THE
REVISED STATUTES
OF CANADA
1952

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CHAPTER 207.

An Act to provide Pensions to or in respect of Members of the Canadian Naval, Army and Air Forces.

1951, c. 56, s. 1.

SHORT TITLE.

1. This Act may be cited as the Pension Act. R.S., c. 157, s. 1.

INTERPRETATION.

2. In this Act

(a) “appearance of the injury or disease” includes the recurrence of an injury or disease that has been so improved as to have removed the resultant disability;

(b) “applicant” means a person who has made an application for a pension, or a person on whose behalf an application for a pension has been made, or a member of the forces in whom a disability is shown to exist at the time of his retirement or discharge or at the time he ceased to be on active service during World War II, or at the time of the completion of treatment or training by the Department of Veterans Affairs;

(c) “Board of Pension Commissioners for Canada” means the Board heretofore existing under that name;

(d) “child” means a legitimate child of a member of the forces whether such child is born before or after the award of pension; and “child” also includes his stepchild, his adopted child, his foster-child, or his illegitimate child;

(e) “Commission” means the Canadian Pension Commission, and wherever in this Act or in any Act in amendment thereof “the Commission” is mentioned or referred to, it means and shall be construed to mean, the Canadian Pension Commission; and “Commissioner” means a member of the Canadian Pension Commission;

(f) R.S., 1952.
"Court."  (f) "Court" means the Pension Appeal Court heretofore existing under that name;

"Department."  (g) "Department" means the Department of Veterans Affairs and includes in respect of matters antecedent to this Act, the Military Hospitals Commission, the Department of Soldiers' Civil Re-establishment and the Department of Pensions and National Health;

"Dependent condition."  (h) "dependent condition" means the condition of being without earnings or income sufficient to provide maintenance;

"Died."  (i) "died" or "death" includes death presumed for official purposes;

"Disability."  (j) "disability" means the loss or lessening of the power to will and to do any normal mental or physical act;

"Federal Appeal Board."  (k) "Federal Appeal Board" means the Board heretofore existing under that name;

"Hospital allowance."  (l) "hospital allowance" means pay and allowances or compensation payable or paid by the Department to or on behalf of a person while undergoing treatment;

"Improper conduct."  (m) "improper conduct" includes wilful disobedience of orders, wilful self-inflicted wounding and vicious or criminal conduct;

"Member of the Forces."  (n) "member of the forces" means a person who has served in the naval, army or air forces of Canada since the commencement of World War I;

"Military service."  (o) "military service" or "service" means service in the naval, army or air forces of Canada since the commencement of World War I;

"Minister."  (p) "Minister" means the Minister of Veterans Affairs or such other Minister as the Governor in Council may from time to time determine;

"Obvious."  (q) "obvious" means that which would be apparent, clear, plain, evident or manifest to the eye, ear or mind of an unskilled observer on examination;

"Pension."  (r) "pension" means pension on account of the death or disability of a member of the forces and includes additional pension, temporary pension, additional payment, final payment or any other payment awarded under this Act to or in respect of any member of the forces;

"Pensioner."  (s) "pensioner" means a person who has been awarded a pension;

"Pension Tribunal."  (t) "Pension Tribunal" means the Tribunal heretofore existing under that name;

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(u) "recorded on medical examination prior to enlistment" includes recorded symptoms or findings in,
(i) medical proceedings for enlistment;
(ii) official documentation covering any former period of service,
(iii) the files of the department,
(iv) Compensation Board or Insurance Company records, and
(v) the records of a hospital, private physician or other medical authority,
where such record refers to the injury or disease resulting in the disability in respect of which the application for pension is made;

(v) "service in a theatre of actual war" means:
(i) in the case of the army or air forces during World War I, service in the zone of the allied armies on the continents of Europe, Asia or Africa or in any other place at which the member of the forces has sustained injury or contracted disease directly by a hostile act of the enemy;
(ii) in the case of the naval forces during World War I, service on the high seas or wherever contact has been made with hostile forces of the enemy, or in any other place at which the member of the forces has sustained injury or contracted disease directly by a hostile act of the enemy;
(iii) in the case of the naval, army or air forces during World War II, service on the sea, in the field or in the air, in any place outside of Canada; or service in any place in Canada at which the member of the forces has sustained injury or contracted disease directly by a hostile act of the enemy;

(w) "World War I" means the war waged by the German Emperor and His Allies against His Majesty and His Majesty's Allies; and the period denoted by the term "World War I" is the period between the 4th day of August, 1914, and the 31st day of August, 1921, both dates inclusive;

(x) "World War II" means the war waged by His Majesty and His Majesty's Allies against Germany and Germany's Allies; and the period denoted by the term "World War II" is the period between the 1st day of September, 1939, and the 1st day of April, 1947, both dates inclusive;

(y) "widowed mother" may, in the discretion of the Widowed Commission, include a mother deserted by her husband when the circumstances of the case are, in the opinion of
of the Commission, such as would entitle her to a pension. R.S., c. 157, s. 2; 1930, c. 35, s. 1; 1932-33, c. 45, s. 1; 1936, c. 44, s. 1; 1939, c. 32, s. 1; 1944-45, c. 19, s. 8; 1946, c. 62, ss. 1, 2, 3, 4, 5; 1948, c. 23, ss. 1, 2, 3; 1951, c. 56, s. 2.

ORGANIZATION.

1930, c. 35, s. 2.

3. (1) There shall be a Commission to be known as the Canadian Pension Commission, which, subject to the provisions of this Act, has and shall exercise all powers, authorities and functions that immediately prior to the 1st day of October, 1933, were vested in and exercisable by the Board of Pension Commissioners for Canada.

(2) The Commission shall consist of not less than eight Commissioners, who shall be appointed by the Governor in Council, but, in his discretion, the number of Commissioners may be increased to twelve.

(3) The Governor in Council may, from time to time, appoint not more than five additional ad hoc Commissioners, if and as required, for the purpose of considering and adjudicating upon applications for pension, and each ad hoc Commissioner shall be appointed for a period not in excess of one year, but the provisions of subsection (10) shall apply to an ad hoc Commissioner.

(4) An Ad hoc Commissioner who at the time of his appointment is a civil servant shall be given leave of absence, without pay, by his department, shall be paid as an ad hoc Commissioner, and shall enjoy the benefits of section 10.

(5) An ad hoc Commissioner who at the time of his appointment is a Judge of a Superior Court or of a County or District Court of any of the provinces of Canada shall not be paid as an ad hoc Commissioner, but, notwithstanding any statute to the contrary, shall be paid his salary as a judge and a per diem allowance of fifteen dollars in lieu of the salary provided in subsection (11).

(6) The Governor in Council shall appoint one of the Commissioners to be Chairman and another of the Commissioners to be Deputy Chairman of the Commission.

(7) In the event of a vacancy occurring in the chairmanship of the Commission for any cause, the Governor in Council may appoint a judge of the Superior Court of any province to be acting chairman of the Commission for
a period not exceeding two years; such acting chairman shall have, possess, enjoy and exercise all the rights, privileges, powers and functions that by law the chairman of the Commission might have, possess, enjoy or exercise, and he shall, notwithstanding any statute to the contrary, be paid his salary as a judge and a per diem allowance of fifteen dollars.

