose of this Part, in which case the taxpayer shall pay, in addition to any other tax payable for the year, a tax on the payment or aggregate of the payments equal to the proportion thereof that

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(i) the aggregate of the taxes otherwise payable by the employee under this Part for the last year (preceding the taxation year) for which the employee had an income from the office or employment and the two years immediately preceding that year (before making any deduction under section 33, 34, 38 or 41),

is of

(ii) the aggregate of the employee’s incomes for those three years.

(2) Where a taxpayer has elected that a payment or payments of one of the classes described in paragraphs (a), (b) and (c) of subsection (1) in respect of an employee or former employee who was not resident in Canada throughout the whole of the three years referred to in paragraph (ii) of subsection (1) shall be deemed not to be income of the taxpayer for the purpose of this Part, the tax payable under this section is that portion of the amount on which the tax is payable that

(a) the aggregate of the taxes that would have been payable by the employee under this Part for the three years referred to in paragraph (ii) of subsection (1) (before making any deduction under section 33, 34, 38 or 41) if he had been resident in Canada throughout those years and his incomes for those years had been from sources in Canada,

is of

(b) the aggregate of the employee’s incomes for those three years;

and, in such a case, the election is not valid unless the taxpayer has filed with his election, a return of the employee’s incomes for each of the three years in the same form and containing the same information as the return that the employee, or his legal representative, would have been required to file under this Part if he had been resident in Canada in those years. 1951, c. 51, s. 9.

37. Where, by reason of a change made with the concurrence of the Minister in the fiscal period of a taxpayer who is an individual or the fiscal period of a partnership in which a taxpayer who is an individual is a member, there would otherwise be included in computing his income for a taxation year

(a) income from a business of which he is a proprietor for each of two or more fiscal periods, or

(b) income from the partnership for each of two or more fiscal periods,
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and the number of days in the fiscal periods is greater than the number of days in the taxation year, the following rules are, if the taxpayer so elects, applicable:

(i) the taxpayer's income from the business or partnership for the taxation year shall be deemed for the purpose of this Part to be the proportion of the aggregate of the incomes therefrom for the fiscal periods that the number of days in the taxation year is of the number of days in the fiscal periods; and

(ii) the taxpayer shall pay in addition to any other tax payable for the year a tax on the amount by which the aggregate of the incomes from the business or partnership for the fiscal periods exceeds his income from the business or partnership for the year as determined under paragraph (i) equal to the proportion thereof that the tax payable under this Part for the year (other than tax payable under this paragraph) is of his taxable income for the year when the amount included as income from the business or partnership is the amount determined under paragraph (i),

but, when a taxpayer elects to have those rules applicable for a taxation year, no amount is deductible under paragraph (e) of subsection (1) of section 27 in respect of the same business in computing his taxable income for the year. 1950, c. 40, s. 13.

Dividend deduction.

38. (1) An individual who was resident in Canada at any time in a taxation year may deduct from the tax otherwise payable under this Part for a taxation year the lesser of

(a) 10% of the amount by which

(i) the aggregate of all dividends received by him in the year from taxable corporations in respect of shares of the capital stock of the corporations from which they were received and of all dividends that he is, by sections 8 and 81 deemed to have received from such a corporation in the year, to the extent that the dividends so received or so deemed to have been received, as the case may be, were included in computing his income for the year,

exceeds the aggregate of

(ii) the amount, if any, deductible from income in respect of those dividends by virtue of a regulation made under subsection (2) of section 11, and

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(iii) all outlays and expenses deductible in computing the taxpayer's income for the year to the extent that they may reasonably be regarded as having been made or incurred for the purpose of earning the dividend income, or

(b) the amount by which

(i) the taxpayer's tax under this Part for the year before making any deductions under sections 33 to 41 exceeds

(ii) the amount that the taxpayer's tax under this Part for the year before making any deductions under sections 33 to 41 would be if the taxpayer had not received, nor been deemed to have received, the dividends referred to in subparagraph (i) of paragraph (a).

(2) In this section, “taxable corporation” means a corporation that

(a) was resident in Canada when the dividend was received or deemed to have been received, and

(b) was not, by virtue of a statutory provision, exempt from tax under this Part for the taxation year of the corporation during which the dividend was received or deemed to have been received. 1949 (2nd Sess.), c. 25, s. 17; 1951, c. 51, s. 10; 1952, c. 29, s. 11.

Rules Applicable to Corporations.

39. (1) The tax payable by a corporation under this Part upon its taxable income or taxable income earned in Canada, as the case may be, (in this section referred to as the “amount taxable”) for a taxation year is, except where otherwise provided,

(a) 20% of the amount taxable, if the amount taxable does not exceed $10,000, and

(b) $2,000 plus 50% of the amount by which the amount taxable exceeds $10,000, if the amount taxable exceeds $10,000.

(2) Where two or more corporations are related to each other in a taxation year, the tax payable by each of them under this Part for the year is, except where otherwise provided by another section, 50% of the amount taxable for the taxation year.

(3) Notwithstanding subsection (2), where two or more corporations are related to each other, the tax payable by such one of them as may be agreed by them or, if they cannot agree, the Commissioner of Taxation, the tax payable by such one of them as may be agreed by them or, if they cannot agree, the Commissioner of Taxation.

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cannot agree, as may be designated by the Minister shall be computed under subsection (1).

(4) For the purpose of this section, one corporation is related to another in a taxation year if, at any time in the year,

(a) one of them owned directly or indirectly 70% or more of all the issued common shares of the capital stock of the other, or

(b) 70% or more of all the issued common shares of the capital stock of each of them is owned directly or indirectly by

(i) one person,

(ii) two or more persons jointly, or

(iii) persons not dealing with each other at arm's length one of whom owned directly or indirectly one or more of the shares of the capital stock of each of the corporations.

(5) When two corporations are related, or are deemed by this subsection to be related, to the same corporation at the same time, they shall, for the purpose of this section, be deemed to be related to each other. 1949 (2nd Sess), c. 25, s. 18; 1950, c. 40, s. 15; 1951, c. 51, s. 11; 1952, c. 29, s. 12.

40. (1) There may be deducted from the tax otherwise payable by a corporation under this Part for a taxation year an amount equal to 5% of the corporation's taxable income earned in the year in a province prescribed by a regulation made on the recommendation of the Minister of Finance.

(2) In this section, “taxable income earned in the year in a province” means the amount determined under rules prescribed for the purpose by regulations made in the recommendation of the Minister of Finance. 1952, c. 29, s. 13.

Rules Applicable to All Taxpayers.

41. (1) A taxpayer who was resident in Canada at any time in a taxation year may deduct from the tax for the year otherwise payable under this Part an amount equal to the lesser of

(a) the tax paid by him to the government of a country other than Canada on that part of his income from sources therein for the year upon which he is subject to tax under this Part for the year, or

(b) that proportion of the tax for the year otherwise payable under this Part that

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(i) that part of the taxpayer's income
   (A) for the year, if section 29 is not applicable, or
   (B) if section 29 is applicable, for the period or periods in the year referred to in paragraph (a) thereof,
   from sources in that country that was not exempt from income tax in that country minus amounts that are deductible for the year or such period or periods, as the case may be, under paragraph (d) of subsection (1) of section 28, is of
(ii) the taxpayer's income
   (A) for the year, if section 29 is not applicable, or
   (B) if section 29 is applicable, for the period or periods in the year referred to in paragraph (a) thereof,
   minus amounts that are deductible for the year or such period or periods, as the case may be, under section 28.

(2) Where a taxpayer's income for a taxation year is in whole or in part from sources in more than one country other than Canada,
   (a) subsection (1) shall be read as providing for a separate deduction in respect of each of the countries other than Canada, and
   (b) the expression in subsection (1) "amounts that are deductible for the year or such period or periods, as the case may be, under paragraph (d) of subsection (1) of section 28" shall be read as referring, in the case of the computation of the deduction under subsection (1) in respect of each country, to the amounts that are deductible under the said paragraph (d) by reason of dividends received from that country.

(3) In lieu of any deduction permitted by subsection (1), a life insurance corporation that was resident in Canada at any time in a taxation year may deduct from the tax for the year otherwise payable under this Part an amount equal to the lesser of
   (a) the tax for the year paid by it to the government of a country other than Canada under the income tax laws of that country, or
   (b) the tax for the year otherwise payable under this Part on the corporation's taxable income for the year received from that country computed in a prescribed manner.

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(4) In addition to any deduction permitted by subsection (1), an individual who was resident in Canada at any time in a taxation year may deduct from the tax for the year otherwise payable under this Part an amount equal to the lesser of

(a) an amount paid to an organization as defined for the purpose of section 3 of the Privileges and Immunities (United Nations) Act, by whom he was employed in payment of a levy (the proceeds of which are used to defray expenses of the organization) computed by reference to the remuneration received by him in the year from the organization in a manner similar to the manner in which income tax is computed, or

(b) that proportion of the tax for the year otherwise payable under this Part that

(i) the remuneration by reference to which the levy was computed,

is of

(ii) the taxpayer's income for the year.

(5) In this section, "tax otherwise payable" means the tax payable before making any deduction under section 40 or in respect of taxes paid to a provincial government but after making the deduction, if any, permitted by section 38.

1948, c. 52, s. 38; 1949 (2nd Sess.), c. 25, s. 19; 1952, c. 29, s. 14.

42. (1) Where a taxpayer's chief source of income has been farming or fishing during a taxation year (in this section referred to as the "year of averaging") and the four immediately preceding years (in this section referred to as the "preceding years") and the taxpayer has filed returns of income for the preceding years as required by this Part, if the taxpayer, on or before the day on or before which he was required to file his return of income for the year of averaging, files with the Minister an election in prescribed form, the tax payable under this Part for the year of averaging is an amount determined by the following rules:

(a) ascertain the amount, if any, remaining after deducting from the income for each year of the averaging period (which, in this section, means the year of averaging and the preceding years) all deductions allowed for that year by the provisions of Division C except the deductions described by section 26 or any amount in respect of a loss sustained in the year immediately following the year of averaging;
(b) determine the amount (in this section referred to as the "average gross income") equal to one-fifth of the aggregate of the amounts determined under paragraph (a) for the years in the averaging period;

(c) determine the amount (in this section referred to as the "average net income") equal to the average gross income minus the deductions permitted for that year by section 26;

(d) determine the amount (in this section referred to as the "average tax") for each year in the averaging period equal to the tax that would be payable under this Part for the year if the taxable income for the year were the average net income for the year; and

(e) deduct from the aggregate of the average taxes as determined under paragraph (d) for the years in the averaging period the aggregate of the taxes payable under this Part for the preceding years; and the remainder obtained under paragraph (e) is the tax payable under this Part for the year of averaging.

(2) Where this section is applicable to the computation of a taxpayer's tax for a taxation year and the aggregate of the taxes payable under this Part for the preceding years exceeds the aggregate of the average taxes as determined under paragraph (d) of subsection (1) for the years in the averaging period, the excess shall be deemed to be an overpayment made when the notice of assessment for the year of averaging was mailed.

(3) No election may be filed under this section for a year of averaging if the taxpayer has filed an election under this section in respect of any of the four immediately preceding years. 1948, c. 52, s. 39; 1951, c. 51, s. 13.

43. (1) Where an amount is included in computing a taxpayer's income for a taxation year by virtue of section 20, the taxpayer may elect to pay, as tax for the year under this Part, in lieu of the amount that would otherwise be payable, an amount equal to the aggregate of

(a) the tax that would be payable by the taxpayer for the year under this Part if no amount were included in computing the taxpayer's income for the year by virtue of section 20, and

(b) the aggregate of the amounts by which the taxpayer's taxes under this Part would have been increased if 1/5 of the amount so included by virtue of section 20 had been included in computing the taxpayer's income for each of the 5 immediately preceding taxation years.

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(2) R.S., 1952.
(2) Subsection (1) does not apply
(a) if the taxpayer is a corporation, where the corpora-
tion did not carry on business in Canada in each of the
years referred to in paragraph (b) of subsection (1), and
(b) if the taxpayer is an individual, where the individual
was not resident in Canada during each of those years.

(3) Subsection (1) is applicable to the 1954 and subse-
quent taxation years.

(4) Subsection (1) is applicable to the taxation year 1953
but when so applied shall be read as though the fraction
"1/4" were substituted for the fraction "1/5" where it
appears therein and the number "4" were substituted for
the number "5" where it appears therein. 1952, c. 29, s. 15.

DIVISION F—RETURNS, ASSESSMENTS, PAYMENT
AND APPEALS.

Returns.

44. (1) A return of the income for each taxation year in
the case of a corporation and for each taxation year for
which a tax is payable in the case of an individual shall,
without notice or demand therefor, be filed with the Minister
in prescribed form and containing prescribed information,
(a) in the case of a corporation, by or on behalf of the
corporation within 6 months from the end of the year,
(b) in the case of a person who has died without making
the return, by his legal representatives, within 6 months
from the day of death,
(c) in the case of an estate or trust, within 90 days from
the end of the year,
(d) in the case of any other person, on or before April 30,
in the next year, by that person or, if he is unable for
any reason to file the return, by his guardian, curator, tutor,
committee or other legal representative, or
(e) in a case where no person described by paragraph
(a), (b) or (d) has filed the return, by such person as
is required by notice in writing from the Minister to
file the return, within such reasonable time as the
notice specifies.

(2) Whether or not he is liable to pay tax under this
Part for a taxation year and whether or not a return has
been filed under subsection (1) or (3), every person shall,
on demand by registered letter from the Minister, file,
within such reasonable time as may be stipulated in the
registered
registered letter, with the Minister in prescribed form and containing prescribed information a return of the income for the taxation year designated in the letter.

(3) Every trustee in bankruptcy, assignee, liquidator, curator, receiver, trustee or committee and every agent or other person administering, managing, winding-up, controlling or otherwise dealing with the property, business, estate or income of a person who has not filed a return for a taxation year as required by this section shall file a return in prescribed form of that person's income for that year.

(4) Where a partner or an individual who is a proprietor of a business died after the close of a fiscal period but before the end of the calendar year in which the fiscal period closed, a separate return of the taxpayer's income from the business after the close of the fiscal period to the time of death shall be filed and the tax under this Part shall be paid thereon as if that income were the income of another person. 1948, c. 52, s. 40; 1949 (2nd Sess.), c. 25, s. 20; 1950, c. 40, s. 16.

Estimate of Tax.

45. Every person required by section 44 to file a return of income shall in the return estimate the amount of tax payable. 1948, c. 52, s. 41.

Assessment.

46. (1) The Minister shall, with all due despatch, examine each return of income and assess the tax for the taxation year and the interest and penalties, if any, payable.

(2) After examination of a return, the Minister shall send a notice of assessment to the person by whom the return was filed.

(3) Liability for tax under this Part is not affected by an incorrect or incomplete assessment or by the fact that no assessment has been made.

(4) The Minister may at any time assess tax, interest or penalties and may

(a) at any time, if the taxpayer or person filing the return has made any misrepresentation or committed any fraud in filing the return or supplying information under this Act, and

(b) within 6 years from the day of an original assessment in any other case, re-assess or make additional assessments.

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(5) Where a taxpayer has filed the return of income required by section 44 for a taxation year and, within one year from the day on or before which he was required by section 44 to file the return for that year, has filed an amended return for the year claiming a deduction from income under paragraph (e) of subsection (1) of section 27 in respect of a business loss sustained in the taxation year immediately following that year, the Minister shall re-assess the taxpayer's tax for the year.

(6) The Minister is not bound by a return or information supplied by or on behalf of a taxpayer and, in making an assessment, may, notwithstanding a return or information so supplied or if no return has been filed, assess the tax payable under this Part.

(7) An assessment shall, subject to being varied or vacated on an objection or appeal under this Part and subject to a re-assessment, be deemed to be valid and binding notwithstanding any error, defect or omission therein or in any proceeding under this Act relating thereto. 1948, c. 52, s. 42; 1951, c. 51, s. 14.

Payment of Tax.

47. (1) Every person paying (a) salary or wages or other remuneration to an officer or employee, (b) a superannuation or pension benefit, (c) a retiring allowance, (d) an amount upon or after the death of an officer or employee, in recognition of his service, to his legal representative or widow or to any other person whatsoever, (e) an annuity payment, or (f) fees, commissions or other amounts for services, at any time in a taxation year shall deduct or withhold therefrom such amount as may be prescribed and shall, at such time as may be prescribed, remit that amount to the Receiver General of Canada on account of the payee's tax for the year under this Part.

(2) Where amounts have been deducted or withheld under this section from the remuneration received by an individual in a taxation year, if remuneration from which such amounts have been deducted or withheld and which he had received in the year is equal to or greater than three-quarters of his income for the year, he shall, on or before 3254

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before April 30 in the next year, pay to the Receiver General of Canada the remainder of his tax for the year as estimated under section 45.

(3) When an amount has been deducted or withheld under subsection (1), it shall, for all the purposes of this Act, be deemed to have been received at that time by the person to whom the remuneration, benefit, payment, fees, commissions or other amounts were paid. 1949 (2nd Sess.), c. 25, s. 21; 1951, c. 51, s. 15.

48. Every individual whose chief source of income is farming or fishing shall pay to the Receiver General of Canada

(a) on or before December 31 in each taxation year, two-thirds of the tax as estimated by him at the rates for the year on his estimated taxable income for the year or on his taxable income for the immediately preceding year, and

(b) on or before April 30 in the next year, the remainder of the tax as estimated under section 45. 1948, c. 52, s. 45.

49. Every individual other than one to whom subsection (2) of section 47 or section 48 applies, shall pay to the Receiver General of Canada

(a) on or before March 31, June 30, September 30 and December 31, respectively, in each taxation year, an amount equal to one-quarter of the tax as estimated by him at the rates for the year on his estimated taxable income for the year or on his taxable income for the immediately preceding year, and

(b) on or before April 30 in the next year, the remainder of the tax as estimated under section 45. 1948, c. 52, s. 46.

50. (1) Every corporation shall, during the 12 months period ending 6 months after the close of each taxation year, pay to the Receiver General of Canada

(a) on or before the last day of each of the first 6 months in that period, an amount equal to one-twelfth of the tax as estimated by it at the rate for the taxation year

(i) on its estimated taxable income for the year, or

(ii) on its taxable income for the immediately preceding year,

(b) on or before the last day of each of the next 5 months in the period, an amount equal to one-sixth of the remainder

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remainder of the tax payable as estimated by it on its taxable income for the year at the rate for the year, and

(c) on or before the last day of the period, the remainder of the tax as estimated under section 45.

**Special case.**

(2) Where a corporation has held forth the prospect that it will make allocations in proportion to patronage to its customers of a taxation year as described by section 75 and its taxable income for the year is estimated by it to be not more than $10,000, it may, instead of paying the instalments required by subsection (1), pay to the Receiver General of Canada, at the end of the 12 months' period referred to in subsection (1), the whole of the tax as estimated under section 45. 1948, c. 52, s. 47; 1951, c. 51, s. 16.

**Payment of remainder.**

51. (1) The taxpayer shall, within 30 days from the day of mailing of the notice of assessment, pay to the Receiver General of Canada any part of the assessed tax, interest and penalties then remaining unpaid, whether or not an objection to or appeal from the assessment is outstanding.

(2) Where, in the opinion of the Minister, a taxpayer is attempting to avoid payment of taxes, the Minister may direct that all taxes, penalties and interest be paid forthwith upon assessment. 1948, c. 52, s. 48.

52. (1) Every person required by section 44 to file a return of the income of any other person for a taxation year shall, within 30 days from the day of mailing of the notice of assessment, pay all taxes, penalties and interest payable by or in respect of that person to the extent that he has or had, at any time since the taxation year, in his possession or control property belonging to that person or his estate and shall thereupon be deemed to have made that payment on behalf of the taxpayer.

(2) Every assignee, liquidator, administrator, executor and other like person, other than a trustee in bankruptcy, before distributing any property under his control, shall obtain a certificate from the Minister certifying that there are not outstanding any taxes, interest or penalties that have been assessed under this Act and are chargeable against or payable out of the property.

(3) Distribution of property without a certificate required by subsection (2) renders the person required to obtain the certificate personally liable for the unpaid taxes, interest and penalties. 1948, c. 52, s. 49; 1949 (2nd Sess.), c. 25, s. 23.

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53. (1) Where a person has, on or after the 1st day of May, 1951, transferred property, either directly or indirectly, by means of a trust or by any other means whatsoever, (a) to his spouse or to a person who has since become his spouse, or (b) to a person who was under nineteen years of age, the following rules are applicable:

(i) the transferee and transferor are jointly and severally liable to pay a part of the transferor's tax under this Part for each taxation year equal to the amount by which the tax for the year is greater than it would have been if it were not for the operation of section 21 or section 22, as the case may be, in respect of income from the property so transferred or from property substituted therefor; and

(ii) the transferee and transferor are jointly and severally liable to pay the lesser of

(A) any amount that the transferor was liable to pay under this Act on the day of the transfer, or

(B) a part of any amount that the transferor was so liable to pay equal to the value of the property so transferred;

but nothing in this subsection shall be deemed to limit the liability of the transferor under any other provision of this Act.

(2) The Minister may at any time assess a transferee in respect of any amount payable by virtue of this section and the provisions of this Division are applicable mutatis mutandis in respect of an assessment made under this section as though it had been made under section 46.

(3) Where a transferor and transferee have, by virtue of subsection (1), become jointly and severally liable in respect of part or all of a liability of the transferor under this Act, the following rules are applicable:

(a) a payment by the transferee on account of his liability shall to the extent thereof discharge the joint liability; but

(b) a payment by the transferor on account of his liability only discharges the transferee's liability to the extent that the payment operates to reduce the transferor's liability to an amount less than the amount in respect of which the transferee was, by subsection (1), made jointly and severally liable. 1951, c. 51, s. 17.
Part I.


Interest.

54. (1) Where the amount paid on account of tax payable by a taxpayer under this Part for a taxation year before the expiration of the time allowed for filing the return of the taxpayer's income is less than the amount of tax payable for the year under this Part, the person liable to pay the tax shall pay interest on the difference between those two amounts from the expiration of the time for filing the return of income to the day of payment at the rate of 6% per annum.

(2) In addition to the interest payable under subsection (1), where a taxpayer, being required by this Part to pay a part or instalment of tax, has failed to pay all or any part thereof as required, he shall, on payment of the amount he failed to pay, pay interest at 6% per annum from the day on or before which he was required to make the payment to the day of payment or the beginning of the period in respect of which he becomes liable to pay interest thereon under subsection (1), whichever is earlier.

(3) In addition to the interest payable under subsection (1), where a corporation that paid tax under subsection (2) of section 50 had a taxable income for the taxation year of more than $10,000, it shall, forthwith after assessment, pay an amount equal to 3% of the tax payable under this Part for the taxation year.

(4) For the purposes of subsection (2), where a taxpayer is required to pay a part or instalment of tax for a taxation year as estimated by him on his taxable income for a preceding year or on his estimated taxable income for the taxation year, he shall be deemed to have been liable to pay a part or instalment computed by reference to the taxable income for

(a) the preceding year, or
(b) the taxation year,
whichever is the lesser.

(5) Notwithstanding any other provision in this section, no interest is payable in respect of the amount by which the tax payable by a person is increased by a payment made by the Canadian Wheat Board on a participation certificate previously issued to him until 30 days after the payment is made.

(6) No interest under this section upon the amount by which the unpaid taxes exceed the amount estimated under section 45 is payable in respect of the period beginning 12 months after the day fixed by this Act for filing the return of

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of the taxpayer's income upon which the taxes are payable or 12 months after the return was actually filed, whichever was later, and ending 30 days from the day of mailing of the notice of the original assessment for the taxation year.

(7) Where the income of a taxpayer for a taxation year, or part thereof, is from sources in another country and the taxpayer by reason of monetary or exchange restrictions imposed by the law of that country is unable to transfer it to Canada, the Minister may, if he is satisfied that payment as required by this Part of the whole of the additional tax under this Part for the year reasonably attributable to income from sources in that country would impose extreme hardship on the taxpayer, postpone the time for payment of the whole or a part of that additional tax for a period to be determined by the Minister but no such postponement may be granted if any of the income for the year from sources in that country has been

(a) transferred to Canada,
(b) used by the taxpayer for any purpose whatsoever, other than payment of income tax to the government of that other country on income from sources therein,

(c) disposed of by him;

and no interest is payable under this section in respect of that additional tax, or part thereof, during the period of postponement. 1948, c. 52, s. 50; 1949 (2nd Sess.), c. 25, s. 24; 1950, c. 40, s. 18; 1951, c. 51, s. 18.

Penalties.

55. (1) Every person who has failed to make a return Delay in making return as and when required by subsection (1) of section 44 is liable to a penalty of

(a) an amount equal to 5% of the tax that was unpaid when the return was required to be filed, if the tax payable under this Part that was unpaid at that time was less than $10,000, and

(b) $500, if at the time the return was required to be filed tax payable under this Part equal to $10,000 or more was unpaid.

(2) Every person who has failed to file a return as re-Idem.

quired by subsection (3) of section 44 is liable to a penalty of $10 for each day of default but not exceeding $50.

(3) Every person who has failed to complete the informa-3259

Failure to complete information.

tion on a prescribed form as required by or pursuant to section 44 is, unless in the case of an individual the Minister has waived it, liable to a penalty

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(a) of 1% of the tax payable under this Part but, whether he is taxable or not, not less than $25 or more than $100, or

(b) in the case of an individual, of such lesser amount as the Minister may have fixed in respect of the specific failure. 1948, c. 52, s. 51; 1949 (2nd Sess.), c. 25, s. 25.

56. Every person who has wilfully, in any manner, evaded or attempted to evade payment of the tax payable by him under this Part for a taxation year or any part thereof is liable to a penalty, to be fixed by the Minister, of not less than 25% and not more than 50% of the amount of the tax evaded or sought to be evaded. 1950, c. 40, s. 19.

Refund of Overpayment.

57. (1) If the return of a taxpayer's income for a taxation year has been made within two years from the end of the year, the Minister

(a) may, upon mailing the notice of assessment for the year, refund, without application therefor, any overpayment made on account of the tax, and

(b) shall make such a refund after mailing the notice of assessment if application therefor has been made in writing by the taxpayer within 12 months from the day on which the overpayment was made or the day on which the notice of assessment was sent.

(2) Instead of making a refund that might otherwise be made under this section, the Minister may, where the taxpayer is liable or about to become liable to make another payment under this Act, apply the amount of the overpayment to that other liability and notify the taxpayer of that action.

(3) Where an amount in respect of an overpayment is refunded, or applied under this section on other liability, interest at the rate of 2% per annum shall be paid or applied thereon for the period commencing with the latest of

(a) the day when the overpayment arose,
(b) the day on or before which the return of the income in respect of which the tax was paid was required to be filed, or
(c) the day when the return of income was actually filed,

and ending with the day of refunding or application aforesaid, unless the amount of the interest so calculated is less than $1, in which event no interest shall be paid or applied under this subsection.

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(4) For the purpose of this section "overpayment" means the aggregate of all amounts paid on account of tax minus all amounts payable under this Act or an amount so paid where no amount is so payable. 1948, c. 52, s. 52; 1951, c. 51, s. 19.

Objections to Assessment.

58. (1) A taxpayer who objects to an assessment under this Part may, within 60 days from the day of mailing of the notice of assessment, serve on the Minister a notice of objection in duplicate in prescribed form setting out the reasons for the objection and all relevant facts.

(2) A notice of objection under this section shall be served by being sent by registered mail to the Deputy Minister of National Revenue for Taxation at Ottawa.

(3) Upon receipt of the notice of objection, the Minister shall with all due despatch reconsider the assessment and vacate, confirm or vary the assessment or re-assess and he shall thereupon notify the taxpayer of his action by registered mail. 1948, c. 52, s. 53.

Appeals to Income Tax Appeal Board.

59. (1) Where a taxpayer has served notice of objection to an assessment under section 58, he may appeal to the Income Tax Appeal Board constituted by Division I to have the assessment vacated or varied after either

(a) the Minister has confirmed the assessment or re-assessed, or

(b) 180 days have elapsed after service of the notice of objection and the Minister has not notified the taxpayer that he has vacated or confirmed the assessment or re-assessed;

but no appeal under this section may be instituted after the expiration of 90 days from the day notice has been mailed to the taxpayer under section 58 that the Minister has confirmed the assessment or re-assessed.

(2) Service of a notice of appeal under this section, and all other matters in connection with an appeal under this section, shall be regulated by Division I. 1948, c. 52, s. 54.

Appeals to the Exchequer Court.

60. (1) The Minister or the taxpayer may, within 120 days from the day on which the Registrar of the Income Tax Appeal Board mails the decision on an appeal under section 59 to the Minister and the taxpayer, appeal to the Exchequer Court of Canada.

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(2) Where a taxpayer has served a notice of objection to an assessment under section 58, he may, in place of appealing to the Income Tax Appeal Board under section 59, appeal to the Exchequer Court of Canada at a time when, under section 59, he could have appealed to the Income Tax Appeal Board.

(3) All matters in connection with an appeal under this section shall be regulated by Division J. 1948, c. 52, s. 55; 1950, c. 40, s. 20.

**General.**

61. An assessment shall not be vacated or varied on appeal by reason only of any irregularity, informality, omission or error on the part of any person in the observ-ation of any directory provision of this Act. 1948, c. 52, s. 56.

**Division G—exemptions.**

62. (1) No tax is payable under this Part upon the taxable income of a person for a period when that person was

(a) an officer or servant of the government of a country other than Canada whose duties required him to reside in Canada

(i) if that country grants a similar privilege to an officer or servant of Canada of the same class,

(ii) if he was not, at any time in the period, engaged in a business or performing the duties of an office or employment in Canada other than his position with that government, and

(iii) if he was during that period a subject or citizen of that country;

(b) a municipality, or a municipal or public body performing a function of government;

(c) a corporation, commission or association not less than 90% of the shares or capital of which was owned by Her Majesty in right of Canada or a province or by a Canadian municipality, or a wholly-owned corporation subsidiary to such a corporation, commission or association;

(d) an agricultural organization, a board of trade or a chamber of commerce, no part of the income of which was payable to, or was otherwise available for the personal benefit of, any proprietor, member or shareholder thereof;

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(e) a charitable organization, whether or not incorporated, all the resources of which were devoted to charitable activities carried on by the organization itself and no part of the income of which was payable to, or was otherwise available for the personal benefit of, any proprietor, member or shareholder thereof;

(f) a corporation that was constituted exclusively for charitable purposes, no part of whose income was payable to, or was otherwise available for the personal benefit of, any proprietor, member or shareholder thereof, that has not, since June 1, 1950, acquired control of any other corporation and that, during the period,

(i) did not carry on any business,

(ii) had no debts incurred since June 1, 1950, other than obligations arising in respect of salaries, rents and other current operating expenses, and

(iii) except in the case of a corporation that was, before the 1st day of January, 1940, constituted exclusively for charitable purposes, expended amounts each of which is

(A) an expenditure in respect of charitable activities carried on by the corporation itself,

(B) a gift to an organization in Canada the income of which for the period is exempt from tax under this Part by virtue of paragraph (e), or

(C) a gift to a corporation resident in Canada the income of which for the period is exempt from tax under this Part by virtue of this paragraph, and

the aggregate of which is not less than 90% of the corporation's income for the period;

(g) a trust all the property of which is held absolutely in trust exclusively for charitable purposes, that has not, since June 1, 1950, acquired control of any corporation and that, during the period,

(i) did not carry on any business,

(ii) had no debts incurred since June 1, 1950, other than obligations arising in respect of salaries, rents and other current operating expenses, and

(iii) made gifts, the aggregate of which are not less than 90% of its income for the period, to organizations in Canada or corporations resident in Canada the incomes of which for the period are exempt from tax under this Part by virtue of paragraph (e) or (f);
(h) a labour organization or society or a benevolent or fraternal benefit society or order;

(i) a club, society or association organized and operated exclusively for social welfare, civic improvement, pleasure or recreation or for any other purpose except profit, no part of the income of which was payable to, or was otherwise available for the personal benefit of, any proprietor, member or shareholder thereof;

(j) a mutual insurance corporation that received its premiums wholly from the insurance of churches, schools or other charitable organizations;

(k) a corporation or association incorporated or organized as a credit union or co-operative credit society if

(i) it was restricted to carrying on business in one province and it derived its revenue primarily from loans made to members residing within the province or from bonds of, or guaranteed by, the Government of Canada or a province, or

(ii) the members thereof were corporations or associations

(A) incorporated or organized as credit unions substantially all of which derived their revenues primarily from loans made to members or from bonds of, or guaranteed by, the Government of Canada or a province,

(B) incorporated, organized or registered under provincial co-operative legislation or governed by such legislation, or

(C) incorporated or organized for charitable purposes,

or were corporations or associations no part of the income of which was payable to, or otherwise benefited personally, any shareholder or member thereof;

(l) an institutional housing corporation, an institutional holding company or a limited dividend housing corporation within the meaning of those expressions as defined by the National Housing Act;

(m) a corporation exempt by section 67 as a personal corporation;

(n) a corporation exempt by section 69 as an investment company;

(o) a corporation exempt by section 71 as a foreign business corporation;

(p) a co-operative corporation exempt by section 73;

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(q) a trust or corporation established or incorporated solely in connection with, or for the administration of, an approved superannuation fund or plan; or

(r) a trust under an employees profit sharing plan to the extent provided by section 79.

(2) Where it is necessary for the purpose of this section to ascertain the taxable income of a taxpayer for a period that is a part of a taxation year, the taxable income for the period shall be deemed to be the proportion of the taxable income for the taxation year that the number of days in the period is of the number of days in the taxation year.

(3) For the purpose of paragraph (f) or (g) of subsection (1)

(a) a corporation is controlled by another corporation or by a trust if more than 50% of its issued share capital (having full voting rights under all circumstances) belongs to

(i) the other corporation or the trust, or

(ii) the other corporation or the trust and persons with whom the other corporation or the trust does not deal at arm's length,

but a corporation or trust shall be deemed not to have acquired control of a corporation if it has not purchased (or otherwise acquired for a consideration) any of the shares in the capital stock of that corporation;

(b) there shall be included in computing a corporation's or trust's income all gifts received by the corporation or trust other than

(i) a gift received subject to a trust or direction that the property given, or property substituted therefor, is to be held permanently by the corporation or trust for the purpose of gaining or producing income therefrom, or

(ii) a gift or a portion of a gift in respect of which it is established that the donor has not been allowed a deduction under paragraph (a) of subsection (1) of section 27 or a gift made by a person who was not taxable under section 2 for the taxation year in which the gift was made; and

(c) subsection (4) of section 63 is not applicable in determining a trust's income.

(4) In computing the income of a corporation or a trust for the purpose of determining whether it is described by paragraph (f) or paragraph (g) of subsection (1) for a taxation year,
(a) there may be deducted an amount not exceeding its income for the year preceding the taxation year computed without including or deducting any amount under this subsection, and

(b) there shall be included any amount that has been deducted under this subsection for the immediately preceding taxation year. 1948, c. 52, s. 57; 1949 (2nd Sess.), c. 25, s. 26; 1950, c. 40, s. 21; 1951, c. 51, s. 20.

DIVISION H—EXCEPTIONAL CASES AND SPECIAL RULES.

*Trusts, Estates and Income of Beneficiaries and Deceased Persons.*

63. (1) In this Act, trust or estate means the trustee or the executor, administrator, heir or other legal representative having ownership or control of the trust or estate property.

(2) A trust or estate shall, for the purposes of this Act, and without affecting the liability of the trustee or legal representative for his own income tax, be deemed to be in respect of the trust or estate property an individual; but where there is more than one trust and

(a) substantially all of the property of the various trusts has been received from one person, and

(b) the various trusts are conditioned so that the income thereof accrues or will ultimately accrue to the same beneficiary, or group or class of beneficiaries, such of the trustees as the Minister may designate shall, for the purposes of this Act, be deemed to be in respect of all the trusts an individual whose property is the property of all the trusts and whose income is the income of all the trusts.

(3) No deduction may be made under section 26 from the income of a trust or estate.

(4) For the purposes of this Part, there may be deducted in computing the income of a trust or estate for a taxation year such part of the amount that would otherwise be its income for the year as was payable in the year to a beneficiary or other person beneficially interested therein or was included in the income of a beneficiary for the year by virtue of subsection (2) of section 65.

(5) Where all the property of a trust is owned by the trustee for the benefit of non-resident persons or their unborn issue, in addition to the amount that may be deducted under subsection (4), there may be deducted in computing the income of the trust for a taxation year for the

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the purposes of this Part, such part of the dividends and interest received by the trust in a year from a non-resident-owned investment corporation as are not deductible under subsection (4) in computing the income of the trust for the year.

(6) Such part of the amount that would be the income of a trust or estate for a taxation year if no deduction were made under subsection (4) or under regulations made under paragraph (a) of subsection (1) of section 11 as was payable in the year to a beneficiary or other person beneficially interested therein shall be included in computing the income of the person to whom it so became payable whether or not it was paid to him in that year and shall not be included in computing his income for a subsequent year in which it was paid.

(7) For the purposes of subsections (4) and (6), an amount shall not be considered to have been payable in a taxation year unless it was paid in that year to the person to whom it was payable or he was entitled in that year to enforce payment thereof.

(8) A beneficiary or other person beneficially interested in a trust or estate who is entitled, either contingently or absolutely, to the property of the trust or estate or some part thereof at some future time, may deduct from the amount that would otherwise be his income from the trust or estate by virtue of subsection (6) such part of the amount that would otherwise be deductible from the income of the trust or estate for the year under regulations made under paragraph (a) of subsection (1) of section 11 as the trust or estate may determine; and any amount deductible under this section for a taxation year shall be deducted from the amount that the trust or estate would otherwise be able to deduct under regulations made under the said paragraph (a) but shall, for the purpose of section 20, be deemed to have been allowed to the trust or estate under those regulations in computing its income for the year.

(9) Where an amount is payable in a taxation year by a trust or estate to a beneficiary or other person beneficially interested therein, no part thereof shall be deemed, for the purpose of subsections (4) and (6), to be payable out of an amount deductible in computing the income of the trust or estate for the year under regulations made under paragraph (b) of subsection (1) of section 11 or under subsection (2) of that section except such part thereof as the trust or estate designates as being so payable.
(10) Where the income of a trust or estate for a taxation year or any part thereof was not payable in the year but was held in trust for an infant or minor whose right thereto had vested and the only reason that it was not payable in the year was that the beneficiary or other person beneficially entitled was an infant or minor, it shall, for the purpose of subsections (4) and (6), be considered to have been payable to him in the year.

(11) That proportion of the amount included in computing the income for a taxation year of a beneficiary or other person beneficially interested in a trust or estate by virtue of subsection (6) that

(a) the income of the trust or estate for the taxation year (before making any deduction under subsection (4)) from shares of the capital stock of taxable corporations, including the amount by which its income for the year was increased by the operation of sections 8 and 81,
is of

(b) the income of the trust or estate for the taxation year (before making any deduction under subsection (4)),

shall be deemed, for the purpose of section 38, to be a dividend in respect of shares of the capital stock of a taxable corporation; and in computing the deduction that a trust or estate may make from its tax for the year under that section, the same proportion of its income for the year (after making the deduction therefrom permitted by subsection (4)) shall be deemed to be such a dividend.

(12) For the purpose of section 41, the following rules apply:

(a) that proportion of an amount included in computing the income for a taxation year of a beneficiary or other person beneficially interested in a trust or estate by virtue of subsection (6) that

(i) the income of the trust or estate for the taxation year from sources in a foreign country (before making any deduction under subsection (4)),
is of

(ii) the income of the trust or estate for the taxation year (before making any deduction under subsection (4)),

shall be deemed to have been income for the taxation year from sources in that country;

(b) a beneficiary or other person beneficially interested in a trust or estate shall be deemed to have paid as income

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income tax, on the income that he is deemed by paragraph (a) to have for a taxation year from sources in a foreign country, to the government of that country an amount equal to that proportion of the tax paid to that government by the trust or estate on its income from sources in that country for the year that

(i) the amount included in computing his income for the year by virtue of subsection (6), is of

(ii) the income of the trust or estate for the year (before making any deduction under subsection (4));

(c) the income of a trust or estate from sources in a foreign country for a taxation year shall be deemed to be its actual income therefrom for the year minus the aggregate of the amounts deemed by paragraph (a) to have been the income therefrom for the year of all beneficiaries and other such persons;

(d) a trust or estate shall be deemed to have paid as income tax on its income for a taxation year from sources in a foreign country to the government of that country an amount equal to the tax actually so paid by it minus the aggregate of the amounts deemed by paragraph (b) to have been paid to that government for the year by beneficiaries and other such persons.

(13) In the case of a trust or estate arising on death, notwithstanding the other provisions of this Act,

(a) "taxation year" of the trust or estate means the period for which the accounts of the trust or estate have been ordinarily made up and accepted for purposes of assessment under this Act and, in the absence of an established practice, the period adopted by the trust or estate for that purpose, (but no period may exceed 12 months and a change in a usual and accepted period may not be made for the purpose of this Act without the concurrence of the Minister);

(b) when a taxation year is referred to by reference to any calendar year, the reference is to the taxation year or years coinciding with, or ending in, that year;

(c) the income of a person from the trust or estate for a taxation year shall be deemed to be his benefits from or under the trust or estate for the taxation year or years of the trust or estate that ended in the year determined as provided by this section and section 65;

(d) where an individual having income from the trust or estate died after the end of a taxation year of the trust or estate but before the end of the calendar year

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in which that taxation year ended, a separate return of his income from the trust or estate after the end of the trust's or estate's taxation year to the time of death shall be filed and the tax under this Part shall be paid thereon as if that income were the income of another person; and

(e) in lieu of making the payments required by section 49, the trust or estate shall pay to the Receiver General of Canada within 90 days from the end of each taxation year, the tax for the year as estimated under section 45. 1948, c. 52, s. 58; 1949 (2nd Sess.), c. 25, s. 27; 1950, c. 40, s. 22; 1952, c. 29, s. 17.

64. (1) In computing the income of a taxpayer for the taxation year in which he died, an amount of interest, rent, royalty, annuity, remuneration from an office or employment, or other amount payable periodically, that was not paid before his death, shall be deemed to have accrued in equal daily amounts in the period for or in respect of which the amount was payable and the value of the portion thereof so deemed to have accrued to the day of death shall be included in computing the taxpayer's income for the year in which he died.

(2) Where a taxpayer who has died had at the time of his death rights or things (other than an amount included in computing his income by virtue of subsection (1)), the amount whereof when realized or disposed of would have been included in computing his income, the value thereof at the time of death shall be included in computing the taxpayer's income for the taxation year in which he died, unless his legal representative has, before the tax for the year of death has been assessed, elected that one of the following rules be applicable thereto:

(a) one-fifth of the value shall be included in computing the taxpayer's income for each of his last 5 taxation years including the year of death but the resulting addition in the amount of tax payable for any year other than the year in which he died is payable 30 days from the day of mailing of the notice of assessment for the year in which he died; or

(b) a separate return of the value shall be filed and tax thereon shall be paid under this Part for the taxation year in which the taxpayer died as if he had been another person entitled to the deductions to which he was entitled under section 26 for that year, in which event, the rule so elected is applicable.

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(3) Where before the time for making an election under subsection (2) has expired, a right or thing to which that subsection would otherwise apply has been transferred or distributed to beneficiaries or other persons beneficially interested in the estate or trust,

(a) subsection (2) is not applicable to that right or thing, and

(b) an amount received by one of the beneficiaries or other such persons upon the realization or disposition of the right or thing shall be included in computing his income for the taxation year in which he received it.

(4) Where the legal representative of a taxpayer who was not taxable under this Part because he was not resident in Canada for one or more of the four taxation years immediately preceding the taxation year in which he died elects that the rule contained in paragraph (a) of subsection (2) be applicable in respect of rights or things that the taxpayer had at the time of his death,

(a) the election is not effective unless the legal representative has filed with the election a return of the taxpayer's income for each of those years for which he was not so taxable in the same form and containing the same information as the return the taxpayer or his legal representative would have been required to file under this Part if the taxpayer had been resident in Canada during that year, and

(b) the amount payable in respect of the rights or things by virtue of the election for each of those years for which he was not so taxable is the amount by which

(i) the tax for the year that would have been payable under this Part if the taxpayer had been resident in Canada, his income had been from sources in Canada and he had received the amount included in his income by virtue of paragraph (a) of subsection (2),

exceeds

(ii) the tax for the year that would have been payable under this Part if the taxpayer had been resident in Canada, his income had been from sources in Canada and if no amount were included by virtue of paragraph (a) of subsection (2) in computing his income for the year. 1948, c. 52, s. 59; 1949 (2nd Sess.), c. 25, s. 28.

65. (1) The value of all benefits (other than a distribution or payment of capital) to a taxpayer during a taxation year from or under a trust, estate, contract, arrangement or power

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Part I.


Upkeep, etc.

(2) Such part of an amount paid by a trust or estate out of income of the trust or estate for the upkeep, maintenance or taxes of or in respect of property that, under the terms of the trust or will, is required to be maintained for the use of a tenant for life or a beneficiary as is reasonable in the circumstances shall be included in computing the income of the tenant for life or other beneficiary from the trust or estate for the taxation year for which it was paid. 1948, c. 52, s. 60; 1949 (2nd Sess.), c. 25, s. 29.

Armed Forces.

66. (1) The Governor in Council may, by regulation made on the recommendation of the Minister of Finance and the Minister of National Revenue, provide for the determination of the amount of tax to be paid by a person who was a member of the naval, army or air forces of Canada (hereinafter referred to as "a member") during a taxation year in lieu of the tax otherwise payable under this Part and to provide for the manner in which the tax so determined is to be paid and, without restricting the generality of the foregoing, may provide

(a) that the tax on a taxpayer's income from his employment as a member shall be computed and paid on a monthly basis instead of an annual basis,

(b) that an amount of income, other than income from a taxpayer's employment as a member, not exceeding $50 a year shall not be included in computing his income for the purpose of the regulations,

(c) for the determination of a taxpayer's taxable income from his employment as a member in a manner other than that provided for in Divisions B and C,

(d) for the allowance of a deduction from the tax otherwise payable not exceeding $30 in respect of each month during which a member was on duty outside of Canada and was a member of a prescribed class,

(e) for the computation of the tax to be paid under this Part on amounts received by a taxpayer or his dependants on his ceasing to be a member, and

(f) for the determination of the tax payable on a taxpayer's income from sources other than his employment as a member for a year during all or part of which he was a member.

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(2) Regulations made under subsection (1) shall provide for computation of tax thereunder in accordance with prescribed tables prepared on the basis of the rates set out in section 32, 1952, c. 29, s. 18.

**Personal Corporations.**

67. (1) The income of a personal corporation whether actually distributed or not shall be deemed to have been distributed to, and received by, the shareholders as a dividend on the last day of each taxation year of the corporation.

(2) No tax is payable under this Part on the taxable income of a corporation for a taxation year during which it was a personal corporation.

(3) The part of the income of a personal corporation that shall be deemed, under this section, to have been distributed to and received by a shareholder of the corporation, shall be the proportion thereof that the value of all property transferred or loaned to the corporation by the shareholder or any person by whom his share was previously owned is of the value of the property so acquired by the corporation from all its shareholders.

(4) The value of property transferred or loaned to a personal corporation shall be deemed, for the purposes of this section, to be its value at the time when the property was transferred or loaned to the corporation.

(5) For the purposes of this section, where the property of a personal corporation is transferred to or otherwise acquired by another personal corporation, the shareholders of the first corporation shall be deemed to have transferred to the second corporation the property that they or persons who previously owned their shares transferred to the first corporation.

(6) Where a dividend has, in a taxation year, actually been paid by a corporation that was at the time of payment and always had been a personal corporation, the portion thereof received by a shareholder shall not be included in computing his income for the taxation year in which it was received.

(7) Where a dividend has, in a taxation year, actually been paid by a personal corporation that was in some previous taxation year not a personal corporation, the following rules are applicable:

(a) the dividend shall not be included in computing the incomes of the shareholders by whom it was received for R.S., 1952.
for the taxation year in which it was received if the dividend does not exceed the remainder obtained when

(i) the aggregate of dividends actually paid by the corporation previous to that time and not included by virtue of this section in computing the incomes of the shareholders by whom they were received,

is subtracted from

(ii) the aggregate of the amounts deemed under this section to have been distributed while it was a personal corporation;

(b) in a case where the dividend does exceed the remainder referred to in paragraph (a), the dividend shall only be included in computing the incomes of the shareholders by whom it was received for the taxation year in which it was received to the extent that the excess does not exceed the undistributed income on hand earned by the corporation since January 1, 1917, in taxation years when the corporation was not a personal corporation;

(c) where the amount to be included in computing the incomes of the shareholders by virtue of paragraph (b) is less than the dividend, the portion thereof that shall be so included in computing a particular shareholder’s income for the taxation year is the portion thereof that his portion of the dividend is of the whole dividend.

(8) Where a dividend has, in a taxation year, actually been paid by a corporation when it was not a personal corporation but had previously been one, it shall only be included in computing the incomes of the shareholders by whom it was received for the taxation year in which it was received to the extent that the dividend exceeds the remainder obtained when

(a) the aggregate of dividends actually paid by the corporation previous to that time and not included, by virtue of this section, in computing the incomes of the shareholders by whom they were received,

is subtracted from

(b) the aggregate of the amounts deemed under this section to have been distributed by it to its shareholders while it was a personal corporation, and, where the excess is less than the dividend so paid, the amount that shall be so included in computing a particular shareholder’s income for the year is the proportion of the excess that his portion of the dividend is of the whole dividend.
(9) Where a dividend is deemed by any provision other than this section to have been paid or received, it shall, for the purpose of this section, be regarded as having been actually paid.

(10) Where a dividend is deemed by this section to have been received by an individual from a personal corporation on the last day of a taxation year, the taxpayer shall, for the purpose of section 38, be deemed to have received on that day from a taxable corporation that portion of the dividend that he is so deemed to have received that

(a) the income of the personal corporation for the taxation year from shares of the capital stock of taxable corporations, including the amount by which its income for the year was increased by the operation of sections 8 and 81,

is of

(b) the income of the personal corporation for the taxation year.

(11) Where a dividend is deemed by this section to have been received by an individual from a personal corporation on the last day of a taxation year of the corporation, the individual shall, for the purpose of section 41, be deemed to have income on that day from sources in a foreign country equal to that proportion of the dividend that he is so deemed to have received that

(a) the income of the personal corporation for that taxation year from sources in that country,

is of

(b) the income of the personal corporation for the taxation year;

and he shall be deemed, for the purpose of section 41, to have paid income tax thereon to the government of that country equal to that proportion of the tax paid to that government by the personal corporation on its income from sources in that country that

(i) the dividend he is so deemed to have received,

is of

(ii) the income of the personal corporation deemed to have been distributed to its shareholders on that day.

(12) The shareholder by whom a personal corporation is controlled shall file with the return of his income for each taxation year a statement of the assets, liabilities and income of the personal corporation for the year and if he fails to file such a statement for a year there may be included in his income for that year double the amount of

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the part of the income of the corporation for the year that under this section is deemed to have been received by him. 1948, c. 52, s. 61; 1949 (2nd Sess.), c. 25, s. 30; 1950, c. 40, s. 23.

Definition. 68. (1) In this Act, a "personal corporation" means a corporation that, during the whole of the taxation year in respect of which the expression is being applied,
(a) was controlled, whether through holding a majority of the shares of the corporation or in any other manner whatsoever, by an individual resident in Canada, by such an individual and one or more members of his family who were resident in Canada or by any other person on his or their behalf;
(b) derived at least one-quarter of its income from
(i) ownership of or trading or dealing in bonds, shares, debentures, mortgages, hypothecs, bills, notes or other similar property or an interest therein,
(ii) lending money with or without securities,
(iii) rents, hire of chattels, charterparty fees or remunerations, annuities, royalties, interest or dividends, or
(iv) estates or trusts; and
(c) did not carry on an active financial, commercial or industrial business.

Idem. (2) For the purpose of paragraph (a) of subsection (1), the members of an individual's family are his spouse, sons and daughters whether or not they live together.

One only of two provisions applicable. (3) Where both section 67 and subsection (4) of section 81 provide that a dividend or a part thereof is not to be included in computing the recipient's income, section 67 only shall be regarded as so providing.

(4) Where it has been determined for the purpose of subsection (1) of section 13 that a corporation's chief source of income for a taxation year is neither farming nor a combination of farming and some other source of income, its farming business shall be deemed, for the purpose of paragraph (c) of subsection (1), not to have been during the year an active financial, commercial or industrial business. 1948, c. 52, s. 61; 1950, c. 40, s. 23; 1952, c. 29, s. 19.

Investment Companies. 69. (1) No tax is payable under this Part on the taxable income of a corporation for a taxation year in which it was an investment company.

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(2) In this Act, “an investment company” means a corporation that, during the whole of the taxation year in respect of which the expression is being applied, complied with the following conditions:

(a) at least 80% of its property was, throughout the year, shares, bonds, marketable securities or cash,

(b) not less than 95% of its income for the year was derived from investments mentioned in paragraph (a),

(c) not more than 10% of its property was, throughout the year, shares, bonds or securities of any one corporation or debtor other than Her Majesty in right of Canada or of a province or a Canadian municipality,

(d) its shares were, throughout the year, held by at least 50 or more persons of whom none held more than 25%,

(e) an amount not less than 85% of its taxable income plus exempt income for the year (other than dividends or interest received in the form of shares, bonds or other securities that have not been sold before the end of the taxation year) minus taxes paid to other governments was distributed to the shareholders before the end of the year, and

(f) it has not, within 90 days from the commencement of the taxation year, elected in a prescribed manner to pay tax under this Part, or, if it has at any time so elected, has, before the taxation year, revoked in a prescribed manner the elections so made by it. 1948, c. 52, s. 62; 1949 (2nd Sess.), c. 25, s. 31.

Non-Resident-Owned Investment Corporations.

70. (1) In computing the taxable income of a non-resident-owned investment corporation for a taxation year, notwithstanding Division C, no deduction may be made from its income for the year, except

(a) dividends and interest received in the year from other non-resident-owned investment corporations, and

(b) taxes paid to the government of a country other than Canada in respect of any part of the income of the corporation for the year derived from sources therein,

and in computing its income no deduction shall be made in respect of interest on its bonds, debentures, securities or other indebtedness.

(2) The tax payable under this Part by a corporation for a taxation year when it was a non-resident-owned investment corporation is an amount equal to 15% of its taxable income for the year.

R.S., 1952.
No deduction for foreign taxes.

Definition.

(3) No deduction from the tax payable under this Part by a non-resident-owned investment corporation may be made under section 40 or in respect of tax paid to the government of a country other than Canada.

(4) In this Act, a “non-resident-owned investment corporation” means a corporation incorporated in Canada that during the whole of the taxation year in respect of which the expression is being applied complied with the following conditions:

(a) at least 95% of the aggregate value of its issued shares and all of its bonds, debentures and other funded indebtedness were

(i) beneficially owned by non-resident persons,
(ii) owned by trustees for the benefit of non-resident persons or their unborn issue, or
(iii) owned by a corporation, whether incorporated in Canada or elsewhere, at least 95% of the aggregate value of the issued shares of which and all of the bonds, debentures and other funded indebtedness of which were beneficially owned by non-resident persons or owned by trustees for the benefit of non-resident persons or their unborn issue or by several such corporations;

(b) its income was derived from

(i) ownership of or trading or dealing in bonds, shares, debentures, mortgages, hypothecs, bills, notes or other similar property or any interest therein,
(ii) lending money with or without security,
(iii) rents, hire of chattels, charterparty fees or remunerations, annuities, royalties, interest or dividends, or
(iv) estates or trusts;

(c) its principal business was not the making of loans;

(d) it has, within 90 days from the commencement of the taxation year, elected in a prescribed manner to be taxed under this section; and

(e) it has not, before the taxation year, revoked in a prescribed manner the elections so made by it. 1948, c. 52, s. 63; 1949 (2nd Sess.), c. 25, s. 32; 1952, c. 29, s. 20.

Foreign Business Corporations.

Exemptions.

71. (1) No tax is payable under this Part upon the taxable income of a corporation for a taxation year when it was a foreign business corporation.

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(2) In this Part, a “foreign business corporation” is a corporation that during the whole of the taxation year in respect of which the expression is being applied

(a) was not a personal corporation;

(b) has,

(i) within 120 days from the end of the year, filed a return for the year in prescribed form and paid an annual fee of $100, or

(ii) within 370 days from the end of the year, filed a return for the year in prescribed form and paid an annual fee of $100 plus a penalty for late filing equal to $10 for each day of delay after the expiration of the one hundred and twentieth day from the end of the year; and

(c) complied with one of the following conditions:

(i) its business operations were of an industrial, mining, commercial, public utility or public service nature and were carried on entirely outside Canada (except for management and the designing, purchasing and transportation of goods if the goods were not acquired for resale in the course of trading and were acquired for the operations so carried on outside Canada) either directly or through ownership of shares in or control of subsidiary or affiliated corporations and its property, except securities and bank deposits, was situate entirely outside Canada,

(ii) it was the wholly-owned subsidiary of a corporation that complied with the conditions in subparagraph (i) and was wholly engaged in carrying on business outside Canada, or

(iii) its business was of an investment or financial nature and was carried on entirely outside Canada, its shares had been offered for public subscription or were listed on a recognized stock exchange in Canada or elsewhere and its property (except bank deposits and shares of other corporations that were entitled to exemption under this section) were situate entirely outside Canada.

(3) For the purposes of this section, shares and bonds of corporations incorporated in Canada shall be deemed to be property situate in Canada notwithstanding that they have been transferred on a register outside Canada.

(4) Where a corporation would have complied, during the whole of a taxation year, with the condition contained in subparagraph (i) of paragraph (c) of subsection (2) were it not that its business operations during the taxation year were

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were carried on in part in Canada through ownership of shares in or control of one or more subsidiary or affiliated corporations, the corporation shall be deemed to have complied with that condition if, during the whole of the taxation year,

(a) the business operations so carried on in Canada were of a mining nature, and

(b) its main business operations were of an industrial, mining, commercial, public utility or public service nature and were, except for management and the designing, purchasing, and transportation of goods, carried on outside Canada. 1948, c. 52, s. 64; 1951, c. 51, s. 22; 1952, c. 29, s. 21.

Scientific Research.

Deductions from income. 72. (1) There may be deducted in computing the income for a taxation year of a taxpayer who carried on business in Canada and made expenditures in respect of scientific research in the year

(a) all expenditures of a current nature made in Canada in the year

(i) on scientific research related to the business and directly undertaken by or on behalf of the taxpayer,

(ii) by payments to an approved association that undertakes scientific research related to the class of business of the taxpayer,

(iii) by payments to an approved university, college, research institute or other similar institution to be used for scientific research related to the class of business of the taxpayer; and

(b) the lesser of

(i) one-third of expenditures of a capital nature made in Canada (by acquiring property other than land) in the year and the two years immediately preceding that year on scientific research related to the business and directly undertaken by or on behalf of the taxpayer, or

(ii) the undepreciated capital cost to the taxpayer of the property so acquired as of the beginning of the taxation year.

Limitation. (2) Not more than 5% of the taxable income of the taxpayer for the year preceding the taxation year may be deducted under this section unless the research program in respect of which the expenditures were made has been approved.

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(3) No deduction may be made under this section in respect of an expenditure made to acquire rights in, or arising out of, scientific research or in respect of an amount deducted under this Part from income in respect of a gift to a charitable organization.

(4) In this section,

(a) "approved" means approved by the Minister after he has, if he considers it necessary, obtained the advice of the National Research Council,

(b) "scientific research" means any activity in the field of natural or applied science for the extension of knowledge,

(c) references to expenditures on scientific research include all expenditures incurred for the prosecution, or the provision of facilities for the prosecution, of scientific research,

(d) references to scientific research relating to a business or class of business include any scientific research that may lead to or facilitate an extension of that business or, as the case may be, business of that class.

(5) An amount deducted under paragraph (b) of subsection (1) shall, for the purpose of section 20, be deemed to be an amount allowed to the taxpayer in respect of the property (acquired by the expenditures) under regulations made under paragraph (a) of subsection (1) of section 11 and for that purpose the property (acquired by the expenditures) shall be deemed to be of a separate prescribed class.

1948, c. 52, s. 65; 1949 (2nd Sess.), c. 25, s. 33.

Co-operatives.

73. (1) No tax is payable under this Part upon the taxable income for each of the first 3 taxation years after commencement of its business of a corporation that commenced business on or after January 1, 1947, and that was incorporated under provincial legislation respecting the establishment of co-operative corporations for the purpose of marketing (including processing incident to or connected therewith) natural products belonging to or acquired from its members or customers, of purchasing supplies, equipment or household necessaries for or to be sold to its members or customers or of performing services for its members or customers, if, during the taxation year,

(a) the statute under which it was incorporated, its charter, articles of association or by-laws or its contracts with its members or its members and customers held forth the prospect that payments would be made to them in proportion to patronage,

(b) Expenditures of a capital nature.
(b) none of its members had more than one vote in the conduct of the affairs of the corporation,

c) at least 90% of its members are individuals and at least 90% of its shares, if any, are held by individuals,

d) the rate of interest on capital subscribed by its members or the rate of its dividends on its shares did not exceed 5% per annum,

e) the value of the products marketed for or acquired from, supplies, equipment and household necessaries purchased for or sold to, and services performed for, its customers other than members did not exceed 20% of the total thereof for all its business, and

(f) the business carried on by the corporation was not a continuation of a previous business in which a substantial number of its members had a substantial interest, either as shareholders of a corporation carrying on the previous business or otherwise.

(2) Paragraph (a) of subsection (2) of section 81 does not apply where the corporation that redeemed or acquired its common shares or that reduced its common stock is a corporation that was incorporated under provincial legislation respecting the establishment of co-operative corporations for the purpose of marketing (including processing incident to or connected therewith) natural products belonging to or acquired from its members or customers, of purchasing supplies, equipment or household necessaries for or to be sold to its members or customers or of performing services for its members or customers.

(3) Where a corporation that was incorporated under provincial legislation respecting the establishment of co-operative corporations for the purpose of marketing (including processing incident to or connected therewith) natural products belonging to or acquired from its members or customers, of purchasing supplies, equipment or household necessaries for or to be sold to its members or customers or of performing services for its members or customers has received a grant from the government of a province that was not fixed by reference to natural products marketed, supplies, equipment or household necessaries purchased or sold or services performed by it,

(a) no amount shall be included in respect of the grant in computing the corporation's income for any year, and

(b) paragraph (h) of subsection (6) of section 20 is not applicable in respect of any property in respect of or for the acquisition of which it was received. 1948, c. 52, s. 66; 1950, c. 40, s. 24.

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Refund of Premiums.

74. In computing the income for a taxation year of an insurance corporation other than a life insurance corporation, whether a mutual corporation or a joint stock company, there may be deducted every amount credited in respect of business for the year to a policyholder of the corporation by way of dividend, refund of premiums or refund of premium deposits if the amount was, during the year or within 12 months thereafter,

(a) paid to the policyholder,

(b) applied in discharge, in whole or in part, of a liability of the policyholder to pay premiums to the corporation, or

(c) credited to the account of the policyholder on terms that he is entitled to payment thereof on or before expiry or termination of the policy. 1948, c. 52, s. 67.

Patronage Dividends.

75. (1) Notwithstanding anything in this Part, there may be deducted, in computing income for a taxation year, the aggregate of the payments made, pursuant to allocations in proportion to patronage, by a taxpayer

(a) within the year or within 12 months thereafter to his customers of the year, and

(b) within the year or within 12 months thereafter to his customers of a previous year, the deduction of which from income of a previous taxation year was not permitted.

(2) Notwithstanding subsection (1), if the taxpayer has not made allocations in proportion to patronage in respect of all his customers of the year at the same rate, with appropriate differences for different types or classes of goods, products or services, or classes, grades or qualities thereof, the amount that may be deducted under this section is an amount equal to the lesser of

(a) the aggregate of the payments mentioned in subsection (1), or

(b) the aggregate of

(i) the part of the income of the taxpayer for the year attributable to business done with members, and

(ii) the allocations in proportion to patronage made to non-member customers of the year.

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Limitation by reference to capital employed.

(3) Where the deduction of an amount under subsection (1) or (2) would result in the taxpayer's taxable income for the taxation year (before deduction of any amount under section 27 in respect of business losses) being less than the amount by which

(a) 3% of the capital employed in the business at the commencement of the year,
exceeds

(b) the interest, if any, paid on borrowed moneys (other than moneys borrowed from a bank incorporated under the Bank Act or from a corporation or association described in paragraph (k) of subsection (1) of section 62) and deductible in computing his income for the year,

the amount that may be deducted under this section is such as will leave the taxpayer with a taxable income (before deduction of any amount under section 27 in respect of business losses) equal to the excess.

Definitions.

(4) For the purposes of this section,

(a) "allocation in proportion to patronage" for a taxation year means an amount credited by a taxpayer to a customer of that year on terms that the customer is entitled to or will receive payment thereof, computed at a rate in relation to the quantity, quality or value of the goods or products acquired, marketed, handled, dealt in or sold, or services rendered by the taxpayer from, on behalf of or to the customer, whether as principal or as agent of the customer or otherwise, with appropriate differences in the rate for different classes, grades or qualities thereof, if

(i) the amount was credited

(A) within the year or within 12 months thereafter, and

(B) at the same rate in relation to quantity, quality or value aforesaid as the rate at which amounts were similarly credited to all other customers of that year who were members or to all other customers of that year, as the case may be, with appropriate differences aforesaid for different classes, grades or qualities, and

(ii) the prospect that amounts would be so credited was held forth by the taxpayer to his customers of that year who were members or non-member customers of that year, as the case may be;

(b) "capital employed in the business" shall be computed in accordance with the First Schedule to The Excess Profits Tax Act, 1940, except that no deduction shall be

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be made from capital in respect of borrowed moneys (other than moneys borrowed from a bank incorporated under the Bank Act or from a corporation or association described in paragraph (k) of subsection (1) of section 62);

(c) "customer" means a customer of a taxpayer and includes a person who sells or delivers goods or products to the taxpayer, or for whom the taxpayer renders services;

(d) "consumer goods or services" means goods or services the cost of which was not deductible by the taxpayer in computing the income from a business or property;

(e) "income of the taxpayer attributable to business done with members" of any taxation year means that proportion of the income of the taxpayer for the year (before making any deduction under this section) that the value of the goods or products acquired, marketed, handled, dealt in or sold or services rendered by the taxpayer from, on behalf of, or for members, is of the total value of goods or products acquired, marketed, handled, dealt in or sold or services rendered by the taxpayer from, on behalf of, or for all customers during the year;

(f) "payment" includes
   (i) the issue of a certificate of indebtedness or shares of the taxpayer or of a corporation of which the taxpayer is a subsidiary wholly-owned corporation if the taxpayer or that corporation has in the year or within 12 months thereafter disbursed an amount of money equal to the aggregate face value of all certificates or shares so issued in the course of redeeming or purchasing certificates of indebtedness or shares of the taxpayer or that corporation previously issued,

(ii) the application by the taxpayer of an amount to a member's liability to the taxpayer (including, without restricting the generality of the foregoing, an amount applied in fulfilment of an obligation of the member to make a loan to the taxpayer and an amount applied on account of payment for shares issued to a member) pursuant to a by-law of the taxpayer, pursuant to statutory authority or at the request of the member, or

(iii) the amount of a payment or transfer by the taxpayer that, under subsection (1) of section 16, is required to be included in computing the income of a member;
"member" means a person who is entitled as a member or shareholder to full voting rights in the conduct of the affairs of the taxpayer (being a corporation) or of a corporation of which the taxpayer is a subsidiary wholly-owned corporation; and

"non-member customer" means a customer who is not a member.

(5) For the purpose of this section a taxpayer shall be deemed to have held forth the prospect that amounts would be credited to a customer of a taxation year by way of allocation in proportion to patronage, if

(a) throughout the year the statute under which the taxpayer was incorporated or registered, its charter, articles of association or by-laws or its contract with the customer held forth the prospect that amounts would be so credited to customers who are members or non-member customers, as the case may be, or

(b) prior to the commencement of the year or prior to such other day as may be prescribed for the class of business in which the taxpayer is engaged, the taxpayer has published an advertisement in prescribed form in a newspaper or newspapers of general circulation throughout the greater part of the area in which the taxpayer carried on business holding forth that prospect to customers who are members or non-member customers, as the case may be, and has filed copies of the newspapers with the Minister before the end of the thirtieth day of the taxation year or within 30 days from the prescribed day, as the case may be.

(6) Where a payment has been received by a taxpayer in respect of an allocation in proportion to patronage (other than an allocation in respect of consumer goods or services), the amount thereof shall be included in computing the recipient's income for the taxation year in which the payment was received and, without restricting the generality of the foregoing, where a certificate of indebtedness or a share was issued to a person in respect of an allocation in proportion to patronage, the amount thereof shall be included in computing the recipient's income for the taxation year in which the certificate or share was received and not in computing his income for the year in which the indebtedness was subsequently discharged or the share was redeemed. 1948, c. 52, s. 68.

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Special Contributions by Employers to Superannuation Funds.

76. (1) Where a taxpayer is an employer and has made a special payment (or payments) on account of an employees' superannuation or pension fund or plan in respect of the past services of employees pursuant to a recommendation by a qualified actuary in whose opinion the resources of the fund or plan required to be augmented by the amount of one or more special payments to ensure that all the obligations of the fund or plan to the employees may be discharged in full and has made the payment so that it is irrevocably vested in or for the fund or plan and the payment has been approved by the Minister on the advice of the Superintendent of Insurance, there may be deducted in computing the income for the taxation year the lesser of

(a) 1/10 of the whole amount so recommended to be paid, or

(b) the amount by which the aggregate of the amounts so paid during a period not exceeding 10 years ending with the end of the taxation year exceeds the aggregate of the amounts that were deductible under this section in respect thereof in computing the income of the taxpayer for the previous years.

(2) For greater certainty, and without restricting the generality of subsection (1), it is hereby declared that (i).

Application of subsection (1) is applicable where the resources of a fund or plan required to be augmented by reason of an increase in the superannuation or pension benefits payable out of or under the fund or plan. 1948, c. 52, s. 69; 1950, c. 40, s. 25; 1952, c. 29, s. 22.

Exemption of Certain Superannuation or Pension Benefits.

77. (1) There shall be included in computing the income of a taxpayer in respect of a payment received by him out of or under a superannuation or pension fund or plan the investment income of which has at some time been exempt from taxation under the Income War Tax Act by reason of an election for such exemption by the trustees or corporation administering the fund or plan, only that part of the payment that remains after deducting the proportion thereof

(a) that the aggregate of the amounts paid by the taxpayer into or under the fund or plan during the period when its income was exempt by reason of such election is of the aggregate of all amounts paid by him into or under the fund or plan, or

(b) R.S., 1952.
(b) that the aggregate of the amounts paid by the taxpayer into or under the fund or plan during the period when its income was exempt by reason of such election together with simple interest on each amount so paid from the end of the year of payment thereof to the commencement of the superannuation allowance or pension at 3% per annum is of the aggregate of all amounts paid by him into or under the fund or plan together with simple interest as aforesaid on each amount so paid, whichever is the greater.

Exception.

(2) This section has no application in respect of a payment received by a taxpayer out of or under a superannuation or pension fund or plan if the taxpayer made no payment into or under the fund or plan.

Limitation.

(3) Where a payment, to which subsection (1) would otherwise be applicable, is received by a taxpayer out of or under a superannuation or pension fund or plan in respect of a period of service for part only of which he made payments into or under the fund or plan, subsection (1) is applicable only to that part of the payment which may reasonably be regarded as having been received in respect of the period for which he made payments into or under the fund or plan and any part of the payment which may reasonably be regarded as having been received in respect of a period for which he made no payments into or under the fund or plan shall be included in computing his income for the year without any deduction whatsoever.

(4) Where a taxpayer, during the period from August 15, 1944, to December 31, 1945, made a contribution in excess of $300 into or under an approved superannuation fund or plan in respect of services rendered by him before he became a contributor, there shall be included in computing his income in respect of a payment received by him out of or under the fund or plan only that part of the payment that remains after deducting the proportion thereof that the contribution so made minus $300 is of the aggregate of all amounts paid by him into or under the fund or plan. 1948, c. 52, s. 70; 1950, c. 40, s. 26.

Exemption of Certain Government Annuities and Like Annuities.

78. (1) In determining the amount that shall be included in computing the income of a taxpayer in respect of payments received by him in a taxation year under contracts entered into before May 26, 1932, with the Government of Canada or annuity contracts like those issued under the Government R.S., 1952.
Government Annuities Act entered into before that day with the Government of a province or a corporation incorporated or licensed to do annuity business in Canada, there may be deducted from the aggregate of the payments received the lesser of

(a) the aggregate of the amounts that would have been so received if the contracts had continued in force as they were immediately before June 25, 1940, without the exercise of any option or contractual right to enlarge the annuity by the payment of additional sums or premiums unless such additional sums or premiums had been paid before that day, or

(b) $5,000.

(2) In determining the amount that shall be included in computing the income of a taxpayer in respect of payments received by him in a taxation year under annuity contracts entered into after May 25, 1932, and before June 25, 1940, with the Government of Canada or annuity contracts like those issued under the Government Annuities Act entered into during that period with the Government of a province or a corporation incorporated or licensed to do annuity business in Canada, there may be deducted from the aggregate of the payments received the lesser of

(a) the aggregate of the amounts that would have been received under the contracts if they had continued in force as they were immediately before June 25, 1940, without the exercise of any option or contractual right to enlarge the annuity by the payment of additional sums or premiums unless such additional sums or premiums had been paid before that day, or

(b) $1,200.

(3) Where a taxpayer has received annuity payments in respect of which he would otherwise be entitled to make deductions under both subsection (1) and subsection (2),

(a) if the amount deductible under subsection (1) is $1,200 or more, he cannot make a deduction under subsection (2), and

(b) if the amount deductible under subsection (1) is less than $1,200, he can make one deduction computed as though subsection (2) applied to all contracts entered into before June 25, 1940.

(4) The amount remaining after deducting from the aggregate of the annuity payments to which this section applies received in a taxation year the deductions permitted by subsection (1), (2) or (3) shall be deemed to be the annuity payment in respect of which the capital element is deductible under paragraph (k) of subsection (1) of section 11.

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(5) Where a husband and wife have each received annuity payments in respect of which they may make a deduction under this section, the amount deductible shall be computed as if their annuities belonged to one person and may be deducted by either of them or apportioned between them in such manner as may be agreed by them or, in case of disagreement, as the Minister may determine.

(6) This section does not apply to superannuation or pension benefits received out of or under an approved superannuation or pension fund or plan.

(7) For the purpose of this section, an annuity shall be deemed to have been enlarged on or after June 25, 1940, if what is payable under the contract has, at any such time, been increased whether by increasing the amount of each periodic payment, by increasing the number of payments or otherwise. 1948, c. 52, s. 71; 1951, c. 51, s. 23.

"Employees Profit Sharing Plan."

79. (1) In this Act, an "employees profit sharing plan" means an arrangement under which payments computed by reference to his profits from his business are made by an employer to a trustee in trust for the benefit of officers or employees of the employer (whether or not payments are also made to the trustee by the officers or employees) and under which the trustee has, since the commencement of the plan or the end of 1949, whichever is the later, each year allocated either contingently or absolutely to individual officers or employees,

(a) all amounts received by him from the employer, and

(b) all profits from the trust property, in such manner that the aggregate of all such amounts and such profits minus such portion thereof as has been paid to beneficiaries under the trust is allocated either contingently or absolutely to officers or employees who are beneficiaries thereunder.

(2) No tax is payable under this Part by a trust on the taxable income of the trust for a period during which the trust was governed by an employees profit sharing plan.

(3) There shall be included in computing the income for a taxation year of an officer or employee who is a beneficiary under an employees profit sharing plan each amount that is allocated to him contingently or absolutely by the trustee under the plan at any time in the year otherwise than in respect of contributions made by him.

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(4) An amount paid by an employer to a trustee under an employees profit sharing plan during a taxation year may be deducted in computing the employer’s income for the taxation year.

(5) An amount received in a taxation year by a beneficiary from a trustee under an employees profit sharing plan shall not be included in computing the beneficiary’s income for the year.

(6) Notwithstanding subsection (5), such portion of an amount received in a taxation year by a beneficiary from the trustee under an employees profit sharing plan as cannot be established to be attributable to

(a) payments made by the employer to the trustee, or

(b) profits from trust property,

which were included in computing the employee’s income for that or a previous year under this Part, or as cannot be established as being attributable to payments made by the employee to the trustee, shall be included in computing the beneficiary’s income for the year in which the amount was received. 1950, c. 40, s. 27.

Authors.

80. Where the author or joint author of a literary, dramatic, musical or artistic work, having been engaged for a period of more than 12 months in the production thereof, assigns the copyright therein wholly or partially and receives within 12 months of the assignment, in consideration or part consideration therefor, an amount that but for this section would be included in computing his income for the taxation year in which it was received, if he files with the Minister an election in prescribed form before the expiration of the time fixed by this Act for filing a return of his income for that year, the following rules are applicable:

(a) if the period in which he was engaged on the production of the work did not exceed 2 years,

(i) one-half only of the amount shall be included in computing his income for the year in which it was received, and

(ii) one-half of the amount shall be included in computing his income for the year immediately preceding that year, and

(b) if the period in which he was engaged in the production of the work exceeded 2 years,

(i) one-third only of the amount shall be included in computing his income for the year in which it was received, and

(ii)
(ii) one-third of the amount shall be included when computing his income for each of the 2 years immediately preceding that year. 1948, c. 52, s. 72.

Undistributed Income.

81. (1) Where funds or property of a corporation have, at a time when the corporation had undistributed income on hand, been distributed or otherwise appropriated in any manner whatsoever to or for the benefit of one or more of its shareholders on the winding-up, discontinuance or reorganization of its business, a dividend shall be deemed to have been received at that time by each shareholder equal to the lesser of

(a) the amount or value of the funds or property so distributed or appropriated to him, or

(b) his portion of the undistributed income then on hand.

(2) Where a corporation, at a time when it had undistributed income on hand, has

(a) redeemed or acquired any of its common shares or reduced its common stock, or

(b) converted any of its common shares into shares other than common shares or into some obligation of the corporation,

a dividend shall be deemed to have been received at that time by each of the persons who held any of the shares at that time equal to the lesser of

(i) the amount received or the value of that which was received by him for or in respect of the shares or the reduction or conversion, or

(ii) his portion of the undistributed income then on hand.

(3) Where the whole or any part of a corporation’s undistributed income on hand has been capitalized, a dividend shall be deemed to have been received by each of the persons who held any of its shares immediately before the capitalization equal to the shareholder’s portion of the undistributed income that was capitalized.

(4) Where a dividend is under this section deemed to have been received by a taxpayer in a taxation year, the amount thereof to be included in computing the taxpayer’s income for the year is the amount of the dividend minus the taxpayer’s portion of the payer corporation’s tax-paid undistributed income as of the time the dividend is deemed to have been received; and the amount so included shall, 3292

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where the dividend is deemed to have been received by a corporation, be deemed to be the amount of the dividend for the purpose of section 28.

(5) Where, under this section, a dividend has been deemed to have been received, the corporation's undistributed income on hand shall be deemed to have been reduced by the amount that the shareholders are so deemed to have received.

(6) Where a corporation has paid a stock dividend, the corporation shall, for the purpose of subsection (3), be deemed to have capitalized immediately before the payment undistributed income on hand equal to the lesser of

(a) the undistributed income then on hand, or
(b) the amount of the stock dividend.

(7) Except where the corporation is a non-resident corporation, more than 50% of the share capital of which (having full voting rights under all circumstances) belongs to non-residents, this section is applicable in computing the income of a shareholder for the purpose of this Part whether or not the corporation was resident or carried on business in Canada. 1950, c. 40, s. 28.

82. (1) In this Act

(a) "undistributed income on hand" of a corporation at the end of, or at any time in, a specified taxation year means the aggregate of the incomes of the corporation for the taxation years beginning with the taxation year that ended in 1917 and ending with the specified taxation year minus the aggregate of the following amounts for each of those years:

(i) each loss sustained by the corporation for a taxation year,
(ii) each expense incurred or disbursement made by the corporation during one of those years that was not allowed as a deduction in computing income for one of those years under this Part except

(A) an expense incurred or disbursement made in respect of the acquisition of property (including goodwill) or the repayment of loans or capital,
(B) an outlay or expense the deduction of which was not allowed by reason of subsection (3) of section 12, or
(C) unless the undistributed income on hand is being determined for the purpose of subsection (1) of section 81, any part of the payment referred

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referred to in section 76 that has not been allowed as a deduction in computing income for one of those years,

(iii) the amount by which all capital losses sustained by the corporation in those years before the 1950 taxation year exceeds all capital profits or gains made by the corporation in those years before the 1950 taxation year,

(iv) the amount by which all capital losses sustained by the corporation in those taxation years after the 1949 taxation year exceeds all capital profits or gains made by the corporation in those years after the 1949 taxation year,

(v) amounts on which tax has been paid under Part III by virtue of subsection (2) of section 108,

(vi) all amounts by which under other provisions of this Act the corporation's undistributed income on hand has been deemed to have been reduced previous to the specified year, and

(vii) dividends paid by the corporation in those years except

(A) a dividend that was paid exclusively out of a surplus or accumulated profits on hand before January 1, 1917, and that was not taxable under the Income War Tax Act as income of the recipient other than a dividend or any part of a dividend that is established to have been paid out of income for the 1917 taxation year that was earned before January 1, 1917, or

(B) a dividend the payment of which was deemed, by subsection (8) of section 9, as enacted by chapter 52 of the statutes of 1948, not to have reduced the undistributed income of the corporation,

minus the aggregate of amounts, if any, that were deductible by the shareholders in respect of the dividends under regulations made under subsection (2) of section 11 or that would have been so deductible if the shareholders had been taxable under Part I for the year in which the dividends were received;

(b) "tax-paid undistributed income" of a corporation as of any time means the aggregate of all amounts upon which tax has been, before that time, paid by the corporation under Part II of this Act or Part XVIII of the Income War Tax Act minus the aggregate of
(i) all amounts that have, before that time, been taken into account to reduce, by virtue of subsection (4) of section 81 or subsection (1) of section 141 of this Act or section 95 of the Income War Tax Act, amounts included in computing income of the shareholders of the corporation, and
(ii) all amounts of tax that the corporation has paid under Part II of this Act or Part XVIII of the Income War Tax Act;

(c) a shareholder's portion of
(i) a corporation's undistributed income on hand at any time or any portion thereof, or
(ii) a corporation's tax-paid undistributed income as of any time,

means the amount that would have been payable to him on the winding-up of the corporation at that time if the subscribed capital had been repaid and what remained to be distributed on the winding-up were an amount equal to the undistributed income on hand at that time, the portion of it or the tax-paid undistributed income, as the case may be.

(2) Notwithstanding anything contained in paragraph (a) of subsection (1), the undistributed income of a life insurance corporation on hand at any time means the amount that is at the credit of its shareholders' account at that time.

(3) For the purpose of computing undistributed income under paragraph (a) of subsection (1), there shall be added to the amount from which the aggregate of the amounts referred to in subparagraphs (i) to (vii) thereof is to be subtracted

(a) where a corporation has been created by the amalgamation of two or more other corporations, the aggregate of the undistributed incomes on hand of the other corporations at the time immediately before the amalgamation, and

(b) any amount that had previously been added to the corporation's undistributed income on hand for the purpose of Part XVIII of the Income War Tax Act by virtue of subsection (5) of section 94 of that Act.

(4) For the purpose of subparagraph (i) of paragraph "Loss."
(a) of subsection (1) "loss" for a taxation year means a loss computed by applying the provisions of this Act respecting computation of the corporation's income mutatis mutandis.

(5) Where paragraph (a) of subsection (1) is being applied to determine a corporation's undistributed income on hand at a specified time in a taxation year after a dividend has

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has been deemed by section 81 to have been received from the corporation in the year, the undistributed income on hand at the specified time is the undistributed income on hand of the corporation determined in accordance with the terms of the said paragraph (a) minus the amount of the dividends that have been so deemed to have been received from the corporation at a previous time in the year.

(6) Where a corporation is or has been a personal corporation, notwithstanding paragraph (b) of subsection (1), its tax-paid undistributed income at a specified time is the amount that it would be according to the terms of paragraph (b) of subsection (1) plus the amount by which

(a) the aggregate of the incomes deemed under section 67 to have been distributed to its shareholders while it was a personal corporation prior to that time, exceeds

(b) the aggregate of dividends received from the corporation prior to that time and not included, by virtue of section 67, in computing the incomes of the shareholders by whom they were received.

(7) For the purpose of subparagraphs (iii) and (iv) of paragraph (a) of subsection (1),

(a) where depreciable property of a taxpayer (as defined by subsection (5) of section 20) has been disposed of in 1949 or a subsequent taxation year, the capital loss arising from the disposition shall be deemed not to be more than the actual capital cost of the property to the taxpayer minus the capital cost thereof as determined for the purpose of section 20, and

(b) where depreciable property of a taxpayer (as defined by subsection (5) of section 20) has been disposed of in 1949 or a subsequent taxation year, the capital profit or gain arising from the disposition shall be deemed not to be more than the proceeds of the disposition (as defined by the said subsection (5)) minus the capital cost of the property to the taxpayer as determined for the purpose of section 20.

(8) Where in the calculation of a corporation's undistributed income on hand at any time, there has been included in

(a) computing the amount determined by subparagraph (vii) of paragraph (a) of subsection (1), or

(b) computing the amount by which the undistributed income on hand is deemed to have been reduced by virtue of subsection (5) of section 81,
amounts that were not included in computing the shareholders' income but that would have been so included if it were not for section 67, and the aggregate of those amounts exceeds the aggregate of the incomes of the corporation that were by section 67 deemed to have been distributed to its shareholders, the undistributed income of the corporation on hand at that time shall be deemed to be the amount that it would be if the aggregate of the deductions permitted by subparagraphs (i) to (vii) of paragraph (a) of subsection (1) were reduced by an amount equal to the excess.

(9) In the computation of a loss for the purpose of subparagraph (i) of paragraph (a) of subsection (1) there shall not be included a loss sustained by a corporation in its farming business for a year in respect of which the Minister has determined under section 13 that the corporation's chief source of income is neither farming nor a combination of farming and some other source of income except to the extent that the loss has been deducted in computing taxable income for a taxation year under paragraph (e) of subsection (1) of section 27.

(10) Where the Minister has determined under section 13 that a corporation's chief source of income for a taxation year is neither farming nor a combination of farming and some other source of income, no expense or disbursement shall be included in the amount deductible under subparagraph (ii) of paragraph (a) of subsection (1) if the amount thereof is included in the computation of a loss sustained by the corporation for the year in its farming business.

(11) For the purpose of computing a corporation's undistributed income on hand under paragraph (a) of subsection (1), the income of the corporation for a year shall, if subsection (5) of section 83 was applicable in the computation thereof, be deemed to be the amount that it would have been if subsection (5) of section 83 had not been applicable. 1950, c. 40, s. 28; 1951, c. 51, s. 24; 1952, c. 29, s. 23.

Mining.

83. (1) In this section,

(a) "minerals" do not include petroleum or natural gas, "Minerals."

(b) "mining property" means a right to prospect, explore or mine for minerals or a property the principal value of which depends upon its mineral content, and "Mining property."

(c) "prospector" means an individual who prospects or explores for minerals or develops a property for minerals on behalf of himself, on behalf of himself and others or as an employee.

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(2) R.S., 1952.
(2) An amount that would otherwise be included in computing the income of an individual for a taxation year shall not be included in computing his income for the year if it is the consideration for

(a) a mining property or interest therein acquired by him as a result of his efforts as a prospector either alone or with others, or

(b) shares of the capital stock of a corporation received by him in consideration for property described in paragraph (a) that he has disposed of to the corporation.

(3) An amount that would otherwise be included in computing the income for a taxation year of a person who has, either under an arrangement with the prospector made before the prospecting, exploration or development work or as employer of the prospector, advanced money for, or paid part or all of, the expenses of prospecting or exploring for minerals or of developing a property for minerals, shall not be included in computing his income for the year if it is the consideration for

(a) an interest in a mining property acquired under the arrangement under which he made the advance or paid the expenses, or, if the prospector was his employee, acquired by him through the employee's efforts, or

(b) shares of the capital stock of a corporation received by him in consideration for property described in paragraph (a) that he has disposed of to the corporation.

(4) Paragraph (b) of subsection (2) and paragraph (b) of subsection (3) do not apply:

(a) in the case of a person who disposes of the shares after carrying on a campaign to sell shares of the corporation to the public, or

(b) to shares acquired by the exercise of an option to purchase shares received as consideration for property described in paragraph (a) of subsection (2) or paragraph (a) of subsection (3).

(5) Where a corporation establishes that a mine was

(a) a metalliferous mine, or

(b) an industrial mineral mine certified by the Minister of Mines and Technical Surveys to have been operating on mineral deposits (other than bedded deposits except sylvite),

that came into production of ore prior to the end of the 1955 calendar year, income derived from the operation of the mine during the period of 36 months commencing with the 3298th day

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day on which the mine came into production shall, subject to prescribed conditions, not be included in computing the income of the corporation.

(6) In subsection (5), “production” means production in reasonable commercial quantities. 1948, c. 52, s. 74; 1950, c. 40, s. 28; 1952, c. 29, s. 24.

Crown Corporations.

84. (1) This Part is applicable to a corporation specified in Schedule D to the *Financial Administration Act* as though the income from

(a) any business carried on by the corporation as agent of Her Majesty, and

(b) any property of Her Majesty administered by the corporation,

were income of the corporation.

(2) Paragraph (c) of subsection (1) of section 62 does not apply to a corporation specified in Schedule D to the *Financial Administration Act*.

(3) Where a corporation specified in Schedule D to the *Financial Administration Act* has acquired depreciable property before the commencement of the first taxation year commencing after 1951, for the purpose of section 20 and regulations made under paragraph (a) of subsection (1) of section 11, that property shall be deemed to have been acquired at a capital cost equal to the amount that, according to the corporation’s books, was its value at the commencement of that taxation year.

(4) For the purpose of computing a deduction under paragraph (e) of subsection (1) of section 27, a corporation specified in Schedule D to the *Financial Administration Act* shall be deemed not to have had income or a loss for a taxation year prior to the first taxation year commencing after 1951. 1952, c. 29, s. 25.

Electric, Gas or Steam Utilities.

85. (1) This section applies to a corporation resident in Canada whose gross revenue during a taxation year from the sale for delivery in Canada of electrical energy, gas or steam to

(a) persons with whom it deals at arm’s length, and

(b) persons with whom it does not deal at arm’s length for resale directly or indirectly for delivery in Canada to persons with whom it does deal at arm’s length, is more than one-half its total gross revenue other than exempt income for the year; (such a corporation is hereinafter referred to as a “designated corporation”).

(2) 1952, c. 29, s. 25.
(2) A designated corporation's taxable income for a taxation year from the sale for delivery in Canada of electrical energy, gas or steam to

(a) persons with whom it deals at arm's length, and

(b) persons with whom it does not deal at arm's length for resale directly or indirectly for delivery in Canada to persons with whom it does deal at arm's length,

(hereinafter referred to as its "class A taxable income") shall, for the purposes of this section, be deemed to be the part of its taxable income for the year that its gross revenue for the year from such sales is of its total gross revenue other than exempt income for the year; and its taxable income for the year from all other sources (hereinafter referred to as its "class B taxable income") shall, for the purposes of this section be deemed to be its taxable income for the year minus its class A taxable income for the year.

Deductions.

(3) Where a designated corporation's tax under this Part for a taxation year is required to be computed under subsection (1) of section 39, there may be deducted from the tax for the year computed under that subsection the amount by which the tax so computed exceeds the aggregate of

(a) the lesser of $2,000 or 20% of the corporation's taxable income for the year,

(b) 50% of

(i) the corporation's class B taxable income for the year,

minus

(ii) $10,000, and

(c) 43% of

(i) the corporation's class A taxable income for the year

minus

(ii) the amount, if any, by which the corporation's class B taxable income for the year is less than $10,000.

Deductions.

(4) Where a designated corporation's tax under this Part for a taxation year is required to be computed under subsection (2) of section 39, there may be deducted from the tax for the year computed under that subsection the amount by which the tax so computed exceeds the aggregate of

(a) 50% of the corporation's class B taxable income for the year, and

(b) 43% of the corporation's class A taxable income for the year.

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(5)
(5) For the purpose of this section, a transaction shall be deemed not to have been a sale of gas by a corporation unless:

(a) the commodity sold was gas for lighting or heating and was not delivered in portable containers, and

(b) the corporation itself had a system for the distribution of gas through which it delivered gas to not less than 100 different customers.

(6) For the purpose of all provisions of this or any other Tax Act other than section 39 or this section, the amount remaining after making the deduction permitted by this section from the tax computed under section 39 for a taxation year shall be deemed to be the tax computed under section 39 for the year. 1952, c. 29, s. 25.

DIVISION I—INCOME TAX APPEAL BOARD.

86. (1) There is hereby constituted an Income Tax Appeal Board to be appointed by the Governor in Council, consisting of the following members, namely, a Chairman and not less than 2 or more than 4 other members of whom one may be appointed as Assistant Chairman.

(2) No person shall be appointed Chairman or Assistant Chairman unless he is:

(a) a judge of a superior court of Canada or of a superior, county or district court of a province, or

(b) a barrister or advocate of at least 10 years' standing at the bar of a province,

but, if a person who is a judge is appointed Chairman or Assistant Chairman, he shall cease to hold office 90 days after his appointment unless:

(c) within that time he has resigned from his office as judge, or

(d) his appointment as Chairman or Assistant Chairman was for a period not exceeding 2 years and he has been granted leave of absence without pay for that period from his office as a judge.

(3) No person who has attained the age of 65 years shall be appointed a member.

(4) Every member holds office for a period to be fixed by the Governor in Council not exceeding 10 years from the day of his appointment but may be removed for cause at any time by the Governor in Council upon address of the Senate and House of Commons.

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Part I.


(5) Upon the expiration of his term of office, a member may, if not disqualified by age, be reappointed.

(6) Where the Chairman, Assistant Chairman or any other member is ill or otherwise unable to act, or where his office is vacant, the Governor in Council may appoint some person qualified to hold the office to act in his stead during his illness or incapacity or until the office is filled as the case may be.

(7) The Chairman shall be paid a salary of $13,333.33 a year, the Assistant Chairman shall be paid a salary of $12,000 a year, and every other member shall be paid a salary of $10,000 a year.

(8) Every member shall, for travelling, be paid allowances calculated in the same way as the allowances paid to judges under the Judges Act.

(9) The Chairman shall live in Ottawa or within 5 miles thereof and the other members shall live in such places as may be prescribed by the rules.

(10) A person having the qualifications set out in subsection (2) for the Chairman or Assistant Chairman may be appointed by the Governor in Council a hearing officer for an appeal or group of appeals and paid, notwithstanding the Judges Act, such remuneration and expenses as may be determined by the Governor in Council. 1948, c. 52, ss. 76, 77.

87. (1) The Board may, subject to the approval of the Governor in Council, make rules not inconsistent with this Act governing the carrying on of the business of the Board and practice and procedure in connection with appeals.

(2) No rule made under this section has effect until it has been published in the Canada Gazette. 1948, c. 52, s. 78.

88. (1) The Chairman or Assistant Chairman and not less than one-half the other members of the Board are a quorum.

(2) The Chairman or the Board may direct that an appeal be heard and determined on behalf of the Board by any member or members thereof and the member or members so nominated shall have, for the hearing and determination of the appeal, all the powers of the Board.

(3) The member or members nominated to hear and determine an appeal may, at any stage, refer the appeal to the Board and the Board shall then in its discretion hear and
and determine the appeal or determine the appeal on the report of the said member or members if the report was made after hearing the parties.

(4) Where an appeal is to be determined by the Board, the Chairman or the Board may direct that evidence relating to the appeal, in whole or in part, be received by a hearing officer, the Chairman or the Assistant Chairman, and the Board shall, after

(a) receiving the hearing officer's, Chairman's or Assistant Chairman's report, and

(b) holding a rehearing in whole or in part if in its discretion it deems it advisable so to do, determine the appeal.

(5) A hearing officer, the Chairman or the Assistant Chairman has all the powers of the Board for the purpose of taking evidence pursuant to this section. 1948, c. 52, s. 79; 1950, c. 40, s. 29.

**Appeals.**

89. (1) An appeal to the Board shall be instituted by filing with the Registrar of the Income Tax Appeal Board a notice of appeal in such form as may be determined by the rules and by serving two copies thereof upon the Minister.

(2) The notice of appeal shall be served upon the Minister by being sent by registered mail to the Deputy Minister of National Revenue for Taxation at Ottawa.

(3) Immediately after receiving the notice of appeal, the Minister shall forward to the Board copies of all documents relevant to the assessment. 1948, c. 52, s. 80; 1951, c. 51, s. 27.

90. (1) An appellant shall pay to the Registrar of the Income Tax Appeal Board a fee of $15 upon the filing of the notice of appeal and if the appeal is allowed, in whole or in part, the fee shall be returned to the appellant forthwith after disposition of the appeal but not otherwise.

(2) Subject to subsection (1), no costs may be awarded on the disposition of an appeal and no fees may be charged the appellant by the Board.

(3) Subject to subsection (1), fees received under this section shall be retained in the Consolidated Revenue Fund. 1948, c. 52, s. 81; 1951, c. 51, s. 28.

91. (1) The Minister and the appellant may appear in person or may be represented at the hearing by counsel or an agent or, with the consent of the Minister and the appellant, Section 3303 Minister and an appellant may appear in person or be represented.

R.S., 1952.
Part I.


Hearing may be in camera.

To be court of record.

appellant, the Board or the Chairman may order that written submissions be filed in addition to or in the place of an oral hearing.

(2) An appeal may, in the discretion of the Board, the Chairman, the Assistant Chairman or hearing officer, as the case may be, be heard in camera or in public unless the appellant requests that it be heard in camera in which case it shall be so heard.

(3) The Board is a court of record and may

(a) summon before it any witness and require him to give evidence orally or in writing on oath or otherwise and to produce such documents and things as it deems requisite to the full investigation of the facts in issue, and

(b) enforce the attendance of witnesses and compel them to give evidence.

(4) The Chairman may, subject to the rules and this Division, determine the procedure to be followed on an appeal. 1948, c. 52, s. 82.

Procedure.

Disposal of appeal.

92. (1) The Board may dispose of an appeal by

(a) dismissing it,

(b) vacating the assessment,

(c) varying the assessment, or

(d) referring the assessment back to the Minister for reconsideration and re-assessment.

(2) Where an appeal is from an assessment or re-assessment made pursuant to a direction given under section 138, the Board has no jurisdiction to vacate or vary the assessment insofar as it is made in accordance with that direction; and, if it appears that the only matter at issue in the appeal is whether one of the purposes of the transaction or transactions was the avoidance or reduction of taxes, the Board shall forthwith dismiss the appeal.

(3) The Registrar shall, upon the disposition of an appeal, forward, by registered mail, a copy of the decision and the reasons therefor to the Minister and the appellant. 1948, c. 52, s. 83.

Administration.

93. (1) The Governor in Council may appoint a Registrar and a Deputy Registrar and fix their salaries.

(2) Such other officers, clerks and employees as may be required to carry on the business of the Board shall be appointed in the manner authorized by law.

R.S., 1952.

(3) The Registrar, or in his absence the Deputy Registrar, shall control and supervise the other persons employed under this section. 1948, c. 52, s. 84.

94. (1) The Registrar, with the approval of the Chairman, shall establish such office or offices as are required for the use of the members and staff of the Board and provide therefor the necessary accommodation, furnishings, stationery, equipment and telephones and shall arrange for the necessary accommodation for the hearing of appeals.

(2) The Registrar shall, under the control and direction of the Chairman, make available for publication all decisions of the Board. 1948, c. 52, s. 85.

95. (1) The Registrar shall, with the approval of the Chairman, incur all expenses necessary for the carrying on of the business of the Board and the hearing of appeals.

(2) The salaries of members of the Board shall be paid out of unappropriated moneys in the Consolidated Revenue Fund.

(3) All expenses and salaries under this Division, other than salaries of members of the Board, shall be paid out of moneys appropriated by Parliament for the purpose. 1948, c. 52, s. 86.

96. (1) Notwithstanding any other statute or law, where a person who is appointed a member was immediately prior to his appointment a contributor under the Civil Service Superannuation Act, he continues while he is a member to be a contributor under the said Superannuation Act.

(2) For the purposes of the Civil Service Superannuation Act the service of a member to whom subsection (1) applies, as a member of the Board, shall be counted as service in the Civil Service and he, his widow, children or other dependants, if any, or his legal representatives may be granted the respective allowances or gratuities provided by the Civil Service Superannuation Act.

(3) The retirement of a member to whom subsection (1) applies upon expiration of his term of office shall, for the purposes of the Civil Service Superannuation Act, be deemed to be retirement by reason of abolition of office.

(4) The Civil Service Superannuation Act is applicable to a member to whom subsection (1) does not apply as though the Board were listed in Schedule A to that Act. 1948, c. 52, s. 87.
Definitions.

97. In this Division,

(a) “Assistant Chairman” means the Assistant Chairman of the Board;
(b) “Board” means the Income Tax Appeal Board;
(c) “Chairman” means the Chairman of the Board;
(d) “member” means a member of the Board; and
(e) “rule” means a rule made under section 87. 1948, c. 52, s. 88.

DIVISION J—APPEALS TO THE EXCHEQUER COURT OF CANADA.

98. (1) An appeal to the Exchequer Court shall be instituted by serving upon the taxpayer or the Minister, as the case may be, a notice of appeal in duplicate in such form as may be determined by the rules, by filing a copy thereof with the Registrar of the Exchequer Court and, if the appeal is from the Income Tax Appeal Board, by filing a copy thereof with the Registrar of the Income Tax Appeal Board.

(2) A notice of appeal shall be served upon the Minister by being sent by registered mail to the Deputy Minister of National Revenue for Taxation at Ottawa and may be served upon the taxpayer either personally or by being sent to him at his last known address by registered mail.

(3) The appellant shall set out in the notice of appeal a statement of the allegations of fact, the statutory provisions and reasons which the appellant intends to submit in support of his appeal.

(4) An appeal by a taxpayer and all proceedings thereunder are, upon the expiration of 30 days from the day the appeal is instituted, null and void unless security for the costs of the appeal has been, within the said period, given to the satisfaction of the Minister in a sum of not less than $400 and, upon an appeal becoming null and void by virtue of this section, no further appeal can be instituted in respect of the same decision.

(5) When security has been given under subsection (4), notice thereof in such form as may be determined by the rules shall, if the appeal is from the Income Tax Appeal Board, be filed with the Registrar of the Income Tax Appeal Board. 1948, c. 52, s. 89; 1950, c. 40, s. 30; 1951, c. 51, s. 29.

R.S., 1952.

99. (1) The respondent shall, within 60 days from the day the notice of appeal is received, or within such further time as the court or a judge thereof may either before or after the expiration of that time allow, serve on the appellant and file in the court a reply to the notice of appeal admitting or denying the facts alleged and containing a statement of such further allegations of fact and of such statutory provisions and reasons as the respondent intends to rely on.

(2) The court or a judge may, in its or his discretion, strike out a notice of appeal or any part thereof for failure to comply with subsection (3) of section 98 and may permit an amendment to be made to a notice of appeal or a new notice of appeal to be substituted for the one struck out.

(3) The court or a judge may, in its or his discretion, (a) strike out any part of a reply for failure to comply with this section or permit the amendment of a reply, and (b) strike out a reply for failure to comply with this section and order a new reply to be filed within a time to be fixed by the order.

(4) Where a notice of appeal is struck out for failure to comply with subsection (3) of section 98 and a new notice of appeal is not filed as and when permitted by the court or a judge, the court or a judge thereof may in its or his discretion, dispose of the appeal by dismissing it.

(5) Where a reply is not filed as required by this section or is struck out under this section and a new reply is not filed as ordered by the court or a judge within the time ordered, the court may dispose of the appeal ex parte or after a hearing on the basis that the allegations of fact contained in the notice of appeal are true. 1949 (2nd Sess.), c. 25, s. 36.

100. (1) Where the appeal is from the Income Tax Duty of Registrar.

(2) R.S., 1952.
(2) Where the appeal is from the Minister, the Minister shall, after receiving the notice of appeal, cause to be transmitted to the Registrar of the Exchequer Court copies of all documents relevant to the assessment.

(3) Upon the filing of the material referred to in subsection (1) or (2) and of the reply required by section 99, the matter shall be deemed to be an action in the court and, unless the court otherwise orders, ready for hearing.

(4) Any fact or statutory provision not set out in the notice of appeal or reply may be pleaded or referred to in such manner and upon such terms as the court may direct.

(5) The court may dispose of the appeal by
   (a) dismissing it;
   (b) allowing it; or
   (c) allowing it and
      (i) vacating the assessment,
      (ii) varying the assessment,
      (iii) restoring the assessment, or
      (iv) referring the assessment back to the Minister for reconsideration and re-assessment.

1948, c. 52, s. 91; 1950, c. 40, s. 31; 1952, c. 29, s. 26.

101. The court may, in delivering judgment disposing of an appeal, order payment or repayment of tax, interest, penalties or costs by the taxpayer or the Minister. 1948, c. 52, s. 92.

102. Proceedings under this Division shall be held in camera upon request made to the court by the taxpayer. 1948, c. 52, s. 93.

103. (1) The Governor in Council may make rules with reference to practice or procedure in appeals under this Division and the rules are binding on the court notwithstanding any rule or practice that would otherwise be applicable.

(2) No rule made under this section has effect until it has been published in the Canada Gazette. 1948, c. 52, s. 94.

104. In this Division, (a) “court” means the Exchequer Court of Canada; and (b) “rules” means rules made under section 103. 1948, c. 52, s. 95.
**PART II.**  


Chap. 148.  

105. (1) A corporation may elect, in prescribed manner and in prescribed form, to be assessed and to pay a tax of 15% on an amount equal to its undistributed income on hand at the end of the 1949 taxation year minus its tax-paid undistributed income as of that time.

(2) A corporation other than a subsidiary controlled corporation

(a) whose undistributed income on hand at the end of its 1949 taxation year, if any, did not exceed its tax-paid undistributed income as of that time, or

(b) which has paid the tax payable under subsection (1), may elect, in prescribed manner and in prescribed form, to be assessed, and to pay, a tax of 15% on an amount not exceeding

(i) the aggregate of the dividends declared by it that were paid by it in the taxation years beginning with the 1950 taxation year and ending with the last complete taxation year before the election except such portion thereof, as, by virtue of subsection (1) of section 141, has not been taken into account in computing income of shareholders of the corporation,

minus

(ii) the aggregate of the amounts upon which it has previously paid tax under this subsection.

(3) An election under this Part is null and void unless, when the election was made, there was paid to the Receiver General of Canada

(a) if the election was made under subsection (1), the amount of the tax as estimated by the corporation in the election, and

(b) if the election was made under subsection (2), the amount of the tax that the corporation elected to pay.

(4) Where an election was made under subsection (2) and the amount of the tax paid with the election is in excess of or less than 15% of the amount on which, according to the election, the corporation elected to pay tax, the corporation shall be deemed to have elected to be assessed and to pay tax under that subsection on an amount equal to the lesser of

(a) \(100/15\) of the amount of the tax so paid, or

(b) the maximum amount on which it was entitled, at the time that the election was made, to elect under subsection (2) to be assessed and to pay tax.

(5) R.S., 1952.
(5) Where the estimated amount of tax under subsection (1) that was paid with an election was in excess of or less than the tax payable under that subsection, tax shall be deemed to have been paid under this Part on an amount equal to the lesser of

(a) \( \frac{100}{15} \) of the estimated amount of tax so paid, or

(b) the corporation’s undistributed income on hand at the end of its 1949 taxation year minus its tax-paid undistributed income as of that time.

(6) The Minister shall, with all due dispatch, examine each election made under this section, assess the tax payable and send a notice of assessment to the corporation.

(7) Where an election was made under subsection (1), the corporation shall, within 30 days from the day of mailing of the notice of assessment, pay to the Receiver General of Canada an amount equal to the amount by which the tax payable exceeds the tax as estimated in the election, whether or not an objection to or an appeal from the assessment is outstanding, and shall, in addition, pay interest on that amount at 6% per annum from the day of the election until the day of payment whether or not it was paid within the period of 30 days.

(8) Where the balance of the tax payable under subsection (1) has been paid within 30 days of the day of mailing of the notice of assessment and interest, if any, payable under subsection (7), has also been paid within that time, the whole amount of the tax payable shall be deemed to have been paid under this Part on the day of the election.

(9) Subsection (4) of section 46 and sections 58 to 61 are applicable mutatis mutandis to this Part. 1950, c. 40, s. 32; 1951, c. 51, s. 30; 1952, c. 29, s. 27.

PART III.

TAX ON INCOME FROM CANADA OF NON-RESIDENT PERSONS.

Every non-resident person shall pay an income tax of 15% on every amount that a person resident in Canada pays or credits, or is deemed by Part I to pay or credit, to him as, on account or in lieu of payment of, or in satisfaction of,

(a) a dividend other than

(i) a dividend in respect of shares in a non-resident-owned investment corporation if the tax paid by its shareholders under this Part on other dividends is declared

R.S., 1952.
declared previous to the declaration thereof since the 1932 taxation year plus the tax paid by the corporation under Part I on its income for taxation years since 1932 for which it was not taxable under section 70 is not less than the taxes that would have been payable by its shareholders under this Part if an amount equal to the corporation’s surplus determined in prescribed manner for each of the taxation years for which it was not taxable under section 70 had been distributed by way of dividends in the year in which it was earned to non-resident shareholders, or

(ii) a dividend that would not be included in computing income under Part I by virtue of section 67;

(b) interest payable

(i) only in Canadian currency, or

(ii) by a person resident in Canada with whom the non-resident person does not deal at arm’s length otherwise than under an agreement executed before April 1, 1933, providing for payment in a currency other than Canadian currency, except interest paid by a non-resident-owned investment corporation or interest paid under bonds of or guaranteed by the Government of Canada;

(c) income of or from an estate or trust;

(d) rent, royalty, or a similar payment, including, but not so as to restrict the generality of the foregoing, any such a payment

(i) for the use in Canada of property,

(ii) in respect of an invention used in Canada, or

(iii) for any property, trade name, design or other thing whatsoever used or sold in Canada, but not including

(A) a royalty or similar payment on or in respect of a copyright, or

(B) a payment in respect of the use by a railway company of railway rolling stock as defined by paragraph (25) of section 2 of the Railway Act;

(e) alimony or other payment for the support of a spouse or former spouse, children of the marriage, or both the spouse and children of the marriage; or

(f) a patronage dividend, that is, a payment made pursuant to an allocation in proportion to patronage as defined by section 75, or an amount that would, under subsection (6) of section 75, be included in computing the non-resident person’s income if he were resident in Canada.

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(2)

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(2) Every non-resident person shall pay an income tax of 10% on every amount that a person resident in Canada pays or credits, or is deemed by Part I to pay or credit, to him as, on account or in lieu of payment of, or in satisfaction of, payment for a right in or to the use of motion picture films that have been or are to be produced or reproduced in Canada.

(3) Where an amount described by subsection (1) relates to

(a) interest on bonds or other obligations of or guaranteed by Her Majesty in right of a province or interest on bonds or other obligations provision for the payment of which was made by a statute of a provincial legislature; or

(b) a dividend to a non-resident corporation in respect of shares in a subsidiary corporation if the following conditions are satisfied:

(i) all the subsidiary corporation's share capital having full voting rights under all circumstances (except directors' qualifying shares) belongs to the non-resident corporation, and

(ii) either

(A) the chief business of the subsidiary corporation is the making of loans, or

(B) not more than one-quarter of the gross revenue of the subsidiary corporation for the taxation year in which the dividend was paid was derived from interest and dividends other than interest or dividends received from a wholly-owned subsidiary corporation;

the tax payable under subsection (1) is 5% of that amount.

(4) No tax is payable under paragraph (c) of subsection (1) on an amount paid or credited to a non-resident person as income of or from a trust if it may reasonably be regarded as having been derived from

(a) dividends or interest received by the trustee from a non-resident-owned investment corporation, or

(b) amounts received in respect of copyright in a book, music, an article in a periodical, a newspaper syndicated article, picture, comics or any other newspaper or periodical feature used or to be used in Canada, on which no tax would have been payable under this Part if they had been paid by the non-resident-owned investment corporation or person paying the amounts in respect of copyright to the non-resident person instead of to the trustee.

R.S., 1952.

(5) Where all the beneficiaries of a trust established before 1949 reside, during a taxation year, in one country other than Canada and all amounts included in computing the income of the trust for the taxation year were received from persons resident in that country, no tax is payable under paragraph (c) of subsection (1) on an amount paid or credited in the taxation year to a beneficiary as income of or from the trust.

(6) Where an amount has been paid or credited by a trust or estate to a beneficiary or other person beneficially interested therein (otherwise than on a distribution or payment of capital) it shall, regardless of the source from which the trust or estate derived it, be deemed, for the purpose of paragraph (c) of subsection (1) and without limiting the generality thereof, to have been paid or credited as income of the trust or estate. 1948, c. 52, s. 96; 1949 (2nd Sess.), c. 25, s. 38; 1950, c. 40, s. 33; 1951, c. 51, s. 31.

107. (1) Tax is not payable by a non-resident person under paragraph (a) of subsection (1) of section 106 on a dividend in respect of a share of the capital stock of a foreign business corporation if not less than 90% of the aggregate of the amounts received or receivable by it that are required to be included in computing its income for the taxation year in which the dividend was paid was received or receivable in respect of the operation by it of public utilities in a country in which

(a) if the non-resident person is an individual, he resides, or

(b) if the non-resident person is a corporation, individuals who own more than 50% of its share capital (having full voting rights under all circumstances) reside.

(2) For the purpose of subsection (1) and of this subsection, if 90% of the aggregate of the amounts received or receivable by a corporation that are required to be included in computing its income for a taxation year was received or receivable in respect of the operation by it of public utilities, an amount received or receivable in that year from that corporation by another corporation shall if it is required to be included in computing the receiving corporation’s income for the year, be deemed to have been received by the receiving corporation in respect of the operation by it of public utilities in the country in which the public utilities were operated by the payer corporation. 1950, c. 40, s. 34.

108. (1) The tax payable under section 106 is payable on the amounts described therein without any deduction from those amounts whatsoever.

(2) Where a corporation whose business was of an investment or financial nature and whose shares had not been offered for public subscription or listed on any recognized stock exchange has redeemed any of its stock, shares, bonds, debentures or other securities or discharged a capital obligation, the payment made shall, for the purpose of this Part, be deemed to be the payment of a dividend to the extent of the corporation's surplus determined in a prescribed manner.

(3) Where section 7 would, if Part I were applicable, require a part of a payment to be included in computing the recipient's income because it can reasonably be regarded as a payment of interest, that part of the payment shall, for the purpose of this Part, be deemed to have been a payment of interest.

(4) Where a corporation has redeemed or acquired any of its stocks at a premium, the premium shall be deemed, for the purpose of this Part, to have been paid as a dividend.

(5) Where section 8 would, if Part I were applicable, require an amount to be included in computing a shareholder's income or deem a dividend to have been received by a shareholder, for the purpose of this Part, that amount or the amount of that dividend shall be deemed to have been paid to the shareholder as a dividend.

(6) Where section 81 would, if Part I were applicable, require an amount to be included in computing a shareholder's income, for the purpose of this Part, that amount shall be deemed to have been paid to the shareholder as a dividend.

(7) Where, if section 24 were applicable in computing a non-resident person's income, that section would require an amount to be included in computing his income, that amount shall, for the purpose of this Part, be deemed to have been, at the time he received the security, right, certificate or other evidence of indebtedness, paid to him on account of the debt in respect of which he received it.

(8) Subsection (7) is enacted for greater certainty and shall not be construed as limiting the generality of the other provisions of this Part defining amounts on which tax is payable.

R.S., 1952.
(9) The Governor in Council may make general or special regulations, for the purposes of this Part, prescribing
(a) who is or has been at any time resident in Canada,
(b) where a person was resident in Canada as well as in some other place, what amounts are taxable under this Part, and
(c) where a non-resident person carried on business in Canada, what amounts are taxable under this Part or what portion of the tax under this Part is payable by that person. 1948, c. 52, s. 97; 1949 (2nd Sess.), c. 25, s. 39; 1950, c. 40, s. 35; 1952, c. 29, s. 28.

109. (1) When a person pays or credits or is deemed to have paid or credited an amount on which an income tax is payable under this Part, he shall, notwithstanding any agreement or any law to the contrary, deduct or withhold therefrom the amount of the tax and forthwith remit that amount to the Receiver General of Canada on behalf of the non-resident person on account of the tax and shall submit therewith a statement in prescribed form.

(2) Where an amount on which an income tax is payable under this Part is paid or credited by an agent or other person on behalf of the debtor either by way of redemption of bearer coupons or warrants or otherwise, the agent or other person by whom the amount was paid or credited shall, notwithstanding any agreement or law to the contrary, deduct or withhold and remit the amount of the tax and shall submit therewith a statement in prescribed form as required by subsection (1) and shall thereupon, for purposes of accounting to or obtaining reimbursement from the debtor, be deemed to have paid or credited the full amount to the person otherwise entitled to payment.

(3) Where an amount on which an income tax is payable under this Part was paid or credited to an agent or other person for or on behalf of the person entitled to payment without the tax having been withheld or deducted under subsection (1), the agent or other person shall, notwithstanding any agreement or law to the contrary, forthwith remit the amount of the tax to the Receiver General of Canada on behalf of the person entitled to payment in payment of the tax and shall submit therewith a statement in prescribed form and he shall thereupon, for purposes of accounting to the person entitled to payment, be deemed to have paid or credited that amount to him.

(4) The Governor in Council may make regulations with reference to any non-resident person or class of persons who
who carry on business in Canada, providing that sub-
sections (1), (2) and (3) are not applicable to amounts paid
to or credited to them and requiring them to file an annual
return on a prescribed form and to pay the tax imposed by
this Part within a time limited in the regulations. 1948,
c. 52, s. 98; 1949 (2nd Sess.), c. 25, s. 40.

Alternative
re rents.

110. (1) Where an amount has been paid during a
taxation year to a non-resident person as rent on real prop-
erty in Canada, he may, within 2 years from the end of the
taxation year, file a return of income under Part I in the
form prescribed for a person resident in Canada for the
taxation year and he shall, without affecting his liability
for tax otherwise payable under Part I, thereupon be
liable, in lieu of paying tax under this Part on that amount,
to pay tax under Part I as though
(a) he were a person resident in Canada,
(b) the real property were his only source of income, and
(c) he were not entitled to any deduction from income
to determine taxable income.

Idem.

(2) Where a non-resident person has filed a return under
subsection (1), the amount deducted under this Part from
rent payments to him and remitted to the Receiver General
of Canada shall be deemed to have been paid on account
of tax under this section and any portion of the amount
so remitted to the Receiver General of Canada in a taxation
year in excess of the tax under this section for the year
shall be refunded to him.

Idem.

(3) Part I is applicable mutatis mutandis to payment
of tax under this section.

Optional
method of
payment.

(4) If a non-resident person has filed with the Minister
an undertaking in prescribed form to file a return of income
for a taxation year as permitted by this section, a person
who is otherwise required by subsection (3) of section 109
to remit in the year an amount to the Receiver General of
Canada in payment of tax on rent on real property may
elect, by virtue of this section, not to remit under that sub-
section but, if he does so elect,
(a) he shall, when any amount is available out of the
rents received for remittance to the non-resident person,
deduct therefrom 15% thereof and remit the amount
deducted to the Receiver General of Canada on behalf
of the non-resident person on account of the tax under
this Part, and

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(b) he shall, if the non-resident person
   (i) does not file a return for the taxation year as
   and when permitted, or
   (ii) does not pay the tax he is liable to pay for the
taxation year under this section within the time
   limited for payment,
   pay to the Receiver General of Canada, upon the
expiration of the time for filing or payment, as the
case may be, the full amount that he would otherwise
have been required to remit in the year minus the
amounts that he has remitted in the year under
paragraph (a). 1948, c. 52, s. 99; 1949 (2nd Sess.),
c. 25, s. 41.

PART IV.

GIFT TAX.

111. (1) A tax shall be paid as hereinafter required Tax.
upon the gifts made in a taxation year by an individual
resident in Canada or a personal corporation.

   (2) For the purpose of this section, "gift" includes a "Gift."
transfer, assignment or other disposition of property
(whether situate inside or outside Canada) by way of gift,
and without limiting the generality of the foregoing,
includes

   (a) the creation of a trust of, or an interest in, property
by way of gift, and
   (b) a transaction or transactions whereby a person dis-
poses of property directly or indirectly by way of gift.
1948, c. 52, s. 100.

112. (1) Tax shall be assessed and paid under this Part Aggregate
on the aggregate taxable value of all gifts made by a donor
during the taxation year.

   (2) For the purpose of this Part, "aggregate taxable Aggregate
value" is the aggregate value of the gifts made by the
donor during the taxation year other than those exempt defined.
under subsection (3) or (4) minus

   (a) in the case of an individual, either
   (i) $4,000, or
   (ii) one-half the difference between the taxable
income of the donor for the immediately preceding
taxation year as determined under Part I and the
tax that was payable thereon under Part I,
   whichever is greater; and
   (b) in the case of a personal corporation, $4,000.

3317 (3)
R.S., 1952.
(3) Where the value of all gifts made by a donor to an individual in a taxation year does not exceed $1,000, those gifts are exempt from tax under this Part.

(4) The following gifts are exempt from tax under this Part:

(a) a donatio mortis causa,
(b) a gift taking effect upon the death of the donor or so given that the donee would not obtain the benefit thereof until the death of the donor,
(c) a gift to an organization in Canada or a corporation or trust resident in Canada exempt from tax under Part I by paragraph (e), (f), or (g) of subsection (1) of section 62, and
(d) a gift to Her Majesty in right of Canada or a province or to a Canadian municipality. 1948, c. 52, s. 101; 1950, c. 40, s. 36; 1951, c. 51, s. 32.

Tax under this Part shall be computed in accordance with the following rates:

Where the aggregate taxable value does not exceed $5,000 .................................................. 10%

Where the aggregate taxable value exceeds

$ 5,000 but does not exceed $ 10,000 .................. 11%
$ 10,000 but does not exceed $ 20,000 ............. 12%
$ 20,000 but does not exceed $ 30,000 ............ 13%
$ 30,000 but does not exceed $ 40,000 ............ 14%
$ 40,000 but does not exceed $ 50,000 ............ 15%
$ 50,000 but does not exceed $ 75,000 ............ 16%
$ 75,000 but does not exceed $ 100,000 .......... 17%
$ 100,000 but does not exceed $ 150,000 ........ 18%
$ 150,000 but does not exceed $ 200,000 ........ 19%
$ 200,000 but does not exceed $ 250,000 ........ 20%
$ 250,000 but does not exceed $ 300,000 ........ 21%
$ 300,000 but does not exceed $ 400,000 ........ 22%
$ 400,000 but does not exceed $ 500,000 ........ 23%
$ 500,000 but does not exceed $ 600,000 ........ 24%
$ 600,000 but does not exceed $ 700,000 ........ 25%
$ 700,000 but does not exceed $ 800,000 ........ 26%
$ 800,000 but does not exceed $1,000,000 ... 27%
$1,000,000 .................................................. 28%

1948, c. 52, s. 102.

(1) The tax imposed by this Part shall be paid by the donor to the Receiver General of Canada on or before April 30 in the year following the year in which the gifts were made.
(2) Where a donor has failed to pay the tax under this Part as herein required, the donor and donee are jointly and severally liable to pay the tax, together with interest at the rate of 6% per annum from the day on which it should have been so paid.

(3) The Minister may at any time assess the donor or donee or both for the amount of the tax payable under this section but payment by either of them shall to the extent thereof discharge the joint obligation. 1948, c. 52, s. 103; 1950, c. 40, s. 37.

115. The provisions of Division F of Part I are applicable mutatis mutandis to this Part. 1948, c. 52, s. 104.

PART V.
ADMINISTRATION AND ENFORCEMENT.

Administration.

116. (1) The Minister shall administer and enforce this Act and control and supervise all persons employed to carry out or enforce this Act and the Deputy Minister of National Revenue for Taxation may exercise all the powers and perform the duties of the Minister under this Act.

(2) Such officers, clerks and employees as are necessary to administer and enforce this Act shall be appointed or employed in the manner authorized by law.

(3) The Minister may at any time extend the time for making a return under this Act.

(4) The Minister may, if he considers it advisable in a particular case, accept security for payment of taxes by way of mortgage or other charge of any kind whatsoever on property of the taxpayer or any other person or by way of guarantee from other persons.

(5) Any officer or servant employed in connection with the administration or enforcement of this Act, if he is designated by the Minister for the purpose, may, in the course of his employment, administer oaths and take and receive affidavits, declarations and affirmations for the purposes of or incidental to the administration or enforcement of this Act or regulations made thereunder, and every officer or servant so designated has for such purposes all the powers of a commissioner for administering oaths or taking affidavits. 1948, c. 52, s. 105; 1949 (2nd Sess.), c. 25, s. 42; 1950, c. 40, s. 38.
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Regulations.

117. (1) The Governor in Council may make regulations
(a) prescribing anything that, by this Act, is to be prescribed or is to be determined or regulated by regulation,
(b) prescribing the evidence required to establish facts relevant to assessments under this Act,
(c) to facilitate the assessment of tax where deductions or exemptions of a taxpayer have changed in a taxation year,
(d) requiring any class of persons to make information returns respecting any class of information required in connection with assessments under this Act,
(e) requiring a person who is, by a regulation made under paragraph (d), required to make an information return to supply a copy of the information return or of a prescribed portion thereof to the person or persons in respect of whose income the information return or portion thereof relates,
(f) authorizing a designated officer or class of officers to exercise powers or perform duties of the Minister under this Act,
(g) providing for the retention by way of deduction or set off of the amount of a taxpayer's income tax or other indebtedness under this Act out of any amount or amounts that may be or become payable by Her Majesty to him in respect of salary or wages,
(h) requiring every person or every member of any group or class of persons making an application under The Foreign Exchange Control Act, 1946, for a determination that he has ceased to be a resident to obtain from the Minister a certificate that there are not outstanding any assessed taxes, interest or penalties payable under this Act and that he is not in default in filing any return by or under this Act and to file the certificate with the Foreign Exchange Control Board as a condition precedent to having his application considered,
(i) defining the classes of persons who may be regarded as dependent for the purposes of this Act, and
(j) generally to carry out the purposes and the provisions of this Act.

Publication. (2) No regulation made under this Act has effect until it has been published in the Canada Gazette but, when so published, a regulation shall, if it so provides, be effective with reference to a period before it was published. 1948, c. 52, s. 106; 1951, c. 51, s. 33.

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Collection.

118. All taxes, interest, penalties, costs and other amounts payable under this Act are debts due to Her Majesty and recoverable as such in the Exchequer Court of Canada or any other court of competent jurisdiction or in any other manner provided by this Act. 1948, c. 52, s. 107.

119. (1) An amount payable under this Act that has not been paid or such part of an amount payable under this Act as has not been paid may, upon the expiration of 30 days after the default, be certified by the Minister.

(2) On production to the Exchequer Court of Canada, a certificate made under this section shall be registered in the Court and when registered has the same force and effect, and all proceedings may be taken thereon, as if the certificate were a judgment obtained in the said Court for a debt of the amount specified in the certificate plus interest to the day of payment as provided for in this Act.

(3) All reasonable costs and charges attendant upon the registration of the certificate are recoverable in like manner as if they had been certified and the certificate had been registered under this section. 1948, c. 52, s. 108.

120. (1) When the Minister has knowledge or suspects that a person is or is about to become indebted or liable to make any payment to a person liable to make a payment under this Act, he may, by registered letter or by a letter served personally, require him to pay the moneys otherwise payable to that person in whole or in part to the Receiver General of Canada on account of the liability under this Act.

(2) The receipt of the Minister for moneys paid as required under this section is a good and sufficient discharge of the original liability to the extent of the payment.

(3) Where the Minister has, under this section, required an employer to pay to the Receiver General of Canada on account of an employee's liability under this Act moneys otherwise payable by the employer to the employee as remuneration, the requirement is applicable to all future payments by the employer to the employee in respect of remuneration until the liability under this Act is satisfied and operates to require payments to the Receiver General out of each payment of remuneration of such amount as may be stipulated by the Minister in the registered letter.

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(4) Every person who has discharged any liability to a person liable to make a payment under this Act without complying with a requirement under this section is liable to pay to Her Majesty an amount equal to the liability discharged or the amount which he was required under this section to pay to the Receiver General of Canada, whichever is the lesser.

(5) Where the person who is or is about to become indemnified or liable carries on business under a name or style other than his own name, the registered or other letter under subsection (1) may be addressed to the name or style under which he carries on business and, in the case of personal service, shall be deemed to have been validly served if it has been left with an adult person employed at the place of business of the addressee.

(6) Where the persons who are or are about to become indebted or liable carry on business in partnership, the registered or other letter under subsection (1) may be addressed to the partnership name and, in the case of personal service, shall be deemed to have been validly served if it has been served on one of the partners or left with an adult person employed at the place of business of the partnership. 1948, c. 52, s. 109; 1951, c. 51, s. 34; 1952, c. 29, s. 29.

121. (1) Where a person has failed to make a payment as required by this Act, the Minister, on giving 10 days' notice by registered mail addressed to his last known place of residence, may, whether or not there is an objection to or appeal in respect of the assessment not disposed of, issue a certificate of the failure and direct that the goods and chattels of the person in default be seized.

(2) Property seized under this section shall be kept for 10 days at the cost and charges of the owner and, if he does not pay the amount due together with the costs and charges within the 10 days, the property seized shall be sold by public auction.

(3) Except in the case of perishable goods, notice of the sale setting forth the time and place thereof, together with a general description of the property to be sold shall, a reasonable time before the goods are sold, be published at least once in one or more newspapers of general local circulation.

(4) Any surplus resulting from the sale after deduction of the amount owing and all costs and charges shall be paid or returned to the owner of the property seized.
(5) Such goods and chattels of any person in default as would be exempt from seizure under a writ of execution issued out of a superior court of the province in which the seizure is made are exempt from seizure under this section. 1948, c. 52, s. 110.

122. (1) Where the Minister suspects that a taxpayer is about to leave Canada, he may before the day otherwise fixed for payment, by notice served personally or by registered letter addressed to the taxpayer, demand payment of all taxes, interest and penalties for which the taxpayer is liable or would be liable if the time for payment had arrived, and the same shall be paid forthwith notwithstanding any other provision of this Act.

(2) Where a person has failed to pay tax, interest or penalties demanded under this section as required, the Minister may direct that the goods and chattels of the taxpayer be seized and subsections (2) to (5) inclusive of section 121 are, thereupon, applicable mutatis mutandis. 1948, c. 52, s. 111.

123. (1) No action lies against any person for withholding or deducting any sum of money in compliance or intended compliance with this Act.

(2) Every person whose employer is required to deduct or withhold any amount from his remuneration under section 47 shall, from time to time as prescribed, file a return with his employer in prescribed form.

(3) Every person failing to file a form as required by subsection (2) is liable to have the deduction or withholding from his salary or wages under section 47 made as though he were an unmarried person without dependants.

(4) Every person who deducts or withholds any amount under this Act shall be deemed to hold the amount so deducted or withheld in trust for Her Majesty.

(5) All amounts deducted or withheld by a person under this Act shall be kept separate and apart from his own moneys and in the event of any liquidation, assignment or bankruptcy the said amounts shall remain apart and form no part of the estate in liquidation, assignment or bankruptcy.

(6) Every person who deducts or withholds an amount under this Act is liable to pay to Her Majesty on the day fixed by or pursuant to this Act an amount equal to the amount so deducted or withheld and, except in the case of bankruptcy, this liability constitutes a first charge on his property and, notwithstanding the Bank Act or any other

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other statute or law other than the Bankruptcy Act, ranks for payment in priority to all other claims, including claims of Her Majesty in right of a province or in any other right, of whatsoever kind arising before or after the commencement of this Act, except only the judicial costs, fees and lawful expenses of an assignee or other public officer charged with the administration or distribution of his property.

(7) Where a person on whose behalf an amount has been paid to the Receiver General of Canada after having been deducted or withheld under this Act was not liable to pay any tax under this Act or where the amount so paid to the Receiver General of Canada on his behalf is in excess of the tax that he was liable to pay, the Minister shall, upon application in writing made within 2 years from the end of the calendar year in which the amount was paid, pay to him the amount so paid or such part thereof as he was not liable to pay, unless he is otherwise liable or about to become liable to make a payment under this Act, in which case, the Minister may apply the amount otherwise payable under this subsection to that payment and notify him of that fact.

(8) Any person who has failed to deduct or withhold any amount as required by this Act or a regulation is liable to pay to Her Majesty

(a) if the amount should have been deducted or withheld under subsection (1) of section 47 from an amount that has been paid to a person resident in Canada, 10% of the amount that should have been deducted or withheld, and

(b) in any other case, the whole amount that should have been deducted or withheld, together with interest thereon at the rate of 10% per annum.

(9) Every person who has failed to remit an amount deducted or withheld as required by this Act or a regulation is liable to a penalty of 10% of that amount or $10, whichever is the greater, in addition to the amount itself, together with interest on the amount at the rate of 10% per annum.

(10) The Minister may assess any person for any amount that has been deducted or withheld under this Act or a regulation or that is payable under this section and, upon his sending a notice of assessment by registered mail to that person, Division F of Part I is applicable mutatis mutandis.
(11) Provisions of this Act requiring a person to deduct or withhold an amount in respect of taxes from amounts payable to a taxpayer are applicable to Her Majesty in right of Canada or a province.

(12) Where this Act requires an amount to be deducted or withheld, an agreement by the person on whom that obligation is imposed not to deduct or withhold is void.

(13) The receipt of the Minister for an amount withheld or deducted by any person as required by or under this Act is a good and sufficient discharge of the liability of any debtor to his creditor with respect thereto to the extent of the amount referred to in the receipt. 1948, c. 52, s. 112; 1949 (2nd Sess.), c. 25, s. 44.

124. A chartered bank in Canada shall receive for deposit, without any charge for discount or commission, any cheque made payable to the Receiver General of Canada in payment of tax, interest or penalty imposed by this Act, whether drawn on the bank receiving the cheque or on any other chartered bank in Canada. 1948, c. 52, s. 113.

General.

125. (1) Every person carrying on business and every person who is required, by or pursuant to this Act, to pay or collect taxes or other amounts shall keep records and books of account (including an annual inventory kept in prescribed manner) at his place of business or residence in Canada or at such other place as may be designated by the Minister, in such form and containing such information as will enable the taxes payable under this Act or the taxes or other amounts that should have been deducted, withheld or collected to be determined.

(2) Where a person has failed to keep adequate records and books of account for the purposes of this Act, the Minister may require him to keep such records and books of account as he may specify and that person shall thereafter keep records and books of account as so required.

(3) Every person required by this section to keep records and books of account shall, until written permission for their disposal is obtained from the Minister, retain every such record or book of account and every account or voucher necessary to verify the information in any such record or books of account. 1948, c. 52, s. 114.

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126. (1) Any person thereunto authorized by the Minister for any purpose related to the administration or enforcement of this Act may, at all reasonable times, enter into any premises or place where any business is carried on or any property is kept or anything is done in connection with any business or any books or records are, or should be, kept pursuant to this Act, and

(a) audit or examine the books and records and any account, voucher, letter, telegram or other document which relates or may relate to the information that is or should be in the books or records or the amount of tax payable under this Act,

(b) examine property described by an inventory or any property, process or matter an examination of which may, in his opinion, assist him in determining the accuracy of an inventory or in ascertaining the information that is or should be in the books or records or the amount of any tax payable under this Act,

(c) require the owner or manager of the property or business and any other person on the premises or place to give him all reasonable assistance with his audit or examination and to answer all proper questions relating to the audit or examination either orally or, if he so requires, in writing, on oath or by statutory declaration and, for that purpose, require the owner or manager to attend at the premises or place with him, and

(d) if, during the course of an audit or examination, it appears to him that there has been a violation of this Act or a regulation, seize and take away any of the records, books, accounts, vouchers, letters, telegrams and other documents and retain them until they are produced in any court proceedings.

(2) The Minister may, for any purpose related to the administration or enforcement of this Act, by registered letter or by a demand served personally, require from any person

(a) any information or additional information, including a return of income or a supplementary return, or

(b) production, or production on oath, of any books, letters, accounts, invoices, statements (financial or otherwise) or other documents, within such reasonable time as may be stipulated therein.

(3) The Minister may, for any purpose related to the administration or enforcement of this Act, with the approval of a judge of the Exchequer Court of Canada or of a superior

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superior or county court, which approval the judge is hereby empowered to give upon *ex parte* application, authorize in writing any officer of the Department of National Revenue, together with such members of the Royal Canadian Mounted Police or other peace officers as he calls on to assist him and such other persons as may be named therein, to enter and search, if necessary by force, any building, receptacle or place for documents, books, records, papers or things which may afford evidence as to the violation of any provision of this Act or a regulation and to seize and take away any such documents, books, records, papers or things and retain them until they are produced in any court proceedings.

(4) The Minister may, for any purpose related to the administration or enforcement of this Act, authorize any person, whether or not he is an officer of the Department of National Revenue, to make such inquiry as he may deem necessary with reference to anything relating to the administration or enforcement of this Act.

(5) Where any book, record or other document has been seized, examined or produced under this section, the person by whom it is seized or examined or to whom it is produced or any officer of the Department of National Revenue may make, or cause to be made, one or more copies thereof and a document purporting to be certified by the Minister or a person thereunto authorized by the Minister to be a copy made pursuant to this section is admissible in evidence and has the same probative force as the original document would have if it had been proven in the ordinary way.

(6) No person shall hinder or molest or interfere with any person doing anything that he is authorized by or pursuant to this section to do or prevent or attempt to prevent any person doing any such thing and, notwithstanding any other law to the contrary, every person shall, unless he is unable to do so, do everything he is required by or pursuant to this section to do.

(7) Every person thereunto authorized by the Minister may administer or receive an oath, affirmation or statutory declaration required to be given by or pursuant to this section.

(8) For the purpose of an inquiry authorized under sub-section (4), the person authorized to make the inquiry has all the powers and authorities conferred on a commissioner by sections 4 and 5 of the *Inquiries Act* or which may be conferred on a commissioner under section 11 thereof. 1948, c. 52, s. 115.
127. Whether or not he has filed an information return as required by a regulation made under paragraph (d) of subsection (1) of section 117, every person shall, on demand by registered letter from the Minister, file within such reasonable time as may be stipulated in the registered letter, with the Minister such prescribed information return as is designated in the letter. 1950, c. 40, s. 40.

128. (1) Before a bearer coupon or warrant representing either interest or dividends payable by any debtor or cheque representing dividends or interest payable by a non-resident debtor, is negotiated by or on behalf of a resident of Canada, there shall be completed by or on behalf of the resident an ownership certificate in prescribed form.

(2) An ownership certificate completed pursuant to subsection (1) shall be delivered in such manner, at such time and at such place as may be prescribed and a person who has failed to do so is liable on summary conviction to a fine of not less than $10 and not exceeding $100.

(3) The operation of this section may be extended by regulation to bearer coupons or warrants negotiated by or on behalf of non-resident persons.

(4) A person who has failed to complete an ownership certificate as required by or under this Act and a debtor or other person who has cashed a coupon or warrant for which an ownership certificate has not been completed, is liable on summary conviction to a fine of not less than $10 and not exceeding $100. 1948, c. 52, s. 116.

129. (1) Every person who has failed to make a return as and when required by regulation under section 117 or by subsection (2) of section 123 is liable to a penalty of $10 a day for each day of default but not exceeding in all $2,500.

(2) Every person who fails to comply with a regulation made under paragraph (e) of subsection (1) of section 117 is liable to a penalty of $10 a day for each day of default but not exceeding in all $2,500. 1948, c. 52, s. 117; 1951, c. 51, s. 35.

130. A return, certificate or other document made by a corporation pursuant to this Act or a regulation shall be signed on its behalf by the President, Secretary or Treasurer of the corporation or by any other officer or person thereunto duly authorized by the Board of Directors or other governing body of the corporation. 1948, c. 52, s. 118.

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131. (1) Every person who has failed to file a return as and when required by or under this Act or a regulation is guilty of an offence and, in addition to any penalty otherwise provided, liable on summary conviction to a fine of not less than $25 for each day of default.

(2) Every person who has failed to comply with or contravened subsection (1) of section 47, subsection (5) of section 123, section 125 or section 126 is guilty of an offence and, in addition to any penalty otherwise provided is liable on summary conviction to

(a) a fine of not less than $200 and not exceeding $10,000, or

(b) both the fine described in paragraph (a) and imprisonment for a term not exceeding 6 months.

(3) Where a person has been convicted under this section of failing to comply with a provision of this Act or a regulation, he is not liable to pay a penalty imposed under section 55, section 123 or section 129 for the same failure unless he was assessed for that penalty or that penalty was demanded from him before the information or complaint giving rise to the conviction was laid or made. 1948, c. 52, s. 119.

132. (1) Every person who has

(a) made, or participated in, assented to or acquiesced in the making of, false or deceptive statements in a return, certificate, statement or answer filed or made as required by or under this Act or a regulation,

(b) to evade payment of a tax imposed by this Act, destroyed, altered, mutilated, secreted or otherwise disposed of the records or books of account of a taxpayer,

(c) made, or assented to or acquiesced in the making of, false or deceptive entries, or omitted, or assented to or acquiesced in the omission, to enter a material particular, in records or books of account of a taxpayer,

(d) wilfully, in any manner, evaded or attempted to evade, compliance with this Act or payment of taxes imposed by this Act, or

(e) conspired with any person to commit an offence described by paragraphs (a) to (d), is guilty of an offence and, in addition to any penalty otherwise provided, is liable on summary conviction to

(i) a fine of not less than $25 and not exceeding $10,000 plus, in an appropriate case, an amount not R.S., 1952.
not exceeding double the amount of the tax that should have been shown to be payable or that was sought to be evaded, or
(ii) both the fine described in paragraph (i) and imprisonment for a term not exceeding 2 years.

(2) Every person who is charged with an offence described by subsection (1) may, at the election of the Attorney General of Canada, be prosecuted upon indictment and, if convicted, is, in addition to any penalty otherwise provided, liable to imprisonment for a term not exceeding 5 years and not less than 2 months.

(3) Where a person has been convicted under this section of wilfully, in any manner, evading or attempting to evade, payment of taxes imposed by Part I, he is not liable to pay a penalty imposed under section 56 for the same evasion or attempt unless he was assessed for that penalty before the information or complaint giving rise to the conviction was laid or made. 1948, c. 52, s. 120; 1950, c. 40, s. 41.

133. Every person who, while employed in the service of Her Majesty, has communicated or allowed to be communicated to a person not legally entitled thereto any information obtained under this Act or has allowed any such person to inspect or have access to any written statement furnished under this Act is guilty of an offence and liable on summary conviction to a fine not exceeding $200. 1948, c. 52, s. 121.

134. Where a corporation is guilty of an offence under this Act, an officer, director or agent of the corporation who directed, authorized, assented to, acquiesced in, or participated in, the commission of the offence is a party to and guilty of the offence and is liable on conviction to the punishment provided for the offence whether or not the corporation has been prosecuted or convicted. 1948, c. 52, s. 122.

135. Notwithstanding the Criminal Code or any other statute or law in force at the commencement of this Act, the court has, in any prosecution or proceeding under this Act, no power to impose less than the minimum fine or imprisonment fixed by this Act and the court has no power to suspend sentence. 1948, c. 52, s. 123.

Procedure and Evidence.

136. (1) An information or complaint under this Act may be laid or made by any officer of the Department of National Revenue, by a member of the Royal Canadian Mounted R.S., 1952.
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Mounted Police or by any person thereunto authorized by the Minister and, where an information or complaint purports to have been laid or made under this Act, it shall be deemed to have been laid or made by a person thereunto authorized by the Minister and shall not be called in question for lack of authority of the informant or complainant except by the Minister or by some person acting for him or Her Majesty.

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

(3) A complaint or information in respect of an offence under this Act may be heard, tried or determined by any Police or Stipendiary Magistrate or any Justice or Justices of the Peace if the accused is resident, carrying on business, found or apprehended or is in custody within his or their territorial jurisdiction although the matter of the information or complaint did not arise within his or their territorial jurisdiction.

(4) An information or complaint under the provisions of the Criminal Code relating to summary convictions, in respect of an offence under this Act, may be laid or made on or before a day 5 years from the time when the matter of the information or complaint arose or within one year from the day on which evidence, sufficient in the opinion of the Minister to justify a prosecution for the offence, came to his knowledge, and the Minister's certificate as to the day on which such evidence came to his knowledge is conclusive evidence thereof.

(5) Where, by this Act or a regulation, provision is made for sending by mail a request for information, notice or demand, an affidavit of an officer of the Department of National Revenue sworn before a commissioner or other person authorized to take affidavits setting out that he has charge of the appropriate records, that he has knowledge of the facts in the particular case, that such a request, notice or demand was sent by registered letter on a named day to the person to whom it was addressed (indicating such address) and that he identifies as exhibits attached to the affidavit the post office certificate of registration of the letter or a true copy of the relevant portion thereof and a true copy of the request, notice or demand, shall be received as prima facie evidence of the sending and of the request, notice or demand.

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Proof of failure to comply.

(6) Where, by this Act or a regulation, a person is required to make a return, statement, answer or certificate, an affidavit of an officer of the Department of National Revenue, sworn before a commissioner or other person authorized to take affidavits, setting out that he has charge of the appropriate records and that after a careful examination and search of the records he has been unable to find in a given case that the return, statement, answer or certificate, as the case may be, has been made by such person, shall be received as prima facie evidence that in such case that person did not make the return, statement, answer or certificate, as the case may be.

Proof of time of compliance.

(7) Where, by this Act or a regulation, a person is required to make a return, statement, answer or certificate, an affidavit of an officer of the Department of National Revenue, sworn before a commissioner or other person authorized to take affidavits, setting out that he has charge of the appropriate records and that after careful examination of such records he has found that the return, statement, answer or certificate was filed or made on a particular day, shall be received as prima facie evidence that it was filed or made on that day and not prior thereto.

Proof of documents.

(8) An affidavit of an officer of the Department of National Revenue, sworn before a commissioner or other person authorized to take affidavits, setting out that he has charge of the appropriate records and that a document annexed thereto is a document or true copy of a document made by or on behalf of the Minister or some person exercising the powers of the Minister or by or on behalf of a taxpayer, shall be received as prima facie evidence of the nature and contents of the document and shall be admissible in evidence and have the same probative force as the original document would have if it had been proven in the ordinary way.

Proof of no appeal.

(9) An affidavit of an officer of the Department of National Revenue, sworn before a commissioner or other person authorized to take affidavits, setting out that he has charge of the appropriate records and has knowledge of the practice of the Department and that an examination of the records shows that a notice of assessment for a particular taxation year was mailed or otherwise communicated to a taxpayer on a particular day pursuant to this Act and that, after careful examination and search of the records, he has been unable to find that a notice of objection or of appeal from the assessment was received within the time allowed therefor, shall be received as prima facie evidence of the statements contained therein.

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(10) Where evidence is offered under this section by an affidavit from which it appears that the person making the affidavit is an officer of the Department of National Revenue, it is not necessary to prove his signature or that he is such an officer nor is it necessary to prove the signature or official character of the person before whom the affidavit was sworn.

(11) Judicial notice shall be taken of all orders or regulations made under this Act without such orders or regulations being specially pleaded or proven.

(12) Every document purporting to be an order, direction, demand, notice, certificate, requirement, decision, assessment, discharge of mortgage or other document purporting to have been executed under, or in the course of administration or enforcement of, this Act, shall be deemed to be a document signed, made and issued by the Minister, the Deputy Minister or the officer unless it has been called in question by the Minister or by some person acting for him or Her Majesty.

(13) Every form purporting to be a form prescribed or authorized by the Minister shall be deemed to be a form prescribed by order of the Minister under this Act unless called in question by the Minister or some person acting for him or for Her Majesty. 1948, c. 52, s. 124; 1950, c. 40, s. 42; 1951, c. 51, s. 36; 1952, c. 29, s. 30.

PART VI.

TAX EVASION.

137. (1) In computing income for the purposes of this Act, no deduction may be made in respect of a disbursement or expense made or incurred in respect of a transaction or operation that, if allowed, would unduly or artificially reduce the income.

(2) Where the result of one or more sales, exchanges, declarations of trust, or other transactions of any kind whatsoever is that a person confers a benefit on a taxpayer, that person shall be deemed to have made a payment to the taxpayer equal to the amount of the benefit conferred notwithstanding the form or legal effect of the transactions or that one or more other persons were also parties thereto;
and, whether or not there was an intention to avoid or evade taxes under this Act, the payment shall, depending upon the circumstances, be

(a) included in computing the taxpayer's income for the purpose of Part I,

(b) deemed to be a payment to a non-resident person to which Part III applies, or

(c) deemed to be a disposition by way of gift to which Part IV applies.

(3) Where it is established that a sale, exchange or other transaction was entered into by persons dealing at arm's length, bona fide and not pursuant to, or as part of, any other transaction and not to effect payment, in whole or in part, of an existing or future obligation, no party thereto shall be regarded, for the purpose of this section, as having conferred a benefit on a party with whom he was so dealing. 1948, c. 52, s. 125.

138. (1) Where the Treasury Board has decided that one of the main purposes for a transaction or transactions effected before or after the coming into force of this Act was improper avoidance or reduction of taxes that might otherwise have become payable under this Act, the Income War Tax Act, or The Excess Profits Tax Act, 1940, the Treasury Board may give such directions as it considers appropriate to counteract the avoidance or reduction.

(2) A direction under this section may relate to taxes to be paid under one or more Parts of this Act, the Income War Tax Act or The Excess Profits Tax Act, 1940, by one or more persons for one or more taxation years.

(3) Where a direction has been given under this section, tax shall be collected, or assessed or re-assessed and collected, notwithstanding any other provision of this or any other Act, in accordance therewith.

(4) The Exchequer Court of Canada has exclusive original jurisdiction in all actions in respect of claims for failure to pay or collect tax under Part III imposed pursuant to this section.

(5) On an appeal from an assessment made pursuant to a direction under this section or in an action for tax under Part III imposed pursuant to this section, the Exchequer Court may

(a) confirm the direction given under this section,

(b) 

R.S., 1952.
(b) vacate a direction given under this section, if it determines that none of the main purposes of the transaction or transactions was the improper avoidance or reduction of taxes, or

(c) vary the direction given by the Treasury Board and refer the matter back to the Minister for collection, or re-assessment and collection.

(6) An avoidance or reduction of taxes may be regarded as improper for the purpose of this section although it is not illegal. 1948, c. 52, s. 126.

PART VII.

INTERPRETATION.

139. (1) In this Act,

(a) "amount" means money, rights or things expressed in terms of the amount of money or the value in terms of money of the right or thing;

(b) "annuity" includes an amount payable on a periodic basis whether payable at intervals longer or shorter than a year and whether payable under a contract, will or trust or otherwise;

(c) "approved superannuation fund or plan" means an employees' superannuation or pension fund or plan approved by the Minister in respect of its constitution and operations for the taxation year under consideration;

(d) "assessment" includes a re-assessment;

(e) "business" includes a profession, calling, trade, manufacture or undertaking of any kind whatsoever and includes an adventure or concern in the nature of trade but does not include an office or employment;

(f) "child qualified for family allowance" means a child who, in the last month of the taxation year in respect of which the expression is being applied, was or might have been qualified by registration under the Family Allowances Act, so that an allowance under the said Act was or might have been payable in respect of that child for that month or the immediately following month;

(g) "common share" is a share the holder of which is not precluded upon the reduction or redemption of the capital stock from participating in the assets of the corporation beyond the amount paid up thereon plus a fixed premium and a defined rate of dividend;

(h) R.S., 1952.
"Corporation" and "corporation incorporated in Canada."

(h) "corporation" includes an incorporated company and a "corporation incorporated in Canada" includes a corporation incorporated in any part of Canada before or after it became part of Canada;

(i) "country other than Canada" includes any of Her Majesty's self-governing dominions or dependencies;

(j) "death benefit" for a taxation year means the amount or amounts received in the year upon or after the death of an officer or employee in recognition of his service by his legal representative or widow or by any other person whatsoever minus, where the amount or amounts have been received by his widow or, if there is no widow, by such person as the Minister may designate, the lesser of

(i) the amount or amounts so received, or
(ii) an amount equal to the officer's or employee's remuneration for the last 90 days in the office or employment minus the amounts deductible in computing for previous years the death benefits received in respect of his service;

(k) "dividend" does not include a stock dividend;

(l) "employed" means performing the duties of an office or employment;

(m) "employment" means the position of an individual in the service of some other person (including Her Majesty or a foreign state or sovereign) and "servant" or "employee" means a person holding such a position;

(n) "estate" has the meaning given that word by section 63;

(o) "exempt income" means money, rights or things received or acquired by a person in such circumstances that they are, by reason of any provision in Part I, not included in computing his income and includes amounts that are deductible under section 28 or that would be so deductible if it were not for subsection (2) of section 28;

(p) "farming" includes tillage of the soil, livestock raising or exhibiting, maintaining of horses for racing, raising of poultry, fur farming, dairying, fruit growing and the keeping of bees but does not include an office or employment under a person engaged in the business of farming;

(q) "fishing" includes fishing for or catching shell fish, crustaceans and marine animals but does not include an office or employment under a person engaged in the business of fishing;

R.S., 1952.
(r) "fiscal period" means the period for which the accounts of the business of the taxpayer have been ordinarily made up and accepted for purposes of assessment under this Act and, in the absence of an established practice, the fiscal period is that adopted by the taxpayer, (but no fiscal period may exceed a period of 12 months and a change in a usual and accepted fiscal period may not be made for the purpose of this Act without the concurrence of the Minister);

(s) "foreign business corporation" means a corporation defined by section 71 to be a foreign business corporation;

(t) "income bond" or "income debenture" means a bond or debenture in respect of which interest or dividends are payable only when the debtor company has made a profit before taking into account the interest or dividend obligation;

(u) "individual" means a person other than a corporation;

(v) "investment company" means a corporation defined by section 69 to be an investment company;

(w) "inventory" means a description of property the value of which is relevant in computing a taxpayer's income from a business for a taxation year;

(x) "loss" means a loss computed by applying the provisions of this Act respecting computation of income from a business mutatis mutandis (but not including in the computation a dividend or part of a dividend the amount whereof would be deductible under section 28 in computing taxable income) minus any amount by which a loss operated to reduce the taxpayer's income from other sources for purpose of income tax for the year in which it was sustained;

(y) "Minister" means the Minister of National Revenue;

(z) "non-resident" means not resident in Canada;

(aa) "non-resident-owned investment corporation" means a corporation defined by section 70 to be a non-resident-owned investment corporation;

(ab) "office" means the position of an individual entitling him to a fixed or ascertainable stipend or remuneration and includes a judicial office, the office of a Minister of the Crown, the office of a member of the Senate or House of Commons of Canada, a member of a legislative assembly, senator or member of a legislative or executive council and any other office, the incumbent...
"Officer."
"Person."

"Personal corporation."
"Personal or living expenses."

incumbent of which is elected by popular vote or is elected or appointed in a representative capacity and also includes the position of a corporation director; and "officer" means a person holding such an office;

(ac) "person", or any word or expression descriptive of a person, includes any body corporate and politic, and the heirs, executors, administrators or other legal representatives of such person, according to the law of that part of Canada to which the context extends;

(ad) "personal corporation" means a corporation defined by section 68 to be a personal corporation;

(ae) "personal or living expenses" include

(i) the expenses of properties maintained by any person for the use or benefit of the taxpayer or any person connected with the taxpayer by blood relationship, marriage or adoption, and not maintained in connection with a business carried on for profit or with a reasonable expectation of profit,

(ii) the expenses, premiums or other costs of a policy of insurance, annuity contract or other like contract if the proceeds of the policy or contract are payable to or for the benefit of the taxpayer or a person connected with him by blood relationship, marriage or adoption, and

(iii) expenses of properties maintained by a personal corporation, estate or trust for the benefit of the taxpayer as one of its shareholders or beneficiaries;

(af) "prescribed", in the case of a form or the information to be given on a form, means prescribed by order of the Minister, and, in any other case, means prescribed by regulation;

(ag) "property" means property of any kind whatsoever whether real or personal or corporeal or incorporeal and, without restricting the generality of the foregoing, includes a right of any kind whatsoever, a share or a chose in action;

(ah) "province" means a province of Canada;

(ai) "regulation" means a regulation made by the Governor in Council under this Act;

(aj) "retiring allowance" means an amount received upon or after retirement from an office or employment in recognition of long service or in respect of loss of office or employment (other than a superannuation or pension benefit), whether the recipient is the officer or employee or a dependant, relation or legal representative;

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(a))

(ak) "salary or wages", except in section 5, means the income of a taxpayer from an office or employment as computed under section 5 and includes all fees received for services not rendered in the course of the taxpayer's business but does not include superannuation or pension benefits or retiring allowances;

(al) "self-contained domestic establishment" means a dwelling house, apartment or other similar place of residence in which place a person as a general rule sleeps and eats;

(am) "separation agreement" includes an agreement by which a person agrees to make payments on a periodic basis for the maintenance of a former spouse, children of the marriage, or both the former spouse and children of the marriage, after the marriage has been dissolved by Parliament, whether the agreement was made before or after the marriage was dissolved;

(an) "share" means a share of capital stock of a corporation;

(ao) "shareholder" includes a member or other person entitled to receive payment of a dividend;

(ap) "a shareholder's portion of undistributed income of a corporation" has the meaning given to that expression by section 82;

(aq) "subsidiary wholly-owned corporation" means a corporation all the issued share capital of which (except directors' qualifying shares) belongs to the corporation to which it is subsidiary and "subsidiary controlled corporation" means a corporation more than 50% of the issued share capital of which (having full voting rights under all circumstances) belongs to the corporation to which it is subsidiary;

(ar) "superannuation or pension benefit" includes any amount received out of or under a superannuation or pension fund or plan;

(as) "taxable income" has the meaning given that expression by subsection (3) of section 2;

(at) "taxable income earned in Canada" means that part of a taxpayer's taxable income that was earned in Canada determined in accordance with Division D of Part I;

(au) "tax-paid undistributed income" has the meaning given to that expression by section 82;

(av) "taxpayer" includes any person whether or not liable to pay tax;

(aw) "Treasury Board" means the Treasury Board as constituted under the Financial Administration Act;

R.S., 1952.
"Trust."

(ax) "Trust" has the meaning given that word by section 63;

(ay) "undistributed income on hand" has the meaning given to that expression by section 82;

(a) a taxpayer's income from a business, employment, property or other source of income or from sources in a particular place means the taxpayer's income computed in accordance with this Act on the assumption that he had during the taxation year no income except from that source or those sources of income and was entitled to no deductions except those related to that source or those sources; and

(ba) the tax payable by a taxpayer under Part I or Part II means the tax payable by him as fixed by assessment or re-assessment subject to variation on objection or appeal, if any, in accordance with the provisions of Part I or Part II, as the case may be.

(2) For the purpose of this Act, a "taxation year" is

(a) in the case of a corporation, a fiscal period, and

(b) in the case of an individual, a calendar year, and when a taxation year is referred to by reference to a calendar year the reference is to the taxation year or years coinciding with, or ending in, that year.

(3) For the purposes of this Act, a person shall be deemed to have been resident in Canada in a taxation year if

(a) he sojourned in Canada in the year for a period of, or periods the aggregate of which is, 183 days or more,

(b) he was, at any time in the year, a member of the naval, army or air forces of Canada, or

(c) he was, at any time in the year,

(i) an ambassador, minister, high commissioner, officer or servant of Canada, or

(ii) an agent-general, officer or servant of a province,

and he was resident in Canada immediately prior to appointment or employment by Canada or the province or received representation allowances in respect of the year.

(4) In this Act, a reference to a person resident in Canada includes a person who was at the relevant time ordinarily resident in Canada.

(5) For the purposes of this Act,

(a) a corporation and a person or one of several persons by whom it is directly or indirectly controlled,
(b) corporations controlled directly or indirectly by the same person, or
(c) persons connected by blood relationship, marriage or adoption,
shall, without extending the meaning of the expression "to deal with each other at arm's length", be deemed not to deal with each other at arm's length.

(6) For the purpose of paragraph (c) of subsection (5)
(a) persons are connected by blood relationship if one is the child or other descendant of the other or one is the brother or sister of the other;
(b) persons are connected by marriage if one is married to the other or to a person who is so connected by blood relationship to the other; and
(c) persons are connected by adoption if one has been adopted, either legally or in fact, as the child of the other or as the child of a person who is so connected by blood relationship (otherwise than as a brother or sister) to the other.

(7) Where, in a taxation year, a non-resident person
(a) produced, grew, mined, created, manufactured, fabricated, improved, packed, preserved or constructed, in whole or in part, anything in Canada whether or not he exported that thing without selling it prior to exportation, or
(b) solicited orders or offered anything for sale in Canada through an agent or servant whether the contract or transaction was to be completed inside or outside Canada or partly in and partly outside Canada, he shall be deemed, for the purposes of this Act, to have been carrying on business in Canada in the year.

(8) In this Act, words referring to a child of a taxpayer include
(a) an illegitimate child of the taxpayer,
(b) a person who is wholly dependent on the taxpayer for support and of whom the taxpayer has, or immediately before such person attained the age of 21 years did have, in law or in fact, the custody and control, and
(c) a daughter-in-law or son-in-law of the taxpayer.

(9) In this Act, words referring to a parent of a taxpayer include a person whose child the taxpayer is, in the taxation year in respect of which the expression is being employed, within the meaning of subsection (8) or whose child the taxpayer had previously been within the meaning of paragraph (b) of subsection (8), and

R.S., 1952.
"Grandparent." "Brother." "Sister."

(a) "grandparent" includes grandmother-in-law and grandfather-in-law,
(b) "brother" includes brother-in-law, and
(c) "sister" includes sister-in-law. 1948, c. 52, s. 127; 1949 (2nd Sess.), c. 25, s. 45; 1950, c. 40, s. 43; 1951, c. 51, s. 37; 1951 (2nd Sess.), c. 7, s. 23; 1952, c. 29, s. 31.

PART VIII.

TRANSITIONAL PROVISIONS.

140. (1) Subject to the other provisions of this section, a reference in this Act or a regulation to this Act or any provision thereof shall be construed, as regards any transaction, matter or thing in a year to which the Income War Tax Act or The 1948 Income Tax Act was applicable, to include a reference to the provisions relating to the same subject matter in the Income War Tax Act or The 1948 Income Tax Act, as the case may be.

(2) A reference in this Act to the tax payable under Part I (a) shall be construed, as regards a year to which the Income War Tax Act was applicable, to include a reference to the tax that was payable under section 9 of that Act, and
(b) shall be construed, as regards a year to which The 1948 Income Tax Act was applicable, to include a reference to the tax that was payable under Part I of that Act.

(3) A reference in this Act to the tax payable under Part III
(a) shall be construed, as regards a period to which the Income War Tax Act was applicable, to include a reference to the tax that was payable under subsection (2) of section 9B or section 27 of that Act as the circumstances may require, and
(b) shall be construed as regards a period to which The 1948 Income Tax Act was applicable, to include a reference to the tax that was payable under Part II of that Act.

(4) A reference in this Act to income shall be construed, as regards a period to which the Income War Tax Act was applicable, to include a reference to income as defined for the purpose of that Act subject to the deductions from income permitted by that Act except those corresponding to the deductions permitted by Division C of Part I of this Act and R.S., 1952.
and a reference to taxable income in this Act shall be construed, as regards such a period, to include a reference to income as so defined subject to all the deductions from income permitted by the Income War Tax Act.

(5) As regards a period to which The 1948 Income Tax Act was applicable, a reference in this Act to "income" shall be construed as a reference to income computed under Part I of that Act and a reference in this Act to "taxable income" shall be construed as a reference to "taxable income" as defined by that Act.

(6) A reference in any other statute or in any rule, order or regulation made under any other statute to the Income War Tax Act or The 1948 Income Tax Act shall, as regards any transaction, matter or thing in a period to which this Act is applicable, be construed to be a reference to this Act.

(7) A reference in any other statute or in any rule, order or regulation made under any other statute to any provision in the Income War Tax Act or in The 1948 Income Tax Act shall, as regards any transaction, matter or thing in a period to which this Act is applicable, be construed to be

(a) if there is a provision in this Act relating to the same subject matter, a reference to that provision, and

(b) in any other case, a reference to the provision referred to in the Income War Tax Act or The 1948 Income Tax Act as the case may be.

(8) Paragraphs (a), (b) and (c) of subsection (2) of Interpretation Act are applicable as if The 1948 Income Tax Act were repealed by this Act and this Act substituted therefor.

(9) In this Act "The 1948 Income Tax Act" means The Income Tax Act, chapter 52 of the statutes of 1948 together with all Acts passed in amendment thereof. 1948, c. 52, s. 128; 1951, c. 51, s. 38.

141. (1) There shall not be included in computing the income of a taxpayer for a taxation year amounts received by the taxpayer in the year as dividends that would, if the Income War Tax Act were applicable to the taxation year, be exempt from taxation under that Act by virtue of section 95 thereof as exempt dividends from a private company and a dividend that would not be taxable under subsection (2) of section 9B of the Income War Tax Act by virtue of subsection (6) of that section, if that Act were applicable, is not taxable under Part III of this Act.

R.S., 1952.
(2) A taxpayer may deduct from the tax otherwise payable under Part I for a taxation year, such amount as would, if the *Income War Tax Act* were applicable to the taxation year, be deductible from tax by virtue of subsections (6) to (11) inclusive of section 8 thereof.

(3) There may be deducted in computing income for a taxation year under Part I, an amount that would be deductible under section 16 of chapter 63 of the statutes of 1947 from income as defined by the *Income War Tax Act* if that Act were applicable to the taxation year.

(4) There may be deducted from the tax for a taxation year otherwise payable under Part I an amount that would be deductible under section 16 of chapter 63 of the statutes of 1947 from the aggregate of taxes payable under the *Income War Tax Act* and *The Excess Profits Tax Act, 1940*, if those Acts were applicable to the taxation year.

(5) Where there is a reference in this Act to any act, matter or thing done or existing before a taxation year, it shall be deemed to include a reference to the act, matter or thing, even though it was done or existing before the commencement of this Act.

(6) Where, upon the application of a method adopted by a taxpayer for computing his income from a business or property for a taxation year to which this Act is applicable, an amount received in the year would not be included in computing his income for the year because on the application of that method it would have been included in computing his income for the purposes of this Act, *The 1948 Income Tax Act* or the *Income War Tax Act* for a previous year in respect of which it was receivable, if the amount was not included in computing the income for the previous year, it shall be included in computing the income for the year in which it was received.

(7) Subsection (2) of section 44, subsection (7) of section 54, section 116, sections 119 to 122 inclusive, sections 126 and 127, section 136 except subsection (4) thereof, and regulations made under paragraphs (f) and (h) of subsection (1) of section 117 are applicable *mutatis mutandis* in respect of matters arising under *The 1948 Income Tax Act* or the *Income War Tax Act*.

R.S., 1952.
(8) A corporation that would, by virtue of subsection (2) of section 30 of chapter 25 of the statutes of 1949, be deemed not to be a personal corporation for the purpose of The 1948 Income Tax Act if that Act were applicable to a taxation year to which this Act is applicable, shall be deemed not to be a personal corporation for the purpose of this Act for the taxation year.

(9) In the case of a loan made by a corporation on or after November 14, 1949, to enable or assist an officer or servant to purchase, pursuant to an agreement entered into before that day, the shares held by a person who died in 1949 prior to that day, subparagraph (iii) of paragraph (a) of subsection (2) of section 8 shall be read as follows:

“(iii) the loan was made to an officer or servant of the corporation to enable or assist him to purchase fully paid shares of the corporation to be held by him for his own benefit.”

1948, c. 52, s. 129; 1950, c. 40, s. 44.

142. (1) Part II of The 1948 Income Tax Act is applicable to amounts paid or credited on or before the last day of 1952 but is not applicable to amounts paid or credited after 1952.

(2) Subject to subsection (1), the provisions of The 1948 Income Tax Act are not applicable to taxation years after the 1952 taxation year. 1948, c. 52, s. 130.

143. Part III of this Act is applicable to amounts paid or credited after 1952 and the other provisions of this Act are, unless otherwise specifically provided, applicable to the 1953 and subsequent taxation years. 1948, c. 52, s. 131.

144. (1) Where a taxpayer has acquired depreciable property before the commencement of the 1949 taxation year, the following rules are applicable for the purpose of section 20 and regulations made under paragraph (a) of subsection (1) of section 11:

(a) except in a case to which paragraph (b) applies, all such property shall be deemed to have been acquired at the commencement of that year at a capital cost equal to

(i) the actual capital cost (or the capital cost as it is deemed to be by subsection (3) or (4)), of such of the said property as the taxpayer had at the commencement of that year,

(minus the aggregate of

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(ii)

R.S., 1952.
(ii) the total amount of depreciation for such of the said property as he had at the commencement of that year that, since the commencement of 1917, has been or should have been taken into account, in accordance with the practice of the Department of National Revenue, in ascertaining the taxpayer’s income for the purpose of the Income War Tax Act, or in ascertaining his loss for a year for which there was no income under that Act, minus the aggregate of

(A) all deductions allowed to the taxpayer in computing his income for the purpose of the Income War Tax Act as “special depreciation”, “extra depreciation” or allowances in lieu of depreciation for property he had at the commencement of the 1949 taxation year (except deductions allowed under subparagraph (ii) of paragraph (n) of subsection (1) of section 6 of the Income War Tax Act), and

(B) one-half of all amounts allowed to the taxpayer under subparagraph (ii) of paragraph (n) of subsection (1) of section 6 of the said Act for property he had at the commencement of the 1949 taxation year, and

(iii) any accumulated depreciation reserves that he had at the commencement of 1917 and that were recognized by the Minister for the purpose of the Income War Tax Act for property that he had at the commencement of the 1949 taxation year;

(b) in the case of a taxpayer who was resident in Newfoundland on the expiration of March 31, 1949, and was not resident in Canada in 1949 prior to that time, all such property shall be deemed to have been acquired at the commencement of that year at a capital cost equal to

(i) the capital cost of such of the said property as the taxpayer had at the commencement of that year,

minus,

(ii) the greater of

(A) one-half the total amount of depreciation for such of the said property as he had at the commencement of that year that he would have been allowed since the commencement of 1917 if he had been allowed depreciation under the Income War Tax Act for each of the years since that time during which he had the property

R.S., 1952.

at the normal rates used in accordance with the practice of the Department of National Revenue, or

(B) the accumulated depreciation reserves that he had at the commencement of 1949;

(c) the aggregate of

(i) all deductions allowed to the taxpayer in computing his income for the purpose of the *Income War Tax Act* as “special depreciation”, “extra depreciation” or allowances in lieu of depreciation for property he had at the commencement of the 1949 taxation year (except deductions allowed under subparagraph (ii) of paragraph (n) of subsection (1) of section 6 of the *Income War Tax Act*), and

(ii) one-half of all amounts allowed to the taxpayer under subparagraph (ii) of paragraph (n) of subsection (1) of section 6 of the said Act for property that he had at the commencement of the 1949 taxation year,

shall be deemed to have been allowed to him under regulations made under paragraph (a) of subsection (1) of section 11 in computing income for a taxation year before the 1949 taxation year.

(2) The second and third provisos to paragraph (n) of subsection (1) of section 6 of the *Income War Tax Act* are not applicable to sales made after the commencement of the 1949 taxation year.

(3) Where property did belong to a person (hereinafter referred to as the original owner) and has by one or more deemed transactions prior to 1949 between persons not dealing at arm’s length become vested in a taxpayer who had it at the commencement of the 1949 taxation year (or who acquired it during his 1949 taxation year from a person whose 1948 taxation year had not expired at the time of the acquisition), the capital cost of the property to the taxpayer shall, for the purpose of subparagraph (i) of paragraph (a) of subsection (1), be deemed to be the lesser of the actual capital cost of the property to the taxpayer or the amount by which

(a) the capital cost of the property to the original owner

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(b) 3347

exceeds

R.S., 1952.
(b) the aggregate of

(i) the total amount of depreciation for the property that, since the commencement of 1917, has been or should have been taken into account in accordance with the practice of the Department of National Revenue, in ascertaining the income of the original owner and all intervening owners for the purpose of the *Income War Tax Act*, or in ascertaining a loss for a year when there was no income under that Act, and

(ii) any accumulated depreciation reserves that the original owner or an intervening owner had for the property at the commencement of 1917 and that were recognized by the Minister for the purpose of the *Income War Tax Act*.

(4) Where a taxpayer has received or is entitled to receive a grant, subsidy or other assistance from a government, municipality or other public service in respect of or for the acquisition of property, the capital cost of the property shall, for the purpose of subparagraph (i) of paragraph (a) of subsection (1), be deemed to be the capital cost thereof to the taxpayer minus the amount of the grant, subsidy or other assistance.

(5) Reference in this section to depreciation shall be deemed to include a reference to allowances in respect of depreciable property of a taxpayer made under paragraph (a) of subsection (1) of section 5 of the *Income War Tax Act*.

(6) An amount deducted under paragraph (u) of subsection (1) of section 5 of the *Income War Tax Act* in respect of amounts of a capital nature shall, for the purpose of this section, be deemed to be depreciation taken into account in ascertaining the taxpayer's income for the purpose of the *Income War Tax Act* or in ascertaining his loss for the year it was deducted. 1949 (2nd Sess.), c. 25, ss. 8, 33(3); 1952, c. 29, s. 32.
CHAPTER 149.

An Act respecting Indians.

SHORT TITLE.

1. This Act may be cited as the Indian Act. 1951, c. 29, Short title. s. 1.

INTERPRETATION.

2. (1) In this Act,
(a) "band" means a body of Indians for whose use and benefit in common, lands, the legal title to which is vested in Her Majesty, have been set apart before or after the coming into force of this Act,
(ii) for whose use and benefit in common, moneys are held by Her Majesty, or
(iii) declared by the Governor in Council to be a band for the purposes of this Act;
(b) "child" includes a legally adopted Indian child;
(c) "council of the band" means
(i) in the case of a band to which section 73 applies, the council established pursuant to that section,
(ii) in the case of a band to which section 73 does not apply, the council chosen according to the custom of the band, or, where there is no council, the chief of the band chosen according to the custom of the band;
(d) "Department" means the Department of Citizenship and Immigration;
(e) "elector" means a person who
(i) is registered on a Band List,
(ii) is of the full age of twenty-one years, and
(iii) is not disqualified from voting at band elections;
(f) "estate" includes real and personal property and any interest in land;

R.S., 1952.
(g) "Indian" means a person who pursuant to this Act is registered as an Indian or is entitled to be registered as an Indian;

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

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

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

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

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

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

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

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

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

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

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

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(3) Unless the context otherwise requires or this Act otherwise provides

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

(b) a power conferred upon the council of a band shall be deemed not to be exercised unless it is exercised pursuant to the consent of a majority of the councillors of the band present at a meeting of the council duly convened. 1951, c. 29, s. 2.

ADMINISTRATION.

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

(2) The Minister may authorize the Deputy Minister of Citizenship and Immigration or the chief officer in charge of the branch of the Department relating to Indian affairs to perform and exercise any of the duties, powers and functions that may be or are required to be performed or exercised by the Minister under this Act or any other Act of the Parliament of Canada relating to Indian affairs. 1951, c. 29, s. 3.

APPLICATION OF ACT.

4. (1) This Act does not apply to the race of aborigines commonly referred to as Eskimos. 1951, c. 29, s. 4.

(2) The Governor in Council may by proclamation declare that this Act or any portion thereof, except sections 37 to 41, shall not apply to

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

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

and may by proclamation revoke any such declaration. 1951, c. 29, s. 4.

DEFINITION AND REGISTRATION OF INDIANS.

5. An Indian Register shall be maintained in the Department, which shall consist of Band Lists and General Lists and in which shall be recorded the name of every person who is entitled to be registered as an Indian. 1951, c. 29, s. 5.

6. The name of every person who is a member of a band and is entitled to be registered shall be entered in the Band List for that band, and the name of every person who is not a member of a band and is entitled to be registered shall be entered in a General List. 1951, c. 29, s. 6.

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

(2) The Indian Register shall indicate the date on which each name was added thereto or deleted therefrom. 1951, c. 29, s. 7.

8. Upon the coming into force of this Act, the band lists then in existence in the Department shall constitute the Indian Register, and the applicable lists shall be posted in a conspicuous place in the superintendent's office that serves the band or persons to whom the list relates and in all other places where band notices are ordinarily displayed. 1951, c. 29, s. 8.

9. (1) Within six months after a list has been posted in accordance with section 8 or within three months after the name of a person has been added to or deleted from a Band List or a General List pursuant to section 7

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

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

(c) the person whose name was included in or omitted from the list referred to in section 8, or whose name was added to or deleted from a Band List or a General List, may, by notice in writing to the Registrar, containing a brief statement of the grounds therefor, protest the inclusion, omission, addition, or deletion, as the case may be, of the name of that person.

(2) Where a protest is made to the Registrar under this section he shall cause an investigation to be made into the matter and shall render a decision, and subject to a reference under subsection (3), the decision of the Registrar is final and conclusive.

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

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

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

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

(4) The judge of the county, district or Superior Court, as the case may be, shall inquire into the correctness of the Registrar's decision, and for such purposes may exercise all the powers of a commissioner under Part I of the Inquiries Act; the judge shall decide whether the person in respect of whom the protest was made is, in accordance with the provisions of this Act, entitled or not entitled, as the case may be, to have his name included in the Indian Register, and the decision of the judge is final and conclusive. 1951, c. 29, s. 9.

10. Where the name of a male person is included in, omitted from, added to or deleted from a Band List or a General List, the names of his wife and his minor children shall also be included, omitted, added or deleted, as the case may be. 1951, c. 29, s. 10.

11. Subject to section 12, a person is entitled to be registered if that person

(a) on the 26th day of May, 1874, was, for the purposes of An Act providing for the organization of the Department of the Secretary of State of Canada, and for the management of Indian and Ordnance Lands, chapter 42 of the statutes of 1868, as amended by section 6 of chapter 6 of the statutes of 1869, and section 8 of chapter 21 of the statutes of 1874, considered to be entitled to hold, use or enjoy the lands and

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and other immovable property belonging to or appropriated to the use of the various tribes, bands or bodies of Indians in Canada;

(b) is a member of a band
   (i) for whose use and benefit, in common, lands have been set apart or since the 26th day of May, 1874, have been agreed by treaty to be set apart, or
   (ii) that has been declared by the Governor in Council to be a band for the purposes of this Act;

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

(d) is the legitimate child of
   (i) a male person described in paragraph (a) or (b), or
   (ii) a person described in paragraph (c);

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

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

1951, c. 29, s. 11.

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

(a) a person who
   (i) has received or has been allotted half-breed lands or money scrip,
   (ii) is a descendant of a person described in subparagraph (i),
   (iii) is enfranchised, or
   (iv) is a person born of a marriage entered into after the 4th day of September, 1951, and has attained the age of twenty-one years, whose mother and whose father's mother are not persons described in paragraph (a), (b), (d), or entitled to be registered by virtue of paragraph (e) of section 11, unless, being a woman, that person is the wife or widow of a person described in section 11, and

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

(2) The Minister may issue to any Indian to whom this Act ceases to apply, a certificate to that effect. 1951, c. 29, s. 12.

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

(2) Subject to the approval of the Minister, a member of a band may be admitted into membership of another band with the consent of the latter band or the council of that band. 1951, c. 29, s. 13.

14. A woman who is a member of a band ceases to be a member of that band if she marries a person who is not a member of that band, but if she marries a member of another band, she thereupon becomes a member of the band of which her husband is a member. 1951, c. 29, s. 14.

15. (1) Subject to subsection (2), an Indian who becomes enfranchised or who otherwise ceases to be a member of a band is entitled to receive from Her Majesty

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

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

(2) A person is not entitled to receive any amount under subsection (1)

(a) if his name was removed from the Indian register pursuant to a protest made under section 9, or

(b) if he is not entitled to be a member of a band by reason of the application of paragraph (e) of section 11 or subparagraph (iv) of paragraph (a) of section 12.

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

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

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

(4) Where the name of a person is removed from the Indian Register and he is not entitled to any payment under subsection (1), the Minister shall, if he considers it equitable to do so, authorize payment, out of moneys appropriated by Parliament, of such compensation as the Minister may determine for any permanent improvements made by that person on lands in a reserve. 1951, c. 29, s. 15.

16. (1) Section 15 does not apply to a person who ceases to be a member of one band by reason of his becoming a member of another band, but, subject to subsection (3), there shall be transferred to the credit of the latter band the amount to which that person would, but for this section, have been entitled under section 15.

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

(3) Where a woman who is a member of one band becomes a member of another band by reason of marriage, and the per capita share of the capital and revenue moneys held by Her Majesty on behalf of the first-mentioned band is greater than the per capita share of such moneys so held for the second-mentioned band, there shall be transferred to the credit of the second-mentioned band an amount equal to the per capita share held for that band, and the remainder of the money to which the woman would, but for this section, have been entitled under section 15 shall be paid to her in such manner and at such times as the Minister may determine. 1951, c. 29, s. 16.

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

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

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

(2) Where pursuant to subsection (1) a new band has been established from an existing band or any part thereof, such portion of the reserve lands and funds of the existing band as the Governor in Council determines shall be held for the use and benefit of the new band. 1951, c. 29, s. 17.

RESERVES.

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

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(2) The Governor in Council may authorize the use of lands in a reserve for the purpose of Indian schools, the administration of Indian affairs, Indian health projects or for any other purpose for the general welfare of the band, and may take any lands in a reserve required for such purposes, but where an individual Indian, immediately prior to such taking, was entitled to the possession of such lands, compensation for such use shall be paid to the Indian, in such amount as may be agreed between the Indian and the Minister, or, failing agreement, as may be determined in such manner as the Minister may direct. 1951, c. 29, s. 18.

19. The Minister may
(a) authorize surveys of reserves and the preparation of plans and reports with respect thereto,
(b) divide the whole or any portion of a reserve into lots or other subdivisions, and
(c) determine the location and direct the construction of roads in a reserve. 1951, c. 29, s. 19.

POSSESSION OF LANDS IN RESERVES.

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

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

(3) For the purposes of this Act, any person who, on the 4th day of September, 1951, held a valid and subsisting location ticket issued under The Indian Act, 1880, or any statute relating to the same subject matter, shall be deemed to be lawfully in possession of the land to which the location ticket relates and to hold a Certificate of Possession with respect thereto.

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

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(5) Where the Minister withholds approval pursuant to subsection (4), he shall issue a Certificate of Occupation to the Indian, and the Certificate entitles the Indian, or those claiming possession by devise or descent, to occupy the land in respect of which it is issued for a period of two years from the date thereof.

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

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

(b) refuse approval of the allotment by the council of the band and declare the land in respect of which the Certificate of Occupation was issued to be available for re-allotment by the council of the band. 1951, c. 29, s. 20.

21. There shall be kept in the Department a register, to be known as the Reserve Land Register, in which shall be entered particulars relating to Certificates of Possession and Certificates of Occupation and other transactions respecting lands in a reserve. 1951, c. 29, s. 21.

22. Where an Indian who is in possession of lands at the time they are included in a reserve, made permanent improvements thereon before that time, he shall be deemed to be in lawful possession of such lands at the time they are so included. 1951, c. 29, s. 22.

23. An Indian who is lawfully removed from lands in a reserve upon which he has made permanent improvements may, if the Minister so directs, be paid compensation in respect thereof in an amount to be determined by the Minister, either from the person who goes into possession or from the funds of the band, at the discretion of the Minister. 1951, c. 29, s. 23.

24. An Indian who is lawfully in possession of lands in a reserve may transfer to the band or to another member of the band the right to possession of the land, but no transfer or agreement for the transfer of the right to possession of lands in a reserve is effective until it is approved by the Minister. 1951, c. 29, s. 24.
25. (1) An Indian who ceases to be entitled to reside on a reserve may, within six months or such further period as the Minister may direct, transfer to the band or another member of the band the right to possession of any lands in the reserve of which he was lawfully in possession. where

(2) Where an Indian does not dispose of his right of possession in accordance with subsection (1), the right to possession of the land reverts to the band, subject to the payment to the Indian who was lawfully in possession of the land, from the funds of the band, of such compensation for permanent improvements as the Minister may determine. 1951, c. 29, s. 25.

26. Whenever a Certificate of Possession or Occupation was, in the opinion of the Minister, issued to or in the name of the wrong person, through mistake, or contains any clerical error or misnomer, or wrong description of any material fact therein, the Minister may cancel the Certificate and issue a corrected Certificate in lieu thereof. 1951, c. 29, s. 26.

27. The Minister may, with the consent of the holder, cancel any Certificate of Possession or Occupation, and may cancel any Certificate of Possession or Occupation that in his opinion was issued through fraud or in error. 1951, c. 29, s. 27.

28. (1) Subject to subsection (2), a deed, lease, contract, instrument, document or agreement of any kind, whether written or oral, by which a band or a member of a band purports to permit a person other than a member of that band to occupy or use a reserve or to reside or otherwise exercise any rights on a reserve is void.

(2) The Minister may by permit in writing authorize any person for a period not exceeding one year to occupy or use a reserve or to reside or otherwise exercise rights on a reserve. 1951, c. 29, s. 28.

29. Reserve lands are not subject to seizure under legal process. 1951, c. 29, s. 29.

TRESPASS ON RESERVES.

30. A person who trespasses on a reserve is guilty of an offence and is liable on summary conviction to a fine not exceeding fifty dollars or to imprisonment for a term not exceeding one month or to both fine and imprisonment. 1951, c. 29, s. 30.

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31. (1) Without prejudice to section 30, where an Indian or a band alleges that persons other than Indians are or have been

(a) unlawfully in occupation or possession of,

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

(c) trespassing upon

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

(2) An Information exhibited under subsection (1) shall, for all purposes of the Exchequer Court Act, be deemed to be an action or suit by the Crown within the meaning of paragraph (d) of section 29 of that Act.

(3) Nothing in this section shall be construed to impair, abridge or otherwise affect any right or remedy that, but for this section, would be available to Her Majesty or to an Indian or a band. 1951, c. 29, s. 31.

SALE OR BARTER OF PRODUCE.

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

(2) The Minister may at any time by order exempt a band and the members thereof or any member thereof from the operation of this section, and may revoke any such order. 1951, c. 29, s. 32.

33. Every person who enters into a transaction that is void under subsection (1) of section 32 is guilty of an offence. 1951, c. 29, s. 33.

ROADS AND BRIDGES.

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

(2) Where, in the opinion of the Minister, a band has not carried out the instructions of the superintendent given under subsection (1), the Minister may cause the instructions to be carried out at the expense of the band.

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or any member thereof and may recover the cost thereof from any amounts that are held by Her Majesty and are payable to the band or such member. 1951, c. 29, s. 34.

**LANDS TAKEN FOR PUBLIC PURPOSES.**

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

(2) Unless the Governor in Council otherwise directs, all matters relating to compulsory taking or using of lands in a reserve under subsection (1) shall be governed by the statute by which the powers are conferred.

(3) Whenever the Governor in Council has consented to the exercise by a province, authority or corporation of the powers referred to in subsection (1), the Governor in Council may, in lieu of the province, authority or corporation taking or using the lands without the consent of the owner, authorize a transfer or grant of such lands to the province, authority or corporation, subject to any terms that may be prescribed by the Governor in Council.

(4) Any amount that is agreed upon or awarded in respect of the compulsory taking or using of land under this section or that is paid for a transfer or grant of land pursuant to this section shall be paid to the Receiver General of Canada for the use and benefit of the band or for the use and benefit of any Indian who is entitled to compensation or payment as a result of the exercise of the powers referred to in subsection (1). 1951, c. 29, s. 35.

**SPECIAL RESERVES.**

36. Where lands have been set apart for the use and benefit of a band and legal title thereto is not vested in Her Majesty, this Act applies as though the lands were a reserve within the meaning of this Act. 1951, c. 29, s. 36.

**SURRENDERS.**

37. Except where this Act otherwise provides, lands in a reserve shall not be sold, alienated, leased or otherwise disposed of until they have been surrendered to Her Majesty by the band for whose use and benefit in common the reserve was set apart. 1951, c. 29, s. 37.

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

(2) A surrender may be absolute or qualified, conditional or unconditional. 1951, c. 29, s. 38.

39. (1) A surrender is void unless

(a) it is made to Her Majesty,

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

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

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

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

(2) Where a majority of the electors of a band did not vote at a meeting called pursuant to subsection (1) of this section or pursuant to section 51 of the Indian Act, chapter 98 of the Revised Statutes of Canada, 1927, the Minister may, if the proposed surrender was assented to by a majority of the electors who did vote, call another meeting by giving thirty days' notice thereof.

(3) Where a meeting is called pursuant to subsection (2) and the proposed surrender is assented to at the meeting by a majority of the members voting, the surrender shall be deemed, for the purpose of this section, to have been assented to by a majority of the electors of the band.

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

(5) Every meeting under this section shall be held in the presence of the superintendent or some other officer of the Department designated by the Minister. 1951, c. 29, s. 39.

40. When a proposed surrender has been assented to by the band in accordance with section 39, it shall be certified on oath by the superintendent or other officer who attended the meeting and by the chief or a member of the council of the band, and shall then be submitted to the Governor in Council for acceptance or refusal. 1951, c. 29, s. 40.

41. A surrender shall be deemed to confer all rights that are necessary to enable Her Majesty to carry out the terms of the surrender. 1951, c. 29, s. 41.

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DESCENT OF PROPERTY.

42. Unless otherwise provided in this Act, all jurisdiction and authority in relation to matters and causes testamentary, with respect to deceased Indians, is vested exclusively in the Minister, and shall be exercised subject to and in accordance with regulations of the Governor in Council. 1951, c. 29, s. 42.

43. Without restricting the generality of section 42, the Minister may

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

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

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

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

(e) make or give any order, direction or finding that in his opinion it is necessary or desirable to make or give with respect to any matter referred to in section 42. 1951, c. 29, s. 43.

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

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

(3) A court that is exercising any jurisdiction or authority under this section shall not without the consent in writing of the Minister enforce any order relating to real property on a reserve. 1951, c. 29, s. 44.

WILLS.

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

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(2) R.S., 1952.
(2) The Minister may accept as a will any written instrument signed by an Indian in which he indicates his wishes or intention with respect to the disposition of his property upon his death.

(3) No will executed by an Indian is of any legal force or effect as a disposition of property until the Minister has approved the will or a court has granted probate thereof pursuant to this Act. 1951, c. 29, s. 45.

46. (1) The Minister may declare the will of an Indian to be void in whole or in part if he is satisfied that
(a) the will was executed under duress or undue influence,
(b) the testator at the time of execution of the will lacked testamentary capacity,
(c) the terms of the will would impose hardship on persons for whom the testator had a responsibility to provide,
(d) the will purports to dispose of land in a reserve in a manner contrary to the interest of the band or contrary to this Act,
(e) the terms of the will are so vague, uncertain or capricious that proper administration and equitable distribution of the estate of the deceased would be difficult or impossible to carry out in accordance with this Act, or
(f) the terms of the will are against the public interest.

(2) Where a will of an Indian is declared by the Minister or by a court to be wholly void, the person executing the will shall be deemed to have died intestate, and where the will is so declared to be void in part only, any bequest or devise affected thereby, unless a contrary intention appears in the will, shall be deemed to have lapsed. 1951, c. 29, s. 46.

APPEALS.

47. (1) A decision of the Minister made in the exercise of the jurisdiction or authority conferred upon him by section 42, 43 or 46 may, within two months from the date thereof, be appealed by any person affected thereby to the Exchequer Court of Canada, if the amount in controversy in the appeal exceeds five hundred dollars or if the Minister consents to an appeal.

(2) The judges of the Exchequer Court may make rules respecting the practice and procedure governing appeals under this section. 1951, c. 29, s. 47.

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DISTRIBUTION OF PROPERTY ON INTESTACY.

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

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

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

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

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

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

(3) Notwithstanding subsections (1) and (2),

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

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

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

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

(6) Where an intestate dies leaving no widow or issue or father or mother his estate shall go to his brothers and sisters in equal shares, and if any brother or sister is dead the children of the deceased brother or sister shall take the share their parent would have taken if living, but where the only persons entitled are children of deceased brothers and sisters, they shall take per capita.

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

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

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

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

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

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

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

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

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

(16) In this section "child" includes a legally adopted child. 1951, c. 29, s. 48.

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49. A person who claims to be entitled to possession or occupation of lands in a reserve by devise or descent shall be deemed not to be in lawful possession or occupation of that land until the possession is approved by the Minister. 1951, c. 29, s. 49.

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

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

(3) Where no tender is received within six months or such further period as the Minister may direct after the date when the right to possession or occupation is offered for sale under subsection (2), the right shall revert to the band free from any claim on the part of the devisee or descendant, subject to the payment, at the discretion of the Minister, to the devisee or descendant, from the funds of the band, of such compensation for permanent improvements as the Minister may determine.

(4) The purchaser of a right to possession or occupation of land under subsection (2) shall be deemed not to be in lawful possession or occupation of the land until the possession is approved by the Minister. 1951, c. 29, s. 50.

MENTALLY INCOMPETENT INDIANS.

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

(2) Without restricting the generality of subsection (1), the Minister may

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

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

(i) paying his debts or engagements,

(ii) discharging encumbrances on his property,

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

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

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

(3) The Minister may order that any property situated off a reserve and belonging to a mentally incompetent Indian shall be dealt with under the laws of the province in which the property is situated. 1951, c. 29, s. 51.

GUARDIANSHIP.

52. The Minister may administer or provide for the administration of any property to which infant children of Indians are entitled, and may appoint guardians for such purpose. 1951, c. 29, s. 52.

MANAGEMENT OF RESERVES AND SURRENDERED LANDS.