(8) Each Commissioner, except an ad hoc Commissioner, holds office during good behaviour for a period of ten years from the date of his appointment, or for such lesser period as may be specified by the Governor in Council in the instrument of his appointment or re-appointment, but any Commissioner, including an ad hoc Commissioner, is removable at any time for cause by the Governor in Council.

(9) A Commissioner ceases to hold office upon reaching the age of seventy years.

(10) A Commissioner, on the expiry of his term of office, if not disqualified by age, is eligible for re-appointment.

(11) The Chairman shall be paid a salary of twelve thousand dollars per annum, the Deputy Chairman shall be paid a salary of ten thousand dollars per annum, and each of the other Commissioners, including ad hoc Commissioners, shall be paid a salary at the rate of nine thousand dollars per annum; such salaries shall be paid monthly out of any unappropriated moneys forming part of the Consolidated Revenue Fund of Canada.

(12) Each Commissioner shall devote the whole of his time to the performance of his duties under this Act, and shall not accept or hold any office or employment that the Governor in Council may declare to be inconsistent with the performance of his duties under this Act.

(13) The Chairman of the Commission has the rank and the powers of a deputy head of a department for the purposes of this Act and has control and direction over the disposition of and duties to be performed by the other Commissioners and control over the duties to be performed by such staff as may be assigned to the Commission by the Department.

(14) In case of the absence of the Chairman or his inability to act, the Deputy Chairman shall exercise the powers of the Chairman for him or in his stead, and in such case, all regulations, orders and other documents signed by the Deputy Chairman have the like force and effect as if signed by the Chairman.

(15) R.S., 1952.
(15) Whenever the Deputy Chairman appears to have acted for or instead of the Chairman, it shall be conclusively presumed that he so acted in the absence or disability of the Chairman within the meaning of subsection (14).

(16) When the Chairman deems it necessary for the more speedy and convenient despatch of business he may, in writing, delegate to the Deputy Chairman, from time to time, the performance of any of the duties imposed upon him under this Act or arising out of the administration of the same, and when the performance of such duties has been so delegated, the performance thereof has like force and effect as if performed by the Chairman.

(17) Subject to the provisions of this Act, and without prejudice to anything that may be done by the Commission in the exercise of the powers and authority conferred upon the Commission by this Act, all acts, proceedings, or decisions of the Board of Pension Commissioners for Canada continue to have force and effect according to their tenor.

(18) Any funds held in trust or administered by the Board of Pension Commissioners for Canada shall be continued and held in trust or administered by the Commission.

(19) All duties that, having been imposed upon the Board of Pension Commissioners for Canada by the Governor in Council, were vested in and exercisable by the said Board immediately prior to the 1st day of October, 1933, are vested in and exercisable by the Commission.

(20) The Chairman of the Commission shall reside in Ottawa or within ten miles thereof and the other Commissioners, including ad hoc Commissioners, shall reside at such places as may from time to time be directed by the Chairman.

(21) Each Commissioner, including an ad hoc Commissioner, is entitled to receive his actual and necessary travelling and living expenses when absent, in the performance of his duties, from the place at which he is directed to reside. 1932-33, c. 45, s. 2; 1934, c. 58, s. 1; 1935, c. 45, s. 1; 1936, c. 44, ss. 2, 3; 1940-41, c. 23, s. 3; 1946, c. 62, s. 6; 1951, c. 56, ss. 3, 4.

4. (1) The Commission shall be attached to the Department and the expenses required to be incurred for the discharge of its duties shall be paid out of the moneys provided by Parliament.
(2) The Commission shall from time to time make such reports to the Minister as he may direct and such of the said reports as the Minister may determine shall be included in the Annual Report of the Department. 1936, c. 44, s. 4.

5. (1) Subject to the provisions of this Act and of any regulations, the Commission has full and unrestricted power and authority and exclusive jurisdiction to deal with and adjudge upon all matters and questions relating to the award, increase, decrease, suspension or cancellation of any pension under this Act and to the recovery of any overpayment that may have been made; and effect shall be given by the Department and the Comptroller of the Treasury to the decisions of the Commission.

(2) The power vested in the Commission to cancel any award of entitlement shall not extend to an award of entitlement granted by the Federal Appeal Board, the Pension Tribunal, a quorum of the Commission, an Appeal Board of the Commission or the Court.

(3) Before any pension is cancelled or reduced, due to a change in the basis of entitlement, the pensioner shall be afforded an opportunity of appearing before an Appeal Board of the Commission.

(4) In any case in which the Commission finds that a pension has been awarded by the Commission or by the Board of Pension Commissioners for Canada as a result of an error and not as a result of fraud or misrepresentation or concealment of material facts on the part of the applicant, if such pension has been paid for not less than five years and its cancellation or reduction would, in the opinion of the Commission, result in undue hardship to the pensioner, the Commission, in its discretion, may ratify the payment already made and may continue payment in whole or in part.

(5) The Commission shall determine any question of interpretation of this Act and the decision of the Commission on any such question is final. 1936, c. 44, s. 5; 1939, c. 32, s. 2; 1940-41, c. 23, s. 4.

6. The Governor in Council may impose upon the Commission like duties in respect of any grants in the nature of pensions, allowances or gratuities authorized to be made under any statute other than this Act and effect shall be given to any adjudication by the Commission under any such Act either by the Department or such other department of Government as the Governor in Council may direct. 1928, c. 38, s. 5.

Pension.

7. (1) The Commission, or subject to the direction of the Commission, any quorum thereof, has all the powers and authority of a Commissioner appointed under Part I of the Inquiries Act, and may exercise any discretion conferred by this Act upon the Commission.

(2) The Chairman of the Commission, or such member or members of the Commission as are designated by him, has power to appoint a person or persons to hear and receive evidence in respect of any matter pertaining to pensions, and such person or persons have the authority to administer oaths and to hear and receive evidence under oath, and to take affidavits in any part of Canada or elsewhere than in Canada.

(3) The Commission, represented by one or more Commissioners designated by the Chairman, may in its discretion hold sittings in any part of Canada, or elsewhere than in Canada, for the purpose of hearing evidence or complaints in respect of pensions or any question of assessment, and, if directed by the Chairman, different sittings of the Commission may be held at the same time.

(4) Except as herein otherwise expressly provided, for the purpose of exercising and performing the powers, authorities and functions vested in the Commission, as distinct from an Appeal Board thereof, under this Act, the Commission shall consist of two or more Commissioners.

8. With the approval of the Governor in Council, the Commission has power to make regulations not inconsistent with this Act in respect of the procedure to be followed in matters coming before the Commission or any Appeal Board thereof for adjudication.

9. The Governor in Council upon the retirement of any member of the Commission who has served either as a member of the Commission or as a member of the Board of Pension Commissioners for Canada or of the Federal Appeal Board or of the Pension Tribunal during at least twenty years, or who has so served during at least ten years and has reached the age of seventy years, or is physically or mentally incapacitated, and is not entitled to superannuation under the Civil Service Superannuation Act, may grant to him a pension for his life not exceeding one-third of the salary to which he was entitled as such member.
10. (1) A civil servant who prior to or at the time of his appointment as a member of the Commission or the Court was or is a contributor under the provisions of the Civil Service Superannuation Act may elect, within three months of his appointment or three months from the date of the coming into force of this section, whichever is the later date, and is eligible, notwithstanding the provisions of the Civil Service Superannuation Act, to continue to be a contributor under the said Act; in which event his tenure of office as a member of the Board of Pension Commissioners for Canada or of the Pension Tribunal or of the Commission or of the Court shall be counted as service in the civil service for the purposes of the said 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, instead of the grant referred to in section 9; and, in the event of his being retired from the said office as a member of the Commission or member of the Court for any reason other than that of misconduct, he is eligible to receive the same benefits under the said Act as if his office as a member of the Commission or a member of the Court had been abolished.

(2) A person who, prior to his appointment or reappointment as a civil servant, was a member of the Commission or of the Board of Pension Commissioners for Canada or of the Pension Tribunal or of the Pension Appeal Court, may elect, within three months of his appointment or re-appointment or three months from the date of the coming into force of this subsection, whichever is the later date, to count the period he served as a member of any of the said bodies as service in the civil service for the purposes of the Civil Service Superannuation Act.

(3) A member of the Commission or the Court who at the time of his appointment as such held a position in the civil service or was an employee within the meaning of the Civil Service Act, retains and is 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. 1932-33, c. 45, s. 6; 1936, c. 44, s. 9; 1951, c. 56, s. 5.

11. (1) There shall continue to be a branch of the Department known as the “Veterans’ Bureau”, which, subject to the direction of the Minister, shall be administered by an officer called the Chief Pensions Advocate who shall be assisted by such other pensions advocates and such additional staff as may be required for the proper performance of the duties of the branch.
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Qualifications of pensions advocates.

(2) Pensions advocates hereafter appointed shall, as far as may be practicable, be barristers or advocates of good standing at the bar of any of the provinces of Canada.

Appointments and salaries.

(3) The pensions advocates shall be appointed under and pursuant to the provisions of the Civil Service Act at such salaries as the Governor in Council may prescribe.

Advocates continued in office.

(4) The persons now holding the offices of chief pensions advocate and pensions advocates shall continue, during pleasure, to hold such offices.

Travelling Inspector of Veterans' Bureau.

(5) One of the pensions advocates may be designated by the Minister to act as a travelling inspector of the Veterans' Bureau and to exercise constant supervision over the work and preparation of cases in the district offices of the Bureau.

Duties of Veterans' Bureau.

(6) The Veterans' Bureau, in addition to such duties in connection with the preparation and presentation of pension cases as are prescribed by the procedural sections of the Act, shall upon request advise pensioners and applicants upon any provision of the Act or phase of pension law or administration that may have a bearing upon their pension claims, whether in respect of entitlement to pension under section 13 or otherwise, and when deemed by the Chief Pensions Advocate necessary or advisable shall make written or oral representations to the Commission in furtherance of such claims.

Pensions Advocates.

(7) For the purposes of subsection (6) pensions advocates are empowered to attend and assist the pensioner or applicant, or, in his absence represent him, at any hearing before the Commission or an Appeal Board thereof at which he is entitled to be present. 1932-33, c. 45, s. 6; 1946, c. 62, s. 7.

12. (1) There may be appointed such number of persons as may be considered necessary, who shall be barristers or advocates of good standing at the bar of any of the provinces of Canada, to be officers of the Department and to be called "Pension Counsel".

(2) The pension counsel shall be appointed under and pursuant to the provisions of the Civil Service Act at such salaries as the Governor in Council may prescribe.

Persons now holding office.

(3) The person now holding the office of Chief Commission Counsel and such of the persons now holding the office of commission counsel as the Minister may decide to be necessary shall be and become during pleasure, the Pension Counsel aforementioned.

(4) The Department shall from its staff furnish the Pension Counsel with such staff as may be necessary for the proper performance of their duties. 1932-33, c. 45, s. 6.

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GENERAL.

13. (1) In respect of military service rendered during World War I or during World War II and subject to the exception contained in subsection (2),

(a) pensions shall be awarded in accordance with the rates set out in Schedule A to or in respect of members of the forces when the injury or disease or aggravation thereof resulting in the disability in respect of which the application for pension is made was attributable to or was incurred during such military service;

(b) pensions shall be awarded in accordance with the rates set out in Schedule B in respect of members of the forces who have died when the injury or disease or aggravation thereof resulting in death in respect of which the application for pension is made was attributable to or was incurred during such military service;

(c) no deduction shall be made from the degree of actual disability of any member of the forces, who has served in a theatre of actual war during World War I or during World War II, on account of any disability or disabling condition that existed in him prior to his period of service in either of the aforesaid wars; but service by a member of the forces in a theatre of actual war may only be counted for the purposes of this paragraph when it has been rendered in the particular war with reference to service in which pension has been awarded; and no pension shall be paid for a disability or disabling condition that, at the time he became a member of the forces, was obvious or was recorded on medical examination prior to enlistment;

(d) an applicant shall not be denied a pension in respect of disability resulting from injury or disease or aggravation thereof incurred during military service or in respect of the death of a member of the forces resulting from such injury or disease or the aggravation thereof solely on the grounds that no substantial disability or disabling condition is considered to have existed at the time of discharge of such member of the forces;

(e) when a member of the forces, who has seen service during World War I or during World War II, is, upon retirement or discharge from such service, passed directly to the Department of Veterans Affairs for treatment, a pension shall be paid to or in respect of him for disability or death incurred by him during such treatment;

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Pension.

(1) no pension shall be paid for disability or death incurred by a member of the forces,

(i) while on leave of absence without pay, or

(ii) when such member of the forces has, during leave of absence with pay, undertaken an occupation that is unconnected with military service, unless his disability or death was attributable to his military service; and

(g) subject to the exception in paragraph (c), when a pension has been awarded to a member of the forces who has served in a theatre of actual war either during World War I or World War II, it shall be continued, increased, decreased or discontinued as if the entire disability had been incurred during service; but service in a theatre of actual war may only be counted for the purposes of this paragraph when it has been rendered in the particular war with reference to service in which such pension has been awarded.

(2) In respect of military service rendered in the non-permanent active militia or in the reserve army during World War II and in respect of military service in peace time, pension shall be awarded to or in respect of members of the forces who have suffered disability, in accordance with the rates set out in Schedule A, and in respect of members of the forces who have died, in accordance with the rates set out in Schedule B, when the injury or disease or aggravation thereof resulting in disability or death in respect of which the application for pension is made arose out of or was directly connected with such military service.

(3) Notwithstanding sections 31 and 42, in the case of a pension awarded for disability or death in respect of military service during World War II that was wholly rendered in Canada on and after the 21st day of May, 1940, and no part of which was rendered in a theatre of actual war, when the injury or disease or aggravation thereof resulting in disability or death in respect of which the application for pension is made did not arise out of or was not directly connected with such military service, the pension shall not take effect on any day prior to the 1st day of June, 1946.

(4) The Commission may require a pensioner to submit periodically in such form as may in the opinion of the Commission be necessary or advisable, a statutory or other declaration that he is the person to whom the pension is payable, and that his dependants in respect of whom he

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is in receipt of additional pension are living and are being supported and maintained by him, and in the event of his refusing or neglecting to submit such certificate, the Commission may suspend future payments of pension until the same is received.