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

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

(3) No person who is appointed to manage, sell, lease or otherwise dispose of surrendered lands or who is an officer or servant of Her Majesty employed in the Department may, except with the approval of the Governor in Council, acquire directly or indirectly any interest in surrendered lands. 1951, c. 29, s. 53.

54. Where surrendered lands have been agreed to be sold or otherwise disposed of and Letters Patent relating thereto have not issued, or where surrendered lands have been leased, the purchaser, lessee or other person having an interest in the surrendered lands may, with the approval of the Minister, assign his interest in the surrendered lands or a part thereof to any other person. 1951, c. 29, s. 54.

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

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(2) A conditional assignment shall not be registered.

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

(4) An assignment registered under this section is valid against an unregistered assignment or an assignment subsequently registered. 1951, c. 29, s. 55.

56. Where an assignment is registered there shall be endorsed on the original copy thereof a certificate of registration signed by the Minister or by an officer of the Department authorized by him to sign such certificates. 1951, c. 29, s. 56.

57. The Governor in Council may make regulations

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

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

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

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

(e) providing for the seizure and forfeiture of any timber or minerals taken in violation of any regulation made under this section. 1951, c. 29, s. 57.

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

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

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

(c) R.S., 1952.
(c) where the land is not in the lawful possession of any individual, grant for the benefit of the band a lease of such land for agricultural or grazing purposes.

(2) Out of the proceeds derived from the improvement or cultivation of lands pursuant to paragraph (b) of subsection (1), a reasonable rent shall be paid to the individual in lawful possession of the lands or any part thereof, and the remainder of the proceeds shall be placed to the credit of the band, but if improvements are made on the lands occupied by an individual, the Minister may deduct the value of such improvements from the rent payable to such individual under this subsection.

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

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

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

(b) with the consent of the council of the band, dispose of sand, gravel, clay and other non-metallic substances upon or under lands in a reserve, or, where such consent cannot be obtained without undue difficulty or delay, may issue temporary permits for the taking of sand, gravel, clay and other non-metallic substances upon or under lands in a reserve, renewable only with the consent of the council of the band, and the proceeds of such transactions shall be credited to band funds or shall be divided between the band and the individual Indians in lawful possession of the lands in such shares as the Minister may determine. 1951, c. 29, s. 58.

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

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

(b) reduce or adjust the amount payable to the band by an Indian in respect of a loan made to the Indian from band funds. 1951, c. 29, s. 59.

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

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(2) The Governor in Council may at any time withdraw Indian Act. Withdrawal.
from a band a right conferred upon the band under sub-
section (1). 1951, c. 29, s. 60.

MANAGEMENT OF INDIAN MONEYS.

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

(2) Interest upon Indian moneys held in the Con-
solidated Revenue Fund shall be allowed at a rate to be fixed from time to time by the Governor in Council. 1951, c. 29, s. 61.

62. All Indian moneys derived from the sale of sur-
rendered lands or the sale of capital assets of a band shall be deemed to be capital moneys of the band and all Indian moneys other than capital moneys shall be deemed to be revenue moneys of the band. 1951, c. 29, s. 62.

where moneys to which an Indian is entitled are paid to a superintendent under any lease or agreement made under this Act, the superintendent may pay the moneys to the Indian. 1951, c. 29, s. 63.

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

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

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

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

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

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

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

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

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

(i) the chattels owned by the borrower, and

(ii) the land with respect to which he holds or is eligible to receive a Certificate of Possession, and may charge interest and take security therefor,

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

(j) for any other purpose that in the opinion of the Minister is for the benefit of the band. 1951, c. 29, s. 64.

65. The Minister may pay from capital moneys

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

(b) expenses incurred to prevent or suppress grass or forest fires or to protect the property of Indians in cases of emergency. 1951, c. 29, s. 65.

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

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

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

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

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

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(c) to provide for the inspection of premises on reserves and the destruction, alteration or renovation thereof;
(d) to prevent overcrowding of premises on reserves used as dwellings;
(e) to provide for sanitary conditions in private premises on reserves as well as in public places on reserves; and
(f) for the construction and maintenance of boundary fences. 1951, c. 29, s. 66.

67. (1) Where the Minister is satisfied that a male Indian
(a) has deserted his wife or family without sufficient cause,
(b) has conducted himself in such a manner as to justify the refusal of his wife or family to live with him, or
(c) has been separated by imprisonment from his wife and family,
he may order that payments of any annuity or interest money to which that Indian is entitled shall be applied to the support of the wife or family or both the wife and family of that Indian.

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

(3) Where the Minister is satisfied that one or both of the parents of an illegitimate child is an Indian, he may stop payments out of any annuity or interest moneys to which either or both of the parents would otherwise be entitled and apply the moneys to the support of the child, but not so as to prejudice the welfare of any legitimate child of either Indian. 1951, c. 29, s. 67.

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

(2) The Governor in Council may make regulations to give effect to subsection (1) and may declare therein the extent to which this Act and the Financial Administration Act shall not apply to a band to which an order made under subsection (1) applies. 1951, c. 29, s. 68.
69. (1) The Minister of Finance may from time to time advance to the Minister out of the Consolidated Revenue Fund such sums of money as the Minister may require to enable him

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

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

(2) The Governor in Council may make regulations to give effect to subsection (1).

(3) Expenditures that are made under subsection (1) shall be accounted for in the same manner as public moneys.

(4) The Minister shall pay to the Minister of Finance all moneys that he receives from bands, groups of Indians or individual Indians by way of repayments of loans made under subsection (1).

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

(6) The Minister shall within fifteen days after the termination of each fiscal year or, if Parliament is not then in session, within fifteen days after the commencement of the next ensuing session, lay before Parliament a report setting out the total number and amount of loans made under subsection (1) during that year. 1951, c. 29, s. 69.

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

(2) The Minister may apply any profits that result from the operation of farms pursuant to subsection (1) on reserves to extend farming operations on the reserves or to make loans to Indians to enable them to engage in farming or other agricultural operations or he may apply such profits in any way that he considers to be desirable to promote the progress and development of the Indians. 1951, c. 29, s. 70.

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TREATY MONEY.

71. Moneys that are payable to Indians or to Indian bands under a treaty between Her Majesty and the band and for the payment of which the Government of Canada is responsible, may be paid out of the Consolidated Revenue Fund. 1951, c. 29, s. 71.

REGULATIONS.

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

(a) for the protection and preservation of fur-bearing animals, fish and other game on reserves,
(b) for the destruction of noxious weeds and the prevention of the spreading or prevalence of insects, pests or diseases that may destroy or injure vegetation on Indian reserves,
(c) for the control of the speed, operation and parking of vehicles on roads within reserves,
(d) for the taxation, control and destruction of dogs and for the protection of sheep on reserves,
(e) for the operation, supervision and control of pool rooms, dance halls and other places of amusement on reserves,
(f) to prevent, mitigate and control the spread of diseases on reserves, whether or not the diseases are infectious or communicable,
(g) to provide medical treatment and health services for Indians,
(h) to provide compulsory hospitalization and treatment for infectious diseases among Indians,
(i) to provide for the inspection of premises on reserves and the destruction, alteration or renovation thereof,
(j) to prevent overcrowding of premises on reserves used as dwellings,
(k) to provide for sanitary conditions in private premises on reserves as well as in public places on reserves, and
(l) for the construction and maintenance of boundary fences.

(2) The Governor in Council may prescribe the penalty, not exceeding a fine of one hundred dollars or imprisonment for a term not exceeding three months or both fine and imprisonment, that may be imposed on summary conviction for violation of a regulation made under subsection (1).

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Orders and regulations.

(3) The Governor in Council may make orders and regulations to carry out the purposes and provisions of this Act. 1951, c. 29, s. 72.

ELECTIONS OF CHIEFS AND BAND COUNCILS.

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

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

Composition of council.

(2) The council of a band in respect of which an order has been made under subsection (1) shall consist of one chief, and one councillor for every one hundred members of the band, but the number of councillors shall not be less than two nor more than twelve and no band shall have more than one chief.

Regulations.

(3) The Governor in Council may, for the purposes of giving effect to subsection (1), make orders or regulations to provide

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

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

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

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

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

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

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

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

Single electoral section.

(4) Where the Minister is satisfied that a majority of the electors of a band do not desire to have the reserve divided into electoral sections and reports to the Governor in Council accordingly, the Governor in Council may order that the reserve shall for voting purposes consist of one electoral section. 1951, c. 29, s. 73.
74. (1) No person other than an elector who resides in a section may be nominated for the office of councillor to represent that section on the council of the band.

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

1951, c. 29, s. 74.

75. (1) The Governor in Council may make orders and regulations with respect to band elections and, without restricting the generality of the foregoing, may make regulations with respect to
(a) meetings to nominate candidates,
(b) the appointment and duties of electoral officers,
(c) the manner in which voting shall be carried out,
(d) election appeals, and
(e) the definition of residence for the purpose of determining the eligibility of voters.

(2) The regulations made under paragraph (c) of subsection (1) shall make provision for secrecy of voting.

1951, c. 29, s. 75.

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

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

1951, c. 29, s. 76.

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

(2) The office of chief or councillor becomes vacant when
(a) the person who holds that office
   (i) is convicted of an indictable offence,
   (ii) dies or resigns his office, or
   (iii) is or becomes ineligible to hold office by virtue of this Act; or
(b) the Minister declares that in his opinion the person who holds that office
   (i) is unfit to continue in office by reason of his having been convicted of an offence,

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(ii) has been absent from meetings of the council for three consecutive meetings without being authorized to do so, or
(iii) was guilty, in connection with an election, of corrupt practice, accepting a bribe, dishonesty or malfeasance.

(3) The Minister may declare a person who ceases to hold office by virtue of subparagraph (iii) of paragraph (b) of subsection (2) to be ineligible to be a candidate for chief or councillor for a period not exceeding six years.

(4) Where the office of chief or councillor becomes vacant more than three months before the date when another election would ordinarily be held, a special election may be held in accordance with this Act to fill the vacancy. 1951, c. 29, s. 77.

78. The Governor in Council may set aside the election of a chief or a councillor on the report of the Minister that he is satisfied that
(a) there was corrupt practice in connection with the election,
(b) there was a violation of this Act that might have affected the result of the election, or
(c) a person nominated to be a candidate in the election was ineligible to be a candidate. 1951, c. 29, s. 78.

79. The Governor in Council may make regulations with respect to band meetings and council meetings and, without restricting the generality of the foregoing, may make regulations with respect to
(a) presiding officers at such meetings,
(b) notice of such meetings,
(c) the duties of any representative of the Minister at such meetings, and
(d) the number of persons required at the meeting to constitute a quorum. 1951, c. 29, s. 79.

POWERS OF THE COUNCIL.

80. The council of a band may make by-laws not inconsistent with this Act or with any regulation made by the Governor in Council or the Minister, for any or all of the following purposes, namely:
(a) to provide for the health of residents on the reserve and to prevent the spreading of contagious and infectious diseases;
(b) the regulation of traffic;
(c) the observance of law and order;
(d) the prevention of disorderly conduct and nuisances;
(e) the protection against and prevention of trespass by cattle and other domestic animals, the establishment of pounds, the appointment of pound-keepers, the regulation of their duties and the provision for fees and charges for their services;
(f) the construction and maintenance of water courses, roads, bridges, ditches, fences and other local works;
(g) the dividing the reserve or a portion thereof into zones and the prohibition of the construction or maintenance of any class of buildings or the carrying on of any class of business, trade or calling in any such zone;
(h) the regulation of the construction, repair and use of buildings, whether owned by the band or by individual members of the band;
(i) the survey and allotment of reserve lands among the members of the band and the establishment of a register of Certificates of Possession and Certificates of Occupation relating to allotments and the setting apart of reserve lands for common use, if authority therefor has been granted under section 60;
(j) the destruction and control of noxious weeds;
(k) the regulation of beekeeping and poultry raising;
(l) the construction and regulation of the use of public wells, cisterns, reservoirs and other water supplies;
(m) the control and prohibition of public games, sports, races, athletic contests and other amusements;
(n) the regulation of the conduct and activities of hawkers, peddlers or others who enter the reserve to buy, sell or otherwise deal in wares or merchandise;
(o) the preservation, protection and management of fur-bearing animals, fish and other game on the reserve;
(p) the removal and punishment of persons trespassing upon the reserve or frequenting the reserve for prescribed purposes;
(q) with respect to any matter arising out of or ancillary to the exercise of powers under this section; and
(r) the imposition on summary conviction of a fine not exceeding one hundred dollars or imprisonment for a term not exceeding thirty days or both fine and imprisonment for violation of a by-law made under this section. 1951, c. 29, s. 80.
**Indian Act.**

**Chap. 149.**

**81.** (1) A copy of every by-law made under the authority of section 80 shall be forwarded by mail by the chief or a member of the council of the band to the Minister within four days after it is made.

(2) A by-law made under section 80 shall come into force forty days after a copy thereof is forwarded to the Minister pursuant to subsection (1), unless it is disallowed by the Minister within that period, but the Minister may declare the by-law to be in force at any time before the expiration of that period. 1951, c. 29, s. 81.

**82.** (1) Without prejudice to the powers conferred by section 80, where the Governor in Council declares that a band has reached an advanced stage of development, the council of the band may, subject to the approval of the Minister, make by-laws for any or all of the following purposes, namely:

(a) the raising of money by
   (i) the assessment and taxation of interests in land in the reserve of persons lawfully in possession thereof, and
   (ii) the licensing of businesses, callings, trades and occupations;

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

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

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

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

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

(2) No expenditure shall be made out of moneys raised pursuant to paragraph (a) of subsection (1) except under the authority of a by-law of the council of the band. 1951, c. 29, s. 82.

**83.** Where a tax that is imposed upon an Indian by or under the authority of a by-law made under section 82 is not paid in accordance with the by-law, the Minister may

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may pay the amount owing together with an amount equal to one-half of one per cent thereof out of moneys payable out of the funds of the band to the Indian. 1951, c. 29, s. 83.

84. The Governor in Council may revoke a declaration made under section 82 whereupon that section shall no longer apply to the band to which it formerly applied, but any by-law made under the authority of that section and in force at the time the declaration is revoked shall be deemed to continue in force until it is revoked by the Governor in Council. 1951, c. 29, s. 84.

85. A copy of a by-law made by the council of a band under this Act, if it is certified to be a true copy by the superintendent, is prima facie evidence that the by-law was duly made by the council and approved by the Minister, without proof of the signature or official character of the superintendent, and no such by-law is invalid by reason of any defect in form. 1951, c. 29, s. 85.

TAXATION.

86. (1) Notwithstanding any other Act of the Parliament of Canada or any Act of the legislature of a province, but subject to subsection (2) and to section 82, the following property is exempt from taxation, namely,

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

(b) the personal property of an Indian or band situated on a reserve, and no Indian or band is subject to taxation in respect of the ownership, occupation, possession or use of any property mentioned in paragraph (a) or (b) or is otherwise subject to taxation in respect of any such property; and no succession duty, inheritance tax or estate duty is payable on the death of an Indian in respect of any such property or the succession thereto if the property passes to an Indian, nor shall any such property be taken into account in determining the duty payable under the Dominion Succession Duty Act on or in respect of other property passing to an Indian.

(2) Subsection (1) does not apply to or in respect of the personal property of an Indian who has executed a waiver under the provisions of paragraph (e) of subsection (2) of section 14 of the Canada Elections Act. 1951, c. 29, s. 86.
87. Subject to the terms of any treaty and any other Act of the Parliament of Canada, all laws of general application from time to time in force in any province are applicable to and in respect of Indians in the province, except to the extent that such laws are inconsistent with this Act or any order, rule, regulation or by-law made thereunder, and except to the extent that such laws make provision for any matter for which provision is made by or under this Act. 1951, c. 29, s. 87.

88. (1) Subject to this Act, the real and personal property of an Indian or a band situated on a reserve is not subject to charge, pledge, mortgage, attachment, levy, seizure, distress or execution in favour or at the instance of any person other than an Indian.

(2) A person who sells to a band or a member of a band a chattel under an agreement whereby the right of property or right of possession thereto remains wholly or in part in the seller, may exercise his rights under the agreement notwithstanding that the chattel is situated on a reserve. 1951, c. 29, s. 88.

89. (1) For the purposes of sections 86 and 88, personal property that was

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

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

shall be deemed always to be situated on a reserve.

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

(3) Every person who enters into any transaction that is void by virtue of subsection (2) is guilty of an offence, and every person who, without the written consent of the Minister, destroys personal property that is by this section deemed to be situated on a reserve, is guilty of an offence. 1951, c. 29, s. 89.

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TRADING WITH INDIANS.

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

(a) an Indian grave house,
(b) a carved grave pole,
(c) a totem pole,
(d) a carved house post, or
(e) a rock embellished with paintings or carvings.

(2) Subsection (1) does not apply to chattels referred to therein that are manufactured for sale by Indians.

(3) No person shall remove, take away, mutilate, disfigure, deface or destroy any chattel referred to in subsection (1) without the written consent of the Minister.

(4) A person who violates this section is guilty of an offence and is liable on summary conviction to a fine not exceeding two hundred dollars or to imprisonment for a term not exceeding three months. 1951, c. 29, s. 90.

91. (1) No person who is
(a) an officer or employee in the Department,
(b) a missionary engaged in mission work among Indians, or
(c) a school teacher on a reserve,
shall, without a licence from the Minister or his duly authorized representative, trade for profit with an Indian or sell to him directly or indirectly goods or chattels, but no such licence shall be issued to a full-time officer or employee in the Department.

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

(3) A person who violates subsection (1) is guilty of an offence and is liable on summary conviction to a fine not exceeding five hundred dollars.

(4) Without prejudice to subsection (3), an officer or employee in the Department who contravenes subsection (1) may be dismissed from office. 1951, c. 29, s. 91.

PENALTIES.

92. A person who, without the written permission of the Minister or his duly authorized representative,
(a) removes from a reserve
(i) minerals, stone, sand, gravel, clay or soil, or
(ii) trees, saplings, shrubs, underbrush, timber, cordwood or hay, or

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(b)
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(b) has in his possession anything removed from a reserve contrary to this section, is guilty of an offence and is liable on summary conviction to a fine not exceeding five hundred dollars or to imprisonment for a term not exceeding three months or to both fine and imprisonment. 1951, c. 29, s. 92.

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

(a) sells, bar ters, supplies or gives an intoxicant to

(i) any person on a reserve, or

(ii) an Indian outside a reserve,

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

(c) makes or manufactures intoxicants on a reserve, is guilty of an offence and is liable on summary conviction to a fine of not less than fifty dollars and not more than three hundred dollars or to imprisonment for a term of not less than one month and not more than six months, with or without hard labour. or to both fine and imprisonment. 1951, c. 29, s. 93.

94. An Indian who

(a) has intoxicants in his possession,

(b) is intoxicated, or

(c) makes or manufactures intoxicants off a reserve, is guilty of an offence and is liable on summary conviction to a fine of not less than ten dollars and not more than fifty dollars or to imprisonment for a term not exceeding three months or to both fine and imprisonment. 1951, c. 29, s. 94.

95. (1) No offence is committed against subparagraph (ii) of paragraph (a) of section 93 or paragraph (a) of section 94 if intoxicants are sold to an Indian for consumption in a public place in accordance with a law of the province where the sale takes place authorizing the sale of intoxicants to a person for consumption in a public place.

(2) This section shall not come into force in any province until a proclamation bringing it into force in the province is issued by the Governor in Council at the request of the Lieutenant-Governor in Council of the province. 1951, c. 29, s. 95.

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96. A person who is found
   (a) with intoxicants in his possession, or
   (b) intoxicated
   on a reserve, is guilty of an offence and is liable on summary conviction to a fine of not less than ten dollars and not more than fifty dollars or to imprisonment for a term not exceeding three months or to both fine and imprisonment. 1951, c. 29, s. 96.

97. The provisions of this Act relating to intoxicants do not apply where the intoxicant is used or is intended to be used in cases of sickness or accident. 1951, c. 29, s. 97.

98. In any prosecution under this Act the burden of proof that an intoxicant was used or was intended to be used in a case of sickness or accident is upon the accused. 1951, c. 29, s. 98.

99. In every prosecution under this Act a certificate of analysis furnished by an analyst employed by the Government of Canada or by a province shall be accepted as prima facie evidence of the facts stated therein and of the authority of the person giving or issuing the certificate, without proof of the signature of the person appearing to have signed the certificate or his official character, and without further proof thereof. 1951, c. 29, s. 99.

100. Every person who is guilty of an offence against any provision of this Act or any regulation made by the Governor in Council or the Minister for which a penalty is not provided elsewhere in this Act or the regulations, is liable on summary conviction to a fine not exceeding two hundred dollars or to imprisonment for a term not exceeding three months or to both fine and imprisonment. 1951, c. 29, s. 100.

101. (1) Whenever a peace officer or a superintendent or a person authorized by the Minister believes on reasonable grounds that an offence against section 33, 89, 93, 94 or 96 has been committed, he may seize all goods and chattels by means of or in relation to which he reasonably believes the offence was committed.

   (2) All goods and chattels seized pursuant to subsection (1) may be detained for a period of three months following the day of seizure unless during that period proceedings under this Act in respect of such offence are undertaken, in which case the goods and chattels may be further detained until such proceedings are finally concluded.

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(3) R.S., 1952.
Forfeiture.  
(3) Where a person is convicted of an offence against the sections mentioned in subsection (1), the convicting court or judge may order that the goods and chattels by means of or in relation to which the offence was committed, in addition to any penalty imposed, are forfeited to Her Majesty. 1951, c. 29, s. 101.

Disposition of fines.  

102. Every fine, penalty or forfeiture imposed under this Act belongs to Her Majesty for the benefit of the band with respect to which or to one or more members of which the offence was committed or to which the offender, if an Indian, belongs, but the Governor in Council may from time to time direct that the fine, penalty or forfeiture shall be paid to a provincial, municipal or local authority that bears in whole or in part the expense of administering the law under which the fine, penalty or forfeiture is imposed, or that the fine, penalty or forfeiture shall be applied in the manner that he considers will best promote the purposes of the law under which the fine, penalty or forfeiture is imposed, or the administration of that law. 1951, c. 29, s. 102.

Description of Indians in writs, etc.  

103. In any order, writ, warrant, summons or proceeding issued under this Act it is sufficient if the name of the person or Indian referred to therein is the name given to, or the name by which the person or Indian is known by, the person who issues the order, writ, warrant, summons or proceedings, and if no part of the name of the person is given to or known by the person issuing the order, writ, warrant, summons or proceedings, it is sufficient if the person or Indian is described in any manner by which he may be identified. 1951, c. 29, s. 103.

Jurisdiction of magistrates.  

104. A police magistrate or a stipendiary magistrate has and may exercise, with respect to matters arising under this Act, jurisdiction over the whole county, union of counties or judicial district in which the city, town or other place for which he is appointed or in which he has jurisdiction under provincial laws is situated. 1951, c. 29, s. 104.

Appointment of justices.  

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

(a) offences under this Act,

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

(c) R.S., 1952.
(c) any offence against the provisions of the *Criminal Code* relating to cruelty to animals, common assault, breaking and entering and vagrancy, where the offence is committed by an Indian or relates to the person or property of an Indian. 1951, c. 29, s. 105.

**106.** Where, immediately prior to the 4th day of September, 1951, an Indian agent was *ex officio* a justice of the peace under the *Indian Act*, chapter 98 of the Revised Statutes of Canada, 1927, he shall be deemed, for the purposes of this Act, to have been appointed under section 105, and he may exercise the powers and authority conferred by that section until his appointment is revoked by the Minister. 1951, c. 29, s. 106.

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

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

(b) superintendents, and

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

are *ex officio* commissioners for the taking of oaths. 1951, c. 29, s. 107.

**ENFRANCHISEMENT.**

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

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

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

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

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

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

(3) Where, in the opinion of the Minister, the wife of an Indian is living apart from her husband, the names of his wife and his minor children who are living with the wife shall not be included in an order under subsection (1) that enfranchises the Indian unless the wife has applied for enfranchisement. 1951, c. 29, s. 108.
enfranchisement, but where the Governor in Council is satisfied that such wife is no longer living apart from her husband, the Governor in Council may by order declare that the wife and the minor children are enfranchised.

(4) A person is not enfranchised unless his name appears in an order of enfranchisement made by the Governor in Council. 1951, c. 29, s. 108.

109. A person with respect to whom an order for enfranchisement is made under section 108 shall, from the date thereof, be deemed not to be an Indian within the meaning of this Act or any other statute or law. 1951, c. 29, s. 109.

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

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

(3) When an order has been made under subsection (2), the enfranchised Indian is entitled to occupy such lands for a period of ten years from the date of his enfranchisement, and the enfranchised Indian shall pay to the funds of the band, or there shall, out of any money payable to the enfranchised Indian under this Act, be transferred to the funds of the band, such amount per acre for the lands as the Minister considers to be the value of the common interest of the band in the lands.

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(4) At the end of the ten-year period referred to in subsection (3) the Minister shall cause a grant of the lands to be made to the enfranchised Indian or to his legal representatives. 1951, c. 29, s. 110.

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

(2) An order for enfranchisement may not be made under subsection (1) unless more than fifty per cent of the electors of the band signify, at a meeting of the band called for the purpose, their willingness to become enfranchised under this section, and their approval of the plan.

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

(4) Without restricting the generality of subsection (3), an agreement made thereunder may provide for financial assistance to be given to the province or the municipality or both to assist in the support of indigent, infirm or aged persons to whom the agreement applies, and such financial assistance, or any part thereof, shall, if the Minister so directs, be paid out of moneys of the band, and any such financial assistance not paid out of moneys of the band shall be paid out of moneys appropriated by Parliament. 1951, c. 29, s. 111.

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

(2) A committee appointed under subsection (1) shall consist of

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

(b) an officer of the Department, and

(c) R.S., 1952.
(c) a member of the band to be appointed by the council of the band, but if no appointment is made by the council of the band within thirty days after a request therefor is sent by the Minister to the band, a member of the band appointed by the Minister.

(3) Where the committee or a majority thereof reports
(a) in the case of an Indian, that in its opinion the Indian is qualified under paragraphs (a), (b) and (c) of subsection (1) of section 108 to be enfranchised,
(b) in the case of a band, that in the opinion of the committee the band is capable of managing its own affairs as a municipality or part of a municipality, and the committee has submitted a plan for the disposal or division of the funds of the band and the lands in the reserve, and
(c) that it is desirable that the Indian or the band, as the case may be, should be enfranchised,
the report, if approved by the Minister, shall be deemed to be an application for enfranchisement by the Indian or by the band and shall be dealt with as such in accordance with this Act, except that, in the case of a band, the provisions of subsection (2) of section 111 are not applicable.

(4) An Indian or the members of a band shall not be enfranchised under this section contrary to the terms of any treaty, agreement or undertaking between a band and Her Majesty that is applicable. 1951, c. 29, s. 112.

SCHOOLS.

Schools. 113. The Governor in Council may authorize the Minister, in accordance with this Act,
(a) to establish, operate and maintain schools for Indian children,
(b) to enter into agreements on behalf of Her Majesty for the education in accordance with this Act of Indian children, with
(i) the government of a province,
(ii) the council of the Northwest Territories,
(iii) the council of the Yukon Territory,
(iv) a public or separate school board, and
(v) a religious or charitable organization.
1951, c. 29, s. 113.

Regulations. 114. The Minister may
(a) provide for and make regulations with respect to standards for buildings, equipment, teaching, education, inspection and discipline in connection with schools,

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(b) provide for the transportation of children to and from school,
(c) enter into agreements with religious organizations for the support and maintenance of children who are being educated in schools operated by those organizations, and
(d) apply the whole or any part of moneys that would otherwise be payable to or on behalf of a child who is attending a residential school to the maintenance of that child at that school. 1951, c. 29, s. 114.

115. (1) Subject to section 116, every Indian child who has attained the age of seven years shall attend school.

(2) The Minister may
(a) permit an Indian who has attained the age of six years to attend school,
(b) require an Indian who becomes sixteen years of age during the school term to continue to attend school until the end of that term, and
(c) require an Indian who becomes sixteen years of age to attend school for such further period as the Minister considers advisable, but no Indian shall be required to attend school after he becomes eighteen years of age. 1951, c. 29, s. 115.

116. An Indian child is not required to attend school if the child
(a) is, by reason of sickness or other unavoidable cause that is reported promptly to the principal, unable to attend school,
(b) has passed entrance examinations for high school,
(c) is, with the permission in writing of the superintendent, absent from school for a period not exceeding six weeks in each term for the purpose of assisting in husbandry or urgent and necessary household duties,
(d) is under efficient instruction at home or elsewhere, within one year after the written approval by the Minister of such instruction, or
(e) is unable to attend school because there is insufficient accommodation in the school that the child is entitled or directed to attend. 1951, c. 29, s. 116.

117. Every Indian child who is required to attend school shall attend such school as the Minister may designate, but no child whose parent is a Protestant shall be assigned 3391 R.S., 1952.
assigned to a school conducted under Roman Catholic auspices and no child whose parent is a Roman Catholic shall be assigned to a school conducted under Protestant auspices, except by written direction of the parent. 1951, c. 29, s. 117.

118. (1) The Minister may appoint persons, to be called truant officers, to enforce the attendance of Indian children at school, and for that purpose a truant officer has the powers of a peace officer.

(2) Without restricting the generality of subsection (1), a truant officer may

(a) enter any place where he believes, on reasonable grounds, that there are Indian children who are between the ages of seven and sixteen years of age, or who are required by the Minister to attend school,

(b) investigate any case of truancy, and

(c) serve written notice upon the parent, guardian or other person having the care or legal custody of a child to cause the child to attend school regularly thereafter.

(3) Where a notice has been served in accordance with paragraph (c) of subsection (2) with respect to a child who is required by this Act to attend school, and the child does not within three days after the service of notice attend school and continue to attend school regularly thereafter, the person upon whom the notice was served is guilty of an offence and is liable on summary conviction to a fine of not more than five dollars or to imprisonment for a term not exceeding ten days or to both fine and imprisonment.

(4) Where a person has been served with a notice in accordance with paragraph (c) of subsection (2), it is not necessary within a period of twelve months thereafter to serve that person with any other notice in respect of further non-compliance with the provisions of this Act, and whenever such person within the period of twelve months fails to cause the child with respect to whom the notice was served or any other child of whom he has charge or control to attend school and continue in regular attendance as required by this Act, such person is guilty of an offence and liable to the penalties imposed by subsection (3) as if he had been served with the notice.

(5) A child who is habitually late for school shall be deemed to be absent from school.

(6) A truant officer may take into custody a child whom he believes on reasonable grounds to be absent from school contrary

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contrary to this Act and may convey the child to school, using as much force as the circumstances require. 1951, c. 29, s. 118.

119. An Indian child who
(a) is expelled or suspended from school, or
(b) refuses or fails to attend school regularly,
shall be deemed to be a juvenile delinquent within the meaning of the Juvenile Delinquents Act. 1951, c. 29, s. 119.

120. (1) Where the majority of the members of a band belongs to one religious denomination the school established on the reserve that has been set apart for the use and benefit of that band shall be taught by a teacher of that denomination.

(2) Where the majority of the members of a band are not members of the same religious denomination and the band by a majority vote of those electors of the band who were present at a meeting called for the purpose requests that day schools on the reserve should be taught by a teacher belonging to a particular religious denomination, the school on that reserve shall be taught by a teacher of that denomination. 1951, c. 29, s. 120.

121. A Protestant or Roman Catholic minority of any band may, with the approval of and under regulations to be made by the Minister, have a separate day school or day school classroom established on the reserve unless, in the opinion of the Governor in Council, the number of children of school age does not so warrant. 1951, c. 29, s. 121.

122. In sections 113 to 121
(a) "child" means an Indian who has attained the age of six years but has not attained the age of sixteen years, and a person who is required by the Minister to attend school,
(b) "school" includes a day school, technical school, high school and residential school, and
(c) "truant officer" includes
(i) a member of the Royal Canadian Mounted Police,
(ii) a special constable appointed for police duty on a reserve, and
(iii) a school teacher and a chief of the band, when authorized by the superintendent.

1951, c. 29, s. 122.
123. Where, prior to the 4th day of September, 1951,
(a) a reserve or portion of a reserve was released or
surrendered to the Crown pursuant to Part I of the
Indian Act, chapter 98 of the Revised Statutes of
Canada, 1927, or pursuant to the provisions of the
statutes relating to the release or surrender of reserves
in force at the time of the release or surrender,
(b) Letters Patent under the Great Seal of Canada were
issued purporting to grant a reserve or portion of a
reserve so released or surrendered, or any interest
therein, to any person, and
(c) the Letters Patent have not been declared void or
ina operative by any Court of competent jurisdiction,
the Letters Patent shall, for all purposes, be deemed to
have been issued at the date thereof under the direction
of the Governor in Council. 1951, c. 29, s. 124.
CHAPTER 150.

An Act respecting Industrial Designs and Union Labels.

SHORT TITLE.

1. This Act may be cited as the Industrial Design and Union Label Act.

INTERPRETATION.

2. In this Act,

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

(b) "union label" means a registered trade mark adopted for the purpose of indicating that the wares bearing it have been produced under defined working conditions or by a defined class of persons. R.S., c. 201, s. 2; 1932, c. 38, s. 61.

PART I.

INDUSTRIAL DESIGNS.

Registration.

3. The Minister shall cause to be kept a book called the Register of Industrial Designs for the registration therein of industrial designs. R.S., c. 201, s. 26.

4. The proprietor applying for the registration of any design shall deposit with the Minister a drawing and description in duplicate of the same, together with a declaration that the same was not in use to his knowledge by any other person than himself at the time of his adoption thereof. R.S., c. 201, s. 27.

5. On receipt of the fee prescribed by this Act in that behalf, the Minister shall cause any design for which the proprietor

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proprietor has made application for registry to be examined to ascertain whether it resembles any other design already registered. R.S., c. 201, s. 28.

**Registration of design.**

6. The Minister shall register the design if he finds that it is not identical with or does not so closely resemble any other design already registered as to be confounded therewith; and he shall return to the proprietor thereof one copy of the drawing and description with the certificate required by this Part; but he may refuse, subject to appeal to the Governor in Council, to register such designs as do not appear to him to be within the provisions of this Part or any design that is contrary to public morality or order. R.S., c. 201, s. 29.

**Certificate of Minister.**

7. (1) On the copy of the drawing and description returned to the person registering, a certificate shall be given signed by the Minister or the Commissioner of Patents to the effect that such design has been duly registered in accordance with the provisions of this Act.

(2) Such certificate shall show the date of registration including the day, month and year of the entry thereof in the proper register, the name and address of the registered proprietor, the number of such design and the number or letter employed to denote or correspond to the registration.

(3) The said certificate, in the absence of proof to the contrary, is sufficient evidence of the design, of the originality of the design, of the name of the proprietor, of the person named as proprietor being proprietor, of the commencement and term of registry, and of compliance with the provisions of this Act. R.S., c. 201, s. 30.

**Who may register.**

8. Where the author of any design has, for a good and valuable consideration, executed the same for some other person, such other person is alone entitled to register. R.S., c. 201, s. 31.

**Exclusive Right.**

9. An exclusive right for an industrial design may be acquired by registration of the same under this Part. R.S., c. 201, s. 32.

**Duration of right.**

10. (1) Such exclusive right is valid for the term of five years, but may be renewed, at or before the expiration of the said term of five years, for a further period of five years or less on payment of the fee in this Act prescribed for extension of time; but the whole duration of the exclusive right shall not exceed ten years in all.

R.S., 1952.
(2) The rights of an industrial design that have not been renewed before the expiration of its current term of five years may be renewed on application to the Commissioner of Patents within the period of three months from the expiration of said term upon payment of the renewal fee together with the supplementary fee prescribed in this Act. R.S., c. 201, s. 33; 1928, c. 10, s. 3.

11. During the existence of such exclusive right, whether of the entire or partial use of such design, no person shall, without the licence in writing of the registered proprietor, or, if assigned, of his assignee, apply for the purposes of sale such design or a fraudulent imitation thereof to the ornamenting of any article of manufacture or other article to which an industrial design may be applied or attached, or publish, sell or expose for sale or use, any such article as aforesaid to which such design or fraudulent imitation thereof has been applied. R.S., c. 201, s. 34.

Proprietorship.

12. (1) The author of any design shall be considered the proprietor thereof unless he has executed the design for another person for a good or valuable consideration, in which case such other person shall be considered the proprietor.

(2) The right of such other person to the property shall only be co-extensive with the right that he has acquired. R.S., c. 201, s. 35.

Assignments.

13. (1) Every design is assignable in law, either as to the whole interest or any undivided part thereof, by an instrument in writing, which shall be recorded in the office of the Minister on payment of the fees prescribed by this Act in that behalf.

(2) Every proprietor of a design may grant and convey an exclusive right to make, use and vend and to grant to others the right to make, use and vend such design within and throughout Canada or any part thereof for the unexpired term of its duration or any part thereof.

(3) Such exclusive grant and conveyance shall be called a licence, and shall be recorded in like manner and time as assignments. R.S., c. 201, s. 36.

Protection of Design.

14. (1) In order that any design may be protected, it shall be registered within one year from the publication thereof in Canada, and, after registration, the name of the proprietor shall appear upon the article to which his design applies by being marked, if the manufacture is a woven fabric, R.S., 1952.
Part I.

Chap. 150. Industrial Design, Union Label.

fabric, on one end thereof, together with the letters Rd., and, if the manufacture is of any other substance, with the letters Rd., and the year of registration at the edge or upon any convenient part thereof.

(2) The mark may be put upon the manufacture by making it on the material itself, or by attaching thereto a label with the proper marks thereon. R.S., c. 201, s. 37.

Right of Action.

15. If any person applies or imitates any design for the purpose of sale, being aware that the proprietor of such design has not given his consent to such application or imitation, an action may be maintained by the proprietor of such design against such person for the damages such proprietor has sustained by reason of such application or imitation. R.S., c. 201, s. 38.

Offences and Penalties.

16. (1) Every person who, in violation of the provisions of this Part, during the existence of the exclusive right acquired for any industrial design by the registration of the same under this Part, whether of the entire or partial use of such design, without the licence in writing of the registered proprietor, or, if assigned, of his assignee,

(a) for the purposes of sale, applies or attaches such design or a fraudulent imitation thereof to the ornamenting of any article of manufacture or other article to which an industrial design may be applied or attached; or

(b) publishes, sells or exposes for sale or for use, any article of manufacture or other article to which an industrial design may be applied or attached and to which such design or fraudulent imitation thereof has been applied or attached;

shall forfeit a sum not exceeding one hundred and twenty dollars and not less than twenty dollars to the proprietor of the design so applied or attached.

(2) Such sum is recoverable with costs on summary conviction under the Criminal Code by the registered proprietor or assignee. R.S., c. 201, s. 39.

Falsely representing an article as having a registered design.

17. (1) Every person who

(a) places the word Registered or the letters Rd. upon any article for which no design has been registered under this Part or upon any article for the design of which the exclusive right has expired;

(b)
(b) advertises for sale as a registered article any article for which no design has been registered or for the design of which the exclusive right has expired; or
(c) unlawfully sells, publishes or exposes for sale any article for which no design has been registered, or for the design of which the exclusive right has expired, and on which the word Registered or the letters Rd. have been placed, knowing the said article to have been fraudulently marked or the exclusive right to such design to have expired;
is for each offence liable to a penalty not exceeding thirty dollars and not less than four dollars.

(2) Such penalty is recoverable on summary conviction under the Criminal Code with costs by any person who sues for the same.

(3) A moiety of such penalty shall belong to the prosecutor, and the other moiety to Her Majesty for the public uses of Canada. R.S., c. 201, s. 40.

**Limitation of Actions.**

18. All suits and all proceedings under this Part for offences shall be brought within twelve months from the cause of action or commission of the offence and not afterwards. R.S., c. 201, s. 41.

**PART II.**

**GENERAL.**

**Rules, Regulations and Forms.**

19. (1) The Minister may, from time to time, subject to the approval of the Governor in Council, make rules and regulations and adopt forms for the purposes of this Act respecting industrial designs; and such rules, regulations and forms circulated in print for the use of the public shall be deemed to be correct for the purposes of this Act.

(2) All documents executed according to the said rules, regulations and forms, and accepted by the Minister, shall be deemed to be valid so far as relates to official proceedings under this Act. R.S., c. 201, s. 42; 1932, c. 38, s. 61.

**Clerical Errors.**

20. Clerical errors that occur in the drawing up or copying of any instrument under this Act respecting industrial designs shall not be construed as invalidating the same.

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same, but when discovered, may be corrected under the authority of the Minister. R.S., c. 201, s. 43; 1932, c. 38, s. 61.

**Inspection.**

21. (1) Any person may be allowed to inspect the register of industrial designs.

(2) The Minister may cause copies of representations of industrial designs to be delivered on the applicant for the same paying the fee or fees prescribed by this Act in that behalf. R.S., c. 201, s. 44; 1932, c. 38, s. 61.

**Procedure as to Rectification and Alteration.**

22. (1) The Exchequer Court of Canada may, on the information of the Attorney General, or at the suit of any person aggrieved by any omission, without sufficient cause, to make any entry in the register of industrial designs, or by any entry made without sufficient cause in any such register, make such order for making, expunging or varying any entry in any such register as the Court thinks fit; or the Court may refuse the application.

(2) In either case, the Court may make such order with respect to the costs of the proceedings as the Court thinks fit.

(3) The Court may in any proceedings under this section, decide any question that may be necessary or expedient to decide for the rectification of any such register.

(4) The Exchequer Court of Canada has exclusive jurisdiction to hear and determine such proceedings. R.S., c. 201, s. 45; 1928, c. 10, s. 4; 1932, c. 38, s. 61.

23. (1) The registered proprietor of any registered industrial design may apply to the Exchequer Court of Canada for leave to add to or alter any such industrial design in any particular not being an essential particular, and the Court may refuse or grant leave on such terms as it may think fit.

(2) Notice of any intended application to the Court under this section for leave to add to or alter any such industrial design shall be given to the Minister, and he is entitled to be heard on the application. R.S., c. 201, s. 46; 1932, c. 38, s. 61.

24. A certified copy of any order of the Court for the making, expunging or varying of any entry in the register of industrial designs, or for adding to or altering any registered designs, shall be transmitted to the Minister. R.S., 1952.
registered industrial design, shall be transmitted to the Minister by the Registrar of the Court, and such register shall thereupon be rectified or altered in conformity with such order, or the purport of the order otherwise duly entered therein, as the case may be. R.S., c. 201, s. 47; 1932, c. 38, s. 61.

Evidence.

25. Every certificate under this Act that any industrial design has been duly registered in accordance with the provisions of this Act, which purports to be signed by the Minister or the Commissioner of Patents shall, without proof of the signature, be received in all courts in Canada as prima facie evidence of the facts therein alleged. R.S., c. 201, s. 48; 1932, c. 38, s. 61.

Fees.

26. The following are the fees in respect to registration under this Act that shall be paid to the Minister in advance, that is to say:

(a) on every application to register a specific union label, including certificate $25.00
(b) on every application to register a design, including certificate ......... 5.00
(c) on every application as to a design for an extension of time, for each year of such extension, including certificate.. 2.00
(d) for a copy of every certificate of registration separate from the return of the duplicate ................................ 1.00
(e) for the recording of every assignment.. 2.00
(f) for copies of documents not above mentioned, for every hundred words or for every fraction thereof .............. 0.50
(g) for each copy of any drawing or union label, and for each of any drawn copy of an industrial design, the reasonable expense of preparing the same;
(h) on every application for the renewal of the rights for an industrial design filed under section 10 (2) an additional fee of ................................ 5.00

R.S., c. 201, s. 49; 1928, c. 10, s. 5; 1932, c. 38, s. 61.

27. All fees received by the Minister, under this Act, shall be paid over by him to the Minister of Finance. R.S., c. 201, s. 50; 1932, c. 38, s. 61.

28. Where any industrial design in respect of which application for registry is made under this Act is not registered, all fees paid to the Minister for registration shall be returned to the applicant or his agent, less the sum of two dollars, which shall be retained as compensation for office expenses. R.S., c. 201, s. 51; 1932, c. 38, s. 61.

29. An application for the registration of an industrial design filed in this country by any person who has previously, regularly filed an application for the registration of the same industrial design in a foreign country that by treaty, convention or law affords similar privilege to citizens of Canada, has the same force and effect as the same application would have if filed in this country on the date on which the application for the registration of the same industrial design was first filed in such foreign country, if the application in this country is filed within six months from the earliest date on which any such foreign application was filed. 1928, c. 10, s. 6; 1932, c. 38, s. 61.

PART III.

UNION LABELS.

30. (1) No person, firm, labour union, association, or corporation, other than the labour union registering such union label, unless with the consent of such labour union, shall

(a) mark any goods or any articles of any description whatever with any such union label or with any part thereof, whether by applying such union label or any part thereof to the article itself or to any package or thing containing such article or by using any package or thing so marked that has been used by the labour union that has registered such union label;

(b) keep or have in his possession for sale any goods, wares, merchandise, or product of labour, to which, or on which any such counterfeit or imitation is printed, painted, stamped, impressed or otherwise displayed; but such person, firm, labour union, association, or corporation is liable only in cases where the union label was counterfeit or imitation to his, their, or its knowledge; and any proceedings taken under this Act shall be against the person, firm, labour union, association, or corporation that originally attached the counterfeit or imitation union label to such article;

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(c) procure either for himself or on behalf of any other person, firm, labour union, association or corporation, the registering of any union label under the provisions of this Act by making any false or fraudulent representation or declaration verbally or in writing or by any fraudulent means whatever;

(d) make or cause to be made any die, block, machine or other instrument for the purpose of forging or being used for forging a union label; or

(e) dispose of or have in his possession any die, block, machine or other instrument for the purpose of forging a union label.

(2) Every person, firm, labour union, association or corporation contravening any of the provisions of this section is guilty of an offence and liable for each such offence on summary conviction to a fine of not less than twenty dollars and not exceeding five hundred dollars.

(3) Every complaint under subsection (2) may be made by an executive officer of the labour union that has registered the union label as provided in this Act. R.S., c. 201, s. 22.

WARRANTS FOR SEARCH.

31. When a complaint in writing, verified by affidavit, is made to any court or officer having authority to issue search warrants, showing that the complainant has reason to believe that counterfeits or imitations of any union label registered by a labour union, as provided in this Act, or tools, cuts, plates, dies, blocks, machinery or materials prepared or provided for the making of such counterfeits or imitations, are concealed in any building, receptacle or place (particularly describing the same), such court or officer shall, if satisfied that there is reasonable cause for such belief, issue a warrant to search such building, receptacle or place for the articles described in the complaint. R.S., c. 201, s. 24.

32. Search warrants issued under this Act shall be in the form prescribed by the Criminal Code, so far as such form is applicable, and shall be directed to and be served and returned by the same officers in the same manner as search warrants in other cases in the Criminal Code provided for; and the proceedings and practice after such return shall conform as nearly as may be to the practice and proceedings in regard to search warrants in such other cases. R.S., c. 201, s. 25.
CHAPTER 151.

An Act to incorporate the Industrial Development Bank.

WHEREAS it is desirable to establish an industrial development bank to promote the economic welfare of Canada by increasing the effectiveness of monetary action through ensuring the availability of credit to industrial enterprises which may reasonably be expected to prove successful if a high level of national income and employment is maintained, by supplementing the activities of other lenders and by providing capital assistance to industry with particular consideration to the financing problems of small enterprises: 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 Industrial Development Bank Act. 1944-45, c. 44, s. 1.

INTERPRETATION.

2. In this Act,

(a) "Bank" means the Industrial Development Bank;

(b) "Board" means the Board of Directors of the Bank;

(c) "Executive Committee" means the Executive Committee of the Board;

(d) "industrial enterprise" means a business in which the manufacture, processing or refrigeration of goods, wares and merchandise or the building, alteration or repair of ships or vessels or the generating or distributing of electricity is carried on;

(e) "President" means the President of the Bank;

(f) "underwriting agreement" means any contract under which the Bank undertakes conditionally or unconditionally to subscribe for stock, bonds or debentures with a view to the resale thereof or of part thereof;

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"Bills of lading."
"Goods, wares and merchandise."
"Warehouse receipt."

*(g) the expressions "bills of lading", "goods, wares and merchandise" and "warehouse receipt" have the same meaning as in the *Bank Act*. 1944-45, c. 44, s. 2.*

**CONSTITUTION AND MANAGEMENT OF THE BANK.**

3. (1) There shall be established a bank, to be called the Industrial Development Bank, consisting of those persons as members who for the time being comprise the Board of Directors and the Assistant Deputy Governor of the Bank of Canada, who shall constitute a corporation which shall be for all purposes of this Act the agent of Her Majesty in right of Canada.

(2) Except as expressly provided in this Act, the *Bank Act* does not apply to the Bank.

(3) Actions, suits or other legal proceedings in respect of any right or obligation acquired or incurred by the Bank on behalf of Her Majesty, whether in its name or in the name of Her Majesty, may be brought or taken by or against the Bank in the name of the Bank in any court that would have jurisdiction if the Bank were not an agent of Her Majesty. 1944-45, c. 44, s. 3; 1950, c. 51, s. 11.

4. The head office of the Bank shall be in the City of Ottawa. 1944-45, c. 44, s. 4.

5. (1) The Bank shall be under the management of a Board of Directors composed of the members of the Bank, which may exercise all of the powers of the Bank.

(2) Each Director has one vote at a meeting of the Board, except that a Director shall not have a vote or be permitted to be present at a meeting of the Board during any time when there is under consideration by the Board a loan to, or a guarantee to or of a loan to, or an underwriting agreement with, or a purchase from, himself or any firm or corporation of which he or his wife, child, brother, sister or parent is a partner or director or of which he is a shareholder.

(3) The Directors, other than the Directors who are respectively Governor, Deputy Governor or Assistant Deputy Governor of the Bank of Canada or the Deputy Minister of Finance, are entitled to receive for attendance at Directors' meetings and Executive Committee meetings such fees as may be fixed by the by-laws of the Bank.

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Bank, but the aggregate amount of the fees paid to all Directors exclusive of expenses shall not exceed ten thousand dollars in any fiscal year. 1944-45, c. 44, s. 5.

**6.** (1) The Director who is Governor of the Bank of Canada shall be President of the Bank.

(2) The President shall preside at meetings of the Board.

(3) In the event of the absence or incapacity of the President from whatever cause arising, the Board shall authorize a Director or officer of the Bank to act as President for the time being who shall have and may exercise all the powers and functions of the President, but no such person has authority so to act for a period exceeding sixty days without the approval of the Governor in Council.

(4) The President, or any person acting as President, shall serve or act as President without remuneration in that capacity. 1944-45, c. 44, s. 6.

**7.** (1) There shall be an Executive Committee of the Board consisting of the Directors who are members of the Executive Committee of the Bank of Canada.

(2) The Executive Committee is competent to deal with any matter within the competence of the Board and shall submit minutes of its proceedings to the Board at its next following meeting. 1944-45, c. 44, s. 7.

**STAFF, BRANCHES AND AGENTS.**

**8.** (1) The Bank may employ such officers, advisers and employees, for such purposes and on such terms and conditions as may be deemed desirable by the Board and each officer, adviser or employee so employed shall, before entering upon his duties, take, before a justice of the peace or a commissioner of oaths, an oath of fidelity and secrecy in the form prescribed in the Schedule.

(2) Agreements may be entered into between the Bank and the Bank of Canada to provide that such services as the Board may deem desirable for carrying on the business of the Bank shall be furnished by the Bank of Canada and to provide that officers and employees of the Bank designated by the Board shall become contributors to, and that such officers and employees and their dependants may be eligible for payments or other benefits from or under, the Staff Pension Fund of the Bank of Canada, as if such officers and employees were employees of the Bank of Canada, and that the Bank may contribute to the said Fund in respect of such officers or employees. 1944-45, c. 44, s. 8.

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9. The Bank may establish branches or employ agents in any part of Canada. 1944-45, c. 44, s. 9.

10. The Board may delegate to the President or any officer, agent or employee of the Bank authority to act in the conduct of the business of the Bank in all matters that are not by this Act or by the by-laws of the Bank specifically reserved to be done by the Board or by the Executive Committee. 1944-45, c. 44, s. 10.

BY-LAWS.

11. (1) The Board may make by-laws not inconsistent with this Act with respect to the following matters

(a) the calling of meetings of the Board and of the Executive Committee, the quorum and the conduct of business thereat;

(b) the duties and conduct of officers, employees and agents of the Bank;

(c) the declaration and payment of dividends;

(d) the fees of Directors; and

(e) generally as to the conduct of the affairs of the Bank.

(2) No by-law is effective until approved by the Governor in Council and upon becoming effective shall be published in the Canada Gazette. 1944-45, c. 44, s. 11.

CAPITAL AND BORROWING.

12. (1) The authorized capital of the Bank is twenty-five million dollars divided into two hundred and fifty thousand shares of the par value of one hundred dollars each.

(2) The Bank of Canada shall subscribe for the said two hundred and fifty thousand shares at par and shall pay the amount of such subscription at such times and in such amounts as the Board may determine. 1944-45, c. 44, s. 12.

13. Subject to the provisions of section 14, the Bank may issue and sell bonds and debentures bearing such rates of interest and subject to such terms and conditions as the Board may approve. 1944-45, c. 44, s. 13.

14. The aggregate of the total direct liabilities of the Bank, including bonds and debentures issued by the Bank, and of the total contingent liabilities of the Bank in the form
form of guarantees given or underwriting agreements entered into by it, shall not at any time exceed three times the aggregate amount of the paid-up capital and the Reserve Fund, for which provision is made hereinafter. 1944-45, c. 44, s. 14.

**BUSINESS AND POWERS.**

15. (1) Subject to section 14, where in the opinion of the Board

(a) a person is engaged or about to engage in an industrial enterprise in Canada,

(b) credit or other financial resources would not otherwise be available on reasonable terms and conditions, and

(c) the amount invested or to be invested in the industrial enterprise by persons other than the Bank and the character of that investment are such as to afford the Bank reasonable protection,

the Bank may lend or guarantee loans of money to that person, and where that person is a corporation,

(i) to enter into underwriting agreements in respect of the whole or any part of any issue of stock, bonds or debentures of the corporation, and

(ii) purchase or otherwise acquire with a view to resale thereof the whole or any part of any issue of stock, bonds or debentures of the corporation from the corporation or from any person with whom the Bank has entered into an underwriting agreement in respect of the said issue and may subsequently sell or otherwise dispose of the said stock, bonds or debentures.

(2) Notwithstanding subsection (1), the aggregate of the amounts of the loans or liabilities of the Bank and of the expenditures by the Bank of securities held by it, specified in subsection (3), shall not at any time exceed twenty-five million dollars.

(3) The aggregate referred to in subsection (2) shall include the following amounts:

(a) the amount of every loan made by the Bank on which an amount in excess of two hundred thousand dollars is owing,

(b) the amount of the liability of the Bank in respect of every loan guaranteed by it under which guarantee the liability of the Bank is in excess of two hundred thousand dollars,
(c) the amount of the liability of the Bank under every underwriting agreement under which agreement the amount of the liability of the Bank is in excess of two hundred thousand dollars,

(d) the amount of every expenditure by the Bank for stock, bonds or debentures held by it issued by any one corporation if the amount of the expenditure for the purchase of the said stock, bonds or debentures so held exceeds two hundred thousand dollars, and

(e) the total amount of loans owing by any person to the Bank and of loans to the said person guaranteed by the Bank to the extent that they are so guaranteed and, where the said person is a corporation, of liabilities of the Bank under any underwriting agreements with respect to the issue of stock, bonds or debentures by the corporation and of expenditures by the Bank for stock, bonds or debentures held by it issued by the corporation, if the said total amount exceeds two hundred thousand dollars, but there shall be deducted from the said total amount before including in it the said aggregate the amount of any loan, liability or expenditure included in the said aggregate under paragraph (a), (b), (c) or (d). 1944-45, c. 44, s. 15; 1949 (2nd Sess.), c. 26, s. 2.

**COLLATERAL SECURITY.**

**Collateral security for loans.**

16. (1) The Bank may take, accept or acquire and may hold collateral security of any kind and in any form for the repayment of any loan made or guaranteed by it under this Act, and without limiting the generality of the foregoing, may for such purpose take, accept or acquire and hold as collateral security

(a) stock, bonds or debentures of municipal and other corporations, whether secured by mortgage or otherwise, or Dominion, provincial, British, foreign and other public securities;
(b) warehouse receipts and bills of lading;
(c) goods, wares and merchandise; and
(d) mortgages or hypothecs of any real or personal, movable or immovable property.

(2) The Bank may surrender, retransfer or reconvey any kind or form of collateral security held by it and take, accept or acquire and may hold, in exchange therefor, the same or any other kind or form of collateral security. 1944-45, c. 44, s. 16.

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RIGHTS UNDER AND REALIZATION OF SECURITY.

17. (1) In the event of any default in the repayment of any loan made or guaranteed by the Bank, the Bank may sell and transfer any stock, bonds, debentures or securities acquired and held by it as collateral security for the repayment thereof, in the manner and subject to the conditions following, namely:

(a) the Bank shall give notice to the holder thereof of its intention to sell the stock, bonds, debentures or securities by mailing the notice in the post office, post-paid, to the last known address of the holder, as shown by the records of the Bank;

(b) the Bank may, on the expiration of at least thirty days after the mailing of such notice, sell the stock, bonds, debentures or securities; and

(c) upon such sale being made, the President or other officer of the Bank authorized in that behalf may execute a transfer of the stock, bonds, debentures or securities to the purchaser thereof in the appropriate form and manner.

(2) A transfer executed under the authority of this section vests in the purchaser all the rights in or to the said stock, bonds, debentures or securities that were possessed by the holder thereof with the same obligation of warranty on his part as if he were the vendor thereof, but without any warranty from the Bank or by the President of the Bank.

(3) The right of the Bank to deal with and dispose of stock, bonds, debentures and securities in the manner provided in this section may be waived or varied by any agreement between the Bank and the owner of the stock, bonds, debentures or securities. 1944-45, c. 44, s. 17.

18. (1) Any warehouse receipt or bill of lading acquired and held by the Bank as collateral security under this Act, vests in the Bank from the date of the acquisition thereof, in the Bank as holder of warehouse receipts or bills of lading.

(a) all the right and title to such warehouse receipt or bill of lading and to the goods, wares and merchandise covered thereby of the previous holder or owner thereof; or

(b) all the right and title to the goods, wares and merchandise mentioned therein of the person from whom such goods, wares and merchandise were received or acquired by the Bank, if the warehouse receipt or bill
of lading is made directly in favour of the Bank, instead of to the previous holder or owner of such goods, wares and merchandise.

(2) If the previous holder of such warehouse receipt or bill of lading is any person

(a) entrusted with the possession of the goods, wares and merchandise mentioned therein, by or by the authority of the owner thereof;

(b) to whom such goods, wares and merchandise are, by or by the authority of the owner thereof, consigned; or

(c) who, by or by the authority of the owner of such goods, wares and merchandise, is possessed of any bill of lading, receipt, order or other document covering the same, such as is used in the course of business as proof of the possession or control of goods, wares and merchandise, or as authorizing or purporting to authorize, either by endorsement or by delivery, the possessor of such a document to transfer or receive the goods, wares and merchandise thereby represented, the Bank is, upon the acquisition of such warehouse receipt or bill of lading, vested with all the right and title of the owner of such goods, wares and merchandise, subject to the right of the owner to have the same retransferred to him if the loan, as security for the repayment of which such warehouse receipt or bill of lading is held by the Bank, is paid.

(3) Any person shall be deemed to be the possessor of such goods, wares and merchandise, bill of lading, receipt, order or other document as aforesaid

(a) who is in actual possession thereof, or

(b) for whom, or subject to whose control such goods, wares and merchandise are, or bill of lading, receipt, order, or other document is held by any other person.

1944-45, c. 44, s. 18.

19. (1) Security upon goods, wares, and merchandise may be given to the Bank under this Act in the same form and mode by which security upon goods, wares and merchandise may be given under section 88 of the Bank Act to a bank incorporated by the Bank Act.

(2) Delivery of a document giving security upon goods, wares and merchandise to the Bank under the authority of this section, vests in the Bank in respect of goods, wares and merchandise therein described

(a) of which the person giving the security is the owner at the time of the delivery of such document, or

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(b) of which such person becomes the owner at any time thereafter before the release of the security by the Bank, whether or not such goods, wares and merchandise are in existence at the time of such delivery the same rights and powers as if the Bank had acquired a warehouse receipt or bill of lading in which such goods, wares and merchandise were described; and all such goods, wares and merchandise in respect of which such rights and powers are vested in the Bank under this section, are for the purposes of this Act, goods, wares and merchandise covered by the security.

(3) The provisions of subsection (4) of section 88 of the Bank Act are applicable in respect of any security given to and taken by the Bank under the authority of this section.

(4) Notwithstanding anything in subsection (2) and notwithstanding that a notice of intention has been registered pursuant to subsection (3) by a person giving security upon goods, wares and merchandise under this section, where under the Bankruptcy Act, a receiving order is made against, or an assignment is made by such person, wages, salaries, or other remuneration owing in respect of the period of three months next preceding the making of such order or assignment, to employees of such person employed in connection with the business in respect of which the goods, wares and merchandise covered by the security were held or acquired by such person, are a charge upon the goods, wares and merchandise covered by the security in priority to the rights of the Bank therein and if the Bank takes possession or in any way disposes of such goods, wares and merchandise, such wages, salaries or remuneration owing for the period aforesaid shall be paid by the Bank and the Bank is subrogated in and to all the rights of such employees to the extent of the amounts so paid. 1944-45, c. 44, s. 19.

20. (1) Where goods, wares and merchandise are manufactured or produced from the goods, wares and merchandise or any of them mentioned in or covered by a warehouse receipt acquired or held by the Bank or by any security given to the Bank under section 19, the Bank has the same rights and powers in respect of the goods, wares and merchandise so manufactured, as well during the process of manufacture as after the completion thereof, and for the same purposes and upon the same conditions, as it had with respect to the original goods, wares and merchandise.
(2) All the rights and powers of the Bank in respect of goods, wares and merchandise mentioned in or covered by a warehouse receipt or bill of lading acquired and held by the Bank or by a security given to the Bank under section 19, have, subject to the provisions of subsection (3) of section 19, priority over all rights subsequently acquired in, on or in respect of such goods, wares and merchandise, and also over the claim of any unpaid vendor, but such priority shall not be given over the claim of any such unpaid vendor who had a lien on the goods, wares and merchandise at the date of the acquisition by the Bank of such warehouse receipt, bill of lading or security unless the same was acquired without the knowledge on the part of the Bank of such lien. 1944-45, c. 44, s. 20.

21. In the event of non-payment at maturity of any loan made or guaranteed by the Bank as security for the payment of which the Bank has acquired and holds a warehouse receipt or bill of lading, or has taken any security under section 19, the Bank may sell the goods, wares and merchandise mentioned therein or covered thereby or so much thereof as will suffice to pay such loan, with interest and expenses returning the surplus, if any, to the person by whom such security was given; but such sale shall, unless such person has agreed to sale thereof otherwise than as herein provided, be made by public auction after

(a) notice of the time and place of the sale has been given by registered letter mailed in the post office, postpaid to the last known address of the person by whom such security was given at least ten days prior to the sale, and

(b) publication of an advertisement of the sale, at least two days prior to such sale, in at least two newspapers published in or nearest to the place where the sale is to be made, stating the time and place thereof; and if the sale is in the Province of Quebec at least one of such newspapers shall be a newspaper published in the English language and one other newspaper shall be a newspaper published in the French language. 1944-45, c. 44, s. 21.

22. (1) The Bank may acquire and hold an absolute title in or to real or immovable property mortgaged or hypothecated to it as collateral security for the repayment of a loan made or guaranteed by it, either by obtaining a release of the equity of redemption in the mortgaged property or by procuring foreclosure of the mortgage or by purchase at a judicial sale of the hypothecated property or

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or by any means whereby, as between individuals, an
equity of redemption can, by law, be barred or a transfer of
title can be effected, and may purchase and acquire any
prior mortgage, hypothec or charge on such property.

(2) The Bank may sell or otherwise dispose of any real
or immovable property the absolute title to which is vested
in the Bank or exercise and act upon any power to sell
contained in any mortgage held by the Bank, authorizing
or enabling it to sell or convey any property so mortgaged.
1944-45, c. 44, s. 22; 1949 (2nd Sess.), c. 26, s. 3.

23. Notwithstanding sections 17, 18, 19, 20, 21 and 22
and without in any way limiting or restricting any of the
rights or powers conferred on the Bank by the said sections,
collateral security of any kind and in any form may be
taken, accepted, acquired, held, sold, transferred, conveyed
or otherwise in any way dealt with, disposed of or realized
on by the Bank in the same manner as by a private individ-
ual and the Bank has and may exercise all the rights,
powers and privileges in respect thereof that a private
individual would have or might exercise in like circum-
stances. 1944-45, c. 44, s. 23.

ANCILLARY POWERS.

24. The Bank may
(a) buy, sell and hold securities issued or guaranteed
by the Government of Canada;
(b) accept deposits from debtors of the Bank for the
purpose of facilitating the payment of any moneys
owing to the Bank;
(c) acquire and hold real or immovable property for
its actual use and occupation and the management of
its business and may sell or dispose of the same and
acquire other property in its stead for the same
purpose;
(d) open deposit accounts with the Bank of Canada
or any bank incorporated by the Bank Act; and
(e) do all such things as may be necessary for carrying
out the intention and purposes of this Act and not
specifically prohibited by this Act. 1944-45, c. 44, s. 24.

PROHIBITED BUSINESS.

25. The Bank shall not
(a) buy or hold any stock, bonds or debentures, except
as provided by sections 15, 16 and 23, and by para-
graph (a) of section 24, or
(b) accept deposits, except as provided by paragraph
(b) of section 24. 1944-45, c. 44, s. 25.

PROFITS.

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PROFITS.


(2) The profits of the Bank available from the operations in each fiscal year remaining after making such provision as the Board thinks proper for bad and doubtful debts, depreciation in assets and all such other matters as are properly provided for by banks, shall be applied by the Board as follows:

(a) if the Reserve Fund of the Bank is less than its paid-up capital, the whole of such remaining profits shall be credited to the Reserve Fund; and

(b) if the Reserve Fund of the Bank is not less than its paid-up capital, such remaining profits may be applied in payment of a dividend not exceeding four per cent on its paid-up capital, but any surplus remaining after the payment of such dividend, or, if no dividend is paid, the remaining profits, shall be credited to the Reserve Fund. 1944-45, c. 44, s. 26.

AUDIT.

27. (1) The affairs of the Bank shall be audited by the two auditors appointed by the Governor in Council to audit the affairs of the Bank of Canada.

(2) The Minister of Finance may from time to time require the auditors to report to him upon the adequacy of the procedure adopted by the Bank for the protection of its creditors and shareholders and as to the sufficiency of their own procedure in auditing the affairs of the Bank; and the Minister of Finance may, at his discretion, enlarge or extend the scope of the audit or direct that any other procedure be established or that any other examination be made by the auditors as the public interest may seem to require.

(3) A copy of every report made by the auditors to the Bank under this section shall be transmitted to the Minister of Finance by the auditors at the same time as such report is made to the Bank. 1944-45, c. 44, s. 27.

FISCAL YEAR.

28. The fiscal year of the Bank is the year ending on the 30th day of September. 1944-45, c. 44, s. 28.

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RETURNS.

29. (1) The Bank shall, within twenty-one days following the end of each calendar month, make up and transmit to the Minister of Finance in such form as he may prescribe, a statement of its assets and liabilities at the close of business on the last day of the preceding month.

(2) The Bank shall make up and transmit to the Minister of Finance at least once in its fiscal year or more frequently if so directed by the Minister, in such form as he may prescribe, a classification of its loans and investments and of the loans guaranteed by it.

(3) The Bank shall within ten weeks after the end of each fiscal year, transmit to the Minister of Finance in such form as he may prescribe, a statement of its accounts for the fiscal year, together with such summary or report by the President as he may deem desirable or as may be required by the Minister of Finance.

(4) A copy of the accounts and of the President's report shall within fourteen days after the receipt thereof by the Minister of Finance be laid before Parliament if Parliament is then sitting, or if Parliament is not sitting, it shall be laid before Parliament within fourteen days after the commencement of the next ensuing session.

(5) A copy of each statement or report referred to in this section shall be published in the next succeeding issue of the Canada Gazette following its receipt by the Minister of Finance. 1944-45, c. 44, s. 29.

LIQUIDATION OR WINDING-UP.

30. No statute relating to the insolvency or winding-up of any corporation applies to the Bank and in no case shall the affairs thereof be wound up unless Parliament so provides. 1944-45, c. 44, s. 31.

OFFENCES AND PENALTIES.

31. (1) Every director, officer or auditor of the Bank who verifies or who has to do with the delivering or transmitting to the Minister of Finance of any statement, account, or return required to be furnished to the Minister of Finance pursuant to the provisions of this Act and who knows the said statement, account or return to be false in any material particular, is guilty of an indictable offence and liable to imprisonment for not more than five years and not less than six months.

(2) Every person is guilty of an indictable offence and liable to imprisonment for a term not exceeding two years who willfully makes any false statement.
(a) in any warehouse receipt or bill of lading given to the Bank under the authority of this Act; or

(b) in any instrument given to the Bank under the authority of this Act whereby security for the payment of any loan made or guaranteed by the Bank is given to the Bank over goods, wares and merchandise.

(3) Every person who, without the consent in writing of the Bank, uses the name of the Bank in any prospectus or advertisement, is guilty of an indictable offence and liable to a fine not exceeding one thousand dollars or to imprisonment for a term not exceeding two years, or to both such fine and such imprisonment. 1944-45, c. 44, s. 32.

GENERAL.

32. Notwithstanding the provisions of any other Act, the Bank of Canada has power to

(a) acquire and hold the capital stock of the Bank; and

(b) buy and sell or rediscount bonds and debentures issued by the Bank, but the amount held of such bonds and debentures maturing after ten years may not exceed twice the paid-up capital and rest fund of the Bank of Canada. 1944-45, c. 44, s. 33.

SCHEDULE.

OATH OF FIDELITY AND SECRECY.

I, ........................................ do solemnly swear that I will faithfully, truly and to the best of my judgment, skill and ability, execute and perform the duties required of me as a director (officer or employee as the case may be) of the Industrial Development Bank and which properly relate to any office or position in the said Bank held by me.

I further solemnly swear that I will not communicate or allow to be communicated to any person not legally entitled thereto any information relating to the affairs of the Bank, nor will I allow any such person to inspect or have access to any books or documents belonging to or in the possession of the Bank and relating to the business of the Bank. 1944-45, c. 44, Sch.

EDMOND CLOUTIER, C.M.G., O.A., D.S.P.
QUEEN'S PRINTER AND CONTROLLER OF STATIONERY
OTTAWA, 1952

R.S., 1952.
CHAPTER 152.

An Act to provide for the Investigation, Conciliation and Settlement of Industrial Disputes.

SHORT TITLE.

1. This Act may be cited as the Industrial Relations and Disputes Investigation Act. 1948, c. 54, s. 1.

PART I.

INTERPRETATION.

2. (1) In this Act,

(a) "Board" means the labour relations board established to administer this Part;

(b) "bargaining agent" means a trade union that acts on behalf of employees
    (i) in collective bargaining, or
    (ii) as a party to a collective agreement with their employer;

(c) "certified bargaining agent" means a bargaining agent that has been certified under this Act and the certification of which has not been revoked;

(d) "collective agreement" means an agreement in writing between an employer or an employers' organization acting on behalf of an employer, on the one hand, and a bargaining agent of his employees, on behalf of the employees, on the other hand, containing terms or conditions of employment of employees including provisions with reference to rates of pay and hours of work;

(e) "collective bargaining" means negotiating with a view to the conclusion of a collective agreement or the renewal or revision thereof, as the case may be; and "bargaining collectively" and "bargain collectively" have corresponding meanings;

(f) "Conciliation Board" means a Board of Conciliation and Investigation appointed by the Minister in accordance with section 28;

(g) R.S., 1952.
“Conciliation Officer.” (g) “Conciliation Officer” means a person whose duties include the conciliation of disputes and who is under the control and direction of the Minister;

“Dispute.” (h) “dispute” or “industrial dispute” means any dispute or difference or apprehended dispute or difference between an employer and one or more of his employees or a bargaining agent acting on behalf of his employees, as to matters or things affecting or relating to terms or conditions of employment or work done or to be done by him or by the employee or employees or as to privileges, rights and duties of the employer or the employee or employees;

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

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

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

“Employer.” (j) “employer” means any person who employs one or more employees;

“Employers’ organization.” (k) “employers’ organization” means an organization of employers formed for purposes including the regulation of relations between employers and employees;

“Lockout.” (l) “lockout” includes the closing of a place of employment, a suspension of work or a refusal by an employer to continue to employ a number of his employees, done to compel his employees, or to aid another employer to compel his employees, to agree to terms or conditions of employment;

“Minister.” (m) “Minister” means the Minister charged with the administration of this Act;

“Parties.” (n) “parties” with reference to the appointment of, or proceedings before a Conciliation Board means the parties who are engaged in the collective bargaining or the dispute in respect of which the Conciliation Board is or is not to be established;

“Regulation.” (o) “regulation” means a regulation of the Governor in Council under this Act;

“Strike.” (p) “strike” includes a cessation of work, or refusal to work or to continue to work, by employees, in combination or in concert or in accordance with a common understanding;

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(q) "to strike" includes to cease work, or to refuse to work or to continue to work, in combination or in concert or in accordance with a common understanding;

(r) "trade union" or "union" means any organization of employees formed for the purpose of regulating relations between employers and employees but shall not include an employer-dominated organization; and

(s) words importing the masculine gender include corporations, trade unions and employers' organizations, as well as females.

(2) No person ceases to be an employee within the meaning of this Act by reason only of his ceasing to work as the result of a lockout or strike or by reason only of dismissal contrary to this Act.

(3) For the purposes of this Act, a "unit" means a group of employees and "appropriate for collective bargaining" with reference to a unit, means a unit that is appropriate for such purposes whether it be an employer unit, craft unit, technical unit, plant unit, or any other unit and whether or not the employees therein are employed by one or more employer. 1948, c. 54, s. 2.

RIGHTS OF EMPLOYEES AND EMPLOYERS.

3. (1) Every employee has the right to be a member of a trade union and to participate in the activities thereof. 1948, c. 54, s. 3.

(2) Every employer has the right to be a member of an employers' organization and to participate in the activities thereof. 1948, c. 54, s. 3.

UNFAIR LABOUR PRACTICES.

4. (1) Subject to subsection (2), no employer or employers' organization, and no person acting on behalf of an employer or employers' organization, shall participate in or interfere with the formation or administration of a trade union, or contribute financial or other support to it.

(2) An employer may, notwithstanding anything in this section, permit an employee or representative of a trade union to confer with him during working hours or to attend to the business of the organization during working hours without deduction of time so occupied in the computation of the time worked for the employer and without deduction of wages in respect of the time so occupied, or provide free transportation to representatives of a trade union for purposes of collective bargaining or permit a trade union the use of the employer's premises for the purposes of the trade union.
(3) No employer, and no person acting on behalf of an employer, shall
(a) refuse to employ or to continue to employ any person, or otherwise discriminate against any person in regard to employment or any term or condition of employment because the person is a member of a trade union, or
(b) impose any condition in a contract of employment seeking to restrain an employee from exercising his rights under this Act, and without restricting the generality of the foregoing, no employer shall deny to any employee any pension rights or benefits to which he would otherwise be entitled by reason only of his ceasing to work after the 1st day of September, 1948, as the result of a lockout or while taking part in a concerted stoppage of work due to a labour dispute where such lockout or stoppage of work has been enforced by the employer or called by the recognized representative of such employee, as the case may be, after all steps provided or contemplated by law have been taken through negotiation, collective bargaining, conciliation and arbitration to settle such dispute or by reason only of dismissal contrary to this Act.

(4) No employer and no person acting on behalf of an employer shall seek by intimidation, by threat of dismissal, or by any other kind of threat, or by the imposition of a pecuniary or other penalty, or by any other means to compel an employee to refrain from becoming or to cease to be a member or officer or representative of a trade union and no other person shall seek by intimidation or coercion to compel an employee to become or refrain from becoming or to cease to be a member of a trade union.

(5) Except as expressly provided, nothing in this Act shall be interpreted to affect the right of an employer to suspend, transfer, lay off or discharge an employee for proper and sufficient cause. 1948, c. 54, s. 4.

(6) (1) Nothing in this Act prohibits the parties to a collective agreement from inserting in the collective agreement a provision requiring, as a condition of employment, membership in a specified trade union, or granting a preference of employment to members of a specified trade union.
(2) No provision in a collective agreement requiring an employer to discharge an employee because such employee is or continues to be a member of, or engages in activities on behalf of a union other than a specified trade union, is valid. 1948, c. 54, s. 6.

COLLECTIVE BARGAINING.

Application for Certification of Bargaining Agent.

7. (1) A trade union claiming to have as members in good standing a majority of employees of one or more employers in a unit that is appropriate for collective bargaining may, subject to the rules of the Board and in accordance with this section, make application to the Board to be certified as bargaining agent of the employees in the unit.

(2) Where no collective agreement is in force and no bargaining agent has been certified under this Act for the unit, the application may be made at any time.

(3) Where no collective agreement is in force but a bargaining agent has been certified under this Act for the unit, the application may be made after the expiry of twelve months from the date of certification of the bargaining agent, but not before, except with the consent of the Board.

(4) Where a collective agreement is in force, the application may be made at any time after the expiry of ten months of the term of the collective agreement, but not before, except with the consent of the Board.

(5) Two or more trade unions claiming to have as members in good standing of the said unions a majority of employees in a unit that is appropriate for collective bargaining, may join in an application under this section and the provisions of this Act relating to an application by one union and all matters or things arising therefrom apply in respect of the said application and the said unions as if it were an application by one union. 1948, c. 54, s. 7.

8. Where a group of employees of an employer belong to a craft or group exercising technical skills, by reason of which they are distinguishable from the employees as a whole and the majority of the group are members of one trade union pertaining to such craft or other skills, the trade union may apply to the Board subject to the provisions of section 7, and is entitled to be certified as the bargaining agent of the employees in the group if the group is otherwise appropriate as a unit for collective bargaining. 1948, c. 54, s. 8.

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Certification.

9. (1) Where a trade union makes application for certification under this Act as bargaining agent of employees in a unit, the Board shall determine whether the unit in respect of which the application is made is appropriate for collective bargaining and the Board may, before certification, if it deems it appropriate to do so, include additional employees in, or exclude employees from, the unit, and shall take such steps as it deems appropriate to determine the wishes of the employees in the unit as to the selection of a bargaining agent to act on their behalf.

(2) When, pursuant to an application for certification under this Act by a trade union, the Board has determined that a unit of employees is appropriate for collective bargaining

(a) if the Board is satisfied that the majority of the employees in the unit are members in good standing of the trade union, or

(b) if, as a result of a vote of the employees in the unit, the Board is satisfied that a majority of them have selected the trade union to be a bargaining agent on their behalf,

the Board may certify the trade union as the bargaining agent of the employees in the unit.

(3) Where an application for certification under this Act is made by a trade union claiming to have as members in good standing a majority in a unit that is appropriate for collective bargaining, which includes employees of two or more employers, the Board shall not certify the trade union as the bargaining agent of the employees in the unit unless

(a) all employers of the said employees consent thereto, and

(b) the Board is satisfied that the trade union might be certified by it under this section as the bargaining agent of the employees in the unit of each such employer if separate applications for such purpose were made by the trade union.

(4) The Board may, for the purposes of determining whether the majority of the employees in a unit are members in good standing of a trade union or whether a majority of them have selected a trade union to be their bargaining agent, make or cause to be made such examination of records or other inquiries as it deems necessary, including the holding of such hearings or the taking of such votes as it deems expedient, and the Board may prescribe the nature of the evidence to be furnished to the Board.

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(5) Notwithstanding anything in this Act, no trade union, the administration, management or policy of which is, in the opinion of the Board, influenced by an employer so that its fitness to represent employees for the purpose of collective bargaining is impaired, or
(b) dominated by an employer, shall be certified as a bargaining agent of employees, nor shall an agreement entered into between such trade union and such employer be deemed to be a collective agreement for the purposes of this Act. 1948, c. 54, s. 9.

Effect of Certification.

10. Where a trade union is certified under this Act as the bargaining agent of the employees in a unit
(a) the trade union shall immediately replace any other bargaining agent of employees in the unit and shall have exclusive authority to bargain collectively on behalf of employees in the unit and to bind them by a collective agreement until the certification of the trade union in respect of employees in the unit is revoked,
(b) if another trade union had previously been certified as bargaining agent in respect of employees in the unit, the certification of the last mentioned trade union shall be deemed to be revoked in respect of such employees, and
(c) if, at the time of certification, a collective agreement binding on or entered into on behalf of employees in the unit is in force, the trade union shall be substituted as a party to the agreement in place of the bargaining agent that is a party to the agreement on behalf of employees in the unit, and may, notwithstanding anything contained in the agreement, upon two months' notice to the employer terminate the agreement in so far as it applies to those employees. 1948, c. 54, s. 10.

Revocation of Certification.

11. Where in the opinion of the Board a bargaining agent no longer represents a majority of employees in the unit for which it was certified, the Board may revoke such certification and thereupon, notwithstanding sections 14 and 15, the employer shall not be required to bargain collectively with the bargaining agent, but nothing in this section prevents the bargaining agent from making an application under section 7. 1948, c. 54, s. 11.

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Notice to Negotiate.

12. Where the Board has under this Act certified a trade union as a bargaining agent of employees in a unit and no collective agreement with their employer binding on or entered into on behalf of employees in the unit, is in force,

(a) the bargaining agent may, on behalf of the employees in the unit, by notice, require their employer to commence collective bargaining, or

(b) the employer or an employers’ organization representing the employer may, by notice, require the bargaining agent to commence collective bargaining, with a view to the conclusion of a collective agreement. 1948, c. 54, s. 12.

13. Either party to a collective agreement, whether entered into before or after the 1st day of September, 1948, may, within the period of two months next preceding the date of expiry of the term of, or preceding termination of the agreement, by notice, require the other party to the agreement to commence collective bargaining with a view to the renewal or revision of the agreement or conclusion of a new collective agreement. 1948, c. 54, s. 13.

Negotiation.

14. Where notice to commence collective bargaining has been given under section 12

(a) the certified bargaining agent and the employer, or an employers’ organization representing the employer shall, without delay, but in any case within twenty clear days after the notice was given or such further time as the parties may agree, meet and commence or cause authorized representatives on their behalf to meet and commence to bargain collectively with one another and shall make every reasonable effort to conclude a collective agreement, and

(b) the employer shall not, without consent by or on behalf of the employees affected, decrease rates of wages or alter any other term or condition of employment of employees in the unit for which the bargaining agent is certified until a collective agreement has been concluded or until a Conciliation Board appointed to endeavour to bring about agreement has reported to the Minister and seven days have elapsed after the report has been received by the Minister, whichever is earlier, or until the Minister has advised the employer that he has decided not to appoint a Conciliation Board. 1948, c. 54, s. 14.

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15. Where a party to a collective agreement has given notice under section 13 to the other party to the agreement
(a) the parties shall, without delay, but in any case
within twenty clear days after the notice was given
or such further time as the parties may agree upon,
meet and commence or cause authorized representa-
tives on their behalf to meet and commence to bargain
collectively and make every reasonable effort to con-
clude a renewal or revision of the agreement or a new
collective agreement, and
(b) if a renewal or revision of the agreement or a new
collective agreement has not been concluded before
expiry of the term of, or termination of the agreement,
the employer shall not, without consent by or on
behalf of the employees affected, decrease rates of
wages, or alter any other term or condition of employ-
ment in effect immediately prior to such expiry or
termination provided for in the agreement, until a
renewal or revision of the agreement or a new collective
agreement has been concluded or a Conciliation Board,
appointed to endeavour to bring about agreement, has
reported to the Minister and seven days have elapsed
after the report has been received by the Minister,
whichever is earlier, or until the Minister has advised
the employer that he has decided not to appoint a
Conciliation Board. 1948, c. 54, s. 15.

Conciliation.

16. Where a notice to commence collective bargaining
has been given under this Act and
(a) collective bargaining has not commenced within
the time prescribed by this Act, or
(b) collective bargaining has commenced,
and either party thereto requests the Minister in writing to
instruct a Conciliation Officer to confer with the parties
thereto to assist them to conclude a collective agreement
or a renewal or revision thereof and such request is accom-
panied by a statement of the difficulties, if any, that have
been encountered before the commencement or in the course
of the collective bargaining, or in any other case in which
in the opinion of the Minister it is advisable so to do, the
Minister may instruct one or more Conciliation Officers to
confer with the parties engaged in collective bargaining.
1948, c. 54, s. 16.

17. Where a Conciliation Officer fails to bring about an
agreement between parties engaged in collective bargaining
or in any other case where in the opinion of the Minister a
Conciliation Board should be appointed to endeavour to
bring
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bring about agreement between parties to a dispute, the Minister may appoint a Conciliation Board for such purpose. 1948, c. 54, s. 17.

COLLECTIVE AGREEMENTS.

18. A collective agreement entered into by a certified bargaining agent is, subject to and for the purposes of this Act, binding upon

(a) the bargaining agent and every employee in the unit of employees for which the bargaining agent has been certified, and

(b) the employer who has entered into the agreement or on whose behalf the agreement has been entered into. 1948, c. 54, s. 18.

19. (1) Every collective agreement entered into after the 1st day of September, 1948, shall contain a provision for final settlement without stoppage of work, by arbitration or otherwise, of all differences between the parties to or persons bound by the agreement or on whose behalf it was entered into, concerning its meaning or violation.

(2) Where a collective agreement, whether entered into before or after the 1st day of September, 1948, does not contain a provision as required by this section, the Board shall, upon application of either party to the agreement, by order, prescribe a provision for such purpose and a provision so prescribed shall be deemed to be a term of the collective agreement and binding on the parties to and all persons bound by the agreement and all persons on whose behalf the agreement was entered into.

(3) Every party to and every person bound by the agreement, and every person on whose behalf the agreement was entered into, shall comply with the provision for final settlement contained in the agreement and give effect thereto. 1948, c. 54, s. 19.

20. (1) Notwithstanding anything therein contained, every collective agreement, whether entered into before or after the 1st day of September, 1948, shall, if for a term of less than a year, be deemed to be for a term of one year from the date upon which it came or comes into operation, or if for an indeterminate term shall be deemed to be for a term of at least one year from that date and shall not, except as provided by section 10 or with the consent of the Board, be terminated by the parties thereto within a period of one year from that date.

R.S., 1952.
(2) Nothing in this section prevents the revision of any provision of a collective agreement, other than a provision relating to the term of the collective agreement, that under the agreement is subject to revision during the term thereof. 1948, c. 54, s. 20.

STRIKES AND LOCKOUTS.

21. Where a trade union on behalf of a unit of employees is entitled by notice under this Act to require their employer to commence collective bargaining with a view to the conclusion or renewal or revision of a collective agreement, the trade union shall not take a strike vote or authorize or participate in the taking of a strike vote of employees in the unit or declare or authorize a strike of the employees in the unit, and no employee in the unit shall strike, and the employer shall not declare or cause a lockout of the employees in the unit, until

(a) the bargaining agent and the employer, or representatives authorized by them in that behalf, have bargained collectively and have failed to conclude a collective agreement, and either

(b) a Conciliation Board has been appointed to endeavour to bring about agreement between them and seven days have elapsed from the date on which the report of the Conciliation Board was received by the Minister, or

(c) either party has requested the Minister in writing to appoint a Conciliation Board to endeavour to bring about agreement between them and fifteen days have elapsed since the Minister received the said request and

(i) no notice under subsection (2) of section 28 has been given by the Minister, or

(ii) the Minister has notified the party so requesting that he has decided not to appoint a Conciliation Board. 1948, c. 54, s. 21.

22. (1) Except in respect of a dispute that is subject to the provisions of subsection (2)

(a) no employer bound by or who is a party to a collective agreement, whether entered into before or after the 1st day of September, 1948, shall declare or cause a lockout with respect to any employee bound by the collective agreement or on whose behalf the collective agreement was entered into, and

(b) 1948, c. 54, s. 21.

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(b) during the term of the collective agreement, no employee bound by a collective agreement or on whose behalf a collective agreement has been entered into, whether entered into before or after the 1st day of September, 1948, shall go on strike and no bargaining agent that is a party to the agreement shall declare or authorize a strike of any such employee.

(2) Where a collective agreement is in force and any dispute arises between the parties thereto with reference to the revision of a provision of the agreement that by the provisions of the agreement is subject to revision during the term of the agreement, the employer bound thereby or who is a party thereto shall not declare or cause a lockout with respect to any employee bound thereby or on whose behalf the collective agreement has been entered into, and no such employee shall strike and no bargaining agent that is a party to the agreement shall declare or authorize a strike of any such employee until

(a) the bargaining agent of such employees and the employer or representatives authorized by them on their behalf have bargained collectively and have failed to conclude an agreement on the matters in dispute, and either

(b) a Conciliation Board has been appointed to endeavour to bring about agreement between them and seven days have elapsed from the date on which the report of the Conciliation Board was received by the Minister, or

(c) either party has requested the Minister in writing to appoint a Conciliation Board to endeavour to bring about agreement between them and fifteen days have elapsed since the Minister received the said request and

(i) no notice under subsection (2) of section 28 has been given by the Minister, or

(ii) the Minister has notified the party so requesting that he has decided not to appoint a Conciliation Board. 1948, c. 54, s. 22.

No employee to strike until bargaining agent has become entitled on behalf of the unit of employees to require their employer by notice under this Act to commence collective bargaining with a view to the conclusion or renewal or revision of a collective agreement and the provisions of section 21 or 22, as the case may be, have been complied with.

R.S., 1952.
(2) No employer shall declare or cause a lockout of employees while an application for certification of a bargaining agent to act for such employees is pending before the Board. 1948, c. 54, s. 23.

24. A trade union that is not entitled to bargain collectively under this Act on behalf of a unit of employees shall not declare or authorize a strike of employees in that unit. 1948, c. 54, s. 24.

25. Nothing in this Act shall be interpreted to prohibit the suspension or discontinuance of operations in an employer's establishment, in whole or in part, not constituting a lockout or strike. 1948, c. 54, s. 25.

26. Notwithstanding anything in this Act, any employee may present his personal grievance to his employer at any time. 1948, c. 54, s. 26.

CONCILIATION PROCEEDINGS.

Conciliation Officers.

27. Where a Conciliation Officer has, under this Act, been instructed to confer with parties engaged in collective bargaining or to any dispute, he shall, within fourteen days after being so instructed or within such longer period as the Minister may from time to time allow, make a report to the Minister setting out

(a) the matters, if any, upon which the parties have agreed,

(b) the matters, if any, upon which the parties cannot agree, and

(c) as to the advisability of appointing a Conciliation Board with a view to effecting an agreement. 1948, c. 54, s. 27.

Constitution of Conciliation Boards.

28. (1) A Board of Conciliation and Investigation under this Act shall consist of three members appointed in the manner provided in this section.

(2) Where the Minister has decided to appoint a Conciliation Board, he shall forthwith, by notice in writing, require each of the parties within seven days after receipt by the party of the notice, to nominate one person to be a member of the Conciliation Board, and upon receipt of the nomination within the seven days, the Minister shall appoint such person a member of the Conciliation Board.
(3) If either of the parties to whom notice is given under this section, fails or neglects to nominate a person within seven days after receipt of the notice, the Minister shall appoint as a member of the Conciliation Board, a person he deems fit for such purpose, and such member shall be deemed to be appointed on the recommendation of the said party.

(4) The two members appointed under subsections (2) and (3) shall, within five days after the day on which the second of them is appointed, nominate a third person, who is willing and ready to act, to be a member and Chairman of the Conciliation Board, and the Minister shall appoint such person a member and Chairman of the Conciliation Board.

(5) If the two members appointed under subsections (2) and (3) fail or neglect to make a nomination within five days after the appointment of the second such member, the Minister shall forthwith appoint as the third member and Chairman of the Conciliation Board, a person whom he deems fit for such purpose.

(6) When the Conciliation Board has been appointed, the Minister shall forthwith notify the parties of the names of the members of the Board.

(7) Where the Minister has given notice to parties that a Conciliation Board has been appointed under this Act, it shall be conclusively presumed that the Conciliation Board described in the said notice has been established in accordance with the provisions of this Act, and no order shall be made or process entered or proceedings taken in any court to question the granting or refusal of a Conciliation Board, or to review, prohibit or restrain establishment of that Conciliation Board or any of its proceedings.

(8) No person
(a) who has any pecuniary interest in the matters referred to the Board, or
(b) who is acting or has within a period of six months preceding the date of his appointment acted in the capacity of solicitor, legal adviser, counsel, or paid agent of either of the parties, shall act as a member of a Conciliation Board. 1948, c. 54, s. 28.

29. Upon a person ceasing to be a member of a Conciliation Board before it has completed its work, the Minister shall appoint a member in his place who shall be selected in the manner prescribed by this Act for the selection of the person who has so ceased to be a member. 1948, c. 54, s. 29.
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30. Each member of a Conciliation Board shall, before acting as such, take and subscribe before a person authorized to administer an oath or affirmation, and file with the Minister, an oath or affirmation in the following form:

I do solemnly swear (affirm) that I will faithfully, truly and impartially to the best of my knowledge, skill and ability, execute and perform the office of member of the Conciliation Board appointed to .................. and will not, except in the discharge of my duties, disclose to any person any of the evidence or other matter brought before the said Board. So help me God. 1948, c. 54, s. 30.

Terms of Reference.

31. (1) Where the Minister has appointed a Conciliation Board, he shall forthwith deliver to it a statement of the matters referred to it, and may, either before or after the making of its report, amend or add to such statement.

(2) After a Conciliation Board has made its report the Minister may direct it to reconsider and clarify or amplify the report or any part thereof or to consider and report on any new matter added to the amended statement of matters referred to it and the report of the Conciliation Board shall not be deemed to be received by the Minister until such reconsidered report is received. 1948, c. 54, s. 31.

Procedure.

32. (1) A Conciliation Board shall, immediately after appointment of the Chairman thereof, endeavour to bring about agreement between the parties in relation to the matters referred to it.

(2) Except as otherwise provided in this Act, a Conciliation Board may determine its own procedure, but shall give full opportunity to all parties to present evidence and make representations.

(3) The Chairman may, after consultation with the other members of the Board, fix the time and place of sittings of a Conciliation Board and shall notify the parties as to the time and place so fixed.

(4) The Chairman and one other member of a Conciliation Board shall be a quorum, but, in the absence of a member, the other members shall not proceed unless the absent member has been given reasonable notice of the sitting.

3433 (5) R.S., 1952.
(5) The decision of a majority of the members present at a sitting of a Conciliation Board shall be the decision of the Conciliation Board, and in the event that the votes are equal the Chairman has a casting vote.

(6) The Chairman shall forward to the Minister a detailed certified statement of the sittings of the Board, and of the members and witnesses present at each sitting.

(7) The report of the majority of its members shall be the report of the Conciliation Board. 1948, c. 54, s. 32.

33. (1) A Conciliation Board has the power of summoning before it any witnesses and of requiring them to give evidence on oath, or on solemn affirmation if they are persons entitled to affirm in civil matters, and orally or in writing, and to produce such documents and things as the Conciliation Board deems requisite to the full investigation and consideration of the matters referred to it, but the information so obtained from such documents shall not, except as the Conciliation Board deems expedient, be made public.

(2) A Conciliation Board has the same power to enforce the attendance of witnesses and to compel them to give evidence as is vested in any court of record in civil cases.

(3) Any member of a Conciliation Board may administer an oath, and the Conciliation Board may receive and accept such evidence on oath, affidavit or otherwise as it in its discretion may deem fit and proper whether admissible in evidence in a court of law or not. 1948, c. 54, s. 33.

34. A Conciliation Board or a member of a Conciliation Board or any person who has been authorized for such purpose in writing by a Conciliation Board may, without any other warrant than this section, at any time, enter a building, ship, vessel, factory, workshop, place, or premises of any kind wherein work is being or has been done or commenced by employees or in which an employer carries on business or any matter or thing is taking place or has taken place, concerning the matters referred to the Conciliation Board, and may inspect and view any work, material, machinery, appliance or article therein, and interrogate any persons in or upon any such place, matter or thing hereinbefore mentioned; and no person shall hinder or obstruct the Board or any person authorized as aforesaid in the exercise of a power conferred by this section or refuse to answer an interrogation made as aforesaid. 1948, c. 54, s. 34.

R.S., 1952.
Report.

35. A Conciliation Board shall, within fourteen days after the appointment of the Chairman of the Board, or within such longer period as may be agreed upon by the parties, or as may from time to time be allowed by the Minister, report its findings and recommendations to the Minister. 1948, c. 54, s. 35.

36. On receipt of the report of a Conciliation Board the Minister shall forthwith cause a copy thereof to be sent to the parties and he may cause the report to be published in such manner as he sees fit. 1948, c. 54, s. 36.

37. No report of a Conciliation Board, and no testimony or proceedings before a Conciliation Board are receivable in evidence in any court in Canada except in the case of a prosecution for perjury. 1948, c. 54, s. 37.

38. Where a Conciliation Board has been appointed and at any time before or after it has made its report, the parties so agree in writing, the recommendation of the Conciliation Board is binding on the parties and they shall give effect thereto. 1948, c. 54, s. 38.

ENFORCEMENT.

39. Every employer and every person acting on behalf of an employer who decreases a wage rate or alters any term or condition of employment contrary to section 14 or section 15 is guilty of an offence and liable on summary conviction to a fine not exceeding

(a) five dollars in respect of each employee whose wage rate was so decreased or whose term or condition of employment was so altered, or
(b) two hundred and fifty dollars, whichever is the lesser, for each day during which such decrease or alteration continues contrary to this Act. 1948, c. 54, s. 39.

40. (1) Every person, trade union and employers' organization who violates section 4 or section 5 is guilty of an offence and liable upon summary conviction,

(a) if an individual, to a fine not exceeding one hundred dollars, or

(b) if a corporation, trade union or employers' organization, to a fine not exceeding one thousand dollars.

3435

(2) R.S., 1952.
(2) Where an employer is convicted for violation of paragraph (a) of subsection (3) of section 4 by reason of his having suspended, transferred, laid off or discharged an employee contrary to this Act, the convicting court, judge or magistrate, in addition to any other penalty authorized by this Act may order the employer to pay compensation for loss of employment to the employee not exceeding such sum as in the opinion of the court, judge or magistrate, as the case may be, is equivalent to the wages, salary or other remuneration that would have accrued to the employee up to the date of conviction but for such suspension, transfer, lay-off or discharge, and may order the employer to reinstate the employee in his employ at such date as in the opinion of the court, judge or magistrate is just and proper in the circumstances in the position that the employee would have held but for such suspension, transfer, lay-off or discharge.

(3) Every person, trade union and employers' organization who contrary to this Act refuses or neglects to comply with any order of a court, judge or magistrate made under this section or any lawful order of the Board is guilty of an offence and liable on summary conviction to a fine not exceeding fifty dollars for each day during which such refusal or failure continues. 1948, c. 54, s. 40.

41. (1) Every employer who declares or causes a lockout contrary to this Act is guilty of an offence and liable upon summary conviction to a fine not exceeding two hundred and fifty dollars for each day that the lockout exists.

(2) Every person acting on behalf of an employer who declares or causes a lockout contrary to this Act is guilty of an offence and liable on summary conviction to a fine not exceeding three hundred dollars.

(3) Every trade union that declares or authorizes a strike contrary to this Act is guilty of an offence and liable upon summary conviction to a fine not exceeding one hundred and fifty dollars for each day that the strike exists.

(4) Every officer or representative of a trade union who contrary to this Act, authorizes or participates in the taking of a strike vote of employees or declares or authorizes a strike contrary to this Act is guilty of an offence and liable upon summary conviction to a fine not exceeding three hundred dollars. 1948, c. 54, s. 41.

42. Every person, trade union or employers' organization who does anything prohibited by this Act or who refuses or neglects to do anything required by this Act to be...
be done by him is guilty of an offence and, except where some other penalty is by this Act provided for the act, refusal or neglect is liable on summary conviction,

(a) if an individual, to a fine not exceeding one hundred dollars, or

(b) if a corporation, trade union or employers' organization, to a fine not exceeding five hundred dollars. 1948, c. 54, s. 42.

43. (1) Where the Minister receives a complaint in writing from a party to collective bargaining that any other party to such collective bargaining has failed to comply with paragraph (a) of section 14 or with paragraph (a) of section 15, he may refer the same to the Board.

(2) Where a complaint from a party to collective bargaining is referred to the Board pursuant to subsection (1), the Board shall inquire into the complaint and may dismiss the complaint or may make an order requiring any party to such collective bargaining to do such things as in the opinion of the Board are necessary to secure compliance with paragraph (a) of section 14 or paragraph (a) of section 15.

(3) Every employer, employers' organization, trade union or other person in respect of whom an order is made under this section, shall comply with such order. 1948, c. 54, s. 43.

44. (1) A person claiming to be aggrieved because of an alleged violation of any of the provisions of this Act may make a complaint in writing to the Minister and the Minister, upon receipt of such complaint, may require an Industrial Inquiry Commission appointed by him pursuant to section 56 or a Conciliation Officer to investigate and make a report to him in respect of the alleged violation.

(2) Upon receipt of a report pursuant to subsection (1), the Minister shall furnish a copy to each of the parties affected and if the Minister considers it desirable to do so, shall publish the same in such manner as he sees fit.

(3) The Minister shall take into account any report made pursuant to this section or any action taken by the Board upon a complaint referred to it under this Act in granting or refusing to grant consent to prosecute under section 46. 1948, c. 54, s. 44.

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

(2) An information or complaint in respect of a contravention of the provisions of this Act may be for one or more offences, and no information, complaint, warrant, conviction or other proceedings in a prosecution is objectionable or insufficient by reason of the fact that it relates to two or more offences. 1948, c. 54, s. 45.

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

(2) A consent by the Minister indicating that he has consented to the prosecution of a person named therein for an offence under this Act alleged to have been committed, or in the case of a continuing offence, alleged to have commenced, on a date therein set out, is a sufficient consent for the purposes of this section to the prosecution of the said person for any offence under this Act committed by or commencing on the said date. 1948, c. 54, s. 46.

GENERAL.

47. For the purposes of this Act, an application to the Board or any notice or any collective agreement may be signed, if it is made, given or entered into

(a) by an employer who is an individual, by the employer himself;

(b) where several individuals, who are jointly employers, by a majority of the said individuals;

(c) by a corporation, by one of its authorized managers or by one or more of the principal executive officers; and

(d) by a trade union or employers' organization, by the president and secretary or by any two officers thereof or by any person authorized for such purpose by resolution duly passed at a meeting thereof. 1948, c. 54, s. 47.

48. (1) For the purpose of this Act, and of any proceedings taken thereunder, any notice or other communication sent by registered mail shall be presumed, unless the contrary is proved, to have been received by the addressee in the ordinary course of mail.

(2) A document may be served or delivered for the purposes of this Act or any proceedings thereunder in the manner prescribed by regulation. 1948, c. 54, s. 48.

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49. (1) Any document purporting to contain or to be a copy of any rule, decision, direction or order of the Board, and purporting to be signed by a member of the Board, or the chief executive officer thereof, shall be accepted by any court as evidence of the rule, decision, direction, order or other matter therein contained of which it purports to be a copy.

(2) A certificate purporting to be signed by the Minister or his Deputy or by an official in his department stating that a report, request or notice was or was not received or given by the Minister pursuant to this Act, and if so received or given, the date upon which it was so received or given, is prima facie evidence of the facts stated therein without proof of the signature or of the official character of the person appearing to have signed the same. 1948, c. 54, s. 49.

50. Failure of a Conciliation Officer or Conciliation Board to report to the Minister within the time provided in this Act does not invalidate the proceedings of the Conciliation Officer or Conciliation Board or terminate the authority of the Conciliation Board under this Act. 1948, c. 54, s. 50.

51. No proceeding under this Act shall be deemed invalid by reason of any defect in form or any technical irregularity. 1948, c. 54, s. 51.

INFORMATION.

52. (1) Each of the parties to a collective agreement shall forthwith upon its execution file one copy with the Minister.

(2) The Board may direct any trade union or employers' organization which is a party to any application for certification, or is a party to an existing collective agreement, to file with the Board

(a) a statutory declaration signed by its President or Secretary stating the names and addresses of its officers, and

(b) a copy of its constitution and by-laws,

and the trade union or employers' organization shall comply with the direction within the time prescribed by the Board. 1948, c. 54, s. 52.
Part II.

APPLICATION AND ADMINISTRATION.

Application.

53. Part I applies in respect of employees who are employed upon or in connection with the operation of any work, undertaking or business that is within the legislative authority of the Parliament of Canada including, but not so as to restrict the generality of the foregoing,

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

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

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

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

(e) aerodromes, aircraft and lines of air transportation;

(f) radio broadcasting stations;

(g) such works or undertakings as, although wholly situate within a province, are before or after their execution declared by the Parliament of Canada to be for the general advantage of Canada or for the advantage of two or more of the provinces; and

(h) any work, undertaking or business outside the exclusive legislative authority of the legislature of any province;

and in respect of the employers of all such employees in their relations with such employees and in respect of trade unions and employers' organizations composed of such employees or employers. 1948, c. 54, s. 53.

54. Part I applies in respect of any corporation established to perform any function or duty on behalf of the Government of Canada and in respect of employees of such corporation, except any such corporation, and the employees thereof, that the Governor in Council, excludes from the provisions of Part I. 1948, c. 54, s. 54.

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55. Except as provided by section 54, Part I does not apply to Her Majesty in right of Canada or employees of Her Majesty in right of Canada. 1948, c. 54, s. 55.

INDUSTRIAL INQUIRIES.

56. (1) The Minister may either upon application or of his own initiative, where he deems it expedient, make or cause to be made any inquiries he thinks fit regarding industrial matters, and may do such things as seem calculated to maintain or secure industrial peace and to promote conditions favourable to settlement of disputes.

(2) For any of the purposes of subsection (1) or where in any industry a dispute or difference between employers and employees exists or is apprehended, the Minister may refer the matters involved to a Commission, to be designated as an Industrial Inquiry Commission, for investigation thereof, as the Minister deems expedient, and for report thereon; and shall furnish the Commission with a statement of the matters concerning which such inquiry is to be made, and, in the case of any inquiry involving any particular persons or parties, shall advise such persons or parties of such appointment.

(3) Immediately following its appointment an Industrial Inquiry Commission shall inquire into the matters referred to it by the Minister and endeavour to carry out its terms of reference; and in the case of a dispute or difference in which a settlement has not been effected in the meantime the report of the result of its inquiries, including its recommendations, shall be made to the Minister within fourteen days of its appointment or such extension thereof as the Minister may from time to time grant.

(4) Upon receipt of a report of an Industrial Inquiry Commission relating to any dispute or difference between employers and employees the Minister shall furnish a copy to each of the parties affected and shall publish the same in such manner as he sees fit.

(5) An Industrial Inquiry Commission shall consist of one or more members appointed by the Minister and the provisions of sections 33 and 34 apply, mutatis mutandis, as though enacted in respect of that Commission and the Commission may determine its own procedure but shall give full opportunity to all parties to present evidence and make representations.

(6) The Chairman and members of an Industrial Inquiry Commission shall be paid remuneration and expenses at the same rate as is payable to a Chairman and members of a Conciliation Board under this Act. 1948, c. 54, s. 56.

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Minister of Labour.

57. The Minister of Labour is charged with the administration of this Act and shall exercise the powers and perform the duties imposed on the Minister by Part I. 1948, c. 54, s. 57.

Canada Labour Relations Board.

58. (1) There shall be a labour relations board to administer Part I which shall be known as the Canada Labour Relations Board and shall consist of a chairman, and such number of other members as the Governor in Council may determine, not exceeding eight consisting of an equal number of members representative of employees and employers.

(2) The members of the Board shall be appointed by the Governor in Council to hold office during pleasure.

(3) In addition to the Chairman and members of the Board, the Governor in Council may appoint a person as vice-chairman to act in the place of the Chairman during his absence for any reason, and the vice-chairman shall be a member of the Board while so acting.

(4) The head office of the Board shall be in Ottawa.

(5) The Board has the powers of commissioners under Part I of the Inquiries Act.

(6) The Board may receive and accept such evidence and information on oath, affidavit or otherwise as in its discretion it may deem fit and proper whether admissible as evidence in a court of law or not.

(7) The members shall be paid such remuneration as may be fixed by the Governor in Council, and such actual and reasonable expenses as may be incurred by them in the discharge of their duties. 1948, c. 54, s. 58.

Delegation of powers.

59. Subject to regulation, the Board may by order authorize any person or board to exercise or perform all or any of its powers or duties under this Act relating to any particular matter and a person or board so authorized with respect to such matter has the powers of commissioners under Part I of the Inquiries Act. 1948, c. 54, s. 59.

Procedure rules.

60. (1) The Board may, with the approval of the Governor in Council, make rules governing its procedure, including the fixing of a quorum of the Board, and, where

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an application for certification in respect of a unit has been refused, the time when a further application may be made in respect of the same unit by the same applicant.

(2) The rules of the Board have effect upon publication in the *Canada Gazette*. 1948, c. 54, s. 60.

**Powers of Board.**

**61.** (1) If in any proceeding before the Board a question arises under this Act as to whether

(a) a person is an employer or employee;
(b) an organization or association is an employers' organization or a trade union;
(c) in any case a collective agreement has been entered into and the terms thereof and the persons who are parties to or are bound by the collective agreement or on whose behalf the collective agreement was entered into;
(d) a collective agreement is by its terms in full force and effect;
(e) any party to collective bargaining has failed to comply with paragraph (a) of section 14 or with paragraph (a) of section 15;
(f) a group of employees is a unit appropriate for collective bargaining;
(g) an employee belongs to a craft or group exercising technical skills; or
(h) a person is a member in good standing of a trade union;

the Board shall decide the question and its decision is final and conclusive for all the purposes of this Act.

(2) A decision or order of the Board is final and conclusive and not open to question, or review, but the Board may, if it considers it advisable so to do, reconsider any decision or order made by it under this Act, and may vary or revoke any decision or order made by it under this Act. 1948, c. 54, s. 61.

**Arrangements with Provinces.**

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

1948, c. 54, s. 61.

(2) R.S., 1952.
(2) An agreement made pursuant to subsection (1) may provide
(a) for the administration by Canada of the said legislation of the province with respect to any particular undertaking or business;
(b) that the person who is from time to time the Minister may on behalf of the province exercise or perform powers or duties conferred under the legislation of the province referred to in subsection (1);
(c) that the persons who from time to time are members of the Board, or other officers and employees of Canada, may exercise or perform powers or duties conferred or imposed under the said legislation of the province, either by way of appeal or otherwise; and
(d) for payment by the government of the province to the Government of Canada for expenses incurred by the said Government of Canada in the administration of the said legislation of the province. 1948, c. 54, s. 62.

63. Where the legislature of a province has enacted legislation substantially uniform with Part I and
(a) an agreement has been entered into between the Government of Canada and the government of such province, or
(b) such legislation so provides and the Governor in Council so orders,
the person who is from time to time the Minister and the persons who, from time to time, are members of the Board, and other officers or employees of Canada, may exercise the powers and perform the duties specified in such legislation or agreement. 1948, c. 54, s. 63.

Conciliation Boards.

64. (1) Unless the Governor in Council otherwise orders, the following remuneration shall be paid:
(a) to a member of a Conciliation Board other than the chairman, an allowance of five dollars for each day, not more than three, during which he is engaged in considering the recommendation of a person to be the third member of the Board; and
(b) to a member of the Board, other than the Chairman, an allowance at the rate of twenty-five dollars for each day he is present when the Board sits and for each day necessarily spent travelling from his place of residence to a meeting of the Board and returning therefrom and for each day not exceeding two days thereafter.

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he is engaged in completion of the Board’s report and to the Chairman an allowance of thirty dollars for each day to be similarly determined.

(2) Each member of a Conciliation Board is entitled to his actual and reasonable travelling and living expenses for each day that he is absent from his place of residence, in connection with the work of the Board. 1948, c. 54, s. 64.

65. Every person who is summoned by the Board or a Conciliation Board or Industrial Inquiry Commission and duly attends as a witness is entitled to an allowance for expenses determined in accordance with the scale for the time being in force with respect to witnesses in civil suits in the superior court in the province where the inquiry is being conducted, and in any event, he is entitled to not less than four dollars for each day he so attends. 1948, c. 54, s. 65.

66. The Minister may provide a Conciliation Board, or Industrial Inquiry Commission with a secretary, stenographer, and such clerical or other assistance as to the Minister seems necessary for the performance of its duties and fix their remuneration. 1948, c. 54, s. 66.

REGULATIONS.

67. The Governor in Council may make regulations g. in c. regulations.
(a) as to the time within which anything authorized by this Act shall be done;
(b) excluding an employer or employee or any class of employers or employees from the provisions of Part I or any of the provisions thereof; and
(c) generally for carrying any of the purposes or provisions of this Act into effect. 1948, c. 54, s. 67.

ANNUAL REPORT.

68. An annual report with respect to the matters trans- Annual Report acted by him under this Act shall be laid by the Minister before Parliament within the first fifteen days of each Parliament. session. 1948, c. 54, s. 68.

GENERAL.

69. There may be employed in the manner authorized by law, such officers, clerks and employees as are necessary for the administration of this Act, including a Chief Executive Officer of the Board. 1948, c. 54, s. 69.

70. R.S., 1952.
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70. The expenses of the administration of this Act shall be paid out of moneys provided by Parliament. 1948, c. 54, s. 70.

71. All fines and penalties imposed under this Act are payable to the Receiver General of Canada and belong to Her Majesty in right of Canada for the public uses of Canada. 1948, c. 54, s. 71.
CHAPTER 153.

An Act with respect to Freight Rates for the Carriage of Grain by Lake and River Navigation.

SHORT TITLE.

1. This Act may be cited as the Inland Water Freight Rates Act. R.S., c. 208, s. 1.

INTERPRETATION.

2. In this Act,

(a) "Board of Grain Commissioners for Canada" means "Board." the Commission constituted by the Canada Grain Act, and "Board" means the Board of Grain Commissioners for Canada as so constituted;

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

(c) "grain" means all kinds and varieties of grain, the inspection of which is provided for by the Canada Grain Act;

(d) "lake and river navigation" includes all the rivers, lakes and other navigable waters within Canada;

(e) "Minister" means the Minister of Trade and Commerce;

(f) "person" means any person, firm or corporation;

(g) "regulations" means regulations made by the Board under the authority of this Act;

(h) "shipping company" means any person, firm or company who carries, offers, advertises or proposes to carry grain between any ports in Canada or between any ports in Canada and the United States;

(i) "shipowner" means the registered owner of a ship or any share in a ship, and includes the lessee or charterer of any vessel having the control of the navigation thereof;
"Shipper."  

(j) "shipper" means any person who on his own behalf or on behalf of any other person, contracts for the carriage of grain belonging to him or to the person upon whose behalf he contracts, by lake or river navigation from Fort William or Port Arthur to any other port or place in Canada or the United States; and

"Vessel broker."  

(k) "vessel broker" means a person engaged or acting as agent in chartering any vessel or contracting for cargo space for the carriage of grain by water. R.S., c. 208, s. 2.

3. Every shipper shall immediately after entering into any charter party, bill of lading or contract for the carriage of grain from Fort William or Port Arthur to any other port or place in Canada or the United States by lake or river navigation, and before the grain has been laden in pursuance thereof, file with the Board a true copy of the said charter party, bill of lading or contract for carriage. R.S., c. 208, s. 3.

4. It is the duty of the Board to receive and tabulate all such tariffs and rates as may be filed with the Board as aforesaid, and moreover, to ascertain by all available means, the rates of freight that prevail or are exacted or required for the carriage of grain from Fort William or Port Arthur to any of the ports or places aforesaid, and to consider and report to the Minister from time to time any facts that may come to the knowledge of the Board and tend to show that there is a deficiency of cargo space, excessive freight charges, or discrimination in rates with respect to the carriage of grain as aforesaid, and all shipowners and other persons engaged in the grain carrying trade in Canada shall, upon reasonable request, immediately furnish to the Board such information as they may possess relating to any of the matters aforesaid, and for any wilful refusal or neglect to furnish the same are guilty of an offence against this Act and liable to a penalty recoverable upon summary conviction not exceeding one thousand dollars and not less than two hundred dollars for each such offence. R.S., c. 208, s. 4.

5. (1) When in the opinion of the Board the toll, charge or rate that any company, owner or person charges or intends or proposes to charge for the carriage of grain as aforesaid is unreasonable or excessive, or amounts to an unjust discrimination against any person, company or class of persons as compared with the tolls or rates for similar traffic between Canadian and United States ports, or

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between one port and another in either of said countries, the Board may prescribe such maximum rates as it may consider reasonable.

(2) Such maximum rates so prescribed may vary or be limited in their application according to the time or season of shipping, and the Board shall indicate in its order fixing such maximum rates whether the same are to prevail until further order or the period or periods during which they are respectively to prevail.

(3) The Board may also provide for the variation of such rates conditionally, having regard to conditions to be specified in its order, and the Board shall in like manner from time to time as it may consider necessary or advisable reconsider and vary or modify any order made by the Board in the premises.

(4) Any company, owner or person who charges, contracts or stipulates or receives any toll, charge or rate in excess of the maximum rates so fixed by the Board is guilty of an offence and liable therefor to a penalty not exceeding two thousand dollars and not less than five hundred dollars, or to imprisonment for a term not exceeding six months, enforceable and recoverable upon indictment or upon summary conviction before any stipendiary or police magistrate having the jurisdiction of two justices of the peace, and, in addition, is disentitled to recover or to assert any remedy for the recovery of any freight for which he has stipulated or charged at a rate in excess of the maximum rates so fixed as aforesaid, in so far as such freight exceeds the said maximum rates. R.S., c. 208, s. 5.

6. It shall be unlawful for any person who is a vessel broker or person engaged or acting as agent or otherwise in the chartering of any vessel or in contracting for the hire or letting of cargo space for the carriage of grain from Fort William or Port Arthur to any port or place in Canada or in the United States by lake or river navigation to solicit any risk, or to issue or deliver any receipt or policy of insurance, or to collect or receive any premium in whole or in part, or to inspect any risk, or to adjust any loss, upon, for or in connection with any consignment of grain so to be carried. R.S., c. 208, s. 6.

7. Every one who contravenes any provision of this Act for contravention of which no other penalty is herein provided, or who fails or neglects to comply with any of the provisions thereof to which he is subject and for which failure and neglect no other penalty is herein provided, is guilty of an offence and liable therefor to a penalty not exceeding two thousand dollars and not less than five hundred dollars, or to imprisonment for a term not exceeding six months, enforceable and recoverable upon indictment or upon summary conviction before any stipendiary or police magistrate having the jurisdiction of two justices of the peace, and, in addition, is disentitled to recover or to assert any remedy for the recovery of any freight for which he has stipulated or charged at a rate in excess of the maximum rates so fixed as aforesaid, in so far as such freight exceeds the said maximum rates. R.S., c. 208, s. 5.
exceeding one thousand dollars, and not less than one hundred dollars, or to imprisonment for a term not exceeding three months, or, if a corporation, is liable to a penalty not exceeding three thousand dollars and not less than five hundred dollars, and any such offence may be prosecuted and the penalty therefor may be enforced and recovered either upon indictment or summary conviction before any police, stipendiary or other magistrate having the jurisdiction of two justices of the peace. R.S., c. 208, s. 7.

8. This Act is intended to regulate the shipping rates of grain transported for interprovincial, foreign or export trade, and accordingly does not apply to grain carried locally to be ground or consumed in the province in which the shipment originates, but the burden of proof that any shipment of grain is within this exception rests upon the carrier. R.S., c. 208, s. 8.

9. The Board may, with the consent of the Governor in Council, make rules and regulations on all matters necessary to the proper carrying out of this Act. R.S., c. 208, s. 9.
CHAPTER 154.

An Act respecting Public and Departmental Inquiries.

SHORT TITLE.

1. This Act may be cited as the *Inquiries Act*. R.S., c. 99, s. 1.

PART I.

PUBLIC INQUIRIES.

2. The Governor in Council may, whenever he deems it expedient, cause inquiry to be made into and concerning any matter connected with the good government of Canada or the conduct of any part of the public business thereof. R.S., c. 99, s. 2.

3. In case such inquiry is not regulated by any special law, the Governor in Council may, by a commission in the case, appoint persons as commissioners by whom the inquiry shall be conducted. R.S., c. 99, s. 3.

4. The commissioners have the power of summoning before them any witnesses, and of requiring them to give evidence on oath, or on solemn affirmation if they are persons entitled to affirm in civil matters, and orally or in writing, and to produce such documents and things as the commissioners deem requisite to the full investigation of the matters into which they are appointed to examine. R.S., c. 99, s. 4.

5. The commissioners have the same power to enforce the attendance of witnesses and to compel them to give evidence as is vested in any court of record in civil cases. R.S., c. 99, s. 5.
PART II.

DEPARTMENTAL INVESTIGATIONS.

6. The minister presiding over any department of the Civil Service of Canada may appoint at any time, under the authority of the Governor in Council, a commissioner or commissioners to investigate and report upon the state and management of the business, or any part of the business, of such department, either in the inside or outside service thereof, and the conduct of any person in such service, so far as the same relates to his official duties. R.S., c. 99, s. 6.

7. The commissioner or commissioners may, for the purposes of the investigation, enter into and remain within any public office or institution, and shall have access to every part thereof, and may examine all papers, documents, vouchers, records and books of every kind belonging thereeto, and may summon before him or them any person and require him to give evidence on oath, orally or in writing, or on solemn affirmation if he is entitled to affirm in civil matters; and any such commissioner may administer such oath or affirmation. R.S., c. 99, s. 7.

8. (1) The commissioner or commissioners may, under his or their hand or hands, issue a subpoena or other request or summons, requiring and commanding any person therein named to appear at the time and place mentioned therein, and then and there to testify to all matters within his knowledge relative to the subject-matter of such investigation, and to bring with him and produce any document, book, or paper that he has in his possession or under his control relative to any such matter as aforesaid; and any such person may be summoned from any part of Canada by virtue of such subpoena, request or summons.

(2) Reasonable travelling expenses shall be paid to any person so summoned at the time of service of the subpoena, request or summons. R.S., c. 99, s. 8.

9. (1) If, by reason of the distance at which any person, whose evidence is desired, resides from the place where his attendance is required, or for any other cause, the commissioner or commissioners deem it advisable, he or they may issue a commission or other authority to any officer or person therein named, empowering him to take such evidence and report the same to him or them.

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(2) Such officer or person shall, before entering on any investigation, be sworn before a justice of the peace faithfully to execute the duty entrusted to him by such commission, and, with regard to such evidence, has the same powers as the commissioner or commissioners would have had if such evidence had been taken before him or them, and may, in like manner, under his hand issue a subpoena or other request or summons for the purpose of compelling the attendance of any person, or the production of any document, book or paper. R.S., c. 99, s. 9.

10. (1) Every person who
(a) being required to attend in the manner in this Part provided, fails, without valid excuse, to attend accordingly;
(b) being commanded to produce any document, book or paper, in his possession or under his control, fails to produce the same;
(c) refuses to be sworn or to affirm, as the case may be; or
(d) refuses to answer any proper question put to him by a commissioner, or other person as aforesaid;

is liable, on summary conviction before any police or stipendiary magistrate, or judge of a superior or county court, having jurisdiction in the county or district in which such person resides, or in which the place is at which he was so required to attend, to a penalty not exceeding four hundred dollars.

(2) The judge of the superior or county court aforesaid shall, for the purposes of this Part, be a justice of the peace. R.S., c. 99, s. 10.

PART III.

GENERAL.

11. (1) The commissioners, whether appointed under Part I or under Part II, if thereunto authorized by the commission issued in the case, may engage the services of such accountants, engineers, technical advisers, or other experts, clerks, reporters and assistants as they deem necessary or advisable, and also the services of counsel to aid and assist the commissioners in the inquiry.

(2) The commissioners may authorize and depute any such accountants, engineers, technical advisers, or other experts, or any other qualified persons, to inquire into any matter within the scope of the commission as may be directed by the commissioners.
Part IV.

Chap. 154. Inquiries.

(3) The persons so deputed, when authorized by Order in Council, have the same powers that the commissioners have to take evidence, issue subpoenas, enforce the attendance of witnesses, compel them to give evidence, and otherwise conduct the inquiry.

(4) The persons so deputed shall report the evidence and their findings, if any, thereon to the commissioners. R.S., c. 99, s. 11.

12. The commissioners may allow any person whose conduct is being investigated under this Act, and shall allow any person against whom any charge is made in the course of such investigation, to be represented by counsel. R.S., c. 99, s. 12.

13. No report shall be made against any person until reasonable notice has been given to him of the charge of misconduct alleged against him and he has been allowed full opportunity to be heard in person or by counsel. R.S., c. 99, s. 13.

PART IV.

INTERNATIONAL COMMISSIONS AND TRIBUNALS.

14. (1) The Governor in Council may, whenever he deems it expedient, confer upon an International Commission or Tribunal all or any of the powers conferred upon commissioners under the provisions of Part I.

(2) The powers, so conferred, may be exercised by such Commission or Tribunal in Canada, subject to such limitations and restrictions as the Governor in Council may impose, in respect to all matters that are within the jurisdiction of such Commission or Tribunal. 1934, c. 37, s. 1.

EDMOND CLOUTIER, C.M.G., O.A., D.S.P.
QUEEN'S PRINTER AND CONTROLLER OF STATIONERY
OTTAWA, 1952

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CHAPTER 155.

An Act to regulate the Inspection and Sale of Binder Twine and to establish Weight of Bushel for certain Commodities commonly sold by the Bushel.

SHORT TITLE.

1. This Act may be cited as the Inspection and Sale Act. Short title. 1938, c. 32, s. 1.

2. Parts I and III apply respectively to binder twine Application and weight of bushel for certain commodities. 1938, c. of Parts. 32, s. 2.

INTERPRETATION.

3. In this Act Definitions.
   (a) "dealer" means the person or firm manufacturing "Dealer." or importing or selling or having in possession for sale any binder twine;
   (b) "Minister" means the Minister of Agriculture; "Minister."
   (c) "inspector" means any person designated by the "Inspector." Minister to carry out the provisions of this Act; and
   (d) "official analyst" means any person designated by "Official " official analyst." the Minister to perform tests necessary to carry out the provisions of this Act. 1938, c. 32, s. 3.

4. The Minister may Analysists and
   (a) designate such official analysts and inspectors as are deemed necessary to carry out the provisions of this Act, and inspectors.
   (b) make such regulations for any other purpose deemed necessary for carrying out the provisions of this Act. 1938, c. 32, s. 4.

5. There may be appointed in the manner authorized by law such inspectors and analysts as the Minister may consider necessary for the effective carrying out of the provisions of this Act. 1938, c. 32, s. 5.

PART

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PART I.

BINDER TWINE.

6. (1) Every ball of binder twine sold or offered for sale in Canada shall be properly and correctly labelled with the name of the dealer and the number of feet of twine per pound in the ball.

(2) Binder twine manufactured for export only and not to be sold for use in Canada need not be so labelled, but the onus of proof that any unlabelled binder twine is manufactured for export only rests upon the dealer, carrier or other person in whose possession the binder twine is found. 1938, c. 32, s. 6.

7. No person shall sell, offer or have in possession for sale as binder twine in Canada, any binder twine that has been damaged by fire or water unless

(a) in the case of damaged binder twine that has been reconditioned, the original tags on the balls of twine have been removed and replaced with tags labelled in accordance with section 6, and in addition with the words “Reconditioned Binder Twine,” and the original markings on the sacks containing the damaged binder twine have been obliterated or concealed, and the sacks, or labels durably attached thereto, labelled in a conspicuous manner “Reconditioned Binder Twine,” or

(b) in the case of damaged binder twine that has not been reconditioned, the original tags on the balls have been removed and replaced with tags labelled in accordance with section 6, and in addition with the words “Damaged Binder Twine,” and the original markings on the sacks containing such damaged binder twine have been obliterated or concealed, and the sacks, or labels durably attached thereto, labelled in a conspicuous manner “Damaged Binder Twine.” 1938, c. 32, s. 7.

8. If it is shown that in any lot of binder twine one ball in every twenty or less number of balls in the lot is not properly and correctly labelled, it is prima facie evidence that all the balls in the lot are not properly and correctly labelled, and the burden of proof lies upon the dealer to show that the balls in the lot are properly and correctly labelled. 1938, c. 32, s. 8.

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9. Any inspector charged with the enforcement of the provisions of this Act may enter upon any premises and examine any bales or balls of binder twine, whether such bales or balls are on the premises of a dealer or are on other premises, or are in the possession of any common carrier or other carrier. 1938, c. 32, s. 9.

10. (1) Any dealer who violates any of the provisions of Part I or regulations thereunder is liable upon summary conviction, for a first offence, to a fine of not less than five dollars and not more than one hundred dollars, and for each subsequent offence to a fine of not less than fifty dollars and not more than five hundred dollars.

(2) No deficiency in the number of feet of twine contained in any ball shall be deemed to be a violation of this Part unless it exceeds five per cent of the length indicated by the label. 1938, c. 32, s. 10.

11. Balls of binder twine not properly and correctly labelled may be seized by an inspector and confiscated and disposed of as directed by the Minister, whose decision therein is final. 1938, c. 32, s. 11.

12. Every person who obstructs an inspector or other person charged with the enforcement of this Act from entering any premises to examine binder twine as provided by this Part, or who refuses to permit such examination, is liable on summary conviction to a fine of not less than fifty dollars and not more than five hundred dollars together with the costs of prosecution, and in default of payment of such penalty and costs is liable to imprisonment for a term not exceeding six months, unless such penalty is sooner paid. 1938, c. 32, s. 12.
PART II.

FLAX FIBRES.

Definitions.

13. In this Part,

(a) "flax fibre" means the scutched product of retted flax straw that may be used in spinning; and

(b) "inspection certificate" means a certificate issued with respect to flax fibre pursuant to this Part. 1947, c. 20, s. 1.

Conditions for export.

14. No person shall

(a) export from Canada; or

(b) send, ship, take, bring, or carry, cause to be sent, shipped, taken, brought or carried to or into any province from or out of any other province; any flax fibre, unless it is inspected, graded, marked or designated, and labelled in accordance with the regulations made under this Part. 1947, c. 20, s. 1.

Regulations.

15. The Minister may make regulations

(a) prescribing standards of grade, class or quality for flax fibre and the names or marks that may be used to designate such grade, class or quality;

(b) providing for inspection, grading and labelling of flax fibre, the form, issue and use of inspection certificates, and prescribing inspection fees; and

(c) generally for carrying any of the purposes or provisions of this Part into effect. 1947, c. 20, s. 1.

Certificate to be proof of facts.

16. (1) Every inspection certificate is prima facie evidence of the facts therein stated and shall be receivable in evidence without proof of any signature or the official character of any person appearing to have signed the same.

(2) No person shall attach or apply any inspection certificate to any flax fibre unless the inspection certificate was issued with respect to such flax fibre.

(3) No person shall alter or falsify any inspection certificate. 1947, c. 20, s. 1.

Offence and penalty.

17. Every person who violates any provision of this Part or any regulation made under this Part is guilty of an offence and liable on summary conviction to a fine not exceeding two hundred dollars or to imprisonment for a term not exceeding six months or to both fine and imprisonment. 1947, c. 20, s. 1.

R.S., 1952.
### PART III.

### WEIGHT OF BUSHEL.

18. In contracts for the sale and delivery of any of the undermentioned articles the legal weight per bushel shall be as follows:

<table>
<thead>
<tr>
<th>Description of Article</th>
<th>Weight in Dominion Standard Pounds</th>
</tr>
</thead>
<tbody>
<tr>
<td>Alfalfa seed</td>
<td>60 lbs.</td>
</tr>
<tr>
<td>Bituminous coal</td>
<td>70 &quot;</td>
</tr>
<tr>
<td>Beans</td>
<td>60 &quot;</td>
</tr>
<tr>
<td>Barley</td>
<td>48 &quot;</td>
</tr>
<tr>
<td>Buckwheat</td>
<td>48 &quot;</td>
</tr>
<tr>
<td>Bluegrass seed</td>
<td>18 &quot;</td>
</tr>
<tr>
<td>Bromo seed</td>
<td>14 &quot;</td>
</tr>
<tr>
<td>Castor beans</td>
<td>40 &quot;</td>
</tr>
<tr>
<td>Clover seed, alsike</td>
<td>60 &quot;</td>
</tr>
<tr>
<td>Clover seed, red</td>
<td>60 &quot;</td>
</tr>
<tr>
<td>Clover seed, white</td>
<td>60 &quot;</td>
</tr>
<tr>
<td>Clover seed, crimson</td>
<td>60 &quot;</td>
</tr>
<tr>
<td>Clover seed, sweet</td>
<td>60 &quot;</td>
</tr>
<tr>
<td>Creasted wheat grass seed</td>
<td>22 &quot;</td>
</tr>
<tr>
<td>Flax-seed</td>
<td>50 &quot;</td>
</tr>
<tr>
<td>Fescue seed</td>
<td>22 &quot;</td>
</tr>
<tr>
<td>Hemp seed</td>
<td>44 &quot;</td>
</tr>
<tr>
<td>Indian corn</td>
<td>50 &quot;</td>
</tr>
<tr>
<td>Lime</td>
<td>70 &quot;</td>
</tr>
<tr>
<td>Malt</td>
<td>30 &quot;</td>
</tr>
<tr>
<td>Millet seed (Fox tail type)</td>
<td>48 &quot;</td>
</tr>
<tr>
<td>Millet seed (Proso type)</td>
<td>50 &quot;</td>
</tr>
<tr>
<td>Oats</td>
<td>34 &quot;</td>
</tr>
<tr>
<td>Orchard grass seed</td>
<td>14 &quot;</td>
</tr>
<tr>
<td>Peas</td>
<td>60 &quot;</td>
</tr>
<tr>
<td>Potatoes</td>
<td>60 &quot;</td>
</tr>
<tr>
<td>Rye</td>
<td>56 &quot;</td>
</tr>
<tr>
<td>Rye grass seed</td>
<td>20 &quot;</td>
</tr>
<tr>
<td>Soy beans</td>
<td>60 &quot;</td>
</tr>
<tr>
<td>Timothy seed</td>
<td>48 &quot;</td>
</tr>
<tr>
<td>Vetch</td>
<td>60 &quot;</td>
</tr>
<tr>
<td>Wheat</td>
<td>60 &quot;</td>
</tr>
<tr>
<td>Slender Wheat Grass seed (Western Rye grass)</td>
<td>14 &quot;</td>
</tr>
</tbody>
</table>

1938, c. 32, s. 13.

19. Every person who violates any provision of this Part is, for a first offence, liable, on summary conviction, to a penalty not exceeding twenty-five dollars, and for each subsequent offence to a penalty not exceeding fifty dollars. 1938, c. 32, s. 14.

20. Moneys derived from penalties imposed under any of the provisions of this Act, or derived from the confiscation of any binder twine under this Act, shall be paid to the Receiver General of Canada. 1938, c. 32, s. 15.

EDMOND CLOUTIER, C.M.G., O.A., D.S.P.  
QUEEN’S PRINTER AND CONTROLLER OF STATIONERY  
OTTAWA, 1952  
3459

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CHAPTER 156.

An Act respecting Interest.

SHORT TITLE.

1. This Act may be cited as the Interest Act. R.S., Short title. c. 102, s. 1.

RATE OF INTEREST.

2. Except as otherwise provided by this or by any other Act of the Parliament of Canada, any person may stipulate for, allow and exact, on any contract or agreement whatsoever, any rate of interest or discount that is agreed upon. R.S., c. 102, s. 2.

3. Except as to liabilities existing immediately before the 7th day of July, 1900, whenever any interest is payable by the agreement of parties or by law, and no rate is fixed by such agreement or by law, the rate of interest shall be five per cent per annum. R.S., c. 102, s. 3.

4. Except as to mortgages on real estate, whenever any interest is, by the terms of any written or printed contract, whether under seal or not, made payable at a rate or percentage per day, week, month, or at any rate or percentage for any period less than a year, no interest exceeding the rate or percentage of five per cent per annum shall be chargeable, payable or recoverable on any part of the principal money unless the contract contains an express statement of the yearly rate or percentage of interest to which such other rate or percentage is equivalent. R.S., c. 102, s. 4.

5. If any sum is paid on account of any interest not chargeable, payable or recoverable under section 4, such sum may be recovered back or deducted from any principal or interest payable under such contract. R.S., c. 102, s. 5.
6. Whenever any principal money or interest secured by mortgage of real estate is, by the same, made payable on the sinking fund plan, or on any plan under which the payments of principal money and interest are blended, or on any plan that involves an allowance of interest on stipulated repayments, no interest whatever shall be chargeable, payable or recoverable, on any part of the principal money advanced, unless the mortgage contains a statement showing the amount of such principal money and the rate of interest chargeable thereon, calculated yearly or half-yearly, not in advance. R.S., c. 102, s. 6.

7. Whenever the rate of interest shown in such statement is less than the rate of interest that would be chargeable by virtue of any other provision, calculation or stipulation in the mortgage, no greater rate of interest shall be chargeable, payable or recoverable, on the principal money advanced, than the rate shown in such statement. R.S., c. 102, s. 7.

8. (1) No fine or penalty or rate of interest shall be stipulated for, taken, reserved or exacted on any arrears of principal or interest secured by mortgage of real estate, that has the effect of increasing the charge on any such arrears beyond the rate of interest payable on principal money not in arrear.

(2) Nothing in this section has the effect of prohibiting a contract for the payment of interest on arrears of interest or principal at any rate not greater than the rate payable on principal money not in arrear. R.S., c. 102, s. 8.

9. If any sum is paid on account of any interest, fine or penalty not chargeable, payable or recoverable under section 6, 7 or 8, such sum may be recovered back, or deducted from any other interest, fine or penalty chargeable, payable or recoverable on the principal. R.S., c. 102, s. 9.

10. (1) Whenever any principal money or interest secured by mortgage of real estate is not, under the terms of the mortgage, payable till a time more than five years after the date of the mortgage, then, if at any time after the expiration of such five years, any person liable to pay or entitled to redeem the mortgage tenders or pays, to the person entitled to receive the money, the amount due for principal.
principal money and interest to the time of payment, as calculated under the provisions of sections 6 to 9, together with three months' further interest in lieu of notice, no further interest shall be chargeable, payable or recoverable at any time thereafter on the principal money or interest due under the mortgage.

(2) Nothing in this section applies to any mortgage upon real estate given by a joint stock company or other corporation, nor to any debenture issued by any such company or corporation, for the payment of which security has been given by way of mortgage on real estate. R.S., c. 102, s. 10.

11. The provisions of sections 6 to 10 apply only to moneys so secured by mortgage executed after the 1st day of July, 1880. R.S., c. 102, s. 11.

MANITOBA, BRITISH COLUMBIA, SASKATCHEWAN, ALBERTA AND THE TERRITORIES.

12. Sections 13, 14 and 15 apply to the Provinces of Manitoba, British Columbia, Saskatchewan and Alberta and to the Northwest Territories and the Yukon Territory only. R.S., c. 102, s. 12.

13. Every judgment debt shall bear interest at the rate of five per cent per annum until it is satisfied. R.S., c. 102, s. 13.

14. Unless it is otherwise ordered by the court, such interest shall be calculated from the time of the rendering of the verdict or of the giving of the judgment, as the case may be, notwithstanding that the entry of judgment upon the verdict or upon the giving of the judgment has been suspended by any proceedings either in the same court or in appeal. R.S., c. 102, s. 14.

15. Any sum of money or any costs, charges or expenses made payable by or under any judgment, decree, rule or order of any court whatsoever in any civil proceeding shall for the purposes of this Act be deemed to be a judgment debt. R.S., c. 102, s. 15.
CHAPTER 157.

An Act respecting Construction of Works for the Generation of Electrical Power in the International Rapids Section of the St. Lawrence River.

SHORT TITLE.

1. This Act may be cited as the International Rapids Short title. Power Development Act. 1951 (2nd Sess.), c. 13, s. 1.

AGREEMENT.

2. The agreement dated the 3rd day of December, 1951, Agreement between the Government of Canada and the Government of the Province of Ontario in the form set out in the Schedule is approved on behalf of and is binding on the Government of Canada and all things to be done by virtue thereof are approved and authorized. 1951 (2nd Sess.), c. 13, s. 2.

3. The Governor in Council may transfer to the Government of Ontario the administration of lands or property belonging to Canada that in the opinion of the Governor in Council are necessary for the construction, operation or maintenance of the works to be constructed pursuant to the agreement set out in the Schedule. 1951 (2nd Sess.), c. 13, s. 3.

4. For the purpose of constructing, operating and maintaining the works to be undertaken pursuant to the agreement set out in the Schedule,

(a) The Hydro-Electric Power Commission of Ontario shall have the powers and capacities of a natural person as if it were incorporated by Letters Patent under the Great Seal for that purpose; and

(b) the provisions of the Power Commission Act of the Province of Ontario with respect to the expropriation or taking of lands or property apply mutatis mutandis to R.S., 1952.
to the expropriation or taking of lands or properties for the works, and have effect as if enacted in this Act in relation thereto. 1951 (2nd Sess.), c. 13, s. 4.

COMMENCEMENT.

5. This Act shall come into force on a day to be fixed by proclamation. 1951 (2nd Sess.), c. 13, s. 5.

SCHEDULE.

AGREEMENT made this third day of December, A.D. 1951,
BETWEEN

The Government of Canada, herein represented by the Right Honourable Louis S. St. Laurent, Prime Minister, and the Honourable Lionel Chevrier, Minister of Transport, hereinafter referred to as Canada,

of the First Part,

and

The Government of Ontario, herein represented by the Honourable Leslie M. Frost, Premier, and the Honourable George H. Challies, Acting Provincial Secretary, hereinafter referred to as Ontario,

of the Second Part;

WHEREAS the development of the power resources in the International Rapids Section of the St. Lawrence River is urgently required;

WHEREAS it is intended that the Canadian share of the power to be developed therefrom would be available to Ontario;

WHEREAS Ontario is desirous of undertaking such development concurrently with the undertaking of a complementary development by an appropriate authority in the United States of America;

AND WHEREAS, by the Boundary Waters Treaty binding upon Canada and the United States of America, it is agreed that further uses of or obstructions or diversions of boundary waters on either side of the line affecting the natural level or flow of boundary waters on the other side of the line may not be made except by authority of the United States or Canada within their respective jurisdictions and with the approval of the International Joint Commission constituted by the Treaty;

AND WHEREAS the Treaty provides with respect to boundary waters:

"The following order of precedence shall be observed among the various uses enumerated hereinafter for these waters, and no use shall be permitted which tends materially to conflict with or restrain any other use which is given preference over it in this order of precedence:

(1) Uses for domestic and sanitary purposes;

(2)
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(2) Uses for navigation, including the service of canals for the purposes of navigation;
(3) Uses for power and for irrigation purposes."

AND WHEREAS it is desirable that an agreement should be made between Canada and Ontario concerning the construction, maintenance and operation of works for the development of power in the International Rapids Section subject to and in accordance with Canada's obligations under the Boundary Waters Treaty.

Now THEREFORE this Agreement witnesseth that the parties hereto agree as follows:—

Article I.

For the purposes of this Agreement, unless the context otherwise requires, the expression:—

(a) "deep waterway" means adequate provision for navigation requiring a controlling channel depth of twenty-seven feet with a depth of thirty feet over lock sills in general accordance with the specifications set forth in the Report of the Joint Board of Engineers, dated November 16, 1926;
(b) "International Rapids Section" means that part of the International Section which extends from Chimney Point to the village of St. Regis;
(c) "International Section" means that part of the St. Lawrence River through which the International boundary line runs;
(d) "St. Lawrence River" includes the river channels and the lakes forming parts of the river channels from the outlet of Lake Ontario to the sea; and
(e) "the works" means the works described in Article II to be undertaken and carried out by Ontario.

Article II.

Canada will do all in its power, consistently with its obligations under the Boundary Waters Treaty of 1909 aforesaid and the preservation of the interests of others in the St. Lawrence River, to obtain the approval of the International Joint Commission established under the said Boundary Waters Treaty pursuant to an application to be made by Ontario in a form approved by Canada, of works to develop the power resources of the International Rapids Section of the St. Lawrence River to be undertaken by Ontario concurrently with the undertaking of complementary works by an appropriate authority in the United States of America, in accordance with the plan known as the "Controlled Single Stage Project (238-242)", containing the features described in the Annex to this Agreement with such modifications as may be agreed upon herein or by Canada and Ontario.

Article 3467
R.S., 1952.
Article III.

Articles IV to XVI of this Agreement shall not come into operation until the making of an order by His Excellency the Governor General in Council of Canada signifying on behalf of Canada that

(a) the terms upon which the International Joint Commission has approved the works mentioned in Article II of this Agreement for the development of the power resources of the International Rapids Section, including the works to be undertaken by Ontario, under Article III of the Boundary Waters Treaty of 1909 are satisfactory to Canada; and

(b) Ontario has satisfied Canada that it will, concurrently with complementary operations by an appropriate authority in the United States, undertake the construction, maintenance and operation of the works.

Article IV.

Canada and Ontario will cause to be enacted such legislation as may be agreed upon between them as being necessary to authorize and provide fully for the construction, maintenance and operation of the works.

Article V.

(1) Subject to paragraph two of this Article, Canada will transfer to Ontario the administration of such lands belonging to Canada as are required for the works and such lands shall belong to Ontario.

(2) Ontario will compensate Canada for all lands the administration of which is transferred to Ontario pursuant to paragraph one of this Article other than the lands or property forming part of the existing canal system in the International Rapids Section.

(3) Upon completion of the necessary works to permit the continuance of fourteen-foot navigation on the Canadian side around the control dam and from the pool above Long Sault Dam to connect with the existing Cornwall Canal, as provided in paragraph seven of the Annex hereto, Ontario will transfer to Canada the administration of such works, the sites thereof and such lands belonging to Ontario as are required for the operation thereof, and such works, sites and lands shall belong to Canada.

(4) Ontario will indemnify and save Canada harmless in respect of all claims of third parties in any way arising out of the construction, maintenance or operation of the works, it being understood by the parties hereto that no damages can so arise west of a line drawn due north and south through the most westerly point of Spencer Island and it is agreed that this indemnity clause shall not apply to any claim for any such damages alleged to have been sustained west of the said line.

R.S., 1952.
(1) Ontario will, to the full extent of its ability, concurrently with complementary operations by an appropriate authority in the United States of America, construct, maintain and operate the works in accordance with the terms of this Agreement, and in that respect will carry out and give full force and effect to all or any conditions, provisions or orders imposed or made by or under the authority of the International Joint Commission or by the Governor General in Council of Canada for the protection of navigation or to regulate and control the use of the water of the St. Lawrence River for the works, for the protection of others engaged in the production of power outside the Province of Ontario, and, in the case of any default on the part of Ontario, Canada may, by notice in writing specifying the particulars of the alleged default, require full and complete compliance, within a period or periods named in the notice, by Ontario with its obligations hereunder in respect of which default is alleged, and if the notice is not complied with within the time or any of the respective times so specified, Canada may, subject to paragraph two of this Article, take over or undertake the operation of the works or any part of the works or may construct, maintain and carry out the works, and in any such event the works shall vest in and belong to Canada.

(2) If any dispute arises between the parties hereto as to whether Ontario is carrying out her obligations hereunder or otherwise in any way under this clause, such dispute shall be referred to an arbitral tribunal constituted as provided in Article XIV of this Agreement and, pending disposition by the tribunal of such dispute, Ontario may carry on the construction, maintenance or operation of the works and Canada shall not take over or undertake the operation of the works or any part thereof or the construction, maintenance and carrying out thereof as provided in paragraph one.

Article VII.

Ontario will, at such times and in such manner and form and upon such ratings as may be prescribed by Canada or authorized representatives of Canada,

(a) take and keep records of the flow and water levels in the International Rapids Section and furnish certified copies thereof to Canada;

(b) calibrate or cause to be calibrated its turbines, penstocks, sluices or other water passages forming part of the works.

Article VIII.

Canada or authorized representatives of Canada will at all times be empowered

(a) to have free access to the works;

(b) to measure the discharge of the various sluices, turbines, penstocks or other water passages forming part of the works.

Article 3469

R.S., 1952.
Ontario will furnish to Canada such plans, drawings or other information relating to the works as Canada may request from time to time.

Article X.

Ontario may provide for the enjoyment and exercise by The Hydro-Electric Power Commission of Ontario of any of Ontario's rights and benefits under this Agreement.

Article XI.

(1) Subject to the provisions of this Article, Ontario will transfer to Canada the administration of any such lands belonging to Ontario as are specified by Canada as being required for the sites of locks and works to carry a deep waterway through the International Rapids Section or for the construction, maintenance and operation thereof and such lands shall belong to Canada.

(2) Canada will compensate Ontario for all lands the administration of which is transferred to Canada pursuant to paragraph one of this Article, other than lands or property of Ontario forming part of or acquired and held by Ontario for the purposes of the works.

(3) Subject to paragraph four of this Article, Ontario will not be entitled to any compensation for lands or property of Ontario forming part of or acquired and held by Ontario for the purposes of the works, the administration of which is required to be transferred by Ontario to Canada pursuant to paragraph one of this Article, and Ontario will not be entitled to claim any compensation for loss or expenses incurred with respect to the works or the maintenance or operation thereof or the distribution of power therefrom arising out of the construction by Canada of the locks or works required for the said deep waterway.

(4) Where Ontario has, before constructing any part of the works, given notice to Canada of the location of that part of the works, if Canada did not before commencement of the construction thereof give notice to Ontario that the lands upon which that part of the works was to be located might be required for the purposes of the said deep waterway and if Canada thereafter requires Ontario to transfer the administration of those lands to Canada pursuant to paragraph one of this Article, Ontario will be entitled to compensation for those lands and the said part of the works and for all loss or expense incurred with respect to the works or the maintenance or operation thereof or the distribution of power therefrom arising by reason of Canada requiring Ontario to transfer the said lands and said part of the works to Canada.

(5) Canada will indemnify and save Ontario harmless in respect of all claims of third parties in any way arising out of the construction, maintenance or operation of a deep waterway through the International Rapids Section.

R.S., 1952.

Article 3470
Article XII.

If the construction by Canada of the locks and works mentioned in Article XI renders unnecessary the construction by Ontario of the works required to permit the continuance of fourteen-foot navigation as described in paragraph seven of the Annex to this Agreement, Ontario will pay to Canada a part of the cost of such locks and works equivalent to the cost of the works that would have been required to be constructed by Ontario to permit the continuance of such fourteen-foot navigation.

Article XIII.

Ontario will furnish at cost such power as may from time to time be required by Canada for the operation of the navigation works and for other purposes of navigation in the International Rapids Section.

Article XIV.

(1) In the event of Canada and Ontario failing to agree on the interpretation of any part of this Agreement or any matter arising therefrom, either party shall have the right to refer the matter to an arbitral tribunal.

(2) Each arbitral tribunal shall consist of one person chosen by Canada, one person chosen by Ontario and one person chosen by agreement between Canada and Ontario. If they fail to agree, the third member of the tribunal shall be chosen by the Chief Justice of Canada.

(3) Both parties agree to facilitate the constitution and functioning of arbitral tribunals and to accept their decisions.

(4) The procedure in any arbitration under the provisions of this Article will be determined by Agreement between the parties hereto.

Article XV.

Ontario will establish a Commission to supervise the execution of such works as may be appropriate, consistently with the execution of the works, to safeguard and enhance the scenic beauty of and historic associations with the International Rapids Section.

Article XVI.

Where by the terms of this Agreement any notice or request is to be given or made by or on behalf of Canada, such notice or request shall be deemed, for the purposes of this Agreement, to be effectively given or made if given or made by the Minister of Transport of Canada to the Provincial Secretary of Ontario, and where by the terms of this Agreement any notice or request is to be given or made by or on behalf of Ontario, such notice or request shall be deemed for the purposes of this Agreement, to be effectively given or made if given or made to the Provincial Secretary of Ontario.
the Minister of Transport by the Provincial Secretary or a person authorized by him in that behalf, notice of whose authority has been given to the Minister of Transport by the Provincial Secretary.

Article XVII.

This Agreement is made subject to its approval by the Parliament of Canada and by the Legislature of the Province of Ontario. If, however, approval of the works by the International Joint Commission is not obtained within three years from the date of this Agreement either party hereto may, by written notice to the other, forthwith cancel this Agreement.

IN WITNESS WHEREOF the Right Honourable Louis S. St. Laurent, Prime Minister, and the Honourable Lionel Chevrier, Minister of Transport, have hereunto set their hands on behalf of Canada and the Honourable Leslie M. Frost, Premier, and the Honourable George H. Challies, Acting Provincial Secretary, have hereunto set their hands on behalf of Ontario; both upon the third day of December 1951.

(Sgd.) LOUIS S. ST. LAURENT
LIONEL CHEVRIER
LESLIE M. FROST
GEO. H. CHALLIES

ANNEX TO THE CANADA-ONTARIO AGREEMENT

(See Article II.)

The main features of the Controlled Single Stage Project (238-242) subject to modification pursuant to Article II, are as follows:—

(1) A control dam in the vicinity of Iroquois Point.

(2) A dam in the Long Sault Rapids at the head of Barnhart Island and two powerhouses, one on either side of the international boundary, at the foot of Barnhart Island.

(3) Dykes, where necessary, on the United States and Canadian sides of the international boundary, to retain the pool level above the Long Sault Dam.

(4) Channel enlargement from above Chimney Point to below Lotus Island designed to give a maximum mean velocity in any cross section of the channel which will ultimately be used for navigation not exceeding four feet per second at any time and between Lotus Island and the control dam and from above Point Three Point to below Ogden Island designed to give a maximum mean velocity in any cross section not exceeding two and one-quarter feet per second with the flow and at the stage to be permitted on the first of January of any year, under regulation of outflow and levels.

R.S., 1952.
levels of Lake Ontario in accordance with Regulation Method No. 5, as prepared by the General Engineering Branch, Department of Transport, Canada, dated Ottawa, September 1940.

(5) Channel enlargement in the channels north and south of Cornwall Island equivalent in volume to that proposed in Features 33 and 34 as described in the Final Report on the St. Lawrence River Project by the Chief of Engineers, U.S. Army, dated April 1942, and shown in outline on Drawing CC-R-1/1, Appendix III-O(1), to the Final Report referred to above.

(6) The necessary railroad and highway modifications on either side of the international boundary.

(7) The necessary works to permit the continuance of fourteen-foot navigation on the Canadian side around the control dam and from the pool above the Long Sault Dam to connect with the existing Cornwall Canal.

(8) The rehabilitation of the Towns of Iroquois and Morrisburg, Ontario.

All the works in the pool below the control dam shall be designed to provide for full Lake Ontario level but initially the pool shall be operated at maximum elevation 238-0. 1951 (2nd Sess.), c. 13, Sch.

EDMOND CLOUTIER, C.M.G., O.A., D.S.P.
QUEEN'S PRINTER AND CONTROLLER OF STATIONERY
OTTAWA, 1952

219 3473
R.S., 1952.
CHAPTER 158.

An Act respecting the Form and Interpretation of Statutes.

SHORT TITLE.

1. This Act may be cited as the Interpretation Act. R.S., 1952, c. 1, s. 1.

APPLICATION.

2. (1) Every provision of this Act extends and applies to every Act.

(a) every Act of the Parliament of Canada, now or hereafter passed, except in so far as any such provision

(i) is inconsistent with the intent or object of such Act,

(ii) would give to any word, expression or clause of any such Act an interpretation inconsistent with the context, or

(iii) is in any such Act declared not applicable thereto, and

(b) every order and regulation heretofore or hereafter passed by the Governor in Council in the execution of any powers delegated by statute, except in so far as any such provision is inconsistent with the intent or object of such order or regulation, or would give to any word, expression or clause thereof an interpretation repugnant to the subject matter or the context, or is in any such order or regulation declared not applicable thereto.

(2) The omission in any Act of a declaration that this Act applies thereto, shall not be construed to prevent its applying, although such a declaration is expressed in some other Act or Acts of the same session.

R.S., 1952.
Chap. 158. Interpretation.

(3) An interpretation section or provision in an Act shall be read and construed as subject to the same exceptions as those contained in subsection (1). R.S., c. 1, s. 2; 1947, c. 64, s. 1.

3. Nothing in this Act excludes the application to any Act of any rule of construction applicable thereto, and not inconsistent with this Act. R.S., c. 1, s. 3.

4. The provisions of this Act apply to the construction thereof, and to the words and expressions used therein. R.S., c. 1, s. 4.

FORM OF ENACTING.

5. The enacting clause of a statute may be in the following form:—”Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows.” R.S., c. 1, s. 5.

6. The enacting clause shall follow the preamble, if any, and the various clauses within the purview or body of the statute shall follow in a concise and enunciative form. R.S., c. 1, s. 6.

TIME OF COMMENCEMENT.

7. The Clerk of the Parliaments shall endorse on every Act, immediately after the title thereof, the day, month and year when the Act was, by the Governor General, assented to in Her Majesty’s name; such endorsement shall be taken to be a part of the Act, and the date of such assent shall be the date of the commencement of the Act, if no other commencement is therein provided. 1947, c. 64, s. 2.

AMENDMENT OR REPEAL.

8. Any Act may be amended, altered or repealed by an Act passed in the same session of Parliament. R.S., c. 1, s. 8.

RULES OF CONSTRUCTION.

9. (1) Every Act of the Parliament of Canada, unless the contrary intention appears, applies to the whole of Canada.

(2) No Act amending a previous Act that does not apply to all the provinces of Canada, and no enactment in any such amending Act, although of a substantive nature or form, R.S., 1952.
form, applies to any province to which the amended Act
does not apply, unless it is expressly provided that such
amending Act or enactment applies to such province, or to
all the provinces of Canada. R.S., c. 1, s. 9.

10. The law shall be considered as always speaking, and
whenever any matter or thing is expressed in the present
tense, the same shall be applied to the circumstances as
they arise, so that effect may be given to each Act and
every part thereof, according to its spirit, true intent and
meaning. R.S., c. 1, s. 10.

11. Where an Act, or any order in council, order,
warrant, scheme, letters patent, rule, regulation, or by-law,
made, granted, or issued, under a power conferred by an
Act,
(a) is expressed to come into operation on a particular
day, the same shall be construed as coming into
operation immediately on the expiration of the pre-
vious day;
(b) is expressed to expire, lapse or otherwise cease to
have effect on a particular day, the same shall be
construed as ceasing to have effect immediately on the
commencement of the following day. 1947, c. 64, s. 3.

12. Where an Act is not to come into operation immedi-
ately on the passing thereof, and confers power to make
any appointment, to make, grant, or issue any instrument,
that is to say, any order in council, order, warrant, scheme,
letters patent, rule, regulation, or by-law, to give notices,
to prescribe forms, or to do any other thing for the purposes
of the Act, that power may, unless the contrary intention
appears, so far as may be necessary or expedient for the
purpose of making the Act effective at the date of the com-
 mencement thereof, be exercised at any time after the pass-
ing of the Act, subject to this restriction, that any instru-
ment made under the power shall not, unless the contrary
intention appears in the Act, or the contrary is necessary
for making the Act effective from its commencement, come
into operation until the Act comes into operation. R.S.,
c. 1, s. 12.

13. Every Act shall, unless by express provision it is de-
declared to be a private Act, be deemed to be a public Act.
R.S., c. 1, s. 13.

14. (1) The preamble of every Act shall be deemed a Preamble
part thereof, intended to assist in explaining the purport
and object of the Act.

3477 (2)
R.S., 1952.
(2) The marginal notes in the body of an Act and the reference to former enactments shall form no part of the Act but shall be deemed to be inserted for convenience of reference only. R.S., c. 1, s. 14; 1947, c. 64, s. 4.

**15.** Every Act and every provision and enactment thereof, shall be deemed remedial, whether its immediate purpose is to direct the doing of any thing that Parliament deems to be for the public good, or to prevent or punish the doing of any thing that it deems contrary to the public good; and shall accordingly receive such fair, large and liberal construction and interpretation as will best ensure the attainment of the object of the Act and of such provision or enactment, according to its true intent, meaning and spirit. R.S., c. 1, s. 15.

**16.** No provision or enactment in any Act affects, in any manner whatsoever, the rights of Her Majesty, her heirs or successors, unless it is expressly stated therein that Her Majesty is bound thereby. R.S., c. 1, s. 16.

**17.** No provision or enactment in any Act of the nature of a private Act affects the rights of any person, save only as therein mentioned or referred to. R.S., c. 1, s. 17.

**18.** (1) Every Act shall be so construed as to reserve to Parliament the power of repealing or amending it, and of revoking, restricting or modifying any power, privilege or advantage thereby vested in or granted to any person, whenever such repeal, amendment, revocation, restriction or modification is deemed by Parliament to be required for the public good.

(2) Unless it is otherwise expressly provided in any Act passed for the chartering of any bank, it is in the discretion of Parliament, at any time thereafter, to make such provisions and impose such restrictions, with respect to the amount and description of notes that may be issued by such bank, as to Parliament appears expedient. R.S., c. 1, s. 18.

**19.** (1) Where any Act or enactment is repealed, or where any regulation is revoked, then, unless the contrary intention appears, such repeal or revocation does not, save as in this section otherwise provided,

(a) revive any Act, enactment, regulation or thing not in force or existing at the time at which the repeal or revocation takes effect,

R.S., 1952.
Interpretation.

(b) affect the previous operation of any Act, enactment or regulation so repealed or revoked, or anything duly done or suffered thereunder,

(c) affect any right, privilege, obligation or liability acquired, accrued, accruing or incurred under the Act, enactment or regulation so repealed or revoked,

(d) affect any offence committed against any Act, enactment or regulation so repealed or revoked, or any penalty or forfeiture or punishment incurred in respect thereof, or

(e) affect any investigation, legal proceeding or remedy in respect of any such right, privilege, obligation, liability, penalty, forfeiture or punishment as aforesaid,

and any such investigation, legal proceeding or remedy may be instituted, continued or enforced, and any such penalty, forfeiture or punishment may be imposed, as if the Act or regulation had not been repealed or revoked.

(2) Where other provisions are substituted for those so repealed or revoked, then, unless the contrary intention appears,

(a) all officers and persons acting under the Act, enactment or regulation so repealed or revoked shall continue to act, as if appointed under the provisions so substituted, until others are appointed in their stead,

(b) all proceedings taken under the Act, enactment or regulation so repealed or revoked, shall be taken up and continued under and in conformity with the provisions so substituted, so far as consistently may be,

(c) in the recovery or enforcement of penalties and forfeitures incurred, and in the enforcement of rights existing or accruing under the Act, enactment or regulation so repealed or revoked, or in any other proceedings in relation to matters that have happened before the repeal or revocation, the procedure established by the substituted provisions shall be followed as far as it can be adapted, and

(d) if any penalty, forfeiture or punishment is reduced or mitigated by any of the provisions of the Act or regulation whereby such other provisions are substituted, the penalty, forfeiture or punishment, if imposed or adjudged after such repeal or revocation, shall be reduced or mitigated accordingly.

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R.S., 1952.
(3) For the purposes of this section, where an Act expires, lapses or otherwise ceases to have effect it shall be deemed to be repealed, and where a regulation expires, lapses or otherwise ceases to have effect it shall be deemed to be revoked. R.S., c. 1, s. 19; 1947, c. 64, s. 5.

20. Whenever any Act or enactment is repealed, and other provisions are substituted by way of amendment, revision or consolidation,

(a) all regulations, orders, ordinances, rules and by-laws made under the repealed Act or enactment shall continue good and valid, in so far as they are not inconsistent with the substituted Act or enactment, until they are annulled and others made in their stead, and

(b) any reference in any unrepealed Act or in any rule, order or regulation made thereunder to such repealed Act or enactment, shall, as regards any subsequent transaction, matter or thing, be held and construed to be a reference to the provisions of the substituted Act or enactment relating to the same subject-matter as such repealed Act or enactment; and, if there is no provision in the substituted Act or enactment relating to the same subject-matter, the repealed Act or enactment shall stand good, and be read and construed as unrepealed in so far, and in so far only, as is necessary to support, maintain or give effect to such unrepealed Act, or such rule, order or regulation made thereunder. R.S., c. 1, s. 20; 1935, c. 30, s. 1.

21. (1) The repeal of any Act or enactment shall not be deemed to be or to involve a declaration that such Act or enactment was, or was considered by Parliament to have been, previously in force.

(2) The amendment of any Act shall not be deemed to be or to involve a declaration that the law under such Act was, or was considered by Parliament to have been, different from the law as it has become under such Act as so amended.

(3) The repeal or amendment of any Act shall not be deemed to be or to involve any declaration whatsoever as to the previous state of the law.

(4) Parliament shall not, by re-enacting any Act or enactment, or by revising, consolidating or amending the same, be deemed to have adopted the construction that has, by judicial decision or otherwise, been placed upon the language used in such Act, or upon similar language. R.S., c. 1, s. 21.

R.S., 1952.
22. An amending Act shall, so far as is consistent with the tenor thereof, be construed as one with the Act that it amends. R.S., c. 1, s. 22.

23. When the Governor General is authorized to do any act by proclamation, such proclamation is understood to be a proclamation issued under an order of the Governor in Council; but it is not necessary that it be mentioned in the proclamation that it is issued under such order. R.S., c. 1, s. 23.

24. All officers now appointed or hereafter appointed by the Governor General, whether by commission or otherwise, shall remain in office during pleasure only, unless it is otherwise expressed in their commissions or appointments. R.S., c. 1, s. 24.

25. Whenever by any Act of Parliament, or by a rule of the Senate or House of Commons, or by an order, regulation or commission made or issued by the Governor in Council, under any law authorizing him to require the taking of evidence under oath, evidence under oath is authorized or required to be taken, or an oath is authorized or directed to be made, taken or administered, the oath may be administered, and a certificate of its having been made, taken or administered, may be given by any one authorized by the Act, rule, order, regulation or commission to take the evidence, or by a judge of any court, a notary public, a justice of the peace, or a commissioner for taking affidavits, having authority or jurisdiction within the place where the oath is administered. R.S., c. 1, s. 25.

26. (1) Where any sum of the public money is, by any Act, appropriated for any purpose, or directed to be paid by the Governor General, and no other provision is made respecting it, such sum shall be payable under warrant of the Governor General directed to the Minister of Finance and Receiver General, out of the Consolidated Revenue Fund of Canada.

(2) All persons entrusted with the expenditure of any such sum, or any part thereof, shall account for it in such manner and form, with such vouchers, at such periods and to such officer as the Governor General directs. R.S., c. 1, s. 26.

27. (1) Where in any Act a person is directed to be imprisoned or committed to prison, such imprisonment or committal shall, if no other place is mentioned or provided for, be by the Governor General.
Keeper of gaol, duties of.

(2) The keeper of any such common gaol shall receive such person, and safely keep and detain him in such common gaol until discharged in due course of law, or bailed, in cases in which bail may, by law, be taken. R.S., c. 1, s. 27.

28. (1) Every Act shall be read and construed as if any offence for which the offender may be

(a) prosecuted by indictment, howsoever such offence may be therein described or referred to, were described or referred to as an indictable offence;

(b) punishable on summary conviction, were described or referred to as an offence; and

all provisions of the Criminal Code relating to indictable offences, or offences, as the case may be, shall apply to every such offence.

(2) Every commission, proclamation, warrant or other document relating to criminal procedure, in which offences that are indictable offences, or offences, as the case may be, are described or referred to by any names whatsoever, shall be read and construed as if such offences were therein described and referred to as indictable offences, or offences, as the case may be. R.S., c. 1, s. 28.

References to any Act to

29. Unless the context otherwise requires, a reference in

(a) the Summary Convictions Act shall be construed as a reference to the provisions of the Criminal Code relating to summary convictions;

(b) the Summary Trials Act shall be construed as a reference to the provisions of the Criminal Code relating to summary trials;

(c) the Speedy Trials Act shall be construed as a reference to the provisions of the Criminal Code relating to speedy trials. R.S., c. 1, s. 29.

30. (1) In every Act, unless the contrary intention appears, words making any association or number of persons a corporation or body politic and corporate shall

(a) R.S., 1952.
Interpretation.  Chap. 158.

(a) vest in such corporation power to sue and be sued, to contract and be contracted with by their corporate name, to have a common seal, to alter or change the same at their pleasure, to have perpetual succession, to acquire and hold personal property or movables for the purposes for which the corporation is constituted, and to alienate the same at pleasure,

(b) vest in a majority of the members of the corporation the power to bind the others by their acts, and

(c) exempt individual members of the corporation from personal liability for its debts or obligations or acts, if they do not violate the provisions of the Act incorporating them.

(2) No corporation shall be deemed to be authorized to carry on the business of banking unless such power is expressly conferred upon it by the Act creating such corporation. R.S., c. 1, s. 30.

31. (1) In every Act, unless the contrary intention appears,

(a) if anything is directed to be done by or before a magistrate or a justice of the peace, or other public functionary or officer, it shall be done by or before one whose jurisdiction or powers extend to the place where such thing is to be done;

(b) whenever power is given to any person, officer or functionary, to do or enforce the doing of any act or thing, all such powers shall be understood to be also given as are necessary to enable such person, officer or functionary to do or enforce the doing of such act or thing;

(c) when any act or thing is required to be done by more than two persons, a majority of them may do it;

(d) whenever forms are prescribed, slight deviations from, not affecting the substance or calculated to mislead, do not invalidate them;

(e) if a power is conferred or a duty imposed the power may be exercised and the duty shall be performed from time to time as occasion requires;

(f) if a power is conferred or a duty imposed on the holder of any office as such, the power may be exercised and the duty shall be performed by the holder for the time being of the office;

(g) R.S., 1952.
(g) if a power is conferred to make any rules, regulations or by-laws, the power shall be construed as including a power, exercisable in the like manner, and subject to the like consent and conditions, if any, to rescind, revoke, amend or vary the rules, regulations or by-laws and make others;

(h) if the time limited by any Act for any proceeding, or the doing of any thing under its provisions, expires or falls upon a holiday, the time so limited shall be extended to, and such thing may be done on the day next following that is not a holiday;

(i) words importing male persons include female persons and corporations;

(j) words in the singular include the plural, and words in the plural include the singular;

(k) words authorizing the appointment of any public officer or functionary, or any deputy, include the power of removing or suspending him, re-appointing or reinstating him, or appointing another in his stead, in the discretion of the authority in whom the power of appointment is vested;

(l) words directing or empowering a minister of the Crown to do any act or thing, or otherwise applying to him by his name of office, include a minister acting for, or, if the office is vacant, in the place of such minister, under the authority of an order in council, and also his successors in such office, and his or their lawful deputy;

(m) words directing or empowering any other public officer or functionary to do any act or thing, or otherwise applying to him by his name of office, include his successors in such office, and his or their lawful deputy;

(n) where a word is defined other parts of speech and tenses of the same word have corresponding meanings;

(o) where a number of days not expressed to be "clear days" is prescribed the same shall be reckoned exclusively of the first day and inclusively of the last; where the days are expressed to be "clear days" or where the term "at least" is used both the first day and the last shall be excluded.

(2) Whenever power is conferred upon a justice of the peace to administer any oath or affirmation, or to take any affidavit or declaration, then, unless a contrary intention appears, the power may be exercised by a notary public or a commissioner for taking affidavits. R.S., c. 1, s. 31; 1947, c. 64, s. 6.

R.S., 1952.
Interpretation.  Chap. 158.

32. Any jurisdiction, power or authority under any Act of the Parliament of Canada in force, that was vested in or exercisable by the Supreme Court of New Brunswick, or any judge thereof, shall be and continue to be vested in and exercisable by the Supreme Court of Judicature of New Brunswick, or any judge thereof; and the Division of the latter Court that is called the Court of Appeal shall continue to have and shall exercise such of the said jurisdiction, power and authority as was formerly had and exercised by the Supreme Court of New Brunswick when sitting en banc. R.S., c. 1, s. 33.

33. Whenever under any Act of the Parliament of Canada, provision is made by which any jurisdiction, power or authority, is conferred upon the Supreme Court of Saskatchewan, or any judge thereof, such jurisdiction, power or authority, shall be deemed to be conferred upon the Court of Appeal or Court of Queen's Bench for Saskatchewan or a judge of one of the said courts, as the case may require; and in case of any doubt as to whether such jurisdiction, power or authority is to be exercised by the Court of Appeal or the Court of Queen's Bench, or by a judge of one of those Courts, any judge of either Court shall have power to determine the same. R.S., c. 1, s. 34.

34. Definitions or rules of interpretation contained in any Act, unless the contrary intention appears, apply to the construction of the sections of the Act that contain those definitions or rules of interpretation, as well as to the other provisions of the Act. R.S., c. 1, s. 36.

DEFINITIONS.

35. In every Act, unless the context otherwise requires,

(1) "Act" as meaning an Act of a legislature, includes "Act." an ordinance of the Northwest Territories or of the Yukon Territory;

(2) "active service forces" means the components of the "Active Canadian Forces that are referred to in the National Defence Act as the active service forces;

(3) "commencement" when used with reference to an "Commencement." Act means the time at which the Act comes into opera- tion:

(4) "county" includes two or more counties united for "County." purposes to which the enactment relates;

(5) "county court" in its application to the Province of "County court." Ontario includes, and in its application to the Prov- inces of Saskatchewan and Alberta means "district court";

(6) R.S., 1952.
"Fiscal year." (6) "fiscal year" or "financial year" means, as respects moneys provided by Parliament, or any moneys relating to the Consolidated Revenue Fund of Canada, or to the accounts, taxes or finance of Canada, the twelve months ending the 31st day of March;

"Governor." (7) "Governor," "Governor of Canada," or "Governor General" means the Governor General for the time being of Canada, or other chief executive officer or administrator for the time being carrying on the Government of Canada on behalf and in the name of the Sovereign, by whatever title he is designated;

"Governor in Council." (8) "Governor in Council," or "Governor General in Council" means the Governor General in Canada, or person administering the Government of Canada for the time being, acting by and with the advice of, or by and with the advice and consent of, or in conjunction with the Queen's Privy Council for Canada;

"Great Seal." (9) "Great Seal" means the Great Seal of Canada;

"Herein." (10) "herein" used in any section shall be understood to relate to the whole Act, and not to that section only;

"Her Majesty." (11) "Her Majesty," "His Majesty," "the Queen," "the King," or "the Crown" means the Sovereign of Great Britain, Ireland and the British Dominions beyond the Seas;

"Holiday." (12) "holiday" includes Sundays, New Year's Day, the Epiphany, Good Friday, the Ascension, All Saints' Day, Conception Day, Easter Monday, Ash Wednesday, Christmas Day, the birthday or the day fixed by proclamation for the celebration of the birthday of the reigning sovereign, Victoria Day, Dominion Day, the first Monday in September, designated Labour Day, Remembrance Day, and any day appointed by proclamation for a general fast or thanksgiving;

"Legislature." (13) "legislature," "legislative council" or "legislative assembly" includes the Lieutenant Governor in Council and also the Legislative Assembly of the Northwest Territories, as constituted previously to the 1st day of September, 1905, the Commissioner in Council of the Northwest Territories, and the Commissioner in Council of the Yukon Territory;

"Lieutenant Governor." (14) "lieutenant governor" means the lieutenant governor for the time being, or other chief executive officer or administrator for the time being, carrying on the government of the province indicated by the Act, by whatever title he is designated;

R.S., 1952.
Interpretation.  Chap. 158.  13

(15) “lieutenant governor in council” means the lieuten-

tenant governor, or person administering the govern-

ment of the province indicated by the Act, for the time 

being, acting by and with the advice of, or by and with 

the advice and consent of, or in conjunction with the 

executive council of such province;

(16) “magistrate” means a justice of the peace;

(17) “military” shall be construed as relating to all or 

any of the Services of the Canadian Forces;

(18) “month” means a calendar month;

(19) the name commonly applied to any country, place, 

body, corporation, society, officer, functionary, person, 
or thing, means such country, place, body, corporation, 
society, officer, functionary, person or thing, although 
such name is not the formal and extended designation 
thereof;

(20) “now” or “next” shall be construed as having “Now.” 
reference to the time when the Act was presented for 
the Royal Assent;

(21) “oath” includes a solemn affirmation or declara-

tion, whenever the context applies to any person and 

case by whom and in which a solemn affirmation or 
declaration may be made instead of an oath; and in 
like cases the expression “sworn” includes the expres-
sion “affirmed” or “declared”;

(22) “person,” or any word or expression descriptive “Person.” 
of a person, includes any body corporate and politic, 
and the heirs, executors, administrators or other legal 
representatives of such person, according to the law 
of that part of Canada to which the context extends;

(23) “proclamation” means a proclamation under the “Proclama-

tion.”

(24) “province” includes the Northwest Territories and “Province.” 
the Yukon Territory;

(25) “registrar” or “register” means and includes in-

differently registrars or registers in the several pro-

vinces of Canada;

(26) “regular forces” means the components of the Can-

adian Forces that are referred to in the National 
Defence Act as the regular forces;

(27) “reserve forces” means the components of the Can-

adian Forces that are referred to in the National 
Defence Act as the reserve forces;

3487  (28) 
R.S., 1952.
Chap. 158. Interpretation.

"Shall." "May."

(28) "shall" is to be construed as imperative, and "may" as permissive;

(29) "statutory declaration" means a solemn declaration made by virtue of the Canada Evidence Act;

(30) "superior court" means
   (a) in the Province of Ontario, the Supreme Court of Ontario;
   (b) in the Province of Quebec, the Court of Queen's Bench, and the Superior Court for the said Province;
   (c) in the Provinces of Nova Scotia, New Brunswick and Prince Edward Island, the Supreme Court for each of the said Provinces, respectively, and in the Province of British Columbia the Court of Appeal of the Province and the Supreme Court of British Columbia;
   (d) in the Province of Manitoba, the Court of Appeal for Manitoba and the Court of Queen's Bench for Manitoba;
   (e) in the Province of Saskatchewan, the Court of Appeal of the said Province and the Court of Queen's Bench for Saskatchewan;
   (f) in the Province of Alberta, the Supreme Court of Alberta;
   (g) in the Province of Newfoundland, the Supreme Court of Newfoundland;
   (h) in the Yukon Territory, the Territorial Court;

"Sureties." "Security."

(31) "sureties" means sufficient sureties, and the expression "security" means sufficient security; and, whenever these words are used, one person shall be sufficient therefor, unless otherwise expressly required;

"Two justices."

(32) "two justices" means two or more justices of the peace, assembled or acting together;

"The United Kingdom."

(33) "the United Kingdom" means the United Kingdom of Great Britain and Northern Ireland;

"United States."

(34) "the United States" means the United States of America;

"Writing."

(35) "writing," "written" or any term of like import includes words printed, painted, engraved, lithographed, photographed, or represented or reproduced by any mode of representing or reproducing words in a visible form;

"Year."

(36) "year" means calendar year. R.S., c. 1, s. 37; 1935, c. 6, s. 1; 1947, c. 64, s. 8; 1949, c. 6, s. 2; 1951 (2nd Sess.), c. 7, s. 2.

R.S., 1952.
36. The expression "Minister of Finance" or "Receiver General" in any Act, or in any document, means the Minister of Finance and Receiver General, and the expression "Deputy Minister of Finance" or "Deputy Receiver General" in any Act or document means the Deputy Minister of Finance and Receiver General. R.S., c. 1, s. 38.

37. The expression "telegraph" and its derivatives in any Act of the Parliament of Canada, or in any Act of the legislature of any province now forming part of Canada, passed before such province entered into the Union, on any subject that is within the legislative powers of the Parliament of Canada, shall not be deemed to include the word "telephone" or its derivatives. R.S., c. 1, s. 39.

38. Where an Act confers power to make, grant or issue any instrument, that is to say, any order in council, order, warrant, scheme, letters patent, rule, regulation, or by-law, expressions used in the instrument, unless the contrary intention appears, have the same respective meanings as in the Act conferring the power. R.S., c. 1, s. 40.

FISCAL YEAR—POWERS OF THE GOVERNOR IN COUNCIL.

39. Whenever in any Act of the Parliament of Canada, passed before the 13th day of July, 1906, a day or time is designated for any purpose, and the Governor in Council is of opinion that the day or time so designated was fixed because of its relation to the fiscal year as then constituted, or that the day or time designated for such purpose should bear a corresponding relation to the fiscal year as constituted by the Act passed in the year 1906, intituled An Act respecting the Fiscal Year, chapter 12, the Governor in Council may, by proclamation, declare that the day or the time fixed for such purpose shall be changed so that it shall bear to the fiscal year, as constituted by the said Act, the same relation as the day or time previously designated bore to the said fiscal year. R.S., c. 1, s. 41.

CITATION OF ACTS.

40. (1) In any Act, instrument or document, an Act may be cited by reference to its short title, if any, either with or without reference to the chapter, or by reference to the regnal year, or the year of our Lord in which it was passed.

(2) A citation of or reference to an Act shall, unless the contrary intention appears, be deemed to be a citation of or reference to such Act as amended. R.S., c. 1, s. 42; 1947, c. 64, s. 9.

REFERENCES.
R.S., 1952.
41. (1) Reference by number or letter to a section, subsection, paragraph, subparagraph, clause, subclause or other division or line of another Act shall be deemed to be a reference to such section, subsection, paragraph, subparagraph, clause, subclause or other division or line of such other Act as printed by authority of law.

(2) Where reference is made by number or letter to two or more parts, divisions, sections, subsections, paragraphs, subparagraphs, clauses, subclauses, schedules, rules or forms in an Act, the number or letter first mentioned and the number or letter last mentioned shall both be deemed to be included in the reference.

(3) Where in an Act reference is made to a part, division, section, schedule or form without anything in the context to indicate that a part, division, section, schedule or form of some other Act is intended to be referred to, the reference shall be deemed to be a reference to a part, division, section, schedule or form of the Act in which the reference is made.

(4) Unless the context otherwise requires, where in an Act reference is made to a subsection, the reference shall be deemed to be a reference to a subsection of the section, subsection, paragraph, subparagraph or clause, as the case may be, in which the reference is made.

(5) Where in an Act reference is made to regulations, without anything in the context to indicate that regulations made under some other Act are intended to be referred to, the reference shall be deemed to be a reference to regulations made under the Act in which the reference is made. 1947, c. 64, s. 10.
CHAPTER 159.

An Act respecting Judges of Dominion and Provincial Courts.

SHORT TITLE.

1. This Act may be cited as the Judges Act. 1946, c. 56, Short title. s. 1.

INTERPRETATION.

2. In this Act, Definitions.
   (a) “county” includes district;
   (b) “judge” includes a chief justice, president, senior judge, chief judge and junior judge; and
   (c) “superior court” includes the Supreme Court of Canada and the Exchequer Court of Canada. 1946, c. 56, s. 2.

ELIGIBILITY.

3. No person is eligible to be appointed a judge of a superior, circuit or county court in any province unless, in addition to other requirements prescribed by law, he is a barrister or advocate of at least ten years' standing at the bar of any province. 1946, c. 56, s. 3.

SALARIES.

4. The salaries of the judges of the Supreme Court of Canada are as follows: Salaries of judges of Supreme Court of Canada.
   (a) The Chief Justice of Canada ............... $25,000.00
   (b) Eight puisne judges, each ................. 20,000.00
1949 (2nd Sess.), c. 27, s. 1.

5. The salaries of the judges of the Exchequer Court of Canada are as follows: Salaries of judges of Exchequer Court.
   (a) The President of the Exchequer Court of Canada ..................... $16,000.00
   (b) Four puisne judges, each ................. 14,400.00
1951, c. 52, s. 1.

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6. The salaries of the District judges in Admiralty of the Exchequer Court, as such judges, are as follows:

<table>
<thead>
<tr>
<th>Position</th>
<th>Per annum</th>
</tr>
</thead>
<tbody>
<tr>
<td>District Judge of the Admiralty District of Quebec</td>
<td>$1,000.00</td>
</tr>
<tr>
<td>District Judge of the Admiralty District of Nova Scotia</td>
<td>1,000.00</td>
</tr>
<tr>
<td>District Judge of the Admiralty District of New Brunswick</td>
<td>1,000.00</td>
</tr>
<tr>
<td>District Judge of the Admiralty District of Prince Edward Island</td>
<td>800.00</td>
</tr>
<tr>
<td>District Judge of the Admiralty District of British Columbia</td>
<td>1,000.00</td>
</tr>
<tr>
<td>District Judge of the Ontario Admiralty District</td>
<td>600.00</td>
</tr>
<tr>
<td>Three District Judges of the Admiralty District of Newfoundland, each</td>
<td>333.33</td>
</tr>
</tbody>
</table>

1946, c. 56, s. 6; 1949, c. 6, s. 51.

7. The salaries of the judges of the Supreme Court of Ontario are as follows:

<table>
<thead>
<tr>
<th>Judge</th>
<th>Per annum</th>
</tr>
</thead>
<tbody>
<tr>
<td>Chief Justice of Ontario</td>
<td>$16,000.00</td>
</tr>
<tr>
<td>Nine Justices of Appeal, each</td>
<td>14,400.00</td>
</tr>
<tr>
<td>Chief Justice of the High Court</td>
<td>16,000.00</td>
</tr>
<tr>
<td>Eighteen other Judges of the High Court, each</td>
<td>14,400.00</td>
</tr>
</tbody>
</table>

1951, c. 52, s. 2.

8. The judges of the Supreme Court of Ontario shall reside at the City of Toronto or within five miles thereof, but leave to reside elsewhere in the Province for any specified time may be granted from time to time by the Governor in Council. 1946, c. 56, s. 8.

9. The salaries of the judges of the Court of Queen's Bench and of the Superior Court in and for the Province of Quebec are as follows:

<table>
<thead>
<tr>
<th>Judge</th>
<th>Per annum</th>
</tr>
</thead>
<tbody>
<tr>
<td>Chief Justice of the Court of Queen’s Bench</td>
<td>$16,000.00</td>
</tr>
<tr>
<td>Eleven puisne judges of the Court of Queen’s Bench, each</td>
<td>14,400.00</td>
</tr>
<tr>
<td>Chief Justice of the Superior Court</td>
<td>16,000.00</td>
</tr>
<tr>
<td>Associate Chief Justice</td>
<td>16,000.00</td>
</tr>
</tbody>
</table>

R.S., 1952.
(e) Forty-four puisne judges of the Superior Court, each 14,400.00 1951, c. 52, s. 3.

10. The salaries of the judges of the Supreme Court of Nova Scotia are as follows:

(a) The Chief Justice of the Court $16,000.00
(b) The Judge in Equity 14,400.00
(c) Five other judges of the Court, each 14,400.00
1951, c. 52, s. 3.

11. The salaries of the judges of the Supreme Court of New Brunswick are as follows:

(a) The Chief Justice of New Brunswick $16,000.00
(b) Two other judges of the Appeal Division, each 14,400.00
(c) The Chief Justice of the Queen's Bench Division 16,000.00
(d) Three other judges of the Queen's Bench Division, each 14,400.00
(e) The judge of the Court of Divorce and Matrimonial Causes 500.00
1951, c. 52, s. 3.

12. The salaries of the judges of the Court of Appeal for Manitoba and of Her Majesty's Court of Queen's Bench for Manitoba are as follows:

(a) The Chief Justice of Manitoba $16,000.00
(b) Four Judges of Appeal, each 14,400.00
(c) The Chief Justice of the Court of Queen's Bench 16,000.00
(d) Five puisne judges of the Court of Queen's Bench, each 14,400.00
1951, c. 52, s. 3.

13. The salaries of the judges of the Court of Appeal for British Columbia and of the Supreme Court of British Columbia are as follows:

(a) The Chief Justice of British Columbia $16,000.00
(b) Four Justices of Appeal, each 14,400.00
(c) The Chief Justice of the Supreme Court 16,000.00
(d) Seven Judges of the Supreme Court, each 14,400.00
1951, c. 52, s. 3.

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14. The salaries of the judges of the Supreme Court of Judicature of Prince Edward Island are as follows:

(a) The Chief Justice of the Court .......... $16,000.00
(b) One judge of the Court, being also Master of the Rolls of the Court of Chancery ....... 14,400.00
(c) One judge of the Court, being also Vice-Chancellor ......................... 14,400.00

1951, c. 52, s. 3.

15. The salaries of the judges of the Court of Appeal for Saskatchewan and of Her Majesty's Court of Queen's Bench for Saskatchewan are as follows:

(a) The Chief Justice of Saskatchewan ...... $16,000.00
(b) Four Judges of Appeal, each ............ 14,400.00
(c) The Chief Justice of the Court of Queen's Bench .................................. 16,000.00
(d) Six other judges of the Court of Queen's Bench, each ............................... 14,400.00

1951, c. 52, s. 3.

16. The salaries of the judges of the Supreme Court of Alberta are as follows:

(a) The Chief Justice of Alberta ............ $16,000.00
(b) Four Justices of Appeal, each ............ 14,400.00
(c) The Chief Justice of the Trial Division ... 16,000.00
(d) Five Justices of the Supreme Court of Alberta, each ............................... 14,400.00

1951, c. 52, s. 3.

17. The salaries of the judges of the Supreme Court of Newfoundland are as follows:

(a) The Chief Justice ........................ $16,000.00
(b) Two other Judges ......................... 14,400.00

1951, c. 52, s. 3.

18. The salary of the judge of the Territorial Court of the Yukon Territory is fourteen thousand four hundred dollars per annum. 1951, c. 52, s. 3.

R.S., 1952.
19. The salaries of the judges of the county and district courts are as follows:

**Ontario.**

(a) Sixty-three judges and junior judges of the County and District Courts, each...... $ 8,000.00

(b) Seven County Court judges, each ............ 8,000.00

(c) Six County Court judges, each ............... 8,000.00

New Brunswick.

(d) Ten judges and junior judges of the County Courts, each .................... 8,000.00

Manitoba.

(e) Fifteen judges and junior judges of the County Courts, each .................... 8,000.00

British Columbia.

(f) Three County Court judges, each ............. 8,000.00

Prince Edward Island.

(g) Eighteen District Court judges, each ......... 8,000.00

Saskatchewan.

(h) Twelve chief judges and judges of the District Courts, each ................... 8,000.00

Alberta.

(i) Five District Court judges, each ............... 8,000.00

1951, c. 52, s. 3; 1951 (2nd Sess.), c. 14, s. 1.

20. The salaries of the two judges of the Circuit Court of the District of Montreal are seven thousand dollars per annum. 1946, c. 56, s. 19.

TRAVELLING ALLOWANCES.

21. (1) Subject as in this section provided, a judge of a superior or county court or a District Judge in Admiralty of the Exchequer Court who attends as such judge in court or chambers at any place other than that at which or in the immediate vicinity of which he is by law obliged to reside is entitled to be paid as a travelling allowance,

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(a) R.S., 1952.
(a) his moving or transportation expenses, and
(b) for each necessary day of travel going and returning
and each day during which he so attends
(i) the sum of twelve dollars if that place is a city;
(ii) the sum of eight dollars if that place is not a city;
(iii) the sum of twelve dollars if during the time he
so attends he is accommodated at a city and the
Minister of Justice is satisfied that suitable accom-
modation is not available at the place at which he
attends; and
(iv) the sum of twelve dollars if he attends at a place
where, in the opinion of the Minister of Justice,
suitable accommodation is not available for eight
dollars a day.

(2) For the purposes of this section a place having a
population of less than five thousand according to the latest
census taken pursuant to the Statistics Act shall be deemed
not to be a city.

(3) No judge is entitled to be paid travelling allowance
for attending in court or chambers at or in the immediate
vicinity of the place where he resides.

(4) No judge of a county court is entitled to be paid
travelling allowance for attending in court or chambers at
the county town of the county within which he resides or
at the judicial centre or district town of the judicial district
for which he is appointed.

(5) No judge of a county court is entitled to be paid
travelling allowance for attending in court or chambers at
a place not within the county for which he is appointed
unless the holding of such court is approved by the Attorney-
General of the province and it appears to the satisfaction
of the Minister of Justice that the attendance was duly
authorized and necessary.

(6) In the Province of Quebec no travelling allowance
shall be paid to a judge unless the Chief Justice or the
judge performing the duties of Chief Justice in the district
where the court is held certifies that the attendance was,
in his opinion, necessary.

(7) No travelling allowance shall be paid,
(a) to a judge of the Supreme Court of Nova Scotia for
attending in court or chambers at the City of Halifax;
(b) to a judge of the Supreme Court of New Brunswick
for attending in court or chambers at either one of the
Cities of Fredericton or Saint John unless he resides at
the other of the said Cities or in the immediate vicinity
thereof.

R.S., 1952.
thereof or unless he is a judge who under the authority of the laws of the province resides at the City of Moncton or in the immediate vicinity thereof;

(c) to a judge of the Supreme Court of Judicature of Prince Edward Island for attending in court or chambers at the City of Charlottetown;

(d) to a judge of the Court of Appeal for Manitoba or Prince Edward Island for attending in court or chambers at the City of Winnipeg;

(e) to a judge of the Court of Appeal for Saskatchewan or of Her Majesty's Court of Queen's Bench for Saskatchewan for attending in court or chambers at the City of Regina;

(f) to a judge of the Supreme Court of Alberta for attending in court or chambers 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; or

(g) to a judge of the Court of Appeal for British Columbia or of the Supreme Court of British Columbia for attending in court or chambers 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.

(8) Nothing in subsection (7) affects the right of a judge to be paid travelling allowance under subsection (1) if he resides at a place at which he is by order of the Governor in Council required to reside.

(9) A judge who is appointed or assigned to a district for the exercise of his ordinary jurisdiction therein, and required by law at the time of his appointment to reside within that district, is not entitled to be paid travelling allowance incurred or made necessary by reason of his residing at any place outside of the district to which he is so appointed or assigned, unless his residence at that place is authorized or approved by the Governor in Council.

(10) No judge of a district court in Ontario is entitled to be paid any travelling allowance under subsection (1) for attending in court or chambers at a place within the district for which he was appointed but every such judge is entitled to be paid a travelling allowance of five hundred dollars per annum for such attendance.