(5) For the purposes of sections 50, 51 and 52, domicile in Newfoundland shall be deemed to be domicile in Canada.

(6) A member of the naval or military forces of Newfoundland in World War I or World War II shall be deemed to be a member of the forces for the purposes of this section.

(7) A British subject resident and domiciled in Newfoundland at the time of enlistment who served in the naval, army or air forces of His Majesty or in any of the naval, army or air forces of any of the countries allied with His Majesty during World War II shall be deemed to be a member of the forces for the purposes of this section, if the disability in respect of which the application is made is not pensionable by virtue of subsection (5) or (6). R.S., c. 157, s. 11; 1940-41, c. 23, s. 6; 1946, c. 62, ss. 5, 8, 9, 10, 11; 1948, c. 23, s. 6; 1949 c. 6 s. 20.

14. (1) Subject to this section, a pension shall not be awarded when the death or disability of the member of the forces was due to improper conduct as herein defined.

(2) The Commission may, when the applicant is in a dependent condition, award such pension as it deems fit in the circumstances.

(3) The provisions of this section do not apply when the death of the member of the forces concerned has occurred on service during World War I prior to the 1st day of September, 1919, or has occurred during service in a theatre of actual war during World War II.

(4) In the case of venereal disease contracted prior to enlistment and aggravated during service, pension shall be awarded for the total pensionable disability existing at the time of discharge in all cases where the member of the forces saw service in a theatre of actual war, and no increase in disability after discharge is pensionable, but, if it subsequently appears upon examination, that such disability has decreased in extent, pension shall be decreased accordingly; and pension may thereafter be increased or decreased, subject to the limitation hereinbefore prescribed, in accordance with the degree of disability that may be shown to exist upon any subsequent examination. R.S., c. 157, s. 12; 1940-41, c. 23, s. 7; 1946, c. 62, ss. 5, 12.
15. In respect of military service during World War I a pension for disability shall not be awarded unless application therefor has been made before the 1st day of July, 1936, with respect to a member of the forces who did not serve in a theatre of actual war. 1940-41, c. 23, s. 8; 1946, c. 62, s. 5.

16. (1) A pension shall be awarded to or in respect of a member of the forces in accordance with the rank or acting rank for which he was being paid pay and allowances, at the time of the appearance of the injury or disease for which he is pensioned or the appearance of the injury or disease that resulted in his death.

(2) No variation of rank after the appearance of the disability shall affect any pension.

(3) Any award of a pension heretofore made contrary to this section shall be reviewed and determined for the purpose of future payments in accordance with the provisions of this section.

(4) In cases in which during military service either during World War I or World War II, a member of the forces has voluntarily reverted from a rank that he held to a lower rank in order to proceed to a scene of hostilities, the pension to or in respect of him shall be awarded in accordance with the rank from which he reverted, except when, previous to the appearance of his injury or disease, he has been promoted to a rank higher than that from which he reverted. R.S., c. 157, s. 14; 1940-41, c. 23, s. 9; 1946, c. 62, s. 5.

17. The occupation or income or condition in life of a person previous to his becoming a member of the forces does not in any way affect the amount of pension awarded to or in respect of him. R.S., c. 157, s. 15.

18. When a pensioner appears to be incapable of expending or is not expending the pension in a proper manner or is not maintaining the members of his family to whom he owes the duty of maintenance, or, in the discretion of the Commission, when a retroactive pension is awarded or a pensioner is receiving treatment or care from the Department, the Commission may direct that the pension be administered for the benefit of the pensioner or the members of his family, or the benefit of the pensioner and the members of his family, by the Commission or the Department or by some person selected by the Commission. 1946, c. 62, s. 13.
19. (1) When a pensioner has been sentenced to imprisonment for a period of six months or more the payment of his pension shall be discontinued and no pension shall be paid to him for or in respect of the period of his imprisonment, except that the Commission has discretion to direct the payment of the pension or part of it to any person who was being or was entitled to be supported by the pensioner at the time of his arrest, or if in the opinion of the Commission it would be of exceptional benefit or advantage to the pensioner, the Commission may in its discretion direct the payment of the pension or a part thereof to or for the pensioner himself.

(2) Upon the pensioner's release from imprisonment payment of his pension shall be reconsidered as from the date of his release and in accordance with the extent of his disability then shown to exist, or in the case of a pensioner pensioned on account of the death of a member of the forces in accordance with the rates set out in Schedule B. R.S., c. 157, s. 17; 1928, c. 38, s. 9.

20. (1) Where a death or disability for which pension is payable is caused under circumstances creating a legal liability upon some person to pay damages therefor, if any amount is recovered and collected in respect of such liability by or on behalf of the person to or on behalf of whom such pension may be paid, the Commission, for the purpose of determining the amount of pension to be awarded shall take into consideration any amount so recovered and collected in the manner hereinafter set out.

(2) In any such case the Commission may require such person or anyone acting on his behalf as a condition to the payment of any pension, to take all or any steps that it deems necessary to enforce such liability and for such purpose shall agree to indemnify such person or anyone acting on his behalf from all or any costs incurred in connection therewith. 1940-41, c. 23, s. 10.

21. Where a disability or death for which pension is payable is caused under circumstances by reason of which compensation is payable in respect of such disability or death under any provincial Workmen's Compensation Act or legislation of a similar nature either in the place of, or as additional to, or apart altogether from any amount that is recovered or collected in respect thereof under section 20, if R.S., 1952.
if any compensation is awarded to or on behalf of any person to or on behalf of whom such pension may be paid, the Commission, for the purpose of determining the amount of pension to be awarded, shall take into consideration any compensation so awarded in the manner hereinafter set out. 1940-41, c. 23, s. 10.

22. (1) Where any amount so recovered and collected or the capitalized value of any compensation so awarded, or both, is greater than the capitalized value of the pension that might otherwise have been payable under this Act, no pension shall be paid.

(2) Where any amount so recovered and collected or the capitalized value of any compensation so awarded, or both, is less than the capitalized value of the pension that might otherwise have been awarded under the provisions of this Act, a pension in an amount that, if capitalized, equals the difference between such amount or the capitalized value of such compensation, or both, and the capitalized value of the pension that might otherwise have been payable under this Act, may be paid.

(3) If any amount so recovered and collected, or any part thereof, is paid to Her Majesty, a pension that, if capitalized, equals the amount so paid but is not in any event greater than the total pension that, apart from this section, would be payable under this Act, may be paid. 1940-41, c. 23, s. 10.

23. No person shall make any claim against any person for any services performed in connection with the preparation or prosecution of any application to the Commission, the Board of Pension Commissioners for Canada, the Pension Tribunal or the Court unless the Commission has certified that the amount claimed is a fair and reasonable charge for the services rendered and properly payable by the person against whom the claim is made. 1939, c. 32, s. 9.

24. (1) Pensions shall be payable monthly at the end of each month, except that pensions for disabilities of less than twenty per cent in extent shall be paid at the pensioner's option semi-annually at the end of the months of March and September in each year.

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(2) It is a matter within the discretion of the Commission whether a pensioner shall be paid any instalment of his pension that has remained unclaimed by or for him for more than two years from the date such instalment became due.