(11) In the Yukon Territory the judge of the Territorial Court shall be paid such travelling allowance as the Governor in Council determines.
(12) Every application for payment of travelling allowance shall be accompanied by a certificate of the judge applying for it showing the number of days for which travelling allowance is claimed. 1946, c. 56, s. 20; 1949 (2nd Sess.), c. 27, s. 3; 1950, c. 41, s. 3.

22. The Governor in Council may, in each fiscal year, pay for expenses of travelling and living while in attendance at a sitting of the Judicial Committee of the Privy Council, a sum not exceeding three thousand dollars, to a member of Her Majesty's Privy Council who is eligible to be a member of the said Judicial Committee in respect of holding or having held judicial office in Canada, and who attends a sitting of the said Judicial Committee as a member thereof. 1946, c. 56, s. 21.

ANNUITIES.

23. (1) The Governor in Council may grant to a judge of a superior court who has continued in office as such for at least fifteen years or is afflicted with some permanent infirmity disabling him from the due execution of his office, if he resigns his office, an annuity not exceeding two-thirds of the salary annexed to the office held by him at the time of his resignation, to commence immediately after his resignation and to continue thenceforth during his natural life.

(2) Local judges in Admiralty of the Exchequer Court shall be deemed to be judges of a superior court, within the meaning of subsection (1). 1946, c. 56, s. 22; 1951, c. 52, s. 4.

24. (1) The Governor in Council may grant to a person who has continued in office as a judge of

(a) the Supreme Court of Canada or the Exchequer Court of Canada for at least ten years, or

(b) the Supreme Court of Canada or the Exchequer Court of Canada and a superior court in a province in the aggregate of at least ten years,

and who ceases to hold office as a judge of the Supreme Court of Canada or the Exchequer Court of Canada by reason of his having attained the age of seventy-five years, an annuity not exceeding two-thirds of the salary annexed to the office held by him at the time he so ceases to hold office, to commence at that time and to continue thenceforth during his natural life.
(2) The Governor in Council may grant to a person who held office as a judge of the Supreme Court of Canada on the 31st day of March, 1927, and who continues in office until he attains the age of seventy-five years, an annuity not exceeding three-fourths of the salary annexed to the office held by him at the time he ceases to hold office, to commence at that time and to continue thenceforth during his natural life. 1946, c. 56, s. 23; 1951, c. 52, s. 4.

25. The Governor in Council may grant to

(a) a judge of a county court or the Circuit Court of the District of Montreal who has continued in office as such for at least twenty-five years or is afflicted with some permanent infirmity disabling him from the due execution of his office, if he resigns his office, or

(b) a judge of a county court who is compulsorily retired pursuant to subsection (1) of section 26, an annuity not exceeding two-thirds of the salary annexed to the office held by him at the time of his resignation or retirement, to commence immediately after his resignation or retirement and to continue thenceforth during his natural life. 1951, c. 52, s. 5.

26. (1) A judge of a county court or the Circuit Court of the District of Montreal who has attained the age of seventy-five years shall be compulsorily retired.

(2) The Governor in Council may grant to a judge of the Circuit Court of the District of Montreal

(a) who is compulsorily retired pursuant to subsection (1), or

(b) who has continued in office as such for at least thirty years, if he resigns his office, an annuity not exceeding the salary annexed to the office held by him at the time of his retirement or resignation, to commence immediately after his retirement or resignation and to continue thenceforth during his natural life. 1946, c. 56, s. 25; 1951, c. 52, s. 6.

27. (1) The Governor in Council may, in lieu of an annuity authorized by any other section of this Act, grant to a judge

(a) who elects in writing within ninety days of his first appointment as a judge to accept an annuity authorized by this section, or

(b) R.S., 1952.
Judges.

(b) who, on or before the 1st day of November, 1944, or within ninety days of his first appointment as a judge, elected in writing to accept an annuity authorized by section 26A of the Judges Act, chapter 105 of the Revised Statutes of Canada, 1927, as amended by chapter 45 of the Statutes of Canada, 1944-45, an annuity not exceeding two-thirds of the annuity that the Governor in Council might, but for the election, have granted to him pursuant to the provision of this Act other than this section.

(2) The Governor in Council may grant to the wife of a judge to whom an annuity is granted under subsection (1) an annuity not exceeding one-half of the annuity granted to the judge to commence with the first payment of the annuity to the judge and to continue thenceforth during her natural life.

(3) When a judge who has made an election mentioned in subsection (1) dies while holding office, the Governor in Council may grant to the widow of such judge an annuity not exceeding two-ninths of the salary of the judge at the date of his death, to commence immediately after the death of the judge and to continue thenceforth during her natural life.

(4) An election made pursuant to this section is irrevocable.

(5) An annuity granted to the wife or widow of a judge pursuant to this section shall cease on the remarriage of the annuitant. 1946, c. 56, s. 26; 1951, c. 52, s. 4.

28. (1) The Governor in Council may grant to the widow of a judge who died before the 15th day of August, 1944, an annuity not exceeding two-ninths of the salary provided by Act of Parliament for a county court judge at the date the judge died, to continue during her natural life.

(2) The Governor in Council may grant to the widow of a judge who

(a) ceased to hold office before the 15th day of August, 1944,

(b) was granted a pension or annuity under the Judges Act, chapter 105 of the Revised Statutes of Canada, 1927, or any other Act of Parliament providing for the grant of pensions or annuities to judges, and

(c) died on or after the 15th day of August, 1944, but before the coming into force of this section,

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an annuity not exceeding two-ninths of the salary provided by Act of Parliament for a county court judge at the date the judge ceased to hold office, to continue during her natural life.

(3) No annuity shall be granted under subsection (1) or (2) to the widow of a judge
   (a) if the Minister of Justice is of opinion that the widow is not in necessitous circumstances, or
   (b) if she remarried at any time after the death of the judge.

(4) A judge who upon resignation or retirement before the 15th day of August, 1944, was granted a pension or annuity under the Judges Act, chapter 105 of the Revised Statutes of Canada, 1927, or under any other Act of Parliament providing for the grant of pensions or annuities to judges, may elect in writing to divide his pension or annuity with his wife; and where a judge has so elected, the Governor in Council may grant to the wife of the judge an annuity not exceeding one-third of the pension or annuity that was granted to the judge, to continue during her natural life; and upon the grant of such annuity to the wife, the amount of the pension or annuity granted to the judge shall be reduced by the amount of the annuity granted to the wife under this subsection.

(5) An election made under subsection (4) is irrevocable.

(6) An annuity granted to a wife or widow under this section shall cease on her remarriage. 1951, c. 52, s. 7.

29. If any person who was granted a pension or an annuity under the Judges Act, chapter 105 of the Revised Statutes of Canada, 1927, as amended, or who is granted an annuity under this Act becomes entitled to any salary in respect of any public office under Her Majesty in respect of Her Government of Canada, such salary shall be reduced by the amount of such pension or annuity. 1946, c. 56, s. 27.

30. (1) No annuity shall be granted under subsection (1) of section 23 or under section 25 unless the Governor in Council is of opinion that it is in the public interest that such judge should resign his office.

(2) For the purposes of sections 23 to 27, section 29 and subsection (1) of this section, the period during which a judge of the Supreme Court of the Province of Newfoundland held office as a judge of the Supreme Court of Newfoundland prior to the 1st day of April, 1949, shall be included in calculating the period during which he continued in office as a judge of a superior court. 1946, c. 56, s. 28; 1949, c. 6, s. 51.
31. (1) A judge who is found by the Governor in Council, upon report of the Minister of Justice, to have become incapacitated or disabled from the due execution of his office by reason of age or infirmity shall, notwithstanding anything in this Act, cease to be paid or to receive or to be entitled to receive any further salary, if the facts respecting the incapacity or disability are first made the subject of inquiry and report as provided in section 33, and the judge is given reasonable notice of the time and place appointed for the inquiry and is afforded an opportunity by himself or his counsel of being heard thereat and of cross-examining witnesses and adducing evidence on his own behalf.

(2) The Governor in Council may grant to any judge found, pursuant to subsection (1), to be incapacitated or disabled, if he resigns his office, the annuity that the Governor in Council might have granted him if he had resigned at the time when he ceased to be entitled to receive any further salary.

(3) Notwithstanding anything in this section, the Governor in Council may grant leave of absence to any judge found, pursuant to subsection (1), to be incapacitated or disabled, for such period as the Governor in Council, in view of all the circumstances of the case, may consider just or appropriate, and if leave of absence is granted the salary of the judge shall continue to be paid during the period of leave of absence so granted. 1946, c. 56, s. 29; 1951, c. 52, s. 4.

32. A judge of a county court or the Circuit Court of the District of Montreal may be removed from office by the Governor in Council for misbehaviour, or for incapacity or inability to perform his duties properly by reason of age or infirmity, if the facts respecting the misbehaviour, incapacity or inability are first made the subject of inquiry and report as provided in section 33 and the judge is given reasonable notice of the time and place appointed for the inquiry and is afforded an opportunity by himself or his counsel of being heard thereat, and of cross-examining witnesses and adducing evidence on his own behalf. 1946, c. 56, s. 30.

33. (1) The Governor in Council may, for the purpose of making an inquiry pursuant to section 31 or 32, issue a commission of inquiry to one or more judges of the Supreme Court.

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CourtofCanada or of the Exchequer Court of Canada, or one or more judges of any superior court, empowering him or them to make such inquiry and to report, and may by such commission confer upon the person or persons appointed full power to summon before him or them any person or witness and to require him to give evidence on oath, orally or in writing or on solemn affirmation if he is entitled to affirm in civil matters, and to produce such documents and things as the commissioner deems or the commissioners deem requisite to the full investigation of the matters into which he or they are appointed to inquire.

(2) The commissioner or commissioners have the same power to enforce the attendance of any person or witness and to compel him to give evidence as is vested in any superior court of the province in which the inquiry is being conducted.

(3) Any finding or order of the Governor in Council made pursuant to secton 31 or 32 and all reports, evidence and correspondence relating thereto shall be laid before Parliament within the first fifteen days of the next ensuing session. 1946, c. 56, s. 31.

SALARIES, TRAVELLING ALLOWANCES AND ANNUITIES.

34. (1) The salaries, travelling allowances and annuities payable under this Act shall be paid out of any moneys forming part of the Consolidated Revenue Fund of Canada.

(2) For any period less than a year, the salaries and annuities shall be paid pro rata.

(3) The salaries and annuities shall be paid by monthly instalments.

(4) The first payment of salary of any judge shall be made pro rata on the first day of the month which occurs next after his appointment.

(5) If any judge resigns his office or dies, he or his legal representatives are entitled to receive such proportionate part of his salary as has accrued during the time that he executed such office since the last payment. 1946, c. 56, s. 32.
TENURE OF OFFICE AND RESIDENCE OF COUNTY COURT JUDGES.

35. Subject to the provisions of this Act, every judge of a county court holds office during good behaviour and his residence within the county or union of counties for which the court is established, but any judge of a county or district court in the Province of Ontario may reside at any place within the County Court District established pursuant to the County Judges Act of that province, authorized or approved by the Governor in Council. 1946, c. 56, s. 33.

ABSENCE FROM JUDICIAL DUTIES.

36. (1) No judge of a superior or county court shall be granted leave of absence from his judicial duties for a period in excess of thirty days except with the approval of the Governor in Council and whenever such leave of absence is granted the Minister of Justice shall forthwith notify the Chief Justice, if any, of the court and the Attorney-General of the province accordingly.

(2) If it appears to the Chief Justice of a superior court of a province that a judge of his court is absent from his judicial duties for a period in excess of thirty days without leave of the Governor in Council, he shall report such absence to the Minister of Justice.

(3) Whenever a judge of a superior or county court is absent from his judicial duties for a period in excess of thirty days, he shall report such absence and the reasons therefor to the Minister of Justice. 1946, c. 56, s. 34.

EXTRA JUDICIAL EMPLOYMENT.

37. No judge shall, either directly or indirectly, as director or manager of any corporation, company or firm, or in any other manner whatever, for himself or others, engage in any occupation or business other than his judicial duties, but every judge shall devote himself exclusively to his judicial duties, except that a District Judge in Admiralty may continue to perform the duties of a public office under Her Majesty in right of Canada or of a province held by him at the time of his appointment as District Judge in Admiralty. 1946, c. 56, s. 35.

38. (1) Except as provided in subsection (2), no judge shall act as commissioner or arbitrator on any commission or inquiry without the consent of the Governor in Council. 1946, c. 56, s. 35.
(2) Every judge nominated for the purpose by the Governor in Council or the Lieutenant-Governor in Council may act as commissioner or arbitrator on any commission, inquiry or arbitration for which he may be appointed under any authority in that behalf exercisable by the Governor in Council or the Lieutenant-Governor in Council respectively.

(3) Subsection (1) does not apply to judges acting as arbitrators or assessors of compensation or damages under the Railway Act or any other public Act, whether of general or local application, of the Dominion or of any province, whereby a judge is required or authorized without authority from the Governor in Council or Lieutenant-Governor in Council to assess or ascertain compensation or damages. 1946, c. 56, s. 36.

NO EXTRA REMUNERATION.

39. (1) Except as provided in subsection (3), no judge shall receive any remuneration in addition to his judicial salary for acting as commissioner or arbitrator or for acting as administrator or deputy of the Governor General or for any duty or service, whether judicial or executive, that he may be required to perform for or on behalf of the Government of Canada or the government of any province.

(2) Subsection (1) does not affect the right of any judge to receive remuneration under the provisions of any Dominion or provincial statute in force on the 1st day of July, 1920.

(3) A judge acting as commissioner or arbitrator pursuant to subsection (2) of section 38, or as administrator or deputy of the Governor General or performing any duty or service he is required to perform for or on behalf of the Government of Canada or the government of any province, may receive, in addition to his judicial salary, such moving or transportation expenses and living allowance as the Governor in Council or the Lieutenant-Governor in Council, as the case may be, may fix by general or special order. 1946, c. 56, s. 37.
1.7 "and" may be paid DC.
CHAPTER 160.

An Act respecting Juvenile Delinquents.

SHORT TITLE.

1. This Act may be cited as the Juvenile Delinquents Short title. Act. 1929, c. 46, s. 1.

INTERPRETATION.

2. (1) In this Act Definitions.

(a) "child" means any boy or girl apparently or actually "Child." under the age of sixteen years, or such other age as may be directed in any province pursuant to sub-section (2);

(b) "court" or "Juvenile Court" means any court duly "Court." "Juvenile established under any provincial statute for the Court." purpose of dealing with juvenile delinquents, or specially authorized by provincial statute, the Governor in Council, or the Lieutenant-Governor in Council, to deal with juvenile delinquents;

(c) "Court of Appeal" has the same meaning as it has "Court of Appeal." in the Criminal Code;

(d) "guardian" includes any person who has in law or in "Guardian." fact the custody or control of any child;

(e) "industrial school" means any industrial school or "Industrial school." juvenile reformatory or other reformatory institution or refuge for children duly approved by provincial statute or by the Lieutenant-Governor in Council in any province, and includes such an institution in a province other than that in which the committal is made, when such institution is otherwise available;

(f) "the judge" means the judge of a Juvenile Court "The judge." seized of the case, or the justice, specially authorized by Dominion or provincial authority to deal with juvenile delinquents, seized of the case;

221½ 3507 (g) R.S., 1952.
"Justice." (g) "justice" save in section 5 has the same meaning as it has in the Criminal Code;

"Juvenile delinquent." (h) "juvenile delinquent" means any child who violates any provision of the Criminal Code or of any Dominion or provincial statute, or of any by-law or ordinance of any municipality, or who is guilty of sexual immorality or any similar form of vice, or who is liable by reason of any other act to be committed to an industrial school or juvenile reformatory under the provisions of any Dominion or provincial statute;

"Magistrate." (i) "magistrate", save in subsections (1) and (4) of section 13, and save in section 14, means two or more justices of the peace and also a police magistrate, a stipendiary magistrate and any other person having the power or authority of two or more justices of the peace;

"Probation officer." (j) "probation officer" means any probation officer for juvenile delinquents duly appointed under the provisions of any provincial statute or of this Act;

"Superintendent." (k) "superintendent" means a Superintendent of Neglected Children, or of Neglected and Delinquent Children, or a Superintendent or Director of Child Welfare, or a Commissioner of the Bureau of Child Protection, or, in general, any officer, whatever be his designation, who is appointed by any provincial government to have the general charge or supervision of work in the province dealing with delinquent children, and also the lawful deputy of such officer;

"Supreme Court judge." (l) "Supreme Court judge" means

(i) in the Province of Ontario, a Judge of the Supreme Court of Ontario;
(ii) in the Province of Quebec, a Judge of the Superior Court;
(iii) in the Province of Nova Scotia, a Judge of the Supreme Court of Nova Scotia;
(iv) in the Province of New Brunswick, a Judge of the Supreme Court of New Brunswick;
(v) in the Province of British Columbia, a Judge of the Supreme Court of British Columbia;
(vi) in the Province of Prince Edward Island, a Judge of the Supreme Court of Prince Edward Island;
(vii) in the Province of Manitoba, a Judge of the Court of Queen's Bench;
(viii) in the Province of Saskatchewan, a Judge of the Court of Queen's Bench;
(ix) in the Province of Alberta, a Judge of the Supreme Court of Alberta;

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(x) in the Province of Newfoundland, a Judge of the Supreme Court of Newfoundland; and
(xi) in the Yukon Territory, a Judge of the Territorial Court of the Yukon Territory.

(2) The Governor in Council may from time to time by proclamation

(a) direct that in any province the expression “child” in this Act means any boy or girl apparently or actually under the age of eighteen years, and any such proclamation may apply either to boys only or to girls only or to both boys and girls, and

(b) revoke any direction made with respect to any province by a proclamation under this section, and thereupon the expression “child” in this Act in that province means any boy or girl apparently or actually under the age of sixteen years. 1929, c. 46, s. 2; 1949, c. 6, s. 25; 1951, c. 30, ss. 1, 2.

3. (1) The commission by a child of any of the acts enumerated in paragraph (h) of subsection (1) of section 2, constitutes an offence to be known as a delinquency, and shall be dealt with as hereinafter provided.

(2) Where a child is adjudged to have committed a delinquency he shall be dealt with, not as an offender, but as one in a condition of delinquency and therefore requiring help and guidance and proper supervision. 1929, c. 46, s. 3.

4. Save as provided in section 9, the Juvenile Court has exclusive jurisdiction in cases of delinquency including cases where, after the committing of the delinquency, the child has passed the age limit mentioned in paragraph (a) of subsection (1) of section 2. 1929, c. 46, s. 4.

5. (1) Except as hereinafter provided, prosecutions and trials under this Act shall be summary and shall, mutatis mutandis, be governed by the provisions of the Criminal Code relating to summary convictions in so far as such provisions are applicable, whether or not the act constituting the offence charged would be in the case of an adult triable summarily, except that

(a) the provisions relating to appeals do not apply to any proceeding in a Juvenile Court, and

(b) R.S., 1952.
(b) The provisions prescribing a time limit for making a complaint or laying an information in respect of offences punishable on summary conviction where no time is specially limited for making any complaint or laying any information in the Act or law relating to the particular case, do not apply to any such proceeding other than a proceeding against an adult, except when an adult is dealt with under the provisions of section 4 of this Act.

(2) The provisions of the Criminal Code prescribing a time limit for the commencement of prosecutions for offences against the Criminal Code apply, mutatis mutandis, to all proceedings in the Juvenile Court.

(3) Whenever in such provisions the expression "justice" occurs, it shall be taken in the application of such provisions to proceedings under this Act to mean "judge of the Juvenile Court, or justice specially authorized by Dominion or provincial authority to deal with juvenile delinquents."

1929, c. 46, s. 5; 1936, c. 40, s. 1.

6. (1) Every judge of a Juvenile Court in the exercise of his jurisdiction as such has all the powers of a magistrate.

(2) In addition to those expressly mentioned in this Act, the Juvenile Court judge has all the powers and duties, with respect to juvenile offenders, vested in, or imposed on a judge, stipendiary magistrate, justice or justices, by or under the Prisons and Reformatories Act.

(3) The discretion of the Juvenile Court judge as to the term for which a juvenile delinquent may be committed is not affected by this section. 1929, c. 46, s. 6.

7. (1) The judge of a Juvenile Court may with the approval of the attorney-general of the province in which such court is situate appoint a deputy judge, who has all the powers and authority of a judge of a Juvenile Court in case of the absence or illness or other disability of such judge.

(2) A deputy judge so appointed holds office during pleasure and is removable at any time by the attorney-general or by the judge, with the approval of the attorney-general without cause.

(3) The resignation of a deputy judge may be accepted by either the judge by whom he was appointed, or the attorney-general. 1929, c. 46, s. 7.

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8. (1) When any child is arrested, with or without a warrant, such child shall, instead of being taken before a justice, be taken before the Juvenile Court; and, if a child is taken before a justice, upon a summons or under a warrant or for any other reason, it is the duty of the justice to transfer the case to the Juvenile Court, and of the officer having the child in charge to take the child before that Court, and in any such case the Juvenile Court shall hear and dispose of the case in the same manner as if such child had been brought before it upon information originally laid therein.

(2) Subsection (1) does not apply to any justice who is a judge of the Juvenile Court or who has power to act as such, under the provisions of any Act in force in the province. 1929, c. 46, s. 8.

9. (1) Where the act complained of is, under the provisions of the Criminal Code or otherwise, an indictable offence, and the accused child is apparently or actually over the age of fourteen years, the Court may, in its discretion, order the child to be proceeded against by indictment in the ordinary courts in accordance with the provisions of the Criminal Code in that behalf; but such course shall in no case be followed unless the Court is of the opinion that the good of the child and the interest of the community demand it.

(2) The Court may, in its discretion, at any time before any proceeding has been initiated against the child in the ordinary criminal courts, rescind an order so made. 1929, c. 46, s. 9.

10. (1) Due notice of the hearing of any charge of delinquency shall be served on the parent or parents or the guardian of the child, or if there be neither parent nor guardian, or if the residence of the parent or parents or guardian be unknown, then on some near relative living in the city, town or county, if any there be, whose whereabouts is known, and any person so served has the right to be present at the hearing.

(2) The judge may give directions as to the persons to be served under this section, and such directions are conclusive as to the sufficiency of any notice given in accordance therewith. 1929, c. 46, s. 10.

11. (1) The clerk of every Juvenile Court has power ex officio to administer oaths and also, in the absence of the judge and deputy judge, to adjourn any hearing for a definite period not to exceed ten days.

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(2) It is the duty of the clerk of the Juvenile Court to notify the probation officer or the chief probation officer, in advance, when any child is to be brought before the Court for trial. 1929, c. 46, s. 11.

12. (1) The trials of children shall take place without publicity and separately and apart from the trials of other accused persons, and at suitable times to be designated and appointed for that purpose.

(2) Such trials may be held in the private office of the judge or in some other private room in the court house or municipal building, or in the detention home, or if no such room or place is available, then in the ordinary court room, but when held in the ordinary court room an interval of half an hour shall be allowed to elapse between the close of the trial or examination of any adult and the beginning of the trial of a child.

(3) No report of a delinquency committed, or said to have been committed, by a child, or of the trial or other disposition of a charge against a child, or of a charge against an adult brought in the Juvenile Court under section 33 or under section 35, in which the name of the child or of its parent or guardian or of any school or institution that the child is alleged to have been attending or of which it is alleged to have been an inmate is disclosed, or in which the identity of the child is otherwise indicated, shall without the special leave of the Court, be published in any newspaper or other publication.

(4) Subsection (3) applies to all newspapers and other publications published anywhere in Canada, whether or not this Act is otherwise in force in the place of publication. 1929, c. 46, s. 12.

13. (1) No child, pending a hearing under the provisions of this Act, shall be held in confinement in any county or other gaol or other place in which adults are or may be imprisoned, but shall be detained at a detention home or shelter used exclusively for children or under other charge approved of by the judge or, in his absence, by the sheriff, or, in the absence of both the judge and the sheriff, by the mayor or other chief magistrate of the city, town, county or place.

(2) Any officer or person violating the provisions of subsection (1) is liable on summary conviction before a Juvenile Court or a magistrate to a fine not exceeding one hundred dollars, or to imprisonment not exceeding thirty days, or to both fine and imprisonment.

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(3) This section does not apply to a child as to whom Exception. an order has been made pursuant to section 9.

(4) This section does not apply to a child apparently Exception. over the age of fourteen years who, in the opinion of the judge, or, in his absence, of the sheriff, or, in the absence of both the judge and the sheriff, of the mayor or other chief magistrate of the city, town, county or place, cannot safely be confined in any place other than a gaol or lock-up. 1929, c. 46, s. 13.

14. (1) Where a warrant has issued for the arrest of a child, or where a child has been arrested without a warrant in a county or district in which there is no detention home used exclusively for children, no incarceration of the child shall be made or had unless in the opinion of the judge of the court, or, in his absence, of the sheriff, or, in the absence of both the judge and the sheriff, of the mayor or other chief magistrate of the city, town, county or place, such course is necessary in order to insure the attendance of such child in court.

(2) In order to avoid, if possible, such incarceration, the verbal or written promise of the person served with notice of the proceedings as aforesaid, or of any other proper person, to be responsible for the presence of such child when required, may be accepted; and in case such child fails to appear, at such time or times as the court requires, the person or persons assuming responsibility as aforesaid, shall be deemed guilty of contempt of court, unless in the opinion of the court there is reasonable cause for such failure to appear. 1929, c. 46, s. 14.

15. Pending the hearing of a charge of delinquency the court may accept bail for the appearance of the child charged at the trial as in the case of other accused persons. 1929, c. 46, s. 15.

16. 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. 1929, c. 46, s. 16.

17. (1) Proceedings under this Act with respect to a child, including the trial and disposition of the case, may be as informal as the circumstances will permit, consistently with a due regard for a proper administration of justice.

(2) R.S., 1952.
(2) No adjudication or other action of a Juvenile Court with respect to a child shall be quashed or set aside because of any informality or irregularity where it appears that the disposition of the case was in the best interests of the child.

(3) Save as provided in subsection (5), if a person, whether a child or an adult, against whom any warrant has issued out of a Juvenile Court cannot be found within the jurisdiction of the Juvenile Court out of which the same was so issued, but is or is suspected to be in any other part of Canada, any judge or deputy judge of a Juvenile Court within whose jurisdiction such person is or is suspected to be, or if there is no Juvenile Court having jurisdiction in such place, then any justice within whose jurisdiction such person is or is suspected to be, upon proof being made on oath or affirmation of the handwriting of the Juvenile Court judge or other officer who issued the same, shall make an endorsement on the warrant, signed with his name, authorizing the execution thereof within his jurisdiction.

(4) Such endorsement is sufficient authority to the person bringing such warrant, and to all other persons to whom the same was originally directed, and also to all probation officers, constables and other peace officers of the Juvenile Court or of the territorial division where the warrant has been so endorsed, to execute the same therein and to carry the person against whom the warrant issued when apprehended, before the Juvenile Court out of which the said warrant issued.

(5) Where a child who has been before a Juvenile Court and is still under the surveillance of such court has been caused by the court to be placed in a foster home outside of the jurisdiction of such court or has been committed by the court to the care or custody of a probation officer or other suitable person or to an industrial school, outside of the jurisdiction of such court, the court may take any action with respect to such child that it could take were the child within the jurisdiction of such court, and for any such purpose any warrant or other process issued with respect to such child may be executed or served in any place in Canada outside of the jurisdiction of such court without the necessity of complying with the provisions of subsection (3). 1929, c. 46, s. 17.

18. It is not necessary to its validity that any seal should be attached or affixed to any information, summons, warrant, conviction, order or other process or document filed, issued or entered in any proceeding had or taken under this Act. 1929, c. 46, s. 18.
19. (1) When in a proceeding before a Juvenile Court a child of tender years who is called as a witness does not, in the opinion of the judge, understand the nature of an oath, the evidence of such child may be received, though not given under oath, if in the opinion of the judge such child is possessed of sufficient intelligence to justify the reception of the evidence and understands the duty of speaking the truth.

(2) No person shall be convicted upon the evidence of a child of tender years not under oath unless such evidence is corroborated in some material respect. 1929, c. 46, s. 19.

20. (1) In the case of a child adjudged to be a juvenile delinquent the court may, in its discretion, take either one or more of the several courses of action hereinafter in this section set out, as it may in its judgment deem proper in the circumstances of the case:

(a) suspend final disposition;
(b) adjourn the hearing or disposition of the case from time to time for any definite or indefinite period;
(c) impose a fine not exceeding twenty-five dollars, which may be paid in periodical amounts or otherwise;
(d) commit the child to the care or custody of a probation officer or of any other suitable person;
(e) allow the child to remain in its home, subject to the visitation of a probation officer, such child to report to the court or to the probation officer as often as may be required;
(f) cause the child to be placed in a suitable family home as a foster home, subject to the friendly supervision of a probation officer and the further order of the court;
(g) impose upon the delinquent such further or other conditions as may be deemed advisable;
(h) commit the child to the charge of any children's aid society, duly organized under an Act of the legislature of the province and approved by the Lieutenant-Governor in Council, or, in any municipality in which there is no children's aid society, to the charge of the superintendent, if one there be; or
(i) commit the child to an industrial school duly approved by the Lieutenant-Governor in Council.

(2) In every such case it is within the power of the court to make an order upon the parent or parents of the child, or upon the municipality to which it belongs, to contribute to its support such sum as the court may determine, and where R.S., 1952.
where such order is made upon the municipality, the municipality may from time to time recover from the parent or parents any sum or sums paid by it pursuant to such order.

(3) Where a child has been adjudged to be a juvenile delinquent and whether or not such child has been dealt with in any of the ways provided for in subsection (1), the court may at any time, before such juvenile delinquent has reached the age of twenty-one years and unless the Court has otherwise ordered, cause by notice, summons, or warrant, the delinquent to be brought before the court, and the court may then take any action provided for in subsection (1), or may make an order with respect to such child under section 9, or may discharge the child on parole or release it from detention, but in a province in which there is a superintendent, no child shall be released by the judge from an industrial school without a report from such superintendent recommending such release, and where an order is made by a court releasing a juvenile delinquent from an industrial school or transferring such delinquent from an industrial school to a foster home or from one foster home to another under the provisions of this subsection, it is not necessary for such delinquent to be before the court at the time that such order is made.

(4) When a child is returned to the court, as provided in subsection (3), the court may deal with the case on the report of the probation officer or other person in whose care such child has been placed, or of the secretary of a children’s aid society, or of the superintendent, or of the superintendent of the industrial school to which the child has been committed, without the necessity of hearing any further or other evidence.

(5) The action taken shall, in every case, be that which the court is of opinion the child’s own good and the best interests of the community require. 1929, c. 46, s. 20.

21. (1) Whenever an order has been made under section 20 committing a child to a children’s aid society, or to a superintendent, or to an industrial school, if so ordered by the provincial secretary the child may thereafter be dealt with under the laws of the province in the same manner in all respects as if an order had been lawfully made in respect of a proceeding instituted under authority of a statute of the province; and from and after the date of the issuing of such order except for new offences, the child shall not be further dealt with by the court under the provisions of this Act.

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(2) The order of the provincial secretary may be made in advance and to apply to all cases of commitment mentioned in this section. 1929, c. 46, s. 21.

22. (1) Where a child is adjudged to have been guilty of an offence and the court is of the opinion that the case would be best met by the imposition of a fine, damages or costs, whether with or without restitution or any other action, the court may, if satisfied that the parent or guardian has conducted to the commission of the offence by neglecting to exercise due care of the child or otherwise, order that the fine, damages or costs awarded be paid by the parent or guardian of the child, instead of by the child.

(2) Where a fine is imposed and ordered to be paid by the parent or guardian, the limit of amount imposed by subsection (1) of section 20 does not apply, but shall in no case exceed the amount fixed for a similar offence under any provision of the Criminal Code.

(3) Where, under the provisions of this section or of section 20, a sum of money is ordered to be paid, the court may adjudge, either by the order respecting the payment of such sum or by an order made subsequently, that the same shall be recoverable by distress and sale of the goods and chattels of the party and in default of such distress by imprisonment, and the amount is so recoverable or is recoverable in the same manner as a fine imposed under any provision of the Criminal Code is recoverable, or is recoverable as provided in any Act of the legislature of the province making provision for the recovery of fines.

(4) No order shall be made under this section without giving the parent or guardian an opportunity of being heard; but a parent or guardian who has been duly served with notice of the hearing pursuant to section 10 shall be deemed to have had such opportunity, notwithstanding the fact that he has failed to attend the hearing.

(5) A parent or guardian has the same right of appeal from an order made under the provisions of this section as if the order had been made on the conviction of the parent or guardian.

(6) Any action taken under this section may be additional to any action taken under section 20. 1929, c. 46, s. 22.

23. (1) No Protestant child dealt with under this Act shall be committed to the care of any Roman Catholic children's aid society or be placed in any Roman Catholic family as its foster home; nor shall any Roman Catholic child be respected.

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child dealt with under this Act be committed to the care of any Protestant children’s aid society, or be placed in any Protestant family as its foster home; but this section does not apply to the placing of children in a temporary home or shelter for children, established under the authority of a statute of the province, or, in a municipality where there is but one children’s aid society, to such children’s aid society.

(2) If a Protestant child is committed to the care of a Roman Catholic children’s aid society or placed in a Roman Catholic family as its foster home or if a Roman Catholic child is committed to the care of a Protestant children’s aid society or placed in a Protestant family as its foster home, contrary to the provisions of this section, the court shall, on the application of any person in that behalf, make an order providing for the proper commitment or placing of the child pursuant to subsection (1).

(3) No child of a religious faith other than the Protestant or Roman Catholic shall be committed to the care of either a Protestant or Roman Catholic children’s aid society or be placed in any Protestant or Roman Catholic family as its foster home unless there is within the municipality no children’s aid society or no suitable family of the same religious faith as that professed by the child or by its family, and, if there is no children’s aid society or suitable family of such faith to which the care of such child can properly be given, the disposition of such child is in the discretion of the court. 1929, c. 46, s. 23.

24. (1) No child, other than an infant in arms, shall be permitted to be present in court during the trial of any person charged with an offence or during any proceedings preliminary thereto, and if so present it shall be ordered to be removed unless it is the person charged with the alleged offence, or unless its presence is required, as a witness or otherwise, for the purposes of justice.

(2) This section does not apply to messengers, clerks and other persons required to attend at any court for the purposes connected with their employment. 1929, c. 46, s. 24.

25. It is not lawful to commit a juvenile delinquent apparently under the age of twelve years to any industrial school, unless and until an attempt has been made to reform such child in its own home or in a foster home or in the charge of a children’s aid society, or of a superintendent, and

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and unless the court finds that the best interests of the child and the welfare of the community require such commitment. 1929, c. 46, s. 25.

26. (1) No juvenile delinquent shall, under any circumstances, upon or after conviction, be sentenced to or incarcerated in any penitentiary, or county or other gaol, or police station, or any other place in which adults are or may be imprisoned.

(2) This section does not apply to a child who has been proceeded against under the provisions of section 9. 1929, c. 46, s. 26.

27. (1) There shall be in connection with the Juvenile Court a committee of citizens, serving without remuneration, to be known as the "Juvenile Court Committee."

(2) Where there is a children's aid society in a city or town in which this Act is in force, the committee of such society or a sub-committee thereof shall be the Juvenile Court Committee; and where there is both a Protestant and a Roman Catholic children's aid society then the committee of the Protestant children's aid society or a sub-committee thereof shall be the Juvenile Court Committee as regards Protestant children, and the committee of the Roman Catholic children's aid society or a sub-committee thereof shall be the Juvenile Court Committee as regards Roman Catholic children.

(3) Where there is no children's aid society in a city or town in which this Act is in force, the court may, and upon a petition signed by fifty residents of the municipality in question, shall appoint three or more persons to be the Juvenile Court Committee as regards Protestant children, and three or more other persons to be the Juvenile Court Committee as regards Roman Catholic children; and the persons so appointed may in their discretion sit as one joint committee.

(4) In the case of a child of a religious faith other than the Protestant or Roman Catholic, the court shall appoint three or more suitable persons to be the Juvenile Court Committee as regards such child, such persons to be of the same religious faith as the child if there are such suitable persons resident within the municipality willing to act, and if in the opinion of the court they are desirable persons to be such committee. 1929, c. 46, s. 27.
28. (1) It is the duty of the Juvenile Court Committee to meet as often as may be necessary and consult with the probation officers with regard to juvenile delinquents, to offer, through the probation officers and otherwise, advice to the court as to the best mode of dealing with such delinquents, and, generally, to facilitate by every means in its power the reformation of juvenile delinquents.

(2) Representatives of the Juvenile Court Committee, who are members of that Committee, may be present at any session of the Juvenile Court.

(3) No deputy judge shall hear and determine any case that a Juvenile Court Committee desires should be reserved for hearing and determination by the judge of the Juvenile Court. 1929, c. 46, s. 28.

29. Where no probation officer has been appointed under provincial authority and remuneration for a probation officer has been provided by municipal grant, public subscription or otherwise, the court shall, with the concurrence of the Juvenile Court Committee, appoint one or more suitable persons as probation officers. 1929, c. 46, s. 29.

30. Every probation officer duly appointed under the provisions of this Act or of any provincial statute has in the discharge of his or her duties as such probation officer all the powers of a constable, and shall be protected from civil actions for anything done in bona fide exercise of the powers conferred by this Act. 1929, c. 46, s. 30.

31. It is the duty of a probation officer to make such investigation as may be required by the court; to be present in court in order to represent the interests of the child when the case is heard; to furnish to the court such information and assistance as may be required; and to take such charge of any child, before or after trial, as may be directed by the court. 1929, c. 46, s. 31.

32. Every probation officer however appointed is under the control and subject to the directions of the judge of the court with which such probation officer is connected, for all purposes of this Act. 1935, c. 41, s. 2.

33. (1) Any person, whether the parent or guardian of the child or not, who, knowingly or wilfully,

(a) aids, causes, abets or connives at the commission by a child of a delinquency, or

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(b) does any act producing, promoting, or contributing to a child’s being or becoming a juvenile delinquent or likely to make any child a juvenile delinquent, is liable on summary conviction before a Juvenile Court or a magistrate to a fine not exceeding five hundred dollars or to imprisonment for a period not exceeding two years or to both fine and imprisonment.

(2) Any person who, being the parent or guardian of the child and being able to do so, knowingly neglects to do that which would directly tend to prevent said child being or becoming a juvenile delinquent or to remove the conditions that render or are likely to render the child a juvenile delinquent is liable on summary conviction before a Juvenile Court or a magistrate to a fine not exceeding five hundred dollars or to imprisonment for a period not exceeding two years or to both fine and imprisonment.

(3) The Court or magistrate may postpone or adjourn the hearing of a charge under this section for such periods as the Court may deem advisable or may postpone or adjourn the hearing sine die and may impose conditions upon any person found guilty under this section and suspend sentence subject to such conditions, and on proof at any time that such conditions have been violated may pass sentence on such person.

(4) It is not a valid defence to a prosecution under this section either that the child is of too tender years to understand or appreciate the nature or effect of the conduct of the accused, or that notwithstanding the conduct of the accused the child did not in fact become a juvenile delinquent.

(5) Notwithstanding anything to the contrary in section 5 or in the provisions of the Criminal Code referred to in paragraph (b) of subsection (1) of section 5, any prosecution for an offence under this section may be commenced within one year from the time when the offence is alleged to have been committed. 1936, c. 40, s. 2.

34. 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, or who, when a child has unlawfully left the custody of an institution or foster home knowingly harbours or conceals such child without notice of the child’s whereabouts to the Court or to the institution or to the local R.S., 1952.
local police authorities, is guilty of an offence and is liable upon summary conviction before a Juvenile Court or before a magistrate to a fine not exceeding one hundred dollars or to imprisonment for a period not exceeding one year, or to both fine and imprisonment. 1929, c. 46, s. 34.

35. (1) Prosecutions against adults for offences against any provisions of the Criminal Code in respect of a child may be brought in the Juvenile Court without the necessity of a preliminary hearing before a justice, and may be summarily disposed of where the offence is triable summarily, or otherwise dealt with as in the case of a preliminary hearing before a justice.

(2) All provisions of the Criminal Code not inconsistent with this Act that would apply to similar proceedings if brought before a justice apply to prosecutions brought before the Juvenile Court under this section. 1929, c. 46, s. 35.

36. (1) Every Juvenile Court has such and like powers and authority to preserve order in court during the sittings thereof and by the like ways and means as now by law are or may be exercised and used in like cases and for the like purposes by any court in Canada and by the judges thereof, during the sittings thereof.

(2) Every judge of a Juvenile Court, whenever any resistance is offered to the execution of any summons, warrant of execution or other process issued by him, may enforce the due execution of the same by the means provided by the law for enforcing the execution of the process of other courts in like cases. 1929, c. 46, s. 36.

37. (1) A Supreme Court judge may, in his discretion, on special grounds, grant special leave to appeal from any decision of the Juvenile Court or a magistrate; in any case where such leave is granted the procedure upon appeal shall be such as is provided in the case of a conviction on indictment, and the provisions of the Criminal Code relating to appeals from conviction on indictment mutatis mutandis apply to such appeal, save that the appeal shall be to a Supreme Court judge instead of to the Court of Appeal, with a further right of appeal to the Court of Appeal by special leave of that Court.

(2) No leave to appeal shall be granted under the provisions of this section unless the judge or court granting such leave considers that in the particular circumstances of the case it is essential in the public interest or for the due administration of justice that such leave be granted.

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(3) Application for leave to appeal under this section shall be made within ten days of the making of the conviction or order complained of, or within such further time, not exceeding an additional twenty days, as a Supreme Court judge may see fit to fix, either before or after the expiration of the said ten days. 1929, c. 46, s. 37; 1932, c. 17, s. 2; 1947, c. 37, s. 1.

38. This Act shall be liberally construed to the end that its purpose may be carried out, namely, that the care and custody and discipline of a juvenile delinquent shall approximate as nearly as may be that which should be given by its parents, and that as far as practicable every juvenile delinquent shall be treated, not as criminal, but as a misdirected and misguided child, and one needing aid, encouragement, help and assistance. 1929, c. 46, s. 38.

39. Nothing in this Act shall be construed as having the effect of repealing or over-riding any provision of any provincial statute intended for the protection or benefit of children; and when a juvenile delinquent who has not been guilty of an act which is, under the provisions of the Criminal Code an indictable offence, comes within the provisions of a provincial statute, it may be dealt with either under such Act or under this Act as may be deemed to be in the best interests of such child. 1929, c. 46, s. 39.

40. Whenever and so soon as this Act goes into force in any province, city, town, or other portion of a province, every provision of the Criminal Code or of any other Act of the Parliament of Canada inconsistent with the provisions of this Act, shall stand repealed as regards such province, city, town, or other portion of a province. 1929, c. 46, s. 40.

41. Subsection (4) of section 12, and subsections (3) and (5) of section 17 and section 34 shall be in force in all parts of Canada, whether this Act is otherwise in force or not. 1929, c. 46, s. 41.

42. Subject to the provisions of section 41, this Act may be put in force in any province, or in any portion of a province, by proclamation, after the passing of an Act by the legislature of any province providing for the establishment of juvenile courts, or designating any existing courts as Juvenile Courts, and of detention homes for children. 1929, c. 46, s. 42.

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Any city or town may ask for this law.

43. (1) Subject to the provisions of section 41, this Act may be put in force in any city, town, or other portion of a province, by proclamation, notwithstanding that the provincial legislature has not passed an Act such as referred to in section 42, if the Governor in Council is satisfied that proper facilities for the due carrying out of the provisions of this Act have been provided in such city, town, or other portion of a province, by the municipal council thereof or otherwise.

(2) The Governor in Council may designate a superior court or county court judge or a justice, having jurisdiction in the city, town, or other portion of a province, in which the Act is so put in force, to act as Juvenile Court judge for such city, town, or other portion of a province, and the judge or justice so designated or appointed shall have and exercise in such city, town, or other portion of a province, all the powers by this Act conferred on the Juvenile Court.

1929, c. 46, s. 43.

Special appointment of judge.

44. This Act shall go into force only when and as proclamations declaring it in force in any province, city, town or other portion of the province are issued and published in the Canada Gazette. 1929, c. 46, s. 44.

Enforcement of Act.

45. Notwithstanding the provisions of section 44, this Act shall be in force in every part of Canada in which the Juvenile Delinquents Act, chapter 108 of the Revised Statutes of Canada, 1927, was in force on the 14th day of June, 1929. 1929, c. 46, s. 45.

Operation of Act.

EDMOND CLOUTIER, C.M.G., O.A., D.S.P.
QUEEN'S PRINTER AND CONTROLLER OF STATIONERY
OTTAWA, 1952
CHAPTER 161.

An Act respecting Kingsmere Park.

WHEREAS, pursuant to the Will of the late the Right Honourable William Lyon Mackenzie King, P.C., O.M., there has been vested in His Majesty in right of Canada certain property at Kingsmere in the Province of Quebec hereinafter referred to as "Kingsmere Park";

AND WHEREAS it is advisable to make provision for the administration of that property in accordance with the terms of the Will;

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

SHORT TITLE.

1. This Act may be cited as the Kingsmere Park Act. Short title. 1951, c. 18, s. 1.

2. (1) Subject to subsection (2), the Federal District Commission shall administer Kingsmere Park in accordance with the desires and purposes expressed in the late Mr. King's Will (the relevant portion of which is set out in the Schedule).

(2) The Minister of Public Works shall manage and control the buildings in Kingsmere Park and the yards, orchards and gardens appurtenant thereto in such manner as, in his opinion, will realize the desires and purposes expressed in the Will.

(3) The Governor in Council may authorize the lease or licence of any of the buildings in Kingsmere Park, with the yards, orchards and gardens appurtenant thereto, for the better conservation thereof or for the purpose of realizing the desires and purposes expressed in the Will.

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(4) The Minister of Public Works may, with the approval of the Governor in Council, demolish any building in Kingsmere Park if he considers it advisable for the purpose of realizing the desires and purposes expressed in the Will.

(5) The Governor in Council may describe the limits of Kingsmere Park for the purposes of this Act, and, in case of doubt, the Governor in Council may determine the limits of the yards, orchards and gardens appurtenant to the buildings in Kingsmere Park. 1951, c. 18, s. 2.

3. (1) The Governor in Council may, by order, set aside any part of Kingsmere Park to be used, as suggested in the Will, as a country home for the holder of the office of Prime Minister of Canada and may revoke any order that has been so made.

(2) Where any part of Kingsmere Park has been set aside by order made under subsection (1), the property so set aside shall, until the order is revoked, be deemed to be included in the properties described in the Schedule to the Prime Minister's Residence Act. 1951, c. 18, s. 3.

4. Notwithstanding any other provision in this Act, the Minister of Public Works and the Federal District Commission shall comply with any general or special direction of the Governor in Council as to the manner in which Kingsmere Park shall be administered or as to the manner in which the desires or purposes expressed in the Will shall be realized. 1951, c. 18, s. 4.

SCHEDULE.

Portions of Mr. King's Will.

"24. The cherished objective of being able to present my Kingsmere properties as a thank-offering for what has come to me in the way of opportunities of public service, I believe I have been able to realize, and I hereby bequeath to the Government of Canada as a public park in trust for the citizens of Canada, subject to certain reservations hereinafter referred to, my several properties at Kingsmere, in the Province of Quebec, amounting in all to nearly Five Hundred (500) acres, and the houses and other buildings erected thereon. The precise boundaries are set forth in the several deeds attached hereto.

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25. In making this bequest, I express the wish that the lands at Kingsmere may be maintained as nearly as possible in their present state; that they will be developed as park-land, and that they will form a wildlife sanctuary and will continue to have the character of a natural forest reserve.

26. Believing that my successors in the office of Prime Minister may find, as I have found, a renewal of strength in this quiet place, as well as exceptional opportunities for conference on national and international affairs, I hope that the Government of Canada will consider the possibility of setting aside a part of the Kingsmere property as a country home for the holder of the office of Prime Minister of Canada.

27. Inasmuch as relatives and friends of mine have spent their summers, or part of them, at Kingsmere as my guests or tenants, I hope they may continue to enjoy the summer homes to which they have become accustomed; and that other appropriate use may be made of them. I would therefore ask that the Government should authorize my Trustees to provide that, for a period of three years after my death, the cottages and such of their contents as are mine and are not otherwise disposed of in accordance with this my Will shall be available, rent-free, for use by my sister and the members of her family, by the members of my late brother's family, and by such other persons as may be designated by my Trustees.

28. My Trustees are hereby authorized to dispose of all my possessions in the cottages and other buildings on the property as they believe will be most in accord with my own wishes; and to meet such expenses as may be necessarily incurred for the maintenance of these cottages for a period of three years.” 1951, c. 18, Sch.
CHAPTER 162.
The Land Titles Act.

SHORT TITLE.

1. This Act may be cited as the Land Titles Act. R.S., Short title. c. 118, s. 1.

INTERPRETATION.

2. In this Act, Definitions.
   (a) "affidavit" includes an affirmation when made by a person entitled to affirm;
   (b) "certificate of title" means the certificate (Form E) granted by the registrar and entered and kept in the register;
   (c) "court" means any court authorized to adjudicate in the Territories in civil matters in which the title to real estate is in question, and includes in the Northwest Territories any stipendiary magistrate appointed by the Governor in Council under the authority of the Northwest Territories Act;
   (d) "Court of Appeal" means the Court of Appeal herein constituted;
   (e) "duplicate" or "duplicate certificate" means the duplicate, delivered or issued to the person entitled thereto, of the certificate of title in the register;
   (f) "encumbrance" means any charge on land, created or effected for any purpose whatever, inclusive of mortgages, mechanics' liens when authorized by statute or ordinance, and executions against lands, unless expressly distinguished;
   (g) "encumbrancer" means the owner of any land or of any estate or interest in land subject to any encumbrance; and "encumbrancee" means the owner of an encumbrance;
   (h) "endorsed" and "endorsement" apply to anything written upon any instrument or upon any paper attached thereto by the registrar;
   (i) "Form" means a Form in the Schedule;
   (j) R.S., 1952.
(j) "grant" means any grant of Crown land, whether in fee or for years, and whether direct from Her Majesty or by or pursuant to the provisions of any statute;

(k) "Inspector" means the Inspector of Land Titles Offices, appointed under the authority of this Act;

(l) "instrument" means any grant, certificate of title, conveyance, assurance, deed, map, plan, will, probate or exemplification of probate of will, letters of administration or an exemplification thereof, mortgage or encumbrance, or any other document in writing relating to or affecting the transfer of or other dealing with land or evidencing title thereto;

(m) "judge" means an official authorized in the Territories to adjudicate in civil matters in which the title to real estate is in question;

(n) "land" means lands, messuages, tenements and hereditaments, corporeal and incorporeal, of every nature and description, and every estate or interest therein, whether such estate or interest is legal or equitable, together with all paths, passages, ways, watercourses, liberties, privileges, easements, mines, minerals and quarries appertaining thereto, and all trees and timber thereon and thereunder lying or being, unless any such are specially excepted;

(o) "lunatic" means any person found by any competent tribunal or commission de lunatico inquirendo, to be a lunatic;

(p) "memorandum" means the endorsement upon the certificate of title and on the duplicate copy thereof of the particulars of any instrument presented for registration;

(q) "Minister" means the Minister of Resources and Development; and "Department" means the Department of Resources and Development;

(r) "mortgage" means any charge on land created merely for securing a debt, or a loan;

(s) "mortgagee" means the owner of a mortgage; and "mortgagor" means the owner or transferee of land, or of any estate or interest in land pledged as security for a debt or a loan;

(t) "owner" means any person or body corporate entitled to any freehold or other estate or interest in land, at law or in equity, in possession, in futurity or expectancy;

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3. A person shall be deemed to claim under a prior certificate of title who is a holder of, or whose claim is derived directly or indirectly from a person who was the holder of an earlier certificate of title, notwithstanding that such certificate of title has been surrendered and a new certificate of title has been granted upon any transfer or other instrument. R.S., c. 118, s. 3.

4. Nothing in this Act takes away or affects the jurisdiction of any competent court on the ground of actual fraud or over contracts for the sale or other disposition of land for which a certificate of title has been granted. R.S., c. 118, s. 4.
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DESCENT OF LAND.

5. Land in the Territories shall descend to the personal representatives of the deceased owner thereof in the same manner as personal estate, and be dealt with and distributed as personal estate. R.S., c. 118, s. 5.

6. Except such devises as are made by the testator to his personal representative, either in his representative capacity or for his own use, no devise is valid or effectual as against the personal representative of the testator, until the land affected thereby is transferred to the devisee thereof by the personal representative of the devisor. R.S., c. 118, s. 6.

7. (1) Any devise or limitation that heretofore would have created an estate tail transfers the absolute ownership or the greatest estate that the devisor or transferor had in the land.

(2) No estate in fee simple shall be changed into any limited fee or fee tail, but the land, whatever form of words is used in any transfer, transmission or dealing, shall, except as hereinafter otherwise provided, be and remain an absolute estate in the owner for the time being. R.S., c. 118, s. 7.

8. Illegitimate children inherit from the mother as if they were legitimate, and through the mother, if dead, any land that she would, if living, have taken by purchase, gift, devise, or descent from any other person. R.S., c. 118, s. 8.

9. When an illegitimate child dies intestate, without issue, the mother of such child inherits any land of which he was the owner at the time of his death. R.S., c. 118, s. 9.

10. If a wife has left her husband, and has lived in adultery after leaving him, she shall take no part of the land of her husband. R.S., c. 118, s. 10.

11. If a husband has left his wife, and has lived in adultery after leaving her, he shall take no part of her land. R.S., c. 118, s. 11.

12. No widow whose husband died on or after the 1st day of January, 1887, is entitled to dower in the land of her deceased husband; but she has the same right in such land as if it were personal property. R.S., c. 118, s. 12.

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13. No husband whose wife died on or after the 1st day of January, 1887, is entitled to any estate by the curtesy in the land of his deceased wife; but he has the same right therein as a wife has in the personal property of her deceased husband. R.S., c. 118, s. 13.

MARRIED WOMEN.

14. Whenever land is transferred to a man and his wife the transferees take according to the tenor of the transfer, and they do not take by entireties unless it is so expressed in the transfer. R.S., c. 118, s. 14.

15. A man may make a valid transfer of land to his wife, and a woman may make a valid transfer of land to her husband, without in either case, the intervention of a trustee. R.S., c. 118, s. 15.

16. A married woman, in respect of land acquired by her on or after the 1st day of January, 1887, has all the rights and is subject to all the liabilities of a feme-sole, and may, in all respects, deal with land as if she were unmarried. R.S., c. 118, s. 16.

17. Upon application by a married woman who before marriage became a party to an instrument or acquired an interest in land, accompanied by an affidavit of the applicant giving the date of her marriage, the place where solemnized, and her husband’s full name, residence and occupation, together with such other evidence as the registrar may require, the applicant may deal with the instrument or interest, and the registrar shall proceed, in the same manner as if the applicant had become a party to the instrument or had acquired the interest in her newly acquired name. 1948, c. 56, s. 1.

REGISTRATION Districts.

18. The Governor in Council may, from time to time, by proclamation, as the settlement of the country and the exigencies of the public service require, constitute any portion of the Territories a land registration district, and declare by what local name the same shall be known and designated, and may also from time to time change the boundaries of existing districts. R.S., c. 118, s. 18.

19. The boundaries of any district already constituted shall be as already defined, subject to change as provided in section 18. R.S., c. 118, s. 19.

20. (1) For each registration district there shall be an office, to be called "The Land Titles Office", which shall be in the district at some convenient and suitable place to be determined by the Governor in Council.

(2) If in any district no such place can be found, the Governor in Council may order that the land titles office for that district shall be in the City of Ottawa, in the Province of Ontario, until such place can be found. R.S., c. 118, s. 20.

21. The Governor in Council may provide in each registration district at the public expense, and may thereafter maintain, in a proper state of repair, as the land titles office for the district, a building of stone or brick, or partly of brick and partly of stone, to serve as the office of the registrar, and as the place of deposit and preservation of registers and other record books, certificates, instruments and documents connected with the registration of titles; and may fit up the said office with such fire-proof safes and other secure places as are necessary. R.S., c. 118, s. 21.

22. The Governor in Council shall, from time to time, provide all such books, forms and other office requisites, as are necessary for use under the provisions of this Act. R.S., c. 118, s. 22.

OFFICERS.

23. The Governor in Council may, from time to time, appoint an inspector of land titles offices, whose duties are, under instructions from the Minister, to inspect the books and records of the several land titles offices, and to perform such other duties as he may be directed by the Minister to perform, and the Inspector may in the discretion of the Minister be directed to perform any duty which any registrar is empowered by this Act to perform. R.S., c. 118, s. 23.

24. No person shall be appointed inspector of land titles offices unless he is when appointed a barrister, solicitor or advocate of at least three years' standing of one of the provinces of Canada. R.S., c. 118, s. 24.

25. (1) The business of each land titles office shall be conducted by an officer called the registrar, appointed by the Governor in Council, with such assistants and clerks as are necessary and as the Governor in Council from time to time appoints.

(2) The registrar holds office during pleasure. R.S., c. 118, s. 25.
26. (1) Whenever occasion requires, the Governor in Council may, from time to time, appoint a deputy registrar to assist the registrar under instructions from the latter.

(2) Such deputy registrar may, in the event of the illness or absence from office of the registrar, perform all the duties required by this Act to be done by the registrar.

(3) In case of the death, resignation or removal from office of the registrar the deputy registrar shall do and perform all the duties of the registrar under this Act until another registrar is appointed. R.S., c. 118, s. 26.

27. The Inspector, the registrars, deputy registrars, and other necessary officers shall be attached to the Department and be under the control of the Minister; and their salaries, and such incidental expenses of carrying on this Act as are sanctioned by this Act or by the Governor in Council, shall be paid out of moneys provided by Parliament for that purpose. R.S., c. 118, s. 27; 1949 (2nd Sess.), c. 18, s. 9.

28. The Inspector and every registrar and deputy registrar, before he enters upon the execution of his office, shall take before a judge of any court of record or stipendiary magistrate, the oath of office in Form A. 1948, c. 56, s. 2.

29. (1) Before an inspector of land titles offices or any registrar or deputy registrar is sworn into office, he shall furnish to Her Majesty security in a penal sum of not less than one thousand dollars for the true and faithful performance of his duty in respect to all things directed to be done or required of him by this Act or any law in that behalf.

(2) Such security shall, in the discretion of the Minister, be either a joint and several bond of the inspector of land titles offices, registrar, or deputy registrar, as the case may be, and two sureties, or a guarantee bond of a guarantee company duly approved by the Governor in Council.

(3) Such bond or guarantee bond shall be in duplicate and shall be subject to the approval of the Governor in Council. R.S., c. 118, s. 29.

30. (1) When the security to be so furnished is a joint and several bond the same shall be executed under the hands and seals of the obligors in Form B, and sureties shall justify under oath in Form C and the execution of the said bond shall be duly certified by the affidavit of a subscribing witness in Form D.
Deposit of duplicates.

(2) One of the duplicates, with the affidavits appended, shall then be forthwith transmitted to the Secretary of State of Canada, to be filed in his office, and the other shall be filed in the office of the Commissioner of the Northwest Territories or the Yukon Territory to which the appointment relates. R.S., c. 118, s. 30.

Further security may be required.

31. The Inspector, and any registrar or deputy registrar shall, when required by the Minister, furnish such further or other security as is deemed expedient. R.S., c. 118, s. 31.

Officers and clerks not to be agents, etc.

32. Neither the Inspector nor any registrar, deputy registrar or clerk in any land titles office shall
(a) directly or indirectly, act as the agent of any person investing money and taking securities on land within any registration district;
(b) advise for fee or reward or otherwise upon titles to land;
(c) practise as a conveyancer; or
(d) carry on or transact within the land titles office, any business or occupation whatever, other than his duties as such Inspector, registrar, deputy registrar or clerk. R.S., c. 118, s. 32.

Protection of officers.

33. Neither the Inspector nor any registrar, deputy registrar, or person acting under authority of a registrar, is liable to any action or proceeding for or in respect of any act bona fide done or omitted to be done in the exercise or supposed exercise of the powers given by this Act, or by any order or general rule made in pursuance thereof. R.S., c. 118, s. 33.

Seal of office.

34. Each registrar shall have a seal of office, approved by the Governor in Council, with which he shall seal all certificates of title. R.S., c. 118, s. 34.

Stamping therewith.

35. The registrar shall stamp all instruments that are presented to him for registration, showing the day, hour and minute of receiving the same. R.S., c. 118, s. 35.

Administration of oaths.

36. The Inspector, or within his district any registrar or deputy registrar, may administer any oath or take any affirmation or declaration respecting titles to land. R.S., c. 118, s. 36.

Copies of abstracts of instruments.

37. Every registrar shall, when required, furnish, under seal, an exemplification, copy or abstract of any instrument affecting lands, deposited, filed or registered in his office, and

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and every such exemplification and every duly certified copy shall be received as evidence in the same manner and with the same effect as if the original was produced. R.S., c. 118, s. 37.

38. Every land titles office shall be kept open on all days, except Sundays and legal holidays, between the hours of ten o'clock in the forenoon and four o'clock in the afternoon, during which time either the registrar or the deputy registrar shall be in attendance, except that on Saturdays the office shall be closed at one o'clock in the afternoon. R.S., c. 118, s. 38.

BOOKS.

39. (1) The registrar shall keep a book called the day-book, in which shall be entered by a short description every instrument given in for registration relating to lands for which a certificate of title has issued or been applied for, with the day, hour and minute of its so being given in.

(2) For the purposes of priority between mortgagees, transferees and others, the time so entered shall be taken as the time of registration.

(3) The registrar, in endorsing a memorandum upon the certificate of title embodied in the register or upon the duplicate, shall take the time from the day-book as the time of registration. R.S., c. 118, s. 39.

40. Unless required so to do by order of a court or judge, the registrar shall not receive or enter in the day-book any instrument, until the duplicate certificate of title for the land affected is produced to him so as to enable him to enter the proper memorandum on such duplicate certificate. R.S., c. 118, s. 40.

41. A duplicate certificate of title for the lands affected need not be produced in the case of

(a) executions against lands, caveats, mechanics' liens, transfers by a sheriff or municipal officer or by order of a court or judge;

(b) transfers on sales of lands for taxes, maps or plans that do not require to be registered, or certificates or orders of a court or judge; or

(c) a mortgage or other encumbrance created by any person rightfully in possession of land, prior to the issue of the grant from the Crown, or prior to the issue of transfer from the Hudson's Bay Company or from any company entitled to a grant of such lands from the R.S., 1952.
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the Crown or to which letters patent from the Crown for such land have already issued, if there is produced to and left with the registrar along with the mortgage an affidavit made by the mortgagor or encumbrancer in Form Q; and also in the case of lands mortgaged or encumbered prior to the issue of transfer as aforesaid, a certificate from the land commissioner or other proper officer of the company that the purchase price of such mortgaged lands has been paid and that the applicant is entitled to a transfer in fee simple therefor from the company.  R.S., c. 118, s. 41.

Register.

42. (1) The registrar shall also keep a book or books which shall be called the register, and shall enter therein all certificates of title, and shall record therein the particulars of all instruments, dealings and other matters by this Act required to be registered or entered in the register and affecting the land included in such certificate of title.

(2) Certificates of title shall be in Form E, and each certificate shall constitute a separate folio of such book.  R.S., c. 118, s. 42.

Form of certificate of title.

Entries, etc., in case of transfer.

43. (1) Upon every transfer of ownership, the certificate of title of the transferor and the duplicate thereof shall be cancelled, and the certificate of title of the transferee shall thereupon be entered upon a new folio in the register.

(2) The registrar shall note upon the folio of the title of the transferor the number of the folio of the transferee's title, and upon that of the transferee the number of the folio of the transferor, so that reference can be readily made from one to the other, as occasion requires.  R.S., c. 118, s. 43.

Numbers of folios to be noted.

REGISTRATION.

What to constitute registration.

44. (1) Every grant shall be deemed and taken to be registered under the provisions and for the purposes of this Act so soon as the same has been marked by the registrar with the folio and volume on and in which it is embodied in the register.

(2) Every other instrument shall be deemed to be registered so soon as a memorandum of it has been entered in the register upon the folio constituted by the existing grant or certificate of title of such land.  R.S., c. 118, s. 44.

Idem.

45. The registrar shall retain in his office every registered instrument.  R.S., c. 118, s. 45.

Keeping of registered instrument.

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46. Every memorandum entered in the register shall state the nature of the instrument to which such memorandum relates, the day, the hour and the minute of its registration, and the names of the parties thereto, and shall refer by number or symbol to such instrument, and shall be signed by the registrar. R.S., c. 118, s. 46.

47. (1) Whenever a memorandum has been entered in the register the registrar shall make a like memorandum upon the duplicate when the same is presented to him for the purpose, and sign and seal such memorandum.

(2) Such memorandum shall be received as conclusive evidence of its contents and that the instrument of which it is a memorandum has been duly registered under the provisions of this Act. R.S., c. 118, s. 47.

48. Whenever any land is granted in the Territories by the Crown, the letters patent therefor, when issued, shall be forwarded from the office whence the same are issued to the registrar of the registration district in which the land so granted is situated, and the registrar shall retain the letters patent in his office. R.S., c. 118, s. 48.

49. A certificate of title, as provided by this Act, with any necessary qualification, shall be granted to the patentee, and a duplicate of such certificate of title shall be issued to the patentee free of all fees and charges to patentee, if at the time of the issue thereof there are no encumbrances or other instruments affecting the land registered in the land titles office. R.S., c. 118, s. 49.

50. If there are any instruments registered that encumber or affect the title, a duplicate of such certificate shall be issued upon the payment of such fees as are fixed or may be from time to time fixed by the Governor in Council. R.S., c. 118, s. 49.

51. (1) A notification to the registrar from the Minister that land described therein has been granted to the Canadian Pacific Railway Company, or to any other railway company entitled to Dominion lands under the authority of an Act of Parliament, shall be accepted by the registrar and dealt with by him in all respects as if it were letters patent in favour of the company.

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(2) The notification shall state the nature of the grant and shall specify any mines, minerals, easements or rights which are excepted from the grant. R.S., c. 118, s. 51.

52. (1) A notification to the registrar from the Commissioner of the Northwest Territories, that the land described in such notification is part of any road allowance or trail that has been closed and has been transferred to the person named as transferee in such notification, or in a transfer attached thereto, shall be accepted by the registrar and dealt with by him in all respects as if it were letters patent in favour of such person.

(2) The notification shall state the nature of the grant and shall specify any mines, minerals, easements or rights that are excepted from the grant. R.S., c. 118, s. 52.

53. The owner of any estate for life or for a term of more than three years, in any land for which the grant from the Crown has been registered, may apply to have his title registered, and to have a certificate of title issued to him therefor under the provisions of this Act. R.S., c. 118, s. 53.

APPLICATIONS TO BRING LAND UNDER THIS ACT.

54. (1) The owner of any estate or interest in any land, whether legal or equitable, letters patent for which issued from the Crown before the 1st day of January, 1887, or which otherwise had prior to that date passed from the Crown, may apply to have his title registered under the provisions of this Act.

(2) If at the time of the grant of the certificate of title, there are no registered encumbrances or conveyances affecting such land, the certificate may be granted to the patentee upon payment of such fees as are fixed by the Governor in Council, but no fees are payable therefor under the provisions of this Act relating to the Assurance Fund. R.S., c. 118, s. 54.

55. (1) The application shall be made in writing to the registrar of the registration district in which the land is situate, in Form F, and shall be verified by affidavit of the applicant or some one on his behalf in Form G.

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(2) The application shall be accompanied by

(a) all deeds, if any, in possession of the applicant;

(b) a certificate showing all registrations affecting the title, down to the time when such application is filed, with copies of any registered documents, the originals of which he is unable to produce;

(c) a certificate from the sheriff showing that there is no execution in his hands against the applicant's lands; and

(d) if the land is within any organized municipality or school district, a certificate of payment of taxes.

(3) It is not in any case necessary for any applicant to produce copies of any document the original of which is at the time of the application of record in the office of the registrar to whom the application is made; nor, for the Hudson's Bay Company, in the case of any lands the title to which passed to that company before the 1st day of January, 1887, to produce to the registrar any of the certificates mentioned in this section, if the application is accompanied by an affidavit by any officer of the company approved by the Minister in Form H.

(4) In case the land is not within any organized municipality or school district and by reason thereof a certificate of taxes cannot be produced, the fact must be set forth in the application. R.S., c. 118, s. 55.

56. Where the applicant is the original grantee of the Crown, and no deed, transfer, mortgage or other encumbrance, or instrument or caveat affecting the title appears to have been recorded; or where he is not the original grantee, and all the original title deeds are produced, and no person other than the applicant is in actual possession of the land, and no caveat has been registered, the registrar, if he entertains no doubt as to the title of the applicant, shall grant a certificate of title as herein provided. R.S., c. 118, s. 56.

57. (1) Contiguous unsubdivided lands not exceeding altogether two thousand acres or any number of lots under the same plan of subdivision may be included in one application.

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(2) In no case shall one certificate of title issue for more than twenty-five lots or for lots in more than one subdivision or for unsubdivided lands that are not contiguous or that contain more than two thousand acres. 1948, c. 56, s. 3.

58. Where there is any mortgage or encumbrance against the land at the date of the application, the filing with the registrar of the original mortgage or the instrument creating the encumbrance, or a copy of such mortgage or instrument, having endorsed thereon or attached thereto a receipt, which may be in Form R, for the payment of the amount thereby secured, signed by the mortgagee or encumbracee, attested by an affidavit of the witness, operates as a discharge of such mortgage or encumbrance. R.S., c. 118, s. 57.

59. Where any person other than the applicant appears by admission or otherwise to be interested in the land, and
   (a) the applicant desires to have his title registered subject to the interest of such other person,
   (b) such interest is by virtue of a mortgage, encumbrance, or lease, or is a charge created by any other instrument, and
   (c) such instrument is at the time of the application of record in the office of the registrar to whom the application is made, or, if not so of record, is then produced to the registrar,

the registrar may, if he entertains no doubt as to the extent and nature of such interest, or as to the title of the applicant, register the title and grant a certificate of title and issue a duplicate certificate subject to such interest. R.S., c. 118, s. 58.

60. In any case where the person who appears to be interested in land is a consenting party to an application, the registrar may, if he entertains no doubt as to the title of the applicant, grant a certificate of title subject to the terms of the consent, if such consent is in writing signed by the consenting party in presence of a witness, and attested in the manner required by this Act, for the attestation of instruments not under seal. R.S., c. 118, s. 59.

61. In all cases other than those provided for in sections 56, 58, 59 and 60, the registrar shall forthwith, on giving the applicant a certificate of the filing of his application, transmit
transmit the application, with all evidence supplied, to the judge to be dealt with as hereinafter provided. R.S., c. 118, s. 60.

62. The judge shall examine, without delay, all titles that are submitted to him, and for such purpose shall, when necessary, hear all persons interested, or claiming to be interested, and shall hear and consider the claims as against the applicant, of any person who is in possession of the land; and he has and shall exercise all the powers for compelling the attendance of persons and the production of documents, which usually appertain to courts of civil justice and the judges thereof in civil actions brought therein. R.S., c. 118, s. 61.

63. Any person having an adverse claim, or a claim not recognized in the application for registration may, at any time before the judge has approved of the applicant’s title, file with the registrar a short statement of his claim, verified by affidavit, and a copy of such statement shall be served on the applicant, or his advocate or his agent. R.S., c. 118, s. 62.

64. Where any adverse claim is filed, the judge shall proceed to examine into and adjudicate thereon, and no certificate of title shall be granted until such adverse claim has been disposed of. R.S., c. 118, s. 63.

65. In any case before him, the judge may direct that public notice of the application be published in some newspaper or newspapers in such form and for such period as he thinks expedient, and no order for registration shall be granted by him until after the expiration of at least four weeks from the first publication of the notice, if he has directed the same to be published. R.S., c. 118, s. 64.

66. The judge, if satisfied with the applicant’s title, shall thereupon make an order directing the registrar, after the expiration of four weeks from the date thereof, unless in the meantime the order is appealed from, to register the same. R.S., c. 118, s. 65.

67. After registration of a title the registrar upon application by the owner or his duly authorized agent, shall make out, sign, officially seal and deliver to him a duplicate of the certificate of title in the register on which shall be entered all memoranda endorsed on or attached to the certificate of title. R.S., c. 118, s. 66.

EFFECT

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Covenant implied in transfers of lands subject to mortgage, etc.

68. In every instrument transferring, encumbering or charging any land for which a certificate of title has been granted, there shall be implied the following covenant by the transferor or encumbrancer, namely, that the transferor or encumbrancer will do such acts and execute such instruments as, in accordance with the provisions of this Act, are necessary to give effect to all covenants, conditions and purposes expressly set forth in such instrument, or by this Act declared to be implied against such person in instruments of a like nature. R.S., c. 118, s. 67.

Covenant implied in instruments relating to lands.

69. In every instrument transferring land, for which a certificate of title has been granted, subject to mortgage or encumbrance, there shall be implied the covenant by the transferee, that the transferee will pay the principal money, interest, annuity or rent charge secured by the mortgage or encumbrance, after the rate and at the time specified in the instrument creating the same, and will indemnify and keep harmless the transferor from and against the principal sum or other moneys secured by the instrument creating such mortgage or encumbrance, and from and against the liability in respect of any covenant therein contained or under this Act implied, on the part of the transferor. R.S., c. 118, s. 68.

Unregistered instruments ineffectual.

70. After a certificate of title has been granted for any land, no instrument, until registered under this Act, is, as against any bona fide transferee of the land under this Act, effectual to pass any estate or interest in such land except a leasehold interest not exceeding three years, or to render such land liable as security for the payment of money. R.S., c. 118, s. 69.

Effect of registration.

71. Upon the registration of any instrument in manner herein prescribed, the estate or interest specified therein passes, or the land becomes liable as security, in manner and subject to the covenants, conditions and contingencies set forth and specified in such instrument, or by this Act declared to be implied in instruments of a like nature. R.S., c. 118, s. 70.

Effect of certificate.

72. (1) The owner of land for which a certificate of title has been granted, except in case of a fraud wherein he has participated or colluded, holds such land subject, in addition to the incidents implied by virtue of this Act, to such encumbrances, liens, estates or interests as are notified on the folio of the register that constitutes the certificate.
of title, but absolutely free from all encumbrances, liens, estates or interests whatsoever, except the estate or interest of an owner claiming the same land under a prior certificate of title granted under the provisions of this Act.

(2) Such priority shall, in favour of any person in possession of land, be computed with reference to the grant or earliest certificate of title under which he or any person through whom he derives title, has held such possession. R.S., c. 118, s. 71.

73. The title to the land mentioned in any certificate of title granted under this Act is, by implication, and without any special mention in the certificate, unless the contrary is expressly declared, subject to

(a) any subsisting reservations or exceptions contained in the original grant of the land from the Crown;
(b) all unpaid taxes;
(c) any public highway or right of way or other public easement, howsoever created, upon, over or in respect of the land;
(d) any subsisting lease or agreement for a lease for a period not exceeding three years, where there is actual occupation of the land under the same;
(e) any decrees, orders or executions against or affecting the interest of the owner in the land, that have been registered and maintained in force against the owner;
(f) any right of expropriation that may, by statute or ordinance, be vested in the Crown or in any person or body corporate; and
(g) any right of way or other easement granted or acquired under the provisions of the Irrigation Act.
R.S., c. 118, s. 72.

74. The registrar has power to decide whether any instrument that is presented to him for registration is substantially in conformity with the proper form in the Schedule, or not, and to reject any instrument that he may decide to be unfit for registration. R.S., c. 118, s. 73.

75. (1) No memorandum or entry shall be made upon a certificate of title or upon the duplicate thereof of any notice of trusts, whether expressed, implied, or constructive.

(2) The registrar shall treat any instrument containing any such notice as if there were no trust; and the trustees therein named shall be deemed to be the absolute and beneficial owners of the land for the purposes of this Act.
R.S., c. 118, s. 74.

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76. Every instrument becomes operative according to the tenor and intent thereof, so soon as registered, and thereupon creates, transfers, surrenders, charges or discharges, as the case may be, the land or estate or interest mentioned in such instrument. R.S., c. 118, s. 75.

77. Instruments registered in respect of or affecting the same land are entitled to priority the one over the other according to the time of registration and not according to the date of execution. R.S., c. 118, s. 76.

TRANSFERS.

78. When land for which a certificate of title has been granted, is intended to be transferred, or any right of way or other easement affecting such land is intended to be created or transferred, the owner may execute a transfer in Form I, which transfer shall, for description of the land intended to be dealt with, refer to the certificate of title of the land, or shall give such description as is sufficient to identify the same, and shall contain an accurate statement of the estate, interest or easement intended to be created or transferred, and a memorandum of each lease, mortgage and other encumbrance to which the land is subject. R.S., c. 118, s. 77.

79. (1) No words of limitation are necessary in any transfer of any land in order to transfer all or any title therein, but every instrument transferring land operates as an absolute transfer of all such right and title as the transferor has therein at the time of its execution, unless a contrary intention is expressed in the transfer; but nothing herein contained precludes any transfer from operating by way of estoppel.

(2) The introduction of any words of limitation into any transfer or devise of any land, has the like force and meaning, as the same words of limitation would have if used by way of limitation of any personal estate. R.S., c. 118, s. 78.

80. Whenever any easement or any incorporeal right in or over any land for which a certificate of title has been granted is created for the purpose of being annexed to or used and enjoyed together with other land for which a certificate of title has also been granted, the registrar shall make a memorandum of the instrument creating such easement or incorporeal right upon the folio of the register that constitutes the existing certificate of title of such other land and upon the duplicate thereof. R.S., c. 118, s. 79.
81. Where a transfer purports to transfer the transferor's interest in the whole or part of the land mentioned in any certificate of title, the transferor shall deliver up the duplicate certificate of title of the land, and the registrar shall make a memorandum setting forth the particulars of the transfer upon the duplicate certificate of title and upon the certificate of title in the register, cancelling the same, either wholly or partially, according as the transfer purports to transfer the whole or part only of the interest of the transferor in the said land. R.S., c. 118, s. 80.

82. Upon every transfer of the land mentioned in a certificate of title, the certificate of title to be granted shall be granted by the registrar, and a duplicate shall be issued to the transferee on application. R.S., c. 118, s. 81.

PLANS.

83. (1) The registrar may require the owner of any land within his registration district desiring to transfer or otherwise deal with the same under the provisions of this Act, to furnish the registrar with a map or plan of the land, having the several measurements marked thereon, certified by a Dominion land surveyor, and prepared upon one of the following scales:

(a) if the land proposed to be transferred or dealt with is of less area than one acre, then the map or plan shall be on a scale not less than one inch to two chains;
(b) if the land is of greater area than one acre, but not exceeding five acres, then the map or plan shall be on a scale not less than one inch to five chains; and
(c) if the land is of greater area than five acres, but not exceeding eighty acres, then the map or plan shall be on a scale not less than one inch to ten chains.

(2) The owner shall sign the plan and attest the accuracy of the same in the manner herein provided for the attestation of all instruments.

(3) If the owner neglects or refuses to comply with the requirements aforesaid, the registrar shall not proceed with the registration of the transfer or dealing until the requirements are complied with.

(4) Subsequent subdivisions of the same land may be delineated upon a duplicate of the map or plan of the same so furnished, if such map is upon a sufficient scale, in accordance with the provisions herein contained; and the correctness of the delineation of each such subdivision shall be attested in the manner prescribed for the attestation of an original map.

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(5) Where parts of different subdivisions authorized under the Dominion lands system of survey are included in the same transfer, the map shall represent the whole of each of such subdivisions, and shall indicate the location of the land to be transferred, except that this is not necessary in the case of lots in a city, town or village, the plan of which has been registered. R.S., c. 118, s. 82.

84. Any plan that has been prepared in accordance with the provisions of any Act of the Parliament of Canada, and has been lodged or filed with the registrar under or in accordance with the said provisions, shall be dealt with and recognized by him, in so far as it is capable of being dealt with and recognized, as if it had been prepared and filed or registered under and in accordance with the provisions of this Act. R.S., c. 118, s. 83.

85. Any map or plan attested by the signature of the Minister of Citizenship and Immigration or his deputy, and certified by a Dominion land surveyor to be a true copy of a plan of survey lodged or filed in the Department of Mines and Technical Surveys, of lands described as surrendered lands in the Indian Act, shall be dealt with and recognized in accordance with the provisions of this Act by the registrar of the district in which the said lands are situated when the said map or plan has been lodged or filed with him, notwithstanding that the Indian Act does not expressly authorize the said map or plan to be so lodged or filed. R.S., c. 118, s. 84; 1949 (2nd Sess.), c. 16, s. 6.

86. (1) Any owner subdividing land, and laying the same out as a town-plot, for the purpose of selling the same in allotments, shall deposit with the registrar a map of such town-plot, whether or not a certificate of title has been granted for such lands or any part thereof.

(2) Such map shall be made on a scale of not less than one inch to four chains, and shall show

(a) the number of the section, township and range, or the number of the river lot, or the name of the district or reservation, as the case may be, in which the land lies;

(b) the number of the meridian west of which such range, river lot, district or reservation, is situated;

(c) all boundary lines within the limits of the land shown on the map of sections, river lots, districts or reservations;

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(d) all roads, streets, passages, thoroughfares, squares or reservations appropriated or set apart for public use, with the courses and widths thereof respectively;

(e) the length and width of all lots;

(f) the courses of all division lines between lots within the town-plot; and

(g) the courses of all streams or waters within the limits of the land included in the map.

(3) The lots shall be marked with distinct numbers or symbols.

(4) Every such map shall be signed by every owner or his agent, and certified in Form K by a Dominion land surveyor, whose respective signatures shall be duly witnessed and attested in the manner herein provided for the attestation of instruments to be registered under this Act. R.S., c. 118, s. 85.

87. (1) In no case is any plan or survey, although filed and registered, binding on the person so filing or registering the same, or upon any other person, unless a sale, mortgage, encumbrance or lease has been made according to such plan or survey.

(2) At the instance of the person filing or registering the same, or of any person deriving title through him to any land shown on any such plan or survey, cancellation in whole or in part, or amendments or alterations of such plan or survey may be made upon the order of a judge, if, on application for the purpose duly made, and upon hearing all parties concerned, it is thought fit and just to order, and the order may be upon such terms and conditions as to costs and otherwise as may be deemed expedient. R.S., c. 118, s. 86.

LEASES.

88. (1) When any land for which a certificate of title has been granted is intended to be leased or demised for a life or lives, or for a term of more than three years, the owner shall execute a lease in Form L, and every such instrument shall, for description of the land intended to be dealt with, refer to the certificate of title of the land, or shall give such other description as is necessary to identify the land.

(2) A right for the lessee to purchase the land therein described may be stipulated in the instrument.

(3) In case the lessee pays the purchase money stipulated, and otherwise observes his covenants expressed and implied in the instrument, the lessor is bound to execute a transfer to such case.

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to such lessee of the land, and to perform all necessary acts by this Act prescribed for the purpose of transferring the land to the purchaser.

(4) No lease of mortgaged or encumbered land is valid and binding against the mortgagee or encumbrancee, unless the mortgagee or encumbrancee consents to the lease prior to the same being registered, or subsequently adopts the same. R.S., c. 118, s. 87.

89. In every lease, unless a contrary intention appears therein, there shall be implied covenants by the lessee

(a) that he will pay the rent thereby reserved at the times therein mentioned, and all rates and taxes that may be payable in respect of the demised land during the continuance of the lease, and

(b) that he will, at all times during the continuance of the lease, keep and, at the termination thereof, yield up the demised land in good and tenantable repair, accidents and damage to buildings from fire, storm and tempest or other casualty and reasonable wear and tear excepted. R.S., c. 118, s. 88.

90. In every lease, unless a different intention appears therein, there shall also be implied powers in the lessor

(a) that, by himself or his agents, he may enter upon the demised land and view the state of repair thereof, and may serve upon the lessee, or leave at his last or usual place of abode, or upon the demised land, a notice in writing of any defect, requiring him within a reasonable time, to be therein mentioned, to repair the same, in so far as the tenant is bound so to do, and

(b) that in case the rent or any part thereof is in arrear for the space of two calendar months, or in case default is made in the fulfilment of any covenant in such lease on the part of the lessee, whether expressed or implied, and is continued for the space of two calendar months, or in case the repairs required by such notice as afore-said are not completed within the time therein specified, the lessor may enter upon and take possession of the demised land. R.S., c. 118, s. 89.

91. (1) In any such case, the registrar, upon proof to his satisfaction of lawful re-entry and recovery of possession by a lessor, or his transferee by a legal proceeding, shall make a memorandum of the same upon the certificate of title, and upon the duplicate thereof when presented to him for that purpose, and the estate of the lessee in such

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land thereupon determines, but without releasing the lessee from his liability in respect of the breach of any covenant in the lease, expressed or implied.

(2) The registrar shall cancel the lease, if delivered up to him for that purpose. R.S., c. 118, s. 90.

92. (1) Whenever, in any lease made under this Act, the forms of words in column one of Form M, and distinguished by any number therein, are used, the lease shall be taken to have the same effect, and shall be construed as if there had been inserted therein the form of words contained in column two of the said Form and distinguished by the same number, but it is not necessary in any such lease to insert any such number.

(2) Every such form shall be deemed a covenant by the covenantor with the covenantee and his transferees, binding the former and his heirs, executors, administrators and transferees.

(3) There may be introduced into or annexed to any of the forms in the first column any expressed exceptions from the same or expressed qualifications thereof respectively, and the like exceptions or qualifications shall be taken to be made from or in the corresponding forms in the second column. R.S., c. 118, s. 91.

93. (1) Whenever any lease or demise that is required to be registered by this Act is intended to be surrendered, and the surrender thereof is effected otherwise than through the operation of a surrender in law, upon the production of the surrender, in Form N, to the registrar, he shall make a memorandum of the surrender upon the certificate of title in the register and upon the duplicate certificate, but no lease subject to mortgage or encumbrance shall be surrendered without the consent of the mortgagee or encumbrancee.

(2) When the memorandum has been so made, the estate or interest of the lessee in the land vests in the lessor or in the person in whom, having regard to intervening circumstances, if any, the land would have vested if the lease had never been executed. R.S., c. 118, s. 92.

MORTGAGES AND ENCUMBRANCES.

94. (1) Whenever any land, for which a certificate of title has been granted, is intended to be charged or made security in favour of any mortgagee, the mortgagor shall execute a mortgage in Form O, or to the like effect.

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Form of encumbrance.

(2) Whenever any such land is intended to be charged with or made security for the payment of an annuity, rent, charge, or sum of money, in favour of any encumbranceree, the encumbrancer shall execute an encumbrance in Form P, or to the like effect.

Statement of estate and description of land.

(3) Every such instrument shall contain an accurate statement of the estate or interest intended to be mortgaged or encumbered, and shall, for description of the land intended to be dealt with, refer to the certificate of title on which the estate or interest is held, or shall give such other description as is necessary to identify the land, together with all mortgages or encumbrances affecting the same, if any.

Memorandum.

(4) A memorandum of the mortgage or encumbrance shall be made upon the certificate of title in the register and upon the duplicate thereof. R.S., c. 118, s. 93.

Registration of mortgages, etc., before grant.

95. (1) There may be filed in the office of the registrar of any mortgage or other encumbrance created by any person rightfully in possession of land prior to the issue of the grant from the Crown, or prior to the issue of the transfer from the Hudson's Bay Company or from any company entitled to a grant of such lands from the Crown or to which letters patent from the Crown for such mortgaged lands have already issued, if there is produced to and left with the registrar along with the mortgage an affidavit made by the mortgagor in Form Q, and also, in the case of lands mortgaged prior to the issue of transfer as aforesaid, a certificate from the land commissioner or other proper officer of the company that the purchase price of such mortgaged lands has been paid and that the mortgagor is entitled to a transfer in fee simple therefor from the company.

(2) The registrar shall, on registering the grant of lands so mortgaged, enter in the register and endorse upon the duplicate certificate of title, before issuing it, a memorandum of the mortgage or encumbrance.

(3) When so entered the mortgage or encumbrance is as valid as if made subsequent to the issue of the grant, or to the issue of the transfer as aforesaid.

(4) If more than one mortgage or encumbrance are filed they shall be registered in the order of time in which they have been filed in the office. R.S., c. 118, s. 94.

Entry and memorandum.

96. (1) Nothing in this Act contained shall entitle a settler who is entered for a homestead or homestead and pre-emption not authorized. under the provisions contained in the Dominion Lands Act, chapter 113 of the Revised Statutes of Canada, 1927, to mortgage the land entered for by him as R.S., 1952.
as a homestead or pre-emption prior to issue of a patent to him therefor or until he has been recommended for patent by the local agent and has received a certificate of recommendation in accordance with the provisions of the said Act; and notwithstanding anything contained in this Act any such mortgage shall be deemed an assignment or transfer prohibited by the *Dominion Lands Act*.

(2) For the purpose of preventing the acceptance and registration of any such mortgage, the registrar is hereby empowered to refuse to register any mortgage for land for which the patent is not of record in the land titles office, unless the applicant for the registration of such mortgage first satisfies the registrar that he is entitled to execute such mortgage, by an affidavit, in Form Q, and to be filed by the registrar with the mortgage if the latter is accepted and filed or registered by him. R.S., c. 118, s. 95.

97. (1) Where land is subject to a mortgage or encumbrance the duplicate certificate of title shall be deposited with the registrar who shall retain it on behalf of all persons interested in the land mentioned in the certificate of title.

(2) The registrar shall furnish to the owner of the mortgage or encumbrance a certificate of charge in Form CC. R.S., 1948, c. 56, s. 4.

98. A mortgage or encumbrance under this Act has effect as security, but does not operate as transfer of the land thereby charged. R.S., c. 118, s. 97.

99. Proceedings to enforce payment of moneys secured by mortgage or encumbrance, or to enforce the observance of the covenants, agreements, stipulations or conditions contained in any mortgage or encumbrance, or for the sale of the lands mortgaged or encumbered, or to foreclose the estate, interest or claim of any person in or upon the land mortgaged or encumbered, as also proceedings to redeem or discharge any land from any such mortgage or encumbrance, shall be had and taken in the Northwest Territories before a stipendiary magistrate and in the Yukon Territory in the Territorial Court. R.S., c. 118, s. 98.

100. (1) Upon the production of any mortgage or encumbrance having endorsed thereon or attached thereto a receipt or acknowledgment in Form R, signed by the mortgagee or encumbrancer, and proved by the affidavit of an attesting witness, discharging the whole or any part of the land comprised in such instrument from the whole or any part of the principal sum or annuity secured thereby, or

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upon proof being made to the satisfaction of a judge of the payment of all or part of the moneys due on any mortgage or encumbrance, and the production to the registrar of a certificate signed by the judge to that effect, the registrar shall make an entry on the certificate of title noting that such mortgage or encumbrance is discharged wholly or partially, or that part of the land is discharged as aforesaid, as the case requires.

(2) Upon such entry being so made, the land, or the estate or interest in the land or the portion of the land mentioned or referred to in such endorsement as aforesaid, ceases to be subject to or liable for such principal sum or annuity, or, as the case may be, for the part thereof mentioned in such entry as discharged. R.S., c. 118, s. 99.

101. (1) Upon proof of the death of the annuitant, or of the occurrence of the event or circumstance upon which, in accordance with the provisions of any encumbrance, the annuity or sum of money thereby secured ceases to be payable, and upon proof that all arrears of the said annuity and interest or money have been paid, satisfied or discharged, the registrar shall, upon the order of a judge, make a memorandum upon the certificate of title in the register, that such annuity or sum of money is satisfied and discharged, and shall cancel such instrument.

(2) Upon such memorandum being made, the land ceases to be subject to or liable for such annuity or sum of money.

(3) The registrar shall, in any such case, endorse on the duplicate certificate of title a similar memorandum whenever such duplicate certificate of title is presented to him for that purpose. R.S., c. 118, s. 100.

102. (1) Where any mortgagor becomes entitled to pay off the mortgage money, and the registered mortgagee is absent from the Territories and there is no person authorized by registered power of attorney to give a receipt to the mortgagor for the mortgage money after the date appointed for the redemption of any mortgage, the judge, on application to him and proof of the facts and of the amount due for principal and interest upon the mortgage, may direct the payment into a chartered bank having a branch or agency in the registration district, of the mortgage money, with all arrears of interest then due thereon, to the credit of the mortgagee or other person entitled thereto; and thereupon the interest upon the mortgage ceases to run or accrue.

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(2) Where there is no branch or agency of any chartered bank in the district, the order may direct payment into a chartered bank having a branch or agency in the Territories. R.S., c. 118, s. 101.

103. (1) The registrar shall, upon presentation of the judge's order and of the receipt of the manager or agent of the bank for the amount of the mortgage money and interest, make a memorandum upon the certificate of title in the register discharging the mortgage, stating the day, hour and minute on which such memorandum is made.

(2) Such memorandum is a valid discharge of the mortgage.

(3) The registrar shall, when such order and receipt are presented to him, send a notice of the fact to the mortgagee by letter addressed by mail to his last known place of abode.

(4) The registrar shall endorse on the duplicate certificate of title and also on the mortgage whenever those instruments are produced to him, the several particulars to be endorsed upon each of such instruments respectively.

(5) After payment as aforesaid of any mortgage money and interest, the mortgagee shall not recover any further sum in respect of such mortgage than the amount so paid. R.S., c. 118, s. 102.

104. (1) Mortgages, encumbrances and leases of land for which a certificate of title has been granted may be transferred by a transfer executed in Form S.

(2) The transfer shall be registered in the same manner as mortgages, encumbrances and leases are registered.

(3) Transferees have priority according to the time of registration. R.S., c. 118, s. 103.

105. (1) Any mortgagee may transfer a part of the sum secured by the mortgage by a transfer executed in Form T and the part so transferred continues to be secured by the mortgage, and may be given priority over the remaining part or may be deferred, or may continue to rank equally with it under the security of the original mortgage, as stated in the transfer.

(2) The registrar shall enter on the certificate of title a memorandum of the amount of the mortgage so transferred, the name of the transferee, and how the sum so transferred is to rank, and shall notify the mortgagor of the facts. R.S., c. 118, s. 104.
Effect of registration of transfer.

106. Upon the registration of a transfer of any mortgage, encumbrance or lease, the estate or interest of the transferor, as set forth in such instrument, with all rights, powers and privileges thereto belonging or appertaining, passes to the transferee, and such transferee thereupon becomes subject to and liable for all and every the same requirements and liabilities to which he would have been subject and liable if named in such instrument. R.S., c. 118, s. 105.

Rights of transferee.

107. (1) By virtue of every such transfer the right to sue upon any mortgage or other instrument, and to recover any debt, sum of money, annuity or damages thereunder, and all interest at the time of such transfer in any such debt, sum of money, annuity or damages, shall be transferred so as to vest the same in law in the transferee thereof.

(2) Nothing in subsection (1) prevents the court from giving effect to any trusts affecting the said debt, sum of money, annuity or damages, in case the said transferee holds the same as trustee for any other person. R.S., c. 118, s. 106.

Trusts.

108. In every mortgage there shall be implied against the mortgagor remaining in possession, a covenant that he will repair and keep in repair all buildings or other improvements erected and made upon the land, and that the mortgagor may at all convenient times, until the mortgage is redeemed, be at liberty, with or without surveyors or others, to enter into or upon the land to view and inspect the state of repair of the buildings or improvements. R.S., c. 118, s. 107.

Implied covenants by mortgagor.

109. (1) Whenever, in a mortgage made under this Act, the form of words in column one of Form U, and distinguished by any number therein, are used, such mortgage shall be taken to have the same effect, and be construed as if there had been inserted therein the form of words contained in column two of the said Form, and distinguished by the same number; but it is not necessary in any such mortgage to insert any such number.

(2) Every such form shall be deemed a covenant by the covenantor with the covenantee and his transferees, binding the former and his heirs, executors, administrators and transferees; and there may be introduced into or annexed to any of the forms in the first column any expressed exceptions from the same or expressed qualifications thereof respectively, and the like exceptions or qualifications shall be taken to be made from or in the corresponding forms in the second column. R.S., c. 118, s. 108.

Short forms of covenants.

Effect.

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POWERS OF ATTORNEY.

110. (1) The owner of any land may authorize and appoint any person to act for him or on his behalf with respect to the transfer or other dealing with such land or with any part thereof, in accordance with the provisions of this Act, by executing a power of attorney in Form V, or as near thereto as circumstances permit, or in any form heretofore in use for the like purpose in which the land is not specifically mentioned and described, but is mentioned and referred to in general terms, any of which forms of power of attorney the registrar shall register.

(2) If the land referred to in any form of power of attorney is specifically and properly described, the registrar shall make a memorandum upon the certificate of title and upon the duplicate certificate of the particulars therein contained and of the time of its registration.

(3) Until such power of attorney in which the land referred to is so specifically described is revoked by a revocation in Form W, the right of the owner to transfer or to otherwise deal with the land is suspended.

(4) The execution or registration of a general power of attorney does not in any way affect the right of the owner to transfer or otherwise deal with his land. R.S., c. 118, s. 109.

111. (1) The registrar is hereby empowered to recognize, for the purpose for which it was executed, in so far as it concerns any land in his district belonging to the person by whom it is executed, any power of attorney that is in the general form referred to in section 110 and has heretofore been or hereafter is deposited, filed or registered in any land titles office in any registration district of the Territories.

(2) Where an original power of attorney in any form mentioned in section 110 has heretofore been or is hereafter deposited, filed or registered in one land titles office, a copy thereof, certified as such by the registrar in whose office it is of record, may be accepted by any other registrar in lieu of the original, and be recognized by him for the purpose for which the original power of attorney was executed, in so far as it affects any land in the district of the last mentioned registrar belonging to the person who executed it. R.S., c. 118, s. 110.
112. (1) The registrar shall keep a book in convenient form in which shall be entered according to the respective dates of receipt in his office, a record of all powers of attorney or duly certified copies of powers of attorney, deposited, filed, or received in his office.

(2) Such books shall be kept in alphabetical order, so as to show the names of all persons whose lands are or are intended to be affected by such powers, and the day, hour and minute of their receipt by him. R.S., c. 118, s. 111.

Revocation.

113. (1) Any such power of attorney may be revoked by a revocation in Form W.

(2) The registrar shall not give effect to any transfer or other instrument, signed pursuant to any power of attorney after the registration of a revocation of such power, unless under any registration abstract outstanding at the time. R.S., c. 118, s. 112.

TRANSMISSION.

114. (1) Whenever the owner of any land, for which a certificate of title has been granted, dies, such land, subject to the provisions of this Act, vests in the personal representative of the deceased owner.

(2) The personal representative shall, before dealing with such land, make application in writing in Form DD to the registrar to be registered as owner of such land in his representative capacity and such application shall be verified by affidavit of the applicant or someone on his behalf in Form G.

(3) The applicant shall produce to the registrar, at the time of making his application, the duplicate certificate, the probate of the will of the deceased owner or letters of administration or the order of the court authorizing him to administer the estate of the deceased owner, or a copy certified by the court, of the said probate, letters of administration, or order, as the case may be; and thereupon the registrar shall enter a memorandum of the application upon the certificate of title.

(4) For the purposes of this Act the probate of a will granted by the proper court of any province of Canada or of the United Kingdom, or an exemplification thereof is sufficient. 1948, c. 56, s. 5.

115. (1) Upon such memorandum being made, the executor or administrator, as the case may be, shall be deemed to be the owner of the land.

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(2) The registrar shall note the fact of the registration by a memorandum under his hand on the probate of the will, letters of administration, order or other instrument. R.S., c. 118, s. 114.

116. The title of the executor or administrator to the land relates back and takes effect as from the date of the death of the deceased owner. R.S., c. 118, s. 115.

117. The duplicate certificate of the title issued to the deceased owner at the time of the making of the application shall be delivered up to be cancelled if not proved to have been lost or destroyed, and the registrar shall grant to the executor or administrator as such a new certificate of title, and issue to him a duplicate certificate. R.S., c. 118, s. 116.

118. If the certificate of title for the land has not been granted to the deceased owner, the personal representative, before being entitled to be registered under sections 114 to 117, shall bring the land under this Act in the ordinary way. R.S., c. 118, s. 117.

119. Whenever any mortgage, encumbrance or lease affecting land, for which a certificate of title has been granted, is transmitted in consequence of the will or intestacy of the owner thereof, the probate of the will of the deceased owner, or letters of administration, or the order of the court authorizing a person as aforesaid to administer the estate of the deceased owner, or an office copy of the said probate, letters of administration, or order, as the case may be, accompanied by an application in writing from the executor or administrator, or such other person as aforesaid, claiming to be registered as owner in respect of such estate or interest, shall be produced to the registrar, who shall thereupon make a memorandum upon the certificate of title and upon the duplicate thereof of the date of the will and of the probate, or of the letters of administration, or order of the court as aforesaid, the date, hour and minute of the production of the same to him, and of such other particulars as he deems necessary. R.S., c. 118, s. 118.

120. (1) Upon such memorandum being made, the executor, or administrator, or such other person, as the case may be, shall be deemed to be the owner of the mortgage, encumbrance or lease.

(2) The registrar shall note the fact of the registration by memorandum under his hand on the letters of administration, probate or order. R.S., c. 118, s. 119.

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121. Any person registered in place of a deceased owner, holds the land in respect of which he is registered upon the trusts and for the purposes to which the same is applicable by this Act or by law, and subject to any trusts and equities upon which the deceased owner held the same; but, for the purpose of any registered dealings with such land, he shall be deemed to be the absolute and beneficial owner thereof. R.S., c. 118, s. 120.

122. Any person beneficially interested in any such land, may apply to a court or judge having jurisdiction, to have the same taken out of the hands of the trustee having charge by law of such land, and transferred to some other person or persons; and the court or judge, upon reasonable cause being shown, shall name some suitable person or persons as owner of the land; and upon the person or persons so named accepting the ownership and giving approved security for the due fulfilment of the trusts, the court or a judge may order the registrar to cancel the certificate of title to the trustee, and to grant a new certificate of title to the person or persons so named. R.S., c. 118, s. 121.

123. The registrar, upon the production of such order, shall cancel the certificate of title to the trustee after making thereon and upon the duplicate thereof a memorandum of the appointment by order of the court or judge of such person or persons as owners, and shall grant a new certificate of title to such new trustee and issue to him a duplicate certificate of title. R.S., c. 118, s. 122.

124. (1) The bishop of any church, or any trustees for any church, or any congregation of any church, holding land for the purposes of such church or congregation shall respectively, with regard to such land and any dealings therewith, be deemed to be a body corporate and politic; and land so held devolves respectively upon the successor in office of such bishop or upon the successors in office of such trustees duly appointed in manner by law or by such church or congregation prescribed.

(2) The facts necessary to show due appointment of such successors in office may, for purposes of registration, be proved by statutory declaration.

(3) Such bishop or trustees and their successors in office shall hold such land upon the trusts and for the purposes to which it is legally applicable; but for the purposes of any

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any registered dealings with such land he or they, as the case may be, shall be deemed to be the absolute and beneficial owner or owners thereof. R.S., c. 118, s. 123.

EXECUTIONS.

125. (1) The sheriff, or other duly qualified officer, after the delivery to him of any execution or other writ then in force affecting land, if a copy of such writ has not already been delivered or transmitted to the registrar, shall, on payment to him of fifty cents by the execution creditor named therein, forthwith deliver or transmit by registered letter to the registrar a copy of the writ and of all endorsements thereon certified under his hand and seal of office, if any.

(2) No land is bound by any such writ until the receipt by the registrar for the registration district in which such land is situated, of a copy thereof.

(3) From and after the receipt by the registrar of such copy no certificate of title shall be granted and no transfer, mortgage, encumbrance, lease or other instrument executed by the execution debtor of such land, is effectual except subject to the rights of the execution creditor under the writ while the same is legally in force.

(4) The registrar, on granting a certificate of title and on registering any transfer, mortgage, or other instrument executed by the execution debtor affecting such lands, shall by memorandum upon the certificate of title in the register and on the duplicate issued by him express that such certificate, transfer, mortgage, or other instrument is subject to such rights.

(5) Every writ ceases to bind or affect land at the expiration of two years from the date of the receipt thereof by the registrar of the district in which the land is situated, unless before the expiration of such period of two years a renewal of such writ is filed with the registrar in the same manner as the original is required to be filed with him. R.S., c. 118, s. 124.

126. The registrar shall keep a book in convenient form in which shall be entered according to the dates when respectively received a record of all copies of writs received by him from the sheriff or other officer; and such book shall be kept indexed, showing, in alphabetical order, the names of the persons whose lands are affected by such writs with the day and hour and minute of such receipt. R.S., c. 118, s. 125.

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Satisfaction, etc., of writ.

127. (1) Upon the satisfaction or withdrawal from his hands of any writ, the sheriff or other duly qualified officer shall forthwith transmit to the registrar a certificate under his official seal, if any, to the effect that such writ has been satisfied or withdrawn; and upon the production and delivery to the registrar of such certificate, or of a judge's order, showing the expiration, satisfaction or withdrawal of the writ as against the whole or any portion of the land so bound, the registrar shall make a memorandum upon the certificate of title to the effect so certified or shown, if the land has been brought under the provisions of this Act, and if not brought under the provisions of this Act, then upon or opposite to the entry of the writ in the book to be kept under the provisions of section 126.

(2) Thenceforth such land or portion of land shall be deemed to be absolutely released and discharged from the writ. R.S., c. 118, s. 126.

SHERIFF'S SALES.

Confirmation of sheriff's sale by court.

128. (1) No sale by a sheriff or other officer as aforesaid, under process of law, of any land, for which a certificate of title has been granted, is of any effect until the same has been confirmed by the court or a judge.

(2) When any land is sold under process of law, the registrar, upon the production to him of the transfer of the same in Form X, with proof of the due execution thereof, and with an order of the confirmation of the sale endorsed upon the transfer or attached thereto, shall, after the expiration of four weeks after receiving the same, unless such registration is in the meantime stayed by the order of the court or judge, register the transfer, cancel the existing certificate of title wholly, or in part if less than the whole of the land comprised therein be sold, grant a certificate of title to the transferee, and issue to him a duplicate in the prescribed form.

(3) In case the registration has been so stayed, the registration shall not be made except according to the order and direction of the court or judge. R.S., c. 118, s. 127.

Time limit for such registration.

129. (1) A transfer of such land so sold under process of law or for arrears of taxes as hereinafter provided shall be registered within a period of two years of the date of the order of confirmation.

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(2) Such transfer, if not registered within the period referred to in subsection (1), ceases to be valid as against the owner of the land so sold, and any person or persons claiming by, from or through him. 1948, c. 56, s. 6.

130. (1) The application for confirmation of a sale of such land so made under any process of law, may be made by the sheriff or other officer making the sale, or by any person interested in the sale, on notice to the owner, unless the judge to whom the application is made, dispenses with such notice.

(2) If the sale is confirmed the costs of confirmation shall be borne and paid out of the purchase money, or as the judge directs.

(3) In case the sale is not confirmed, the purchase money paid by him shall be refunded to the purchaser, and the judge may make such order as to the costs of all parties to the sale and of the application for its confirmation as he thinks just. R.S., c. 118, s. 129.

SALE FOR TAXES.

131. (1) When any land for which a certificate of title has been granted, is sold for taxes, the purchaser may at any time after the sale lodge a caveat against the transfer of the land.

(2) Upon the completion of the time allowed by law for redemption, and upon the production of the transfer of the land in the prescribed form for tax sales in Form X, with proof of the due execution thereof by the proper officer, and a judge’s order confirming such sale, the registrar shall, after the expiration of four weeks from the delivery to him of the transfer and judge’s order of confirmation, register the transferee as absolute owner of the land so sold, and shall cancel the certificate of title in whole or in part, as the case requires, grant a new certificate of title to the transferee, and shall issue to the purchaser a duplicate certificate, unless the registration has in the meantime been stopped by order of a judge.

(3) The procedure for obtaining a judge’s order confirming such sale shall be the same as hereinbefore provided in case of a sheriff’s sale. R.S., c. 118, s. 130.

CAVEATS.

132. Any person claiming to be interested in any land under any will, settlement or trust deed, or under any instrument of transfer or transmission, or under any unregistered instrument, or under an execution, where the execution 3563 R.S., 1952.
tion creditor seeks to affect land in which the execution debtor is interested beneficially but the title to which is registered in the name of some other person, or otherwise, may lodge a caveat with the registrar to the effect that no registration of any transfer or other instrument affecting the said land shall be made, and that no certificate of title therefor shall be granted, until such caveat has been withdrawn or has lapsed as hereinafter provided, unless such instrument or certificate of title is expressed to be subject to the claim of the caveator as stated in such caveat. R.S., c. 118, s. 131.

Form.

133. A caveat shall be in Form Y, and shall be verified by the oath of the caveator or his agent, and shall contain an address within the registration district at which notices may be served. R.S., c. 118, s. 132.

Entry, etc.

134. (1) Upon the receipt of a caveat, the registrar shall enter the same in the day-book, and shall make a memorandum thereof upon the certificate of title of the land affected by such caveat and shall forthwith send a notice of the caveat through the post office or otherwise to the person against whose title the caveat has been lodged.

(2) In the case of a caveat before registration of a title under this Act the registrar shall on receipt thereof enter the same in the day-book. R.S., c. 118, s. 133.

Idem.

135. So long as any caveat remains in force the registrar shall not enter in the register any memorandum of any transfer or other instrument purporting to transfer, encumber, or otherwise deal with or affect the land in respect to which such caveat is lodged except subject to the claim of the caveator. R.S., c. 118, s. 134.

Summons of caveator by owner or claimant.

136. The owner or other person claiming such land may, by summons, call upon the caveator to attend before a judge to show cause why the caveat should not be withdrawn; and the said judge may, upon proof that such last-mentioned person has been summoned, and upon such evidence as the judge requires, make such order in the premises as to the said judge seems fit. R.S., c. 118, s. 135.

Lapse of caveat.

137. (1) Unless proper proceedings in a court of competent jurisdiction have been taken to establish the caveator's title to the estate or interest specified in the caveat, and an injunction or order has been granted restraining the registrar from granting a certificate of title or otherwise dealing with the land, a caveat may be disposed of by the registrar

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registrar as lapsed after the expiration of three months from the day on which a notice in Form EE was served on the caveator or sent to him by registered mail to the address stated in his caveat.

(2) The service or mailing of the notice referred to in subsection (1) shall be proved to the satisfaction of the registrar. 1948, c. 56, s. 7.

138. The caveator may, by notice in writing to the registrar, withdraw his caveat at any time; but notwithstanding such withdrawal the court or judge may order the payment by the caveator of the costs of the caveatee incurred prior to such withdrawal. R.S., c. 118, s. 137.

139. (1) A memorandum shall be made by the registrar, upon the certificate of title and upon the duplicate certificate, of the withdrawal, lapse or removal of any caveat or of any order made by the court or a judge in connection therewith.

(2) After such withdrawal, lapse or removal is is not lawful for the same person, or for anyone on his behalf, to lodge a further caveat in relation to the same matter, unless by leave of the registrar or a judge. R.S., c. 118, s. 138; 1948, c. 56, s. 8.

140. (1) Any person lodging or continuing any caveat wrongfully and without reasonable cause, is liable to make compensation to any person who has sustained damage thereby.

(2) Such compensation, with costs, may be recovered by proceedings at law if the caveator has withdrawn such caveat and no proceedings have been taken by the caveatee, as herein provided.

(3) If proceedings have been taken by the caveatee, then the compensation and costs shall be determined by the court or judge acting in the same proceedings. R.S., c. 118, s. 139.

ATTESTATION OF INSTRUMENTS.

141. Every instrument executed within the limits of the Territories, except instruments under the seal of any corporation, caveats, orders of a court or judge, executions, or certificates of any judicial proceedings, attested as such, requiring to be registered under this Act, shall be witnessed by one person who shall sign his name to the instrument as a witness, and shall appear before the Inspector, or the registrar or deputy registrar of the registration district in which the land is situated, or before a judge, stipendiary magistrate.

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magistrate, notary public, commissioner for taking affidavits, or a justice of the peace in or for the Territories, and make an affidavit in Form Z. R.S., c. 118, s. 140.

142. Every instrument, executed without the limits of the Territories, except grants from the Crown, orders in council, instruments under the seal of any corporation, or caveats required to be registered under the provisions of this Act, shall be witnessed by one person who shall sign his name to the instrument as a witness, and shall appear and make an affidavit in Form Z, before one of the following persons:

Outside Territories.

(a) if made in any province of Canada, before a judge of any court of record, any commissioner authorized to take affidavits in such province for use in any court of record in the Territories, or before any notary public under his official seal;

(b) if made in Great Britain or Ireland before a judge of the Supreme Court of Judicature in England or Ireland, or a judge of the Court of Sessions or of the Judiciary Court in Scotland, or a judge of any of the county courts within his district, or the mayor of any city or incorporated town under the common seal of such city or town, or before any commissioner in Great Britain or Ireland, authorized to take affidavits therein, for use in any court of record in the Territories, or a notary public under his official seal;

(c) if made in any British colony or possession out of Canada, before a judge of any court of record, the mayor of any city or incorporated town under the common seal of such city or town, or a notary public under his official seal; or

(d) if made in any foreign country, before the mayor of any city or incorporated town, under the common seal of any such city or town, or before the British consul, vice-consul or consular agent residing therein, or before a judge of a court of record, or a notary public under his official seal. R.S., c. 118, s. 141.

EJECTMENT.

143. (1) No action of ejectment or other action for the recovery of any land for which a certificate of title has been granted lies or shall be sustained against the owner thereof under this Act, except in the case of

(a) a mortgagee as against a mortgagor in default;

(b) an encumbrancee as against an encumbrancer in default;

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(c) a lessor as against a lessee in default;

(d) a person deprived of any land by fraud as against
the owner of such land through fraud, or as against a
person deriving otherwise than as a transferee bona
fide for value, from or through such owner through
fraud;

(e) a person deprived of or claiming any land included
in any grant or certificate of title of other land by
misdescription of such other land or of its boundaries,
as against the owner of such other land; or

(f) an owner claiming under an instrument of title
prior in date of registration under this Act, in any
case in which two or more grants, or two or more cer-
tificates of title, or a grant and certificate of title, are
registered under this Act in respect to the same land.

(2) In any case, other than as aforesaid, the production
of the certificate of title or a certified copy thereof,
is an absolute bar and estoppel to any such action against
the person named in such certificate of title as owner or
lessee of the land therein described. R.S., c. 118, s. 142.

144. (1) After a certificate of title has been granted for
any land, any person deprived of such land in consequence
of fraud, or by the registration of any other person as
owner of such land, or in consequence of any fraud, error,
 omission or misdescription in any certificate of title or in
any memorandum thereon or the duplicate thereof, or
otherwise, may,

(a) if the land has been included in two or more grants
from the Crown, and

(b) in any other case,

bring and prosecute an action at law for the recovery of
damages against the person upon whose application the
erroneous registration was made, or who acquired title to
the land in question through such fraud, error, omission
or misdescription.

(2) Except in the case of fraud, or of error occasioned by
any omission, misrepresentation or misdescription in the
application of such person to be registered as owner of
such land, or in any instrument executed by him, such
person, upon a transfer of such land bona fide for value,

except to be liable for the payment of any damages that
but for the transfer might have been recovered from him
under the provisions hereinbefore contained.

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(3) Such damages, with costs, may, in such last-mentioned case, be recovered out of the assurance fund herein provided for, by action against the registrar as nominal defendant. R.S., c. 118, s. 143.

145. Except in the case of misdescription of the land or its boundaries anything in this Act to the contrary notwithstanding, no bona fide purchaser or mortgagee under this Act of land for valuable consideration is subject to action for recovery of damages as aforesaid, or to action of ejectment, or to deprivation of land in respect of which he is registered as owner, on the ground that his transferor or mortgagor has been registered as owner through fraud or error, or has derived from or through a person registered as owner through fraud or error. R.S., c. 118, s. 144.

146. (1) Where the person against whom the action for damages is directed to be brought as aforesaid, is dead, or cannot be found with the Territories, an action for damages may be brought against the registrar as nominal defendant, for the purpose of recovering the amount of the said damages and costs against the said assurance fund.

(2) In any such case if final judgment is recovered, and also in any case in which damages are awarded in any action as aforesaid, and the sheriff makes a return of nulla bona, or certifies that any portion thereof, with costs awarded, cannot be recovered from such person, the Minister of Finance upon receipt of a certificate of the judge before whom the action was tried, shall pay the amount of such damages and costs as are awarded, or the unrecovered balance thereof, as the case may be, and shall charge the same to the account of the assurance fund. R.S., c. 118, s. 145.

147. (1) Any person sustaining loss or damage through any omission, mistake or misfeasance of the Inspector, or a registrar, or any of his officers or clerks, in the execution of their respective duties under the provisions of this Act, and any person deprived of any land, by the registration of any other person as owner thereof, or by any error, omission or misdescription in any certificate of title, or in any memorandum upon the same or upon the duplicate certificate thereof, and who, by the provisions of this Act, is barred from bringing an action of ejectment or other action for the recovery of the land, may, in any case in which remedy by action for recovery of damages, hereinbefore provided, is barred, bring an action against the registrar as nominal defendant, for the recovery of damages.

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(2) Where the plaintiff recovers final judgment against such nominal defendant, the judge before whom such action is tried shall certify to the fact of such judgment and the amount of the damages and costs recovered, and the Minister of Finance shall pay the amount thereof out of the assurance fund to the person entitled on production of an exemplification or certified copy of the judgment rendered.

(3) Notice in writing of every such action, and the cause thereof, shall be served upon the Attorney General of Canada, and also upon the registrar, at least three calendar months before the commencement of such action. R.S., c. 118, s. 146.

148. Where in any such action, judgment is given against the plaintiff, or the plaintiff discontinues or becomes non-suited, he is liable to pay the full costs of defending the action; and the same, when taxed, shall be levied in the name of the nominal defendant, by the like process of execution as in ordinary civil cases. R.S., c. 118, s. 147.

149. No action for recovery of damages sustained through deprivation of land, lies or shall be sustained against the registrar, or against the assurance fund, unless the same is commenced within the period of six years from the date of such deprivation, except that any person under the disability of infancy, lunacy or unsoundness of mind, may bring the action within six years from the date on which the disability ceases. R.S., c. 118, s. 148.

150. The plaintiff in any such action at whatever time it is brought, and the plaintiff in any action for the recovery of land, shall be non-suited in any case in which it appears to the satisfaction of the judge before whom such action is tried, that the plaintiff or the person through or under whom he claims title had notice by personal service, or otherwise was aware of delay, and wilfully or collusively omitted to lodge a caveat or allowed the caveat to lapse. R.S., c. 118, s. 149.

151. (1) Whenever any amount has been paid out of the assurance fund on account of any person, the amount may be recovered from him, or if dead, from his estate, by action against his personal representatives, in the name of the registrar.

(2) Upon such suit, a certificate signed by the Minister of Finance of the payment out of the assurance fund is sufficient proof of such debt. R.S., c. 118, s. 150.

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152. (1) Whenever any amount has been paid out of the assurance fund on account of any person who has absconded, or who cannot be found within the Territories, and who has left any real or personal estate within the same, upon the application of the registrar, and upon the production of a certificate signed by the Minister of Finance that the amount has been paid in satisfaction of a judgment against the registrar as nominal defendant, and on proof of service of the writ in any of the modes provided by the ordinary procedure in the Territories, a judge may allow the registrar to sign judgment against such person forthwith for the amount so paid out of the assurance fund, together with the costs of the application.

(2) Such judgment is final subject only to the right to have such judgment opened up as may be provided in relation to ordinary procedure in the Territories in cases of judgment by default.

(3) The judgment shall be signed in like manner as a final judgment by default in an adverse suit, and execution may issue immediately.

(4) Where the person has not left real or personal estate within the Territories, sufficient to satisfy the amount for which execution has issued as aforesaid, the registrar may recover such amount, or the unrecovered balance thereof, by information against such person at any time thereafter in the Exchequer Court of Canada at the suit of the Attorney General of Canada. R.S., c. 118, s. 151.

PROCEEDINGS BEFORE THE JUDGE.

153. (1) Any person who is dissatisfied with any act, omission, refusal, decision, direction or order of a registrar, may require the registrar to set forth, in writing under his hand, the grounds of such act, omission, refusal, decision, direction or order, and such person may then apply to the judge by petition, setting forth the grounds of his dissatisfaction.

(2) The judge having caused the registrar to be served with a copy of the petition, has jurisdiction to hear the said petition, and to make such order in the premises, and as to the costs of the parties appearing upon the petition, as the circumstances of the case require. R.S., c. 118, s. 152.

154. (1) The registrar may,

(a) whenever a question arises with regard to the performance of any duty, or the exercise of any function by this Act conferred or imposed upon him;

(b) ...
(b) whenever in the exercise of any duty of a registrar, a question arises as to the true construction or legal validity or effect of any instrument, or as to the persons entitled, or as to the extent or nature of the estate, right or interest, power or authority of any person or class of persons;

(c) whenever a question arises as to the mode in which any entry or memorandum ought to be made in the day-book, or register, or upon any certificate of title or duplicate thereof; and

(d) whenever a question arises as to any doubtful or uncertain right or interest stated, or claimed to be dealt with by a registrar;

refer the same in Form AA to the judge.

(2) The judge may, upon the same being referred, allow any of the parties interested to appear before him and summon any other of such persons to appear and show cause either personally or by counsel, attorney-at-law, or advocate, in relation thereto.

(3) The judge, having regard to the persons appearing before him, whether summoned or not, shall decide the question or direct any proceedings to be instituted for that purpose, and direct the particular form of entry or memorandum to be made as under the circumstances appears to be just. R.S., c. 118, s. 153.

155. (1) If, under any of the provisions of this Act, the registrar requires a duplicate certificate for the purpose of making any memorandum thereon, or for the purpose of wholly or partially cancelling the same, or if it appears to the satisfaction of the registrar,

(a) that any duplicate certificate or other instrument has been issued in error, or contains any misdescription of land, or boundaries;

(b) that any entry, memorandum or endorsement has been made on or omitted from any duplicate certificate or other instrument in error;

(c) that any such duplicate certificate, instrument, entry, memorandum or endorsement has been fraudulently or wrongfully obtained; or

(d) that any such duplicate certificate or instrument is fraudulently or wrongfully retained;

he may by written demand in Form BB to be served upon such person, or to be mailed to his last known post office address within the Territories, require the person to whom such duplicate certificate or instrument has been so issued, or

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or by whom it has been so obtained or is retained, to deliver up the same, for the purpose of being cancelled, corrected or completed, as the case requires.

(2) In case such person refuses or neglects to comply with such requisition, or cannot be found, the registrar may apply to a judge to issue a summons for such person to appear before him and show cause why such duplicate certificate or other instrument should not be delivered up to be cancelled, corrected or completed as aforesaid.

(3) If such person, when served with the summons personally or in the mode directed in such summons, neglects or refuses to attend before the judge at the time therein appointed, the judge may issue a warrant authorizing and directing the person so summoned to be apprehended and brought before him for examination. R.S., c. 118, s. 154.

156. (1) Upon the appearance before him of any person summoned or brought up by virtue of a warrant as aforesaid, the judge may examine such person upon oath, and in case it appears right so to do, may order such person to deliver up the duplicate certificate or other instrument as aforesaid.

(2) Upon refusal or neglect by such person to deliver up the same, pursuant to the order, or to be put under oath, or to be examined, or to answer any question touching the matter after being sworn, the judge may commit such person to the nearest common gaol for any period not exceeding six months, unless the duplicate certificate or other instrument is sooner delivered up, or sufficient explanation is made why the same cannot be done.

(3) In such case, or in case such person has absconded so that summons cannot be served upon him as hereinbefore directed, or in case a period of three months from the time of mailing the said demand in Form BB to such person has elapsed before the duplicate certificate or other instrument has been returned to the registrar, the judge may direct the registrar to cancel, or correct, or complete the duplicate certificate or other instrument in his possession, or any memorandum thereon relating to the land, and to substitute and issue, if necessary, a duplicate certificate or other instrument, or make such memorandum as the circumstances of the case require, and the registrar shall obey such order. R.S., c. 118, s. 155.

157. In any proceeding respecting land or in respect of any transaction or contract relating thereto, or in respect of any instrument, caveat, memorandum or entry affecting land, the judge, by decree or order, may direct the registrar to
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to cancel, correct, substitute or issue any duplicate certificate, or make any memorandum or entry thereon or on the certificate of title, and otherwise to do every act necessary to give effect to the decree or order. R.S., c. 118, s. 156.

assurance fund and fees.

158. (1) Before the registrar performs any duty to be by him performed under any of the provisions of this Act he shall, except as herein otherwise provided, demand and receive the proper fee or fees therefor as fixed and settled by tariff made from time to time by the Governor in Council, and demand and receive for the assurance fund, upon the registration of every grant of encumbered land, and upon every absolute transfer of land after the issue of the first certificate of title therefor, where the land was not encumbered at the time of registering the grant, one-fifth of one per cent of the value of the land transferred if such value amounts to, or is less than, five thousand dollars, and one-tenth of one per cent on the additional value if such value exceeds five thousand dollars.

(2) Upon every subsequent transfer he shall demand and receive upon the increase of value since the granting of the last certificate of title one-fifth of one per cent of the increase up to five thousand dollars, and one-tenth of one per cent of any excess over five thousand dollars. R.S., c. 118, s. 157.

159. (1) The value shall be ascertained by the oath or affirmation of the applicant, owner or person acquiring such land, or of such other person as the registrar believes to be acquainted with the value of the land, and whose oath or affirmation the registrar is willing to accept.

(2) If the registrar is not satisfied as to the correctness of the value so sworn to or affirmed, he may require such applicant, owner or person acquiring the land to produce a certificate of the value, under the hand of a sworn valuator appointed by a judge, which certificate shall be received as conclusive evidence of the value for the purpose aforesaid. R.S., c. 118, s. 158.

160. Each registrar shall keep a correct account of all sums of money received by him in accordance with the provisions of this Act, and shall pay the same to the Minister of Finance at such times and in such manner as are directed by the Governor in Council. R.S., c. 118, s. 159.

161. The assurance fund now existing shall be continued as the assurance fund, and the Minister of Finance shall enhance such fund by investing from time to time in Canadian Government securities for the purpose of an assurance fund, all moneys so received and returned by all the registrars, together with all interest and profits accruing on the funds so enhanced. R.S., c. 118, s. 160.

162. (1) The assurance fund is not, under any circumstances, liable for compensation for any loss, damage or deprivation occasioned by

(a) the breach by the owner of any trust, whether expressed, implied or constructive,
(b) the same land having been included in two or more grants from the Crown, or
(c) any land having been included in the same certificate of title with other land, through misdescription of the boundaries or parcels of any land,

unless it is proved that the person liable for compensation and damages is dead, or has absconded from the Territories, or has been adjudged insolvent, or the sheriff has certified that he is not able to realize the full amount and costs awarded in any action for such compensation.

(2) The said fund is liable for such amounts only as the sheriff fails to recover from the person liable as aforesaid. R.S., c. 118, s. 161.

CANCELLATION OF CERTIFICATE OF TITLE.

163. (1) Upon the application of an owner of several parcels of land held under separate certificates of title, or under one certificate of title, and the delivery up of the duplicate certificates therefor to him, the registrar may cancel the existing certificate or certificates of title granted, as also the duplicate certificates so delivered up, and grant to the owner a single certificate of title for all the parcels of land, or several certificates of title, each applying to one or more of the parcels, in accordance with the application.

(2) Upon each of such respective certificates of title so granted shall be entered a memorandum of each and every encumbrance, lien, charge, mortgage, or other instrument affecting such parcel or parcels of land, setting forth the occasion of the cancellation and referring to the certificate of title so granted.

(3) The registrar shall issue to the applicant one or more duplicate certificates, as the case requires. R.S., c. 118, s. 162.

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164. (1) The registrar, upon cancelling any certificate of title, either wholly or partially, pursuant to any transfer, shall grant to the transferee a certificate of title of the land mentioned in the transfer and issue to the transferee a duplicate thereof; and the registrar shall retain every transfer and cancelled duplicate certificate of title; but in the case of a partially cancelled certificate of title, the registrar shall return the duplicate to the transferor after the memorandum partially cancelling the same has been made thereon and upon the certificate of title in the register.

(2) Whenever required thereto by the owner of an unsold portion of land in any partially cancelled certificate of title, or where such a course appears to the registrar more expedient, he may grant to such owner a certificate of title for such portion, of which he is the owner, upon the delivery of the partially cancelled duplicate certificate of title to the registrar, to be cancelled and retained. R.S., c. 118, s. 163.

LOST OR DESTROYED CERTIFICATES OF TITLE.

165. Upon production to the registrar of satisfactory proof by statutory declaration of the person to whom a duplicate certificate has been issued, or some one having knowledge of the facts, of the accidental loss or destruction of the duplicate certificate so issued, the registrar may, after having entered in the register the facts so proven, issue a fresh duplicate certificate in lieu of the one so lost or destroyed, noting upon the same why it is so issued, but, unless the registrar is satisfied as to the loss or destruction of the duplicate certificate so issued, and that such notice is unnecessary, no such fresh duplicate certificate shall be issued until the registrar has for four weeks

(a) published a notice of his intention to issue such fresh certificate in the newspaper published nearest to the land described in the register, or, if more newspapers than one are published in the same locality, then in one of such newspapers, and

(b) posted up such notice in a conspicuous place in the land titles office. R.S., c. 118, s. 164.

INFANTS, IDIOTS, LUNATICS.

166. (1) Whenever any person, who, if not under disability might have made any application, given any consent, done any act, or been party to any proceeding under this Act, is an infant, idiot or lunatic, the guardian or committee of the estate, respectively, of such person may make such application, give such consent, do such act, or be
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party to such proceeding as such person if free from disabil-
ity might have made, given, done or been party to,
and shall otherwise represent such person for the purposes
of this Act.

(2) Whenever there is no guardian or committee of the
estate of any such person aforesaid, being an infant, idiot
or lunatic, or whenever any person, the committee of whose
estate if he were an idiot or lunatic would be authorized
to act for and represent such person under this Act, is of
unsound mind and incapable of managing his affairs but
has not been found an idiot or lunatic under inquisition,
a court or judge may appoint a guardian of such person
for the purpose of any proceedings under this Act, and
may from time to time change such guardian.

(3) The court, or a judge, may, when deemed expedient,
appoint a person to act as the next friend of a married
woman for the purpose of any proceeding under this Act,
and may from time to time remove or change such next
friend. R.S., c. 118, s. 165.

167. The judge, on application for that purpose, on
behalf of any person who is under the disability of infancy,
lunacy, unsoundness of mind or absence from the Terri-
tories, may, by order directed to the registrar, prohibit the
transfer of or any dealing with land belonging to such
person. R.S., c. 118, s. 166.

NOTICE.

168. (1) No person contracting or dealing with or
taking or proposing to take a transfer, mortgage, encum-
brance or lease from the owner of any land for which a
certificate of title has been granted, is, except in case
of fraud by such person, bound or concerned to inquire
into or ascertain the circumstances in or the consideration
for which the owner or any previous owner of the land is
or was registered, or to see to the application of the purchase
money or of any part thereof, nor is he affected by
notice direct, implied or constructive of any trust or
unregistered interest in the land, any rule of law or equity
to the contrary notwithstanding.

(2) The knowledge that any trust or unregistered interest
is in existence shall not of itself be imputed as fraud. R.S.,
c. 118, s. 167.

JOINT OWNERSHIP.

169. (1) Upon the transfer to two or more persons as
joint owners, of any land, for which a certificate of title has
been granted, to be held by them as trustees, it is
lawful

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lawful for the transferor to insert in the transfer or other instrument the words *No survivorship*; and the registrar shall, in such case, include such words in the duplicate certificate issued to such owners pursuant to the transfer and in the certificate of title.

(2) Any two or more persons so registered as joint owners of any land held by them as trustees may, by writing under their hand, authorize the registrar to enter the words *No survivorship* upon the duplicate certificate, and also upon the certificate of title.

(3) In either case aforesaid, after such entry has been made and signed by the registrar, is not lawful for any less number of joint owners than the number so entered to transfer or otherwise deal with the land, without obtaining the sanction of the court or of a judge, by an order on motion or petition. R.S., c. 118, s. 168.

170. (1) Before making any order as aforesaid, the court or judge shall, if it seems requisite, cause notice of intention of making such order to be properly advertised, and in such case appoint a period of time within which any person interested may show cause why the order should not be made; and thereupon the said court or judge may order the transfer of the land to any new owner or owners, solely or jointly with or in the place of any existing owner or owners, or may make such order in the premises as the court or a judge thinks just, for the protection of the persons beneficially interested in the land or in the proceeds thereof.

(2) Upon such order being deposited with the registrar, he shall make a memorandum thereof upon the certificate of title and upon the duplicate certificate, when the same is produced to him; and thereupon the person or persons named in the order shall be the owner or owners of the land. R.S., c. 118, s. 169.

**SUBMISSION TO JUDGE.**

171. Whenever any matter is, under this Act, submitted to a judge by a registrar or by any other person or authority and the judge deems it advisable that parties interested should be notified of the time and place when and where a hearing of the matter so submitted should be held, and no special provisions are made therefor in this Act, or if there are any such special provisions and the judge is of opinion that the notice required thereby to be given is not sufficient, he may direct

(a) that notice of such time and place be given;

(b) that notice of such time and place be given;
(b) that such notice shall be served personally upon such persons as he may direct, or be left at their usual place of abode;
(c) that such notice shall be posted at such place or places and for such periods as he may name;
(d) that such notice be published in such newspaper or newspapers as he may designate, and for such time as he may direct; or
(e) that such notice may be given in any one or more, or in all the methods above specified. R.S., c. 118, s. 170.

172. Whenever this Act directs that persons interested shall be heard or shall receive notice, and such parties are not within the jurisdiction or cannot be found so as to be personally served, the judge may direct that any party without the jurisdiction may be served personally, or in either case may direct substitutional service within or without the jurisdiction in such manner as he deems expedient, or that publication of notice in such manner as he may direct may be sufficient service. R.S., c. 118, s. 171.

EVIDENCE AND PROCEDURE.

173. (1) Every covenant and power declared to be implied in any instrument by virtue of this Act may be negatived or modified by express declaration in the instrument.

(2) In any action for an alleged breach of any such implied covenant, the covenant alleged to be broken may be set forth, and it is lawful to allege precisely in the same manner as if the covenant had been expressed in words in the transfer or other instrument, any law or practice to the contrary notwithstanding, that the party against whom the action is brought did so covenant.

(3) Every such implied covenant has the same force and effect, and shall be enforced in the same manner as if it had been set out at length in the transfer or other instrument.

(4) When any transfer or other instrument in accordance with this Act, is executed by more parties than one, such covenants as are by this Act to be implied in instruments of a like nature, shall be construed to be several and not to bind the parties jointly. R.S., c. 118, s. 172.

174. The owner of any land for which a certificate of title has been granted, or of any lease, mortgage or charge affecting the same, is, on application of any beneficiary or person interested therein, bound to allow his name to be
be used by such beneficiary or person in any action, suit or proceeding that it may be necessary or proper to bring or institute in the name of such owner concerning such land, lease, mortgage or charge, or for the protection or benefit of the title vested in such owner, or of the interest of any such beneficiary or person, but such owner is, in any case, entitled to be indemnified in like manner as a trustee would, before the 1st day of January, 1895, have been entitled to be indemnified in a similar case of his name being used in any such action, suit or proceeding in his name by his cestui que trust. R.S., c. 118, s. 173.

175. Every certificate of title granted under this Act is, except
(a) in case of fraud wherein the owner has participated or colluded,
(b) as against any person claiming under a prior certificate of title granted under this Act in respect of the same land, and
(c) so far as regards any portion of the land, by wrong description of boundaries or parcels included in such certificate of title, so long as the same remains in force and uncanceled under this Act, conclusive evidence in all courts as against Her Majesty and all persons whomsoever, that the person named therein is entitled to the land included in the same, for the estate or interest therein specified, subject to the exceptions and reservations implied under the provisions of this Act. R.S., c. 118, s. 174.

176. In any suit for specific performance brought by an owner of any land, for which a certificate of title has been granted, against a person who has contracted to purchase the land, without notice of any fraud or other circumstances that, according to this Act, would affect the right of the transferor, the duplicate certificate of title of the owner is evidence that the owner has a good and valid title to the land, for the estate or interest herein, mentioned or described. R.S., c. 118, s. 175.

177. Proceedings under this Act do not abate and are not suspended by any death, transmission or change of interest, but in any such event a judge may make such order for carrying on, discontinuing or suspending the proceedings, upon the application of any person interested, as under the circumstances he thinks just, and may for such purpose...
pose require the production of such evidence, and such notices to be given, as he thinks necessary. R.S., c. 118, s. 176.

178. Whenever in any action, suit or other proceeding affecting land, for which a certificate of title has been granted, it becomes necessary to determine the fact whether the transferee, mortgagee, encumbrancee or lessee is a purchaser or transferee, mortgagee, encumbrancee or lessee for valuable consideration or not, any person who is a party to the action, suit or other proceeding may give in evidence any transfer, mortgage, encumbrance, lease or other instrument affecting the land in dispute, although the same is not referred to in the certificate of title, or has been cancelled by the registrar. R.S., c. 118, s. 177.

179. Whenever by virtue of this Act a judge is required or authorized to hold an inquiry, proof of the matters relevant to the inquiry may be made before him by affidavit, but the judge may, whenever he deems it expedient, require the personal attendance of any person before him to testify as to the matter of such inquiry, or of the deponent to any affidavit to be cross-examined upon his affidavit. R.S., c. 118, s. 178.

180. (1) The judge may issue a summons under his hand and seal requiring such person or deponent to appear before him at a time and place to be specified to testify as to what he may know concerning the matters in question, or to be cross-examined as the case may be.

(2) If such person or deponent fails to attend at the time and place specified, then upon due proof under oath that such person or deponent has been duly served with the said summons and that proper conduct money according to the tariffs of fees provided for the attendance of witnesses at trials in civil causes in the court and the laws in force in the respective Territories, has been paid or tendered to him, the judge may issue his warrant directed to the sheriff of any judicial district, or, in the Northwest Territories to any peace officer, directing him to apprehend such person or deponent and bring him before the said judge for examination and to keep him in his custody until he is so examined.

(3) The sheriff or such peace officer shall obey the said warrant according to the tenor thereof and is entitled to the same fees for executing such warrant as he would be entitled to for executing a process issued out of the said court.

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(4) The costs incidental to any such inquiry are in the discretion of the judge, and shall be taxed by the clerk of the court in which the inquiry was held as nearly as may be according to the tariff provided for civil causes in the said court.

(5) Judgment shall be signed in such court for such costs in favour of the party to whom they are awarded by the judge, and execution may be issued for the recovery thereof out of the said court as upon an ordinary judgment therein.

R.S., c. 118, s. 179.

181. (1) Whenever any proceeding is taken under this Act, whether by motion or summons, or by the filing with or the delivery to the registrar of a caveat, mechanics' lien, or copy of an execution against lands, or other such proceeding, and any party to such proceeding or the person in whose behalf or against whose interest such caveat, lien, execution or proceeding has been so filed or delivered is not a resident in the Territories, a judge may, upon the application of a party to such proceeding or interested therein, or affected by such caveat, lien, execution or proceeding, grant an order requiring such non-resident to give security for the costs of the applicant of such order, in prosecuting or resisting such proceeding, or in removing or maintaining such caveat, lien, execution or proceeding.

(2) It may be a term of such order that in default such proceeding may be deemed granted or dismissed, or such caveat, lien, execution or proceeding may be deemed removed or maintained.

(3) Such order may also provide for a stay of proceedings.

(4) The practice and procedure for obtaining such order and giving such security shall be as nearly as may be the same as upon an application for security for costs in civil causes in the said court.

(5) The judge may order the costs incidental to such application or order to be taxed and recovered as is provided for costs in subsections (4) and (5) of section 180.

R.S., c. 118, s. 180.

182. The court or judge may order costs to be paid by or to any person party to any proceeding under this Act, but any applicant under this Act shall be deemed liable prima facie to pay all costs, charges and expenses incurred by or in consequence of his application, except in a case where parties object whose rights are sufficiently

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183. The judge may, by order directed to the registrar, prohibit the dealing with any land in any case in which it appears to him that an error has been made by mis-description of such land or otherwise in any certificate of title or other instrument, or may make an order directed to the registrar for the prevention of any other improper dealing. R.S., c. 118, s. 182.

184. Any order of the court or a judge may be enforced in the same manner and by the same officials and process as orders are usually enforced by the procedure and practice of the court, and shall be obeyed by every registrar and acting registrar when directed to him. R.S., c. 118, s. 183.

AFFIDAVITS.

185. (1) Affidavits for use in applications to register title, or in any matter other than the execution of instruments, may be made before any person authorized to take affidavits for use in the court.

(2) In all matters before the court or a judge where proof is required the same may be taken by affidavit sworn as aforesaid or by viva voce evidence as may be ordered by the court or a judge. R.S., c. 118, s. 184.

186. Affidavits are subject to the practice governing affidavits in the court. R.S., c. 118, s. 185.

APPEAL.

187. (1) An appeal lies by the Inspector, a registrar, or person directly interested therein, from any order or decision of a judge made or given under the provisions of this Act,

(a) in the Northwest Territories, to the court authorized to entertain appeals in civil matters from the stipendiary magistrates, and

(b) in the Yukon Territory, to the Court of Appeal of British Columbia,

within the prescribed time, in the same manner and with the same incidents in and with which judgments and orders of that court by a single judge may be appealed from.

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(2) The practice and proceedings relating to appeals in the said court including costs and payment thereof and the enforcement of judgments on appeal, adapted to the circumstances, apply. R.S., c. 118, s. 186.

188. (1) Such courts of appeal may, by order, provide Tariff of costs and from time to time change tariffs of costs payable for all services and proceedings under this Act applicable to their respective jurisdictions.

(2) Unless and until so provided for, the tariffs of costs heretofore applicable continue to apply. R.S., c. 118, s. 187.

FORMS.

189. The Governor in Council may from time to time, whenever it is necessary so to do, add to or otherwise vary any of the Forms, or may cause to be adopted any other Form or Forms that he considers applicable to any special case or class of cases for which a Form has not been provided in the Schedule. R.S., c. 118, s. 188.

GENERAL.

190. (1) Where there has been granted for the purposes of any work authorized or licensed under the Irrigation Act, a right of way through, or any other right affecting, lands of Her Majesty, and such right is expressed to be granted for so long as the right of the grantee, his representatives or assigns, to maintain and operate such work continues, or to be subject to forfeiture in case such last-mentioned right ceases or determines, or in case of failure to construct or complete such work, or to maintain or operate it, a declaration, signed by the Minister or his deputy, that the right so granted has determined or been forfeited, either entirely or in part, is final and conclusive for the purposes of this Act, and operates as a cancellation, in whole or in part, of such grant.

(2) If such grant has been registered, the registrar shall, upon receipt of such declaration, cancel, in whole or in part, as the case may be, the registration of such grant and any certificate of title issued for the right granted thereby. R.S., c. 118, s. 189.

191. No petition, order, affidavit, certificate, registration or other proceedings under this Act is invalid by reason of any informality or technical irregularity therein, or of any mistake not affecting the substantial justice of the proceedings. R.S., c. 118, s. 190.

192. If, in any matter before a judge under this Act, the judge considers proper, he may refer the same to the court of appeal, and such court may either dispose of the matter or refer it back to the judge with such direction as the court of appeal may think fit. R.S., c. 118, s. 191.

193. (1) Every owner or mortgagee of any land for which a certificate of title has been granted shall deliver to the registrar a memorandum in writing of some post office address within the Territories, to which it is sufficient to mail all notices that, under this Act, are required to be sent to an owner or mortgagee.

(2) Every owner shall, if required by the registrar so to do, before the delivery of any duplicate, sign a receipt therefor in his own handwriting, or otherwise furnish the registrar with his signature, so as to prevent personation as far as possible.

(3) Every owner or mortgagee shall from time to time notify the registrar of any change in his post office address, but the registrar may proceed without such memorandum of address. R.S., c. 118, s. 192.

194. A purchaser, mortgagee or encumbraneree for valuable consideration is not affected by the omission to send any notice by this Act directed to be given or by the non-receipt thereof. R.S., c. 118, s. 193.

195. The Governor in Council may, in cases herein unprovided for, make such rules and regulations as he may deem necessary for giving effect to this Act, and carrying out the provisions thereof, according to its intent and meaning. R.S., c. 118, s. 194.

196. The registrar may require evidence that any person making a transfer, mortgage, encumbrance or lease is of the full age of twenty-one years. R.S., c. 118, s. 195.
FORM A.

FORM OF INSPECTOR’S, REGISTRAR’S AND DEPUTY REGISTRAR’S OATH OF OFFICE.

Northwest Territories of Canada, (or as the case may be) I (name and describe deponent), having been appointed to the office of inspector of land titles office (or registrar or deputy registrar) in and for the (name of registration district, etc.), do swear (or affirm as the case may be) that I will well, truly and faithfully perform and execute all duties required of me, relating to the said office, so long as I continue therein, and that I have not given, directly or indirectly, nor authorized any person to give, any money, gratuity or reward whatsoever for procuring the said office for me.

Sworn before me at the of

in the of the day of, A.D. 19.

(Signature of inspector, registrar or deputy registrar.)

R.S., c. 118, Sch., Form A.

FORM B.

FORM OF BOND OF INSPECTOR, REGISTRAR AND DEPUTY REGISTRAR.

Northwest Territories of Canada, (or as the case may be) Know all men by these presents that I (insert name and addition of the principal) of the

of, in the

of of

of the, in the

hereinafter called the principal, and we (insert names and additions of the sureties) of the

and

of the of

hereinafter called the sureties, are respectively held and firmly

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firmly bound unto our Sovereign Lady the Queen, her heirs and successors, in the respective penal sums following, that is to say: the principal in the sum of dollars of lawful money of Canada, and each of the sureties in a sum of dollars of like lawful money, to be paid to our said Sovereign Lady the Queen, her heirs and successors; for which said respective payments, well and faithfully to be made, we jointly and severally, bind ourselves, and our respective heirs, executors and administrators, firmly by these presents, sealed with our respective seals.

Dated this day of in the year of our Lord 19 and in the year of Her Majesty's reign.

Whereas the principal, having been appointed to the office or employment of is required by law to give security to the Crown for the due performance of the duties appertaining thereto; and the sureties have consented to become his sureties for such his performance of the said duties; and this bond is given in pursuance of the Land Titles Act.

Now the condition of this obligation is, that if the principal faithfully discharges the duties of the said office and duly accounts for all moneys and property which may come into his custody by virtue of the said office, this obligation shall be void, otherwise the same shall remain in full force and effect.

Signed, sealed and delivered in the presence of (Signatures and seals.)

R.S., c. 118, Sch., Form B.

FORM C.

AFFIDAVIT OF JUSTIFICATION BY A SURETY.

Northwest Territories of Canada, (or as the case may be) District of To Wit:

I, one of the sureties in the above (or within) named bond or obligation named make oath (or affirm, as the case may be) and say as follows:

1. I am seized and possessed to my own use of real (or real and personal) estate, in the of in Canada, of the actual value of dollars, over and above all charges upon or encumbrances affecting the same.

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2. My post office address is as follows: (insert it).
Sworn before me at the
of in the of
this day of (Signature.)
, A.D. 19 .

R.S., c. 118, Sch., Form C.

FORM D.
AFFIDAVITS OF ATTESTATION OF BOND.

Northwest Territories of Canada, (or as the case may be)
District of
To Wit: I, of the of , in
make oath and say, that I was personally present, and did see (one of, or as the case may be) the obligors in the above (or within) bond or obligation named, duly execute the said instrument by signing, sealing, and, as his act and deed or their respective acts and deeds, (as the case may be), delivering the same; and that I am a subscribing witness to such execution.
Sworn before me, at the
of , in the
of , this day (Signature.)
of , A.D. 19 .

(A separate affidavit in this Form will be made by a witness to the execution by such obligor, if the same person does not witness the execution by all of them.)
R.S., c. 118, Sch., Form D.

FORM E.
CERTIFICATE OF TITLE.

CANADA—TERRITORIES (or YUKON TERRITORY), REGISTRATION DISTRICT.

This is to certify that A.B., of is now the owner of an estate (describe the estate) of and in (describe the property), subject to the encumbrances, liens and interests notified by memorandum underwritten or endorsed hereon, or which may hereafter be made in the register.
In witness whereof, I have hereunto subscribed my name and affixed my official seal this day of , A.D. 19 .
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(And
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(And if subject to a mortgage)

The title of A.B., is subject to mortgage, dated the day of , made by A.B. to W.B., to secure (here state the amount secured, the rate of interest per cent per annum and the respective dates from which the principal and interest are secured) payable as therein mentioned. (If mortgage is discharged, say:) The above mortgage No. , is discharged this day of , A.D. , (here state the distinguishing letter or number of the register and the number of the folio therein.)

(And if subject to a lease,)

The title of A.B., is subject to a lease, dated the day of , made by A.B. to Y.Z., for the term of years.

(When the transfer is absolute,)

This certificate of title is cancelled and a new certificate of title No. , issued this day of , A.D. 19 .

(Signature.)

R.S., c. 118, Sch., Form E.

FORM F.

APPLICATION TO BRING LAND UNDER THE OPERATION OF THE LAND TITLES ACT.

To the registrar of registration district.

I, (insert name and addition), hereby apply to have the land hereinafter described brought under the operation of the Land Titles Act. And I declare:—

1. That I am the owner (or agent for the owner) of an estate in fee simple in possession (or of an estate of freehold in possession for my life, or otherwise as the case may require) IN ALL THAT piece of land, being (here describe the land).

2. That such land, including all buildings and other improvements thereon, is of the value of dollars, and no more.

3. That there are no documents or evidences of title affecting such land in my possession, or under my control, other than those included in the schedule hereto.

4. That I am not aware of any mortgage or encumbrance affecting the said land, or that any other person has any estate or interest therein at law or in equity, in possession, remainder, reversion or expectancy (if there be any add: other than as follows, and set the same forth).

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5. That the said land is now occupied (if unoccupied, prefix un to occupied; if occupied, add by whom, and state the name and addition of the occupant and the nature of his occupancy).

6. That the names and addresses, so far as known to me, of the occupants of all lands contiguous to the said land, are as follows:—

7. That the names and addresses, so far as known to me, of the owners of all lands contiguous to the said land, are as follows:—

[If the certificate of title is not to be granted to the applicant, add: And I direct the certificate of title to be granted in the name of (insert name and addition).]

Dated this day of , 19 .
Made and subscribed at , in the presence of

(Signature.)

R.S., c. 118, Sch., Form F.

**FORM G.**

**AFFIDAVIT OF APPLICANT.**

Canada:
(or as the case may be) I, of
in , make oath and say:

To Wit:

1. That I am the applicant (or agent of or solicitor for the applicant) named in the within application and am of the full age of twenty-one years;

2. That I have a personal knowledge of the facts set forth in the said application;

3. The facts, matters and things in the said application mentioned are true in substance and in fact.

Sworn before me at

this day of , 19 .

(Signature.)

1948, c. 56, s. 9; Sch., Form G.

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**FORM**

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FORM H.

AFFIDAVIT CONCERNING THE HUDSON'S BAY COMPANY'S LANDS.

Northwest Territories of Canada, (or as the case may be) of District of
To Wit:
I, of , in
make oath and say:

1. I am an officer of the Hudson's Bay Company, entitled to make this affidavit by the authority and under the approval of the Minister of Resources and Development of Canada.

2. Title to the lands mentioned in the accompanying application now produced and shown to me, and marked with the letter A, passed to the said company by notification under the provisions of of the Dominion Lands Act (or by letters patent issued on—stating date—as the case may be).

3. The said company are, at the date of this affidavit, absolutely entitled to the said lands in fee simple and have not encumbered the same in any way whatsoever.

4. And the said lands are not subject to any execution, and are not chargeable with any arrears of municipal taxes, rates or assessments.

Sworn before me at the , in the of this day of , A.D. 19.

(Signature.)

R.S., c. 118, Sch., Form H.; 1949 (2nd Sess.), c. 18, s. 9.

FORM I.

TRANSFER.

I, A.B., being registered owner of an estate (state the nature of estate), subject, however, to such encumbrances, liens and interests as are notified by memorandum underwritten (or endorsed thereon), in all that certain tract of land containing acres, more or less, and being (part of) section , township , range , in the (or as the case may be), (here state rights of way, privileges, easements, if any, intended to be conveyed along with the land and if the land dealt with contains all included in the original grant refer thereto for descriptions of parcels and diagrams; otherwise set

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set forth the boundaries and accompany the description by a diagram), do hereby, in consideration of the sum of dollars paid to me by E.F., the receipt of which sum I hereby acknowledge, transfer to the said E. F., all my estate and interest in the said piece of land. (When a lesser estate, describe such lesser estate.)

In witness whereof, I have hereunto subscribed my name this day of , 19.

Signed by said A. B., in the presence of

(Signature.)

R.S., c. 118, Sch., Form I.

FORM K.

I, , Dominion landsurveyor, do solemnly declare that this plan accurately shows the manner in which the land included therein has been surveyed and subdivided by me, and that the said plan is prepared in accordance with the provisions of the Land Titles Act.

Dated at , 19.

Signed in the presence of

A. B.,
Dominion Land Surveyor.

R.S., c. 118, Sch., Form K.

FORM L.

LEASE.

I, A. B., being registered as owner, subject, however, to such mortgages and encumbrances as are notified by memorandum underwritten (or endorsed hereon), of that piece of land described as follows:—(here insert description) containing acres, more or less (here state rights of way, privileges, easements, if any, intended to be conveyed along with the land, and if the land dealt with contains all included in the original grant or certificate of title or lease, refer thereto for description and diagram, otherwise set forth the boundaries by metes and bounds) do hereby lease to E.F., of (here insert description), all the said land, to be held by him, the said E. F., as tenant, for the space of years, from (here state the date and term), at the yearly rental of dollars, payable (here insert terms of payment of rent), subject to the covenants and powers implied (also set forth any special covenants or modifications of implied covenants).

I,
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Chap. 162.  

Land Titles.  

I, E.F., of (here insert description), do hereby accept this lease of the above described land, to be held by me as tenant, and subject to the conditions, restrictions and covenants above set forth.

Dated this day of 19 .

Signed by the above named A.B., as lessor, and E.F., as lessee, in the presence of (Signature of lessor.)

(Here insert memorandum of mortgages and encumbrances.)

R.S., c. 118, Sch., Form L.

FORM M.

SHORT COVENANTS IN LEASE.

COLUMN ONE.  

1. Will not, without leave assign or sublet.

2. Will fence.

3. Will cultivate.


5. Will not carry on offensive trade.

COLUMN TWO.

1. The covenantor, his executors, administrators, or transferees, will not, during the said term, transfer, assign or sublet the land and premises hereby leased, or any part thereof, or otherwise by any act or deed procure the said land and premises, or any part thereof, to be transferred or sublet, without the consent in writing of the lessor or his transferees first had and obtained.

2. The covenantor, his executors, administrators, or transferees, will during the continuance of the said term, erect and put upon the boundaries of the said land, or on those boundaries on which no substantial fence now exists, a good and substantial fence.

3. The covenantor, his executors, administrators, or transferees, will, at all times during the said term, cultivate, use and manage in a proper husband-like manner, all such parts of the land as are now or shall hereafter, with the consent in writing of the said lessor or his transferees, be broken up or converted into tillage, and will not impoverish or waste the same.

4. The covenantor, his executors, administrators, or transferees, will not cut down, fell, injure or destroy any living timber or timberlike tree standing and being upon the said land, without the consent in writing of the said lessor or his transferees.

5. The covenantor, his executors, administrators, or transferees, will not, at any time during the said term, use, exercise, or carry on, or permit or suffer to be used, exercised or carried on, in or upon the said premises, or any part thereof any noxious, noisome or offensive art, trade, business, occupation or calling; and no act, matter or thing whatsoever shall, at any time during the said term, be done in or upon the said premises, or any part thereof, which shall or may be or grow to the annoyance, nuisance, grievance, damage or any disturbance of the occupiers or owners of the adjoining lands and properties.

R.S., s. 118, Sch., Form M.

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Form
FORM N.

SURRENDER OF LEASE.

In consideration of dollars to me paid by (lessee or his assigns, as the case may be) I do hereby surrender and yield up from the day of the date hereof unto the lease (describe the lease fully) and the term therein created.

Dated the day of , A.D. 19 .

Signed by the above named in the presence of (Signature.)

R.S., c. 118, Sch., Form N.

FORM O.

MORTGAGE.

I, A.B., being registered as owner of an estate (here state nature of interest), subject, however, to such encumbrances, liens and interests, as are notified by memorandum underwritten (or endorsed hereon) in that piece of land described as follows:—(here insert description) containing acres, be the same more or less (here state rights of way, privileges, easements, if any, intended to be conveyed along with the land, and if the land dealt with contains all included in the original grant, refer thereto for description of parcels and diagrams; otherwise set forth the boundaries and accompany the description by a diagram), in consideration of the sum of dollars lent to me by E.F. (here insert description), the receipt of which sum I do hereby acknowledge, covenant with the said E.F.:

Firstly. That I will pay to him, the said E.F., the above sum of dollars, on the day of .

Secondly. That I will pay interest on the said sum at the rate of on the dollar, in the year, by equal payments on the day of , and on the day of in every year.

Thirdly. (Here set forth special covenants, if any.)

And for the better securing of the said E.F., the repayment, in manner aforesaid of the principal sum and interest, I hereby mortgage to the said E.F., my estate and interest in the land above described.

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In witness whereof, I have hereunto signed my name this day of , 19.

Signed by the above-named A.B. as mortgagor, in the presence of

(Signature of mortgagor.)

(Insert memorandum of mortgages and encumbrances.)

(For Form of transfer of mortgage, see Form S.)

R.S., c. 118, Sch., Form O.

FORM P.

ENCUMBRANCE.

I, A.B., being registered as owner of an estate (state nature of estate), subject, however, to such mortgages and encumbrances as are notified by memorandum underwritten (or endorsed hereon), in that piece of land described as follows:—(here insert description) containing acres, more or less (here state rights of way, privileges, easements, if any, intended to be conveyed along with the land, and if the land dealt with contains all included in the original grant or certificate of title, refer thereto for description of parcels and diagrams, otherwise set forth the boundaries and accompany the description by a diagram), and desiring to render the said land available for the purpose of securing to and for the benefit of C.D., of (description) the (sum of money, annuity or rent charge) hereinafter mentioned; do hereby encumber the said land for the benefit of the said C.D., with the (sum, annuity or rent charge) of to be paid at the times and in the manner following, that is to say: (here state the times appointed for the payment of the sum, annuity or rent charge intended to be secured, the interest, if any, and the events in which such sum, annuity or rent charge shall become and cease to be payable, also any special covenants or powers, and any modification of the powers or remedies given to an encumbrancee by this Act): And subject as aforesaid, the said C.D. shall be entitled to all powers and remedies given to an encumbrancee by the Land Titles Act.

Signed by the above named , in the presence of

(Signature of encumbrancer.)

(Insert memorandum of mortgages and encumbrances.)

R.S., c. 118, Sch., Form P.

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FORM Q.

AFFIDAVIT TO BE FILED WITH A MORTGAGE OR ENCUMBRANCE.

I, (name of mortgagor or encumbrancer, as the case may be) of the of in the of make oath and say:

(1) I am the mortgagor (or encumbrancer, as the case may be), named in the hereunto annexed instrument, bearing date the and made in favour of against (describe the lands mortgaged or encumbered).

(2) The grant from the Crown of the said land has not yet been issued, but I claim to be the party rightfully in possession of the said land and to be entitled to create the said mortgage (or encumbrance) and that particulars of my possession and title to the said land are as follows:—(here must be given such information as will satisfy the registrar as to the mortgagor's or encumbrancer's right to create the mortgage or encumbrance, and, in the case of such mortgagor or encumbrancer of land entered for by him as a homestead or pre-emption under the provisions in that behalf contained in the Dominion Lands Act, that he has been recommended for patent and received his certificate of recommendation in accordance with the said provisions).

Sworn before me at the of in the of this day

(Signature.)

R.S., c. 118, Sch., Form Q.

FORM R.

RECEIPT OR ACKNOWLEDGMENT OF PAYMENT OF MORTGAGE OR OTHER ENCUMBRANCE.

I, C.D., the mortgagee (encumbrancee or assignee as the case may be) do acknowledge to have received all the moneys due or to become due under the within written mortgage (or encumbrance, as the case may be) and that the same is wholly discharged.

In witness whereof I have hereunto subscribed my name this day of , 19 .

Signed by the above named C.D., in the presence of

(Signature.)

R.S., c. 118, Sch., Form R.
FORM S.

TRANSFER OF MORTGAGE, ENCUMBRANCE OR LEASE.

I, C.D., the mortgagee, (encumbrancee or lessee as the case may be), in consideration of ______ dollars this day paid to me by X. Y., of ______, the receipt of which sum I do hereby acknowledge, hereby transfer to him the mortgage (encumbrance or lease, as the case may be, describe the instrument fully), together with all my rights, powers, title, and interest therein.

In witness whereof, I have hereunto subscribed my name this day of ______, 19______.

Signed by the said C. D., Transferor.

in presence of Accepted X. Y., Transferee.

R.S., c. 118, Sch., Form S.

FORM T.

TRANSFER OF PART OF MORTGAGE OR ENCUMBRANCE.

I, C.D., the mortgagee (or encumbrancee, or as the case may be), in consideration of ______ dollars this day paid to me by X. Y., of ______, the receipt of which sum I do hereby acknowledge, hereby transfer to him ______ dollars of the mortgage (or encumbrance, as the case may be, describe the instrument fully), together with all my rights, powers, title, and interest therein, and the sum so transferred shall be preferred (or deferred or rank equally, as the case may be), to the remaining sum secured by the mortgage (or encumbrance).

In witness whereof, I have hereunto subscribed my name this day of ______, 19______.

Signed by the said C. D., Transferor.

in presence of Accepted X. Y., Transferee.

R.S., c. 118, Sch., Form T.

R.S., 1952.
**FORM U.**

**SHORT COVENANTS IN MORTGAGE.**

**COLUMN ONE.**

1. Has a good title to the said land.

2. Has the right to mortgage the land.

3. And that on default the mortgagee shall have quiet possession of the land.

4. Free from all encumbrances.

**COLUMN TWO.**

1. And also, that the said mortgagor, at the time of the sealing and delivery hereof, is, and stands solely, rightfully and lawfully seized of a good, sure, perfect, absolute and indefeasible estate of inheritance, in fee-simple, of and in the lands, tenements, hereditaments and all and singular other the premises herebefore described, with their and every part of their appurtenances and of and in every part and parcel thereof, without any manner of trusts, reservations, limitations, provisos or conditions, except those contained in the original grant thereof from the Crown, or any other matter or thing to alter, charge, change, encumber or defeat the same.

2. And also that the said mortgagor now hath in himself good right, full power and lawful and absolute authority to convey the said lands, tenements, hereditaments, and all and singular other the premises hereby conveyed or hereinafter mentioned or intended so to be, with their and every part of their appurtenances unto the said mortgagee, his heirs, executors, administrators and assigns in manner aforesaid, and according to the true intent and meaning of these presents.

3. And also, that from and after default shall happen to be made of or in the payment of the said sum of money, in the said above proviso mentioned, or the interest thereof, or any part thereof, or of or in the doing, observing, performing, fulfilling or keeping of some one or more of the provisions, agreements or stipulations in the said above proviso particularly set forth, contrary to the true intent and meaning of these presents, and of the said proviso, then, and in every such case, it shall and may be lawful to and for the said mortgagee, his heirs, executors, administrators, and assigns, peaceably and quietly to enter into, have, hold, use, occupy, possess, and enjoy the aforesaid lands, tenements, hereditaments and premises, hereby conveyed or mentioned or intended so to be, with their appurtenances, without the let, suit, hindrance, interruption or denial of him the said mortgagor, his heirs, or assigns, or any other person or persons whomsoever.

4. And that free and clear and freely and clearly acquitted, exonerated and discharged of and from all arrears of taxes and assessments whatsoever due or payable upon or in respect of the said lands, tenements, hereditaments and premises, or any part thereof, and of and from all former conveyances, mortgages, rights, annuities, debts, judgments, executions and recognizances, and of and from all manner of other charges or encumbrances whatsoever.
SHORT COVENANTS IN MORTGAGE. (Conc.)

COLUMN ONE.

5. Will execute such further assurances of the land as may be requisite.

COLUMN TWO.

5. And also, that from and after default shall happen to be made of or in the payment of the said sum of money in the said proviso mentioned, or the interest thereof, or any part of such money or interest or of or in the doing, observing, performing, fulfilling, or keeping of some one or more of the provisions, agreements or stipulations in the said above proviso particularly set forth, contrary to the true intent and meaning of these presents and of the said proviso, then and in every such case the said mortgagor, his heirs and assigns, and all and every other person or persons whatsoever having, or lawfully claiming, or who shall or may have or lawfully claim any estate, right, title, interest or trust of, in, to or out of the lands, tenements, hereditaments, and premises hereby conveyed or mentioned or intended so to be, with the appurtenances or any part thereof, by, from, under or in trust for him the said mortgagor, shall and will, from time to time, and at all times thereafter, at the proper costs and charges of the said mortgagee, his heirs, executors, administrators and assigns make, do, suffer and execute, or cause or procure to be made, done, suffered and executed, all and every such further and other reasonable act or acts, deeds or deeds, devices, conveyances and assurances in the law for the further, better and more perfectly and absolutely conveying the said lands, tenements, hereditaments and premises, with the appurtenances, unto the said mortgagee, his heirs, executors, administrators and assigns, as by the said mortgagee, his heirs, executors, or his or their counsel learned in the law, shall or may be lawfully and reasonably devised, advised or required, so that no person who shall be required to make or execute such assurances shall be compelled, for the making or executing thereof, to go or travel from his usual place of abode.

6. Has done no act to encumber the land.

6. And also, that the said mortgagor hath not at any time heretofore made, done, committed, executed or wilfully or knowingly suffered any act, deed, matter or thing whatsoever whereby or by means whereof the said lands, tenements, hereditaments and premises hereby conveyed or mentioned or intended so to be, or any part or parcel thereof, are, is or shall or may in any wise impeached, charged, affected or encumbered in title, estate, or otherwise howsoever.

R.S., c. 118, Sch., Form U.

FORM V.

POWER OF ATTORNEY.

I, A. B., being registered owner of an estate (here state nature of the estate or interest), subject, however, to such encumbrances, liens and interests as are notified by memorandum.

R.S., 1952.
mandum underwritten (or endorsed hereon), (here refer to
schedule for description and contents of the several parcels
of land intended to be affected which schedule must contain
reference to the existing certificate of title or lease of each
parcel) do hereby appoint C. D. attorney on my behalf to
(here state the nature and extent of the powers intended to
be conferred, as to sell, lease, mortgage, etc.), the land in the
said schedule described, and to execute all such instruments,
and do all such acts, matters and things as may be necessary
for carrying out the powers hereby given and for the
recovery of all rents and sums of money that may become or
are now due, or owing to me in respect of the said lands,
and for the enforcement of all contracts, covenants or con-
ditions binding upon any lessee or occupier of the said lands,
or upon any other person in respect of the same, and for the
taking and maintaining possession of the said lands, and for
protecting the same from waste, damage or trespass.

In witness whereof, I have hereunto subscribed my name
this day of , 19 .

Signed by the above named A. B.,
in the presence of (Signature.)

R.S., c. 118, Sch., Form V.

FORM W.
REVOCATION OF POWER OF ATTORNEY.

I, A. B., of hereby revoke the power of
hereby revoking
attorney given by me to , dated the day
of , 19 , and recorded in the Land
Titles Office at Land
Registration district, on the day of ,
19 , as Number .

In witness whereof I have hereunto subscribed my name
this day of , 19 .

Signed by the above named
A. B., in the presence of (Signature.)

R.S., c. 118, Sch., Form W.

FORM X.
TRANSFER OF LAND UNDER PROCESS OF LAW.

I, , of , the person appointed
to execute the process hereinafter mentioned in pursuance
of a writ dated the day of , 19 ,
and R.S., 1952.
and issued out of (insert name of court), a court of competent jurisdiction, in an action wherein
is the plaintiff, and the defendant, which said is registered as the owner
of the land hereinafter described, subject to the mortgages and encumbrances notified hereunder, do hereby, in consideration of the sum of paid to me, as aforesaid, by E.F., (insert addition) TRANSFER to the said E.F., all that piece of land (here insert a sufficient description of the land, and refer to the debtor's certificate of title or grant).

Dated the day of , 19 .

Signed by the above named , in the presence of

(Signature with official seal.)

Mortgages and encumbrances referred to. (State them.)

R.S., c. 118, Sch., Form X.

Or,

FORM X.

TRANSFER OF LAND ON SALE FOR TAXES.

I, , of , by virtue of authority vested in me to sell lands for arrears of taxes by do hereby, in consideration of the sum of paid to me by E.F. (insert addition) TRANSFER to the said E.F., all that piece of land, being (here insert a sufficient description of the land, and refer to the certificate of title).

Dated the day of , 19 .

Signed by the above named , in the presence of

(Signature with official seal.)

R.S., c. 118, Sch., Form X.

R.S., 1952.
TRANSFER OF LAND UNDER DECREED OR ORDER OF A COURT OF COMPETENT JURISDICTION

I, (insert name), in pursuance of a decree (or order) of (insert name of court), a court of competent jurisdiction, dated the ___ day of 19___, and entered in the register, vol. ___ fol. hereby transfer to E.F. (insert addition), subject to the mortgages and encumbrances notified hereunder, all that piece of land being (here insert a sufficient description of the land and refer to the certificate of title or grant).

Dated the ___ day of 19_.

Signed by the above named, in the presence of (Signature with official seal.)

Mortgages and encumbrances referred to. (State them.)

R.S., c. 118, Sch., Form X.

Or,

TRANSFER OF LEASE, MORTGAGE OR ENCUMBRANCE, UNDER DECREED OR ORDER OF A COURT OF COMPETENT JURISDICTION.

I, (insert name), in pursuance of a decree or order of (insert name of court), a court of competent jurisdiction, dated the ___ day of 19___, and entered in the register, vol. ___ fol. hereby transfer to E.F., (insert addition), subject to the mortgages and encumbrances notified hereunder, the lease (or mortgage or encumbrance, as the case may be) granted by ___ in favour of ___ of (or upon) all that piece of land (here insert description of the land according to the description in the lease, mortgage or encumbrance, and refer to the registered instrument).

Dated the ___ day of 19_.

Signed by the above named, in the presence of (Signature with official seal.)

Mortgages and encumbrances referred to. (State them.)

R.S., c. 118, Sch., Form X.

227 3601
FORM X.

TRANSFER OF LEASE, MORTGAGE, OR ENCUMBRANCE UNDER PROCESS OF LAW.

I, the person appointed to execute the writ hereinafter mentioned (or otherwise, as the case may be), in pursuance of a writ of fieri facias, tested the day of 19 , and issued out of (insert name of court), a court of competent jurisdiction, in an action wherein is the plaintiff and the defendant, which said is registered as the owner of a lease (mortgage or encumbrance, as the case may be) numbered of (or upon) the land hereinafter described, subject to the mortgages or encumbrances notified hereunder, do hereby, in consideration of the sum of paid to me as aforesaid, by E.F. (insert addition) TRANSFER to the said E.F. the lease (mortgage or encumbrance) granted by and in favour of , dated the day of , to, in and over (here describe the land according to the description in the lease, mortgage or encumbrance, and refer to the registered instrument).

Dated the day of 19 .

Signed by the above named , in the presence of

(Signature with official seal.)

R.S., c. 118, Sch., Form X.

FORM Y.

CAVEAT.

To the registrar district.

Take notice that I, A.B., of (insert description) claiming (here state the nature of the estate or interest claimed, and the grounds upon which such claim is founded) in (here describe land and refer to certificate of title) forbid

R.S., 1952.
the registration of any transfer affecting such land or the granting of a certificate of title thereto except subject to the claim herein set forth.

My address is:

Dated this day of , 19.

(Signature of caveator or his agent.)

I, the above named A.B., (or C.D., agent for the above A.B.) of (residence and description) make oath (or affirmation, as the case may be) and say, that the allegations in the above caveat are true in substance and in fact (and, if there is no personal knowledge, add) as I verily believe.

Sworn, etc.,

(Signature.)

(If the affidavit is by an agent, a copy of the authority or power under which he claims to act is to be annexed.)

R.S., c. 118, Sch., Form Y.

FORM Z.

AFFIDAVIT OF ATTESTATION OF AN INSTRUMENT.

I, A.B., of , in the , make oath and say:—

1. I was personally present and did see named in the (within or annexed) instrument, who is personally known to me to be the person named therein, duly sign and execute the same for the purposes named therein;

2. That the same was executed at the , in the , and that I am the subscribing witness thereto;

3. That I know the said and he is in my belief of the full age of twenty-one years.

Sworn before me at

in the

this day of , A.D. 19.

(Signature.)

R.S., c. 118, Sch., Form Z.

R.S., 1952.
FORM AA.

REFERENCE BY REGISTRAR TO THE JUDGE.

(Place and Date.)

In the matter of the registration of transfer (or as the case may be) A.B. to C.D.

The registrar, under the provisions of the *Land Titles Act*, hereby refers the following matter to the judge, to wit:

(Here state briefly the difficulty which has arisen.)

The parties interested, so far as the registrar knows or has been informed, are:—(Here give the names.)

(Signature.)

[Official seal.]

Registrar.

R.S., c. 118, Sch., Form AA.

FORM BB.

DEMAND TO RETURN CERTIFICATE OF TITLE.

To (name of owner or whoever is custodian of certificate):

You are hereby required to forward to the land titles office, certificate of title No. , in favour of (insert owner’s name) for (description of land) as the same is required by me, pursuant to the provisions of the *Land Titles Act*, for the purpose (purpose for which certificate is required and whether or not by direction of a judge).

Your attention is called to the provisions of sections 155 and 156 of the said Act, and the penalty therein provided for neglect or refusal to comply with this demand.

A.B.,

Registrar, District.

R.S., c. 118, Sch., Form BB.

FORM CC.

CERTIFICATE OF CHARGE.

MORTGAGE OR ENCUMBRANCE.

Mortgage or Encumbrance No. Application No. Assignment No. Certificate of Title No.

This is to certify that a made by to for the sum of dollars affecting was

R.S., 1952.
was duly registered in the Land Titles Office at on the day of A.D. 19,
at o'clock as number and that no registered mortgages or encumbrances affecting the said lands are entitled to priority over the said except the following, that is to say:

Dated at the Land Titles Office at this day of  A.D. 19

Registrar,

Land Registration District.

1948, c. 56, s. 10; Sch., Form CC.

FORM DD.

TRANSMISSION APPLICATION.

To the Registrar of the Registration District, I, of the of , hereby apply to be registered as owner of the land hereinafter described under the Land Titles Act;

AND DECLARE:

1. That I am of the full age of twenty-one years;
2. That I claim to be registered as aforesaid under and by virtue of
3. The land referred to is as follows: (set out description).............
4. That such land including all buildings and other improvements thereon, is of the value of dollars and no more;
5. That there are no documents or evidences of title affecting such land in my possession or under my control other than those included in the Schedule hereto:
6. That I am not aware of any mortgage or encumbrance affecting the said land or that any other person has or claims to have any estate or interest therein at law or in equity in possession, remainder, reversion or expectancy other than
7. That the said land is occupied by

3605

8.
R.S., 1952.
8. That the only buildings or improvements of any kind upon the said lands are as follows:

Dated this day of

, 19

Made and Subscribed at

in the presence of

(Signature)

1948, c. 56, s. 10; Sch., Form DD.

FORM EE.

NOTICE TO CAVEATOR TO TAKE PROCEEDINGS ON CAVEAT.

Take notice that the caveat lodged by you in the Land Titles Office for the Land Registration District of on the day of, 19 forbidding the registration of any person as transferee or owner of, or of any instrument affecting, the estate or interest claimed in your caveat in respect of (describe land and refer to certificate of title) unless such instrument be expressed to be subject to your claim, will lapse and cease to have effect after the expiration of three months from the day on which this notice is served on you or sent to you by registered mail unless in the meantime you take proceedings in court to establish the claim made in your caveat. This notice is given pursuant to section 137 of the Land Titles Act.

Dated at the day of , 19.

To (the caveator)
at (address stated in the caveat)

(Signature of person giving the notice)

1948, c. 56, s. 10; Sch., Form EE.
CHAPTER 163.

An Act respecting Laurier House.

WHEREAS, pursuant to the Will of the late the Right Honourable William Lyon Mackenzie King, P.C., O.M., there has been vested in His Majesty in right of Canada certain property in the City of Ottawa known as Laurier House and the contents thereof;

AND WHEREAS the late Mr. King, by his Will, gave the sum of two hundred and twenty-five thousand dollars to the Government of Canada to be used for certain specified purposes;

AND WHEREAS it is advisable to make provision for the administration of that property and money in accordance with the terms of the Will;

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

SHORT TITLE.

1. This Act may be cited as the Laurier House Act. Short title. 1951, c. 19, s. 1.

2. (1) The Dominion Archivist, subject to subsection (2), has the care, custody and control of Laurier House (more particularly described in the First Schedule) and the contents thereof and shall administer the house and its contents in accordance with the desires and purposes expressed in the late Mr. King’s Will (the relevant portion of which is set out in the Second Schedule).

(2) The Minister of Public Works shall maintain, heat and keep in repair the buildings on the Laurier House property and the Federal District Commission shall maintain the grounds thereof.

(3) An officer to be known as the Curator of Laurier House, and to be responsible, under the Dominion Archivist, for the administration of Laurier House, may be appointed in accordance with the provisions of the Civil Service Act after R.S., 1952.
after the termination of the employment of the first such officer who shall be appointed and whose salary shall be fixed by the Governor in Council. 1951, c. 19, s. 2.

3. (1) The sum of two hundred and twenty-five thousand dollars given by the Will to the Government of Canada shall be deposited to the credit of the Receiver General of Canada and shall form part of the Consolidated Revenue Fund.

(2) There shall be set up in the Consolidated Revenue Fund an account to be known as the Mackenzie King Trust Account to which there shall be credited the sum of two hundred and twenty-five thousand dollars.

(3) Interest on the sum of two hundred and twenty-five thousand dollars shall be credited to the Mackenzie King Trust Account at the end of each fiscal year

(a) in the case of the fiscal year during which the said sum was deposited to the credit of the Receiver General of Canada, for the period in the year after the day on which the deposit was made, and

(b) in the case of each subsequent fiscal year, for the whole year,

computed at a rate that, in the opinion of the Minister of Finance, is equal to the average rate at which interest is payable on long term Government of Canada bonds for that year.

(4) Subject to the approval of the Governor in Council, the Dominion Archivist may, at any time, expend out of the Consolidated Revenue Fund, for the purpose of carrying out the desires and purposes expressed in the Will, an amount not exceeding the aggregate of the amounts theretofore credited to the Mackenzie King Trust Account as interest less the aggregate of all amounts theretofore expended under this subsection, and any amount so expended shall be debited to the Account. 1951, c. 19, s. 3.

4. The Dominion Archivist may consult the Historic Sites and Monuments Board with reference to the performance of his duties under this Act. 1951, c. 19, s. 4.

5. Notwithstanding any other provision in this Act, the Minister of Public Works, the Federal District Commission and the Dominion Archivist shall comply with any general or special direction of the Governor in Council as to the manner in which Laurier House shall be administered or as to the manner in which the desires or purposes expressed in the Will shall be realized. 1951, c. 19, s. 5.

R.S., 1952.
FIRST SCHEDULE.

Description of Laurier House.

“All and Singular that certain parcel or tract of land and premises situate, lying and being in the City of Ottawa, in the County of Carleton, and Province of Ontario, being composed of Lot number Thirty-one (31) and the west half of Lot number Thirty-two (32) on the north side of Theodore Street, now called Laurier Avenue, in the City of Ottawa, as shown on a plan made by James D. Slater, P.L.S. for Louis P. Besserer, and registered in the Registry Office for the City of Ottawa on the 17th day of June, 1859.”

SECOND SCHEDULE.

Portions of Mr. King’s Will.

“13. For many years it has been my intention to bequeath Laurier House to the Government and people of Canada, in the belief that as the years pass, the citizens of Canada will take an increasing interest and pride in the preservation of a house occupied through many years by two of Canada’s Prime Ministers and reminiscent of an environment that was a part of their daily lives.

14. It has been my hope that such a bequest might serve also to remind my fellow Canadians of the close association I enjoyed with Sir Wilfrid and Lady Laurier, and what I owed to their personal friendship; also to emphasize the unity of heart and mind among the Canadian people which Sir Wilfrid and I, throughout our years of office, sought to preserve in the administration of Canada’s national affairs.

15. The maintenance of the residence as a place of historic interest and contemporary record of days that are gone would also serve the interests of the Canadian people in other ways. The residence might appropriately, I think, be given an immediate association with the Public Archives of Canada. Responsibility for its continued preservation, supervision and use might be placed upon the Dominion Archivist. Accommodation for scholars engaged on work of research in Ottawa is, at present, most inadequate both at the Archives and at the Library of Parliament. In the years of my occupancy of Laurier House, I have done most of my work in the library and adjoining rooms on the top floor. I should particularly welcome the continued use of this
this portion of the house for purposes of study and research. A direct association with the Archives would not only serve to emphasize the historic significance of the residence, but would help to ensure the interior being maintained much as it is, and would lead naturally to a more appropriate display of important documents and other objects of special interest. I should hope that the dining room and its furnishings, paintings, etc., would be retained much as they are.

16. I therefore give, devise and bequeath to the Government of Canada in trust for the people of Canada the house situated at 335 Laurier Avenue East in the City of Ottawa, and all the contents of the said house except such papers, books, furnishings and other things for the disposal of which I have made provision otherwise in this my Will.

17. I also give, devise and bequeath to the Government of Canada in trust for the people of Canada the sum of Two Hundred and Twenty-Five Thousand Dollars ($225,000), the interest thereon to be used to assist in the maintenance and care of the said house. The said sum of Two Hundred and Twenty-Five Thousand Dollars ($225,000), represents moneys which the Honourable Peter C. Larkin and other friends contributed, after the reconstruction and refurnishing of the residence was completed, to assist me in its upkeep throughout my life, and in meeting, to the end of my life, other personal and public needs, especially such needs as would arise in years of retirement."

1951, c. 19, Second Sch.

EDMOND CLOUTIER, C.M.G., O.A., D.S.P.
QUEEN'S PRINTER AND CONTROLLER OF STATIONERY
OTTAWA, 1952
CHAPTER 164.

An Act respecting Units of Length and Mass.

SHORT TITLE.

1. This Act may be cited as the Length and Mass Units Short title. Act. 1951, c. 31, s. 1.

UNITS OF LENGTH AND MASS.

2. (1) The units of length and mass for Canada are Units of based upon the international metre and the international Units of kilogramme established in the year 1889 by the first Inter- Units of national Conference of Weights and Measures and deposited Units of at the International Bureau of Weights and Measures.

(2) The standard unit of length for Canada is the yard, Length. which is nine thousand, one hundred and forty-four ten- Length thousandths of the international metre.

(3) The standard unit of mass for Canada is the pound, Mass. which is forty-five million, three hundred and fifty-nine thousand, two hundred and forty-three one-hundred-millionths of the international kilogramme. 1951, c. 31, s. 2.

STANDARDS.

3. (1) The National Research Council shall maintain N.R.C. to standards of length and mass calibrated in terms of the N.R.C. to units defined in this Act.

(2) Reference standards for the purposes of the Weights Reference and Measures Act shall be certified by the National and Measures Act Research Council as having been calibrated in terms of Reference the units defined in this Act. 1951, c. 31, s. 3.
CHAPTER 165.

An Act respecting Leprosy.

SHORT TITLE.

1. This Act may be cited as the Leprosy Act. R.S., Short title. c. 119, s. 1.

INTERPRETATION.

2. In this Act, “Minister” means the Minister of National Health and Welfare. R.S., c. 119, s. 2; 1945, defined. c.7, s. 1.

LAZARETTOS.

3. The Governor in Council may by proclamation establish as a lazaretto for lepers any existing institution devoted to the care and treatment of persons afflicted with leprosy, or any institution hereafter constructed or acquired for that purpose. R.S., c. 119, s. 3.

4. There may be appointed, in the manner authorized by law, a medical superintendent of any lazaretto so established, and such other officers and servants as are necessary for the proper management and care of the lazaretto and its inmates. R.S., c. 119, s. 4.

5. Subject to any regulations of the Governor in Council in that behalf, the officers and servants of any such lazaretto are subject to the direction and control of the Minister. R.S., c. 119, s. 5.

6. The Governor in Council may make rules and regulations for the management, discipline and policy of any lazaretto for lepers and prescribing the duties and conduct of the medical superintendent and other officers and servants employed therein, and for the diet, bedding, maintenance, employment, classification, instruction and discipline of the inmates thereof, and may annul, alter and amend such rules and regulations from time to time, and all officers, inmates and other prisoners are bound to obey such rules and regulations. R.S., c. 119, s. 6.

7. There shall be a thorough examination of every lazaretto at least annually, or more frequently as the Minister may direct, by the Director General of Public Health; and the result of such examination shall be given fully in the annual report of that officer. R.S., c. 119, s. 7.

APPREHENSION AND CONFINEMENT OF LEPERS.

8. Every person in Canada found to be afflicted with leprosy may be confined in a lazaretto for lepers. R.S., c. 119, s. 8.

9. The Minister may cause any person as to whom it is suspected that he is afflicted with leprosy to be examined by a duly qualified medical officer or officers to be designated by him, and upon a report of such medical officer or officers that there is reason to believe that such person is afflicted with leprosy, he may authorize the admission of such person into a lazaretto; and, in case of such person refusing to become an inmate of such lazaretto, may cause proceedings to be taken for his apprehension and confinement therein as hereinafter provided. R.S., c. 119, s. 9.

10. In the event of such medical officer or officers reporting with respect to the person examined that the disease is not at a stage at which it is communicable, or that there are sufficient means of securing for such person proper isolation, attendance and medical treatment at his home, and that the sanitary conditions surrounding the patient and the appreciation by him and his attendants of the necessary precautionary measures sufficiently prevent the patient from being or becoming a menace to the public health, the Minister has discretionary power to omit or suspend proceedings for his apprehension and confinement as aforesaid. R.S., c. 119, s. 10.

11. Where upon the report of such medical officer or officers the Minister is of opinion that the person examined should be confined in a lazaretto, he may cause information that such person is suspected or believed to be afflicted with leprosy to be laid

(a) in the Province of Ontario, Nova Scotia, New Brunswick, Prince Edward Island, Manitoba or British Columbia, before a judge of a county court;

(b) in the Province of Quebec, before a judge of the sessions or a district magistrate, and in any district where there is neither a judge of the sessions nor a district magistrate, the sheriff of the district;

R.S., 1952.
Leprosy Act.

(c) in the Province of Saskatchewan, Alberta or Newfoundland, before a judge of a superior court;
(d) in the Yukon Territory, before a judge of the Territorial Court or a police magistrate;
(e) in the Northwest Territories, before a stipendiary magistrate;

whereupon the judge or magistrate, before whom the information is laid, shall issue his warrant in Form A in the Schedule for the apprehension of such person suspected or believed to be afflicted with leprosy. R.S., c. 119, s. 11; 1949, c. 6, s. 16.

12. Such judge or magistrate, upon the person for whose apprehension the warrant is issued being brought before him, shall proceed to hear such evidence under oath as may be adduced with reference to the alleged affliction of such person, and if satisfied upon the evidence that such person is afflicted with leprosy shall commit him, by warrant in Form B in the Schedule, to a lazaretto for lepers, there to remain until duly discharged by law, but no such warrant of committal shall issue unless the affliction of such person is certified under oath by at least two duly qualified and practising physicians, or by the medical superintendent or other medical officer of a lazaretto for lepers. R.S., c. 119, s. 12.

13. The medical superintendent or officer in charge of any lazaretto for lepers shall receive therein as an inmate any person afflicted with leprosy who is so committed to such lazaretto as aforesaid, or whose admission thereto has been authorized by the Minister, under the authority of this Act. R.S., c. 119, s. 13.

14. (1) Every inmate received into any lazaretto for lepers shall be detained therein until the medical superintendent or officer in charge of the lazaretto certifies that it is safe for him to be discharged and to be at large.
   (2) The discharge of an inmate may be subject to any conditions certified by the medical superintendent or officer in charge to be necessary or expedient. R.S., c. 119, s. 14.

15. In case an inmate of a lazaretto for lepers escapes therefrom, it is lawful for any officer or servant of the lazaretto, or for any constable or peace officer, or for any other person at the request of any such officer or servant, or constable or peace officer, within forty-eight hours after such escape to retake escaped lepers. R.S., 1952.
such escape, where no warrant has been issued, and within one month after such escape, where a warrant in Form C in the Schedule has been issued by the medical superintendent or officer in charge of the lazaretto in that behalf, to retake such escaped inmate, and to return him to the lazaretto from which he escaped, and he shall remain in custody therein under the authority by virtue of which he was detained prior to his escape. R.S., c. 119, s. 15.

OFFENCES AND PENALTIES.

16. Every person who harbours or conceals any one afflicted with leprosy, knowing or having reason to suspect or believe that he is so afflicted, with intent to prevent the person so harboured or concealed from being examined under direction of the Minister, or to prevent his being apprehended under this Act, is guilty of an offence and is liable to a penalty not exceeding one hundred dollars and not less than ten dollars, or to imprisonment for a period not exceeding six months and not less than one month, with or without hard labour, or to both. R.S., c. 119, s. 16.

PROCEDURE.

17. Upon information laid before him that any person afflicted with leprosy is, or is reasonably suspected or believed to be harboured or concealed in any house, room or place with such intent as aforesaid, any justice of the peace may by warrant authorize any constable or other person to enter at any time such house, room or place, and to apprehend and bring before him or any other justice of the peace any person found therein who is or appears to be so afflicted, and such justice may thereupon commit such person for examination as aforesaid or make such other order as the exigencies of the case require. R.S., c. 119, s. 17.

18. The provisions of the Criminal Code relating to summary convictions apply to all proceedings under sections 15, 16 and 17. R.S., c. 119, s. 18.

SCHEDULE.

FORM A.

Canada, [ ]
Province of [ ]
County of [ ]
(or as the case may be).

To all or any of the constables and other peace officers in the county of [ ]
(or as the case may be).

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Whereas information upon oath has this day been laid before the undersigned judge of the county court of the said province (or as the case may be) that (or, a certain male, or, female, person whose name is unknown) is afflicted with leprosy;

These are, therefore, to command you to apprehend the said and bring him before me in order that inquiry may be made respecting the alleged affliction of the said , and that he may be further dealt with according to law.

Given under my hand and seal this day of , 19 , in the said county (or as the case may be).

[L.S.]
Judge.

FORM B.

Canada, Province of ,
County of ,
(or as the case may be).

To all or any of the constables or other peace officers in the county of (or as the case may be), and to the medical superintendent or officer in charge of the lazaretto for lepers at .

Whereas information was laid before me, the undersigned judge of the county court of the county of in the said province (or as the case may be), on the oath of , that (or as in the information) was afflicted with leprosy;

And whereas inquiry has been made by me respecting the alleged affliction of the said ;

And whereas such affliction of the said has been certified upon oath by and , qualified and practising physicians (or as the case may be);

And whereas I have found and adjudged the said to be afflicted with leprosy;

These are, therefore, to command you the said constables and other peace officers, or any of you, to take the said , and him safely convey to the lazaretto for lepers at , in the Province of , and deliver him to the medical superintendent or officer in charge of the said lazaretto; and I do hereby command you the said medical superintendent .

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tendent or officer in charge of the said lazaretto to receive the said into custody as an inmate of the said lazaretto and safely keep until the said shall be discharged by law.

Given under my hand and seal this day of , 19 , at , in the said county (or as the case may be).


FORM C.

Lazaretto for Lepers at .

To all or any of the officers and servants of the said lazaretto and to all or any of the constables and peace officers in the county of .

Whereas on the day of 19 , being within one month from this date, a person afflicted with leprosy, confined in the above lazaretto, of which I am medical superintendent (or as the case may be), did escape from the said lazaretto;

These are, therefore, to command you, or any of you, the said officers and servants, constables and peace officers, in Her Majesty's name, to retake the said and safely convey him to this lazaretto and deliver him into my charge.

Given under my hand and seal this day of 19 , at , in the county aforesaid.

[L.S.]

Medical Superintendent (or as the case may be).

R.S., c.119, Sch.

EDMOND CLOUTIER, C.M.G., O.A., D.S.P.
QUEEN'S PRINTER AND CONTROLLER OF STATIONERY
OTTAWA, 1952

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CHAPTER 166.

An Act respecting the Library of Parliament.

SHORT TITLE.

1. This Act may be cited as the Library of Parliament Short title. Act. R.S., c. 146, s. 1.

2. All books, paintings, maps, and other effects that are in the joint possession of the Senate and House of Commons of Canada, or are hereafter added to the existing collection, are vested in Her Majesty, for the use of both Houses of Parliament, and shall be kept in a suitable portion of the Parliament buildings appropriated for that purpose. R.S., c. 146, s. 2.

3. The direction and control of the Library of Parliament, and of the officers and servants connected therewith, is vested in the Speaker of the Senate and the Speaker of the House of Commons for the time being, assisted, during each session, by a joint committee to be appointed by the two Houses. R.S., c. 146, s. 3.

4. The Speakers of the two Houses of Parliament, assisted by the joint committee, may, from time to time, make such orders and regulations for the government of the Library, and for the proper expenditure of moneys voted by Parliament for the purchase of books, maps or other articles to be deposited therein, as to them seem meet, subject to the approval of the two Houses of Parliament. R.S., c. 146, s. 4.

5. (1) There shall be two librarians, one of whom shall be called the General Librarian and the other of whom shall be called the Parliamentary Librarian, who shall be appointed by joint commission under the Great Seal as Librarians of Parliament to hold office during pleasure.

(2) The librarians each have the rank of a deputy head of a department with equal powers as respects the control and management of the Library. R.S., c. 146, s. 5.

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6. Such other officers, clerks and servants as are authorized by law and requisite for the service of the Library may be appointed in the manner prescribed by law to hold office during pleasure. R.S., c. 146, s. 6.

7. (1) Each of the librarians shall receive the salary that he is by law authorized to receive.

   (2) The salaries of the other officers, clerks and servants of the Library shall be fixed respectively according to the scale therefor by law provided. R.S., c. 146, s. 7.

8. The salaries of the officers and servants of the Library of Parliament, and any casual expenses connected therewith, shall be paid out of moneys provided by Parliament for that purpose. R.S., c. 146, s. 8.

9. The General Librarian, Parliamentary Librarian and other officers and servants of the Library of Parliament are responsible for the faithful discharge of their official duties, as those duties are defined by regulations agreed upon by the Speakers of the two Houses, and concurred in by the said joint committee on the Library. R.S., c. 146, s. 9.

10. The supply of stationery required for the use of the Library shall be furnished by the Department of Public Printing and Stationery, and charged to the Houses of Parliament. R.S., c. 146, s. 10.
CHAPTER 167.


SHORT TITLE.

1. This Act may be cited as the Live Stock and Live Short title. Stock Products Act. 1939, c. 47, s. 1.

INTERPRETATION.

2. In this Act, Definitions.

(a) “Department” means the Department of Agriculture;

(b) “grade” means the classification of any live stock or live stock product according to the prescribed standards;

(c) “inspector” means any official appointed, or designated by the Minister, to perform, as such, certain specified duties under this Act;

(d) “Minister” means the Minister of Agriculture; and

(e) “standards” means those rules, tests, measures or specifications by which the quality or grade of a product is determined. 1939, c. 47, s. 2.

GENERAL.

3. In every case where, in the opinion of a veterinary Application of Animal inspector or an inspector acting or duly appointed under Contagious Diseases Act, contagious disease of animals exists or is suspected to exist, the relevant provisions of the said Animal Contagious Diseases Act apply notwithstanding the provisions of this Act or of any other Act or law. 1939, c. 47, s. 3.

4. There may be appointed from time to time in the manner authorized by law such inspectors and other officials as are necessary for the administration of this Act and the regulations. 1939, c. 47, s. 4.

5. For the purpose of jurisdiction under the provisions of the Criminal Code relating to summary convictions, in any complaint, information or conviction for violation of any of the provisions of this Act or the regulations, the violation complained of may be alleged and shall be held to have arisen at the place where the live stock or live stock product was processed, graded, inspected, packed, sold, offered or had in possession for sale, shipped, transported or imported, or at the residence or usual place of residence of the accused. 1939, c. 47, s. 5.

6. Proceedings taken under this Act for a violation thereof or of the regulations or conviction recorded in respect thereto in no way affect the right of any person to any other legal remedy to which he would or may otherwise be entitled. 1939, c. 47, s. 6.

7. Any pecuniary penalty imposed upon conviction for violation of any provision of this Act or the regulations belongs to Her Majesty, and shall be paid by the magistrate or officer receiving the same to the Receiver General and form part of the Consolidated Revenue Fund of Canada. 1939, c. 47, s. 7.

8. The Minister may appoint or authorize any group of persons engaged in the production or marketing of live stock or live stock products to designate representatives to act on an advisory committee with him or his representatives in connection with the marketing of any live stock or live stock products, and any person so appointed or designated shall be repaid all actual, reasonable traveling or other expenses incurred by him by reason of his so acting on such committee. 1939, c. 47, s. 8.

9. (1) The Governor in Council may appoint a Commissioner to investigate and report on the marketing of live stock or live stock products.

(2) For the purposes of such investigation, the Commissioner has the powers of a commissioner appointed under Part I of the Inquiries Act. 1939, c. 47, s. 9.
PART I.

STOCKYARDS.

Interpretation.

10. In this Part and in any regulation thereunder, Definitions.

(a) "buyer" means any person or partnership other than a commission merchant, co-operative association, dealer, drover, or farmer engaged in the business of buying live stock at a stockyard;

(b) "commission merchant" means any person, partnership or corporation engaged in the business of negotiating, for a commission, purchases or sales of live stock at a stockyard or arriving at or for delivery to a packer's yard, and who expends or receives moneys on behalf of a purchaser or vendor;

(c) "co-operative association" means any organization of producers engaged in negotiating purchases or sales of live stock, for a commission, at a stockyard or arriving at or for delivery to a packer's yard, and which accounts for moneys expended or received, less marketing charges, to members of the association;

(d) "dealer" means any person or partnership engaged in the business of buying and selling live stock at a stockyard on his own account and includes trader and speculator;

(e) "drover" means any person or partnership engaged in the business of selling his live stock at a stockyard on his own account;

(f) "live stock" means horses, cattle, sheep, swine, and fur-bearing animals raised in captivity;

(g) "live stock exchange" means an organization of persons engaged in the business of negotiating purchases or sales or buying or selling live stock on a stockyard and the membership of which consists of at least three or more commission merchants or co-operative associations;

(h) "packer" means any person, partnership or corporation engaged in the business of slaughtering live stock to the number of two thousand in any three consecutive months or five thousand in any calendar year;

(i) "packer's yard" means any enclosed place owned, controlled or operated by any packer or his agent and used in connection with receiving, holding or weighing live stock for slaughter or for marketing or for shipment for slaughter;

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"Proprietor." "Stockyard."

(j) "proprietor" means owner, lessee, occupier or operator of a stockyard; and

(k) "stockyard" means any area of land in operation as a public market for the purchase and sale of live stock declared by the Minister to be a stockyard under the provisions of this Part, with the buildings, fences, gates, chutes, weigh scales and other equipment situated thereon and used in connection therewith, or any area of land used for the accommodation of live stock at ocean ports of export that may be declared by the Minister to be a stockyard under the provisions of this Part. 1939, c. 47, s. 12.

Regulations. 11. The Governor in Council may make regulations prescribing

(a) the manner in which stockyards and packers' yards shall be constructed, equipped, maintained and operated;

(b) the manner in which complaints against the operation, maintenance or management of a stockyard or packer's yard shall be dealt with;

(c) the manner in which co-operative associations and commission merchants shall make returns and prepare for presentation to the consignor statements of account of sales of live stock and for the investigation of such statements and the transactions represented thereby;

(d) the manner in which receipts, classifications, weights and purchase prices of all live stock shall be recorded at stockyards and packers' yards and made available to the Minister;

(e) the manner in which calves are to be subjected to ante mortem inspection;

(f) the manner in which calves condemned by inspectors shall be disposed of;

(g) the manner in which business is to be conducted by those using a stockyard operated under the provisions of this Part;

(h) the manner in which shippers' trust accounts shall be kept by co-operative associations and commission merchants and how they shall operate;

(i) the manner in which live stock consigned for sale on commission may be pooled for sale and how the proceeds thereof shall be accounted for; and

(j) any other matter that may be deemed necessary for the efficient enforcement of this Part. 1939, c. 47, s. 13.

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**Inspection.**

12. Every stockyard and packer's yard is subject to inspection at all times and the owner or operator shall afford to any inspector every facility requisite to the performance of his duties. 1939, c. 47, s. 14.

13. Any inspector authorized under this Part may, in his discretion, for the purpose of enforcing the provisions of this Part and regulations thereunder,

(a) enter any stockyard or packer's yard,

(b) inspect and grade all live stock as may be required,

(c) require the production for inspection of all books, records or other documents of any stockyard or packer's yard or of any co-operative association, commission merchant, or dealer, and

(d) inquire into any matter pertaining to the operation of any stockyard or packer's yard. 1939, c. 47, s. 15.

**Operation of Stockyards.**

14. (1) No proprietor shall buy or sell live stock on his stockyard.

(2) No proprietor shall operate as a commission merchant except on the written authority of the Minister, and subject to such terms and conditions as the Minister may prescribe. 1939, c. 47, s. 16.

15. (1) Every proprietor has authority to prescribe the terms and conditions under which any person, co-operative association, commission merchant or dealer shall be permitted to transact business on his stockyard, and, if a live stock exchange is operating in connection with a stockyard, the terms and conditions shall require that a co-operative association, commission merchant or dealer, other than a proprietor as a commission merchant, shall be a member of such live stock exchange.

(2) No such proprietor shall permit any commission merchant, co-operative association or dealer to operate on his stockyard who has for any reason been suspended, expelled or ceased to be a member of the live stock exchange. 1939, c. 47, s. 17.

16. (1) Co-operative associations, commission merchants or dealers engaged in business at stockyards on the 3rd day of June, 1939, shall be permitted to continue in business subject to the rules and regulations of the stockyards as approved by the Minister, and shall not be R.S., 1952.
be denied the privileges of or be removed from the stockyards except for violation of this Act or regulations, or of any rule or regulation of the stockyards.

(2) The successors in ownership of any firm, partnership or corporation carrying on business as a commission merchant or dealer on the 3rd day of June, 1939, shall not operate on a stockyard without the permission of the proprietor given as in this section provided. 1939, c. 47, s. 18.

17. Every proprietor shall file with the Department as required by regulation, the names, addresses, and nature of occupation of all persons or associations authorized to transact business on his stockyard and of all persons authorized to transact such business on behalf of such persons or associations. 1939, c. 47, s. 19.

18. Every co-operative association, commission merchant or dealer shall deposit with the Department such security, payable to Her Majesty, as the Minister may by regulation require for the proper discharge of all financial obligations. 1939, c. 47, s. 20.

19. (1) Rules and regulations proposed to be adopted and enforced on a stockyard, or any amendments thereto, shall not have force or effect until the same have been approved by the Minister.

(2) Proprietors may be required to submit to the Department the schedules of fees and charges they propose to adopt and to charge, for services on their respective stockyards, against persons authorized to transact business thereon.

(3) The Minister may require any rule, regulation or schedule of fees and charges in respect to any stockyard or in respect to any authorized operator thereof to be amended as he may deem advisable, or may require the adoption of any other rule or regulation.

(4) All rules and regulations and all schedules of fees and charges in effect on any stockyard shall be printed and made available for use as prescribed by the Minister. 1939, c. 47, s. 21.

20. The Minister has authority to declare any public market where live stock is bought and sold, and any area of land used for the accommodation of live stock at

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at ocean ports, to be a stockyard under the provisions of this Part, and to rescind such declaration. 1939, c. 47, s. 22.

21. All books and records relating to the operation under this Act of any proprietor or the owner or operator of any packer’s yard or any co-operative association, commission merchant or dealer or other agent or agents, shall be open at all times to examination by an inspector, auditor or other representative of the Minister. 1939, c. 47, s. 23.

22. Every applicant who applies to the proprietor of a stockyard for registration and authority to transact business thereon shall be required to undertake, on a form approved by the Minister, faithfully to observe and comply with the provisions of this Act and regulations thereunder and the rules and regulations of the stockyard, and shall agree to suspension or cancellation of such authorization for any violation thereof. 1939, c. 47, s. 24.

23. The Minister may require any proprietor to suspend or cancel the registration and authorization to transact business on his stockyard of any person who violates any provision of this Act or regulations thereunder. 1939, c. 47, s. 25.

24. Every co-operative association or commission merchant shall keep a separate bank account in a chartered bank, to be known as a “Shippers' Trust Account,” and all moneys received on account of sales or to effect purchases shall be deposited in such account together with any sum of its own or his own which the co-operative association or commission merchant may deposit to enable it or him to make settlement with an owner or a consignor before payment has been received from the buyer. 1939, c. 47, s. 26.

25. Notwithstanding anything in this Part, any farmer or drover may sell his own live stock at a stockyard on his own account. 1939, c. 47, s. 27.

26. Nothing in this Part or in any regulation made thereunder shall be construed as prohibiting the sale of live stock by auction at a stockyard, except that such sale by auction shall be subject to regulations approved by the Minister. 1939, c. 47, s. 28.
Live Stock Exchanges.

27. Live Stock Exchanges whose rules and regulations do not contravene any provision of this Part or regulations thereunder or the rules and regulations of the stockyard shall be permitted to function in the interests of the members thereof. 1939, c. 47, s. 29.

28. Any by-law, rule or regulation of a Live Stock Exchange with respect to membership fees or eligibility for membership therein is subject to the approval of the Minister. 1939, c. 47, s. 30.

Offences and Penalties.

29. Any person who,

(a) contravenes any provision of this Part;

(b) assaults, interferes with or obstructs any inspector or other official of the Department in the performance of his duties;

(c) refuses entry by any inspector or other official of the Department to any building or other premises of or connected with a stockyard or packer’s yard;

(d) operating under this Act, refuses or neglects to keep proper books or records relating to such operation, or refuses access to such books or records to any inspector or representative of the Minister;

(e) renders or causes to be rendered an account of purchase or sale showing the purchase or sale of live stock not actually or bona fide made;

(f) renders or causes to be rendered an account of purchase or sale and fails to state on such account the name of the owner or the person, firm, or corporation from or to whom the live stock was purchased or sold together with each and every item of purchase or sale;

(g) falsely weighs or records, under a purported sale, the sale of any live stock to any person other than an actual purchaser;

(h) renders an account of purchase or sale which does not correspond with the record of purchase or sale;

(i) fails to comply with any regulation respecting the pooling of live stock or the account therefor;

(j) being a commission merchant or co-operative association, purchases or offers to purchase without the consent of the owner or his agent, live stock consigned to himself or itself for sale;

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(k) allows the use of his or their name in weighing live
stock not actually sold to or cleared through such
person;
(l) being a commission merchant or co-operative asso-
ciation, or a member of any firm or corporation oper-
ating as such, gives credit or financial assistance to
or guarantees the payment of or pays directly or
indirectly for live stock purchased by or on the account
of a dealer; or
(m) being a commission merchant or co-operative asso-
ciation, operates in a dual capacity of commission
merchant and dealer or co-operative association and
dealer;
is guilty of an offence and liable upon summary con-
viction in the case of a first offence to a fine of not less
than one hundred dollars, and in the case of a second or
subsequent offence to a fine of not less than three hundred
dollars or to imprisonment for a term of not less than one
month and not exceeding six months, with or without hard
labour, or to both fine and imprisonment. 1939, c. 47,
s. 31.

30. Any person who contravenes any regulation under
this Act is guilty of an offence and liable, upon sum-
mary conviction, in the case of a first offence to a fine of
not less than twenty-five dollars and in the case of a second
or subsequent offence to a fine of not less than fifty dollars
or to imprisonment for a term of not less than ten days
and not exceeding one month, with or without hard labour,
or to both fine and imprisonment. 1939, c. 47, s. 32.

PART II.

LIVE STOCK AND LIVE STOCK PRODUCTS.

Interpretation.

31. In this Part and the regulations thereunder, unless Definitions.
the context otherwise requires or it is otherwise specially
provided,
(a) "broker" means any person or partnership engaged "Broker."
in the business of negotiating purchases or sales of live
stock or live stock products for a brokerage fee;
(b) "commission merchant" means any person or part-
nership engaged in the business of buying or selling "Commis-
ion merchant." live stock or live stock products for a commission;

(c) R.S., 1952.
"Co-operative association." (c) "co-operative association" means any organization of producers engaged in the marketing of live stock or live stock products and which returns the net proceeds of such marketing to the producers thereof, whether in cash or by the distribution of patronage dividends;

"Livestock." (d) "live stock" means cattle, sheep, swine and fur-bearing animals raised in captivity and live poultry;

"Live stock products." (e) "live stock products" means meat, raw hides and skins, raw furs, dressed poultry, eggs or wool;

"Package." (f) "package" means any bag, barrel, box, can, case, container, crate, or any other receptacle or covering in which any live stock product is packed or placed;

"Poultry." (g) "poultry" means domestic fowl, guinea fowl and pigeons;

"Ship" or "shipping." (h) "ship" or "shipping" means the overt act of any person leading to the movement, by common carrier or other means of public conveyance, of any live stock or live stock product from or to a point outside the province in which he carries on business; and

"Transport" or "transporting." (i) "transport" or "transporting" means the overt act of any person leading to the movement, otherwise than by shipping, of any live stock or live stock product from or to a point outside the province in which he carries on business. 1939, c. 47, s. 33.

32. The Governor in Council may, with respect to any live stock or live stock product produced within or imported into Canada, make regulations,

(a) prescribing standards of quality and grades;

(b) respecting inspection, grading, packing, labelling, branding and marking and the manner thereof;

(c) prescribing types, sizes and specifications of packages, packing material and methods of packing;

(d) respecting the shipping and transporting of any live stock or live stock product;

(e) prescribing from time to time the quantity, quality, grade or class that may be exported;

(f) providing for the establishment of a service for the marketing of live stock on a basis of carcass grades;

(g) prescribing from time to time the quality, grade or class that may be imported;

(h) requiring any person or class of persons exporting any live stock or live stock product to obtain a licence upon such terms and conditions as may be deemed necessary in the public interest;

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(i) prescribing the manner in which the seller or shipper of ungraded live stock and live stock products shall identify, for purposes of grading, individual producers' lots in such shipments;

(j) prescribing the manner in which a receiver of live stock and live stock products shall make returns and prepare for presentation to the seller or shipper the statements of account of purchase of such live stock and live stock products, and for the investigation of such statements and the transactions represented thereby;

(k) prescribing the manner in which a co-operative association, commission merchant or broker shall keep account of moneys received by them on account of sales and the kind of statement of account of such sales that shall be returned to the shipper and for the investigation of such statements or transactions represented thereby;

(l) prescribing the grades of eggs that may be broken or dried in an egg-breaking plant;

(m) requiring any person or class of persons engaged in the grading of any live stock or live stock product to obtain a certificate upon such terms and conditions as may be deemed necessary in the public interest;

(n) requiring any person or class of persons engaged in the shipping or transporting of any live stock or live stock product to register with the Department and prescribing the terms and conditions upon which registration shall be granted in the public interest;

(o) respecting the advertising of live stock products for which grades have been prescribed; and

(p) with respect to any other matter deemed necessary for the efficient enforcement of this Act. 1939, c. 47, s. 34.

33. The Minister may, with respect to any live stock or live stock product produced within or imported into Canada, make regulations,

(a) prescribing fees for grading and inspection services;

(b) prescribing the places or areas where and when any regulation made under the provisions of this section shall be in force;

(c) prescribing measures respecting sanitation in, on or about premises operated by any person under this Act;

(d) providing for the issuance, renewal or cancellation of licences, certificates or registrations;

(e) R.S., 1952.
(e) respecting records to be kept and reports to be made to the Department by persons processing, grading, shipping or transporting any live stock product;

(f) prescribing the form of certificate issued with respect to any live stock or live stock product; and

(g) prescribing the manner in which samples of any live stock product shall be taken. 1939, c. 47, s. 35.

34. The Minister may cancel or suspend any licence, certificate or registration for violation of any provision of the Act or regulations. 1939, c. 47, s. 36.

Inspection.

35. All live stock and live stock products shall be made available for inspection and grading as required by the regulations pertaining thereto. 1939, c. 47, s. 37.

36. Any inspector may, for the purpose of enforcing the provisions of this Part and regulations thereunder,

(a) enter any place, premises, vessel, or vehicle containing or believed to contain any live stock or live stock product for the purpose of inspecting such product, premises, vessel or vehicle;

(b) require the production for inspection of all books, records or other documents pertaining to any live stock or live stock product or the disposition thereof;

(c) take samples of any live stock product in the manner authorized by the regulations;

(d) delay the shipment of any live stock or live stock product for the time necessary to complete his inspection thereof;

(e) seize and place under detention in the manner authorized by the regulations, any live stock or live stock product which has been manufactured, packed, branded, labelled, marked, shipped, transported or imported in violation of this Part or regulations made thereunder;

(f) refuse to inspect or mark or give any certificate respecting any live stock or live stock product found in any place, premises, vessel or vehicle deemed by him to be insanitary or unsuitable for inspection purposes; and

(g) require the return, at the expense of the owner thereof, to the place from which it was moved, of any live stock product that has been seized or detained. 1939, c. 47, s. 38.
37. (1) Any inspection certificate purporting to be signed by an inspector or other official in the performance of his duties under this Part is prima facie evidence of the facts stated in such certificate.

(2) The production by an inspector or other official of a certificate of his appointment purporting to be signed by the Minister is prima facie evidence of the facts stated therein and conclusive as to the authority of the inspector. 1939, c. 47, s. 39.

38. (1) Any livestock or livestock product seized for contravention of any provision of this Part or regulations thereunder shall be disposed of as the Minister may direct.

(2) Any livestock or livestock products detained, seized or disposed of under the provisions of this Part or regulations thereunder are at the risk and expense of the owner thereof, and the inspector shall immediately notify the owner or his agent by prepaid telegram, letter or otherwise that such livestock or livestock product has been seized, detained or disposed of as the case may be. 1939, c. 47, s. 40.

Offences and Penalties.

39. Any person who, (a) obstructs or interferes with any inspector or who declines reasonably to facilitate the carrying out of his inspection or the performance of his duties;

(b) uses or imitates any registered or identification number, mark, brand, stencil or label assigned or belonging to any other person or any package bearing the same;

(c) except as may be permitted in the regulations, changes, alters, effaces, or obliterates, or causes to be changed, altered, effaced or obliterated, any wrapper, label or mark of any kind on any package or livestock product which has been inspected, graded or imported;

(d) falsely exchanges or substitutes the package or packages of any inspected or graded livestock product;

(e) after his licence has been suspended or revoked, ships or transports any livestock or livestock product, of a kind or class formerly dealt in by him under such licence;

(f) moves or causes or allows to be moved any livestock or livestock product that has been seized or detained by an inspector under this Part until authorized so to do by an inspector; or

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Part II.

Chap. 167. Live Stock and Products.

(g) bribes or attempts to bribe, or makes any offer, proposal, gift, loan or promise, or gives or offers any compensation or consideration directly or indirectly, to induce any inspector or other official to issue any irregular or untrue certificate in connection with any live stock or live stock product or to refrain from performing any of his duties as required by the Act and regulations;

is guilty of an offence and liable upon summary conviction in the case of a first offence to a fine of not less than one hundred dollars and in the case of a second or subsequent offence to a fine of not less than three hundred dollars or to imprisonment for a term of not less than three months and not exceeding six months, with or without hard labour, or to both fine and imprisonment. 1939, c. 47, s. 41.

Misbranding live stock product.

40. Any live stock product shall be deemed to be misbranded within the meaning of this Part,

(a) if such product is below the standard or grade signified by any standard, grade or designated mark applied to or used on it,

(b) if it is contained in a package from which all grade, brand, inspection or standard of quality marks applicable to previous contents of such package have not been completely removed, erased or obliterated, or

(c) if it or any package, label or document purporting to apply to it bears any statement, design or device which is false or misleading, in any particular. 1939, c. 47, s. 42.

Other offences.

41. Any person who,

(a) misbrands any live stock product;

(b) ships or transports any live stock or live stock product which has not been inspected, graded, packed, labelled and marked with a true description thereof in accordance with the regulations;

(c) except as may be otherwise permitted in the regulations, ships or transports or imports any live stock or live stock product which is below the minimum grade for such product;

(d) falsely represents the origin, date of manufacture, quantity, quality, grade or class of any live stock or live stock product by any untrue, deceptive or misleading advertisement, handbill, poster or statement;

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(e) sells, offers or has in possession for sale for human consumption any live stock product that is below the minimum grade prescribed by the regulations for such product;
(f) violates any provision of this Part or any regulation thereunder;
is guilty of an offence and liable upon summary conviction in the case of a first offence to a fine of not less than twenty-five dollars and in the case of a second or subsequent offence to a fine of not less than fifty dollars or to imprisonment for a term of not less than one month and not exceeding three months, with or without hard labour, or to both fine and imprisonment. 1939, c. 47, s. 43.

PART III.

POULTRY PRODUCTION.

Interpretation.

42. In this Part and in any regulation thereunder, "chicks" means poultry under one month old; "hatchery" means any place, buildings, or premises equipped with an incubator capacity of one thousand or more eggs and used for incubation purposes; "hatcheryman" means any person who operates a hatchery; "poultry" means domestic or wild fowl or birds; and "pullorum test" or "blood test" means a test for pullorum disease. 1939, c. 47, s. 44.

43. The Governor in Council may make regulations prescribing a program to be known as the Dominion Poultry Improvement Program, for the improvement of poultry stock and the eradication of disease therein; prescribing the standards and grades for chicks, poultry and hatcheries; prescribing where and when the Dominion Hatchery Approval Policy and the regulations thereunder under the Dominion Poultry Improvement Program shall be in force; requiring hatcherymen to register with the Department annually the names and addresses of all persons who act as agents in the marketing of chicks or poultry; 1939, c. 47, s. 44.
(e) requiring hatcherymen and their agent or agents to keep available for inspection adequate records of production and marketing of all chicks and poultry, and submit to the Department such information with respect thereto as the Minister may require;

(f) prescribing the types, sizes, specifications, labelling and marketing of packages used by a hatcheryman for the marketing of chicks;

(g) permitting registration under the Dominion Hatchery Approval Policy by any person operating a hatchery regardless of capacity in any part of Canada wherein the Dominion Hatchery Approval Policy has not been proclaimed under this Act;

(h) prescribing measures for sanitation in or about hatcheries;

(i) prescribing measures for inspection, banding and marketing of chicks and poultry;

(j) prescribing the method of applying the pullorum test and the period during which it shall be deemed effective; and

(k) respecting any other matter deemed necessary for the enforcement of this Part. 1939, c. 47, s. 45.

44. (1) The Dominion Poultry Improvement Program or any part thereof or Policy thereunder shall come into force in any specified province upon proclamation of the Governor in Council.

(2) In any province in which the Program has not been proclaimed by the Governor in Council, such Program or any part thereof or Policy thereunder may be applied on a voluntary basis as prescribed by the regulations. 1939, c. 47, s. 46.

45. No person shall operate a hatchery within a province in which the Dominion Hatchery Approval Policy has been proclaimed under this Act unless he has been issued a permit so to do by the Minister. 1939, c. 47, s. 47.

46. The Minister may refuse a permit to any hatcheryman for a period of one year who has been convicted of an offence under this Part or who has otherwise contravened any provision of this Act or the regulations. 1939, c. 47, s. 48.

47. The Minister may suspend or revoke the permit of any hatcheryman who, in the operation of his hatchery, has, in the opinion of the Minister, contravened any provision of this Act or the regulations. 1939, c. 47, s. 49.

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48. Every hatcheryman operating within a province in which the Dominion Hatchery Approval Policy is in force shall submit to the Department for approval prior to publication, all catalogues, circulars, advertisements or other publicity material proposed to be used by him in connection with the operation of his hatchery or the marketing of chicks or poultry. 1939, c. 47, s. 50.

49. Any chicks or poultry that have been produced, packed, shipped, transported or imported in violation of this Act or regulations may be seized and detained by an inspector at the risk and expense of the owner, and the inspector shall immediately notify the owner or his agent by prepaid telegram, letter or otherwise that such chicks or poultry have been seized and detained. 1939, c. 47, s. 51.

Inspection.

50. Any inspector appointed or designated as such under this Act may, for the purpose of enforcing the provisions of this Part and regulations thereunder,
(a) enter any hatchery containing or believed to contain any chicks or poultry for the purpose of inspecting same;
(b) require the production for inspection of all books, records or other documents pertaining to any chicks or poultry or the disposition thereof;
(c) delay the shipment of any chicks or poultry for the time necessary to complete his inspection thereof;
(d) seize and place under detention in the manner authorized by the regulations, any chicks or poultry which have been produced, packed, shipped, transported or imported in violation of this Act or the regulations;
(e) refuse to inspect or mark or give any certificate respecting any chicks or poultry found in any hatchery deemed by him to be insanitary; and
(f) require the return, at the expense of the owner thereof, to the place from which they were moved, any chicks that have been seized or detained. 1939, c. 47, s. 52.

51. No person shall
(a) ship or accept for shipment chicks from any place in Canada into any province in which the Dominion Hatchery Approval Policy has been proclaimed under this Act unless such chicks have been produced and labelled as required under such Policy, and, if such 3637 province
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province has made pullorum testing a requirement of its flock approval policy, such chicks were produced in approved hatcheries using only eggs from flocks approved under a provincial flock approval policy which, in the opinion of the Minister, requires pullorum tests as stringent as those of the province into which such chicks are to be shipped; or

(b) import chicks into any province in which the Dominion Hatchery Approval Policy has been proclaimed under this Act unless such chicks have been produced under a policy of official supervision and approval recognized by the Minister and accompanied by a certificate as required by the Minister. 1939, c. 47, s. 53.

**Offences and Penalties.**

52. Any person who

(a) contravenes any provision of this Part, or regulations thereunder;

(b) applies to or uses with respect to any hatching eggs, chicks, poultry, flock or hatchery any term, standard or grade prescribed by the Governor in Council when such hatching eggs, chicks, poultry, flock or hatchery do not comply with the requirements of such term, standard or grade;

(c) ships, transports or accepts for shipment or transport chicks into any province where the Dominion Hatchery Approval Policy has been proclaimed under this Act unless such chicks have been produced, and the package containing them labelled, in accordance with the requirements prescribed in the regulations;

(d) imports into any province where the Dominion Hatchery Approval Policy has been proclaimed under this Act, any chicks which have not been produced under a policy or method of official supervision approved by the Minister;

(e) operates a hatchery in any province wherein the Dominion Hatchery Approval Policy has been proclaimed under this Act unless he has been issued a permit by the Department for such hatchery;

(f) operates a hatchery after his permit from the Department has been suspended or revoked; or

(g) being a hatcheryman in any province where the Dominion Hatchery Approval Policy has been proclaimed under this Act, publishes, prints or circulates, or causes to be published, printed or circulated, any advertisement, paper, pamphlet or circular pertaining to

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to hatching eggs, chicks, poultry, flock, or hatchery
unless such advertisement, paper, pamphlet or circular
has first been approved by the Department;
is guilty of an offence and liable upon summary conviction
in the case of a first offence to a fine of not less than
twenty-five dollars and in the case of a second or subse-
quent offence a fine of not less than fifty dollars or to
imprisonment for a term of not less than one month
and not exceeding three months, with or without hard
labour, or to both fine and imprisonment. 1939, c. 47, s. 54.

EDMOND CLOUTIER, C.M.G., O.A., D.S.P.
QUEEN'S PRINTER AND CONTROLLER OF STATIONERY
OTTAWA, 1952
CHAPTER 168.

An Act respecting the Incorporation of Pure-bred Live Stock Record Associations.

SHORT TITLE.

1. This Act may be cited as the Live Stock Pedigree Act. Short title. 1949 (2nd Sess.), c. 28, s. 1.

INTERPRETATION.

2. In this Act,

(a) "animal" includes a bird;

(b) "association" means an association incorporated under An Act respecting the Incorporation of Live Stock Record Associations, chapter 33 of the Statutes of Canada, 1900, under the Live Stock Pedigree Act, chapter 131 of the Revised Statutes of Canada, 1906, under the Live Stock Pedigree Act, chapter 31 of the Statutes of Canada, 1912, under the Live Stock Pedigree Act, chapter 121 of the Revised Statutes of Canada, 1927, under The Live Stock Pedigree Act, 1932, chapter 49 of the Statutes of Canada, 1932, under The Live Stock Pedigree Act 1949, chapter 28 of the Statutes of Canada, 1949 (Second Session), or under this Act;

(c) "certificate of registration" means a certificate issued by an association setting forth the name, registration number, date of birth, sex, identification, sire and dam of a registered animal registered in the records of the association, and the name of the owner of the animal, and such additional particulars as may from time to time be prescribed by the association;

(d) "Minister" means the Minister of Agriculture;

(e) "pedigree" means a genealogical table showing the ancestral line of descent of a registered animal;

(f) "pure-bred" means registered in, or eligible for registration in, the records of an association. 1949, (2nd Sess.), c. 28, s. 2.
ASSOCIATIONS.

3. (1) Subject to this Act, any number of persons, not less than five, who desire to form an association for the purpose of keeping a record of pure-bred domestic live stock of a distinct breed, or several records each of a distinct breed of the same species of animal, may make an application for that purpose to the Minister.

(2) The applicants shall be Canadian citizens, of the full age of twenty-one years, and shall satisfy the Minister that they represent the breeders throughout Canada of the breed or species in respect of which the application is made.

(3) The application shall be made in triplicate in the form set out in Form A in the Schedule.

(4) Each copy of the application shall be signed by each of the applicants, and the signatures shall be verified by the affidavit of a subscribing witness.

(5) Upon approving the application, the Minister shall endorse all copies with a certificate of approval in Form B in the Schedule and cause one copy thereof to be registered in the Department of Agriculture and the other two to be returned to the applicants, or one of them.

(6) From the date of the Minister’s certificate, the applicants and such other persons as become members of the association are a body corporate and politic under the name approved by the Minister.

(7) Within one year from the date of incorporation, an association shall submit to the Minister in triplicate the by-laws of the association.

(8) Upon approving the by-laws of an association the Minister shall endorse all copies with a certificate of approval in Form B in the Schedule and cause one copy thereof to be registered in the Department of Agriculture and the other two to be returned to the secretary of the association.

(9) If an association fails to comply with subsection (7) the Minister may declare the corporate powers of the association to be at an end and thereupon the association ceases to be an association within the meaning of this Act. 1949 (2nd Sess.), c. 28, s. 3.

4. Not more than one association for each distinct breed, or for a number of breeds of the same species, shall be incorporated under this Act. 1949 (2nd Sess.), c. 28, s. 4.
5. The by-laws of an association shall set forth or provide for

(a) the admission, resignation, suspension and expulsion of members, ordinary or life, and the annual fee to be paid by ordinary members, and the fee, if any, to be paid by life members;

(b) the place within Canada where the head office of the association and the branch offices, if any, are to be situated;

(c) the officers of the association, their election, the duties of each and the filling of vacancies;

(d) the convening of general, annual and special meetings of the association;

(e) the fiscal year of the association;

(f) the audit of the accounts of the association;

(g) the establishment of rules of eligibility for registration of animals that the association is authorized to register;

(h) the establishment of rules of entry for registration;

(i) the issuance of certificates of registration and the amendment or cancellation of certificates of registration;

(j) the issuance of pedigrees and the amendment or cancellation of pedigrees;

(k) the issuance of certificates of transfer of ownership of registered animals and the amendment or cancellation of such certificates;

(l) the annual report of the officers, and a detailed statement, duly audited, of receipts and expenditures for the preceding year and of the assets and liabilities;

(m) the keeping of a book by the secretary at the head office of the association, and by the proper officer at each branch office, wherein shall be written or printed a copy of the by-laws of the association, with all amendments thereof, which books shall at all reasonable times be open to the inspection of members of the association who may make copies thereof;

(n) a corporate seal;

(o) the keeping by its members of private breeding records, and the manner in which these shall be kept;

(p) a practical and effective system of identification;

(q) authority to conduct an inspection, on behalf of the association, of private breeding records, of the adequacy of the system of identification prescribed by the association and of the manner in which such system of identification is being practised;

5. The by-laws of an association shall set forth or provide for

(a) the admission, resignation, suspension and expulsion of members, ordinary or life, and the annual fee to be paid by ordinary members, and the fee, if any, to be paid by life members;

(b) the place within Canada where the head office of the association and the branch offices, if any, are to be situated;

(c) the officers of the association, their election, the duties of each and the filling of vacancies;

(d) the convening of general, annual and special meetings of the association;

(e) the fiscal year of the association;

(f) the audit of the accounts of the association;

(g) the establishment of rules of eligibility for registration of animals that the association is authorized to register;

(h) the establishment of rules of entry for registration;

(i) the issuance of certificates of registration and the amendment or cancellation of certificates of registration;

(j) the issuance of pedigrees and the amendment or cancellation of pedigrees;

(k) the issuance of certificates of transfer of ownership of registered animals and the amendment or cancellation of such certificates;

(l) the annual report of the officers, and a detailed statement, duly audited, of receipts and expenditures for the preceding year and of the assets and liabilities;

(m) the keeping of a book by the secretary at the head office of the association, and by the proper officer at each branch office, wherein shall be written or printed a copy of the by-laws of the association, with all amendments thereof, which books shall at all reasonable times be open to the inspection of members of the association who may make copies thereof;

(n) a corporate seal;

(o) the keeping by its members of private breeding records, and the manner in which these shall be kept;

(p) a practical and effective system of identification;

(q) authority to conduct an inspection, on behalf of the association, of private breeding records, of the adequacy of the system of identification prescribed by the association and of the manner in which such system of identification is being practised;

Unsatisfactory practices. Standard of individual inspection.

(r) the manner in which unsatisfactory practices in respect of identification shall be dealt with;

(s) where the principle of individual inspection to determine eligibility by inspection is approved by the association, the standard that shall apply in connection with such inspection and the manner in which such inspection shall be carried on;

(t) where the principle of applying performance to determine eligibility for advanced registration is approved by the association, the standards of performance that shall apply and the manner in which inspection of the application of such standards shall be carried on;

(u) the fees to be charged for registration;

(v) the fees to be charged for certificates of registration, pedigrees, certificates of transfer of ownership, and for any other service; and

General.

(w) the governing of the affairs of the association generally. 1949 (2nd Sess.), c. 28, s. 5.

No by-law effective until approved.

6. (1) No by-law of an association and no amendment or repeal thereof has any force or effect until it is approved by the Minister and registered in the Department of Agriculture.

(2) An application for approval of a by-law or an amendment or repeal of a by-law shall be accompanied by three copies of each proposed by-law, amendment or repeal.

(3) The Minister, before approving a by-law or an amendment or repeal of a by-law, may require evidence by affidavit or statutory declaration that all formalities and requirements under the by-laws have been complied with.

(4) Upon approving a by-law or an amendment or repeal of a by-law, the Minister shall endorse all copies with a certificate of approval in Form B in the Schedule and shall cause one copy thereof to be registered in the Department of Agriculture and the other two copies to be returned to the association.

(5) Notwithstanding anything in the by-laws of an association incorporated under this or any other Act mentioned in paragraph (b) of section 2, no person shall be deprived of the right to register or transfer pure-bred livestock unless he has violated or is reasonably suspected by an association to have violated

(a) a by-law of an association relating to eligibility for registration, establishment of production credentials or payment of fees,

(b) section 16 or section 17, or

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(c) any provision of the *Animal Contagious Diseases Act* or the regulations thereunder relating to the identification, marking or testing of animals. 1949 (2nd Sess.), c. 28, s. 6.

7. The by-laws of an association bind each member thereof as fully as though he had subscribed his name and affixed his seal thereto. 1949 (2nd Sess.), c. 28, s. 7.

8. The financial liability of a member of an association to the creditors of an association is limited to the amount due from him in respect of membership and registration fees. 1949 (2nd Sess.), c. 28, s. 8.

9. An association may

(a) acquire, hold and dispose of real and personal property necessary for the carrying out of the objects of the association;

(b) draw, make, accept, endorse and execute promissory Bills and notes, bills of exchange and other negotiable instruments necessary for the carrying out of the objects of the association, but nothing in this paragraph authorizes an association to issue a note payable to bearer or intended to be circulated as money, or to engage in the business of banking; and

(c) use the funds of the association for any purpose Funds, calculated to benefit the particular breed or species of live stock mentioned in the application, including grants to exhibitions. 1949 (2nd Sess.), c. 28, s. 9.

10. (1) The Minister may examine, and when satisfied that it is correct, may approve under seal a certificate of registration issued by an association that is affiliated with other associations pursuant to this Act.

(2) When it appears to the association that issued it that a certificate of registration approved by the Minister is incorrect, notice of that fact shall forthwith be given to the Minister by the association.

(3) The Minister may at any time conduct an inspection of private breeding records, of the adequacy of the system of identification practised by an association and of the manner in which the system of identification is being practised.

(4) The Minister may authorize an officer in the Department of Agriculture, who shall be known as the Chief Registration Officer, to approve certificates of registration under this section on behalf of the Minister. 1949 (2nd Sess.), c. 28, s. 10.

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11. An association shall send to the Minister
   (a) in the same manner as to members, notices of meet-
       ings setting out proposed amendments to the by-laws, and
   (b) immediately after each annual meeting, a copy of the
       annual report, including a statement of the receipts
       and disbursements of the association for the preceding
       fiscal year and of its assets and liabilities, together
       with a list of the officers of the association, and where
       the association is affiliated with other associations
       pursuant to this Act, a list of its representatives elected
       to the Canadian National Live Stock Record Board.

1949(2nd Sess.), c. 28, s. 11.

12. (1) The Minister may appoint a person to hold an
    inquiry into the manner in which an association is or has
    been conducting its business, and every person so appointed,
    for the purposes of the inquiry, has all the powers of a
    commissioner under the Inquiries Act.

   (2) Upon the conclusion of an inquiry held under this
   section the Minister may require the association to take,
   or he may take, such action as he considers necessary to
   provide for the proper conduct of the business of the
   association.

   (3) The Minister at any time, upon being satisfied that
   an association has failed for a period of twelve months to
   carry on business or for any period has failed to conduct
   its business in accordance with the provisions of its by-laws
   and this Act, may make such direction to the association as
   to him seems proper in the interest of the purposes for
   which the association was incorporated.

   (4) Where an association fails within the period pre-
  scribed by the Minister to carry out any direction given by
   the Minister under subsection (3), the Minister may

(a) authorize his representative on the Canadian
    National Live Stock Record Board to take over and
    carry on the property and business of the association,
    and for such purposes the representative has all the
    powers of the association, and may authorize the
    Canadian National Live Stock Record Committee to
    keep live stock records, issue and record certificates of
    registration, and perform related functions, or

(b) declare the corporate powers of the association at an
    end, and thereupon the association ceases to be an
    association within the meaning of this Act.

   (5) The representative of the Minister on the Canadian
   National Live Stock Record Board shall, at any time when

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he is thereunto directed by the Minister, hand over to the association the property and business of the association taken over by him under this section, together with a statement of receipts and expenditures covering the period during which he had control of the same, and in such case the association shall fully resume the powers given it by this Act.

(6) In the event of the Minister declaring the corporate powers of an association to be at an end, the affairs of the association shall be wound up in accordance with such regulations as may from time to time in that behalf be made by the Minister. 1949 (2nd Sess.), c. 28, s. 12.

CANADIAN NATIONAL LIVE STOCK RECORDS.

13. (1) Associations may, by executing articles of affiliation and having them registered as provided in this section, affiliate with each other for keeping livestock records, issuing certificates of registration and of transfer, and performing such other services on behalf of the affiliated associations as are authorized by the articles of affiliation.

(2) The affiliation shall be known as the Canadian National Live Stock Records, and shall be the successor to the Canadian National Live Stock Records as constituted immediately prior to the 10th day of December, 1949.

(3) The articles of affiliation shall be in a form prescribed by the Minister and shall

(a) provide for a governing body to be known as the Canadian National Live Stock Record Board and which shall be representative of the affiliated associations;

(b) provide for an administrative committee to be known as the Canadian National Live Stock Record Committee;

(c) provide for the appointment of an officer to be known as the Director, Canadian National Live Stock Records;

(d) provide the basis of representation upon and set out the method of appointment of representatives from the various affiliated breed associations to the Canadian National Live Stock Record Board;

(e) provide for election of a chairman and a vice-chairman;

(f) prescribe the power and authority of the Canadian National Live Stock Records on behalf of, and as agents of, the affiliated associations;

(g) describe the manner in which the business of the Board shall be conducted; and
Elections.

(h) set forth the method of election of members of the Committee.

Execution of articles of affiliation.

(4) An association desiring to affiliate under this section shall execute in triplicate the articles of affiliation under its corporate seal duly attested by the signatures of its proper officers in that behalf, and shall forward the executed articles of affiliation to the Minister.

Approval.

(5) When the Minister is satisfied that the articles of affiliation are properly executed, he shall endorse all copies with a certificate of approval in Form B in the Schedule, and cause one copy to be registered in the Department of Agriculture and the other two copies to be returned to the association, and from the date of the certificate of approval the association is affiliated with all other associations that have executed and registered articles of affiliation under this section.

Amendment.

(6) Executed articles of affiliation may, with the approval of at least two-thirds of the associations that have executed articles of affiliation under this section, be amended in such form as the Minister may prescribe. 1949 (2nd Sess.), c. 28, s. 13.

Chief Registration Officer to represent unincorporated associations.

14. (1) The Chief Registration Officer, or such other officer in the Department of Agriculture as the Minister may designate, shall represent the Minister on, and be a member of, the Canadian National Live Stock Record Board, and such representative shall represent the interest of breeds for which no record association has been incorporated and may authorize the Canadian National Live Stock Record Committee to keep livestock records, issue and record certificates of registration and perform related functions in respect of such breeds.

(2) Upon the incorporation of an association representing any breed, records for which have been kept under subsection (1), the Canadian National Live Stock Record Committee at the request of the representative of the Minister on the Canadian National Live Stock Record Board shall hand over to the association any property and funds pertaining to the breed in the custody of the Committee. 1949 (2nd Sess.), c. 28, s. 14.

Transfer of funds when association incorporated.

Officers.

15. There may be appointed, in the manner authorized by law, such officers, clerks and employees as are necessary for carrying out the provisions of this Act. 1949 (2nd Sess.), c. 28, s. 15.

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OFFENCES AND PENALTIES.

16. (1) Except as authorized by this Act, where an association for a specified breed exists, no person shall in respect of that breed conduct a book of record or issue a certificate of registration or any document purporting to be a certificate of breeding.

(2) Every person who violates this section is guilty of an offence and is liable on summary conviction to a fine not exceeding five hundred dollars and not less than one hundred dollars, or to imprisonment for a term not exceeding two months. 1949 (2nd Sess.), c. 28, s. 16.

17. (1) Every person who

(a) knowingly signs or presents, or causes or procures to be signed or presented, to the recording officer of an association or to the person in charge of the Canadian National Live Stock Records, any declaration or any application for registration or any transfer of ownership respecting any animal, containing any material false statement or representation;

(b) knowingly represents that a certificate of registration applies to an animal other than the one in respect of which it was issued;

(c) falsifies or alters a certificate of registration or of a transfer or of any document of or pertaining to a pure-bred animal registered in the records of an association;

(d) sells as pure-bred an animal that is not identified as prescribed by the by-laws of any association;

(e) sells as pure-bred or contracts to sell as pure-bred any animal of a class or breed in respect of which an association has been incorporated, without furnishing or agreeing as an integral part of the contract of sale to furnish, the certificate of registration, together with the duly recorded transfer of ownership thereof, to the actual buyer; or

(f) sells as pure-bred or contracts to sell as pure-bred any animal of a class or breed in respect of which an association has been incorporated, that is not registered or eligible for registration as pure-bred by the association;

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

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(2)

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Animals registered in foreign books deemed pure-bred.

(2) Any animal owned in Canada of a class or breed for which no record exists in Canada, and duly registered in a foreign book of record recognized as authentic by the Minister shall, for the purposes of this section, be deemed to be pure-bred. 1949 (2nd Sess.), 28, s. 17.

Unlawful use of names.

18. Every person who uses without authority the name of the Canadian National Live Stock Records, Canadian National Live Stock Record Board, Canadian National Live Stock Record Committee, or of any association, or any name so nearly resembling any of those names that it is likely to deceive the public, is guilty of an offence and is liable on summary conviction to a fine not exceeding five hundred dollars and not less than one hundred dollars, or to imprisonment for a term not exceeding two months. 1949 (2nd Sess.), c. 28, s. 18.

Penalty.

19. Every person who violates any provision of this Act in respect of which no penalty is elsewhere provided in this Act is guilty of an offence and is liable on summary conviction to a fine not exceeding fifty dollars. 1949 (2nd Sess.), c. 28, s. 19.

Time for complaint.

20. The provisions of the Criminal Code prescribing a time limit for making a complaint or laying an information in respect of offences punishable on summary conviction do not apply to proceedings in respect of an offence under this Act. 1949 (2nd Sess.), c. 28, s. 20.
SCHEDULE.

Form A.

APPLICATION FOR INCORPORATION.

1. We, the undersigned (set out the names in full, places of residence and occupations) hereby apply for incorporation as an association under the "Live Stock Pedigree Act."

2. The name of the association is to be (name of association).

3. The objects for which the association is to be formed are:
   (a) To keep a record of the pedigrees of pure-bred (name of breed and species of animal).
   (b) (Here insert clearly any special or additional objects).

4. The names, in full, places of residence and occupations of the first officers of the association are: (Set out in full, no initials).

Dated at .................................. this ....................
day of ........................................ 19 .......

WITNESS

(Signature of witnesses)  

(Signatures of applicants)

AFFIDAVIT OF EXECUTION.

I, (name in full, place of residence and occupation) make oath and say:

1. That I know (name of applicants in full) named in the foregoing (or annexed) application.

2. That I was personally present and did see the said application, and duplicate thereof, executed by each of the said applicants.

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3. That I am a subscribing witness to the said application and duplicate.

Sworn before me at ...........
this ........ day of ..........19...
(Signature of witness)

A notary public,
(or a commissioner, etc.)

(Note: If all the applicants do not sign before the one witness, insert in the affidavit the names only of those whom the witness saw sign, and so on for each witness.)

Form B.

CERTIFICATE.

Pursuant to the *Live Stock Pedigree Act*, I certify that the within (application, by-laws, articles of affiliation, as the case may be) is (are) hereby approved this ...........

..............day of..................19.....

Minister of Agriculture.

1949 (2nd Sess.), c. 28, Sch.

EDMOND CLOUTIER, C.M.G., O.A., D.S.P.
QUEEN'S PRINTER AND CONTROLLER OF STATIONERY
OTTAWA, 1952

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CHAPTER 169.

An Act respecting the Shipping of Live Stock.

SHORT TITLE.

1. This Act may be cited as the Live Stock Shipping Short title. Act. R.S., c. 122, s. 1.

INTERPRETATION.

2. In this Act,

(a) “certificate” means a certificate issued under and for the purposes of this Act;

(b) “inspector” means an inspector for the purposes of this Act;

(c) “Minister” means the Minister of Transport;

(d) “ship” means any vessel used in navigation;

(e) “ship carrying livestock” means any ship employed in carrying livestock from any port or place in Canada to any port or place out of Canada, not being a port or place in the United States of America, St. Pierre or Miquelon, Bermuda, the West Indian Islands, Mexico, or South America. R.S., c. 122, s. 2; 1936, c. 34, s. 4; 1949, c. 6, s. 17.

GENERAL.

3. The Governor in Council may make rules and regulations for the health, security and safe carriage of live stock on ships. R.S., c. 122, s. 3.

4. The Governor in Council may establish a fee to be paid on each head of live stock shipped on any ship carrying live stock; and no officer of Customs shall grant a clearance to any such ship with live stock on board until such fee has been paid. R.S., c. 122, s. 4.

5. R.S., 1952.
5. (1) The Governor in Council may appoint inspectors and determine the remuneration to be paid them out of the fees collected under the provisions of this Act; and any fees collected by an inspector in excess of the amount of the remuneration so determined shall be paid over by him to the Minister of Finance, to form part of the Consolidated Revenue Fund of Canada.

(2) At any port for which no inspector has been appointed under this Act, the port warden duly appointed by the Governor in Council is ex officio the inspector.

(3) At any port at which there is no port warden so appointed, and for which no inspector has been appointed under the provisions of this Act, the chief officer of Customs at such port is ex officio the inspector.

(4) Every inspector shall, as soon as may be after the 31st day of December in each year, furnish to the Minister a written statement of the fees collected by him under the provisions of this Act during such year and of the manner in which he has disposed of them. R.S., c. 122, s. 5.

6. No officer of Customs shall grant a clearance to any ship carrying live stock until he receives the certificate of an inspector certifying

(a) the number of live stock such ship is adapted to carry;

(b) the number actually on board for the intended voyage;

(c) that the arrangements for carrying such live stock are approved of by him;

(d) that the shelters or fittings, if such live stock is carried on the upper or spar deck, are sufficiently strong and substantial to ensure the safety of such live stock for the voyage;

(e) that such ship is seaworthy; and

(f) that all the requirements of the rules and regulations at the time in force respecting the health, security and safe carriage of live stock on ships, provided for by or under this Act, have been complied with. R.S., c. 122, s. 6.

7. (1) When any ship carrying live stock has complied with the foregoing requirements, and obtained a clearance at any port or place in Canada, and, not having on board as great a number of live stock as her certificate allows her for the intended voyage, proceeds to another port or place in Canada to complete her cargo of live stock, the master of R.S., 1952.
of such ship shall notify the inspector, before clearing, of
his intention so to do; and it shall then be the duty of
the inspector at the first port of clearance to notify the
inspector at the port at which the ship is to complete her
cargo of live stock, of the master's intention, the number
of live stock on board, and the number allowed to be carried
by the certificate for the intended voyage.

(2) In such case the ship, upon her arrival at the port Second
at which her cargo of live stock is to be completed, shall not take on any live stock until the accommodation for
such additional stock has been inspected and approved of
by the inspector of the port, who shall certify that the additional live stock shipped on board such ship does not cause the number on board to exceed the number allowed
by the certificate for the intended voyage, and that the arrangements for carrying such additional live stock are approved of by him.

(3) No officer of Customs shall grant a clearance to any such ship for the additional live stock until he has received
the inspector's certificate referred to in this section. R.S., c. 122, s. 7.

8. Every certificate issued by an inspector shall be in Inspector's
triplicate, one of which shall be delivered to the master or agent of the ship, one to the chief officer of Customs of the port from which such ship clears, and one shall be retained by the inspector. R.S., c. 122, s. 8.

OFFENCES AND PENALTIES.

9. (1) Every person who sends or attempts to send or is a party to sending or attempting to send and every master who takes or attempts to take such ship to sea without having first obtained the certificate of an inspector certifying
(a) the number of live stock such ship is adapted to carry;
(b) the number actually on board for the intended voyage;
(c) that the arrangements for carrying such live stock are approved of by him;
(d) that the shelters or fittings, if such live stock is carried on the upper or spar deck, are sufficiently strong and substantial to ensure the safety of such live stock for the voyage;
(e) that such ship is seaworthy; and

(f) R.S., 1952.
(f) that all the requirements of the rules and regulations at the time in force respecting the health, security and safe carriage of live stock on ships, provided for by or under this Act, have been complied with;

**Penalty.**

is guilty of an indictable offence and the ship is liable to a penalty of one thousand dollars and may be seized and detained by any chief officer of Customs whenever and wherever found in Canada until such penalty and the costs of seizure are paid.

**Prosecution.**

(2) No prosecution under this section shall be instituted except by or with the consent of the Minister. R.S., c. 122, s. 9.

**Failure to notify inspector.**

10. Any master of a ship who fails to notify the inspector at any port from which he intends to proceed to another port or place in Canada to complete the vessel's cargo of live stock before clearing therefrom of such intention or who sails or attempts to go to sea without having given such notice or takes on board any additional live stock at any such port or place to which he so proceeds until the accommodation of such additional live stock has been inspected and approved of by the inspector of such port or place, shall incur a penalty of one thousand dollars and such ship is liable for such penalty and may be seized and detained by any chief officer of Customs wherever and whenever found in Canada until such penalty and the costs of the seizure are paid. R.S., c. 122, s. 10.

**Overloading.**

11. The master of any ship that proceeds to sea, or attempts to proceed to sea, with a greater number of live stock on board than is allowed by her certificate for the intended voyage, shall incur a penalty of one thousand dollars, and such ship is liable for such penalty, and may be seized and detained by any chief officer of Customs wherever and whenever found in Canada, until such penalty and the costs of the seizure are paid. R.S., c. 122, s. 11.

**Application of penalties.**

12. All penalties recovered under the provisions of this Act shall be paid over to the Minister of Finance to form part of the Consolidated Revenue Fund of Canada. R.S., c. 122, s. 12.

**SAVING.**

**Certain Acts not affected.**

13. Nothing in this Act shall be deemed to modify or affect in any way the provisions of the *Canada Shipping Act*, respecting Port Wardens, or

(a) chapter 33 of the Acts of the year 1871, intituled *An Act to provide for the appointment of a Port Warden for the harbour of Quebec*;

(b) 3656

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(b) chapter 11 of the Acts of the year 1873, intituled
An Act to amend the Act relating to Port Wardens at
Montreal and Quebec; or

(c) chapter 45 of the Acts of the year 1882, intituled
An act to amend and consolidate the Acts relating to
the office of Port Warden for the harbour of Montreal;

but the provisions hereinbefore contained shall, as respects
the ports to which the said Acts respectively apply, be con-
strued as enacted in addition to and not in derogation of the
said Acts. R.S., c. 122, s. 13.

EDMOND CLOUTIER, C.M.G., O.A., D.S.P.
QUEEN'S PRINTER AND CONTROLLER OF STATIONERY
OTTAWA, 1952
CHAPTER 170.

An Act respecting Loan Companies.

SHORT TITLE.

1. This Act may be cited as the Loan Companies Act. Short title. R.S., c. 28, s. 1.

PART I.

INTERPRETATION.

2. In this Act,

(a) "annual general meeting" includes the general meeting of shareholders at which the directors of the company are elected;

(b) "Minister" means the Minister of Finance;

(c) "real estate" or "land" includes messuages, lands, tenements and hereditaments of any tenure and all immovable property of any kind;

(d) "shareholder" means every subscriber to or holder of stock in the company and includes the personal representatives of the shareholder;

(e) "Superintendent" means the Superintendent of insurance;

(f) "the company" or "loan company" means a company incorporated for the purpose of 

(i) exercising all the powers set forth in sections 60 and 62, or 

(ii) lending money on the security of mortgages or hypothecs upon freehold real estate, either with or without other objects or powers. R.S., c. 28, s. 2; 1948, c. 57, s. 1.

APPLICATION OF ACT.

3. (1) The provisions of this Act apply to every loan company incorporated by a special Act of the Parliament of Canada and any provision of the special Act that is inconsistent or in conflict with the provisions of this Act does not apply.

3659 (2) R.S., 1952.
(2) Part III of the *Companies Act*, which relates to "companies clauses", does not, on or after the 1st day of July, 1948, apply to a loan company incorporated by a special Act of the Parliament of Canada. 1948, c. 57, s. 2.

**INCORPORATION AND ORGANIZATION.**

**4. No letters patent to be issued.**

No letters patent to be issued under the provisions of Part III of the *Companies Act*, chapter 79 of the Revised Statutes of Canada, 1906. R.S., c. 28, s. 4.

**5. Declarations in Act.**

The capital stock of every loan company incorporated after the 12th day of June, 1914, the name of the loan company, the place where its head office is to be situated, the name, place of residence and calling of each of the provisional directors, shall be declared in the Act of incorporation of every such loan company. 1948, c. 57, s. 3.

**6. Model Bill.**

Every loan company incorporated by Act in the Form set forth in Schedule A is a body corporate by the name contained in its Act of incorporation, capable forthwith of exercising all the functions of an incorporated company and is invested with all the powers, privileges and immunities and is subject to all the liabilities and provisions set forth in this Act. R.S., c. 28, s. 6.

**7. Provisional directors.**

The number of provisional directors shall be not less than five, a majority of whom constitute a quorum. R.S., c. 28, s. 7.

**8. Organization.**

(1) The provisional directors may, after giving notice thereof by advertisement in one or more newspapers published at the place where the head office of the company is situate and in the *Canada Gazette*, open stock books, procure subscriptions of stock, make calls in respect of stock not fully paid up and do generally whatever may be necessary to organize the company.

(2) The first of such calls shall not exceed twenty-five per cent of the amount subscribed and no subsequent call shall exceed ten per cent thereof and such calls shall be made at intervals of not less than thirty days.

(3) Not less than thirty days' notice shall be given of any call and any notice of call may be effectually given by sending the notice by registered letter to the last known address of each shareholder as contained in the books of the company.

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(4) The provisional directors may if they think fit, receive Advances. from any shareholder willing to advance the same all or any part of the money due upon the shares held by him beyond the sums actually called for; and upon the money so paid in advance or so much thereof as from time to time exceeds the amount of the calls then due upon the shares in respect of which such advance has been made, the company may pay interest at such rate as the shareholder paying such sum in advance and the directors may agree upon.

(5) The provisional directors shall deposit to the credit Deposits. of the company in a chartered bank all moneys received by them on account of stock subscribed or otherwise on account of the company and may withdraw the moneys so deposited for the purposes of the company only. R.S., c. 28, s. 8; 1950, c. 42, s. 1.

9. The provisional directors hold office until directors Tenure of are elected by the shareholders qualified as hereinafter office. provided. R.S., c. 28, s. 9.

10. (1) As soon as not less than one hundred thousand General dollars of the capital stock has been bona fide subscribed, meeting. and not less than fifty thousand dollars has been paid thereon in cash, the provisional directors may call a general meeting of the shareholders to be held at the place named in the Act of incorporation as the head office of the company.

(2) For the purpose of the organization of the company under the provisions of this Act, Limitations as to subscrip-

(a) stock upon which less than ten per cent has been paid in cash by the subscriber shall not be deemed to have been bona fide subscribed;

(b) any sum paid by any subscriber less than ten per cent of the amount subscribed by him shall not be taken into account as part of the sums paid in on account of subscriptions of stock. R.S., c. 28, s. 10.

11. At such meeting only the shareholders who have Voting. paid in cash at least ten per cent of the amount of the shares subscribed for by them are qualified to vote. R.S., c. 28, s. 11.

12. (1) The shareholders so qualified shall at such meet- Proceedings. ing Annual (a) determine the day upon which the annual general meeting of the company is to be held, meeting.

(b) R.S., 1952.
(b) elect such number of directors duly qualified under this Act as they think necessary, not less than five nor more than thirty, a majority of whom constitute a quorum, except that when the number exceeds thirteen the quorum is seven, and

(c) appoint an auditor or auditors to hold office until the first annual general meeting.

(2) Upon the election of directors the functions of the provisional directors cease. R.S., c. 28, s. 12; 1948, c. 57, s. 4.

13. (1) The company shall not borrow or lend money or otherwise carry on business by exercising any of the powers set forth in sections 60 and 62 until it has obtained from the Minister a certificate permitting it to do so, and no application for such certificate shall be given until it has been shown to the satisfaction of the Minister by affidavit or otherwise that

(a) the board of directors has been duly elected;
(b) not less than two hundred and fifty thousand dollars of capital stock has been bona fide subscribed;
(c) the company has at its credit in a chartered bank a sum not less than one hundred thousand dollars paid in by subscribers on account of their subscriptions in excess of any and all liabilities of the company in connection with or arising out of the incorporation, procuring of subscriptions, organization or otherwise howsoever;
(d) all other requirements of this Act antecedent to the granting of a certificate have been complied with; and
(e) the expenses of incorporation and organization are reasonable.

(2) The particulars of all liabilities of the company shall be disclosed to the Minister at the time the application is made.

(3) No certificate under this section shall be given unless application therefor is made within two years after the passing of the company’s Act of incorporation, or within such extended period not exceeding one year as the Governor in Council before the expiration of such two years allows.

(4) Where a certificate has not been obtained as provided in this section, the company’s Act of incorporation thereupon ceases to be in force, except for the purpose of winding up the affairs of the company and returning to subscribers the amounts paid by them upon the stock subscribed or so much thereof as they may be entitled to. R.S., c. 28, s. 13.

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14. Notice of the issue of a certificate of the Minister permitting the company to commence business shall be published by the company in the Canada Gazette and in at least one newspaper in the city or place where the head office of the company is situate, and such publication shall be continued for the period of four weeks. R.S., c. 28, s. 14.

INTERNAL REGULATIONS.

15. (1) The shareholders may at any annual general meeting or at any special general meeting duly called for the purpose fix and regulate by by-law the following matters incident to the management and administration of the affairs of the company, that is to say:

(a) the day on which the annual general meeting shall be held;
(b) the notice to be given to shareholders of special general meetings;
(c) the requirements as to proxies, the record to be kept of them and the time, not exceeding ten days, within which proxies must be produced and recorded prior to a meeting in order to entitle the holder to vote thereon, but an instrument of proxy is not valid unless executed within one year of the date of the meeting at which it is to be used;
(d) the number of directors, but the number thereof shall not be less than five nor more than thirty and a majority constitute a quorum, except that when the number exceeds thirteen the quorum is seven;
(e) subject to the provisions hereinafter contained, the qualifications of directors;
(f) the remuneration of the president, vice-presidents and other directors; and
(g) the exercise of the borrowing powers of the company.

(2) Nothing in this Act operates to reduce the number of directors or increase the number forming a quorum of directors of any company permitted under the laws applicable to such company on the 1st day of July, 1922. R.S., c. 28, s. 15; 1948, c. 57, s. 5.

16. (1) The election of directors shall be by ballot of the shareholders and shall take place each year at the annual general meeting of the company.

(2) The persons to the number authorized to be elected who have the greatest number of votes at any election shall be directors.

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 Equal number of votes.  

 (3) Where it happens at any election that two or more persons have an equal number of votes and the election or non-election of one or more of such persons as a director or directors depends on such equality, then the directors who have a greater number of votes or majority of them shall, in order to complete the full number of directors, determine which of the said persons so having an equal number of votes shall be a director or directors.  

 Failure to elect directors.  

 (4) Where at any time, an election of directors is not made or does not take effect at the proper time, the company shall not be held to be thereby dissolved; but such election may take place at any general meeting of the company, duly called for that purpose, and the retiring directors shall continue in office until their successors are elected. R.S., c. 28, s. 16.  

 Re-elections.  

 17. Directors hold office until the annual general meeting in the year succeeding their election and if otherwise qualified are eligible for re-election. R.S., c. 28, s. 17.  

 Qualification of directors.  

 18. No shareholder is eligible for election as a director unless he holds in his own name and for his own use shares of the capital stock of the company of an aggregate par value of at least two thousand five hundred dollars and has paid in cash all calls due thereon and all liabilities incurred by him to the company; and, if any director makes an assignment for the benefit of creditors or comes within the operation of any insolvency law or ceases to hold shares of at least two thousand five hundred dollars par value as aforesaid, he thereupon ceases to be a director. 1948, c. 57, s. 6.  

 Residence and nationality.  

 19. The majority of the directors of the company shall at all times be persons resident in Canada and subjects of Her Majesty by birth or naturalization. R.S., c. 28, s. 19.  

 Vacancies in board.  

 20. Vacancies occurring in the board of directors may be filled for the remainder of the term by the directors from among the qualified shareholders of the company; but if the vacancies are not filled, the acts of a quorum of the remaining directors are not thereby invalidated. R.S., c. 28, s. 20.  

 President, vice-president, chairman of board.  

 21. (1) The directors, as soon as may be after their election, shall from among themselves elect by ballot a president, and one or more than one vice-president, and may at any time from among themselves elect a chairman of the board of directors.  

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(2) Where the number of directors is more than six, the directors may, by by-law duly passed by the directors and confirmed by at least two-thirds of the votes cast at a special general meeting of the company duly called for considering the by-law, provide for the election from their number of an executive committee of not less than three members.

(3) The executive committee may fix its quorum at not less than a majority of its members and may, subject to any restriction in its constituting by-law or in regulations made by the directors, exercise such of the powers of the directors as are delegated to it by that by-law.

(4) None of the powers conferred on the directors by paragraphs (a), (b), (d) and (e) of subsection (1) of section 26 and sections 27, 29, 30, 32, 37, 38, 48, 49, 58, 65, 67, 68, 81 and 82 shall be delegated to an executive committee under this section. 1948, c. 57, s. 7; 1950, c. 42, s. 2.

22. (1) The chairman of the Board, or in his absence or if there is no chairman of the board, the president or a vice-president, shall preside at meetings of the board, but if none of such officers is present at any meeting of the board, a chairman selected by the directors present shall preside at the meeting.

(2) The president, or in his absence a vice-president or the chairman of the board, shall preside at all meetings of the shareholders, but if none of such officers is present at any meeting of the shareholders, a chairman selected by the shareholders present shall preside at the meeting.

(3) The person presiding may vote as a director at meetings of the board and as a shareholder at meetings of shareholders, and in case of an equality of votes at any meeting he shall have a second or casting vote. 1950, c. 42, s. 3.

23. (1) Where a vacancy occurs in the office of president or vice-president, the directors shall from themselves elect a president or vice-president who shall continue in office until the next election of directors.

(2) Where at any time an election of directors is not made or does not take effect at the proper time, the company shall not be held to be thereby dissolved, but such election may take place at any general meeting of the company duly called for that purpose, and the retiring directors shall continue in office until their successors are elected. R.S., c. 28, s. 23.

24. The directors may establish branch offices and local advisory boards within Canada or elsewhere at such times and in such manner as they deem expedient. 1948, c. 57, s. 9.

25. The directors may in all things administer the affairs of the company and may make or cause to be made for the company any description of contract that the company may by law enter into. R.S., c. 28, s. 25.

BY-LAWS.

26. (1) The directors may make by-laws not contrary to law or to this Act or to any by-law duly passed by the shareholders for

(a) regulating the allotment of stock, making calls thereon, the payment thereof, the issue and registration of certificates of stock, the issue of share warrants, the forfeiture of stock for non-payment, the disposal of forfeited stock and of the proceeds thereof, and the transfer of stock;

(b) the declaration and payment of dividends;

(c) the appointment, functions, duties and removal of all agents, officers and servants of the company, the security to be given by them to the company and their remuneration;

(d) the time and place for holding meetings of the board of directors, and the procedure in all things at such meetings;

(e) the imposition and recovery of all penalties and forfeitures admitting of regulation by by-law; and

(f) the conduct in all other particulars of the affairs of the company.

(2) Subject to subsection (3), a by-law made under subsection (1) ceases to be in force at the date of the next following annual general meeting unless it is confirmed at that meeting.

(3) Where a special general meeting, called for the purpose of confirming a by-law made under subsection (1) or called for that and any other purpose, is held before the next following annual general meeting, the by-law ceases to be in force at the date of the special general meeting unless it is confirmed at that special general meeting, and subsection (2) does not apply to a by-law that is so confirmed. R.S., c. 28, s. 26; 1950, c. 42, s. 4.

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CAPITAL STOCK AND CALLS THEREON.

27. (1) The capital stock of a loan company shall be not less than two hundred and fifty thousand dollars and shall be divided into shares of one hundred dollars each.

(2) Notwithstanding subsection (1), a company may, if authorized by by-law duly passed by the directors and confirmed by at least two-thirds of the votes cast at a special general meeting of shareholders duly called for considering the by-law, provide that the capital stock may be divided into shares of ten dollars, or any multiple thereof not exceeding one hundred dollars, each. 1948, c. 57, s. 10.

28. The stock of the company is personal estate, and is transferable in such manner only, and subject to such conditions and restrictions as are prescribed by this Act, or the by-laws of the company. R.S., c. 28, s. 28.

29. (1) Where any shares issued by the company are not fully paid up, the directors may make calls upon the holders thereof, at such times and places and in such amounts as are required or allowed by this Act and the by-laws made thereunder.

(2) The first of such calls shall not in respect of shares subscribed after the organization of the company exceed twenty-five per cent, and no subsequent call in respect of shares subscribed before or after organization shall exceed ten per cent, and not less than thirty days’ notice shall be given of any call, and any notice of call may be effectually given by sending the notice by registered letter to the last known address of each shareholder as contained in the books of the company.

(3) There shall be an interval of not less than thirty days between the times at which successive calls are payable.

(4) Interest shall accrue and fall due, at the rate of five per cent per annum, upon the amount of any unpaid call, from the day appointed for payment of such call.

(5) The directors may if they think fit receive from any shareholder willing to advance the same all or any part of the money due upon the shares held by him beyond the sums actually called for; and upon the money so paid in advance or so much thereof as from time to time exceeds the amount of the calls then due upon the shares in respect of which such advance has been made, the company may pay interest at such rate as the shareholder paying such sum in advance and the directors may agree upon. R.S., c. 28, s. 29; 1950, c. 42, s. 5.

Forfeiture.  

30. (1) Where any shareholder fails to pay any call or instalment on or before the day appointed for the payment of the same, the directors may at any time thereafter during such time as the call or instalment remains unpaid, send a notice to such shareholder by registered post to his last known post office address as shown by the books of the company, requesting him to pay the same together with any interest that may have accrued.

Notice.  

(2) The notice shall name a day not less than thirty days from the date of mailing the notice and a place or places on and at which such call or instalments and such interest are to be paid.

Shares to be forfeited.  

(3) Such notice shall also state that in the event of non-payment at or before the time and at the place appointed, the shares in respect of which the call was made or instalment is payable will be liable to be forfeited.

Forfeit on resolution.  

(4) Where the requisitions of any such notice are not complied with, any shares in respect of which such notice has been given may at any time thereafter, before payment of all calls or instalments and interest due in respect thereof, be forfeited by resolution of the directors to that effect; and such forfeiture shall include all dividends declared in respect of the forfeited shares and not actually paid before the forfeiture.

Holder to continue liable to creditors.  

(5) Notwithstanding such forfeiture, the holder of such shares at the time of forfeiture continues liable to the creditors of the company at such time for the full amount unpaid on such shares at the time of forfeiture, less any sums that are subsequently received by the company in respect thereof.

Notice to prior holder.  

(6) When any share has been so forfeited, notice by registered post as aforesaid of the resolution shall be given to the shareholder in whose name it stood immediately prior to the forfeiture, and an entry of the forfeiture with the date thereof shall forthwith be made in the proper books of the company.

Disposal.  

(7) Any share so forfeited shall be deemed to be the property of the company, and the directors may sell, reallocate and otherwise dispose of the same in such manner as they think fit.

Annul forfeits.  

(8) The directors may, at any time before any share so forfeited has been sold, reallocated or otherwise disposed of, annul the forfeiture thereof upon such conditions as they think fit.  R.S., c. 28, s. 30.

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31. (1) No share is transferable until all calls due thereon up to the date of transfer have been fully paid or until it is declared forfeited for non-payment of a call or calls thereon.

(2) No transfer of shares in respect of which the whole amount subscribed has not been paid in shall be made without the consent of the directors. R.S., c. 28, s. 31.

PREFERENCE STOCK.

32. (1) The directors may make by-laws for creating and issuing any part of the capital stock of the company as preference stock, which preference stock may be preferred in any respect and deferred in any other respect; and without limiting the generality of the foregoing, such preference stock may be either preferred or deferred in matters of the division of profits, payment of dividends and bonuses, election of directors, voting at meetings, rank as regards capital, and in winding-up proceedings and in such other matters and respects as may be deemed advisable and as any such by-law may provide.

(2) No such by-law has any force or effect whatever until after it has been unanimously sanctioned by a vote of the shareholders present in person or represented by proxy at a general meeting of the company duly called for considering the same, and representing two-thirds of the subscribed and issued stock of the company, or unanimously sanctioned in writing by the shareholders of the company.

(3) Where the by-law is sanctioned by not less than three-fourths in value of the shareholders of the company, the company may through the Minister petition the Governor in Council for an order approving the by-law, and the Governor in Council may, if he sees fit, approve thereof, and from the date of such approval the by-law is valid and may be acted upon.

(4) Holders of such shares of preference stock are shareholders within the meaning of this Act, and in all respects possess the rights and are subject to the liabilities of shareholders within the meaning of this Act; but in respect of dividends and otherwise they are as against the ordinary shareholders, entitled to the preferences and rights given by such by-law.

(5) Nothing in this section or done in pursuance thereof affects or impairs the rights of creditors of the company. R.S., c. 28, s. 32.

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33. The company may enforce payment of all calls and interest thereon by action in any court of competent jurisdiction. R.S., c. 28, s. 33.

34. In such action it is not necessary to set forth the special matter, but it is sufficient to declare that the defendant is a holder of one share or more, stating the number of shares, and is indebted to the company in the sum of money to which the calls in arrears amount, in respect of one call or more, stating the number of calls and the amount of each call, whereby an action has accrued to the company under this Act. R.S., c. 28, s. 34.

35. (1) Service of any process or notice upon the company may be made by leaving a copy thereof at the head office of the company, with any adult person in charge thereof, or elsewhere with the president or secretary of the company.

(2) Where the company has no known office and has no known president or secretary, the court may order such publication as it deems requisite to be made in the premises, for at least one month, in at least one newspaper.

(3) Such publication shall be deemed to be due service upon the company. R.S., c. 28, s. 35.

36. Any description of action may be prosecuted and maintained between the company and any shareholder thereof. R.S., c. 28, s. 36.

37. (1) The directors may, after the whole authorized capital stock of the company has been subscribed and fifty per cent paid thereon in cash, increase the capital stock to an amount not exceeding the sum named for that purpose in the company's Act of incorporation.

(2) The stock shall not be increased until a resolution of the board of directors authorizing such increase has been first submitted to and confirmed by the shareholders present or represented by proxy at a special general meeting of the shareholders of the company duly called for that purpose, the vote in favour of such resolution being that of shareholders holding not less than two-thirds of the subscribed capital stock of the company. R.S., c. 28, s. 37.

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DECREASE OF CAPITAL STOCK.

38. The directors may by by-law provide for the decrease of the capital stock of the company to any amount, not less than two hundred and fifty thousand dollars, that they consider sufficient. R.S., c. 28, s. 38.

39. Such by-law shall declare the number of the shares of the stock so decreased and the allotment thereof, or the rules by which the same is to be made. R.S., c. 28, s. 39.

40. The liability of shareholders to persons who are, at the time the stock is decreased, creditors of the company, shall remain as though the stock had not been decreased. R.S., c. 28, s. 40.

41. No by-law for decreasing the capital stock of the company has any force or effect unless and until it has been sanctioned by a vote of the shareholders present or represented by proxy at a general meeting of the company duly called for considering such by-law, such vote being that of shareholders holding not less than two-thirds of the subscribed and issued capital stock of the company, and such by-law has afterwards been confirmed by a certificate of the Minister given under the authority of the Treasury Board. R.S., c. 28, s. 41.

42. Upon the application to the Minister for a certificate confirming such by-law, the company shall satisfy him of the bona fide character of the decrease of the capital thereby provided for; and, unless it appears that the granting of such certificate would not be in the public interest, the Minister, with the approval of the Treasury Board, may grant the same; but with the consent of the directors the amount of such decrease of capital may, by the said certificate, be changed, and the decrease made subject to such conditions as the Treasury Board may think proper. R.S., c. 28, s. 42.

SHARE WARRANTS.

43. (1) The company may, if so provided by by-law "Share warrants." with respect to any share that is fully paid up, issue under its common seal a warrant stating that the bearer of the warrant is entitled to the share or shares therein specified, and may provide by coupons or otherwise for the payment of the future dividends on the share or shares included in such warrant, hereinafter referred to as a "share warrant."

(2) A share warrant entitles the bearer of such share warrant to the shares specified in it, and such shares may be transferred by the delivery of the share warrant.

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Surrender and cancellation.

(3) The bearer of a share warrant is, subject to the by-laws of the company, entitled on surrendering such share warrant for cancellation to have his name entered as a shareholder in the books of the company, and the company is responsible for any loss incurred by any person by reason of the company entering in its books the name of any bearer of a share warrant in respect of the shares specified therein without the share warrant being surrendered and cancelled.

Bearer to be deemed shareholder.

(4) The bearer of a share warrant may, if the by-law so provides, be deemed to be a shareholder of the company within the meaning of this Act either to the full extent or for such purposes as are prescribed by the by-laws, but the bearer of a share warrant is not qualified, in respect of the shares specified in such share warrant, to be a director of the company.

Effect of share warrant.

(5) On the issue of a share warrant in respect of any share or shares, the company shall strike out of its books the name of the shareholder then entered therein as holding such share or shares as if he had ceased to be a shareholder, and shall enter in the books the following particulars:

(a) the fact of the issue of the share warrant;

(b) a statement of the number of shares included in the share warrant; and

(c) the date of the issue of the share warrant;

and until the share warrant is surrendered the above particulars shall be deemed to be the particulars that are required by section 50 to be entered in the books of the company in respect of such share or shares, and on the surrender of a share warrant the date of such surrender shall be entered as if it were the date at which a person ceased to be a shareholder.

Conditions determined by by-laws.

(6) The by-laws may determine the conditions upon which share warrants shall be issued, and in particular upon which a new share warrant or coupon will be issued in the place of one worn out, defaced, lost or destroyed, and the conditions upon which the bearer of a share warrant shall be entitled to attend and vote at general meetings, and upon which a share warrant may be surrendered and the name of the holder entered in the books of the company in respect of the shares therein specified.

(7) Unless the bearer of a share warrant is entitled to attend and vote at general meetings, the shares represented by such share warrant shall not be counted as part of the stock of the company for the purposes of a general meeting.

(8) The holder of a share warrant is subject to the by-laws for the time being in force, whether made before or after the issue of such share warrant. R.S., c. 28, s. 43.

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SHAREHOLDERS' LIABILITIES.

44. Every shareholder is, until the whole amount of his stock has been paid, individually liable to the company to an amount equal to that not paid up thereon. R.S., c. 28, s. 44.

45. The shareholders of the company shall not, as such, be held responsible for any act, default or liability whatsoever of the company or for any engagement, claim, payment, loss, injury, transaction, matter or thing whatsoever relating to or connected with the company beyond the amount unpaid on their respective shares in the capital stock thereof. R.S., c. 28, s. 45.

46. No person holding stock in the company as an executor, administrator, tutor, curator, guardian or trustee, is personally subject to liability as a shareholder; but the estate and funds in the hands of such person are liable in like manner and to the same extent as the testator, or intestate if living, or the minor, ward or other person interested in such trust fund if competent to act and holding such stock in his own name, would be liable. R.S., c. 28, s. 46.

47. No person holding stock in the company as collateral security is personally subject to liability as a shareholder; but the person pledging such stock shall be considered as holding the same and is liable as a shareholder accordingly. R.S., c. 28, s. 47.

TRANSMISSION OF INTEREST IN SHARES, DEBENTURE STOCK, ETC.

48. (1) Where a transmission of shares or securities of the company takes place by reason of the death of any person,

(a) the production to an officer of the company, or to any other person authorized by the directors of the company for the purpose, of the document of transmission, and

(b) the deposit with such officer or other person of

(i) the document of transmission, or a copy thereof, and

(ii) a declaration in writing showing the nature of the transmission, signed by such one or more of the persons claiming by virtue thereof as the company may require,

is sufficient justification and authority to the directors for paying the amount or value of any dividend, obligation or share, or transferring or consenting to the transfer of any obligation or share, in pursuance of and in conformity with the document of transmission.

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(2) In this section, “document of transmission” means

(a) a document purporting to be granted or issued by any
court or competent authority in Canada or elsewhere
and being

(i) letters probate of the will of the deceased person,

(ii) letters of administration of the estate of the
dead person, or

(iii) any other judicial or official instrument under
which the title, whether beneficial or as trustee, or
the administration or control of the personal estate
of the deceased person is claimed to vest or to be
confirmed,

(b) a copy of any document described in paragraph (a),
or an extract therefrom, purporting to be authenticated
under the seal of the court or competent authority, or

(c) a notarial copy of the will of the deceased person, if
the will is in notarial or authentic form according to the
law of the Province of Quebec. 1950, c. 42, s. 6.

49. (1) Whenever the directors entertain reasonable
doubts as to the legality of any claim to or upon such
shares, bonds, debentures, obligations, dividends or coupons,
or the proceeds thereof, or any deposit or any other moneys
payable by or in the hands of the company, then and in
such cases the directors may file in any court of competent
jurisdiction in the province in which the head office of the
company is situated a petition stating such doubts, and
praying for an order or judgment adjudicating and award-
ing the said shares, bonds, debentures, obligations, divi-
dends, coupons, or proceeds thereof or any deposit or any
other moneys payable by or in the hands of the company
to the parties legally entitled thereto.

(2) Such court has authority to restrain any action,
suit or proceedings against the company, the directors
and officers thereof, for the same subject matter, pending
the determination of the petition, and the company and
the directors and officers thereof shall be fully protected
and indemnified by obedience to such order or judgment
against all actions, suits, claims and demands in respect of
the matters that have been in question in such petition,
and the proceedings thereupon.

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(3) Where the court adjudges that such doubts were reasonable, the costs, charges and expenses of the company in and about such petition and proceedings, shall form a lien upon such shares, bonds, debentures, obligations, dividends, coupons or proceeds thereof or any deposit or any other moneys payable by or in the hands of the company, and shall be paid to the company before the directors are obliged to transfer, or assent to the transfer of or to pay such shares, bonds, debentures, obligations, dividends, coupons or proceeds thereof or any deposit or any other moneys payable by or in the hands of the company to the parties found entitled thereto. R.S., c. 28, s. 50.

BOOKS OF THE COMPANY.

50. (1) The company shall cause a book or books to be kept by the secretary, or by some other officer specially charged with that duty, wherein shall be kept recorded

(a) a copy of the special Act of incorporation, with all amendments thereto, and all by-laws of the company;

(b) the names, alphabetically arranged, of all persons who are shareholders, together with the address and calling of every such person as far as can be ascertained;

(c) the number of shares of stock held by each shareholder;

(d) the amounts paid in, and remaining unpaid, respectively, on the shares of stock of each shareholder;

(e) all transfers of stock, in their order as presented to the company for entry, with the date and other particulars of each transfer, and the date of the entry thereof;

(f) particulars of outstanding share warrants;

(g) the names, addresses and callings of all persons who are or have been directors of the company, with the several dates at which each became or ceased to be such director;

(h) where debentures of the company are payable to registered holders, a register wherein shall be set forth the names and addresses of persons holding such debentures, with the respective amounts thereof to which they are respectively entitled and the numbers by which the debenture certificates are distinguished;

(i)

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(i) all transfers of registered debentures in their order as presented to the company for entry, with the date and other particulars of each transfer, and the date of entry thereof; and

(j) a similar register and transfer book for debenture stock.

(2) Books kept pursuant to subsection (1) shall be kept at the head office of the company, except that where the particulars mentioned in paragraphs (b), (c), (d) and (e) of subsection (1) are recorded in books kept by a branch office, or by an agent who has been appointed by the company for the purpose of recording the transfer of its shares and who has an established place of business in Canada, at which the right of inspection conferred by section 52 can be exercised, the books containing the particulars mentioned in the said paragraph (e) need not be kept at the head office of the company.

(3) The company shall keep books of account from which shall be made up the annual statement required by section 70 to be made to the Minister, such books of account as regards liabilities to the public to be kept separate and distinct from other books of account of the company. R.S., c. 28, s. 51; 1948, c. 57, s. 11.

51. (1) No transfer of stock of the company, unless made by sale under execution or under the decree, order or judgment of a court of competent jurisdiction, is, until it has been recorded in books kept pursuant to section 50, valid for any purpose whatsoever except for the purpose of exhibiting the rights of the parties thereto as between each other and of rendering the transferee liable, in the meantime, jointly and severally with the transferor, to the company and its creditors.

(2) A transfer of stock recorded in a book kept pursuant to section 50, whether kept at the head office of the company or elsewhere, is, for all purposes, a complete and valid transfer.

(3) A company may close the books in which transfers of stock are recorded for any time or times not exceeding the whole thirty days in each year.

(4) The court, as hereinafter defined, of the province or territory in which the head office or chief place of business of the company is situate, has jurisdiction, on the application of any person interested, to order that any entry in the books for the registration and transfer of shares of the capital stock of a company be struck out or otherwise rectified on the ground that at the date of such application the entry as it appears in any book does not accurately express

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express or define the existing rights of the person appearing
"Court" defined.
to be the registered owner of any shares of the capital stock
of the company; and the court, in deciding such application,
may make such order as to costs as the court may deem
proper.

(5) An application under subsection (4) may be made
by filing with the proper officer of the court a petition, an
originating summons or a notice of motion; and the court
may direct the trial of any issue arising out of the appli-
cation.

(6) In this section “court” means in British Columbia, "Court" defined.
Alberta, Ontario, New Brunswick, Nova Scotia and New-
foundland, the Supreme Court of those Provinces respec-
tively; in Prince Edward Island, the Supreme Court of
Judicature of that Province; in Quebec, the Superior Court;
in Manitoba and Saskatchewan, Her Majesty’s Court of
Queen’s Bench for those Provinces respectively; in the
Yukon Territory, the Territorial Court; and in the North-
west Territories, a Stipendiary Magistrate. 1948, c. 57, s.
12; 1950, c. 42, s. 7.

52. The books mentioned in subsection (1) of section
shall, during reasonable business hours of every business
day of the company, be kept open for the inspection of
shareholders and creditors of the company and their per-
sonal representatives and of any judgment creditor of a
shareholder, any of whom may make extracts therefrom, at
the place or places where they are respectively kept as
authorized by the said section. 1948, c. 57, s. 13.

MEETINGS AND VOTING.

53. (1) An annual general meeting of the company shall
be called at its head office once in each year after the organ-
zation of the company and the commencement of business,
and at such meeting a statement of the affairs of the com-
pany shall be submitted.

(2) Special general meetings may be called by any three
of the directors, or the directors shall upon a written requi-
sition signed by any twenty-five shareholders, specifying in
the requisition the object of the meeting, call such special
general meeting and notice thereof shall be given as pro-
vided in the by-laws of the company.

(3) The directors shall, at least ten days before the date
on which the annual general meeting is to be held, forward
through the post a copy of the statement of the affairs of
the company to each shareholder at his last known address
as shown by the records of the company together with a
notice

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notice of the time and place at which the meeting will be held and the names of the auditors eligible for appointment at the meeting under the provisions hereinafter set out.

(4) A certificate forming part of such statement shall be appended thereto and shall be signed by the manager, general manager or other chief executive officer of the company and not less than two of the directors, and shall state that to the best of their knowledge and belief the statement is correct and shows truly and clearly the financial condition of the company's affairs. R.S., c. 28, s. 54.

Voting.

54. No shareholder who is in arrears in respect of a call upon any share is entitled to vote in respect of such share at any meeting of the company. R.S., c. 28, s. 55.

Publication of notices.

55. In the absence of other provisions in that behalf in the by-laws of the company, notice of the time and place for holding general meetings of the company shall be given at least ten days previously thereto, in some newspaper published at the place in which the head office of the company is situated, or if there is no newspaper there published, then in the newspaper published nearest thereto. R.S., c. 28, s. 56.

Number of votes.

56. (1) Subject to the provisions of this Act and the by-laws made hereunder every shareholder is entitled to as many votes at all general meetings of the company as he owns shares in the company and may vote by proxy, but the holder of a proxy must himself be a shareholder and entitled to vote.

(2) In all cases where the votes of the shareholders are taken the voting shall be by ballot. R.S., c. 28, s. 57.

Executors, etc., may vote.

57. Every executor, administrator, tutor, curator, guardian or trustee shall represent the stock in his possession in his fiduciary capacity at all meetings of the company, and may vote as a shareholder. R.S., c. 28, s. 58.

AUDIT.

Auditors.

58. (1) The shareholders shall at each annual general meeting appoint an auditor or auditors to hold office until the next annual general meeting.

(2) If an appointment of auditors is not made at an annual general meeting, the Minister may, on the application of any shareholder, appoint an auditor of the company for the current year and fix the remuneration to be paid to him by the company for his services.

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(3) A director or officer of the company is not capable of being appointed auditor of the company.

(4) A person other than a retiring auditor is not capable of being appointed auditor at an annual general meeting, unless notice of an intention to nominate that person to the office of auditor has been given by a shareholder to the company not less than fifteen days before the annual general meeting, and the company shall send a copy of any such notice to the retiring auditor and shall give notice thereof to the shareholders as in this Act provided.

(5) The first auditors of the company may be appointed by the directors before the first annual general meeting, but shall only hold office by virtue of such appointment until the time of such meeting.

(6) The directors may fill any casual vacancy in the office of auditor, but while any such vacancy continues the surviving or continuing auditor, if any, may act.

(7) The remuneration of the auditors of the company shall be fixed by the shareholders at each annual general meeting, except that the remuneration of any auditors appointed before the first annual general meeting or to fill any casual vacancy may be fixed by the directors. R.S., c. 28, s. 59.

59. (1) Every auditor of a company has a right of access at all times to the books and accounts and vouchers of the company, and is entitled to require from the directors and officers of the company such information and explanation as may be necessary for the performance of the duties of an auditor.

(2) The auditors shall make a report
(a) to the shareholders on the statement submitted to the company at the annual general meeting; and
(b) to the Minister on the annual statement to be prepared and transmitted to him in pursuance of this Act.

(3) The report in each case shall state
(a) whether they have obtained all the information and explanations they have required, and
(b) whether in their opinion the respective statements are properly drawn up so as to exhibit a true and correct view of the state of the company's affairs according to the best of their information and the explanations given to them and as shown by the books of the company.

(4) A copy of the auditors' report to the shareholders shall be attached to and sent to each shareholder with the statement to be forwarded to him through the post under the provisions of this Act. R.S., c. 28, s. 60.

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60. (1) The company may invest its funds in

(a) the debentures, bonds, stocks or other securities of or guaranteed by the Government of Canada; or of or guaranteed by the Government of any province of Canada; or of or guaranteed by the Government of Great Britain, or of any colony or dependency thereof; or of or guaranteed by the Government of the United States or of any state thereof; or of any municipal or school corporation in Canada; or guaranteed by any municipal corporation in Canada; or secured by rates or taxes, levied under the authority of the Government of any province of Canada on property situated in such province and collectable by the municipalities in which such property is situated;

(b) the bonds, debentures, debenture stock or other securities of any company incorporated under the laws of Canada or of any province of Canada, or of any former province now forming part of Canada, that are secured by a mortgage or hypothec to trustees or a trust corporation or otherwise, upon improved real estate of such company or other assets of such company of the classes mentioned in paragraph (a);

(c) the bonds, debentures, notes or other obligations whether secured or unsecured of any such company that has earned and paid regular cash dividends of not less than four per cent per annum on its issued stock for a term of at least five years immediately preceding the date of investment in such bonds, debentures, notes or other obligations;

(d) the preferred stocks of any such company that has paid regular dividends upon such stocks or upon its common stocks for not less than five years immediately preceding the purchase of such preferred stocks, or the stocks of any such company that are guaranteed by a company incorporated as aforesaid that has paid regular dividends upon its preferred or common stocks for not less than five years immediately preceding the purchase of such guaranteed stocks, if the amount of stocks so guaranteed is not in excess of fifty per cent of the amount of the preferred or common stocks, as the case may be, of the guaranteeing company;

(e) the fully paid common stocks of any such company or of any chartered bank in Canada which, in each year of a period of seven years ended less than one year before
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before the date of investment, has paid a dividend upon its common shares of at least four per cent of the average value at which the shares were carried in the capital stock account of such company or chartered bank during the year in which the dividend was paid; but not more than thirty per cent of the common stocks and not more than thirty per cent of the total issue of the stocks of any company or bank shall be purchased by the company;

(f) mortgages or hypothecs on real estate or leaseholds in Canada or elsewhere where the company is carrying on business, but the amount paid for the mortgage or hypothec, together with the amount of indebtedness under any mortgage or hypothec on the real estate or leasehold ranking superior to the mortgage or hypothec in which the investment is made, shall not exceed sixty per cent of the value of the real estate or leasehold; or

(g) real estate in Canada for the production of income, either alone or jointly with any other company to which this Act or the Trust Companies Act applies, if

(i) a lease of the real estate is made to, or guaranteed by, a corporation that has paid

(A) a dividend in each of the five years immediately preceding the date of investment at least equal to the specified annual rate upon all of its preferred shares, or

(B) a dividend in each year of a period of five years ended less than one year before the date of investment upon its common shares of at least four per cent of the average value at which the shares were carried in the capital stock account of the corporation during the year in which the dividend was paid,

(ii) the lease provides for a net revenue sufficient to yield a reasonable interest return during the period of the lease and to repay at least eighty-five per cent of the amount invested by the company in the real estate within the period of the lease, but not exceeding thirty years from the date of investment, and

(iii) the total investment of the company in any one parcel of real estate does not exceed one-half of one per cent of the book value of the company's total funds;

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and

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and the company may, notwithstanding section 76, hold, maintain, improve, lease, sell or otherwise deal with or dispose of the real estate; but the total book value of the investments of the company in real estate for the production of income pursuant to this paragraph shall not exceed five per cent of the book value of the company’s total funds.

(2) The company may lend its money on the security of (a) any of the securities mentioned in paragraphs (a) and (b) of subsection (1);

(b) the bonds, debentures, notes, stocks or other securities of any chartered bank in Canada or of any company incorporated under the laws of Canada or of any province of Canada, or of any former province now forming part of Canada, other than those mentioned in paragraph (b) of subsection (1), if the market value of the securities on which the loan is made exceeds the amount of the loan by at least twenty per cent of such market value, or twenty per cent of the par value, whichever is the less; but the amount loaned on the security of the stocks of any such company or bank shall not exceed twenty-five per cent of the market value of the total stocks of such company or bank; or

(c) real estate or leaseholds in Canada or elsewhere where the company is carrying on business, but the amount of the loan, together with the amount of indebtedness under any mortgage or hypothec on the real estate or leasehold ranking superior to the loan, shall not exceed sixty per cent of the value of the real estate or leasehold, subject to the exception that the company may accept as part payment for real estate sold by it a mortgage or hypothec for more than sixty per cent of the sale price of the real estate.

(3) The total book value of the investments of the company in common stocks shall not exceed fifteen per cent of the book value of the company’s total funds, but this subsection applies only to a company that receives money on deposit or borrows money by the issue of its bonds, debentures or other securities.

(4) The Treasury Board may authorize the company to purchase or invest in stocks and securities not fulfilling the foregoing requirements of this section,

(a) for the bona fide purpose of protecting investments previously made by the company,

(b) obtained under a bona fide arrangement for the re-organization of a company whose stocks or securities were previously owned by the company, or

(c)
(c) obtained through the exercise of rights conferred by investments made prior to the 1st day of July, 1922.

(5) Notwithstanding anything in this section, the amount of the company's investment under the authority of this section in or upon the security of the debentures, bonds, stock and other securities of a company incorporated as aforesaid shall not exceed twenty per cent of the debentures, bonds, stock or other securities issued by such company.

(6) The company may take personal or other security as collateral for an advance or for any debt due to the company.

(7) The company shall not lend any of its funds to any of its directors, or to the wife or any child of any of its directors.

(8) The company shall not lend any of its funds on the security of vacant land not used for agricultural purposes.

R.S., c. 28, s. 61; 1948, c. 57, s. 14; 1950, c. 42, s. 8.

61. Notwithstanding anything contained in section 60, a loan company that prior to the 28th day of June, 1922, held shares of a trust company to the extent of at least fifty per cent of the total number of shares of such trust company outstanding at the said date may continue to hold such shares and may invest in the whole or any portion of any additional issue of shares by such trust company. 1948, c. 57, s. 15.

62. (1) The company may act as an agency association for the interest and on behalf of others who entrust it with money for that purpose, and may, either in the name of the company or of such others, lend and advance money to any person, upon such securities as are mentioned in section 60, and may purchase and acquire any securities on which it is authorized to advance money and resell the same.

(2) The conditions and terms of such loans and advances and of such purchases and resales may be enforced by the company for its benefit and for the benefit of the person for whom such money has been lent and advanced, or such purchase and resale made; and the company has the same power in respect of such loans, advances, purchases and sales as are conferred upon it in respect of loans, advances, purchases and sales made from its own capital.

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(3) The company may guarantee the repayment of the principal, or the payment of the interest, or both, of any moneys entrusted to the company for investment.

(4) The company may liquidate and carry on for the purposes of such liquidation the business of any other company carrying on any business which the company is authorized to carry on, upon such terms as may be agreed upon. R.S., c. 28, s. 62; 1950, c. 42, s. 9.

USE OF FUNDS.

63. The company shall not
(a) lend or advance money upon the security of its own stock;
(b) invest in or lend money upon the security of the stock of any other loan company;
(c) lend upon the security of or purchase or invest in bills of exchange or promissory notes. R.S., c. 28, s. 63.

BORROWING POWERS.

64. (1) The company may borrow money and may issue its bonds, debentures or other securities for moneys borrowed.

(2) Bonds and debentures so issued may be made payable to order or to bearer or to registered holder or otherwise as the company deems advisable. R.S., c. 28, s. 64.

65. (1) The company may receive money on deposit upon such terms as to interest, security, time and mode of repayment and otherwise as may be agreed upon, but the amount held on deposit shall not at any time, except as authorized by subsection (2), exceed the aggregate amount of its then actually paid-up and unimpaired capital stock and of its cash actually in hand or deposited in any chartered bank in Canada.

(2) The company may, by by-law passed by the directors and approved by at least a three-fourths vote of the shareholders present or represented by proxy at the annual or other general meeting of the company duly called for the purpose of considering the same, increase the amount that may be received on deposit under the provisions of subsection (1) to such an amount as the said by-law may provide, subject to the provisions of section 68 and to the following conditions:
(a) a notice of the by-law and of the meeting of the shareholders called to approve the same shall be sent and given by registered mail to every registered debenture holder who holds a debenture issued by the company before the 1st day of July, 1948, and who is resident outside of Canada, or to the chief agent or chief agents of the company for the sale of debentures of the company outside of Canada at least thirty days before the date for which the said meeting is called;

(b) a notice of the by-law and of the said meeting shall be published in four consecutive issues of the Canada Gazette, the first of such issues to be that issued at least thirty days before the date for which the said meeting is called;

(c) the said by-law shall provide that any debenture holder who holds a debenture issued by the company before the 1st day of July, 1948, and who, within sixty days after the approval of the same by the shareholders, notifies the company in writing that he objects to the said by-law and makes application for the redemption of any such debenture of the company held by him, is entitled to have such debenture redeemed according to its terms on the first interest date following the receipt by the company of the said notice, and the company shall on the said interest date redeem the said debenture;

(d) paragraphs (a), (b) and (c) apply only so long as there remains outstanding any debenture of the company issued prior to the 1st day of July, 1948.

(3) All deposits of money received by the company under the provisions of this section on and after the 1st day of January, 1923, shall be, and be deemed to have been, received on the condition that the company has the right to require at least thirty days' notice for the withdrawal of the amount so deposited or any portion thereof.

(4) The company shall at all times maintain

(a) cash on deposit in chartered banks in Canada or in joint stock banks of Great Britain and Northern Ireland;

(b) securities of or guaranteed by the Government of Canada, or of or guaranteed by the government of a province, or of or guaranteed by the Government of Great Britain and Northern Ireland, or of a municipal or school corporation in Canada;

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Loans. (c) loans payable on demand and fully secured by such securities; or

Credits. (d) a credit from chartered banks in Canada or from joint stock banks of Great Britain and Northern Ireland, subject to conditions approved by the Superintendent;

to an aggregate amount of at least twenty per cent of the amount of money deposited with the company. R.S., c. 28, s. 65; 1948, c. 57, ss. 16, 17.

66. All moneys of which the repayment of the principal or payment of interest is guaranteed by the company shall be deemed to be money borrowed by the company. R.S., c. 28, s. 66.

67. (1) The directors of the company may, with the consent of the shareholders at a special general meeting duly called for the purpose, create and issue debenture stock in sterling or currency, in such amounts and manner, on such terms and bearing such rate of interest as the directors from time to time think proper.

(2) Debenture stock shall be treated and considered as part of the ordinary debenture debt of the company.

(3) Debenture stock shall rank equally with the ordinary debenture and deposit debt of the company, and no greater rights or privileges shall be conferred upon holders of debenture stock in respect thereof than are held or enjoyed by depositors or holders of ordinary debentures of the company.

(4) Debenture stock is transferable in such amounts and in such manner as the directors determine.

(5) Holders of ordinary debentures of the company may, with the consent of the directors, at any time exchange such debentures for debenture stock.

(6) The company having issued debenture stock may from time to time as it thinks fit in the interest of the company, but only with the consent of the holders thereof, buy up and cancel the debenture stock or any portion thereof.

(7) All transfers of debenture stock of the company shall be registered at the head office of the company and not elsewhere, but the said transfers may be left with such agent or agents in Great Britain or elsewhere as the company appoints for that purpose, for transmission to the company's head office for registration. R.S., c. 28, s. 67.

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LIABILITIES TO THE PUBLIC.

68. (1) The aggregate of the sums of money borrowed by the company shall not at any time, except as authorized by subsection (2), exceed four times the combined amounts of its then actually paid-up and unimpaired capital stock and reserve.

(2) The company may by by-law passed by the directors and approved by at least a three-fourths vote of the shareholders present or represented by proxy at an annual or other general meeting of the company duly called for the purpose of considering the same, increase the limit of the amount which may be borrowed by the company under the provisions of subsection (1) to such an amount as the said by-law may provide, subject to the following conditions:

(a) a notice of the by-law and of the meeting of the shareholders called to approve the same shall be published in four consecutive issues of the Canada Gazette and in four consecutive weekly issues of a newspaper printed in every city or town in Canada where the company has its head office or branch office, and the said notice shall also be sent and given by registered mail to every registered debenture holder, whether resident within or outside of Canada, who holds a debenture issued by the company before the 1st day of July, 1948, and who, within sixty days after the approval of the same by the shareholders, notifies the company in writing that he objects to the said by-law and makes application for the redemption of any such debenture of the company held by him, is entitled to have such debenture redeemed according to its terms on the first interest date following the receipt by the company of the said notice, and the company shall on the said interest date redeem the said debenture;

(b) the said by-law shall provide that any debenture holder who holds a debenture issued by the company before the 1st day of July, 1948, and who, within sixty days after the approval of the same by the shareholders, notifies the company in writing that he objects to the said by-law and makes application for the redemption of any such debenture of the company held by him, is entitled to have such debenture redeemed according to its terms on the first interest date following the receipt by the company of the said notice, and the company shall on the said interest date redeem the said debenture;

(c) paragraphs (a) and (b) apply only so long as there remains outstanding any debenture issued by the company before the 1st day of July, 1948;

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Approval of by-law by Treasury Board.

(d) the powers conferred by the said by-law shall not be exercised by the company unless or until the by-law is approved by the Governor in Council on the recommendation of the Treasury Board; but so long as there remains outstanding any debenture issued by the company before the 1st day of July, 1948, such approval shall not be given until after the expiration of the sixty-day period referred to in paragraph (b); and

(e) the said by-law shall not increase the limit of the amount of money that may be borrowed by the company beyond, in the aggregate, ten times the combined amounts from time to time of the actually paid-up and unimpaired capital stock and reserve.

Limited to ten times capital and reserve.

Deductions.

(3) The amount of cash on hand or deposited in chartered banks in Canada belonging to the company shall, for the purposes of this section, be deducted from the aggregate of the sums of money borrowed, and debenture stock issued by the company shall be included in such aggregate. R.S., c. 28, s. 68; 1948, c. 57, s. 18.

Licence.

69. (1) No company to which this Act in whole or in part applies, or person acting on its behalf, shall transact the business of a loan company unless the company has obtained from the Minister a licence authorizing it so to do.

(2) The Minister may issue to any such company that has complied with the provisions of this Act and is, in the opinion of the Minister, in such a financial position as to justify its transaction of the business of a loan company, a licence authorizing the transaction of the said business.

(3) The licence shall be in such form as may be from time to time determined by the Minister and may contain any limitations or conditions that the Minister may consistently with the provisions of the Act deem proper.

(4) The licence expires on the 31st day of March in each year, but may be renewed from year to year subject, however, to any qualification or limitation that is considered expedient, and such licence may be from time to time renewed for any term less than a year.

(5) The Minister shall cause to be published in the Canada Gazette a list of all companies to which licences have been issued as aforesaid in the first issue in the month of April in each year.

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(6) Where any company makes application to the Minister for the issue of a licence under this section or for the renewal of such licence and such application is refused by the Minister, the company has the right of appeal to the Governor in Council against the decision of the Minister, and the Governor in Council, after such hearing given to the company as it deems necessary or desirable, shall render a decision on the appeal, which decision is final. R.S., c. 28, s. 69.

ANNUAL STATEMENT.

70. (1) The company shall on or before the 1st day of March in each year, prepare and transmit by registered post to the Minister a statement setting forth as of the 31st day of December preceding, the capital stock of the company, the portion thereof paid up, the assets and liabilities of the company, the amount and nature of the investments made by the company both on its own behalf and on behalf of others, with the particulars called for by Schedule B, and such other details as the Minister requires.

(2) The statement shall be as nearly as may be in the Form in Schedule B, and shall be signed and declaration made by the president or a vice-president and by the manager or secretary as in the Form prescribed.

(3) The Minister may make such changes in the Form of statement, whether such changes are of general application or are in the opinion of the Minister necessary to meet the circumstances of any particular case, as he may deem best adapted to elicit any information considered necessary or desirable, and the Form as changed shall be signed and declared to as hereinbefore prescribed. R.S., c. 28, s. 70.

INSPECTION.

71. (1) The Superintendent shall visit personally or cause a duly qualified member of his staff to visit, at least once in each year, the head office of each company required by this Act to make returns to the Minister, and to examine carefully the statements of the condition and affairs of each company, and report thereon to the Minister as to all matters requiring his attention and decision.

(2) For the purpose of such examination the company shall prepare and submit to the Superintendent such statement or statements with respect to the business, finances or other affairs of the company, in addition to that mentioned in section 70, as the Superintendent may require, and the officers, agents and servants of the company shall cause their books to be open for inspection, and shall otherwise facilitate such examination so far as it is in their 3689

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(3) The company shall on the request of the Superintendent file with the Superintendent a certified copy of its by-laws, and notice of every repeal, or addition to, or amendment of, its by-laws shall be filed by the company with the Superintendent within one month after the date of such repeal, addition or amendment.

(4) The Superintendent may examine under oath the officers, agents or servants of the company for the purpose of obtaining any information that he deems necessary for the purpose of such examination.

(5) The Superintendent shall also prepare for the Minister from the said statements, an annual report, showing the full particulars of each company's business. R.S., c. 28, s. 71.

72. (1) Where as the result of the examination as aforesaid of any company the Superintendent believes that the assets of the company are insufficient to justify its continuance in business, he shall make a special report to the Minister on the condition of such company.

(2) Where the Minister, after a reasonable time has been given to the company to be heard by him, and upon such further inquiry and investigation as he sees fit to make, reports to the Governor in Council that he agrees with the opinion of the Superintendent, the Governor in Council may, if he also concurs in such opinion, suspend or cancel the licence of the company, and the company shall thereupon cease to transact further business.

(3) The Minister may, during such suspension or cancellation, issue such conditional licence as he may deem to be necessary for the protection of the public.

(4) Where the Minister deems it advisable, the said conditional licence may provide that the company shall, during the continuance of such conditional licence, arrange for the sale of its assets and for the transfer of its liabilities to some other company under the provisions of sections 86 to 89 inclusive.

(5) Where upon the expiration of the conditional licence no arrangement satisfactory to the Minister has been made for such sale and transfer, and the company's condition is not then such as to warrant the restoration of the company's licence, the company shall be deemed to be insolvent. R.S., c. 28, s. 72.
73. (1) In his annual report prepared for the Minister under section 71, the Superintendent shall allow as assets only such of the investments of the several companies as are authorized by this Act, except that in respect of investments made on or before the 31st day of December, 1947, the Superintendent shall allow as assets such of the said investments as are authorized by this Act or as were authorized by the Acts of incorporation of the companies or by other general Acts in force before the said date and applicable to such investments.

(2) In his said report the Superintendent shall make all necessary corrections in the annual statements made by the companies as herein provided and shall be at liberty to increase or diminish the assets or liabilities of such companies to the true and correct amounts thereof as ascertained by him in the examination of their affairs at the head office thereof, or otherwise.

(3) The Superintendent may request any company to dispose of and realize any of its investments acquired after the 31st day of December, 1947, and not authorized by this Act, and the company shall within sixty days after receiving such request absolutely dispose of and realize the said investments, and if the amount realized therefrom falls below the amount paid by the company for the said investments the directors of the company are jointly and severally liable for the payment to the company of the amount of the deficiency.

(4) If any director present when any such investment is authorized does forthwith, or if any director then absent does, within twenty-four hours after he becomes aware of such investment and is able to do so, enter on the minutes of the board of directors his protest against the same, and within eight days thereafter gives notice of his protest by registered letter to the Superintendent, such director may thereby, and not otherwise, exonerate himself from such liability.

(5) An appeal lies in a summary manner from the ruling of the Superintendent as to the admissibility of any asset not allowed by him, or as to any item or amount so added to liabilities, or as to any correction or alteration made in any statement, or as to any other matter arising in the carrying out of the provisions of this Act, to the Exchequer Court of Canada, which Court has power to make all necessary rules for the conduct of appeals under this section.
(6) For the purposes of such appeal the Superintendent shall at the request of the company interested give a certificate in writing setting forth the ruling appealed from and the reasons therefor, which ruling, however, binding upon the company unless the company within fifteen days after notice of such ruling serves upon the Superintendent notice of its intention to appeal therefrom, setting forth the grounds of appeal, and within fifteen days thereafter files its appeal with the registrar of the said Court and with due diligence prosecutes the same, in which case action on such ruling shall be suspended until the Court has rendered judgment thereon. R.S., c. 28, s. 73; 1948, c. 57, s. 20.

74. (1) Where upon an examination of the assets of any company it appears to the Superintendent, or if he has any reason to suppose, that the value placed by the company upon the real estate owned by it or any parcel thereof is too great, he may either require such company to procure an appraisement of such real estate by one or more competent valuers, or may himself procure such appraisement at the company’s expense, and the appraised value, if it varies materially from the return made by the company, may be substituted in the annual report prepared for the Minister by the Superintendent.

(2) Where, upon such examination, it appears to the Superintendent, or where he has any reason to suppose that the amount secured by mortgage or hypothec upon any parcel of real estate, together with the interest due and accrued thereon, is greater than the value of such parcel, or that such parcel is not sufficient security for such loan and interest, he may in like manner require the company to procure an appraisement thereof, or may himself at the company’s expense procure such appraisement, and where from the appraised value it appears that such parcel of real estate is not adequate security for the loan and interest, he may write off such loan and interest a sum sufficient to reduce the same to such an amount as may fairly be realizable from such security, in no case to exceed such appraised value, and may insert such reduced amount in his said annual report. R.S., c. 28, s. 74.

REAL ESTATE.

75. The company may acquire and hold absolutely for its own use and benefit such real and immovable property in Canada as is necessary for its actual use and occupation and the management of its business, and not more than thirty-five per cent of the company’s unimpaired paid-up capital and reserve may be laid out or expended for this purpose. R.S., c. 28, s. 76.
76. (1) The company may also hold real estate that having been mortgaged or hypothecated to it is acquired by it for the protection of its investments, and may from time to time sell, mortgage, lease or otherwise dispose thereof.

(2) No parcel of land or interest therein at any time acquired by the company and not required for its actual use and occupation or held by way of security shall be held by the company or by any trustee on its behalf for a longer period than seven years after the acquisition thereof, but shall be sold so that the company no longer retains an interest therein unless by way of security.

(3) Any such parcel of land or any interest therein not required for the actual use and occupation of the company or held by way of security that has been held by the company for a longer period than seven years without being disposed of shall be forfeited to Her Majesty for the use of Canada.

(4) The Governor in Council may extend the said period from time to time, not exceeding in the whole twelve years.

(5) No such forfeiture shall take effect or be enforced until the expiration of at least six calendar months after notice is given in writing to the company of the intention of Her Majesty to claim such forfeiture. R.S., c. 28, s. 77.

CHANGE OF HEAD OFFICE.

77. (1) The company may by by-law change the locality of its head office in Canada to any other place in Canada.

(2) No such by-law has any force or effect until after it has been unanimously sanctioned by a vote of the shareholders present in person or represented by proxy at a general meeting of the company duly called for considering the same and representing two-thirds of the stock of the company or until it is unanimously sanctioned in writing by the shareholders of the company.

(3) Where the by-law is sanctioned in writing by not less than three-fourths in value of the shareholders of the company, the company may, through the Minister, petition the Governor in Council for an order approving the said by-law, and the Governor in Council may, on compliance with such terms and conditions, if any, as he directs, approve thereof, and upon such approval the by-law shall be valid.

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No such by-law shall be acted upon until two months after a copy of the by-law has been published by the company; once in the Canada Gazette and once in a newspaper published in the city, town or village in or nearest to which the head office of the company is then already situate, and in which a newspaper is published. R.S., c. 28, s. 78.

CONTRACTS, ETC.

78. (1) Every contract, agreement, engagement or bargain made and every bill of exchange drawn, accepted or endorsed, and every promissory note and cheque made, drawn or endorsed on behalf of the company, by any agent, officer or servant of the company, in general accordance with his powers as such, is binding upon the company.

(2) In no case is it necessary to have the seal of the company affixed to any such contract, agreement, engagement, bargain, bill of exchange, promissory note or cheque, or to prove that the same was made, drawn, accepted or endorsed, as the case may be, in pursuance of any by-law or special vote or order.

(3) The person so acting as agent, officer or servant of the company, is not thereby subjected individually to any liability to any third person therefor. R.S., c. 28, s. 79.

TRUSTS.

79. (1) The company is not bound to see to the execution of any trust, whether express, implied or constructive, to which any share of its stock or debentures or debenture stock or any deposit or any other moneys payable by or in the hands of the company may be subject.

(2) The receipt of the parties in whose name such shares, debentures, debenture stock, deposit, or moneys stand in the books of the company, is a valid and binding discharge to the company for any payment of any kind to which they may then be subject in respect of such shares, debentures, debenture stock, deposits or moneys, notwithstanding any trust and whether or not notice of such trust has been given to the company.

(3) The company is not bound to see to the application of the money paid upon such receipt. R.S., c. 28, s. 80.

EVIDENCE.

80. (1) A copy of any by-law of the company, under its seal, and purporting to be signed by any officer of the company, shall be received as prima facie evidence of such by-law in all courts in Canada.

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(2) All books required by this Act to be kept by the secretary or by any other officer of the company charged with that duty are, in any suit or proceeding against the company or against any shareholder, prima facie evidence of all facts purporting to be therein stated.

(3) In any action by any company to enforce payment of any call or interest thereon, a certificate under the seal of the company and purporting to be signed by any officer of the company to the effect that the defendant is a shareholder, that the call or calls have been made to enforce payment of which or of any interest thereon such action has been brought, and that so much is due by him and unpaid thereon, shall be received in all courts as prima facie evidence of the matters therein stated. R.S., c. 28, s. 81.

RESERVE FUND.

81. (1) The directors may set aside out of premiums on stock and out of the profits of the company such sums as they think proper as a reserve fund, in this Act referred to as reserve.

(2) The reserve, until distribution in dividends or other lawful application thereof is made, shall be kept invested in the securities and be subject to the limitations mentioned in section 60. R.S., c. 28, s. 82.

PENSION FUNDS.

82. (1) Every loan company is hereby declared to have possessed, since the date of its incorporation, in addition to any other powers possessed by it, the power to provide, either by itself or jointly in association with any trust company, by whatsoever authority incorporated, for the creation of a staff pension and insurance fund, by by-law of the directors submitted to and approved of at an annual general meeting of the company or at a special general meeting thereof, notice of the intention to consider such by-law having been in either case given in the same manner and at the same time as notice of such meeting.

(2) Notwithstanding the provisions of section 3, the provisions of subsection (1) apply to every loan company, whenever incorporated, whose incorporation is subject to the legislative jurisdiction of the Parliament of Canada. 1939, c. 4, s. 1.

LIABILITY OF DIRECTORS.

83. Where the directors of the company declare and pay any dividend that impairs or diminishes the paid-up capital of the company, the directors who knowingly or negligent

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gently concur in the declaration or making payable of such dividend whereby the paid-up capital of the company is impaired or diminished are jointly and severally liable for the amount of such dividend as a debt due by them to the company. R.S., c. 28, s. 83.

84. Whenever entry is made in the company’s books of any transfer of stock not fully paid up, to a person who is not apparently of sufficient means to fully pay up such shares, the directors present who consent to the transfer, and every director present who does not record his vote in opposition thereto, are jointly and severally liable to the company in the same manner and to the same extent as the transferring shareholder but for such entry would have been liable. R.S., c. 28, s. 84.

85. (1) The directors of the company are jointly and severally liable to the clerks and servants thereof for all debts, not exceeding three months’ salary or wages, due for services performed for the company whilst they are such directors respectively.

(2) No director is liable to an action therefor unless the company is sued therefor within one year after the debt became due, nor unless such director is sued therefor within one year from the time when he ceased to be such director, nor unless an execution against the company at the suit of such clerk or servant is returned unsatisfied in whole or in part.

(3) The amount unsatisfied on such execution shall be the amount recoverable with costs from all directors. R.S., c. 28, s. 85.

PURCHASE AND SALE.

86. (1) The company may purchase the whole or any part of the business, assets, rights, credits, effects and property belonging to any other company and may assume and undertake to pay in connection with such purchase the whole or any part of the liabilities of such other company, if such other company is a loan company within the meaning of this Act.

(2) The consideration for the business and property so purchased may be cash or shares in the company’s stock, either fully paid up or partly paid, or in part cash and in part shares, either fully paid up or partly paid, or such other consideration as may be agreed upon.

(3) The respective companies may enter into an agreement for such purchase and sale and do all other acts not inconsistent herewith to carry the same into effect.

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(4) The agreement shall first be submitted to the shareholdere_APPROVAL OF SHAREHOLDERS. _holders of each of the said companies at a meeting thereof duly called and held separately for the purpose of taking the same into consideration, and if at each such meeting the same is accepted and approved by resolution passed by at least a three-fourths vote of such shares as are represented in person or by proxy and representing at least fifty per cent of the issued capital stock of the company, the said agreement may be executed under the corporate seal of the companies.

(5) No such agreement becomes operative and effective until it has been submitted to and approved by the Treasury Board, and unless it appears that the approval of such agreement would not be in the public interest, the Treasury Board may grant the same and issue a certificate confirming said agreement.

(6) Any rights so purchased by the company that are inconsistent with the provisions of this Act cease to have effect. R.S., c. 28, s. 86.

87. (1) On and after the date of such certificate the assets purchased and sold, in accordance with and subject to the terms of said agreement and without any further conveyance, become vested in the purchasing company.

(2) The selling company shall, subject to the terms of said agreement, execute such formal and separate conveyances, assignments and assurances for registration purposes or otherwise as may reasonably be required to confirm or evidence the vesting in the purchasing company of the full title and ownership of the assets purchased and sold. R.S., c. 28, s. 87.

88. In case any company whose assets are acquired by the company has issued debenture stock, and such debenture stock is outstanding at the date of the acquisition aforesaid, the directors of the company may, if and when they think fit, and either with or without the sanction of the shareholders, issue debenture stock to the extent of the nominal value of the debenture stock of such other company outstanding as aforesaid, and may, with the consent of any holder of debenture stock in such other company, give to him, in lieu of the debenture stock held by him, debenture stock of the company on such terms as may be agreed upon. R.S., c. 28, s. 88.

89. (1) The company may sell and dispose of the whole or any part of the business, rights, credits, effects and property of the company for such consideration as the company may think fit.

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(2) No such sale or disposal shall be made until it is approved at a meeting of shareholders duly called for that purpose, at which meeting two-thirds in value of the issued shares are represented by shareholders in person or by proxy.

(3) No such sale or disposal takes effect until it has been submitted to and approved of by the Treasury Board.

(4) In any sale under the authority of this section of the whole of the business, rights and property of the company to any loan company incorporated under the laws of Canada, or of any province thereof, the consideration for such sale may, notwithstanding anything in this Act, be fully paid shares in the capital stock of the purchasing company or in part cash and in part shares of such purchasing company or such other consideration as may be agreed upon. R.S., c. 28, s. 89.

90. (1) Without limiting the powers the company has under section 86, the company may, for the purpose of purchasing the whole or any part of the business, assets, rights, credits, effects and property belonging to any other company pursuant to section 86, purchase not less than sixty-seven per cent of the outstanding shares of any other loan company incorporated under the laws of Canada or of any province thereof, subject to the following provisions:

(a) no such purchase shall be made unless authorized by the Treasury Board;

(b) the Treasury Board may authorize such purchase on the report of the Superintendent, supported by evidence that

(i) an offer to purchase has been accepted by the holders of at least sixty-seven per cent of the outstanding shares of such other loan company, such evidence of acceptance being in the form of written agreements or in the form of a resolution signed by or on behalf of the shareholders voting therefor, in person or by proxy, at a meeting of shareholders duly called to consider the offer, or being partly in one form and partly in the other, and

(ii) the purchase has been approved by at least a three-fourths vote of such shares as are represented in person or by proxy at a meeting of the shareholders duly called to consider the purchase and representing at least fifty per cent of the issued capital stock of the purchasing company;

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(c) the power to purchase shares under this subsection is in addition to the powers set forth in section 60, and the limitations and provisos contained in that section and in section 63 do not apply to any such purchase of shares;

(d) where a company has purchased shares under this subsection, the company shall, under the provisions of section 86, complete the purchase of the whole or any part, as the case may be, of the business, assets, rights, credits, effects and property and assume and undertake to pay in connection with such purchase the whole or any part of the liabilities of the other loan company, within a period of two years after the purchase of shares has been authorized by the Treasury Board, but on being satisfied that the circumstances so warrant, the Treasury Board may extend that period from time to time; and after the expiration of that period and of any extension thereof, the said shares shall not be allowed as assets of the purchasing company in the annual report prepared by the Superintendent for the Minister and the Superintendent may direct the company to sell or otherwise absolutely dispose of the shares.

(2) The consideration for the shares so purchased may be cash or shares in the purchasing company's stock or in part cash and in part shares of the purchasing company or such other consideration as may be agreed upon.

(3) Nothing in this Act shall be construed as authorizing a company to purchase or acquire its own shares. 1950, c. 42, s. 10.

PENALTIES.

91. Any director who authorizes payment of or any manager or any other officer or servant of the company who pays or causes to be paid any money for or on account of the incorporation or organization expenses of the company after the certificate permitting the company to commence business has been obtained from the Minister, except and unless the liability so paid has been disclosed to the Minister at the time of the application for such certificate, is guilty of an indictable offence and liable to imprisonment for any term not exceeding two years. R.S., c. 28, s. 90.

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Refusal to make entry.

92. Every director, officer and servant of the company who refuses or wilfully neglects to make any proper entry in the books of the company is guilty of an indictable offence and liable to imprisonment for any term not exceeding two years. R.S., c. 28, s. 91.

False statement in accounts, etc.

93. The making of any wilfully false or deceptive statement in any account, statement, return, report or other document respecting the affairs of the company, or the using of any false or deceptive statement in any account, statement, return, report or other document respecting the affairs of the company with intent to deceive or mislead any person, is an indictable offence punishable, unless a greater punishment is in any case by law prescribed therefor, by imprisonment for a term not exceeding five years. R.S., c. 28, s. 92.

Signing, etc., of false statement.

94. Every director, auditor, manager or other officer of the company, and every auditor and inspector who negligently prepares, signs, approves or concurs in any account, statement, return, report or document respecting the affairs of the company containing any false or deceptive statement, is guilty of an indictable offence punishable, unless a greater punishment is in any case by law prescribed therefor, by imprisonment for a term not exceeding three years. R.S., c. 28, s. 93.

Refusal to produce books.

95. Every director, officer and servant of the company, who, on the application of any shareholder or creditor of the company or of the personal representatives of any such shareholder or creditor or of any judgment creditor of a shareholder, refuses or neglects to produce any of the books mentioned in subsection (1) of section 50 within his power or control, or who refuses or neglects to allow any of such books to be inspected and extracts to be taken therefrom, during reasonable business hours of any business day of the company, is guilty of an offence and liable on summary conviction to a fine not exceeding fifty dollars. 1950, c. 42, s. 11.

Refusal to Inspector.

96. Every director, officer and servant of the company who refuses to produce for examination to the Superintendent or any member of his staff duly authorized by him to examine the statement of the condition and affairs of the company, all books and documents in his custody or control, is guilty of an offence and liable on summary conviction to a penalty not exceeding fifty dollars and costs. R.S., c. 28, s. 95.

R.S., 1952.
97. Every company that neglects to prepare and transmit to the Minister on or before the 1st day of March in each year a statement verified as required by this Act and setting forth the particulars as to capital stock, assets and liabilities, and such other details as are by this Act required, shall incur a penalty of twenty dollars for each day during which such neglect continues. R.S., c. 28, s. 96.

98. (1) Any company or person that does, causes or permits to be done any matter, act or thing contrary to any provision of this Act, or to the orders or directions of the Governor in Council or of the Minister, or of the Superintendent, made under this Act, or omits to do any matter, act or thing by this Act required to be done by or on the part of such company or person, is, if no other penalty for such act or omission is provided in this Act, liable for each such offence to a penalty of not less than twenty dollars and not more than five thousand dollars in the discretion of the court before which such penalty is recoverable.

(2) Such company or person is also, in addition to such penalty, liable to any person injured by such matter, act or thing, or by such omission, for all damages sustained thereby. R.S., c. 28, s. 97.

99. (1) The amount of the penalties imposed upon a company or person for any violation of this Act is, unless otherwise provided by this Act, recoverable and enforceable with costs at the suit of Her Majesty instituted by the Attorney General of Canada or by the Minister.

(2) Such penalties, unless otherwise provided by this Act, belong to the Crown for the public uses of Canada, but the Governor in Council, on the report of the Treasury Board, may direct that any portion of any penalty be remitted. R.S., c. 28, s. 98.
PART II.

BRITISH LOAN COMPANIES.

Interpretation.

100. In this Part, "company" means any institution or corporation duly incorporated under the laws of the Parliament of Great Britain for the purpose of lending money. R.S., c. 28, s. 99.

Licence.

101. The Secretary of State of Canada may, if he sees fit, issue a licence under this Part to any company that applies for such licence and complies with the provisions of this Part in that behalf, authorizing it to carry on business in Canada. R.S., c. 28, s. 100.

102. (1) Any company so applying, shall furnish the Secretary of State of Canada with a certified copy of the charter, Act of incorporation or articles of association of such company as evidence of the due incorporation of the company and with a power of attorney from such company to the person appointed as the principal agent or manager of such company within Canada, expressly authorizing such agent or manager to apply for such licence.

(2) The power of attorney shall be under the seal of the company and shall be signed by the president or managing director and secretary thereof and verified by the oath of an attesting witness. R.S., c. 28, s. 101.

Preliminaries.

103. Every company that obtains such licence shall, before commencing business, file in the office of the provincial secretary of each province in which such company proposes to do business, a certified copy of the charter, Act of incorporation or articles of association of such company, and also a power of attorney to the agent or manager of such company in each such province, signed by the president or managing director and secretary thereof, and verified as to its authenticity by the oath of the principal agent or manager of such company in Canada, or by the oath of some person cognizant of the facts necessary for its verification. R.S., c. 28, s. 102.

R.S., 1952.
104. Such power of attorney shall expressly authorize such agent or manager, so far as respects business done by him within the province for which he is agent or manager, to accept service of process in all suits and proceedings against such company in such province for any liabilities incurred by such company therein, and shall declare that service of process on such agent or manager for such liabilities shall be legal and binding on such company to all intents and purposes whatsoever, and shall waive all claims of error by reason of such service. R.S., c. 28, s. 103.

Powers of Company.

105. Any company that has received a licence under this Part and has duly filed as aforesaid such certified copy of charter, Act of incorporation or articles of association and power of attorney may transact any loaning business, of any description whatsoever, within Canada, in its corporate name, except the business of banking, and may take and hold any mortgages of real estate, and any railway, municipal, or other bonds of any kind whatsoever, on the security of which it lends its money, at any rate of interest not exceeding the rate permissible on such securities by the Acts incorporating similar companies in the several provinces of Canada, and whether the said bonds form a charge on real estate within Canada or not. R.S., c. 28, s. 104.

106. (1) Such company may take and hold such mortgages in its corporate name, and may sell and transfer the same, and hold and convey the title to real estate acquired as mortgagees or chargees.

(2) Such company shall sell or dispose of the real estate so acquired within five years from the time when the mortgage on such real estate becomes due and payable under the terms of the instrument creating such mortgage. R.S., c. 28, s. 105.

Procedure.

107. After such certified copy of charter, Act of incorporation or articles of association, and such power of attorney are filed as aforesaid, any process in any suit, action or proceeding against such company, for any liability incurred in any province, may be served upon the manager or agent so authorized in the same manner as process is served upon the proper officer of any company incorporated in such province; and all proceedings may be had thereupon to judgment and execution in the same manner as in proceedings in any civil suit or action in such province. R.S., c. 28, s. 106.
108. (1) Every company that obtains such licence as aforesaid shall forthwith give due notice thereof in the Canada Gazette, and in at least one newspaper in the county, city or place where the principal manager or agent of such company transacts the business thereof, and shall continue the publication thereof for the space of one calendar month.

(2) Like notice shall be given when such company ceases to carry on business within the province, and like publication shall be had of notice that it ceases so to carry on business. R.S., c. 28, s. 107.

109. Every company authorized under the provisions of this Part to lend and invest money in Canada, shall, by its agent or manager in Canada make returns to the Minister of all the business done by it in Canada, at the same time and in the same manner as if such company had been incorporated under the provisions of Part III of the Companies Act, chapter 79 of the Revised Statutes of Canada, 1906. R.S., c. 28, s. 108.

110. The fee to be paid by a company, on the issuing of a licence under this Part, shall be twenty dollars. R.S., c. 28, s. 109.

SCHEDULE A.

MODEL BILL.

(For incorporation of a Loan Company).

An Act to incorporate the (state the name of the 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 Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

(1) (Insert names of the persons applying for incorporation), together with such persons as become shareholders in the company, are incorporated under the name of (state name of company) hereinafter called “the company.”

R.S., 1952.
(2) The persons named in section 1 (or as the case may be) shall be the provisional directors of the company. (The name, address and calling of each director must be given).

(3) The capital stock of the company shall be........ dollars, which may be increased to.............dollars.

(4) The head office of the company shall be in the...... of.................in the Province of.................

(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 Loan Companies Act. R.S., c. 28, Sch. A; 1948, c. 57, s. 24.

SCHEDULE B.

This statement is to be filled up and returned in duplicate to the Minister of Finance on or before the 1st day of March, 19......

ANNUAL STATEMENT FOR THE YEAR ENDING DECEMBER 31, 19......

Of the condition and affairs of..............................................................

Head Office.................................................................

President................................. Secretary.................................

Vice President................................. Manager.................................

Date of incorporation................................. Date of commencement of business

.................................................................

Statute under which incorporated.................................................................

I. CAPITAL.

Amount of capital stock authorised—preferred stock $................................. common stock........................................

Amount subscribed for—preferred $........................................ common........................................

Amount paid up in cash—preferred $........................................ common........................................

Reserve fund.................................................................

Share warrants which may be converted into capital stock of........................................

234 3705

List

R.S., 1952.
### LIST OF DIRECTORS

As at .............. 19 . (Date of filing of statement).

### LIST OF SHAREHOLDERS AS AT DECEMBER 31, 19

<table>
<thead>
<tr>
<th>Name</th>
<th>Residence</th>
<th>Amount of capital stock subscribed for.</th>
<th>Amount paid thereon in cash.</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

(To be given in a separate schedule attached, and if the company has issued preferred stock, a list of shareholders of preferred and common stock is to be separately given).

### ASSETS

<table>
<thead>
<tr>
<th>Assets</th>
<th>$ cts.</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Book value of real estate held for the company's use</td>
<td>..........</td>
</tr>
<tr>
<td>(The location and cost and market value of each piece to be given—Any encumbrances thereon to be deducted).</td>
<td></td>
</tr>
<tr>
<td>2. Amount loaned and invested on mortgages and hypothec—</td>
<td></td>
</tr>
<tr>
<td>(a) upon freehold real estate</td>
<td>..........</td>
</tr>
<tr>
<td>(b) &quot; &quot; leasehold</td>
<td>..........</td>
</tr>
<tr>
<td>3. Amount loaned upon and invested in freehold real estate subject to an agreement for sale</td>
<td>..........</td>
</tr>
<tr>
<td>4. Government, municipal and school securities—</td>
<td></td>
</tr>
<tr>
<td>(a) Amount loaned upon</td>
<td>..........</td>
</tr>
<tr>
<td>(b) &quot; &quot; invested in</td>
<td>..........</td>
</tr>
<tr>
<td>5. Debentures and bonds of incorporated companies—</td>
<td></td>
</tr>
<tr>
<td>(a) amount loaned upon</td>
<td>..........</td>
</tr>
<tr>
<td>(b) &quot; &quot; invested in</td>
<td>..........</td>
</tr>
<tr>
<td>6. Stocks of incorporated companies—</td>
<td></td>
</tr>
<tr>
<td>(a) amount loaned upon</td>
<td>..........</td>
</tr>
<tr>
<td>(b) &quot; &quot; invested in</td>
<td>..........</td>
</tr>
<tr>
<td>7. Bank stocks—</td>
<td></td>
</tr>
<tr>
<td>(a) amount loaned upon</td>
<td>..........</td>
</tr>
<tr>
<td>(b) &quot; &quot; invested in</td>
<td>..........</td>
</tr>
<tr>
<td>8. Agency investments as per schedule attached</td>
<td>..........</td>
</tr>
<tr>
<td>9. Balances in hand as agency association</td>
<td>..........</td>
</tr>
<tr>
<td>10. Cash on hand</td>
<td>..........</td>
</tr>
<tr>
<td>11. Cash in banks (with details)</td>
<td>..........</td>
</tr>
<tr>
<td>Total ledger assets</td>
<td>$ ..........</td>
</tr>
</tbody>
</table>

R.S., 1952.

3706

OTHER
### Other Assets

12. **Market value of real estate, bonds, stocks, etc., over book value**
   
   (If the total market value is less than the value in account a deduction should here be made).

13. **Interest due**
   
   (a) more than six months
   
   (b) less than six months

14. **Amount of interest accrued to date of statement but not payable.**

15. **Office furniture and fixtures.**

16. **All other property belonging to the company**
   
   (with details thereof in a separate schedule).

<table>
<thead>
<tr>
<th>Total assets of the company</th>
<th>$</th>
</tr>
</thead>
</table>

*N.B.—In the case of items 5, 6, and 7, schedule with particulars, market values, amount loaned upon or paid therefor to be attached.*

### Liabilities

<table>
<thead>
<tr>
<th>Liabilities to Stockholders.</th>
<th>$</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Capital stock fully paid up</td>
<td>$</td>
</tr>
<tr>
<td>2. Capital stock subscribed ($ . . .), upon which has been paid</td>
<td>$</td>
</tr>
<tr>
<td>3. Reserve fund</td>
<td>$</td>
</tr>
<tr>
<td>4. Dividends declared and unpaid</td>
<td>$</td>
</tr>
<tr>
<td>5. Unappropriated profits</td>
<td>$</td>
</tr>
</tbody>
</table>

| Total | $ |

<table>
<thead>
<tr>
<th>Liabilities to the Public.</th>
<th>$</th>
</tr>
</thead>
<tbody>
<tr>
<td>6. Bonds and debentures issued payable in Canada</td>
<td>$</td>
</tr>
<tr>
<td>7. Bonds and debentures issued payable elsewhere</td>
<td>$</td>
</tr>
<tr>
<td>8. Debenture stock issued</td>
<td>$</td>
</tr>
<tr>
<td>9. Deposits by the public payable on demand</td>
<td>$</td>
</tr>
<tr>
<td>10. Deposits by the public payable after notice or on a fixed day including money guaranteed</td>
<td>$</td>
</tr>
<tr>
<td>11. Agency investments as per contra</td>
<td>$</td>
</tr>
<tr>
<td>12. Balances in hand as agency association as per contra</td>
<td>$</td>
</tr>
</tbody>
</table>
| 13. Interest due and accruing due to date of statement—
   (a) on bonds and debentures | $ |
   (b) on debenture stock | $ |
   (c) on deposits | $ |
   (d) on other accounts | $ |

| 14. Due and accruing due for salaries | $ |
| 15. Due for miscellaneous expenses | $ |
| 16. Owing to banks | $ |
| 17. Other liabilities (details to be specified in a separate schedule) | $ |

| Total liabilities | $ |

### Gain or Loss Exhibit

| Surplus of assets over liabilities, Dec. 31 last year | $ |
| Interest earned during the year | $ |
| Other income earned | $ |
| Amount of appreciation on ledger value of assets or items written up | $ |

| Total | $ |

| Expenses incurred during the year | $ |
| Interest incurred during the year | $ |
| Amount written off ledger assets during the year | $ |

| Total | $ |

| Balance, surplus of assets over liabilities at December 31 this year | $ |

| 2341 | 3707 | MISCELLANEOUS |

R.S., 1952.
### MISCELLANEOUS STATEMENT

<table>
<thead>
<tr>
<th>Description</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Dividend declared during the year, at. per cent.</td>
<td></td>
</tr>
<tr>
<td>2. Amount loaned by the company during the year.</td>
<td></td>
</tr>
<tr>
<td>3. Amount received from borrowers during the year.</td>
<td></td>
</tr>
<tr>
<td>4. Amount received from depositors during the year (including money guaranteed)</td>
<td></td>
</tr>
<tr>
<td>5. Amount repaid to depositors during the year.</td>
<td></td>
</tr>
<tr>
<td>6. Amount borrowed for purposes of investment during the year.</td>
<td></td>
</tr>
<tr>
<td>7. Bonds, debenture and debenture stock—</td>
<td></td>
</tr>
<tr>
<td>(a) issued during the year</td>
<td></td>
</tr>
<tr>
<td>(b) repaid during the year</td>
<td></td>
</tr>
<tr>
<td>(c) maturing within one year</td>
<td></td>
</tr>
<tr>
<td>8. Average rate of interest paid for money borrowed—</td>
<td></td>
</tr>
<tr>
<td>Debentures per cent.</td>
<td></td>
</tr>
<tr>
<td>Bonds and debenture stock per cent.</td>
<td></td>
</tr>
<tr>
<td>Deposits per cent.</td>
<td></td>
</tr>
<tr>
<td>9. Total amount of interest paid and accrued during the year.</td>
<td></td>
</tr>
<tr>
<td>10. Amount of mortgages overdue and in default.</td>
<td></td>
</tr>
<tr>
<td>11. Number of mortgages upon which compulsory proceedings have been taken during the past year</td>
<td></td>
</tr>
<tr>
<td>12. Aggregate amount of mortgages upon which compulsory proceedings have been taken during the past year</td>
<td></td>
</tr>
<tr>
<td>13. Value of mortgaged property held for sale.</td>
<td></td>
</tr>
<tr>
<td>14. Amount chargeable against such property.</td>
<td></td>
</tr>
<tr>
<td>15. Average rate mortgages yield per cent; yield of other securities per cent.</td>
<td></td>
</tr>
<tr>
<td>16. Real estate acquired by the company under foreclosure or otherwise and held for seven years or more but not required for the use of the company.</td>
<td></td>
</tr>
</tbody>
</table>

We declare that the foregoing statement and the separate schedules therein referred to and hereunto attached and signed by us are made up from the books of the company and that to the best of our knowledge and belief they are correct and show truly and clearly the financial position of the company and the condition of the company’s affairs.

(Place) this. . . . . . . . day of. . . . . . . 19. .

A.B.

President (or Vice-President, as the case may be).

C.D.

Manager (or Secretary, as the case may be).

R.S., c. 28, Sch. B.

EDMOND CLOUTIER, C.M.G., O.A., D.S.P.
QUEEN'S PRINTER AND CONTROLLER OF STATIONERY
OTTAWA, 1952
CHAPTER 171.

An Act respecting the Lord's Day.

SHORT TITLE.

1. This Act may be cited as the Lord's Day Act. R.S., 1952, c. 123, s. 1.

INTERPRETATION.

2. In this Act,

(a) "employer" includes every person to whose orders or directions any other person is by his employment bound to conform;
(b) "Lord's Day" means the period of time that begins at twelve o'clock on Saturday afternoon and ends at twelve o'clock on the following afternoon;
(c) "performance" includes any game, match, sport, contest, exhibition or entertainment;
(d) "person" has the meaning that it has in the Criminal Code;
(e) "provincial Act" means the charter of any municipality, or any public Act of any province, whether passed before or since Confederation;
(f) "railway" includes steam railway, electric railway, street railway and tramway; and
(g) "vessel" includes any kind of vessel or boat used for conveying passengers or freight by water. R.S., c. 123, s. 2.

3. (1) Nothing herein prevents the operation on the Dominion Lord's Day for passenger traffic by any railway company incorporated by or subject to the legislative authority of the Parliament of Canada of its railway where such operation is not otherwise prohibited.

(2) Nothing herein prevents the operation on the Lord's Day for passenger traffic of any railway subject to the legislative authority of any province, unless such railway is prohibited by provincial authority from so operating. R.S., c. 123, s. 3.
PROHIBITIONS.

4. It is not lawful for any person on the Lord's Day, except as provided herein, or in any provincial Act or law now or hereafter in force, to sell or offer for sale or purchase any goods, chattels, or other personal property, or any real estate, or to carry on or transact any business of his ordinary calling, or in connection with such calling, or for gain to do, or employ any other person to do, on that day, any work, business, or labour. R.S., c. 123, s. 4.

5. Except in cases of emergency, it is not lawful for any person to require any employee engaged in any work of receiving, transmitting or delivering telegraph or telephone messages, or in the work of any industrial process, or in connection with transportation, to do on the Lord's Day the usual work of his ordinary calling, unless such employee is allowed during the next six days of such week, twenty-four consecutive hours without labour. R.S., c. 123, s. 5.

6. (1) It is not lawful for any person, on the Lord's Day, except as provided in any provincial Act or law now or hereafter in force, to engage in any public game or contest for gain, or for any prize or reward, or to be present thereat, or to provide, engage in, or be present at any performance or public meeting, elsewhere than in a church, at which any fee is charged, directly or indirectly, either for admission to such performance or meeting, or to any place within which the same is provided, or for any service or privilege thereat.

(2) When any performance at which an admission fee or any other fee is so charged is provided in any building or place to which persons are conveyed for hire by the proprietors or managers of such performance or by any one acting as their agent or under their control, the charge for such conveyance shall be deemed an indirect payment of such fee within the meaning of this section. R.S., c. 123, s. 6.

7. It is not lawful for any person on the Lord's Day, except as provided by any provincial Act or law now or hereafter in force, to run, conduct, or convey by any mode of conveyance any excursion on which passengers are conveyed for hire, and having for its principal or only object the carriage on that day of such passengers for amusement or pleasure, and passengers so conveyed shall not be deemed to be travellers within the meaning of this Act. R.S., c. 123, s. 7.

R.S., 1952.
8. (1) It is not lawful for any person to advertise in any manner whatsoever any performance or other thing prohibited by this Act.

(2) It is not lawful for any person to advertise in Canada in any manner whatsoever any performance or other thing that if given or done in Canada would be a violation of this Act. R.S., c. 123, s. 8.

9. It is not lawful for any person on the Lord’s Day to shoot with or use any gun, rifle or other similar engine, either for gain, or in such a manner or in such places as to disturb other persons in attendance at public worship or in the observance of that day. R.S., c. 123, s. 9.

10. It is not lawful for any person to bring into Canada for sale or distribution, or to sell or distribute within Canada, on the Lord’s Day, any foreign newspaper or publication classified as a newspaper. R.S., c. 123, s. 10.

WORKS OF NECESSITY AND MERCY EXCEP TED.

11. Notwithstanding anything herein contained, any person may on the Lord’s Day do any work of necessity or mercy, and for greater certainty, but not so as to restrict the ordinary meaning of the expression “work of necessity or mercy,” it is hereby declared that it shall be deemed to include the following classes of work:

(a) any necessary or customary work in connection with divine worship;

(b) work for the relief of sickness and suffering, including the sale of drugs, medicines and surgical appliances by retail;

(c) receiving, transmitting, or delivering telegraph or telephone messages;

(d) starting or maintaining fires, making repairs to furnaces and repairs in cases of emergency, and doing any other work, when such fires, repairs or work are essential to any industry or industrial process of such a continuous nature that it cannot be stopped without serious injury to such industry, or its product, or to the plant or property used in such process;

(e) starting or maintaining fires, and ventilating, pumping out and inspecting mines, when any such work is essential to the protection of property, life or health;

(f) any work without the doing of which on the Lord’s Day, electric current, light, heat, cold air, water or gas cannot be continuously supplied for lawful purposes;

(g) R.S., 1952.
Lord's Day.

(g) the conveying of travellers and work incidental thereto;
(h) the continuance to their destination of trains and vessels in transit when the Lord's Day begins, and work incidental thereto;
(i) loading and unloading merchandise, at intermediate points, on or from passenger boats or passenger trains;
(j) keeping railway tracks clear of snow or ice, making repairs in cases of emergency, or doing any other work of a like incidental character necessary to keep the lines and tracks open on the Lord's Day;
(k) work before six o'clock in the forenoon and after eight o'clock in the afternoon of yard crews in handling cars in railway yards;
(l) loading, unloading and operating any ocean-going vessel that otherwise would be unduly delayed after her scheduled time of sailing, or any vessel that otherwise would be in imminent danger of being stopped by the closing of navigation; or loading or unloading before seven o'clock in the morning or after eight o'clock in the afternoon any grain, coal or ore-carrying vessel after the 15th of September;
(m) the caring for milk, cheese, and live animals, and the unloading of and caring for perishable products and live animals, arriving at any point during the Lord's Day;
(n) the operation of any toll or drawbridge, or any ferry or boat authorized by competent authority to carry passengers on the Lord's Day;
(o) the hiring of horses and carriages or small boats for the personal use of the hirer or his family for any purpose not prohibited by this Act;
(p) any unavoidable work after six o'clock in the afternoon of the Lord's Day, in the preparation of the regular Monday morning edition of a daily newspaper;
(q) the conveying Her Majesty's mails and work incidental thereto;
(r) the delivery of milk for domestic use, and the work of domestic servants and watchmen;
(s) the operation by any Canadian electric street railway company, whose line is interprovincial or international, of its cars, for passenger traffic, on the Lord's Day, on any line or branch that is, on the day of the coming into force of this Act, regularly so operated;
(t) work done by any person in the public service of Her Majesty while acting therein under any regulation or direction of any department of the Government;

R.S., 1952.

3712 (u)
(u) any unavoidable work by fishermen after six o'clock in the afternoon of the Lord's Day, in the taking of fish;

(v) all operations connected with the making of maple sugar and maple syrup in the maple grove;

(w) any unavoidable work on the Lord's Day to save property in cases of emergency, or where such property is in imminent danger of destruction or serious injury; and

(x) any work that the Board of Transport Commissioners for Canada, having regard to the object of this Act, and with the object of preventing undue delay, deems necessary to permit in connection with the freight traffic of any railway. R.S., c. 123, s. 11; 1938, c. 53, s. 3.

OFFENCES AND PENALTIES.

12. Any person who violates any of the provisions of this Act is for each offence liable, on summary conviction, to a fine, not less than one dollar and not exceeding forty dollars, together with the cost of prosecution. R.S., c. 123, s. 12.

13. Every employer who authorizes or directs anything to be done in violation of any provision of this Act, is for each offence liable, on summary conviction, to a fine not exceeding one hundred dollars and not less than twenty dollars, in addition to any other penalty prescribed by law for the same offence. R.S., c. 123, s. 13.

14. Every corporation that authorizes, directs, or permits its employees to carry on any part of the business of such corporation in violation of any of the provisions of this Act, is liable, on summary conviction before two justices of the peace, for the first offence, to a penalty not exceeding two hundred and fifty dollars and not less than fifty dollars, and, for each subsequent offence, to a penalty not exceeding five hundred dollars and not less than one hundred dollars, in addition to any other penalty prescribed by law for the same offence. R.S., c. 123, s. 14.

PROCEDURE.

15. Nothing herein shall be construed to repeal or in any way affect any provisions of any Act or law relating in any way to the observance of the Lord's Day in force in any province of Canada when this Act comes into force; and where any person violates any of the provisions of this Act, and such offence is also a violation of any other Act, R.S., 1952.
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or law, the offender may be proceeded against either under the provisions of this Act or under the provisions of any other Act or law applicable to the offence charged. R.S., c. 123, s. 15.

Leave to prosecute.

16. No action or prosecution for a violation of this Act shall be commenced without the leave of the Attorney General, or his lawful deputy, for the province in which the offence is alleged to have been committed, nor after the expiration of sixty days from the time of the commission of the alleged offence. 1948, c. 58, s. 1.

EDMOND CLOUTIER, C.M.G., O.A., D.S.P.
QUEEN'S PRINTER AND CONTROLLER OF STATIONERY
OTTAWA, 1952

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CHAPTER 172.

An Act respecting the Manufacturing, Inspection and Sale of Maple Products.

SHORT TITLE.

1. This Act may be cited as the Maple Products Industry Short title. Act. 1945, c. 24, s. 1.

INTERPRETATION.

2. In this Act,

(a) “adulterated” means deteriorated by the addition “Adulterated.” of any substance to a maple product or the substitution for any maple product or for any part thereof of any colourable imitation;

(b) “colourable imitation” means cane sugar or brown “Colourable sugar of glucose or any other similar substance or any imitation.” combination of them to which artificial maple flavour has been added;

(c) “container” means bottle, can, carton, crate or any “Container.” other package;

(d) “inspector” means any person designated by the “Inspector.” Minister to perform any duty under this Act or the regulations;

(e) “label” means any legend or descriptive matter or “Label.” design appearing upon a maple product or upon the container thereof and any printed or written matter that may accompany or pertain to such product;

(f) “manufacturer or packer” means a person carrying “Manufacturer or packer.” on the business of buying maple products and packing, bottling, or treating them in any way preparatory to selling them again;

(g) “manufacturing or packing plant” means the plant or “Manufacturing or packing plant.” building and equipment used by the manufacturer or packer in the conduct of his business;

(h) “maple product” means any product or preparation “Maple prepared directly or indirectly from the sap of the product.” maple;

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(i) "maple sugar" means the solid product resulting from the evaporation of maple sap or maple syrup, and may be either in solid blocks or in a more or less pulverized form;

(j) "maple syrup" means syrup made by the evaporation of maple sap or by the solution of maple sugar in water;

(k) "Minister" means the Minister of Agriculture;

(l) "official analyst" means any chemical analyst designated by the Minister to examine and analyse samples of any product or substance. 1945, c. 24, s. 2.

3. No person shall manufacture for sale, sell, offer, expose or have in possession for sale any product that is a colourable imitation of a maple product unless such product or the container thereof is legibly marked with the manufacturer's name and address, the ingredients of such product and the words "artificially maple flavoured". 1945, c. 24, s. 3.

4. No person shall manufacture for sale, sell, offer, expose or have in possession for sale, or ship or cause to be shipped, any maple product that is adulterated. 1945, c. 24, s. 4.

5. Except as hereinbefore provided or in the trade name or description of artificial maple flavours and extracts, no person shall use the word "maple" alone or in combination with any word, letter or syllable on any label on other than a maple product. 1945, c. 24, s. 5.

6. There may be appointed in the manner authorized by law inspectors and other officers for carrying out the provisions of this Act and the regulations. 1945, c. 24, s. 6.

7. Any inspector charged with the enforcement of this Act is empowered

(a) to enter at will and inspect any or all buildings of whatsoever character in connection with any manufacturing or packing plant, sugar camp, or any hotel, restaurant, retail or wholesale store, warehouse, railway car, truck, boat or other conveyance where maple products or imitation maple products are being manufactured or offered for sale or being carried or held for carriage, and to take samples of any substance purporting to be a maple product or a colourable imitation thereof; any sample so taken may be paid for at current R.S., 1952.
current prices and sealed in the presence of the producer, manufacturer, proprietor or carrier or his agent; the sample so taken and sealed shall be sent to the Department of Agriculture at Ottawa for analysis or investigation; the person from whom a sample is taken may require that a check sample be taken, sealed and left with him;

(b) to examine the books or records of manufacturing or packing plants;

c) to seize in any place mentioned in paragraph (a) and seal for analysis, inspection or investigation any article which he believes to be an adulterated maple product or intended for adulteration of any maple product or any maple product that is not graded, packed, marked, labelled, produced or held in premises in compliance with the provisions of this Act or the regulations and to dispose of any product or substance so seized as the Minister may direct. 1945, c. 24, s. 7.

8. Any person who, or whose agent or employee, wrongfully removes or sells or otherwise disposes of any product or substance that has been seized by an inspector under authority of paragraph (c) of section 7 or substitutes anything therefor is guilty of an offence under this Act. 1945, c. 24, s. 8.

9. Any person who obstructs an inspector in the performance of his duties, is guilty of an offence under this Act. 1945, c. 24, s. 9.

10. (1) All manufacturing or packing plants shall apply to the Department of Agriculture at Ottawa for registration.

(2) Any manufacturing or packing plant shipping maple products from one province to another or exporting such products shall obtain a licence from the Minister.

(3) Such licence shall remain in effect until the 31st day of March following the date of issue but shall be renewable from year to year; fees for such licences and renewals shall be fixed by the Minister.

(4) Any sugar camp from which maple products are exported or shipped to another province may be required by the Minister to obtain a licence, which shall be issued without fee.

(5) The Minister may for cause cancel or suspend any licence already issued.
(6) Every manufacturing or packing plant and every sugar camp shall, when licensed, be assigned a licence number for use on labels and containers of maple products.

(7) Records, in form prescribed by the Minister, of all maple products purchased and sold together with the name and address of the vendor or purchaser, shall be kept in each manufacturing or packing plant. 1945, c. 24, s. 10.

11. Any person who unlawfully places, or causes to be placed, any number purporting to be a licence number issued to him under this Act and the regulations on any label or container on or in which any maple product, adulterated maple product or colourable imitation thereof is sold or offered for sale, is guilty of an offence and is, on summary conviction, liable to a fine of not less than twenty-five dollars and costs and not more than three hundred dollars and costs, or to imprisonment for not more than three months, or to both fine and imprisonment. 1945, c. 24, s. 11.

12. Containers of maple products for the retail trade shall have clearly and legibly stamped thereon, or upon tags or labels securely attached or firmly affixed thereto, (a) the common name of the product, (b) the net weight of contents, (c) the name and address of the manufacturer or packer or of the sugar orchard, and (d) the licence number, if any. 1945, c. 24, s. 12.

13. In any prosecution under this Act or the regulations a certificate as to the analysis of any maple product or alleged maple product or colourable imitation thereof signed or purporting to be signed by an official analyst is prima facie evidence of the facts stated in such certificate and conclusive evidence of the authority of the person giving or making the same without any proof of appointment or signature. 1945, c. 24, s. 13.

14. Every owner or operator of a manufacturing or packing plant who refuses to produce and submit, when requested by an inspector so to do, the records referred to in subsection (7) of section 10, for examination, or as evidence in any action or prosecution under this Act and regulations, is guilty of an offence under this Act. 1945, c. 24, s. 14.

15. The Minister may make regulations prescribing (a) the duties of inspectors under this Act and the regulations; (b)
(b) the types of labels or markings that shall be used on containers of maple products;
(c) methods of sealing containers of maple products;
(d) grades and standards for maple sugar and maple syrup or other maple products and the conditions under which and the locations or places where maple sugar and maple syrup or other maple products shall be graded;
(e) requirements as to cleanliness and sanitation in manufacturing or packing plants or sugar camps;
(f) chemical and physical properties and requirements of maple products;
(g) chemical or other methods of determining purity of maple products for use by official analysts;
(h) fees for inspection and analyses of maple products;
(i) conditions under which samples may be sent to the Department for analysis or examination; and
(j) respecting any other matter deemed by him to be necessary for the carrying out of the provisions of this Act. 1945, c. 24, s. 15.

16. All regulations made under this Act shall be effective from the date of publication in the Canada Gazette. 1945, c. 24, s. 16.

17. Except as herein otherwise provided, any person violating any provision of this Act, or of any regulation thereunder, is liable on summary conviction to a fine of not less than ten dollars and not exceeding three hundred dollars and costs, or to imprisonment for a term not exceeding three months or to both fine and imprisonment, and for each subsequent offence to a fine of not less than twenty-five dollars and costs, and not more than five hundred dollars and costs, or to imprisonment for a term not exceeding six months, or to both fine and imprisonment. 1945, c. 24, s. 17.

18. All fees received for analyses and all fines imposed under this Act shall be paid to the Receiver General of Canada. 1945, c. 24, s. 18.
CHAPTER 173.

An Act to assist Producers of Coal in the Atlantic Maritime Provinces.

SHORT TITLE.

1. This Act may be cited as the *Maritime Coal Production Assistance Act*. 1949 (2nd Sess.), c. 29, s. 1.

INTERPRETATION.

2. In this Act,

(a) "coal producer" means the operator of a coal mine engaged in the production or in the production and processing of coal in the Atlantic Maritime Provinces;

(b) "loan" means a loan made pursuant to this Act;

(c) "Minister" means the Minister of Trade and Commerce; and

(d) "project" means an undertaking designed to increase the efficiency of the operations of a coal producer by means of mechanization. 1949 (2nd Sess.), c. 29, s. 2.

3. (1) Subject to the provisions of this Act and with the approval of the Governor in Council, the Minister out of unappropriated moneys in the Consolidated Revenue Fund may, in accordance with an agreement between the Minister and a coal producer, make a loan to the coal producer for the purpose of carrying out a project, but no loan shall exceed two-thirds of the cost, as determined by the Minister, of the project in respect of which it is made.

(2) No agreement shall be entered into under this Act unless the Minister is satisfied

(a) that the project is in the public interest and completely and efficiently planned in its economic, engineering and operating aspects;

(b) that the project when completed will substantially increase the efficiency of coal production;

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(c) that the coal producer is able to finance the cost of the project in excess of the amount of the loan provided for by the agreement, and will efficiently operate the plant after completion of the project; and
(d) that the coal producer is following sound and reasonable policies as to dividends and will repay the loan and interest as provided by the agreement. 1949 (2nd Sess.), c. 29, s. 3.

4. (1) A loan shall bear interest at a rate fixed by the Governor in Council based on the average rate of interest return that the Minister of Finance determines is yielded by bonds of the Government of Canada of a term comparable with that of the loan or, if there are no such bonds outstanding, that would in the opinion of the Minister of Finance be yielded by such bonds, and shall be repaid by semi-annual payments at a rate of not less than thirty cents per net ton of coal produced by the mines in respect of which the loan was made.

(2) The semi-annual payments mentioned in subsection (1) shall commence in the year after the last instalment of the loan is made or the date fixed in the agreement for the completion of the project, whichever is the earliest; and the loan shall be repaid within fifteen years after the first payment is due.

(3) A loan shall be secured by a first charge or mortgage in favour of Her Majesty on the mine and equipment in respect of which the loan is made or on other property of the coal producer or by such other security as the Minister may approve. 1949 (2nd Sess.), c. 29, s. 4.

5. (1) A coal producer to whom a loan is made for the purpose of carrying out a project, in computing his income for a taxation year for the purposes of the Income Tax Act may, notwithstanding anything in that Act or the regulations thereunder, in addition to a deduction under paragraph (a) of subsection (1) of section 11 of that Act and the regulations under that paragraph, deduct in respect of the capital cost to him of the project, as determined by the Dominion Coal Board, the principal amount of the loan repaid in the taxation year, but not exceeding the undepreciated capital cost to him of the project as of the end of the taxation year (after making the deduction first mentioned in this subsection).

(2) For the purposes of the Income Tax Act (a) an allowance under this section shall be deemed to have been made under paragraph (a) of subsection (1) of section 11 of that Act; and

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(b) the capital cost of the project shall be deemed to be a prescribed class within the meaning of section 20 of that Act.

(3) Unless the context otherwise requires words and expressions in this section have the same meaning as in the *Income Tax Act*. 1949 (2nd Sess.), c. 29, s. 5.

6. The aggregate principal amount of loans made to coal producers under this Act shall not exceed ten million dollars and the aggregate principal amount of loans made under this Act to any one coal producer shall not exceed seven and one-half million dollars. 1949 (2nd Sess.), c. 29, s. 6.

7. No agreements shall be made under section 3 after the 31st day of October, 1959. 1949 (2nd Sess.), c. 29, s. 7.

8. The Governor in Council may make regulations prescribing the terms and conditions of agreements made under this Act between coal producers and the Minister;

(b) prescribing the conditions under which and the manner in which instalments of a loan may be advanced to a coal producer; and

(c) generally for carrying out the purposes and provisions of this Act. 1949 (2nd Sess.), c. 29, s. 8.

9. The Minister shall annually prepare a report with respect to operations under this Act during the twelve-month period ending on the 31st day of March and the report shall be laid before Parliament within three months after it is prepared or, if Parliament is not then in session, within fifteen days after the commencement of the next ensuing session. 1949 (2nd Sess.), c. 29, s. 9.

EDMOND CLOUTIER, C.M.G., O.A., D.S.P.
QUEEN'S PRINTER AND CONTROLLER OF STATIONERY
OTTAWA, 1952

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CHAPTER 174.

An Act respecting the Canadian National Railways and the tariffs of tolls to be charged on certain Eastern lines.

SHORT TITLE.

1. This Act may be cited as the Maritime Freight Rates Act. R.S., c. 79, s. 1.

INTERPRETATION.

2. For the purposes of this Act the lines of railway now operated as a part of the Canadian National Railways and situated within the Provinces of New Brunswick, Nova Scotia and Prince Edward Island, and the lines of railway, similarly operated, in the Province of Quebec extending from the southern provincial boundary near Matapedia and near Courchesne to Diamond Junction and Levis are collectively designated as the "Eastern lines." R.S., c. 79, s. 2.

GENERAL.

3. (1) All persons or companies controlling, or concerned in the preparation and issue of tariffs of tolls to be charged in respect of the movement of freight traffic, whether on behalf of Her Majesty or otherwise, upon or over the Eastern lines specified in section 4, and hereinafter called "preferred movements," are hereby authorized and directed upon and after the 1st day of July, 1927, to

(a) cancel all existing freight tariffs in respect of such preferred movements;

(b) substitute other tariffs for the tariffs so cancelled showing a reduction in such tariffs of approximately twenty per cent.

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Powers of Board.

To approve cancellation and substituted tariffs.

Maintain substituted tariffs on general level of 20% below existing rates.

Adjust or vary tariffs.

Substituted tariffs to continue until declared by Board to be inconsistent with this Act, and proper tariffs substituted.

Preferred movements.

Local traffic, all rail.

Traffic moving outward, westbound, all rail.

(2) The Board of Transport Commissioners, hereinafter called the Board, is authorized and directed to:

(a) approve such cancellations, and, subject to the provisions of the Railway Act, respecting tariffs of tolls for the carriage of freight, where not inconsistent with this Act, to approve all tariffs of tolls so substituted;

(b) maintain or cause to be maintained such substituted tariffs, subject to all provisions of the Railway Act respecting tariffs of tolls not inconsistent with this Act, on the general rate level of approximately twenty per cent below the tolls or rates existing on the 1st day of July, 1927, while the cost of railway operation in Canada remains approximately the same as at the said date, but the Board may allow the increase or reduction of such tolls or tariffs from time to time to meet increases or reductions, as the case may be, in such cost of operations; and

(c) adjust or vary such substituted tolls or rates from time to time as new industrial or traffic conditions arise, but always in conformity with the intent of this Act as expressed in sections 6 and 7 and other relative sections.

(3) Since questions may arise whether substituted tariffs prepared and submitted to the Board are consistent or not consistent with this Act, it is declared that the finding of the Board that any tariff so substituted and approved is inconsistent shall take effect only upon such finding, and the tariff in question shall be deemed to be the lawful tariff until disallowed by the Board as inconsistent, and until a proper substituted tariff satisfactory to the Board is filed and approved. R.S., c. 79, s. 3; 1938, c. 53, s. 3.

4. (1) The following are preferred movements as referred to in section 3 and other sections:

(a) local traffic, all rail—between points on the Eastern lines; for example, Sydney to Newcastle;

(b) traffic moving outward, westbound, all rail—from points on the Eastern lines westbound to points in Canada beyond the limit of the Eastern lines at Diamond Junction or Levis; for example, Moncton to Montreal—the twenty per cent reduction shall be based upon the Eastern lines proportion of the through rate or in this example upon the rate applicable from Moncton west as far as Diamond Junction or Levis;

(c)

(c) traffic moving outward, export traffic, rail and sea—Traffic moving outward, export traffic, rail and sea.
from points on the Eastern lines through ocean ports on the Eastern lines destined overseas; for example, Fredericton to Liverpool via Saint John—the rate affected shall be that applicable from Fredericton to Saint John;

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

(2) Traffic moving over the car ferries shall be treated as Car ferries. all rail traffic. R.S., c. 79, s 4; 1951, (2nd Sess.), c. 51, s. 1.

5. For greater clearness, but without intending to enlarge by any omission the scope of section 4, it is declared that the following are not preferred movements:

(a) traffic moving inward or outward to or from the To or from U.S., all rail.
United States, all rail—from or to points in the United States to or from points on the Eastern lines;

(b) traffic moving inward, eastbound, from Canada, all Inward from Canada, eastbound, all rail.
rail—from points in Canada not on the Eastern lines eastbound to points on the Eastern lines; for example —Toronto to Moncton;

(c) import traffic to Canada, originating at points over- Imports to Canada from points overseas.
seas; for example, Liverpool to Moncton or to To-
onto; and

(d) passenger movements and express movements. R.S., Passenger and express.
c. 79, s. 5.

6. The rates specified in the tariffs of tolls, in this Act Rates are Rates are to be provided for, in respect of preferred movements, shall be statutory rates, not based on any principle Rates are to be statutory rates.
deemed to be statutory rates, not based on any principle of fair return to the railway for services rendered in the carriage of traffic; and no argument shall accordingly be made, nor considered in respect of the reasonableness of such rates with regard to other rates, nor of other rates having regard to the rates authorized by this Act. R.S., c. 79, s. 7.

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7. The purpose of this Act is to give certain statutory advantages in rates to persons and industries in the three Provinces of New Brunswick, Nova Scotia and Prince Edward Island, and in addition upon the lines in the Province of Quebec mentioned in section 2, together hereinafter called "select territory", accordingly the Board shall not approve nor allow any tariffs that may destroy or prejudicially affect such advantages in favour of persons or industries located elsewhere than in such select territory. R.S., c. 79, s. 8.

8. (1) Other companies owning or operating lines of railway in or extending into the select territory may file with the Board tariffs of tolls respecting freight movements similar to the preferred movements, meeting the statutory rates referred to in section 6; and the Board, subject to all the provisions of the Railway Act respecting tariff of tolls, not inconsistent with this Act, shall approve the tariffs of tolls filed under this section.

(2) The provisions of subsection (2) of section 3 and of sections 6 and 7 apply to the tariffs of tolls filed under this section.

(3) The Board on approving any tariff under this section shall certify the normal tolls that but for this Act would have been effective and shall, in the case of each company, at the end of each calendar year promptly ascertain and certify to the Minister of Transport the amount of the difference between the tariff tolls and the normal tolls above referred to on all traffic moved by the company during such year under the tariff so approved; and the company is entitled to payment of the amount of the difference so certified, and the Minister of Transport shall submit such amount to Parliament if then in session, or if not, then at the first session following the end of such calendar year, as an item of the estimates of the Department of Transport.

(4) The Board shall, in every third year and at any time upon the request of the Governor in Council, ascertain and certify to the Minister of Transport whether under the provisions of the Railway Act, the normal tolls referred to in subsection (3), should be revised and in the event of such revision the revised normal tolls shall thereafter be used instead of the normal tolls referred to in the said subsection in calculating the difference to be paid to the Company thereunder. R.S., c. 79, s. 9; 1936, c. 34, s. 4.

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9. (1) Other lines of railway from time to time operated within the select territory as part of the Canadian National Railways may be included within the Eastern lines as designated in section 2 and made subject to this Act by an Order or Orders of the Governor in Council; and any lines designated as Eastern lines may upon such lines ceasing to be operated as a part of the Canadian National Railways, be from time to time withdrawn from such designation of Eastern lines by similar Order or Orders.

(2) The Governor in Council is hereby authorized at any time or times at discretion to pass any Order in Council for the purposes and with the effect mentioned in this section. R.S., c. 79, s. 10.

10. The Board may hear and determine all questions arising under this Act subject to such rights of appeal as are provided in the Railway Act. R.S., c. 79, s. 11.

11. The interpretation clauses of the Railway Act apply to all words or expressions used in this Act. R.S., c. 79, s. 12.

12. (1) Subject to this section, this Act applies mutatis mutandis to all lines of railway in the Island of Newfoundland that are subject to the legislative authority of the Parliament of Canada.

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

(3) Upon entrustment to Canadian National Railway Company of the lines of railway mentioned in subsection (2), Canadian National Railway Company shall forthwith file with the Board of Transport Commissioners for Canada tariffs of tolls applicable to the carriage of traffic within, to and from the Island of Newfoundland and such tariffs, in so far as preferred movements are concerned, shall comply as far as appropriate with the provisions of this Act.

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(4) Notwithstanding the provisions of sections 333, 334, 339 and 340 of the *Railway Act*, the tariffs initially filed under subsection (3) are effective from the date of entrustment. 1949, c. 6, s. 13.

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OTTAWA, 1952
CHAPTER 175.


SHORT TITLE.

1. This Act may be cited as the Maritime Marshland Rehabilitation Act. 1948, c. 61, s. 1.

INTERPRETATION.

2. In this Act "Minister" means the Minister of Agriculture. 1948, c. 61, s. 2.

3. Subject to the provisions of this Act, the Minister may, for the reclamation and development of marshlands in the Provinces of Nova Scotia, New Brunswick, and Prince Edward Island, construct and reconstruct and assist the Provinces of Nova Scotia, New Brunswick and Prince Edward Island in the construction and reconstruction of dykes, aboiteaux and breakwaters. 1948, c. 61, s. 3.

4. No work shall be undertaken in any province pursuant to this Act unless

(a) the work has been recommended by an Advisory Committee established under section 8, and

(b) the province in which the work is to be undertaken has entered into an agreement with the Government of Canada prior to the 1st day of May, 1955, providing that

(i) the province will undertake the reconditioning and construction of the main drainage creeks, the canals and the lateral ditches and other complementary facilities required in connection with the work,

(ii) the province, either with or without the assistance of the marshland owners, will maintain the work in satisfactory working condition,

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(iii) the province will assume the operation and maintenance of the work at such time as the Minister may designate, and

(iv) the lands necessary for the construction of the work will be acquired by and at the expense of the province. 1948, c. 61, s. 4.

5. No work involving an expenditure in excess of five thousand dollars in any fiscal year shall be undertaken under section 3 without the consent of the Governor in Council. 1948, c. 61, s. 5.

6. The Minister may appoint such temporary technical, professional and other officers and employees as he may deem necessary and expedient for carrying out the provisions of this Act, but the salaries and expenses of such officers and employees shall be fixed by the Governor in Council. 1948, c. 61, s. 6.

7. (1) The Minister may purchase or rent whatever machinery or equipment may be required for the purposes of this Act, but no single unit of machinery or equipment shall be purchased for an amount in excess of five thousand dollars without the approval of the Governor in Council.

(2) Notwithstanding any statute or other law, the Minister may sell any single unit of machinery or equipment acquired for the purposes of this Act upon such terms as he may deem advisable, but no single unit of machinery or equipment acquired at a cost in excess of five hundred dollars shall be sold without the approval of the Governor in Council. 1948, c. 61, s. 7.

8. (1) The Governor in Council may establish one or more Committees to be known as Advisory Committees whose duties shall be to consider and advise the Minister as to the best methods to be adopted to carry out the purposes of this Act.

(2) The Minister may appoint one of the members of an Advisory Committee to be the chairman.

(3) No member of an Advisory Committee shall receive any payment or emolument for his services as such but each member is entitled to be paid his actual travelling or other expenses incurred in connection with the work of the Advisory Committee. 1948, c. 61, s. 8.

9. The Minister shall annually lay before Parliament a report of all proceedings under this Act for the preceding fiscal year. 1948, c. 61, s. 9.

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CHAPTER 176.

An Act respecting Marriage and Divorce.

SHORT TITLE.

1. This Act may be cited as the *Marriage and Divorce* Short title. *Act.* R.S., c. 127, s. 1.

MARRIAGE.

2. A marriage is not invalid merely because the woman is a sister of a deceased wife of the man, or a daughter of a sister or brother of a deceased wife of the man. 1932, c. 10, s. 1.

3. A marriage is not invalid merely because the man is a brother of a deceased husband of the woman or a son of a brother or sister of a deceased husband of the woman. 1932, c. 10, s. 1.

DIVORCE.

4. In any court having jurisdiction to grant divorce, a *vinculo matrimonii* any wife may commence an action praying that her marriage may be dissolved on the ground that her husband has since the celebration thereof been guilty of adultery. *R.S., c. 127, s. 4.*

5. If the court is satisfied by the evidence that the case of the wife has been proved, and does not find that the wife has been in any manner accessory to or has connived at the adultery of her husband, or that she has condoned the adultery complained of, or that the action was commenced and is prosecuted in collusion with the husband or the woman with whom he is alleged to have committed adultery, then the court shall pronounce a decree declaring such marriage to be dissolved; but the court is not bound to pronounce such decree if it finds that the wife during the marriage has been guilty of adultery, or if the wife in the opinion of the court has been guilty of unreasonable delay. 3733

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in presenting or prosecuting such action or of cruelty towards the husband, or of having deserted or wilfully separated herself from the husband before the adultery complained of, and without reasonable excuse, or of such wilful neglect or misconduct as has conduced to the adultery. R.S., c. 127, s. 5.

6. Nothing in sections 4 and 5 affects, restricts or takes away any right of any wife existing before the 27th day of June, 1925. R.S., c. 127, s. 6.

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OTTAWA, 1952
CHAPTER 177.

An Act respecting the Inspection of Meats and Canned Foods.

SHORT TITLE.

1. This Act may be cited as the Meat and Canned Foods Act. R.S., c. 77, s. 1.

INTERPRETATION.

2. In this Act, Definitions.
   (a) "can" and "canned fish or shellfish" includes any "can," hermetically sealed glass bottle, package or container, and any fish or shellfish processed or preserved in the usual way packed in such can, bottle, package or container; also lobster meat cooked for sale, fresh or frozen, and packed in a can, bottle, package or other container, but not preserved to keep, as is the case with lobster meat processed or preserved in the usual way;
   (b) "canned foods" includes foods except fish and shellfish that have been pre-heated, cooked, preserved, condensed, evaporated, dehydrated, dried, or otherwise processed or prepared for food, and are placed in any closed can, bottle, package, or container;
   (c) "carcasses" means the carcasses of cattle, sheep, swine, goats, game or poultry;
   (d) "dry meat" means the meat of shellfish contained in a can that has been processed and allowed to cool thoroughly and is opened and upturned for not less than one minute and not more than one and one-half minutes so as to permit free drainage of the liquor therefrom;
   (e) "establishment" means any abattoir, packing house or other premises in which such animals are slaughtered, or in which any parts thereof or products thereof, or fish or shellfish, or fruit, or vegetables, or any food or food product that may be named by the Governor in Council are prepared for food for export or are stored for export;

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"Export." (f) "export" means export out of Canada, or out of any province to any other province thereof;

"Farmer." (g) "farmer" means a person whose recognized occupation is that of farming, and who slaughters only such animals as are fed by him on his own premises;

"Fish." (h) "fish" does not include shellfish and crustaceans;

"Food." (i) "food" includes every article used for food or drink by man, and every ingredient intended for mixing with the food or drink of man for any purpose;

"Inspector" or "inspecting officer." (j) "inspector" or "inspecting officer" means an inspector appointed under this Act;

"Minister." (k) "Minister" means the Minister of Agriculture;

"Regulations." (l) "regulations" means regulations made under this Act;

"Shellfish." (m) "shellfish" includes crustaceans. R.S., c. 77, s. 2; 1939, c. 19, s. 1; 1940-41, c. 6, s. 1.

3. The administration of any part of this Act may be assigned by the Governor in Council to any Minister other than the Minister of Agriculture, and in such case the Minister to whom such assignment is made has the same powers with respect to the part of this Act to him assigned as the Minister of Agriculture now has. R.S., c. 77, s. 3.

4. The Governor in Council may make such orders and regulations, not inconsistent with the provisions of this Act, as to him seem necessary for the carrying out of the provisions of this Act. R.S., c. 77, s. 4.

5. There may be appointed in the manner authorized by law such inspectors and other officers as are necessary for carrying out the provisions of this Act. R.S., c. 77, s. 5.

6. (1) All animals intended for slaughter in any establishment shall be inspected as provided by the regulations

(2) No animal shall be allowed to enter the parts of an establishment where slaughtering is carried on, unless it has undergone such inspection. R.S., c. 77, s. 6.

7. Every animal affected, or suspected of being affected, with contagious or other disease, shall be slaughtered under the supervision of the inspector and be disposed of as provided by the regulations. R.S., c. 77, s. 7.

8. All carcasses and portions thereof of all animals, wherever slaughtered, intended for export, shall be inspected as provided by the regulations. R.S., c. 77, s. 8.

9. Unless the Minister otherwise directs, upon the report of an inspector, animals owned by farmers and slaughtered by them on their own premises, are not subject to inspection under the provisions of this Act. R.S., c. 77, s. 9.

10. (1) Every carcass, or portion thereof, found to be healthy and fit for food, shall be marked by an inspector in such manner as is provided by the regulations.

   (2) The carcass, or portion thereof, may then be dealt with as the owner thereof sees fit, subject to the further supervision of the inspector. R.S., c. 77, s. 10.

11. (1) Every carcass, or portion or product thereof, prepared for food in any establishment and packed in cans or similar receptacles, or in any package whatever, shall be subject to inspection during the whole course of preparation and packing.

   (2) After all the requirements of this Act regarding inspection have been complied with, and not until then, all such packages shall be marked by an inspector in such manner as is provided by the regulations. R.S., c. 77, s. 11.

12. (1) The inspector may at any time reinspect a carcass, or any portion or product thereof, in order to ascertain whether, subsequently to the first inspection thereof, it has undergone decomposition, or has otherwise deteriorated, or has been tampered with or adulterated by the use of preservatives or otherwise.

   (2) Every carcass, or portion or product thereof, sent out of an establishment, and returned thereto for any purpose, shall not be again sent out therefrom without reinspection. R.S., c. 77, s. 12.

13. Every carcass, or portion or product thereof, found, upon inspection or reinspection, to be unhealthy or unfit for food, or which contains such ingredients or preservatives as may render it unfit for food, shall be marked by the inspector in such manner as is provided by the regulations, and shall thereupon be deemed to be condemned as unfit for food and shall be disposed of as provided by the regulations. R.S., c. 77, s. 13.

14. (1) Any person slaughtering, or permitting the slaughtering of, animals and selling, or offering for sale or transportation, for food purposes, for export, a carcass, or any portion or product thereof, that is unhealthy or unfit for food, is guilty of an indictable offence and liable to one year's imprisonment.

(2) Every one who is convicted of this offence after a previous conviction for the same crime is liable to two years' imprisonment. R.S., c. 77, s. 14.

15. The Governor in Council may, upon application of the owner thereof, exempt any establishment from the operation of sections 6 to 8 and of sections 10 to 14. R.S., c. 77, s. 15.

16. (1) All articles prepared for food in any establishment and packed in cans or similar receptacles, or in any package whatever, are subject to inspection during the whole course of preparation and packing.

(2) All such packages shall be marked with

(a) the initials of the christian names, the full surname, and the address, or, in the case of a firm or corporation, the firm or corporate name and address, of the packer, or of the first dealer obtaining them direct from the packer who sells or offers the said articles for sale, and such dealer shall, upon the request of an inspector appointed under this Act, disclose the name of the packer of such article; and

(b) a true and correct description of the contents of the package.

(3) Where it is established to the satisfaction of the Governor in Council that such marking would hinder the sale of any of said articles in foreign markets or in the markets of R.S., 1952.
of Great Britain, he may exempt such articles from the provisions of this section. R.S., c. 77, s. 16.

**FISH AND SHELLFISH.**

**17.** (1) Fish and shellfish intended for canning and the canneries in which fish and shellfish are packed shall be inspected as provided by the regulations.

(2) The Governor in Council may from time to time prescribe a tariff of fees that shall be charged for the inspection of canned fish and shellfish. 1935, c. 31, s. 1; 1940-41, c. 6, s. 2.

**18.** (1) All fish and shellfish packed in cans are subject to such inspection as may be provided by this Act and the regulations during the whole course of preparation and packing and thereafter as required by the regulations.

(2) All such cans shall be labelled with

(a) the christian names or the initials thereof, the full surname and address, or, in the case of a firm or corporation, the firm or corporation name and address, of the packer or of a dealer obtaining them from the packer, and

(b) a true and correct description, plainly and conspicuously printed, of the contents of the can including the vernacular name and, in the case of fish, the minimum weight in avoirdupois of the contents and, in the case of shellfish unless it is otherwise provided by the regulations, the minimum weight in avoirdupois of the dry meat in the can.

(3) Where it is established to the satisfaction of the Governor in Council that the labelling of the cans of fish or shellfish as prescribed by this section hinders the sale of the same in markets outside of Canada, he may exempt such cans of fish or shellfish as are exported to such markets from any or all of the provisions of this section. R.S., c. 77, s. 18; 1940-41, c. 6, s. 3; 1946, c. 57, s. 1.

**19.** No false or misleading mark or name shall be placed on any can of fish or shellfish, whether the same relates to the place where the fish or shellfish has been caught or canned, or to the kind of fish or shellfish, or any other particular relating to the same. R.S., c. 77, s. 19.

20. The owner or manager of every fish or shellfish cannery shall supply the Minister with a copy of each kind of label used in the cannery, and every dealer obtaining canned fish or canned shellfish direct from the packer shall supply the Minister with a copy of each kind of label used by him on such canned fish or canned shellfish. R.S., c. 77, s. 20.

21. Any inspector may at any time stop the canning of any particular fish or shellfish or of any variety of fish or shellfish that he considers unfit for human food. R.S., c. 77, s. 21.

22. (1) All canned fish and shellfish shall be sound, wholesome and fit for human food.

(2) Any unsound fish or shellfish found during the process of preparing and packing, and any unsound canned fish or shellfish found at any time thereafter, as provided by the regulations, may be seized and confiscated on view by any inspecting officer and dealt with as required by the regulations.

(3) An inspecting officer is entitled to take from any parcel, whether for export or otherwise, samples for inspection in accordance with the requirements of this Act. R.S., c. 77, s. 22; 1940-41, c. 6, s. 4.

23. (1) For the purposes of this Act the grades of canned lobster shall be as designated by regulation and, if the need for such is established to the satisfaction of the Governor in Council, canned lobster shall be classified, inspected and labelled as provided in the regulations.

(2) The Governor in Council may also by regulation establish grades and other requirements for canned fish or shellfish that may be presented for grading. 1946, c. 57, s. 2.

24. For the purposes of this Act the varieties of British Columbia salmon shall be designated and, if the need for such is established to the satisfaction of the Governor in Council, graded as provided in the regulations. R.S., c. 77, s. 24.

25. (1) In the event of the provisions of this Act or of any regulation, or the lawful instructions of inspecting officers, not being complied with in any fish or shellfish cannery, the Minister may order the fish or shellfish cannery to be closed.

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(2) Any cannery in which the sanitary conditions are being neglected may be immediately closed by the inspecting officer until the defects are remedied. R.S., c. 77, s. 25.

26. (1) All cans of fish or shellfish imported into Canada shall be correctly labelled so as to indicate in a plain and conspicuous manner

(a) the kind and quality of their contents;
(b) the minimum weight in avoirdupois of the contents of the cans in the case of canned fish and of the dry meat in the can in the case of canned shellfish;
(c) the place of origin; and
(d) the name and address of the person, firm or corporation by whom they are packed or by whom they are imported.

(2) Canned fish or canned shellfish imported into Canada to be exported again need only be labelled to show the country of origin.

(3) No false or misleading mark or designation of the kind or variety of the contents shall be shown on any can of fish or shellfish imported for sale in Canada.

(4) No canned fish or shellfish shall be admitted into Canada by any officer of the Customs unless labelled in accordance with the provisions of this section and labelled to conform to such requirements as the Governor in Council may by regulation prescribe. R.S., c. 77, s. 26; 1939, c. 19, s. 2; 1940-41, c. 6, s. 6.

27. Any can of fish or shellfish that bears any false or misleading mark or is incorrectly labelled or marked and not labelled or marked in accordance with this Act or of the regulations, may be seized by any inspector, or by any Customs, excise or police officer or by any constable, and shall be confiscated to Her Majesty by any two justices of the peace or by any magistrate having the powers of two justices of the peace, if it is found that the label or marking is intended or calculated to deceive. 1934, c. 38, s. 1.

GENERAL.

28. (1) All fish, fruit, or vegetables, or products thereof, or any food or food products that may be named by the Governor in Council, under the provisions of this Act, used in any establishment where these articles are prepared for export, shall be sound, wholesome, and fit for food.

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Unwholesome articles to be confiscated.

(2) Any such articles or products thereof found in such establishment unsound or unwholesome shall be confiscated and destroyed in such manner as may be provided by the regulations.

Canned fruit or vegetables or food to be offered for sale in prescribed containers only.

(3) All canned fruit or vegetables or products thereof, or any food or food products including canned fish and shellfish that may be named by the Governor in Council, shall be offered for sale only in such cans or other containers as the Governor in Council may by regulations prescribe, and such cans or containers must contain the quality, quantity or weight prescribed by the regulations. R.S., c. 77, s. 28; 1940-41, c. 6, s. 7.

Inspection of sanitary conditions.

29. (1) An inspection and close supervision of the sanitary conditions of all establishments shall be maintained, and they shall be conducted, under such conditions, sanitary and otherwise, as may be prescribed by the regulations.

(2) The inspector shall refuse to inspect or mark articles in any establishment where the sanitary conditions are not in accordance with the regulations. R.S., c. 77, s. 29.

Withdrawal of inspector and closing of establishment for violation of Act, etc.

30. In the event of the provisions of this Act, or any regulations, or the lawful instruction of an inspector, not being complied with in any establishment, the Minister may

(a) withdraw the inspector therefrom,
(b) refuse to it the inspection, marking, and certification of the articles prepared therein, and
(c) cause the establishment to be closed. R.S., c. 77, s. 30.

Sale in violation of Act.

31. No person shall offer or expose or have in his possession for sale any article subject to inspection under this Act unless all the requirements thereof respecting the article have been complied with. R.S., c. 77, s. 31.

Exports or imports of uninspected articles.

32. No person shall offer or accept for export or import, or shall export or import, any articles subject to inspection under this Act, unless the requirements regarding inspection and marking have been complied with in respect to such articles. R.S., c. 77, s. 32.

Proof of compliance with regulations.

33. Every person offering or accepting for export or import, or exporting or importing,

(a) any carcass, or portion or product thereof,
(b) fruit or vegetables, or products thereof, or
(c) food or food products named by the Governor in Council under the provisions of section 35, shall
shall furnish such proof as is required by the regulations as to whether the articles so offered or accepted for export or import, or exported or imported, are subject to inspection or not. R.S., c. 77, s. 33.

34. (1) No carcass, or portion or product thereof, intended for food shall be imported into Canada unless proof satisfactory to the Minister accompany it that the same has passed Government inspection in the country of origin.

(2) Any such carcass, or portion or product thereof, imported into Canada is subject to such further inspection, and shall conform to such requirements as the Governor in Council may by regulation prescribe. R.S., c. 77, s. 34.

35. No fish, fruit or vegetables or products thereof, or food or food products which may be named by the Governor in Council, shall be imported into Canada or exported from Canada unless they conform to such requirements as the Governor in Council may by regulation prescribe. R.S., c. 77, s. 35.

36. Any carcass, or portion or product thereof, or fruit or vegetable or products thereof, or food or food product, that does not conform to the requirements of such regulations shall, upon condemnation by any inspector, be forfeit to Her Majesty, and may be disposed of as the Minister may direct. R.S., c. 77, s. 36.

37. (1) No article subject to inspection under this Act shall be offered or sold for export or import, or exported or imported, under any name intended or calculated to deceive as to its true nature.

(2) No package containing any article subject to inspection under this Act shall be marked with any label, brand or mark which falsely represents

(a) the quantity or weight or contents of such package, or

(b) the date when the articles or goods contained therein were packed. R.S., c. 77, s. 37.

38. Every person who, without authority, wilfully and wrongfully tampering with marks.

(a) uses or imitates any mark, tag, label or certificate placed on or attached to any article in accordance with the provisions of this Act or of any regulation;

(b) R.S., 1952.
(b) removes, alters, effaces or obliterates, or causes to be removed, altered, effaced or obliterated, wholly or partially, any such mark, tag, label or certificate; shall incur a penalty of one hundred dollars. R.S., c. 77, s. 38.

39. For the purposes of this Act, the certificate of an inspector or other officer appointed under this Act, or any mark applied under this Act, is prima facie evidence of the matter that it purports to establish. R.S., c. 77, s. 39.

40. (1) Any inspector or other officer appointed under this Act may, at any time, for the purpose of carrying into effect any provision of this Act,
(a) enter any place or premises, or any steamship, vessel or boat, or any carriage, car, truck, horse-box or other vehicle used for the carriage of articles subject to the provisions of this Act, and
(b) require to be produced for inspection, or for the purpose of obtaining copies thereof or extracts therefrom, any books, shipping bills, bills of lading or other papers.

(2) Such inspector or other officer shall, if required, state in writing the grounds for his action in so doing. R.S., c. 77, s. 40.

OFFENCES AND PENALTIES.

41. (1) Every person who refuses to admit, or who obstructs or impedes, an inspector or other officer acting in execution of this Act, or of any order or regulation made by the Governor in Council or the Minister hereunder, and every person who aids and assists him therein, shall, for every such offence, incur a penalty not exceeding five hundred dollars.

(2) The inspector or other officer may apprehend the offender and take him forthwith before a justice of the peace to be dealt with according to law.

(3) No person so apprehended shall be detained in custody, without the order of the justice, longer than twenty-four hours. R.S., c. 77, s. 41.

42. Every person who moves, or causes or allows to be moved, any animal, or any article in violation of the provisions of this Act, shall, for every such offence, incur a penalty not exceeding five hundred dollars. R.S., c. 77, s. 42.

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43. The provisions of the Criminal Code respecting the bribery and corruption of officials or employees of the Government extend to all inspectors and other persons appointed to carry out the provisions of this Act. R.S., c. 77, s. 43.

44. Every person who violates any provision of this Act, or of any regulation made by the Governor in Council or by the Minister under the authority of this Act, in respect to which no penalty is hereinbefore provided, shall for every such offence, incur a penalty not exceeding five hundred dollars. R.S., c. 77, s. 44.

45. (1) Any inspector or constable may, without warrant, apprehend any person found committing an offence against the provisions of this Act, and shall take any person so apprehended forthwith before a justice of the peace to be examined and dealt with according to law.