(3) No pension shall be assigned, charged, attached, anticipated, commuted or given as security, and the Commission may, in its discretion, refuse to recognize any power of attorney granted by a pensioner with reference to the payment of his pension.

(4) Any pension, or balance of pension, due to a deceased pensioner at the time of his death, whether death occurred before or after the coming into force of this subsection, and whether unpaid or held in trust by the Commission or the Department, does not form part of the estate of such deceased pensioner.

(5) The Commission may, in its discretion, direct the payment of such pension, or balance of pension, either to the pensioner's widow or his child or children, or to the widow and child or children, or may direct that it be paid in whole or in part to any person who has maintained him or been maintained by him or towards the expenses of the pensioner's last sickness and burial.

(6) If no order for the payment of such pension, or balance of pension, is made by the Commission, such pension, or balance of pension, shall not be paid.

(7) If, through any cause, an overpayment of pension has been or is made the Commission may reduce, suspend or withdraw future payments of pension until the amount of such reduction, suspension or withdrawal equals the amount of the overpayment.

(8) For the purposes of this section pension shall include hospital allowance, pay and allowances or compensation credited or payable to a pensioner while receiving treatment by the Department for a pensionable disability.

(9) If any person who is or has been in receipt of relief or unemployment assistance from the Department is or has been awarded a retroactive increase of pension, the difference between the amount actually paid by the Department and the amount that would have been paid if the increased retroactive pension had been payable when such relief or unemployment assistance was issued shall be a first charge upon the accumulated unpaid instalments of such pension and shall be withheld accordingly. R.S., c. 157, s. 20; 1932-33, c. 45, s. 9; 1936, c. 44, s. 12.

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25. (1) The Commission may, on special application in that behalf, grant a compassionate pension, allowance or supplementary award in any case that it considers to be specially meritorious, but in which the Commission has decided that the applicant is otherwise unqualified to receive such an award or supplementary award under this Act.

(2) The amount of any compassionate pension, allowance or supplementary award granted under this section shall be such sum as the Commission shall fix, but not exceeding the amount to which the applicant would have been entitled if his entire claim to payment had been upheld. 1940-41, c. 23, s. 11.

CHILDREN.

26. (1) No pension shall be paid to or in respect of a child who, if a boy, is over the age of sixteen years or, if a girl, is over the age of seventeen years, except

(a) when such child and those responsible for its maintenance are without adequate resources, and the child is unable owing to physical or mental infirmity to provide for its own maintenance, in which case the pension may be paid while the child is incapacitated by physical or mental infirmity from earning a livelihood; but no pension shall be awarded unless such infirmity occurred before the child attained the age of twenty-one years; and if the child is an orphan the Commission has discretion to increase such child’s pension up to an amount not exceeding orphans’ rates; or

(b) when such child is following and is making satisfactory progress in a course of instruction approved by the Commission, in which case the pension may be paid until the child has attained the age of twenty-one years.

(2) No pension shall be paid to or in respect of a child after its marriage.

(3) No pension shall be paid to or in respect of a child unless such child was acknowledged and maintained at appearance of disability, with certain exceptions.
(4) The Commission may, in its discretion, award a pension to or in respect of any child entitled in the opinion of the Commission to be maintained by the member of the forces in respect of whom pension is claimed.

(5) The Commission may direct that the pension for a child may be paid to its mother or father, or to its guardian, or to any person approved by the Commission, or direct that such pension be administered by the Commission or by the Department.

(6) When a child has been given in adoption or has been removed from the person caring for it, by a competent authority, and placed in a suitable foster home, or is not being maintained by and does not form part of the family cared for by the member of the forces or the person who is pensioned as the widow, divorced wife, or parent of the member of the forces, or by the woman awarded a pension under subsection (4) of section 36, the pension for such child may, in accordance with the circumstances and in the discretion of the Commission, be continued or discontinued or retained for such child for such period as the Commission may determine or increased up to an amount not exceeding the rate payable for orphan children, and any such award is subject to review at any time.

(7) The children of a pensioner who has died and who at the time of his death was in receipt of a pension in any of the classes one to eleven, inclusive, mentioned in Schedule A or who died while on the strength of the Department for treatment and but for his death would have been in receipt of pension in one of the said classes, is entitled to a pension as if he had died on service whether his death was attributable to his service or not.

(8) When a member of the forces in receipt of an additional pension on account of his child or children dies under conditions that do not entitle his dependants to pension, a bonus equivalent to such additional pension for one year at the rate being paid at the time of death shall be paid by the Commission for the benefit of the child or children to such person as the Commission may direct.

(9) On and after the death of the wife of a pensioner pensioned on account of disability, the additional pension for a married member of the forces may, in the discretion of the Commission, be continued to him for so long as there is a minor child or are minor children of pensionable age, if there exists a daughter or other person competent to assume and who does assume the household duties and care of the said child or children.
(10) On and after the death of a widow of a member of the forces who has been in receipt of a pension, the pension for the widow may, in the discretion of the Commission, be continued for so long as there is a minor child or there are minor children of pensionable age, to a daughter competent to assume and who does assume the household duties and care of the other child or children; in such cases the pension payable for children shall continue, but the rate payable for orphan children does not apply.

(11) The Commission may, in its discretion, award or refuse to award additional pension, to or in respect of a child or children of a female member of the forces.

(12) When pension is awardable under the provisions of this Act in respect of the death of a member of the forces who died leaving a widow and child or children, such child or children are entitled to a pension in accordance with the rate payable for orphan children in Schedule B. R.S., c. 157, s. 22; 1932-33, c. 45, s. 11; 1946, c. 62, s. 15; 1948, c. 23, s. 7; 1951, c. 56, s. 6.

27. When pension is awardable under the provisions of this Act in respect of the death of a member of the forces and when such member of the forces has died leaving an orphan child, or when his widow, divorced wife, parent or the woman awarded a pension under subsection (4) of section 36, has died leaving an orphan child of such member of the forces, such orphan child is entitled to a pension in accordance with the provisions of Schedule B. 1946, c. 62, s. 16.

PENSIONS FOR DISABILITIES.

28. (1) Subject to the provisions of section 13, pensions for disabilities shall, except as provided in subsection (3), be awarded or continued in accordance with the extent of the disability resulting from injury or disease or aggravation thereof as the case may be, of the applicant or pensioner.

(2) The estimate of the extent of a disability shall be based on the Instructions and a Table of Disabilities to be made by the Commission for the guidance of physicians and surgeons making medical examinations for pension purposes.