(2) A person so apprehended shall not be detained in custody, without the order of a justice, longer than twenty-four hours. R.S., c. 77, s. 45.

46. Any inspector or constable may require that any animal or any article moved in violation of the provisions of this Act be forthwith taken back within the limits of the place whence it was moved, and may enforce and execute such requisition at the expense of the owner of such animal or article. R.S., c. 77, s. 46.

47. Every offence against this Act, or against any order or regulation of the Governor in Council or of the Minister, shall for the purposes of proceedings under this Act, or of any such order or regulation, be deemed to have been committed, and every cause of complaint under this Act, or any such order or regulation, shall be deemed to have arisen, either in the place in which it actually was committed or arose, or in any place in which the person charged or complained against happens to be. R.S., c. 77, s. 47.

48. Every penalty imposed by this Act is recoverable, with costs, before any two justices of the peace, or any magistrate having the powers of two justices of the peace, under the provisions of the Criminal Code relating to summary convictions. R.S., c. 77, s. 48.
CHAPTER 178.

An Act respecting Compensation for Merchant Seamen.

SHORT TITLE.

1. This Act may be cited as the Merchant Seamen Compensation Act. 1946, c. 58, s. 1.

INTERPRETATION.

2. In this Act,

(a) "accident" includes a wilful and an intentional act, not being the act of the seaman, and a fortuitous event occasioned by a physical or natural cause;

(b) "Board" means the Merchant Seamen Compensation Board established by this Act;

(c) "compensation" includes medical and hospital expenses and any other benefits, expenses or allowances authorized by this Act;

(d) "dependants" means such of the members of the family of a seaman as were wholly or partly dependent upon his earnings at the time of his death, or who but for the incapacity due to the accident would have been so dependent;

(e) "employer" includes every person having any seaman in his service under a contract of hiring or apprenticeship, written or oral, express or implied;

(f) "invalid" means physically or mentally incapable of earning;

(g) "medical aid" means the medical, surgical and dental aid and hospital and skilled nursing services and the artificial member or members and apparatus and repair mentioned in subsection (1) of section 44;

(h) "Minister" means the Minister of Transport;

(i) "seaman" means every person, except pilots, appren- ticied pilots and fishermen, employed or engaged on

(i) a ship registered in Canada, or

(ii) a ship chartered by demise to a person resident in Canada or having his principal place of business in Canada,

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when such ship is engaged in trading on a foreign voyage or on a home-trade voyage as these voyages are defined in the Canada Shipping Act; and, if so ordered by the Governor in Council, includes a seaman engaged in Canada and employed on a ship that is registered outside of Canada and operated by a person resident in Canada or having his principal place of business in Canada when such ship is so engaged;

(j) "ship" means any ship or vessel as defined in the Canada Shipping Act. 1946, c. 58, s. 2.

3. (1) There shall be a Board to be known as the Merchant Seamen Compensation Board consisting of three members appointed by the Governor in Council.

(2) The Governor in Council shall designate one of the members of the Board to be chairman and one to be vice-chairman.

(3) The chairman, and in his absence the vice-chairman, shall preside at the meetings of the Board.

(4) A member of the Board holds office during pleasure and shall be paid such salary as the Governor in Council may fix.

(5) When a member of the Board is unable at any time to perform the duties of his office by reason of absence or temporary incapacity the Governor in Council may appoint a temporary substitute member upon such terms and conditions as the Governor in Council may prescribe.

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

(7) In all proceedings of the Board the votes of the majority of the members govern.

(8) At any meeting of the Board where only two of the members are present all questions upon which an agreement cannot be reached shall be referred for decision to a meeting of the full Board.

(9) The Board may, with the approval of the Governor in Council, employ such professional, technical or other officers, clerks and employees as it deems necessary for the proper conduct of its business and fix their remuneration. 1946, c. 58, s. 3.

4. No compensation is payable under this Act,

(a) where a seaman or his dependants are entitled to claim compensation under the Government Employees Compensation Act or under any provincial workmen's compensation law, or

(b)
(b) where a seaman is or his dependants are entitled to claim compensation under the Order in Council of the 30th day of April, 1942, (P.C. 104/3546), or any statute or law that provides similar benefits. 1946, c. 58, s. 4.

5. (1) Where an accident happens in respect of which a seaman or his dependants are entitled to claim compensation under the law of any foreign country, they are bound to elect whether they will claim compensation under such law or under this Act, and to give notice of such election, and if such election is not made and notice not given it shall be presumed that they have elected not to claim compensation under this Act.

(2) Notice of the election under subsection (1) shall be given to the Board within three months after the happening of the accident or in case it results in death, within three months after the death or within such longer period as either before or after the expiration of such three months the Board may allow.

(3) No compensation is payable in respect of any accident mentioned in subsection (1) unless the seaman or his dependants submit to the Board, in a form approved by the Board, a waiver of all claims for compensation under the foreign law referred to in that subsection. 1946, c. 58, s. 5.

6. This Act applies to accidents happening within or without Canada. 1946, c. 58, s. 6.

COMPENSATION.

7. (1) The employer of a seaman injured by reason of an accident arising out of and in the course of his employment shall pay compensation in the manner and to the extent provided by this Act, except where the injury

(a) does not disable the seaman for a period of at least seven days from earning full wages at the work at which he was employed, or

(b) is attributable solely to the serious and wilful misconduct of the seaman unless the injury results in death or serious disablement.

(2) Where compensation for disability is payable, it shall be computed and be payable from the date of the disability. 1946, c. 58, s. 7.

8. Except with the approval of the Board the amount of compensation payable under this Act is not subject to any deduction or abatement by reason or on account or in respect R.S., 1952.

respect of any matter or thing whatsoever save in respect of any sums of money that have been paid by the employer to the seaman on account of the injury received by the seaman, which sum or sums shall be deducted from the amount of the said compensation. 1946, c. 58, s. 8.

9. Except with the approval of the Board the amount of compensation payable under this Act is not capable of being assigned, charged or attached and shall not pass to any other person by operation of law nor shall any claim be set off against it. 1946, c. 58, s. 9.

10. It is not competent for a seaman to agree with his employer to waive or to forego any of the benefits to which he or his dependants are or may become entitled under this Act and every agreement to that end is absolutely void. 1946, c. 58, s. 10.

11. No action lies for the recovery of compensation payable under this Act but all claims for compensation shall be heard and determined by the Board. 1946, c. 58, s. 11.

12. The right to compensation provided by this Act is in lieu of all rights and rights of action, statutory or otherwise, to which a seaman or his dependants are or may be entitled against the employer of such seaman for or by reason of any accident happening to him while in the employment of such employer, and no action in respect thereof lies. 1946, c. 58, s. 12.

13. Any party to an action may apply to the Board for adjudication and determination of the question of the plaintiff's right to compensation under this Act, or as to whether the action is one the right to bring which is taken away by this Act and such adjudication and determination is final and conclusive. 1946, c. 58, s. 13.

14. The Board has exclusive jurisdiction to examine into, hear and determine all matters and questions arising under this Act and as to any matter or thing in respect of which any power, authority or discretion is conferred upon the Board, and the action or decision of the Board thereon is final and conclusive and is not open to question or review in any court, and no proceedings by or before the Board shall be restrained by injunction, prohibition or other process or proceeding in any court or be removable by certiorari or otherwise into any court. 1946, c. 58, s. 14.

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15. Nothing in section 14 prevents the Board from reconsidering any matter that has been dealt with by it or from rescinding, altering or amending any decision or order previously made, all of which the Board has authority to do. 1946, c. 58, s. 15.

16. In any matter or thing arising under this Act the Board has the power of summoning before it any witnesses, and of requiring them to give evidence on oath, or on solemn affirmation if they are persons entitled to affirm in civil matters, and orally or in writing, and to produce such documents and things as the Board deems requisite and the Board has the same power to enforce the attendance of witnesses and to compel them to give evidence as is vested in any court of record in civil cases. 1946, c. 58, s. 16.

17. The decision of the Board shall be upon the real merits and justice of the case and it is not bound to follow strict legal precedent. 1946, c. 58, s. 17.

18. The decisions and findings of the Board upon all questions of law or fact are final and conclusive. 1946, c. 58, s. 18.

19. The Board may award such sum as it may deem reasonable to the successful party to a contested claim for compensation or to any other contested matter as compensation for the expenses he has been put to by reason of or incidental to the contest, and an order of the Board for the payment by any employer of any sum so awarded when filed in the manner provided by section 20 becomes a judgment of the court in which it is filed and may be enforced accordingly. 1946, c. 58, s. 19.

20. An order of the Board for the payment of compensation by an employer or any other order of the Board for the payment of money made under the authority of this Act or a copy of such order certified by the Secretary or other person duly authorized by the Board to be a true copy, may be filed with the clerk of the county or district court of the county or district in which the employer resides or carries on business or if the employer resides or carries on business in the Province of Quebec, with the clerk of the Superior Court of Quebec, and may be enforced as a judgment of that Court. 1946, c. 58, s. 20.

21. (1) Where a seaman is not a resident of Canada and by the law of the place or country in which he resides compensation in respect of accidents is payable and an accident

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accident happens in respect of which he is entitled under this Act to receive compensation for permanent total disability or permanent partial disability, then notwithstanding anything in this Act the amount of compensation payable under this Act shall not exceed the amount of compensation that would be payable had the accident happened in the place or country in which he resides.

(2) Where a dependant of any seaman is not a resident of Canada he is not entitled to compensation under this Act unless by the law of the place or country in which he resides the dependants of a seaman to whom an accident happens in such place or country if resident in Canada would be entitled to compensation and where such dependants would be entitled to compensation under such law the compensation to which the non-resident dependant is entitled under this Act shall not be greater than the compensation payable in the like case under that law. 1946, c. 58, s. 21.

22. Notwithstanding section 21 such compensation or such sum in lieu of compensation may be awarded to any seaman who is not a resident of Canada or any such non-resident dependant as the Board may deem proper but such compensation or sum in lieu of compensation shall not in any case exceed the amount of compensation provided under this Act. 1946, c. 58, s. 22.

23. (1) Where an accident happens to a seaman arising out of and in the course of his employment under such circumstances as entitled him or his dependants to an action against some person other than his co-employees, his employer, the servants or mandatories of his employer, the seaman or his dependants if entitled to compensation under this Act may claim such compensation or may bring such action.

(2) Where an action is brought and less is recovered and collected than the amount of the compensation to which the seaman or his dependants are entitled under this Act the difference between the amount recovered and collected and the amount of such compensation shall be payable as compensation to such seaman or his dependants.

(3) Where the seaman or his dependants elect to claim compensation under this Act the employer is subrogated to the rights of the seamen or his dependants and may maintain an action in his or their names or in the name of the employer against the person against whom the action lies.

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(4) Notice of the election shall be given to the employer within three months after the happening of the accident or in case it results in death within three months after the death or within such longer period as either before or after the expiration of such three months the Board may allow.

(5) No seaman entitled to compensation under this Act or the dependants of such seaman have a right of action against an employer who is subject to this Act. 1946, c. 58, s. 23.

24. (1) Subject to subsection (4), compensation shall not be payable unless

(a) notice of the accident is given as soon as practicable after the happening of it and before the seaman has voluntarily left the employment in which he was injured, and

(b) the claim for compensation is made within six months from the happening of the accident or in case of death within six months from the time of death.

(2) The notice shall give the name and address of the seaman and is sufficient if it states in ordinary language the cause of the injury and where the accident happened.

(3) The notice may be served by delivering it at or sending it by registered post addressed to the place of business or the residence of the employer, or where the employer is a body of persons, corporate or unincorporate, by delivering it at or sending it by registered post, addressed to the employer at the office or if there are more offices than one at any of the offices of such body of persons.

(4) Failure to give the prescribed notice or to make such claim or any defect or inaccuracy in a notice does not bar the right to compensation if in the opinion of the Board the employer was not prejudiced thereby or it appears that the claim for compensation is a just one and ought to be allowed. 1946, c. 58, s. 24.

NOTICE OF ACCIDENT.

25. (1) Every employer shall, unless relieved by order of the Board, within sixty days after the happening of an accident to a seaman in his employment by which the seaman is disabled from performing his duties or which necessitates medical aid, notify the Board in writing, of the

(a) happening of the accident and its nature,

(b) time of the accident,

(c) name and address of the seaman,
(d) place of the accident, and
(e) medical aid received by the seaman following the accident,
and shall furnish such further information respecting any accident or claim to compensation as the Board may require.

(2) The Board may by order relieve any employer from compliance with the provisions of subsection (1) to the extent provided in such order.

(3) Every person who contravenes or fails to comply with subsection (1) is guilty of an offence and is liable on summary conviction to a fine not exceeding five hundred dollars, or to imprisonment for a term not exceeding twelve months, or to both such fine and such imprisonment.

(4) No proceedings shall be taken against any person under this section without the consent of the Board. 1946, c. 58, s. 25.

MEDICAL EXAMINATION.

26. (1) A seaman who claims compensation, or to whom compensation is payable under this Act shall, if so required by his employer, submit himself for examination by a duly qualified medical practitioner provided by the employer and shall, if so required by the Board, submit himself for examination by a medical referee.

(2) A seaman is not required at the request of his employer to submit himself for examination otherwise than in accordance with this Act.

(3) The cost of any examination made pursuant to subsection (1) and the cost of any reference under section 27 shall be paid by the employer. 1946, c. 58, s. 26.

27. (1) Where a seaman has upon the request of his employer submitted himself for examination, or has been examined by a duly qualified medical practitioner selected by himself, and a copy of the report of the medical practitioner as to the seaman's condition has been furnished in the former case by the employer to the seaman and in the latter case by the seaman to the employer the Board may, on the application of either of them or of its own motion, refer the matter to a medical referee.

(2) The medical referee to whom a reference is made under subsection (1) or who has examined the seaman by the direction of the Board under subsection (1) of section 26 shall certify to the Board as to the condition of the seaman and his fitness for employment, specifying...
where necessary the kind of employment, and if unfit, the
cause and degree of such unfitness, and his certificate,
unless the Board otherwise directs, is conclusive as to the
matters certified.

(3) When a seaman does not submit himself for
examination when required to do so under subsection (1)
of section 26 or on being required to do so does not submit
himself for examination to a medical referee under that
subsection or under subsection (1) of this section, or in
any way obstructs any examination, his right to compensa-
tion or if he is in receipt of a weekly or other periodical
payment his right to it is suspended until such examina-
tion has taken place.

(4) The Board may diminish the compensation to which
a seaman is entitled, or suspend payment thereof, when-
ever the seaman persists in dangerous and unsanitary
practices imperilling or retarding his cure and whenever
he refuses to submit to such medical treatment as the
Board on the advice of the medical referee may deem
necessary for his cure.

(5) Subsection (4) does not apply in the event of the In case of
reasonable seaman reasonably refusing to submit to surgical aid. 1946, refusal.
c. 58, s. 27.

REVIEW OF COMPENSATION.

28. Any weekly or other periodical payment to a seaman Payments
may be reviewed at the request of the employer or of the
seaman, and on such review the Board may put an end
to or diminish or may increase such payment to a sum not
beyond the maximum prescribed in this Act. 1946, c. 58,
s. 28.

INSURANCE.

29. (1) Every employer shall cover by insurance or
other means satisfactory to the Board, the risks of com-
pen-sation arising under this Act.

(2) The Board may give notice in writing to a collector
or other chief officer of Customs that the provisions of this
section have not been complied with to the satisfaction of
the Board in respect of seamen employed on any ship, and
thereupon the collector or other chief officer of Customs
shall detain that ship until he receives notice from the
Board that he may release the ship. 1946, c. 58, s. 29.
SCALE OF COMPENSATION.

30. (1) Where death of a seaman results from an injury the following amounts of compensation shall be paid:

(a) the necessary expenses of burial of the seaman not exceeding one hundred and twenty-five dollars;

(b) in addition to the sum mentioned in paragraph (a) a sum not exceeding one hundred and twenty-five dollars for necessary expenses for transportation and things supplied and services rendered in connection therewith necessitated by the transfer of the body of a seaman from the place of death to the place of interment;

(c) where the expenses of burial of a seaman are paid by an employer under Part IV of the Canada Shipping Act, following any accident in respect of which compensation is payable under this Act, the amount of such expenses shall be deducted from the amount payable under paragraphs (a) and (b);

(d) where the widow or an invalid husband is the sole dependant, a monthly payment of forty-five dollars;

(e) where the dependants are a widow or an invalid husband and one or more children, a monthly payment of forty-five dollars with an additional monthly payment of ten dollars to be increased upon the death of the widow or invalid husband to twenty dollars for each child under the age of eighteen years;

(f) where the dependants are children only, a monthly payment of twenty dollars to each child under the age of eighteen years; and

(g) where the dependants are persons other than those mentioned in paragraphs (d), (e) and (f), a sum reasonable and proportionate to the pecuniary loss to such dependants occasioned by the death, to be determined by the Board.

Where no widow.

(2) Where the seaman leaves no widow or the widow subsequently dies, and it seems desirable to continue the existing household, and an aunt, sister, or other suitable person acts as foster-mother in keeping up such household and maintaining and taking care of the children entitled to compensation in a manner that the Board deems satisfactory, such foster-mother while so doing is entitled to receive the same monthly payments of compensation for herself and the children as if she were the widow of the deceased, and in such case the children's part of such payments shall be in lieu of the monthly payments which they would otherwise have been entitled to receive.

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(3) In addition to any other compensation provided for, Additional the widow or, where the seaman leaves no widow, the lump sum of one hundred dollars.

(4) In the case provided for by paragraph (g) of subsection (1), the payments shall continue only so long as, the seaman stood in the opinion of the Board, it might reasonably have been expected that the seaman, had he lived, would have continued to contribute to the support of the dependants, and in any case under the said paragraph compensation may be made wholly or partly in a lump sum or by such form of payment as the Board in the circumstances deems most suitable.

(5) A dependant to whom the seaman stood in loco parentis or a dependant who stood in loco parentis to the seaman is entitled, as the Board may determine, to share in or receive compensation under paragraph (e), paragraph (f) or paragraph (g) of subsection (1).

(6) Compensation is payable to an invalid child without regard to the age of such child, and payments to such child shall continue so long as in the opinion of the Board it might reasonably have been expected that the seaman, had he lived, would have continued to contribute to the support of such child.

(7) Where there are both total and partial dependants, the compensation may be allotted partly to the total and partly to the partial dependants.

(8) Where the Board is of the opinion that for any reason it is considered necessary or desirable that a payment in respect of a child should not be made directly to its parent, the Board may direct that the payment be made to such person or be applied in such manner as the Board may deem most for the advantage of the child.

(9) Exclusive of the expenses of burial of the seaman and the lump sum of one hundred dollars referred to in subsection (3), the compensation payable as provided by subsection (1) shall not in any case exceed sixty-six and two-thirds per cent of the average earnings of the seaman mentioned in section 33, and if the compensation payable under that subsection would in any case exceed that percentage it shall be reduced accordingly, and where several persons are entitled to monthly payments the payments shall be reduced proportionately; but the minimum compensation shall be

(a) where the widow or an invalid husband is the sole dependant a monthly payment of forty-five dollars, or

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if the seaman's average earnings are less than forty-five dollars per month, the amount of such earnings, and

(b) where the dependants are a widow or an invalid husband and one or more children a monthly payment of fifty-five dollars for the widow or invalid husband and one child irrespective of the amount of the seaman's earnings, with a further monthly payment of ten dollars for each additional child unless the total monthly compensation exceeds the seaman's average earnings in which case the compensation shall be a sum equal to such earnings or fifty-five dollars, whichever is the greater, the share for each child entitled to compensation being reduced proportionately. 1946, c. 58, s. 30.

31. (1) When a dependent widow marries, the monthly payments to her shall cease, but she is entitled in lieu of them to a lump sum equal to the monthly payments for two years.

(2) Subsection (1) does not apply to payments to a widow in respect of a child or children. 1946, c. 58, s. 31.

32. Subject to subsection (6) of section 30, a monthly payment in respect of a child shall cease when the child attains the age of eighteen years or dies before attaining such age. 1946, c. 58, s. 32.

33. Where permanent total disability results from the injury the amount of the compensation shall be a weekly payment during the life of the seaman equal to sixty-six and two-thirds per cent of his average weekly earnings during the previous twelve months if he has been so long employed, but if not then for the period during which he has been in the employment of his employer. 1946, c. 58, s. 33.

34. (1) Where a permanent partial disability results from the injury the compensation shall be a weekly payment of sixty-six and two-thirds per cent of the difference between the average weekly earnings of the seaman during the twelve months preceding the accident and the average amount that he is earning or is able to earn in some suitable employment or business after the accident and the compensation is payable during the lifetime of the seaman.

(2) Where the impairment of the earning capacity of the seaman does not exceed ten per cent of his earning capacity instead of such weekly payment the Board shall, 3758 unless

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unless the Board is of opinion it would not be to the advantage of the seaman to do so, direct that such lump sum as may be deemed to be the equivalent of it shall be paid to the seaman.

(3) Where the Board deems it just, the impairment of earning capacity may be estimated from the nature of the injury, having always in view the seaman’s fitness to continue the employment in which he was injured or to adapt himself to some other suitable occupation. 1946, c. 58, s. 34.

35. Where temporary total disability results from the injury the compensation shall be the same as that prescribed by section 33, but is payable only so long as the disability lasts. 1946, c. 58, s. 35.

36. Where temporary partial disability results from the injury the compensation shall be the same as that prescribed by section 34, but is payable only so long as the disability lasts and subsection (2) of that section applies. 1946, c. 58, s. 36.

37. The amount of compensation to which an injured seaman is entitled for temporary total or permanent total disability under this Act shall not be less than twelve dollars and fifty cents per week or, where his average earnings are less than twelve dollars and fifty cents per week, the amount of such earnings, and for temporary partial or permanent partial disability a corresponding amount in proportion to the impairment of earning capacity. 1946, c. 58, s. 37.

38. (1) Average earnings shall be computed in such a manner as is best calculated to give the rate per week or month at which the seaman was remunerated but not so as in any case to exceed the rate of two thousand five hundred dollars per annum.

(2) Where, owing to the shortness of the time during which the seaman was in the employment of his employer or the casual nature of his employment or the terms thereof, it is impracticable to compute the rate of remuneration as of the date of the accident, regard may be had to the average weekly or monthly amount which during the twelve months previous to the accident was being earned by a person in the same grade employed at the same work by the same employer, or if there is no person so employed then by a person in the same grade employed in the same class of employment on a ship of the same class.

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(3) For the purpose of this section the expression "employment by the same employer" means employment by the same employer in the grade in which the seaman was employed at the time of the accident, uninterrupted by absence from work due to illness or any other unavoidable cause.

(4) Where the employer was accustomed to pay the seaman a sum to cover any special expense entailed on him by the nature of his employment that sum shall not be reckoned as part of his earnings.

(5) For the purpose of this Act a War Service Bonus paid to a seaman under the Order in Council of the 18th day of April, 1944 (P.C. 149/2705), shall not be reckoned as part of his earnings.

(6) Where in any case it seems more equitable, the Board may award compensation, having regard to the earnings of the seaman at the time of the accident. 1946, c. 58, s. 38.

39. (1) In fixing the amount of a weekly or monthly payment regard shall be had to any payment, allowance or benefit that the seaman may receive from his employer during the period of his disability, including any pension, gratuity or other allowance provided wholly at the expense of the employer.

(2) No compensation is payable in respect of the period during which the employer is, under the Canada Shipping Act, or otherwise, liable for the payment of wages and to defray the expenses of maintenance of the injured seaman.

(3) Any sum payable by way of compensation by the owner of a ship under this Act shall be paid in full notwithstanding anything in section 657 of the Canada Shipping Act. 1946, c. 58, s. 39.

40. (1) Wherever the Board deems it advisable the payment of compensation may be made fortnightly or monthly instead of weekly.

(2) Subject to section 22 where a seaman or dependant is not a resident of Canada or ceases to reside therein the periods of payments may be otherwise fixed or the compensation commuted as the Board may deem proper. 1946, c. 58, s. 40.

41. Where it is found by the Board that the widow to whom compensation has been awarded is a common prostitute or is openly living with any man in the relation of man and wife without being married to him, the compensation

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Compensation to such widow may be discontinued or suspended or such compensation may be diverted in whole or in part to or for the benefit of any other dependant or dependants of the deceased seaman. 1946, c. 58, s. 41.

42. Where a seaman is entitled to compensation and it is made to appear to the Board that

(a) such seaman is not residing in Canada but his wife or child or children under eighteen years of age are residing therein without adequate means of support and are, or are apt to become a charge upon the municipality where they reside, or upon private charity, or

(b) the seaman although residing in Canada is not supporting his wife and children and an order has been made against such seaman by a court of competent jurisdiction for the support or maintenance of such wife or family, or for alimony, the Board may divert such compensation in whole or in part from such seaman for the benefit of the wife or children of the said seaman. 1946, c. 58, s. 42.

43. Where a seaman or a dependant is a minor under the age of twenty-one years or under any other legal disability the compensation to which he is entitled may be paid to such person or be applied in such manner as the Board may deem best to his advantage. 1946, c. 58, s. 43.

MEDICAL AID.

44. (1) Every seaman entitled to compensation under this Act is entitled to such medical, surgical and dental aid, and hospital and skilled nursing services as may be necessary as a result of the injury, and is entitled to such artificial member or members and apparatus and dental appliances and apparatus as may be necessary as a result of the injury and to have the same kept in repair or replaced when deemed necessary.

(2) The medical aid to which a seaman is entitled under subsection (1) shall be furnished and paid for by his employer.

(3) Any question as to the necessity, character and sufficiency of any medical aid furnished or to be furnished may be referred to the Board for a decision.

(4) The fees or charges for such medical aid shall not be more than would be properly and reasonably charged to the seaman if himself paying the bill, but shall not, in any case.

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case where the seaman is furnished with medical aid in Canada, exceed the fees or charges which would be paid in similar circumstances by the Workmen's Compensation Board of the province in which such medical aid was furnished.

(5) Every employer shall at his own expense furnish to any seaman injured in his employment who is in need of it, immediate conveyance and transportation to a hospital, or to a physician, or to the seaman's home within a reasonable limit. 1946, c. 58, s. 44.

45. Notwithstanding anything in this Act a seaman entitled to medical aid under Part IV or Part V of the Canada Shipping Act, or any other Act that provides similar benefits, is not entitled to medical aid under this Act during the period and to the extent that medical aid is furnished under the Canada Shipping Act, or such other Act. 1946, c. 58, s. 45.

46. Every physician, surgeon or hospital official attending, consulted respecting, or having the care of any seaman shall furnish to the employer from time to time such reports as may be required by the employer in respect of such seaman, and may charge for the preparation of such reports reasonable fees as may be agreed upon with the employer or in the absence of an agreement as the Board may approve. 1946, c. 58, s. 46.

RULERS AND ORDERS.

47. The Board may make such rules, orders and by-laws as it may deem expedient or necessary for regulating its procedure and for carrying any of the purposes or provisions of this Act into effect. 1946, c. 58, s. 47.

REPORTS.

48. The Board shall report, from time to time, to the Minister, as he may require. 1946, c. 58, s. 48.

COSTS OF ADMINISTRATION.

49. All costs incurred relative to the administration of this Act, including salaries, expenses, fees and commissions, are chargeable against the various employers, apportioned on a basis to be determined by the Board. 1946, c. 58, s. 49.

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OPERATION.

50. The Merchant Seamen Compensation Regulations, P.C. 4755, 1945, established by Order of the Governor in Council made on the 17th day of July, 1945 (P.C. 4755), are deemed to have been revoked on the 31st day of August, 1946, and for the purposes of section 19 of the Interpretation Act this Act is deemed to be substituted for the said Regulations, 1947, c. 38, s. 1.
CHAPTER 179.

An Act respecting a certain Convention between His Majesty and the United States of America for the protection of Migratory Birds in Canada and the United States.

SHORT TITLE.

1. This Act may be cited as the Migratory Birds Convention Act. R.S., c. 130, s. 1.

CONVENTION.

2. The Convention of the 16th day of August, 1916 which is set forth in the Schedule, is hereby sanctioned, ratified and confirmed. R.S., c. 130, s. 2.

INTERPRETATION.

3. In this Act,

(a) "close season" means the period during which any species of migratory game, migratory insectivorous, or migratory nongame bird is protected by this Act or any regulation;

(b) "migratory game birds" means

(i) Anatidæ or waterfowl, including brant, wild ducks, geese and swans,
(ii) Gruidæ or cranes, including little brown, sand-hill and whooping cranes,
(iii) Rallidæ or rails, including coots, gallinules and sora and other rails,
(iv) Limicolæ or shorebirds, including avocets, curlew, dowitchers, godwits, knots, oyster catchers, phalaropes, plovers, sandpipers, snipe, stilts, surf birds, turnstones, willet, woodcock, and yellowlegs, and
(v) Columbidæ or pigeons, including doves and wild pigeons;

(c) "migratory insectivorous birds" means bobolinks, cat-birds, chickadees, cuckoos, flickers, flycatchers, gros-beaks, humming birds, kinglets, martins, meadowlarks, nighthawks
nighthawks or bull bats, nuthatches, orioles, robins, shrikes, swallows, swifts, tanagers, titmice, thrushes, vireos, warblers, waxwings, whippoorwills, woodpeckers, and wrens, and all other perching birds which feed entirely or chiefly on insects;

"Migratory nongame birds."

(d) "migratory nongame birds" means auks, auklets, bitterns, fulmars, gannets, grebes, guillemots, gulls, herons, jaegers, loons, murres, petrels, puffins, shearwaters, and terns;

"Minister."

(e) "Minister" means the Minister of Resources and Development;

"Regulation."

(f) "regulation" means any regulation made under this Act. R.S., c. 130, s. 3; 1949 (2nd Sess.), c. 18, s. 9.

REGULATIONS.

4. (1) The Governor in Council may make such regulations as are deemed expedient to protect the migratory game, migratory insectivorous and migratory nongame birds that inhabit Canada during the whole or any part of the year.

(2) Subject to the provisions of the said Convention, such regulations may provide,

(a) the periods in each year or the number of years during which any such migratory game, migratory insectivorous or migratory nongame birds shall not be killed, captured, injured, taken, molested or sold, or their nests or eggs injured, destroyed, taken or molested;

(b) for limiting the number of migratory game birds that may be taken by a person in any specified time during the season when the taking of such birds is legal, and providing the manner in which such birds may then be taken and the appliances that may be used therefor;

(c) the periods in each year during which a person may have in possession migratory game birds killed during the season when the taking of such birds was legal;

(d) for the granting of permits to kill or take migratory game, migratory insectivorous or migratory nongame birds, or their nests or eggs;

(e) for the prohibition of the shipment or export of migratory game, migratory insectivorous or migratory nongame birds or their eggs from any province during

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the close season in such province, and the conditions upon which international traffic in such birds shall be carried on;

(f) for the prohibition of the killing, capturing, taking, injuring or molesting of migratory game, migratory insectivorous or migratory nongame birds, or the taking, injuring, destruction or molestation of their nests or eggs, within any prescribed area, and for the control and management of such area; and

(g) for any other purpose that may be deemed expedient for carrying out the intentions of this Act and the said Convention, whether such other regulations are of the kind enumerated in this section or not. R.S., c. 130, s. 4.

GENERAL.

5. (1) The Minister may appoint game officers for carrying out this Act and the regulations, and may authorize such game officers to exercise the powers of a justice of the peace or the powers of a police constable; all members of the Royal Canadian Mounted Police are, for the purpose of this Act, ex officio Game Officers.

(2) Every game officer who is authorized by the Minister to exercise the powers of a justice of the peace or of a police constable is, for all the purposes of this Act and the regulations, ex officio a justice of the peace or a police constable, as the case may be, within the district within which he is authorized to act.

(3) Every such game officer shall take and subscribe an oath in the form following, that is to say:

I, A.B., a

of

do solemnly swear that to the best of my judgment I will faithfully, honestly and impartially fulfil, execute and perform the office and duties of such according to the true intent and meaning of the Migratory Birds Convention Act and the regulations made thereunder. So help me God.

(4) Subsection (3) does not apply to members of the Exception. Royal Canadian Mounted Police who have already taken and subscribed to an oath of allegiance and office as provided by section 15 of the Royal Canadian Mounted Police Act.

(5) The Governor in Council may declare that the game and fishery officers of any province are game officers ex officio under this Act, but subsection (2) of section 12 does not apply to such officers. R.S., c. 130, s. 5; 1932-33, c. 16, ss. 2, 3; 1951, c. 20, s. 1.

Migratory Birds.

6. No person, without lawful excuse, the proof whereof shall lie on such person, shall buy, sell or have in his possession any migratory game bird, migratory insectivorous bird or migratory nongame bird, or the nest or egg of any such bird or any part of any such bird, nest or egg during the time when the capturing, killing or taking of such bird, nest or egg is prohibited by this Act. 1932-33, c. 16, s. 4.

7. Any game officer who believes on reasonable grounds (a) that any of the following articles, namely, any gun or other weapon, ammunition, boat, skiff, canoe, punt, or vessel of any description, team, wagon, or other outfit, motor vehicle or aircraft of any kind, decoy, appliance or material of any kind is being or has been used in violation of or for the purpose of any violation of this Act or any regulation, or (b) that, in violation of this Act or any regulation any of the following articles, namely, any bird, nest or egg, has been taken, caught or killed, or is had in possession, may seize the article, and shall deliver it to a justice of the peace; and the justice of the peace to whom the article is delivered, if he finds that the article was used in violation of or for the purpose of any violation of this Act or any regulation, or was taken, caught, killed or had in possession in violation of this Act or any regulation, may make an order forfeiting the article to Her Majesty. 1951, c. 20, s. 2.

8. Any game officer appointed under this Act who violates this Act or any regulation, or who aids, abets or connives at any violation of this Act or of any regulation, is liable, upon summary conviction before any recorder, commissioner of police, judge of the sessions of the peace, police stipendiary or district magistrate or any two justices of the peace, to a penalty not exceeding five hundred dollars and costs or six months' imprisonment and not less than one hundred dollars and costs or three months' imprisonment. R.S., c. 130, s. 8.

9. Any person who assaults, obstructs or interferes with any game officer or peace officer in the discharge of any duty under the provisions of this Act, or of any regulation, is guilty of a violation of this Act. R.S., c. 130, s. 9.

10. Any person who wilfully refuses to furnish information or wilfully furnishes false information to a game officer or peace officer respecting a violation of this Act or of any regulation, the existence of or the place of concealment, is guilty of a violation of this Act. R.S., 1952.
ment of any bird, nest or egg, or any portion thereof captured, killed or taken in violation of this Act or of any regulation, is guilty of a violation of this Act. R.S., c. 130, s. 10.

11. Any game officer or peace officer may enter any place or premises in which he has reason to believe there exists migratory game, or migratory insectivorous, or migratory nongame birds, nests or eggs, or any parts thereof, in respect to which a breach of this Act or of the regulations may have been committed, and may open and examine any trunk, box, bag, parcel or receptacle which he has reason to suspect and does suspect contains any such bird, nest or egg, or any part thereof. R.S., c. 130, s. 11.

12. (1) Every person who violates any provision of this Act or any regulation is, for each offence, liable upon summary conviction to a fine of not more than three hundred dollars and not less than ten dollars, or to imprisonment for a term not exceeding six months, or to both fine and imprisonment.

(2) One-half of every penalty imposed and collected under the provisions of this Act, or any regulation made hereunder, when a game officer appointed without salary or any person who is not a game officer is the prosecutor, shall be paid to such game officer or person or to the person on whose evidence the conviction is made, as the justice of the peace before whom the conviction is had may determine. R.S., c. 130, s. 12.

SCHEDULE.

CONVENTION.

Whereas many species of birds in the course of their annual migrations traverse certain parts of the Dominion of Canada and the United States; and

Whereas many of these species are of great value as a source of food or in destroying insects which are injurious to forests and forage plants on the public domain, as well as to agricultural crops, in both Canada and the United States, but are nevertheless in danger of extermination through lack of adequate protection during the nesting season or while on their way to and from their breeding grounds;

His Majesty the King of the United Kingdom of Great Britain and Ireland and of the British dominions beyond

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the seas, Emperor of India, and the United States of America, being desirous of saving from indiscriminate slaughter and of insuring the preservation of such migratory birds as are either useful to man or are harmless, have resolved to adopt some uniform system of protection which shall effectively accomplish such objects, and to the end of concluding a convention for this purpose have appointed as their respective plenipotentiaries:

His Britannic Majesty, the Right Honourable Sir Cecil Arthur Spring-Rice, G.C.V.O., K.C.M.G., etc., His Majesty's ambassador extraordinary and plenipotentiary at Washington; and

The President of the United States of America, Robert Lansing, Secretary of State of the United States;

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 adopted the following articles:—

Article I.

The High Contracting Powers declare that the migratory birds included in the terms of this Convention shall be as follows:—

1. Migratory Game Birds:—
   (a) Anatidæ or waterfowl, including brant, wild ducks, geese, and swans;
   (b) Gruidæ or cranes, including little brown, sandhill, and whooping cranes;
   (c) Rallidæ or rails, including coots, gallinules and sora and other rails;
   (d) Limicolæ or shorebirds, including avocets, curlew, dowitchers, godwits, knots, oyster catchers, phalaropes, plovers, sandpipers, snipe, stilts, surf birds, turnstones, willet, woodcock, and yellowlegs;
   (e) Columbidæ or pigeons, including doves and wild pigeons.

2. Migratory Insectivorous Birds: Bobolinks, catbirds, chickadees, cuckoos, flickers, flycatchers, grosbeaks, humming birds, kinglets, martins, meadowlarks, nighthawks or bull bats, nut-hatches, orioles, robins, shrikes, swifts, tanagers, titmice, thrushes, vireos, warblers, waxwings, whippoorwills, woodpeckers, and wrens, and all other perching birds which feed entirely or chiefly on insects.
3. Other Migratory Nongame Birds: Auks, auklets, bitterns, fulmars, gannets, grebes, guillemots, gulls, herons, jaegers, loons, murres, petrels, puffins, shearwaters, and terns.

Article II.

The High Contracting Parties agree that, as an effective means of preserving migratory birds, there shall be established the following close seasons during which no hunting shall be done except for scientific or propagating purposes under permits issued by proper authorities.

1. The close season on migratory game birds shall be between 10th March and 1st September, except that the close of the season on the limicolæ or shorebirds in the Maritime Provinces of Canada and in those states of the United States bordering on the Atlantic ocean which are situated wholly or in part north of Chesapeake bay shall be between 1st February and 15th August, and that Indians may take at any time scoters for food but not for sale. The season for hunting shall be further restricted to such period not exceeding three and one-half months as the High Contracting Powers may severally deem appropriate and define by law or regulation.

2. The close season on migratory insectivorous birds shall continue throughout the year.

3. The close season on other migratory nongame birds shall continue throughout the year, except that Eskimos and Indians may take at any season auks, auklets, guillemots, murres and puffins, and their eggs for food and their skins for clothing, but the birds and eggs so taken shall not be sold or offered for sale.

Article III.

The High Contracting Powers agree that during the period of ten years next following the going into effect of this Convention, there shall be a continuous close season on the following migratory game birds, to wit:

Band-tailed pigeons, little brown, sandhill and whooping cranes, swans, curlew and all shorebirds (except the black-breasted and golden plover, Wilson or jack snipe, woodcock, and the greater and lesser yellowlegs); provided that during such ten years the close seasons on cranes, swans and curlew in the province of British Columbia shall be made by the proper authorities of that province within the general dates and limitations elsewhere prescribed in this Convention for the respective groups to which these birds belong.

Article IV.
Article IV.

The High Contracting Powers agree that special protection shall be given the wood duck and the eider duck either (1) by a close season extending over a period of at least five years, or (2) by the establishment of refuges, or (3) by such other regulations as may be deemed appropriate.

Article V.

The taking of nests or eggs of migratory game or insectivorous or nongame birds shall be prohibited, except for scientific or propagating purposes under such laws or regulations as the High Contracting Powers may severally deem appropriate.

Article VI.

The High Contracting Powers agree that the shipment or export of migratory birds or their eggs from any state or province, during the continuance of the close season in such state or province, shall be prohibited except for scientific or propagating purposes, and the international traffic in any birds or eggs at such time captured, killed, taken, or shipped at any time contrary to the laws of the state or province in which the same were captured, killed, taken, or shipped shall be likewise prohibited. Every package containing migratory birds or any parts thereof or any eggs of migratory birds transported, or offered for transportation from the Dominion of Canada into the United States or from the United States into the Dominion of Canada, shall have the name and address of the shipper and an accurate statement of the contents clearly marked on the outside of such package.

Article VII.

Permits to kill any of the above-named birds which, under extraordinary conditions, may become seriously injurious to the agricultural or other interests in any particular community, may be issued by the proper authorities of the High Contracting Powers under suitable regulations prescribed therefor by them respectively, but such permits shall lapse or may be cancelled, at any time when, in the opinion of said authorities, the particular exigency has passed, and no birds killed under this article shall be shipped, sold, or offered for sale.

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Article VIII.

The High Contracting Powers agree themselves to take, or propose to their respective appropriate law-making bodies, the necessary measures for insuring the execution of the present Convention.

Article IX.

The present Convention shall be ratified by His Britannic Majesty and by the President of the United States of America, by and with the advice and consent of the Senate thereof. The ratifications shall be exchanged at Washington as soon as possible and the Convention shall take effect on the date of the exchange of the ratifications. It shall remain in force for fifteen years, and in the event of neither of the High Contracting Powers having given notification twelve months before the expiration of said period of fifteen years, of its intention of terminating its operation, the Convention shall continue to remain in force for one year and so on from year to year.

In faith whereof, the respective Plenipotentiaries have signed the present Convention in duplicate and have hereunto affixed their seals.

Done at Washington this sixteenth day of August, 1916.

(L.S.) Cecil Spring-Rice.

(L.S.) Robert Lansing.

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CHAPTER 180.

An Act to provide for the Testing of Glassware used in connection with Milk Tests.

SHORT TITLE.

1. This Act may be cited as the Milk Test Act. 1951, Short title. c. 39, s. 13.

2. (1) Every test bottle, pipette and measuring glass used in connection with the testing of milk or cream shall be tested for accuracy of measurement and accuracy of the per cent scale marked thereon, by such persons and at such places as are designated by the Governor in Council, and if found to be accurate shall be ineffectively marked in the manner provided by the regulations.

(2) No other test bottle, pipette or measuring glass shall be so marked, nor shall any unauthorized person mark any test bottle, pipette or measuring glass used in connection with the testing of milk or cream in any manner which would indicate that it is accurate in accordance with this Act or with any regulation. R.S., c. 45, s. 26; 1951, c. 39, s. 13.

3. No person shall sell or offer to sell any test bottle, pipette, or measuring glass used in connection with the testing of milk or cream unless it has been so tested and marked accurate. R.S., c. 45, s. 27; 1951, c. 39, s. 13.

4. No person shall use any test bottle, pipette or measuring glass in connection with the testing of milk or cream, if such testing is for the purpose of determining the value or the relative value of the said milk or cream, unless such test bottle, pipette, or measuring glass has been tested and marked accurate as provided by this Act. R.S., c. 45, s. 28; 1951, c. 39, s. 13.

5. Nothing in this Act applies to burettes or measures Babcock used in connection with the Babcock milk test for the measuring of sulphuric acid. R.S., c. 45, s. 29; 1951, c. 39, s. 13.

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The Governor in Council may make regulations for the operation and enforcement of this Act, and may, by such regulations, establish fees for the verification of the apparatus therein referred to and also provide for the imposition of penalties not exceeding fifty dollars for each offence against this Act or against any regulation made hereunder. R.S., c. 45, s. 30; 1951, c. 39, s. 13.
CHAPTER 181.

An Act respecting Money-Lenders.

SHORT TITLE.

1. This Act may be cited as the Money-Lenders Act. Short title. R.S., c. 135, s. 1.

2. In this Act “money-lender” includes any person who carries on the business of money-lending, or advertises, or announces himself, or holds himself out in any way, as carrying on that business, and who makes a practice of lending money at a higher rate than ten per cent per annum, but does not comprise registered pawnbrokers as such. R.S., c. 135, s. 2.

3. This Act does not apply to the Yukon Territory. Not applicable to Yukon. R.S., c. 135, s. 3.

4. This Act does not apply to any loan or transaction in which the whole interest or discount charged or collected in connection therewith does not exceed the sum of fifty cents. R.S., c. 135, s. 4.

5. Nothing in this Act operates to increase the rate of interest that may be recovered in any case where by law the rate is fixed at less than twelve per cent per annum. Act not to increase existing rate of interest. R.S., c. 135, s. 5.

6. Notwithstanding the provisions of the Interest Act, no money-lender shall stipulate for, allow or exact on any negotiable instrument, contract or agreement, concerning a loan of money, the principal of which is under five hundred dollars, a rate of interest or discount greater than twelve per cent per annum; and the said rate of interest shall be reduced to the rate of five per cent per annum from the date of judgment in any suit, action or other proceeding for the recovery of the amount due. R.S., c. 135, s. 6.

7. In any suit, action or other proceeding concerning a loan of money by a money-lender the principal of which was originally under five hundred dollars, wherein it is alleged that the amount of interest paid or claimed exceeds the rate of twelve per cent per annum, including the charges for discount, commission, expenses, inquiries, fines, bonus, renewals, or any other charges, but not including taxable conveyancing charges, the court may re-open the transaction and take an account between the parties, and may, notwithstanding any statement or settlement of account, or any contract purporting to close previous dealings and create a new obligation, re-open any account already taken between the parties, and relieve the person under obligation to pay from payment of any sum in excess of the said rate of interest; and if any such excess has been paid or allowed in account, by the debtor, may order the creditor to repay it, and may set aside, either wholly or in part, or revise, or alter, any security given in respect of the transaction. R.S., c. 135, s. 7.

8. The bona fide holder, before maturity, of a negotiable instrument discounted by a preceding holder at a rate of interest exceeding that authorized by this Act, may nevertheless recover the amount thereof, but the party discharging such instrument may reclaim from the money-lender any amount paid thereon for interest or discount in excess of the amount allowed by this Act. R.S., c. 135, s. 8.

9. The principal of any sum of money, originally under five hundred dollars, due and payable before the 13th day of July, 1906, in virtue of any negotiable instrument given to a money-lender, or of any contract or agreement entered into with such money-lender in respect of money lent by him, shall not, from and after the said date, bear a rate of interest greater than twelve per cent per annum; and from and after the said date no rate of interest greater than five per cent per annum shall be recovered upon any judgment, rendered before the said date, upon any such negotiable instrument, contract or agreement for the payment of money lent by a money-lender, and which allows a greater rate than five per cent per annum. R.S., c. 135, s. 9.

10. In the case of any such negotiable instrument made before the 13th day of July, 1906, and maturing after the said date, and in the case of any such contract or agreement made before the said date and to be performed there-
after, the foregoing provisions of this Act apply only from the date of maturity or performance, as the case may be. R.S., c. 135, s. 10.

11. Every money-lender is guilty of an indictable Penalty. offence and liable to imprisonment for a term not exceeding one year, or to a penalty not exceeding one thousand dollars, who lends money at a rate of interest greater than that authorized by this Act. R.S., c. 135, s. 11.

EDMOND CLOUTIER, C.M.G., O.A., D.S.P.
QUEEN'S PRINTER AND CONTROLLER OF STATIONERY
OTTAWA, 1952
CHAPTER 182.

An Act respecting Grants to Municipalities.

SHORT TITLE.

1. This Act may be cited as the Municipal Grants Act. Short title. 1951, c. 54, s. 1.

INTERPRETATION.

2. In this Act Definitions. (a) “accepted value” means the value that, in the opinion “Accepted of the Minister, would be attributed to federal prop- value.” erty by a municipal taxing authority as the base for computing the amount of real estate tax applicable to that property if it were taxable property;

(b) “assessed value” means the value attributed to tax- “Assessed able property by a municipal taxing authority as the value.” base for computing the amount of real estate tax applicable to that property;

(c) “federal property” means real property owned by “Federal Her Majesty in right of Canada, but does not include property.” (i) real property forming part of an undertaking in respect of the conservation, irrigation, reclamation, rehabilitation or reforestation of land, (ii) a park, historical site, monument, museum, public library or art gallery, (iii) an improvement to land or structure that is not a building designed for the shelter of people, plant or movable property, (iv) real property under the control, management or administration of the National Railways as defined in the Canadian National-Canadian Pacific Act, or a corporation, company, commission, board or agency established to perform a function or duty on behalf of the Government of Canada, or

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(v)

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(v) real property leased by Her Majesty to a tenant from whom, by reason of such tenant's interest in that real property, a municipal taxing authority may collect real estate tax;

(d) "Minister" means the Minister of Finance;

(e) "real estate tax" means a tax, other than a water tax, levied by a municipal taxing authority

(i) on all owners of real property in that municipality, excepting those exempt by law, and

(ii) on tenants, if any, of real property leased to them by Her Majesty,

and computed by applying one or more rates to all or a part of the assessed value of such real property; and

(f) "taxable property" means real property in respect of which a person may be required by a municipal taxing authority to pay a real estate tax. 1951, c. 54, s. 2.

3. (1) For the purposes of this Act, federal property is divided into Class A property and Class B property.

(2) In this section, "service" does not include the provision and maintenance of public roads and sidewalks.

(3) Class A property includes federal property that accepts from a municipality a service that

(a) the municipality customarily furnishes to real property in the municipality; and

(b) is, in the opinion of the Minister, a material service.

(4) Class B property includes federal property that does not accept from a municipality any service referred to in subsection (3). 1951, c. 54, s. 3.

4. (1) Where, in a form prescribed by the Minister, a municipality applies for a grant, the Minister may, in his discretion, out of moneys provided by Parliament, make a grant to the municipality in respect of federal property situated therein, but no grant shall be made in an amount exceeding that authorized by this Act.

(2) No right to a grant is conferred by this Act. 1951, c. 54, s. 4.

5. (1) Where the accepted value of the Class A property in a municipality exceeds four per cent of the aggregate of the total assessed value of taxable property and the total accepted value of Class A property in the municipality, a grant in respect of Class A property may be made to the municipality based, as provided in this section, on the amount of such excess.

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(2) The amount of a grant made pursuant to this section shall not be greater than a fraction of the excess referred to in subsection (1), such fraction to be determined as follows:

(a) the numerator is the total amount of the real estate tax levied in the appropriate tax year multiplied by seventy-five, and

(b) the denominator is the aggregate of the assessed value of all taxable property and the accepted value of Class A property in the municipality multiplied by one hundred.

(3) The accepted value of Class A property in respect of which, for any tax year, a grant is made pursuant to section 6 or the municipality may recover or has received taxes from any person shall, in respect of that tax year, be excluded from the total accepted value of Class A property in the municipality in calculating a grant under this section.

(4) The Minister may, in determining the amount of a grant under this section, deduct from the amount that might otherwise be payable an amount that, in his opinion, represents the value of a service that is customarily furnished by the municipality to real property in the municipality and that Her Majesty does not accept in respect of Class A property in the municipality. 1951, c. 54, s. 5.

6. (1) A grant may, pursuant to this section, be made to a municipality in respect of federal property in the municipality acquired by Her Majesty after the 31st day of December, 1948.

(2) A grant made pursuant to this section shall not exceed

(a) in the tax year of the municipality next following that during which the federal property was acquired by Her Majesty an amount equal to the total amount of the real estate tax levied in respect of that property for the tax year in which it was so acquired;

(b) in the tax year of the municipality next following that in respect of which a grant is made pursuant to paragraph (a), an amount equal to seventy-five per cent of the amount granted pursuant to paragraph (a);

(c) in the tax year of the municipality next following that in respect of which a grant is made pursuant to paragraph (b), an amount equal to fifty per cent of the amount granted pursuant to paragraph (a); and

(d) grants .

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(d) in the tax year of the municipality next following that in respect of which a grant is made pursuant to paragraph (c), an amount equal to twenty-five per cent of the amount granted pursuant to paragraph (a).

(3) The amount of real estate taxes that a municipality may recover or has received from any person in respect of federal property for a tax year shall be deducted by the Minister from a grant made under this section in respect of such property and tax year. 1951, c. 54, s. 6.

7. (1) A grant may be made to a municipality not exceeding the unpaid principal amount of that part of the cost of a local improvement that has been specially assessed against federal property and has become due and payable after the 31st day of December, 1942.

(2) No grant shall be made under subsection (1) in respect of any part of the cost of a local improvement that the municipality has received from any person or may recover from any person as a special assessment or by the levying of a special rate on the assessed value of taxable property. 1951, c. 54, s. 7.

8. Except as otherwise provided in this Act, no grant shall be made in respect of a municipal tax year commencing before the 1st day of January, 1950. 1951, c. 54, s. 8.
CHAPTER 183.

An Act to assist Municipalities in making self-liquidating Improvements.

SHORT TITLE.

1. This Act may be cited as the Municipal Improvements Assistance Act. 1938, c. 33, s. 1.

INTERPRETATION.

2. In this Act, Definitions.
   (a) "Minister" means the Minister of Finance;
   (b) "municipality" includes a city, town, incorporated village, county, township, rural municipality, local improvement district or a province where such province is administering directly territory not organized into county or municipal units, and also includes any board, commission or agency duly authorized to act on behalf of one or more municipalities in the construction and operation of a self-liquidating project; and
   (c) "self-liquidating project" means a project that when completed will on the basis of conservative estimates result in an increase in the annual net revenue of the municipality either by reductions in the annual operating and maintenance charges required to be borne by the municipality or by increase of revenues from persons using the services of or otherwise benefiting from the project, sufficient to pay the annual charges for interest on and amortization of the loan to be made by the Minister. 1938, c. 33, s. 2.

3. (1) The Minister, with the approval of the Governor in Council, and subject to the provisions of this Act, may enter into an agreement with any municipality to make a loan or loans to such municipality out of any unappropriated moneys in the Consolidated Revenue Fund to enable such municipality to pay the whole or any part of the cost of constructing or making extensions or improvements to or renewals

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Conditions of loans.

(2) No agreement shall be entered into under this Act unless

(a) the municipality submits detailed financial estimates demonstrating to the satisfaction of the Minister that the project to be constructed or the extensions or improvements or renewals to be made will be a self-liquidating project;

(b) the construction, extension, improvement or renewal of the project is urgently needed and will assist in the relief of unemployment in the municipality concerned;

(c) any application by a municipality for a loan under this Act and the project to be financed out of the proceeds of the loan have been approved by the Lieutenant-Governor in Council of the province in which the municipality is situated; and

(d) the municipality has obtained an undertaking from the government of the province concerned in form satisfactory to the Minister that such province will guarantee to the Government of Canada the payments for interest on and amortization of the loan, required to be made by the municipality to the Minister. 1938, c. 33, s. 3.

Interest and amortization.

4. Any such loan shall bear interest at the rate of two per cent per annum, payable semi-annually, and shall be amortized by semi-annual payments sufficient to pay off the full amount of the loan during a period to be fixed by the Governor in Council, which period shall not in any case be longer than the estimated useful life of the project which has been constructed, extended, improved or renewed, in whole or in part, with the proceeds of the loan. 1938, c. 33, s. 4.

Securities for loans.

5. As security for any such loan, the municipality shall deliver to the Minister its debentures or other securities equal in principal amount to the amount of the loan advanced and in such form as the Governor in Council may approve, and may also be required to give in favour of the Minister representing Her Majesty a first mortgage or hypothec or other charge on the project to be constructed, extended, improved or renewed, in whole or in part, from the proceeds of the said loan. 1938, c. 33, s. 5.

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6. (1) The aggregate principal amount of loans made under the authority of this Act shall not exceed thirty million dollars.

(2) The aggregate principal amount of loans made under this Act to any one municipality shall not exceed that proportion of the sum of thirty million dollars which the population of the municipality bears to the total population of Canada on the basis of population figures shown by the census of 1931, except that subject to the limitation fixed by subsection (1) a loan not exceeding two hundred thousand dollars may be made to any municipality of whatever population, and in the case of a loan made to a board, commission or agency acting on behalf of more than one municipality, the aggregate amount of the loans to be made to such board, commission or agency and the municipalities concerned shall not exceed the maximum amount of loans that the municipalities would be entitled to receive if acting separately and shall be apportioned between the board, commission or agency and the municipalities concerned on a basis to be approved by the Governor in Council.

7. (1) Where the Minister has entered into an agreement with a municipality under this Act and has made a loan to the municipality pursuant to the agreement and where it is proposed that the administration of the waterworks system, gas plant, electric light system or other project in respect of which the loan was made, be undertaken by another municipality, the Minister may, with the approval of the Governor in Council, enter into an agreement with the last mentioned municipality under which such municipality agrees to pay to Her Majesty in right of Canada the unpaid amount of the said loan on like terms and conditions, mutatis mutandis, to those upon which the first mentioned municipality agreed to repay the loan and upon such an agreement having been entered into and any debentures or other securities required thereunder having been given by the municipality and upon the said administration having been undertaken by the municipality, the Minister may discharge the first mentioned municipality from its liability to repay the loan and release any debentures, securities and mortgages furnished by it as security for repayment of the loan.

(2) No agreement may be entered into by the Minister under this section unless

(a) entry into the agreement by the municipality is approved by the Lieutenant-Governor in Council of the province in which the municipality is situated;

(b) R.S., 1952.
(b) the municipality has obtained an undertaking from the government of the province concerned in form satisfactory to the Minister that the government of the province guarantees to the Government of Canada the payments for interest on, and amortization of, the unpaid amount of the loan required to be made by the municipality to the Minister;

(c) the municipality has delivered to the Minister its debentures or other security equal in principal amount to the amount of the loan that the municipality has undertaken to pay to Her Majesty in right of Canada in such form as the Governor in Council may approve, and

(d) the municipality has authority, and agrees if so required by the Minister, to give in favour of Her Majesty aforesaid a first mortgage or hypothec or other charge on the waterworks system, gas plant, electric light system or other project or any part thereof in respect of which the loan was made. 1947, c. 39, s. 1.

8. The Governor in Council may at any time fix and determine a date after which no loans shall be made to any municipality under this Act. 1938, c. 33, s. 7.

9. The Governor in Council on the recommendation of the Minister may employ on a temporary basis such technical and clerical staff as may be necessary for the efficient administration of this Act and may pay salaries and other necessary expenses out of any unappropriated moneys in the Consolidated Revenue Fund. 1938, c. 33, s. 8.

10. Subject to the provisions of this Act the Governor in Council may by order or regulation

(a) determine the form of the agreement between any municipality and the Minister;

(b) determine the form of the guarantee to be given by a provincial government;

(c) prescribe the conditions under and the manner in which the proceeds of a loan may be advanced to a municipality; and

(d) make provision for any other matters concerning which orders or regulations are deemed necessary or desirable to carry out the purposes and intentions of this Act. 1938, c. 33, s. 9.

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11. The Minister shall annually prepare a report with regard to loans made under the provisions of this Act during the preceding calendar year, and the report shall be laid before Parliament within fifteen days, or if Parliament is not then sitting, within fifteen days after the beginning of the next session. 1938, c. 33, s. 10.
CHAPTER 184.

An Act respecting National Defence.

SHORT TITLE.

1. This Act may be cited as the National Defence Act. Short title. 1950, c. 43, s. 1.

INTERPRETATION.

2. In this Act and in regulations made hereunder, Definitions.

(1) "aircraft" means flying machines and guided missiles "Aircraft."
that derive their lift in flight chiefly from aerodynamic
forces, and flying devices that are supported chiefly by
their buoyancy in air, and includes any aeroplane,
balloon, kite balloon, airship, glider or kite;

(2) "aircraft material" means engines, fittings, arma-
ment, ammunition, bombs, missiles, gear, instruments
and apparatus, used or intended for use in connection
with aircraft or the operation thereof, and components
and accessories of aircraft and substances used to pro-
vide motive power or lubrication for or in connection
with aircraft or the operation thereof;

(3) "civil court" means a court of ordinary criminal "Civil
court." jurisdiction in Canada and includes a court of summary
jurisdiction;

(4) "civil custody" means the holding under arrest or in "Civil
custody." confinement of a person by the police or other compe-
tent civil authority, and includes confinement in a
penitentiary or a civil prison;

(5) "civil prison" means any prison, gaol or other place "Civil
prison." in Canada in which offenders sentenced by a civil
court in Canada to imprisonment for less than two
years can be confined, and, if sentenced out of Canada,
any prison, gaol or other place in which a person,
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(6) "Code of Service Discipline" means the provisions of Parts IV, V, VI, VII, VIII and IX;

(7) "court martial" includes a General Court Martial, a Disciplinary Court Martial and a Standing Court Martial;

(8) "defence establishment" means any area or structure under the control of the Minister, and the materiel and other things situate in or on any such area or structure;

(9) "Department" means the Department of National Defence;

(10) "Deputy Minister" means the Deputy Minister of National Defence;

(11) "detention barrack" means a place designated as such under subsection (2) of section 178;

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

(13) "enemy" includes armed mutineers, armed rebels, armed rioters and pirates;

(14) "enrol" means to cause any person to become a member of the Canadian Forces;

(15) "Her Majesty's Canadian Ship" means any vessel of the Royal Canadian Navy commissioned as a vessel of war;

(16) "Her Majesty's Forces" means the naval, army and air forces of Her Majesty wheresoever raised, and includes the Canadian Forces;

(17) "man" means any person, other than an officer, who is enrolled in, or who pursuant to law is attached or seconded otherwise than as an officer to, the Royal Canadian Navy, the Canadian Army or the Royal Canadian Air Force;

(18) "materiel" means all movable public property, other than money, provided for the Canadian Forces or the Defence Research Board or for any other purpose under this Act, and includes any vessel, vehicle, aircraft, animal, missile, arms, ammunition, clothing, stores, provisions or equipment so provided;

(19) "military" shall be construed as relating to all or any of the Services of the Canadian Forces;

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

(21) "mutiny" means collective insubordination or a combination of two or more persons in the resistance of lawful naval, army or air force authority in any of Her Majesty's Forces or in any forces co-operating therewith;

(22) "non-public property" means

(a) all money and property, other than issues of materiel, received for or administered by or through messes, institutes or canteens of the Canadian Forces,

(b) all money and property contributed to or by officers, men, units or other elements of the Canadian Forces for the collective benefit and welfare of such officers, men, units or other elements,

(c) by-products and refuse and the proceeds of the sale thereof to the extent prescribed under subsection (5) of section 39, and

(d) all money and property derived from, purchased out of the proceeds of the sale of, or received in exchange for money and property described in paragraphs (a), (b) and (c);

(23) "officer" means

(a) a person who holds Her Majesty's commission in the Royal Canadian Navy, the Canadian Army or the Royal Canadian Air Force,

(b) a subordinate officer in the Royal Canadian Navy, the Canadian Army or the Royal Canadian Air Force, and

(c) any person who pursuant to law is attached or seconded as an officer to the Royal Canadian Navy, the Canadian Army or the Royal Canadian Air Force;

(24) "penitentiary" means a penitentiary established under the Penitentiary Act and includes, in respect of any punishment of imprisonment for two years or more imposed out of Canada pursuant to the Code of Service Discipline, any prison or place in which a person sentenced to imprisonment for two years or more by a civil court having jurisdiction in the place where the sentence is imposed, can for the time being be confined; and if in any such place out of Canada there

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there is no prison or place for the confinement of persons sentenced to imprisonment for two years or more, then in that case "penitentiary" means a civil prison;

(25) "personal equipment" means all materiel issued to an officer or man for his personal wear or other personal use;

(26) "possession" by any person, for the purpose of the Code of Service Discipline and Part XII, includes
(a) having in his own personal possession,
(b) knowingly having in the actual possession or custody of any other person, or
(c) knowingly having in any place, whether belonging to or occupied by himself or not, for the use or benefit of himself or any other person;

(27) "public property" means all money and property of Her Majesty in right of Canada;

(28) "regulations" means regulations made under this Act;

(29) "release" means the termination of the service of an officer or man in any manner whatsoever;

(30) "service convict" means a person who is under a sentence that includes a punishment of imprisonment for two years or more imposed upon him pursuant to the Code of Service Discipline;

(31) "service custody" means the holding under arrest or in confinement of a person by the Canadian Forces, and includes confinement in a service prison or detention barrack;

(32) "service detainee" means a person who is under a sentence that includes a punishment of detention imposed upon him pursuant to the Code of Service Discipline;

(33) "service offence" means an offence under this Act, the Criminal Code, or any other Act of the Parliament of Canada, committed by a person while subject to the Code of Service Discipline;

(34) "service prison" means a place designated as such under subsection (2) of section 178;

(35) "service prisoner" means a person who is under a sentence that includes a punishment of imprisonment for less than two years imposed upon him pursuant to the Code of Service Discipline;

(36) "service tribunal" means a court martial or a person presiding at a summary trial;

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(37) "summary trial" means a trial conducted by or under the authority of a commanding officer pursuant to section 136 and a trial by a superior commander pursuant to section 137;

(38) "superior officer" means any officer or man who, in relation to any other officer or man, is by this Act, or by regulations or by custom of the service, authorized to give a lawful command to that other officer or man;

(39) "unit" means an individual body of the Canadian Forces that is organized as such pursuant to section 18, with the personnel and materiel thereof. 1950, c. 43, s. 2.

PART I.

DEPARTMENT OF NATIONAL DEFENCE.

PROVISION FOR DEPARTMENT.

3. There shall be a department of the Government of Canada called the Department of National Defence over which the Minister of National Defence appointed by the Governor General by commission under the Great Seal shall preside. 1950, c. 43, s. 3.

MINISTER.

4. The Minister has the control and management of the Canadian Forces, the Defence Research Board and of all matters relating to national defence including preparation for civil defence against enemy action, and is responsible for the construction and maintenance of all defence establishments and works for the defence of Canada. 1950, c. 43, s. 4.

5. The Governor in Council, upon the recommendation of the Minister, may from time to time designate any other person in addition to the Minister to exercise any power or perform any duty or function that is vested in or that may be exercised or performed by the Minister under this Act. 1950, c. 43, s. 5.

6. (1) The Governor General may, during an emergency, by commission under the Great Seal appoint

(a) not more than three additional Ministers of National Defence, each of whom shall exercise and perform such of the powers, duties and functions of the Minister as may be prescribed by the Governor in Council, or

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(6) not more than three Associate Ministers of National Defence, each of whom shall exercise and perform such of the powers, duties and functions of the Minister as may be assigned to him by the Governor in Council or the Minister.

(2) Each additional or Associate Minister appointed under this section may be continued in office for not more than six months after the termination of the emergency during which he is appointed. 1950, c. 43, s. 6.

DEPUTY MINISTER.

7. (1) There shall be a Deputy Minister of National Defence who shall be appointed by the Governor in Council.

(2) Where one or more additional Ministers or Associate Ministers are appointed under section 6, the Governor in Council may appoint an additional Deputy Minister for each such additional Minister or Associate Minister. 1950, c. 43, s. 7.

8. (1) The Governor in Council may appoint not more than three persons to be Associate Deputy Ministers of National Defence.

(2) During an emergency, the Governor in Council may appoint additional Associate Deputy Ministers.

(3) Each Associate Deputy Minister has the rank and status of a deputy head of a department and as such shall, under the direction of the Minister and of the Deputy Minister, perform such duties and exercise such authority as deputy of the Minister and otherwise, as may be assigned to him by the Minister. 1950, c. 43, s. 8.

CIVILIAN EMPLOYEES.

9. Such officers, clerks and employees as are necessary for carrying on the business of the Department may be appointed in the manner authorized by law. 1950, c. 43, s. 9.

JUDGE ADVOCATE GENERAL.

10. (1) The Governor in Council may appoint a barrister or advocate of not less than ten years standing to be the Judge Advocate General of the Canadian Forces.

(2) The powers, duties and functions of the Judge Advocate General may be exercised by such other person as the Minister may authorize to act for the Judge Advocate General for that purpose. 1950, c. 43, s. 10.

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MATERIEL.

11. (1) The Governor in Council may authorize the Minister to deliver to any department or agency of the Government of Canada any materiel that has not been declared surplus and is not immediately required for the use of the Canadian Forces or the Defence Research Board or for any other purpose under this Act, for sale to such countries on such terms as the Governor in Council may determine.

(2) The proceeds of a sale of materiel delivered under subsection (1) shall be paid into a special account in the Consolidated Revenue Fund and, subject to the approval of the Governor in Council, shall be used for the procurement of materiel; and payments out of the special account shall be made by the Minister of Finance on the requisition of the Minister.

(3) The Minister shall within three months after the termination of each fiscal year prepare a statement of the moneys received and disbursed under this section during that year, indicating the balance, if any, remaining at the end of that year in the special account mentioned in subsection (2).

(4) The Minister shall forthwith lay the statement mentioned in subsection (3) before Parliament or, if Parliament is not then in session, within fifteen days after the commencement of the next ensuing session. 1950, c. 43, s. 11.

INVENTIONS.

12. (1) Every discovery, invention or improvement in any art, process, apparatus, machine, manufacture or composition of matter made

(a) by an officer or man acting within the scope of his duties or employment,

(b) by an officer, servant, clerk or employee of the Department or of the Defence Research Board acting within the scope of his duties or employment, or

(c) as a result of or in the course of research conducted by any person under a grant in aid furnished with the approval of the Minister in connection with that research,

and all rights with respect thereto are vested in Her Majesty.

(2) Notwithstanding subsection (1), the Minister, on Exception. behalf of Her Majesty, may authorize agreements to be made with any person mentioned in paragraph (c) of that subsection

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subsection whereby that person shall have and enjoy, exclusively or with limitations, any rights accruing to or that may accrue to or be vested in Her Majesty in respect of the matters mentioned in that subsection.

(3) The Minister may, in any particular case, abandon any or all of the rights of Her Majesty under subsections (1) and (2) upon such terms and conditions as the Minister may determine.

(4) Subject to regulations made by the Governor in Council and notwithstanding the Civil Service Act, the Minister may authorize payment of such bonuses or gratuities as in his opinion may be warranted to any person mentioned in subsection (1) who has made a discovery, invention or improvement that by virtue of this section is vested in Her Majesty. 1950, c. 43, s. 12.

REGULATIONS.

13. (1) The Governor in Council may make regulations, not inconsistent with this Act, for the organization, training, discipline, efficiency, administration and good government of the Canadian Forces and generally for carrying the purposes and provisions of this Act into effect.

(2) Subject to section 14, the Minister may make regulations, not inconsistent with this Act or regulations made by the Governor in Council, for the organization, training, discipline, efficiency, administration and good government of the Canadian Forces and generally for carrying the purposes and provisions of this Act into effect. 1950, c. 43, s. 13.

14. Where in any section of this Act, other than section 13 and this section, there is express reference to regulations made or prescribed by the Governor in Council in respect of any matter, the Minister does not have power to make regulations pertaining to that matter. 1950, c. 43, s. 14.
PART II.

THE CANADIAN FORCES.

CONSTITUTION.

15. The Canadian Forces are the naval, army and air Services of Her Majesty raised by Canada and consist of three Services, namely, the Royal Canadian Navy, the Canadian Army and the Royal Canadian Air Force. 1950, c. 43, s. 15.

16. (1) There shall be a component of each Service of the Canadian Forces consisting of officers and men who are enrolled for continuing, full-time military service; and those components are referred to in this Act as the regular forces.

(2) The maximum numbers of officers and men in the regular forces shall be as from time to time authorized by the Governor in Council, and the regular forces shall include such units and other elements as are embodied therein.

(3) There shall be components of each Service of the Canadian Forces consisting of officers and men who are enrolled for other than continuing, full-time military service when not on active service; and those components are referred to in this Act as the reserve forces.

(4) The maximum numbers of officers and men in the reserve forces shall be as from time to time authorized by the Governor in Council, and the reserve forces shall include such units and other elements as are embodied therein.

(5) In an emergency or if considered desirable in consequence of any action undertaken by Canada under the United Nations Charter, the North Atlantic Treaty or any other similar instrument for collective defence that may be entered into by Canada, the Governor in Council may establish and authorize the maintenance of components of the Services of the Canadian Forces, referred to in this Act as the active service forces, consisting of

(a) officers and men of the regular forces and the reserve forces who are placed in the active service forces under conditions prescribed in regulations, and

(b) officers and men, not of the regular forces or the reserve forces, who are enrolled in the active service forces for continuing, full-time military service.

(6) The maximum numbers of officers and men in the active service forces shall be as from time to time authorized by the Governor in Council, and the active service forces shall include such units and other elements as are embodied therein. 1950, c. 43, s. 16; 1950-51, c. 2, s. 2.

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17. (1) Subject to this Act, the Naval Service, including the Naval Forces, and the Canadian Army and the Royal Canadian Air Force continue as constituted immediately prior to the 7th day of August, 1950.

(2) On and after the 7th day of August, 1950, the Naval Service, including the Naval Forces, shall be designated as the Royal Canadian Navy. 1950, c. 43, s. 17.

UNITS AND OTHER ELEMENTS.

18. (1) The Royal Canadian Navy, the Canadian Army and the Royal Canadian Air Force shall consist of such units and other elements as are from time to time organized by or under the authority of the Minister.

(2) A unit or other element organized under subsection (1) shall from time to time be embodied in such component of the Service of which it forms a part as the Minister may direct. 1950, c. 43, s. 18.

CHIEFS OF STAFF.

19. (1) The Governor in Council may appoint an officer to be Chairman of the Chiefs of Staff Committee, who shall hold such rank and have such precedence as the Governor in Council may prescribe and who shall, subject to the regulations and under the direction of the Minister,

(a) act as chairman of a committee composed of the chiefs of staff and such other persons as the Minister may designate;

(b) co-ordinate the training and operations of the Canadian Forces; and

(c) perform such other duties as may be assigned to him by the Minister.

(2) The Governor in Council may appoint an officer to be Chief of the Naval Staff who shall hold such rank as the Governor in Council may prescribe and who shall, subject to the regulations and under the direction of the Minister, be charged with the control and administration of the Royal Canadian Navy.

(3) The Governor in Council may appoint an officer to be Chief of the General Staff who shall hold such rank as the Governor in Council may prescribe and who shall, subject to the regulations and under the direction of the Minister, be charged with the control and administration of the Canadian Army.

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(4) The Governor in Council may appoint an officer to be Chief of the Air Staff who shall hold such rank as the Governor in Council may prescribe and who shall, subject to the regulations and under the direction of the Minister, be charged with the control and administration of the Royal Canadian Air Force.

(5) Unless the Governor in Council otherwise directs, all orders and instructions to the Royal Canadian Navy, the Canadian Army, and the Royal Canadian Air Force that are required to give effect to the decisions and to carry out the directions of the Government of Canada, or the Minister, shall be issued by or through the Chief of the Naval Staff, the Chief of the General Staff or the Chief of the Air Staff, as the case may be. 1950, c. 43, s. 19; 1951 (2nd Sess), c. 7, s. 25.

POWERS OF COMMAND.

20. The authority and powers of command of officers and men shall be as prescribed in regulations. 1950, c. 43, s. 20.

ENROLMENT.

21. (1) Commissions of officers in the Royal Canadian Navy, the Canadian Army and the Royal Canadian Air Force shall be granted by Her Majesty during pleasure.

(2) Persons shall be enrolled as subordinate officers and men for such term of service as may be prescribed in regulations made by the Governor in Council.

(3) A person under the age of eighteen years shall not be enrolled without the consent of one of his parents or of his guardian. 1950, c. 43, s. 21.

22. The respective ranks that may be held by officers and men of the Canadian Forces shall be as from time to time prescribed in regulations made by the Governor in Council. 1950, c. 43, s. 22.

23. The maximum number of persons in each rank and trade group of the Canadian Forces shall be determined as prescribed in regulations made by the Governor in Council. 1950, c. 43, s. 23.

24. The enrolment of a person binds that person to serve in the Canadian Forces until he is, in accordance with regulations, lawfully released. 1950, c. 43, s. 24.

25. Oaths and declarations required upon enrolment shall be taken and subscribed before commissioned officers or justices of the peace and shall be in such forms as may be prescribed in regulations. 1950, c. 43, s. 25.

26. Subject to subsection (3) of section 32, no officer or man shall without his consent be transferred from the regular forces to the reserve forces or from the reserve forces to the regular forces or from the Service of the Canadian Forces in which he has been enrolled to another Service of the Canadian Forces. 1950, c. 43, s. 26.

27. (1) Where, although not enrolled or re-engaged for service, a person has received pay as an officer or man, he is, until he claims his release and is released, deemed to be an officer or man, as the case may be, of the Service and component of the Canadian Forces through which he received pay and to be subject to this Act as if he were such an officer or man duly enrolled or re-engaged for service.

(2) Where, although there has been an error or irregularity in his enrolment or re-engagement, a person has received pay as an officer or man of that Service and component of the Canadian Forces in which he was erroneously or irregularly enrolled or re-engaged, that person is deemed to be an officer or man, as the case may be, regularly enrolled or re-engaged, and is not, except as provided in subsection (3), entitled to be released on the ground of the error or irregularity.

(3) Where a person who, by virtue of subsection (2), is deemed to be an officer or man, claims to be released within three months, reckoned from the date on which his pay commenced, and establishes the error or irregularity in his enrolment or re-engagement, he shall, except during an emergency or when he is on active service, be released.

(4) Where a person claims his release on the ground that he has not been enrolled or re-engaged or has not been regularly enrolled or re-engaged, his commanding officer shall forthwith forward his claim to the authority having power to release him and, if he is entitled to be released, he shall be released with all convenient speed. 1950, c. 43, s. 27; 1950-51, c. 2, s. 3.

ATTACHMENT AND SECONDMENT.

28. (1) An officer or man may be attached or seconded to another component of the Service of the Canadian Forces in which he is enrolled or to any component of any Service of the Canadian Forces.

of the Canadian Forces, other than that in which he is enrolled, in such manner and under such conditions as are prescribed in regulations; and he has like powers of command and punishment over officers and men of the component and Service of the Canadian Forces to which he is attached or seconded as if he were an officer or man of that component and Service of equivalent rank, relative to the rank he holds.

(2) An officer or man may be attached or seconded to any of Her Majesty's Forces, any department or agency of government, any public or private institution, private industry or any other body in such manner and under such conditions as are prescribed in any other Act or in regulations.

(3) No officer or man of the reserve forces who is not serving on active service shall without his consent be attached or seconded pursuant to this section. 1950, c. 43, s. 28.

PROMOTION.

29. Subject to section 23 and to regulations, officers and men may be promoted by the Minister or by such authorities of the Canadian Forces as are prescribed in regulations made by the Governor in Council. 1950, c. 43, s. 29.

REDRESS OF GRIEVANCES.

30. Except in respect of a matter that would properly be the subject of an appeal or petition under Part IX, an officer or man who considers that he has suffered any personal oppression, injustice or other ill-treatment or that he has any other cause for grievance, may as a matter of right seek redress from such superior authorities in such manner and under such conditions as shall be prescribed in regulations made by the Governor in Council. 1950, c. 43, s. 30.

RELEASE.

31. (1) Except during an emergency or when he is on active service, an officer or man is entitled to be released at the expiration of the term of service for which he is enrolled or re-engaged.

(2) Except as may be prescribed in regulations made by the Governor in Council, any period during which an officer or man is in a state of desertion or is absent without leave shall not be reckoned toward the completion of the term of service for which that officer or man was enrolled or re-engaged.

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Exception in emergency or when on active service.

(3) Where the term of service for which an officer or man is enrolled or re-engaged expires during an emergency or when he is on active service or within one year after the expiration of an emergency or after he has ceased to be on active service, he is liable to serve until the expiration of one year after the emergency has ceased to exist or after he has ceased to be on active service, as the case may be. 1950, c. 43, s. 31; 1950-51, c. 2, s. 4.

ACTIVE SERVICE.

32. (1) The Governor in Council may place the Canadian Forces or any Service, component, unit or other element thereof or any officer or man thereof on active service anywhere in or beyond Canada at any time when it appears advisable so to do

(a) by reason of an emergency, for the defence of Canada, or

(b) in consequence of any action undertaken by Canada under the United Nations Charter, the North Atlantic Treaty or any other similar instrument for collective defence that may be entered into by Canada.

(2) An officer or man of Her Majesty's Forces who is a member of, serving with, or attached or seconded to a Service, component or unit of the Canadian Forces that has been placed on active service, or who has been placed on active service, or who pursuant to law has been attached or seconded to a portion of a force that has been placed on active service, shall be deemed to be on active service for all purposes.

(3) An officer or man on active service may for the period of such service, be transferred from the component of the Service of the Canadian Forces in which he has been enrolled to the same component of another Service of the Canadian Forces or from the reserve forces to the regular forces. 1950, c. 43, s. 32; 1950-51, c. 2, s. 5.

33. Whenever the Governor in Council places the Canadian Forces or any Service, component or unit thereof on active service, if Parliament is then separated by such adjournment or prorogation as will not expire within ten days, a proclamation shall be issued for the meeting of Parliament within ten days, and Parliament shall accordingly meet and sit upon the day appointed by such proclamation, and shall continue to sit and act in like manner as if it had stood adjourned or prorogued to the same day. 1950, c. 43, s. 33.

SERVICE.

34. (1) The regular forces, all units and other elements thereof and all officers and men thereof are at all times liable to perform any lawful duty.

(2) The reserve forces, all units and other elements thereof and all officers and men thereof

(a) may be ordered to drill or train for such periods as are prescribed in regulations made by the Governor in Council, and

(b) may be called out on service to perform any naval, army or air force duty, as the case may be, other than drill or training at such times and in such manner as by regulations or otherwise are prescribed by the Governor in Council.

(3) Nothing in subsection (2) shall be deemed to impose liability to serve as prescribed therein, without his consent, upon an officer or man of the reserve forces who is, by virtue of the terms of his enrolment, liable to perform duty on active service only. 1950, c. 43, s. 34.

35. (1) Where the Governor in Council has declared that a disaster exists or is imminent that is, or is likely to be, so serious as to be of national concern, the regular forces or any unit or other element thereof or any officer or man thereof are liable to perform such services in respect of the disaster, existing or imminent, as the Minister may authorize, and the performance of such services shall be deemed to be naval, army or air force duty, as the case may be.

(2) Where the Governor in Council declares that a disaster as mentioned in subsection (1) exists or is imminent and that the services of the reserve forces are required for the purpose of rendering assistance in respect of the disaster, existing or imminent, the Governor in Council may authorize the reserve forces or any unit or other element thereof or any officer or man thereof to be called out on service for that purpose and all officers and men while so called out shall be deemed to be performing naval, army or air force duty, as the case may be.

(3) Nothing in subsection (2) shall be deemed to impose liability to serve as prescribed therein, without his consent, upon an officer or man of the reserve forces who is, by virtue of the terms of his enrolment, liable to perform duty on active service only. 1950, c. 43, s. 35.

Part II.


PAY AND ALLOWANCES.

36. (1) The pay and allowances of officers and men shall be at such rates and issued under such conditions as are prescribed in regulations made by the Governor in Council.

(2) The pay and allowances of officers and men are subject to such forfeitures and deductions as are prescribed in regulations made by the Governor in Council.

(3) Unless made in accordance with regulations prescribed by the Governor in Council, an assignment of pay and allowances is void. 1950, c. 43, s. 36.

SUPPLY AND ISSUE OF MATERIEL.

37. The materiel supplied to or used by the Canadian Forces shall be of such type, pattern and design and shall be issued on such scales and in such manner as the Minister, or such authorities of the Canadian Forces as are designated by him for that purpose, may approve. 1950, c. 43, s. 37.

PUBLIC PROPERTY.

38. The conditions under which and the extent to which an officer or man is liable to Her Majesty in respect of loss of or damage to public property shall be as prescribed in regulations. 1950, c. 43, s. 38.

NON-PUBLIC PROPERTY.

39. (1) The non-public property of a unit or other element of the Canadian Forces shall vest in the officer from time to time in command of that unit or other element, and shall be used for the benefit of officers and men or for any other purpose approved by the chief of staff of the Service of the Canadian Forces in which that unit or other element is comprised, in the manner and to the extent authorized by that chief of staff.

(2) The non-public property of every disbanded unit or other disbanded element of the Canadian Forces, vested in the officer in command of that unit or other element, shall pass to and vest in the chief of staff of the Service of the Canadian Forces in which that unit or other element was comprised, and may be disposed of at his discretion and direction for the benefit of all or any officers and men or former officers and men, or their dependants, of the Service of the Canadian Forces in which that unit or other element was comprised.

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(3) Where, by reason of a substantial reduction in the number of officers and men serving in a unit or other element of the Canadian Forces or by reason of a change in the location or other conditions of service of a unit or other element, the chief of staff of the Service of the Canadian Forces in which the unit or other element is comprised considers it desirable so to do, he may direct that the non-public property or any part thereof that is vested in the officer in command of that unit or other element shall pass to and be vested in the chief of staff upon the terms set out in subsection (2).

(4) Non-public property acquired by contribution but not contributed to any specific unit or other element of the Canadian Forces shall vest in the chief of staff of the Service of the Canadian Forces to which that non-public property is contributed and, subject to any specific directions by the contributor as to its disposal, may be disposed of at his discretion and direction for the benefit of all or any officers and men or former officers and men, or their dependants, of that Service of the Canadian Forces.

(5) By-products and refuse derived from rations and other consumable stores issued to the Canadian Forces for use in service kitchens, and the proceeds of the sale thereof, shall, to the extent that the Governor in Council may prescribe, be non-public property.

(6) Except as authorized by the appropriate chief of staff, no gift, sale or other alienation or attempted alienation of non-public property is effectual to pass the property therein.

(7) The conditions under which and the extent to which an officer or man is liable to make restitution or reimbursement in respect of loss of or damage to non-public property resulting from his negligence or misconduct shall be as prescribed by the Minister.

(8) A chief of staff shall exercise his authority under subsections (1), (2) and (4) subject to any directions that may be given to him by the Minister for carrying the purposes and provisions of this section into effect.

(9) Non-public property accounts shall be audited as the Minister may from time to time direct.

(10) The Financial Administration Act does not apply to non-public property. 1950, c. 43, s. 39.

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Part II.


Service Estates.

40. (1) The service estates of officers and men who die during their service in the Canadian Forces may be collected, administered and distributed in whole or in part as prescribed in regulations made by the Governor in Council.

(2) For the purposes of this section, "service estate" means the following parts of the estate of a deceased officer or man mentioned in subsection (1),

(a) service pay and allowances;

(b) all other emoluments emanating from Her Majesty that, at the date of death, are due or otherwise payable;

(c) personal equipment that the deceased person is, under regulations, permitted to retain; and

(d) personal belongings, including cash, found on the deceased person or in camp, quarters or otherwise in the care or custody of the Canadian Forces. 1950, c. 43, s. 40.

Presumption of Death.

41. Where an officer or man disappears under circumstances that, in the opinion of the Minister or such other authorities as he may designate, raise beyond reasonable doubt a presumption that he is dead, the Minister or any such other authority may issue a certificate declaring that such officer or man is deemed to be dead and stating the date upon which his death is presumed to have occurred, and such officer or man shall thenceforth, for the purposes of this Act and the regulations and in relation to his status and service in the Canadian Forces, be deemed to have died on that date. 1950, c. 43, s. 41.

Personal Effects of Absentees.

42. The personal belongings and decorations of an officer or man, who is absent without leave, that are found in camp, quarters or otherwise in the care or custody of the Canadian Forces shall vest in Her Majesty and shall be disposed of in accordance with regulations made by the Governor in Council. 1950, c. 43, s. 42.

Boards of Inquiry.

43. The Minister, and such other authorities as he may prescribe or appoint for that purpose, may, where it is expedient that he or any such other authority should be informed on any matter connected with the government, discipline,

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discipline, administration or functions of the Canadian Forces or affecting any officer or man, convene a board of inquiry for the purpose of investigating and reporting on that matter. 1950, c. 43, s. 43.

**CADET ORGANIZATIONS.**

44. (1) The Minister may authorize the formation of cadet organizations under the joint or several control and supervision of the Royal Canadian Navy, the Canadian Army and the Royal Canadian Air Force, to consist of boys not less than twelve years of age and who have not attained the age of nineteen years.

(2) The cadet organizations mentioned in subsection (1) shall be trained for such periods, administered in such manner, provided with materiel and accommodation under such conditions and shall be subject to the authority and command of such officers as the Minister may direct.

(3) The cadet organizations mentioned in subsection (1) shall not be comprised in the Canadian Forces. 1950, c. 43, s. 44.

**EDUCATIONAL INSTITUTIONS.**

45. (1) The Governor in Council, and such other authorities as are prescribed or appointed by the Governor in Council for that purpose, may in the interests of national defence establish institutions for the training and education of officers and men, officers and employees of the Department and of the Defence Research Board, candidates for enrolment in the Canadian Forces or for employment in the Department or by the Defence Research Board and other persons whose attendance has been authorized by or on behalf of the Minister.

(2) The institutions mentioned in subsection (1) shall be governed and administered in the manner prescribed by the Minister. 1950, c. 43, s. 45.

**SERVICE ASSOCIATIONS.**

46. (1) The Governor in Council may establish associations and organizations for purposes designed to further the defence of Canada.

(2) The Minister may authorize the provision of accommodation, materiel and facilities for the training, practice and use of the associations and organizations mentioned in subsection (1) and other associations and organizations designed R.S., 1952.
designed to further the defence of Canada, whether or not the members of such associations and organizations are officers or men. 1950, c. 43, s. 46.

EXERCISE OF AUTHORITY.

47. Any power or jurisdiction given to, and any act or thing to be done by, to or before any officer or man may be exercised by, or done by, to or before any other officer or man for the time being authorized in that behalf by regulations or according to the custom of the service. 1950, c. 43, s. 47.

48. Orders made under this Act may be signified by an order, instruction or letter under the hand of any officer whom the authority who made such orders has authorized to issue orders on his behalf; and any order, instruction or letter purporting to be signed by any officer appearing therein so to be authorized is evidence of his being so authorized. 1950, c. 43, s. 48.

NOTIFICATION OF ORDERS.

49. (1) All regulations and all orders and instructions issued to the Canadian Forces shall be held to be sufficiently notified to any person whom they may concern by their publication, in the manner prescribed in regulations made by the Governor in Council, in the unit or other element in which that person is serving.

(2) All regulations and all orders and instructions relating to or in any way affecting an officer or man of the reserve forces, other than an officer or man who is serving with a unit or other element, when sent to him by registered mail, addressed to his last known place of abode or business, shall be held to be sufficiently notified.

(3) Notwithstanding subsections (1) and (2), all regulations and all orders and instructions mentioned in those subsections shall be held to be sufficiently notified to any person whom they may concern by their publication in the Canada Gazette. 1950, c. 43, s. 49.

VALIDITY OF DOCUMENTS.

50. A commission, appointment, warrant, order or instruction in writing purported to be granted, made or issued under this Act is evidence of its authenticity without proof of the signature or seal affixed thereto or the authority of the person granting, making or issuing it. 1950, c. 43, s. 50.

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51. (1) The Governor General may cause his signature to be affixed to a commission granted to an officer of the Canadian Forces by stamping the signature on the commission with a stamp approved by him and used for the purpose by his authority.

(2) A signature affixed in accordance with subsection (1) is as valid and effectual as if it were in the handwriting of the Governor General, and neither its authenticity nor the authority of the person by whom it was affixed shall be called in question except on behalf of Her Majesty. 1950, c. 43, s. 51.

52. Every bond to Her Majesty entered into by any person before a judge or justice of the peace, or officer of the Canadian Forces, for the purpose of securing the payment of a sum of money or the performance of a duty or act required or authorized by this Act or by regulations, is valid and may be enforced accordingly. 1950, c. 43, s. 52.

PART III.

THE DEFENCE RESEARCH BOARD.

53. (1) There shall be a Defence Research Board, which shall carry out such duties in connection with research relating to the defence of Canada and development of or improvements in materiel as the Minister may assign to it, and shall advise the Minister on all matters relating to scientific, technical, and other research and development that in its opinion may affect national defence.

(2) The Defence Research Board consists of a Chairman and a Vice-Chairman, appointed by the Governor in Council, the persons who from time to time hold the offices of Chief of the Naval Staff, Chief of the General Staff, Chief of the Air Staff, President of the Honorary Advisory Council for Scientific and Industrial Research, and Deputy Minister of National Defence, and such additional members representative of universities, industry and other research interests as the Governor in Council appoints.

(3) The Chairman and Vice-Chairman hold office during pleasure, and shall be paid such salaries as the Governor in Council determines.

(4) The members of the Defence Research Board, other than the Chairman, Vice-Chairman or the ex officio members, shall be paid such salaries as the Governor in Council determines.

Powers of the Defence Research Board.

54. The Defence Research Board may, with the approval of the Minister,
(a) notwithstanding the Civil Service Act or any other section of this Act or any other statute or law, appoint and employ the professional, scientific, technical, clerical and other employees required to carry out efficiently the duties of the Board, prescribe their duties and, subject to the approval of the Governor in Council, prescribe their terms of appointment and service and fix their remuneration;
(b) make by-laws or rules for the regulation of its proceedings and for the performance of its functions;
(c) enter into contracts in the name of Her Majesty for research and investigations with respect only to matters relating to defence; and
(d) make grants in aid of research and investigations with respect only to matters relating to defence and establish scholarships for the education or training of persons to qualify them to engage in such research and investigations. 1950, c. 43, s. 54.

Expenses of the Defence Research Board.

55. (1) All expenses of the Defence Research Board shall be paid out of moneys appropriated by Parliament for the purpose or received by the Board through the conduct of

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bers, hold office for a period not exceeding three years but are eligible for re-appointment, and shall be paid such remuneration, if any, as the Governor in Council determines.

(5) Each member shall be paid his travelling and other expenses incurred in connection with the work of the Defence Research Board.

(6) The Chairman is the chief executive officer of the Defence Research Board and, under the direction of the Minister and in accordance with policies approved by the Board, shall oversee and direct the officers, clerks and employees of the Board, have general control of the business of the Board, have supervision over the work directed to be carried out by the Board, be charged with the organization, administration and operation of the defence establishments of the Board and perform such other duties as the Minister may assign to him.

(7) The Vice-Chairman shall perform such duties as may be assigned to him under the by-laws made by the Defence Research Board.

(8) The Chairman has a status equivalent to that of a chief of staff of a Service of the Canadian Forces. 1950, c. 43, s. 53.

(2) The Minister may request the Minister of Finance to allocate any portion of the moneys appropriated by Parliament for the purposes of the Defence Research Board for scholarships or grants in aid of research and investigations, and thereupon the Minister of Finance shall hold that portion of the moneys in trust and may at any time on the requisition of the Minister disburse that portion of the moneys for scholarships or grants in aid of research and investigations.

(3) Any moneys allocated by the Minister of Finance under this section that, in the opinion of the Minister, are not required for the purpose for which they were allocated shall cease to be held in trust. 1950, c. 43, s. 55.

PART IV.

DISCIPLINARY JURISDICTION OF THE SERVICES.

APPLICATION.

56. (1) The following persons, and no others, are subject to the Code of Service Discipline:

(a) an officer or man of the regular forces;
(b) an officer or man of the active service forces;
(c) an officer or man of the reserve forces when he is
   (i) undergoing drill or training whether in uniform or not,
   (ii) in uniform,
   (iii) on duty,
   (iv) called out under subsection (2) of section 35 to render assistance in a disaster,
   (v) called out under Part XI in aid of the civil power,
   (vi) called out on service,
   (vii) placed on active service,
   (viii) in or on any vessel, vehicle or aircraft of the Canadian Forces or in or on any defence establishment or work for defence,
   (ix) serving with any unit or other element of the regular forces or the active service forces, or
   (x)

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(x) present, whether in uniform or not, at any drill or training of a unit or other element of the Canadian Forces;

(d) subject to such exceptions, adaptations, and modifications as the Governor in Council may by regulations prescribe, a person who pursuant to law is attached or seconded as an officer or man to a Service of the Canadian Forces;

(e) a person, not otherwise subject to the Code of Service Discipline, who is serving in the position of an officer or man of any force raised and maintained out of Canada by Her Majesty in right of Canada and commanded by an officer of the Canadian Forces;

(f) a person, not otherwise subject to the Code of Service Discipline, who accompanies any unit or other element of the Canadian Forces that is on service or active service in any place;

(g) subject to such exceptions, adaptations and modifications as the Governor in Council may by regulations prescribe, a person attending an institution established under section 45;

(h) an alleged spy for the enemy;

(i) a service convict, service prisoner or service detainee, not otherwise subject to the Code of Service Discipline, who is committed to undergo his punishment in a service prison or detention barrack, as the case may be; and

(j) a person, not otherwise subject to the Code of Service Discipline, while serving with a Service of the Canadian Forces under an engagement with the Minister whereby he agreed to be subject to that Code.

Continuing liability.

(2) Every person subject to the Code of Service Discipline under subsection (1) at the time of the alleged commission by him of a service offence continues to be liable to be charged, dealt with and tried in respect of that offence under the Code of Service Discipline notwithstanding that he may have, since the commission of that offence, ceased to be a person mentioned in subsection (1).

Retention of status.

(3) Every person who, since the alleged commission by him of a service offence, has ceased to be a person mentioned in subsection (1), shall for the purposes of the Code of Service Discipline be deemed, for the period during which under that Code he is liable to be charged, dealt with and tried, to have the status and rank that he held immediately prior to the time when he ceased to be a person mentioned in subsection (1).

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Persons in Canadian Forces.

(4) Subject to subsections (5) and (6), every officer or man who is alleged to have committed a service offence may be charged, dealt with and tried only within the Service of the Canadian Forces in which he is enrolled.

(5) Every officer or man who, while attached or seconded to a Service of the Canadian Forces other than the Service in which he is enrolled, is alleged to have committed a service offence, may be charged, dealt with and tried either within that other Service, as if he were an officer or man thereof, or within the Service in which he is enrolled.

(6) Every officer or man who, while embarked on any vessel or aircraft of a Service of the Canadian Forces other than the Service in which he is enrolled, is alleged to have committed a service offence, may be charged, dealt with and tried either within that other Service, as if he were an officer or man thereof, or within the Service in which he is enrolled.

(7) Every person serving in the circumstances set forth in paragraph (e) of subsection (1) who, while so serving, is alleged to have committed a service offence, may be charged, dealt with and tried within that Service of the Canadian Forces in which his commanding officer is serving.

Persons Accompanying Canadian Forces.

(8) Every person mentioned in paragraph (f) of subsection (1) who, while accompanying any unit or other element of the Canadian Forces, is alleged to have committed a service offence, may be charged, dealt with and tried within the Service in which is comprised the unit or other element of the Canadian Forces that he accompanies, and for that purpose shall be treated as a man, unless he holds from the commanding officer of the unit or other element of the Canadian Forces that he accompanies or from any other officer prescribed by the Minister for that purpose, a certificate, revocable at the pleasure of the officer who issued it or of any other officer of equal or higher rank, entitling such person to be treated on the footing of an officer, in which case he shall be treated as an officer in respect of any offence alleged to have been committed by him while holding that certificate.

(9) Every person mentioned in subsection (8) shall, for the purposes of the Code of Service Discipline, be deemed to be under the command of the commanding officer of the unit or other element of the Service of the Canadian Forces that such person accompanies.

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(10) Every person mentioned in paragraph (h) of subsection (1) may be charged, dealt with and tried within the Service of the Canadian Forces in which he is at any time held in custody and shall, for the purposes of the Code of Service Discipline, be deemed to be under the command of the commanding officer of such unit or other element of that Service as may be holding him in custody from time to time.

Released Persons Serving Sentence.

(11) Every person mentioned in paragraph (i) of subsection (1) who is alleged to have committed, during the currency of his imprisonment or detention, a service offence, may be charged, dealt with and tried within the Service of the Canadian Forces that controls or administers the service prison or detention barrack to which he has been committed, and shall, for the purposes of the Code of Service Discipline, be deemed to be under the command of the commanding officer of that service prison or detention barrack, as the case may be.

Persons Under Special Engagement.

(12) Every person mentioned in paragraph (j) of subsection (1) who, while serving with a Service of the Canadian Forces, is alleged to have committed a service offence, may be charged, dealt with and tried within that Service and for that purpose he shall be treated as a man, unless the terms of the agreement under which he was engaged entitle him to be treated as an officer, in which case he shall be treated as an officer.

(13) Every person mentioned in subsection (12) shall, for the purposes of the Code of Service Discipline, be deemed to be under the command of the commanding officer of the unit or other element of the Service of the Canadian Forces in which that person is serving.

Women.

(14) The Code of Service Discipline, in its application to female persons, may be limited or modified by regulations made by the Governor in Council. 1950, c. 43, s. 56.

PLEA IN BAR OF TRIAL.

57. (1) Every person, in respect of whom a charge of having committed a service offence has been dismissed, or who has been found guilty or not guilty either by a service tribunal...

tribunal or a civil court on a charge of having committed any such offence, shall not be tried or tried again by a service tribunal under this Act in respect of that offence or any other offence of which he might have been found guilty on that charge by a service tribunal or a civil court.

(2) Nothing in subsection (1) affects the validity of a new trial ordered under section 191 or 199.

(3) Every person who under section 163 has been sentenced in respect of a service offence admitted by him shall not be tried by a service tribunal under this Act in respect of that offence. 1950, c. 43, s. 57.

PLACE OF COMMISSION OF OFFENCE.

58. Subject to section 61, every person alleged to have committed a service offence may be charged, dealt with and tried under the Code of Service Discipline, whether the alleged offence was committed in Canada or out of Canada. 1950, c. 43, s. 58.

PLACE OF TRIAL.

59. Every person alleged to have committed a service offence may be charged, dealt with and tried under the Code of Service Discipline, either in Canada or out of Canada. 1950, c. 43, s. 59.

PERIOD OF LIABILITY UNDER CODE OF SERVICE DISCIPLINE.

60. (1) Except in respect of the service offences mentioned in subsection (2), no person is liable to be tried by a service tribunal unless his trial begins before the expiration of a period of three years from the day upon which the service offence was alleged to have been committed.

(2) Every person, subject to the Code of Service Discipline at the time of the alleged commission by him of a service offence of mutiny, desertion or absence without leave or a service offence for which the highest punishment that may be imposed is death, continues to be liable to be charged, dealt with and tried at any time under the Code of Service Discipline. 1950, c. 43, s. 60.

LIMITATIONS WITH RESPECT TO CERTAIN OFFENCES.

61. A service tribunal shall not try any person charged with an offence of murder, rape or manslaughter, committed in Canada. 1950, c. 43, s. 61.

JURISDICTION OF CIVIL COURTS.

62. (1) Nothing in the Code of Service Discipline affects the jurisdiction of any civil court to try a person for any offence triable by that court.

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Civil sentence modified by service punishment.

(2) Where a person, sentenced by a service tribunal in respect of a conviction on a charge of having committed a service offence, is afterwards tried by a civil court for the same offence or for any other offence of which he might have been found guilty on that charge, the civil court shall in awarding punishment take into account any punishment imposed by the service tribunal for the service offence.

Remission in certain cases

(3) Where a civil court that tries a person in the circumstances set out in subsection (2) either acquits or convicts the person of an offence, the unexpired term of any punishment of imprisonment for more than two years, imprisonment for less than two years or detention, imposed by the service tribunal in respect of that offence, shall be deemed to be wholly remitted as of the date of the acquittal or conviction by that civil court. 1950, c. 43, s. 62.

PART V.

SERVICE OFFENCES AND PUNISHMENTS.

RESPONSIBILITY FOR OFFENCES.

63. (1) Every person is a party to and guilty of an offence who
(a) actually commits it;
(b) does or omits an act for the purpose of aiding any person to commit the offence;
(c) abets any person in commission of the offence; or
(d) counsels or procures any person to commit the offence.

(2) Every person who, having an intent to commit an offence, does or omits an act for the purpose of accomplishing his object is guilty of an attempt to commit the offence intended, whether under the circumstances it was possible to commit such offence or not. 1950, c. 43, s. 63.

MISCONDUCT OF COMMANDERS IN PRESENCE OF ENEMY.

64. Every officer in command of a vessel, aircraft, defence establishment, unit or other element of the Canadian Forces who
(a) when under orders to carry out an operation of war or on coming into contact with an enemy that it is his duty to engage, does not use his utmost exertion to bring the officers and men under his command or his vessel, aircraft, or his other materiel into action;
(b)
(b) being in action, does not, during the action, in his own person and according to his rank, encourage his officers and men to fight courageously;

(c) when capable of making a successful defence, surrenders his vessel, aircraft, defence establishment, materiel, unit or other element of the Canadian Forces to the enemy;

(d) being in action, improperly withdraws from the action;

(e) improperly fails to pursue an enemy or to consolidate a position gained;

(f) improperly fails to relieve or assist a known friend to the utmost of his power; or

(g) when in action, improperly forsakes his station, is guilty of an offence and on conviction, if he acted traitorously, shall suffer death, if he acted from cowardice is liable to suffer death or less punishment, and in any other case is liable to dismissal with disgrace from Her Majesty's service or to less punishment. 1950, c. 43, s. 64.

MISCONDUCT OF ANY PERSON IN PRESENCE OF ENEMY.

65. Every person who

(a) improperly delays or discourages any action against the enemy;

(b) goes over to the enemy;

(c) when ordered to carry out an operation of war, fails to use his utmost exertion to carry the orders into effect;

(d) improperly abandons or delivers up any defence establishment, garrison, place, materiel, post or guard;

(e) assists the enemy with materiel;

(f) improperly casts away or abandons any materiel in the presence of the enemy;

(g) improperly does or omits to do anything that results in the capture by the enemy of persons or the capture or destruction by the enemy of materiel;

(h) when on watch in the presence or vicinity of the enemy, leaves his post before he is regularly relieved or sleeps or is drunk;

(i) behaves before the enemy in such manner as to show cowardice; or

(j) does or omits to do anything with intent to imperil the success of any of Her Majesty's Forces or of any forces co-operating therewith,
is guilty of an offence and on conviction, if he acted traitorously, shall suffer death, and in any other case, if the offence was committed in action, is liable to suffer death or less punishment or, if the offence was committed otherwise than in action, to imprisonment for life or to less punishment. 1950, c. 43, s. 65.

SECURITY.

66. Every person who

(a) improperly holds communication with or gives intelligence to the enemy;
(b) without authority discloses in any manner whatsoever any information relating to the numbers, position, materiel, movements, preparations for movements, operations or preparations for operations of any of Her Majesty's Forces or of any forces co-operating therewith;
(c) without authority discloses in any manner whatsoever any information relating to a cryptographic system, aid, process, procedure, publication or document of any of Her Majesty's Forces or of any forces co-operating therewith;
(d) makes known the parole, watchword, password, countersign or identification signal to any person not entitled to receive it;
(e) gives a parole, watchword, password, countersign or identification signal different from that which he received;
(f) without authority alters or interferes with any identification or other signal;
(g) improperly occasions false alarms;
(h) when acting as sentry or lookout, leaves his post before he is regularly relieved or sleeps or is drunk;
(i) forces a safeguard or forces or strikes a sentinel; or
(j) does or omits to do anything with intent to prejudice the security of any of Her Majesty's Forces or of any forces co-operating therewith,
is guilty of an offence and on conviction, if he acted traitorously, shall suffer death, and in any other case is liable to imprisonment for life or to less punishment. 1950, c. 43, s. 66.

PRISONERS OF WAR.

67. Every person who,

(a) by want of due precaution, or through disobedience of orders or wilful neglect of duty, is made a prisoner of war;

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(b) having been made a prisoner of war, fails to rejoin Her Majesty's service when able to do so; or
(c) having been made a prisoner of war, serves with or aids the enemy, is guilty of an offence and on conviction, if he acted traitorously, shall suffer death, and in any other case is liable to imprisonment for life or to less punishment. 1950, c. 43, s. 67.

MISCELLANEOUS OPERATIONAL OFFENCES.

68. Every person who
(a) does violence to any person bringing materiel to any of Her Majesty's Forces or to any forces co-operating therewith;
(b) irregularly detains any materiel being conveyed to any unit or other element of Her Majesty's Forces or of any forces co-operating therewith;
(c) irregularly appropriates to the unit or other element of the Canadian Forces with which he is serving any materiel being conveyed to any other unit or element of Her Majesty's Forces or of any forces co-operating therewith;
(d) without orders from his superior officer, improperly destroys or damages any property;
(e) breaks into any house or other place in search of plunder; or
(f) commits any offence against the property or person of any inhabitant or resident of a country in which he is serving, is guilty of an offence and on conviction, if he committed any such offence on active service, is liable to imprisonment for life or to less punishment, and in any other case is liable to dismissal with disgrace from Her Majesty's service or to less punishment. 1950, c. 43, s. 68.

SPIES FOR THE ENEMY.

69. Every person who is a spy for the enemy is guilty of an offence and on conviction is liable to suffer death or less punishment. 1950, c. 43, s. 69.

MUTINY.

70. Every person who joins in a mutiny that is accompanied by violence is guilty of an offence and on conviction is liable to suffer death or less punishment. 1950, c. 43, s. 70.
71. Every person who joins in a mutiny that is not accompanied by violence is guilty of an offence and on conviction is liable to imprisonment for life or to less punishment and, in the case of a ringleader of the mutiny, to suffer death or less punishment. 1950, c. 43, s. 71.

72. Every person who
(a) causes or conspires with any other person to cause a mutiny;
(b) endeavours to persuade any person to join in a mutiny;
(c) being present, does not use his utmost endeavours to suppress a mutiny; or
(d) being aware of an actual or intended mutiny, does not without delay inform his superior officer thereof, is guilty of an offence and on conviction is liable to imprisonment for life or to less punishment. 1950, c. 43, s. 72.

SEDITIOUS OFFENCES.

73. Every person who publishes or circulates any writing, printing or document in which is advocated, or who teaches or advocates, the use, without the authority of law, of force as a means of accomplishing any governmental change within Canada is guilty of an offence and on conviction is liable to imprisonment for life or to less punishment. 1950, c. 43, s. 73.

INSUBORDINATION.

74. Every person who disobeys a lawful command of a superior officer is guilty of an offence and on conviction is liable to imprisonment for life or to less punishment. 1950, c. 43, s. 74.

75. Every person who strikes or attempts to strike, or draws or lifts up a weapon against, or uses, attempts to use, or offers violence against a superior officer, is guilty of an offence and on conviction is liable to imprisonment for life or to less punishment. 1950, c. 43, s. 75.

76. Every person who uses threatening or insulting language to or behaves with contempt toward a superior officer is guilty of an offence and on conviction is liable to dismissal with disgrace from Her Majesty's service or to less punishment. 1950, c. 43, s. 76.

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77. Every person who quarrels or fights with any other person who is subject to the Code of Service Discipline, or who uses provoking speeches or gestures toward a person so subject tending to cause a quarrel or disturbance, is guilty of an offence and on conviction is liable to imprisonment for less than two years or to less punishment. 1950, c. 43, s. 77.

78. Every person who

(a) being concerned in a quarrel, fray or disorder, refuses to obey an officer, though of inferior rank, who orders him into arrest, or strikes or uses or offers violence to any such officer;

(b) strikes or uses or offers violence to any other person in whose custody he is placed, whether or not such other person is his superior officer and whether or not such other person is subject to the Code of Service Discipline;

(c) resists an escort whose duty it is to apprehend him or to have him in charge; or

(d) breaks out of barracks, station, camp, quarters or ship,

is guilty of an offence and on conviction is liable to imprisonment for less than two years or to less punishment. 1950, c. 43, s. 78.

DESERTION.

79. (1) Every person who deserts or attempts to desert is guilty of an offence and on conviction, if he committed the offence on active service or under orders for active service, is liable to imprisonment for life or to less punishment, and in any other case is liable to imprisonment for a term not exceeding five years or to less punishment.

(2) A person deserts who

(a) being on or having been warned for active service or other important service, is absent without authority with the intention of avoiding that service;

(b) having been warned that his vessel is under sailing orders, is absent without authority, with the intention of missing that vessel;

(c) absents himself without authority from his unit or formation or from the place where his duty requires him to be, with the intention of not returning to that unit, formation or place;

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(d) is absent without authority from his unit or formation or from the place where his duty requires him to be and at any time during such absence forms the intention of not returning to that unit, formation or place; or

(e) while absent with authority from his unit or formation or the place where his duty requires him to be, with the intention of not returning to that unit, formation or place, does any act, or omits to do anything, the natural and probable consequence of which act or omission is to preclude his return to that unit, formation or place at the time required.

Presumption of desertion.

(3) A person who has been absent without authority for a continuous period of six months or more shall, unless the contrary is proved, be presumed to have had the intention of not returning to his unit or formation or the place where his duty requires him to be. 1950, c. 43, s. 79.

Connivance at desertion.

80. Every person who

(a) being aware of the desertion or intended desertion of a person from any of Her Majesty’s Forces, does not without reasonable excuse inform his superior officer forthwith; or

(b) fails to take any steps in his power to cause the apprehension of a person known by him to be a deserter,

is guilty of an offence and on conviction is liable to imprisonment for less than two years or to less punishment. 1950, c. 43, s. 80.

ABSENCE WITHOUT LEAVE.

Offence.

81. (1) Every person who absents himself without leave is guilty of an offence and on conviction is liable to imprisonment for less than two years or to less punishment.

Definition.

(2) A person absents himself without leave who

(a) without authority leaves his unit or formation or the place where his duty requires him to be;

(b) without authority is absent from his unit or formation or the place where his duty requires him to be; or

(c) having been authorized to be absent from his unit or formation or the place where his duty required him to be, fails to return to that unit, formation or place at the expiration of the period for which his absence was authorized. 1950, c. 43, s. 81.
82. Every person who knowingly makes a false statement in respect of prolongation of leave of absence is guilty of an offence and on conviction is liable to imprisonment for less than two years or to less punishment. 1950, c. 43, s. 82.

DISGRACEFUL CONDUCT.

83. Every officer who behaves in a scandalous manner unbecoming an officer is guilty of an offence and on conviction shall suffer dismissal with disgrace from Her Majesty’s service or dismissal from Her Majesty’s service. 1950, c. 43, s. 83.

84. Every person who behaves in a cruel or disgraceful manner is guilty of an offence and on conviction is liable to imprisonment for a term not exceeding five years or to less punishment. 1950, c. 43, s. 84.

85. Every person who uses traitorous or disloyal words regarding Her Majesty is guilty of an offence and on conviction is liable to imprisonment for a term not exceeding seven years or to less punishment. 1950, c. 43, s. 85.

86. Every person who strikes or otherwise ill-treats any person who by reason of rank or appointment is subordinate to him is guilty of an offence and on conviction is liable to imprisonment for less than two years or to less punishment. 1950, c. 43, s. 86.

87. Every person who

(a) makes a false accusation against an officer or man, knowing such accusation to be false; or

(b) when seeking redress under section 30, knowingly makes a false statement affecting the character of an officer or man or knowingly, in respect of the redress so sought, suppresses any material fact, is guilty of an offence and on conviction is liable to imprisonment for less than two years or to less punishment. 1950, c. 43, s. 87.

88. Drunkenness, whether on duty or not on duty, is an offence and every person convicted thereof is liable to imprisonment for less than two years or to less punishment, except that, where the offence is committed by a man who is neither on active service nor on duty, no punishment of imprisonment, and no punishment of detention for a term in excess of ninety days, shall be imposed. 1950, c. 43, s. 88.
Malingering or maiming.

89. Every person who
(a) malingers or feigns or produces disease or infirmity;
(b) aggravates, or delays the cure of, disease or infirmity
by misconduct or wilful disobedience of orders; or
(c) wilfully maims or injures himself or any other person
who is a member of any of Her Majesty's Forces or of
any forces co-operating therewith, whether at the
instance of that person or not, with intent thereby to
render himself or that other person unfit for service, or
causes himself to be maimed or injured by any person
with intent thereby to render himself unfit for service,
is guilty of an offence and on conviction, if he commits the
offence on active service or when under orders for active
service, or in respect of a person on active service or under
orders for active service, is liable to imprisonment for life
or to less punishment, and in any other case, is liable to
imprisonment for a term not exceeding five years or to less
punishment. 1950, c. 43, s. 89.

OFFENCES IN RELATION TO SERVICE ARREST AND CUSTODY.

90. Every person who unnecessarily detains any other
person in arrest or confinement without bringing him to
trial, or fails to bring that other person's case before the
proper authority for investigation, is guilty of an offence
and on conviction is liable to imprisonment for less than
two years or to less punishment. 1950, c. 43, s. 90.

91. Every person who
(a) without authority sets free or authorizes or otherwise
facilitates the setting free of any person in custody;
(b) negligently or wilfully allows to escape any person
who is committed to his charge, or whom it is his
duty to guard or keep in custody; or
(c) assists any person in escaping or in attempting to
escape from custody,
is guilty of an offence and on conviction, if he acted wilfully,
is liable to imprisonment for a term not exceeding seven
years or to less punishment, and in any other case is liable
to imprisonment for less than two years or to less punish-
ment. 1950, c. 43, s. 91.

92. Every person who, being in arrest or confinement or
in prison or otherwise in lawful custody, escapes, or attempts
to escape, is guilty of an offence and on conviction is liable
to imprisonment for less than two years or to less punish-
ment. 1950, c. 43, s. 92.

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93. Every person who
(a) resists or wilfully obstructs an officer or man in the performance of any duty pertaining to the arrest, custody or confinement of a person subject to the Code of Service Discipline; or
(b) when called upon, refuses or neglects to assist an officer or man in the performance of any such duty, is guilty of an offence and on conviction is liable to imprisonment for less than two years or to less punishment. 1950, c. 43, s. 93.

94. Every person who neglects or refuses to deliver over an officer or man to the civil power, pursuant to a warrant in that behalf, or to assist in the lawful apprehension of an officer or man accused of an offence punishable by a civil court is guilty of an offence and on conviction is liable to imprisonment for less than two years or to less punishment. 1950, c. 43, s. 94.

OFFENCES IN RELATION TO VESSELS.

95. Every person who wilfully or negligently or through other default loses, strands or hazards, or suffers to be lost, stranded or hazarded any of Her Majesty's Canadian ships or other vessels of the Canadian Forces is guilty of an offence and on conviction is liable to dismissal with disgrace from Her Majesty's service or to less punishment. 1950, c. 43, s. 95.

96. Every officer who, while serving in one of Her Majesty's Canadian ships involved in the convoys protection of a vessel,
(a) fails to defend a vessel or goods under convoy;
(b) refuses to fight in the defence of a vessel in his convoy when it is attacked; or
(c) cowardly abandons or exposes a vessel in his convoy to hazards,
is guilty of an offence and on conviction is liable to suffer death or less punishment. 1950, c. 43, s. 96.

OFFENCES IN RELATION TO AIRCRAFT.

97. Every person who
(a) in the use of or in relation to any aircraft or aircraft material, wilfully or negligently or by neglect of or contrary to regulations, orders or instructions, does any act or omits to do any thing, which act or omission causes or is likely to cause loss of life or bodily injury to any person;
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(b) wilfully or negligently or by neglect of or contrary to regulations, orders or instructions, does any act or omits to do any thing, which act or omission results or is likely to result in damage to or destruction or loss of any of Her Majesty's aircraft or aircraft material, or of aircraft or aircraft material of any forces co-operating with Her Majesty's Forces; or

(c) during a state of war wilfully or negligently causes the sequestration by or under the authority of a neutral state or the destruction in a neutral state of any of Her Majesty's aircraft, or aircraft of any forces co-operating with Her Majesty's Forces,

is guilty of an offence and on conviction, if he acted wilfully, is liable to imprisonment for life or to less punishment, and in any other case is liable to imprisonment for less than two years or to less punishment. 1950, c. 43, s. 97.

98. Every person who signs an inaccurate certificate in relation to an aircraft or aircraft material, unless he proves that he took reasonable steps to ensure that it was accurate, is guilty of an offence and on conviction is liable to imprisonment for less than two years or to less punishment. 1950, c. 43, s. 98.

99. Every person who flies an aircraft at a height less than the minimum height authorized in the circumstances is guilty of an offence and on conviction is liable to imprisonment for less than two years or to less punishment. 1950, c. 43, s. 99.

100. (1) Every person who, when in an aircraft, disobeys any lawful command given by the captain of the aircraft in relation to the flying or handling of the aircraft or affecting the safety of the aircraft, whether or not the captain is subject to the Code of Service Discipline, is guilty of an offence and on conviction is liable to imprisonment for life or to less punishment.

(2) For the purposes of this section

(a) every person whatever his rank shall when he is in an aircraft be under the command, as respects all matters relating to the flying or handling of the aircraft or affecting the safety of the aircraft, of the captain of the aircraft, whether or not the latter is subject to the Code of Service Discipline; and

(b) if the aircraft is a glider and is being towed by another aircraft, the captain of the glider shall so long as his glider is being towed be under the command, as respects

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respects all matters relating to the flying or handling of the glider or affecting the safety of the glider, of the captain of the towing aircraft, whether or not the latter is subject to the Code of Service Discipline. 1950, c. 43, s. 100.

OFFENCES IN RELATION TO VEHICLES.

101. Every person who
(a) having the charge of a vehicle of the Canadian Forces, by wanton or furious driving or racing or other wilful misconduct or by wilful neglect, does or causes to be done any bodily injury to any person or damage to any property;
(b) drives a vehicle of the Canadian Forces on a street, road, highway or any other place, whether public or private, recklessly or in a manner that is dangerous to any person or property having regard to all the circumstances of the case; or
(c) drives a vehicle of the Canadian Forces while intoxicated or under the influence of a narcotic,
is guilty of an offence and on conviction is liable to imprisonment for a term not exceeding five years or to less punishment. 1950, c. 43, s. 101.

102. Every person who
(a) uses a vehicle of the Canadian Forces for an unauthorized purpose;
(b) without authority uses a vehicle of the Canadian Forces for any purpose; or
(c) uses a vehicle of the Canadian Forces contrary to any regulation, order or instruction,
is guilty of an offence and on conviction is liable to imprisonment for less than two years or to less punishment. 1950, c. 43, s. 102.

OFFENCES IN RELATION TO PROPERTY.

103. Every person who wilfully or negligently or by neglect of or contrary to regulations, orders or instructions, does any act or omits to do any thing, which act or omission causes or is likely to cause fire to occur in any materiel, defence establishment or work for defence is guilty of an offence and on conviction, if he acted wilfully, is liable to imprisonment for life or to less punishment, and in any other case is liable to imprisonment for less than two years or to less punishment. 1950, c. 43, s. 103.

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Stealing. 104. (1) Every person who steals is guilty of an offence and on conviction, if at the time of the commission of the offence he was, by reason of his rank, appointment or employment or as a result of any lawful command, entrusted with the custody, control or distribution of the thing stolen, is liable to imprisonment for a term not exceeding fourteen years or to less punishment, and in any other case is liable to imprisonment for a term not exceeding seven years or to less punishment.

Definition. (2) For the purposes of this section,

(a) stealing is the act of fraudulently and without colour of right taking, or fraudulently and without colour of right converting to the use of any person, any thing capable of being stolen, with intent

(i) to deprive the owner, or any person having any special property or interest therein, temporarily or absolutely of such thing or of such property or interest,

(ii) to pledge the same or deposit it as security,

(iii) to part with it under a condition as to its return which the person parting with it may be unable to perform, or

(iv) to deal with it in such a manner that it cannot be restored in the condition in which it was at the time of such taking and conversion;

(b) stealing is committed when the offender moves the thing or causes it to move or to be moved, or begins to cause it to become movable, with intent to steal it;

(c) the taking or conversion may be fraudulent, although effected without secrecy or attempt at concealment; and

(d) it is immaterial whether the thing converted was taken for the purpose of conversion, or whether it was, at the time of the conversion, in the lawful possession of the person converting.

(3) Every inanimate thing whatever which is the property of any person, and which either is or may be made movable, is capable of being stolen as soon as it becomes movable, although it is made movable in order that it may be stolen. 1950, c. 43, s. 104.

Receiving. 105. Every person who receives or retains in his possession any property obtained by the commission of any service offence, knowing such property to have been so obtained, is guilty.

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guilty of an offence and on conviction is liable to imprisonment for a term not exceeding seven years or to less punishment. 1950, c. 43, s. 105.

106. Every person who
(a) wilfully destroys or damages, loses by neglect, improperly sells or wastefully expends any public property, non-public property or property of any of Her Majesty's Forces or of any forces co-operating therewith;
(b) wilfully destroys, damages or improperly sells any property belonging to another person who is subject to the Code of Service Discipline; or
(c) sells, pawns or otherwise disposes of any cross, medal, insignia or other decoration granted by or with the approval of Her Majesty,
is guilty of an offence and on conviction is liable to imprisonment for less than two years or to less punishment. 1950, c. 43, s. 106.

107. Every person who
(a) connives at the exaction of an exorbitant price for property purchased or rented by a person supplying property or services to the Canadian Forces;
(b) improperly demands or accepts compensation, consideration or personal advantage in respect of the performance of any military duty or in respect of any matter relating to the Department, the Canadian Forces or the Defence Research Board;
(c) receives directly or indirectly, whether personally or by or through any member of his family or person under his control, or for his benefit, any gift, loan, promise, compensation or consideration, either in money or otherwise, from any person, for assisting or favouring any person in the transaction of any business relating to any of Her Majesty's Forces, or to any forces co-operating therewith or to any mess, institute or canteen operated for the use and benefit of members of such forces;
(d) demands or accepts compensation, consideration or personal advantage for conveying a vessel entrusted to his care;
(e) being in command of a vessel or aircraft, takes or receives on board goods or merchandise that he is not authorized to take or receive on board; or
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(f) commits any act of a fraudulent nature not particularly specified in the Code of Service Discipline, is guilty of an offence and on conviction is liable to imprisonment for less than two years or to less punishment. 1950, c. 43, s. 107.

OFFENCES IN RELATION TO SERVICE TRIBUNALS.

108. (1) For the purposes of this section, "service tribunal", in addition to the tribunals mentioned in paragraph (36) of section 2, includes a board of inquiry, a commissioner taking evidence under this Act and an officer taking a summary of evidence in accordance with regulations.

(2) Every person who
(a) being duly summoned or ordered to attend as a witness before a service tribunal, makes default in attending;
(b) refuses to take an oath or make a solemn affirmation lawfully required by a service tribunal to be taken or made;
(c) refuses to produce any document in his power or control lawfully required by a service tribunal to be produced by him;
(d) refuses when a witness to answer any question to which a service tribunal may lawfully require an answer;
(e) uses insulting or threatening language before or causes any interruption or disturbance in the proceedings of a service tribunal; or
(f) commits any other contempt of a service tribunal, is guilty of an offence and on conviction is liable to imprisonment for less than two years or to less punishment; and where an offence under this section is committed at or in relation to a court martial, that court martial may, under the hand of the president, issue an order that the offender undergo, for a period not exceeding thirty days, a term of imprisonment or detention; and where any such order is issued the offender is not liable to any other proceedings under the Code of Service Discipline in respect of the contempt in consequence of which the order is issued. 1950, c. 43, s. 108.

109. Every person who, when examined on oath or solemn affirmation before a service tribunal mentioned in section 108, knowingly gives false evidence, is guilty of an offence. 1950, c. 43, s. 109.
offence and is liable on conviction to imprisonment for a term not exceeding seven years or to less punishment. 1950, c. 43, s. 109.

OFFENCES IN RELATION TO BILLETING.

110. Every person who

(a) ill-treats, by violence, extortion or making disturbance in billets or otherwise, any occupant of a house in which any person is billeted or of any premises in which accommodation for materiel has been provided; or

(b) fails to comply with regulations in respect of payment of the just demands of the person on whom he or any officer or man under his command is or has been billeted or the occupant of premises on which materiel is or has been accommodated,

is guilty of an offence and on conviction is liable to imprisonment for less than two years or to less punishment. 1950, c. 43, s. 110.

OFFENCES IN RELATION TO ENROLMENT.

111. Every person who, having been released from Her Majesty's Forces by reason of a sentence of a service tribunal or by reason of misconduct, has afterwards been enrolled in the Canadian Forces without declaring the circumstances of his release, is guilty of an offence and on conviction is liable to imprisonment for less than two years or to less punishment. 1950, c. 43, s. 111.

112. Every person who knowingly makes a false answer to any question set forth in any document required to be completed in relation to his enrolment is guilty of an offence and on conviction is liable to imprisonment for less than two years or to less punishment. 1950, c. 43, s. 112.

113. Every person who is concerned in the enrolment of any other person, and knows or has reasonable cause to believe that by being enrolled such other person commits an offence under this Act, is guilty of an offence and on conviction is liable to imprisonment for less than two years or to less punishment. 1950, c. 43, s. 113.

MISCELLANEOUS OFFENCES.

114. Every person who negligently performs a military duty imposed on him is guilty of an offence and on conviction is liable to dismissal with disgrace from Her Majesty's service or to less punishment. 1950, c. 43, s. 114.

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Offences in relation to documents.

115. Every person who

(a) wilfully or negligently makes a false statement or entry in a document made or signed by him that is required for official purposes, or who, being aware of the falsity of a statement or entry in such a document, orders the making or signing thereof;

(b) when signing a document required for official purposes, leaves in blank any material part for which his signature is a voucher; or

(c) with intent to injure any person or with intent to deceive, suppresses, defaces, alters or makes away with any document or file kept, made or issued for any military or departmental purpose,

is guilty of an offence and on conviction is liable to imprisonment for a term not exceeding three years or to less punishment. 1950, c. 43, s. 115.

116. Every person who, upon receiving an order to submit to inoculation, re-inoculation, vaccination, revaccination, other immunization procedures, immunity tests, blood examination or treatment against any infectious disease, wilfully and without reasonable excuse disobeys that order is guilty of an offence and on conviction is liable to imprisonment for less than two years or to less punishment. 1950, c. 43, s. 116.

Conduct to the prejudice of good order and discipline.

118. (1) Any act, conduct, disorder or neglect to the prejudice of good order and discipline is an offence and every person convicted thereof is liable to dismissal with disgrace from Her Majesty’s service or to less punishment.

(2) No person may be charged under this section with any offence for which special provision is made in sections 64 to 117 but the conviction of a person so charged is not invalid.
invalid by reason only of the charge being in contravention of this subsection unless it appears that an injustice has been done to the person charged by reason of the contravention; but the responsibility of any officer for that contravention is not affected by the validity of the conviction.

(3) Contravention by any person of
(a) any of the provisions of this Act;
(b) any regulations, orders or instructions published for the general information and guidance of that Service of the Canadian Forces to which that person belongs, or to which he is attached or seconded; or
(c) any general, garrison, unit, station, standing, local or other orders,
is an act, conduct, disorder or neglect to the prejudice of good order and discipline.

(4) An attempt to commit any of the offences prescribed in sections 64 to 117 is, unless such attempt is in itself an offence punishable under any of those sections, an act, conduct, disorder or neglect to the prejudice of good order and discipline.

(5) Nothing in subsection (3) or (4) affects the generality of subsection (1). 1950, c. 43, s. 118.

OFFENCES PUNISHABLE BY ORDINARY LAW.

119. (1) An act or omission
(a) that takes place in Canada and is punishable under Part XII of this Act, the Criminal Code or any other Act of the Parliament of Canada; or
(b) that takes place out of Canada and would, if it had taken place in Canada, be punishable under Part XII of this Act, the Criminal Code or any other Act of the Parliament of Canada,
is an offence under this Part and every person convicted thereof is liable to suffer punishment as provided in subsection (2).

(2) Subject to subsection (3), where a service tribunal convicts a person under subsection (1), the service tribunal shall,
(a) if under Part XII of this Act, the Criminal Code or other Act of the Parliament of Canada, a minimum penalty is prescribed, impose a penalty in accordance with the enactment prescribing that minimum penalty; or
(b) if any of the provisions of this Act, regulations etc., may constitute offence.

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Ordinary rules apply.

(b) in any other case,

(i) impose the penalty prescribed for the offence by Part XII of this Act, the Criminal Code or that other Act, or

(ii) impose dismissal with disgrace from Her Majesty's service or less punishment.

(3) All provisions of the Code of Service Discipline in respect of a punishment of death, imprisonment for two years or more, imprisonment for less than two years, and a fine, apply in respect of penalties imposed under paragraph (a), or subparagraph (i) of paragraph (b) of subsection (2).

(4) Nothing in this section is in derogation of the authority conferred by other sections of the Code of Service Discipline to charge, deal with and try a person alleged to have committed any offence set out in sections 64 to 118 and to impose the punishment for that offence mentioned in the section prescribing that offence. 1950, c. 43, s. 119.

CONVICTION OF COGNATE OFFENCE.

120. (1) A person charged with desertion may be found guilty of attempting to desert or of being absent without leave.

(2) A person charged with attempting to desert may be found guilty of being absent without leave.

(3) A person charged with any one of the offences prescribed in section 75 may be found guilty of any other offence prescribed in that section.

(4) A person charged with any one of the offences prescribed in section 76 may be found guilty of any other offence prescribed in that section.

(5) A person charged with a service offence may, on failure of proof of an offence having been committed under circumstances involving a higher punishment, be found guilty of the same offence as having been committed under circumstances involving a lower punishment.

(6) Where a person is charged with an offence under section 119 and the charge is one upon which, if he had been tried by a civil court in Canada for that offence, he might have been found guilty of any other offence, he may be found guilty of that other offence. 1950, c. 43, s. 120.

PUNISHMENTS.

121. (1) The following punishments may be imposed in respect of service offences:

(a) death;

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(b) imprisonment for two years or more;
(c) dismissal with disgrace from Her Majesty's service;
(d) imprisonment for less than two years;
(e) dismissal from Her Majesty's service;
(f) detention;
(g) reduction in rank;
(h) forfeiture of seniority;
(i) dismissal of an officer from the ship to which he belongs;
(j) forfeiture of service toward progressive increase in pay;
(k) fine;
(l) severe reprimand;
(m) reprimand; and
(n) minor punishments;

and each of the above punishments shall be deemed to be a punishment less than every punishment preceding it in the above scale, in this Act referred to as the “scale of punishments”.

Less Punishment.

(2) Where a punishment is specified by the Code of Service Discipline as a penalty for an offence, and it is further provided in the alternative that on conviction the offender is liable to less punishment, the expression “less punishment” means any one or more of the punishments lower in the scale of punishments than the specified punishment.

Death.

(3) A punishment of death may be imposed only by a General Court Martial, and may be imposed only with the concurrence of at least two-thirds of the members.

Imprisonment.

(4) The punishment of imprisonment for two years or more or imprisonment for less than two years is subject to the following conditions:

(a) every person who, on conviction of a service offence, is liable to imprisonment for life or for a term of years or other term, may be sentenced to imprisonment for a shorter term;

(b) a sentence that includes a punishment of imprison- ment for two years or more imposed upon an officer shall be deemed to include a punishment of dismissal with disgrace from Her Majesty's service, whether or not the last mentioned punishment is specified in the sentence passed by the service tribunal;

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(c) a sentence that includes a punishment of imprisonment for less than two years imposed upon an officer shall be deemed to include a punishment of dismissal from Her Majesty’s service, whether or not the last mentioned punishment is specified in the sentence passed by the service tribunal;

(d) where a service tribunal imposes a punishment of imprisonment for two years or more upon a man, the service tribunal may in addition, notwithstanding any other provision of this Part, impose a punishment of dismissal with disgrace from Her Majesty’s service;

(e) where a service tribunal imposes a punishment of imprisonment for less than two years upon a man, the service tribunal may in addition, notwithstanding any other provision of this Part, impose a punishment of dismissal from Her Majesty’s service;

(f) in the case of a chief petty officer, petty officer or leading rating in the Royal Canadian Navy or a warrant officer or non-commissioned officer in the Canadian Army or the Royal Canadian Air Force, a sentence that includes a punishment of imprisonment for two years or more or imprisonment for less than two years shall be deemed to include a punishment of reduction in rank to the lowest rank to which under regulations he can be reduced, whether or not the last mentioned punishment is specified in the sentence passed by the service tribunal; and

(g) a punishment of imprisonment for two years or more or imprisonment for less than two years shall be deemed to be a punishment of imprisonment with hard labour, but in the case of a punishment of imprisonment for less than two years, the Minister or such authorities as he may prescribe or appoint for that purpose may order that such punishment shall be without hard labour.

**Dismissal With Disgrace.**

(5) Where a service tribunal imposes a punishment of dismissal with disgrace from Her Majesty’s service upon an officer or man, the service tribunal may in addition, notwithstanding any other provision of this Part, impose a punishment of imprisonment for less than two years.

(6) A person upon whom a punishment of dismissal with disgrace from Her Majesty’s service has been carried out shall not, except in an emergency or unless that punishment is subsequently set aside or altered, be eligible to serve Her Majesty again in any military or civil capacity.

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Detention.

(7) The punishment of detention is subject to the following conditions,
(a) detention shall not exceed two years and a person sentenced to detention shall not be subject to detention for more than two years consecutively by reason of more than one conviction;
(b) no officer may be sentenced to detention; and
(c) in the case of a chief petty officer, petty officer or leading rating in the Royal Canadian Navy or a warrant officer or non-commissioned officer in the Canadian Army or the Royal Canadian Air Force, a sentence that includes a punishment of detention shall be deemed to include a punishment of reduction in rank to the lowest rank to which under regulations he can be reduced, whether or not the last mentioned punishment is specified in the sentence passed by the service tribunal.

Reduction in Rank.

(8) The punishment of reduction in rank shall apply to officers, warrant officers, chief petty officers, petty officers, non-commissioned officers and leading ratings.
(a) involve reduction to a rank lower than that to which under regulations the offender can be reduced;
(b) in the case of a commissioned officer, involve reduction to a rank lower than commissioned rank; and
(c) in the case of a subordinate officer, involve reduction to a rank lower than an inferior grade of subordinate officer.

Forfeiture of Seniority.

(10) Where an officer or man has been sentenced to forfeiture of seniority, the service tribunal imposing the punishment shall in passing sentence specify the period for which seniority is to be forfeited.

Dismissal from Ship.

(11) The punishment of dismissal of an officer from the ship to which he belongs shall apply only to officers of the Royal Canadian Navy.

Fine.

(12) A fine shall be imposed in a stated amount and shall not exceed, in the case of an officer or man, three months basic pay, and in the case of any other person the sum of two 3839 R.S., 1952.
two hundred dollars, and the terms of payment of a fine shall lie within the discretion of the commanding officer of the person so punished.

**Minor Punishments.**

(13) Minor punishments shall be such as are prescribed in regulations made by the Governor in Council.

**Limitation.**

(14) The authority of a service tribunal to impose punishments may be limited in accordance with regulations made by the Governor in Council. 1950, c. 43, s. 121.

**Sentences.**

(122) Only one sentence shall be passed on an offender at a trial under the Code of Service Discipline and, where the offender is convicted of more than one offence, the sentence shall be good if any one of the offences would have justified it. 1950, c. 43, s. 122.

**Incarceration Under More Than One Sentence.**

(123) Where a person is under a sentence imposed by a service tribunal that includes a punishment involving incarceration and another service tribunal subsequently passes a new sentence that also includes a punishment involving incarceration, both punishments of incarceration shall, from the date of the pronouncement of the new sentence, run concurrently, but the punishment higher in the scale of punishments shall be served first. 1950, c. 43, s. 123.

**Ignorance of Law.**

(124) The fact that a person is ignorant of the provisions of this Act, or of any regulations or of any order or instruction duly notified under this Act, is no excuse for any offence committed by him. 1950, c. 43, s. 124.

**Civil Defences.**

(125) All rules and principles from time to time followed in the civil courts in proceedings under the Criminal Code that would render any circumstances a justification or excuse for any act or omission or a defence to any charge, shall be applicable to any defence to a charge under the Code of Service Discipline, except in so far as such rules and principles are altered by or are inconsistent with this Act. 1950, c. 43, s. 125.

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INSANITY AS A DEFENCE.

126. (1) No person shall be convicted of a service Natural offence by reason of an act done or omitted by him when labouring under natural imbecility, or disease of the mind, to such an extent as to render him incapable of appreciating the nature and quality of the act or omission, and of knowing that such an act or omission was wrong.

(2) In respect of a person labouring under specific delusions, but in other respects sane, subsection (1) shall not apply unless the delusions caused him to believe in the existence of some state of things which, if it existed, would justify or excuse his act or omission.

(3) Every person shall be presumed to be sane at the time of doing or omitting to do any act until the contrary is proved. 1950, c. 43, s. 126.

PART VI.

ARREST.

AUTHORITY TO ARREST.

127. (1) Every person who has committed, is found committing, is suspected of being about to commit, or is suspected of or charged under this Act with having committed a service offence, may be placed under arrest.

(2) Every person authorized to effect arrest under this Part may use such force as is reasonably necessary for that purpose. 1950, c. 43, s. 127.

128. (1) An officer may, without a warrant, in the circumstances mentioned in section 127, arrest or order the arrest of
(a) any man;
(b) any officer of equal or lower rank; and
(c) any officer of higher rank who is engaged in a quarrel, fray or disorder.

(2) A man may, without a warrant, in the circumstances mentioned in section 127, arrest or order the arrest of
(a) any man of lower rank; and
(b) any man of equal or higher rank who is engaged in a quarrel, fray or disorder.

1950, c. 43, s. 128.

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(3) An order given under subsection (1) or subsection (2) shall be obeyed although the person giving the order and the person to whom and the person in respect of whom the order is given do not belong to the same Service, component, unit or other element of the Canadian Forces.

(4) Every person who is not an officer or man, but who was subject to the Code of Service Discipline at the time of the alleged commission by him of a service offence, may without a warrant be arrested or ordered to be arrested by such person as any commanding officer may designate for that purpose. 1950, c. 43, s. 128.

129. Such officers and men as are appointed under regulations for the purposes of this section may

(a) detain or arrest without a warrant any person who is subject to the Code of Service Discipline, regardless of the rank or status of that person, who has committed, is found committing, is suspected of being about to commit, or is suspected of or charged under this Act with having committed a service offence; and

(b) exercise such other powers for carrying out the Code of Service Discipline as are prescribed in regulations made by the Governor in Council. 1950, c. 43, s. 129.

130. (1) Subject to subsection (2), every commanding officer, and every officer to whom the power of trying a charge summarily has been delegated under subsection (3) of section 136 may by a warrant under his hand authorize any person to arrest any other person triable under the Code of Service Discipline who has committed, or is suspected of or charged under this Act with having committed a service offence.

(2) An officer authorized to issue a warrant under this section shall not, unless he has certified on the face of the warrant that the exigencies of the service so require, issue a warrant authorizing the arrest of any officer of rank higher than he himself holds.

(3) In any warrant issued under this section the offence in respect of which the warrant is issued shall be stated and the names of more persons than one in respect of the same offence, or several offences of the same nature, may be included.

(4) Nothing in this section shall be deemed to be in derogation of the authority that any person, including an officer or man, may have under other sections of this Act or otherwise under the law of Canada to arrest any other person without a warrant. 1950, c. 43, s. 130.
ACTION FOLLOWING ARREST.

131. (1) A person arrested under this Part may forthwith on his apprehension be placed in civil custody or service custody or be taken to the unit or formation with which he is serving or to any other unit or formation of the Canadian Forces; and such force as is reasonably necessary for the purposes of this section may be used.

(2) An officer or man commanding a guard, guardroom or safeguard or an officer or man appointed under section 129 shall receive and keep a person who is under arrest pursuant to this Act and who is committed to his custody, but it shall be the duty of the officer, man or other person who commits a person into custody to deliver at the time of such committal, or as soon as practical and in any case within twenty-four hours thereafter, to the officer or man into whose custody that person is committed, an account in writing, signed by himself, in which is stated the reason why the person so committed is to be held in custody.

(3) An officer or man who, pursuant to subsection (2), receives a person committed to his custody shall, as soon as practical and in any case within twenty-four hours thereafter, give in writing to the officer or man to whom it is his duty to report, the name of that person and an account of the offence alleged to have been committed by that person so far as is known and the name and rank of the officer, man or other person by whom the person so committed was placed in custody, accompanied by any account in writing which has been submitted pursuant to subsection (2). 1950, c. 43, s. 131.

LIMITATIONS IN RESPECT OF CUSTODY.

132. (1) Where a person triable under the Code of Service Discipline has been placed under arrest for a service offence and remains in custody for eight days without a summary trial having been held or a court martial for his trial having been ordered to assemble, a report stating the necessity for further delay shall be made by his commanding officer to the authority who is empowered to convene a court martial for the trial of that person, and a similar report shall be forwarded in the same manner every eighth day until a summary trial has been held or a court martial has been ordered to assemble.

(2) Every person held in custody in the circumstances mentioned in subsection (1), who has been continuously so held for a period of twenty-eight days without a summary trial.

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trial having been held or a court martial having been ordered to assemble, is at the expiration of that period entitled to direct to the Minister, or to such authority as the Minister may prescribe or appoint for that purpose, a petition to be freed from custody or for a disposition of the case and in any event that person shall be so freed when a period of ninety days continuous custody from the time of his arrest has expired, unless a summary trial has been held or a court martial has been ordered to assemble.

(3) A person who has been freed from custody pursuant to subsection (2) shall not be subject to re-arrest for the offence with which he was originally charged, except on the written order of an authority having power to convene a court martial for his trial. 1950, c. 43, s. 132.

PART VII.

SERVICE TRIBUNALS.

APPLICATION.

133. (1) Every reference in this Part to a commanding officer shall be deemed to be a reference to the commanding officer of the accused person, or to such other officer as may, in accordance with regulations, be empowered to act as the commanding officer of the accused person.

(2) Every reference in this Part to the rank of an officer or man shall be construed in accordance with regulations made by the Governor in Council and every such reference shall be deemed to include a person who holds any equivalent relative rank, whether that person is enrolled in, or is attached, seconded or on loan to the Canadian Forces. 1950, c. 43, s. 133.

INVESTIGATION AND PRELIMINARY DISPOSITION OF CHARGES.

134. Where a charge is laid against a person to whom this Part applies alleging that he has committed a service offence, the charge shall forthwith be investigated in accordance with regulations made by the Governor in Council. 1950, c. 43, s. 134.

135. Where, after investigation, a commanding officer considers that a charge should not be proceeded with, he shall dismiss the charge; but otherwise shall cause it to be proceeded with as expeditiously as circumstances permit. 1950, c. 43, s. 135.
SUMMARY TRIALS BY COMMANDING OFFICERS.

136. (1) A commanding officer may in his discretion try an accused person by summary trial, but only if all of the following conditions are satisfied:

(a) the accused person is either a subordinate officer or a man below the rank of warrant officer;
(b) having regard to the gravity of the offence, the commanding officer considers that his powers of punishment are adequate;
(c) the commanding officer is not precluded from trying the accused person by reason of his election, under regulations made by the Governor in Council, to be tried by court martial; and
(d) the offence is not one that in regulations made by the Governor in Council the commanding officer is precluded from trying.

(2) Subject to the conditions set out in this section and Sentences, a commanding officer at a summary trial may pass a sentence in which any one or more of the following punishments may be included:

(a) detention for a period not exceeding ninety days subject to the following provisions:
   (i) a punishment of detention imposed by a commanding officer upon a chief petty officer, petty officer, non-commissioned officer or leading rating shall not be carried into effect until approved by an officer not below the rank of commodore, brigadier or air commodore under whom the commanding officer who imposed the punishment is serving, and only to the extent so approved, and
   (ii) where a commanding officer imposes more than thirty days detention, the portion in excess of thirty days shall be effective only if approved by, and to the extent approved by, an officer not below the rank of commodore, brigadier or air commodore under whom the commanding officer who imposed the punishment is serving;
(b) reduction in rank, but a punishment of reduction in rank imposed by a commanding officer shall be effective only if approved by, and to the extent approved by, an officer not below the rank of commodore, brigadier or air commodore, under whom the commanding officer who imposed the punishment is serving;
(c) forfeiture of seniority;

(d) R.S., 1952.
Delegation.

3. A commanding officer may, subject to regulations made by the Governor in Council and to such extent as the commanding officer deems fit, delegate his powers under this section to any officer under his command, but an officer to whom powers are so delegated may not be authorized to impose punishments other than the following:

(a) a fine not exceeding ten dollars;
(b) a reprimand; and
(c) minor punishments.

Evidence on oath.

4. Where a commanding officer tries an accused person by summary trial, the evidence shall be taken on oath if the commanding officer so directs or the accused person so requests, and the commanding officer shall inform the accused person of his right so to request.

Approval of punishments.

5. Such punishments as are, in regulations made by the Governor in Council, specified as requiring approval before they may be imposed by a commanding officer, shall not be so imposed until approval has been obtained in the manner prescribed in such regulations. 1950, c. 43, s. 136.

(3) Subject to the conditions set out in this section and in Part V relating to punishments, a superior commander at a summary trial may pass a sentence in which any one or more of the following punishments may be included:

(a) forfeiture of seniority;
(b) forfeiture of service toward progressive increase in pay;
(c) fine;
(d) severe reprimand; and
(e) reprimand.

(4) A superior commander shall not try an accused person who, by reason of an election under regulations made by the Governor in Council, is entitled to be tried by court martial.

(5) Where a superior commander tries an accused person by summary trial, the evidence shall be taken on oath if the superior commander so directs or the accused person so requests, and the superior commander shall inform the accused person of his right so to request. 1950, c. 43, s. 137.

CONVENING OF COURTS MARTIAL.

138. (1) The Minister, and such other authorities as he may prescribe or appoint for that purpose, may convene General Courts Martial and Disciplinary Courts Martial.

(2) An authority who convenes a court martial under subsection (1) may appoint as members of the court martial, officers of the Royal Canadian Navy, the Canadian Army or the Royal Canadian Air Force or officers of any navy, army or air force, who are attached, seconded or loaned to the Canadian Forces. 1950, c. 43, s. 138.

GENERAL COURTS MARTIAL.

139. A General Court Martial may try any person who under Part IV is liable to be charged, dealt with and tried upon a charge of having committed any service offence. 1950, c. 43, s. 139.

140. (1) A General Court Martial shall consist of not less than five officers and not more than such maximum number of officers as may be prescribed in regulations.

(2) The president of a General Court Martial shall be an officer of or above the naval rank of captain or of or above the rank of colonel or group captain and shall be appointed by the authority convening the General Court Martial or by an officer empowered by that authority to appoint the president.

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(3) Where the accused person is of or above the rank of commodore, brigadier or air commodore, the president of a General Court Martial shall be an officer of or above the rank of the accused person, and the other members of the court martial shall be of or above the naval rank of captain or of or above the rank of colonel or group captain.

(4) Where the accused person is of the naval rank of captain or of the rank of colonel or group captain, all of the members of a General Court Martial, other than the president, shall be of or above the rank of commander, lieutenant-colonel or wing commander.

(5) Where the accused person is a commander, lieutenant-colonel or wing commander, at least two of the members of a General Court Martial, exclusive of the president, shall be of or above the rank of the accused person. 1950, c. 43, s. 140.

141. Such authority as is prescribed for that purpose in regulations shall appoint a person to officiate as judge advocate at a General Court Martial. 1950, c. 43, s. 141.

142. None of the following persons shall sit as a member of a General Court Martial:
   (a) the officer who convened the court martial;
   (b) the prosecutor;
   (c) a witness for the prosecution;
   (d) the commanding officer of the accused person;
   (e) a provost officer;
   (f) an officer who is under the age of twenty-one years;
   (g) an officer below the naval rank of lieutenant, the army rank of captain or the air force rank of flight lieutenant; or
   (h) any person who prior to the court martial participated in any investigation respecting the matters upon which a charge against the accused person is founded. 1950, c. 43, s. 142.

DISCIPLINARY COURTS MARTIAL.

143. Subject to any limitations prescribed in regulations made by the Governor in Council, a Disciplinary Court Martial may try any person who under Part IV is liable to be charged, dealt with and tried upon a charge of having committed any service offence. 1950, c. 43, s. 143.

144. A Disciplinary Court Martial shall not pass a sentence including a punishment higher in the scale of punishments than dismissal with disgrace from Her Majesty's forces. 1950, c. 43, s. 144.
esty's service, or higher than such other punishment as may be prescribed in regulations; but no such other punishment shall be higher in the scale of punishments than dismissal with disgrace from Her Majesty's service. 1950, c. 43, s. 144.

145. A Disciplinary Court Martial shall consist of not less than three officers and not more than such maximum number of officers as may be prescribed in regulations. 1950, c. 43, s. 145.

146. (1) The president of a Disciplinary Court Martial shall be appointed by the authority convening the Disciplinary Court Martial or by an officer empowered by that authority to appoint the president.

(2) The president of a Disciplinary Court Martial shall be an officer of or above the rank of lieutenant-commander, major or squadron leader or of or above such higher rank as may be prescribed in regulations. 1950, c. 43, s. 146.

147. Such authority as may be prescribed for that purpose in regulations may appoint a person to officiate as judge advocate at a Disciplinary Court Martial. 1950, c. 43, s. 147.

148. None of the following persons shall sit as a member of a Disciplinary Court Martial, (a) the officer who convened the court martial; (b) the prosecutor; (c) a witness for the prosecution; (d) the commanding officer of the accused person; (e) a provost officer; (f) an officer who is under the age of twenty-one years; or (g) any person who prior to the court martial participated in any investigation respecting the matters upon which a charge against the accused person is founded. 1950, c. 43, s. 148.

STANDING COURTS MARTIAL.

149. (1) The Governor in Council may in an emergency establish Standing Courts Martial and each such court martial shall consist of one officer, to be called the president, who is or has been a barrister or advocate of more than three years standing and who shall be appointed by or under the authority of the Minister.

(2) Subject to any limitations prescribed in regulations, a Standing Court Martial may try any person who under Part IV is liable to be charged, dealt with and tried upon a charge.
charge of having committed a service offence, but a Standing Court Martial shall not pass a sentence including any punishment higher in the scale of punishments than imprisonment for less than two years. 1950, c. 43, s. 149.

REPRESENTATION OF ACCUSED.

Defence. 150. At any proceedings before a court martial the accused person has the right to be represented in such manner as shall be prescribed in regulations made by the Governor in Council. 1950, c. 43, s. 150.

ADMISSION TO COURTS MARTIAL.

Trials public. 151. (1) Subject to subsections (2) and (3), courts martial shall be public and, to the extent that accommodation permits, the public shall be admitted to the trial.

Exception. (2) Where the authority who convenes a court martial or the president of a court martial considers that it is expedient in the interests of public safety, defence or public morals that the public should be excluded during the whole or any part of a trial, either of them may make an order to that effect, and any such order shall be recorded in the minutes of the proceedings of the court martial.

Witnesses. (3) Witnesses, other than the prosecutor and the accused person and his representative, shall not be admitted to a trial, except when under examination or by specific leave of the president of the court martial.

Clearing court. (4) The president may, on any deliberation among the members, cause a court martial to be cleared of any other persons in accordance with regulations. 1950, c. 43, s. 151.

RULES OF EVIDENCE.

Trial in Canada. 152. (1) The rules of evidence at a trial by court martial held in Canada shall be the same as those from time to time followed in proceedings under the Criminal Code in civil courts in the province of Canada in which the court martial is held, except in so far as such rules are inconsistent with this Act or regulations.

(2) Where a court martial is held out of Canada or in a ship beyond the territorial limits of Canada, the rules of evidence shall be the same as those from time to time followed in proceedings under the Criminal Code in civil courts in the province in which the accused person states to the court martial that his ordinary place of residence is situated, except in so far as such rules are inconsistent with this Act or regulations.
(3) Where, in the circumstances mentioned in subsection (2), an accused person states that his ordinary place of residence is situated out of Canada, or makes no statement as to his ordinary place of residence, the court martial shall apply the rules of evidence from time to time followed in proceedings under the Criminal Code in civil courts in the province in which the capital city of Canada is situated, except in so far as such rules are inconsistent with this Act or regulations.

(4) A court martial, wherever held, shall not as respects the conduct of its proceedings or the reception or rejection of evidence or as respects any other matter or thing, be subject to any Act, law or regulation not in force in Canada. 1950, c. 43, s. 152.

153. (1) Such classes of documents and records as are prescribed in regulations made by the Governor in Council may be admitted as evidence of the facts therein stated at trials by court martial or in any proceedings before civil courts arising out of such trials, and the conditions governing the admissibility of such classes of documents and records or copies thereof shall be as prescribed in those regulations.

(2) A court martial may receive, as evidence of the facts therein stated, statutory declarations made in the manner prescribed by the Canada Evidence Act, subject to the following conditions,

(a) where the declaration is one that the prosecutor wishes to introduce, a copy shall be served upon the accused person at least seven days before the trial;

(b) where the declaration is one that the accused person wishes to introduce, a copy shall be served upon the prosecutor at least three days before the trial; and

(c) at any time before the trial the party upon whom the copy of the declaration has been served under paragraph (a) or (b) may notify the opposite party that he will not consent to the declaration being received by the court martial, and in that event the declaration shall not be received. 1950, c. 43, s. 153.

WITNESSES AT COURTS MARTIAL.

154. (1) The commanding officer of the accused person, the authority who convenes a court martial, or, after the assembly of the court martial, the president, shall take all necessary action to procure the attendance of the witnesses whom the prosecutor and the accused person request to be called. R.S., 1952.
called and whose attendance can, having regard to the exigencies of the service, reasonably be procured, but nothing in this subsection shall require the procurement of the attendance of any witnesses, the request for whose attendance is deemed by any such commanding officer, authority who convenes a court martial or president to be frivolous or vexatious.

(2) Where a request by the accused person for the attendance of a witness is deemed to be frivolous or vexatious, the attendance of that witness, if his attendance, having regard to the exigencies of the service, can reasonably be procured, shall be procured if the accused person pays in advance the fees and expenses of the witness at the rates prescribed in regulations, and if at the trial the evidence of the witness proves to be relevant and material, the president of the court martial or the authority who convened the court martial shall order that the accused person be reimbursed in the amount of the fees and expenses of the witness so paid.

(3) Nothing in this section limits the right of the accused person to procure and produce at the trial at his own expense such witnesses as he may desire, if the exigencies of the service permit. 1950, c. 43, s. 154.

EVIDENCE ON COMMISSION.

155. (1) Where it appears to the Judge Advocate General, or to such person as he may appoint for that purpose, that the attendance at a trial by court martial of a witness for the prosecution is not readily obtainable because the witness is ill or is absent from the country in which the trial is held, or that the attendance of a witness for the accused person is not readily obtainable for any reason, the Judge Advocate General, or such person as he may appoint for that purpose, may appoint any officer or other qualified person, in this section referred to as a "commissioner", to take the evidence of the witness under oath.

(2) The document containing the evidence of a witness, taken under subsection (1) and duly certified by the commissioner, is admissible in evidence at a court martial to the same extent and subject to the same objections as if the witness had given that evidence in person at the trial.

(3) Where in the opinion of the president of a court martial, a witness whose evidence has been taken on commission, should in the interests of justice appear and give evidence before the court martial and that witness is not too ill to attend the trial and is not outside the country in which the trial is held, the president may require the attendance of that witness.
(4) The document mentioned in subsection (2) or a true copy thereof may be attached to the summary or abstract of evidence taken in respect of the charge against the accused person and, on being so attached, that document shall form part of the summary or abstract of evidence.

(5) At any proceedings before a commissioner the accused person and the prosecutor are entitled to be represented and the persons representing them have the right to examine and cross-examine any witness.

(6) The accused person shall, at least twenty-four hours before it is admitted at the court martial, be furnished without charge with a copy of the document mentioned in subsection (2). 1950, c. 43, s. 155.

VIEW BY COURT MARTIAL.

156. A court martial may, where the president considers it necessary, view any place, thing or person. 1950, c. 43, s. 156.

OBJECTION TO MEMBERS OF COURTS MARTIAL.

157. (1) When a court martial is assembled, the names of the president and other members shall be read over to the accused person who shall be asked if he objects to be tried by any of them, and if he objects the court martial shall decide whether the objection shall be allowed.

(2) The procedure for the replacement of a president of a court martial or any other members of a court martial in respect of whom an objection has been allowed shall be as prescribed in regulations. 1950, c. 43, s. 157.

OATHS AT COURTS MARTIAL.

158. (1) At every court martial an oath shall be administered to each of the following persons:
   (a) the president and other members of the court martial;
   (b) the judge advocate;
   (c) the officers ordered to attend for purposes of instruction;
   (d) court reporters;
   (e) interpreters; and
   (f) witnesses,
in the manner and in the forms prescribed in regulations.

(2) If a person to whom an oath is required to be administered under subsection (1),
   (a) objects to take the oath and the president of the court martial is satisfied of the sincerity of the objection; or
   (b) R.S., 1952.
(b) is objected to as incompetent to take the oath and
the president of the court martial is satisfied that the
oath would have no binding effect on the conscience
of that person,
the president shall require that person, instead of being
sworn, to make a solemn affirmation in the form prescribed
in regulations and, for the purposes of this Act, a solemn
affirmation shall be deemed to be an oath. 1950. c. 43,
s. 158.

ADJOURNMENT AND DISSOLUTION.

President may adjourn.

159. A court martial may be adjourned whenever the
president considers adjournment desirable. 1950, c. 43,
s. 159.

Dissolution when numbers reduced.

160. (1) Where, after the commencement of a trial, a
court martial is by death or otherwise reduced below the
minimum number of members prescribed in this Act, it
shall be deemed to be dissolved.

(2) Where, after the commencement of a trial, the presi-
dent of a court martial dies or for any other reason cannot
attend and the court martial is not thereby reduced below
the minimum number of members prescribed in this Act,
the authority who convened the court martial may appoint
the senior member of the court martial to be the president
and the trial shall proceed; but if the senior member of the
court martial is not of sufficient rank to be appointed
president, the court martial shall be deemed to be dissolved.

(3) Where, on account of the illness of the accused per-
son, it is impossible to continue the trial, the court martial
shall be dissolved.

(4) Where a court martial is dissolved pursuant to this
section, the accused person may be dealt with as if the trial
had never commenced. 1950, c. 43, s. 160.

AMENDMENT OF CHARGES.

161. (1) Where at any time during a trial by court
martial, it appears to the president that there is a technical
defect in a charge that does not affect the substance of the
charge, the president, if he is of the opinion that the accused
person will not be prejudiced in the conduct of his defence
by an amendment, shall make such order for the amend-
ment of the charge as he considers necessary to meet the
circumstances of the case.

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(2) Where an amendment to the charge has been made, the president of the court martial shall, if the accused person so requests, adjourn the court martial for such period as the president considers necessary to enable the accused person to meet the charge so amended.

(3) Where a charge is amended, a minute of the amendment shall be endorsed upon the charge sheet and signed by the president of the court martial; and the charge sheet so amended shall be treated for the purposes of the trial and all proceedings in connection therewith as being the original charge sheet. 1950, c. 43, s. 161.

DECISIONS BY COURTS MARTIAL.

162. (1) The finding and, subject to subsection (3) of section 121, the sentence of a court martial and the decision in respect of any other matter or question arising after the commencement of the trial shall be determined by the vote of a majority of the members.

(2) In the case of an equality of votes on the finding, the accused shall be found not guilty.

(3) In the case of an equality of votes on the sentence or on any other matter or question arising after the commencement of the trial, except the finding, the president of the court martial shall have a second or casting vote. 1950, c. 43, s. 162.

SIMILAR OFFENCES.

163. A court martial may at the request of the offender and in its discretion take into consideration, for the purposes of sentence, other service offences, similar in character to that of which the offender has been found guilty, that are admitted by him, as if he had been charged with, tried on and found guilty of such offences; but the sentence of the court martial shall not include any punishment higher in the scale of punishments than the punishment that might be imposed in respect of any offence of which the offender has been found guilty. 1950, c. 43, s. 163.

PRONOUNCEMENT OF FINDINGS AND SENTENCE.

164. The finding and sentence of a court martial shall at the conclusion of the trial be pronounced to the offender in open court and he shall be under the sentence as of the date of the pronouncement thereof. 1950, c. 43, s. 164.
RECOMMENDATIONS TO CLEMENCY.

165. Where a court martial has found a person guilty of an offence, prescribed in section 64, 65, 66 or 67, for which the punishment of death is mandatory, or in section 83, for which the punishment of dismissal with disgrace from Her Majesty’s service or dismissal from Her Majesty’s service is mandatory, or an offence to which paragraph (a) of subsection (2) of section 119 applies, the court martial may recommend clemency and the recommendation shall be attached to and form part of the minutes of the proceedings of the trial. 1950, c. 43, s. 165.

DECISION WHERE ACCUSED INSANE AT TRIAL.

166. (1) Where at any time after a trial by court martial commences and before the finding of the court martial is made, it appears that there is sufficient reason to doubt whether the accused person is then, on account of insanity, capable of conducting his defence, an issue shall be tried and decided by that court martial as to whether the accused person is or is not then, on account of insanity, unfit to stand or continue his trial.

(2) Where the decision of the court martial on an issue mentioned in subsection (1) is that the accused person is not then unfit to stand or continue his trial, the court martial shall proceed to try that person as if no such issue had been tried.

(3) Where the decision of a court martial held in Canada is that the accused person is unfit to stand or continue his trial on account of insanity, the court martial shall order the accused person to be kept in strict custody, and he shall be kept in custody until the pleasure of the Lieutenant-Governor of the province is known and the Lieutenant-Governor may make an order for the safe custody of such person, as if the same decision had been made in respect of him by a civil court in the province of Canada in which that court martial was held.

(4) Where the decision of a court martial held out of Canada is that the accused person is unfit to stand or continue his trial on account of insanity, the court martial shall order that person to be kept in strict custody and he shall be transferred, as soon as conveniently may be, to the province of Canada in which he is domiciled, and upon transfer to that province he shall be kept in custody until the pleasure of the Lieutenant-Governor of the province is known and the Lieutenant-Governor may make an order for the safe custody of such person, as if the same decision had been 3856

been made in respect of him by a civil court in that province; and, in the case of an accused person who is not domiciled in any province, the Minister may make such arrangements for the benefit and welfare of that person as to the Minister seem fit.

(5) No decision of a court martial that an accused person is unfit to stand or continue his trial by reason of insanity prevents that person being afterwards tried in respect of the offence or of any other offence of which he might have been found guilty on the same charge; and the period during which he is unfit to stand or continue his trial by reason of insanity shall not be taken into account in applying to him in respect of that offence the provisions of section 60. 1950, c. 43, s. 166.

DECISION WHERE ACCUSED INSANE WHEN OFFENCE COMMITTED.

167. (1) Where evidence is given at a court martial that a person charged with a service offence was insane at the time of the commission of that offence, the court martial, if it finds that person not guilty of the offence, shall make a special finding as to whether he was insane at the time of the commission of the offence and whether he was found not guilty by reason of insanity.

(2) Where a court martial held in Canada makes a special finding under subsection (1) that an accused person was insane, it shall order that person to be kept in strict custody and he shall be kept in custody until the pleasure of the Lieutenant-Governor of the province is known and the Lieutenant-Governor may make an order for the safe custody of such person, as if the same finding had been made in respect of him by a civil court in the province of Canada in which that court martial was held.

(3) Where a court martial held out of Canada makes a special finding under subsection (1) that an accused person was insane, it shall order that person to be kept in strict custody and he shall be transferred, as soon as conveniently may be, to the province of Canada in which he is domiciled, and upon transfer to that province he shall be kept in custody until the pleasure of the Lieutenant-Governor of the province is known and the Lieutenant-Governor may make an order for the safe custody of such person, as if the same finding had been made in respect of him by a civil court in that province; and, in the case of an accused person who is not domiciled in any province, the Minister may make such arrangements for the benefit and welfare of that person as to the Minister seem fit. 1950, c. 43, s. 167.

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MINUTES OF PROCEEDINGS OF COURTS MARTIAL.

168. A copy of the minutes of the proceedings of a court martial and of the form of the Statement of Appeal mentioned in section 188 shall be delivered without charge as soon as practical after the conclusion of the trial to the person who has been tried and found guilty by that court martial. 1950, c. 43, s. 168.

PART VIII.

PROVISIONS APPLICABLE TO FINDINGS AND SENTENCES AFTER TRIAL.

IMPRISONMENT AND DETENTION.

169. (1) Subject to subsection (3) and sections 176 and 177, the term of a punishment of imprisonment for two years or more, imprisonment for less than two years or detention, shall commence on the date upon which the service tribunal pronounces sentence upon the offender.

(2) The only time that shall be reckoned toward the completion of a term of a punishment of imprisonment for two years or more, imprisonment for less than two years or detention shall be the time that the offender spends in civil custody or service custody while under the sentence in which that punishment is included.

(3) Where a punishment mentioned in subsection (2) cannot lawfully be carried out by reason of a vessel being at sea or in a port at which there is no suitable place of incarceration, the offender shall as soon as practical, having regard to the exigencies of the service, be sent to a place where the punishment can lawfully be carried out, and the period of time prior to the date of arrival of the offender at that place shall not be reckoned toward the completion of the term of the punishment. 1950, c. 43, s. 169.

PUNISHMENTS REQUIRING APPROVAL.

Death.

170. (1) A punishment of death imposed by a court martial is subject to approval by the Governor in Council and shall not be carried out unless so approved.

Dismissal.

(2) A punishment of dismissal with disgrace from Her Majesty's service or of dismissal from Her Majesty's service, whether it is expressly included in the sentence passed by a service tribunal or whether it is deemed to be included in the

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the sentence pursuant to paragraph (b) or paragraph (c) of subsection (4) of section 121 is subject to approval by the Minister or such authorities as are prescribed in regulations and shall not be carried out unless so approved; but any punishment of imprisonment for two years or more, imprisonment for less than two years or detention included in the sentence shall commence and be carried out under section 169 as if the sentence had not included a punishment of dismissal with disgrace from Her Majesty's service or dismissal from Her Majesty's service, as the case may be.

(3) A punishment of dismissal with disgrace from Her Majesty's service or dismissal from Her Majesty's service shall be deemed to be carried out as of the date upon which the release of the offender from the Canadian Forces is effected.

(4) An authority mentioned in section 173 has power to substitute a new punishment for
(a) a punishment of death that has not been approved under subsection (1);
(b) a punishment of dismissal with disgrace from Her Majesty's service or dismissal from Her Majesty's service that has not been approved under subsection (2); or
(c) a punishment, imposed by a commanding officer at a summary trial, that has not been approved under subsection (2) or (5) of section 136, as the case may be. 1950, c. 43, s. 170.

QUASHING OF FINDINGS.

171. (1) The Minister, and such other authorities as he may prescribe or appoint for that purpose, may quash any finding of guilty made by a service tribunal.

(2) Where, after a finding of guilty has been quashed, no other finding of guilty remains, the whole of the sentence passed by the service tribunal ceases to have force and effect.

(3) Where, after a finding of guilty has been quashed, another finding of guilty remains, and any punishment included in the sentence passed by the service tribunal is in excess of the punishment authorized by this Act in respect of the findings of guilty which remain, or is, in the opinion of the authority who quashed the finding, unduly severe, he shall, subject to the conditions set out in section 175, substitute such new punishment or punishments as he considers appropriate. 1950, c. 43, s. 171.

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SUBSTITUTION OF FINDINGS.

Authority. 172. (1) The Minister, and such other authorities as he may prescribe or appoint for that purpose, may substitute a new finding for any finding of guilty, made by a service tribunal, that is illegal or cannot be supported by the evidence, if the new finding could validly have been made by the service tribunal on the charge and if it appears that the service tribunal was satisfied of the facts establishing the offence specified or involved in the new finding.

(2) Where a new finding has been substituted for a finding made by a service tribunal and any punishment included in the sentence passed by the service tribunal is in excess of the punishment authorized by this Act in respect of the new finding, or is, in the opinion of the authority who substituted the new finding, unduly severe, he shall, subject to the conditions set out in section 175, substitute such new punishment or punishments as he considers appropriate.

1950, c. 43, s. 172.

SUBSTITUTION OF PUNISHMENTS.

Authority. 173. Where a service tribunal has passed a sentence in which is included an illegal punishment, the Minister, and such other authorities as he may prescribe or appoint for that purpose, may, subject to the conditions set out in section 175, substitute for the illegal punishment such new punishment or punishments as he considers appropriate.

1950, c. 43, s. 173.

MITIGATION, COMMUTATION AND REMISSION OF PUNISHMENTS.

Authority. 174. The Minister, and such other authorities as he may prescribe or appoint for that purpose, may, subject to the conditions set out in section 175, mitigate, commute or remit any or all of the punishments included in a sentence passed by a service tribunal. 1950, c. 43, s. 174.

CONDITIONS APPLICABLE TO NEW PUNISHMENTS.

175. The following conditions apply where under this Act a new punishment, by way of substitution or commutation, replaces a punishment imposed by a service tribunal,

(a) the new punishment shall not be any punishment that could not legally have been imposed by the service tribunal on the charges of which the offender was found guilty and in respect of which the findings have not been quashed or set aside by way of substitution;

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(b) the new punishment shall not be higher in the scale of punishments than the punishment imposed by the service tribunal in the first instance and, if the sentence passed by the service tribunal included a punishment of incarceration, the new punishment shall not involve a period of incarceration exceeding the period comprised in that sentence;

(c) where the new punishment is detention and the punishment that it replaces is imprisonment for two years or more or imprisonment for less than two years, the term of detention from the date of alteration shall in no case exceed the term of imprisonment remaining to be served, and in any event shall not exceed a term of two years; and

(d) where the offence of which a person has been found guilty by a service tribunal is an offence, prescribed in section 64, 65, 66 or 67, for which the punishment of death is mandatory, or in section 83, for which the punishment of dismissal with disgrace from Her Majesty's service or dismissal from Her Majesty's service is mandatory, or an offence to which paragraph (a) of subsection (2) of section 119 applies, the punishment may, subject to this section, be altered to any one or more of the punishments lower in the scale of punishments than the punishment provided for in the enactment prescribing the offence. 1950, c. 43, s. 175.

EFFECT OF NEW PUNISHMENTS.

176. Where under the authority of this Act, a new punishment, by reason of substitution or commutation, replaces a punishment imposed by a service tribunal, the new punishment has force and effect as if it had been imposed by the service tribunal in the first instance and the provisions of the Code of Service Discipline shall apply accordingly; but where the new punishment involves incarceration, the term of the new punishment shall be reckoned from the date of substitution or commutation, as the case may be. 1950, c. 43, s. 176.

SUSPENSION OF IMPRISONMENT OR DETENTION.

177. (1) Where an offender has been sentenced to imprisonment for two years or more, imprisonment for less than two years or detention, the carrying into effect of the punishment may be suspended by the Minister, or such other authorities as he may prescribe or appoint for that purpose; 1950, c. 43, s. 176.
Postpone of committal.

Suspension possible at any time.

Effect of suspension before committal.

Effect of suspension after committal.

Review and remission.

Automatic remission.

Committal after suspension.

Term where suspended punishment put into execution.

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purpose; and the Minister or any authority so prescribed or appointed is referred to in this section as a "suspending authority".

(2) Where, in the case of an offender upon whom any punishment mentioned in subsection (1) has been imposed, suspension of the punishment has been recommended, the authority empowered to commit the offender to a penitentiary, civil prison, service prison or detention barrack, as the case may be, may postpone committal until directions of a suspending authority have been obtained.

(3) A suspending authority may, in the case of an offender upon whom any punishment mentioned in subsection (1) has been imposed, suspend the punishment whether or not the offender has already been committed to undergo that punishment.

(4) Where a punishment is suspended before the offender has been committed to undergo the punishment, he shall, if in custody, be discharged from custody and the term of the punishment shall not commence until the offender has been ordered to be committed to undergo that punishment.

(5) Where a punishment is suspended after the offender has been committed to undergo the punishment, he shall be discharged from the place in which he is incarcerated and the currency of the punishment shall be arrested from the day on which he is so discharged, until he is again ordered to be committed to undergo that punishment.

(6) Where a punishment has been suspended, it may at any time, and shall at intervals of not more than three months, be reviewed by a suspending authority and if on such review it appears to the suspending authority that the conduct of the offender, since the punishment was suspended, has been such as to justify a remission of the punishment, he shall remit it.

(7) A punishment that has been suspended shall be deemed to be wholly remitted on the expiration of the period specified as the term of that punishment, unless the punishment has been put into execution prior to the expiration of that period.

(8) A suspending authority may, at any time while a punishment is suspended, direct the authority who is empowered to commit the offender to commit him, and from the date of the committal order that punishment ceases to be suspended.

(9) Where a punishment that has been suspended under this section is put into execution, the term of the punishment shall be deemed to commence on the date upon which it is put into execution, but there shall be deducted from the term R.S., 1952.
term any time during which the offender has been incarcerated following pronouncement of the sentence. 1950, c. 43, s. 177.

COMMittal TO imprisonment OR detention.

178. (1) The Minister may prescribe or appoint authorities for the purposes of this section and any such authority is referred to in this section as a "committing authority".

(2) Such places as are designated by the Minister for the purpose shall be service prisons and detention barracks and any hospital or other place for the reception of sick persons to which a person who is a service convict, service prisoner or service detainee has been admitted shall, as respects that person, be deemed to be part of the place to which he has been committed.

(3) A committal order, in such form as is prescribed in regulations, made by a committing authority is a sufficient warrant for the committal of a service convict, service prisoner or service detainee to any lawful place of confinement.

(4) A committing authority may from time to time by warrant order that a service convict, service prisoner or service detainee shall be transferred from the place to which he has been committed to undergo his punishment to any other place in which that punishment may lawfully be put into execution.

(5) Until he is delivered to the place where he is to undergo his punishment or while he is being transferred from one such place to another such place, a service convict, service prisoner or service detainee may be held in any place, either in service custody or in civil custody or at one time in service custody and at another time in civil custody, as occasion may require, and may be transferred from place to place by any mode of conveyance, under such restraint as is necessary for his safe conduct.

(6) Where a punishment of imprisonment for two years or more is to be put into execution, the service convict shall as soon as practical be committed to a penitentiary, there to undergo his punishment according to law; except that a committing authority may, in accordance with regulations made by the Governor in Council, order that a service convict be committed to a service prison there to undergo his punishment or part of his punishment, and where a service convict has undergone part of his punishment in a service prison and a committing authority then orders him to be committed to a penitentiary, the service convict may be so committed notwithstanding that the unexpired portion of the term of his punishment is less than two years.
(7) Where a punishment of imprisonment for less than two years is to be put into execution, the service prisoner shall as soon as practical be committed to a civil prison there to undergo his punishment according to law; except that a committing authority may, in accordance with regulations made by the Governor in Council, order that a service prisoner be committed to a service prison or detention barrack there to undergo his punishment or part of his punishment.

(8) Where a punishment of detention is to be put into execution, the service detainee shall as soon as practical be committed to a detention barrack there to undergo his punishment. 1950, c. 43, s. 178.

TEMPORARY REMOVAL FROM INCARCERATION.

179. Where the exigencies of the service so require, a service convict, service prisoner or service detainee may, by an order made by a committing authority mentioned in section 178, be removed temporarily from the place to which he has been committed for such period as may be specified in that order but, until his return to that place, he shall be retained in service custody or civil custody, as occasion may require, and no further committal order is necessary upon his return to that place. 1950, c. 43, s. 179.

RULES APPLICABLE TO SERVICE CONVICTS AND SERVICE PRISONERS.

180. While a service convict is undergoing punishment in a penitentiary or a service prisoner is undergoing punishment in a civil prison, he shall be dealt with in the same manner as other prisoners in the place where he is undergoing punishment, and all rules applicable in respect of a person sentenced by a civil court to imprisonment in a penitentiary or civil prison, as the case may be, in so far as circumstances permit, apply accordingly; but a service convict undergoing punishment in a penitentiary or a service prisoner undergoing punishment in a civil prison shall not be discharged therefrom until the expiration of the term of his punishment, as reduced for good conduct by virtue of any rules in effect in that penitentiary or civil prison, unless an authority mentioned in section 174 or section 177 orders that he be discharged therefrom prior to the expiration of the term of his punishment. 1950, c. 43, s. 180.
VALIDITY OF DOCUMENTS.

181. The custody of a service convict, service prisoner or service detainee is not illegal by reason only of informality or error in or in respect of a document containing a warrant, order or direction issued in pursuance of this Act, or by reason only that such document deviates from the prescribed form; and any such document may be amended appropriately at any time by the authority who issued it in the first instance or by any other authority empowered to issue documents of the same nature. 1950, c. 43, s. 181.

INSANITY DURING IMPRISONMENT OR DETENTION.

182. A service convict or service prisoner who, having been released from the Canadian Forces, is or becomes insane, mentally ill or mentally deficient while undergoing punishment in a penitentiary or a civil prison, shall be treated in the same manner as if he were a person undergoing a term of imprisonment in such penitentiary or civil prison by virtue of the sentence of a civil court. 1950, c. 43, s. 182.

183. A service convict, service prisoner or service detainee who, having been released from the Canadian Forces, is or becomes insane, mentally ill or mentally deficient while undergoing punishment in a service prison or detention barrack, may, in the discretion of the commanding officer of that service prison or detention barrack, be made available to the Lieutenant-Governor of the province in which the service prison or detention barrack is situated, in order that he may be treated in the manner provided for in the provisions of the Criminal Code relating to the removal of any person imprisoned in any prison other than a penitentiary, who is insane, mentally ill, or mentally deficient, to a place of safe keeping, and, pending action under those provisions, he shall be kept in strict custody until his case has been disposed of under those provisions, whether or not his term of imprisonment or detention has expired. 1950, c. 43, s. 183.

PART IX.

APPEAL, REVIEW AND PETITION.

GENERAL PROVISIONS.

184. For the purposes of this Part, the expressions "Legality" or "illegality" and "illegal" shall be deemed to relate either to questions of law alone or to questions of mixed law and fact. 1950, c. 43, s. 184.

185. R.S., 1952.
185. Nothing in this Part is in derogation of the powers conferred under Part VIII to quash findings or alter findings and sentences. 1950, c. 43, s. 185.

RIGHT TO APPEAL.

186. Every person who has been tried and found guilty by a court martial, subject to subsection (3) of section 188, has a right to appeal in respect of any or all of the following matters:

(a) the severity of the sentence;
(b) the legality of any or all of the findings; or
(c) the legality of the whole or any part of the sentence.
1950, c. 43, s. 186.

187. The right of any person to appeal from the finding or sentence of a court martial shall be deemed to be in addition to and not in derogation of any rights that he has under the law of Canada. 1950, c. 43, s. 187.

ENTRY OF APPEALS.

188. (1) An appeal under this Part shall be stated on a form to be known as a Statement of Appeal, which shall contain particulars of the grounds upon which the appeal is founded and shall be signed by the appellant.

(2) A Statement of Appeal is not invalid by reason only of informality or the fact that it deviates from the prescribed form.

(3) No appeal under this Part shall be entertained unless the Statement of Appeal is delivered to a superior officer or to any person by whom the appellant is held in custody (a) within fourteen days after delivery to the offender, pursuant to section 168, of a copy of the minutes of the proceedings and of the form of the Statement of Appeal; or

(b) where the finding or sentence in respect of which the offender intends to enter an appeal has been altered under section 170, 172, 173 or 174, within fourteen days after the date upon which notice of such alteration is given to the offender.

(4) All Statements of Appeal shall be forwarded to the Judge Advocate General. 1950, c. 43, s. 188.

PRELIMINARY DISPOSITION OF APPEALS.

189. (1) Where an appeal relates only to the severity of the sentence, mentioned in paragraph (a) of section 186, the Judge Advocate General shall forward the Statement of Appeal to an authority who, under section 174, has

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has power to mitigate, commute or remit punishments and that authority may dismiss the appeal or, subject to Part VIII, may mitigate, commute or remit the punishments comprised in the sentence.

(2) Where an appeal relates to the legality of the findings, as mentioned in paragraph (b) of section 186, the Statement of Appeal shall be referred by the Judge Advocate General to the Court Martial Appeal Board provided for in this Part, unless the appropriate chief of staff, acting on the certificate of the Judge Advocate General that all of the findings in respect of which an appeal has been made are illegal, quashes such findings.

(3) Where an appeal relates to the legality of the sentence, mentioned in paragraph (c) of section 186, the Statement of Appeal shall be referred by the Judge Advocate General to the Court Martial Appeal Board, unless the Judge Advocate General certifies that there is no finding in respect of which any sentence could legally be passed, in which case the sentence shall be null and void. 1950, c. 43, s. 189.

**COURT MARTIAL APPEAL BOARD.**

190. (1) There shall be a Court Martial Appeal Board, establishment. which shall hear and determine all appeals referred to it under this Part.

(2) The Court Martial Appeal Board shall consist of the following members:

(a) a Chairman, who shall be a judge of the Exchequer Court or of a superior court of criminal jurisdiction as that expression is defined in the *Criminal Code*; and

(b) two or more other persons each of whom shall be a judge or retired judge of the Exchequer Court or of a superior court of criminal jurisdiction as that expression is defined in the *Criminal Code*, or a barrister or advocate of not less than five years standing, all of whom shall be appointed by the Governor in Council.

(3) The Chairman of the Court Martial Appeal Board shall preside at sittings of the Board, unless he appoints another member to be the presiding member in his place.

(4) The Minister may require the Court Martial Appeal Board to sit and hear appeals at any place or places, and the Chairman of the Board shall arrange for sittings and hearings accordingly.

(5) Three members of the Court Martial Appeal Board shall be a quorum, and the decision on any appeal shall be determined by the vote of the majority of the members present.

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present, and in the event of an equality of votes, the Chairman or other presiding member has a second or casting vote.

(6) Where an appeal has been wholly or partially dismissed by the Court Martial Appeal Board, and there has been dissent in the Board, the appellant shall forthwith be informed of that dissent.

(7) The Court Martial Appeal Board may hear evidence, including new evidence, as it may deem expedient, and the Board may sit in camera or in public, and for the performance of its duties has all of the powers vested in commissioners under Part I of the Inquiries Act.

(8) The members of the Court Martial Appeal Board shall be paid such fees and allowances as may be prescribed by the Governor in Council. 1950, c. 43, s. 190.

DISPOSITION OF APPEALS BY COURT MARTIAL APPEAL BOARD.

191. (1) Upon the hearing of an appeal respecting the legality of a finding of guilty on any charge, the Court Martial Appeal Board, if it allows the appeal, shall

(a) set aside the finding and direct a finding of not guilty to be recorded in respect of that charge, or

(b) direct a new trial on that charge, in which case the appellant shall be tried again as if no trial on that charge had been held.

(2) Where the Court Martial Appeal Board has set aside a finding of guilty and no other finding of guilty remains, the whole of the sentence ceases to have force and effect.

(3) Where the Court Martial Appeal Board has set aside a finding of guilty but another finding of guilty remains, the Board shall forthwith refer the proceedings to the Minister, or to such other authority as he may prescribe or appoint for that purpose, who shall, subject to section 175, substitute for the punishment imposed by the court martial such new punishment or punishments as he considers appropriate and every punishment comprised in the sentence passed by the court martial thereupon ceases to have force and effect; and section 176 applies to the new punishment or punishments. 1950, c. 43, s. 191.

192. Upon the hearing of an appeal respecting the legality of a sentence passed by a court martial, the Court Martial Appeal Board, if it allows the appeal, shall forthwith refer the proceedings to the Minister, or to such other authority as the Minister may prescribe or appoint for that purpose.

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purpose, who shall, subject to section 175, substitute for the
punishment imposed by the court martial such new punish-
ment or punishments as he considers appropriate and every
punishment comprised in the sentence passed by the court
martial thereupon ceases to have force and effect; and sec-
tion 176 applies to the new punishment or punishments.
1950, c. 43, s. 192.

193. Notwithstanding anything in this Part, the Court
Martial Appeal Board may disallow an appeal if, in the
opinion of the Board, to be expressed in writing, there has
been no substantial miscarriage of justice. 1950, c. 43,
s. 193.

194. Where a punishment included in a sentence has
been dealt with pursuant to subsection (3) of section 191 or
section 192, the new punishment shall be subject to miti-
gation, commutation, remission or suspension in the same
manner and to the same extent as if it had been passed
by the court martial that tried the appellant. 1950, c. 43,
s. 194.

RULES OF APPEAL PROCEDURE.

195. (1) The Chairman of the Court Martial Appeal
Board, with the approval of the Governor in Council, may
make rules not inconsistent with this Act respecting
(a) the seniority of members of the Board for the pur-
pose of presiding at appeals;
(b) the practice and procedure to be observed at hear-
ings;
(c) the conduct of appeals;
(d) the production of the minutes of the proceedings of
any court martial in respect of which an appeal is
taken;
(e) the production of all other documents and records
relating to an appeal;
(f) the extent to which new evidence may be introduced;
(g) the circumstances in which the appellant may attend
or appear before the Board on the hearing of his appeal,
but no such rule shall deprive an appellant of the right
to be present on the hearing of his appeal from a sen-
tence of death; and
(h) provision for and payment of fees of counsel for the
appellant.

(2) No rule made under this section has effect until
publication. It has been published in the Canada Gazette.
1950, c. 43, s. 195.
APPEAL TO SUPREME COURT OF CANADA.

A person whose appeal has been wholly or in part dismissed by the Court Martial Appeal Board where there has been dissent in the Board, appeal to the Supreme Court of Canada with leave of the Attorney General of Canada.

An application for leave to appeal under subsection (2) shall be delivered to the Attorney General of Canada within thirty days of notice to the appellant of the decision of the Court Martial Appeal Board.

(3) The Supreme Court of Canada, in respect of the hearing and determination of an appeal under this section, has the same powers, duties and functions as the Court Martial Appeal Board has under this Act, and sections 191 to 194 apply with such adaptations and modifications as the circumstances may require. 1950, c. 43, s. 196.

REVIEW AFTER EXPIRATION OF RIGHT TO APPEAL.

197. Upon the expiration of the period mentioned in subsection (3) of section 188 within which an appeal may be made, the proceedings of every court martial shall be reviewed by the Judge Advocate General in respect of any matter mentioned in paragraph (b) or (c) of section 186 on which an appeal has not been made. 1950, c. 43, s. 197.

198. Where, upon the review mentioned in section 197, the Judge Advocate General certifies that any finding or punishment is illegal, he shall refer the minutes of the proceedings of the court martial to the appropriate chief of staff for such action under this Act as that chief of staff may deem fit. 1950, c. 43, s. 198.

PETITION FOR NEW TRIAL.

199. (1) Every person who has been tried and found guilty by a court martial has a right to petition for a new trial on grounds of new evidence discovered subsequent to his trial.

(2) No petition under this section shall be entertained unless it is delivered to an officer designated for that purpose in regulations

(a) within one year after the date of the pronouncement of the finding, or

(b) within one year after any punishment of incarcera-
tion, undergone by the petitioner in consequence of his trial, has been carried out, whichever is the later.

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(3) Every petition under this section shall be forwarded to the Judge Advocate General who shall refer the petition with his recommendation to the appropriate chief of staff who, if he is of the opinion that the petition should be granted, shall order a new trial, in which case the petitioner shall be tried again as if no trial had been held.

(4) When a new trial is held pursuant to subsection (3) and the petitioner is found guilty the sentence passed at the original trial shall be restored and has force and effect as if the new trial had not been ordered. 1950, c. 43, s. 199.

PART X.

MISCELLANEOUS PROVISIONS HAVING GENERAL APPLICATION.

WITNESSES AND COUNSEL AT COURTS MARTIAL.

200. (1) For the purposes of this section, “court martial”, in addition to the tribunals mentioned in paragraph (7) of section 2, includes a commissioner taking evidence under this Act and an officer taking a summary of evidence in accordance with regulations; and references in this section to the president or members of a court martial shall be deemed to include references to any such commissioner or officer.

(2) Every person required to give evidence before a court martial may be summoned under the hand of the authority by whom the court martial was convened, established or appointed, or the Judge Advocate General, or under the hand of the president, judge advocate, commissioner taking evidence under this Act or officer taking a summary of evidence in accordance with regulations.

(3) A person summoned under subsection (2) may be required to bring with him and produce at a court martial any documents in his possession or under his control relating to the matters in issue before the court martial.

(4) A witness summoned or attending to give evidence before a court martial shall be paid such witness fees and allowances for expenses of attendance as are prescribed in regulations.

(5) Any conduct of counsel before a court martial that would be liable to censure or be contempt of court if it took place before a civil court in the place where the court martial is held is likewise liable to censure or is contempt of court in the case of a court martial; and the regulations governing the procedure of courts martial are binding upon counsel appearing before courts martial, and wilful disobedience of those regulations shall, if persevered in, be deemed to be contempt of court.
(6) A court martial may, by order under the hand of the president, a commissioner taking evidence under this Act or an officer taking a summary of evidence in accordance with regulations, cause counsel to be removed from the court martial for contempt, but an officer taking a summary of evidence shall not take action under this subsection without the approval of his commanding officer. 1950, c. 43, s. 200.

201. Every person when required to give evidence on oath under this Act shall take his oath in the form prescribed in regulations and that oath, in respect of any prosecution for perjury under the Criminal Code, has the same force and effect as an oath taken before a civil court. 1950, c. 43, s. 201.

DISPOSAL BY CIVIL AUTHORITIES OF DESERTERS AND ABSENTEES WITHOUT LEAVE.

202. (1) For the purposes of this section "justice" means a justice as defined in the Criminal Code.

(2) Upon reasonable suspicion that a person is a deserter or absentee without leave, it is lawful for any constable, or if no constable can be immediately met with, for any officer, man or other person, to apprehend that suspected person and forthwith to bring him before a justice.

(3) A justice, if he is satisfied by evidence on oath that a deserter or absentee without leave is, or is reasonably suspected to be, within his jurisdiction, may issue a warrant authorizing the deserter or absentee without leave to be apprehended and brought forthwith before him or any other justice.

(4) Where a person is brought before a justice charged with being a deserter or absentee without leave under this Act, that justice may examine into the case in like manner as if that person were brought before him accused of an indictable offence.

(5) A justice, if satisfied either by evidence on oath or by the admission of a person brought before him under this section that he is a deserter or absentee without leave, shall cause him to be delivered into service custody in such manner as the justice may deem most expedient; and, until he can be so delivered, the justice may cause him to be held in civil custody for such time as appears to the justice reasonably necessary for the purpose of delivering him into service custody.

(6) Where a person has admitted that he is a deserter or absentee without leave and evidence of the truth or falsehood of the admission is not then forthcoming, the justice...
justice before whom that person is brought shall remand him for the purpose of obtaining information as to the truth or falsehood of the admission; and for that purpose the justice shall transmit to such authorities of the Canadian Forces as the Minister may prescribe, a report which shall contain such particulars and be in such form as may be prescribed by the Minister.