(3) Pensions for disability resulting from pulmonary tuberculosis when during the treatment of a member of the forces the presence of tubercle bacilli has been discovered in the sputum or it has been proved that the disease is moderately advanced and clinically active, shall be awarded and continued as follows:
(a) in the case of a member of the forces who served in a theatre of actual war and whose disease was attributable to or was incurred or was aggravated during service, either during World War I or World War II, and in the case of a member of the forces who did not serve in a theatre of actual war whose disease was incurred during service during either of the said wars, a pension of one hundred per cent shall be awarded as from the date of completion of such treatment and shall be continued without reduction for a period of two years, unless further treatment is required;

(b) in the case of a member of the forces who did not serve in a theatre of actual war whose disease was aggravated during service, either during World War I or World War II, a pension of ninety per cent shall be awarded as from the date of completion of such treatment and shall be continued without reduction for a period of two years, unless further treatment is required;

(c) in the case of a member of the forces who has seen service in the non-permanent active militia or in the reserve army during World War II or in the case of a member of the forces who has seen service in peace time, whose disease occurred on service and arose out of or was directly connected with such service, a pension of one hundred per cent shall be awarded as from the date of completion of such treatment and shall be continued without reduction for a period of two years, unless further treatment is required;

(d) in the case of a member of the forces who has seen service in the non-permanent active militia or in the reserve army during World War II or in the case of a member of the forces who has seen service in peace time, whose disease was aggravated during service and the aggravation arose out of or was directly connected with such service, a pension of ninety per cent shall be awarded as from the date of completion of such treatment and shall be continued without reduction for a period of two years, unless further treatment is required; and

(e) after the expiry of two years no pension awarded in respect of pulmonary tuberculosis shall be reduced by more than twenty per cent at any one time, nor shall reductions be made at intervals of less than six months; and the provisions of paragraphs (b) and (d) do not apply if the disease manifested itself within a period of three months after enlistment.

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(4)

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When no deduction from pension.

(4) No deduction shall be made from the pension of any member of the forces owing to his having undertaken work or perfected himself in some form of industry. R.S., c. 157, s. 24; 1946, c. 62, s. 17.

Temporary pensions for disability.

29. (1) Temporary pensions subject from time to time to review and medical re-examination shall be awarded or continued as long as the disability remains changeable in extent.

Permanent pension for disability.

(2) Permanent pensions shall be awarded, or pensions shall be continued permanently, whenever the disability is, or becomes, apparently permanent in extent; but if it subsequently appears that such a disability has changed in extent the pension shall be adjusted accordingly.

Expenses paid when attending for medical examination.

(3) Whenever a pensioner is required by the Commission to be medically re-examined he shall be paid a reasonable amount for travelling expenses, subsistence and loss of wages, and if any pensioner, after notice by registered mail, unreasonably refuses or neglects to present himself for medical re-examination, his pension shall be suspended and no pension shall be paid him in respect of the period during which such refusal or neglect continues.

Refusal to attend, pension suspended.

(4) Any pensioner who has accepted a final payment under any provisions previously contained in this Act but now repealed, may if it is found on examination that his pensionable disability has persisted or increased, be restored to pension in respect thereof as from the date upon which the amount of the final payment received by him is or was equal to the sum of the instalments of pension that he would have received if, instead of accepting a final payment, he had continued to receive pension at the rate in force immediately before such final payment was made, or as from six months prior to the date of such examination, whichever is the later date. R.S., c. 157, s. 25; 1936, c. 44, s. 14.

Restoration to pension.

30. (1) A member of the forces who is totally disabled and helpless whether entitled to a pension of class one or a lower class and who is, in addition, in need of attendance, is entitled if he is not cared for under the jurisdiction of the Department of Veterans Affairs, to an addition to his pension, subject to review from time to time, of an amount in the discretion of the Commission not less than four hundred and eighty dollars per annum and not exceeding fourteen hundred dollars per annum.

Extra allowance for total disability where requiring attendance.

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(2) A member of the forces in receipt of pension on account of an amputation of the leg above a Symes' amputation is entitled to an allowance on account of wear and tear of clothing of fifty-four dollars per annum; and a member of the forces in receipt of pension on account of an amputation at or above the wrist is entitled to an allowance on account of wear and tear of clothing of twenty-two dollars per annum.

(3) A member of the forces in receipt of pension for any other disability for the relief of which any appliance must be worn or treatment applied that causes wear and tear of clothing may, in the discretion of the Commission, be granted an allowance in respect of such wear and tear not exceeding fifty-four dollars per annum. R.S., c. 157, s. 26; 1928, c. 38, s. 17; 1948, c. 23, s. 8.

31. (1) A pension awarded for disability shall be payable with effect as follows:

(a) when entitlement to pension is granted by the Commission, or by an Appeal Board thereof, upon a date less than twelve months subsequent to the date upon which application therefor was made to the Commission, from the date of grant, or, in the discretion of the Commission, from a date not earlier than the date of application; and

(b) when entitlement to pension is granted by the Commission, or by an Appeal Board thereof, upon a date more than twelve months subsequent to the date upon which application therefor was made to the Commission, from the date of grant, or, in the discretion of the Commission, from a date twelve months prior to the date upon which the decision of the Commission or of the Appeal Board was rendered.

(2) Notwithstanding any limitation contained in this section, the Commission may, in its discretion, make an additional award not exceeding an amount equivalent to an additional six months’ pension in cases where it is apparent that hardship and distress might otherwise ensue.

(3) Notwithstanding any limitations contained in this section, the Commission may, in its discretion, in respect of service during World War II, make an additional award not exceeding an amount equivalent to an additional eighteen months’ pension where, through delays in securing service or other records, or through other administrative difficulties, beyond the applicant’s control, it is apparent that an injustice might otherwise ensue. 1939, c. 32, s. 11; 1946, c. 62, s. 18.
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Pension.

32. (1) Where an applicant or pensioner should in the opinion of the Commission undergo medical or surgical treatment, and the applicant or pensioner in the opinion of the Commission unreasonably refuses to undergo such treatment, the pension to which the extent of his disability would otherwise have entitled him may be reduced, in the discretion of the Commission, by not more than one-half, but this subsection does not apply to a refusal to undergo a major surgical operation.

(2) When in the opinion of a medical neurological expert an applicant for pension or a pensioner has a disability that is purely functional or hysterical no pension shall be paid, but such member of the forces shall immediately be referred to a Neurological Centre for treatment.

(3) In cases in which the functional or hysterical disability disappears as the result of treatment the Commission may, in its discretion, award a gratuity in final payment not exceeding five hundred dollars but no pension shall be paid.

(4) When as the result of treatment the functional or hysterical disability has not disappeared a pension shall be awarded in accordance with the extent of the disability, if the applicant or pensioner has not unreasonably refused to accept or continue treatment. R.S., c. 157, s. 28; 1928, c. 38, s. 19.

33. (1) During such time as, under departmental regulations in that behalf, a pensioner is entitled to hospital allowance while an in-patient under treatment from the Department and his pension including the pension, if any, for his dependants, is greater than the hospital allowance awarded by the Department, pension shall be reduced by an amount that will make such pension equal to the hospital allowance.

(2) During such time as, under the departmental regulations in that behalf, a pensioner is an in-patient under treatment in respect of a disability other than his pensionable disability, his pension, if in excess of the amount he would have been entitled to receive by way of hospital allowance, if the disability for which he is under treatment had been pensionable, shall be reduced to such amount; pending a fresh award, the payment of pension in full shall recommence forthwith upon the pensioner's ceasing to be an in-patient as aforesaid.

(3) Hospital allowance shall be paid from any appropriation granted by Parliament for this purpose or from moneys provided by Parliament for the payment of pensions under this Act.

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(4) Notwithstanding subsections (1) and (2), any addition to pension granted under subsection (1) of section 30 to a member of the forces who is blind shall be paid during the time he is an in-patient under treatment or care from the Department. 1946, c. 62, s. 19; 1951, c. 56, s. 7.