(7) A justice, before whom a person is brought under this section, may from time to time remand that person for a period not exceeding eight days on each appearance before him, but the whole period during which a person is so remanded shall not be longer than appears to the justice reasonably necessary for the purpose of obtaining the information mentioned in subsection (6).

(8) Where a justice before whom a person is brought under this section causes him to be delivered into service custody or to be held in civil custody, the justice shall transmit to such authorities of the Canadian Forces as the Minister may prescribe, a report which shall contain such particulars and be in such form as may be prescribed by the Minister.

(9) Where a person surrenders himself to a constable and admits desertion or absence without leave, the constable in charge of the police station to which he is brought shall forthwith inquire into the case and, if it appears to him from the admission that such person is a deserter or absentee without leave, he may cause him to be delivered into service custody, without bringing him before a justice; and in that event the constable shall transmit to such authorities of the Canadian Forces as the Minister may prescribe, a report which shall contain such particulars and be in such form as may be prescribed by the Minister.

CERTIFICATE OF CIVIL COURTS.

203. Where any person subject to the Code of Service Discipline has at any time been tried by a civil court, the clerk of that court or other authority having custody of the records of the court shall, if required by any officer of the Canadian Forces, transmit to that officer a certificate setting forth the offence for which that person was tried, together with the judgment or order of the court thereon, and shall be allowed for that certificate the fee authorized by law. 1950, c. 43, s. 202.

DUTIES

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DUTIES RESPECTING INCARCERATION.

204. (1) Every warden, governor, gaoler, commanding officer, commandant or other keeper of a penitentiary, civil prison, service prison or detention barrack shall take cognizance of any warrant of committal purporting to be signed by a committing authority mentioned in section 178 and shall receive and detain, according to the exigency of that warrant, the offender mentioned therein and delivered into his custody and shall confine that person until discharged or delivered over in due course of law.

(2) Any person mentioned in subsection (1) to whom a Statement of Appeal is delivered under section 188 shall cause the Statement of Appeal to be forwarded forthwith to the Judge Advocate General. 1950, c. 43, s. 204.

MANŒUVRES.

205. (1) For the purpose of training the Canadian Forces, the Minister may authorize the execution of military exercises or movements, referred to in this section as “manœuvres”, over and upon such parts of Canada and during such periods as are specified.

(2) Notice of manœuvres shall be given to the inhabitants of any area concerned by appropriate publication.

(3) Units and other elements of the Canadian Forces may execute manœuvres on and pass over such areas as are specified under subsection (1), stop or control all traffic thereover whether by water, land or air, draw water from such sources as are available, and do all things reasonably necessary for the execution of the manœuvres.

(4) Any person who wilfully obstructs or interferes with manœuvres authorized under this section and any animal, vehicle, vessel or aircraft under his control may be forcibly removed by any constable or by any officer, or by any man on the order of any officer.

(5) No action lies by reason only of the execution of manœuvres authorized under this section. 1950, c. 43, s. 205.

EMERGENCY POWERS IN RELATION TO PROPERTY.

206. (1) When the Governor in Council by reason of an emergency declares it to be expedient for Her Majesty to take control of property, including transportation or communications facilities in Canada or operating from Canada, the Minister may, by warrant under his hand, empower any person named in such warrant to take possession of property which he considers necessary for defence purposes or to assume
assume the operation or management thereof for the service of Her Majesty in such manner as the Minister directs; and all persons employed in whatever manner in connection with such property shall obey the directions of the Minister or of the person named in the warrant.

(2) A warrant mentioned in subsection (1) remains in force only so long as the emergency exists.

(3) Where action relating to any property has been taken under subsection (1), all contracts and agreements in respect of that property, that would otherwise have been enforceable by or against the person who owns that property, including the directors, officers, servants and agents of that person, are enforceable by or against Her Majesty. 1950, c. 43, s. 206.

207. When an emergency exists, the officer in command of any unit of the Canadian Forces or any officer duly authorized by him may, subject to regulations made by the Governor in Council, enter upon, take, impress, control, use, occupy, alter, remove or cause to be removed, destroy, desolate or lay waste any property imperatively required to be so dealt with immediately for the purpose of meeting the emergency. 1950, c. 43, s. 207.

208. Any person who suffers loss, damage or injury by reason of the exercise of any of the powers conferred by section 205, 206 or 207 shall be compensated from the Consolidated Revenue Fund. 1950, c. 43, s. 208.

EXEMPTION FROM TOLLS.

209. (1) No duties or tolls, otherwise payable by law in respect of the use of any pier, wharf, quay, landing place, highway, road, right of way, bridge or canal, shall be paid by or demanded from any unit or other element of the Canadian Forces or an officer or man when on duty or any person under escort or in respect of the movement of any material.

(2) Nothing in this section affects the liability for payment of duties or tolls lawfully demandable in respect of any vehicles or vessels other than those belonging to or in the service of Her Majesty. 1950, c. 43, s. 209.

SHIPS IN CONVOY.

210. Every master or other person in command of a merchant or other vessel under the convoy of any of Her Majesty's Canadian ships shall obey the directions of the Master of the ship to obey the commanding officer. 1950, c. 43, s. 209.

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commanding officer of the convoy or the directions of the
commanding officer of any of Her Majesty's Canadian ships
in all matters relating to the navigation or security of the
convoy, and shall take such precautions for avoiding the
enemy as may be directed by any such commanding officer;
and if he fails to obey such directions, that commanding
officer may compel obedience by force of arms, without being
liable for any loss of life or property that may result from
the use of such force. 1950, c. 43, s. 210.

SALVAGE.

211. (1) Where salvage services are rendered by or with
the aid of a vessel or aircraft belonging to or in the service of
Her Majesty and used in the Canadian Forces, Her Majesty
may claim salvage for those services, and has the same
rights and remedies in respect of those services as any other
salvor would have had if the vessel or aircraft had belonged
to him.

(2) No claim for salvage services by the commander or
crew or part of the crew of a vessel or aircraft belonging
to or in the service of Her Majesty and used in the Canadian
Forces shall be finally adjudicated upon, unless the consent
of the Minister to the prosecution of the claim is proved;
and such consent may be given at any time before final
adjudication.

(3) Any document purporting to give the consent of the
Minister for the purpose of this section is evidence of that
consent.

(4) Where a claim for salvage services is prosecuted and
the consent of the Minister is not proved the claim shall be
dismissed with costs.

(5) The Minister may, upon the recommendation of the
Attorney General of Canada, accept on behalf of Her Maj-
esty and the commander and crew or part of the crew, offers
of settlement made with respect to claims for salvage
services rendered by vessels or aircraft belonging to or in
the service of Her Majesty and used in the Canadian Forces.

(6) The proceeds of any settlement made under sub-
section (5) shall be distributed in such manner as the
Governor in Council may prescribe.

(7) Section 541 of the Canada Shipping Act does not
apply to or in respect of any claim for salvage services by
Her Majesty or by the commander or crew or part of the
crew of a vessel or aircraft belonging to or in the service
of Her Majesty and used in the Canadian Forces. 1950,
c. 43, s. 211.

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GOVERNMENT VESSELS DISCIPLINE ACT.

212. Unless the Governor in Council otherwise directs, the Government Vessels Discipline Act does not apply to Her Majesty's Canadian ships or to any other ship or vessel of the Canadian Forces or to the officers, men or other persons serving or engaged for service therein, or to officers and men serving in the regular forces, the active service forces, or the reserve forces when on service or on active service. 1950, c. 43, s. 212.

LIMITATION OF CIVIL LIABILITIES.

213. (1) An officer or man of the reserve forces on active service or an officer or man of the regular forces or active service forces is not liable to be taken out of Her Majesty's service by any process, execution or order of any court of law or otherwise, or to be compelled to appear in person before any court of law, except in respect of

(a) a charge of or conviction for an offence punishable under the Criminal Code, or any other law of Canada or of a province of Canada, or an offence punishable according to the law of that part of Her Majesty's dominions in which the offence was committed, or

(b) a judgment for a debt, damages or sum of money when the amount involved, exclusive of any costs, exceeds two hundred dollars.

(2) All proceedings and documents in or incidental to a process, execution or order in contravention of this section are void; and where a complaint is made by an officer or man or by his commanding officer that such officer or man has been dealt with in contravention of this section by any process, execution or order issued out of any court, the officer or man or his commanding officer may complain to that court or to any court superior to it and the court or a judge thereof shall examine into the complaint and shall, if necessary, discharge the officer or man without fee, and may award reasonable costs to him which may be recovered as if such costs had been awarded in his favour in an action or other proceeding in such court.

(3) Any person having a cause of action against an officer or man of the reserve forces on active service or an officer or man of the regular forces or active service forces may, notwithstanding anything in this section, after due notice in writing of his intention to commence action has been personally served upon the officer or man, or left at his usual place of abode, commence action and proceed to judgment.

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judgment, and may proceed to execution except as against the person, pay, allowances or personal equipment of such officer or man. 1950, c. 43, s. 213.

Exemption from jury service.

214. Every officer and man of the reserve forces on active service and every officer and man of the regular forces and active service forces is exempt from serving on a jury. 1950, c. 43, s. 214.

Limitation of actions.

215. (1) No action, prosecution or other proceeding lies against any person for an act done in pursuance or execution or intended execution of this Act or any regulations, or of any military or departmental duty or authority, or in respect of any alleged neglect or default in the execution of this Act, regulations or such duty or authority, unless it is commenced within six months next after the act, neglect or default complained of, or, in the case of continuance of injury or damage, within six months after the ceasing thereof.

(2) Nothing in subsection (1) is in bar of proceedings against any person under the Code of Service Discipline. 1950, c. 43, s. 215.

Saving provision.

216. No action or other proceeding lies against any officer or man in respect of anything done or omitted by him in the execution of his duty under the Code of Service Discipline, unless he acted, or omitted to act, maliciously and without reasonable and probable cause. 1950, c. 43, s. 216.

COMPENSATION.

217. Compensation may be paid to such extent, in such manner and to such persons as the Governor in Council may by regulation prescribe, in respect of disability or death resulting from injury or disease or aggravation thereof incurred by any person while

(a) employed in the public service of Canada,
(b) employed under the direction of any part of the public service of Canada, or
(c) engaged, with or without remuneration, in an advisory, supervisory or consultative capacity in or on behalf of the public service of Canada, and performing any function in relation to the Canadian Forces, the Defence Research Board or any forces cooperating with the Canadian Forces or the Defence Research Board, if the injury or disease or aggravation thereof arose out of or was directly connected with the performance of such

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Such functions, but no compensation shall be paid under this section in respect of any disability or death for which a pension is paid or payable by virtue of any of the provisions of the Pension Act. 1951 (2nd Sess.), c. 7, s. 25.

PART XI.

AID OF THE CIVIL POWER.

218. For the purposes of this Part,
(a) “Attorney-General” means the Attorney-General of any province of Canada, or the acting Attorney-General of a province, or any minister of a government of a province performing for the time being the duties of a provincial Attorney-General;
(b) “Officer Commanding a Command” means an officer commanding a Canadian Army Command if he is present in the command and able to act, or if he is not so present, or is from sickness or other cause unable to act, the officer appointed to administer the command or for the time being performing the duties of the officer commanding the command. 1950, c. 43, s. 217.

219. The Canadian Forces, or any unit or other element thereof, or any officer or man, with materiel, are liable to be called out for service in aid of the civil power, in any case in which a riot or disturbance of the peace requiring such service occurs, or is, in the opinion of an Attorney-General, considered as likely to occur, and that is beyond the powers of the civil authorities to suppress, prevent, or deal with. 1950, c. 43, s. 218.

220. Nothing in this Part shall be deemed to impose liability to serve in aid of the civil power, without his consent, upon an officer or man of the reserve forces who is, by virtue of the terms of his enrolment, liable to perform duty on active service only. 1950, c. 43, s. 219.

221. In any case where a riot or disturbance occurs, or is considered as likely to occur, the Attorney-General of the province in which is situated the place where the riot or disturbance occurs, or is considered as likely to occur, on his own motion, or upon receiving notification from a judge of a superior, county or district court having jurisdiction in that place that the services of the Canadian Forces are required in aid of the civil power, may by requisition in writing, signed by him and addressed to the Officer Commanding R.S., 1952.
manding a Command of the command in which that place is situated, require the Canadian Army or such part thereof as the authorities hereinafter mentioned consider necessary to be called out on service in aid of the civil power. 1950, c. 43, s. 220.

222. (1) Upon receiving a requisition in writing made by an Attorney-General under section 221, the Officer Commanding a Command shall call out such part of the Canadian Army in his command as he considers necessary for the purpose of suppressing or preventing any actual riot or disturbance, or any riot or disturbance that is considered as likely to occur.

(2) Where the Officer Commanding a Command mentioned in subsection (1) considers that the services of parts of the Canadian Army in commands other than his command are necessary or desirable for the purpose of suppressing or preventing the riot or disturbance mentioned in the requisition, he shall notify the Chief of the General Staff of the number of officers and men, and of the materiel therefor, that he requires, as to which the Officer Commanding a Command is the sole judge; and upon being so notified the Chief of the General Staff may call out such parts of the Canadian Army and provide such materiel as in his judgment are available to meet the requirements of the Officer Commanding a Command and shall cause them to be despatched to the Officer Commanding a Command.

(3) Where the Officer Commanding a Command mentioned in subsection (1) has called out or caused to be called out any part of the Canadian Army in aid of the civil power, and considers that the services of any part of the Royal Canadian Navy or of the Royal Canadian Air Force are necessary or desirable for the purpose of assisting that part of the Canadian Army so called out, he may address to the Minister, through the Chief of the General Staff, a request stating the nature and extent of the assistance from the Royal Canadian Navy or from the Royal Canadian Air Force which in the circumstances the Officer Commanding a Command requires; and the Chief of the Naval Staff or the Chief of the Air Staff, as the case may be, if the Minister so directs, shall call out such part of the Royal Canadian Navy or of the Royal Canadian Air Force, and materiel therefor, as the Minister considers necessary or desirable for the purpose of meeting the request. 1950, c. 43, s. 221.

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223. A requisition of an Attorney-General under this Part may be in the following form, or to the like effect, and the form may, subject to section 224, be varied to suit the facts of the case:

Province of

To Wit

Whereas information has been received by me from responsible persons (or a notification has been received by me from a judge of a (superior) (county) (district) court having jurisdiction in ) that a riot or disturbance of the peace beyond the powers of the civil authorities to suppress (or to prevent or to deal with) and requiring the aid of the Canadian Forces to that end has occurred and is in progress (or is considered as likely to occur) at ;

And whereas it has been made to appear to my satisfaction that the Canadian Forces are required in aid of the civil power;

Now therefore I, the Attorney-General of , under and by virtue of the powers conferred by the National Defence Act, do hereby require you to call out the Canadian Army or such part thereof as you consider necessary for the purpose of suppressing (or preventing or dealing with) the riot or disturbance and, if it is deemed necessary or desirable by the appropriate authorities, I do hereby request that such other Services of the Canadian Forces as are under that Act liable to be called out in aid of the civil power be so called out for the purpose of assisting the Canadian Army;

And for and on behalf of the Province of , I the said Attorney-General, hereby undertake that all expenses and costs, incurred by Her Majesty by reason of the Canadian Forces or any part thereof being called out on service in aid of the civil power pursuant to this requisition, shall be paid to Her Majesty by the said Province.

Dated at , this day of , 19 .

Attorney-General.

1950, c. 43, s. 222.

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224. (1) In a requisition made under this Part it shall be stated that information has been received by the Attorney-General from responsible persons, or that a notification has been received by the Attorney-General from a judge that a riot or disturbance beyond the powers of the civil authorities to suppress or to prevent or to deal with, as the case may be, has occurred, or is considered as likely to occur, and that the Canadian Forces are required in aid of the civil power; and the requisition shall further state that it has been made to appear to the satisfaction of the Attorney-General that the Canadian Forces are so required.

(2) In a requisition made under this Part there shall be embodied an unconditional undertaking by the Attorney-General that the province shall pay to Her Majesty all expenses and costs incurred by Her Majesty by reason of the Canadian Forces or any part thereof being called out for service in aid of the civil power, as by the requisition required.

(3) Every statement of fact contained in a requisition made under this Part is conclusive and binding upon the province on behalf of which the requisition is made, and every undertaking or promise in the requisition is binding upon the province and not open to question or dispute by reason of alleged incompetence or lack of authority on the part of the Attorney-General or for any other reason.

(4) In every case where a requisition is made under this Part, the Attorney-General of the province concerned shall, within seven days after the making of the requisition, cause an inquiry to be made into the circumstances which occasioned the calling out of the Canadian Forces or any part thereof, and shall send a report upon the circumstances to the Secretary of State.

(5) A statement of fact contained in a requisition made under this Part is not open to dispute by the Officer Commanding a Command upon whom the requisition is made. 1950, c. 43, s. 223.

225. Officers and men when called out for service in aid of the civil power shall, without further authority or appointment and without taking oath of office, be held to have and may exercise, in addition to their powers and duties as officers and men, all of the powers and duties of constables, so long as they remain so called out, but they shall act only as a military body, and are individually liable to obey the orders of their superior officers. 1950, c. 43, s. 224.

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226. The Canadian Forces or any part thereof called out in aid of the civil power shall remain on duty in such strength as the Officer Commanding a Command, who has carried into effect a requisition of an Attorney-General made under this Part, deems necessary or orders, until notification is received from the Attorney-General that the Canadian Forces are no longer required in aid of the civil power; and the Officer Commanding a Command may, from time to time as in his opinion the exigencies of the situation require, increase or diminish the number of officers and men called out; except that officers and men of the Royal Canadian Navy and the Royal Canadian Air Force called out to assist the Canadian Army in aid of the civil power may be withdrawn at such time and to such extent as the Chief of the Naval Staff or the Chief of the Air Staff, as the case may be, under the direction of the Minister, may order. 1950, c. 43, s. 225.

227. All expenses and costs incurred by Her Majesty by reason of any of the Canadian Forces being called out under this Part in aid of the civil power, shall be paid to Her Majesty by the province the Attorney-General of which made the requisition requiring the Canadian Army to be called out. 1950, c. 43, s. 226.

228. Such moneys as are required to meet the expenses and costs occasioned by the calling out of the Canadian Forces as provided for in this Part and for the services rendered by them shall, pending payment by the province liable under section 227, be advanced in the first instance out of the Consolidated Revenue Fund by the authority of the Governor in Council, but are payable by and recoverable from the province to and by Her Majesty as moneys paid by Her Majesty to and for the use of the province at the request of the province. 1950, c. 43, s. 227.

PART XII.

OFFENCES TRIABLE BY CIVIL COURTS.

APPLICATION.

229. (1) Every person, including an officer or man, is liable to be tried in a civil court in respect of any offence prescribed in this Part.

(2) No charge against an officer or man in respect of any offence prescribed in this Part shall, if the complainant is any other officer or man, be tried by a civil court unless the consent of the complainant is obtained. 1952.
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consent thereto in writing of the commanding officer of such first-mentioned officer or man has first been obtained. 1950, c. 43, s. 228.

230. No prosecution in a civil court shall be commenced against a person in respect of an offence prescribed in this Part after the expiration of six months from the date of commission of the offence charged, except for any of the offences mentioned in section 240. 1950, c. 43, s. 229.

OFFENCES.

231. Every person who contravenes regulations respecting the access to, exclusion from, and safety and conduct of any persons in, on or about any defence establishment, work for defence or materiel is guilty of an offence and is liable on summary conviction to a fine not exceeding one thousand dollars or to imprisonment for a term not exceeding twelve months or to both fine and imprisonment. 1950, c. 43, s. 230.

232. Every person who knowingly makes a false answer to any question relating to his enrolment that has been put to him by or by direction of the person before whom he appears for the purpose of being enrolled in the Canadian Forces is guilty of an offence and is liable on summary conviction to a fine not exceeding one hundred dollars or to imprisonment for a term not exceeding three months or to both fine and imprisonment. 1950, c. 43, s. 231.

233. Every medical practitioner who signs a false medical certificate or other document in respect of

(a) the examination of a person for the purpose of enrolment in the Canadian Forces;
(b) the service or release of an officer or man; or
(c) the disability or alleged disability of a person, purported to have arisen or to have been contracted during, in the course of, or as a result of the service of such person as an officer or man,

is guilty of an offence and is liable on summary conviction to a fine not exceeding one thousand dollars or to imprisonment for a term not exceeding twelve months or to both fine and imprisonment. 1950, c. 43, s. 232.

234. Every person who falsely personates any other person in respect of any duty, act or thing required to be performed or done under this Act by the person so personated is guilty of an offence and is liable on summary conviction

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\[235\] Every person who falsely represents himself to any military or civil authority to be a deserter from Her Majesty's Forces is guilty of an offence and is liable on summary conviction to a fine not exceeding one hundred dollars or to imprisonment for a term not exceeding three months or to both fine and imprisonment. 1950, c. 43, s. 233.

\[236\] (1) Every officer or man of the reserve forces who without lawful excuse neglects or refuses to attend any parade, drill or training at the place and hour appointed therefor is guilty of an offence and is liable on summary conviction for each offence, if an officer to a fine of ten dollars, and if a man to a fine of five dollars.

(2) Absence from any parade, drill or training mentioned in subsection (1) is, in respect of each day on which such absence occurs, a separate offence. 1950, c. 43, s. 235.

\[237\] Every officer or man of the reserve forces who fails to keep in proper order any personal equipment or who appears at drill, parade or on any other occasion with his personal equipment out of proper order, unserviceable or deficient in any respect is guilty of an offence and is liable on summary conviction to a fine not exceeding twenty-five dollars for each offence. 1950, c. 43, s. 236.

\[238\] Every person who without reasonable excuse interrupts or hinders the Canadian Forces at drill, training or while on the march is guilty of an offence and is liable on summary conviction to a fine not exceeding fifty dollars for each offence; and may be taken into custody and detained by any person by the order of an officer until such drill, training or march is over for the day. 1950, c. 43, s. 237.

\[239\] Every person who without reasonable excuse obstructs or interferes with manoeuvres authorized under section 205 is guilty of an offence and is liable on summary conviction to a fine not exceeding fifty dollars. 1950, c. 43, s. 238.

\[240\] (1) Every person who
(a) unlawfully disposes of or removes any property;
(b) when lawfully required, refuses to deliver up any property that is in his possession; or
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(c) except for lawful cause, the proof of which lies on him, has in his possession any property, is guilty of an offence and is liable on summary conviction to a fine not exceeding fifty dollars for each offence.

(2) For the purposes of this section, "property" means any public property under the control of the Minister, non-public property, and property of any of Her Majesty's Forces or of any forces co-operating therewith. 1950, c. 43, s. 239.

241. (1) Every person who

(a) procures, persuades, aids, assists or counsels an officer or man to desert or absent himself without leave; or

(b) in an emergency, aids, assists, harbours or conceals an officer or man who is a deserter or an absentee without leave and who does not satisfy the court that he did not know that such officer or man was a deserter or an absentee without leave,

is guilty of an offence and is liable on summary conviction to a fine not exceeding one thousand dollars and not less than one hundred dollars or to imprisonment for any term not exceeding twelve months or to both fine and imprisonment.

(2) A certificate signed by the Judge Advocate General, or such person as he may appoint for that purpose, that an officer or man was convicted under this Act, of desertion or absence without leave or had been continuously absent without leave for six months or more, and setting forth the date of commencement and the duration of such desertion, absence without leave or continuous absence without leave, is for the purposes of proceedings under this section evidence that the officer or man was a deserter or absentee without leave during the period mentioned in the certificate. 1950, c. 43, s. 240.

242. Every person who, knowing that an officer or man is about to desert or absent himself without leave, aids or assists him in his attempt to desert or absent himself without leave is guilty of an offence and is liable on summary conviction to a fine not exceeding one thousand dollars or to imprisonment for any term not exceeding twelve months or to both fine and imprisonment. 1950, c. 43, s. 241.

243. Every person who

(a) wilfully obstructs, impedes or otherwise interferes with any other person in the execution of any duty that such other person is required under this Act or regulations to perform;

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(b) counsels any other person not to perform any duty that such other person is required under this Act or regulations to perform;
(c) does an act to the detriment of any other person in consequence of such other person having performed a duty that he is required under this Act or regulations to perform;
(d) interferes with or impedes, directly or indirectly, the recruiting of the Canadian Forces;
(e) wilfully produces any disease or infirmity in, or maims or injures himself or any other person with a view to enabling himself or such other person to avoid service in the Canadian Forces;
(f) with intent to enable any other person to render himself, or to induce the belief that such other person is, permanently or temporarily unfit for service in the Canadian Forces, supplies to or for such other person any drug or preparation calculated or likely to render such other person, or lead to the belief that such other person is, permanently or temporarily unfit for such service; or
(g) gives or receives, or is in any way concerned in the giving or receiving, of any valuable consideration in respect of enrolment, release or promotion in the Canadian Forces,
is guilty of an offence and is liable on summary conviction to a fine not exceeding one thousand dollars or to imprisonment for any term not exceeding twelve months or to both fine and imprisonment. 1950, c. 43, s. 242.

244. (1) Every person who
(a) on being duly summoned as a witness under section 200 and after payment or tender of the fees and expenses of his attendance prescribed in regulations, makes default in attending;
(b) being in attendance as a witness before a court martial mentioned in section 200,
(i) refuses to take an oath or affirmation legally required of him,
(ii) refuses to produce any document in his power or under his control legally required to be produced by him, or
(iii) refuses to answer any question that legally requires an answer;
(c) uses insulting or threatening language before a court martial mentioned in section 200, or causes any interference or disturbance in its proceedings, or prints observations

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observations or uses words likely to influence improperly the members of or witnesses before that court martial or to bring that court martial into disrepute, or in any other manner whatsoever displays contempt of that court martial; or

(d) being in attendance as counsel before a court martial mentioned in section 200, is in contempt of court within the meaning of subsection (5) of that section, is guilty of an offence and the court martial may, by a certificate setting forth the facts thereof, refer the offence of such person to a civil court, in the place where the court martial is held, that has power to punish witnesses guilty of like offences in that civil court.

(2) Any civil court to which an offence mentioned in this section has been referred shall cause to be brought before it the person certified to have committed that offence, and shall inquire into the circumstances set forth in the certificate mentioned in subsection (1), and, after examination of any witnesses who may be produced for or against the person so accused and after hearing any statement that may be offered in defence, shall, if it seems just, punish the person in like manner as if he had committed the offence in a proceeding in that civil court. 1950, c. 43, s. 243.

245. Every person employed in connection with any property, control of which has been taken by Her Majesty under section 206, who does not obey the directions of the Minister or such person as is named in any warrant issued by the Minister is guilty of an offence and is liable on summary conviction to a fine not exceeding one thousand dollars or to imprisonment for a term not exceeding twelve months or to both fine and imprisonment. 1950, c. 43, s. 244.

246. Every person who contravenes regulations respecting the quartering, billeting and encamping of a unit or other element of the Canadian Forces, or of an officer or man is guilty of an offence and is liable on summary conviction to a fine not exceeding fifty dollars. 1950, c. 43, s. 245.

247. Every person who receives or demands a duty or toll in contravention of section 209 is guilty of an offence and is liable on summary conviction to a fine not exceeding one hundred dollars or to imprisonment for a term not exceeding three months or to both fine and imprisonment. 1950, c. 43, s. 246.
248. Every person who fails to comply with directions given under section 210 is guilty of an offence and is liable on summary conviction to a fine not exceeding one thousand dollars or to imprisonment for a term not exceeding twelve months or to both fine and imprisonment. 1950, c. 43, s. 247.
CHAPTER 185.

An Act respecting the National Film Board.

SHORT TITLE.

1. This Act may be cited as the National Film Act. 1950, Short title. c. 44, s. 1.

INTERPRETATION.

2. In this Act, Definitions.

(a) "Account" means the National Film Board Operating Account established under section 18;

(b) "accounts receivable of the Board" means the payments due and owing to the Receiver General in respect of operations of the Board and any amounts that in accordance with this Act are due and transferable to the Account from appropriations made by Parliament;

(c) "Board" means the National Film Board;

(d) "Commissioner" means the Government Film Commissioner appointed under this Act;

(e) "department" means any department or branch of the Government of Canada and any agent of Her Majesty in right of Canada;

(f) "film" means motion pictures, still photographs, photographic displays, filmstrips and such other forms of visual presentation as consist primarily of photographs or photographic reproductions;

(g) "film activity" means any activity in relation to the production, distribution, projection or exhibition of film;

(h) "inventory of the Board" means the stores, supplies, materials and equipment held by the Board, and finished or partially finished work of the Board in respect of the cost of which payment has not yet been received or transferred and credited to the Account nor included in accounts receivable of the Board; and

(i) "Minister" means the Minister designated by the Governor in Council for the purposes of this Act. 1950, c. 44, s. 2.
RESPONSIBILITY OF MINISTER.

3. For the purposes of this Act and subject to its provisions, the Minister shall control and direct the operations of the National Film Board. 1950, c. 44, s. 3.

NATIONAL FILM BOARD.

4. (1) There shall be a National Film Board, consisting of the Commissioner, who shall be Chairman, and eight other members to be appointed by the Governor in Council, three of whom shall be selected from the public service or the Canadian Forces, and five of whom shall be selected from outside the public service and Canadian Forces.

(2) Subject to subsection (3) each member of the Board, other than the Commissioner, holds office for three years, but may be removed for cause at any time by the Governor in Council.

(3) Of the members first appointed, three shall be appointed for a period of one year, three for a period of two years and two for a period of three years.

(4) A retiring member of the Board is eligible for re-appointment.

(5) When a member ceases to be a member before the end of the term for which he was appointed, the Governor in Council shall appoint a person to be a member for the remainder of that term. 1950, c. 44, s. 4.

5. No person is eligible for appointment to the Board who has any pecuniary interest, direct or indirect, individually or as a shareholder or partner or otherwise, in commercial film activity. 1950, c. 44, s. 5.

6. A member of the Board, other than the Commissioner or a member of the public service or Canadian Forces, may be paid such fee for each meeting of the Board he attends as may be fixed by by-law of the Board, and the members of the Board are entitled to be paid actual travelling and living expenses necessarily incurred in connection with the business of the Board. 1950, c. 44, s. 6.

7. (1) The Board shall meet at the call of the Chairman but, in any event, not more than three months shall elapse between meetings of the Board.

(2) Five members of the Board constitute a quorum.

(3) Each member has one vote in the transaction of the business of the Board and if the number of votes is equal the Chairman has an additional vote.

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(4) The Board, with the approval of the Minister, may make by-laws not inconsistent with the provisions of this Act with respect to the conduct of the business of the Board. 1950, c. 44, s. 7.

8. The Chairman shall furnish a copy of the minutes of each meeting of the Board to the Minister. 1950, c. 44, s. 8.

PURPOSES OF THE BOARD.

9. The Board is established to initiate and promote the production and distribution of films in the national interest and in particular

(a) to produce and distribute and to promote the production and distribution of films designed to interpret Canada to Canadians and to other nations;
(b) to represent the Government of Canada in its relations with persons engaged in commercial motion picture film activity in connection with motion picture films for the Government or any department thereof;
(c) to engage in research in film activity and to make available the results thereof to persons engaged in the production of films;
(d) to advise the Governor in Council in connection with film activities; and
(e) to discharge such other duties relating to film activity as the Governor in Council may direct it to undertake. 1950, c. 44, s. 9.

POWERS OF BOARD.

10. (1) Subject to the direction and control of the Minister, the Board may, for the purposes for which it is established,

(a) make, project, exhibit or distribute or cause to be made, projected, exhibited or distributed films in Canada or elsewhere on behalf of the Board or on behalf of other departments or persons;
(b) determine the manner in which moneys available to the Board for the production of a film may best be expended in the production thereof;
(c) acquire personal property in the name of the Board;
(d) enter into contracts in the name of the Board, including contracts for personal services;
(e) dispose of personal property held in the name of the Board or administered by the Board on behalf of Her Majesty, in processed form or otherwise, at such price and upon such terms as the Board deems advisable;

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(1)

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(f) acquire in the name of the Board copyrights in any literary, musical or artistic works, plays, songs, recordings and films;

(g) acquire in the name of the Board and use any patent or patent rights, brevets d'invention, licences or concessions;

(h) make arrangements or agreements with any person or organization for the use of any rights, privileges or concessions; and

(i) do such other acts and things as are necessary or incidental for the purposes for which the Board is established.

(2) Actions, suits or other legal proceedings in respect of any right or obligation acquired or incurred by the Board on behalf of Her Majesty, whether in its name or in the name of Her Majesty, may be brought or taken by or against the Board in the name of the Board in any court that would have jurisdiction if the Board were a corporation that is not an agent of Her Majesty. 1950, c. 44, s. 10.

11. (1) Except with the approval of the Governor in Council, no department shall initiate the production or processing of a motion picture film without the authority of the Board, and the production and processing of all motion picture films by or for departments shall be undertaken by the Board unless the Board is of opinion that it is in the public interest that it be otherwise undertaken and authorizes it to be so undertaken.

(2) Where the Board has undertaken a film activity at the request of a Minister or other person presiding over or in charge of a department, there may be transferred out of the moneys appropriated by Parliament for or available for expenditure by that department to the National Film Board Operating Account such sums to defray the costs incurred by the Board for that film activity as such Minister or other persons and the Board agree. 1950, c. 44, s. 11.

12. Notwithstanding anything in this Act, the Board shall not, unless the approval of the Treasury Board has been obtained on the recommendation of the Minister, enter into a contract involving an estimated expenditure in excess of fifteen thousand dollars. 1950, c. 44, s. 12.

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13. (1) With the approval of the Treasury Board obtained on the recommendation of the Minister, the Board may formulate a plan of organization for the establishment and classification of the continuing positions necessary for the proper functioning of the Board and the establishment of rates of compensation for each class of position, having regard to the rates of compensation and conditions of employment for comparable positions in other branches of the public service and outside the public service.

(2) With the approval of the Treasury Board obtained on the recommendation of the Minister, the Board may amend or vary a plan approved under subsection (1).

(3) Subject to the plan of organization approved under this section and subject to subsection (4), the Board may, notwithstanding the Civil Service Act, appoint persons for a term or during pleasure to fill the positions established by the plan, prescribe their conditions of employment and provide for their promotion, salary and salary increases, but the provisions of the Civil Service Act relating to political partisanship and payment of gratuity on death apply to the persons appointed under this section.

(4) The appointment by the Board of a person to a continuing position at a salary exceeding five thousand dollars is not effective until approved by the Governor in Council.

(5) Each officer or employee employed by the Board under this section shall, before entering upon his duties, take an Oath of Office and Secrecy in the form set out in the Schedule.

(6) The Commissioner, if immediately prior to his appointment he was a contributor under the Civil Service Superannuation Act, and every person who

(a) immediately prior to the 14th day of October, 1950,
   (i) was employed on the staff of the Government Motion Picture Bureau, and
   (ii) was a contributor under the Civil Service Superannuation Act,

(b) immediately after the 14th day of October, 1950, is appointed or employed under this Act, continues to be a contributor under the Civil Service Superannuation Act; and, for the purposes of that Act, his service under this Act shall be counted as service in the civil service and he, his widow, children or other dependants, if any, or his legal representatives, may be granted the respective allowances or gratuities provided by the Civil Service Superannuation Act.
(7) Where a person who continues to be a contributor under the Civil Service Superannuation Act by virtue of subsection (6) is retired from his position under this Act, he may be assigned to a position in the civil service for which he is qualified or he may be granted the same benefits under the Civil Service Superannuation Act as if his office or position had been abolished. 1950, c. 44, s. 13.

14. The Board may, notwithstanding the Civil Service Act, employ such persons in positions other than in continuing positions in the plan approved under section 13, as may be required from time to time for the operations of the Board and may determine their remuneration and conditions of employment. 1950, c. 44, s. 14.

GOVERNMENT FILM COMMISSIONER.

15. (1) There shall be a Government Film Commissioner who shall be appointed by the Governor in Council on the recommendation of the Board and paid such salary as the Governor in Council may determine.

(2) The Commissioner shall be appointed to hold office for a period not exceeding five years but may be removed from office for cause at any time by the Governor in Council on the recommendation of the Board.

(3) On the expiration of his term of office the Commissioner is eligible to be re-appointed as Commissioner.

(4) In the case of the absence or inability of the Commissioner to carry out his duties for any reason, or in the case of a vacancy in the office of Commissioner, the Board may, subject to the approval of the Minister, appoint an Acting Commissioner. 1950, c. 44, s. 15.

16. (1) The Commissioner is the chief executive officer of the Board and is charged with the administration of the operations of the Board and may, subject to the by-laws of the Board, exercise all powers of the Board in the name of the Board.

(2) Subject to the by-laws of the Board, the Commissioner may authorize officers or employees of the Board to act on behalf of and in the name of the Board. 1950, c. 44, s. 16.

FINANCIAL PROVISIONS.

17. (1) The Board shall submit to the Minister an annual budget for each fiscal year showing the estimated revenues and expenditures of the Board for its operations during that fiscal year.
(2) The Board shall establish and maintain an accounting system satisfactory to the Minister and all books of account, records and papers of the Board shall at all times be open to the inspection of the Minister or of such persons as he may designate and the Comptroller of the Treasury. 1950, c. 44, s. 17.

18. (1) An account shall be established in the Consolidated Revenue Fund for the purposes of this Act to be known as the National Film Board Operating Account.

(2) All expenditures made by the Board, other than expenditures for the acquisition of capital equipment for the Board's own use, shall be shown as expenditures in the Account and the Board may, subject to subsection (4), make expenditures for the purposes of this Act, other than for the acquisition of capital equipment, from moneys in the Consolidated Revenue Fund, which shall be shown as expenditures in the Account.

(3) There shall be shown as receipts in the Account:

(a) all moneys received by the Receiver General in respect of operations of the Board,

(b) amounts transferred from appropriations made by Parliament for the operations of the Board, other than for the acquisition of capital equipment by the Board, in respect of expenditures that have been incurred in operations of the Board for which the moneys were appropriated, and

(c) amounts transferred from appropriations for expenditure by other departments for film activities, in respect of expenditures that have been incurred by the Board for films undertaken by the Board for those departments.

(4) The expenditures made by the Board and shown in the Account shall not at any time exceed the receipts shown in the Account by more than seven hundred thousand dollars or such lesser amount as may be fixed by the Treasury Board.

(5) At the end of each fiscal year the value of the inventory of the Board and accounts receivable of the Board shall be determined in accordance with regulations to be made by the Governor in Council, and if such value, added to the receipts shown in the Account, exceeds the total of expenditures shown in the Account and liabilities in respect of operations of the Board then due and payable, an amount equal to the excess shall be transferred to the Consolidated Revenue Fund as revenue, but if the value is less no amount may be so transferred.
may be credited to the Account to meet the deficiency except pursuant to an appropriation by Parliament for that purpose. 1950, c. 44, s. 18.

19. Except as otherwise provided in this Act, the Financial Administration Act applies in respect of operations under this Act. 1950, c. 44, s. 19.

REPORTS.

20. (1) As soon as is practicable after the end of each fiscal year the Board shall submit a report of the operations of the Board for the fiscal year in such form as the Minister may prescribe.

(2) The Minister shall lay the annual report of the Board, made under subsection (1) before Parliament within fourteen days after the receipt thereof if Parliament is then sitting or if Parliament is not then sitting, within fourteen days after the commencement of the next ensuing session. 1950, c. 44, s. 20.

21. The Board shall furnish to the Minister at such times and in such manner as he may require, such statements or reports in addition to those required by the provisions of this Act in respect of its business or operations as he may require. 1950, c. 44, s. 21.

SCHEDULE.

OATH OF OFFICE AND SECRECY.

I, (A.B.) solemnly and sincerely swear that I will faithfully and honestly fulfil the duties which devolve upon me by reason of my employment with the National Film Board and that I will not, without due authority in that behalf, disclose or make known any matter which comes to my knowledge by reason of such employment. So help me God. 1950, c. 44, Sch.
CHAPTER 186.

An Act respecting the National Gallery of Canada.

SHORT TITLE.

1. This Act may be cited as the National Gallery Act. Short title. 1951 (2nd Sess.), c. 16, s. 1.

INTERPRETATION.

2. In this Act, Definitions.
   (a) "Board" means the Board of Trustees mentioned in "Board." section 3;
   (b) "Minister" means the Minister of Citizenship and "Minister." Immigration; and
   (c) "works of art" includes pictures, sculpture and other "Works of art."

3. (1) The Board of Trustees constituted by chapter National Gallery of Canada 33 of the statutes of 1913 as a body corporate under the name of the National Gallery of Canada is hereby continued. as a body corporate under the name of the National Gallery of Canada.
   (2) The Board shall consist of not less than five and not more than nine members, appointed by the Governor in Council to hold office during pleasure.
   (3) The Governor in Council may designate one of the members of the Board to be the Chairman.
   (4) The members of the Board shall serve without remuneration but may receive reasonable travelling and other expenses when engaged on the business of the Board. 1951 (2nd Sess.), c. 16, s. 3.

4. (1) The Board is for all its purposes an agent of Her Majesty in right of Canada and its powers under this Act may be exercised only as an agent of Her Majesty.
   (2) The Board may on behalf of Her Majesty enter into contracts in the name of Her Majesty or in the name of the Board.
National Gallery Act.

Property.

(3) Property vested in the Board at the commencement of this Act and property subsequently acquired by the Board is the property of Her Majesty.

Disposition of property.

(4) Subject to the approval of the Minister, the Board may sell, lease, exchange or otherwise dispose of any property vested in the Board at the commencement of this Act or subsequently acquired by the Board. 1951 (2nd Sess.), c. 16, s. 4.

Employment of staff.

5. (1) Subject to subsection (2), the Director of the National Gallery and such other officers, clerks and employees as are necessary for the proper conduct of the business of the Board shall be appointed in accordance with the provisions of the Civil Service Act.

(2) The Board may employ professional and technical advisers and employees for temporary periods or for specific work and may fix and pay the remuneration of the persons so employed, but no person shall be employed under this subsection for more than six months without the approval of the Treasury Board. 1951 (2nd Sess.), c. 16, s. 5.

Objects and powers.

6. The objects and powers of the Board are as follows:

(a) the development, maintenance, care and management of the national gallery and generally the encouragement of Canadian public interest in the fine and applied arts;

(b) the promotion of the interests generally of art in Canada;

(c) the exhibition of works of art and products of applied and industrial design under the auspices of the Board or of art societies or otherwise;

(d) the custody and preservation of the works of art contributed by members of the Royal Canadian Academy of Arts to the national gallery; and

(e) the acquisition of works of art by purchase, lease, bequest or otherwise. 1951 (2nd Sess.), c. 16, s. 6.

By-laws.

7. Subject to the approval of the Minister, the Board may make by-laws

(a) for the conduct and management of its business;

(b) for the protection of its property and the property in its care or charge; and

(c) for the effective carrying out of the purposes of this Act. 1951 (2nd Sess.), c. 16, s. 7.

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8. (1) There shall be a special account in the Consolidated Revenue Fund called the National Gallery Purchase Account to which shall be credited any money appropriated by Parliament in any fiscal year for the purpose of acquiring works of art, and any expenditure for the acquisition of works of art in that or any subsequent fiscal year, including any costs in connection therewith, may be paid out of the moneys so appropriated and credited.

(2) There shall be a special account in the Consolidated Revenue Fund called the National Gallery Special Operating Account to which shall be credited all money received by the Board by way of donation, bequest, revenue or otherwise.

(3) Any expenditures for the purposes of this Act may be paid out of the National Gallery Special Operating Account or out of money appropriated by Parliament for such purposes. 1951 (2nd Sess.), c. 16, s. 8.

9. The accounts and financial transactions of the Board shall be audited by the Auditor General and his report shall be included in the annual report of the Board. 1951 (2nd Sess.), c. 16, s. 9.

10. The Board shall as soon as possible but within three months after the termination of each fiscal year submit an annual report to the Minister, containing its financial statements and such other information and prepared in such form as the Minister may require, and the Minister shall lay the report before Parliament within fifteen days after he receives it or, if Parliament is not then in session, within fifteen days after the commencement of the next ensuing session. 1951 (2nd Sess.), c. 16, s. 10.

EDMOND CLOUTIER, C.M.G., O.A., D.S.P.
QUEEN'S PRINTER AND CONTROLLER OF STATIONERY
OTTAWA, 1952
1. Board

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CHAPTER 187.

An Act respecting the National Harbours Board.

SHORT TITLE.

1. This Act may be cited as the National Harbours Board Act. 1936, c. 42, s. 1.

INTERPRETATION.

2. In this Act,
(a) “Board” means the National Harbours Board incorporated under this Act;
(b) “Corporations” means the Corporations constituted to administer the harbours of Halifax, Saint John, Chicoutimi, Quebec, Three Rivers, Montreal and Vancouver by the Acts set out in Schedule A to chapter 42 of the statutes of 1936;
(c) “goods” includes all personal property and movables other than vessels;
(d) “member” means any member of the Board appointed by the Governor in Council under this Act;
(e) “Minister” means the Minister of the Crown named by the Governor in Council to administer this Act;
(f) “raft” includes any raft, crib, dram or bag boom of logs, timber or lumber of any kind, and logs, timber or lumber in boom or being towed; and
(g) “vessel” includes any ship, boat, barge, raft, dredge, floating elevator, scow or other floating craft. 1936, c. 42, s. 2.

3. (1) There shall be, under the direction of the Minister, a Board to be known as the “National Harbours Board” consisting of three members, namely, a Chairman, a Vice-Chairman and a third member, who shall be appointed by the Governor in Council to hold office during good behaviour for ten years.
(2) The Board is a body corporate and politic and shall be and be deemed to be, for all the purposes of this Act, the agent of Her Majesty in right of Canada.

(3) The Board has the capacity to contract and to sue and be sued in the name of the Board.

(4) Each member shall devote his whole time to the business of the Board.

(5) Each member shall be paid such sum for his services as the Governor in Council may from time to time determine.

(6) Two members constitute a quorum.

(7) The Chairman, and in his absence the Vice-Chairman, shall preside at the meetings of the Board.

(8) In all proceedings of the Board the votes of the majority of the members shall govern.

(9) In any meetings of the Board, where only two of the members are present, all questions upon which an agreement cannot be reached shall be referred for decision to a full meeting of the Board.

(10) In case of a vacancy on the Board, the presiding member may, notwithstanding the provisions of subsection (9), cast an additional vote.

(11) If any of the members, by reason of any temporary incapacity, is unable at any time to perform the duties of his office, the Governor in Council may appoint a temporary substitute member, upon such terms and conditions as the Governor in Council may prescribe.

(12) A member ceases to hold office on becoming permanently incapacitated, in the opinion of the Governor in Council, or on reaching the age of seventy years.

(13) A member, on the expiration of his term of office, and if not disqualified by age, is eligible for re-appointment.

(14) Before any member enters upon the execution of his duties, he shall take and subscribe, before the Clerk of the Privy Council, an oath, which shall be filed in the office of the said Clerk, in the following form:

I, ............... solemnly and sincerely swear that I will faithfully and honestly fulfil the duties which devolve upon me as a member of the National Harbours Board. So help me God.

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(15) The head office of the Board shall be in the City of Ottawa, in the Province of Ontario, but meetings of the Board may be held at such other places as the Board may decide. 1936, c. 42, s. 3.

4. (1) The Board may employ such professional, technical and other officers, clerks and employees as it may deem necessary for the proper conduct of its business and fix their remuneration, but in the employment of such officers, clerks and employees under this subsection, other qualifications being equal, preference shall be given to persons who have been on active service overseas in the military forces, or being resident or domiciled in Canada at the outbreak of the war served in His Majesty’s forces, or who have served on the high seas in a seagoing ship of war in the naval forces of His Majesty during the war, and who have left any of such services with an honourable record or who have been honourably discharged.

(2) The Government Employees Compensation Act applies to the members and to the officers, clerks and employees of the Board and for the purposes of the said Act, the members and such officers, clerks and employees shall be deemed to be “employees” as defined by the said Act. 1936, c. 42, s. 4.

5. (1) Notwithstanding anything in the Civil Service Act, the Civil Service Superannuation Act or any other Act of the Parliament of Canada, a civil servant who, at the time of his appointment or employment under or pursuant to the provisions of this Act, is a contributor under the provisions of the Civil Service Superannuation Act, continues to be a contributor under the said Act; his service under this Act shall be counted as service in the civil service for the purposes of the Civil Service Superannuation Act, and he, his widow and children or other dependants, if any, are eligible to receive the respective allowances or gratuities provided by the said Act; and in the event of his being retired from his office or position under this Act for any reason other than that of misconduct, he is eligible for re-appointment in the civil service or to receive the same benefits under the Civil Service Superannuation Act as if his office or position had been abolished.

(2) Any member or employee of the Board, who at the time of his appointment or employment under or pursuant to the provisions of this Act, holds a position in the civil service, or is an employee within the meaning of the Civil Service Act, benefits preserved.

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Service Act, continues to retain and be eligible to receive all the benefits, except salary as a civil servant, that he would have been eligible to receive had he remained under that Act. 1936, c. 42, s. 5.

6. (1) The Board, for the purpose of and as provided for in this Act, has jurisdiction over the following harbours: Halifax, Saint John, Chicoutimi, Quebec, Three Rivers, Montreal and Vancouver, and likewise has administration, management and control of,

(a) all works and property that on the 1st day of October, 1936, were administered, managed and controlled by any of the Corporations;

(b) all other harbours and works and property of Canada that the Governor in Council may transfer to the Board for administration, management and control.

(2) The boundaries of the harbours of Halifax, Saint John, Chicoutimi, Quebec, Three Rivers, Montreal and Vancouver are as described in the Schedule, or as may be determined from time to time by order of the Governor in Council and any such order shall be published in the Canada Gazette. 1936, c. 42, s. 6.

7. Unless otherwise specifically provided for in this Act, nothing in section 6 shall be deemed to give the Board jurisdiction over or control of private property or rights within any of the harbours under the jurisdiction of the Board. 1936, c. 42, s. 7.

8. The Governor in Council may at any time transfer to the Board for administration, management and control any harbour, work or property of Canada, and from and after the date of such transfer the provisions of this Act apply to such harbour, work or property. 1936, c. 42, s. 8.

9. The Board may, with the approval of the Governor in Council, establish at any time a limit in the waters of any harbour under its jurisdiction beyond which construction from the shore may not be extended and shall designate such limit as the "harbour headline" for any part or the whole of such harbour. 1936, c. 42, s. 9.

10. (1) When previously authorized by the Governor in Council, the Board may acquire, hold, possess, sell, dispose of, or lease real and personal, movable and immovable property; and may either by itself or in co-operation with others

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others construct, maintain and operate roads, railways, vessels, plant and equipment; and generally do such things and exercise such powers as it deems necessary for the efficient administration, management and control of the harbours, works and other property under its jurisdiction.

(2) All property acquired or held by the Board is vested in Her Majesty in right of Canada. 1936, c. 42, s. 10.

11. (1) When previously authorized by the Governor in Council the Board may acquire and take lands or a limited estate or interest in lands without the consent of the owner under the provisions of the Expropriation Act, and the provisions of the said Act, including the provisions thereof relating to the abandonment of lands, mutatis mutandis, apply to the acquisition or taking of lands or limited estate or interest in lands or the abandonment of lands by the Board.

(2) Any plan and description deposited under the provisions of the Expropriation Act shall be signed by one of the members on behalf of the Board and the land so shown and described shall thereupon be and become vested in Her Majesty unless the plan and description indicate that the land taken is required for a limited time only or that a limited estate or interest therein is taken; and by the deposit in such latter case, the right of possession for such limited time or such limited estate or interest shall be and become vested in Her Majesty.

(3) The compensation payable in respect to the taking of any lands so vested in Her Majesty, or of any interest therein, shall be ascertained and paid in accordance with the provisions of the Expropriation Act, and for that purpose the Attorney General of Canada may file an information in the Exchequer Court on behalf of the Board to all intents and purposes as if such lands, or a limited estate or interest therein, had been expropriated by and vested in Her Majesty under the provisions of the said Act. 1936, c. 42, s. 11.

12. (1) Whenever any works are to be executed under the direction of the Board, the Board shall call tenders by public advertisement for the execution of such works, except in cases

(a) of pressing emergency in which delay would be injurious to the public interest,

(b)
(b) in which from the nature of the work it can be more expeditiously or economically executed by the officers and servants of the Board or of Her Majesty, or

(c) where the estimated cost of the work is less than ten thousand dollars.

(2) Whenever, in the case of any works, tenders are required by this Act to be called, the Board shall after having given the tenderers reasonable notice of the time and place of the opening of the tenders open them in public and thereafter submit them to the Minister who shall submit them to the Governor in Council and the contract for the work shall be awarded under the authority of the Governor in Council. 1936, c. 42, s. 12.

By-laws.

13. (1) The Governor in Council may make by-laws, not inconsistent with the provisions of this Act, for the direction, conduct and government of the Board and its employees, and the administration, management and control of the several harbours, works and property under its jurisdiction including

(a) the regulation and control of each and every matter in connection with vessels and aircraft navigating the harbours and their mooring, berthing, discharging or loading or anything incidental thereto;

(b) the use of the harbours and their facilities by vessels and aircraft and the agents, owners, masters or consignees of the same; and for the lease or allotment of any of the harbour property, plant or facilities;

(c) the regulation of the construction and maintenance of wharves, piers, buildings or any other structures within the limits of the harbours, and anything incidental thereto;

(d) the imposition and collection of tolls for any use of any bridge under the administration, management and control of the Board;

(e) the imposition and collection of rates and tolls on vessels or aircraft entering, using or leaving any of the harbours; on passengers; on cargoes; on goods or cargo of any kind landed, shipped, transshipped or stored in any of the harbours or moved over harbour tracks, and for the use of any wharf, building, plant, property
property or facility under the jurisdiction of the Board and for any service performed by the Board;

(f) the regulation of all plant, machinery or appliances, whether floating or not, for loading or unloading vessels, including the power to prescribe that none shall enter any harbour or remain in it without the permission of the Board, and power to levy a rate or sum of money thereon for the privilege of operating in the harbours, and to regulate and control charges for such services;

(g) the granting of pensions or the making of contributions to pension or insurance funds and the providing of annuities for employees of the Board;

(h) the prescribing of penalties that may be imposed on any person violating or not observing any by-law that the Governor in Council is authorized to make under this Act, but no such penalty shall exceed five hundred dollars or sixty days' imprisonment, or in default of payment of a pecuniary penalty and of the costs of conviction, imprisonment for a period not exceeding thirty days; and

(i) the doing of anything necessary to carry out the provisions of this Act within their true intent and meaning, and generally for the administration, management and control of the harbours, works and properties under the jurisdiction of the Board.

(2) By-laws made in accordance with the provisions of this Act, when published in the Canada Gazette, have the same force and effect as if enacted herein. 1936, c. 42, s. 13.

14. Where the violation or non-observance of any by-law is attended with danger or annoyance to the public or hindrance to the Board in the lawful use or operation of any of the harbours, works or property under the administration, management and control of the Board, it may, by or through its officers or employees, summarily interfere, using reasonable force, if necessary, to prevent or stop such violation or to enforce observance, without prejudice to any penalties incurred in respect thereof. 1936, c. 42, s. 14.

15. (1) The Board may levy such rates and tolls as are fixed by by-law and may, with the approval of the Minister, commute any rates or tolls so fixed on such terms and conditions and for such sums of money as the Board deems expedient.

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(2) The rates and tolls on goods landed or transhipped in or shipped from any harbour under the jurisdiction of the Board shall be paid by the consignee, shipper, owner or agent of such goods, and goods shall not be removed from the harbour until such rates or tolls are fully paid or security for payment accepted by the Board.

(3) No officer of Customs shall grant a clearance to any vessel to leave,

(a) any harbour under the jurisdiction of the Board until the master thereof produces to such officer of Customs a certificate from an authorized officer of the Board certifying that the rates or tolls on such vessel have been paid or that none are payable thereon or that in so far as the Board is concerned a clearance may be granted, or

(b) any other harbour or port in Canada if he has been notified by the Board to withhold such clearance until further notified by the Board that in so far as the Board is concerned a clearance may be granted. 1936, c. 42, s. 15.

18. (1) The Board may, in the manner hereinafter set forth, seize and detain any vessel within the limits of the territorial waters of Canada in the following cases:

(a) whenever any sum is due in respect of the vessel for rates or tolls or for commuted rates or tolls and is unpaid;

(b) whenever the master, owner or person in charge of the vessel has violated or has failed to observe any provision of this Act, or any by-law in force under this Act, and has rendered himself liable to any penalty;

(c) whenever any injury has been done by the vessel or by the fault or neglect of the crew, while acting as the crew or under order of their superior officers, to any works or property under the administration, management and control of the Board; or

(d) whenever any obstruction whatever has been offered or made to the operations of the Board by any vessel or by the fault or neglect of the crew, while acting as the crew or under order of their superior officers.

(2) In a case coming within paragraphs (c) or (d) of subsection (1), the vessel may be seized and detained until the injury so done has been repaired and until all damages thereby directly or indirectly caused to the Board (including the expense of following, searching for, discovery and seizing

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seizing of such vessel) have been paid to or security for such payment accepted by the Board; and for the amount of all such injury, damages, expenses and costs, the Board has a preferential lien upon the vessel and upon the proceeds thereof until payment has been made or adequate security has been given for such damages, whether direct or indirect, and for the amount of all such injury, damages, expenses and costs as may be awarded in any suit resulting therefrom, and the owner, charterer, master or agent of such vessel is also liable to the Board for all such injury, damages, expenses and costs.

(3) The Board has a lien upon any vessel and upon the proceeds thereof in preference to all other claims and demands whatsoever (saving and excepting the claims for wages of seamen, under the provisions of the Canada Shipping Act) for the payment of any rates, tolls or penalties due and payable with respect to such vessel or in respect of the acts of the master, owner or person in charge thereof.

(4) Such vessel may be seized and sold under any writ or warrant of execution or of distress issued by any court of competent jurisdiction upon the judgment or conviction at the suit of the Board against the vessel, the master, owner or person in charge thereof.

(5) Such vessel may be so seized and detained, or so seized and sold, while in the possession or charge of any person whatever, whether in charge or possession of or the property of the person who was owner when such rates, tolls or penalties accrued, or in charge or possession of or the property of any other person. 1936, c. 42, s. 16.

17. The Board may in the manner hereinafter set forth seize and detain any goods in case, (a) any sum is due for rates or tolls in respect of such goods and is unpaid, (b) such goods are, in the opinion of the Board, perishable goods, or are goods in respect of which the amount of rates or tolls accruing thereon is, in the opinion of the Board, likely to become greater than the amount which could be realized by the sale of such goods, or (c) any provision of this Act or any by-law in force under this Act has been violated or has not been observed in respect of such goods and a penalty has thereby been incurred. 1936, c. 42, s. 17.

18. (1) Every seizure and detention made under this Act shall be at the risk, cost and charges of the owner of the vessel, if vessel and upon the proceeds thereof until payment has been made or adequate security has been given for such damages, whether direct or indirect, and for the amount of all such injury, damages, expenses and costs as may be awarded in any suit resulting therefrom, and the owner, charterer, master or agent of such vessel is also liable to the Board for all such injury, damages, expenses and costs.

(3) The Board has a lien upon any vessel and upon the proceeds thereof in preference to all other claims and demands whatsoever (saving and excepting the claims for wages of seamen, under the provisions of the Canada Shipping Act) for the payment of any rates, tolls or penalties due and payable with respect to such vessel or in respect of the acts of the master, owner or person in charge thereof.

(4) Such vessel may be seized and sold under any writ or warrant of execution or of distress issued by any court of competent jurisdiction upon the judgment or conviction at the suit of the Board against the vessel, the master, owner or person in charge thereof.

(5) Such vessel may be so seized and detained, or so seized and sold, while in the possession or charge of any person whatever, whether in charge or possession of or the property of the person who was owner when such rates, tolls or penalties accrued, or in charge or possession of or the property of any other person. 1936, c. 42, s. 16.

Seizure and detention of goods.

(a) any sum is due for rates or tolls in respect of such goods and is unpaid, (b) such goods are, in the opinion of the Board, perishable goods, or are goods in respect of which the amount of rates or tolls accruing thereon is, in the opinion of the Board, likely to become greater than the amount which could be realized by the sale of such goods, or (c) any provision of this Act or any by-law in force under this Act has been violated or has not been observed in respect of such goods and a penalty has thereby been incurred. 1936, c. 42, s. 17.

18. (1) Every seizure and detention made under this Act shall be at the risk, cost and charges of the owner of the vessel, if vessel and upon the proceeds thereof until payment has been made or adequate security has been given for such damages, whether direct or indirect, and for the amount of all such injury, damages, expenses and costs as may be awarded in any suit resulting therefrom, and the owner, charterer, master or agent of such vessel is also liable to the Board for all such injury, damages, expenses and costs.

(3) The Board has a lien upon any vessel and upon the proceeds thereof in preference to all other claims and demands whatsoever (saving and excepting the claims for wages of seamen, under the provisions of the Canada Shipping Act) for the payment of any rates, tolls or penalties due and payable with respect to such vessel or in respect of the acts of the master, owner or person in charge thereof.

(4) Such vessel may be seized and sold under any writ or warrant of execution or of distress issued by any court of competent jurisdiction upon the judgment or conviction at the suit of the Board against the vessel, the master, owner or person in charge thereof.

(5) Such vessel may be so seized and detained, or so seized and sold, while in the possession or charge of any person whatever, whether in charge or possession of or the property of the person who was owner when such rates, tolls or penalties accrued, or in charge or possession of or the property of any other person. 1936, c. 42, s. 16.
the vessel or goods seized until all sums due or penalties incurred, together with all costs and charges incurred in the seizure and detention and the costs of any conviction obtained for the violation or non-observance of any of the provisions of this Act, or of any by-law in force under this Act, have been paid in full.

(2) The seizure and detention may take place either at the commencement of any action or proceeding for the recovery of any sums of money due, penalties or damages, or pending such suit or proceeding, or as incident thereto, or without the institution of any suit or proceeding whatsoever.

(3) The seizure and detention may be effected upon the order of,

(a) any judge,
(b) any magistrate having the power of two justices of the peace, or
(c) the chief officer of Customs at any port in Canada.

(4) Such order may be made on the application of the Board or any officer thereof, or the Attorney General of Canada, and may be executed by any constable or bailiff, or officer of the Board, and such constable, bailiff or officer is hereby empowered to take all necessary means and demand all necessary aid to enable him to execute the said order. 1936, c. 42, s. 18.

19. Service of any warrant, summons, writ, order, notice or other document, when personal service cannot be effected, may be made upon the owner or upon the master or other person in charge of any vessel by showing the original to and leaving a copy with any person found on board the vessel and appearing to be one of her crew, or by affixing a copy thereof to some conspicuous part of the vessel. 1936, c. 42, s. 19.

20. (1) The Board may sell at public auction or by private tender the whole or any part of the goods seized and detained under the provisions of section 17,

(a) at any time after the date of the seizure thereof in respect of goods of the nature or kind referred to in paragraph (b) of section 17, or

(b) at any time after the expiration of one month from the date of such seizure in respect of any other goods, and out of the proceeds arising from such sale retain the sums due in respect of such goods and the charges and expenses of such seizure, detention and sale.

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(2) The Board shall pay or deliver the surplus, if any, or such of the goods as remain unsold, to the person entitled thereto and recover the deficiency, if any, by action in any court of competent jurisdiction. 1936, c. 42, s. 20.

21. Every pecuniary penalty recovered for any violation or non-observance of this Act or of any by-law in force under this Act shall be paid over to the Board by the Court or magistrate before whom the penalty has been recovered. 1936, c. 42, s. 21.

22. All penalties incurred under this Act, or under any by-law made in pursuance thereof, may be recovered in a summary manner under the provisions of the Criminal Code relating to summary convictions. 1936, c. 42, s. 22.

23. All moneys received by the Board from whatever source derived shall be paid to the credit of the Receiver General through such banks as the Minister of Finance from time to time directs; such moneys shall be credited to a special account designated the "National Harbours Board Special Account" hereinafter called the "Special Account". 1936, c. 42, s. 23.

24. Notwithstanding the provisions of the Financial Administration Act, the Minister of Finance may, subject to the provisions of this Act, make disbursements from the Special Account on the requisition of the Board or its authorized officers, for the following purposes, or any of them:

(a) the payment of all necessary expenses incurred in the administration, management and control of the harbours, works, and properties under the jurisdiction of the Board;

(b) the purchase of investments for a reserve fund hereinafter referred to;

(c) the payment of capital expenditures; and

(d) the payment of the interest on and the principal of any debentures or other indebtedness of the Board. 1936, c. 42, s. 24.

25. The Board may allocate any portion of its revenues, after payment of the expenses of administration, management and control, to a reserve fund for the replacement of fixed assets or of plant or of equipment or for the retirement of debt or for any other purpose; the amounts so allocated may remain at the credit of the Special Account at R.S., 1952.
26. The Board shall submit to the Minister an annual budget showing, for each harbour under its jurisdiction and for each work or property transferred to it for administration, management and control, the estimated revenue, by sources, and the estimated expenditures for operation, management and control, for interest on outstanding bonds, debentures and other indebtedness, for capital expenditures and for the retirement of maturing indebtedness, and showing also the amounts to be added to the reserve fund and expenditures to be made therefrom; such budget shall be submitted by the Minister to the Governor in Council. 1936, c. 42, s. 26.

27. In the event of the estimated revenues, together with any available balance in the Special Account, with respect to each such harbour or work or property being insufficient to meet the estimated expenditures therefor, respectively, the amount of the deficiency in each case shall be included in separate items in the estimates submitted to Parliament; the Minister of Finance may from time to time transfer to the credit of the Special Account such moneys as are appropriated by Parliament for the purposes of this Act. 1936, c. 42, s. 27.

28. The Minister of Finance may make advances to the Board out of any unappropriated moneys in the Consolidated Revenue Fund for working capital purposes of an aggregate amount at any time outstanding not exceeding one million dollars; such advances shall be repaid within two months after the close of each fiscal year. 1936, c. 42, s. 28.

29. The Board shall deposit with the Minister of Finance certificates of indebtedness in such form as he may prescribe representing payments from the Consolidated Revenue Fund for capital expenditures or retirement of debt; the Governor in Council may from time to time determine the rates of interest that shall be paid by the Board into the Consolidated Revenue Fund on such certificates of indebtedness. 1936, c. 42, s. 29.

30. The Governor in Council may authorize the cancellation of debentures representing indebtedness to the Government of Canada assumed by the Board at the date of R.S., 1952.

of coming into force of this Act and any accrued and unpaid interest on such debentures or any other indebtedness, and the Minister of Finance may accept, in lieu of the principal amount thereof, certificates of indebtedness of the Board as provided in section 29. 1936, c. 42, s. 30.

31. Separate accounts shall be kept for each harbour under the jurisdiction of the Board and for each work or property transferred to it for administration, management and control and the revenues derived therefrom shall be assigned exclusively for the purposes of each such harbour or work or property. 1936, c. 42, s. 31.

32. The Board shall, as soon as possible but within three months after the termination of each calendar year, submit an annual report to the Minister in such form as he may prescribe and the Minister shall lay the said report before Parliament. 1936, c. 42, s. 32.

33. Subject to the provisions of this Act, the Board is subject to the provisions of the Financial Administration Act. 1936, c. 42, s. 33.

34. All revenues of and expenditures by the Board are subject to the audit of the Auditor General in the same manner as public revenues and expenditures. 1936, c. 42, s. 34.

35. (1) The Minister of Finance may select such accounting officers, clerks or employees from the personnel of the Board as he may consider necessary for the accounting of the receipts and expenditures of the Board, and such officers, clerks or employees shall be under the direction and control of the Comptroller of the Treasury, and the Governor in Council may transfer any of the said officers, clerks or employees to the Department of Finance.

(2) The classification and rate of compensation of a person so transferred shall be established under the authority of the Civil Service Act, but pending such person being classified, the Minister of Finance shall determine the monthly rate of compensation. 1936, c. 42, s. 35.

36. The salaries and expenses of the members and all other expenses of the head office at Ottawa, including the cost of the accounting service, shall be paid out of the Special Account and charged to each harbour or public work administered by the Board in such equitable proportions, respectively, as the Board may determine. 1936, c. 42, s. 36.

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Powers of Board.

37. (1) The Board shall possess and be vested with all the powers, rights and privileges belonging to and possessed by or vested in each of the Corporations on or before the 1st day of October, 1936, or to which they, or any of them, may be or become entitled, and is liable for all lawful claims against, and obligations of the said Corporations.

Liabilities.

(2) Nothing in this Act prejudices or affects the rights of any person that may have existed on or before the 1st day of October, 1936, against any of the Corporations or any action or legal proceeding taken to enforce such rights and such rights may be enforced by action against the Board and any action or legal proceeding instituted before the 1st day of October, 1936, may be continued against the Board. 1936, c. 42, s. 37.

Prior rights of persons not affected.

Pending actions.

38. Notwithstanding anything to the contrary in the *Navigable Waters Protection Act* in respect to any work as defined in the said Act in any navigable water under the jurisdiction of the Board, the application shall be made to and the plans and descriptions deposited with the Minister and the Minister of Public Works and any approval of the Governor in Council as required by the said Act shall be on the joint recommendation of the said Ministers. 1936, c. 42, s. 38.

Provisions relative to construction of works in navigable waters under jurisdiction of Board.

39. (1) Subject as hereinafter provided any claim against the Board arising out of any contract entered into in respect of its undertaking or any claim arising out of any death or injury to the person or to property resulting from the negligence of any officer or servant of the Board while acting within the scope of his duties or employment may be sued for and prosecuted by action, suit or other proceeding in any court having jurisdiction for like claims between subjects.

Practice and procedure.

(2) Any such action, suit or other proceeding may be commenced and prosecuted to judgment in the same manner and subject to the same rules of practice and procedure and to the same right of appeal as nearly as may be as in cases between subjects.

Costs.

(3) The said court has the same jurisdiction to order or adjudge the payment of costs either by plaintiff or defendant as in like cases in the said court between subjects. 1938, c. 34, s. 1.

Service of process.

40. In any such action, suit or other proceeding process may be served upon a member of the Board or upon any

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port manager or officer of the Board or upon any other person duly authorized by the Board to accept service of or be served with process in such cases. 1938, c. 34, s. 1.

41. (1) No execution shall issue on a judgment against the Board for the payment of money.

(2) Where in any action, suit or other proceeding there is a judgment against the Board directing the payment of money for costs or otherwise, a judge or other proper officer of the court may on application certify to the Minister of Finance the tenor and purport of such judgment and such certificate shall be transmitted by such judge or other officer to the Minister of Finance who shall pay the amount so adjudged to the party entitled to the same out of the Special Account established by section 23. 1938, c. 34, s. 1.

SCHEDULE.

Boundaries of the Harbours referred to in Section 6.

Harbour of Halifax.

For the purposes of this Act, the harbour of Halifax shall include all the waters lying northwest of a line running north 56° east and distant 3,500 feet southeasterly from Pleasant Point, and including the waters of Bedford Basin and the Northwest Arm.

Harbour of Saint John.

For the purposes of this Act, the boundaries of the harbour of Saint John shall be as follows:

The northerly limit of said harbour shall be a line drawn due northeast (astronomically) from the middle of the Dominion Government lighthouse tower erected in 1896 on the westerly bank of St. John River, at Green Head, to the easterly bank of said River.

The southerly and westerly limits of said harbour shall be as follows: Beginning at the intersection with high water mark of the westerly face of the Government breakwater at Negro Point; thence due south (astronomically) four thousand four hundred and fifty (4,450 ft.) feet, more or less, to an intersection with a line drawn due southwest (astronomically) from the middle of the Dominion Government Lighthouse Tower erected on Partridge Island; thence due east (astronomically) six thousand (6,000 ft.) feet, more

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For the purposes of this Act, the harbour of Chicoutimi comprise all the tidal waters of the Saguenay River above an imaginary line drawn across the River from Cape West to River Peltier and excluding the Ha Ha Bay.

Harbour of Quebec.

For the purposes of this Act, the harbour of Quebec comprises:

(a) The River St. Lawrence and the shores thereof to high water mark, between a line drawn from the western abutment of the roadway bridge which crosses the mouth of the River Cap Rouge, in a direction S. 15° E. astronomical, to an intersection with high water mark on the south shore of the River St. Lawrence, and a line drawn from the east side of the mouth of the River Montmorency, directly towards the Roman Catholic church of the parish of Ste. Petronille on the Island of Orleans, and thence produced to an intersection with high water mark on the south shore of the River St. Lawrence.

(b) Those parts of all tributaries falling into the River St. Lawrence, between the said lines, where the tide ebbs and flows.

Harbour of Three Rivers.

For the purposes of this Act, the harbour of Three Rivers shall comprise that portion of the River St. Lawrence lying between the eastern and western boundaries hereinafter described and extending in the River St. Maurice to the northerly boundary of the City of Three Rivers where it crosses the River St. Maurice, and shall include all water and beach up to tidal high water of the said Rivers and on the shores of islands contained within the harbour limits. The westerly boundary of the harbour shall be a line drawn parallel to and one mile easterly perpendicularly from the line joining the intersection with high water mark on the north shore of the River St. Lawrence of the boundary line of the parishes of Three Rivers and Pointe du Lac and the intersection with high water mark on the south shore of the
River of the boundary line of the parishes of St. Gregoire and Nicolet. The easterly boundary shall be the prolongation of the eastern boundary of the City of Three Rivers across the St. Lawrence River to the south shore of said River.

Harbour of Montreal.

For the purposes of this Act, the harbour of Montreal shall be bounded as follows:

(a) On the western or city side, to a point opposite the church of the parish of Longue Pointe the boundary shall be as follows:

Commencing at the mouth of the little River St. Pierre; thence, downwards, following the course of the bank of the River St. Lawrence and including the beach of the said River as far back as high water mark and the ground above high water mark reserved for a public road or path, down to the lower extremity of the lower basin of the Lachine Canal; thence, downwards, following the northwest side of the water course running parallel with and adjoining the revetment wall in the street or highway running along the whole line of the wharves now known as Commissioners Street, to a point where the said wall joins the Government works at the Commissariat store and the Government wharf; thence, downwards, following the course of the bank of the River St. Lawrence and including the beach of the said River as far back as high water mark, and any ground above high water mark reserved for a public road or path, as far as Ruisseau Migeon; thence, downwards, to a point opposite the church of the parish of Longue Pointe, following the said River along high water mark, and including the beach thereof;

the whole as set out by the provisions of section 5 of chapter 143 of the Statutes of 1855 of the late Province of Canada and as extended by the provisions of section 5 of chapter 61 of the Statutes of Canada, 1873, which said provisions shall be construed with reference to the circumstances existing when the said two Acts were respectively passed. Northerly from the said point the said harbour is extended, and the said boundary line shall continue to the extreme northern end of the Island of Montreal, following the river St. Lawrence along the present line of high water mark, and including the beach thereof.

(b) The southern boundary shall be a line bearing N. 65° E. astronomically from the easterly end of the division line between the lots known respectively as numbers 3266 and 3919 R.S., 1952.
The eastern boundary shall be from the intersection of the southern boundary with the present line of high water mark on the east shore of the River St. Lawrence along the said line of high water mark, and including the beach thereof, to the intersection with the northern boundary.

(d) The northern boundary shall be a line running from the said extreme northern end of the Island of Montreal at Bout de l'Isle and bearing due east astronomically and continuing across the River St. Lawrence to the intersection with the eastern boundary.

Harbour of Vancouver.

For the purposes of this Act, the harbour of Vancouver shall include Burrard Inlet, with the Indian Arm (formerly known as the North Arm, and Port Moody, False Creek and English Bay and all other tidal waters lying east of a line drawn from the Point Atkinson Lighthouse southerly to the most westerly point of Point Grey.

1936, c. 42, Sch. B.

EDMOND CLOUTIER, C.M.G., O.A., D.S.P.
QUEEN'S PRINTER AND CONTROLLER OF STATIONERY
OTTAWA, 1953
CHAPTER 188.

An Act to Promote the Construction of new Houses, the Repair and Modernization of existing Houses, the Improvement of Housing and Living Conditions, and the Expansion of Employment in the Postwar Period.

SHORT TITLE.

1. This Act may be cited as the National Housing Act. Short title. 1944-45, c. 46, s. 1.

GENERAL.

2. In this Act, Definitions.

(1) "approved instalment credit agency" means a corporation other than a bank, authorized to lend money to a purchaser of goods or to purchase obligations representing loans or advances to such a purchaser, approved by the Governor in Council for the purpose of making loans under this Act;

(2) "approved lending institution" means a lending institution approved by the Governor in Council for the purpose of making loans under this Act;

(3) "bank" means a bank incorporated by or under the "Bank Act;"

(4) "builder" means a person who builds houses for sale or for rent;

(5) "contractor" means a person who contracts to build a house for another person on land owned by such other person;

(6) "co-operative housing project" means a housing project built by a co-operative association incorporated under the laws of Canada or of any province;
"Corporation."

(7) "Corporation" means the Central Mortgage and Housing Corporation established by the Central Mortgage and Housing Corporation Act;

"Cost of construction."

(8) "cost of construction" means the aggregate of the cost or appraised value of the land, whichever is the lesser, actual expenditure for building, and the architectural, legal and other expenses and carrying charges necessary to complete the house or housing project, including in the case where work is done by the owner, such amount as the Corporation may fix as the value of the said work, and in the case where a loan is made to a builder, land development costs and carrying charges; but in the case of land acquired by gift or devise, the appraised value of the said land shall be taken;

"Cost of construction of a family housing unit."

(9) "cost of construction of a family housing unit" means the portion of the total cost of construction of a rental housing project that is attributable to the particular unit, the total cost being apportioned among the various family housing units on the basis of the relative housing accommodation provided by each unit;

"Cost of conversion."

(10) "cost of conversion" means the aggregate of the cost of acquiring the land and building or the appraised value thereof, whichever is the lesser, the actual expenditure for converting the building into a housing project and the architectural, legal and other expenses necessary to complete the project;

"Economic rental of a family housing unit."

(11) "economic rental of a family housing unit" means an annual rental at the rate of twelve per cent of the cost of construction of the family housing unit;

"Family housing unit."

(12) "family housing unit" means a unit providing therein living, sleeping, eating, food preparation and sanitary facilities for one family, with or without other essential facilities shared with other family housing units;

"Family of low income."

(13) "family of low income" means a family that receives a total family income less than five times the economic rental of a family housing unit required to provide sufficient accommodation for the said family;

"Farm."

(14) "farm" means land used for the purpose of farming;

"Farming."

(15) "farming" includes live stock raising, dairying, fruit growing, and all tillage of the soil;

"Farm home."

(16) "farm home" means a home on a farm occupied by a farmer;

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(17) "farmer" means a person who is in possession of a "farmer's" farm and
(a) whose principal occupation consists of farming the said farm, or
(b) who ordinarily combines farming the said farm with fishing or logging;

(18) "guaranteed home extension loan" or "guaranteed home improvement loan" means a home extension loan or a home improvement loan made in accordance with the provisions of section 27;

(19) "home extension loan" means a loan or a purchase of obligations representing loans or advances of money made by a bank or approved instalment credit agency for the purpose of financing the alteration of, or the making of additions to an existing home to add one or more family housing units thereto, but does not include a farm improvement loan as defined in the Farm Improvement Loans Act;

(20) "home improvement loan" means a loan or a purchase of obligations representing loans or advances of money made by a bank or approved instalment credit agency for the purpose of financing repairs, alterations and additions to a home, but does not include a farm improvement loan as defined in the Farm Improvement Loans Act, or a home extension loan;

(21) "house" means a building, together with the land, "house", upon which it is situated, intended for human habitation comprising one or more family housing units including facilities ordinarily required in connection with a dwelling place;

(22) "housing project" means a project consisting of one or more one-family dwellings, or one or more multiple-family dwellings or a combination of one-family and multiple-family dwellings, together with any public space, recreational facilities and commercial space and buildings appropriate to the project;

(23) "institutional holding company" means a corporation with share capital
(a) incorporated for the purpose of holding only the shares of one or more institutional housing corporations,
(b) that has power to issue debentures bearing interest at a rate not in excess of five per cent per annum, and
(c) the shares of which are, with the exception of directors' qualifying shares, wholly owned by one or more life insurance companies or by one or more approved lending R.S., 1952.
lending institutions designated by the Governor in Council under subsection (9) of section 19;

(24) “institutional housing corporation” means a corporation with share capital

(a) empowered to borrow money and to purchase land and construct thereon a low cost or moderate cost rental housing project, including such buildings or such accommodation for retail stores, shops, offices, and other community services, but not including hotels, as the company may deem proper and suitable for the convenience of the tenants of such rental housing project, and thereafter to hold, maintain, repair, alter, demolish, reconstruct, manage, collect or receive income from, sell or convey, in whole or in part, land so acquired and the improvements thereon, and

(b) the shares of which are, with the exception of directors’ qualifying shares, wholly owned by one or more life insurance companies or by one or more approved lending institutions designated by the Governor in Council under subsection (9) of section 19 or by an institutional holding company;

(25) “joint loan” in Parts I, II and III means a loan made jointly on behalf of Her Majesty and an approved lending institution pursuant to a contract entered into between Her Majesty and the said institution under the provisions of the said Parts I, II and III, respectively;

(26) “lending institution” means a loan, insurance, trust or other company or corporation, trustee of trust funds, building society, credit union or other co-operative credit society authorized to lend money on the security of real or immovable property;

(27) “lending value” means the estimated cost of construction or cost of conversion, or the appraised value, whichever is less, of a house or housing project;

(28) “limited-dividend housing company” means a company incorporated to construct, hold and manage a low-rental housing project and the dividends payable by which are limited by the terms of its charter or instrument of incorporation to five per cent per annum or less, and includes:

(a) an institutional housing corporation incorporated to construct, hold and manage a low-rental housing project and the dividends payable by which are limited by the terms of its charter or instrument of incorporation to five per cent per annum or less, and
(b) an institutional holding company incorporated for the purpose of holding only the shares of one or more such institutional housing corporations;

(29) "low-rental housing project" means a housing project undertaken to provide decent, safe and sanitary housing accommodation complying with standards not exceeding those approved by the Corporation, to be leased to families of low income at the economic rental therefor or at a lower rental or to such other persons as the Corporation, under agreement with the owner, may designate, having regard to the existence of a condition of shortage, overcrowding or congestion of housing;

(30) "metropolitan area" means a city together with one or more adjacent municipalities in close economic relationship with the city;

(31) "Minister" means the Minister of Resources and Development;

(32) "multiple-family dwelling" means a house containing two or more family housing units under the same roof, or a row of semi-detached dwellings;

(33) "municipality" means a city, town, incorporated village, county, township, district or rural municipality;

(34) "official community plan" means a master plan of community development and land utilization prepared by a local planning authority and legally adopted by or on behalf of a municipality;

(35) "one-family dwelling" means a house consisting of one family housing unit not attached to or forming part of any other house;

(36) "rent reduction fund" means a fund into which contributions, donations, gifts and bequests may be made by the government of any province or by any municipality, social agency, foundation, trust, estate or person for the purpose of reducing the rental of a family housing unit to permit such unit to be occupied by a family of low income;

(37) "rental housing project" means a housing project built for rental purposes;

(38) "semi-detached dwelling" means a family housing unit joined by a common or party wall to one or more family housing units. 1944-45, c. 46, s. 2; 1945, c. 26, ss. 7, 8; 1946, c. 61, ss. 1, 2, 3, 4, 5; 1949 (2nd Sess.), c. 18, s. 9; 1949 (2nd Sess.), c. 30, s. 1.
3. (1) Notwithstanding any restrictions on its power to lend or invest money contained in any other statute or law, any approved lending institution subject to the jurisdiction of Parliament, may

(a) lend on the security of a first mortgage or hypothec in favour of Her Majesty and the lending institution jointly, pursuant to the provisions of Parts I, II and III, an amount not exceeding the maximum proportion of the lending value of a house specified in paragraph (c) of subsection (2) of section 7, or of the lending value of a rental housing project specified in paragraph (b) of subsection (2) of section 13, or an amount not exceeding the maximum specified in paragraphs (c) and (d) of subsection (2) of section 24, and

(b) purchase from the Corporation any first mortgage or any interest therein that the Corporation is by subsection (3) of section 5 authorized to sell.

(2) Where pursuant to the provisions of Part I, II or III a joint loan has been made by the Corporation and an approved lending institution or where an approved lending institution has purchased an interest in a first mortgage from the Corporation, the lending institution and the Corporation, to protect the mortgage security, may join in making supplementary joint loans to the borrower and in taking such other measures and steps as may be required in accordance with normal mortgage practice to safeguard the interests of Her Majesty and the said lending institution. 1948, c. 63, s. 1.

4. The Corporation may, on behalf of Her Majesty, agree with an approved lending institution to pay to such approved lending institution, to meet expenses incurred in the making of joint loans under Parts I, II and III for the construction of houses on farms or in small or remote communities designated by the Corporation, such amount not exceeding twenty dollars, together with such allowance for necessary travelling expenses incurred by employees or agents of the lending institution in respect of each loan so made by the lending institution as the Corporation may determine, the said allowance to be determined having regard to the distance of the borrower and the land upon which the house is being constructed from the nearest place from which the said loan can be negotiated and supervised by the lending institution. 1946, c. 61, s. 7.
5. (1) Where title to real or other immovable property is acquired by the Corporation in the name of Her Majesty or the Corporation, either solely, or jointly with any other person, or where the Corporation is authorized to sell or dispose of real or other immovable property of Her Majesty, the Corporation may sell or otherwise dispose of such property and may grant, discharge, or release easements, servitudes and other rights in respect thereof, and for such purpose the Corporation may execute and deliver, either in its own name or in the name of Her Majesty, deeds, grants, conveyances, transfers, easements, releases, discharges or other documents.

(2) A sale of real or other immovable property by the Corporation may be either for cash or on a deferred payment plan, and the Corporation may take such security by way of agreement for sale, mortgage or otherwise, as it deems advisable in order to safeguard the interests of Her Majesty.

(3) The Corporation may dispose of any security taken by it to secure the payment of an obligation to Her Majesty or to the Corporation or an interest therein and in the case of a sale of a mortgage or an interest therein to an approved lending institution with whom the Corporation has entered into a contract pursuant to this Act respecting joint loans may give to the said approved lending institution a guarantee in respect of the said mortgage as if the said mortgage had been made pursuant to the said contract. 1947, c. 40, s. 2.

6. (1) Subject to subsection (2), the Governor in Council may by regulation prescribe the maximum rate of interest payable by a borrower in respect of a loan made under this Act.

(2) The rate of interest prescribed under subsection (1) shall not exceed the interest rate on long term Government bonds

(a) by more than two per cent in respect of loans made under section 7, 13 or 24,
(b) by more than one and three-quarters per cent in respect of loans made under section 15,
(c) by more than one-half of one per cent in respect of loans made under section 16, and
(d) by more than one and one-half per cent in respect of loans made under section 17.

(3) In this section "interest rate on long term Government bonds" means the average rate of interest return yielded by Government of Canada bonds, outstanding at the bonds.”

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The maximum rate of interest is prescribed under subsection (1), that will not mature and cannot be called for payment for at least twelve years after such time. 1951, c. 32, s. 1.

PART I.

HOUSING FOR HOME OWNERS.

7. (1) The Corporation may, on behalf of Her Majesty and with the approval of the Governor in Council, enter into a contract with an approved lending institution on the terms set out in this section to join with the said institution in the making of loans to assist in the construction of houses.

(2) The terms of a contract entered into under this section shall provide that

(a) a joint loan shall be made only to the person (in this section called the “home owner”) who owns the land or is a lessee thereof under a long-term lease, and intends to occupy the house or one of the family housing units thereof, or to a builder who intends to sell the house to a person (in this section called the “home purchaser”) who will own and occupy the house or one of the family housing units thereof;

(b) a joint loan shall be made only for the purpose of assisting in the construction of a house according to sound standards approved by the Corporation and under such supervision as the Corporation may prescribe;

(c) a joint loan shall not exceed eighty per cent of the lending value of the house;

(d) the portion of the joint loan advanced by Her Majesty shall not exceed twenty-five per cent of the said loan;

(e) the rate of interest payable by the borrower in respect of a joint loan shall not be in excess of a rate prescribed by the Governor in Council, and no other charge in respect of the said loan shall be payable by the borrower except as may be authorized by regulation;

(f) the interest payable to Her Majesty on the portion of the joint loan advanced by Her Majesty shall be at such rate as is agreed upon between the Corporation and the lending institution and set out in the contract;

(g) the lending value of any house shall be subject to approval by the Corporation;

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(h) repayment of a joint loan shall be secured by a first mortgage or hypothec on the house and land upon which it is situate in favour of Her Majesty and the lending institution jointly except where a joint loan is made to a lessee of land in which case repayment of the joint loan shall be secured by a first mortgage, hypothec or an assignment of the leasehold interest of the lessee and such additional security, assignments, assurances and agreements as may be required by the Corporation in order to safeguard the interests of Her Majesty and the lending institution;

(i) a joint loan shall be for a term not in excess of thirty years;

(j) a joint loan shall be made on such terms as to payment of principal, interest and taxes, by monthly instalments as may be determined from time to time by the Corporation;

(k) the amount of a joint loan shall be advanced to the borrower in such instalments during the course of construction of the house as may be determined by the Corporation, except that in the case of a loan made to a builder, such portion of the loan may be withheld or such additional security required until the house has been sold to an owner-occupier as may be specified by the terms on which the loan is made;

(l) losses sustained as a result of joint loans shall be shared by Her Majesty and the lending institution in the proportions of the shares of Her Majesty and the lending institution in the said joint loans and that in addition Her Majesty shall be liable to pay to the lending institution such amount of the losses of the lending institution sustained as a result of joint loans within any class of joint loans established by agreement, as may be agreed upon, not exceeding, however, fifteen per cent of the aggregate amount of the share of the lending institution in all joint loans within the said class, each said class to be based on the ratio of the joint loans to the lending values or on the location of the projects or on both; and

(m) such other measures will be taken as may be agreed upon between the Corporation and the said lending institution in order to safeguard the interests of Her Majesty.

(3) In addition to the joint loan referred to in this section a loan may be made by the Corporation to the home owner or home purchaser in an amount not exceeding one-sixth of the joint loan if the cost of the house to the home owner or home purchaser, excluding the home site, does not exceed $2,480,000, or $3,929,000, in the case of houses in the city of Toronto.
the home owner or the purchase price thereof to the home purchaser is, in the opinion of the Corporation, fair and reasonable.

(4) Repayment of the loan made under subsection (3) shall be secured by the mortgage, hypothec or other security taken in accordance with paragraph (h) of subsection (2), and all the provisions of the mortgage, hypothec or other security shall be made applicable to such loan.

(5) The contract referred to in subsection (2) shall provide for the administration of the loan made under subsection (3), on such terms and conditions as may be agreed upon between the approved lending institution and the Corporation.

(6) Notwithstanding subsections (1) and (2) a joint loan may be made by Her Majesty and an approved lending institution with which Her Majesty has entered into a contract under this section to a co-operative association to assist in the construction of a co-operative housing project in an amount not exceeding eighty per cent of the lending value of the project if

(a) the instrument of incorporation of the co-operative association and its by-laws are approved by the Corporation, and

(b) the Corporation is satisfied that

(i) in the case of a project that will continue to be owned and managed by the co-operative association after completion of construction, at least eighty per cent of the family housing units of the project will be occupied by members or shareholders of the co-operative association, or

(ii) in the case of a project consisting of houses that on completion of construction are to be conveyed to members or shareholders of the association, at least eighty per cent of the members or shareholders will each own a house.

(7) In the first instance repayment of the joint loan made under subsection (6) shall be secured by a first mortgage or hypothec on all the family housing units in the project.

(8) Where a joint loan has been made under subsection (6), the Corporation may make an additional loan to the co-operative association in an amount not exceeding one-sixth of the joint loan if
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(a) in the opinion of the Corporation
(i) the costs of the project to the co-operative
association have been fair and reasonable, and
(ii) each member or shareholder of the co-operative
association will occupy one of the family housing
units of the project;

(b) each member or shareholder of the co-operative
association holds a lease from the co-operative
association of such family housing unit for a term of
not less than the term of the joint loan; and

(c) each member or shareholder of the co-operative
association has entered into an agreement with the
approved lending institution and Her Majesty under-
taking that in the event of Her Majesty and the
lending institution realizing upon the mortgage,
hypothec or other security the member or shareholder
will pay his proportionate share of any deficiency.

(9) Where the construction under subsection (6) of a
project consisting of houses has reached a stage satisfactory
to the Corporation and the co-operative association
conveys one of the houses of the project to one of its
members or shareholders, the first mortgage, hypothec or
other security may be discharged in respect of the house
and a new joint mortgage, hypothec or other security
taken in favour of Her Majesty and the approved lending
institution from the member or shareholder in an amount
equal to the portion of the joint loan made in respect of
the house in the first instance, and the Corporation may
at the time of the conveyance make an additional loan
to the member or shareholder under the provisions of
subsection (3).

(10) For the purposes of this section, “house” means a “House”
building, together with the land upon which it is situated,
intended for human habitation, containing not more than
two family housing units, including facilities ordinarily
required in connection with a dwelling place. 1944-45, c. 46,
s. 4; 1945, c. 26, s. 10; 1946, c. 61, ss. 8, 9, 10, 11; 1949
(2nd Sess.), c. 30, s. 2; 1951, c. 32, s. 2.

8. Notwithstanding sections 7 and 13, before a joint loan
is made to a lessee the Corporation may enter into such
agreement or arrangement with the owner of the land upon
which the house or housing project is to be built or with
other persons as it deems necessary in order to safeguard the
interests of Her Majesty. 1946, c. 61, s. 13.

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The Corporation may, on behalf of Her Majesty, contract with builders to encourage the construction of houses to be sold to prospective home owners. A contract may be entered into under subsection (1) with respect to houses the construction of which is assisted by loans made pursuant to this Act, and such contract shall provide that,

(a) the builder shall finance the construction of the said houses under the provisions of this Act;

(b) the builder shall offer each of the said houses for sale at a price not in excess of the price fixed in the said contract; and

(c) the Corporation shall agree to purchase from the builder within one year from the date of completion thereof at a price fixed in the said contract any house built pursuant to the said contract that remains unsold.

(3) A contract with a builder entered into under this section may also provide,

(a) that during such period as the Corporation requires the builder shall offer the said houses for sale only to veterans; and

(b) that such other things shall be done as the Corporation deems necessary in order to carry out the intent of this section and to safeguard the interests of Her Majesty.

(4) For the purpose of this section the expression “veteran” means a person who had been paid or is entitled to be paid a war service gratuity under the War Service Grants Act.

(5) When title to real or immovable property becomes vested in the name of the Corporation or of Her Majesty pursuant to the terms of a contract entered into under this section, the Corporation may pay to a municipality or other taxing authority an amount equivalent to the taxes that might be levied in respect of the said property or of the interest of the Corporation or of Her Majesty therein by the said authority if the said property or interest were not so vested, and may enter into such agreements as may be necessary to give effect to the provisions of this subsection.

(6) For the purposes of the Central Mortgage and Housing Corporation Act and section 12, moneys expended for purchases under paragraph (c) of subsection (2) shall be deemed to be loans made under this Part, and losses resulting from such purchases shall be deemed to be losses in respect of loans made under this Part.

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(7) A person who served on active service
(a) in any of the naval or army forces of Newfoundland or, having been recruited in Newfoundland, in any of the naval, army or air forces raised in Newfoundland by or on behalf of the United Kingdom, or
(b) in any other naval, army or air forces of His Majesty and at the time of his enlistment therein was domiciled in Newfoundland,
shall be deemed to be a veteran for the purposes of this section. 1946, c. 61, s. 13; 1949 (2nd Sess.), c. 30, s. 3; 1951 (2nd Sess.), c. 7, s. 24.

10. (1) The Governor in Council may make regulations to define for the purposes of this Act the expression "long-term lease" and to make provision for any matters concerning which he deems regulations are necessary or desirable to carry out the purposes or provisions of this Part and Part III.

(2) The Corporation may for the purposes of this Part and Part III:
(a) prescribe the manner in which the cost of construction of a house or of a housing project shall be estimated and by whom and in what manner the appraisal of the value of a house or housing project shall be made;
(b) prescribe sound standards of construction and the arrangements that shall be made to assure adequate supervision of the construction of a house or of a housing project in respect of which a joint loan is made;
(c) prescribe the information to be given by an applicant for a joint loan;
(d) prescribe the manner in which losses sustained in connection with joint loans shall be established; and
(e) prescribe the circumstances in which it may be appropriate to take a chattel mortgage or other security as security or additional security for a joint loan. 1946, c. 61, s. 14.

11. (1) The Corporation may at any time by agreement with an approved lending institution fix and determine the amount of loss in respect of any joint loan whether or not foreclosure or sale proceedings have been taken or concluded.

(2) In any case where the Minister deems it in the public interest, the Corporation may, on behalf of Her Majesty, purchase all the right, title and interest of an approved lending institution in any joint loan or in any security taken for the repayment thereof.

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(3) Where the Corporation has purchased a house pursuant to the terms of a contract entered into under section 9, it may on behalf of Her Majesty purchase all the right, title and interest of an approved lending institution in the joint loan made in respect of the said house or in any security taken for the repayment of the said loan.

(4) For the purposes of the Central Mortgage and Housing Corporation Act and section 12 purchases under subsections (2) and (3) shall be deemed to be loans made under this Part, and losses resulting from such purchases shall be deemed to be losses in respect of loans made under this Part. 1946, c. 61, s. 14; 1949 (2nd Sess.), c. 30, s. 4.

12. The Minister may make loans under this Part and pay losses in respect of loans made under this Part or under The Dominion Housing Act, 1935, or The National Housing Act, 1938, sustained after the 21st day of August, 1944, not exceeding, in the aggregate, three hundred million dollars out of unappropriated moneys in the Consolidated Revenue Fund. 1949 (2nd Sess.), c. 30, s. 5.

PART II.

HOUSING FOR RENTAL PURPOSES.

13. (1) The Corporation may, on behalf of Her Majesty and with the approval of the Governor in Council, enter into a contract with an approved lending institution on the terms set out in this section, to join with the said institution in the making of loans to assist in the construction of rental housing projects designed to provide housing accommodation to be rented to prospective tenants.

(2) The terms of a contract entered into under this section shall provide that

(a) a joint loan shall be made only for the purpose of assisting in the construction of the project according to sound standards, approved by the Corporation and under such supervision as may be determined by the Corporation;

(b) the joint loan shall not exceed eighty per cent of the lending value of the project;

(c) the portion of a joint loan advanced by Her Majesty shall not exceed twenty-five per cent of the joint loan;

(d) the rate of interest payable by the borrower in respect of a joint loan shall not be in excess of a rate prescribed by the Governor in Council, and no other charge

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charge in respect of the said loan shall be payable by the borrower except as may be authorized by regulation;

(e) the interest payable to Her Majesty on the portion of the joint loan advanced by Her Majesty shall be at such rate as is agreed upon between the Corporation and the lending institution and set out in the contract;

(f) the lending value of any project shall be subject to approval by the Corporation;

(g) the joint loan shall be secured by a first mortgage or hypothec on the project or the land and the buildings comprising the project in favour of Her Majesty and the said lending institution, and in such classes of cases as may be prescribed by the Corporation, the Corporation may require such additional security by way of chattel mortgage or assignment of rentals or otherwise as the Corporation may deem necessary or desirable in order to protect the interests of Her Majesty;

(h) a joint loan shall be for a term not in excess of twenty years from the date of completion of the project, except that in the case of a project to be constructed in an area that in the opinion of the Corporation is adequately protected by community planning and appropriate zoning restrictions the loan may be for a term in excess of twenty years but not exceeding twenty-five years;

(i) a joint loan shall be made on such terms as to payment of principal, interest and taxes by monthly instalments as the Corporation may from time to time determine;

(j) the amount of the loan shall be advanced to the borrower in such instalments during the course of construction of the project as the Corporation may from time to time determine;

(k) losses sustained as a result of joint loans shall be shared by Her Majesty and the lending institution in the proportions of the shares of Her Majesty and the lending institution in the said joint loans and that in addition Her Majesty shall be liable to pay to the lending institution such amount of the losses of the lending institution sustained as a result of joint loans within any class of joint loans established by agreement, as may be agreed upon, not exceeding, however, fifteen per cent of the aggregate amount of the share of the lending institution in all joint loans within the said class, each said class to be based on the ratio of

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the joint loans to the lending values or on the location of the projects or on both; and

(l) such other measures will be taken as may be agreed upon between the Corporation and the lending institution to safeguard the interests of Her Majesty.

(3) The Corporation may join with two or more approved lending institutions, with each of which it has entered into a contract under this section, in the making of a joint loan and in such case the said contract shall mutatis mutandis apply as if the said lending institutions were one institution.

(4) Notwithstanding paragraph (h) of subsection (2) a contract entered into under this section may provide for a joint loan for a term not in excess of thirty years from the date of completion of the project.

(5) The Governor in Council may by regulation prescribe additional terms and conditions under which a joint loan may be made pursuant to subsection (4), and in addition, may fix and determine a date on and after which a period during which loans shall not be made under subsection (4). 1946, c. 61, s. 15; 1947, c. 40, s. 5; 1951, c. 32, s. 3.

14. (1) Subject to this section, the Corporation may enter into contracts with builders to guarantee, in consideration of such payments as the Governor in Council may prescribe, an annual return of rentals from rental housing projects after completion thereof of an amount to be determined by the Corporation, for a total period not exceeding thirty years.

(2) The Corporation may give to a builder an undertaking that the Corporation will enter into a contract with the builder under subsection (1) if the builder builds a rental housing project in accordance with this section.

(3) No contract shall be entered into pursuant to subsection (1) unless

(a) the project is completed and is built in an area satisfactory to the Corporation and in accordance with standards of construction approved by the Corporation, and

(b) the project consists of eight or more family housing units and is designed to provide housing accommodation of a size and type prescribed by the Corporation.

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(4) The terms of a contract entered into under subsection (1) shall provide

(a) that the builder or subsequent owner will provide efficient management of the rental housing project;

(b) that the rents to be charged in respect of the units of the project shall not exceed, during the first three years after the completion of the project, an amount to be determined by the Corporation;

(c) that when an amount has been paid by the Corporation under the contract referred to in subsection (1) equal to the amount of rentals guaranteed for the first year of the said contract the Corporation may purchase the project from the owner thereof at a price that shall not exceed the estimated cost of construction as determined by the Corporation less two and one-half per cent per annum thereof from the time of completion of the project to the date of purchase;

(d) that the contract, with the approval of the Corporation, may be assigned to subsequent owners; and

(e) for such other matters as the Corporation may deem necessary or desirable to give effect to the purposes or provisions of this section.

(5) The annual return of rentals guaranteed by the Corporation under this section shall not exceed eighty-five percent of the annual rental of the units of the project determined by the Corporation under paragraph (b) of subsection (4).

(6) The Corporation and the builder or subsequent owner may by agreement alter any term of a contract made under subsection (1) but in no case shall the total guarantee period exceed thirty years in the case of any one project.

(7) The Governor in Council may by regulation prescribe the maximum guarantee in respect of a room or unit and may make provision for any matters for which he deems regulations are necessary or desirable to carry out the purposes or provisions of this section. 1948, c. 63, s. 2.

15. (1) Notwithstanding any restrictions on its power to lend or invest money contained in any other statute or law, any approved lending institution subject to the jurisdiction of Parliament, may lend on the security of a first mortgage or hypothec in favour of the approved lending institution an amount not exceeding eighty-five per cent of the estimated cost as determined by the Corporation of a rental housing project, the rentals of which are guaranteed.

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(2) The mortgage or hypothec referred to in subsection (1) shall be in such form as the Corporation may approve and shall

(a) bear interest at a rate not in excess of a rate prescribed by the Governor in Council,

(b) be for a term not in excess of twenty years, and

(c) provide for repayment in each year during the term of the mortgage or hypothec of two and one-half per cent of the principal amounts advanced under the mortgage and the balance of the principal at the end of the term. 1948, c. 63, s. 2.

16. (1) The Corporation may, on behalf of Her Majesty and with the approval of the Governor in Council, make a loan to a limited-dividend housing company for the purpose of assisting in the construction of a low-rental housing project or in the purchase of existing buildings and the land upon which they are situate and their conversion into a low-rental housing project.

(2) A loan made under the authority of this section shall bear interest at a rate prescribed by the Governor in Council, shall not exceed ninety per cent of the lending value of the project, shall be for a term not exceeding the useful life of the project to be fixed by the Corporation and in any case not exceeding fifty years from the date of completion of the project and shall be secured by a first mortgage or hypothec upon the project in favour of Her Majesty.

(3) A loan may be made under this section only to a limited-dividend housing company that has entered into a contract with Her Majesty on the terms set out in subsection (4), to construct a low-rental housing project or to convert existing buildings into a low-rental housing project if

(a) evidence satisfactory to the Corporation has been furnished of the need for the said project by reason of shortage, over-crowding, congestion or the sub-standard character of existing housing accommodation in the municipality or the metropolitan area in which the said project is to be situated;

(b) the area in which the project is to be situated has in the opinion of the Corporation been adequately planned;
(c) zoning regulations are in the opinion of the Corporation sufficient to assure the suitability of the area for the said project throughout the term of the loan and to provide reasonable safeguards for the security of the loan;

(d) adequate municipal services are available or are to be supplied forthwith to residents of the said area;

(e) the project for which a loan is requested will provide a sufficient number of family housing units to assure, in the opinion of the Corporation, reasonable economies in the construction or conversion thereof;

(f) the organization and management of the company are in the opinion of the Corporation such as to assure competent and independent administration in the planning, construction or conversion and operation of the project;

(g) adequate care has, in the opinion of the Corporation, been exercised to assure economical and suitable design and sound construction of a type of project that will assure the minimum practicable expenditures for repairs and maintenance during the term of the loan, and in the case of the conversion of existing buildings, if the cost of conversion is, in the opinion of the Corporation, reasonable;

(h) the terms of acquisition by the company of the land upon which the project is to be constructed or of the buildings that are to be converted are satisfactory to the Corporation;

(i) the terms of the contract made by the company with a contractor for the construction of the project or the conversion of the buildings are satisfactory to the Corporation;

(j) the company, in the opinion of the Corporation, has or is able to provide funds sufficient, when added to the proceeds of the loan made by Her Majesty, to pay the entire cost of the construction or conversion and ensure the completion of the project; and

(k) the powers given to the company and activities or transactions that are permitted by its charter or other instrument of incorporation are satisfactory to the Corporation.

(4) A contract with a limited-dividend housing company entered into under this section shall provide that

(a) the maximum ratio between the rentals to be charged and the probable family income of the lessees of each family housing unit shall be such ratio as the Corporation determination.

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tion may deem fair and reasonable or shall make such other provision for maintaining the low-rental character of the project as the Corporation may agree to;

(b) the company may receive contributions to a rent reduction fund from any province, municipality, social agency, trust, or person and shall use such fund solely for the purpose of reducing the rentals that otherwise would be charged;

(c) the company shall maintain books, records and accounts in a form satisfactory to the Corporation, shall permit the inspection of such books, records and accounts by a representative of the Corporation at any time and shall make such annual or other reports to the Corporation in such form and containing such particulars as the Corporation may require;

(d) the company shall furnish efficient management of the low-rental housing project, maintain the project in a satisfactory state of repair, and permit representatives of the Corporation to inspect the project at any time;

(e) the company shall make to the Corporation promptly on the due dates the payments required to be made in order to pay the interest on and amortize the loan during the term thereof;

(f) the amount of surplus earnings to be used or set aside for reserves, maintenance, repairs, possible decline in rentals or other contingencies shall be limited in such manner as may be agreed upon; and at the end of the term of the loan the amount of such surplus earnings so set aside and at that time unexpended shall be paid to such person or expended in such manner as is provided in the contract or as the Corporation may direct;

(g) except with the consent of the Corporation and on such terms and conditions as the Corporation may approve the project or any part thereof shall not be sold or otherwise disposed of during the term of the loan; and

(h) the Corporation shall have the right, in the event of the company failing to maintain the low-rental character of the project or otherwise committing a breach of the contract, to declare the unpaid principal of the loan due and payable forthwith or to increase the interest payable thereafter on the unpaid balance of the said loan to such rate as the Governor in Council may determine.
(5) A contract with a limited-dividend housing company entered into under this section may also provide

(a) that the Corporation shall have the right to designate persons other than families of low incomes to whom housing accommodation provided by the project may be leased, and

(b) for such other measures to be taken by the Corporation and the company as the Corporation may deem necessary or desirable to give effect to the purposes or provisions of this Act. 1946, c. 61, s. 15; 1948, c. 63, s. 3; 1951, c. 32, ss. 4, 5.

17. (1) The Corporation may on behalf of Her Majesty and with the approval of the Governor in Council, make a loan to a borrower engaged in the mining, lumbering, logging or fishing industry, to assist in the construction of low or moderate-cost housing projects in areas or localities that are adjacent to or connected with the operations of the borrower.

(2) For the purpose of this section the expression “borrower” means an incorporated company engaged in the mining, lumbering, logging or fishing industry, and includes a company (in this section referred to as a “subsidiary company”) incorporated for the purpose of owning, constructing and managing a housing project all the share capital of which, except directors’ qualifying shares, is owned by an incorporated company (in this section referred to as the “parent company”) engaged in the mining, lumbering, logging or fishing industry.

(3) A loan made under this section shall bear interest at a rate prescribed by the Governor in Council, shall not exceed eighty per cent of the lending value of the project, shall be for a term not exceeding the useful life of the project to be fixed by the Corporation and in any case not exceeding fifteen years from the date of completion of the project.

(4) The loan shall be secured by a first mortgage or hypothec on the land upon which the project is built in favour of Her Majesty or, where the land is not owned by the borrower or the housing units are of a portable nature, by a first charge on the project and the interest of the borrower in the land upon which it is built in a form satisfactory to the Corporation or such other security as the Corporation may deem necessary to safeguard the interests of Her Majesty.

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(5) The Corporation shall prior to the approval of a loan under this section by the Governor in Council satisfy itself
(a) that the area in which the project is to be built has a productive period sufficient to justify the proposed term of the loan, and
(b) that the proposed project is necessary to house persons in the area and those who may move into the area to provide necessary labour in connection with the operations of the borrower.

(6) A loan may be made under this section only to a borrower who has entered into a contract with Her Majesty on the terms set out in subsection (7) to provide low or moderate-cost housing accommodation adjacent to or connected with the operations of the borrower, if
(a) evidence satisfactory to the Corporation has been furnished of the need for such housing accommodation in connection with the said operations;
(b) the area in which the project is to be situated is, in the opinion of the Corporation, suitable for such project;
(c) the project for which the loan is requested will provide a sufficient number of family housing units of a class and kind to ensure, in the opinion of the Corporation, reasonable economies in the construction and operation thereof;
(d) evidence satisfactory to the Corporation has been provided that the project will be competently planned, constructed, administered and operated;
(e) adequate care has, in the opinion of the Corporation, been exercised, to assure economical and suitable design and sound construction appropriate to and in accordance with the area in which the project is built;
(f) the terms of acquisition by the borrower of the land upon which the project is to be constructed or the lease by which the land is made available for the project, are satisfactory to the Corporation;
(g) the terms of the contract made by the borrower with a contractor for the construction of the project, are satisfactory to the Corporation;
(h) evidence satisfactory to the Corporation has been provided that the borrower has or is able to provide funds sufficient when added to the proceeds of the loan made by Her Majesty to ensure the completion of the project;
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(ii) the powers given to the borrower by its charter or instrument of incorporation are satisfactory to the Corporation; and

(j) in the case of a subsidiary company, repayment of the loan and the performance of the contract made by it pursuant to this section are guaranteed by the parent company.

(7) A contract with a borrower shall provide that

(a) the borrower shall make to the Corporation promptly on the due dates the payments required to be made in order to pay the interest on and amortize the loan during the term thereof;

(b) the borrower shall furnish efficient management of such project and maintain the project in a satisfactory state of repair and permit representatives of the Corporation to inspect the project at any time;

(c) moneys invested in the project by the borrower shall not produce a return above operating expenses greater than the rate of interest agreed to be paid by the borrower on the loan made by Her Majesty and that any return in excess of this amount shall be used as the Corporation determines for the benefit of the occupants of the housing units of the project;

(d) the borrower may receive contributions to a rent reduction fund and shall use such fund solely for the purpose of reducing the rentals that otherwise would be charged;

(e) the amount of surplus earnings to be used or set aside for reserves, maintenance, repairs, possible decline in rentals or other contingencies shall be determined by the Corporation;

(f) the Corporation shall have the right, in the event of the borrower failing to maintain the low or moderate rental character of the project or otherwise committing a breach of contract, to declare the unpaid principal of the loan due and payable forthwith or to increase the interest payable thereafter on the unpaid balance of the said loan at such a rate as the Governor in Council may determine;

(g) the borrower shall maintain books, records and accounts in a form satisfactory to the Corporation, shall permit the inspection of such books, records and accounts by a representative of the Corporation at any time and shall make such annual or other reports to the Corporation in such form and containing such particulars as the Corporation may require;

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(h) the borrower may rent the housing units to its employees or to other persons living in the community adjacent to or connected with its operations at rentals to be approved by the Corporation;

(i) the borrower during the term of the loan may with the approval of the Corporation, and upon terms and conditions satisfactory to the Corporation, sell under agreement for sale or lease and option, units of the said project to prospective home owners; and

(j) in the event of a sale referred to in paragraph (i) the Corporation may undertake that when the home owner has fulfilled the terms of the agreement for sale it will discharge its mortgage claim or charge upon the unit purchased by the prospective home owner.

Powers of Corporation.

(8) The Corporation may

(a) prescribe the manner in which the cost of such project shall be calculated or estimated and determine the lending value for the purpose of this section;

(b) prescribe the standards of construction and the type of project in respect of which a loan is made under this section;

(c) prescribe the information to be given by an applicant for a loan under this section;

(d) prescribe the conditions and procedures under which the proceeds of any loan under this section may be advanced to the borrower;

(e) prescribe the circumstances in which additional security may be taken for any loans under this section; and

(f) make provision for any other matters deemed necessary or desirable to carry out the purposes or provisions of this section and to safeguard the interests of Her Majesty. 1946, c. 61, s. 15; 1951, c. 32, ss. 6, 7.

Regulations by Governor in Council.

18. (1) The Governor in Council may by regulation make provision for any matters concerning which he deems regulations are necessary or desirable to carry out the purposes or provisions of this Part.

Power of Corporation to determine administrative matters.

(2) The Corporation may prescribe

(a) the manner in which the cost of construction of a rental housing project or a low-rental housing project or the cost of converting existing buildings into a low-rental housing project shall be calculated or estimated and by whom and in what manner an appraisal of any rental housing project shall be made;
(b) sound standards of construction and the arrangements that shall be made to assure adequate supervision of any construction or conversion in respect of which a loan is made under this Part;
(c) the information to be given by an applicant for a loan under this Part;
(d) the conditions and procedures under which the proceeds of any loan under this Part may be advanced to a builder or a limited-dividend housing company;
(e) the circumstances in which a chattel mortgage, an assignment of rents or other security, may be taken as additional security for any loans made under this Part;
(f) the books, accounts and records to be maintained by a limited-dividend housing company to which a loan is made under this Part and the manner in which and by whom they shall be audited, and the form of the annual or any other report to be made to the Corporation; and
(g) the manner in which losses sustained in connection with joint loans made under this Part shall be determined. 1946, c. 61, s. 15.

19. (1) Notwithstanding any restriction on its power to lend or invest money contained in any other statute or law, any life insurance company subject to the jurisdiction of Parliament may, subject to the conditions hereinafter stated, invest its funds to an aggregate amount not exceeding five per cent of its total assets in Canada allowed by the Superintendent of Insurance under section 77 of the Canadian and British Insurance Companies Act, in the purchase of land and the construction thereon of a low cost or moderate cost rental housing project, including such buildings or such accommodation for retail stores, shops, offices and other community services, but not including hotels, as the company may deem proper and suitable for the convenience of the tenants of such rental housing project, and thereafter may hold, maintain, repair, alter, demolish, reconstruct, manage, collect or receive income from, sell or convey, in whole or in part, land so acquired and the improvements thereon.

(2) Notwithstanding any restrictions or limitations on its powers contained in any other statute or law, any life insurance company subject to the jurisdiction of Parliament may cause to be formed one or more institutional holding companies and one or more institutional housing corporations and may invest its funds in shares or debentures of the said companies and in shares of the said corporations.

Life insurance companies may form institutional holding companies or housing corporations.

Life insurance companies may invest in shares of the said corporations.

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to an aggregate amount, which, when added to the aggregate amount invested by the said life insurance company under subsection (1) does not exceed five per cent of its total assets in Canada allowed by the Superintendent of Insurance under section 77 of the *Canadian and British Insurance Companies Act*.

(3) The conditions under which an investment referred to in subsection (1) may be made are as follows:

(a) the project shall, in the discretion of the Corporation, be constructed in accordance with or in harmony with an official community plan satisfactory to it;

(b) the project shall be designed to provide housing accommodation for families of low or moderate income and the Corporation may prescribe a maximum average cost per room or per family housing unit provided thereby, or per person to be accommodated;

(c) the company shall submit to the Corporation an application in a form to be prescribed by it and accompanied by the following:

(i) a map showing the location of the land and of the structures thereon, the purchase of which is deemed by the company to be necessary to the project,

(ii) a plan and specifications prepared by an architect showing the buildings or improvements to be constructed thereon pursuant to the project,

(iii) an estimate of the cost of the entire project prepared by an architect or engineer and approved by the company,

(iv) an estimate of the rentals of the family housing units and the other facilities to be provided necessary to assure a minimum return of five per cent per annum upon the cost of the entire project after payment of all taxes, insurance, cost of operation and maintenance, and an annual amount sufficient to amortize the cost of construction of the project less the cost of the land, within a period representing the estimated useful life of the project but not in any case exceeding fifty years from the date of completion of the project, and

(v) such other information or material as the Corporation may require; and

(d) the investment is approved by the Corporation.

(4) No investment under subsection (2) shall be made unless

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(a) the project of the institutional housing corporation in the shares of which the investment is to be made, or each project of the institutional housing corporations the shares of which are held by the institutional holding company in the shares and debentures of which the investment is to be made, complies with paragraphs (a) and (b) of subsection (3);

(b) an application has been submitted to the Corporation in the form prescribed by it accompanied by the information in respect of the said project or each of the said projects required by paragraph (c) of subsection (3), and

(c) the investment is approved by the Corporation.

(5) Where a life insurance company agrees with the Corporation

(a) to maintain separate books and records relating to a rental housing project in which the company invests under this section satisfactory to the Corporation and open to its inspection at any time;

(b) to establish a reserve on account of such project comprising all net earnings in any year after its completion in excess of six per cent per annum on the cost of the project; and

(c) to repay out of the said reserve any advances made by the Corporation under the guarantee hereinafter mentioned;

the Corporation shall guarantee to the company, for as long as it retains ownership of the whole or any part of the project, a net return in any year after the completion of the project of two and one-half per cent per annum of the cost of the project for a period not exceeding the estimated useful life of the project and in any case not exceeding fifty years.

(6) Where an institutional housing corporation is formed and agrees with the Corporation

(a) to maintain separate books and records relating to the rental housing project in which the institutional housing corporation invests under this section satisfactory to the Corporation and open to its inspection at any time;

(b) to establish a reserve on account of such project comprising all net earnings, including any net profit realized on the sale of the project or any part thereof, in any year after its completion in excess of six per cent per annum on the cost of the project; and

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(c) to repay out of the said reserve any advances made by the Corporation under the guarantee hereinafter mentioned, the Corporation shall guarantee to the institutional housing corporation as long as it retains ownership of the whole or any part of the project but not longer than the estimated useful life of the project and in any case not longer than fifty years, a net return in any year after the completion of the project of two and one-half per cent per annum of that portion of the cost of the project that was provided from funds subscribed by shareholders; and the Corporation in its discretion may guarantee the principal of the debentures of an institutional holding company and interest thereon at a rate not more than two and one-half per cent per annum if it is satisfied that such a company holds at the time the guarantee is given all the shares, except directors' qualifying shares, of one or more institutional housing corporations that have been guaranteed by it under this subsection.

"Net return in any year" defined.

(7) For the purpose of this section "net return in any year" means an amount equal to annual net earnings derived from the project computed by deducting from the total annual revenues therefrom all expenses of the year in respect thereof including provision for taxes, insurance, repairs and maintenance, interest and an amount sufficient to amortize the cost of construction of the project, including the cost of the land, over the estimated useful life of the project.

Two or more companies join in project.

(8) Two or more life insurance companies may join in the development, ownership and management of a rental housing project under this section or in causing to be formed an institutional holding company or an institutional housing corporation under subsection (2).

Approved lending institutions designated.

(9) The Governor in Council may for the purposes of this section designate

(a) an approved lending institution subject to the jurisdiction of Parliament and in such case subsections (1) to (8) and section 20 mutatis mutandis apply to the said lending institution except that the amount of its funds that may be invested shall not exceed five per cent of its assets in Canada at such amount as is approved by the Governor in Council for the purposes of this section; and

(b) an approved lending institution that is not subject to the jurisdiction of Parliament but is empowered to make investments referred to in this section and in such
such case subsections (3) to (8) and section 20 mutatis
mutandis apply to the said lending institution, but the
amount of investments in respect of which guarantees
may be given under this section shall not exceed five
per cent of its assets in Canada at such amount as is
approved by the Governor in Council for the purposes
of this section.

(10) The Governor in Council may make regulations to
provide for any matters concerning which he deems regu-
lations are necessary or desirable to carry out the purposes
or provisions of this section.

(11) The Corporation may
(a) prescribe the manner in which the cost of a rental
housing project shall be calculated for the purposes of
this section and may adjust the said cost in the event
of the sale of a portion of a rental housing project or
an addition thereto;
(b) prescribe the manner in which the net earnings shall
be calculated for the purposes of this section; and
(c) take such other measures as the Corporation may
deem necessary or desirable to give effect to the pur-
poses or provisions of this section and to safeguard the
interests of Her Majesty.

(12) The Corporation may in consideration of the giving
of any guarantee under this section enter into a contract
with the institutional housing corporation or the institu-
tional holding company to or in respect of which the guar-
antee is given on such terms and conditions as it deems
advisable to give effect to the purposes and provisions of
this Act and to safeguard the interests of Her Majesty.

(13) Any guarantee entered into by the Corporation
under this Part shall be entered into by it on behalf of Her
Majesty.

(14) Prior to the approval of an investment pursuant to
paragraph (d) of subsection (3) a life insurance company
subject to the jurisdiction of Parliament may, notwith-
standing any restriction on its power to invest money con-
tained in any other statute or law, with the approval of
the Corporation, purchase land for the purpose of making
an investment under subsections (1) and (3) and may
hold and manage such land upon such terms and conditions
as the Corporation may specify. 1944-45, c. 46, s. 11; 1945,
c. 26, ss. 16, 20, 21, 22; 1946, c. 61, ss. 16, 17.

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20. The aggregate principal amount of investments that may be guaranteed by the Corporation under this Part shall not exceed one hundred and twenty-five million dollars. 1946, c. 61, s. 18.

21. (1) Notwithstanding any restriction on its power to lend and invest money contained in any other statute or law, any life insurance, trust or loan company subject to the jurisdiction of Parliament, (in this section called “company”) may, subject to the conditions hereinafter set out, invest its funds in the purchase and improvement of land to be used for a residential housing development to an aggregate amount which, when added to the aggregate amount invested by the said company under section 19, does not exceed the limitation on such investment imposed by or pursuant to the said section 19 and subject to the provisions of this section may hold, maintain, repair, alter, demolish, improve, manage, collect or receive income from, sell or convey, in whole or in part, land so acquired and the improvements thereon.

(2) The conditions under which an investment referred to in subsection (1) may be made, are as follows:

(a) the land shall, in the opinion of the Corporation, be suitable for a residential housing development;

(b) the purchase price of the said land shall be satisfactory to the Corporation;

(c) the improvements to be effected and the cost thereof shall be satisfactory to the Corporation;

(d) the company shall submit to the Corporation an application in a form satisfactory to the Corporation containing such information and accompanied by such material as the Corporation may prescribe;

(e) the investment shall first be approved in writing by the Corporation; and

(f) the company shall enter into an agreement with the Corporation in accordance with subsection (3).

(3) Where a company agrees with the Corporation

(a) to acquire land and effect improvements thereon in accordance with this section;

(b) to maintain separate books and records relating to such land, the expenses incurred in respect thereof, the improvements made thereon and sales made thereof satisfactory to the Corporation and open to its inspection at any time; and

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(c) to sell such land at such price as the Corporation may
determine and on terms and conditions satisfactory to
the Corporation or as may be set out in the agreement;
the Corporation shall guarantee to the company for so long
as it retains ownership of the whole or any part of the land
in which an investment is made pursuant to this section
but not longer than the time specified in the said agreement,
which shall not exceed five years from the date of acquisition
of the said land by the company, the return of an amount
equal to the company's investment in such land, together
with interest thereon at a rate specified in the said agree-
ment but not in excess of two per cent per annum com-
pounded annually.

(4) The agreement referred to in subsection (3) may also provide

(a) that the company shall plan the development of such
land in a manner satisfactory to the Corporation and
as a condition of the sale of such land shall receive an
undertaking from the purchaser that any structures
erected upon the said land shall conform to the plan of
the area and shall comply with standards of construc-
tion prescribed by the Corporation under this Act, and
(b) for such other measures to be taken by the Corpora-
tion and the company as the Corporation may deem
necessary or desirable to give effect to the purposes or
provisions of this section, and to safeguard the interests
of Her Majesty.

(5) At the end of the time specified in the agreement referred to in subsection (3), or when all the said land has been sold by the company, whichever is earlier, the Corpora-
tion shall

(a) determine the aggregate amount of the investment
by the company in the said land and the interest
thereon at the rate specified in the said agreement
compounded annually, and
(b) determine the amount recovered by the company out
of the said land from sales thereof or otherwise.

(6) If the aggregate amount determined pursuant to
paragraph (a) of subsection (5) exceeds the amount deter-
mined pursuant to paragraph (b) of the said subsection, the
Corporation shall pay to the company the amount of such
excess, and the company shall transfer and convey to the
Corporation all the unsold portion of the said land.

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(7) If the amount determined pursuant to paragraph (b) of subsection (5) exceeds the amount determined pursuant to paragraph (a) of the said subsection the company shall pay the amount of such excess to the Corporation.

(8) Two or more companies may join in the purchase and improvement of land for a residential housing development under this section.

(9) For the purpose of this section "investment" includes the purchase price of the land, moneys expended on the installation of services, the laying out and construction of streets, sidewalks, lanes and the development of park areas, public space and facilities appropriate to a residential housing development, and such carrying charges and other expenses incurred by the company in respect of the said land as may be approved by the Corporation, including taxes, insurance, repairs and maintenance.

(10) The Governor in Council may designate as a company, for the purposes of this section,

(a) an approved lending institution subject to the jurisdiction of Parliament, and in such case subsections (1) to (9) mutatis mutandis apply to the said lending institution, but the amount of its funds that may be invested shall not exceed five per cent of its assets in Canada or such amount as is approved by the Governor in Council for the purposes of this section; and

(b) an approved lending institution that is not subject to the jurisdiction of Parliament, but is empowered to make investments referred to in this section and in such case subsections (1) to (9) mutatis mutandis apply to the said lending institution, but the amount of investments in respect of which guarantees may be given under this section shall not exceed five per cent of its assets in Canada or such amount as is approved by the Governor in Council for the purposes of this section.

(11) The Governor in Council may make regulations to provide for any matters concerning which he deems regulations are necessary or desirable to carry out the purposes or provisions of this section.

(12) The Corporation may take such measures as it deems necessary or desirable to give effect to the purposes or provisions of this section and to safeguard the interests of Her Majesty. 1947, c. 40, s. 6. 3952 : 22.

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22. (1) In order to assist in the clearance, replanning, rehabilitation and modernization of slum areas or blighted or sub-standard areas in any municipality, the Minister, with the approval of the Governor in Council, may make grants to a municipality in order to assist in defraying the cost to such municipality of acquiring and clearing, whether by condemnation proceedings or otherwise, an area of land suitable as a location for a low cost or moderate cost rental housing project.

(2) A grant shall be made under this section only if,

(a) the land is acquired and cleared and is to be developed in accordance or in harmony with an official community plan, satisfactory to the Minister,

(b) the land is sold by the municipality to a limited-dividend housing corporation or a life insurance company that has agreed to construct thereon a rental housing project under the provisions of section 16 or section 19, respectively, at a price that in the opinion of the Minister will enable the family housing units to be provided by the rental housing project to be leased to tenants on a fair and reasonable basis, and

(c) the acquisition and clearing of the land by the municipality have been approved by the government of the province concerned.

(3) No grant made under this section shall exceed one-half of the amount by which the cost of acquisition and clearance of the land, including cost of condemnation proceedings, if any, exceeds the cost at which the land so acquired and cleared is sold to a limited-dividend housing corporation or an insurance company for the purpose of constructing thereon a rental housing project, and no grant shall be made under this section unless the remainder of the excess is borne by the municipality or jointly by the municipality and the government of the province in which the municipality is situated.

(4) A grant under this section shall be paid out of any unappropriated moneys in the Consolidated Revenue Fund, but the aggregate amount thereof shall not exceed twenty million dollars.

(5) The Governor in Council, on the recommendation of the Minister, may make regulations determining the manner in which costs are to be determined for the purposes of this section, and providing for such other matters as may be deemed necessary and desirable for the carrying out of the purposes or provisions of this section. 1944-45, c. 46. s. 1944-45, c. 46. s. 19

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23. (1) The Minister may make loans under this Part and pay losses in respect of loans made under this Part not exceeding, in the aggregate, one hundred and fifty million dollars out of unappropriated moneys in the Consolidated Revenue Fund.

(2) The Minister may make payments under any guarantee given under this Part out of unappropriated moneys in the Consolidated Revenue Fund. 1945, c. 26, s. 26.

PART III.

RURAL HOUSING.

24. (1) The Corporation may, on behalf of Her Majesty and with the approval of the Governor in Council, enter into a contract with an approved lending institution on the terms set out in this section to join with the said institution in the making of loans to assist in the construction of houses on farms.

(2) The terms of a contract entered into under this section shall provide that

(a) a joint loan shall be made only to the person who owns the farm upon which the house is to be built;

(b) a joint loan shall be made only for the purpose of assisting in the construction of a house according to sound standards approved by the Corporation for the purpose of this section and under such supervision as the Corporation may determine;

(c) where a farm is clear of encumbrances a joint loan shall not exceed the least of

   (i) five thousand dollars,
   (ii) the cost of building the said house, or
   (iii) two-thirds of the appraised value of the farm;

(d) where the farm is encumbered and the Corporation is satisfied that the encumbrance was not incurred for the purpose of increasing the joint loan that otherwise might be made under this section, a joint loan shall not exceed the least of

   (i) eight thousand dollars,
   (ii) the aggregate of the cost of building the said house and the amount necessary to discharge all encumbrances on the said farm, or
   (iii) two-thirds of the appraised value of the farm;

(e) the portion of the joint loan advanced by Her Majesty shall not exceed twenty-five per cent of the said loan;

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(f) the rate of interest payable by the borrower in respect of a joint loan shall not be in excess of a rate prescribed by the Governor in Council, and no other charge in respect of the said loan shall be payable by the borrower except as may be authorized by regulation;

(g) the interest payable to Her Majesty on the portion of the joint loan advanced by Her Majesty shall be at such rate as is agreed upon between the Corporation and the lending institution;

(h) the amount of a joint loan shall be subject to approval by the Corporation;

(i) repayment of a joint loan shall be secured by a first mortgage or hypothec on the house and farm upon which it is situate in favour of Her Majesty and the lending institution jointly;

(j) a joint loan shall be for a term not in excess of twenty years from the date of completion of the house;

(k) a joint loan shall be made on such terms as to payment of principal, interest and taxes by instalments not less frequently than yearly as the Corporation may determine;

(l) the amount of a joint loan shall be advanced to the borrower in such instalments as may be determined by the Corporation;

(m) losses sustained as a result of joint loans shall be shared by Her Majesty and the lending institution in the proportion of the shares of Her Majesty and the lending institution in the said joint loans and that in addition Her Majesty shall be liable to pay to the lending institution such amount of the losses of the lending institution sustained as a result of joint loans within any class of joint loans established by agreement, as may be agreed upon, not exceeding, however, fifteen per cent of the aggregate amount of the share of the lending institution in all joint loans within the said class, each said class to be based on the ratio of the joint loans to the lending values or on the location of the houses or on both; and

(n) such other measures will be taken as may be agreed upon between the Corporation and the said lending institution in order to safeguard the interests of Her Majesty.

(3) A loan made under this section shall, for the purposes of the Central Mortgage and Housing Corporation Act and section 12, be deemed to be a loan under Part I.

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(4) For the purposes of subsection (2) the appraised value of the farm shall be determined by appraising the value of the land, exclusive of buildings, and adding thereto the appraised increase in the value of such land attributable to existing buildings and the construction of the said house. 1946, c. 61, s. 19; 1951, c. 32, s. 8.

25. (1) The Corporation may, on behalf of Her Majesty and with the approval of the Governor in Council, enter into a contract with a manufacturer of plumbing or heating equipment or other component parts of houses for the experimental production of the said equipment or component parts in accordance with standardized designs that, in the opinion of the Corporation, may be manufactured or produced at low cost.

(2) The Corporation may, on behalf of Her Majesty and with the approval of the Governor in Council, enter into a contract with a manufacturer referred to in subsection (1), to underwrite or guarantee the sale, at such price as may be agreed upon and specified in the contract, of the equipment or component parts referred to in the said subsection, manufactured or produced for installation or use in farm or rural homes if the said manufacturer manufactures or produces the said equipment or component parts in such volume as may be agreed upon and specified in the said contract and the Corporation may, with the said approval, enter into contracts with the said manufacturer or any other person for the sale or distribution of the said equipment or component parts in such manner as it may deem advisable. 1946, c. 61, s. 20.

26. The Minister may pay any expenditures incurred under or in carrying out any contract entered into under section 25 out of unappropriated moneys in the Consolidated Revenue Fund but the aggregate amount of the direct or contingent liabilities of Her Majesty pursuant thereto shall not at any time exceed five million dollars. 1944-45, c. 46, s. 16.

PART IV.

HOME IMPROVEMENT LOANS AND HOME EXTENSION LOANS.

27. (1) The Corporation shall, subject to this section and sections 28 and 29, pay to a bank or to an approved instalment credit agency the amount of loss sustained by it as a result of a home improvement loan, or a home extension loan, if

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(a) the loan was made pursuant to an application in the form prescribed by regulation, signed by the borrower, stating the purpose for which the proceeds of the loan were to be expended;

(b) the application stated that the borrower was the owner of the home in respect of which the loan was to be expended;

(c) a responsible officer of the bank or of the approved instalment credit agency certified that he had scrutinized and checked the application for the loan with the care required of him by the bank or the said agency in the conduct of its ordinary business;

(d) in the case of a home improvement loan, the principal amount of the loan did not exceed two thousand five hundred dollars in the case of a one-family dwelling, or two thousand five hundred dollars for the first family housing unit and an additional twelve hundred and fifty dollars for every other family housing unit in the case of a multiple-family dwelling;

(e) in the case of a home extension loan, the principal amount did not exceed thirty-seven hundred and fifty dollars for the first family housing unit, which was to be added to the existing home as a result of the expenditure of the loan and twelve hundred and fifty dollars for each additional family housing unit so to be added;

(f) the loan was repayable in full by the terms thereof in not more than three years if the principal amount of the loan did not exceed, in the case of a home improvement loan, twelve hundred and fifty dollars for a one-family dwelling or for each family housing unit in a multiple-family dwelling or, in the case of a home extension loan, twelve hundred and fifty dollars for each family housing unit to be comprised within the multiple-family dwelling, and in not more than five years in the case of any other loan;

(g) the loan was repayable by the terms thereof in monthly instalments;

(h) the rate of interest on the loan did not exceed an effective rate of five per cent per annum as long as the borrower was not in default;

(i) no fee, service charge, insurance premium or charge of any kind other than interest, was by the terms of the loan payable so long as the borrower was not in default;

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(j) in the case of a home extension loan, the plans and specifications of the additions or alterations to be financed by the loan were approved by or on behalf of the Corporation before the loan was made;

(k) no security by way of endorsement (other than that of the husband or wife of the owner) or otherwise was taken if the loan was made to an owner who occupied a one-family dwelling in respect of which the loan was to be expended so long as the borrower was not in default or except as provided by regulation in any other case; and

(l) the loan was made on such terms and in accordance with such conditions in addition to those specified in the preceding paragraphs as may be prescribed by the regulation.

(2) The Corporation may, with the approval of the Governor in Council, by notice to a bank or an approved instalment credit agency, terminate the operation of this section in respect of home improvement loans or home extension loans, such termination to be effective after a time set out in the notice but not earlier than at least twenty-four hours after receipt of the notice at the head office of the said bank or agency, and the Corporation is not liable under this Part to make any payment to the said bank or agency in respect of any of the said loans made after the said time; but the said termination does not relieve the Corporation of any liability imposed on it under this Part, in respect of a home improvement loan or home extension loan made by the said bank or agency before the said time of termination.

(3) A notice given by the Corporation under subsection (2) may terminate the operation of this section in respect only of home improvement loans or in respect only of home extension loans or in respect of any class thereof, as may be specified in the said notice. 1944-45, c. 46, s. 17; 1945, c. 26, ss. 27, 28; 1946, c. 61, ss. 21, 22, 23; 1949 (2nd Sess.), c. 30, s. 6.

28. The Corporation is not liable under this Part to pay to a bank or an approved instalment credit agency an amount in excess of five per cent of the aggregate principal amount of the guaranteed home improvement loans and guaranteed home extension loans made by the said bank or agency. 1946, c. 61, s. 24.

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29. The Corporation is not liable under this Part to make any payment to a bank or approved instalment credit agency in respect of loss sustained by it as a result of a home improvement loan or a home extension loan made after the aggregate principal amount of guaranteed home improvement loans and guaranteed home extension loans equals one hundred and twenty-five million dollars. 1949 (2nd Sess.), c. 30, s. 7.

30. The Governor in Council may, on the recommendation of the Minister, make regulations,

(a) to define for the purposes of this Part the following expressions:
   (i) "owner" with power to include as owners, life-tenants, persons holding property under agreements for sale, or under long term leases, and any other person having rights approximating ownership,
   (ii) "repairs, alterations and additions",
   (iii) "home", and
   (iv) "responsible officer";

(b) to prescribe a form of application for guaranteed home improvement loans or guaranteed home extension loans;

(c) to prescribe in respect of guaranteed home improvement loans or guaranteed home extension loans
   (i) the security if any, to be taken by the bank or the approved instalment credit agency making the loan, for the repayment thereof,
   (ii) the terms of repayment and other terms not inconsistent with this Part upon which the said loans are to be made, or
   (iii) conditions to the liability of the Corporation under this Part in respect of home improvement loans or home extension loans in addition to but not inconsistent with the conditions set out in paragraphs (a) to (k) of subsection (1) of section 27;

(d) to prescribe forms of notes, agreements, certificates and other documents to be used in connection with guaranteed home improvement loans or guaranteed home extension loans, or as are considered necessary or advisable for the effective operation of this Part;

(e) to provide that in the event of an actual or impending default in the repayment of a guaranteed home improvement loan or a guaranteed home extension loan, the bank or the approved instalment credit agency that made the loan, may, notwithstanding anything R.S., 1952.
anything contained in this Part, alter or revise with the approval of the borrower by way of extension of time or otherwise any of the terms of the loan, or any agreement in connection therewith, and that the said alteration or revision shall not discharge the liability of the Corporation in respect thereof under this Part;

(f) to prescribe in the event of default in the repayment of a guaranteed home improvement loan or a guaranteed home extension loan, the legal or other measures to be taken by the bank or the approved instalment credit agency and the procedure to be followed for the collection of the amount of the loan outstanding, the disposal or realization of any security for the repayment thereof held by the said bank or agency, and the rate of interest to be charged on overdue payments;

(g) to prescribe the method of determination of the amount of the loss sustained by a bank or approved instalment credit agency as the result of a guaranteed home improvement loan or guaranteed home extension loan;

(h) to prescribe the steps to be taken by a bank or an approved instalment credit agency to effect collection on behalf of the Corporation of any guaranteed home improvement loan or guaranteed home extension loan in respect of which payment has been made by the Corporation to the said bank or agency under this Part, and to provide that in the event of neglect by the said bank or agency to take the said steps, the amount of the said payment may be recovered by the Corporation;

(i) to require reports to be made periodically to the Corporation by a bank or approved instalment credit agency in respect of guaranteed home improvement loans or guaranteed home extension loans made by it; and

(j) to make provision for any other matter which he deems necessary or advisable to carry out the purposes or provisions of this Part. 1944-45, c. 46, s. 20; 1946, c. 61, ss. 25, 26, 27.

31. (1) Any person who makes a statement in an application for a home improvement loan or a home extension loan that is false in any material respect or who uses the proceeds of the said loan for a purpose other than that stated in his application for the loan, is guilty of an offence under this Part and liable to a fine of not less than fifty dollars and of not more than five hundred dollars.

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(2) When any person is convicted of an offence under this section, there shall be imposed on him, in addition to any fine, a penalty equal to such amount of the loan made to him in respect of which such offence was committed as has not been repaid by him, with interest thereon to the date of payment, and such penalty shall be paid to the bank or approved instalment credit agency by which the loan was made, or if payment has been made by the Corporation under this Part to the said bank or agency in respect of the loan, the said penalty shall be paid to the Receiver General of Canada, and such payment discharges the liability of such person to repay the loan. 1944-45, c. 46, s. 21; 1946, c. 61, s. 28.

32. (1) Where payment is made by the Corporation to a bank or an approved instalment credit agency under this Part in respect of any loss sustained by the said bank or agency as a result of a loan, the said bank or agency shall execute a receipt in favour of the Corporation in a form prescribed by regulation, and the Corporation is thereupon subrogated in and to all the rights of the said bank or agency in respect of the said loan, and, without limiting the generality of the foregoing, all rights and powers of the said bank or agency in respect of the loan, and in respect of any judgment in respect thereof obtained by the said bank or agency and in respect of any security taken by the said bank or agency for the repayment thereof, thereupon are vested in the Corporation on behalf of Her Majesty, and the Corporation is entitled to exercise all the rights and privileges that the said bank or agency had or might exercise in respect of the said loan, judgment or security, and to commence or continue any action or proceeding in respect thereof and to execute any document necessary by way of release, transfer, sale or assignment thereof, or in any way to realize thereon.

(2) A document purporting to be a receipt executed under subsection (1) in the form prescribed by the regulations and purporting to be signed on behalf of a bank or an approved instalment credit agency is evidence of the payment by the Corporation to the said bank or agency under this Part in respect of the loan therein mentioned, and of the execution of the said document on behalf of the said bank or agency. 1946, c. 61, s. 29.

33. The Minister may pay any amount payable to a bank or an approved instalment credit agency under this Part out of unappropriated moneys in the Consolidated Revenue Fund. 1944-45, c. 46, s. 23.
Housing Research and Community Planning.

34. It is the responsibility of the Corporation to cause investigations to be made into housing conditions and the adequacy of existing housing accommodation in Canada or in any part of Canada and to cause steps to be taken for the distribution of information leading to the construction or provision of more adequate and improved housing accommodation and the understanding and adoption of community plans in Canada. 1946, c. 61, s. 30.

35. For the purpose of carrying out its responsibility under this Part, the Corporation may cause

(a) investigations to be made into housing conditions and the adequacy of existing housing accommodation in Canada or in any part of Canada and into measures that may be taken for the improvement thereof;

(b) studies to be made of investigations into housing conditions and housing accommodation made elsewhere than in Canada and into measures and plans or proposals taken or adopted or proposed elsewhere than in Canada for the improvement thereof;

(c) investigations to be made into the factors affecting the cost of construction of housing accommodation and measures that may be taken to secure economies and increased efficiency in the said construction;

(d) plans and designs to be prepared for houses having a low cost of construction and which in the opinion of the Corporation will provide suitable accommodation and arrangements to be made for the sale or distribution of the said plans and designs in such manner as it sees fit;

(e) information to be prepared and distributed and public lectures to be delivered to promote an understanding of the advisability of, and the principles underlying land, community and regional planning;

(f) studies to be made of land utilization and community planning and arrangements to be made for the furnishing of information and advice with regard to the establishment of community planning agencies, and the planning of regional areas, communities and subdivisions, in co-operation with any local or other authority having jurisdiction over community planning and land subdivisions or otherwise with a view to promoting co-ordination between local community planning and the development of public services; and

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(g) generally such steps as it may deem necessary or advisable to promote construction of housing accommodation which in its opinion is sound and economical and to encourage the development of better housing and sound community planning. 1944-45, c. 46, s. 25; 1946, c. 61, ss. 31, 32, 33.

36. The Corporation may, with the approval of the Governor in Council,

(a) cause to be prepared and undertaken, directly or in co-operation with other departments or agencies of the Government of Canada or the government of any province or with any municipality, university, educational institution or person, programmes of technical research and investigation into the improvement and development of methods of construction, standards, materials, equipment, fabrication, planning, designing and other factors involved in the construction or provision of improved housing accommodation in Canada and co-ordinate the said programmes or measures with other similar programmes or measures undertaken in Canada;

(b) enter into contracts for the production or development of materials, equipment or component parts for houses through the pilot-plant stage of production or development and for the testing of such materials, equipment or component parts;

(c) undertake the publication, and the distribution of publications, co-ordinating the results of the said technical research, investigations, programmes and testing in such forms as may be most useful to the public or to the building industry;

(d) conduct competitions to secure plans, designs and specifications which in his opinion are suitable for housing to be constructed at low cost, and purchase the said plans or otherwise compensate persons taking part in the said competitions; and

(e) make provision, in such manner as it deems advisable directly or in co-operation with any other department or agency of the Government of Canada, with the government of any province or with any university, educational institution or person, for promoting training in the construction or designing of houses, in land planning or community planning or in the management or operation of housing projects. 1944-45, c. 46. s. 26; 1946, c. 61, ss. 34, 35.

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37. The Corporation may, with the approval of the Minister, for the purpose of assisting it in carrying out its responsibilities under this Act, appoint such advisory committees as it may deem advisable and may pay the reasonable travelling and living expenses incurred by the members of the said advisory committees while attending the meetings thereof. 1946, c. 61, s. 36.

38. The Minister may pay any expenditure incurred under or in carrying out the provisions of this Part, out of unappropriated moneys in the Consolidated Revenue Fund to an aggregate amount not exceeding five million dollars. 1945, c. 26, s. 29.

PART VI.

GENERAL.

39. The Minister may, with the approval of the Governor in Council, employ architects, accountants, solicitors, and other technical and clerical staff necessary for the efficient administration of this Act and may fix their remuneration, and the sums necessary to pay their remuneration, travelling expenses and other expenses incurred in the administration of this Act shall be paid out of moneys appropriated by Parliament for the purpose. 1944-45, c. 46, s. 28.

40. The Corporation may make arrangements with an insurance company or companies under which any borrower under any Part may purchase reducing term insurance to pay the amount of the loan made to him in the event of his death before the loan is fully paid and the Governor in Council may make regulations prescribing classes of cases and circumstances under which such insurance shall be purchased. 1946, c. 61, s. 37.

41. (1) Within ten weeks after the end of the fiscal year of the Corporation, the Corporation shall make a report to the Minister with regard to the administration of this Act and the loans made under this Act during the preceding calendar year, and with regard to the administration of loans made under The Dominion Housing Act, 1935, and The National Housing Act, 1938.

(2) The report shall be laid before Parliament within fourteen days after the receipt thereof by the Minister or, if Parliament is not then in session, within fourteen days after
after the commencement of the next ensuing session, and the filing of such report shall be deemed to be a sufficient compliance with the provisions of section 28 of The National Housing Act, 1938. 1947, c. 40, s. 7.

42. In addition to the authority elsewhere in this Act conferred upon him, the Governor in Council may make regulations for any purpose for which regulations are to be made under this Act. 1944-45, c. 46, s. 31.

43. (1) Where in the opinion of the Corporation a loan is not being made available to a person pursuant to section 7, 13, 15 or 24 the Corporation may make a loan to such person to assist in the construction of a house or rental housing project on the same terms and conditions and subject to the same limitations as those upon which a loan may be made to such person under the provisions of the said section 7, 13, 15 or 24.

(2) A loan under this section, if made to assist in the construction of a house as defined by subsection (10) of section 7 shall, for the purposes of the Central Mortgage and Housing Corporation Act, and section 12, be deemed to be a loan under Part I, and if made to assist in the construction of a rental housing project shall for the purposes of the Central Mortgage and Housing Corporation Act and section 23 be deemed to be a loan under Part II.

(3) The Governor in Council may by regulation make provision for any matters concerning which he deems regulations are necessary or desirable to carry out the purposes or provisions of this section. 1947, c. 40, s. 8; 1948, c. 63, s. 5.

44. Each Part shall come into force upon a date to be fixed by proclamation of the Governor in Council, and such proclamation may limit the type of loan to be made under any Part or the areas in which such loans may be made and the Governor in Council may fix and determine a date on and after which or a period during which no loans under any Part or Parts or no loans in excess of a stipulated maximum amount may be made. 1945, c. 26, s. 30.

45. (1) The Corporation may, out of moneys advanced to it under subsection (7),

(a) acquire land or housing projects by way of purchase, lease or otherwise;

(b) install services in and effect improvements to or in respect of land acquired by it and develop and lay out such land for housing purposes:

(c) Powers of Corporation. 1947, c. 40, s. 7.

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(c) construct or convert housing projects; and
(d) acquire building materials and equipment and other
personal property for use in connection with housing
projects.

(2) The Corporation may
(a) hold, operate, manage, heat, maintain, supervise,
alter, renovate, add to, improve, repair, demolish, and
salvage properties acquired by the Corporation;
(b) acquire from Her Majesty the leasehold or other
interest of Her Majesty in houses or housing projects;
(c) sell, lease, exchange or otherwise dispose of real or
personal property acquired by it pursuant to this Act
or the Central Mortgage and Housing Corporation
Act;
(d) obtain the participation of municipalities in hous-
ing projects; and
(c) enter into contracts to carry out and do other acts or
things incidental to the purposes of this section.

(3) The Governor in Council may by order transfer to
the Corporation any lands or interest therein vested in
Her Majesty and thereupon the lands or interest therein so
transferred shall be deemed to be vested in the Corporation
on a date to be fixed in the said order.

(4) Whenever lands are acquired in the name of Her
Majesty pursuant to an agreement made under section
9 or pursuant to a loan made under this Act, The Domi-
tion Housing Act, 1935, or The National Housing Act, 1938,
the said lands shall be deemed to be vested in the Corpora-

(5) Property acquired by the Corporation pursuant to
this section and the proceeds of sale thereof and the
revenue therefrom are subject to the provisions of the
Central Mortgage and Housing Corporation Act.

(6) When real or immovable property is acquired by
the Corporation or Her Majesty pursuant to this Act or
the Central Mortgage and Housing Corporation Act, the
Corporation may pay to a municipality or other taxing
authority an amount equivalent to the taxes that might
be levied in respect of the said property or of the interest
of the Corporation or of Her Majesty therein by the said
authority if the said property or interest were not so
acquired, and may enter into such agreements as may be
necessary to give effect to the provisions of this subsection.

(7) The Minister may, out of moneys appropriated by
Parliament for the purposes of subsection (1), make ad-
Advances out
of C.R.F.

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as are approved by the Minister of Finance, and the Corporation shall give to the Minister in respect of such advances, debentures or other evidences of indebtedness as the Minister may require. 1948, c. 63, s. 6; 1949 (2nd Sess.), c. 30, s. 8.

46. (1) The Corporation may pursuant to agreements made between the Government of Canada and the government of any province undertake jointly with the government of the province or any agency thereof projects for the acquisition and development of land for housing purposes and for the construction of houses for sale or for rent.

(2) An agreement referred to in subsection (1) shall provide that the capital cost of the project and the profits or losses thereon shall be shared seventy-five per cent by the Corporation and twenty-five per cent by the government of the province or an agency thereof and shall contain such other provisions as are considered necessary or advisable to give effect to the purposes and provisions of this section, and notwithstanding section 18 of the Central Mortgage and Housing Corporation Act, shall be executed on behalf of the Government of Canada by the Minister with the approval of the Governor in Council.

(3) Out of moneys appropriated by Parliament for the purposes of this section or out of the special account established by subsection (4) the Minister

(a) may advance to the Corporation for the purpose of meeting the Corporation’s share of the capital cost of projects undertaken under this section such amounts as may be requested by the Corporation, on such terms and conditions as are approved by the Minister of Finance, and the Corporation shall give to the Minister in respect of such advances debentures or other evidences of indebtedness as the Minister may require, and

(b) shall reimburse the Corporation for losses sustained by it as a result of the sale or operation of any of the projects undertaken by the Corporation under this section.

(4) There shall be established a special account in the Consolidated Revenue Fund to which shall be credited out of unappropriated moneys in the Consolidated Revenue Fund the sum of fifty million dollars.

(5) Out of moneys appropriated by Parliament for the purposes of this section there shall be credited to the special account.

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special account established by subsection (4) an amount equal to the amounts paid out of the special account in the fiscal year immediately preceding the fiscal year during which such appropriation was made.

(6) The Governor in Council may make regulations with respect to the projects that may be undertaken by the Corporation under this section prescribing

(a) the type of land that may be acquired for housing purposes and the maximum purchase price that may be paid for such land;

(b) the type, maximum costs and rentals of housing units that may be constructed;

(c) the number of housing units for which commitments may be given;

(d) the rates of interest and amortization that may be charged against the capital costs of a project undertaken under this section;

(e) the conditions under which family housing units may be sold or leased;

(f) any other matters deemed necessary or advisable to carry out the purposes or provisions of this section.

1949 (2nd Sess.), c. 30, s. 9.

EDMOND CLOUTIER, C.M.G., O.A., D.S.P.
QUEEN'S PRINTER AND CONTROLLER OF STATIONERY
OTTAWA. 1952
CHAPTER 189.
An Act respecting National Parks.

SHORT TITLE.
1. This Act may be cited as the National Parks Act. Short title. 1930, c. 33, s. 1.

INTERPRETATION.
2. In this Act
(a) "Minister" means the Minister of Resources and Development;
(b) "Park" means any National Park of Canada;
(c) "Park warden" means any official appointed under the provisions of the Civil Service Act, whose duties include the enforcement of regulations for the protection of forests and game; and
(d) "public lands" means lands belonging to Her Majesty in right of Canada or of which the Government of Canada has power to dispose, including any waters on, upon or flowing through the said lands and the natural resources of the said lands. 1950, c. 45, s. 1.

PART I.
NATIONAL PARKS OF CANADA.

ESTABLISHMENT OF PARKS.
3. The lands described in the Schedule constitute the Parks. National Parks of Canada. 1948, c. 18, s. 1.

GENERAL PURPOSES.
4. The Parks are hereby dedicated to the people of Canada for their benefit, education and enjoyment, subject to the provisions of this Act and the regulations, and such Parks shall be maintained and made use of so as to leave them unimpaired for the enjoyment of future generations. 1930, c. 33, s. 4.

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5. (1) There shall be a Commissioner of National Parks, who, subject to the direction of the Minister, shall control, manage and administer the Parks.

(2) Every Park warden and any other Park Officer designated by the Minister has all the powers of a police constable.

(3) Every Park officer whose duties include patrolling a line of railway under construction or in operation shall be furnished, by the person constructing or operating such railway, with free transportation on all trains running on such railway in a Park and while in the discharge of his duty, whether they are passenger, freight or construction trains.

(4) The Governor in Council, on the recommendation of the Minister of Justice, may appoint, by Commission under the Great Seal, one or more fit and proper persons to be stipendiary magistrates within the Parks, and such magistrates are at liberty to exercise any jurisdiction that may be conferred upon them by provincial authority in matters coming within the exclusive legislative jurisdiction of the province, insofar as the exercise of such powers may be consistent with the powers hereby conferred.

(5) Every such stipendiary magistrate has and shall exercise within the limits of the Parks, all the powers, authority and jurisdiction by law appertaining to stipendiary magistrates, including the powers and authority of a police magistrate and two justices of the peace, and including the jurisdiction given to magistrates by the provisions of the Criminal Code relating to the summary trial of indictable offences by magistrates with the consent of the person charged.

(6) The Governor in Council may appoint persons resident within the Parks to have, for the purposes of this Act, all the powers of a justice of the peace. 1930, c. 33, s. 5.

6. (1) Public lands within the Parks shall not be disposed of or located or settled upon, and no person shall use or occupy any part of such lands, except under the authority of this Act or the regulations.

(2) The Governor in Council may authorize the sale, lease or other disposition of public lands within a Park when such lands are required for

(a) the right of way or station grounds of any railway; or

(b)
(b) the right of way of an oil or gas pipeline or any tanks, reservoirs, pumps, racks, loading facilities or other facilities connected with an oil or gas pipeline, but such lands, subject to the use for which they are sold, leased or otherwise disposed of, shall still be part of the Park within which they are situated and if any such lands cease to be used for the purpose for which they were so sold, leased or otherwise disposed of they thereupon revert to the Crown.

(3) The Governor in Council may authorize the Minister to purchase, expropriate or otherwise acquire any lands or interests therein, including the lands of Indians or of any other persons, for the purposes of a Park.

(4) The Expropriation Act applies to any expropriation proceedings taken under this section. 1930, c. 33, s. 6; 1950, c. 45, s. 2.

REGULATIONS.

7. The Governor in Council may, from time to time, make regulations for,

(a) the preservation, control and management of the Parks;
(b) the protection of the flora;
(c) the protection of wild animals, the disposal of noxious, predatory or superabundant animals and the taking of animals for scientific and propagating purposes;
(d) the management and regulation of fishing; and the protection of fish, including the prevention and remedying of any obstruction or pollution of waterways;
(e) the prevention and extinguishing of fire upon or threatening Park lands, and requiring persons residing or being in the vicinity to report any such fire or to assist in its extinguishment;
(f) the fire protection measures to be observed and complied with by any company not under the jurisdiction of the Board of Transport Commissioners for Canada constructing or operating a railway upon or across any Park lands and the payment by the said company for

(i) all expenses incurred by the Crown in extinguishing and controlling any fire that originated by reason of the construction, operation or maintenance of such railway or by reason of the action of the company's employees, and
(ii) R.S., 1952.
(ii) the whole or any part of the expense of any fire protection carried on by the Minister in pursuance of this Act along or near such railway while under construction;

(\(g\)) the granting of leases of lots in townsites for the purposes of residence or trade and of lots in other subdivisions for purposes of residence during the summer months, and making additions to townsites or other subdivisions and for the alteration and re-survey of the plan of any townsite or other subdivision;

(\(h\)) the granting of licences for public lands outside townsites or other subdivisions for the entertainment of persons visiting the Parks;

(i) the granting of yearly permits for

(i) the grazing of horses and cattle,

(ii) the removal of sand, stone and gravel for construction purposes within a Park,

(iii) the cutting and removal of dead or diseased timber and such green timber as may be necessary for thinning or forest protection,

(iv) the use in the Parks of water for domestic or railway water supply purposes, and

(v) the use and disposal of mineral waters for recreational and therapeutic purposes;

(j) the establishment, operation, maintenance and administration by the Department of Resources and Development of public works and utility services and the use of the same within the Parks, including domestic water supply, sewerage, telephone, electric power, streets, street-lighting, sidewalks, fire protection, garbage removal and any other works, improvements or services of a public character;

(k) the administration and use of roads, streets, sidewalks, trails, wharves, docks, bridges and other ways within the Parks, and the circumstances under which such ways shall be open or may be closed to public traffic or use; but the establishment or use of any existing road or way or any additional road or way shall in no case operate to withdraw the same from the Park within which it is situate;

(l) prescribing the conditions under which any building, sign, placard, advertisement or other structure may be erected, the design and location of any such structure and the materials of which it may be constructed; the general maintenance and improvement of properties in the Parks that have been leased; the defining of

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zones

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zones for residential buildings, business buildings or areas in which only buildings of fire proof or fire resisting construction may be erected;

(m) controlling trades, traffic, business, amusements, sports, occupations and other activities or undertakings, and prescribing the places where any such activities or undertakings may be carried on; and the levying of licence fees in respect thereof;

(n) the summary removal from a Park and the preventing of the return thereto of any person guilty of an infraction of such provisions of the Park Regulations or the Criminal Code as the Governor in Council may specify;

(o) the preservation of public health and the prevention of disease;

(p) authorizing agreements with a province for supplying to the residents of the Parks in that province any health and welfare services supplied by that province to its residents outside the Parks;

(q) levying taxes upon the residents of a Park or upon the interest of any person in land in a Park in order to defray the cost of health and welfare services supplied to such residents by a province pursuant to an agreement made under paragraph (p) or supplied to such residents by the Government of Canada;

(r) levying taxes upon the interest of any person in land in a Park in order to defray, in whole or in part, the cost of the establishment, operation, maintenance and administration of any public works, improvements or utility services referred to in paragraph (j) and prescribing that such taxes may be levied with respect to any or all of the following lands,

(i) all lands in the Park,

(ii) lands in such area or areas in the Park as may be designated by regulations, and

(iii) lands benefited by such public works, improvements or utility services;

(s) the sale or forfeiture of lands for nonpayment of taxes; and

(t) the abatement and prevention of nuisances.

1930, c. 33, s. 7; 1938, c. 53, s. 3; 1947, c. 66, ss. 8, 9; 1950, c. 45, s. 3.

PENALTIES AND PROCEDURE.

8. (1) Any person violating any provision of this Act, or any regulation, in addition to any civil liability thereby incurred, is liable on summary conviction to a penalty of not more than five hundred dollars, and in default of payment, immediate confinement.

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immediate payment of such penalty and of the costs of prosecution, such person may be imprisoned with or without hard labour for any term not exceeding six months.

(2) Any constable or any person having the powers of a constable under the provisions of this Act or the regulations may,

(a) on view, arrest any person found committing an offence against this Act or the regulations or found committing within a Park any unlawful act;

(b) without warrant or other legal process at any time enter and search any building, premises, structure, camp, vessel, boat, vehicle, conveyance, or other place, and open and examine any trunk, box, barrel, parcel, or other package or receptacle, whether within or without the boundaries of any Park, where he has reason to believe there is any fish, mammal or bird or any parts thereof, or any firearms, traps or other devices for capturing or destroying fish, birds, or mammals in respect of which a breach of this Act or of the regulations may have been committed;

(c) on view, seize, whether within or without the boundaries of any Park, any timber, hay, mineral, fish, mammal or bird, or any part thereof, arms, ammunition, explosives, traps, nets, rods, vessels, boats, vehicles, equipment, outfit, appliance, or any other article whatsoever that he has reason to believe are or have been possessed or used in connection with the commission of a violation of any of the provisions of this Act and the regulations.

(3) Where any chattel is seized under the provisions of this Act, the same shall, without undue delay, be taken before a magistrate or two justices of the peace who, upon satisfactory proof that such chattel was in possession or used contrary to the provisions of this Act or was used in connection with the commission of any offence under this Act and the regulations, may order same to be forfeited to Her Majesty; or, in the case of timber, trees, hay or minerals, to be held for such time as may be deemed proper, pending payment of any penalty in lieu of forfeiture. 1930, c. 33, s. 8.

9. All timber berths in National Parks that were disposed of prior to the 30th day of May, 1930, shall remain subject to the same obligations, terms and conditions as were in force prior to that date and nothing in this Act shall be construed to interfere with, prejudice or take away any rights granted to the holders of such berths but such obligations, terms and conditions shall be subject, at the date R.S., 1952.
date of each yearly renewal, to such changes as the Governor in Council may prescribe and shall be subject to all regulations made by the Governor in Council under this Act. 1950, c. 45, s. 4.

PART II.

10. The Governor in Council may set apart any land Historic sites. the title to which is vested in Her Majesty, as a National Historic Park to

(a) commemorate an historic event of national importance, or

(b) preserve any historic landmark or any object of historic, prehistoric or scientific interest of national importance,

and may from time to time make any changes in the areas so set apart which he may consider expedient. 1930, c. 33, s. 11.

11. The Governor in Council may, by order, apply to Application of sections. the areas set apart under this Part such provisions of sections 5, 7 and 8 of Part I as he may, from time to time, consider advisable. 1930, c. 33, s. 12.

SCHEDULE

PART I.

National Parks in the Province of Alberta.

(1) BANFF NATIONAL PARK.

All and singular that certain parcel or tract of land situate, lying and being in the Province of Alberta more particularly described as follows:

Commencing at the point of junction of the Interprovincial Boundary between Alberta and British Columbia and the height of land that divides the watershed area of Spray River from that of Kananaskis river which said point occurs on Mount Sir Douglas in latitude fifty degrees forty-three minutes, and longitude one hundred and fifteen degrees twenty minutes;

Thence in a general northerly direction and following throughout the said height of land to Mount Birdwood;

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Thence continuing northerly along the height of land between the valley of Spray River and the valley of Smuts Creek through Mount Smuts and Mount Shark to a stone cairn on the summit of an isolated hill in latitude fifty degrees fifty-one minutes thirty seconds, and longitude one hundred and fifteen degrees twenty-five minutes, erected by H. F. Lambart, D.L.S., in 1935;

Thence on an astronomic bearing of three hundred and thirty-two degrees fourteen minutes to a point on the natural contour at elevation of five thousand six hundred feet above sea level;

Thence southwesterly following the said natural contour a distance of seven thousand, nine hundred feet more or less, to its intersection with the right bank of the Spray River;

Thence across Spray River and northerly following the said natural contour a distance of three thousand six hundred and forty feet more or less to its intersection with the right bank of Bryant Creek;

Thence across Bryant Creek and northeasterly following the said natural contour a distance of ten thousand four hundred and thirteen feet more or less to its intersection with the prolongation of the line between a stone cairn on the summit of an isolated hill in latitude fifty degrees fifty-one minutes thirty seconds and longitude one hundred and fifteen degrees twenty-five minutes erected by H. F. Lambart, D.L.S., in 1935, and a standard survey post, mound and pits on the left bank of Spray River, approximately one thousand feet upstream from the mouth of Turbulent Creek, erected by M. P. Bridgland, D.L.S., in 1931;

Thence northeasterly following the said natural contour a distance of five thousand, six hundred and eighty feet, more or less, to its intersection with the following straight line:

"A straight line, having an astronomic bearing of nine degrees and forty-eight minutes, passing through a standard survey post erected by B. Russell, D.L.S. in 1948, a distance of nine thousand, six hundred and eighty feet, more or less, to a standard survey post northerly from the right bank of Spray River, erected by B. Russell, D.L.S., in 1948";

Thence northerly along said straight line to said standard survey post northerly from the right bank of Spray River erected by B. Russell, D.L.S., in 1948;
Thence easterly and southerly along a line following the right bank of Spray River as it winds and turns and at the same distance therefrom; a distance of four thousand six hundred and forty feet, more or less, to the point of intersection with the straight line boundary of bearing 94° 26' defined by H. F. Lambart in 1935 and which extends from a stone cairn on the westerly side of Spray River to a survey post and stone cairn on the easterly side of said Spray River;

Thence along the said straight line boundary on said bearing of 94° 26' to the most easterly stone cairn thereon erected by H. F. Lambart in 1935, located on the crest of a sharply defined ridge of Mount Nestor;

Thence northerly and following the said crest to Mount Nestor;

Thence northerly and following the crest of Goat Range to the southwesterly extremity of a straight line extending southwesterly from the most southerly summit of Three Sisters Mountain and surveyed by M. P. Bridgland, D.L.S., in 1931;

Thence northwesterly along the crest of Goat Range a distance of six and one-half miles more or less to its intersection with a line having an astronomic bearing of seventeen degrees twenty-four decimal five minutes, opened up and marked on the ground by B. Russell, D.L.S., in 1948;

Thence northeasterly along the said line a distance of twenty thousand eight hundred and eighty-seven feet more or less to a point on the height of land that divides the watershed area of Spray River from that of Bow River, which point is on the said divide at the most southerly end of Mount Rundle;

Thence northwesterly following throughout the height of land that divides the watershed area of Spray River from that of Bow River to the summit of Mount Rundle in latitude fifty-one degrees seven minutes twenty seconds, and longitude one hundred and fifteen degrees twenty-eight minutes;

Thence in a straight line defined by M. P. Bridgland, D.L.S., in 1931 toward the summit of Mt. Charles Stewart on an astronomic bearing of sixty-nine degrees forty-eight decimal eight minutes to a standard survey post and stone mound on the east boundary of section fifteen in township twenty-five, range eleven, west of the Fifth Meridian;

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Thence

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Thence continuing on the same course fifty-seven decimal twenty chains more or less to a standard survey post and stone mound on the south boundary of the north half of section fourteen in the said township;

Thence easterly along the south boundary of the north half of sections fourteen and thirteen to the east boundary of section thirteen of the said township;

Thence northerly along the east boundary of the said section to a standard survey post, pits and mound thirty-nine decimal four links south of the northeast corner of the said section thirteen;

Thence on the astronomic bearing of sixty-nine degrees forty-eight decimal eight minutes to the summit of Mt. Charles Stewart;

Thence northeasterly following the height of land which bounds the watershed area of Carrot Creek and its tributaries to the point at which it becomes the height of land that divides the watershed area of Lake Minnewanka from that of Ghost River;

Thence continuing along the last mentioned height of land through Orient Point to a stone cairn in latitude fifty-one degrees sixteen minutes, longitude one hundred and fifteen degrees ten minutes;

Thence in a straight line defined by H. F. Lambart, D.L.S. in 1935 on an astronomic bearing of three hundred and forty-seven degrees thirty-seven decimal eight minutes a distance of five thousand six hundred and sixty-seven decimal seven feet more or less to a stone cairn;

Thence continuing on the same bearing nine hundred and forty-eight decimal three feet more or less to a standard survey post and stone cairn beside the trail through Devil's Gap;

Thence continuing on the same course one thousand eight hundred and forty-five decimal four feet more or less to a stone cairn;

Thence continuing on the same course to Devil's Fang Mountain;

Thence westerly and northerly following throughout all its sinuositie the height of land that forms the southerly and westerly limit of the watershed area of Ghost River or any of its tributaries to Mount Oliver;

Thence northerly along the height of land that forms the easterly limit of the watershed area of Dormer River to a stone cairn on an astronomic bearing of one hundred and thirty-five degrees and seven-tenths of a minute from the summit of Dormer Mountain;

Thence in a straight line defined by H. F. Lambart, D.L.S., in 1935 on an astronomic bearing of three hundred and thirty-five degrees and seven-tenths of a minute from the summit of Dormer Mountain;

R.S., 1952.
and fifteen degrees and seven-tenths of a minute, a distance of eight thousand five hundred and ninety-two decimal seven feet more or less to a stone cairn;

Thence continuing on the same course four thousand one hundred and eighty-four feet more or less to a standard survey post and stone cairn beside the trail on the northerly side of Dormer River;

Thence continuing on the same course eight thousand nine hundred and eighteen decimal eight feet more or less to a cairn on the summit of Dormer Mountain;

Thence in a straight line defined by H. F. Lambart, D.L.S., in 1935 on an astronomic bearing of three hundred and twenty-six degrees five minutes to a stone cairn;

Thence continuing on the same course one thousand and eighty-three decimal eight feet more or less to a standard post and stone cairn beside the trail along Panther River;

Thence continuing on the same course nine hundred and eighty-one decimal six feet more or less to a stone cairn;

Thence continuing on the same course two thousand four hundred and eleven decimal six feet more or less to a stone cairn on the crest of a ridge of Barrier Mountain;

Thence continuing on the same course to the summit of Barrier Mountain;

Thence northwesterly along a well defined height of land to a stone cairn on the summit of Warden Rock;

Thence in a straight line defined by H. F. Lambart, D.L.S., in 1935 on an astronomic bearing of two hundred and eighty-nine degrees thirteen decimal one minutes, a distance of seven thousand and forty-three decimal four feet more or less to a standard survey post and stone cairn beside the trail on the west side of Red Deer River;

Thence continuing on the same course one thousand nine hundred and eight decimal nine feet more or less to a stone cairn;

Thence continuing on the same course to the summit of a mountain in latitude fifty-one degrees forty-two decimal five minutes, longitude one hundred and fifteen degrees forty-four minutes;

Thence northwesterly following the height of land that forms the easterly and northerly limit of the watershed of Tyrrell Creek, the northerly limit of the watershed of Divide Creek and the easterly limit of the watershed of Peters Creek to the summit of Condor Peak;

Thence northerly along a well defined ridge to the forks of Peters Creek in latitude fifty-one degrees forty-nine minutes, longitude one hundred and fifteen degrees fifty-seven minutes;

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Thence

R.S., 1952.
Thence northerly along the right bank of Peters Creek to its confluence with Clearwater River;

Thence crossing Clearwater River to its left bank and following the said bank upstream to a stone cairn approximately half a mile east of the mouth of Indianhead Creek;

Thence in a straight line defined by H. F. Lambart, D.L.S., in 1935 on an astronomic bearing of three hundred and twenty-nine degrees twenty-two decimal nine minutes, a distance of nine hundred and eight decimal two feet more or less to a standard survey post beside the trail along the valley;

Thence continuing on the same course to a stone cairn near the edge of timber;

Thence continuing on the same course to camera station two hundred and sixty-five A, which is a point on the height of land forming the easterly limit of the watershed area of Indianhead Creek the said camera station together with all camera stations hereinafter referred to being triangulation points of surveys made by M. P. Bridgland, D.L.S.;

Thence northerly along the said height of land to its junction with the height of land between the watershed area of Clearwater River and those of Ram and Siffleur Rivers;

Thence southwesterly along the last described height of land to the summit of Mount Kentigern;

Thence northwesterly along a sharply defined ridge between Siffleur River and one of its tributaries through camera station three hundred to a stone cairn on the east side of Siffleur River;

Thence in a straight line defined by H. F. Lambart, D.L.S., in 1935 on an astronomical bearing of two hundred and sixty-one degrees eighteen decimal seven minutes, a distance of six hundred and ninety-nine decimal seven feet more or less to a standard survey post and stone cairn beside the trail on the west side of Siffleur River;

Thence continuing on the same course one thousand one hundred and fourteen decimal four feet more or less to a stone cairn;

Thence continuing on the same course to camera station three hundred and five;

Thence westerly following a high rocky height of land through camera stations three hundred and six, three hundred and three, and three hundred and four to camera station three hundred and eight which last mentioned station is on the height of land forming the easterly limit of the watershed area of Mistaya River;
Thence northwesterly along the last described height of land to camera station four hundred and twenty-five situated at the junction of the said height of land with the height of land enclosing the watershed area of Murchison Creek;

Thence following the last described height of land through camera stations four hundred and twenty-six, four hundred and twenty-two, four hundred and twenty-one, and four hundred and twenty, and along the crest of a precipitous rock escarpment to a stone cairn in latitude fifty-one degrees fifty-nine minutes thirty seconds, longitude one hundred and sixteen degrees thirty-nine minutes;

Thence in a straight line defined by H. F. Lambart, D.L.S., in 1935 on an astronomical bearing of three hundred and thirty-four degrees fifty-seven decimal five minutes a distance of two thousand and twenty-four decimal eight feet more or less to a standard survey post and stone cairn beside the trail on the southerly side of North Saskatchewan River;

Thence continuing on the same course two thousand two hundred and eighty-nine decimal four feet more or less to a standard post and stone cairn beside the trail on the northerly side of the said River;

Thence continuing on the same course two thousand five hundred and five decimal one feet more or less to a stone cairn on the height of land forming the easterly limit of the watershed of Owen Creek;

Thence northerly following the said height of land to its junction with the height of land forming the easterly limit of the watershed of North Saskatchewan River;

Thence northwesterly along the last described height of land through all its sinuosities to a stone cairn erected by H. F. Lambart, D.L.S., in 1935 at the summit of Nigel Pass;

Thence westerly, southeasterly and southwesterly along the height of land between the watershed areas of North Saskatchewan River and Athabasca River to a stone cairn on a well defined ridge overlooking Sunwapta Pass in latitude fifty-two degrees thirteen minutes, longitude one hundred and seventeen degrees nine point five minutes;

Thence following the survey of the said Pass by H. F. Lambart, D.L.S., in 1935 on an astronomical bearing of two hundred and thirty-eight degrees forty-two decimal two minutes, a distance of three thousand seven hundred and nine decimal seven feet more or less to a stone cairn;

Thence on an astronomical bearing of two hundred and eighteen degrees forty-eight minutes a distance of two thousand one hundred and forty-seven decimal three feet more or less to a stone cairn;

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Thence

R.S., 1952.
Thence on an astronomic bearing of two hundred and thirty-five degrees six minutes, a distance of two thousand six hundred and sixty-eight decimal one feet more or less to a stone cairn on a well defined ridge of the last described height of land on the westerly side of Sunwapta Pass;

Thence continuing southwesterly and northwesterly along the said height of land to The Snow Dome being a point on the Interprovincial Boundary between Alberta and British Columbia;

Thence southerly following the Interprovincial Boundary to the point of commencement, containing an area of two thousand five hundred and sixty-four square miles more or less, the boundaries herein described being shown on a copy of the map of Banff Park certified by A. O. Gorman for B. W. Waugh, Surveyor General of Dominion Lands on the ninth day of February nineteen hundred and forty-nine and forty-nine and of record in the Legal Surveys and Aeronautical Charts Division, Department of Mines and Technical Surveys, Ottawa, under number forty thousand four hundred and twenty-seven.

(2) JASPER NATIONAL PARK.

All and singular that certain parcel or tract of land situate lying and being in the Province of Alberta which may be more particularly described as follows:

Commencing at the Snow Dome being a point at the intersection of the Interprovincial Boundary between Alberta and British Columbia and the height of land which divides the watershed area of Saskatchewan River from that of Athabaska River in Latitude fifty-two degrees eleven minutes (52° 11') and longitude one hundred and seventeen degrees nineteen minutes (117° 19'); thence in a general northeasterly direction along said above described height of land across Sunwapta Pass and Nigel Pass to the summit of Cataract Pass which is at the extreme headwaters of Brazeau River; thence continuing along the same height of land in a general northeasterly direction to a point distant half a mile from the most easterly channel of Brazeau River, said distance being measured at right angles to the general direction of said channel; thence in a general northeasterly direction and following a line drawn parallel to and being distant half a mile in a perpendicular direction from the most easterly channel of Brazeau River to the point at which the said line intersects a straight line drawn on an astronomical bearing of North forty-five degrees east (N. 45°E.) from a point on the right bank of Brazeau River immediately opposite the junction of the stream which flows from Brazeau Lake with the said river; thence in a general northeasterly direction and following the right bank

R.S., 1952.
bank of Brazeau River to a point opposite the intersection of the left bank of Southesk River with the left bank of Brazeau River; thence in a straight line across Brazeau River to the last described point; thence in a general south-westerly direction following the left bank of Southesk River to its intersection with a straight line drawn south forty-five degrees east (S. 45° E.) from a mountain named Saracen Head, which mountain is a prominent landmark in Latitude fifty-two degrees forty-one minutes (52° 41’) and Longitude one hundred and sixteen degrees fifty-nine minutes (116° 59’); thence in a straight line having a bearing of north forty-five degrees west (N. 45° W.) to the summit of Saracen Head mountain; thence in a general north-westerly direction following the height of land forming the easterly limit of the watershed areas of Southesk and Rocky Rivers to its intersection with the height of land which encloses the watershed area of Fiddle River; thence in a general north-northwesterly direction following the last described height of land to the summit of Roche à Perdrix mountain in Latitude fifty-three degrees twelve minutes (53° 12’) and Longitude one hundred and seventeen degrees forty-eight minutes (117° 48’); thence in a general northwesterly direction following a sharply defined ridge to the summit of a knoll overlooking the Jasper Highway; thence in a straight line across the valley of Athabaska River to the rock point through which the Canadian National Railway passes in a tunnel; thence in a general north-northwesterly direction following the edge of a sharply defined escarpment to Ogre Canyon and continuing across the said canyon along the above described escarpment to Mount Boule Roche which is a peak at the southerly extremity of Boule Range in Latitude fifty-three degrees seventeen minutes (53° 17’) and Longitude one hundred and seventeen degrees fifty-four minutes (117° 54’); thence in a general northwesterly direction following the height of land which forms the easterly limit of the watershed areas of Ogre and Moosehorn Creeks along the Boule Range to the summit of Triangulation Station No. 82 (Lambart 1927) which is a point on the height of land which divides the watershed area of Moosehorn Creek from that of Hay River in Latitude fifty-three degrees twenty-two minutes (53° 22’) and Longitude one hundred and eighteen degrees seven minutes (118° 07’); thence in a general west-northwesterly direction following the height of land which bounds the watershed area of Hay River and its tributaries to Triangulation Station No. 71 (Lambart 1927); thence in a general northwesterly direction along a well defined height of land to its point of intersection with

3983

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R.S., 1952.
a straight line having an astronomic bearing of one hundred and twenty-five degrees fifty-six minutes \(125^\circ 56'\) from a wooden post in a stone mound on the right bank of Rock Creek marked "R. W. C. 29th Aug. 1928"; thence in a straight line across the valley of Rock Creek to Triangulation Station No. 68 (Lambart 1927) which is a point on the height of land dividing the watershed area of Rock Creek from that of Hay River in Latitude fifty-three degrees twenty-seven minutes \(53^\circ 27'\) and Longitude one hundred and eighteen degrees twenty-one minutes \(118^\circ 21'\); thence westerly and following the said height of land through all its sinuosities to its point of intersection with a straight line having an astronomic bearing of north forty-five degrees east \(N. 45^\circ E.\) from Triangulation Station No. 5 (Lambart 1927) which is a point on the height of land dividing the watershed area of Rock Creek from that of Mowitch Creek; thence in a straight line having a bearing of south forty-five degrees west \(S. 45^\circ W.\) across the valley of Rock Creek to said Triangulation Station No. 5; thence westerly along the above described height of land dividing the watershed area of Rock Creek from that of Mowitch Creek throughout all its sinuosities to its intersection with the height of land which divides the watershed area of Snake Indian River from that of Smoky River; thence west-northwesterly and following the last described height of land throughout all its sinuosities to a point on the summit of the westerly extension of Sunset Peak on the summit of which peak Triangulation Station No. 33 (Lambart 1927) is situated, said point being at the intersection of the said height of land and a straight line having an astronomic bearing of three hundred and twenty-nine degrees twenty-eight point eight minutes \(329^\circ 28.8'\) from a stone cairn on the crest of the height of land forming the southerly limit of the watershed area of Blue Lake; thence in a straight line having an astronomic bearing of one hundred and forty-nine degrees twenty-eight point eight minutes \(149^\circ 28.8'\) across Blue Lake to the above mentioned cairn; thence in a general westerly direction along the height of land forming the southerly limit of the watershed area of Blue Lake to its intersection with the height of land dividing the watershed area of Twintree Creek from that of Rockslide Creek, both of which creeks are tributaries of Smoky River; thence continuing along said last mentioned height of land to its intersection with a straight line having an astronomic bearing of ninety-two degrees twenty-one point two minutes \(92^\circ 21.2'\) from a post in a stone mound on the south bank of Smoky River, said post being in Latitude fifty-three degrees twenty-nine minutes \(53^\circ 29'\) and Longitude 3984.

R.S., 1952.
Longitude one hundred and nineteen degrees fifteen minutes (119° 15'); thence in a straight line having an astronomic bearing of two hundred and seventy-two degrees twenty-one point two minutes (272° 21.2') to said post and continuing in the same straight line produced westerly across the valley of Smoky River to intersect the height of land forming the northerly limit of the watershed area of Short Creek; thence westerly along said last described height of land to Mount Resthaven in Latitude fifty-three degrees twenty-seven minutes (53° 27') and Longitude one hundred and nineteen degrees thirty point five minutes (119° 30.5'); thence in a general south-southeasterly direction following the height of land which bounds the watershed area of Jackpine River to the point at which it intersects the summit of the Rocky Mountains in Latitude fifty-three degrees twenty-two minutes (53° 22') and Longitude one hundred and nineteen degrees twenty-four point seven minutes (119° 24.7') which point is a point on the Interprovincial Boundary between Alberta and British Columbia; thence southerly following the Interprovincial Boundary to point of commencement, said area containing 4,200 square miles, more or less; the boundaries herein described being shown on the north and the south sheets of the map of Jasper Park certified by Frederic Hatheway Peters, Surveyor General of Dominion Lands, on the thirteenth day of January, 1948, said map being approved on behalf of the Dominion of Canada by the Honourable J. Allison Glen, Minister of Mines and Resources, and on behalf of the Province of Alberta by the Honourable N. E. Tanner, Minister of Lands and Mines, and filed on the 14th day of February, 1948 in the Land Titles Office for the North Alberta Land Registration District of Edmonton in the Province of Alberta under numbers 3974 and 3975 in Book E. U. Folio 192 and whereof a copy is of record in the Legal Surveys and Aeronautical Charts Division of the Department of Mines and Technical Surveys, Ottawa, under numbers 40396 and 40397.

(3) Waterton Lakes National Park.

All and singular that certain parcel or tract of land situate, lying and being in the Province of Alberta, which may be more particularly described as follows:

Commencing at the intersection of the Interprovincial boundary between the Provinces of Alberta and British Columbia with the International boundary between Canada and the United States; thence northerly following the said Interprovincial boundary to the intersection with the height

R.S., 1952.
height of land separating the waters flowing into Bauer-
man and Blakiston Brooks and the waters flowing into the
Castle River known as the Avion Ridge; thence in a gen-
eral easterly direction following the said Avion Ridge on
which are located Newman Peak and Mount Glendowan to
the intersection with Cloudy Ridge; thence in a general
northeasterly direction following the said Cloudy Ridge to
the headwaters of a small creek which emerges from a steep
coulee near the mouth of which is located the Yarrow
cabin; thence following the right bank of the said creek
to the right bank of the south fork of Yarrow Creek;
thence northeasterly following the right bank of the south
fork of Yarrow Creek, a distance of sixty chains more or
less, to its intersection with the easterly boundary of section
sixteen, in township three, range thirty west of the Fourth
Meridian; thence southerly along the easterly boundary
of said section sixteen to the northeast corner of section nine
in said township three; thence easterly a distance of eighty-
one chains more or less along the north boundary of section
ten in said township three to its northeast corner; thence
southerly a distance of eighty-one chains more or less along
the east boundary of said section ten to the northeast cor-
er of section three; thence easterly a distance of forty-
one chains more or less along the north boundary of the
northwest quarter of section two in said township three to
its northeast corner; thence southerly a distance of eighty
chains more or less following the east boundary of the west
half of section two to the southeast corner thereof, in said
township three, range thirty; thence due south one chain
more or less across the road allowance to the north boun-
dary of township two, range thirty, west of the Fourth
Meridian; thence easterly a distance of two hundred and
twenty-one decimal twenty-three chains more or less along
the north boundary of said township two, range thirty, to
its northeast corner; thence southerly along the east out-
line of said township two a distance of two hundred and
forty-one chains more or less to the northeast corner of
section thirteen of said township two, range thirty; thence
easterly along the north boundary of sections eighteen,
seventeen and sixteen, in township two, range twenty-nine,
a distance of two hundred and forty-three chains more or
less to the northeast corner of said section sixteen; thence
southerly along the easterly boundary of sections sixteen,
nine and four, a distance of two hundred and forty-two
chains more or less to the northeast corner of section thirty-
three in township one, range twenty-nine; thence easterly
along the north boundary of section thirty-four in said
township one a distance of eighty-one chains more or less

R.S., 1952.
to its northeast corner; thence southerly along the east boundary of said section thirty-four a distance of eighty chains more or less to the northeast corner of section twenty-seven in said township one; thence easterly a distance of four hundred and eighty-six chains more or less along the north boundaries of sections twenty-six and twenty-five in said township one, range twenty-nine, and sections thirty, twenty-nine, twenty-eight and twenty-seven in township one, range twenty-eight to the northeast corner of section twenty-seven in said township one, range twenty-eight; thence southerly along the east boundary of said section twenty-seven a distance of eighty-one chains more or less to the northeast corner of section twenty-two in said township one, range twenty-eight; thence due south four miles more or less to said International boundary; thence westerly following said International boundary a distance of nineteen miles, more or less to the point of commencement; said parcel containing an area of approximately two hundred and four square miles; the boundaries herein described being shown on a copy of the map of Waterton Lakes Park certified by Frederic Hatheway Peters, Surveyor General of Dominion Lands, on the thirteenth day of January, 1948, said map being approved on behalf of the Dominion of Canada by the Honourable J. Allison Glen, Minister of Mines and Resources, and on behalf of the Province of Alberta by the Honourable N. E. Tanner, Minister of Lands and Mines, and filed on the 13th day of February, 1948, in the Land Titles Office for the South Alberta Land Registration District of Calgary in the Province of Alberta under No. 7673 Book EX, Folio 203, and whereof a copy is of record in the Legal Surveys and Aeronautical Charts Division of the Department of Mines and Technical Surveys, Ottawa, under number 40398.

(4) Elk Island National Park.

All that parcel or tract of land situate, lying and being in the fifty-fourth township, range nineteen; townships fifty-two, fifty-three and fifty-four, range twenty, all west of the Fourth Meridian, in the Province of Alberta, more particularly described as follows:

Commencing at the northwest corner of section thirty-four in said township fifty-four, range twenty; thence southerly and along the east boundary of the road allowance to the northwest corner of section ten; thence westerly and along the south boundary of the road allowance to the northwest corner of section nine; thence southerly and along the east boundary of the road allowance to the northwest corner of section twenty-seven; thence easterly a distance of eighty-one chains more or less to the northeast corner of section twenty-two in said township one, range twenty-eight; thence due south four miles more or less to said International boundary; thence westerly following said International boundary a distance of nineteen miles, more or less to the point of commencement; said parcel containing an area of approximately two hundred and four square miles; the boundaries herein described being shown on a copy of the map of Waterton Lakes Park certified by Frederic Hatheway Peters, Surveyor General of Dominion Lands, on the thirteenth day of January, 1948, said map being approved on behalf of the Dominion of Canada by the Honourable J. Allison Glen, Minister of Mines and Resources, and on behalf of the Province of Alberta by the Honourable N. E. Tanner, Minister of Lands and Mines, and filed on the 13th day of February, 1948, in the Land Titles Office for the South Alberta Land Registration District of Calgary in the Province of Alberta under No. 7673 Book EX, Folio 203, and whereof a copy is of record in the Legal Surveys and Aeronautical Charts Division of the Department of Mines and Technical Surveys, Ottawa, under number 40398.

R.S., 1952.
northwest corner of section four; thence westerly and along the production westerly of the north boundary of said section four and continuing westerly along the north boundary of section five to the northwest corner thereof; thence southerly and along the east boundary of the road allowance to the northwest corner of section thirty-two in said township fifty-three, range twenty; thence westerly and along the south boundary of the road allowance to the northwest corner of section thirty-one; thence southerly and along the east boundary of the road allowance between said range twenty and range twenty-one to the intersection with the northerly limit of a surveyed roadway in said township fifty-two, range twenty, as shown upon a plan of survey of the said roadway of record in the Department of Public Works at Edmonton as Number 867, and whereof a copy is recorded under Number 10065 in the Legal Surveys and Aeronautical Charts Division, Department of Mines and Technical Surveys, Ottawa, thence in a generally easterly direction along the said northerly limit of the surveyed roadway to the intersection with the westerly boundary of the road allowance between said ranges nineteen and twenty; thence northerly and along said westerly boundary of the road allowance to the southeast corner of section one in said township fifty-four, range twenty; thence easterly and along the north boundary of the road allowance to the southeast corner of section six in said township fifty-four, range nineteen; thence northerly and along the west boundary of the road allowance to the northeast corner of section thirty-one in said township fifty-four, range nineteen; thence westerly and along the south boundary of the road allowance to the point of commencement; SAVING AND EXCEPTING from said township fifty-three, range twenty, west of the Fourth Meridian: the surface together with all Mines and Minerals, both precious and base, namely:

The surveyed highway between the west boundary of said township fifty-three and the west boundary of section thirteen of said township fifty-three including those portions of the statutory road allowances within the limits of the said surveyed highway produced across said statutory road allowances as shown upon a plan of survey of said surveyed highway of record in the said Department of Public Works as Plan Number 14575 and whereof a copy is recorded under Number 40426 in the Legal Surveys and Aeronautical Charts Division, Department of Mines and Technical Surveys, Ottawa;

Said tract of land containing an area of approximately seventy-five square miles; the boundaries herein described being
being shown on a copy of the map of Elk Island Park, certified by A. O. Gorman for the Surveyor General of Dominion Lands, on the tenth day of February, 1949, and of record in the said Legal Surveys and Aeronautical Charts Division of the Department of Mines and Technical Surveys, Ottawa under number 40428.

(5) WOOD BUFFALO NATIONAL PARK.

All and singular that certain parcel or tract of land lying and being partly in the Northwest Territories and partly in the Province of Alberta, and more particularly described, as follows: Commencing at the intersection of the sixtieth (60) parallel of north latitude, being the boundary between the Province of Alberta and the Northwest Territories, with the centre of the main channel of Salt river; thence westerly along the said sixtieth (60) parallel of north latitude to its intersection with the centre of the main channel of Little Buffalo river; thence following downstream the centre of the main channel of the said Little Buffalo river to its junction with the centre of the main channel of Nyarling river; hence following upstream the centre of the main channel of the said Nyarling river to its intersection with the thirty-fourth (34) base line of the Dominion Lands Survey system, being the north boundary of township one hundred and thirty-two (132); thence westerly along the said thirty-fourth (34) base line to its intersection with the east boundary of range ten (10) west of the fifth (5) initial meridian of the Dominion Lands Survey System; thence southerly along the said east boundary of range ten (10) west of the said fifth (5) meridian to its intersection with the thirty-first (31) base line of the Dominion Lands Survey system, being the north boundary of township one hundred and twenty (120); thence easterly along the said thirty-first (31) base line to its intersection with the said fifth (5) meridian of the Dominion Lands Survey system; thence southerly along the said fifth (5) meridian to its intersection with the twenty-seventh (27) base line of the Dominion Lands Survey system, being the north boundary of township one hundred and four (104); thence easterly along the said twenty-seventh (27) base line to its intersection with the centre of the main channel of Athabaska river; thence following downstream the said centre of the main channel of Athabaska river to a point nearest the beginning or southern end of the main channel of Embarras river; thence in a direct line to the centre of the said main channel of Embarras river at its southern end; thence following downstream the centre of the main channel of the said Embarras river.
river to its outlet into lake Athabaska; thence westerly by a direct line to the nearest point on low water mark on the southerly or westerly shore of said lake Athabaska; thence westerly and northerly following the said low water mark of the southerly and westerly shore of lake Athabaska to a point nearest the beginning or southern end of the main channel of the stream known as Rivière des Rochers; thence easterly in a direct line to the centre of the said main channel of Rivière des Rochers at its southern end; thence following downstream the centre of the said main channel of Rivière des Rochers to a point nearest the centre of the main channel of Slave river; thence westerly in a direct line to the centre of the said main channel of Slave river; thence following downstream the said centre of the main channel of Slave river to its intersection with the thirty-second (32) base line of the Dominion Lands Survey system being the north boundary of township one hundred and twenty-four (124); thence westerly along the said thirty-second (32) base line to its intersection with the centre of the main channel of Salt river; thence following downstream the said centre of the main channel of Salt river to the point of commencement; excluding thereout and therefrom all islands in the Slave river within the above described boundary; the whole containing by admeasurement an area of approximately 17,300 square miles be the same more or less, and as the boundaries described herein are shown hachured in black upon the map of Wood Buffalo Park and which are subject to the "note" thereon relating to the boundaries in certain rivers; which said map was issued by the Hydrographic and Map Service, Department of Mines and Resources at Ottawa in 1947, and whereof a copy is of record in the Legal Surveys and Aeronautical Charts Division of the Department of Mines and Technical Surveys under number forty-thousand three hundred and ninety-three.

PART II.

National Parks in the Province of British Columbia.

(1) YOHO NATIONAL PARK.

All and singular that certain parcel or tract of land situate lying and being in the Province of British Columbia, designated Yoho Park and shown bordered in yellow on the map of Yoho Park which was reprinted with corrections in the office of the Surveyor General and Chief of the Hydrographic Service, Department of Mines and Resources, Ottawa, in 1939, and of record in the Legal Surveys and Aeronautical

R.S., 1952.
Aeronautical Charts Division of the Department of Mines and Technical Surveys under number 39587, which said parcel may be more particularly described as follows:

Commencing at a point on the easterly boundary of the Province of British Columbia, said point being south of the main line of the Canadian Pacific Railway and ten miles perpendicularly distant therefrom; thence in a south-westerly direction along a line parallel to and ten miles perpendicularly distant from the main line of the Canadian Pacific Railway as constructed to the intersection of said line with the height of land which divides the watershed area of Kicking Horse River from that of Vermilion River in approximate latitude 51° 12' N. and approximate longitude 116° 21'; thence in a general south-westerly direction and following the crest of the spur ridge which divides the watershed of Moose Creek from that of Ice River throughout all its sinuosities to the summit of a peak marked 9687 on said map; thence in a straight line to a point on the right bank of Ice River opposite the point at which the most southerly tributary shown on said map enters Ice River from the east side; thence following said right bank of Ice River downstream to its confluence with Beaverfoot River; thence following the right bank of said Beaverfoot River downstream to its intersection with the north boundary of Township twenty-five, Range nineteen, West of the fifth Meridian, or said north boundary produced easterly; thence west along said north boundary and the production thereof to the southeast corner of Section four in Township twenty-six, Range nineteen; thence north along the east boundary of said Section four to its intersection with the left bank of Kicking Horse River; thence in a general north-westerly direction and following throughout the left bank of Kicking Horse River to its intersection with the east boundary of Township twenty-six, Range twenty, West of the fifth Meridian; thence north along said east boundary of Township twenty-six to its intersection with the summit of a well defined ridge dividing the watershed of Porcupine Creek from that part of Kicking Horse River which lies west of said east boundary; thence in a general northerly direction along the summit of the height of land which forms the westerly boundary of the watershed area of that part of Kicking Horse River which lies upstream from the east boundary of said Township twenty-six, and following all the sinuosities of said height of land to its intersection with the summit of Mount Rhondda which mountain is also a point on the summit of the Rocky Mountains forming the easterly boundary of the Province of British Columbia; thence in a general southeasterly direction and following...
the said summit of the Rocky Mountains throughout all its sinuosities to the point of commencement; said parcel containing an area of approximately 507 square miles.

(2) **KOOTENAY NATIONAL PARK.**

All those portions of the Province of British Columbia lying between the summit of the Rocky Mountains to the east and Columbia River to the west, which may be more particularly described as follows:

Firstly: Commencing at Monument numbered 14-C of the Interprovincial Boundary survey between the Province of Alberta and British Columbia as the same was established by the Interprovincial Boundary Commission, said Monument being in approximate Latitude fifty-one degrees, naught five minutes (51° 05') North and Longitude one hundred and fifteen degrees, fifty-one minutes (115° 51') West;

Thence in a general south-southeasterly direction along the height of land which divides the watershed area of Simpson River and Verdant Creek to the summit of Monarch Mountain;

Thence in a general southerly direction and following the sinuosities of the above described height of land to an outlying peak of Monarch Mountain distant approximately one (1) mile from the summit of said Mountain;

Thence westerly along a sharply defined ridge an estimated distance of twenty-five (25.00) chains to a stone cairn;

Thence in a straight line across the valley of Verdant Creek a distance of one hundred and eight decimal seven five three (108.753) chains more or less on a bearing of one hundred and ninety-nine degrees, naught six minutes (199° 06') to a stone cairn;

Thence in a general southwesterly direction along the line of local watershed to the summit of Mount Shanks on Hawk Ridge;

Thence in a general southeasterly direction along the crest of Hawk Ridge to a stone cairn;

Thence in a straight line a distance of sixty decimal three eight seven chains (60.387) more or less on a bearing of one hundred and ninety-one degrees twenty minutes (191° 20') to a stone cairn on the right bank of Simpson River;

Thence in a straight line a distance of seventy-eight decimal three one three (78.313) chains more or less on a bearing of one hundred and sixty degrees thirty-five minutes (160° 35') to a stone cairn;

3992

R.S., 1952.
Thence southerly along a sharply defined line of watershed division to a camera station marked 8032 on the map of Kootenay Park, which camera station is on the point of a long ridge leading northwesterly from Octopus Mountain;

Thence in a straight line across the valley of Lachine Creek on a bearing of two hundred and twenty-nine degrees thirty-four minutes (229° 34') to a stone cairn, said cairn being about forty-four decimal thirty (44.30) chains west of Lachine Creek measured along said straight line;

Thence in a general southwesterly direction along a well-defined line of watershed division to intersect the crest of Mitchell Range;

Thence in a general southerly direction along the crest of Mitchell Range to its intersection with the production of a straight line as the same is surveyed part way across the valley of Daer Creek, said straight line being marked on the ground by three stone cairns and having a southerly bearing of one hundred and fifty degrees fourteen minutes (150° 14');

Thence in a straight line across the valley of Daer Creek on said bearing of one hundred and fifty degrees fourteen minutes (150° 14') and on said line produced to its intersection with the crest of Mitchell Range;

Thence in a general south-southeasterly direction along the crest of Mitchell Range and following always that ridge of said Range from which there is direct westerly drainage into Kootenay River to a point on the north boundary of Group Lot 12064, said point being distant thirty-one decimal thirty-one (31.31) chains more or less west from the northeast corner of said Lot;

Thence easterly along the north boundary of said Lot to the northeast corner thereof;

Thence southerly along the east boundaries of Group Lots 12064, 12062 and 12061 to the southeast corner of said Lot 12061;

Thence westerly and following the south boundary of said Lot 12061 and said south boundary produced to the left, or easterly, bank of Kootenay River;

Thence southerly along the easterly bank of Kootenay River to its intersection with the north boundary of the south half of Group Lot 11837 produced easterly across Kootenay River;

Thence westerly in a straight line to the easterly extremity of the north boundary of the south half of Group Lot 11837;

R.S., 1952.
Thence continuing westerly in the same straight line and following the north boundaries of the south halves of Group Lots 11837 and 11838 respectively to the west boundary of said Lot 11838;

Thence southerly along said west boundary of Group Lot 11838 fifteen decimal nine naught one (15·901) chains more or less to an iron bar in an earth mound;

Thence in a general westerly direction along a well-defined line of local watershed to a peak on the crest of Stanford Range, said peak being marked 8609 on the map of Kootenay Park;

Thence southwesterly across the summit of Kimpton Pass along the line of watershed between Kimpton and Shuswap Creeks to a camera station marked 8335 on the map of Kootenay Park;

Thence southerly and westerly along the line of watershed between Stoddart and Shuswap Creeks to a wooden post in an earth mound planted at the intersection of said line of watershed with the north boundary of District Lot numbered 4596;

Thence west along the north boundary of said Lot 4596 to a stone cairn built at its intersection with the east boundary of Group Lot 9248, said point of intersection being distant fourteen decimal one five one (14·151) chains more or less north from the southeast corner of said Lot 9248;

Thence northerly along the east boundary of said Lot 9248 to the northeast corner of said Lot;

Thence westerly along the north boundary of said Lot 9248 to the southeast corner of Group Lot 8996;

Thence northerly along the east boundary of said Lot 8996 to the northeast corner of said Lot;

Thence westerly along the north boundary of said Lot 8996 to the northwest corner of said Lot, which point is also the southeast corner of Group Lot 9010;

Thence northerly along the east boundaries of Group Lots 9010 and 9560 to the northeast corner of said Lot 9560;

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Thence

R.S., 1952.
Thence westerly along the north boundary of said Lot 9560 to the northwest corner of said Lot, which point is also a point on the south boundary of Group Lot 9011;

Thence continuing westerly along the south boundary of said Lot 9011 to the southwest corner of said Lot;

Thence northerly along the west boundary of said Lot 9011 and said west boundary produced to its intersection with the south boundary of Group Lot 10112;

Thence easterly along the south boundary of said Lot 10112 to the southeast corner of said Lot;

Thence northerly along the east boundary of said Lot 10112 to the southwest corner of Group Lot 9577;

Thence easterly along the south boundary of said Lot 9577 to the southeast corner of said Lot;

Thence northerly along the east boundary of said Lot 9577 to the northeast corner of said Lot, which corner is a point on the south boundary of Group Lot 10720;

Thence easterly along the south boundary of said Lot 10720 to the southeast corner of said Lot;

Thence northerly along the east boundary of said Lot 10720 to the northeast corner of said Lot;

Thence westerly along the north boundary of said Lot 10720 to the northwest corner of said Lot, which corner is a point on the east boundary of Group Lot 9042;

Thence northerly along the east boundaries of Group Lots 9042 and 9043 to the northeast corner of said Lot 9043;

Thence westerly along the north boundary of said Lot 9043 to a point which is the southeast corner of Group Lot 9044;

Thence northerly thirty-one decimal eight six (31.86) chains more or less to the northerly extremity of the most easterly boundary of said Lot 9044;

Thence westerly along the boundary of said Lot 9044 to the interior corner of said Lot;

Thence northerly along the boundary of said Lot 9044 to the easterly extremity of the most northerly boundary of said Lot 9044;

Thence in a general northeasterly direction and following the line of local watershed to a camera station marked 8170 on the map of Kootenay Park;

Thence in a general east-northeasterly direction and following the height of land which divides the watershed areas of Sinclair and Kindersley Creeks to a camera station marked 8807 on the map of Kootenay Park, which camera station is a point on the crest of the Brisco Range;
Thence in a general north-northwesterly direction and following the crest of said Brisco Range to a camera station marked S640 on the map of Kootenay Park;

Thence northerly and easterly along a well-defined ridge forming the southerly confine of the Boyce Creek watershed area to the point of intersection of said ridge with the southerly production of a straight line having a bearing of two hundred and eighteen degrees forty-nine minutes (218° 49') more or less from a stone cairn erected at a point on the west boundary of Group Lot 12053 distant thirty-six decimal nine three nine (36.939) chains more or less south from the northwest corner of said Lot to a stone cairn distant fifty-four decimal seven nine one (54.791) chains more or less on said bearing from the first above mentioned cairn;

Thence in a straight line to said stone cairn on the west boundary of said Lot 12053;

Thence northerly along the west boundaries of Group Lots 12053 and 11165 to a point on the west boundary of said Lot 11165 which is also the southwest corner of Group Lot 11187;

Thence easterly along the south boundary of said Lot 11187 to the southeast corner of said Lot;

Thence northerly along the east boundaries of Group Lots 11187, 11659 and 11390 to the northeast corner of said Lot 11390, which said corner is a point on the south boundary of Group Lot 11389;

Thence easterly along the south boundary of said Lot 11389 to the southeast corner of said Lot;

Thence northerly along the east boundary of said Lot 11389 to the northeast corner of said Lot;

Thence in a straight line on an approximate bearing of thirty-three degrees naught one minute (33° 01') to a stone cairn on the north side of Whitetail Creek distant thirty-seven decimal naught nine (37.09) chains more or less from said northeast corner of Lot 11389;

Thence continuing in the same straight line to intersect the crest of the height of land between the right and left forks of Whitetail Creek;

Thence in a general northeasterly direction and following along the crest of the above described height of land to the summit of Mount Verendrye which is a peak of Vermilion Range;

Thence in a general northwesterly direction along the crest of said Vermilion Range to the southerly boundary of the Railway Belt;

R.S., 1952.
Thence northeasterly along the southerly boundary of said Railway Belt to the Interprovincial boundary between Alberta and British Columbia;

Thence southerly along the said Interprovincial boundary to monument numbered 14-C hereinbefore mentioned as the point of commencement, containing an area of four hundred and nineteen (419) square miles, more or less, and

Secondly: Commencing at the above described intersection of the southerly boundary of the Railway Belt with the Interprovincial boundary between British Columbia and Alberta;

Thence southwesterly along the southerly boundary of said Railway Belt to the crest of the Vermilion Range;

Thence northwesterly along the said crest to the southeasterly boundary of Yoho National Park;

Thence northeasterly along the said Park boundary to the Interprovincial boundary between British Columbia and Alberta;

Thence southeasterly along the said Interprovincial boundary to the point of commencement, containing an area of one hundred and twenty-four (124) square miles, more or less;

The said portions comprising together an area of five hundred and forty-three (543) square miles, more or less, all as shown on a map of Kootenay Park drawn and printed at the office of the Surveyor General at Ottawa, and bearing a certificate signed by F. H. Peters, Surveyor General, dated February 1, 1928, a copy of said map being on file in the Department of Lands, Victoria, British Columbia, numbered 7 T 312, a duplicate of which is of record in the Legal Surveys and Aeronautical Charts Division, Department of Mines and Technical Surveys, Ottawa, under number 35608.

(3) **Glacier National Park.**

All that certain tract of land in the Province of British Columbia shown bordered in yellow and designated Glacier National Park on the Map of Glacier Park being sheet 82-N-S.W. of the National Topographic Series reprinted with corrections in 1946 and filed in the Legal Surveys and Aeronautical Charts Division of the Department of Mines and Technical Surveys, Ottawa, under number 40889, which said tract may be more particularly described as follows with reference to the said map:

Commencing at the summit of Mount McNicoll in approximate latitude 51° 27' N. and approximate longitude 117° 35'; thence in a general northeasterly direction along the summit of the main ridge dividing the watershed area

3997

of

R.S., 1952:
of Alder Creek from that of Mountain Creek to a well defined point at the end of the ridge; thence easterly in a straight line across the valley of Beaver River to the northern extremity of Prairie Hills, which point is marked 7261 on said map of Glacier Park; thence in a general south-southeasterly direction and following the summit of the height of land which forms the easterly limit of the watershed area of Beaver River throughout all its sinuosities to the summit of Caribou Peak; thence continuing along the same height of land first southerly and afterwards westerly and northerly around the head of Beaver River watershed area to the summit of Mount Wheeler; thence in a general westerly direction along the summit of the main ridge on which Mounts Kilpatrick and Purity are situated and continuing across the Van Horne Névé to the summit of Tomatin Peak; thence crossing the valley of Incomappleux River on a bearing of approximately south seventy-five degrees west, a distance of about four miles to the extreme point of a high spur ridge of the Albert Snowfield; thence continuing westerly along said high spur ridge to its intersection with the height of land forming the westerly limit of the Incomappleux River watershed area; thence in a general north-northwesterly direction following the summit of the last described height of land to its intersection with the height of land which divides the watershed of Illecillewaet River from that of Incomappleux River; thence continuing in a general northerly direction along the summit of the ridge on which are shown two stations marked 8612 and 7641 respectively on said map of Glacier Park; thence northerly in a straight line across the valley of Illecillewaet River to a point marked 7434 on said map of Glacier Park; thence in a general north-northwesterly direction along the summit of the height of land forming the easterly limit of the watershed area of Tangier Creek through Corbin Peak and Mount Carson to the summit of Sorcerer Mountain; thence in a general easterly direction and following throughout the summit of the height of land which forms the northerly limit of the watershed area of Mountain Creek to the point of commencement; said area containing approximately 521 square miles.

(4) MOUNT REVELSTOKE NATIONAL PARK.

All and singular that certain parcel or tract of land situate lying and being within the former Railway Belt in the Province of British Columbia, designated Mount Revelstoke Park and shown bordered in red on the map of said Park printed at the Surveyor General’s Office at Ottawa, in January, 1923, and of record in the Legal Surveys and

R.S., 1952.
Aeronautical Charts Division of the Department of Mines and Technical Surveys, Ottawa, under number 37962, which said parcel may be more particularly described as follows:

Commencing at the southwest corner of the southeast quarter of section three, township twenty-four, range two, west of the sixth meridian; thence easterly following the south boundary of section three a distance of twenty chains more or less to the southwest corner of legal subdivision one of said section three; thence southerly following the west boundary of legal subdivisions sixteen and nine of section thirty-four, township twenty-three, range two, west of the sixth meridian, to the southwest corner of said legal subdivision nine; thence easterly in a straight line to the southeast corner of the northeast quarter of section thirty-one, township twenty-three, range one, west of the sixth meridian, said line being the southerly limit of the north half of sections thirty-four, thirty-five and thirty-six, township twenty-three, range two, and section thirty-one, township twenty-three, range one, west of the sixth meridian; thence northerly along the east boundary of said section thirty-one and section six in township twenty-four, range one, west of the sixth meridian to the northeast corner of said section six; thence easterly along the north boundary of sections five, four and three of said township twenty-four to the northeast corner of said section three; thence northerly along the easterly boundary of section ten to the northeast corner of said section ten; thence easterly following the south boundary of section fourteen, to the southeast corner of the section; thence northerly following the east boundary of said section fourteen, or the extension thereof, to the point of intersection with Clachnacudainn Creek; thence southeasterly following the right bank of Clachnacudainn Creek to its junction with Illecillewaet River; thence northeasterly following the right bank of Illecillewaet River to its junction with Woolsey Creek, formerly Silver Creek in approximately section seven, township twenty-five, range twenty-eight, west of the fifth meridian; thence northwesterly following the right bank of Woolsey Creek to its junction with an unnamed creek in approximately section two, township twenty-six, range twenty-nine, west of the fifth meridian; thence westerly and southwesterly following the right bank of the said unnamed creek to the point of intersection with the north boundary, or the extension thereof, of section fifteen, township twenty-five, range one, west of the sixth meridian; thence westerly following the north boundary of section fifteen or the extension thereof and the north boundaries of sections sixteen, seventeen and eighteen of said township.

R.S., 1952.
ship and the north boundary of section thirteen, township twenty-five, range two, to the northwest corner of the said section thirteen; thence southerly following the west boundaries of sections thirteen, twelve and one of said township, and the west boundaries of sections thirty-six, twenty-five and twenty-four of township twenty-four, range two, to the northeast corner of section fourteen; thence westerly following the north boundary of said section fourteen to the northwest corner of the northeast quarter of the section; thence southerly following the west boundary of the said northeast quarter to the northeast corner of the southwest quarter of said section; thence westerly following the north boundary of the said southwest quarter to the northeast corner of the quarter section; thence southerly following the west boundary of the said quarter section to the northeast corner of section ten; thence westerly following the north boundary of said section ten to the northwest corner of legal subdivision fourteen of section ten; thence southerly following the westerly boundary of legal subdivisions fourteen, eleven, six and three of section ten and legal subdivisions fourteen and eleven of section three to the southwest corner of legal subdivision eleven of said section three; thence easterly along the southerly boundary of said legal subdivision eleven to the northeast corner of the southwest quarter of section three; thence southerly along the easterly boundary of the southwest quarter of section three to the point of commencement; said parcel containing an area of approximately 100 square miles.

**PART III.**

*National Park in the Province of Saskatchewan.*

(1) **PRINCE ALBERT NATIONAL PARK.**

All and singular that certain parcel or tract of land situated lying and being in the Province of Saskatchewan which may be more particularly described as follows:

Section thirteen, the north halves of sections fourteen and fifteen, sections nineteen to thirty-six inclusive, all in township fifty-three, range one; all of townships fifty-four, fifty-five, fifty-six, fifty-seven, fifty-eight, fifty-nine, sixty and sixty-one, range one; the north half of township fifty-three, range two; townships fifty-four, fifty-five, fifty-six, fifty-seven, fifty-eight, fifty-nine, sixty and sixty-one, range two; the north half of township fifty-three, range three; townships fifty-four, fifty-five, fifty-six, fifty-seven, fifty-eight, fifty-nine, sixty and sixty-one, range three; the north half of township fifty-three, range four, lying east of the 4000 east

R.S., 1952.
east bank of the Sturgeon River; that part of township fifty-four, range four, lying east of the east bank of Sturgeon River; townships fifty-five, fifty-six, fifty-seven, fifty-eight, fifty-nine, sixty and sixty-one, range four, and all that portion of township sixty-two, range four, covered by Lavallee Lake; that part of township fifty-four, range five, lying east of the east bank of Sturgeon River; that part of township fifty-five, range five, lying east of the east bank of Sturgeon River; townships fifty-six, fifty-seven, fifty-eight, fifty-nine, sixty and sixty-one, range five; those parts of sections twenty-four, twenty-five, twenty-six, thirty-five and thirty-six, township fifty-five, range six, lying east of the east bank of Sturgeon River; those parts of sections one and twelve, township fifty-six, range six, lying east of the east bank of Sturgeon River, all west of the third meridian; said park containing an area of approximately one thousand four hundred and ninety-six square miles.

PART IV.

National Park in the Province of Manitoba.

(1) RIDING MOUNTAIN NATIONAL PARK.

All and singular that certain parcel or tract of land situate lying and being in the Province of Manitoba which may be more particularly described as follows:

All of the sections in township eighteen, range sixteen; the following sections in township eighteen, range seventeen: sections one, thirteen, twenty-four, twenty-five, twenty-six, thirty-five, thirty-six and the east half of section twelve; all the sections in township nineteen, ranges sixteen and seventeen; the following sections in township nineteen, range eighteen: the northwest quarter of section nineteen excepting thereout all that portion taken for a public road, as same is shown coloured pink on a plan filed in the Neepawa Land Titles Office as Deposit No. 2642, sections twenty-five, twenty-six, twenty-seven, legal sub-divisions thirteen and fourteen of sections twenty-eight, twenty-nine, thirty, thirty-one, thirty-two, thirty-three, thirty-four, thirty-five, thirty-six; all that portion of the original Dominion Government road allowance adjoining the north boundary of section nineteen, in said township nineteen described as follows: Commencing at a point on the north boundary of said section nineteen, distant easterly thereon, thirty-four feet (34') from the northwest corner of said section nineteen: thence easterly along the said north boundary four hundred feet (400'); thence northerly at right angles with said north boundary sixty-six thousand four hundred and ninety-six square miles.

R.S., 1952.
feet (66') to the northern limit of said Original Government Road Allowance; thence westerly along the northern limit of said Road Allowance, three hundred and eighty-two feet (382'); thence southwesterly in a straight line to the point of commencement; all that portion of the original Dominion Government Road Allowance between sections twenty-nine and thirty in said township nineteen which lies north of the production in a straight line westerly of the south boundary of the southwest quarter of said section twenty-nine, and all that portion of the original Government Road Allowance between sections thirty-one and thirty-two in said township nineteen which lies to the south of the southern shore line of Clear Lake as the last two mentioned road allowances are shown upon plan of township nineteen, range eighteen west of the Principal Meridian approved and confirmed at Ottawa by T. Shanks for the Surveyor General of Dominion Lands on the fourth day of April, nineteen hundred and twenty-one; the following sections in township nineteen, range nineteen: sections twenty-five, twenty-six, thirty-four, thirty-five and thirty-six, the east half of section thirty-three, the northeast quarter of section twenty-four and legal subdivisions thirteen, fourteen, fifteen and sixteen of section twenty-seven; all of the sections in township twenty, range sixteen, except sections one, two, three, four, five, six, seven, eight, nine, ten, eleven and twelve; all of the sections in township twenty, range twenty-one, except sections six, seven and eight and the southwest quarter of section eighteen; all of the sections in township twenty, range twenty-two: sections nineteen, twenty, twenty-two, twenty-three, twenty-four, twenty-five, twenty-six, twenty-seven, twenty-eight, twenty-nine, thirty, thirty-one, thirty-two, thirty-three, thirty-four, thirty-five and thirty-six; all of the sections in township twenty-one, range sixteen, except sections one, twelve, thirteen, twenty-two, twenty-three, twenty-four, twenty-five, twenty-six, twenty-seven, thirty-two, thirty-three, thirty-four, thirty-five and thirty-six; the south half and northeast quarter of section fourteen and the northeast quarter of sections eleven, twenty-eight and thirty-one; all of the sections in township twenty-one, ranges seventeen, eighteen, nineteen, twenty, twenty-one, twenty-two and twenty-three; the following

R.S., 1952.
sections in township twenty-two, range seventeen: sections two, three, four, five, six, seven, eight, nine, ten, eleven, sixteen, seventeen and eighteen, the west halves of sections one and twelve, the south halves of sections fourteen and fifteen, and the southwest quarter of section thirteen; all of the sections in township twenty-two, ranges eighteen, nineteen, twenty, twenty-one, twenty-two, twenty-three, twenty-four and twenty-five; all of the sections in township twenty-two, range twenty-six, except the west halves of sections six and seven; all of the sections in township twenty-three, range eighteen, except sections thirteen, twenty-one, twenty-two, twenty-three, twenty-four, twenty-five, twenty-six, twenty-seven, twenty-eight, thirty-one, thirty-two, thirty-three, thirty-four, thirty-five and thirty-six; all of the sections and fractional sections in township twenty-three, range twenty, lying east and south of the Vermilion river, except the west half of section twenty-five and sections twenty-six, thirty-five and thirty-six; all of the sections in township twenty-three, range twenty-one, except sections twelve, thirteen, twenty-three, twenty-four, twenty-five, twenty-six, twenty-seven, twenty-eight, twenty-nine, thirty, thirty-one, thirty-two, thirty-three, thirty-four, thirty-five and thirty-six, and the north halves of sections one and twenty-two; all of the sections in township twenty-three, range twenty-two, except sections twenty-five, twenty-six, twenty-seven, twenty-eight, twenty-nine, thirty, thirty-one, thirty-two, thirty-three, thirty-four, thirty-five and thirty-six; all of the sections in township twenty-three, range twenty-three, except sections twenty-five, thirty-one, thirty-two, thirty-three, thirty-four, thirty-five and thirty-six; all of the sections in the south half of township twenty-three, range twenty-four; all of the sections in the south half of township twenty-three, range twenty-five; the following sections in township twenty-three, range twenty-six: sections one, two, three, four, five, eight, nine, ten, eleven, twelve, thirteen, fourteen, fifteen, sixteen and seventeen; all being west of the first meridian and containing approximately one thousand one hundred and forty-eight (1,148) square miles.
PART V.

National Parks in the Province of Ontario.

(1) Point Pelee National Park.

All and singular that certain parcel or tract of land known as Point Pelee in the Township of Mersea, in the County of Essex, in the Province of Ontario, and being comprised of the Naval Reserve at said Point Pelee as shown on a plan of said Naval Reserve, signed by Alexander Baird, Provincial Land Surveyor at Leamington, on the 27th of February, 1883, and of record in the Lands Division, Department of Resources and Development at Ottawa, under number three hundred and sixty-five; the said parcel containing approximately six square miles.

(2) St. Lawrence Islands National Parks.

Firstly: The following eleven islands as same are shown on the plan of the Canadian Islands in the River St. Lawrence between Kingston and Brockville which consists of sheets numbered 1, 2 and 3, signed by Frank Pedley, Deputy Superintendent General of Indian Affairs and S. Bray, Chief Surveyor, Department of Indian Affairs, dated January 23, 1912 at Ottawa:

In the Township of Leeds:
Mermaid Island containing . . . . 3·80 acres, more or less.
Aubrey Island containing . . . . 14·30 " " " "
Beau Rivage Island containing . . 10·30 " " " "
Gordon Island containing . . . . 15·50 " " " "
Camelot Island containing . . . . 23·40 " " " "

In the Township of Lansdowne:
Endymion Island containing . . . . 10·90 acres, more or less.
Constance Island containing . . . . 7·30 " " " "
Georgina Island containing . . . . 23·30 " " " "

In the Township of Yonge:
Adelaide Island containing 13·10 acres, more or less.

In the Township of Elizabethtown:
Stovin Island containing 10·20 acres, more or less.

In the Township of Pittsburgh:

Cedar Island, one of the former Imperial properties handed over to the Dominion of Canada in 1870 as included in the schedule to the Ordnance and Admiralty Lands Act (Chapter 58, Revised Statutes of Canada, 4004 1906)

R.S., 1952.
1906) and as said island is shown on the aforementioned Sheet No. 1 of the plan of the Canadian Islands in River St. Lawrence; the said island containing an area of 23 acres, more or less.

Secondly: All those certain portions of Grenadier Island as said Island is shown on said Sheet Number Two of the plan of the Canadian Islands in River St. Lawrence and which portions may be more particularly described as follows:

1. The whole of the Dominion Park Lot containing 5.10 acres more or less, as said Park lot is shown bordered in red upon a plan entitled “Dominion Park and Lighthouse Site at the westerly end of Grenadier Island,” signed by S. Bray, Chief Surveyor, Department of Indian Affairs, on the nineteenth day of May, nineteen hundred and five, of record number Ont. P. six hundred and eighty-one in the Indian Affairs survey records, Ottawa, and whereof a copy was recorded in the Registrar’s Branch, Department of the Secretary of State of Canada, in liber 254, folio 476, and filed as plan No. 3 in plan book No. 14, on the twenty-first day of January, nineteen hundred and twenty-four.

2. That portion of said Grenadier Island described as follows:

Beginning at the point of intersection of the easterly limit of said Dominion Park Lot with the shore line of River St. Lawrence on the northwesterly side of said Grenadier Island; thence south 22° 22' east a distance of 10.45 chains, along the easterly boundary of said Dominion Park Lot to a gas pipe post planted at the southeast corner thereof; thence south 22° 22' east a distance of 2.45 chains, more or less, along the prolongation of the easterly boundary of said Dominion Park Lot to its intersection with the shore line of River St. Lawrence on the south side of said Grenadier Island; thence easterly following the shore line of said Grenadier Island to its intersection with the westerly boundary of Lot number one; thence north 21° 28' west along the westerly boundary of Lot number one a distance of 11.49 chains, more or less to its most northerly intersection with the shore line of River St. Lawrence on the northwesterly side of said Grenadier Island; thence north 88° west a distance of 4.15 chains, more or less, to the point of beginning; containing an area of 5 acres, more or less; all bearings being magnetic for year 1905.

Thirdly

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Thirdly: Broder Park, comprising the whole of Doran's Island or Canada Island, in River St. Lawrence opposite Lot 33, in the Township of Williamsburg, County of Dundas, Province of Ontario and Dominion of Canada, distant about one thousand feet from the north shore of River St. Lawrence and nearly opposite the westerly limit of the Village of Morrisburg, containing by admeasurement seventeen acres and sixty-nine hundredths of an acre, more or less, and shown on the plan of survey made by F. M. Eagleson, Ontario Land Surveyor, dated at Winchester, Ontario, August 12, 1919, of record in the office of the Registrar of Deeds for the said County, a copy of which is of record number fourteen hundred and eight-four in the Indian Affairs Survey records, Ottawa.

Fourthly: Mallorytown Landing.

Parcel 1: All that portion of the east half of Lot number twenty-two in the Broken Front Concession of the Township of Yonge in the county of Leeds in the Province of Ontario, which portion may be more particularly described as follows: Commencing at the water's edge of River St. Lawrence, on the centre line between the east and west halves of said Lot twenty-two; thence northerly following said centre line thirty-five and one-half rods; thence easterly at right angles to said centre line seventeen rods; thence northerly and parallel to said centre line eight rods; thence easterly at right angles to said centre line twenty-two rods more or less to the road; thence southerly twenty rods; thence westerly and parallel with said line drawn at right angles to said centre line twenty-two rods, more or less, to the nearest point, seventeen rods from the said centre line; thence southerly and parallel with the said centre line nine rods to the water's edge; thence following the water's edge of River St. Lawrence twenty-two rods to the place of commencement including island in said river in connection therewith; reserving thereout two rods on east side for the purpose of widening road; as said parcel is deeded to His Majesty the King in the right of the Dominion of Canada for Parks purposes by James P. Mallory, Egbert I. Mallory, David S. Mallory, Amasa W. Mallory and Cassie Mallory of the said Township of Yonge, by indenture dated the 11th day of June, 1904; also saving and excepting therefrom the portion taken for the Provin

cial Highway.

Parcel 2: All that portion of Lot twenty-two in the Broken Front Concession of the Township of Front of Yonge in said county of Leeds, comprising an area of three acres and thirty-eight hundredths of an acre, more or less, which

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which portion may be more particularly described as follows: Commencing at a point in the division line between Lots twenty-two and twenty-three in said concession, distant ten thousand seven hundred and seven feet and fourteen hundredths of a foot measured southerly thereon from the rear of said concession; thence north thirty degrees, fifty-six minutes and thirty seconds east six hundred and ninety-six feet and seventy-three hundredths of a foot, more or less, to the beginning of a curve; thence northeasterly along a curve to the right of radius five thousand six hundred and fifty-four feet and sixty-five hundredths of a foot, a distance of forty-one feet and fifty-one hundredths of a foot are measurement, the long chord of which has a bearing of north thirty-one degrees, nine minutes and seven seconds east and a length of forty-one feet and fifty-one hundredths of a foot to intersect the division line between the east and west halves of said Lot twenty-two; thence south thirty degrees, forty-five minutes and thirty seconds east along said last mentioned division line five hundred and twenty-five feet, more or less, to the normal high water mark of River St. Lawrence; thence westerly along said normal high water mark to said division line between Lots twenty-two and twenty-three; thence north thirty degrees and twenty-eight minutes west along said division line fifty feet, more or less, to the point of commencement.

The areas of the parcels described under fourthly containing together six acres and five-tenths of an acre, more or less.

(3) **Georgian Bay Islands National Parks.**

All and singular those certain islands or parts of islands situate in Georgian Bay, Province of Ontario, as follows:

(a) **Islands or parts of Islands opposite Baxter Township**

Beausoleil Island containing 2,712 acres as shown upon a plan signed by W. Galbraith, O.L.S., Bracebridge, Ontario, dated August 10th, 1907, and of record in Indian Affairs survey records, Ottawa, under Plan No. 789.

Island No. 92 containing 28.07 acres, and Island No. 93 containing 9.03 acres as shown upon a plan signed by Chas. E. Fitton, O.L.S., Orillia, Ontario, dated January 4th, 1897, and of record in said Indian Affairs survey records under Plan No. 385.

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Island No. 95:—Lot B thereon containing 37·00 acres as shown upon a plan signed by W. Galbraith, O.L.S., Bracebridge, Ontario, dated August 10th, 1907, and of record in said Indian Affairs survey records under Plan No. 795.

Island No. 147-0 containing 1·50 acres and Island No. 154 containing 1·30 acres as shown upon a plan signed by J. G. Sing, D. and O.L.S., Meaford, Ontario, dated April 16th, 1900, and of record in said Indian Affairs survey records under Plan No. 381.

(b) Islands or parts of Islands opposite Gibson Township

Island No. 75 (Bone Island):—Lots M, F, and E thereon containing 50 acres as shown upon a plan signed by W. Galbraith, O.L.S., Bracebridge, Ontario, dated August 10th, 1907, and of record in said Indian Affairs survey records under Plan No. 793.

Island No. 139 (Portage Island):—Lot D thereon containing 18·00 acres as shown upon a plan signed by W. Galbraith, O.L.S., Bracebridge, Ontario, dated August 10th, 1907, and of record in said Indian Affairs survey records under Plan No. 792.

Island No. 200 (Gray Island) containing 12·50 acres as shown upon a plan signed by J. G. Sing, D. and O.L.S., Meaford, Ontario, dated April 20th, 1901, and of record in said Indian Affairs survey records under Plan No. 399.

(c) Islands opposite Freeman Township

Island No. 220 containing 1·20 acres; Island No. 221 containing 2·30 acres; and Island No. 226 containing 1·30 acres, all as shown upon a plan signed by J. G. Sing, D. and O.L.S., Meaford, Ontario, dated April 20th, 1901, and of record in said Indian Affairs survey records under Plan No. 399.

Island No. 355, containing 1·85 acres; Island No. 356 containing 3·00 acres; Island No. 358 containing 4·90 acres; Island No. 359 containing 3·70 acres; Island No. 371 containing 2·20 acres; Island No. 371A (Gilford Rocks) containing 1·75 acres; Island No. 372 containing 2·00 acres; Island No. 373 containing 1·10 acres; Island No. 374 containing 1·00 acre; Island No. 383 containing 2·90 acres; and Island No. 397 containing 47·75 acres, all as shown upon a plan signed by J. G. Sing, D. and O.L.S., Meaford, Ontario, dated June 12th, 1902, and of record in said Indian Affairs survey records under Plan No. 409.

Island No. 400 containing 1·00 acre, and Island No. 401 containing 4·00 acres as shown upon a plan signed by J. G. Sing,

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Sing, D and O.L.S., Meaford, Ontario, dated June 12th, 1902, and of record in said Indian Affairs survey records under Plan No. 407.

Island No. 402 containing 2.50 acres as shown upon a plan signed by J.G. Sing, D. and O.L.S., Meaford, Ontario, dated June 12th, 1902, and of record in said Indian Affairs survey records under Plan No. 405.

\(d\) Islands opposite Conger Township

Island No. 473 containing 1.25 acres; Island No. 497 containing 3.25 acres; and Island No. 504 (McQuade Island) containing 4.85 acres as shown upon a plan signed by J.G. Sing, D. and O.L.S., Meaford, Ontario, dated June 12th, 1902, and of record in said Indian Affairs survey records under Plan No. 409.

\(e\) Island opposite St. Edmund Township

Flowerpot Island as shown on Manitoulin Sheet No. 8 S.W. of the Standard Topographical Series dated 1926, and issued by the Department of Resources and Development, Ottawa, and of record in the Legal Surveys and Aeronautical Charts Division, Department of Mines and Technical Surveys, Ottawa, under number 38649, said island containing an area of 495 acres more or less.

The said islands and the parts of islands contain together approximately 3,458 acres.

**PART VI.**

*National Parks in the Province of New Brunswick.*

(1) **FUNDY NATIONAL PARK.**

All and singular that certain parcel or tract of land situated lying and being in the Province of New Brunswick which may be more particularly described as follows:

Beginning at the Southeast corner of the breakwater situated on the West side of the outlet of the Upper Salmon (Alma) River; thence in a Northwesterly direction following the Easterly side of said breakwater and the Westerly shore at low tide of the said river for approximately three miles upstream to a point opposite the outlet of Lake Brook, a tributary of aforesaid river flowing from the East; thence across said river to the point of intersection between the East bank or shore of said Upper Salmon (Alma) River and the Northwest bank or shore of said Lake Brook; thence in a Northeasterly direction following the various courses of said bank or shore of said brook upstream to a point where the same intersects the East limit of the Highway Road leading from Alma and Hebron vicinity to the Old R.S., 1952.
Old Shepody Road; thence in a Northerly direction following said limit of said Highway Road to its intersection with the Northern limit of the aforementioned Old Shepody Road; thence in a Westerly direction following said limit of said Old Shepody Road (a portion of which is now Highway Number Fourteen) to its intersection with the West limit of Lot Number Four, granted to Isaiah Wallace; thence in a Southerly direction along said limit of said lot and the Southern prolongation of same South four degrees and fifty-seven minutes West by the Magnet of the year 1947, a distance of eighty-three chains and ninety-nine links to a Beech post standing in the South limit of Lot Number Sixty-eight, granted to W. A. McManus; thence South eighty-six degrees and forty-eight minutes East along the said limit of said lot, a distance of twenty-seven chains and eighty-six links to a Spruce post standing in the West limit of Lot Letter V, granted to J. Vernon; thence along said limit of said lot South four degrees and forty-four minutes West, a distance of twelve chains and forty-two links to another Spruce post standing in the Southwest angle of said lot; thence along the South limit of said lot South eighty-six degrees and twenty-five minutes East, a distance of nine chains and eighty-seven links to a point in the Eastern bank or shore of Drummond Stream (the outlet of Point Wolfe Lake); thence in a Southerly direction along said bank or shore of said Stream to the Northeasterly bank or shore of Point Wolfe River; thence in a South-easterly direction along said bank or shore of said River to a point opposite a tributary of said River flowing from Keyhole Lake, said outlet being approximately thirty chains below the outlet of Drummond Stream; thence across said River to the point of intersection between the Eastern bank or shore of said tributary and the Southwestern bank or shore of said River; thence in a Southerly direction following said bank or shore of said tributary and said bank or shore of Keyhole Lake to a Spruce post standing in the Southern bank or shore of said Lake; thence by the Magnet of the aforesaid year South twenty-one degrees East, a distance of twenty-four chains and twenty-nine links to another Spruce post standing in the Northern bank or shore of Meadow Lake, said lake situated on the West branch of Goose River approximately one mile above the outlet of said branch; thence in a Southerly direction following the Western bank or shore of said lake to a point in the Eastern bank or shore of the aforesaid West branch; thence in a Southerly direction following said bank or shore of said branch and said bank or shore of Goose River to the shore of the Bay of Fundy; thence in a general

4010 Easterly
Easterly direction along said shore of said Bay to the Western side of the aforesaid breakwater; and thence in a Southerly and Easterly direction along said breakwater to the place of beginning.

Containing seventy-nine and one-half square miles, more or less, and situated in the Parish of Alma, County of Albert, Parishes of Waterford and Hammond, County of Kings, and Parish of St. Martins, County of Saint John.

(2) Fort Beausejour Historic Park.

All and singular that certain parcel or tract of land lying and being in the Parish of Westmorland, County of Westmorland, in the Province of New Brunswick and Dominion of Canada, said parcel comprising a portion of the Ordnance and Admiralty Lands known as Fort Cumberland as set out in the Schedule of the Ordnance and Admiralty Lands Act, being Chapter 115 of the Revised Statutes of Canada, 1927, together with some adjoining lands, all of which are shewn on a plan of survey of the said Park dated July 21, 1927, and signed by G. A. Bennett, Deputy Surveyor, which plan is filed in the Registry Office at Dorchester, New Brunswick, as Plan No. 513 and is also on record in the Legal Surveys and Aeronautical Charts Division of the Department of Mines and Technical Surveys, Ottawa, as Plan No. 36971 together with the following described parcels:

Parcel One.

All that part of that lot of farm land situate at Westmorland Point in the County of Westmorland, in the Province of New Brunswick conveyed to His Majesty, the King, represented by the Soldier Settlement Board of Canada by Chandler C. Hewson and Alice M. Hewson, his wife, by Deed dated the 8th day of September, A.D. 1919, and registered in the office of the Registrar of Deeds in and for the said County on the 15th day of October, A.D. 1919, in Book M. 9, commencing at page 350 of records by the official number 109703, which part may be more particularly described as follows:

Beginning at an iron bar placed in the ground and inscribed VIII A, said bar being located on the straight line joining monument B.S. VIII, and monument B.S. IX on the Beausejour Park boundary and being 605·2 feet distant from monument B.S. VIII, aforementioned; thence by a magnetic bearing south 34° 58' east or turning an internal angle of 22° 58' left from the straight line joining monument B.S. VIII and monument B.S. IX on the Beausejour Park boundary and proceeding a distance of 221·8 feet to 4011 an R.S., 1952.
an iron bar placed in the ground and inscribed VIIIIB, thence by a magnetic bearing south 58° 06' west, or turning an internal angle of 86° 56', and proceeding a distance of 92 feet to an iron bar placed in the ground and inscribed VIIIC, and located on the straight line joining B.S. VIII and monument B.S. IX on the Beausejour Park boundary, and being 840·7 feet distant from monument B.S. VIII aforementioned; thence by a magnetic bearing north 12° 00' west or turning an internal angle of 70° 06' and proceeding along lands of the Beausejour National Park a distance of 235·5 feet to an iron bar placed in the ground and inscribed VIII A the same being the point or place of beginning, the area containing 0·23 acres more or less.

**PARCEL TWO.**

All that lot, piece or parcel of land and premises situate lying and being at Westmorland Point in the Parish of Westmorland in the County of Westmorland, and Province of New Brunswick, bounded and described as follows:

Beginning at a steel bar placed in the ground and inscribed XXII, said bar being 705 feet distant from monument B.S. VII on the straight line joining said B.S. VII and Monument XVIII. Monument B.S. VII being on the Beausejour Park Boundary and monument XVIII being at the northerly corner of lands formerly belonging to the Soldier Settlement Board, and presently being deeded to the Beausejour Park and known as Parcel "A". Thence by the magnet of the year 1941 N.48°23'W along lands of Gordon Bulmer for 343 feet to a steel bar placed in the ground and inscribed XXI and being on the southeasterly boundary of the west public road leading to the Museum from the main highway. Thence northeasterly along the southeasterly boundary of the aforementioned public road for 510 feet, to a steel bar placed in the ground on the southeasterly boundary of the said road and inscribed XX. Thence S.45° 15' E along lands of Gordon Bulmer for 330 feet to a steel bar placed in the ground and inscribed XIX. Thence S.40° 33' W or turning an internal angle of 94° 12' and proceeding along lands now in the possession of Alan Carter and along lands of the Soldier Settlement Board (the latter presently being deeded to Fort Beausejour Park) and known as Parcel "A", for 491 feet to a steel bar inscribed XXII and being point or place of beginning. The whole area herein described containing 3·85 acres more or less.

The lands herein intended to be conveyed being shown and set forth on a plan made by T. D. Pickard of the Town 4012 of
of Sackville in the Province of New Brunswick, Provincial Land Surveyor, a copy of which is filed in the Registry Office for the County of Westmorland in the month of January A.D. 1942, and is referred to in a Deed from Alice L. Bulmer et al. to John Clarence Webster, which said Deed is duly registered in the office of the Registrar of Deeds, etc., in and for the said County of Westmorland in Libro T.12, pages 655 and 656 by the No. 154517 of said Records on the 22nd day of January, A.D. 1942, and designated as Parcel “B” in the plan of T. D. Pickard.

Parcel Three.

All that other certain piece or parcel of land and premises situate lying and being in the Parish of Westmorland aforesaid, bounded and described as follows:

Beginning at a point designated and marked by the figure “7” on a certain plan dated at Moncton, N.B., on September 25, 1941, prepared and surveyed by C. W. Milton, Registered Engineer, of certain lots of land situate at Fort Beausejour in the Parish of Westmorland aforesaid, which said plan is on file in the office of the Registrar of Deeds in and for the County of Westmorland, thence on a course south 18 degrees 15 minutes west a distance of 330 feet more or less, thence south 9 degrees no minutes east by the magnet a distance of 380 feet more or less, thence on a course north 45 degrees 45 minutes east a distance of 1679 feet, thence on a course north 44 degrees, 15 minutes west, a distance of 524 feet, thence on a course south 41 degrees, no minutes west, a distance of 1168 feet to the point or place of beginning, the same being intended to be that certain lot or piece of land designated as parcel “A” on the said plan above mentioned and referred to, containing 16.70 acres being the same land and premises conveyed to the said John Clarence Webster by Arthur Wellsly Bulmer by deed dated the 1st day of November, A.D. 1941, being lot designated as Parcel “A” in the said plan.

All of the lands herein described containing together approximately 81.3 acres.
PART VII.

National Park in the Province of Prince Edward Island.

(1) PRINCE EDWARD NATIONAL PARK.

All and singular those certain parcels or tracts of land which may be more particularly described as follows:

PARCEL No. 1.

All the lands and lands covered by water along the northerly coast of Prince Edward Island constituting the shore frontage between the entrance of New London Bay and Rustico Harbour which lie to the north of the following described line and which may be more particularly known and described as follows:

Commencing at the point of intersection of a line having a bearing S. 57° 14' 7 W. from an iron post marked N.P. No. 1 with the line of mean high tide on an indentation of New London Bay, said bearing and all other bearings referred to herein being astronomic bearings referred to the 63rd Meridian of west longitude and said post being in approximate north latitude 46° 29' 40" and west longitude 63° 24' 50".

Thence on a bearing of N. 57° 14' 7 E. to said post.

Thence continuing in a straight line on said bearing of N. 57° 14' 7 E., a distance of fourteen chains and twenty-nine decimal five links more or less to an iron post marked N.P. No. II.

Thence on a bearing of N. 71° 54' 2 E. a distance of eight chains and forty-seven links more or less to an iron post marked N.P. No. III.

Thence on a bearing of S. 61° 23' 8 E. a distance of ten chains and twenty-nine links more or less to an iron post marked N.P. No. IV.

Thence on a bearing of N. 83° 04' 7 E. a distance of fifty-seven chains and twenty-two links more or less to an iron post marked N.P. No. VI, said post No. VI being on the west boundary of land owned by Hamilton McNeill, farmer.

Thence southerly and following said west boundary to an iron post marked N.P. No. VII which post is at the intersection of said boundary with the northerly limit of the Cavendish-Rustico road and is distant S. 15° 29' 1 E. forty-three chains and fifteen links more or less from iron post marked N.P. No. VI.

Thence easterly along said northerly limit to an iron post marked N.P. No. VIII, said post being planted at the intersection

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intersection of said northerly limit with the westerly boundary of land owned by Ernest Webb, farmer, and being distant N. 74° 02' 7 E. twelve chains and sixty-three decimal eight links more or less from iron post marked N.P. No. VII.

Thence southerly and following said westerly boundary of land owned by Ernest Webb to an iron post marked N.P. No. IX planted at the southwesterly corner thereof, which post is distant S. 15° 53' 8 E. seventy-one chains and eighty-four decimal two links more or less from iron post marked N.P. No. VIII.

Thence in a straight line on a bearing of N. 71° 42' 4 E. a distance of twenty-four chains and seventeen decimal four links more or less to an iron post marked N.P. No. X planted at the intersection of said line with the westerly limit of the New Glasgow-Cavendish road.

Thence northerly along said westerly limit of New Glasgow-Cavendish road to a point, said point being distant S. 15° 31' 3 E., a distance of seven chains from an iron post marked N.P. No. XI, at the intersection of the said westerly limit with the southerly limit of the Cavendish-Rustico road aforesaid.

Thence on a bearing of S. 74° 40' W., a distance of three chains and nineteen links more or less, to a point, said point being on a bearing of S. 15° 31' 3 E., a distance of three chains and nineteen links from the southwesterly corner of a cemetery in the southwesterly angle formed by said New Glasgow-Cavendish road with the Cavendish-Rustico road aforesaid.

Thence on a bearing of N. 15° 31' 3 W., a distance of three chains and nineteen links to the said southwesterly corner of said cemetery.

Thence on a bearing of N. 15° 42' W. a distance of three chains and eighty-one links more or less to the northwesterly corner of said cemetery, being a point on the southerly limit of the Cavendish-Rustico road.

Thence along said southerly limit on a bearing of N. 74° 40' E. a distance of three chains and twenty links more or less to an iron post marked N.P. No. XI, which post is planted at the southwesterly intersection of the New Glasgow-Cavendish and Cavendish-Rustico roads and is distant N. 15° 31' 3 W. sixty-nine chains and thirty-seven decimal two links more or less from iron post marked N.P. No. X.

Thence on a bearing of N. 25° 19' W. a distance of one chain and one link more or less to an iron post marked N.P. 4015

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No. XII, said post being at the northwesterly intersection of the New Glasgow-Cavendish and Cavendish-Rustico roads.

Thence northerly along the westerly limit of the New Glasgow-Cavendish road to an iron post marked N.P. No. XIII distant N. 16° 20' 7 W. thirty-nine chains and fifty-four links more or less from iron post marked N.P. No. XII.

Thence on a bearing of N. 72° 44' 2 E. a distance of thirteen chains and seventy-three links more or less to an iron post marked N.P. No. XIV.

Thence on a bearing of N. 86° 50' 4 E. a distance of twenty-one chains and eighty-four links more or less to an iron post marked N.P. No. XV.

Thence on a bearing of S. 68° 33' 4 E. a distance of twenty chains and two decimal five links more or less to an iron post marked N.P. No. XVI.

Thence on a bearing of S. 82° 22' E. a distance of thirty-nine chains and fifty-four links more or less to an iron post marked N.P. No. XVII.

Thence on a bearing of S. 80° 52' 1 E. a distance of fifty-two chains and seventy-two decimal five links more or less to an iron post marked N.P. No. XVIII.

Thence on a bearing of S. 79° 17' 6 E. a distance of twenty chains and two decimal five links more or less to an iron post marked N.P. No. XIX.

Thence on a bearing of S. 52° 44' 9 E. a distance of thirty-nine chains and fifty decimal one links more or less to an iron post marked N.P. No. XX.

Thence on a bearing of S. 44° 31' E. a distance of seventeen chains and sixty decimal two links more or less to an iron post marked N.P. No. XXI.

Thence on a bearing of S. 39° 09' 9 E. a distance of thirty-nine chains and fifty decimal one links more or less to an iron post marked N.P. No. XXII.

Thence on a bearing of S. 61° 54' 8 E. a distance of ten chains and thirty-six decimal six links more or less to an iron post marked N.P. No. XXIV.

Thence on a bearing of S. 6° 50' W. a distance of six chains and twenty-two decimal eight links more or less, to an iron post.

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Thence on a bearing of S. 47° 44' W., a distance of three chains and fifty-seven decimal three links more or less, to an iron post.

Thence on a bearing of S. 21° 31' 8 W., a distance of five chains and forty-nine decimal six links more or less, to an iron post marked N.P. No. XXVI.

Thence on a bearing of S. 17° 52' 7 E. a distance of nineteen chains and fourteen decimal five links more or less to an iron post marked N.P. No. XXVII.

Thence on a bearing of S. 29° 18' 8 E. a distance of twenty-three chains and sixty-eight decimal two links more or less to an iron post marked N.P. No. XXVIII.

Thence on a bearing of S. 1° 32' 5 E. a distance of eighteen chains and sixty-six decimal seven links more or less to an iron post marked N.P. No. XXIX.

Thence on a bearing of S. 81° 15' 6 W. a distance of fourteen chains and forty decimal nine links more or less to an iron post marked N.P. No. XXX.

Thence on a bearing of S. 4° 37' 2 W. a distance of two chains and ninety-one decimal three links more or less to an iron post marked N.P. No. XXXI.

Thence on a bearing of S. 6° 55' 6 E. a distance of seventeen chains and fourteen decimal eight links more or less to an iron post marked N.P. No. XXXII.

Thence on a bearing of S. 81° 06' 8 E. a distance of six chains and forty-nine links more or less to an iron post marked N.P. No. XXXVIII.

Thence on a bearing of N. 8° 53' 2 E. a distance of one chain and two decimal six links more or less to an iron post marked N.P. No. XXXV, said post being on the northerly limit of the road to Rustico Harbour.

Thence on a bearing of S. 80° 45' 5 E. and following said northerly limit a distance of two chains and fourteen decimal seven links more or less to an iron post marked N.P. No. XXXVI.

Thence on a bearing of N. 8° 53' 2 E. a distance of one chain and two decimal six links more or less to an iron post marked N.P. No. XXXVII.

Thence on a bearing of S. 81° 06' 8 E. a distance of six chains and forty-nine links more or less to an iron post marked N.P. No. XXXVIII.

Thence on a bearing of N. 80° 51' 5 E. a distance of two chains and seventy decimal five links more or less to an iron post marked N.P. No. XXXIX.

253 4017 Thence

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Thence continuing easterly on said bearing of N. 80° 51' 5 E. to intersect the line of mean high tide of the Gulf of St. Lawrence.

Thence northerly and westerly following said line of mean high tide to the point on the easterly side of the entrance to New London Bay.

Thence easterly and southerly following the line of mean high tide of New London Bay and the estuaries and indentations thereof to the place of commencement.

**Parcel No. 2.**

All of the island known as Rustico Island which lies on the outer or seaward side of Rustico Bay on the northerly coast of Prince Edward Island.

**Parcel No. 3.**

All the lands and lands covered by water along the northerly coast of Prince Edward Island which constitute the shore frontage between Rustico Bay and Covehead Bay and which may be more particularly known and described as follows:

Commencing at the point of intersection of a line having a bearing of N. 88° 38' 2 W. from an iron post marked N.P. No. XL with the line of mean high tide on the Shore of Rustico Bay, said bearing and all other bearings referred to herein being astronomic bearings referred to the 63rd meridian of West longitude, and said post being in approximate north latitude 46° 25' 30" and west longitude 63° 12' 43".

Thence on a bearing of S. 88° 38' 2 E. to said post.

Thence continuing in a straight line on said bearing of S. 88° 38' 2 E. a distance of sixty-four chains and eighty-one decimal seven links more or less to an iron post marked N.P. No. XLI.

Thence continuing in the same straight line on a bearing of S. 88° 38' 2 E. a distance of thirty-two chains and fifty-two decimal three links more or less to an iron post marked XLII.

Thence continuing in the same straight line on a bearing of S. 88° 38' 2 E. to intersect the line of mean high tide of Brackley Bay; thence easterly along the line of mean high tide of Brackley Bay and Covehead Bay to the entrance of Covehead Harbour; thence westerly along the line of mean high tide of the Gulf of St. Lawrence to the entrance of Rustico Bay; thence easterly along the line of mean high tide of Rustico Bay to the point of commencement.  

R.S., 1952.
PARCEL No. 4.

All the lands along the northerly coast of Prince Edward Island constituting the shore frontage between Covehead Bay and Tracadie Bay which may be more particularly known and described as follows:

Commencing at the point of intersection of a line having a bearing of N. 47° 30' 8 W., from an iron post with the line of mean high tide of the entrance to Covehead Bay, said bearing and all other bearings referred to herein being astronomic bearings referred to the 63rd Meridian of west longitude, and said post being in approximate north latitude 46° 25' 51" and west longitude 63° 08' 41".

Thence on a bearing of S. 47° 30' 8 E., to said post.

Thence continuing in a straight line on said bearing of S. 47° 30' 8 E., a distance of thirty-one chains and eighty-eight links more or less, to an iron post marked N.P. No. XLVI.

Thence on a bearing of S. 75° 40' 8 E. a distance of twenty-six chains and thirty-one decimal eight links more or less to an iron post marked N.P. No. XLVII.

Thence on a bearing of S. 76° 18' E., a distance of twenty-nine chains and thirty decimal one link more or less to an iron post marked N.P. No. XLVIII.

Thence continuing in the same straight line on a bearing of S. 76° 18' E., a distance of forty-two chains and thirty three links more or less to an iron post marked N.P. No. XLIX.

Thence on a bearing of S. 57° 12' 8 E., a distance of twenty-one chains and fifty-three decimal one link more or less to a post marked N.P. No. L.

Thence continuing in the same straight line on a bearing of S. 57° 12' 8 E., a distance of thirty-six chains and eighteen decimal four links more or less to an iron post marked N.P. No. LI.

Thence continuing in the same straight line on a bearing of S. 57° 12' 8 E., a distance of twenty-nine chains and ninety links more or less to an iron post marked N.P. No. LII said last mentioned post being on the westerly boundary line of land owned by Ray Carr.

Thence southerly along said westerly boundary to an iron post marked N.P. No. LIII, distant S. 18° 27' 6 E., a distance of twenty-five chains and seventy-two decimal four links more or less, from iron post marked N.P. No. LII.

Thence on a bearing of N. 83° 11' 2 E., a distance of eight chains and seventeen decimal four links, more or less, to an iron post.

R.S., 1952.
Thence on a bearing of S. 18° 27' 6 E., a distance of six chains and fifty-four decimal five links, more or less, to an iron post.

Thence on a bearing of S. 83° 12' 8 E., a distance of eight chains and nine decimal five links, more or less to an iron post.

Thence on a bearing of S. 18° 27' 6 E., a distance of eighteen chains and eighty-five decimal five links, more or less, to an iron post marked N.P. No. LV, which said post is on the northerly limit of the Stanhope-Tracadie road.

Thence easterly and following said northerly limit of the Stanhope-Tracadie road, to an iron post marked N.P. No. LVI.

Thence easterly and continuing to follow said northerly limit of the Stanhope-Tracadie road to its intersection with the easterly limit of Campbell's road.

Thence in a straight line defining said easterly limit on a bearing of N. 17° 28' 6 W., a distance of forty-five chains and ninety-seven links more or less, to an iron post marked N.P. No. LXIII, said post being at the southwesterly corner of property owned by George D. DeBlois.

Thence on a bearing of N. 61° 41' 4 E., a distance of eight chains and sixty-three decimal seven links more or less, to an iron post marked N.P. No. LXXI.

Thence on a bearing of S. 31° 25' E. a distance of four chains and twenty-eight decimal three links more or less, to an iron post marked N.P. No. LXX.

Thence on a bearing of N. 67° 30' E. a distance of five chains and ninety links more or less, to an iron post marked N.P. No. LXIX.

Thence on a bearing of N. 27° 54' W. , a distance of twelve chains and ninety-nine links more or less, to an iron post marked N.P. No. LXVIII.

Thence on a bearing of N. 81° 27' E., a distance of twenty-five chains and two-tenths of a link more or less, to an iron post marked N.P. No. LX.

Thence on a bearing of S. 55° 40' 8 E., a distance of thirty-seven chains and seventy decimal one links more or less, to an iron post marked N.P. LXI.

Thence on a bearing of N. 80° 31' 9 E., a distance of twenty-nine chains and sixty-one decimal five links more or less to an iron post marked N.P. No. LXII.

Thence continuing on said bearing of N. 80° 31' 9 E., to highwater mark of the Gulf of St. Lawrence, thence westerly along said line of high water mark to the point of commencement.

R.S., 1952.
PARCEL No. 5.

All the lands lying between the Gulf of St. Lawrence and Tracadie Bay on the northerly coast of Prince Edward Island which extend easterly from the entrance of said Tracadie Bay to a line drawn true north from a standard concrete post of the Topographical Surveys marked No. 132-11-L said bearing being referred to the 63rd meridian of west longitude.

PART VIII.

National Parks in the Province of Nova Scotia.

(1) Cape Breton Highlands National Park.

All that certain piece or parcel of land situate, lying and being in the Counties of Victoria and Inverness, Province of Nova Scotia, and more particularly described as follows:

Beginning at that point where a line on the westerly side of the Cabot Trail, parallel to, and at a constant perpendicular distance of three hundred (300) feet from the centre line of the said Cabot Trail, is intersected by a line produced on an azimuth of North ninety degrees West (N90° 00' W) from an iron post marked “A”, which iron post is set at the top of the cliff there rising perpendicularly from the shore, the said iron post “A” being distant six thousand three hundred and eleven (6,311) feet on an azimuth of North twenty-nine degrees forty-four minutes East (N29° 44'E) from a metal monument set in a large granite boulder near the schoolhouse at North Ingonish, the said monument being designated 11K7 of the Topographical Survey of Canada, and set by W. A. Fletcher, D.L.S., in the year 1936;

Thence on an azimuth of North ninety degrees West (N90° 00' W) a distance of eleven thousand three hundred and fifty-one (11,351) feet more or less unto an iron post marked “E”;

Thence on an azimuth of South sixty-two degrees forty-three minutes West (S62° 43' W) a distance of ten thousand five hundred and thirty-seven (10,537) feet unto an iron post marked “F”;

Thence on an azimuth of South thirty degrees three minutes East (S30° 03'E) a distance of twelve thousand nine hundred and ninety-nine (12,999) feet unto an iron post marked “G”;

Thence

R.S., 1952.
Thence on an azimuth of South seventy-nine degrees thirty-seven minutes East (S79° 37'E) a distance of two thousand seven hundred and eighty-six (2,786) feet unto an iron post marked "H";

Thence on an azimuth of North thirty-two degrees forty-one minutes East (N32° 41'E) a distance of one thousand one hundred and seventy-one (1,171) feet unto an iron post marked "I";

Thence on an azimuth of South seventy-eight degrees fifty-one minutes East (S78° 51'E) a distance of three hundred and fifty-five (355) feet more or less to intersect the easterly limit of the Public Road known as the Cabot Trail;

Thence in a southerly direction, along said easterly limit of the Cabot Trail to the line of high-water mark on the left (or north) bank of Clyburn Brook;

Thence in an easterly direction along said high-water mark and following the several courses thereof to the point of intersection with the line of high-water mark of the North Bay of Ingonish;

Thence crossing the mouth of Clyburn Brook to the point of intersection of the lines of high-water mark of the right (or south) bank of Clyburn Brook and of the North Bay of Ingonish;

Thence easterly, westerly, and southerly along the line of high-water mark of the North Bay of Ingonish, the peninsula locally known as Middle Head and the sand beach south of Middle Head, throughout all the sinuosities of the coast to the point of intersection of such high-water mark with a line produced on an azimuth of North seventy-two degrees eight minutes East (N72° 08'E) from an iron post marked "V" planted at the northerly limit of the Public Road which, on the south side of what is locally known as the Freshwater Lake, connects the sand beach with the main Cabot Trail, said iron post marked "V" being at a distance of five thousand two hundred and eighty-one (5,281) feet, on an azimuth of South twenty-one degrees twenty-two minutes East (S21° 22'E) from a metal monument set in a large gray boulder about eighty yards south from the Roman Catholic Church at South Ingonish and thirty-five feet south-east from the centre line of the Cabot Trail, said metal monument being designated, 11K5 of the Topographical Survey of Canada, and set by W. A. Fletcher, D.L.S., in the year 1936;

Thence on an azimuth of South seventy-two degrees eight minutes West (S72° 08'W) to the iron post marked "V";
Thence westerly along the northerly limit of said Public road on the south side of the Freshwater Lake to the point of intersection with the easterly limit of the present Cabot Trail;

Thence northerly along said easterly limit of the present Cabot Trail to an iron post set on the easterly limit thereof and marked "U" which iron post is at a distance of four thousand four hundred and seventy-two (4,472) feet, on an azimuth of South thirteen degrees forty-five minutes West (S13° 45′W) from the before described monument 11K5, of the Topographical Survey of Canada;

Thence on an azimuth of North fifty-eight degrees West (N58°W) a distance of two hundred and thirty-one and one-tenth (231.1) feet to an iron post marked "W";

Thence on an azimuth of South eighty-seven degrees sixteen minutes West (S87° 16′W) a distance of six thousand five hundred and eighty-five (6,585) feet unto a wooden post;

Thence on an azimuth of South seventy-three degrees thirty-two minutes West (S73° 32′W) a distance of two thousand six hundred and ninety-one (2,691) feet unto a wooden post;

Thence on an azimuth of North sixty degrees thirty-four minutes West (N60° 34′W) a distance of three thousand three hundred and thirty-six (3,336) feet unto a wooden post;

Thence on an azimuth of North seventy-eight degrees fifty-nine minutes West (N78° 59′W) a distance of four thousand six hundred and seventy-three (4,673) feet unto a wooden post;

Thence on an azimuth of South seventy-four degrees thirty-nine minutes West (S74° 39′W) a distance of eleven thousand six hundred and twenty (11,620 feet) unto a wooden post;

Thence on an azimuth of North sixty degrees twenty-two minutes West (N60° 22′W), a distance of one thousand two hundred and eighty-three (1,283) feet unto a wooden post;

Thence on an azimuth of South seventy-four degrees fifty-nine minutes West (S74° 59′W) a distance of fifteen thousand four hundred and twenty-eight (15,428) feet unto a wooden post;

Thence on an azimuth of North sixty-one degrees four minutes West (N61° 04′W) a distance of seven thousand five hundred and sixty-nine (7,569) feet unto a wooden post;

Thence

R.S., 1952.
Thence on an azimuth of South sixty-three degrees fifty-five minutes West (S63° 55'W) a distance of thirteen thousand seven hundred and ninety-three (13,793) feet to a wooden post;

Thence on an azimuth of South thirty-four degrees fifty-three minutes West (S34° 53'W) a distance of nine thousand five hundred and fifty-seven (9,557) feet to a wooden post;

Thence on an azimuth South fifty-six degrees seven minutes West (S56° 7'W) a distance of four thousand nine hundred and forty-six (4,946) feet to a wooden post;

Thence on an azimuth North eighty degrees fifty-six minutes West (N80° 56'W) a distance of fifteen thousand five hundred and eighty-eight (15,588) feet to a wooden post;

Thence on an azimuth of North fifty-six degrees fifty-six minutes West (N56° 56'W) a distance of fifteen thousand three hundred and ten (15,310) feet to a wooden post;

Thence on an azimuth of South five-ninety degrees fifteen minutes West (S59° 15'W) a distance of seven thousand four hundred and ninety-two (7,492) feet more or less to a point bearing due east (astronomical) from the common angle of Crown Grants Numbered 10236, 4515 and 22333, granted to Servant LeFort, Francis LeFort and Silvert Pourier respectively as shown on sheet No. 11 County of Inverness Crown Land map, Province of Nova Scotia.

Thence on an azimuth of North thirty-eight degrees forty-two minutes West (N38° 42'W) a distance of thirteen thousand two hundred and thirty-seven (13,237) feet to a wooden post;

Thence on an azimuth of North twenty-four degrees twenty-six minutes East (N24° 26'E) by the southeasterly boundary of Grants Numbered 14974, 21876, 20102, 13370, 15141, and 19000 formerly granted to Charles Romard et al., Hyazinth Chaisson et al., Edmund Chaisson, Nictau Mailet et al., and Severin Aucoin respectively and to the Cheticamp

R.S.; 1952.
Gold Mining Company a distance of ten thousand five hundred and fifty-six (10,556) feet to a wooden post set at the northeasterly corner of Grant 19000;

Thence northwesterly along the northerly limit of said Grant 19000 a distance of three thousand six hundred and thirty (3,630) feet to a wooden post;

Thence northeasterly following the westerly limit of the lands formerly granted by the Crown to one Joseph Chaisson by Grant No. 14541 to the point of intersection of ordinary high-water mark on the southwesterly or left bank of the Cheticamp River;

Thence following the said left bank of the said river the several courses thereof by the line of ordinary high-water mark in a northerly direction and down stream to an iron pipe;

Thence on an azimuth of South sixty-eight degrees nine minutes West (S68° 09'W) a distance of five hundred and fifty-two and five tenths (552.5) feet to an iron pipe set on the southern margin of the "Big Marsh" so called;

Thence on an azimuth of North fifty-four degrees twenty-six minutes West (N54° 26'W) a distance of one thousand six hundred and fifty-three and eight tenths (1,653.8) feet to an iron pipe set at ordinary high-water mark on the southwesterly or left bank of the said Cheticamp River, the said pipe being at a distance of eight thousand one hundred and seven (8,107) feet on an azimuth of South ten degrees thirty-nine minutes West (S10° 39'W) from a metal post designated 11K34, established by W. A. Fletcher, D.L.S. of the Topographical Survey of Canada in the year 1936;

Thence following the shore of the said river the several courses thereof by the line of ordinary high-water mark in direction generally northeasterly to a point where the said high-water mark intersects the high-water mark of the westerly coast of Cape Breton Island;

Thence northerly and easterly along said high-water mark throughout all the sinuosities of the coast to its intersection with the high-water mark of the right bank of MacKenzie River;

Thence southerly along the high-water mark of the right bank of MacKenzie River to its intersection with a straight line produced on an azimuth of South eighty-five degrees and forty-six minutes West (S85° 46'W) from a mark in the centre stone in a cairn set on the western side of the Public Road known as the Cabot Trail, which centre stone and cairn is at a distance of eight hundred and twenty-eight (828) feet measured on an azimuth of North twenty-seven degrees 254 4025 degrees

R.S., 1952.
degrees fifty-one minutes East (N27° 51'E) from monument 11K28, set by W. A. Fletcher, D.L.S., of the Topographical Survey of Canada, in 1936;

Thence from the said point of intersection, on an azimuth of North eighty-five degrees forty-six minutes East (N85° 46'E) to the mark in the centre stone in the cairn;

Thence on an azimuth of North eighty-five degrees forty-six minutes East (N85° 46'E) a distance of three thousand seven hundred and sixty-two (3,762) feet more or less unto a wooden post;

Thence on an azimuth of North seventy-eight degrees and five minutes East (S78° 05'E) a distance of two thousand one hundred and sixty (2,160) feet more or less unto a wooden post;

Thence on an azimuth of South sixty-six degrees forty minutes East (S66° 40'E) a distance of two thousand one hundred and seventeen (2,117) feet more or less unto a wooden post;

Thence on an azimuth of South fifty-four degrees nineteen minutes East (S54° 19'E) a distance of two thousand two hundred and seventeen (2,217) feet more or less unto a wooden post;

Thence on an azimuth of South thirty-nine degrees twenty-one minutes East (S39° 21'E) a distance of one thousand and eighty-one (1,081) feet more or less unto a wooden post;

Thence on an azimuth of South eighty-five degrees twenty-nine minutes East (S85° 29'E) a distance of one thousand three hundred and eight (1,308) feet more or less unto a wooden post;

Thence on an azimuth of North sixty degrees twenty-one minutes East (N60° 21'E) a distance of two thousand three hundred and forty-four (2,344) feet more or less unto a wooden post;

Thence on an azimuth of North sixty-nine degrees twenty-seven minutes East (N69° 27'E) a distance of two thousand four hundred and seventy-six (2,476) feet unto a wooden post;

Thence on an azimuth of North seventy-one degrees thirty-three minutes East (N71° 33'E) a distance of eight hundred and twenty-seven (827) feet unto a wooden post;

Thence on an azimuth of North sixty-four degrees thirty-seven minutes East (N64° 37'E) a distance of six hundred and sixteen (616) feet unto a wooden post;

Thence on an azimuth of South eighty-six degrees twenty-five minutes East (S86° 25'E) a distance of six thousand seven hundred and thirty-seven (6,737) feet unto a wooden post;

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Thence
Thence on an azimuth of South seventy-five degrees twenty-four minutes East (S75° 24'E) a distance of six thousand two hundred and one (6,201) feet unto a wooden post;

Thence on an azimuth of North sixty-four degrees twenty-one minutes East (N64° 21'E) a distance of nine thousand five hundred and sixty-seven (9,567) feet unto a wooden post;

Thence on an azimuth of North eighty-six degrees forty-one minutes East (N86° 41'E) a distance of eight thousand and fifty-two (8,052) feet unto a wooden post;

Thence on an azimuth of North sixty-eight degrees forty-four minutes East (N68° 44'E) a distance of one thousand nine hundred and seventy-nine (1,979) feet unto a wooden post;

Thence on an azimuth of North forty-two degrees forty-seven minutes East (N42° 47'E) a distance of four thousand one hundred and fifty-nine (4,159) feet unto a wooden post;

Thence in a straight line on a course of South forty-five degrees East (S45° 00'E) astronomical to a point on the Aspy River distant five hundred (500) feet downstream from the easterly or downstream bridge over which the Cabot Trail crosses said River;

Thence in a straight line on a course of South forty-five degrees East (S45° 00'E) astronomical to its intersection with the southerly limit of the various parcels of Crown Granted Land in the Cape North Settlement;

Thence following said southerly limit of the various parcels of Crown Granted Lands in an easterly direction to its intersection with a Brook, said Brook being the Creek which flows immediately west of the intersection of the Cabot Trail and the road to White Point;

Thence in a northeasterly direction following said creek down stream to its intersection with a line to the east of the said Cabot Trail said line being three hundred (300) feet measured in a perpendicular direction therefrom;

Thence in a southeasterly direction by a line perpendicularly distant three hundred (300) feet northeasterly from the easterly side of the Cabot Trail to a point, the same being distant three hundred (300) feet perpendicularly and on a bearing of North twenty degrees sixteen minutes East (N20° 16'E) from an iron bar driven near the south-western margin of the travelled road leading to Neil Harbour and New Haven;

Thence on an azimuth of South twenty degrees sixteen minutes West (S20° 16'W) a distance of three hundred (300) feet to the said iron bar as above described;
Thence on an azimuth of South twenty degrees sixteen minutes West (S20° 16' W) a distance of one thousand four hundred and one-tenth (1,409.1) feet to a point at the western end of the Sand Bar and distant one thousand four hundred and thirty-one (1,431) feet on an azimuth of South nine degrees forty-seven minutes East (S9° 47' E) from a metal monument number 11K11 set in 1936 by W. A. Fletcher, D.L.S., of the Topographical Survey of the Dominion of Canada, in the southern end of the concrete abutment under the eastern end of the steel bridge by which the Cabot Trail crosses a stream known as Neil Brook flowing into the head of Neil Harbour;

Thence in a southerly direction following the highwater mark of the easterly coast of Cape Breton to that point at which the line of high-water mark is intersected by a line produced on an azimuth of North ninety degrees East (N90° 00' E) from an iron post marked “A” as above described;

Thence on an azimuth of North ninety degrees West (N90° 00' W) to the point of beginning.

SAVING AND EXCEPTING THEREFROM all that certain lot, piece or parcel of land situate, lying and being at Ingonish, in the County of Victoria, being a part of Crown Grant No. 5219 made to Honourable T. D. Archibald the 20th day of September, A.D. 1860, the said lot, piece or parcel of land being more particularly described as follows:

Beginning at a point on the southeastern boundary of lands conveyed by the said T. D. Archibald to the Trustees of the Roman Catholic Church at Ingonish at a distance of one thousand two hundred and seventy-three (1,273) feet from the intersection of said boundary with the line of high-water mark on the shore of the North Bay of Ingonish, said point being marked by an iron bar stamped with the letter “R”;

Thence southwesterly along the said boundary a distance of nine hundred and fifty-seven (957) feet;

Thence northwesterly at right angles to said southeastern boundary, following a blazed line passing approximately six (6) feet south of the well on the Church property, a distance of three hundred and thirty (330) feet more or less to the northwestern boundary of the lands conveyed as aforesaid to the said Trustees;

Thence northeasterly along the said northwestern boundary a distance of nine hundred and fifty-seven (957) feet to an iron bar stamped with the letter “T”;
Thence at right angles to the said northwestern boundary in a southeasterly direction a distance of three hundred and thirty (330) feet more or less to the point of beginning; said area containing seven and one-half (7½) acres more or less.

Also saving and excepting therefrom and not including all that certain lot of land twenty feet in width extending from the Cabot Trail in a northeasterly direction along the northwestern boundary of the lot of land excluded by the said description to the prolongation in a straight line northwesterly of the northeastern boundary of the lot of land so excluded by said description.

Also saving and excepting therefrom that certain parcel of land described as follows:

Commencing at the iron post marked "I" marking the Park boundary at this point, said post being as shown on a plan and referred to in a description signed by John Russell, Provincial and Dominion Land Surveyor, on February 28, 1938, describing the lands expropriated under the provisions of the Expropriation Act, Chapter 21 of the Revised Statutes of Nova Scotia, 1923, for a public purpose, namely, for the purpose of establishing a National Park, the said plan and description being deposited in the office of the Registrar of Deeds for the Registration District of the County of Victoria, on the 26th day of July A.D. 1938, thence following the northerly limit of the said park on an azimuth of S 78° 51'E a distance of 355 feet more or less to intersect the easterly limit of the public road known as the Cabot Trail, thence in a southerly direction along the said easterly limit of the Cabot Trail a distance of 66 feet more or less to the intersection of a line drawn parallel with and 66 feet perpendicularly distant from the said northerly limit of said park, thence in a westerly direction following the said line a distance of 378 feet more or less to its intersection with the park boundary, thence in a northerly direction following the park boundary on an azimuth of N 32° 41'E a distance of 66 feet more or less to the point of commencement.

The term azimuth as used in the foregoing description having reference to the astronomical meridian at the commencement of each course.

(2) Fort Anne Historic Park.

All and singular that certain property situated in the town and county of Annapolis and Province of Nova Scotia, known as the Fort Anne grounds, said parcel containing thirty-one (31) acres more or less, as shown on a plan of the War

R.S., 1953.
War Department's property, Annapolis, Nova Scotia, prepared to show lands handed over to the Dominion Government on the 27th July, 1883 and signed at Halifax, Nova Scotia, by Colonel Charles S. Akers, Officer Commanding Royal Engineers and Thomas Wiley, Lieutenant-Colonel, for the Dominion of Canada. 1948, c. 18, s. 3; 1949, c. 5, ss. 2, 3, 4; 1949 (2nd Sess.), c. 18, s. 9.

EDMOND CLOUTIER, C.M.G., O.A., D.S.P.
QUEEN'S PRINTER AND CONTROLLER OF STATIONERY
OTTAWA, 1952

R.S., 1952.
CHAPTER 190.

An Act to establish a National Council for the purpose of promoting Physical Fitness.

SHORT TITLE.

1. This Act may be cited as the National Physical Fitness Act. 1943-44, c. 29, s. 1.

INTERPRETATION.

2. In this Act, Definitions.
   (a) "Council" means the National Council on Physical Fitness;
   (b) "Director" means the National Director of Physical Fitness;
   (c) "Fund" means The National Physical Fitness Fund established by this Act; and
   (d) "Minister" means the Minister of National Health and Welfare. 1943-44, c. 29, s. 2; 1945, c. 7, s. 1.

3. (1) There shall be a council called the National Council on Physical Fitness” consisting of not less than three members and not more than ten members appointed by the Governor in Council.

   (2) The members hold office for a period of three years.

   (3) Any retiring member is eligible for re-appointment.

   (4) Each member holds office during good behaviour for the period of his appointment, but may be removed for cause at any time by the Governor in Council.

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Filling casual vacancy.

(5) In the event of a casual vacancy occurring in the Council, the Governor in Council may appoint a person to fill such vacancy for the balance of the term of the member replaced.

Chairman.

(6) The Governor in Council shall designate one of the members to be chairman of the Council who shall be known as, and bear the title of "National Director of Physical Fitness".

Expenses of members.

(7) No member of the Council, with the exception of the Director, shall receive any payment or emolument for his services, but each member is entitled to receive and be paid out of the Fund his actual disbursements for expenses necessarily incurred in connection with the discharge of his duties under this Act.

Salary of Director.

(8) The Director shall be paid out of the Fund such annual salary as may be determined by the Governor in Council.

Headquarters of Council.

(9) The headquarters of the Council shall be at the City of Ottawa, in the Province of Ontario, and the Council shall meet at such times and places as the Minister may appoint, but not less than twice yearly, in the said City of Ottawa.

Employment of staff.

(10) Such professional, technical and other officers, clerks and employees as may be required for the purposes of this Act shall be appointed or employed in the manner authorized by law.

Power to make rules.

(11) The Council may make rules for regulating its proceedings and the performance of its functions. 1943-44, c. 29, s. 3.

Duties and powers of Council.

4. (1) It is the duty of the Council to promote the physical fitness of the people of Canada and in the performance of such duty it may

(a) assist in the extension of physical education in all educational and other establishments;

(b) encourage, develop and correlate all activities relating to physical development of the people through sports, athletics and other similar pursuits;

(c) train teachers, lecturers and instructors in the principles of physical education and physical fitness;

(d) organize activities designed to promote physical fitness and to provide facilities therefor; and

(e) co-operate with organizations such as indicated in section 7 engaged in the development of physical fitness in the amelioration of physical defects through physical exercise.

R.S., 1952.
5. The Director is the chief executive officer of the Council and shall perform such of the duties and exercise such of the powers of the Council as are from time to time imposed upon or delegated to him by the Council and, if authorized by the Council, he may execute instruments and documents on its behalf. 1943-44, c. 29, s. 5.

6. (1) With the approval of the Minister, the Council may enter into contracts and acquire personal property on behalf of Her Majesty for the purposes of the Council, but no contract shall be entered into by the Council involving an expenditure in excess of five thousand dollars unless authorized by the Governor in Council.

(2) Real property may be acquired on behalf of Her Majesty pursuant to this Act with the approval of the Governor in Council. 1943-44, c. 29, s. 6.

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

(2) For the purposes of this section the population of Newfoundland shall be included in the population of Canada and shall be taken at three hundred and twenty-five thousand until the first decennial census after the 1st day of April, 1949. 1943-44, c. 29, s. 7; 1949, c. 6, s. 40.

8. There shall be a special account in the Consolidated Revenue Fund to be known as "The National Physical Fitness Fund" to which shall be credited all sums of money that may be appropriated by Parliament for the purposes of the Fund. R.S., 1952.
Chap. 190. National Physical Fitness.

of this Act, and all sums of money received by way of grant, bequest, donation or otherwise for the purposes of or on behalf of the Council. 1943-44, c. 29, s. 8.

9. Notwithstanding the provisions of the Financial Administration Act, the Minister of Finance may, subject to the provisions of this Act, make disbursements from the Fund on the requisition of the Council for the following purposes, or any of them:

(a) the payment of the salaries of all persons appointed or employed under or pursuant to the provisions of this Act;

(b) the payment of all sums of money required by the Council for the carrying out of its duties and the exercise of its powers under this Act, together with all necessary expenses in connection therewith;

(c) such other payments as may be authorized by this Act. 1943-44, c. 29, s. 9.

10. The Minister may, from time to time, refer to the Council for consideration and advice, such matters relating to the operation of this Act as he thinks fit, and the Council shall investigate and report thereon to the Minister. 1943-44, c. 29, s. 10.

11. The Council shall, on or before the 30th day of April in each year, submit a report to the Minister upon all activities of the Council during the last preceding fiscal year, and shall, whenever so required by the Minister, furnish the Minister with such information and reports as he may require. 1943-44, c. 29, s. 11.

12. This Act shall be administered by the Minister of National Health and Welfare. 1943-44, c. 29, s. 12; 1945, c. 7, s. 1.

13. The Minister shall, as soon as possible, but not later than three months after the termination of each fiscal year, submit an annual report to Parliament covering the administration of this Act for such fiscal year, and such report shall contain a statement of all amounts paid into or credited to the Fund and all disbursements therefrom and shall include the regulations made under this Act. 1943-44, c. 29, s. 13.

14. The Governor in Council may make regulations for the purpose of giving effect to this Act. 1943-44, c. 29, s. 14.

EDMOND CLOUTIER, C.M.G., O.A., D.S.P.
QUEEN'S PRINTER AND CONTROLLER OF STATIONERY
OTTAWA, 1953

R.S., 1952.
CHAPTER 191.

An Act respecting the Application of a National Trade Mark to Commodities and respecting the True Description of Commodities.

SHORT TITLE.

1. This Act may be cited as the National Trade Mark and True Labelling Act. 1949 (2nd Sess.), c. 31, s. 1.

INTERPRETATION.

2. In this Act
   (a) "Minister" means the Minister of Trade and Commerce;
   (b) "National Research Council" means the Honorary Advisory Council for Scientific and Industrial Research;
   (c) "national trademark" means the national trademark established by this Act; and
   (d) "prescribed" means prescribed pursuant to this Act. 1949 (2nd Sess.), c. 31, s. 2.

NATIONAL TRADE MARK.

3. Notwithstanding any other statute or law, the words "Canada Standard" or the initials "C.S." shall be a national trade mark, and the exclusive property in and the right to the use of that trade mark is hereby declared to be vested in Her Majesty in right of Canada, subject to the provisions of this Act. 1949 (2nd Sess.), c. 31, s. 3.

4. (1) The Governor in Council may make regulations
   (a) prescribing the classes and kinds of commodities to which the national trade mark may be applied and the persons who may apply it;
   (b) prescribing the terms and conditions on which the national trade mark may be applied to commodities or packages or containers thereof;
(c) prescribing the form and manner in which the national trade mark shall be applied to commodities, packages or containers;

(d) prescribing the standards or specifications, including those established under any other Act of Parliament, to which any commodity shall conform if the national trade mark is applied thereto;

(e) prescribing the implied warranties that application of the national trade mark to any commodity shall represent;

(f) prescribing the circumstances in which the right of any person to apply the national trade mark to any commodity, package or container may be terminated or suspended; and

(g) prohibiting acts inconsistent with anything so prescribed.

(2) No person shall use the national trade mark except as authorized by the regulations. 1949 (2nd Sess.), c. 31, s. 4.

TRUE DESCRIPTION OF COMMODITIES.

5. The Governor in Council may make regulations

(a) prescribing the form and manner in which any commodity designated by him or any package or container thereof, if marked or labelled or described in advertising for the purpose of indicating the material content or quality of such commodity or the size or contents by weight or measure of the package or container, shall be marked or labelled or described in advertising for such purpose; and

(b) prohibiting acts inconsistent with anything so prescribed. 1949 (2nd Sess.), c. 31, s. 5.

NATIONAL RESEARCH COUNCIL.

6. In addition to its powers and duties under any other statute or law, the National Research Council shall, at the request of the Minister,

(a) study, investigate, report and advise upon all matters relating to commodity standards or specifications;

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(b) prepare draft standards or specifications for any commodity or for any grade or type thereof and recommend methods of designating the same; and

(c) analyse and report upon any commodity as to its quality, properties and content, and as to whether and to what extent it conforms to the requirements of any prescribed standard or prescribed specification. 1949 (2nd Sess.), c. 31, s. 6.

7. (1) The National Research Council shall, in respect of any commodity forwarded to it by the Minister, report:

(a) the ingredients of the commodity, in so far as such information may be necessary to the proper use of the commodity;

(b) any adulterants and harmful, injurious or deleterious substances the commodity may be found to contain;

(c) its quality and probable performance and efficiency; and

(d) whether it conforms to any prescribed standard or prescribed specification, and if adequate information to answer the inquiry is not available, the National Research Council shall analyse or test the commodity.

(2) The report of the National Research Council upon any analysis or test made under this section shall not be used for advertising or commercial purposes in any way; and any person who contravenes the provisions of this section is guilty of an offence and is liable on summary conviction, for each such offence, to a fine not exceeding one hundred dollars.

(3) No action or other proceedings may be instituted against the National Research Council or any officer or employee of the Council in respect of any advice, information or report given or made in good faith under this Act or any other Act of the Parliament of Canada. 1949 (2nd Sess.), c. 31, s. 7.

OFFENCES AND PENALTIES.

8. Every person who

(a) applies the national trade mark to any commodity, package or container without authority so to do under the regulations;

(b) applies the national trade mark to any commodity, or to any package or container of a commodity, that does not conform to all of the prescribed requirements;

(c) R.S., 1952.
National Trade Mark.

(c) sells, offers for sale, displays for sale or advertises a commodity to which he has applied the national trade mark and that does not conform to prescribed standards or prescribed specifications;

(d) sells, offers for sale, displays for sale or advertises a commodity to which the national trade mark is applied and that he knows or has reason to believe does not conform to prescribed standards or prescribed specifications;

(e) falsely advertises or otherwise falsely represents any commodity as having the national trade mark lawfully applied thereto;

(f) sells, offers for sale, displays for sale or advertises a commodity that is not marked or labelled in accordance with the regulations;

(g) applies to any commodity, package or container any mark that is similar to the national trade mark; or

(h) otherwise contravenes or fails to observe any regulation;

is guilty of an offence and is liable on summary conviction or conviction upon indictment to a fine, if a corporation, not exceeding five thousand dollars, or, if an individual, to a fine not exceeding one thousand dollars or to imprisonment for a term not exceeding six months or to both fine and imprisonment. 1949 (2nd Sess.), c. 31, s. 8.

EDMOND CLOUTIER, C.M.G., O.A., D.S.P.
QUEEN'S PRINTER AND CONTROLLER OF STATIONERY
OTTAWA, 1952

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CHAPTER 192.

An Act respecting a National Wild Life Week.

SHORT TITLE.

1. This Act may be cited as the National Wild Life Week Act. 1947, c. 22, s. 1.

2. Throughout Canada in each year, the week in which the 10th day of April occurs (being the anniversary of the birthday of the late Jack Miner) shall be known and observed as the National Wild Life Week, so that interested clubs, associations and organizations may, on the day of that week most suitable to them, disseminate information pertinent to wild life conservation. 1947, c. 22, s. 2.

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OTTAWA, 1952

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CHAPTER 193.

An Act respecting the Protection of Navigable Waters.

SHORT TITLE.

1. This Act may be cited as the Navigable Waters Protection Act. R.S., c. 140, s. 1.

PART I.

INTERPRETATION.

2. In this Part,

(a) "lawful work" means any work not contrary to the Law in force at the place of the construction thereof at the time of such construction; and

(b) "work" includes any bridge, boom, dam, aboiteau, wharf, dock, pier or other structure, tunnel or pipe, or telegraph or power cable or wire and the approaches or other works necessary or appurtenant thereto, or any work, structure or device, whether similar in character to the foregoing or not, which may interfere with navigation. R.S., c. 140, s. 2.

APPLICATION.

3. Except so much of this Part as relates to rebuilding or repairing any lawful work, nothing hereinafter in this Part contained applies to any work constructed under the authority of any Act of the Parliament of Canada or of the legislature of the late Province of Canada, or of the legislature of any province now forming part of Canada, passed before such province became a part thereof. R.S., c. 140, s. 3.
CHAPTER 193.

An Act respecting the Protection of Navigable Waters.

SHORT TITLE.

1. This Act may be cited as the Navigable Waters Protection Act. R.S., c. 140, s. 1.

PART I.

INTERPRETATION.

2. In this Part, Definitions.
   (a) “lawful work” means any work not contrary to the law in force at the place of the construction thereof at the time of such construction; and
   (b) “work” includes any bridge, boom, dam, aboiteau, wharf, dock, pier or other structure, tunnel or pipe, or telegraph or power cable or wire and the approaches or other works necessary or appurtenant thereto, or any work, structure or device, whether similar in character to the foregoing or not, which may interfere with navigation. R.S., c. 140, s. 2.

APPLICATION.

3. Except so much of this Part as relates to rebuilding or repairing any lawful work, nothing hereinafter in this Part contained applies to any work constructed under the authority of any Act of the Parliament of Canada or of the legislature of the late Province of Canada, or of the legislature of any province now forming part of Canada, passed before such province became a part thereof. R.S., c. 140, s. 3.

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GENERAL.

4. (1) No work shall be built or placed in, upon, over, under, through or across any navigable water unless the site thereof has been approved by the Governor in Council, nor unless such work is built, placed and maintained in accordance with plans and regulations approved or made by the Governor in Council.

(2) The provisions of this section do not apply to small wharves or groynes or other bank or beach protection works, or boat-houses, if in the opinion of the Minister of Public Works

(a) they do not interfere with navigation, and

(b) do not cost more than one thousand dollars. R.S., c. 140, s. 4.

5. (1) Any work to which this Part applies that is built or placed upon a site not approved by the Governor in Council, or is not built or placed in accordance with plans so approved, or, having been so built or placed, is not maintained in accordance with such plans and regulations, may be removed and destroyed under the authority of the Governor in Council by the Minister of Public Works, and the materials contained in the said work may be sold, given away or otherwise disposed of, and the costs of and incidental to the removal, destruction or disposition of such work, deducting therefrom any sum that may be realized by sale or otherwise, are recoverable with costs in the name of Her Majesty from the owner.

(2) The Governor in Council may approve of works constructed, or in process of construction, on the 1st day of June, 1938, subject to the provisions of section 7, and such approval has the same effect as approval of works to be constructed.

(3) In this section "owner" includes the person authorizing or otherwise responsible for the erection or maintenance of any work referred to in this section, and the actual or reputed owner or person in possession or claiming ownership thereof for the time being, and all or any of such persons jointly and severally. R.S., c. 140, s. 5; 1946, c. 10, s. 1.

6. The provisions of sections 4 and 5 do not affect any bridge constructed before the 17th day of May, 1882, which thereafter requires to be rebuilt or repaired, if such bridge, when so rebuilt or repaired, does not interfere to a greater extent with navigation than on the said day or theretofore. R.S., c. 140, s. 6.
7. (1) The local authority, company or person proposing to construct any work in navigable waters, for which no sufficient sanction otherwise exists, may deposit the plans thereof and a description of the proposed site with the Minister of Public Works, and a duplicate of each in the office of the registrar of deeds for the district, county or province in which such work is proposed to be constructed, and may apply to the Governor in Council for approval thereof.

(2) Such local authority, company or person shall give notice of the said deposit of plans and application by advertisement in the Canada Gazette, and in two newspapers published in or near the locality where such work is to be constructed. R.S., c. 140, s. 7.

8. Any local authority, company or person may proceed in like manner to obtain the approval by the Governor in Council of the site and plans of any work constructed prior to the 1st day of March, 1899. R.S., c. 140, s. 8.

9. Any lawful work may be rebuilt or repaired if the interference with navigation is not increased by such rebuilding or repairing. R.S., c. 140, s. 9.

REGULATIONS.

10. (1) The Governor in Council may make such orders or regulations as he deems expedient for navigation purposes respecting any work to which this Part applies or of which the plan and site are approved under any Act of the Parliament of Canada.

(2) The local authority, company or person constructing, owning or in possession of any such work is subject to such orders or regulations. R.S., c. 140, s. 10.

11. No approval shall be given under this Part of the site or plans of any bridge over the River St. Lawrence. R.S., c. 140, s. 11.

PART II.

INTERPRETATION.

12. In this Part, (a) "Minister" means the Minister of Transport; (b) "owner" means the registered or other owner at the time any wreck, obstruction or obstacle, as is in this Part referred to, was occasioned, and also includes subsequent purchaser; and (c) R.S., 1952.
"Vessel." 

(c) "vessel" includes every description of ship, boat or craft of any kind, whether propelled by steam or otherwise, and whether used as a sea-going vessel or on inland waters only; including everything forming part of the machinery, tackle, equipment, cargo, stores or ballast of such vessel. R.S., c. 140, s. 13; 1936, c. 34, s. 4.

GENERAL.

13. (1) Where the navigation of any navigable water over which the Parliament of Canada has jurisdiction is obstructed, impeded or rendered more difficult or dangerous by the wreck, sinking, lying ashore or grounding of any vessel or part thereof or other thing, the owner, master or person in charge of such vessel or other thing, by which any such obstruction or obstacle is caused, shall forthwith give notice of the existence thereof to the Minister or to the collector of customs and excise at the nearest or most convenient port, and shall place and, as long as such obstruction or obstacle continues, maintain, by day, a sufficient signal, and, by night, a sufficient light to indicate the position thereof.

(2) The Minister may cause such signal and light to be placed and maintained, if the owner, master or person in charge of such vessel or other thing by which the obstruction or obstacle is caused fails or neglects so to do.

(3) The owner of such vessel or thing shall forthwith begin the removal thereof, and shall prosecute such removal diligently to completion; but nothing herein shall be deemed to limit the powers of the Minister under this Act. R.S., c. 140, s. 14.

14. The Minister may, if, in his opinion,

(a) the navigation of any such navigable water is obstructed, impeded or rendered more difficult or dangerous by reason of the wreck, sinking, partially sinking, or lying ashore or grounding of any vessel, or of any part thereof, or of any other thing,

(b) by reason of the situation of any wreck or any vessel, or any part thereof, or of any other thing so lying, sunk, partially sunk, ashore or grounded, the navigation of any such navigable water is likely to be obstructed, impeded or rendered more difficult or dangerous, or

(c) any vessel or part thereof, wreck or other thing cast ashore, stranded or left upon any property belonging to Her Majesty in right of Canada, is an obstacle or obstruction to such use of the said property as may be required for the public purposes of Canada.

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Part II.  


cause such wreck, vessel or part thereof or other thing, if the same continues for more than twenty-four hours, to be removed or destroyed in such manner and by such means as he thinks fit.  R.S., c. 140, s. 15.

15. (1) The Minister may cause such vessel, or its cargo, or anything causing or forming part of any such obstruction or obstacle, to be conveyed to such place as he thinks proper, and to be there sold by auction or otherwise as he deems most advisable; and may apply the proceeds of such sale to make good the expenses incurred by him in placing and maintaining any signal or light to indicate the position of such obstruction or obstacle, or in the removal, destruction or sale of such vessel, cargo or thing.

(2) The Minister shall pay over any surplus of such proceeds or portion thereof to the owner of the vessel, cargo or thing sold, or to such other persons as are entitled to the same respectively.  R.S., c. 140, s. 16.

16. (1) Whenever, under the provisions of this Part, the Minister has caused

(a) any signal or light to be placed and maintained to indicate the position of any obstruction or obstacle,

(b) to be removed or destroyed any wreck, vessel or part thereof, or any other thing by reason whereof the navigation of any such navigable waters was or was likely to become obstructed, impeded or rendered more difficult or dangerous, or

(c) to be removed any vessel or part thereof, wreck or other thing cast ashore, stranded or left upon any public property belonging to Her Majesty in right of Canada,

and the cost of maintaining such signal or light or of removing or destroying such vessel or part thereof, wreck or other thing has been defrayed out of the public moneys of Canada, and the net proceeds of the sale under this Part of such vessel or its cargo, or the thing that caused or formed part of such obstruction are not sufficient to make good the cost so defrayed out of the public moneys of Canada, the amount by which such net proceeds falls short of the costs so defrayed as aforesaid, or the whole amount of such cost, if there is nothing that can be sold as aforesaid, is recoverable with costs by the Crown.

(i) from the owner of such vessel or other thing, or from the managing owner or from the master or person in charge thereof at the time such obstruction or obstacle was occasioned, or

(ii) From owner.

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(ii) from any person through whose act or fault, or through the act or fault of whose servants such obstruction or obstacle was occasioned or continued.

(2) Any sum so recovered shall form part of the Consolidated Revenue Fund of Canada. R.S., c. 140, s. 17.

Abandoned vessel may be taken possession of and removed.

17. When any vessel or other thing is wrecked, sunk, partially sunk, lying ashore, or grounded in any navigable water in Canada, such vessel and its cargo and every part thereof or other thing shall be deemed to be abandoned at the expiration of two years from the date of such casualty, and thereupon the Minister, under such restrictions as to him seem fit, may authorize any person to take possession of and remove such vessel or other thing for his own benefit, upon giving to the owner, where known, one month's notice, and, where unknown, by public notice for a similar period in a local paper published nearest to the place of the wrecked vessel or other thing. R.S., c. 140, s. 18.

Sawdust, etc., prohibited from being thrown in.

18. No owner or tenant of any saw-mill, or any workman therein or other person shall throw or cause to be thrown any sawdust, edgings, slabs, bark or rubbish of any description whatsoever into any river, stream or other water, any part of which is navigable or which flows into any navigable water. R.S., c. 140, s. 19.

Stone, etc., also prohibited.

19. No person shall throw or deposit or cause or permit to be thrown or deposited any stone, gravel, earth, cinders, ashes or other material or rubbish liable to sink to the bottom in any navigable tidal waters of Canada where there are not at least twelve fathoms of water at extreme low tide. R.S., c. 140, s. 20.

Depth of water necessary for throwing rubbish, etc.

20. No person shall throw or deposit, or cause or permit to be thrown or deposited any stone, gravel, earth, cinders, ashes or other material or rubbish liable to sink to the bottom in any navigable non-tidal waters of Canada where there are not at all times at least eight fathoms of water. R.S., c. 140, s. 21.

Fishery officers to examine and report.

21. The several fishery officers shall, from time to time, examine and report on the condition of such rivers, streams and waters, and prosecute all persons violating the provisions of sections 18, 19 and 20; and, for enforcing the said provisions, such officers have and shall exercise all the powers conferred upon them for like purposes by the Fisheries Act. R.S., c. 140, s. 22.

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22. The Governor in Council, when it is shown to his satisfaction that the public interest would not be injuriously affected thereby, may, from time to time, by proclamation, declare any of such rivers, streams or waters, or part or parts thereof, exempted in whole or in part, from the operation of sections 18, 19 and 20, and may, from time to time, revoke such proclamation. R.S., c. 140, s. 23; 1950, c. 50, s. 10.

23. Nothing in this Part shall be construed to exempt any owner, master or other person from any obligation or responsibility with respect to any obstruction or obstacle imposed on him by any other law or authority not incompatible with the powers by this Part vested in the Minister, or to derogate from or impair any power or right vested by any such law in the Quebec Harbour Commissioners or Montreal Harbour Commissioners with respect to such obstruction or obstacle. R.S., c. 140, s. 24.

24. Nothing in this Part affects the legal powers, rights or duties of harbour commissioners, harbour masters or port wardens with respect to materials that, under this Part, are not allowed to be deposited in navigable waters. R.S., c. 140, s. 25.

25. The Minister may appoint places in any navigable water not within the jurisdiction of any of the officers mentioned in section 24 where stone, gravel, earth, cinders, ashes or other material may be deposited, notwithstanding that the minimum depth of water at any such place may be less than twelve fathoms in the case of tidal waters and less than eight fathoms in the case of non-tidal waters, and may make rules regulating the deposit of such materials. R.S., c. 140, s. 26.

OFFENCES AND PENALTIES.

26. Every person required by this Part to give notice to the Minister or to a collector of customs of any obstruction or obstacle to navigation, or to place and maintain thereon or contiguous thereto a signal or light, who fails to give such notice, or so to place or maintain such signal or light, is, on summary conviction, liable to a penalty of forty dollars for every day he neglects so to do without lawful or reasonable excuse. R.S., c. 140, s. 27.

27. Every owner or tenant of any saw-mill, or any workman therein or other person who throws or causes to be thrown, or suffers or permits to be thrown any sawdust, edgings, etc., into river, is, on summary conviction, liable to a penalty of forty dollars for every day he neglects so to do. R.S., 1952.
edgings, slabs, bark or rubbish of any description whatsoever into any river, stream or other water any part of which is navigable or which flows into any navigable water, is, on summary conviction, liable, for a first offence, to a penalty of not less than twenty dollars, and for each subsequent offence, to a penalty of not less than fifty dollars. R.S., c. 140, s. 28.

28. Every person who throws or deposits or causes or permits to be thrown or deposited any stone, gravel, earth, cinders, ashes or other materials or rubbish liable to sink to the bottom, in any navigable tidal waters of Canada where there are not at least twelve fathoms of water at extreme low tide, or in navigable non-tidal waters of Canada where there are not at all times at least eight fathoms of water, is, on summary conviction, liable to a penalty not exceeding three hundred dollars, and not less than twenty dollars, and, in any case where any of such materials are thrown from a vessel and a conviction is obtained therefor, such vessel is liable for the penalty and may be detained by any port warden or collector of customs until it is paid. R.S., c. 140, s. 29.

29. No proceedings shall be instituted for the recovery of any penalty for violation of any of the provisions of this Part with respect to non-tidal waters, unless the approval of the Minister is first obtained. R.S., c. 140, s. 30.

PART III.

INTERPRETATION.

30. In this Part,

(a) "ferry cable" includes any ferry cable, rod, chain or other device put across, over, in or under any navigable water for working a ferry; and

(b) "swing or draw bridge" means any swing or draw bridge other than a railway bridge. R.S., c. 140, s. 31.

GENERAL.

31. The Governor in Council may make regulations to govern

(a) the laying, stretching or maintaining of any ferry cable across, over, in or under any navigable water;

(b) the maintenance of lights and any other precautions for the safety of navigation in connection with any such ferry cable;

(c)
(c) the opening and closing of any swing or draw bridge over any navigable water; and

(d) the maintenance of lights and any other precautions for the safety of navigation in connection with such bridge. R.S., c. 140, s. 32.

32. Any person violating any regulation made under the authority of this Part is liable, upon summary conviction, to a penalty not exceeding fifty dollars and costs, or to imprisonment for a term not exceeding ten days, or to both fine and imprisonment. R.S., c. 140, s. 34.
CHAPTER 194.

An Act respecting a certain Convention between Canada and the United States of America, for the preservation of the Halibut Fishery of the Northern Pacific Ocean and Bering Sea, signed at Ottawa on the 29th day of January, 1937.

SHORT TITLE.

1. This Act may be cited as the Northern Pacific Halibut Fishery (Convention) Act. 1937, c. 36, s. 1.

INTERPRETATION.

2. In this Act,

(a) "closed season" means, in respect of fishing for "Close halibut in the convention waters, the period from the 1st day of November in any year to the 15th day of February in the next following year, both days inclusive, or any other period that may be substituted therefor either as to part or all of the convention waters by the International Fisheries Commission, with the approval of the Governor in Council and of the President of the United States of America;

(b) "Convention" means the convention between Canada and the United States of America for the preservation of the Halibut Fishery of the Northern Pacific Ocean and Bering Sea, signed at Ottawa on the 29th day of January, 1937;

(c) "convention waters" comprises and means the territorial waters and the high seas off the western coast of Canada and of the United States of America, including the southern as well as the western coast of Alaska;

(d) "halibut" means the species of fish known as "Halibut hippoglossus;"

(e) "International Fisheries Commission" means the commission established by the Convention for the preservation of the halibut fishery aforesaid concluded on May 2, 1923, and under the authority of the
CHAPTER 194.

An Act respecting a certain Convention between Canada and the United States of America, for the preservation of the Halibut Fishery of the Northern Pacific Ocean and Bering Sea, signed at Ottawa on the 29th day of January, 1937.

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2. In this Act,

(a) “closed season” means, in respect of fishing for halibut in the convention waters, the period from the 1st day of November in any year to the 15th day of February in the next following year, both days inclusive, or any other period that may be substituted therefor either as to part or all of the convention waters by the International Fisheries Commission, with the approval of the Governor in Council and of the President of the United States of America;

(b) “Convention” means the convention between Canada and the United States of America for the preservation of the Halibut Fishery of the Northern Pacific Ocean and Bering Sea, signed at Ottawa on the 29th day of January, 1937;

(c) “convention waters” comprises and means the territorial waters and the high seas off the western coasts of Canada and of the United States of America, including the southern as well as the western coasts of Alaska;

(d) “halibut” means the species of fish known as Halibut, Hippoglossus;

(e) “International Fisheries Commission” means the commission established by the Convention for the preservation of the halibut fishery aforesaid concluded on May 2, 1923, and under the authority of the Northern Fisheries Commission.

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Northern Pacific Halibut Fishery Protection Act, chapter 75 of the Revised Statutes of Canada, 1927, and continued by the Convention for the preservation of the said fishery concluded on May 9, 1930, and which is further continued under the Convention and under the provisions of this Act;

(f) "regulations" means orders or regulations of the Governor in Council;

(g) "territorial waters of Canada" means Canadian waters as defined for the purposes of the Customs Act that are contiguous to the western coast of Canada.

3. The Convention, which is set out in the Schedule, is hereby confirmed and sanctioned. 1937, c. 36, s. 2.

4. In the event of any inconsistency between the provisions of this Act and of the Convention, and the operation of any other law, the provisions of this Act and of the Convention to the extent of such inconsistency prevail. 1937, c. 36, s. 3.

5. Section 5 and all of the following sections, except sections 10 and 29, of the Customs and Fisheries Protection Act, shall be deemed to apply in so far as applicable for all the purposes of this Act, and have effect as if enacted herein. 1937, c. 36, s. 4.

6. The Governor in Council may make such appointments, establish such offices, and do such things as may be deemed necessary for carrying out the Convention, and for giving effect to any of its provisions. 1937, c. 36, s. 5.

7. Canada shall pay the salaries and expenses of the members of the International Fisheries Commission appointed by the Governor in Council and one-half of the joint expenses incurred by the Commission out of moneys provided by Parliament. 1937, c. 36, s. 6.

8. Every person who at any time in the closed season fishes for, or catches, or attempts to catch, halibut in the territorial waters of Canada in contravention of any provision of this Act, or of any regulation; and every national or inhabitant of Canada who at any time in the closed season fishes for, or catches, or attempts to catch, halibut in convention waters, in contravention of any provision of this Act, or of any regulation, is guilty of an offence against this Act. 1937, c. 36, s. 8.

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9. (1) The Governor in Council may make orders and regulations to give effect to any permission, limitation, regulation, prohibition, or other action of the International Fisheries Commission, pursuant to the provisions of the Convention.

(2) The Governor in Council may make such orders and regulations as may be deemed necessary for the purpose of carrying out the Convention or for giving effect to any of its provisions.

(3) The Governor in Council may make such orders and regulations as appear to him to be necessary to prevent the use of the territorial waters of Canada or of Canadian ports or of any other Canadian facilities, whether directly or indirectly, by any vessel, national or inhabitant of any country not a party to the Convention employed or intended to be employed either directly or indirectly in the halibut fishery in convention waters.

(4) The Governor in Council may rescind, revoke, amend or vary any order or regulation made under the authority of this section.

(5) Every person who at any time contravenes any order or regulation made under the provisions of this section is guilty of an offence against this Act. 1937, c. 36, s. 9.

10. (1) The owner or master of any vessel, or any other person, who,

(a) makes use of any port or place within Canada for the purpose of furnishing, providing, preparing or outfitting in any manner, whether in whole or in part, any vessel for the purpose of engaging in the halibut fishery within convention waters or within any specified area thereof in contravention of any provision of this Act, or of any regulation; or

(b) causes or permits any vessel to depart from any such port or place with the intention of fishing for halibut within convention waters or within any specified area thereof in contravention of any provision of this Act, or of any regulation;

is guilty of an offence against this Act.

(2) The owner or master of any vessel, if the said vessel enters or comes to any port or place in Canada while upon or in the prosecution of any voyage at any time during which the said vessel fished or was used in fishing for halibut as aforesaid, or has on board the said vessel any halibut caught

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caught while so fishing, is guilty of an offence against this Act. 1937, c. 36, s. 10.

11. The owner or master of any vessel or any person who lands or attempts to land, or knowingly has in his possession, in any port or place within Canada any halibut caught in convention waters or within any specified area thereof in contravention of any provision of this Act, or of any regulation, is guilty of an offence against this Act. 1937, c. 36, s. 11.

12. (1) Every ship, vessel or boat, including all furniture, apparel, appliances, gear, tackle and rigging and all cargo and stores found on board thereof, that is in any manner operated or used for the commission of any offence against this Act, or for fishing for halibut in convention waters in contravention of any regulation, or for aiding or facilitating the commission of any such offence, or of any such contravention, may be seized by any officer authorized by the Customs and Fisheries Protection Act to board and search and shall, save as herein otherwise provided, be forfeited.

(2) Every national or inhabitant of Canada or of the United States engaged in fishing for halibut in convention waters in contravention of any provision of this Act or of any regulation, or in aiding or facilitating fishing as aforesaid, may be taken into custody and detained by any officer authorized by the Customs and Fisheries Protection Act to board and search.

(3) Whenever any such person is a national or inhabitant of the United States, or any such ship, vessel, boat or other property is registered in the United States or belongs to a national or an inhabitant of the United States, and is taken into custody and seized and detained for an offence against any provision of this Act or for a contravention of any regulation committed in convention waters other than the territorial waters of Canada, such person, ship, vessel, boat or other property shall be delivered as soon as practicable to an authorized official of the United States to be dealt with in accordance with the law of the United States. 1937, c. 36, s. 12.

13. Every person who knowingly has in his possession any halibut unlawfully caught within convention waters or unlawfully retained is guilty of an offence against this Act. 1937, c. 36, s. 13.

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14. (1) Every person guilty of an offence against this Act or of a contravention of any regulation is liable upon summary conviction to a fine of not less than one hundred dollars and not more than one thousand dollars, or to imprisonment for a term not exceeding one year, or to both fine and imprisonment.

(2) The justice making the conviction shall adjudge and order as forfeited to the Crown for the public uses of Canada any halibut in the possession of the person convicted that is found to have been unlawfully caught in convention waters or unlawfully retained, but if the conviction is quashed on an appeal or on a stated case, the person aggrieved shall be recouped the reasonable market value of the halibut so forfeited as of the date the forfeiture was so adjudged and ordered. 1937, c. 36, s. 14.

15. This Act shall continue in force until a day that may be fixed by Proclamation of the Governor in Council following upon the termination of the Convention, and no longer. 1937, c. 36, s. 16.

SCHEDULE.


His Majesty the King of Great Britain, Ireland, and the British dominions beyond the Seas, Emperor of India, in respect of the Dominion of Canada,

And the President of the United States of America,

Desiring to provide more effectively for the preservation of the halibut fishery of the northern Pacific Ocean and Bering Sea, have resolved to conclude a convention revising the convention for the preservation of that fishery signed on their behalf at Ottawa on May 9, 1930, and have named as their plenipotentiaries for that purpose,

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His Majesty, for the Dominion of Canada:

The Right Honourable William Lyon Mackenzie King,
Prime Minister and Secretary of State for External
Affairs; and

The President of the United States of America:

Norman Armour, Envoy Extraordinary and Minister
Plenipotentiary of the United States of America to
Canada;

Who, after having communicated to each other their
respective full powers, found in good and due form, have
agreed upon the following articles:

ARTICLE I.

The nationals and inhabitants and fishing vessels and
boats of the United States of America and of Canada,
respectively, are hereby prohibited from fishing for halibut
(Hippoglossus) both in the territorial waters and in the
high seas off the western coasts of the United States of
America, including the southern as well as the western
coasts of Alaska, and of Canada, from the first day of
November next after the date of the exchange of ratifica-
tions of this Convention to the fifteenth day of the follow-
ing February, both days inclusive, and within the same
period yearly thereafter.

The International Fisheries Commission provided for by
Article III is hereby empowered, subject to the approval of
the President of the United States of America and of the
Governor General of Canada, to suspend or change the
closed season provided for by this Article, as to part or all
of the convention waters, when it finds after investigation
such suspensions or changes are necessary, and to permit,
limit, regulate and prohibit in any area or at any time
when fishing for halibut is prohibited, the taking, retention
and landing of halibut caught incidentally to fishing for
other species of fish, and the possession during such fishing
of halibut of any origin.

It is understood that nothing contained in this Conven-
tion shall prohibit the nationals or inhabitants or the fish-
ing vessels or boats of the United States of America or of
Canada, from fishing in the waters hereinbefore specified
for other species of fish during the season when fishing for
halibut in such waters is prohibited by this Convention or
by any regulations adopted in pursuance of its provisions.

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It is further understood that nothing contained in this Convention shall prohibit the International Fisheries Commission from conducting fishing operations for investigation purposes at any time.

ARTICLE II.

Every national or inhabitant, vessel or boat of the United States of America or of Canada engaged in halibut fishing on the high seas in violation of this Convention or of any regulation adopted under the provisions thereof may be seized by the duly authorized officers of either High Contracting Party and detained by the officers making such seizure and delivered as soon as practicable to an authorized official of the country to which such person, vessel or boat belongs, at the nearest point to the place of seizure, or elsewhere, as may be agreed upon. The authorities of the nation to which such person, vessel or boat belongs alone shall have jurisdiction to conduct prosecutions for the violation of the provisions of this Convention, or any regulations which may be adopted in pursuance of its provisions, and to impose penalties for such violations; and the witnesses and proofs necessary for such prosecutions, so far as such witnesses or proofs are under the control of the other High Contracting Party, shall be furnished with all reasonable promptitude to the authorities having jurisdiction to conduct the prosecutions.

Each High Contracting Party shall be responsible for the proper observance of this Convention, or of any regulation adopted under the provisions thereof, in the portion of its waters covered thereby.

ARTICLE III.

The High Contracting Parties agree to continue under this Convention the Commission as at present constituted and known as the International Fisheries Commission, established by the Convention for the preservation of the halibut fishery, signed at Washington, March 2, 1923, and continued under the Convention signed at Ottawa, May 9, 1930, consisting of four members, two appointed by each Party, which Commission shall make such investigations as are necessary into the life history of the halibut in the convention waters and shall publish a report of its activities from time to time. Each of the High Contracting Parties shall have power to fill, and shall fill from time to time, vacancies which may occur in its representation on the Commission. Each of the High Contracting Parties shall pay
pay the salaries and expenses of its own members, and joint expenses incurred by the Commission shall be paid by the two High Contracting Parties in equal moieties.

The High Contracting Parties agree that for the purposes of protecting and conserving the halibut fishery of the Northern Pacific Ocean and Bering Sea, the International Fisheries Commission, with the approval of the President of the United States of America and of the Governor General of Canada, may, in respect of the nationals and inhabitants and fishing vessels and boats of the United States of America and of Canada, from time to time,

(a) divide the convention waters into areas;

(b) limit the catch of halibut to be taken from each area within the season during which fishing for halibut is allowed;

(c) prohibit departure of vessels from any port or place, or from any receiving vessel or station, to any area for halibut fishing, after any date when in the judgment of the International Fisheries Commission the vessels which have departed for that area prior to that date or which are known to be fishing in that area shall suffice to catch the limit which shall have been set for that area under section (b) of this paragraph;

(d) fix the size and character of halibut fishing appliances to be used in any area;

(e) make such regulations for the licensing and departure of vessels and for the collection of statistics of the catch of halibut as it shall find necessary to determine the condition and trend of the halibut fishery and to carry out the other provisions of this Convention;

(f) close to all halibut fishing such portion or portions of an area or areas, as the International Fisheries Commission find to be populated by small, immature halibut.

ARTICLE IV.

The High Contracting Parties agree to enact and enforce such legislation as may be necessary to make effective the provisions of this Convention and any regulations adopted thereunder, with appropriate penalties for violations thereof.

ARTICLE V.

The present Convention shall remain in force for a period of five years and thereafter until two years from the date when either of the High Contracting Parties shall give notice to the other of its desire to terminate it.

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This Convention shall, from the date of the exchange of ratifications be deemed to supplant the convention for the preservation of the halibut fishery signed at Ottawa, May 9, 1930.

**ARTICLE VI.**

This Convention shall be ratified in accordance with the constitutional methods of the High Contracting Parties. The ratifications shall be exchanged at Ottawa as soon as practicable, and the Convention shall come into force on the day of the exchange of ratifications.

In faith whereof, the respective plenipotentiaries have signed the present Convention in duplicate, and have hereunto affixed their seals.

Done at Ottawa on the twenty-ninth day of January, in the year one thousand nine hundred and thirty-seven.

(L.S.) W. L. MACKENZIE KING
(L.S.) NORMAN ARMOUR

1937, c. 36, Sch.

EDMOND CLOUTIER, C.M.G., O.A., D.S.P.
QUEEN'S PRINTER AND CONTROLLER OF STATIONERY
OTTAWA, 1952
CHAPTER 195.

An Act respecting the Northwest Territories.

SHORT TITLE.

1. This Act may be cited as the *Northwest Territories* Act. R.S., c. 142, s. 1.

INTERPRETATION.

2. In this Act,
   (a) “ammunition” means fixed ammunition or ball cartridge;
   (b) “Commissioner” means the Commissioner of the Northwest Territories;
   (c) “Commissioner in Council” means the Commissioner of the Territories, by and with the advice and consent of the Council;
   (d) “Council” means the Council of the Northwest Territories;
   (e) “improved arm” means all arms except smooth bore shot-guns;
   (f) “intoxicant” includes opium or any preparation thereof, and any other intoxicating drug or substance, and tobacco or tea mixed, compounded or impregnated with opium, or with any other intoxicating drug, spirit or substance, and whether the same or any of them is liquid or solid;
   (g) “intoxicating liquor” means all spirits, strong waters, brandy, spiritsuous liquors, wines, fermented or compounded liquors or intoxicating fluids;
   (h) “Minister” means the Minister of Resources and Development;
   (i) “Ordinance of the Territories” means an ordinance, or any other intoxicating drug or substance, and whether the same or any of them is liquid or solid;
   (j) “intoxicating liquor” means all spirits, strong waters, brandy, spiritsuous liquors, wines, fermented or compounded liquors or intoxicating fluids;
   (k) “Minister” means the Minister of Resources and Development;
   (l) “Ordinance of the Territories” means an ordinance, or any other intoxicating drug or substance, and whether the same or any of them is liquid or solid;

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CHAPTER 195.

An Act respecting the Northwest Territories.

SHORT TITLE.

1. This Act may be cited as the Northwest Territories Short title. Act. R.S., c. 142, s. 1.

INTERPRETATION.

2. In this Act, Definitions.

(a) "ammunition" means fixed ammunition or ball "Ammuni- cartridge; tion."
(b) "Commissioner" means the Commissioner of the "Commis- Northwest Territories; sioner."
(c) "Commissioner in Council" means the Commis- "Commissioner in sioner of the Territories, by and with the advice and Council." consent of the Council;
(d) "Council" means the Council of the Northwest "Council." Territories;
(e) "improved arm" means all arms except smooth bore "Improved "Improved arm." shot-guns;
(f) "intoxicant" includes opium or any preparation "Intoxi- and tobacco or tea mixed, compounded or impregnated therof, and any other intoxicating drug or substance, opium, or with any other intoxicating drug, spirit and whether the same or any of them is or substance, or whether the same or any of them is liquor or solid;
(g) "intoxicating liquor" means all spirits, strong waters, "Intoxicat- spirituous liquors, wines, fermented or compounded ing liquor." liquors or intoxicating fluids;
(h) "Minister" means the Minister of Resources and "Minister." Development;
(i) "Ordinance of the Territories" means an ordinance "Ordinance passed by the Lieutenant-Governor in Council or the of the Terri- Legislative Assembly of the Northwest Territories, or tories." by the Commissioner in Council;

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"Stipendiary."


"Territories."

(j) "stipendiary" means a stipendiary magistrate appointed under this Act; and

(k) "Territories" means the Northwest Territories, which comprise

(i) all that part of Canada north of the Sixtieth Parallel of North Latitude, except the portions thereof within the Yukon Territory and the Provinces of Quebec and Newfoundland, and

(ii) the islands in Hudson Bay, James Bay and Ungava Bay, except those islands within the Provinces of Manitoba, Ontario and Quebec. R.S., c. 142, s. 2; 1951, c. 21, s. 1.

PART I.

GENERAL.

Commissioner.

3. The Governor in Council may appoint for the Territories a chief executive officer to be styled and known as the Commissioner of the Northwest Territories. R.S., c. 142, s. 3.

Powers of Commissioner.

4. (1) The executive powers vested by the Northwest Territories Act, Revised Statutes 1886, chapter 50, and amendments thereto, or otherwise, in the Lieutenant-Governor of the Northwest Territories, or in the Lieutenant-Governor of the Northwest Territories in Council, immediately before the 1st day of September, 1905, shall be exercised by the Commissioner so far as they are applicable to and capable of being exercised in relation to the Government of the Northwest Territories as at present constituted.

Instructions.

(2) The Commissioner shall administer the government of the Territories under instructions from time to time given by the Governor in Council or the Minister. R.S., c. 142, s. 4; 1951, c. 21, s. 2.

Commissioner of R.C.M.P. to have powers of stipendiary.

5. The Commissioner of the Royal Canadian Mounted Police, while in the Territories, has all the jurisdiction, powers and authority of a stipendiary magistrate appointed under this Act. R.S., c. 142, s. 5.

Justices of the peace.

6. (1) While in the Northwest Territories the Commissioner, every member of the Council, every stipendiary magistrate appointed under this Act, and every commissioned officer of the Royal Canadian Mounted Police, shall

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ex officio have, possess and exercise all the jurisdiction, powers and authority of a justice of the peace, and of two justices of the peace, under any laws or ordinances in force in the Territories.

(2) The Governor in Council may by commission appoint such other persons justices of the peace, having each the jurisdiction, powers and authority of two justices of the peace within the Territories, as is deemed expedient. R.S., c. 142, s. 6.

Seat of Government.

7. The seat of government of the Territories shall be fixed and may, from time to time, be changed by the Governor in Council. R.S., c. 142, s. 7.

Council.

8. (1) There shall be a Council of the Northwest Territories consisting of eight members, three of whom shall be elected to represent electoral districts, and five of whom shall be appointed by the Governor in Council.

(2) The Commissioners in Council may for the purposes of this section establish three electoral districts.

(3) Appointed members of the Council hold office during pleasure.

(4) Subject to subsections (5) and (6), elected members of the Council hold office for three years from the date of the return of the writs after their election.

(5) Where, in the opinion of the Governor in Council, an elected member is unable to perform his duties by reason of incapacity or absence, the Governor in Council may remove him from office and may appoint a member in his stead for the balance of his term of office.

(6) Where an elected member dies while in office, the Governor in Council may appoint a member in his stead for the balance of his term of office. 1951, c. 21, s. 3.

9. (1) Subject to subsection (2), the Commissioner in Council may prescribe the qualifications of those entitled to vote at an election of members to the Council.

(2) A person is not entitled to vote at an election unless he is a Canadian citizen, has attained the age of twenty-one years and has been ordinarily resident in the Territories for a period of at least twelve months immediately prior to the date of the election.

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Eligibility of candidate.

(3) A person who is entitled to vote at an election is eligible for election as a member of the Council. 1951, c. 21, s. 3.

Oaths of Office.

10. Each member of the Council shall, before entering the duties of his office, take and subscribe before the Commissioner such oaths of allegiance and office as the Governor in Council may prescribe. 1951, c. 21, s. 3.

Sessions of Council.

11. (1) The Commissioner shall convene at least two sessions of the Council in every calendar year so that twelve months shall not intervene between the last sitting of the Council in one session and its first sitting in the next session.

(2) In each year one of the sessions of the Council convened in that year shall be held at a place in the Territories designated by the Governor in Council and all other sessions of the Council convened in that year shall be held at the seat of government of the Territories.

(3) Four members of the Council constitute a quorum.

(4) Each member has one vote in the transaction of the business of the Council and, if the number of votes is equal, the Commissioner may cast a deciding vote.

(5) The Governor in Council may appoint a member of the Council to be Deputy Commissioner of the Territories.

(6) The Deputy Commissioner has and may perform and exercise, in the absence of the Commissioner, all the powers and functions conferred on the Commissioner by this Act. 1951, c. 21, s. 3.

Where sessions held.

Voting.

Deputy Commissioner.

Powers of Deputy Commissioner.

12. (1) Each elected member of the Council may be paid an amount not exceeding fifty dollars for each day he is in attendance at a session of the Council, but the total amount payable under this subsection to a member in any one calendar year shall not exceed one thousand dollars.

(2) In addition to the payments under subsection (1), each member of the Council, whether elected or appointed, may be paid,

(a) the actual travelling expenses incurred by him in travelling from his place of residence to the place where the Council holds its session and return, but no payment shall be made to a member in respect of more than one return trip for each session of the Council, and

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(b) an allowance for living expenses, not exceeding fifteen dollars for each day in which the Council is in session, but the amount that is paid to a member of the Council pursuant to this paragraph shall not exceed two hundred dollars in respect of any one session.

(3) An allowance for living expenses that is paid to a member of the Council under paragraph (b) of subsection (2) is not income for that member for the purposes of the Income Tax Act. 1951, c. 21, s. 3.

Legislative powers of Commissioner in Council.

13. The Commissioner in Council has the same power to make ordinances for the government of the Territories as were on the 31st day of August, in the year 1905, vested in the Legislative Assembly of the Northwest Territories in relation to such subjects then within the legislative authority of the said Assembly as are from time to time designated by the Governor in Council. R.S., c. 142, s. 9.

14. (1) In particular, but not so as to restrict the generality of the provision of section 13, the Commissioner in Council has power, subject to the provisions of this Act, and of any other Act of the Parliament of Canada applying to the Territories, to make ordinances for the government of the Territories in relation to such of the classes of subjects next hereinafter mentioned as are from time to time designated by the Governor in Council, that is to say:

(a) direct taxation within the Territories in order to raise a revenue for territorial or municipal or local purposes;

(b) the establishment and tenure of territorial offices and the appointment and payment of territorial officers out of territorial revenues;

(c) the establishment, maintenance and management of prisons in and for the Territories, the expense thereof being payable out of territorial revenues;

(d) municipal institutions in the Territories, including the incorporation and powers, not inconsistent with any Act of Parliament, of irrigation districts, that is to say, associations of the land owners, and persons interested in the lands, in any district or tract of land for the purpose of constructing and operating irrigation works for the benefit of such lands;

(e) R.S., 1952.

Roads.

(e) the closing up or varying the direction of any road allowance, or of any trail that has been transferred to the Territories, the opening and establishing of any new highway instead of any road or trail so closed, and the disposition of the land in any such road or trail;

Licences.

(f) shop, saloon, tavern, auctioneer and other licences, in order to raise a revenue for territorial or municipal purposes;

Incorporation of companies.

(g) the incorporation of companies with territorial objects, including tramway and street railway companies, but excluding railway companies and steamboat, canal, telegraph and irrigation companies;

Marriage.

(h) the solemnization of marriage in the Territories;

Property and civil rights.

(i) property and civil rights in the Territories;

Administration of justice.

(j) the administration of justice in the Territories, including the constitution, organization and maintenance of territorial courts of civil jurisdiction, and procedure in such courts, but not including the appointment of any judicial officers or the constitution, organization and maintenance of courts of criminal jurisdiction, or procedure in criminal matters;

Calling of juries.

(k) the mode of calling juries, other than grand juries, in criminal as well as civil cases, and when and by whom and the manner in which they may be summoned or taken, and all matters relating to the same;

Sheriffs and clerks of courts.

(l) the defining of the powers, duties and obligations of sheriffs and clerks of the courts and their respective deputies;

Alimony.

(m) the conferring on territorial courts of jurisdiction in matters of alimony;

Enforcement of territorial ordinances.

(n) the imposition of punishment by fine, penalty or imprisonment, for enforcing any territorial ordinances;

Expenditure of territorial funds.

(o) the expenditure of territorial funds and such portion of any moneys appropriated by Parliament for the Territories as the Commissioner in Council is authorized to expend;

Issuing of licences to scientists or explorers.

(p) the issuing of licences or permits to scientists or explorers to enter the said Territories, or a part thereof, and the prescribing of the conditions under which such licences or permits may be granted in each case, and the penalties for infractions of such conditions;

Local and private.

(q) generally, all matters of a merely local or private nature in the Territories;

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(r) the levying of a tax upon furs to be shipped or carried after the 30th day of December, 1929, from the Territories to any other part of Canada, or to any other country; and

(s) the preservation of game in the Territories.

(2) Subject as aforesaid, the Commissioner in Council has such of the powers of repealing, re-enacting or substituting provisions that the Legislative Assembly of the Northwest Territories, on the 31st day of August, in the year 1905, had with respect to corresponding provisions of the *Northwest Territories Act*, chapter 50 of the Revised Statutes 1886, and amendments as are from time to time designated by the Governor in Council. R.S., c. 142, s. 10; 1948, c. 20, s. 1.

15. Nothing in section 14 shall be construed to give to the Commissioner in Council greater powers with respect to any class of subjects so designated by the Governor in Council than are given to provincial legislatures under the provisions of section 92 of the *British North America Act*, 1867, with respect to the similar subjects therein mentioned. R.S., c. 142, s. 11.

16. (1) The Commissioner in Council, if authorized to make ordinances respecting education, shall pass all necessary ordinances in respect thereto.

(2) In the laws or ordinances relating to education it shall always be provided that a majority of the ratepayers of any district or portion of the Territories, or of any less portion or subdivision thereof, by whatever name the same is known, may establish such schools therein as they think fit, and make the necessary assessment and collection of rates therefor; and also that the minority of the ratepayers therein, whether Protestant or Roman Catholic, may establish separate schools therein, and in such case, the ratepayers establishing such Protestant or Roman Catholic separate schools are liable only to assessments of such rates as they impose upon themselves in respect thereof. R.S., c. 142, s. 12.

17. A copy of every ordinance made by the Commissioner in Council shall be transmitted to the Governor in Council within ten days after the passing thereof and shall be laid before both Houses of Parliament as soon as conveniently may be thereafter; and any such ordinance or any provision thereof may be disallowed by the Governor in Council at any time within two years after its passage. R.S., c. 142, s. 13.
Laws applicable to Territories.

18. Subject to the provisions of this Act, the laws of England relating to civil and criminal matters, as the same existed on the 15th day of July, in the year 1870, are in force in the Territories, in so far as the same are applicable to the Territories, and in so far as the same have not been, or are not hereafter, as regards the Territories, repealed, altered, varied, modified, or affected by any Act of the Parliament of Great Britain or of the Parliament of Canada, applicable to the Territories, or by any ordinance of the Territories. R.S., c. 142, s. 14.

19. All laws and ordinances in force in the Territories, and not inconsistent with this Act, or repealed by the operation of the Act passed in the year 1924, chapter 65, and intituled An Act respecting the Revised Statutes of Canada, shall remain in force until it is otherwise provided or ordered by the Parliament of Canada, or by the Governor in Council or the Commissioner in Council. R.S., c. 142, s. 15.

20. Every Act of the Parliament of Canada, except in so far as otherwise provided in any such Act, and except in so far as the same is, by its terms, applicable only to one or more of the provinces of Canada, or is, for any reason, inapplicable to the Territories, subject to the provisions of this Act, applies to and is in force in the Territories. R.S., c. 142, s. 16.

21. The Governor in Council may, by proclamation, from time to time, direct that any Act of the Parliament of Canada, or any part or parts thereof, or any one or more of the sections of any one or more of any such Acts, not then in force in the Territories, shall be in force in the Territories generally, or in any part or parts thereof mentioned in such proclamation. R.S., c. 142, s. 17.

22. (1) Whenever in any Act of the Parliament of Canada, or in any Ordinance of the Territories, any officer is designated for performing any duty therein mentioned, and there is no such officer in the Territories, the Commissioner may order by what other person or officer such duty shall be performed, and anything done by such person or officer under such order is valid and lawful in the premises.

(2) If it is in any such Act or Ordinance ordered that any document or thing be transmitted to any officer, court, territorial division or place, and there is then in the Territories

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Territories no such officer, court, territorial division or place, the Commissioner may order to what officer, court, territorial division or place such transmission shall be made, or may dispense with the transmission thereof. R.S., c. 142, s. 18.

Wills.

23. Every person of the full age of twenty-one years who may devise, bequeath or dispose of by will, executed in manner hereinafter mentioned, all real and personal property to which he is entitled either at law or in equity at the time of his death, and which, if not so devised, bequeathed or disposed of, would devolve upon his heir-at-law, or upon his executor or administrator. R.S., c. 142, s. 19.

24. (1) No will is valid unless it is in writing and signed at the foot or end thereof, by the testator or by some other person in his presence and by his direction; and such signature shall be made or acknowledged by the testator, in the presence of two or more witnesses present at the same time, who shall attest and subscribe the will in the presence of the testator.

(2) No form of attestation is necessary and no other publication than as aforesaid is required. R.S., c. 142, s. 20.

25. Where any person who attests the execution of a will is, at the time of the execution thereof, or at any time afterwards, incompetent to be admitted as a witness to prove the execution thereof, such will is not, on that account, invalid. R.S., c. 142, s. 21.

26. No person is, on account of his being an executor of a will, incompetent to be admitted as a witness to prove the execution of such will, or as a witness to prove the validity or invalidity thereof. R.S., c. 142, s. 22.

27. Where any person attests the execution of any will, to whom, or to whose wife or husband, any beneficial devise or legacy affecting any real or personal property other than a charge for the payment of a debt is thereby given, such devise or legacy is, so far only as concerns such person attesting the execution of such will, or the wife or husband of such person, or any person claiming under such person, wife or husband, null and void and such person so attesting shall be admitted to prove the execution of such will, or the validity or invalidity of such will, notwithstanding such devise or legacy. R.S., c. 142, s. 23.

Revocation.

28. No will or codicil, or any part thereof, is revoked otherwise than by

(a) marriage;
(b) another will or codicil executed in manner herein before required;
(c) some writing declaring an intention to revoke the same, and executed in the manner in which a will is hereinbefore required to be executed; or
(d) the burning, tearing or otherwise destroying the same, by the testator or by some person in his presence and by his direction, with the intention of revoking the same. R.S., c. 142, s. 24.

Construed as if executed immediately before death.

29. Every will shall be construed with reference to the real and personal property affected by it, to speak and take effect as if it had been executed immediately before the death of the testator, unless a contrary intention appears by the will. R.S., c. 142, s. 25.

Whole interest in realty to pass unless contrary intention appears.

30. Where any real property is devised to any person without any words of limitation, such devise shall be construed to pass the fee simple, or other the whole estate or interest which the testator had power to dispose of by will, in such real property, unless the contrary intention appears by the will. R.S., c. 142, s. 26.

Holograph will.

31. A holograph will written and signed by the testator himself though not witnessed is valid. R.S., c. 142, s. 27.

Married Women.

32. (1) All the wages and personal earnings of a married woman, and any acquisitions therefrom, and all proceeds or profits derived from any occupation or trade that she carries on separately from her husband, or from any literary, artistic or scientific skill, and all investments of such wages, earnings, moneys or property, are free from the debts or dispositions of the husband, and shall be held and enjoyed by such married woman, and disposed of without her husband's consent, as fully as if she were a feme-sole.

No order for protection.

(2) No order for protection is necessary in respect of any such earnings or acquisitions.

Possession by husband.

(3) The possession, whether actual or constructive, of the husband of any personal property of any married woman, does not render the same liable for his debts. R.S., c. 142, s. 28.
33. A married woman may make deposits of money in her own name in any savings or other bank, and withdraw the same by her own cheque; and her receipt or acquittance is a sufficient discharge to any such bank. R.S., c. 142, s. 29.

34. Nothing hereinbefore contained in reference to moneys deposited or investments by any married woman, shall, as against any creditor of the husband, give validity to any deposit or investment of moneys of the husband made in fraud of such creditor; and any money so in fraud deposited or invested may be followed as if this Act had not been passed. R.S., c. 142, s. 30.

35. (1) A husband is not, by reason of any marriage, liable for the debts of his wife, contracted before marriage, nor for any debts of his wife in respect of any employment or business in which she is engaged on her own behalf, or in respect of any of her own contracts.

(2) The wife is liable to be sued for any debts by her contracted before marriage, and any property belonging to her for her separate use shall be liable to satisfy such debts as if she had continued unmarried. R.S., c. 142, s. 31.

36. A married woman may maintain an action in her own name for the recovery of any wages, earnings, money or property, declared by this Act or which is hereafter declared to be her separate property, and has, in her own name, the same remedies, both civil and criminal, against all persons whomsoever for the protection and security of such wages, earnings, money and property, and of any chattels or other her separate property, for her own use, as if such wages, earnings, money, chattels and property belonged to her as an unmarried woman. R.S., c. 142, s. 32.

37. Any married woman may be sued or proceeded against separately from her husband in respect of any of her separate debts, engagements, contracts or torts, as if she were unmarried. R.S., c. 142, s. 33.

Administration of Justice.

38. (1) The Governor in Council may appoint such number of persons as stipendiary magistrates, from time to time, as may be deemed expedient.

(2) Every stipendiary magistrate so appointed has and may exercise the powers, authorities and functions that were vested in a judge of the Supreme Court by the Northwest Territories Act, chapter 50 of the Revised Statutes 1886, on the 31st day of August in the year 1905.

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(3) The Governor in Council may appoint such officers for the due administration of justice in the Territories as are deemed necessary and may define and specify their duties and fix their remuneration. R.S., c. 142, s. 34; 1951, c. 21, s. 4.

Jurisdiction of provincial courts in civil matters.

39. (1) The superior courts of the Provinces of Ontario, Quebec, Nova Scotia, New Brunswick and Prince Edward Island shall, in all parts of the Territories east of the eighty-ninth meridian of west longitude, and the superior courts of the Provinces of Manitoba, Saskatchewan, Alberta and British Columbia shall, in all parts of the Territories west of the eighty-ninth meridian of west longitude, have and exercise in civil matters the like jurisdiction and powers with respect to persons and property and to actions, suits and proceedings affecting them as the said courts have with respect to persons and property within the territorial limits of their ordinary jurisdiction and to actions, suits and proceedings affecting them.

(2) The courts having surrogate powers, of all the provinces, shall, throughout the Territories, have the like jurisdiction and authority in relation to the granting or revoking probate of wills and letters of administration of the property of deceased persons and all matters arising out of or connected with the grant or revocation of grant of probate or administration as the said courts have within the territorial limits of their respective ordinary jurisdiction. 1940, c. 36, s. 1.

Exercise of jurisdiction.

40. The jurisdiction hereby conferred may be exercised by any such court within the province in which its ordinary jurisdiction is exercised, and the procedure and practice of the court in the exercise of its ordinary jurisdiction, so far as applicable and except as hereinafter provided, apply to the exercise of the jurisdiction so conferred. R.S., c. 142, s. 36.

Service of writ of summons.

41. (1) In any such action, suit or proceeding the writ of summons or other initiatory proceeding shall not be served outside of the territorial limits of the ordinary jurisdiction of the court without leave of the court or of a judge thereof.

(2) Such leave shall not be granted
(a) unless it is made to appear by affidavit that the plaintiff or claimant has a good cause of action upon the merits of the case, the grounds for such statement being set forth;

(b)

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(b) if the court or judge is of opinion that the action, suit or proceeding ought not to be taken in the province in which the plaintiff or claimant is seeking to proceed; or

(c) if the court or judge is of opinion that the action, suit or proceeding may be prosecuted more conveniently or with less expense in another province.

(3) The court or judge may, in the order granting leave, limit a time for appearance and impose or prescribe such other conditions as are deemed reasonable or proper. R.S., c. 142, s. 37.

42. From time to time as occasion requires, upon its appearing that the ordinary procedure or practice of the court is inapplicable to any such action, suit or proceeding, or that as applied thereto it would be inconvenient, the court or a judge thereof may make orders varying such procedure or practice with respect to such action, suit or proceeding. R.S., c. 142, s. 38.

43. (1) An appeal lies from any final judgment of a stipendiary magistrate, except a decision under section 69 of the Regulations for the disposal of Quartz Mining Claims on Dominion Lands in the Northwest Territories, to the Appellate Division of the Supreme Court of Alberta where the matter in controversy amounts to the sum or value of five hundred dollars or upwards, or where the title to real property or some interest therein is in question, or the validity of a patent is affected, or the matter in question relates to the taking of an annual or other rent, customary or other duty or fee, or a like demand of a public or general nature affecting future rights, or in cases of proceedings for or upon mandamus, prohibition or injunction, or if the action be for the recovery of a claim, mining property, mineral claim or location as defined in the Regulations for the disposal of Quartz Mining Claims on Dominion Lands in the Northwest Territories or of any interest therein or to establish title thereto, or for the definition of or establishment of the boundaries of any such claim, mining property, mineral claim or location, or to establish the right of a claimant to any such claim, mining property, mineral claim or location or interest therein, or to have included within said claim, mining property, mineral claim or location, any land or property, or if the action be for divorce or judicial separation.

(2) The Appellate Division of the Supreme Court of Alberta and the judges thereof have the same powers, jurisdiction and authority with reference to any such appeal as if appeal from Trial Division. R.S., 1952.
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Notice of appeal.

Stay of execution.

Quorum.

Procedure.

(3) Notice of any such appeal shall be given within twenty days from the day upon which the judgment appealed from is pronounced or given, or within such further time as the stipendiary magistrate may allow.

(4) Execution of the judgment appealed from shall not be stayed except upon order of the stipendiary magistrate or the Appellate Division of the Supreme Court of Alberta, or a judge thereof, and upon such terms as may be just.

(5) Three judges of the Appellate Division of the Supreme Court of Alberta constitute a quorum for the hearing of appeals from the stipendiary magistrate.

(6) The procedure upon such appeals shall be regulated by the ordinary practice and procedure upon similar appeals coming before the Appellate Division of the Supreme Court of Alberta, so far as such practice and procedure are applicable and are not inconsistent with anything in this section, and except in so far as is otherwise provided by general rules made pursuant to this section.

(7) The judges of the Appellate Division of the Supreme Court of Alberta may make general rules not inconsistent with this Act for regulating the practice and procedure upon appeals from a stipendiary magistrate.

(8) An appeal lies to the Supreme Court of Canada from the judgment upon any appeal authorized by this section, wherever such an appeal to the Supreme Court of Canada would have been authorized had the judgment appealed from been delivered in a like case in the exercise of the ordinary jurisdiction of the Appellate Division of the Supreme Court of Alberta upon appeal in respect of cases originating in the courts of the Province of Alberta. 1948, c. 20, s. 2.

Stipendiary's oath of office.

44. (1) Every stipendiary shall, previously to entering upon the duties of his office, take an oath in the form following:

I, , do solemnly and sincerely promise and swear that I will duly and faithfully, and to the best of my skill and knowledge, execute the powers and trusts reposed in me as a stipendiary magistrate of the Northwestern Territories. So help me God.

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(2) Such oath shall be administered by the Commissioner or by a stipendiary. R.S., c. 142, s. 39.

45. (1) Any person in the public service of Canada may, at the instance of Her Majesty’s Attorney General of Canada, be granted by the Secretary of State of Canada a certificate of authority in Form A in the Schedule, which certificate shall remain in force whilst the person named therein remains in the public service of Canada, whether as a peace officer or otherwise and whether he continues to serve in the same capacity or otherwise, subject, however, to rescission of such certificate at any time and at the same instance by such Secretary of State.

(2) Under authority of such certificate but subject to production thereof, if it be demanded, to any person interested as owner, custodian or otherwise of any thing being sought as subject to seizure under this subsection, or of the building or other place or premises in which such thing is believed to be, or to any peace officer, the person named in the certificate may enter in the night time if he is, or is accompanied by, a peace officer, and in the day time without being so accompanied, any building that is not a dwelling house and any other place or premises (including vessels, boats, canoes, vehicles, motor cars, automobiles, aeroplanes and conveyances of any kind whatsoever) which building, place or premises is not within the Territories and in which such person has reason to believe that there is anything the shipment whereof from the Territories is prohibited, conditionally or otherwise, by any Act of Canada or Ordinance of the Territories, and may search for such thing there and seize it if and when found, and for the purpose of such search or seizure he may, in case of necessity, break open any entrance or door, wall, floor, window or gate and any chest or package.

(3) Anything in the shipment or carriage whereof from the Territories is prohibited conditionally or otherwise by any Act of Canada or Ordinance of the Territories and any receptacle of any kind whatsoever and any vessel, boat, canoe, vehicle, motor car, automobile, aeroplane or conveyance of any kind whatsoever found containing or appearing to have been used to remove unlawfully such thing from the Territories, shall be seized by any peace officer having a knowledge thereof and be subject to forfeiture.

(4) Whenever any vessel, vehicle, goods or thing has been seized or detained under any of the provisions of this Act or when it is alleged that any penalty or forfeiture has been.

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been incurred under the provisions of this Act the officer or game warden effecting such seizure or detention shall forthwith report the circumstances of the case to the Commissioner.

(5) The Commissioner may thereupon notify the owner or the claimant of the thing seized or detained or his agent or the person alleged to have incurred the penalty or forfeiture or his agent of the reasons for the seizure, detention, penalty or forfeiture and call upon him to furnish within thirty days from the date of the notice such evidence in the matter as he desires to furnish; such evidence may be by affidavit or affirmation made before any justice of the peace, commissioner for taking affidavits in any court or notary public.

(6) After the expiration of the said thirty days, or sooner if the person so called upon to furnish evidence so desires, the Commissioner or Deputy Commissioner may consider and weigh the circumstances of the case and report his opinion and recommendation thereon to the Minister.

(7) The Minister may thereupon either give his decision in the matter respecting the seizure, detention, penalty or forfeiture and the terms, if any, upon which the things seized or detained may be released or the penalty or forfeiture remitted or may refer the same to the Exchequer Court of Canada for decision; the Minister may by regulation authorize the Commissioner or the Deputy Commissioner to exercise the powers conferred by this section upon the Minister.

(8) Where the owner or claimant of the thing seized or detained or the person alleged to have incurred the penalty does not within thirty days after being notified of the decision of the Minister, the Commissioner or the Deputy Commissioner give the Minister, the Commissioner or the Deputy Commissioner, as the case may be, notice in writing that such decision will not be accepted the decision is final.

(9) Where the owner or claimant of the thing seized or detained or the person alleged to have incurred the penalty within thirty days after being notified of such decision gives the Minister, the Commissioner or the Deputy Commissioner, as the case may be, notice in writing that such decision will not be accepted the Minister may refer the matter to the Exchequer Court of Canada.

(10) On any reference of any such matter by the Minister to the Exchequer Court of Canada that court shall hear and consider such matter upon the papers and evidence referred

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referred and upon any further evidence that under the
direction of that court the owner or claimant of the thing
seized or detained or the person alleged to have incurred
the penalty or the Crown produces and shall decide accord-
ing to the right of the matter; judgment may be entered
upon any such decision and the same shall be enforceable
and enforced in like manner as other judgments of that
court.

(11) The service of notice to produce evidence and of the
Minister's decision is sufficient if it is effected by send-
ing such notice by mail in a registered letter addressed
to the owner or claimant or the person alleged to have
incurred the penalty at his address as stated in the report of
the seizure; and the thirty days allowed in respect of either
of such notices shall in case of such service by mail be
computed from the date of the mailing of such notification.

(12) If notice of intent to claim has been given and the
value of the goods or things seized does not, in the opinion
of the officer effecting the seizure, exceed one hundred
dollars such officer shall, if he chooses to proceed under this
section, forthwith cause the goods to be valued by a com-
petent appraiser and if such appraiser certifies them not to
exceed the said value a summary information in writing
may be exhibited before two justices of the peace in the
name of any officer authorized thereto by the Minister
charging the articles seized as forfeited under some par-
ticular Act and section thereof to be therein referred to and
praying condemnation thereof; and the justices shall there-
upon issue a general notice for all persons claiming interest
in the seizure to appear at a certain time and place to claim
the articles seized and answer the information and stating
that otherwise such articles will be condemned.

(13) A copy of the notice shall, at least eight days before the
time of appearance, be served upon the person from
whose possession the things were taken or shall be left at or
affixed to a building, vessel or vehicle, if any, in which they
were seized if there remaining or posted in clear view at
two public places nearest the place of seizure.

(14) Where any person appears to answer the informa-
tion the justices shall hear and determine the matter in a
summary manner and acquit or condemn the articles but
where no person appears judgment of condemnation shall
be given; and the justices on condemnation shall issue a
warrant to the officer first in this section mentioned to sell
the goods. 1938, c. 38, s. 1.
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Royal Canadian Mounted Police.

46. The Commissioner may, subject to any orders made in that behalf, from time to time, by the Governor in Council, issue orders to the Royal Canadian Mounted Police, in aid of the administration of civil and criminal justice, and for the general peace, order and good government of the Territories. R.S., c. 142, s. 40.

Administration of Criminal Law.

47. (1) The procedure in criminal cases shall, subject to any Act of the Parliament of Canada, conform as nearly as may be to the procedure existing in like cases in England on the 15th day of July, 1870.

(2) No grand jury shall be summoned or sit in the Territories. R.S., c. 142, s. 41.

Stipendiary to have powers of one or more justices.

48. Every stipendiary has and may exercise the powers of a justice of the peace, or of any two justices of the peace under any laws or ordinances in force in the Territories. R.S., c. 142, s. 42.

Summary trial of certain offences.

49. Every stipendiary may in a summary way, and without the intervention of a jury, hear, try and determine any charge against any person of having committed in the Territories, the offence of

(a) theft or attempt to steal, or obtaining money or property by false pretenses, or, unlawfully receiving stolen property, in any case in which the value of the whole property alleged to have been stolen, obtained or received, does not, in the opinion of such stipendiary, exceed two hundred dollars;

(b) unlawfully wounding or inflicting any grievous bodily harm upon any other person, either with or without a weapon or instrument;

(c) indecent assault on any female, or on a male person under the age of fourteen years, when such assault, if upon a female, does not, in his opinion, amount to an assault with intent to commit rape; or

(d) escaping from lawful custody or committing prison breach, or assaulting, resisting or wilfully obstructing any judge or any public or peace officer engaged in the execution of his duty, or any person acting in aid of such officer. R.S., c. 142, s. 43.

Trial with jury.

50. When any person is charged with a criminal offence not within section 49, and which is not otherwise by any law made summarily triable without the consent of the accused

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accused, the charge shall be heard, tried, and determined by a stipendiary with the intervention of a jury; but in any case the accused may, with his own consent, be tried by a stipendiary in a summary way and without the intervention of a jury. R.S., c. 142, s. 44.

Summary trial with consent.

51. In any case of trial with the intervention of a jury, the jury shall be composed of six jurors. R.S., c. 142, s. 45.

52. (1) Whenever, upon a trial of an indictable offence in a summary way before a stipendiary under the preceding sections, the stipendiary is not satisfied that the accused is guilty of the offence with which he stands charged, but the circumstances are such that upon a trial before a jury under the Criminal Code for the like offence, the accused might be found guilty of some other offence, the stipendiary has the same power as to findings as a jury would have in the like circumstances under the Criminal Code, and may convict the accused of such other offence, notwithstanding that such offence is one for which, under the preceding sections, the accused could not, without his own consent, have been tried in a summary way.

(2) The person so convicted is liable to the punishment by the Criminal Code or otherwise by law prescribed in such cases for the offence of which he is so found guilty. R.S., c. 142, s. 46.

53. The stipendiary shall, upon every such trial, take or cause to be taken down in writing full notes of the evidence and other proceedings thereat; and all persons tried as aforesaid shall be admitted, after the close of the case for the prosecution, to make full answer and defence by counsel, attorney or agent. R.S., c. 142, s. 47.

54. Persons required as jurors for a trial shall be summoned by a stipendiary from among such male persons as he thinks suitable in that behalf; and the jury required on such trial shall be called from among the persons so summoned as such jurors, and shall be sworn by the stipendiary who presides at the trial. R.S., c. 142, s. 48.

55. (1) Any one arraigned for treason or an offence punishable with death, or an offence for which he may be sentenced to imprisonment for more than five years, may challenge peremptorily, and without cause, any number of jurors not exceeding six; and every peremptory challenge beyond that number is void.

(2) The Crown may peremptorily challenge any number of jurors not exceeding four.

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(3) Challenges for cause shall be the same as are provided for under the Criminal Code. R.S., c. 142, s. 49.

56. Where, by reason of challenges or otherwise, the number of jurors summoned for the trial is exhausted, the stipendiary shall direct some constable or other person to summon by word of mouth from among the bystanders or from the neighbourhood, such number of persons as are necessary to make up a jury, who are subject to challenge as if summoned by the stipendiary in the first instance; and the like proceedings shall be repeated, if necessary, until a jury is obtained competent to try the case. R.S., c. 142, s. 50.

57. Any person so summoned to serve as a juror who makes default or refuses to serve as such juror, without lawful excuse to the satisfaction of the stipendiary, may be fined by him in a sum not exceeding ten dollars, and committed to prison until such fine is paid. R.S., c. 142, s. 51.

58. Any person duly summoned, whether on behalf of the prisoner or against him, to attend and give evidence on any such trial, is bound to attend on the day appointed for the same, and shall remain in attendance throughout the whole trial; and, if he fails so to attend, he shall be deemed guilty of contempt of court and may be proceeded against therefor. R.S., c. 142, s. 52.

59. (1) Upon proof to the satisfaction of the stipendiary of the summoning of any witness who fails to attend, and upon such stipendiary being satisfied that the presence of such witness before him is indispensable to the ends of justice, he may, by his warrant, cause such witness to be apprehended and forthwith brought before him to give evidence and to answer for his contempt; and such witness may be detained on such warrant, with a view to secure his presence as a witness, or may be released on recognizance, with or without sureties, conditioned for his appearance to give evidence as therein mentioned and to answer for his contempt.

(2) The stipendiary may, in a summary manner, examine and dispose of the charge of contempt against such witness who, if found guilty of contempt, may be fined or imprisoned, or both, such fine not to exceed one hundred dollars, and such imprisonment to be with or without hard labour, and not to exceed the term of ninety days. R.S., c. 142, s. 53.

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60. Returns of all trials and proceedings, civil and criminal, shall be made to the Commissioner in such form and at such time as he directs. R.S., c. 142, s. 54.

61. The Governor in Council may, from time to time, by proclamation, declare that sections 50 to 60, or any of them, shall be repealed from and after the date named in such proclamation. R.S., c. 142, s. 55.

62. The trial of any person charged with a criminal offence shall be commenced by a formal charge in writing setting forth as in an indictment the offence wherewith he is charged. R.S., c. 142, s. 56.

63. (1) Every justice of the peace or other magistrate holding a preliminary investigation into any criminal offence that may not be tried under the provisions of the Criminal Code relating to summary convictions shall, immediately after the conclusion of such investigation, transmit to the nearest stipendiary, all informations, examinations, depositions, recognizances, inquisitions and papers connected with such charge.

(2) Whenever any person charged with a criminal offence is committed to gaol for trial, the person in charge of such gaol shall, within twenty-four hours, notify the nearest stipendiary, in writing, that such prisoner is so confined, stating his name and the nature of the charge preferred against him; whereupon with as little delay as possible, the stipendiary shall cause the prisoner to be brought before him for trial, either with or without a jury, as the case requires. R.S., c. 142, s. 57.

64. (1) Where imprisonment for any term not less than two years is awarded in any case, the convict may, on the warrant of the stipendiary, be ordered to be imprisoned in any gaol or penitentiary in the Territories, or to be conveyed to such penitentiary as may be, from time to time, declared to be the penitentiary for such Territories under the provisions of the Penitentiary Act.

(2) Whenever any convict or accused person is ordered to be conveyed to such penitentiary, any constable or other person in whose charge he is to be so conveyed, may hold and convey him, or retake him in case of an escape.

(3) The warden of such penitentiary may detain and deal with any such convict or accused person as if such penitentiary was within the Territories, or as if such convict or accused person had been ordered to be conveyed to such penitentiary R.S., 1952.
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Penitentiary by some competent court or authority in the province in which such penitentiary is situated. R.S., c. 142, s. 58.

65. (1) Where it is impossible or inconvenient, by reason of the absence or remoteness of any gaol or other place of confinement, to carry out any sentence of imprisonment, any stipendiary or justice of the peace may sentence any person convicted before him of an offence, other than the breach of a municipal by-law, to be placed and kept in the custody of the Royal Canadian Mounted Police, with or without hard labour.

(2) Any police guard house or guard room in the Territories is a penitentiary, gaol or place of confinement for all purposes except the confinement of any person sentenced to imprisonment for breach of a municipal by-law.

(3) Where any municipality makes arrangements with the Commissioner of the Royal Canadian Mounted Police for the maintenance of persons convicted of a breach of any by-law of such municipality during the period of their sentence, the provisions of this section thereafter apply to such persons in like manner as to other offenders. R.S., c. 142, s. 59.

66. The Governor in Council may, from time to time, direct that any building, or any part thereof, or any inclosure, in any part of the Territories, shall be a gaol or lock-up for the confinement of prisoners charged with the commission of any offence or sentenced to any punishment or confinement therein; and confinement therein shall thereupon be held lawful and valid, whether such prisoners are being detained for trial or are under sentence of imprisonment in a penitentiary, gaol or other place of confinement. R.S., c. 142, s. 60.

67. The Governor in Council may, at any time, direct that any building, or any part thereof, or any inclosure shall cease to be a gaol or lock-up, and thereupon such building or part thereof, or such inclosure shall cease to be a gaol or lock-up. R.S., c. 142, s. 61.

68. (1) The Governor in Council may make rules and regulations for the management, discipline and policy of such gaols or lock-ups, and for fixing and prescribing the duties and conduct of the gaolers and every other officer or servant employed therein, and for the diet, bedding, maintenance, employment, classification, instruction, discipline, correction, punishment and reward of persons confined therein.

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(2) All gaolers, officers, prisoners and other persons are bound to obey such rules and regulations. R.S., c. 142, s. 62.

69. The Governor in Council may from time to time prescribe the terms and conditions upon which persons convicted or accused of any offence under any Ordinance of the Territories, or any municipal by-law or regulation, or sentenced to confinement under any such Ordinance, by-law or regulation, or arrested under any civil process, shall be received and kept in any gaol or lock-up created under the authority of sections 66, 67 and 68; and he may, from time to time, specify what gaols and lock-ups shall be available for the confinement of such persons. R.S., c. 142, s. 63.

70. (1) Every stipendiary, with respect to any criminal offence committed or charged to have been committed within the Territories, has and may exercise, not only within the Territories, but also in any part of Canada not within the Territories, any or all, the jurisdiction and powers conferred upon him by sections 47 to 69, or which he otherwise possesses with relation to the administration of criminal justice.

(2) All statutory and other provisions of the law that would be applicable with respect to criminal proceedings within the Territories apply in like manner with respect to proceedings instituted or to be instituted or prosecuted under the authority of this section at any place not within the Territories.

(3) Any judgment, conviction, sentence or order of any stipendiary sitting either with or without a jury, and pronounced or made at any place in Canada not within the Territories, may be enforced and executed at the place where the same is pronounced or made, or elsewhere, either within or without the Territories as the stipendiary may, in the exercise of the jurisdiction which he possesses, and by the said judgment, conviction, sentence or order, direct.

(4) The proper officers of the Territories have and may exercise all powers and authority requisite or necessary for the enforcement and execution of any such judgment, conviction, sentence or order at the place where the same is directed to be enforced or executed, notwithstanding that such place is not within the Territories. R.S., c. 142, s. 64.
Coroners and Inquests.

71. The Indian Commissioner for the Territories, the stipendiaries, the commissioner and assistant commissioner of the Royal Canadian Mounted Police, and such other persons as the Commissioner, from time to time, appoints, are coroners in and for the Territories. R.S., c. 142, s. 65.

72. Except as hereinafter provided, no inquest shall be held upon the body of any deceased person by any coroner, unless it has been made to appear to such coroner that there is reason to believe that the deceased died from violence or unfair means, or by culpable or negligent conduct either of himself or of others, under such circumstances as require investigation, and not through mere accident or mischance. R.S., c. 142, s. 66.

73. Upon the death of any prisoner, the gaoler or officer in charge of the gaol wherein such prisoner dies shall immediately give notice to the nearest resident coroner, and such coroner shall proceed forthwith to hold an inquest upon the body. R.S., c. 142, s. 67.

74. It is not necessary in any case that a coroner's jury shall exceed six persons, but, subject to the provisions of section 75, in every case of an inquest six jurors must agree in order to render the verdict valid. R.S., c. 142, s. 68.

75. Where in the opinion of a coroner it is impracticable to obtain six jurors, he may hold an inquest with a jury of a less number or without a jury, and in such case the inquisition shall state that the inquest has been so held, with the reasons therefor; and the verdict of the jury, if less than six in number, shall be unanimous; and if there is no jury the coroner may find such verdict as a jury might have found. R.S., c. 142, s. 69.

76. Coroners have the same powers to summon witnesses and to punish them for disobeying a summons to appear or for refusing to be sworn or to give evidence as are enjoyed by justices of the peace. R.S., c. 142, s. 70.

Fees in Criminal Cases and Inquests.

77. The fees of coroners, jurors and witnesses attending criminal trials and inquests may be fixed, from time to time, by the Governor in Council, and paid in such manner as he directs. R.S., c. 142, s. 71.
Lunatics.

78. Whenever, under any law or ordinance in force in the Territories, any insane person is kept in custody until the pleasure of the Commissioner is known, or until such person is discharged by law, the Commissioner may cause such person to be removed to and confined in any asylum or place of confinement, from time to time designated for that purpose by the Governor in Council, and the superintendent or warden of such asylum or place of confinement shall receive such person and detain him therein until the pleasure of the Commissioner is known, or until such person is discharged by law. R.S., c. 142, s. 72.

79. The Lieutenant-Governor of the Province of Manitoba may cause any insane person who came from the Territories and who was confined in a temporary lunatic asylum on the 20th day of July, in the year 1885, to be removed to the Manitoba lunatic asylum. R.S., c. 142, s. 73.

80. Where any insane person confined in such asylum or place of confinement under this Part escapes therefrom, any of the officers or servants thereof, or any other person or persons, at the request of such officers or servants or any of them, may within forty-eight hours after such escape if no warrant has been issued and within one month after such escape if a warrant in the Form B in the Schedule has been issued by the superintendent or warden of such asylum or place of confinement in that behalf, retake such escaped person and return him thereto; and he shall remain in custody therein under the authority by virtue of which he was detained prior to such escape. R.S., c. 142, s. 74.

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

(2) Any such person lawfully detained in any such asylum at the time of the coming into force of this Act may be detained in such asylum by the superintendent or warden thereof until otherwise discharged by law. R.S., c. 142, s. 75; 1940, c. 36, s. 2.

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Part II.


Road Allowances.

82. All road allowances in townships now or hereafter surveyed and subdivided in the Territories, and all road allowances set out on block lines now or hereafter surveyed in the Territories, the plans of survey whereof have been duly approved, shall be subject to the direction, management and control of the Commissioner, for the public use of the Territories, subject to any ordinance made or to be made with respect thereto. R.S., c. 142, s. 76.

83. On the Minister receiving notice from the Commissioner of any particular thoroughfare or public travelled road or trail in the Territories, which existed as such prior to the subdivision of the land into sections and which it is desired to have transferred to the Territories, the Governor in Council may pass an order authorizing the survey of such road or trail by a Dominion land surveyor, such survey to be made under instructions from the Commissioner in accordance with a manual of instructions regarding the manner of making such surveys approved by the Surveyor General of Dominion Lands. R.S., c. 142, s. 77.

84. Upon approval of the returns of such survey by the Surveyor General, one copy thereof shall be filed in the Department of Mines and Technical Surveys and one in the Land Titles Office, if there be any such office, for the district within which such road or trail is situated; and such road or trail may then be transferred by the Governor in Council for the use of the Territories, subject to any rights that may have been acquired under letters patent issued previous to such transfer. R.S., c. 142, s. 78.

85. The width of such road or trail shall be one chain or sixty-six feet; and, in making the survey, the surveyor shall make such changes in the location of the road or trail as he finds necessary for improving it, without, however, altering its main direction. R.S., c. 142, s. 79.

86. (1) The Commissioner may cause to be surveyed and marked on the ground such roads or trails as are from time to time deemed necessary to aid in the development of any district which cannot be served by existing road allowances or by old trails as in the preceding sections provided.

(2) Such roads or trails shall be laid out one chain or sixty-six feet in width.

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(3) In making the survey the manual of instructions aforesaid shall be followed.

(4) One copy of the returns of such survey shall be filed in the Land Titles Office for the district within which such road or trail is situated, if there is any such office, and one copy in the office of the Commissioner. R.S., c. 142, s. 80.

87. The effect of the filing of the returns of such survey shall be to vest the lands shown on such returns as a road or trail in Her Majesty for the public use of the Territories as a highway, without prejudice, however, to the legal rights of the owner to compensation therefor. R.S., c. 142, s. 81.

Enforcement of Territorial Ordinances.

88. Unless otherwise therein specially provided, proceedings for enforcing any Territorial Ordinance by the imposition of punishment by fine, penalty or imprisonment may be brought summarily before a justice of the peace under the provisions of the Criminal Code relating to summary convictions. R.S., c. 142, s. 82.

PART II.

ADMINISTRATION OF CIVIL JUSTICE.

89. (1) Every stipendiary has jurisdiction, power and authority to hold courts, whether established by Ordinance of the Territories or not, at such times and places as he thinks proper, and at such courts, as sole judge, to hear all claims, disputes and demands whatsoever, except as herein otherwise provided, that are brought before him, and to determine any questions arising thereout, as well of fact as of law, in a summary manner; and such courts shall be open public courts.

(2) On the application to set a cause down for trial, if the action is for slander, libel, false imprisonment, malicious prosecution, seduction or breach of promise of marriage, or if the action arises out of a tort, wrong or grievance in which the damages claimed exceed five hundred dollars, or if the action is for debt or founded on contract wherein the amount claimed or the damages sought to be recovered, exceeds one thousand dollars, or if the action is for the recovery of real property, and either party signifies his desire to have the issue of fact therein tried by a judge with a jury, or the judge so directs, the same shall be tried by a jury. R.S., c. 142, s. 83.

90. R.S., 1952.
90. In cases of disputed accounts, the stipendiary may, in place of a trial by jury, direct the evidence to be taken by the clerk of any court, or by any other competent person; which clerk or other person shall be sworn to take the evidence truly, and to reduce it to writing. R.S., c. 142, s. 84.

91. The stipendiary may give judgment on the verdict of the jury or upon the evidence taken by the clerk or other person as aforesaid, or may, in the case of a verdict, order a new trial, when justice seems to require it. R.S., c. 142, s. 85.

92. In all cases a stipendiary may give such judgment and make such orders and decrees, interlocutory and final, as appear just and agreeable to equity and good conscience. R.S., c. 142, s. 86.

93. No court, judge or stipendiary in the Territories has jurisdiction in respect of any action for a gambling debt, or of any action by any person on any promissory note, bill of exchange, cheque, draft or other document or writing whatsoever, the consideration or any part of the consideration for which was a gambling debt. R.S., c. 142, s. 87.

94. Every judgment of a stipendiary shall be pronounced in open court as soon as may be after the hearing of the case; except that, in any case where the stipendiary is not prepared to pronounce judgment at the close of the trial, he may postpone judgment and deliver and enter the same subsequently, and such judgment is as effectual as if rendered in court at the trial. R.S., c. 142, s. 88.

95. The proceedings to carry into effect any such judgment, order or decree, whether interlocutory or final, shall be as prescribed by any Ordinance of the Territories; or, if no such ordinance is in force when any such judgment, order or decree is rendered, then in such manner as the stipendiary who pronounced the same directs. R.S., c. 142, s. 89.

96. Notwithstanding any power conferred upon the Commissioner in Council to repeal the provisions of this Part the Governor in Council may, from time to time, by proclamation repeal such provisions or any of them, from and after the day to be named in such proclamation. R.S., c. 142, s. 90.

R.S., 1952.
PART III.

INTOXICANTS.

97. No intoxicating liquor or intoxicant shall be manufactured, compounded or made in the Territories, except by special permission of the Governor in Council; nor shall any intoxicating liquor or intoxicant be imported or brought into the Territories from any province of Canada, or elsewhere, or be sold, exchanged, traded or bartered, or had in possession therein, except by special permission in writing of the Commissioner. R.S., c. 142, s. 91.

98. Intoxicating liquors or intoxicants imported or brought from any place out of Canada into the Territories, by special permission in writing of the Commissioner, are subject to the customs and excise laws of Canada. R.S., c. 142, s. 92.

99. The Commissioner shall make an annual return, up to the 31st day of December in each year, of the number of such permissions so given by him, and the quantity and nature of the intoxicating liquors and intoxicants in each case, to the Minister, who shall lay the same before Parliament. R.S., c. 142, s. 93.

100. Where any such intoxicating liquor or intoxicant is manufactured or made in the Territories, or is imported or brought into the Territories, or sold, exchanged, traded or bartered in violation of the provisions of this Part, such liquor or intoxicant may be seized by any officer of the customs or excise, or by any constable or other duly qualified person, wheresoever found, and shall be forfeited. R.S., c. 142, s. 94.

101. (1) Any stipendiary or justice of the peace on complaint made before him, may, on evidence that the provisions of this Part have been violated in respect to any intoxicating liquor or intoxicant,

(a) declare the same to be forfeited and if it has been seized, order and cause it to be forthwith destroyed, or

(b) if such liquor or intoxicant has not been seized, issue a warrant authorizing search therefor, as in the case of stolen goods, and, if found, cause the same to be forthwith destroyed.

(2) The person in whose possession any such intoxicating liquor or intoxicant is found shall incur a penalty not exceeding two hundred dollars and not less than fifty dollars.

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Application.

(3) A moiety of such penalty shall belong to the person laying such information. R.S., c. 142, s. 95.

102. The still, machinery, keg, barrel, case, box, package or receptacle whence or in which any intoxicating liquor or intoxicant has, in violation of the provisions of this Part, been manufactured, imported or made, sold, exchanged, traded or bartered, including the vessel in which the original supply or any portion thereof was contained or supplied as aforesaid, and the remainder, if any, of the contents thereof, if any such still, machinery, keg, barrel, case, box, package, receptacle or vessel can be identified, may be seized by any officer of the customs or excise or by any constable or other duly qualified person, wheresoever found within the Territories. R.S., c. 142, s. 96.

Forfeiture of still, etc.

103. (1) Any stipendiary or justice of the peace may, on complaint before him, and on evidence that the provisions of this Part have been violated in respect of any such still, machinery, vessel or receptacle, declare the same forfeited, and cause the same to be forthwith destroyed.

(2) The person in whose possession any of them are found, shall incur a penalty not exceeding two hundred dollars and not less than fifty dollars, with costs.

(3) A moiety of such penalty shall belong to the person laying the information. R.S., c. 142, s. 97.

Forfeiture of importing vessels.

104. Every vehicle and every ship, vessel or boat, on which any such intoxicating liquor or intoxicant is imported or conveyed into, or through, or over any portion of the Territories, contrary to the provisions of this Part, together with the horses or other cattle employed in drawing any such vehicle as aforesaid, shall be forfeited to Her Majesty, and may be seized and dealt with accordingly. R.S., c. 142, s. 98.

Manufacturing, etc., without permission.

105. (1) Every person who manufactures, makes, compounds, imports, sells, exchanges, trades or barters any intoxicating liquor or intoxicant, except by special permission as aforesaid, or in whose possession or on whose premises any intoxicating liquor or intoxicant of any kind is or has been, in violation of this Part, shall incur a penalty not exceeding two hundred dollars and not less than fifty dollars.

(2) A moiety of such penalty shall belong to the person laying the information. R.S., c. 142, s. 99.

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106. (1) Every person who knowingly has in his possession any article, chattel, commodity or thing purchased, acquired, exchanged, traded or bartered, either wholly or in part, for any intoxicating liquor or intoxicant, shall, for each offence, incur a penalty not exceeding two hundred dollars and not less than fifty dollars.

(2) A moiety of such penalty shall belong to the person laying the information. R.S., c. 142, s. 100.

107. Every article, chattel, commodity or thing, in the purchase, acquisition, exchange, trade or barter of which the consideration, either wholly or in part, is any intoxicating liquor or intoxicant, shall be forfeited to Her Majesty, and shall be seized, as hereinbefore provided in respect of any intoxicating liquor or intoxicant. R.S., c. 142, s. 101.

108. (1) Every person who refuses or neglects to aid any constable, sub-constable, or other duly authorized person in the execution of any act or duty required under any of the preceding provisions of this Part, or who knowingly refuses to give information, or gives false information in respect to any such matter, shall incur a penalty not exceeding two hundred dollars and not less than fifty dollars.

(2) A moiety of such penalty shall belong to the person laying the information. R.S., c. 142, s. 102.

109. Every penalty incurred under any of the provisions of this Part shall be recoverable, with costs, on summary conviction, on evidence before any stipendiary or justice of the peace, who shall, on payment of such penalty and costs, pay to the person laying the information his share thereof. R.S., c. 142, s. 103.

110. In case of non-payment of the penalty and costs immediately after conviction, the convicting stipendiary or justice of the peace may, in his discretion, levy the same by distress and sale or may commit the person convicted to any common gaol or lock-up for a term not exceeding six months, with or without hard labour, unless the said penalty and costs are sooner paid. R.S., c. 142, s. 104.

111. Upon conviction for a subsequent offence, the offender is liable, on summary conviction, to a penalty not exceeding four hundred dollars and not less than two hundred dollars, and, in the discretion of the convicting stipendiary or justice of the peace, to imprisonment with or without hard labour in any common gaol or lock-up for a term not exceeding six months. R.S., c. 142, s. 105.

112. R.S., 1952.
112. No seizure, prosecution, conviction or commitment under this Part is invalid for want of form, so long as the same is according to the true intent and meaning of this Part. R.S., c. 142, s. 106.

PART IV.

SALE OF ARMS AND AMMUNITION.

113. (1) This Part shall come into force from and after a day to be named therefor by proclamation of the Governor in Council; and upon and after the date so named, this Part shall become and be in force in the Territories or in any place therein in such proclamation designated.

(2) The Governor in Council may, in like manner, from time to time declare this Part to be no longer in force in the Territories or in any such place and may again, from time to time, declare the same to be in force therein.

(3) All courts, judges and justices of the peace shall take judicial notice of any such proclamation. R.S., c. 142, s. 107.

114. The provisions of this Part respecting the possession of arms and ammunition do not apply to any officer or man of Her Majesty's forces, of the permanent force of Canada, of the Militia force, or of the Royal Canadian Mounted Police force. R.S., c. 142, s. 108.

Offences and Penalties.

115. Every person who, in the Territories,

(a) without the permission in writing, the burden of proof of which shall be on him, of the Commissioner or of a commissioner appointed by him to give such permission, has in his possession or sells, gives, exchanges, trades or barters to or with any person, any improved arm or ammunition, or

(b) having such permission, sells, gives, exchanges, trades or barters any such arm or ammunition to or with any person not lawfully authorized to possess the same,

is, on summary conviction before a stipendiary or two justices of the peace, liable to a penalty not exceeding two hundred dollars, or to imprisonment for any term not exceeding six months, or to both. R.S., c. 142, s. 109.

116. All arms and ammunition that are in the possession of any person, or are sold, given, exchanged, traded or bartered to or with any person in violation of section 115, shall be forfeited to Her Majesty and may be seized by any constable or other peace officer; and any stipendiary or justice of the peace may issue a search warrant to search for and seize the same, as in the case of stolen goods. R.S., c. 142, s. 110.

Regulations.

117. The Governor in Council may make regulations respecting

(a) the granting of permission to sell, exchange, trade, barter, give or possess arms and ammunition;
(b) the fees to be taken in respect thereof;
(c) the returns to be made respecting permissions granted; and
(d) the disposition to be made of forfeited arms and ammunition. R.S., c. 142, s. 111.

SCHEDULE.
FORM A.

Certificate of Authority.

Granted to an officer enforcing subsection (3) of Section 45 of the Northwest Territories Act.

This is to certify that (name) of (city, town or other place) in the (province, &c.) Canada (office or occupation) is authorized by and under section 45 of the Northwest Territories Act to enter in the night time if he is or is accompanied by a peace officer and in the day time without being so accompanied any building that is not a dwelling house and any other place or premises, (including vessels, boats, canoes, vehicles, motor cars, automobiles, aeroplanes and conveyances of any kind whatsoever) which building, place or premises is not within the Northwest Territories and in which such person has reason to believe that there is any thing the shipment or carriage whereof from such Territories is prohibited, conditionally or otherwise, by any Act of Canada or Ordinance of such Territories; and to search for such thing there, and to seize it if and when found, and for the purpose of such search.
or seizure, in case of necessity, to break open any entrance or door, wall, floor, window or gate and any chest or package.

Dated at Ottawa, Canada, this ...................... day of ................................................ 19......

Secretary of State of Canada.

FORM B.

WARRANT TO RETAKE ESCAPED PATIENT.

Manitoba Lunatic Asylum (or as the case may be).

To and all or any of the peace officers, in the county (or as the case may be) of

Whereas, on the day of last past, being within one month from the date hereof, A. B., an insane person confined in the Manitoba Lunatic Asylum (or as the case may be), of which I, am superintendent (or warden), did escape from the said asylum (or as the case may be):

These are therefore to authorize and command you, or any of you, the said peace officers in Her Majesty's name, at any time within one month from the date of the said escape, to retake the said A. B., and safely convey him to this asylum (or as the case may be) and deliver him into my charge.

Given under my hand and seal this day of , in the year at , in the county aforesaid.

(Signature) [L.S.]

Superintendent.

R.S., c. 142, Sch.; 1938, c. 38, s. 2.

EDMOND CLOUTIER, C.M.G., O.A., D.S.P.
QUEEN'S PRINTER AND CONTROLLER OF STATIONERY
OTTAWA, 1952

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CHAPTER 196.

An Act respecting the supplying of Electrical Power in the Northwest Territories.

SHORT TITLE.

1. This Act may be cited as the Northwest Territories Short title. Power Commission Act. 1948, c. 64, s. 1.

INTERPRETATION.

2. In this Act, Definitions.

(a) "Commission" means the Northwest Territories Power Commission;

(b) "local administrative district" means a local adminis- "Local "Local administrative district established pursuant to the Local administrative district established pursuant to the Local Administrative Districts Ordinance of the Northwest Territories;

(c) "member" means a member of the Commission; "Member;"

(d) "Minister" means the Minister of Resources and Development; "Minister;"

(e) "power" means electric energy produced by hydraulic, electrical, steam, or internal-combustion engine, or by gas, oil, or any other process;

(f) "power plant" includes all land, water, rights to use "Power "Power water, buildings, works, machinery, installations, plant," materials, transmission lines, furnishings and equipment, construction plant, stores and supplies, acquired, constructed or used, or adapted for, or in connection with the generation, supply and transmission of power;

(g) "power-site" includes any land, stream, watercourse, "Power site." "Power lake or body of water or reservoir, dam, canal, tunnel or aqueduct that is used, or that in the opinion of the Commission might be used for the generation or supply of power; and

(h) "power rates" includes charges set or made for the "Power supply of power, including all conditions of supply rates." pertaining thereto. 1948, c. 64, s. 2; 1949 (2nd Sess.), c. 18, s. 6.

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3. (1) There is hereby established for the purposes set forth in this Act a corporation to be called the Northwest Territories Power Commission.

(2) The Commission shall consist of one member to be appointed by the Governor in Council to be chairman and not more than two additional members to be appointed by the Governor in Council.

(3) The Chairman is the chief executive officer of the Commission.

(4) The members of the Commission hold office during pleasure.

(5) Each member of the Commission shall be paid such sums for his services as the Governor in Council may determine.

(6) A vacancy in the membership of the Commission does not impair the right of the remaining members to act.

(7) Where the membership consists of two or three members two members constitute a quorum.

(8) The Commission may make rules for the regulation of its proceedings and the performance of its duties and functions under this Act.

(9) The Commission shall comply with any directions from time to time given to it by the Governor in Council or the Minister respecting the exercise of its powers. 1948, c. 64, s. 3.

4. (1) The Commission is for all its purposes an agent of Her Majesty and its powers may be exercised only as an agent of Her Majesty.

(2) For the purposes of this Act the Commission may in its own name enter into contracts and acquire or hold real and personal property or any interest therein.

(3) Actions, suits or other legal proceedings in respect of any right or obligation acquired or incurred by the Commission on behalf of Her Majesty, whether in its name or in the name of Her Majesty, may be brought or taken by or against the Commission in the name of the Commission in any court that would have jurisdiction if the Commission were not an agent of Her Majesty. 1948, c. 64, s. 4; 1950, c. 51, s. 16.

5. (1) The Commission may employ such officers and servants as it deems necessary to carry out this Act, but, subject to subsection (2), the rates of remuneration and the terms or conditions of employment shall be such as are approved by the Governor in Council.

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(2) Where it is necessary for the proper operation and maintenance of any power plant or power line the Commission may employ a person for a period not exceeding three months at such rates of remuneration and on such terms or conditions of employment as may be fixed by the Commission.

(3) For the purposes of Part I of the Civil Service Superannuation Act the members of the Commission and every person employed under subsection (1) are deemed to be employed in the Civil Service within the meaning of that Act.

(4) Where an employee of the Commission is a contributor under Part I of the Civil Service Superannuation Act the Commission is liable to pay into the Consolidated Revenue Fund on the 31st day of March in each year an amount equal to the contributions made by the contributor during that fiscal year and each amount, so paid, shall be credited to the Superannuation Account in the Consolidated Revenue Fund. 1948, c. 64, s. 5.

POWERS.

6. (1) The Commission may construct and operate power plants within the Northwest Territories or the Yukon Territory and for those purposes may

(a) undertake surveys and engineering investigations for the development of power sites;
(b) generate and supply power;
(c) construct, make, or establish every kind of structure, excavation, or installation suitable for or necessary to the development or operation of power-sites, power projects, or power plants, and the control and transmission of power;
(d) purchase and install equipment and facilities for the development or operation of power-sites, power projects, or power plants;
(e) construct and maintain dams for storage and power purposes, and flood and overflow land for the storage of water;
(f) raise or lower the levels of rivers, lakes, streams and other bodies of water, and make stream or river diversions;
(g) subject to the approval of the Governor in Council enter upon and erect on, under, or over, any roads, railways, rivers, streams, waterways, or lands, any structure or facility related to the generation and supply of power;

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(h) develop, improve, and operate any property of the Commission;

(i) purchase or lease power from, or sell power to, any person who operates a power plant within or outside the Northwest Territories or the Yukon Territory;

(j) sell, exchange, or otherwise dispose of any personal property of the Commission and, with the approval of the Governor in Council, any real property of the Commission; and

(k) do such other things as it deems expedient for or conducive to the attainment of the purposes set forth in this section.

(2) The Commission is entitled to receive upon application any licence or other authority under the *Dominion Water Power Act* necessary to enable the Commission to carry out the provisions of this Act.

(3) The Commission shall not with respect to any project undertake or enter into any contract, other than for maintenance or repairs, for the construction, making, erection, purchase or installation of any works, excavations, undertakings, equipment or facilities, involving a total estimated expenditure exceeding fifty thousand dollars unless the undertaking of the project by the Commission has been approved by the Governor in Council. 1948, c. 64, s. 6; 1950, c. 17, s. 1.

**EXPROPRIATION.**

Expropriation.  

7. (1) With the prior approval of the Governor in Council the Commission may without the consent of the owner take lands for the purposes of this Act and, except as otherwise provided in this section, all the provisions of the *Expropriation Act* are, *mutatis mutandis*, applicable to the taking or abandonment of lands by the Commission.

(2) For the purposes of section 9 of the *Expropriation Act* the plan and description may be signed by the Chairman or any other member of the Commission or by a Dominion land surveyor.

(3) The Commission shall pay compensation for lands taken under this section or for damage to lands injuriously affected by the construction of any power plant and all claims against the Commission for such compensation may be heard and determined in the Exchequer Court of Canada in accordance with the rules and practice of the said Court and in accordance with sections 46 to 49 of the *Exchequer Court Act*.

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(4) The Commission shall pay out of the funds administered by it the compensation agreed upon or adjudged by the Exchequer Court to be payable.

(5) In this section the expression "take lands" includes enter upon, take possession of, use and take lands for a limited time or otherwise or for a limited estate or interest.

1948, c. 64, s. 7.

8. Where any power plant is acquired by the Commission with or without the consent of the owner, the Commission may by order release the owner from all his obligations relating to the generation, purchase or supply of power from the plant so acquired and the order is binding on all persons.

1948, c. 64, s. 8.

SUPPLY OF POWER.

9. Power purchased or generated by the Commission may be supplied under agreement to mines, local administrative districts or to such power districts or power areas as may be established by the Commission for convenience of administration and supply of power.

1948, c. 64, s. 10.

10. Power purchased or generated by the Commission may be distributed by the Commission over its distributing lines to consumers in any district or area.

1948, c. 64, s. 11.

11. The Commission shall, with the approval of the Governor in Council, establish schedules or ranges of rates for power supplied by it under this Act, but the rates to be charged for power within the said schedules or ranges shall not be less than the estimated cost to the Commission, as determined by it, of supplying the power and which cost shall include:

(a) payments in respect of the interest on, and in respect of the principal amount of advances made or deemed to have been made to the Commission under this Act in respect of the power plant from which the power was supplied;

(b) the cost of operating, maintaining and repairing that power plant and its transmission lines, and other structures required or constructed for the purpose of supplying the power therefrom, the payment of rentals for power and power facilities, the cost of administration by the Commission, and the salaries, travelling expenses and other expenses of the members of the Commission and its staff, including payments required for superannuation purposes and for workmen's compensation.

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as provided by the Government Employees Compensation Act, and all other expenditures of the Commission properly attributable to the supply of the power;
(c) the establishment and maintenance of a contingency reserve fund in the amount considered necessary by the Commission to meet unforeseen or emergency expenditures. 1948, c. 64, s. 12.

12. The Commission may enter into agreements with any person for the supply of power at the rates authorized under section 11. 1948, c. 64, s. 13.

13. The Commission shall annually review and in accordance with section 11 shall adjust, if necessary, the rates charged for power supplied. 1948, c. 64, s. 14.

14. At the request of the Commissioner of the Northwest Territories or the Commissioner of the Yukon Territory, the Commission may investigate the supplying of power to any local administrative district, company or other person in the Northwest Territories or to any municipality, company or other person in the Yukon Territory, respectively, and advise the Commissioner of the Northwest Territories or the Commissioner of the Yukon Territory, as the case may be, of the areas that might be served, the estimated amount of capital required, and the proposed rates to the consumers that in the opinion of the Commission would produce revenue equal to the cost of supplying power under the provisions of section 11. 1950, c. 17, s. 2.

15. (1) The Minister of Finance may, on such terms and conditions as may be approved by the Governor in Council, make advances to the Commission for the purpose of capital expenditures under this Act out of moneys appropriated by Parliament for that purpose.
(2) The Minister of Finance may, from time to time, with the approval of, and on such terms and conditions as may be approved by the Governor in Council, make advances to the Commission for the purpose of capital expenditures under this Act from unappropriated money in the Consolidated Revenue Fund of amounts not exceeding at any one time one million dollars, and an amount equal to the expenditures made from such advances in any fiscal year shall be included in the Estimates for the following fiscal year submitted by the Minister to the Governor in Council, but where Parliament appropriates moneys to be advanced to the Commission for the purpose of capital expenditures

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expenditures under this Act after an advance has been made under this subsection, that advance, or an amount thereof equal to the moneys so appropriated, shall thereafter be deemed to have been made out of that appropriation and not under the authority of this subsection. 1948, c. 64, s. 17.

16. (1) Moneys advanced to the Commission under this Act shall be deposited in such bank as the Minister of Finance, from time to time, directs and be credited to an account designated the “Northwest Territories Power Commission Capital Account” in this Act called the “Capital Account”.

(2) An advance made to the Commission by the Minister of Finance under this Act shall be made on the following terms:

(a) interest on the amount of the advance at such rate as the Governor in Council may prescribe shall accrue due at the end of each fiscal year until the end of the fiscal year in which the project in respect of which the advance was made is determined by the Minister to have been completed and the amount of the interest then accrued due shall be added to the amount of the advance and the total amount shall be deemed to be the principal amount of the advance for the purposes of paragraph (b); and

(b) at the end of each fiscal year thereafter interest at the rate prescribed under paragraph (a) shall be payable on the unpaid principal amount of the advance together with such part of the principal amount as will result in payment of the principal amount and interest in equal annual instalments during such period as the Governor in Council may prescribe, such period being referred to in this Act as the “amortization period”.