34. (1) When a member of the forces is married but his wife does not live with him, and is not maintained by him, the additional pension for a married member of the forces may, in the discretion of the Commission, be refused, or, if awarded, may be paid to the wife.

(2) The Commission may, in its discretion, award or refuse to a pensioner who is a married woman the additional pension for a married member of the forces.

(3) When a pensioner previous to his enlistment or during his service was maintaining or was substantially assisting in maintaining one or both of his parents or a person in the place of a parent an amount not exceeding the amount set forth in Schedule A as the additional pension for one child may, in the discretion of the Commission, be paid direct to each of such parents or person in the place of a parent or to him so long as he continues such maintenance; but the benefits of this subsection shall be limited to a parent or parents or a person in the place of a parent who is, are or would be, if the pensioner did not contribute, in a dependent condition, and if the Commission is of opinion that the pensioner is unable by reason of circumstances beyond his control to continue his contribution towards the maintenance of his parent or parents or a person in the place of a parent the Commission may continue the said benefits.

(4) When a parent or person in the place of a parent who was not wholly or to a substantial extent maintained by the pensioner previous to his enlistment or during his service by reason of the fact that such parent or person was not then in a dependent condition, subsequently falls into a dependent condition, is incapacitated by mental or physical infirmity from earning a livelihood and is wholly or to a substantial extent maintained by the pensioner, an amount not exceeding the amount set forth in Schedule A as the additional pension for one child may, in the discretion of the Commission, be paid direct to each of such parents or person in the place of a parent or to the pensioner for so long as he continues such maintenance.
Pension at discretion of Commission in certain cases.

(5) If a member of the forces, in receipt of a disability pension, was, before the 1st day of May, 1951, living with a woman to whom he was not legally married and since that date such woman has continuously been maintained by him and represented by him as his wife, the Commission may, in its discretion, if the said member of the forces has married or hereafter marries the said woman, award additional pension for a married member of the forces. R.S., c. 157, s. 30; 1928, c. 38, ss. 21, 22; 1951, c. 56, s. 8.

Sickness and burial expense.

35. (1) Subject to subsection (2), when a pensioner pensioned on account of a disability has died and his estate is not sufficient to pay the expenses of his last sickness and burial, the Commission may direct the payment of such expenses, or a portion thereof.

(2) The payment under subsection (1), in the case of any pensioner, shall not exceed a total of one hundred and eighty-five dollars and shall not exceed

(a) one hundred and ten dollars in respect of funeral services,

(b) twenty-five dollars for cemetery charges, and

(c) fifty dollars for the expenses of the pensioner's last sickness,

and where payment of a burial grant is made, the Department may furnish and erect a standard headstone if the burial is carried out in Canada. 1951, c. 56, s. 9.

Maximum amount.

PENSION FOR DEATHS.

36. (1) No pension shall be paid to the widow of a member of the forces unless she was living with him and was maintained by him or was, in the opinion of the Commission, entitled to be maintained by him at the time of his death and for a reasonable time previously thereto.

(2) No pension shall be paid to a widower of a member of the forces.

(3) Subject as in this Act otherwise provided, the widow of a member of the forces who was at the time of his death in receipt of a pension in any of the classes one to eleven, inclusive, mentioned in Schedule A or who died while on the strength of the Department for treatment and but for his death would have been in receipt of pension in one of the said classes, is entitled to a pension as if he had died on service whether his death was attributable to his service or not,

(a) in the case of service during World War I, if she was married to him prior to the 1st day of May, 1951; or

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or if the marriage was contracted on or after that date additional pension on her behalf was awarded him under the provisions of subsection (5) of section 34; and

(i) the death of her husband has occurred more than one year subsequent to the date of marriage, or
(ii) the death of her husband has occurred less than one year subsequent to the date of marriage and the Commission is of the opinion that he had at the date of such marriage a reasonable expectation of surviving for at least one year thereafter;

but if the marriage took place between the 30th day of April, 1948, and the 1st day of May, 1951, no payment shall be made for any period prior to the 1st day of May, 1951; and

(b) in the case of service during World War II and in the case of service during peace time, if she was married to such member of the forces before he was granted a pension; in cases in which marriage has taken place subsequent to grant of such pension, she is entitled to

(i) if the death of her husband has occurred more than one year subsequent to the date of marriage, or
(ii) if the death of her husband has occurred less than one year subsequent to the date of marriage and the Commission is of the opinion that he had, at the date of such marriage, a reasonable expectation of surviving for at least one year thereafter;

but no payment shall be made under this subsection from a date prior to that from which pension is payable under the provisions of section 42.

(4) A woman who, although not married to the member of the forces, was living with him in Canada at the time he became a member of the forces and for a reasonable time previously thereto, and who, at such time, was publicly represented by him as his wife may, in the case of his death and in the discretion of the Commission, be awarded a pension equivalent to the pension she would have received had she been his legal widow, and the Commission may also award a pension if, in its opinion, an injustice would be done by not recognizing a woman as the wife of a member of the forces although there is no evidence that she had been publicly represented by him as his wife; but such woman shall not be refused a pension for which she would have been eligible under the provisions hereof if she had remained unmarried, by reason only of her having married the member of the forces with whom she had been living as aforesaid.
(5) A woman who has been divorced, legally separated, or separated by agreement from a member of the forces who has died is not entitled to pension unless she has been awarded alimony or an alimentary allowance, or is entitled to an allowance under the terms of the separation agreement, in which case she is entitled, if she is in a dependent condition, to the equivalent of the widow's pension or the equivalent of the alimony or alimentary allowance that she was awarded, or of the allowance to which she was entitled under the terms of the separation agreement, whichever is the smaller in amount; except that when such amount is smaller than the widow's pension it may, in the discretion of the Commission, be increased to an amount not exceeding the rates set forth in Schedule B.

(6) Notwithstanding anything contained in subsection (5), when a woman has been divorced, legally separated or separated by agreement from a member of the forces who has died, and such woman is in a dependent condition, the Commission may, in its discretion, award such pension not exceeding the rates set out in Schedule B, as it deems fit in the circumstances, although such woman has not been awarded alimony or an alimentary allowance or is not entitled to an allowance under the terms of the separation agreement, if in the opinion of the Commission, she would have been entitled to an award of alimony or an alimentary allowance or an allowance had she made application therefor under due process of law.

(7) The Commission may, in its discretion, refuse to award a pension to a widow of a member of the forces who, at the time he became a member of the forces and for a reasonable time previously thereto, was separated from him and was not being maintained by him during such time. R.S., c. 157, s. 32; 1928, c. 38, s. 26; 1946, c. 62, ss. 20, 21; 1948, c. 23, ss. 9, 10; 1951, c. 56, ss. 10, 11.