(3) Notwithstanding subsection (2) the Governor in Council may, on the request of the Commission, relieve the Commission from the liability to make the first payment in respect of the principal amount of an advance, or the first two payments in respect of the principal amount of an advance, at the time or times the payment or payments are payable, but in such case the whole principal amount shall be payable during the remainder of the amortization period of that advance so that the principal amount and interest are payable in equal annual instalments during the remainder of the period. 1948, c. 64, s. 18.
17. All moneys realized by the Commission from the sale or other disposition of capital equipment, supplies or material or any other capital assets of the Commission shall be deposited in the Capital Account. 1948, c. 64, s. 19.

18. The Commission shall execute and deliver to the Minister of Finance, in such form as he may approve, certificates evidencing its indebtedness in respect of any advance made or deemed to have been made to the Commission under this Act and the terms and conditions under which the advance was made. 1948, c. 64, s. 20.

19. The Commission may expend moneys deposited in the Capital Account for capital purposes but, except as provided in section 20, no expenditures shall be made by the Commission out of the Capital Account except for capital purposes. 1948, c. 64, s. 21.

OPERATING.

20. (1) The Commission shall collect and receive all revenue derived from the sale or transmission of power sold or transmitted by it or from the rental of its equipment, land or structures, the sale of supplies, equipment and assets (other than capital supplies, equipment and assets) and the use of water under its control for power purposes or otherwise arising out of its operations under this Act and all moneys so received shall be deposited in such bank as the Minister of Finance, from time to time, directs and be credited to a Special Account designated the “Northwest Territories Power Commission Special Account”, in this Act called the “Special Account”.

(2) The Commission may make payments out of the Special Account for its operations under this Act.

(3) Whenever the amount to the credit of the Special Account is insufficient for payments authorized to be made therefrom under this Act, the Commission may make such payments from the Capital Account as are necessary for those purposes but all payments made from the Capital Account, other than payments made for capital purposes, shall be repaid to the Capital Account from the Special Account as soon as the amount to the credit of the Special Account is sufficient for that purpose. 1948, c. 64, s. 22.

21. The Commission may invest any amount held by it as a contingency reserve fund in bonds of, or guaranteed by, the Government of Canada. 1948, c. 64, s. 23.

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22. Any surplus amount in the Special Account at the end of a fiscal year after providing for the payments and commitments authorized under this Act for that fiscal year shall be held in the Special Account for not less than six months after the close of that fiscal year and after that time may, if recommended by the Commission and approved by the Governor in Council, be applied by the Commission in reduction of the rates to consumers in such manner as may be so recommended and approved. 1948, c. 64, s. 24.

GENERAL.

23. (1) The Commission may make such arrangements as may be necessary with the Comptroller of the Treasury for the accounting of the receipts and expenditures of the Commission.

(2) All accounts of the Commission are subject to the audit of the Auditor General. 1948, c. 64, s. 25.

24. The Commission shall, as soon as possible, but within three months after the termination of each fiscal year, submit an annual report to the Minister in such form as he may prescribe, and the Minister shall lay the said report before Parliament within fifteen days or if Parliament is not then in session within fifteen days after the commencement of the next ensuing session. 1948, c. 64, s. 26.

25. The Commission shall prescribe and collect fees for permits for electrical installations using power supplied by the Commission, and for the inspection, testing and approval of all such works. 1948, c. 64, s. 27.

26. In case any power plant of the Commission, or any part thereof, becomes damaged so that the Commission is unable to supply power to any consumer, the Commission shall make repairs as promptly as possible, and pending repairs shall take all reasonable steps to supply power from other sources, if such is available; but in no case shall the Commission be held responsible for any claims for financial losses, or inconvenience caused to any consumer by reason of its failure to supply power. 1948, c. 64, s. 28.

27. The Commission may set rates for the use of water stored in any of its reservoirs for power purposes that is surplus to the immediate needs of the Commission, and such rates may be charged either on the basis of cubic feet per second, or acre feet. 1948, c. 64, s. 29.

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Supply of surplus power.

28. (1) Where the Commission has surplus power not under contract or otherwise required by the Commission, it may, at its discretion, supply such power if, as and when available, at such rates as the Commission may determine from time to time.

Supply not obligatory.

(2) The supply of surplus power under subsection (1) is in no way obligatory on the part of the Commission, and the Commission is not responsible for any damages or claims arising from the discontinuing of any such power that may have been supplied. 1948, c. 64, s. 30.

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CHAPTER 197.
An Act respecting Oaths of Allegiance.

SHORT TITLE.

1. This Act may be cited as the Oaths of Allegiance Act. Short title. R.S., c. 143, s. 1.

2. (1) Every person in Canada, who, either of his own Oath of accord, or in compliance with any lawful requirement made allegiance. of him, or in obedience to the directions of any Act or law in force in Canada, except the British North America Act, 1867, and the Canadian Citizenship Act, desires to take an oath of allegiance, shall have administered to him and take the oath in the following form, and no other:

I, A.B., do swear that I will be faithful and bear true Form of allegiance to Her Majesty Queen Elizabeth the Second, her heirs and successors according to law. So help me God.

(2) Where in the said oath of allegiance the name of Her present Majesty is expressed, the name of the Queen or King of Great Britain, Ireland and the British dominions beyond the seas, for the time being, shall be substituted from time to time.

(3) The Governor in Council may make regulations, requiring any person appointed to or holding an office that is under the legislative authority of the Parliament of Canada to take the oath of allegiance notwithstanding that the taking of the oath is not made necessary by any existing law in force in Canada.

(4) The Governor in Council may make regulations, requiring any person appointed to or holding an office that is under the legislative authority of the Parliament of Canada to take an oath in the form prescribed by such regulations for the faithful performance of the duties of such office, in any case in which the form of such oath is not prescribed by an existing law in force in Canada. 1934, c. 21, s. 1.

3. It is not necessary for any person appointed to any civil office in Canada, or for any mayor or other officer or member of any corporation therein, or for any person admitted, called or received as a barrister, advocate, notary public, attorney, solicitor or proctor, to make any declaration or subscription, or to take or subscribe any other oath than the oath aforesaid, and also such oath for the faithful performance of the duties of his office, or for the due exercise of his profession or calling as is required by any law in that behalf. R.S., c. 143, s. 3.

4. The oath of allegiance hereinbefore set forth, together with the oath of office or oath for the due exercise of any profession or calling, shall be taken within the period and in the manner, and subject to the disabilities and penalties for the omission thereof, by law provided with respect to such oaths, in all such cases respectively. R.S., c. 143, s. 4.

5. (1) All persons allowed by law in civil cases, in any part of Canada, to affirm instead of making oath, shall be permitted to take an affirmation of allegiance in the like terms, mutatis mutandis, as the said oath of allegiance.

(2) Such affirmation of allegiance, taken before the proper officer, shall in all cases be accepted from such persons in lieu of such oath, and shall as to such affirmants have the like effect as the said oath of allegiance. R.S., c. 143, s. 5.

6. All justices of the peace and other officers lawfully authorized either by virtue of their office, or special commission from the Crown for that purpose, may in any part of Canada administer the oath of allegiance or receive the affirmation of allegiance. R.S., c. 143, s. 6.

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CHAPTER 198.

An Act respecting Official Secrets.

SHORT TITLE.

1. This Act may be cited as the Official Secrets Act. Short title. 1939, c. 49, s. 1.

INTERPRETATION.

2. In this Act, Definitions.

(a) "Attorney General" means the Attorney General of Canada;

(b) "document" includes part of a document;

(c) "model" includes design, pattern and specimen;

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

(e) "offence under this Act" includes any act, omission, or other thing that is punishable hereunder;

(f) "office under Her Majesty" includes any office or employment in or under any department or branch of the Government of Canada or of any province, and any office or employment in, on or under any board, commission, corporation or other body that is an agent of Her Majesty in right of Canada or any province;

(g) "prohibited place" means

(i) any work of defence belonging to or occupied or used by or on behalf of Her Majesty including arsenals, naval, army or air force establishments or stations, factories, dockyards, mines, minefields, camps, ships, aircraft, telegraph, telephone, wireless or signal stations or offices, and places used for the purpose of building, repairing, making or storing any munitions of war or any sketches, plans, models, or documents relating thereto, or for the purpose of getting any metals, oil or minerals of use in time of war,
(ii) any place not belonging to Her Majesty where any munitions of war or any sketches, models, plans or documents relating thereto, are being made, repaired, gotten or stored under contract with, or with any person on behalf of, Her Majesty, or otherwise on behalf of Her Majesty, and

(iii) any place that is for the time being declared by order of the Governor in Council to be a prohibited place on the ground that information with respect thereto or damage thereto would be useful to a foreign power;

(h) "sketch" includes any mode of representing any place or thing;

(i) "senior police officer" means any officer of the Royal Canadian Mounted Police not below the rank of Inspector; any officer of any provincial police force of a like or superior rank; the chief constable of any city or town with a population of not less than ten thousand; or any person upon whom the powers of a senior police officer are for the purposes of this Act conferred by the Governor in Council;

(j) any reference to Her Majesty means Her Majesty in right of Canada or of any province; and

(k) expressions referring to communicating or receiving include any communicating or receiving, whether in whole or in part, and whether the sketch, plan, model, article, note, document or information itself or the substance, effect, or description thereof only is communicated or received; expressions referring to obtaining or retaining any sketch, plan, model, article, note, or document, include the copying or causing to be copied the whole or any part of any sketch, plan, model, article, note or document; and expressions referring to the communication of any sketch, plan, model, article, note or document include the transfer or transmission of the sketch, plan, model, article, note or document. 1939, c. 49, s. 2; 1950, c. 46, s. 1.

Spying.

3. (1) Every person who, for any purpose prejudicial to the safety or interests of the State,

(a) approaches, inspects, passes over, or is in the neighbourhood of, or enters any prohibited place;

(b) makes any sketch, plan, model or note that is calculated to be or might be or is intended to be directly or indirectly useful to a foreign power; or

(c) obtains, collects, records, or publishes, or communicates to any other person any secret official code word,

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or pass word, or any sketch, plan, model, article, or note, or other document or information that is calculated to be or might be or is intended to be directly or indirectly useful to a foreign power;
is guilty of an offence under this Act.

(2) On a prosecution under this section, it is not necessary to show that the accused person was guilty of any particular act tending to show a purpose prejudicial to the safety or interests of the State, and, notwithstanding that no such act is proved against him, he may be convicted if, from the circumstances of the case, or his conduct, or his known character as proved, it appears that his purpose was a purpose prejudicial to the safety or interests of the State; and if any sketch, plan, model, article, note, document or information relating to or used in any prohibited place, or anything in such a place, or any secret official code word or pass word is made, obtained, collected, recorded, published or communicated by any person other than a person acting under lawful authority, it shall be deemed to have been made, obtained, collected, recorded, published or communicated for a purpose prejudicial to the safety or interests of the State unless the contrary is proved.

(3) In any proceedings against a person for an offence under this section, the fact that he has been in communication with, or attempted to communicate with, an agent of a foreign power, whether within or without Canada, is evidence that he has, for a purpose prejudicial to the safety or interests of the State, obtained or attempted to obtain information that is calculated to be or might be or is intended to be directly or indirectly useful to a foreign power.

(4) For the purpose of this section, but without prejudice to the generality of the foregoing provision,

(a) a person shall, unless he proves the contrary, be deemed to have been in communication with an agent of a foreign power if

(i) he has, either within or without Canada, visited the address of an agent of a foreign power or consorted or associated with such agent, or
(ii) either within or without Canada, the name or address of, or any other information regarding such an agent has been found in his possession, or has been supplied by him to any other person, or has been obtained by him from any other person;

(b) "an agent of a foreign power" includes any person who is or has been or is reasonably suspected of being or having been employed by a foreign power either directly or indirectly

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4. (1) Every person who, having in his possession or control any secret official code word, or pass word, or any sketch, plan, model, article, note, document or information that relates to or is used in a prohibited place or anything in such a place, or that has been made or obtained in contravention of this Act, or that has been entrusted in confidence to him by any person holding office under Her Majesty, or that he has obtained or to which he has had access while subject to the Code of Service Discipline within the meaning of the National Defence Act or owing to his position as a person who holds or has held office under Her Majesty, or as a person who holds or has held a contract made on behalf of Her Majesty, or a contract the performance of which in whole or in part is carried out in a prohibited place, or as a person who is or has been employed under a person who holds or has held such an office or contract,

(a) communicates the code word, pass word, sketch, plan, model, article, note, document or information to any person, other than a person to whom he is authorized to communicate with, or a person to whom it is in the interest of the State his duty to communicate it;

(b) uses the information in his possession for the benefit of any foreign power or in any other manner prejudicial to the safety or interests of the State;

(c) retains the sketch, plan, model, article, note, or document in his possession or control when he has no right to retain it or when it is contrary to his duty to

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to retain it or fails to comply with all directions issued by lawful authority with regard to the return or disposal thereof; or

(d) fails to take reasonable care of, or so conducts himself as to endanger the safety of the sketch, plan, model, article, note, document, secret official code word or pass word or information;

is guilty of an offence under this Act.

(2) Every person who, having in his possession or control any sketch, plan, model, article, note, document or information that relates to munitions of war, communicates it directly or indirectly to any foreign power, or in any other manner prejudicial to the safety or interests of the State, is guilty of an offence under this Act.

(3) Every person who receives any secret official code word, or pass word, or sketch, plan, model, article, note, document or information, knowing, or having reasonable ground to believe, at the time when he receives it, that the code word, pass word, sketch, plan, model, article, note, document or information is communicated to him in contravention of this Act, is guilty of an offence under this Act, unless he proves that the communication to him of the code word, pass word, sketch, plan, model, article, note, document or information was contrary to his desire.

(4) Every person who

(a) retains for any purpose prejudicial to the safety or interests of the State any official document, whether or not completed or issued for use, when he has no right to retain it, or when it is contrary to his duty to retain it, or fails to comply with any directions issued by any Government department or any person authorized by such department with regard to the return or disposal thereof; or

(b) allows any other person to have possession of any official document issued for his use alone, or communicates any secret official code word or pass word so issued, or, without lawful authority or excuse, has in his possession any official document or secret official code word or pass word issued for the use of some person other than himself, or on obtaining possession of any official document by finding or otherwise, neglects or fails to restore it to the person or authority by whom or for whose use it was issued, or to a police constable;

is guilty of an offence under this Act. 1939, c. 49, s. 4; 1951 (2nd Sess.), c. 7, s. 28.

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5. (1) Every person who, for the purpose of gaining admission, or of assisting any other person to gain admission, to a prohibited place, or for any other purpose prejudicial to the safety or interests of the State, 

(a) uses or wears, without lawful authority, any naval, army, air force, police or other official uniform or any uniform so nearly resembling the same as to be calculated to deceive, or falsely represents himself to be a person who is or has been entitled to use or wear any such uniform;

(b) orally, or in writing in any declaration or application, or in any document signed by him or on his behalf, knowingly makes or connives at the making of any false statement or any omission;

(c) forges, alters, or tampers with any passport or any naval, army, air force, police or official pass, permit, certificate, licence or other document of a similar character, (hereinafter in this section referred to as an official document), or uses or has in his possession any such forged, altered, or irregular official document;

(d) personates, or falsely represents himself to be a person holding, or in the employment of a person holding, office under Her Majesty, or to be or not to be a person to whom an official document or secret official code word or password has been duly issued or communicated, or with intent to obtain an official document, secret official code word or pass word, whether for himself or any other person, knowingly makes any false statement; or

(e) uses, or has in his possession or under his control, without the authority of the Government department or the authority concerned, any die, seal, or stamp of or belonging to, or used, made, or provided by any Government department, or by any diplomatic, naval, army, or air force authority appointed by or acting under the authority of Her Majesty, or any die, seal or stamp, so nearly resembling any such die, seal or stamp as to be calculated to deceive, or counterfeits any such die, seal or stamp, or uses, or has in his possession, or under his control, any such counterfeit die, seal or stamp;

is guilty of an offence under this Act.

(2) Every person who, without lawful authority or excuse, manufactures or sells, or has in his possession for sale any such die, seal or stamp as aforesaid, is guilty of an offence under this Act. 1939, c. 49, s. 5.

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6. No person in the vicinity of any prohibited place shall obstruct, knowingly mislead or otherwise interfere with or impede any constable or police officer, or any member of Her Majesty’s forces engaged on guard, sentry patrol, or other similar duty in relation to the prohibited place, and every person who acts in contravention of, or fails to comply with, this provision, is guilty of an offence under this Act. 1939, c. 49, s. 6.

7. (1) Where it appears to the Minister of Justice that such a course is expedient in the public interest, he may, by warrant under his hand, require any person who owns or controls any telegraphic cable or wire, or any apparatus for wireless telegraphy, used for the sending or receipt of telegrams to or from any place out of Canada, to produce to him, or to any person named in the warrant, the originals and transcripts, either of all telegrams, or of telegrams of any specified class or description, or of telegrams sent from or addressed to any specified person or place, sent to or received from any place out of Canada by means of any such cable, wire, or apparatus and all other papers relating to any such telegram as aforesaid.

(2) Every person who, on being required to produce any such original or transcript or paper as aforesaid, refuses or neglects to do so is guilty of an offence under this Act, and is for each offence, liable on summary conviction to imprisonment, with or without hard labour, for a term not exceeding three months, or to a fine not exceeding two hundred dollars, or to both such imprisonment and fine. 1939, c. 49, s. 7.

8. Every person who knowingly harbours any person whom he knows, or has reasonable grounds for supposing, to be a person who is about to commit or who has committed an offence under this Act, or knowingly permits to meet or assemble in any premises in his occupation or under his control any such persons, and every person who, having harboured any such person, or permitted to meet or assemble in any premises in his occupation or under his control any such persons, willfully omits or refuses to disclose to a senior police officer any information that it is in his power to give in relation to any such person, is guilty of an offence under this Act. 1939, c. 49, s. 8.

9. Every person who attempts to commit any offence under this Act, or solicits or incites or endeavours to persuade another person to commit an offence, or aids or abets and does any act preparatory to the commission of an offence and is guilty of an offence under this Act. 1939, c. 49, s. 9.
offence under this Act, is guilty of an offence under this Act and is liable to the same punishment, and to be proceeded against in the same manner, as if he had committed the offence. 1939, c. 49, s. 9.

10. Every person who is found committing an offence under this Act, or who is reasonably suspected of having committed, or having attempted to commit, or being about to commit, such an offence, may be arrested without a warrant and detained by any constable or police officer. 1939, c. 49, s. 10.

11. (1) If a justice of the peace is satisfied by information on oath that there is reasonable ground for suspecting that an offence under this Act has been or is about to be committed, he may grant a search warrant authorizing any constable named therein, to enter at any time any premises or place named in the warrant, if necessary by force, and to search the premises or place and every person found therein, and to seize any sketch, plan, model, article, note or document, or anything that is evidence of an offence under this Act having been or being about to be committed, that he may find on the premises or place or on any such person, and with regard to or in connection with which he has reasonable ground for suspecting that an offence under this Act has been or is about to be committed.

(2) Where it appears to an officer of the Royal Canadian Mounted Police not below the rank of Superintendent that the case is one of great emergency and that in the interest of the State immediate action is necessary, he may by a written order under his hand give to any constable the like authority as may be given by the warrant of a justice under this section. 1939, c. 49, s. 11.

12. A prosecution for an offence under this Act shall not be instituted except by or with the consent of the Attorney General; except that a person charged with such an offence may be arrested, or a warrant for his arrest may be issued and executed, and any such person may be remanded in custody or on bail, notwithstanding that the consent of the Attorney General to the institution of a prosecution for the offence has not been obtained, but no further or other proceedings shall be taken until that consent has been obtained. 1939, c. 49, s. 12.

13. An Act, omission or thing that would, by reason of this Act, be punishable as an offence if committed in Canada, is, if committed outside Canada, an offence against this Act, triable and punishable in Canada, in the following cases:

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(a) where the offender at the time of the commission was a Canadian citizen within the meaning of the Canadian Citizenship Act; or

(b) where any code word, pass word, sketch, plan, model, article, note, document, information or other thing whatsoever in respect of which an offender is charged was obtained by him, or depends upon information that he obtained, while owing allegiance to Her Majesty.

1950, c. 46, s. 2.

14. (1) For the purposes of the trial of a person for an offence under this Act, the offence shall be deemed to have been committed either at the place in which the same actually was committed, or at any place in Canada in which the offender may be found.

(2) In addition and without prejudice to any powers that a court may possess to order the exclusion of the public from any proceedings if, in the course of proceedings before a court against any person for an offence under this Act or the proceedings on appeal, application is made by the prosecution, on the ground that the publication of any evidence to be given or of any statement to be made in the course of the proceedings would be prejudicial to the interest of the State, that all or any portion of the public shall be excluded during any part of the hearing, the court may make an order to that effect, but the passing of sentence shall in any case take place in public.

(3) Where the person guilty of an offence under this Act is a company or corporation, every director and officer of the company or corporation is guilty of the like offence unless he proves that the act or omission constituting the offence took place without his knowledge or consent.

1939, c. 49, s. 13.

15. (1) Where no specific penalty is provided in this Act, any person who is guilty of an offence under this Act shall be deemed to be guilty of an indictable offence and, on conviction, punishable by imprisonment for a term not exceeding fourteen years; but such person may, at the election of the Attorney General, be prosecuted summarily in the manner provided by the provisions of the Criminal Code relating to summary convictions, and, if so prosecuted, is punishable by fine not exceeding five hundred dollars, or by imprisonment not exceeding twelve months, or by both fine and imprisonment.

1939, c. 49, s. 13.

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(2) Any person charged with or convicted for an offence under this Act shall, for the purposes of the Identification of Criminals Act, be deemed to be charged with or convicted of an indictable offence notwithstanding that such person is prosecuted summarily in the manner provided by the provisions of the Criminal Code relating to summary convictions. 1950, c. 46, s. 3.
CHAPTER 199.

An Act to provide for Old Age Assistance.

SHORT TITLE.

1. This Act may be cited as the Old Age Assistance Act. Short title.

1951, c. 55, s. 1.

INTERPRETATION.

2. In this Act Definitions.

(a) "agreement" means an agreement made under sec- "Agreement."

tion 3;

(b) "application" means an application for old age assis- "Application.

tance;

(c) "assistance" means old age assistance provided under "Assist-

provincial law to the persons and under the conditions ance." specified in this Act and the regulations;

(d) "Minister" means the Minister of National Health "Minister." and Welfare;

(e) "provincial authority" means the officer or body "Provincial "Provincial

authority." charged with the administration of the provincial law;

(f) "provincial law" means a law of a province that "Provincial "Provincial

law." provides for the payment of old age assistance to the persons and under the conditions specified in this Act and the regulations, and authorizes the province to enter into an agreement with the Government of Canada in accordance with this Act;

(g) "province" includes the Northwest Territories and "Province." the Yukon Territory;

(h) "recipient" means a person to whom assistance has "Recipient." been granted, and includes an applicant for assistance; and

(i) "unmarried person" includes a widow, a widower, a "Unmarried "Unmarried "person." divorced person and a married person who, in the opinion of the provincial authority, is living separate and apart from his spouse. 1951, c. 55, s. 2.

3. (1) The Minister, with the approval of the Governor in Council, may, on behalf of the Government of Canada, make an agreement with a province to provide for the payment to the province, in accordance with this Act and the regulations, of amounts in respect of assistance paid by the province pursuant to provincial law, not exceeding, in respect of any recipient, fifty per cent of forty dollars monthly or of the amount of assistance paid by the province monthly to the recipient, whichever is the lesser.

(2) Payments to a province pursuant to this section shall be made only in respect of a recipient who

(a) at the date of the proposed commencement of assistance payments to him
   (i) has attained the age of sixty-five years, and
   (ii) has resided in Canada for the twenty years immediately preceding that date, or if he has not so resided, has been present in Canada prior to those twenty years for an aggregate period equal to twice the aggregate period of absences from Canada during those twenty years;

(b) is not in receipt of an allowance under the Blind Persons Act or the War Veterans' Allowance Act, or a pension under the Old Age Security Act; and

(c) is,
   (i) an unmarried person, and his income, inclusive of assistance, is not more than seven hundred and twenty dollars a year,
   (ii) married and living with his spouse and the total income, inclusive of assistance, of the recipient and his spouse is not more than twelve hundred dollars a year, or
   (iii) married and living with his spouse who is blind within the meaning of the Blind Persons Act and the total income, inclusive of assistance, of the recipient and his spouse is not more than thirteen hundred and twenty dollars a year. 1951, c. 55, s. 3.

4. An agreement with a province shall contain a covenant by the Government of Canada to pay to the province each month the amount that the Government of Canada is at that time authorized to pay to the province under this Act. 1951, c. 55, s. 4.

5. (1) The assistance in respect of which the Government of Canada is authorized by this Act to make payments shall be payable monthly in arrears.

R.S., 1952.
(2) Where a province pays assistance in respect of a recipient for the whole of the month in which the recipient dies, the Government of Canada shall make payments in respect thereof in accordance with section 3. 1951, c. 55, s. 5.

6. Subject to the conditions specified in the regulations, a provincial authority is entitled, for the purpose of ascertaining the age of a recipient, to obtain from the Dominion Bureau of Statistics any information respecting the age of a recipient that is contained in the returns of any census taken more than thirty years before the date of the application for such information. 1951, c. 55, s. 6.

7. In every agreement the province shall, subject to section 3, (a) specify the minimum age of a recipient and any other conditions of eligibility set forth in the provincial law; (b) specify the maximum assistance to be paid by it to a recipient; (c) provide for the reduction of such maximum assistance by the amount of any income received by a recipient in excess of an amount to be specified in such agreement; and (d) covenant and agree (i) that the provincial authority will consider applications from persons resident in the province in the manner prescribed by regulation, and where satisfied that a recipient is properly and lawfully entitled to assistance, under the conditions specified in this Act, the regulations and the agreement, grant assistance to such recipient in the amount specified in the agreement; (ii) that where a recipient, during the last ten hundred and ninety-five days that he was present in Canada prior to reaching the age of sixty-five years, or prior to making application for assistance, whichever is the later, was present in the province for a greater number of days than in any other province, the province will reimburse any other province that is paying the assistance to the extent of fifty per cent of the amount of the assistance; (iii) that the province will, where a recipient who has been granted assistance transfers his residence to such province from another province, pay the assistance;
(iv) that where a recipient, to whom the province has granted assistance, transfers his residence to another province with which no agreement is in force, the province will continue to pay the assistance to such recipient;

(v) that where a recipient, who has been granted assistance, transfers his residence to some place out of Canada, the province will discontinue payment of the assistance and not resume payment thereof until such recipient has again become resident in Canada;

(vi) to make statutory provision for penalties to ensure the proper carrying out of the provincial law and to provide that no assistance shall be subject to alienation or transfer by a recipient or to attachment or seizure in satisfaction of any claim against him, and that the receipt of the assistance shall not by itself constitute a disqualification from voting at any provincial or municipal election;

(vii) that the province will furnish without charge to the provincial authority of any province, a certificate of the date of the birth of any recipient born within the province;

(viii) to maintain proper and adequate records and accounts respecting assistance payments, and to permit of an examination, inspection and audit by the Government of Canada of all such payments and of the records and accounts with respect thereto;

(ix) that where a recipient or his spouse has, within the five years preceding the date of application, made an assignment or transfer of property the consideration for which is, in the opinion of the provincial authority, inadequate, or where it appears to the provincial authority that any assignment or transfer of property made by a recipient or his spouse was made for the purpose of qualifying the recipient for assistance, or for a larger amount of assistance than he otherwise would be entitled to receive, or to prevent recovery of any claim under the provincial law, the province will deem the property so assigned or transferred to be property of the recipient or his spouse owned at the date of the application as though the assignment or transfer had not been made; and

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Old Age Assistance Act. Chap. 199.

(x) that where recovery of the amount of any assistance is made from a recipient or his estate, the province will furnish to the Government of Canada monthly a report thereof, and pay to the Government of Canada an amount that bears the same ratio to the amount so recovered as the total amounts paid by the Government of Canada in respect of assistance payments made to such recipient bears to the total of such assistance payments. 1951, c. 55, s. 7.

8. All sums of money payable to a province in pursuance of an agreement shall be paid by the Minister of Finance on the certificate of the Minister out of the Consolidated Revenue Fund, and all such payments shall be made subject to the conditions specified in this Act and the regulations and subject to the observance of the covenants, agreements and undertakings contained in the agreement. 1951, c. 55, s. 8.

9. (1) Subject to subsection (2), every agreement shall continue in force so long as the provincial law remains in operation or until the expiration of ten years from the day upon which notice of an intention to terminate the agreement is given by the Minister, with the approval of the Governor in Council, to the province with which the agreement was made.

(2) An agreement may be amended or terminated by mutual consent of the parties thereto with the approval of the Governor in Council. 1951, c. 55, s. 9.

10. An agreement shall not come into operation until the Governor in Council has approved the scheme for the administration of assistance proposed to be adopted by the province, and no change in the scheme shall be made by the province without the approval of the Governor in Council. 1951, c. 55, s. 10.

11. (1) The Governor in Council may make regulations for carrying the purposes and provisions of this Act into effect, and, without limiting the generality of the foregoing, may make regulations providing for

(a) the time, manner and form of making an application, the information and evidence to be submitted in connection therewith, and the procedure to be followed by the provincial authority in the consideration of applications;

(b) R.S., 1952.
(b) the investigation into applications and into the eligibility of a recipient to receive assistance, the reports to be made and the information to be supplied by or in respect of recipients;

(c) the conditions under which information may be obtained from the Dominion Bureau of Statistics as provided in section 6;

(d) the definition of residence in Canada for the purposes of this Act and the extent of intervals of absence from Canada that shall be deemed not to have interrupted the continuity of residence;

(e) the definition of income for the purposes of this Act, and the manner in which income is to be determined, including the income of a recipient and his spouse, and the determination of the amount thereof that each shall be deemed to receive, whether they live together or separate and apart;

(f) determining the amount that for the purposes of this Act shall be deemed income of a recipient from any interest in real or personal property of the recipient or his spouse owned or deemed to be owned at the date of making application or acquired subsequent thereto;

(g) the time at which, after application therefor, the payment of assistance shall commence;

(h) the payment of assistance to persons as trustees for the benefit of recipients who are incapacitated through infirmity, illness, or any other cause;

(i) the circumstances justifying or requiring the suspension of the payment of assistance and the resumption of payment; and

(j) the recovery of the amount of assistance payments to which a recipient was not entitled under this Act, the regulations and the agreement.

(2) No regulation by reference to which an agreement with a province has been made shall be altered, except with the consent of the province or in accordance with the regulations to which it has agreed.

(3) There shall be an Advisory Board consisting of two representatives of the Government of Canada, appointed by the Governor in Council, and two representatives of each of the provinces with which agreements have been made, appointed by the Governor in Council on the recommendation of such provinces, to recommend such alterations to the regulations as may from time to time appear to be necessary or advisable. 1951 c. 55, s. 11.

R.S., 1952.
12. The Minister shall, as soon as possible after the Report.
termination of each fiscal year, submit a report to Parlia-
ment respecting the operation for that year of the agree-
ments made under this Act and of the payments made to
the provinces under each of the agreements. 1951, c. 55,
s. 12.
CHAPTER 200.

An Act to provide for Old Age Security.

SHORT TITLE.

1. This Act may be cited as the Old Age Security Act. 1951 (2nd Sess.), c. 18, s. 1.

INTERPRETATION.

2. In this Act,
(a) “application” means an application for pension;
(b) “cheque” means any instrument issued in payment of a pension;
(c) “pension” means the monthly pension authorized to be paid under this Act;
(d) “pensioner” means a person whose application has been approved. 1951 (2nd Sess.), c. 18, s. 2.

3. (1) Subject to the provisions of this Act and the regulations, a monthly pension of forty dollars may be paid in respect of every person who
(a) has attained the age of seventy years; and
(b) has resided in Canada for the twenty years immediately preceding the day on which his application is approved, or, if he has not so resided,
(i) has been present in Canada prior to those twenty years for an aggregate period at least equal to twice the aggregate periods of absence from Canada during those twenty years, and
(ii) has resided in Canada for at least one year immediately preceding the day on which his application is approved.

(2) No pension may be paid to any person unless he is limited qualified under subsection (1) and an application therefor has been made by him or on his behalf and the application has been approved; and, except as provided in this Act, no pension may be paid to any person in respect of any period prior to the day on which his application is approved.
CHAPTER 200.

An Act to provide for Old Age Security.

SHORT TITLE.

1. This Act may be cited as the Old Age Security Act. Short title. 1951 (2nd Sess.), c. 18, s. 1.

INTERPRETATION.

2. In this Act,

(a) "application" means an application for pension; "Application."
(b) "cheque" means any instrument issued in payment "Cheque." of a pension;
(c) "pension" means the monthly pension authorized "Pension." to be paid under this Act;
(d) "pensioner" means a person whose application has "Pensioner." been approved. 1951 (2nd Sess.), c. 18, s. 2.

3. (1) Subject to the provisions of this Act and the Payment regulations, a monthly pension of forty dollars may be paid of pension. in respect of every person who

(a) has attained the age of seventy years; and Eligibility.

(b) has resided in Canada for the twenty years immediately preceding the day on which his application is approved, or, if he has not so resided,

(i) has been present in Canada prior to those twenty years for an aggregate period at least equal to twice the aggregate periods of absence from Canada during those twenty years, and

(ii) has resided in Canada for at least one year immediately preceding the day on which his application is approved.

(2) No pension may be paid to any person unless he is qualified under subsection (1) and an application therefor has been made by him or on his behalf and the application has been approved; and, except as provided in this Act, no pension may be paid to any person in respect of any period prior to the day on which his application is approved. Limitations.

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(3) R.S., 1952.
(3) Subject to the conditions specified in the regulations, the Minister of National Health and Welfare is entitled, for the purpose of ascertaining the age of any pensioner or any applicant for a pension, to obtain from the Dominion Bureau of Statistics, upon request, any information respecting the age of a pensioner or applicant that is contained in the returns of any census taken more than thirty years before the date of the request. 1951 (2nd Sess.), c. 18, s. 3.

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

(2) Subject to the provisions of this Act the pension shall continue to be paid during the lifetime of the pensioner, and shall cease with the payment for the month in which the pensioner dies. 1951 (2nd Sess.), c. 18, s. 4.

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

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

(3) Where a pensioner fails to comply with any of the provisions of this Act or the regulations, payment of his pension may be suspended, and where a pension is so suspended, payment may be resumed when the pensioner has complied with such provisions. 1951 (2nd Sess.), c. 18, s. 5.

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

R.S., 1952.
(a) prescribing the time, manner and form of making applications, and the information and evidence to be furnished in connection therewith and the procedure to be followed in dealing with and approving applications;

(b) prescribing the circumstances that shall be deemed to constitute, or prescribing what shall be or shall be deemed to be, an application by or on behalf of persons who are qualified for a pension under this Act and who, on or before the 31st day of December, 1951, applied for or were granted a pension as defined in the Old Age Pensions Act, chapter 156 of the Revised Statutes of Canada, 1927, and prescribing the time at which such applications shall be deemed to have been made or approved;

(c) prescribing the information and evidence to be furnished by pensioners and the circumstances under and the form in which such information or evidence shall be submitted;

(d) defining residence in Canada and defining intervals of absence from Canada preceding an application that shall be deemed not to have interrupted residence in Canada;

(e) providing for the suspension of the payment of a pension during an investigation into the eligibility of the pensioner and the reinstatement or resumption of the payment thereof; and

(f) providing for the payment of a pension to any person or agency on behalf of a pensioner where the pensioner is by reason of infirmity, illness, insanity or other cause incapable of managing his own affairs, and prescribing the manner in which such a pension shall be administered and expended for the benefit of the pensioner and accounted for. 1951 (2nd Sess.), c. 18, s. 6.

7. A pension shall not be assigned, charged, attached, anticipated or given as security, and any transaction purporting to assign, charge, attach, anticipate or give as security a pension is void. 1951 (2nd Sess.), c. 18, s. 7.

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

(2) R.S., 1952.
(2) Where a person receives or obtains a pension payment to which he is not entitled, the amount thereof may be recovered at any time as a debt due to the Crown; and where that person is or subsequently becomes a pensioner, the amount of any such indebtedness may be deducted and retained out of any pension payable to him. 1951 (2nd Sess.), c. 18, s. 8.

9. (1) Every person who
(a) knowingly makes a false or misleading statement in any application or makes an application that by reason of any non-disclosure of facts is false or misleading or obtains any pension payment by false pretences;
(b) being the payee thereof, negotiates or attempts to negotiate any cheque for a pension to which he is not entitled;
(c) fails to return a cheque or the amount thereof as required by section 8; or
(d) discloses or communicates any information or evidence obtained under this Act or the regulations unless the disclosure or communication is necessary for the administration of this Act or the regulations or is required by law,
is guilty of an offence and is liable on summary conviction to imprisonment for a term not exceeding six months or to a fine not exceeding five hundred dollars or to both fine and imprisonment.

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

(3) No prosecution for an offence against this Act shall be commenced after the expiration of five years from the time of its commission. 1951 (2nd Sess.), c. 18, s. 9.

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

(2) Subsection (1) shall be read and construed as though the tax imposed thereby were imposed by section 30 of the Excise Tax Act; and all the provisions of the Excise Tax Act shall be read and construed as though the tax imposed by subsection (1) were an addition to the tax imposed by the provisions of the said section 30.
(3) Every individual liable to pay tax under Part I of the Income Tax Act for a taxation year shall pay an Old Age Security tax for the year equal to the lesser of
(a) two per cent of the taxpayer’s taxable income for the year; or
(b) sixty dollars.

(4) Subsection (3) shall be read and construed as though the tax imposed thereby were provided for by section 32 of the Income Tax Act; and all the provisions of the Income Tax Act, other than section 32 thereof, shall be read and construed as though the tax imposed by subsection (3) were provided for by a provision in the said section 32 as an addition to the tax computed under the actual provisions of that section.

(5) Every corporation liable to pay tax under Part I of the Income Tax Act, other than a corporation liable to pay tax under section 70 thereof, shall pay an Old Age Security tax for the year equal to two per cent of its taxable income for the year.

(6) Subsection (5) shall be read and construed as though the tax imposed thereby were provided for by a provision in Part I of the Income Tax Act; and all the provisions of the Income Tax Act, shall be read and construed as though the tax imposed by subsection (5) were provided for by a provision in the said Part I as an addition to the tax otherwise payable under that Part. 1951 (2nd Sess.), c. 18, s. 10.

11. (1) There shall be established an account in the Consolidated Revenue Fund to be known as the Old Age Security Fund to which shall be credited from time to time in respect of each fiscal year
(a) an amount equal, in the opinion of the Minister of National Revenue, to
   (i) the Old Age Security tax collected, in that year before the time of crediting, by virtue of section 10, minus
   (ii) the aggregate of
       (A) amounts previously credited in respect of that year under this paragraph, and
       (B) such amount as should be allowed for refunds that have been made or will have to be made;
       and
   (b) the amount of each temporary loan made pursuant to this section.

R.S., 1952.
(2) All pensions payable under this Act shall be paid out of the Consolidated Revenue Fund and charged to the Old Age Security Fund.

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

(4) The Minister of Finance shall annually report to Parliament the temporary loans, if any, made to the Fund pursuant to this section, and whether, in his opinion, the revenues of the Fund are or will be sufficient in the ensuing year to meet the charges on the Fund without further loans and, if it appears that the revenues will not be sufficient, he shall state what measures he recommends for the purpose of increasing the revenues of the Fund. 1951 (2nd Sess.), c. 18, s. 11.

12. This Act shall be administered by the Minister of National Health and Welfare who shall submit to Parliament annually, as soon as possible after the termination of each fiscal year, if Parliament is then in session, or, if not, as soon as possible after the commencement of the next session of Parliament, a report covering the administration of this Act and including an account of receipts and disbursements during the previous fiscal year. 1951 (2nd Sess.), c. 18, s. 12.

EDMOND CLOUTIER, C.M.G., O.A., D.S.P.
QUEEN'S PRINTER AND CONTROLLER OF STATIONERY
OTTAWA, 1952

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CHAPTER 201.

An Act respecting Opium and Narcotic Drugs.

SHORT TITLE.

1. This Act may be cited as the Opium and Narcotic Drug Act. 1929, c. 49, s. 1.

INTERPRETATION.

2. In this Act, and in any order or regulation made hereunder,

(a) "dentist" means a person licensed and in good standing as such under the Act or Ordinance governing the practice of dental surgery within the province or territory wherein is tendered any prescription or order for any drug bearing his signature;

(b) "Department" means the Department of National Health and Welfare;

(c) "Dominion Analyst" means any analyst designated for the purposes of this Act or of the Food and Drugs Act, or any other Dominion statute, and includes the Chief Dominion Analyst and the Assistant Chief Dominion Analyst;

(d) "drug" means and includes any substance mentioned in the Schedule whether or not the same is produced in whole or in part by a synthetic process, and whether it is alone or in conjunction with any other substance mentioned in the Schedule, or which may be added to such Schedule under the authority of this Act;

(e) "export" or "exporting" means and includes the taking or conveying, or causing to be taken or conveyed, out of Canada of any drug;

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"Imports" or "imported." (f) "imports" or "imported" means and includes the bringing or conveying, or causing to be brought or conveyed, into Canada of any drug;

"Magistrate." (g) "magistrate" means and includes any judge of the sessions of the peace, recorder, police magistrate, stipendiary magistrate, two justices of the peace, or any magistrate having the power or authority of two or more justices of the peace;

"Minister." (h) "Minister" means the Minister of National Health and Welfare;

"Opium." (i) "opium" means and includes crude opium, powdered opium and opium wholly or partially prepared for any use or purpose, whatever its content of morphine may be;

"Physician." (j) "physician" means a person registered as a medical practitioner and in good standing under the Act or Ordinance governing the practice of medicine and surgery within the province or territory wherein is tendered any prescription or order for any drug bearing his signature;

"Prepared opium" or "smoking opium." (k) "prepared opium" or "smoking opium" means the product of raw opium, obtained by a series of special operations, especially by dissolving, boiling, roasting and fermentation, designed to transform it into an extract suitable for consumption; and "prepared opium" includes dross and all other residues remaining when opium has been smoked;

"Provincial analyst." (l) "provincial analyst" means any analyst appointed by the government of any province and having authority to make any analysis for any public purpose;

"Retail druggist." (m) "retail druggist" means a person registered and licensed to carry on business as such, who is carrying on such business, or is in charge of a dispensary in any hospital, in the province in which such person is so licensed; and

"Veterinary surgeon." (n) "veterinary surgeon" means a person licensed and in good standing as such under the Act or Ordinance governing the practice of veterinary surgery within the province or territory wherein is tendered any prescription or order for any drug bearing his signature. 1929, c. 49, s. 2; 1932, c. 20, ss. 1, 2; 1946, c. 11, ss. 1, 2.

3. (1) With the approval of the Governor in Council, the Minister may

(a) issue licences for the import, export, sale, manufacture, production and distribution at a stated place of any drug;

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Opium and Narcotic Drug. Chap. 201.

(b) name the ports or places in Canada where any drug may be exported or imported;
(c) prescribe the manner in which any drug is packed and marked for export;
(d) prescribe the record that shall be kept by any person in connection with the export, import, receipt, sale, disposal and distribution of the drug or drugs mentioned in the Schedule; and
(e) make all convenient and necessary regulations with respect to the issue and duration and the terms and forms of the several licences that may be issued here-under and to the payment of fees for such licences.

(2) Such fees shall not exceed,
(a) for each exportation or importation, the sum of $5;
(b) for each licence for a manufacturer or dealer other than a retail druggist, the sum of $25; and
(c) for a licence for a retail druggist, who manufactures any drug, the sum of $5;
and no such licence shall continue in force for a longer period than one year.

(3) No licence shall be granted to any person to import or export "prepared opium" or "smoking opium." 1929, c. 49, s. 3; 1938, c. 9, s. 1.

OFFENCES AND PENALTIES.

4. (1) Every person who
(a) imports into or exports from Canada any drug, or not being a common carrier, takes or carries, or causes to be taken or carried from any place in Canada to any other place in Canada, any drug without first obtaining a licence therefor from the Minister;
(b) imports into or exports from Canada any drug at any port or place in Canada that has not been named by the Minister as a port or place into or from which any drug may be imported or exported;
(c) exports any raw opium or any drug that is not packed and marked in such manner as may be prescribed by the Minister;
(d) has in his possession any drug save and except under the authority of a licence from the Minister first had and obtained, or other lawful authority;
(e) unlawfully sells, gives away or administers any drug to any minor;
(f) manufactures, sells, gives away, delivers or distributes or makes any offer in respect of any drug, or any licence.

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any substance represented or held out by such person to be a drug, to any person without first obtaining a licence from the Minister, or without other lawful authority; or

(g) cultivates, gathers or produces any opium poppy (Papaver Somniferum) or Cannabis Sativa, except under the authority of a licence from the Minister first had and obtained;

is guilty of an offence, and is liable

(i) upon indictment, to imprisonment for any term not exceeding seven years and not less than six months, and to a fine not exceeding one thousand dollars and not less than two hundred dollars, and, in addition, at the discretion of the judge, to be whipped; or

(ii) upon summary conviction, to imprisonment with or without hard labour for any term not exceeding eighteen months and not less than six months, and to a fine not exceeding one thousand dollars and not less than two hundred dollars.

Court shall not impose less than minimum penalties.

(2) Notwithstanding the provisions of the Criminal Code, or of any other statute or law, the court has no power to impose less than the minimum penalties herein prescribed, and shall, in all cases of conviction, impose both fine and imprisonment; and any person who commits an offence under paragraph (e) of subsection (1) shall be proceeded against by indictment, and not summarily. 1929, c. 49, s. 4; 1938, c. 9, ss. 2, 3; 1946, c. 11, s. 3.

Persons to whom drugs may be sold.

5. Except as provided in section 8, every person licensed under this Act to deal in any drug, who gives, sells or furnishes any drug to any person, other than a duly authorized and practising physician, veterinary surgeon or dentist, or to a bona fide wholesale druggist, or to a retail druggist, or who gives, sells or furnishes any drug to any such physician, veterinary surgeon, dentist, wholesale or retail druggist, without a written order therefor, signed and dated; and any retail druggist who gives, sells or furnishes any drug to any person, except upon a written order or prescription signed and dated by a physician, veterinary surgeon or dentist whose signature is known to the said druggist or if unknown duly verified before such order or prescription is filled, or who uses any prescription to sell any drug on more than one occasion, is guilty of an offence, and is liable upon summary conviction to a fine not exceeding one thousand dollars and not less than two hundred dollars, or to imprisonment for a term not exceeding eighteen months, or to both fine and imprisonment. 1929, c. 49, s. 5.

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6. (1) Every physician who prescribes, administers, gives, sells or furnishes any drug to any person, or who signs any prescription or order for the filling of which any drug is required, unless such drug is required for medicinal purposes, or is prescribed for the medical treatment of a person who is under professional treatment by such physician, and any dentist or veterinary surgeon who prescribes, administers, gives, sells or furnishes any drug to any person, or who signs any prescription or order for the filling of which any drug is required, unless such drug is required for medicinal purposes in connection with his practice as a dentist or veterinary surgeon, is guilty of an offence, and is liable upon indictment to imprisonment for any term not exceeding five years and not less than three months, or upon summary conviction to a fine not exceeding one thousand dollars and not less than two hundred dollars, or to imprisonment with or without hard labour for a term not exceeding eighteen months, or to both fine and imprisonment.

(2) Notwithstanding the provisions of the Criminal Code, or of any other statute or law, the court has no power to impose less than the minimum penalties herein prescribed. 1929, c. 49, s. 6.

6. (1) Every physician who prescribes, administers, gives, sells or furnishes any drug to any person, or who signs any prescription or order for the filling of which any drug is required, unless such drug is required for medicinal purposes, or is prescribed for the medical treatment of a person who is under professional treatment by such physician, and any dentist or veterinary surgeon who prescribes, administers, gives, sells or furnishes any drug to any person, or who signs any prescription or order for the filling of which any drug is required, unless such drug is required for medicinal purposes in connection with his practice as a dentist or veterinary surgeon, is guilty of an offence, and is liable upon indictment to imprisonment for any term not exceeding five years and not less than three months, or upon summary conviction to a fine not exceeding one thousand dollars and not less than two hundred dollars, or to imprisonment with or without hard labour for a term not exceeding eighteen months, or to both fine and imprisonment.

(2) Notwithstanding the provisions of the Criminal Code, or of any other statute or law, the court has no power to impose less than the minimum penalties herein prescribed. 1929, c. 49, s. 6.

7. The provisions of paragraphs (a), other than those relating to importation into or exportation from Canada of any drug, (d) and (f) of subsection (1) of section 4 and of section 13 do not apply to a physician, veterinary surgeon, dentist, or retail druggist who does not manufacture any drug; but every physician, veterinary surgeon, dentist and retail druggist, shall make to the Minister, as and when required, a declaration in the prescribed form, stating that he is engaged in the sale or distribution of opium, morphine, cocaine, and their respective salts or derivatives, or otherwise, as the case may be. 1929, c. 49, s. 7.

8. (1) Notwithstanding the provisions of paragraphs (d), (e) and (f) of subsection (1) of section 4 and of sections 5, 6 and 7,

(a) any retail druggist may have in possession or may sell or distribute preparations containing one-eighth grain or less of codeine per tablet or other solid form, or liquid preparations containing one-third grain or less of codeine per fluid ounce, when such preparations are combined with other medicinal ingredients and the maximum dose prescribed for the preparation contains

(i) one such ingredient not less in quantity than the amount prescribed by the British Pharmacopoeia as a minimum dose for such ingredient,
(ii) two such ingredients having a similar action, each not less in quantity than one-half the amount prescribed by the British Pharmacopoeia as a minimum dose for each such ingredient respectively, or

(iii) three such ingredients having a similar action each not less in quantity than one-third the amount prescribed by the British Pharmacopoeia as a minimum dose for each such ingredient respectively; and

(b) no retail druggist shall sell, or offer for sale except pursuant to direction of a physician, any preparation referred to in paragraph (a) unless there is printed in a conspicuous place on an inseparable part of the main panel of the label and wrapper of the bottle, box, or other container, and in letters of the same size and visibility as the directions for the use of the preparation, the full formula or true list of medicinal ingredients, and the following words: "It is unlawful to administer this preparation to a child under two years of age as it contains codeine and is dangerous to its life."

(2) No person except a physician shall sell for administration to a child under two years of age, or administer to any such child any preparation containing codeine, the sale of which is permitted by this section.

(3) Any person violating the provisions of this section is liable upon summary conviction to a fine not exceeding one hundred dollars, for the first offence; for each subsequent offence to a fine not exceeding one hundred dollars, or to imprisonment for a term not exceeding three months, or to both fine and imprisonment.

(4) Nothing in this section repeals or affects any of the provisions of the Proprietary or Patent Medicine Act. 1929, c. 49, s. 8; 1946, c. 11, ss. 4, 5.

9. (1) Any person who

(a) manufactures, imports or exports any drug mentioned in the Schedule or sells or distributes any drug mentioned therein and neglects or refuses to keep the record required by any regulation made under this Act; or

(b) neglects or refuses to produce such record for inspection at the request of any peace officer or any person authorized to inspect the same by the Minister or to furnish to the Department any information required by the Department;

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is guilty of an offence, and is liable, upon summary conviction, to a fine not exceeding one thousand dollars and not less than two hundred dollars, or to imprisonment for any term not exceeding eighteen months, or to both fine and imprisonment.

(2) The foregoing provisions of this section do not apply to a duly authorized and practising physician, veterinary surgeon or dentist, but every such physician, veterinary surgeon or dentist, shall on request furnish the Minister with any information that he may require under any regulation made under this Act with respect to the drugs received, dispensed, prescribed, given away or distributed by such physician, veterinary surgeon or dentist.

(3) Any physician, veterinary surgeon, dentist or retail druggist who neglects or refuses to make the declaration required by section 7 in the prescribed form, and any physician, veterinary surgeon or dentist who neglects or refuses to furnish any information required by the Minister under this section, is guilty of an offence and liable on summary conviction to the penalties provided in subsection (1). 1929, c. 49, s. 9; 1938, c. 9, s. 4.

10. Every person who, in the course of treatment, is supplied with drugs or a prescription therefor by the treating physician and who, without disclosing the fact to such physician, is supplied during such treatment with drugs or a prescription therefor by another physician, is guilty of an offence and is liable upon summary conviction to a fine not exceeding fifty dollars. 1929, c. 49, s. 10.

11. (1) No person shall, without lawful authority or without a permit signed by the Minister or some person authorized by him in that behalf, import or have in his possession any opium pipe, opium lamp, or other device or apparatus designed or generally used for the purpose of preparing opium for smoking, or smoking or inhaling opium, or any article capable of being used as or as part of any such pipe, lamp or other device or apparatus.

(2) Any person violating the provisions of this section is liable, upon summary conviction, to a fine not exceeding one hundred dollars, and not less than fifty dollars, or to imprisonment for a term not exceeding three months, or to both fine and imprisonment. 1929, c. 49, s. 11.

12. Every person who
(a) smokes opium; or

(b) R.S., 1952:
Being in opium resort.

(b) without lawful and reasonable excuse, is found in any house, room or place to which persons resort for the purpose of smoking or inhaling opium; is guilty of an offence and is liable, upon summary conviction, to a fine not exceeding one hundred dollars and not less than fifty dollars, or to imprisonment for a term not exceeding three months, or to both fine and imprisonment. 1929, c. 49, s. 12.

Penalty.

13. (1) Every person who encloses in or with any letter, packet or other mailable matter sent by post, or puts into any post office, any drug is guilty of an offence and is liable

(a) upon indictment, to imprisonment for any term not exceeding seven years and not less than six months, and to a fine not exceeding one thousand dollars and not less than two hundred dollars; or

(b) upon summary conviction, to imprisonment with or without hard labour for any term not exceeding eighteen months and not less than six months, and to a fine not exceeding one thousand dollars and not less than two hundred dollars.

Penalty.

Evidence.

(2) In any prosecution under this section an affidavit of the postmaster or assistant postmaster in charge of any post office at which such drug was mailed, or to or through which it was sent by mail, is sufficient proof of the fact that such drug was enclosed in or with any letter, packet or other mailable matter sent by post, or was put into, transmitted through or received at such post office.

Evidence.

(3) Notwithstanding the provisions of subsection (1) any licensed wholesale druggist may forward by post any preparation or remedy of which the sale by a retail druggist is permitted by subsection (1) of section 8 and may forward by registered post any drug. 1929, c. 49, s. 13.

Evidence.

14. Where any person is convicted of an offence or an indictable offence under this Act, other than the offence under section 10, and the conviction adjudges payment of a fine, the sentence shall direct that in default of payment of the fine, the person so convicted shall be imprisoned until such fine, and any costs imposed by the said sentence, are paid or for a period not exceeding twelve months, to commence at the end of the term of imprisonment awarded by the sentence or forthwith as the case may require. 1929, c. 49, s. 14.

Evidence.

15. Where any person is charged with an offence under paragraph (a), (d), (e), (f), or (g) of subsection (1) of section 4, it is not necessary for the prosecuting authority to establish the onus of proof on charge of importing, exporting, manufacturing, selling, etc. without licence. R.S., 1952.
establish that the accused had not a licence from the Minister or was not otherwise authorized to commit the act complained of, and if the accused pleads or alleges that he had such licence or other authority the burden of proof thereof shall be upon the person so charged. 1946, c. 11, s. 6.

16. (1) If any person charged with an offence under section 6 pleads or alleges that the drug in question was required for medicinal purposes, or was prescribed for the medical treatment of a person under professional treatment by the accused, or was required for medicinal purposes in connection with his practice as a dentist or veterinary surgeon, as the case may be, the burden of proof thereof shall be upon the person so charged.

(2) It is no defence to a physician charged with an offence under section 6 that he did give, sell, furnish or prescribe any drug to an habitual user for self-administration, unless such habitual user was suffering from a diseased condition caused otherwise than by excessive use of any drug. 1929, c. 49, s. 16.

17. Without limiting the generality of paragraph (d) of subsection (1) of section 4, any person who occupies, controls, or is in possession of any building, room, vessel, vehicle, enclosure or place, in or upon which any drug or any article mentioned in section 11 is found, shall, if charged with having such drug or article in possession without lawful authority, be deemed to have been so in possession unless he prove that the drug or article was there without his authority, knowledge or consent, or that he was lawfully entitled to the possession thereof. 1938, c. 9, s. 5.

18. In any prosecution under this Act a certificate as to the analysis of any drug or drugs signed or purporting to be signed by a Dominion or provincial analyst shall be prima facie evidence of the facts stated in such certificate and conclusive evidence of the authority of the person giving or making the same without any proof of appointment or signature. 1929, c. 49, s. 18.

19. (1) Any constable or other peace officer who has reasonable cause to suspect that any drug is kept or concealed for any purpose contrary to this Act, in any store, shop, warehouse, outhouse, garden, yard, vessel, vehicle or other place, may search by day or night any such place for such drug, and if necessary, by force, may search any person there found, and, if such drug is there found, bring it before R.S., 1952.
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before a magistrate having jurisdiction in the matter; if any opium pipe, opium lamp or other device or apparatus designed or generally used for the purpose of preparing opium for smoking or smoking or inhaling opium or any article capable of being used as or as part of any such pipe, lamp or other device or apparatus is there and then found the same shall also be brought before the magistrate.

(2) Where it is proved upon oath before any magistrate that there is reasonable cause to suspect that any drug is kept or concealed for any purpose contrary to this Act in any dwelling-house, such magistrate may grant a warrant to search by day or night any such place for such drug, and if such drug is there found, to bring it before him; if any opium pipe, opium lamp or other device or apparatus designed or generally used for the purpose of preparing opium for smoking or smoking or inhaling opium or any article capable of being used as or as part of any such pipe, lamp or other device or apparatus is there and then found the same shall also be brought before the magistrate.

(3) Any opium pipe or other article mentioned in sub-section (1) or (2) and any drug or drugs so found under this section shall, unless otherwise required, be delivered by the magistrate to the Minister and shall at the expiration of three months from such finding be forfeited to Her Majesty and shall be disposed of as the Minister may direct, unless within the said period of three months it is established to the satisfaction of the court that no offence has been committed in connection therewith. 1929, c. 49, s. 19.

20. Any opium pipe or other article referred to in section 19 and any drug seized under the provisions of this Act, or found, shall, at the expiration of three months from such seizure or finding, be forfeited to Her Majesty and delivered to the Minister to be disposed of as he may direct, unless within the said period of three months it is established to the satisfaction of the court that no offence has been committed in connection therewith; but the provisions of the Customs Act shall apply to any drug unlawfully imported into Canada. 1932, c. 20, s. 5.

21. When any person is convicted of an offence against this Act, the opium pipe or other article or the drug in respect of which the offence was committed and all receptacles of any kind whatsoever found containing the same, and any vehicle, motor car, automobile, boat, canoe, aeroplane or conveyance of any description, proved to have contained such opium pipe or other article or drug or

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to have been used in any manner in connection with the
offence for which such person has been so convicted, and
any moneys used for the purchase of such drug, shall be
forfeited to Her Majesty, and shall be delivered to the
Minister for disposition. 1929, c. 49, s. 21.

22. A judge of the Exchequer Court of Canada, or
any judge of any of the superior courts in any province of
Canada having jurisdiction in the province or place where
the application is made, shall grant a writ of assistance
upon application made to him for that purpose by Her
Majesty's Attorney General of Canada, or by the Minister
of National Health and Welfare or his Deputy, to any
person named in such application. 1946, c. 11, s. 7.

23. (1) The Governor in Council may make such orders
and regulations as are deemed necessary or expedient for
carrying out the intention of this Act; for the seizure of any
opium pipe or other article or drug that there is reason to
believe is liable to forfeiture under this Act; for the use or
sale of any drug for scientific purposes, and for the revoca-
tion of licences.

(2) The Governor in Council may, from time to time,
designate duly qualified analysts for the purposes of this
Act. 1929, c. 49, s. 23.

24. The Governor in Council may, from time to time,
add to or subtract from the Schedule, any alkaloids, deriva-
tives or preparations of drugs or similar synthetic prepara-
tions, the inclusion or exclusion of which is by him deemed
necessary in the public interest. 1938, c. 9, s. 6; 1950, c. 50,
s. 10.

25. Except in cases tried before two justices of the
peace, sections 749 to 760, inclusive, and subsection (2) of
section 769 of the Criminal Code do not apply to any con-
viction, order or proceedings in respect of any offence under
paragraphs (a), (d), (e) and (f) of subsection (1) of section
4 of this Act. 1929, c. 49, s. 25.

26. Notwithstanding any provision of the Immigration
Act, or any other statute, any alien, whether domiciled in
Canada or not, who at any time after his entry into Canada
is convicted of an offence under paragraph (a), (d), (e)
or (f) of subsection (1) of section 4, shall, upon the expira-
tion or sooner determination of the imprisonment imposed
on
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on such conviction, be kept in custody and deported in accordance with the provisions of the Immigration Act relating to enquiry, detention and deportation. 1929, c. 49, s. 26.

27. The provisions of the Identification of Criminals Act apply to any person in lawful custody charged with, or under conviction of, an offence under paragraph (a), (d), (e) or (f) of subsection (1) of section 4, where the proceedings are by way of summary conviction. 1929, c. 49, s. 27.

SCHEDULE.

(1) Opium or its preparations, or any opium alkaloids, or their derivatives, or salts or preparations of opium alkaloids or their derivatives, but not including apomorphine;

(2) Coca leaf, crude cocaine, or their preparations, or any coca alkaloids or their derivatives, or salts or preparations of coca alkaloids or their derivatives;

(3) Cannabis Sativa and its preparations;

(4) Eucaine or any salts or compounds thereof: and without in any way limiting the generality of paragraphs (1), (2), (3), and (4),

(5) Morphine, its derivatives, or any salts or compounds thereof, but not including apomorphine;

(6) Diacetylmorphine and the other esters of morphine and their salts;

(7) Dihydrohydroxycodeinone (of which the substance registered under the name of eucodal is a salt), Dihydrocodeinone (of which the substance registered under the name of dicodide is a salt), Dihydromorphinone (of which the substance registered under the name of dilaudide is a salt), Acetyldihydrocodeinone or acetyldemethylodihydrothebaine (of which the substance registered under the name of acedicone is a salt), Dihydromorphine (of which the substance registered under the name of paramorfan is a salt), Their esters and the salts of any of these substances and of their esters, Morphine-N-oxide (registered trade name genomorphine), the morphine-N-oxide derivatives, and the other pentavalent nitrogen morphine derivatives;

(8) Ecgonine, thebaine and their salts, benzylmorphine and the other ethers of morphine, and their salts;

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(9) Desomorphine (Dihydrodesoxymorphine);

(10) Ethyl 1-Methyl-4-Phenylpiperidine-4-Carboxylate, commonly known as Demerol, Dolantin, Pethidine, Isonipe-caine, Meperidine, and all derivatives thereof, or similar synthetic preparations, for example, alpha-1, 3-dimethyl-4-phenyl-4-propionoxy-piperidine also known as Nisentil, and 4-(3'-hydroxyphenyl)-1-methyl-4-piperidylethyl ketone, also known as ketobemidone, and all derivatives thereof;

(11) Methylmorphine (codeine) and its salts;

(12) Dihydrocodeine (Paracodeine);

(13) 4-4-Diphenyl-6-Dimethylamino-Heptanone-3, commonly known as Methadone, Amidone, Physeptone, Dolophone, Turanone, and all derivatives thereof, or similar synthetic preparations, for example, 4, 4-diphenyl-6-morpholinylheptanone-3 hydrochloride, also known as Heptalgin, and 4, 4-diphenyl-6-piperidinyl-5-methylhexanone-3 hydrochloride, also known as pipidone, and all derivatives thereof;

(14) Synthetic Phenanthrene Alkaloids, under whatever name they may be manufactured, sold or offered for sale, as for example

Morphinan,
N-methylmorphinan,
d1-3-hydroxy-N-methylmorphinan, commonly known as methorphinan (of which the substance registered under the name of Dromoran is a salt), and all derivatives thereof. 1946, c. 11, s. 9; Orders in Council P.C. 3751, September 17, 1947; P.C. 1578, March 28, 1950; P.C. 5492, October 13, 1951.
CHAPTER 202.

An Act respecting the Sale of Tickets by Railway, Steamboat and Ferry Companies.

SHORT TITLE.

1. This Act may be cited as the Passenger Tickets Act. Short title.
R.S., c.174, s.1.

TICKETS AND TICKET AGENTS.

2. Any railway company, steamboat or ferry company subject to the jurisdiction of the Parliament of Canada, or to which the Railway Act applies, and the Minister of Transport, as respects any railway under the control of the Government of Canada, may appoint, in any city, town or village in Canada, such person or persons as it or he chooses, as agents for the sale of passenger tickets to passengers or persons who desire to travel by the railway, steamboat or ferry of the company employing such agent, or by any Government railway, as the case may be. R.S., c.174, s.2; 1936, c.34, s.3.

3. The Minister of Transport, or company employing such agent, shall give him a certificate of his appointment, which shall be under the hand of the Minister of Transport, or the corporate seal of the company appointing him; and such certificate shall keep the same framed or exhibited in some conspicuous part of his office or place of business, where it can be seen and read by those resorting to the office. R.S., c.174, s.3; 1936, c.34, s.3.

4. Every agent of a foreign railway company doing business in Canada shall, before issuing tickets over any Government railway line, or other Canadian railway line, be duly authorized for such purpose by the Minister of Transport, or by the company, as the case may be, over whose railway line the company is doing business in Canada. R.S., c.174, s.4.

5. The ticket agent shall not by his acts or practices do or cause to be done any act or practice contrary to the provisions of this Act. R.S., c.174, s.5.
CHAPTER 202.

An Act respecting the Sale of Tickets by Railway, Steamboat and Ferry Companies.

1. This Act may be cited as the Passenger Tickets Act. Short title. R.S., c. 174, s. 1.

TICKETS AND TICKET AGENTS.

2. Any railway company, steamboat or ferry company subject to the jurisdiction of the Parliament of Canada, or to which the Railway Act applies, and the Minister of Transport, as respects any railway under the control of the Government of Canada, may appoint, in any city, town or village in Canada, such person or persons as it or he chooses, as agents for the sale of passenger tickets to passengers or persons who desire to travel by the railway, steamboat or ferry of the company employing such agent, or by any Government railway, as the case may be. R.S., c. 174, s. 2; 1936, c. 34, s. 3.

3. The Minister of Transport, or company, employing any such agent, shall give him a certificate of his appointment, which shall be under the hand of the Minister of Transport, or the corporate seal of the company appointing him; and such agent shall keep the same framed or exhibited in some conspicuous part of his office or place of business, where it can be seen and read by those resorting to the office. R.S., c. 174, s. 3; 1936, c. 34, s. 3.

4. Every agent of a foreign railway company doing business in Canada shall, before issuing tickets over any Government railway line, or other Canadian railway line, be duly authorized for such purpose by the Minister of Transport, or by the company, as the case may be, over whose R.S., 1952.
whose line he desires to issue tickets, in the same manner
as is hereinbefore provided in respect of other agents, and
shall have and exhibit, in like manner, a certificate from
the foreign company he represents. R.S., c. 174, s. 4; 1936,
c. 34, s. 3.

5. Every ticket sold by any agent shall have the name
of such agent and the date of the sale written or stamped
plainly upon it. R.S., c. 174, s. 5.

6. Nothing in this Act prevents the duly authorized
agent of any company from procuring from the duly author-
ized agent of any other company, a ticket for a passenger
to whom he has sold a ticket to travel over the line or any
part thereof for which he is the authorized agent, so as to
enable such passenger to travel to the point or junction
from which he has previously secured his ticket. R.S., c. 174,
s. 6.

7. Nothing in this Act respecting the appointment of
agents for the sale of tickets prevents the station agents of
the Minister of Transport or company, at their stations,
and in their ticket offices at such stations, from selling
tickets to passengers about to enter upon and travel by
railway from the said stations. R.S., c. 174. s. 7; 1936,
c. 34, s. 3.

UNUSED TICKETS.

8. (1) The Minister of Transport, with respect to any
Government railway, and every railway company subject
to the jurisdiction of the Parliament of Canada, or to which
the Railway Act applies, as the case may be, shall repay
to every holder of a ticket over any Government railway
line or other Canadian railway line, as the case may be,
the cost of his ticket, if unused in whole or in part, less
the ordinary and regular fare for the distance for which
such ticket has been used.

(2) Such repayment shall be made at any station or
office of the railway or company between and including
the points covered by the ticket.

(3) The claim for such redemption shall be made within
thirty days from the expiration of the time for which the
ticket was issued, in accordance with the conditions thereon.
R.S., c. 174, s. 8; 1936, c. 34, s. 3.

STOP OVER TICKETS.

9. (1) Every passenger who presents a single journey
ticket upon a train within the time for which the conditions
printed

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printed upon such ticket and the date shows such ticket to be good for use, may apply to the conductor of such train to have the privilege of stopping over granted, and the time for which the ticket is valid extended.

(2) Such privilege and extension of time shall be granted to be granted by such conductor on tickets purchased at railway ticket offices in Canada, from one place in Canada to another, or from a place in Canada to a place in the United States.

(3) No such passenger is entitled to have such time extended for more than two days for every fifty miles of distance to be travelled in Canada. R.S., c. 174, s. 9.

OFFENCES AND PENALTIES.

10. Every person who,

(a) not being thereunto authorized as hereinbefore mentioned, sells, or offers for sale any railway, steamboat or ferry passenger ticket, or pass, ticket, certificate or other instrument, enabling any person or purporting to entitle any person to travel on any one railway, steamboat or ferry, or more than one railway, steamboat or ferry, or on any part of one railway or parts of several railways to which this Act applies;

(b) issues the unused portion of any ticket, otherwise than by the presentation of the same for redemption under the provisions of this Act; or

(c) fraudulently alters, changes or imitates the signature of the agent or the date written or stamped upon any ticket;

is guilty of an offence against this Act and is, upon summary conviction thereof before any justice of the peace, liable to a penalty not exceeding fifty dollars and not less than twenty dollars and costs, or to imprisonment for a term not exceeding ninety days and not less than ten days, or to both penalty and imprisonment, in the discretion of the justice. R.S., c. 174, s. 10.

11. Every complaint respecting an offence against this Act shall be prosecuted under the provisions of the Criminal Code relating to summary convictions. R.S., c. 174, s. 11.

EDMOND CLOUTIER, C.M.G., O.A., D.S.P.
QUEEN'S PRINTER AND CONTROLLER OF STATIONERY
OTTAWA, 1952

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CHAPTER 203.

An Act respecting Patents of Invention.

SHORT TITLE.

1. This Act may be cited as the Patent Act. 1935, c. 32, Short a 1.

INTERPRETATION.

2. In this Act, and in any rule, regulation or order made under it,
(a) "applicant" includes an inventor and the legal representatives of an applicant or inventor;
(b) "Commissioner" means the Commissioner of Patents; "Com
(c) "Exchequer Court" means the Exchequer Court of Canada;
(d) "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;
(e) "legal representatives" includes heirs, executors, administrators, guardians, curators, tutors, assigns and all other persons claiming through or under applicants for patents and patentees of inventions;
(f) "Minister" means the Secretary of State of Canada "Mini
or such other Minister of the Crown as may be appointe
ed by the Governor in Council to administer this Act;
(g) "patent" means letters patent for an invention; "Paten
(h) "patentee" means the person for the time being entitled to the benefit of a patent for an invention;
(i) "regulation" and "rule" include rule, regulation "Regu
and form;
(j) "work on a commercial scale" means the manufacture of the article or the carrying on of the process described and claimed in a specification for a patent, in or by means of a definite and substantial establishment or organization and on a scale that is adequate and reasonable under the circumstances. 1935, c. 32, s. 2.
CHAPTER 203.

An Act respecting Patents of Invention.

SHORT TITLE.

1. This Act may be cited as the Patent Act. 1935, c. 32, Short title.

s. 1.

INTERPRETATION.

2. In this Act, and in any rule, regulation or order made Definitions under it,

(a) "applicant" includes an inventor and the legal representa-tives of an applicant or inventor;

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

(c) "Exchequer Court" means the Exchequer Court of Canada;

(d) "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;

(e) "legal representatives" includes heirs, executors, administrators, guardians, curators, tutors, assigns and all other persons claiming through or under applicants for patents and patentees of inventions;

(f) "Minister" means the Secretary of State of Canada or such other Minister of the Crown as may be appoint-ed by the Governor in Council to administer this Act;

(g) "patent" means letters patent for an invention;

(h) "patentee" means the person for the time being entitled to the benefit of a patent for an invention;

(i) "regulation" and "rule" include rule, regulation and form;

(j) "work on a commercial scale" means the manufacture of the article or the carrying on of the process de-scribed and claimed in a specification for a patent, in or by means of a definite and substantial establishment or organization and on a scale that is adequate and reasonable under the circumstances. 1935, c. 32, s. 2.
3. There shall be attached to the Department of the Secretary of State of Canada or to such other department of the Government of Canada as may be determined by the Governor in Council an office called the Patent Office. 1935, c. 32, s. 3.

4. (1) The Governor in Council may appoint a Commissioner of Patents who shall, under the direction of the Minister, exercise and perform the powers and duties conferred and imposed upon that officer by or pursuant to this Act.

(2) The Commissioner shall receive all applications, fees, papers, documents and models for patents, shall perform and do all acts and things requisite for the granting and issuing of patents of invention, shall have the charge and custody of the books, records, papers, models, machines and other things belonging to the Patent Office, and shall have, for the purposes of this Act, all the powers that are or may be given by the Inquiries Act to a commissioner appointed under Part II thereof.

(3) The Commissioner holds office during pleasure and shall be paid such annual salary as may be determined by the Governor in Council. 1935, c. 32, s. 4; 1947, c. 23, s. 2.

5. (1) An Assistant Commissioner of Patents may be appointed in the manner authorized by law; he shall be a technical officer experienced in the administration of the Patent Office.

(2) When the Commissioner is absent or unable to act, the Assistant Commissioner, or, if he also is at the same time absent or unable to act, another officer designated by the Minister, may and shall exercise the powers and perform the duties of the Commissioner. 1935, c. 32, s. 5.

6. There may be appointed in the manner authorized by law, such principal examiners, examiners, associate examiners and assistant examiners, clerks, stenographers and other assistants as are necessary for the administration of this Act. 1935, c. 32, s. 6.

7. No officer or employee of the Patent Office shall buy, sell, acquire or traffic in any invention, patent or right to a patent, or any interest in any thereof, and every purchase, sale, assignment, acquisition or transfer of any invention, patent or right to a patent, or any interest in any thereof, made by or to any such officer or employee is null and void.

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void, but this section does not apply to a sale by an original inventor or to an acquisition under the last will, or by the intestacy, of a deceased person. 1935, c. 32, s. 7.

8. Clerical errors in any instrument of record in the Patent Office shall not be construed as invalidating the same, but, when discovered, they may be corrected by certificate under the authority of the Commissioner. 1935, c. 32, s. 8.

9. If any patent is destroyed or lost a certified copy may be issued in lieu thereof upon payment of the prescribed fee. 1935, c. 32, s. 9.

10. All specifications, drawings, models, disclaimers, judgments, returns, and other papers, except caveats, and except those filed in connection with applications for patents that are still pending or have been abandoned shall be open to the inspection of the public at the Patent Office, under such regulations as are adopted in that behalf. 1935, c. 32, s. 10.

11. Notwithstanding the exception in section 10, the Commissioner, upon the request of any person who states in writing the name of the inventor, if available, the title of the invention and the number and date of a patent said to have been granted in a named country other than Canada, and who pays or tenders the prescribed fee, shall inform such person whether an application for a patent of the same invention is or is not pending in Canada. 1947, c. 23, s. 3.

RULES AND REGULATIONS.

12. (1) The Governor in Council, on the recommenda-
dation of the Minister, may make, amend or repeal such rules and regulations as may be deemed expedient

(a) for carrying into effect the objects of this Act, or for ensuring the due administration thereof by the Commissioner and other officers and employees of the Patent Office;

(b) for carrying into effect the terms of any treaty, convention, arrangement or engagement that subsists between Canada and any other country; and

(c) in particular, but without restricting the generality of the foregoing, with respect to the following matters (i) the form and contents of applications for patents, (ii) the form of the Register of Patents and of the indexes thereto,

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(iii) the registration of assignments, transmissions, licences, disclaimers, judgments or other documents relating to any patent, and
(iv) the form and contents of any certificate issued pursuant to the terms of this Act.

(2) Any rule or regulation made by the Governor in Council is of the same force and effect as if it had been enacted herein. 1947, c. 23, s. 3.

**SEAL.**

13. (1) 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.

(2) 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. 1935, c. 32, s. 13.

**PROOF OF PATENTS.**

14. In any action or proceeding respecting a patent of invention authorized to be had or taken in Canada under the provisions of this Act a copy of any patent granted in any other country, or any official document connected therewith, purporting to be certified under the hand of the proper officer of the government of the country in which such patent has been obtained, may be produced before the court or a judge thereof, and the copy of such patent or document purporting to be so certified may be received in evidence without production of the original and without proof of the signature or of the official character of the person appearing to have signed the same. 1935, c. 32, s. 14.

**PATENT ATTORNEYS.**

15. (1) 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.

(2) 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. 1935, c. 32, s. 15.

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16. For gross misconduct or any other cause that 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. 1935, c. 32, s. 16.

APPEALS.

17. In all cases where an appeal is provided from the decision of the Commissioner to the Exchequer Court under this Act, such appeal shall be had and taken pursuant to the provisions of the *Exchequer Court Act* and the rules and practice of that Court. 1935, c. 32, s. 17.

18. Whenever an appeal to the Exchequer Court from the decision of the Commissioner is permitted under this Act notice of his decision shall be mailed by the Commissioner by registered letter addressed to the interested parties or their respective agents and the appeal shall be taken within three months after the date of mailing of such notice, unless otherwise extended by the Commissioner with the approval of the Minister and unless herein otherwise expressly provided. 1935, c. 32, s. 18.

USE OF PATENTS BY GOVERNMENT.

19. 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, and any decision of the Commissioner under this section is subject to appeal to the Exchequer Court. 1935, c. 32, s. 19.

GOVERNMENT OWNED PATENTS.

20. (1) Any officer, servant or employee of the Crown or of a corporation that is an agent or servant of the Crown, who, acting within the scope of his duties and employment as such, invents any invention in instruments or munitions of war, shall, if so required by the Minister of National Defence, assign to such Minister on behalf of Her Majesty all the benefits of the invention and of any patent obtained or to be obtained for the invention; and any other person who invents any such invention may so assign to such Minister on behalf of Her Majesty all the benefits of the invention and of any patent obtained or to be obtained for the invention.

(2) An inventor, other than an officer, servant or employee of the Crown or of a corporation that is an agent or servant of the Crown, acting within the scope of his duties and

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and employment as such, is entitled to compensation for
an assignment to the Minister of National Defence under
this Act; in the event that the consideration to be paid
for such assignment is not agreed upon it is the duty of the
Commissioner to determine the amount of such considera-
tion, but his decision is subject to appeal to the Exchequer
Court; proceedings before the Exchequer Court under this
subsection shall be held in camera upon request made to
the court by any party to the proceedings.

(3) The assignment effectually vests the benefit of the
invention and patent in the Minister of National Defence
on behalf of Her Majesty, and all covenants and agreements
therein contained for keeping the invention secret and
otherwise are valid and effectual, notwithstanding any want
of valuable consideration, and may be enforced accordingly
by the Minister of National Defence.

(4) Any person who, as aforesaid, has made an assign-
ment under this section to the Minister of National Defence,
in respect of any covenants and agreements contained
in such assignment for keeping the invention secret and
otherwise in respect of all matters relating to the said
invention, and any other person who has knowledge of
such assignment and of such covenants and agreements,
shall be, for the purposes of the Official Secrets Act, deemed
to be persons having in their possession or control informa-
tion respecting the said matters that has been entrusted
to them in confidence by any person holding office under
Her Majesty; and the communication of any of the said
information by such first mentioned persons to any person
other than one to whom they are authorized to communicate
with, by or on behalf of the Minister of National Defence,
is an offence under section 4 of the Official Secrets Act.

(5) Where any agreement for such assignment has been
made the Minister of National Defence may submit an
application for patent for the invention to the Commis-
sioner, with the request that it be examined for patenta-
ibility, and if such application is found allowable may, before
the grant of any patent thereon, certify to the Commissi-
oner that, in the public interest, the particulars of the
invention and of the manner in which it is to be worked are
to be kept secret.

(6) If the Minister of National Defence so certifies, the
application and specification, with the drawing, if any, and
any amendment of the application, and any copies of such

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documents and drawing and the patent granted thereon, shall be placed in a packet sealed by the Commissioner under authority of the Minister of National Defence.

(7) The packet shall, until the expiration of the term during which a patent for the invention may be in force, be kept sealed by the Commissioner, and shall not be opened save under the authority of an order of the Minister of National Defence.

(8) The sealed packet shall be delivered at any time during the continuance of the patent to any person authorized by the Minister of National Defence to receive it, and shall if returned to the Commissioner be kept sealed by him.

(9) On the expiration of the term of the patent, the sealed packet shall be delivered to the Minister of National Defence.

(10) No proceeding by petition or otherwise lies to have declared invalid or void a patent granted for an invention in relation to which a certificate has been given by the Minister of National Defence as aforesaid, except by permission of the said Minister.

(11) No copy of any specification or other document or drawing, by this section required to be placed in a sealed packet, shall in any manner whatever be published or open to the inspection of the public, but, save as in this section otherwise directed, the provisions of this Act shall apply in respect of any such invention and patent as aforesaid.

(12) The Minister of National Defence may at any time waive the benefit of this section with respect to any particular invention, and the specification, documents and drawing shall be thenceforth kept and dealt with in the regular way.

(13) No claim shall be allowed in respect of any infringement of a patent that occurred in good faith during the time that such patent was kept secret under the provisions of this section; and any person who, before the publication of such patent, had in good faith done any act that, but for the provisions of this subsection would have given rise to any such claim, is entitled, after such publication, to obtain a licence to manufacture, use and sell the patented invention on such terms as may, in the absence of agreement between the parties, be settled by the Commissioner or by the Exchequer Court on appeal from the Commissioner.

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(14) The communication of any invention for any improvement in munitions of war to the Minister of National Defence or to any person or persons authorized by the Minister of National Defence to investigate the same or the merits thereof, shall not, nor shall anything done for the purposes of the investigation, be deemed use or publication of such invention so as to prejudice the grant or validity of any patent for the same.

(15) The Governor in Council, if satisfied that an invention relating to any instrument or munition of war, described in any specified application for patent not assigned to the Minister of National Defence, is vital to the defence of Canada and that the publication of a patent therefor should be prevented in order to preserve the safety of the State, may order that such invention and application and all the documents relating thereto shall be treated for all purposes of this section as if the invention had been assigned or agreed to be assigned to the Minister of National Defence.

(16) The Governor in Council may make rules under this section for the purpose of ensuring secrecy with respect to applications and patents to which this section applies and generally to give effect to the purpose and intent thereof. 1947, c. 23, s. 4.

21. Where by any agreement between the Government of Canada and any other government it is provided that the Government of Canada will apply the provisions of section 20 to inventions disclosed in any application for a patent assigned or agreed to be assigned by the inventor to such other government, and the Commissioner is notified by any minister of the Crown that such agreement extends to the invention in a specified application, such application and all the documents relating thereto shall be dealt with as provided in section 20, except subsection (2), as if the said invention had been assigned or agreed to be assigned to the Minister of National Defence. 1947, c. 23, s. 4.

PATENTS RELATING TO ATOMIC ENERGY.

22. Any patent application for an invention that, in the opinion of the Commissioner, relates to the production, application or use of atomic energy shall, before it is dealt with by an examiner appointed pursuant to section 6, be communicated by the Commissioner to the Atomic Energy Control Board. 1947, c. 23, s. 4.
Patent.

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GENERAL.

23. No patent shall extend to prevent the use of any invention in any ship, vessel, aircraft or land vehicle of any other country, entering Canada temporarily or accidentally, if such invention is employed exclusively for the needs of the ship, vessel, aircraft or land vehicle, and not so used for the manufacture of any goods to be vended within or exported from Canada. 1935, c. 32, s. 20.

24. (1) Every patentee under this Act shall, if possible, stamp or engrave on each patented article sold or offered for sale by him notice of the year of the date of the patent applying to such article, thus—Patented, 1935, or as the case may be.

(2) When, from the nature of any patented article it cannot be so stamped or engraved the patentee shall, if possible, affix to it, or to every package wherein one or more of such articles is or are enclosed, a label marked with the like notice.

(3) When any patented article or material is, from its nature or character, such that it cannot be so stamped or engraved and cannot, reasonably, be packaged or labelled the patentee shall, in all descriptive or advertising matter published by him and relating to such patented article or material, insert the like notice. 1935, c. 32, s. 21.

25. In all proceedings before any court under this Act the costs of the Commissioner are in the discretion of the court, but the Commissioner shall not be ordered to pay the costs of any other of the parties. 1935, c. 32, s. 22.

26. No relief, right or privilege granted to or acquired by any patentee or other person in respect of any patent or application for any patent under chapter 44 of the statutes of 1921 is affected by the repeal of that Act, but such relief, right or privilege continues as if that Act had remained in force. 1935, c. 32, s. 24.

27. The Commissioner shall, in each year, cause to be prepared and laid before Parliament a report 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. 1935, c. 32, s. 25.
28. (1) Subject to the subsequent provisions of this section, any inventor or legal representative of an inventor of an invention that was

(a) not known or used by any other person before he invented it,

(b) not described in any patent or in any publication printed in Canada or in any other country more than two years before presentation of the petition hereunder mentioned, and

(c) not in public use or on sale in Canada for more than two years prior to his application in Canada,

may, on presentation to the Commissioner of a petition setting forth the facts (in this Act termed the filing of the application) and on compliance with all other requirements of this Act, obtain a patent granting to him an exclusive property in such invention.

(2) Any inventor or legal representative of an inventor who applies in Canada for a patent for an invention for which application for patent has been made in any other country by such inventor or his legal representative before the filing of the application in Canada is not entitled to obtain in Canada a patent for that invention unless his application in Canada is filed, either

(a) before issue of any patent to such inventor or his legal representative for the same invention in any other country, or

(b) if a patent has issued in any other country, within twelve months after the filing of the first application by such inventor or his legal representative for patent for such invention in any other country.

(3) No patent shall issue for an invention that has an illicit object in view, or for any mere scientific principle or abstract theorem. 1947, c. 23, s. 6.

29. (1) An application for a patent for an invention filed in Canada by any person entitled to protection under the terms of any treaty or convention relating to patents to which Canada is a party who has, or whose agent or other legal representative has, previously regularly filed an application for a patent for the same invention in any other country which by treaty, convention or law affords similar privilege to citizens of Canada, has 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 other country.

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if the application in this country is filed within twelve months from the earliest date on which any such application was filed in such other country or from the 13th day of June, 1923.

(2) No patent shall be granted on an application for a patent for an invention that had been patented or described in a patent or publication printed in Canada or any other country more than two years before the date of the actual filing of the application in Canada, or had been in public use or on sale in Canada for more than two years prior to such filing. 1935, c. 32, s. 27.

30. No patent granted by virtue of The Patent Act, chapter 23 of the statutes of 1923, or by virtue of this Act, on an application filed prior to the 1st day of August, 1935, or within six months thereafter and within two years of the date of the grant of the first patent granted in any country other than Canada for the same invention, is void by reason of the date of filing of such application having been more than twelve months after the date of filing in such other country of the first application for the same invention or by reason of a patent having been granted in such other country prior to application in Canada. 1935, c. 32, s. 28.

31. (1) Any applicant for patent who does not appear to reside or carry on business at a specified address in Canada shall, at the time of filing his application or within such period thereafter as the Commissioner may allow, nominate as his representative a person or firm residing or carrying on business at a specified address in Canada.

(2) Subject as hereinafter provided, such nominee shall be deemed to be the representative for all purposes of this Act, including the service of any proceedings taken thereunder, of any such applicant and of any patentee of a patent issued on his application who does not appear to reside or carry on business at a specified address in Canada, and shall be recorded as such by the Commissioner.

(3) An applicant for patent or a patentee may by written advice to the Commissioner appoint another representative in place of the last recorded representative, or may advise the Commissioner in writing of a change in the address of the last recorded representative, and shall so appoint a new representative or supply a new and correct address of the last recorded representative on the despatch by the Commissioner to him of a notice in writing by registered mail that the last recorded representative has died or that a letter addressed to him at the last recorded address and sent by ordinary mail has been returned undelivered.
Where no new appointment is made or no new address supplied.

(4) Where, after the despatch of a notice as aforesaid by the Commissioner, no new appointment is made or no new and correct address is supplied by the applicant or patentee within three months or such further period as the Commissioner may allow, the Exchequer Court or the Commissioner may dispose of any proceedings under this Act without requiring service on the applicant or patentee of any process therein.

(5) No fee is payable on the appointment of a new representative or the supply of a new and correct address, unless such appointment or supply follows the despatch of a notice in writing by the Commissioner as aforesaid, in which case a fee as prescribed shall be payable. 1947, c. 23, s. 9.

When fee payable.

Applications to be completed within twelve months.

32. Each application for a patent shall be completed within twelve months after the filing of the application, and in default thereof, or upon failure of the applicant to prosecute the same within six months after any examiner, appointed pursuant to section 6, has taken action thereon of which notice has been given to the applicant, such application shall be deemed to have been abandoned, but it may be reinstated on petition presented to the Commissioner within twelve months after the date on which it was deemed to have been abandoned, and on payment of the prescribed fee, if the petitioner satisfies the Commissioner that the failure to complete or prosecute the application within the time specified was not reasonably avoidable; an application so reinstated shall retain its original filing date. 1947, c. 23, s. 10.

Abandonment and reinstate ment.

JOINT APPLICATIONS.

33. (1) Where an invention is made by two or more inventors, and one of them refuses to make application for a patent or his whereabouts cannot be ascertained after diligent enquiry, the other inventor or his legal representative may make application, and a patent may be granted in the name of the inventor who makes the application, on satisfying the Commissioner that the joint inventor has refused to make application or that his whereabouts cannot be ascertained after diligent enquiry.

(2) In any case where

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

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

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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 person or joint applicant to proceed with the application, and may grant a patent to him, so, however, that all persons interested are entitled to be heard before the Commissioner after such notice as he may deem requisite and sufficient.

(3) Where an application is filed by joint applicants, and it subsequently appears that one or more of them has had no part in the invention, the prosecution of such application may be carried on by the remaining applicant or applicants on satisfying the Commissioner by affidavit that the remaining applicant or applicants is or are the sole inventor or inventors.

(4) Where an application is filed by one or more applicants and it subsequently appears that one or more further applicants should have been joined, such further applicant or applicants may be joined on satisfying the Commissioner that he or they should be so joined, and that the omission of such further applicant or applicants had been by inadvertence or bona fide mistake and was not for the purpose of delay.

(5) Subject to the provisions of this section, in cases of joint applications the patent shall be granted in the names of all the applicants.

(6) An appeal lies to the Exchequer Court from the decision of the Commissioner under this section. 1947, c. 23, s. 11.

IMPROVEMENTS.

34. Any person who has invented any improvement on any patented invention may obtain a patent for such improvement, but he does not thereby obtain the right of making, vending or using the original invention, nor does the patent for the original invention confer the right of making, vending or using the patented improvement. 1935, c. 32, s. 33.

SPECIFICATIONS AND CLAIMS.

35. The applicant shall, in his application for a patent, insert the title or name of the invention, and shall, with the application, send in a specification in duplicate of the invention and an additional or third copy of the claim or claims. 1935, c. 32, s. 34.

36. (1) The applicant shall in the specification correctly and fully describe the invention and its operation or use as contemplated by the inventor, and set forth clearly the various steps in a process, or the method of constructing, making, compounding or using a machine, manufacture or composition of matter, in such full, clear, concise and exact terms as to enable any person skilled in the art or science to which it appertains, or with which it is most closely connected, to make, construct, compound or use it; in the case of a machine he shall explain the principle thereof and the best mode in which he has contemplated the application of that principle; in the case of a process he shall explain the necessary sequence, if any, of the various steps, so as to distinguish the invention from other inventions; he shall particularly indicate and distinctly claim the part, improvement or combination which he claims as his invention.

(2) The specification shall end with a claim or claims stating distinctly and in explicit terms the things or combinations that the applicant regards as new and in which he claims an exclusive property or privilege.

(3) When the number of claims in an application exceeds twenty a prescribed fee shall be imposed for each claim in excess of that number; but when the number of claims in an application for reissue exceeds the number of claims granted in the original patent an additional fee shall be imposed only for each claim over and above twenty in excess of the number of claims granted in the original patent. 1935, c. 32, s. 35; 1947, c. 23, s. 12.

EXAMINATION.

37. On each application for a patent a careful examination shall be made by competent examiners to be employed in the Patent Office for that purpose. 1935, c. 32, s. 36.

DIVISIONAL APPLICATIONS.

38. (1) A patent shall be granted for one invention only but in an action or other proceeding a patent shall not be deemed to be invalid by reason only that it has been granted for more than one invention.

(2) Where an application describes and claims more than one invention the applicant may, and on the direction of the Commissioner to that effect shall, limit his claims to one invention only, and the invention or inventions defined in the other claims may be made the subject of one or more divisional

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divisional applications, if such divisional applications are filed before the issue of a patent on the original application; but if the original application becomes abandoned or forfeited, the time for filing divisional applications terminates with the expiration of the time for reinstating or restoring and reviving the original application under this Act or the rules made thereunder.

(3) Such divisional applications shall be deemed to be separate and distinct applications under this Act, to which the provisions thereof shall apply as fully as may be; separate fees shall be paid on each of such applications and they shall bear the filing date of the original application. 1935, c. 32, s. 37; 1947, c. 23, s. 13.

DRAWINGS AND MODELS.

39. (1) 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; 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.

(2) 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.

(3) The Commissioner may, in his discretion, dispense with the duplicate specification and drawing and the third copy of the claim or claims, 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. 1935, c. 32, s. 38; 1947, c. 23, s. 14.

40. (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.
(2) If such ingredients or composition are of an explosive or dangerous character, they shall be furnished with such precautions as are prescribed in the requisition therefor. 1935, c. 32, s. 39.

CHEMICAL PRODUCTS AND SUBSTANCES.

41. (1) In the case of inventions relating to substances prepared or produced by chemical processes and intended for food or medicine, the specification shall not include claims for the substance itself, except when prepared or produced by the methods or processes of manufacture particularly described and claimed or by their obvious chemical equivalents.

(2) 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.

(3) 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 licence 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 licence 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.

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

(5) This section applies only to patents granted after the 13th day of June, 1923. 1935, c. 32, s. 40.

REFUSAL OF PATENTS.

42. Whenever the Commissioner is satisfied that the applicant is not by law entitled to be granted a patent he shall refuse the application and, by registered letter addressed to the applicant or his registered agent, notify such applicant of such refusal and of the ground or reason therefor. 1935, c. 32, s. 41.

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43. Whenever it appears to the Commissioner that the invention to which an application relates has been, before the filing of the application, described in a patent granted in Canada or any other country, and such application was filed within two years after the date on which such patent was so granted and the Commissioner entertains doubts whether the patentee of such invention is, as between him and the applicant, the first inventor, the Commissioner shall, by registered letter addressed to the applicant or his registered agent, object to grant a patent on such application and state, with sufficient detail to enable the applicant, if he can, to answer, the ground or reason for such objection; the applicant has the right, within such period or extended period of time as the Commissioner may allow, to answer such objection and if it is not in due course answered to the satisfaction of the Commissioner he shall refuse the application. 1935, c. 32, s. 42.

44. Every person who has failed to obtain a patent by reason of a refusal or objection of the Commissioner to grant it may, at any time within six months after notice as provided for in sections 42 and 43 has been mailed, appeal from the decision of the Commissioner to the Exchequer Court and that Court has exclusive jurisdiction to hear and determine such appeal. 1935, c. 32, s. 43.

CONFLICTING APPLICATIONS.

45. (1) Conflict between two or more pending applications exists

(a) when each of them contains one or more claims defining substantially the same invention, or
(b) when one or more claims of one application describe the invention disclosed in the other application.

(2) When the Commissioner has before him two or more such applications he shall notify each of the applicants of the apparent conflict and transmit to each of them a copy of the conflicting claims, together with a copy of this section; the Commissioner shall give to each applicant the opportunity of inserting the same or similar claims in his application within a specified time.

(3) Where each of two or more of such completed applications contains one or more claims describing as new, and claims an exclusive property or privilege in, things or combinations so nearly identical that, in the opinion of the Commissioner, separate patents to different patentees should not be granted, the Commissioner shall forthwith notify each of the applicants to that effect.

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(4) Each of the applicants, within a time to be fixed by the Commissioner, shall either avoid the conflict by the amendment or cancellation of the conflicting claim or claims, or, if unable to make such claims owing to knowledge of prior art, may submit to the Commissioner such prior art alleged to anticipate the claims; thereupon each application shall be re-examined with reference to such prior art, and the Commissioner shall decide if the subject matter of such claims is patentable.

(5) Where the subject matter is found to be patentable and the conflicting claims are retained in the applications, the Commissioner shall require each applicant to file in the Patent Office, in a sealed envelope duly endorsed, within a time specified by him, an affidavit of the record of the invention; the affidavit shall declare:

(a) the date at which the idea of the invention described in the conflicting claims was conceived;
(b) the date upon which the first drawing of the invention was made;
(c) the date when and the mode in which the first written or verbal disclosure of the invention was made; and
(d) the dates and nature of the successive steps subsequently taken by the inventor to develop and perfect the said invention from time to time up to the date of the filing of the application for patent.

(6) No envelope containing any such affidavit as aforesaid shall be opened, nor shall the affidavits be permitted to be inspected, unless there continues to be a conflict between two or more applicants, in which event all the envelopes shall be opened at the same time by the Commissioner in the presence of the Assistant Commissioner or an examiner as witness thereto, and the date of such opening shall be endorsed upon the affidavits.

(7) The Commissioner, after examining the facts stated in the affidavits, shall determine which of the applicants is the prior inventor to whom he will allow the claims in conflict and shall forward to each applicant a copy of his decision; a copy of each affidavit shall be transmitted to the several applicants.

(8) The claims in conflict shall be rejected or allowed accordingly unless within a time to be fixed by the Commissioner and notified to the several applicants one of them commences proceedings in the Exchequer Court for the determination of their respective rights, in which event the Commissioner shall suspend further action on the applications in conflict until in such action it has been determined either

(a) that there is in fact no conflict between the claims in question,
(b) that none of the applicants is entitled to the issue of a patent containing the claims in conflict as applied for by him,
(c) that a patent or patents, including substitute claims approved by the Court, may issue to one or more of the applicants, or
(d) that one of the applicants is entitled as against the others to the issue of a patent including the claims in conflict as applied for by him.

(9) The Commissioner shall, upon the request of any of the parties to a proceeding under this section, transmit to the Exchequer Court the papers on file in the Patent Office relating to the applications in conflict. 1935, c. 32, s. 44.

GRANT OF PATENTS.

46. 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 in this Act prescribed, 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, using and vending to others to be used the said invention, subject to adjudication in respect thereof before any court of competent jurisdiction. 1935, c. 32, s. 45.

INVENTIONS BY PUBLIC SERVANTS.

47. (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 is, notwithstanding anything in the patent or in this Act to the contrary, subject to the following conditions, which shall be endorsed on such patent, that is to say:

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

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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;

(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;

(d) the Attorney General of Canada has 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, subject to the approval of the Minister, between the patentee and the Government;

(e) notwithstanding the foregoing provisions, the patentee, with the consent of the Governor in Council, may assign the patent on such terms as to the division and payment of the consideration therefor, or otherwise, as the Governor in Council may decide, in which case the Government of Canada shall not thereafter be deemed to have any special right or interest in such patent except such rights and interests as are expressly reserved by the terms of the order in council granting such consent.

(2) Any question that 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.

(3) On the refusal or failure 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.

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

(5) Any decision of the Commissioner under this section is subject to appeal to the Exchequer Court. 1935, c. 32, s. 46.
FORM AND TERM OF PATENTS.

48. Every patent granted under this Act shall be issued under the signature of the Commissioner and the seal of the Patent Office; the patent shall bear on its face the date on which it is granted and issued and it shall thereafter be prima facie valid and avail the grantee and his legal representatives for the term mentioned therein, which term shall be as provided in and by section 49. 1935, c. 32, s. 47.

49. (1) The term limited for the duration of every patent of invention issued by the Patent Office under this Act the application for which patent is filed after the 1st day of August, 1935, shall be seventeen years from the date on which the patent is granted and issued.

(2) The term limited for the duration of every patent of invention issued by the Patent Office under this Act pending the application for which patent was filed prior to the 1st day of August, 1935, shall be eighteen years from the date on which the patent is granted and issued. 1935, c. 32, s. 48.

REISSUE OF PATENTS.

50. (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 the then unexpired term for which the original patent was granted.

(2) Such surrender takes effect only upon the issue of the new patent, and such new patent and the amended description and specification have the same effect in law, on the trial of any action thereafter commenced for any cause subsequently accruing, as if such amended description and specification had been originally filed in their corrected form before the issue of the original patent, but in so far as the claims of the original and reissued patents are identical such surrender does not affect any action.

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action pending at the time of reissue nor abate any cause of action then existing, and the reissued patent to the extent that its claims are identical with the original patent constitutes a continuation thereof and has effect continuously from the date of the original patent.

(3) 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 reissue for each of such reissued patents. 1935, c. 32, s. 49.

DISCLAIMERS.

51. (1) Whenever, by any mistake, accident or inadvertence, and without any wilful intent to defraud or mislead the public, a patentee may disclaim (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,

he 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.

(2) Such disclaimer shall be in writing, and in duplicate, and shall be attested by one or more witnesses; one copy thereof shall be filed and recorded in the office of the Commissioner; the other shall be attached to the patent and made a part thereof by reference; the disclaimer shall thereafter be deemed to be part of the original specification.

(3) No disclaimer affects any action pending at the time when it is made, except as to unreasonable neglect or delay in making it.

(4) In case of the death of the original patentee or of his having assigned the patent a like right to disclaim vests in his legal representatives, any of whom may exercise it.

(5) The patent shall, after disclaimer as in this section provided, be deemed to be valid for such material and substantial part of the invention, definitely distinguished from other parts thereof claimed without right, as is not disclaimed and is truly the invention of the disclaimant, and the disclaimant shall be entitled to maintain an action or suit in respect of such part accordingly. 1935, c. 32, s. 50.

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ASSIGNMENTS AND DEVOLUTIONS.

52. (1) A patent may be granted to any person to whom an inventor, entitled under this Act to obtain a patent, has assigned in writing or bequeathed by his last will his right to obtain it; in the absence of such assignment or bequest the patent may be granted to the personal representatives of the estate of a deceased inventor.

(2) Where the applicant for a patent has, after filing his application, assigned his right to obtain the patent, or where he has either before or after filing his application assigned in writing the whole or part of his property or interest in the invention, the assignee may register such assignment in the Patent Office in the manner from time to time prescribed by the Commissioner, and no application for a patent shall be withdrawn without the consent in writing of every such registered assignee.

(3) No such assignment shall be registered in the Patent Office unless it is accompanied by the affidavit of a subscribing witness or established by other proof to the satisfaction of the Commissioner that such assignment has been signed and executed by the assignor. 1935, c. 32, s. 51.

53. (1) Every patent issued for an invention is assignable in law, either as to the whole interest or as to any part thereof, by an instrument in writing.

(2) 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.

(3) No such assignment, grant or conveyance shall be registered in the Patent Office unless it is accompanied by the affidavit of a subscribing witness or established by other proof to the satisfaction of the Commissioner that such assignment, grant or conveyance has been signed and executed by the assignor and also by every other party thereto.

(4) Every assignment affecting a patent for invention, whether it be referable to this section or section 52; is 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. 1935, c. 32, s. 52.

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54. The Exchequer Court has jurisdiction, on the application of the Commissioner or of any person interested, to order that any entry in the records of the Patent Office relating to the title to a patent be varied or expunged. 1947, c. 23, s. 15.

LEGAL PROCEEDINGS IN RESPECT OF PATENTS.

55. (1) A patent is void if any material allegation in the petition of the applicant in respect of such patent is untrue, or if the specification and drawings contain more or less than is necessary for obtaining the end for which they purport to be made, and such omission or addition is wilfully made for the purpose of misleading.

(2) Where it appears to the court that such omission or addition was an involuntary error, and 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 that part of the invention described to which the patentee is so found to be entitled.

(3) Two office copies of such judgment shall be furnished to the Patent Office by the patentee; one of them shall be registered and remain of record in the office and the other shall be attached to the patent and made a part of it by a reference thereto. 1935, c. 32, s. 53; 1947, c. 23, s. 16.

INFRINGEMENT.

56. (1) An action for the infringement of a patent may be brought in that court of record that, in the province wherein the infringement is said to have occurred, has jurisdiction, pecuniarily, to the amount of the damages claimed and that, with relation to the other courts of the province holds its sittings nearest to the place of residence or of business of the defendant; such court shall decide the case and determine as to costs, and assumption of jurisdiction by the court is of itself sufficient proof of jurisdiction.

(2) Nothing in this section impairs the jurisdiction of the Exchequer Court under section 21 of the Exchequer Court Act or otherwise. 1935, c. 32, s. 54.

57. (1) Any person who infringes a patent is liable to the patentee and to all persons claiming under him for all damages sustained by the patentee or by any such person, by reason of such infringement.

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(2) Unless otherwise expressly provided, the patentee shall be or be made a party to any action for the recovery of such damages. 1935, c. 32, s. 55.

58. 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, has 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 mentioned, or by those to whom he has sold it, unless it was purchased, constructed, acquired or used for a longer period than two years before the application for a patent therefor, in consequence whereof the invention became public and available to public use. 1935, c. 32, s. 56.

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

(a) restraining or enjoining 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.

(2) An appeal lies 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. 1935, c. 32, s. 57.

60. When in any action or proceeding respecting a patent that contains two or more claims, one or more of such claims is or are held to be valid, but another or others is or are held to be invalid or void, effect shall be given to the patent as if it contained only the valid claim or claims. 1935, c. 32, s. 58.

61. The defendant, in any action for infringement of a patent 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 relevant facts and decide accordingly. 1935, c. 32, s. 59.

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62. (1) A patent or any claim in a patent may be declared invalid or void by the Exchequer Court at the instance of the Attorney General of Canada or at the instance of any interested person.

(2) Where any person has reasonable cause to believe that any process used or proposed to be used or any article made, used or sold or proposed to be made, used or sold by him might be alleged by any patentee to constitute an infringement of an exclusive property or privilege granted thereby, he may bring an action in the Exchequer Court against the patentee for a declaration that such process or article does not or would not constitute an infringement of such exclusive property or privilege.

(3) Except the Attorney General of Canada or the attorney-general of a province of Canada the plaintiff in any action under this section shall, before proceeding therein, give security for the costs of the patentee in such sum as the Court may direct, but a defendant in any action for the infringement of a patent is entitled to obtain a declaration under this section without being required to furnish any security. 1935, c. 32, s. 60.

63. (1) No patent or claim in a patent shall be declared invalid or void on the ground that, before the invention therein defined was made by the inventor by whom the patent was applied for, it had already been known or used by some other person, unless it is established either that,

(a) before the date of the application for the patent such other person had disclosed or used the invention in such manner that it had become available to the public, or that

(b) such other person had, before the issue of the patent, made an application for patent in Canada upon which conflict proceedings should have been directed, or that

(c) such other person had at any time made an application in Canada which, by virtue of section 29, had the same force and effect as if it had been filed in Canada before the issue of the patent and upon which conflict proceedings should properly have been directed had it been so filed.

(2) Notwithstanding the provisions of section 43, an application for a patent for an invention for which a patent has already issued under this Act shall be rejected unless the applicant, within a time to be fixed by the Commissioner, R.S., 1952.
sioner, commences an action to set aside the prior patent, so far as it covers the invention in question, but if such action is so commenced and diligently prosecuted, the application shall not be deemed to have been abandoned unless the applicant fails to proceed upon it within a reasonable time after the action has been finally disposed of.

(3) Where the application was filed within one year from the date of the filing of the application for the prior patent, the provisions of subsection (1) do not apply to the determination of the respective rights of the parties to such action. 1935, c. 32, s. 61; 1947, c. 23, s. 17.

JUDGMENTS.

64. A certificate of the judgment voiding in whole or in part 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 or such part thereof as is so voided shall thereupon be and be held to have been void and of no effect, unless the judgment is reversed on appeal as hereinafter provided. 1935, c. 32, s. 62.

65. Every judgment voiding in whole or in part or refusing to void in whole or in part any patent is subject to appeal to any court having appellate jurisdiction in other cases decided by the court by which such judgment was rendered. 1935, c. 32, s. 63.

CONDITIONS.

66. (1) The Commissioner may, at any time, by notice in writing addressed to the patentee of any patent specified by him, or to his registered representative in Canada, and to every person who has a registered interest in such patent, require the patentee and such persons in respect of such specified patent to transmit and deliver to the Commissioner within sixty days from the date of such notice, or within such further time as the Commissioner may allow, a return stating
(a) whether the patented invention is being worked on a commercial scale in Canada, and the place where and the name and address of the person by whom the patented invention is being so worked, and
(b) the reasons, if any, why such patented invention is not being worked on a commercial scale in Canada.

(2) The failure of the patentee or his registered representative in Canada or that of any such person having a registered interest to comply with the terms of the notice mentioned in subsection (1) shall be deemed to be an admission on the part of the patentee or the person, as the case may be. 1935, c. 32, s. 63.
case may be, so failing, that the patented invention is not being worked on a commercial scale in Canada. 1935, c. 32, s. 64.

67. (1) The Attorney General of Canada or any person interested may at any time after the expiration of three years from the date of the grant of a patent apply to the Commissioner alleging in the case of that patent that there has been an abuse of the exclusive rights thereunder and asking for relief under this Act.

(2) The exclusive rights under a patent shall be deemed to have been abused in any of the following circumstances:

(a) if the patented invention (being one capable of being worked within Canada) is not being worked within Canada on a commercial scale, and no satisfactory reason can be given for such non-working, but if an application is presented to the Commissioner on this ground, and the Commissioner is of opinion that the time that has elapsed since the grant of the patent has by reason of the nature of the invention or for any other cause been insufficient to enable the invention to be worked within Canada on a commercial scale, the Commissioner may make an order adjourning the application for such period as will in his opinion be sufficient for that purpose;

(b) if the working of the invention within Canada on a commercial scale is being prevented or hindered by the importation from abroad of the patented article by the patentee or persons claiming under him, or by persons directly or indirectly purchasing from him, or by other persons against whom the patentee is not taking or has not taken any proceedings for infringement;

(c) if the demand for the patented article in Canada is not being met to an adequate extent and on reasonable terms;

(d) if, by reason of the refusal of the patentee to grant a licence or licences upon reasonable terms, the trade or industry of Canada or the trade of any person or class of persons trading in Canada, or the establishment of any new trade or industry in Canada, is prejudiced, and it is in the public interest that a licence or licences should be granted;

(e) if any trade or industry in Canada, or any person or class of persons engaged therein, is unfairly prejudiced by the conditions attached by the patentee, whether before or after the passing of this Act, to the purchase, hire, licence, or use of the patented article, or to the using or working of the patented process;
(f) if it is shown that the existence of the patent, being a patent for an invention relating to a process involving the use of materials not protected by the patent or for an invention relating to a substance produced by such a process, has been utilized by the patentee so as unfairly to prejudice in Canada the manufacture, use or sale of any such materials.

(3) It is declared with relation to every paragraph of subsection (2) that, for the purpose of determining whether there has been any abuse of the exclusive rights under a patent, it shall be taken that patents for new inventions are granted not only to encourage invention but to secure that new inventions shall so far as possible be worked on a commercial scale in Canada without undue delay. 1935, c. 32, s. 65.

68. On being satisfied that a case of abuse of the exclusive rights under a patent has been established, the Commissioner may exercise any of the following powers as cases of abuse:

(a) he may order the grant to the applicant of a licence on such terms as the Commissioner may think expedient, including a term precluding the licensee from importing into Canada any goods the importation of which, if made by persons other than the patentee or persons claiming under him would be an infringement of the patent, and in such case the patentee and all licensees for the time being shall be deemed to have mutually covenanted against such importation; a licensee under this paragraph is entitled to call upon the patentee to take proceedings to prevent infringement of the patent, and if the patentee refuses, or neglects to do so within two months after being so called upon, the licensee may institute proceedings for infringement in his own name as though he were the patentee, making the patentee a defendant; a patentee so added as defendant is not liable for any costs unless he enters an appearance and takes part in the proceedings; service on the patentee may be effected by leaving the writ at his address or at the address of his representative for service as appearing in the records of the Patent Office; in settling the terms of a licence under this paragraph the Commissioner shall be guided as far as may be by the following considerations:

(i) he shall, on the one hand, endeavour to secure the widest possible user of the invention in Canada consistent with the patentee deriving a reasonable advantage from his patent rights,
(ii) he shall, on the other hand, endeavour to secure to the patentee the maximum advantage consistent with the invention being worked by the licensee at a reasonable profit in Canada, and

(iii) he shall also endeavour to secure equality of advantage among the several licensees, and for this purpose may, on due cause being shown, reduce the royalties or other payments accruing to the patentee under any licence previously granted, and in considering the question of equality of advantage, the Commissioner shall take into account any work done or outlay incurred by any previous licensee with a view to testing the commercial value of the invention or to securing the working thereof on a commercial scale in Canada;

(b) if the Commissioner is satisfied that the invention is not being worked on a commercial scale within Canada, and is such that it cannot be so worked without the expenditure of capital for the raising of which it will be necessary to rely on the exclusive rights under the patent, he may, unless the patentee or those claiming under him will undertake to find such capital, order the grant to the applicant, or any other person, or to the applicant and any other person or persons jointly, if able and willing to provide such capital, of an exclusive licence on such terms as the Commissioner may think just, but subject as hereafter in this Act provided;

(c) if the Commissioner is satisfied that the exclusive rights have been abused in the circumstances specified in paragraph (f) of subsection (2) of section 67, he may order the grant of licences to the applicant and to such of his customers, and containing such terms, as the Commissioner may think expedient;

(d) if the Commissioner is satisfied that the objects of this section and section 67 cannot be attained by the exercise of any of the foregoing powers, he shall order the patent to be revoked, either forthwith or after such reasonable interval as may be specified in the order, unless in the meantime such conditions as may be prescribed in the order with a view to attaining the objects of this section and section 67 are fulfilled, and the Commissioner may, on reasonable cause shown in any case, by subsequent order extend the interval so specified; but the Commissioner shall make
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make no order for revocation which is at variance with any treaty, convention, arrangement, or engagement with any other country to which Canada is a party;

(e) if the Commissioner is of opinion that the objects of this section and section 67 will be best attained by making no order under the above provisions of this section, he may make an order refusing the application and dispose of any question as to costs thereon as he thinks just. 1935, c. 32, s. 66; 1947, c. 23, s. 18.

69. (1) In settling the terms of any such exclusive licence as is provided in paragraph (b) of section 68, due regard shall be had to the risks undertaken by the licensee in providing the capital and working the invention, but, subject thereto, the licence shall be so framed as

(a) to secure to the patentee the maximum royalty compatible with the licensee working the invention within Canada on a commercial scale and at a reasonable profit, and

(b) to guarantee to the patentee a minimum yearly sum by way of royalty, if and so far as it is reasonable so to do, having regard to the capital requisite for the proper working of the invention and all the circumstances of the case;

and, in addition to any other powers expressed in the licence or order, the licence and the order granting the licence shall be made revocable at the discretion of the Commissioner if the licensee fails to expend the amount specified in the licence as being the amount that he is able and willing to provide for the purpose of working the invention on a commercial scale within Canada, or if he fails so to work the invention within the time specified in the order.

(2) In deciding to whom such an exclusive licence is to be granted the Commissioner shall, unless good reason is shown to the contrary, prefer an existing licensee to a person having no registered interest in the patent.

(3) The order granting an exclusive licence under section 68 operates to take away from the patentee any right that he may have as patentee to work or use the invention and to revoke all existing licences, unless otherwise provided in the order, but on granting an exclusive licence the Commissioner may, if he thinks it fair and equitable, make it a condition that the licensee shall give R.S., 1952.
give proper compensation to be fixed by the Commissioner for any money or labour expended by the patentee or any existing licensee in developing or exploiting the invention. 1935, c. 32, s. 67.

70. (1) Every application presented to the Commissioner under section 67 or 68 shall set out fully the nature of the applicant’s interest and the facts upon which the applicant bases his case and the relief which he seeks; the application shall be accompanied by statutory declarations verifying the applicant’s interest and the facts set out in the application.

(2) The Commissioner shall consider the matters alleged in the application and declarations, and, if satisfied that the applicant has a bona fide interest and that a prima facie case for relief has been made out, he shall direct the applicant to serve copies of the application and declarations upon the patentee or his representative for service and upon any other persons appearing from the records of the Patent Office to be interested in the patent, and the applicant shall advertise the application in the Canada Gazette and the Canadian Patent Office Record. 1935, c. 32, s. 68.

71. (1) If the patentee or any person is desirous of opposing the granting of any relief under sections 67 to 72, he shall, within such time as may be prescribed or within such extended time as the Commissioner may on application further allow, deliver to the Commissioner a counter statement verified by a statutory declaration fully setting out the grounds on which the application is to be opposed.

(2) The Commissioner shall consider the counter statement and declarations in support thereof and may thereupon dismiss the application if satisfied that the allegations in the application have been adequately answered, unless any of the parties demands a hearing or unless the Commissioner himself appoints a hearing; in any case the Commissioner may require the attendance before him of any of the declarants to be cross-examined or further examined upon matters relevant to the issues raised in the application and counter statement, and he may, subject to due precautions against disclosure of information to rivals in trade, require the production before him of books and documents relating to the matter in issue.

(3) In any case where the Commissioner does not dismiss an application as hereinbefore provided, and

(a) if the parties interested consent, or

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(b)
(b) if the proceedings require any prolonged examination of documents or any scientific or local investigation that cannot in the opinion of the Commissioner conveniently be made before him, the Commissioner with the approval in writing of the Minister may order the whole proceedings or any issue of fact arising thereunder to be referred to the Exchequer Court, which has jurisdiction in the premises, and where the whole proceedings are so referred, the judgment, decision or order of said Court is final; and where a question or issue of fact is so referred, the said Court shall report its findings to the Commissioner. 1935, c. 32, s. 69.

72. (1) Any order for the grant of a licence under this Licence Act, without prejudice to any other method of enforcement, operates as if it were embodied in a deed granting a licence executed by the patentee and all other necessary parties. 1935, c. 32, s. 70.

(2) The provisions of sections 67 to 72 do not apply to patents granted subject to the provisions of section 47.

(3) For the purposes of sections 67 to 72, the expression "patented article" includes articles made by a patented process. 1935, c. 32, s. 70.

73. All orders and decisions of the Commissioner under sections 67 to 72 are subject to appeal to the Exchequer Court, and on any such appeal the Attorney General of Canada or such counsel as he may appoint is entitled to appear and be heard. 1935, c. 32, s. 71.

CAVEATS.

74. (1) Any intending applicant for a patent who has not yet perfected his invention and is in fear of being deprived of his idea, may file in the Patent Office a document setting forth 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 the prescribed fee shall cause that document, which shall be called a caveat, to be preserved in secrecy with the exception that he shall deliver copies thereof whenever required by the applicant or by any judicial tribunal; the secrecy of the document ceases when the applicant obtains a patent for his invention.

(2) Where 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 of application by another to be sent to person filing caveat.

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notice of such application by mail 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.

(3) Unless the person filing a caveat makes application within one year from such filing the Commissioner is relieved from the obligation of giving notice and the caveat thereafter remains as a simple matter of proof as to novelty or priority of invention, if required. 1935, c. 32, s. 72.

**PATENT FEES.**

75. (1) The following fees are 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 .......... $25.00
- On grant of patent, payable on pain of forfeiture within six months from the date of notice of the allowance of patent............ 25.00
- On asking reinstatement of an abandoned application under section 32 .................................................. 20.00
- On filing an amendment after allowance of an application for patent ........................................... 5.00
- On lodging a caveat .......................... 10.00
- On asking to register a judgment *pro tanto* .......... 4.00
- On asking information *re a pending application under section 11* ........................................ 5.00
- On asking to register an assignment or any other document affecting or relating to a patent .......... 3.00
- On asking to attach a disclaimer to a patent .......... 5.00
- On asking entry of appointment of representative under section 31, subsection (3) ...................... 5.00
- On each claim exceeding twenty in number: under section 36, subsection (3) .......................... 1.00
- On petition to reissue a patent after surrender .... 40.00
- On filing an application or petition under sections 41, 47 or 67 or 68 ........................................ 4.00
  For each patent mentioned therein .................. 10.00
- On asking for a certified typewritten or photostat copy of patent with specification, not exceeding twenty pages, exclusive of drawings ............ 4.00
- For every copy of drawings, per sheet ............... 0.25
For uncertified photostat or blue print copy of any paper or drawing, per sheet .......................... 0 25
On office copies of documents, not abovementioned the following charges shall be made, the minimum charge being $1.00:
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

(2) A forfeited application may be restored and a patent forfeited applications granted thereon on application to the Commissioner within six months from the incurrence of the forfeiture, on payment with the application for restoration, in addition to the fee payable on the grant of the patent, of a further fee of twenty dollars and the restored application is subject to amendment and re-examination.

(3) The mere cancellation of claims after allowance of an application does not involve the payment of an additional fee.

(4) On any proceedings not herein provided for, the fees Unprovided shall be such as may be fixed by the Commissioner with the approval of the Governor in Council. 1947, c. 23, s. 19.

76. The fees set forth in section 75 are in full of all services performed under this Act, in any such case, by the Commissioner or any person employed in the Patent Office. 1935, c. 32, s. 74.

77. All fees or charges for which payment is received under this Act, except such sums as are paid for copies of drawings when made by persons not receiving salaries in the Patent Office, shall be paid over to the Minister of Finance, and shall form part of the Consolidated Revenue Fund of Canada. 1935, c. 32, s. 75.

78. No person is exempt from the payment of any fee or charge payable in respect of any services performed for such person under this Act; and, except as otherwise specifically provided in this Act, no fee, when paid, shall be returned to the person who paid it. 1935, c. 32, s. 76.

NEWFOUNDLAND PATENTS.

79. (1) Patents issued under the laws of Newfoundland prior to the 1st day of April, 1949, shall be deemed to have been issued under the laws of Canada, as of the date and for the term thereof.

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(2)
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(2) In the event of conflict between patents issued under the laws of Newfoundland prior to the 1st day of April, 1949, and patents issued under the laws of Canada prior to that date

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

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

(3) The laws of Newfoundland as they existed immediately prior to the expiration of the 31st day of March, 1949, shall continue to apply in respect of applications for patents under the laws of Newfoundland pending at that time, and any patents issued upon such applications shall, for the purposes of this section, be deemed to have been issued under the laws of Newfoundland prior to the 1st day of April, 1949; and patents issued under the laws of Canada upon applications pending immediately prior to the expiration of the said 31st day of March shall, for the purposes of this section, be deemed to have been issued under the laws of Canada prior to the said 1st day of April.

(4) No claims for infringement of a patent issued in Canada prior to the 1st day of April, 1949, shall be entertained by any court against any person for anything done in Newfoundland prior to that date in respect of the invention protected by such patent, and no claims for infringement of a patent issued in Newfoundland prior to that date shall be entertained by any court against any person for anything done in Canada prior to that date in respect of the invention protected by such patent. 1949, c. 6, s. 35.

OFFENCES AND PENALTIES.

80. Any patentee under this Act or any one claiming under him who, in contravention of any requirement of section 24, sells or offers for sale any articles patented under

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under this Act, is liable to a fine not exceeding one hundred dollars, and in default of the payment of such fine, to imprisonment for a term not exceeding two months. 1935, c. 32, s. 78.

81. Every person who

(a) without the consent of the patentee, 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;

(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, Queen's or King'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

(c) with intent to deceive the public offers for sale as patented in Canada any article not patented in Canada 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 such fine and such imprisonment. 1935, c. 32, s. 79.

82. Every person who in relation to the purposes of this Act and knowing it to be false

(a) makes any false representation;

(b) makes or causes to be made any false entry in any register or book;

(c) makes or causes to be made any false document or alters the form of a copy of any document; or

(d) produces or tenders any document containing false information

is guilty of an indictable offence and is liable upon conviction to a fine not exceeding five hundred dollars or to imprisonment for a term not exceeding six months, or to both fine and imprisonment. 1947, c. 23, s. 21.

83. Every patent heretofore or hereafter issued shall be deemed to have been properly issued if all the conditions of the issue of a valid patent that may have been or shall be
be in force, either at the date of the application therefor or at the date of the issue thereof, have been satisfied; but any provisions in force from time to time relating to the continued validity of patents after issue apply to all patents whenever granted. 1935, c. 32, s. 81.
CHAPTER 204.

An Act respecting Pawnbrokers.

SHORT TITLE.

1. This Act may be cited as the Pawnbrokers Act. R.S., Short title. c. 152, s. 1.

INTERPRETATION.

2. In this Act, "pawnbroker" means any person who lawfully exercises the trade of receiving or taking, by way of pawn, pledge or exchange, any goods for the repayment of money lent thereon. R.S., c. 152, s. 2.

RATES AND CONDITIONS.

3. Every pawnbroker may take the following rates above the principal sum advanced, before he is obliged to redeliver the goods pawned, that is to say, for every pledge upon which there has been lent not exceeding fifty cents, the sum of one cent for any time not exceeding one month, and the same for every month afterwards, including the current month in which the pledge is redeemed, although such month has not expired; and so on progressively and in the same proportion for every sum of fifty cents up to twenty dollars. R.S., c. 152, s. 3.

4. When the sum advanced exceeds twenty dollars, the pawnbroker may take upon all beyond that amount the rate of five cents for every four dollars by the month, and so on in proportion for any fractional sum. R.S., c. 152, s. 4.

5. Such sums respectively shall be in lieu of and taken as a full satisfaction for all interest due and charges for warehouse room. R.S., c. 152, s. 5.

6. (1) Except as to amounts advanced on goods not exceeding twenty dollars hereinbefore provided for, the person entitled to redeem, on application during any current

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current and unexpired month has the right of redemption on payment of the full rate for each expired month and in addition

(a) for any portion of any current and unexpired month not exceeding fourteen days, a one-half month rate, and

(b) for any portion of any current and unexpired month exceeding fourteen days, a full month rate.

(2) The person entitled may redeem goods upon which any sum not exceeding twenty dollars has been advanced on payment of the amount specially provided by this Act as a rate for sums advanced up to twenty dollars. R.S., c. 152, s. 6.

OFFENCES AND PENALTIES.

7. Every pawnbroker who, in any case, stipulates for or takes a higher rate than that herein prescribed, is, on summary conviction, liable to a penalty not exceeding fifty dollars. R.S., c. 152, s. 7.

8. Every person who counterfeits, forges or alters any note or memorandum given by a pawnbroker for goods pledged, or causes or procures the same to be done, or utters, vends or sells such note or memorandum, knowing the same to be counterfeited, forged or altered, with intent to defraud any person, is liable, on summary conviction, to imprisonment for any term not exceeding three months. R.S., c. 152, s. 8.

9. If any note or memorandum aforesaid is uttered, shown or offered to any person, and such person has reason to suspect that the same has been forged, he may seize the person offering the same, and deliver him to a peace officer or constable, who shall convey him before a justice of the peace to be dealt with according to law. R.S., c. 152, s. 9.

10. (1) Any pawnbroker, who has any reason to suspect any person offering to pawn, pledge, exchange, sell or redeem any goods in which such person has no right or colour of title by law to pawn, pledge, exchange, sell or redeem, may seize and detain such person and goods and shall deliver immediately such person and goods into the custody of a peace officer or constable.

(2) Such peace officer or constable shall convey, as soon as possible, such person and goods before a justice of the peace of the district or county. R.S., c. 152, s. 10.

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11. Where such justice of the peace, upon examination and inquiry, has cause to suspect that such goods have been stolen or illegally or clandestinely obtained, or that the person offering to redeem them has not any pretence or colour of right so to do, he shall commit the offender into custody for such reasonable time as is necessary for obtaining proper information, in order to be further examined; and if, upon either examination, it appears to the satisfaction of the justice that such goods were stolen or illegally or clandestinely obtained, or that the person offering to redeem them had not any pretence or colour of right so to do, he shall, unless the commitment is authorized by some other law, commit the offender to the common gaol of the district or county where the offence was committed, for any term not exceeding three months. R.S., c. 152, s. 11.
CHAPTER 205.

An Act respecting the Provisional Fur Seal Agreement between Canada and the United States of America.

SHORT TITLE.

1. This Act may be cited as the Pelagic Sealing (Provisional Agreement) Act. 1948, c. 21, s. 1.

INTERPRETATION.

2. In this Act,
   (a) “Agreement” means the Provisional Fur Seal Agreement entered into between Canada and the United States of America by Exchange of Notes dated the 8th day of December, 1942, the 19th day of December, 1942, and the 26th day of December, 1947, set out in Schedule A;
   (b) “equipment” includes any boat, tackle, apparel, furniture, provisions, munitions, fuel or stores with which a vessel is furnished and any other thing that is used in or about a vessel for the purpose of fitting or adapting her for the sea or for carrying, taking or hunting seals; and “equipping” includes furnishing a vessel with any equipment;
   (c) “North Pacific waters” means the waters within such part of the Pacific Ocean as are north of the thirtieth parallel of north latitude, and east of the one hundred and eighth meridian, including the Bering Sea;
   (d) “pelagic sealing” means the killing, capturing or pursuing in any manner whatsoever of fur seals at sea; and
   (e) “vessel” includes any ship, boat, canoe or any other description of vessel used in navigation. 1948, c. 21, s. 2.

3. (1) Any commissioned officer on full pay in the naval, army or air forces of Canada or in any other naval, army or air forces of Her Majesty, or any fishery officer or stipendiary magistrate, on board of any vessel belonging to or in the service of the Government of Canada and employed in
CHAPTER 205.

An Act respecting the Provisional Fur Seal Agreement between Canada and the United States of America.

SHORT TITLE.

1. This Act may be cited as the Pelagic Sealing (Provisional Agreement) Act. 1948, c. 21, s. 1.

INTERPRETATION.

2. In this Act,

(a) "Agreement" means the Provisional Fur Seal Agreement entered into between Canada and the United States of America by Exchange of Notes dated the 8th day of December, 1942, the 19th day of December, 1942, and the 26th day of December, 1947, set out in Schedule A;

(b) "equipment" includes any boat, tackle, apparel, furniture, provisions, munitions, fuel or stores with which a vessel is furnished and any other thing that is used in or about a vessel for the purpose of fitting or adapting her for the sea or for carrying, taking or hunting seals; and "equipping" includes furnishing a vessel with any equipment;

(c) "North Pacific waters" means the waters within such part of the Pacific Ocean as are north of the thirtieth parallel of north latitude, and east of the one hundred and eighth meridian, including the Bering Sea;

(d) "pelagic sealing" means the killing, capturing or pursuing in any manner whatsoever of fur seals at sea; and

(e) "vessel" includes any ship, boat, canoe or any other description of vessel used in navigation. 1948, c. 21, s. 2.

3. (1) Any commissioned officer on full pay in the naval, army or air forces of Canada or in any other naval, army or air forces of Her Majesty, or any fishery officer or stipendiary magistrate, on board of any vessel belonging to or in the service of the Government of Canada and employed in R.S., 1952.
Chap. 205. *Pelagic Sealing (Provisional Agreement).*

in the service of protecting the fisheries, or any other person duly commissioned for that purpose, may go on board of any vessel within the territorial waters of Canada covered by the Agreement that he has reason to believe is in any manner being operated or used in contravention of this Act or the Agreement, or for aiding or facilitating any such contravention, and may search her cargo and equipment and examine the master or person in command under oath touching the cargo, equipment and voyage.

(2) Where the master or person in command of any vessel mentioned in subsection (1), upon examination under oath by any officer or person under the authority of this Act touching the cargo, equipment or voyage of such vessel refuses or fails to answer truly all questions put to him in such examination, or where such master or person in command refuses to take an oath for the purpose of such examination, he is guilty of an offence and liable on summary conviction to a fine not exceeding four hundred dollars. 1948, c. 21, s. 3.

(1) No citizen or inhabitant of Canada shall engage sealing in, and no vessel registered in Canada or belonging to any such citizen or inhabitant shall be operated or used in or for any purpose connected with pelagic sealing in North Pacific waters.

(2) Every person who violates subsection (1) or who procures, aids or abets any such violation, is guilty of an offence. 1948, c. 21, s. 4.

Every person who uses any port or harbour within Canada for the purpose of equipping any vessel intended to be operated or used for any purpose connected with the operations of pelagic sealing in North Pacific waters is guilty of an offence and

(a) may be prosecuted under the provisions of the *Criminal Code* relating to summary convictions and if convicted is liable to a fine not exceeding five hundred dollars or to imprisonment for a term not exceeding six months or to both fine and imprisonment, or

(b) may be prosecuted upon indictment and if convicted is liable to a fine not exceeding two thousand dollars or to imprisonment for a term not exceeding two years or to both fine and imprisonment. 1948, c. 21, s. 5.

Sections 4 and 5 do not apply to an Indian or other aborigine dwelling on the coast of Canada contiguous to North Pacific waters, while engaging in pelagic sealing in North Pacific waters in compliance with Article V of the Agreement. 1948, c. 21, s. 6.

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7. No person shall import into or have in possession within Canada any skins of seals 
(a) taken in contravention of this Act or the Agreement, or 
(b) identified as being of the species known as Callorhinus alascanus, Callorhinus ursinus and Callorhinus kuriensis, except such as are taken under the authority of the United States of America or the respective parties to any fur seal agreement between Canada and any other country that are officially marked and certified as having been so taken. 1948, c. 21, s. 7.

8. No person shall import into or have in possession within Canada or buy, sell, ship or otherwise dispose of any fur seal skin, except skins taken and officially marked and certified as provided in paragraph (b) of section 7 and except skins that have been dressed and dyed, unless a fishery officer or other officer authorized by the Minister of Fisheries has, with respect to such skin, issued a certificate in the form set forth in Schedule B and the person taking such skin has duly completed and signed the statement prescribed in such form and such skin is marked with a tag affixed thereto by such officer bearing the number designated in such certificate. 1948, c. 21, s. 8.

9. Subject to section 14, every vessel, including her equipment and any skins of fur seals found on board thereof, that is in any manner operated or used in contravention of this Act or the Agreement, or for aiding or facilitating such contravention is subject to forfeiture to Her Majesty. 1948, c. 21, s. 9.

10. Where any vessel has become subject to forfeiture to Her Majesty under this Act, any person authorized by section 3 to board and search may, except within the territorial waters of the United States of America, seize and detain the vessel, together with her equipment and any skins of fur seals found on board thereof, and bring her for adjudication before the Exchequer Court of Canada on its Admiralty side or before any superior court in the province in or near which the vessel was seized and the court may thereupon adjudge the vessel, including her equipment and any skins of fur seals found on board thereof, to be forfeited to Her Majesty; and the court may make such order in the case as to it seems just. 1948, c. 21, s. 10.

11. No officer who has seized or detained under this Act any vessel, equipment, skins or fur seals or other property, notwithstanding that such vessel, equipment, skins

R.S., 1952.
skins or other property are not brought in for adjudication or if so brought in are declared not subject to forfeiture, is responsible either civilly or criminally to any person if he shows to the satisfaction of the court before which any trial relating to such seizure or detention is held that he had reasonable grounds for making such seizure or detention; but if no such grounds are shown the court may award costs and damages to any party aggrieved and may make such other order as the court thinks just. 1948, c. 21, s. 11.

12. (1) Where a person who is by section 3 authorized to board and search reasonably believes that an offence against section 7 or section 8 has been committed he may seize all skins of fur seals by means of or in relation to which he reasonably believes the offence was committed.

(2) All skins of fur seals seized pursuant to subsection (1) may be detained for a period of six months following the day of seizure, unless during that period proceedings under this Act in respect of those skins are undertaken, in which case, the skins may be further detained until such proceedings are finally concluded.

(3) Where a person is convicted of an offence against section 7 or section 8, the convicting court or judge may, in addition to any other penalty that may be imposed, order that any skins by means of or in relation to which the offence was committed are forfeited; and thereupon such skins are forfeited to Her Majesty and may be disposed of by such person in such manner and at such time and place as the Minister of Fisheries may direct; but no skins shall be disposed of pending an appeal against the conviction or before the time within which such appeal may be taken has expired. 1948, c. 21, s. 12.

13. Every citizen or inhabitant of Canada or of the United States of America engaged in pelagic sealing in North Pacific waters in contravention of this Act or the Agreement may, except within the territorial jurisdiction of the United States of America, be taken into custody. 1948, c. 21, s. 13.

14. Where in respect of a contravention of this Act or the Agreement committed in North Pacific waters other than within the territorial waters of Canada a vessel registered in or belonging to a citizen or inhabitant of the United States of America is seized and detained under this Act or a citizen or inhabitant of the United States of America is taken into custody under this Act, the person or vessel, as the case may be, shall be delivered as soon as practicable.
practicable to an authorized official of the United States of America to be dealt with in accordance with the law of the United States of America. 1948, c. 21, s. 14.

15. Every person who obstructs or aids or abets any other person in the obstruction of any officer or person in the execution of his duty under this Act, is guilty of an indictable offence and liable on conviction thereof to a fine not exceeding eight hundred dollars or to imprisonment for a term not exceeding two years or to both fine and imprisonment. 1948, c. 21, s. 15.

16. Every person guilty of an offence against this Act is, unless some other penalty is expressly provided therefor in this Act, liable on summary conviction to a fine not exceeding five hundred dollars or to imprisonment for a term not exceeding six months or to both fine and imprisonment. 1948, c. 21, s. 16.

17. The Attorney General of Canada may in Her Majesty's name sue for or enforce any forfeitures imposed by this Act. 1948, c. 21, s. 17.

18. (1) No action, suit or information for any forfeiture imposed by this Act shall be brought or laid except within three years after the cause of action arose or after the offence for which such forfeiture is imposed was committed.

(2) No complaint or information in respect of an offence against this Act shall be made or laid except within three years from the time when the matter of complaint or information arose. 1948, c. 21, s. 18.

19. This Act shall be administered by the Minister of Fisheries. 1948, c. 21, s. 19.

20. (1) Notwithstanding anything in this Act, pelagic sealing may be conducted as provided in paragraph (c) of Article II of the Agreement.

(2) In any prosecution or proceeding under this Act, the defendant may prove that the pelagic sealing was conducted as provided in paragraph (c) of Article II of the Agreement, but such fact need not be specified or negatived in the information or complaint, and whether it is or is not so specified or negatived, no proof in relation thereto is required by the informant or complainant. 1948, c. 21, s. 20.

21. This Act shall continue in force until a day to be fixed by proclamation of the Governor in Council following upon the termination of the Agreement, and no longer. 1948, c. 21, s. 21.

SCHEDULE A

PROVISIONAL FUR SEAL AGREEMENT

BETWEEN

CANADA AND UNITED STATES

BY

EXCHANGE OF NOTES DATED DECEMBER 8, 1942, DECEMBER 19, 1942 AND DECEMBER 26, 1947.

ARTICLE I.

The provisions of this Agreement shall apply to all waters of the Bering Sea and the Pacific Ocean, north of the thirtieth parallel of north latitude and east of the one hundred and eightieth meridian.

ARTICLE II.

The Government of the United States of America and the Government of Canada mutually and reciprocally agree that:

(a) Excepting as may be authorized pursuant to paragraph (c) of this Article, nationals or citizens of the respective countries, and all persons, and vessels, subject to their laws and treaties, shall be prohibited, while this Agreement remains in force, from engaging in pelagic sealing in the waters within the area defined in Article I, and that every such person and vessel offending against such prohibition may be seized, except within the territorial jurisdiction of the other Party to this Agreement, and detained by the naval or other duly commissioned officers of either of the Parties, to be delivered as soon as practicable to an authorized official of their own nation at the nearest point to the place of seizure, or elsewhere as may be mutually agreed upon; and that the authorities of the nation to which such person or vessel belongs alone shall have jurisdiction to try the offence and impose the penalties for the same; and that the witnesses and proofs necessary to establish the offence, so far as they are under R.S., 1952.
the control of either of the Parties to this Agreement, shall be furnished with all reasonable promptness to the authorities having jurisdiction to try the offence;

(b) No person or vessel shall be permitted to use any of the ports or harbours of either of the Parties to this Agreement or any part of the territories of such Parties for any purposes connected with the operation of pelagic sealing in the waters within the area defined in Article I; and the importation into or possession within their respective territories of skins of fur seals taken in those waters other than in accord with the provisions of this Agreement shall not be permitted; and

(c) Notwithstanding the foregoing provisions, pelagic sealing may be conducted, in the event of emergency circumstances, by an agency or agencies authorized by either of the two Governments under such conditions and for such a period as may be agreed upon by consultation between the two Governments, and the skins thus taken shall be shared in such a manner as may be agreed upon between them.

ARTICLE III.

The United States agrees that of the total number of sealskins taken annually under the authority of the United States upon the Pribilof Islands or any other islands or shores of the waters defined in Article I subject to the jurisdiction of the United States to which any seal herds hereafter resort, there shall be delivered at the Pribilof Islands or at such other point or points as may be acceptable to both Governments, at the end of each season during the term of this Agreement 20 per cent gross in number and value thereof to an authorized agent of the Canadian Government.

ARTICLE IV.

It is agreed on the part of Canada that in case any fur seals hereafter resort to any islands or shores of the waters defined in Article I subject to the jurisdiction of Canada, there shall be delivered at the end of each season during the term of this Agreement 20 per cent gross in number and value of the total number of sealskins taken annually from such herd to an authorized agent of the Government of the United States of America at Vancouver, British Columbia, or at such other point or points as may be acceptable to both Governments.
ARTICLE V.

The provisions of this Agreement shall not apply to Indians, Aleuts, or other aborigines dwelling on the coasts of the waters defined in Article I, who carry on pelagic sealing in canoes not transported by or used in connection with other vessels, and propelled entirely by oars, paddles, or sails, and manned by not more than five persons each, in the way hitherto practised, and without the use of firearms; provided that such aborigines are not in the employment of other persons or under contract to deliver the skins to any person.

ARTICLE VI.

The term pelagic sealing is hereby defined for the purposes of this Agreement as meaning the killing, capturing, or pursuing in any manner whatsoever of fur seals at sea.

ARTICLE VII.

Notwithstanding anything contained in the preceding Articles of the present Agreement, either Party to this Agreement may grant to any of its nationals or agencies a special permit to take fur seals for purposes of scientific research subject to such restrictions as to number and subject to such other conditions as the Party deems appropriate. Each Party shall at the end of each calendar year inform the other Party of the number of animals taken and the data obtained under such permits.

ARTICLE VIII.

Nothing contained in the present Agreement shall restrict the right of the United States at any time to suspend altogether the taking of seal skins upon the Pribilof Islands or any other islands or shores of the waters defined in Article I subject to its jurisdiction, or the right of the United States to impose such restrictions and regulations upon the total number of skins which may be taken in any season and the manner and times and places of taking skins as may seem necessary to protect and preserve the seal herd or to increase its numbers, provided, however, that the two Governments will consult from time to time regarding the level of population at which the seal herd is to be maintained or other important phases of management or policy.

ARTICLE IX.

Each of the Parties agrees to enact and enforce such legislation as may be necessary to make effective the foregoing provisions with appropriate penalties for violations thereof.

R.S., 1952.
The Parties further agree to co-operate with each other in taking such measures as may be appropriate for the enforcement of the foregoing provisions.

ARTICLE X.

This Agreement shall enter into force on the day the President of the United States of America approves legislation enacted by the Congress of the United States for its enforcement, and the day the Government of Canada issues an Order in Council applying the provisions of the Agreement, or should the President's approval of the legislation and the issuance of the Order in Council be on different days, on the date of the later in time of such approval by the President or issuance of such Order in Council. When this Agreement shall have entered into force it shall be deemed to have been in effect as from June 1, 1942. The Agreement shall remain in effect until:

(a) either the Government of the United States of America or the Government of Canada enacts legislation contrary to its provisions; or

(b) the date of entry into force of a new agreement for the preservation and protection of fur seals to which the United States of America and Canada, and possibly other interested countries, shall be parties; or

(c) twelve months after either Government shall have notified the other Government of an intention of terminating the Agreement.

1948, c. 21, Sch. A.
SCHEDULE B

CANADA

DEPARTMENT OF FISHERIES

CERTIFICATE TO ACCOMPANY

FUR SEAL SKIN
taken under authority extended to Indians dwelling on the Pacific Coast of Canada by Provisional Fur Seal Agreement, 1942, between Canada and the United States of America.

STATEMENT BY HUNTER

I hereby certify that fur seal skin, described hereunder, and now bearing tag No. ............., was lawfully taken by me and that the undernoted statements concerning its capture are true.

<table>
<thead>
<tr>
<th>No. of skin (tag)</th>
<th>Sex</th>
<th>By whom taken</th>
<th>Date taken</th>
<th>Where taken</th>
<th>How taken</th>
</tr>
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<td></td>
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</table>

Description of skin:
- Length ........ inches
- Width ........ inches
- Weight ........ lbs. .... oz.

Signature of Hunter

Address

AUTHENTICATION

I hereby certify that fur seal skin bearing tag No. ....... has been examined, measured and tagged by me; that the statement regarding its capture has been signed in my presence; and that to the best of my knowledge and belief the skin was legally taken and in the manner permitted by Article V of the Provisional Fur Seal Agreement, 1942, between Canada and United States of America.

Place

Signature of Officer

Official Title

1948, c. 21, Sch. B.

EDMOND CLOUTIER, C.M.G., O.A., D.S.P.
QUEEN'S PRINTER AND CONTROLLER OF STATIONERY
OTTAWA, 1952

R.S., 1952.
CHAPTER 206.

An Act respecting Penitentiaries.

SHORT TITLE.

1. This Act may be cited as the Penitentiary Act. 1939, Short title c. 6, s. 1.

INTERPRETATION.

2. In this Act, Definitions.
   (a) "Commissioner" means the Commissioner of Penitentiaries;
   (b) "Minister" means the Minister of Justice;
   (c) "officer" includes any officer, employee or servant in the employ of a penitentiary;
   (d) "penitentiaries" includes not only the penitentiaries hereinafter mentioned or described but also such other prisons, prison reformatories and public institutions as are from time to time designated as such by the Governor in Council by proclamation in the Canada Gazette; and
   (e) "trade instructors" includes bakers, blacksmiths, carpenters, masons, millers, shoemakers, stonecutters, tailors and persons employed to superintend any industrial department or to direct and instruct convicts in any branch of labour. 1947, c. 41, s. 1.

3. The Minister has the control and management of all penitentiaries and all prisoners and other persons confined therein and inmates thereof and over all matters connected therewith. 1939, c. 6, s. 3.

4. (1) The Governor in Council may appoint a Commissioner of Penitentiaries.
   (2) The Governor in Council may appoint two Deputy Commissioners.

R.S., 1952.
Tenure of office.

(3) The Commissioner and the Deputy Commissioners hold office during pleasure, but cease to hold office on attaining the age of sixty-five years.

Salaries.

(4) The Commissioner and the Deputy Commissioners shall be paid such salaries as are approved by the Governor in Council.

Duties of Deputies.

(5) The Deputy Commissioners shall perform such duties as are assigned to them by the Commissioner.

(6) In the absence of the Commissioner or upon his resignation or inability to act, the senior Deputy Commissioner has full power and authority to act in his place and stead. 1947, c. 41, s. 2.

Powers of Commissioner.

5. (1) The Commissioner, under the Minister, has the control and management of all penitentiaries and all prisoners and other persons confined therein and inmates thereof and over all matters connected therewith.

(2) Nothing in this Act shall be deemed to extend or apply to the exercise of the royal prerogative of mercy, or to the Remission Service of the Department of Justice, or to alter or affect or to authorize any altering or affecting of that direct control of that service by the Minister which now exists. 1939, c. 6, s. 5.

6. The Commissioner shall perform such other duties and furnish such information as may be assigned to him or required by the Minister. 1939, c. 6, s. 6.

7. (1) The Commissioner, subject to the approval of the Minister, has power to make rules and regulations for

(a) the administration, management, discipline and police of the penitentiaries;

(b) the establishment and carrying on of any work or industry at any penitentiary as may be thought desirable for the useful employment or training of the convicts, for the employment of the convicts therein, for the disposal of the products thereof, and as well for allowing, subject to such conditions as may be prescribed and payable in the manner and to such persons as may be designated by the regulations, remuneration for the labour of convicts; and

(c) such other purposes as may, be necessary or expedient for carrying into effect the provisions of this Act.

R.S., 1952.
(2) The wardens of the penitentiaries and every other officer employed at or about the same as well as convicts confined therein are bound to obey such rules and regulations. 1939, c. 6, s. 7.

8. The Governor in Council may appoint such assistant commissioners, not exceeding three in number, as may be required to assist the Commissioner in the performance of his duties; the assistant commissioners hold office during pleasure and shall be paid such salaries as the Governor in Council may from time to time determine. 1939, c. 6, s. 8.

9. Except as otherwise herein provided all other officers, clerks and employees as are necessary for the proper conduct of the business of the Commissioner shall be appointed or employed in the manner authorized by law and shall hold office during pleasure. 1945, c. 28, s. 3.

10. (1) The Governor in Council may on the recommendation of the Commissioner approved by the Minister, appoint such wardens, deputy wardens and other administrative or executive officers as are required for the proper administration and management of the penitentiaries.

(2) The wardens, deputy wardens and other administrative or executive officers so appointed shall be paid such salaries as are approved by the Governor in Council. 1939, c. 6, s. 10.

11. (1) The Commissioner, upon the recommendation of the warden, may appoint such guards, trade instructors and other subordinate officers, employees and servants as are necessary for the service of any of the penitentiaries.

(2) The guards, trade instructors and other officers, employees and servants so appointed shall be paid such salaries as are approved by the Governor in Council. 1939, c. 6, s. 11.

12. In making appointments under the powers conferred by this Act the Governor in Council and the Commissioner, respectively, shall extend to applicants the preference set out in section 28 of the Civil Service Act. 1939, c. 6, s. 12.

13. (1) Except where inconsistent with the provisions of this Act, the provisions of the Civil Service Act apply to all officers, clerks and employees on the staff of the Commissioner.

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(2) The provisions of the *Civil Service Superannuation Act* apply to the Commissioner, Deputy Commissioners, assistant commissioners and all officers, clerks and employees employed in the penitentiaries. 1947, c. 41, s. 3.

14. The Minister shall submit to the Governor in Council an annual report upon the penitentiaries, prisons and other institutions under his control, to be laid before both Houses of Parliament within the first twenty-one days of each session, showing the state of each penitentiary, prison or other institution, and the amounts received and expended in respect thereof, with such further information as he deems requisite. 1939, c. 6, s. 14.

15. The Commissioner shall make an annual report to the Minister on or before the 1st day of September in each year, which shall contain a full and accurate statement of the state, condition and management of the penitentiaries under his control and supervision for the preceding fiscal year, together with such suggestions for the improvement of the same as he may deem necessary or expedient, accompanied by such reports of the officers of the penitentiaries, and financial and statistical statements and tables as he deems useful or as the Minister directs. 1939, c. 6, s. 15.

16. The construction and repairs of buildings and other works in the penitentiaries shall be under the control of the Commissioner. 1939, c. 6, s. 16.

17. If the Commissioner at any time finds that any penitentiary is out of repair, or does not possess the proper and requisite sanitary arrangements, or has become unsafe or unfit for the confinement of prisoners, or does not afford sufficient accommodation for the number of prisoners confined therein, or the requisite accommodation for the proper industrial employment of the prisoners, he shall forthwith report the facts to the Minister. 1939, c. 6, s. 17.

18. The following are hereby declared to be and continue to be penitentiaries of Canada:

(a) the penitentiary situate near the City of Kingston, in the Province of Ontario, known as the Kingston Penitentiary;

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(b) the penitentiary situate at St. Vincent de Paul, in the Province of Quebec, known as the St. Vincent de Paul Penitentiary;

(c) the penitentiary situate at Dorchester, in the Province of New Brunswick, known as the Dorchester Penitentiary;

(d) the penitentiary situate in the County of Lisgar, in the Province of Manitoba, known as the Manitoba Penitentiary;

(e) the penitentiary situate in the District of New Westminster, in the Province of British Columbia, known as the British Columbia Penitentiary; and

(f) the penitentiary situate near the City of Prince Albert, in the Province of Saskatchewan, known as the Saskatchewan Penitentiary;

together with all lands appertaining to the said penitentiaries respectively, according to the respective metes and bounds thereof as now known and defined, and all the buildings and property thereon belonging to the same.

1939, c. 6, s. 18.

19. The following, namely,

(a) the Kingston Penitentiary, for the Province of Ontario, excepting that part lying west of the meridian of 85 degrees 20 minutes west longitude;

(b) the St. Vincent de Paul Penitentiary, for the Province of Quebec, excepting the Magdalen Islands;

(c) the Dorchester Penitentiary, for the Provinces of Nova Scotia, New Brunswick, Prince Edward Island and the Magdalen Islands;

(d) the Manitoba Penitentiary, for the Province of Manitoba, that portion of the Province of Ontario lying west of the meridian of 85 degrees 20 minutes west longitude, and all that part of the territories of Canada situate east of the Province of Saskatchewan and the one hundred and second west meridian;

(e) the British Columbia Penitentiary, for the Province of British Columbia; and

(f) the Saskatchewan Penitentiary, for the Provinces of Alberta and Saskatchewan, and for all that part of the territories

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territories of Canada, except the Yukon Territory, situated west of the one hundred and second west meridian; shall each be maintained as a prison for the confinement and reformation of persons lawfully convicted of crime before the courts of criminal jurisdiction of the province, territory or district for which it is the penitentiary and sentenced to confinement for life, or for any term not less than two years. 1939, c. 6, s. 19.

20. (1) The portion of Canada for which a penitentiary is the penitentiary is subject to alteration from time to time by proclamation of the Governor in Council, and by such proclamation the Governor in Council may attach to the territory or province for which any one of the above named penitentiaries is the penitentiary, any tract or territory forming a portion or the whole of the territory or province, for which some other of the said penitentiaries is the penitentiary.

(2) Any person thereafter convicted of crime and sentenced as aforesaid by any court within the limits of the tract or territory so attached shall undergo in the former penitentiary the imprisonment to which he is sentenced. 1939, c. 6, s. 20.

21. (1) Every lock-up, guard-room, guard-house, or place of confinement provided by or for or under the direction of the Royal Canadian Mounted Police, or the regular military force, or a municipal body, or by the Commissioner or Commissioner in Council of the Yukon Territory, is a penitentiary, gaol, and place of confinement for all persons sentenced to imprisonment in the Territory.

(2) The Commissioner of the Territory shall direct in which such penitentiary, gaol or place of confinement any person sentenced to imprisonment shall be imprisoned. 1939, c. 6, s. 21.

22. (1) The Governor in Council may declare, from time to time, by proclamation, that any tract of land within Canada, of which the boundaries shall be described in the proclamation, is a penitentiary, and is to be so held within the meaning of this Act, and by such proclamation may declare for what part of Canada the same shall be a penitentiary.
(2) The Governor in Council, by proclamation, may declare that any tract of land established as a penitentiary under the provisions of this Act, or by any other law, or by proclamation under this section, from and after a certain day to be named in such proclamation, shall cease to be a penitentiary, or a penitentiary for a part of Canada named in such proclamation, and such tract of land shall cease to be a penitentiary, or a penitentiary for such part of Canada, accordingly. 1939, c. 6, s. 22; 1950, c. 50, s. 10.

23. Every penitentiary now established, or hereafter established by virtue of this Act, shall be deemed to include

(a) all carriages, wagons, sleighs and other vehicles for land carriage, and all boats, scows and other vessels for water carriage, that belong to such penitentiary, or are employed by hire or otherwise in its service, and

(b) every wharf at or near the penitentiary, that, although not within the limits mentioned in the proclamation establishing the penitentiary, is used for the accommodation of such boats, scows or other vessels, when the same are employed in or about any work or labour connected with the penitentiary. 1939, c. 6, s. 23.

24. (1) Every street, highway or thoroughfare of any kind along or across which it is necessary or convenient that convicts should pass in going to or returning from their work, or upon which it may be deemed necessary or expedient that convicts should be employed, shall be considered, while so used, as a portion of the tract of land forming the penitentiary.

(2) Every escape, or attempt at escape, and every rescue, or aid in rescue, which takes place on such street, highway or thoroughfare, while so used, or on or from any wharf, boat, scow or other vessel that a penitentiary is by this Act declared to include, has the same effect as if such escape, or attempt at escape, or such rescue, or aid in rescue, had taken place within the prison walls or penitentiary limits. 1939, c. 6, s. 24.

25. The Commissioner, with the approval of the Minister, may authorize the warden of any penitentiary to construct rail or tram roads to communicate between any one part of a penitentiary.
part of the penitentiary and any other part, and to carry the
same across, upon or along any public road or street in-
tervening, in such manner as to cause the least possible
inconvenience to passengers or carriages using such road
or street; but the warden of such penitentiary shall not
break ground upon any public road or street for the purpose
of constructing such rail or tram roads, in virtue of such
authority, until after the lapse of one month after a copy
of the writing giving such authority, certified by the warden,
together with a plan showing the line which such rail or
tram roads are to occupy, has been served upon the officer
or person charged with the care or supervision of such
public road. 1939, c. 6, s. 25.

26. (1) The Commissioner or any Deputy Commissioner
or, under the direction of the Commissioner, an assistant
commissioner, may

(a) at any time enter and remain within any penitentiary
and have access to every part of the same, and examine
all papers, documents, vouchers, records and books of
eyevery kind belonging thereto;

(b) assume control of any penitentiary and exercise the
powers and functions of warden with respect to the
control and management of such penitentiary, and of
all its concerns;

(c) investigate the conduct of any officer or servant em-
ployed in or about any penitentiary, or of any person
found within the precincts thereof, and for that purpose
may summon by subpoena any person, and examine
such person under oath, and may compel the produc-
tion of papers and writings.

(2) If any person duly summoned neglects or refuses to
appear at the time and place specified, or refuses to give
evidence or produce the papers demanded of him, the officer
conducting the investigation may cause the said person, by
his warrant, to be taken into custody and to be im-
prisoned in the common gaol of the locality, as for contempt
of court, for a period not exceeding fourteen days. 1939,
c. 6, s. 26.

27. The Minister may, at any time when he deems it
necessary, appoint one or more persons to make a special
report on the state and management of any penitentiary.
and in such case, the person or persons so appointed, in
order to enable him or them to make such special report,
have the powers given to the Commissioner, a Deputy
Commissioner or assistant commissioner by section 26.
1939, c. 6, s. 27.

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28. The assistant commissioners shall, under the direction of the Commissioner, visit, examine and report upon the state and management of the penitentiaries and the suggestions that the warden or officers in charge thereof make for the improvement of the same and shall perform such other duties as the Commissioner may direct. 1939, c. 6, s. 28.

29. The Commissioner, the Deputy Commissioners and the assistant commissioners are, by virtue of their office, justices of the peace for every district, county and city or town of Canada, but have power to act only in matters connected with the criminal law. 1947, c. 41, s. 4.

30. The Commissioner may suspend any officer of the penitentiary and the warden may suspend any officer of an inferior rank, pending the report of the Commissioner and the decision of the Minister in each case. 1939, c. 6, s. 30.

31. The warden of a penitentiary is the chief executive officer of the same; and as such has the entire executive control and management of all its concerns, subject to the rules and regulations duly established, and the written instructions of the Commissioner. 1939, c. 6, s. 31.

32. (1) In all cases not provided for, and where the Commissioner cannot readily be consulted, the warden shall act in such manner as he deems most advantageous in the public interest.

(2) The warden is responsible for the faithful and efficient administration of the affairs of every department of the penitentiary, and he shall reside at the penitentiary. 1939, c. 6, s. 31.

33. In the absence or during the incapacity of the warden, the deputy warden shall exercise all the disciplinary powers and perform all the necessary duties of the warden; and in the absence or during the incapacity of the deputy warden, the chief keeper, or in his absence the senior keeper present, shall exercise all the disciplinary powers and perform all the duties of the deputy warden, including the disciplinary powers and duties of the warden when he also is absent or incapacitated. 1939, c. 6, s. 32.

34. (1) Every warden, and every other officer employed permanently in a penitentiary, shall severally take and subscribe, in a book to be kept for that purpose, the oath of allegiance to Her Majesty, and an oath of office in the form following, that is to say:

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I (A.B.) do promise and swear that I will faithfully, diligently and justly serve and perform the duties assigned me as an officer in the Penitentiary, to the best of my abilities; and that I will carefully observe and carry out all the regulations of the Penitentiary. So help me God.

(2) The Commissioner, a Deputy Commissioner, an assistant commissioner, or the warden may administer such oaths. 1939, c. 6, s. 34.

35. No officer, on the permanent staff of a penitentiary, shall carry on any trade or calling of profit or emolument other than his employment in the penitentiary, except by consent of the Governor in Council; and in cases where such exemption is granted a reduction of at least twenty per cent shall be made from the salary attached to the office or position held by such officer. 1939, c. 6, s. 35.

36. (1) The Commissioner may, for cause, authorize a deduction from the salary of any officer not exceeding one month's pay.

(2) The salary of any officer suspended by the Commissioner or by the warden, shall cease during the period of his suspension; but the Minister may direct payment of the same. 1939, c. 6, s. 36.

37. (1) To any officer whose conduct has been good, and who has been faithful in the discharge of his duties, who

(a) is compelled to retire from the service on account of some mental or physical infirmity or injury that unfit him for the performance of his duty, or

(b) may be retired to promote efficiency or economy, and

(c) is not entitled to a superannuation allowance under any Act in that behalf in force,

a gratuity, or retiring allowance may be given, calculated at the rate of a half month's salary for each year of his service, up to five years, and a month's salary for each year of service in excess of five years, based on the salary that such officer was in receipt of at the time of his retirement; but the retiring allowance authorized by this subsection shall not be paid to any officer if he is eligible to receive compensation in respect of the infirmity or injury that has compelled his retirement from the service under and in virtue of the provisions of the Government Employees' Compensation Act.

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(2) Such retiring allowance may be increased by one-half the amount thereof if the infirmity or injury that compels such officer to retire from the service is occasioned by any hurt received by him in the performance of his duty, without fault or negligence on his part, at the hands of any convict, or in preventing an escape or rescue, or in suppressing a revolt; but in no case shall the retiring allowance of any officer be so increased if he is eligible to receive compensation in respect of the infirmity or injury which has compelled his retirement from the service under and in virtue of the provisions of the *Government Employees' Compensation Act*.

(3) Except as hereinafter otherwise provided, the eligibility of any officer to be paid such a gratuity is not affected by his having heretofore or hereafter become a contributor under Part II of the *Civil Service Superannuation and Retirement Act*, or under the *Civil Service Superannuation Act*; but the amount of the gratuity that may be paid under this Act to any such officer on retirement from the service shall be computed in respect only of the period of his service down to the date on which he became a contributor under either of the Acts aforementioned.

(4) If any officer, being a contributor under Part II of the *Civil Service Superannuation and Retirement Act*, is eligible on retirement to receive a gratuity under this Act, he may be paid such gratuity in addition to the amount to his credit in the Retirement Fund.

(5) If any officer, being a contributor under the *Civil Service Superannuation Act*, is eligible on retirement to receive a gratuity under this Act, and also a withdrawal allowance of the amount of his contributions, or a gratuity, under the *Civil Service Superannuation Act*, he may be paid a gratuity under this Act less the amount of any withdrawal allowance of contributions or of any gratuity granted to him under the *Civil Service Superannuation Act*.

(6) If any officer, being a contributor under the *Civil Service Superannuation Act*, is eligible on retirement to receive a superannuation or annual retiring allowance under the said Act, he is not eligible to receive, in addition to such superannuation or annual retiring allowance, any gratuity under this Act, except that if such officer is compelled to retire from the service on account of infirmity or injury occasioned in the manner specified in subsection (2) and is otherwise eligible to receive a gratuity under this Act, he may be paid such gratuity (subject to the limitation

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limitation contained in the said subsection (2), in addition to the superannuation or annual retiring allowance aforementioned. 1939, c. 6, s. 37.

38. (1) If any officer dies in the service leaving a widow or any person who in his lifetime was dependent on him, a gratuity may be paid to his widow, if any, and if not, to any person or persons in the lifetime of such officer dependent on him, or to any person or corporation in trust for any such person or persons so dependent on him.

(2) No such gratuity shall exceed the amount of the salary
(a) for the two months preceding his death, if such officer was a warden or deputy warden, or
(b) for the three months preceding his death, in the case of any other officer.

(3) Such gratuity may be increased by one-half the amount thereof if the death of such officer is occasioned by any injury received by him in the performance of his duty, without fault or negligence on his part, at the hands of any convict, or in preventing an escape or rescue, or in suppressing a revolt.

(4) Any gratuity paid under the authority of this section is in lieu of any gratuity that might otherwise be paid to the widow or dependants of a deceased officer under the provisions of the Civil Service Act. 1939, c. 6, s. 38.

39. No officer shall be allowed any perquisite except as follows:
(a) wardens and deputy wardens are entitled to free residence or quarters, and to such allowance of heat, light and water as the Commissioner deems necessary therefor;
(b) the ornamental grounds attached to the residence or quarters of a warden or deputy warden may be kept in order and cultivated by convict labour, but otherwise no convict labour shall be employed in keeping in order or cultivating any grounds occupied by an officer;
(c) any officer whose duties require him and who is directed by the Commissioner to reside on the penitentiary reserve may, during the will of the Commissioner, occupy free of rent any house or quarters, with any grounds attached, which form part of the penitentiary property;
(d) any officer who wears uniform may be allowed such uniform as the Commissioner prescribes. 1939, c. 6, s. 39.

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40. The warden is a corporation sole known by the name of "The Warden of the Penitentiary" (designating the place as named in this Act, or named in the proclamation establishing it as a penitentiary), and by that name, he, and his successors, have perpetual succession, and may sue and be sued, and may plead and be pleaded unto, in any of Her Majesty's courts. 1893, c. 6, s. 40.

41. (1) All dealings and transactions on account of any penitentiary, and all contracts for goods, wares or merchandise necessary for maintaining and carrying on the penitentiary, or for the sale of goods prepared or manufactured in the penitentiary, shall be entered into and carried out in the corporate name of the warden.

(2) All personal property belonging to the penitentiary shall be held in the corporate name of the warden for Her Majesty. 1893, c. 6, s. 41.

42. The real property of every penitentiary, as well as all books, records and the other property thereto belonging, is vested in Her Majesty; but the warden and his successors shall, in office, have the custody and care thereof under the provisions of this Act. 1893, c. 6, s. 42.

43. (1) Whenever any difference arises between the warden and any person having dealings with him on account of the penitentiary, such difference may, by order of the Commissioner, and with the consent of such person, be referred either to one arbitrator, selected by the warden and such person, or to three arbitrators, one of whom shall be named by the warden, and another by such other person, and a third by the two so named as aforesaid.

(2) In the one case, the award of the arbitrator, and, in the other case, the award of any two of the arbitrators, is final. 1893, c. 6, s. 43.

44. The warden of a penitentiary shall exercise due diligence in enforcing the payment of debts due to the penitentiary, and with as little expense as possible; and, on the report of the Commissioner, approved by the Minister, he may accept of such security from any debtor on granting time, or such composition in full settlement, as is thought conducive to the interests of the penitentiary. 1893, c. 6, s. 44.

45. The following persons may visit any penitentiary during business hours, that is to say: the Governor General of Canada, the Lieutenant-Governor of any province of Canada, R.S., 1952.
Canada, any member of the Queen’s Privy Council for Canada, any member of the executive council of any of the said provinces, any member of the Parliament of Canada, and any judge of any court of record in Canada or in any of the said provinces; but no other person except the Commissioner, Deputy Commissioner, assistant commissioners or persons specially appointed by the Minister shall be permitted to enter within the walls wherein the prisoners are confined, except by the special permission of the warden, and under such regulations as the Commissioner prescribes. 1939, c. 6, s. 45.

46. 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 the penitentiary for the province in which the conviction takes place. 1939, c. 6, s. 46.

47. Every one who is sentenced to imprisonment in a penitentiary is subject to the provisions of the statutes relating to such penitentiary, and to all rules and regulations lawfully made with respect thereto. 1939, c. 6, s. 47.

48. (1) In every case for the prevention of escape of any convict in a penitentiary, and for the arrest and re-capture of any such convict who has escaped from a penitentiary, the warden or other officers of the penitentiary have the same duty, and have and may exercise the same power, right and authority and means as if such convict had been convicted of, and were under imprisonment for, felony, or for an offence which was felony at common law.

(2) In no case shall the warden or other officers be deemed to have less power, right or authority for the purpose of preventing an escape, or for the arrest and re-capture of any escaped or escaping convict, no matter for what offence such convict may have been committed to the penitentiary, than a peace officer would have for the purpose of arresting a person charged under a warrant duly issued for the arrest of such person for a crime which is felony or was felony at common law, and of which he is guilty. 1939, c. 6, s. 48.

49. (1) The sheriff or deputy sheriff of any county or district, or any bailiff, constable, or other officer, or other person, by his direction or by the direction of a court, or any

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any officer appointed by the Governor in Council and attached to the staff of a penitentiary for that purpose, may convey to the penitentiary named in the sentence, any convict sentenced or liable to be imprisoned therein, and shall deliver him to the warden thereof, without any further warrant than a copy of the sentence taken from the minutes of the court before which the convict was tried, and certified by a judge or by the clerk or acting clerk of such court.

(2) A convict shall not be conveyed to the penitentiary pending any appeal against his conviction or sentence, nor until after the expiration of the time limited for such appeal, but, subject to the provisions of the Criminal Code for admitting an appellant to bail pending the determination of his appeal, shall be confined in any gaol or other place of confinement wherein he may be lawfully kept after sentence while awaiting removal to the penitentiary.

(3) If a convict elects not to appeal he may at any time before the expiration of the time limited for appeal give notice in writing of such election to the convicting magistrate or to the proper officer of the court in which he was convicted, and thereupon the time limited for appeal shall be deemed to have expired. 1939, c. 6, s. 49.

50. Whenever a prisoner is ordered, by competent authority, to be conveyed to any penitentiary from any other penitentiary, or from a reformatory, prison, or from a gaol there shall be delivered to the warden of the penitentiary receiving such prisoner, together with all other necessary documents, a certificate signed by the medical officer of the institution from which such prisoner has been taken, and countersigned by the official in charge of the penitentiary, reformatory or gaol from which such prisoner has been taken, declaring that such prisoner is free from any putrid, infectious or contagious disease, and that he is fit to be removed, but a prisoner sentenced to imprisonment in a penitentiary, or ordered by competent authority to be conveyed to any penitentiary from any other penitentiary, or from a reformatory, prison, or from a gaol, may remain and be kept in lawful custody in the penitentiary, reformatory, prison or gaol from which he was sentenced or ordered to be conveyed until the necessary documents, including the certificate hereinbefore required, have been delivered to the warden of the penitentiary receiving such prisoner. 1939, c. 6, s. 50.
51. The warden shall receive into the penitentiary every convict legally certified to him as sentenced to imprisonment therein, unless certified by the surgeon of the penitentiary to be suffering from a dangerously infectious or contagious disease, and shall there detain him, subject to the rules, regulations and discipline thereof, until the term for which he has been sentenced is completed, or until he is otherwise legally discharged, but a convict, if certified by the surgeon to be suffering in manner aforesaid, may remain and be kept in his former custody until his condition in the opinion of the surgeon justifies withdrawal of the certificate. 1939, c. 6, s. 51.

52. (1) The Commissioner may, by warrant under his hand, direct the removal of any convict from any one penitentiary to another, or from one territorial gaol to another; and the warden, or gaoler, having the custody of any convict so ordered to be removed, when required so to do, shall deliver up the said convict to the constable or other officer or person who produces the said warrant, together with a copy, attested by the said warden, or gaoler, of the sentence and date of conviction of such convict as given to him on reception of such convict into his custody.

(2) The constable or other officer or person shall give a receipt to the warden, or gaoler, for the convict, and shall thereupon, with all convenient despatch, convey and deliver up such convict, with the said attested copy, into the custody of the warden, or gaoler, mentioned in the warrant, who shall give a receipt in writing for every convict so received into his custody, to such constable or other officer or person, as his discharge.

(3) The convict shall be kept in custody in the penitentiary or gaol to which he is so removed, until his removal to another penitentiary or gaol, or until the termination of his sentence, or until his discharge by law.

(4) For the purposes of this section any convict sentenced to be imprisoned in any penitentiary shall be deemed to be in the custody of the warden of that penitentiary immediately upon such sentence; and the sheriff or other officer in whose custody he then is shall, upon receiving a receipt therefor, deliver up the convict, together with a copy of the sentence taken from the minutes of the court and certified by a judge or by the clerk or acting clerk thereof.

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of, to any constable or other officer or person who produces a warrant under this section for the removal of such convict from such penitentiary to any other penitentiary, and the like action shall thereupon be had and taken as in other cases under this section.

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

(6) Notwithstanding anything to the contrary contained in the Yukon Act or the Northwest Territories Act any convict, convicted of an offence other than the breach of a municipal by-law, confined in a penitentiary, gaol or other place of confinement in the Yukon Territory or the Northwest Territories or in the custody of the Royal Canadian Mounted Police, if his sentence of imprisonment is for a term of two years or longer, may be removed to a penitentiary situate without the Yukon Territory and the Northwest Territories, or, if the sentence is for less than two years, to a gaol situate without the Yukon Territory and the Northwest Territories and designated for that purpose by the Governor in Council or within the territory or territories in which he is convicted, in the manner provided by this section for the removal of a convict from one penitentiary to another; and the sheriff or other person in charge of such gaol or other place of confinement, or the officer in command of the Royal Canadian Mounted Police at the post where such convict is in custody, shall be substituted, in the application of this section to such cases, for the warden of the penitentiary from which a convict is removed. 1939, c. 6, s. 52; 1940, c. 37, s. 1; 1947, c. 41, s. 6.

53. (1) The sheriff or other officer or person employed by competent authority to convey any convict to any penitentiary to which such convict is ordered to be taken, either by sentence of a court or by order of the Commissioner, as mentioned in section 52, may secure and convey him through any county or district through which he has to pass in any of the provinces of Canada.

(2) Until the convict has been delivered to the warden of such penitentiary, such sheriff, officer or person, in all territorial divisions or parts of Canada through which it may be necessary to convey such convict, has the same authority and power over and with regard to such convict, and 4217

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and to command the assistance of any person in preventing his escape, or in recapturing him in case of an escape, as the sheriff of the territorial division in which he was convicted would himself have, in conveying him from one part of that division to another. 1939, c. 6, s. 53.

54. (1) Where sentence of death has been passed upon any convict by any court in Canada, and the Governor General, on behalf of Her Majesty, has been pleased to commute such sentence to imprisonment for life, or for any term of years, such commutation has the same effect as the judgment of a competent court legally sentencing such convict to such imprisonment for life or other term.

(2) The sheriff, or other officer, or other person having such convict in custody, on receipt of a letter from the Secretary of State, notifying him of the fact of such commutation, and directing him to convey such convict to a penitentiary therein named, shall forthwith convey such convict thereto, and he has the same rights and powers, in conveying such convict to such penitentiary, as if the conveyance took place by virtue of the sentence of a competent court. 1939, c. 6, s. 54.

55. (1) A letter signed by the Secretary of State, notifying the warden of the fact of the commutation of any sentence of death to imprisonment for life or for a term of years, and of the term of years or life term to which the sentence has been commuted is sufficient authority to the warden to receive such convict into the penitentiary, and to deal with him as if he had been sentenced by a competent court to confinement therein for the period or life term in the said letter mentioned.

(2) It is not necessary for the purpose of commuting such sentence, or of authorizing the conveyance of a prisoner to any penitentiary, or for his reception and detention therein for the term to which such sentence is commuted, that the warden should have in his possession a copy of any pardon. 1939, c. 6, s. 55.

56. (1) Where a juvenile offender has been ordered by competent authority to be imprisoned in any reformatory prison, and after being imprisoned therein has become incorrigible, and is so certified by the superintendent of such reformatory prison, or, in the Province of Quebec, by one of the inspectors of prisons for the province, the Lieutenant-Governor of the province in which the reformatory prison is situated, by a warrant under his hand, addressed to the superintendent of such reformatory prison, setting forth the sentence or order under which the juvenile offender...
der was imprisoned therein, and the fact that he is incorrigible, may direct that such juvenile offender be removed to any penitentiary named in the said warrant.

(2) Any officer of the prison, or any other person authorized by the superintendent, has the same powers in conveying such juvenile offender to such penitentiary as are herebefore given to a sheriff or other person in like cases.

(3) The warden of the penitentiary named in the warrant shall receive such juvenile offender, and deal with him for the unexpired term of the sentence or order under which he was ordered to be imprisoned in such reformatory prison, as if he had been sentenced to such penitentiary by a competent court; and, together with the said offender, a copy of the said sentence or order, attested by the superintendent of the reformatory prison, and also an order from the Lieutenant-Governor directing the warden of such penitentiary to receive such juvenile offender, shall be delivered to the warden of the penitentiary. 1939, c. 6, s. 56.

57. The Commissioner may, at any time, in his discretion, by warrant under his hand, cause any convict in a penitentiary who appears to the warden to be under sixteen years of age, and susceptible of reformation, to be transferred, for the remainder of his term of imprisonment, to a reformatory prison, if there is one, of the province where such convict was sentenced. 1939, c. 6, s. 57; 1947, c. 41, s. 7.

58. (1) Where at any time within three months after the receipt at a penitentiary of any convict sentenced to imprisonment therein, it is established to the satisfaction of the Commissioner either by the written certificate of the surgeon of such penitentiary or otherwise, that the convict is insane or imbecile and was insane or imbecile at the time when he was received at the penitentiary, the Commissioner may, after giving reasonable notice of his intention to the attorney-general of the province within which such insane or imbecile convict was convicted, by warrant under his hand, direct the removal of such insane or imbecile convict from the penitentiary to the gaol or other place of confinement from which such insane or imbecile convict came to the penitentiary.

(2) Such warrant is sufficient authority to the warden or any other officer of the penitentiary to remove such insane or imbecile convict from the penitentiary to such gaol or place of confinement and there to deliver him to the keeper thereof. 1939, c. 6, s. 58; 1947, c. 41, s. 8.

59. R.S., 1952.
Ward for insane.

59. The Commissioner may direct the warden of any penitentiary to set apart a portion thereof for the reception, confinement and treatment of insane convicts; and the portion so set apart shall be used for such purposes accordingly, and shall be known as the ward for the insane. 1939, c. 6, s. 59.

Surgeon to report.

60. (1) Where at any time it appears to a surgeon of a penitentiary that any convict confined therein is insane and ought to be removed to the ward for the insane, he shall report the same in writing to the warden with a view to the removal of such convict to the ward for the insane.

(2) Where the surgeon at any time thereafter certifies to the warden that such convict has recovered his reason, and is in a fit state to be removed from the ward for the insane, the warden shall remove such convict therefrom. 1939, c. 6, s. 60.

If convict recovers.

61. (1) When a surgeon of a penitentiary reports in writing to the warden that any convict confined in such penitentiary is insane, and ought to be removed to an asylum for the insane, the warden shall report the facts to the Commissioner.

(2) The Commissioner may thereupon, if an arrangement exists with the Lieutenant-Governor of any province for the maintenance of such convict in an asylum for the insane of the province, by warrant under his hand, direct the removal of such insane convict to the custody of the keeper or person in charge of such asylum, for the unexpired portion of his sentence.

(3) The warden of the penitentiary, when required so to do, shall deliver up to the constable or other officer or person who produces such warrant, the insane convict, together with a copy, attested by the warden, of the sentence and date of his conviction, as given to the warden on reception of the convict into his custody; and the constable or other officer or person shall give a receipt therefor, and shall thereupon, with all convenient despatch, convey and deliver up such convict, with such attested copy, into the custody of the keeper or person in charge of such asylum, who shall give a receipt therefor.

(4) The convict shall be kept in custody in such asylum under his sentence, until the expiration or sooner determination thereof, or until his removal elsewhere under the provisions of this Act, or his discharge by law.

(5) If, before the expiration of his sentence, any convict so detained in any asylum recovers his reason, and such recovery is certified to by the surgeon or medical officer in charge
charge of such asylum, the Commissioner may in like manner direct the removal of such convict from such asylum to the penitentiary from which he came, or to some other penitentiary; and thereupon such convict may in like manner be removed and delivered again to the warden of such penitentiary, where he shall be kept in custody under his sentence. 1939, c. 6, s. 61; 1947, c. 41, s. 9.

62. (1) Where the term of imprisonment of any convict expires, or is determined by remission of sentence or otherwise, while such convict is detained as insane in the ward for the insane, he may continue to be detained therein pending the proceedings authorized by this Act; and in such case the surgeon shall forthwith certify to the warden whether the convict is sane or insane.

(2) Where the surgeon certifies that such convict is not insane, he shall be forthwith discharged. 1939, c. 6, s. 62.

63. (1) Where the surgeon certifies that the person is insane, the warden shall report the fact to the Commissioner; and the Commissioner shall thereupon communicate the fact to the Lieutenant-Governor of the province within which the person was sentenced, so that he may be removed to a place of safe keeping.

(2) The Lieutenant-Governor may, thereupon, order the removal of the person to a place of safe keeping within the province, and he shall, upon such order, be delivered to the person therein designated for transport to such place, and he shall remain and be detained there, or in such other place of safe keeping as the Lieutenant-Governor, from time to time, orders, until it appears to the Lieutenant-Governor that he is of sound mind, when the Lieutenant-Governor may order him to be discharged; but if, at any time after his removal to such place of safe keeping, and before his complete recovery, the Lieutenant-Governor thinks fit to order that he shall be given up to any person by him named, he shall be given up accordingly. 1939, c. 6, s. 63.

64. (1) Where the Lieutenant-Governor of the province within which any such person was sentenced has made arrangements with the Lieutenant-Governor of the Province of Ontario for the safe keeping of any such person in Ontario, and such arrangements have been communicated to the Commissioner by the Lieutenant-Governor of the province concerned, the Commissioner shall, in the case of any such person, communicate, under section 63, with the Lieutenant-Governor of Ontario, who, in such cases, has all the powers thereby given.
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If Lieutenant-Governor does not act, convict returned to gaol.

(2) If the Lieutenant-Governor does not, within one month after the Commissioner has communicated, as provided by section 63, cause the person to be removed under the provisions thereof, the Commissioner may direct the convict to be removed for safe keeping to the gaol in which he was last confined previous to his transfer to the penitentiary, or to any other gaol in the province within which he was sentenced; and, after such removal, all the provisions of section 63 shall apply to this case. 1939, c. 6, s. 64; 1947, c. 41, s. 10.

Inquiry and report as to sanity.

65. Where any question arises as to the sanity of any convict, the Commissioner may order an inquiry and report to be made by one or more medical men, in conjunction with the surgeon, and may, upon such report, direct such action as he deems necessary to carry out the provisions of this Act. 1939, c. 6, s. 65.

Clothing.

66. (1) Every convict shall, during the term of his confinement, be clothed, at the expense of the penitentiary, in suitable prison garments.

Food.

(2) He shall be supplied with a sufficient quantity of wholesome food.

Bedding.

(3) He shall be provided with a bed and sufficient covering varied according to the season.

Separate confinement.

(4) He shall, except in case of sickness, be kept in a cell by himself at night. 1939, c. 6, s. 66.

Hard labour.

67. (1) Imprisonment in a penitentiary shall be with hard labour, whether so directed in the sentence by which such imprisonment is adjudged or not.

(2) Every convict, except during sickness or other incapacity, shall be kept constantly at hard labour, of a kind determined by the warden, during at least ten hours, if possible, exclusive of hours for meals, of every day, except Sunday, Good Friday, Christmas Day, and such other days as the Governor General sets apart for days of fasting or thanksgiving, and such days as are designated in the rules made by the Commissioner in that behalf; but no convict shall be compelled to labour on any of the obligatory holidays of the religious denomination to which he adheres.

(3) The convicts may be employed in labour under the control of the Crown; but no labour shall be let out to any company or person. 1939, c. 6, s. 67.

Labour not to be let out.

68. The female convicts shall be kept in a separate ward, secluded from the male convicts, and shall be under the charge of a matron, with such and so many female officers as the Commissioner orders to be employed. 1939, c. 6, s. 68.

Female convicts, separate confinement.

R.S., 1952.
69. (1) The Commissioner, subject to the approval of the
Minister, may make regulations, under which a record may
be kept of the daily conduct of every convict in any peni-
tentiary, noting his industry and the strictness with which
he observes the prison rules, with a view to permit such
convict to earn a remission of a portion of the time for
which he is sentenced to be confined, not exceeding six days
for every month during which he is exemplary in conduct
and industry.

(2) When any convict has earned and has at his credit
seventy-two days of remission, he may be allowed, for every
subsequent month during which his conduct and industry
continue satisfactory, ten days’ remission for every month
thereafter.

(3) Where any convict, by reason of sickness or any other
infirmity, not intentionally produced by himself, is unable
to labour, he is entitled, by good conduct, to such portion
of the remission from his sentence to which he would
otherwise be entitled as the warden, with the concurrence
of the Commissioner, deems proper.

(4) Every convict who escapes, attempts to escape, breaks
prison, attempts to break prison, breaks out of his
cell, or makes any breach therein with intent to escape, or
assaults any officer or servant of the penitentiary, or being
the holder of a licence under the Ticket of Leave Act, forfeits
such licence, shall forfeit the whole of the remission
which he has earned. 1939, c. 6, s. 69.

70. The Commissioner shall draw up a list of prison
offences, and the list shall be printed, and a copy thereof
placed in each cell of the penitentiary. 1939, c. 6, s. 70.

71. Any warden, or other officer employed in a peni-
tentiary, who, either in his own name or in the name of,
or in connection with any other person, provides, furnishes
or supplies any materials, goods or provisions for the use
of any penitentiary, or is concerned directly or indirectly
in furnishing or supplying the same, or in any contract
relating thereto, shall incur a penalty of five hundred dol-
ars, recoverable, with costs, by any person who sues for
the same in any court of competent jurisdiction. 1939,
c. 6, s. 71.

72. Any officer or servant of any penitentiary, or terri-
torial gaol, or other person who
(a) gives or in any way conveys to any convict any
article or thing not allowed by the rules of the peni-
tentiary or gaol so to be given or conveyed;
(b) leaves any such article anywhere with intent that
any convict shall get the same;
(c) Conveying

R.S., 1952.
(c) does any other act with intent that any convict shall get any such article;
(d) takes or receives or carries out from any convict, for any purpose, any article not allowed by the rules of the penitentiary or gaol so to be taken, received or carried out;
(e) buys from or sells to or for any convict anything whatsoever;
(f) takes or receives for his own use, or for that of any other person, any fee or gratuity from any convict or visitor;
(g) without proper authority employs any convict in work for the personal benefit of himself or any other person; or
(h) endeavours to do or knowingly allows to be done any of the acts in this section mentioned;

is, on summary conviction, liable to a penalty not exceeding one hundred dollars, or imprisonment with hard labour for a term not exceeding three months. 1939, c. 6, s. 72.

Any convict who is, upon his discharge or release from the penitentiary, furnished, at the expense of the penitentiary, with money or with tickets for transportation, in pursuance of the provisions hereinafter contained, and who uses such money or tickets for any purpose other than the purpose for which the money or tickets were so furnished, is guilty of an offence, and liable on summary conviction to imprisonment for a term not exceeding three months. 1939, c. 6, s. 73.

Every person who
(a) is found trespassing upon any grounds, buildings, yards, offices or other premises whatsoever, belonging or appertaining to any penitentiary or territorial gaol; or
(b) who enters the same, or who may be found loitering upon the street or highway adjacent thereto, not being an officer or servant of the penitentiary or gaol, or authorized by the warden or gaoler;

is, on summary conviction, for a first offence, liable to a penalty not exceeding ten dollars, and in default of payment to imprisonment, with or without hard labour, for a term not exceeding one month.

(2) For a subsequent offence he is liable to a penalty not exceeding fifty dollars, and in default of payment to imprisonment, with or without hard labour, for a term not exceeding three months. 1939, c. 6, s. 74.

R.S., 1952.
75. (1) Every person who moors or anchors, or causes to be moored or anchored, any raft, boat, vessel or craft of any kind within three hundred feet of the shore or wharf bounding the lands of any penitentiary towards any lake, arm of the sea, bay or river, without the permission of the warden of such penitentiary, is, on summary conviction, liable to a penalty of twenty dollars, and in default of payment of such penalty and costs, to imprisonment with hard labour, for a term not exceeding two months, or to such imprisonment in addition to payment of the said pecuniary penalty and costs.

(2) The amount of such penalty may be levied upon such raft, boat, vessel or craft, in whomsoever the property thereof may be, as well as on the offender's own goods and chattels. 1939, c. 6, s. 75.

76. (1) The warden of the penitentiary is ex officio and has the powers and authority of a justice of the peace with respect to any offence or charge of an offence under sections 72 to 75, and for all purposes connected with any such offence or charge.

(2) Each and every keeper and guard of the penitentiary is for all the said purposes ex officio and has the powers and authority of a constable. 1939, c. 6, s. 76.

77. (1) No convict shall be discharged from a penitentiary on the termination of his sentence, or otherwise, unless at his own request, during the months of December, January or February; but such convict may remain in the penitentiary until the 1st day of March following the termination of his sentence.

(2) No convict who, at the expiration of his sentence, is found to be suffering from any acute, dangerous, contagious or infectious disease, shall be discharged unless and until in the opinion of the warden such discharge may safely be made.

(3) A convict remaining from any cause in a penitentiary after the termination of his sentence, shall be under the same discipline and control as if his sentence were still unexpired.

(4) On the 1st day of March, a list shall be made of all the prisoners whose sentences have expired during the three preceding months, and who are still in prison, according to the dates when their sentences expired; and according to such order they shall be discharged, one convict on the said 1st day of March, and one on every day thereafter, until the whole are discharged.

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(5) Whenever the term of any prisoner's sentence expires on a Sunday or a statutory holiday he shall be discharged on the day preceding, unless he desires to remain until the day following.

(6) Every convict under sentence for a term not less than two years, shall, upon his discharge or release, either by expiration of sentence, conditional liberation or otherwise, be furnished, at the expense of the penitentiary, with a suit of clothing other than prison clothing, and with transportation to the place at which he received his sentence, and such other sum in addition, not exceeding ten dollars, as the warden deems proper.

(7) Where the warden is of opinion that a convict, on being discharged, does not intend to return to the place at which he received his sentence, but intends to go to some other place nearer to the penitentiary, such convict shall be furnished with transportation to such nearer place, and not to the place at which he received his sentence.

(8) Every convict who is furnished, pursuant to this section, with money for the payment of travelling expenses, or with a ticket or tickets for transportation, shall be deemed to be in the custody of the warden until his departure by railway or other means of transportation for his destination, and it is the duty of the warden to take such action as may be necessary to ensure such departure.

1939, c. 6, s. 77.

78. (1) Every article found upon the person of a convict at the time of his reception into the penitentiary shall be taken from him, and a description of every article that is considered by the warden to be worth preservation shall be entered in a book kept for that purpose; and if the convict does not see fit otherwise to dispose of it at the time, it shall be carefully put away until the day of his discharge, when it shall be delivered up to him again in the state in which it then is.

(2) The warden is not liable for any deterioration that takes place in such article in the interval.

(3) Where, at the time of his reception, the convict desires to dispose of any such article and it is so disposed of, a memorandum of the fact shall be noted in the said book, and signed by the proper officer who has charge thereof, and also by the convict; and any money received therefor shall be placed to his credit. 1939, c. 6, s. 78.

R.S., 1952.
79. The warden of a penitentiary, or any officer thereof deputed by him for the purpose, may
   (a) open and examine any letter, parcel or mail matter received at the penitentiary, through the mail or otherwise, addressed to or intended for any convict;
   (b) open and examine any letter, parcel or mail matter which any convict desires to have sent out by mail or otherwise;
   (c) withhold from a convict any such letter, parcel or mail matter addressed to him or intended for him, or destroy it, or otherwise deal with it as required or authorized by the rules and regulations; and
   (d) detain or destroy, or remove or obliterate objectionable contents of, or otherwise deal with, any letter, parcel or mail matter that a convict desires to have sent out from the penitentiary.

80. (1) Where a convict dies in a penitentiary, and an assistant commissioner, warden or surgeon has reason to believe that the death of such convict may have arisen from any other than ordinary causes, he shall call upon a coroner having jurisdiction to hold an inquest upon the body of such deceased convict.

   (2) Upon such requisition by one or more of the aforesaid officers, the said coroner shall hold such inquest, and for that purpose, he and all other persons necessarily attending such inquest, shall have admittance to the prison.

81. (1) The body of every convict who dies in a penitentiary shall, if claimed by his relatives, be given up to and shall be taken away by them.

   (2) If it is not so claimed, the body may be delivered to an inspector of anatomy, duly appointed under any Act authorizing such appointment, or to the professor of anatomy in any college wherein medical science is taught.

   (3) If it is not claimed by his relatives or delivered to an inspector of anatomy, the body shall be decently interred at the expense of the penitentiary.

82. (1) Notwithstanding anything in this Act, every person who is sentenced by any court in Newfoundland to imprisonment for life, or for a term of years, not less than two, shall be sentenced to imprisonment in the penitentiary operated by the Province of Newfoundland at the City of Saint John's for the confinement of prisoners, and shall be subject to the statutes, rules, regulations and other laws.
laws pertaining to the management and control of the said penitentiary.

(2) Subject to the approval of the Governor in Council, the Minister of Justice may enter into an agreement with the Province of Newfoundland providing for the payment to the province of the cost of maintaining persons who are or have been sentenced to imprisonment for life, or for a term of years, not less than two. 1949, c. 6, s. 37.