37. (1) When pension is awardable under the provisions of section 13 in respect of the death of a member of the forces, his widow is entitled to pension,

(a) in the case of service during World War I, if she was married to such member of the forces either before he was granted a pension for the injury or disease which has resulted in his death or, if the marriage took place subsequent to the grant of such pension, she is entitled to a pension if she was married to him prior to the 1st day of May, 1951, and

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(i) the death of her husband has occurred more than one year subsequent to the date of marriage, or
(ii) the death of her husband has occurred less than one year subsequent to the date of marriage and the Commission is of the opinion that he had, at the date of such marriage, a reasonable expectation of surviving for at least one year thereafter;
but if the marriage took place between the 30th day of April, 1948, and the 1st day of May, 1951, no payment shall be made for any period prior to the 1st day of May, 1951; and

(b) in case of service during World War II and in case of service during peace time, if she was married to such member of the forces before he was granted a pension for the injury or disease which has resulted in his death; in cases in which marriage has taken place subsequent to grant of such pension, she is entitled to pension,
(i) if the death of her husband has occurred more than one year subsequent to the date of marriage, or
(ii) if the death of her husband has occurred less than one year subsequent to the date of marriage and the Commission is of the opinion that he had, at the date of such marriage, a reasonable expectation of surviving for at least one year thereafter.

(2) No payment shall be made under this section from a date prior to that from which pension is payable under the provisions of section 42. 1940-41, c. 23, s. 17; 1946, c. 62, s. 5; 1951, c. 56, s. 12.

38. (1) A parent or any person in the place of a parent of a member of the forces who has died is entitled to a pension when such member of the forces left no child, widow, or divorced wife who is entitled to a pension, or a woman awarded a pension under subsection (4) of section 36 and when such parent or person is in a dependent condition and was, at the time of the death of such member of the forces, wholly or to a substantial extent, maintained by him.

(2) In cases in which a member of the forces has died leaving a widow or a widow and children or orphan children entitled to pension in addition to a parent or person in the place of a parent who previous to his enlistment or during his service was wholly or to a substantial extent maintained by him, the Commission may, in its discretion, award a pension to each such parent or person not exceeding four hundred and eighty dollars per annum.
Pension to parent or person becoming mentally or physically incapacitated.

(3) When a parent or person in the place of a parent who was not wholly or to a substantial extent maintained by the member of the forces at the time of his death, subsequently falls into a dependent condition, such parent or person may be awarded a pension, if he or she is incapacitated by mental or physical infirmity from earning a livelihood, and in the opinion of the Commission such member of the forces would have wholly or to a substantial extent maintained such parent or person had he not died.

Increase not exceeding one hundred and eighty dollars annually between dependent parents of deceased member.

(4) In cases in which a member of the forces has died leaving more than one parent or person in the place of a parent who were wholly or to a substantial extent maintained by him, the pension for one such parent or person may be increased by an additional amount not exceeding one hundred and eighty dollars per annum and the total pension apportioned between such parents or between the parent and such other person.

Pension to parents always subject to review.

(5) The pension to any parent or person in the place of a parent is subject to review from time to time and shall be continued, increased, decreased or discontinued in accordance with the amount deemed necessary by the Commission to provide a maintenance for such parent or person, but in no case shall such pension exceed the amount of pension prescribed for parents in Schedule B.

Each unmarried child assumed to be supporting parents.

(6) When a parent or person in the place of a parent has unmarried children residing with him or her who should, in the opinion of the Commission, be earning an amount sufficient to permit them to contribute to the support of such parent or person, each such unmarried child shall be deemed to be contributing not less than ten dollars a month towards such support.

Pension to widowed mother not reduced on account of small income.

(7) The pension to a widowed mother shall not be reduced on account of her earnings from personal employment or on account of her having free lodgings or so long as she resides in Canada on account of her having an income from other sources that does not exceed two hundred and forty dollars per annum; such income being considered to include the contributions from children residing with or away from her whether such contributions have actually been made or are deemed by the Commission to have been made.

Pension to parent not reduced on account of municipal insurance.

(8) The pension to a parent or person in the place of a parent shall not be reduced on account of the payment to such parent or person of municipal insurance on the life of a deceased member of the forces. R.S., c. 157, s. 33; 1948, c. 23, s. 12.
39. (1) A brother or sister of a member of the forces who has died is entitled to a pension when such member of the forces left no child, widow, or divorced wife, nor a woman awarded a pension under subsection (4) of section 36, entitled to pension, and when such brother or sister is in a dependent condition and was, at the time of the death of such member of the forces, wholly or to a substantial extent maintained by him.

(2) If such brother or sister is in a dependent condition and is an orphan, or if he or she subsequently becomes an orphan by the death of his or her parent or parents, he or she is entitled to a pension not in excess of the amount provided in Schedule B for orphan children.

(3) No pension shall be paid to or in respect of a brother over the age of sixteen years or of a sister over the age of seventeen years.

(4) No pension shall be paid to or in respect of a brother or sister after the marriage of such brother or sister.

(5) When a brother over the age of sixteen years or a sister over the age of seventeen years is in a dependent condition and was wholly or to a substantial extent maintained by a member of the forces at the time of his death, such brother or sister may, in the discretion of the Commission, be awarded a pension not in excess of the amount provided in Schedule B for orphan children while such brother or sister is incapacitated by mental or physical infirmity from earning a livelihood.

(6) The pension to a brother or sister is subject to review from time to time, and shall be continued, increased, decreased or discontinued in accordance with the amount necessary to provide a maintenance for such brother or sister, but in no case shall such pension exceed the amount of pension provided for brothers and sisters in Schedule B, or in the case of orphan brothers and sisters, the amount of pension provided in Schedule B for orphan children. R.S., c. 157, s. 34.

40. (1) No person shall be awarded more than one pension in respect of death.

(2) Except when children are awarded pensions, or parents are awarded a pension jointly, or brothers or sisters are awarded pension, or a pension is divided among several applicants, not more than one pension shall be awarded in respect of the death of any one member of the forces. R.S., c. 157, s. 35.
41. (1) The Commission may, in its discretion, apportion a pension between several pensionable applicants and any such award may from time to time be reviewed and varied.

(2) Upon the discontinuance or reduction of a pension to one such pensioner, the pension awarded to any other such pensioner may, in the discretion of the Commission, be continued or increased, if the total pension paid to the several pensioners does not exceed the amount prescribed in the Schedules. R.S., c. 157, s. 36.

42. (1) Pensions awarded with respect to the death of a member of the forces shall be payable with effect as herein-after set forth:

(a) to or in respect of his widow or child, or to his parent or any person in place of a parent who was wholly or to a substantial extent maintained by him at the time of his death,

(i) when pension is awarded by the Commission, or by an Appeal Board thereof, upon a date less than twelve months subsequent to the date of death, from the day following the date of death;

(ii) when pension is awarded by the Commission, or by an Appeal Board thereof, upon a date more than twelve months subsequent to the date of death, from the date of award, or, in the discretion of the Commission, from a date twelve months prior thereto;

(b) to a parent or person in place of a parent who was not wholly or to a substantial extent maintained by him at the time of his death, from a day to be fixed in each case by the Commission; and

(c) in respect of his posthumous child, from the date of its birth.

(2) Notwithstanding any limitation contained in this section, the Commission may, in its discretion, make an additional award not exceeding an amount equivalent to an additional six months' pension, where it is apparent that hardship and distress might otherwise ensue; but no payments may be made under this section in respect of any member of the forces who has died, for any period prior to the date of death, or for any period in excess of eighteen months prior to the date on which pension is finally awarded, except as otherwise provided in subsection (3).

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(3) Notwithstanding limitations contained in this section, the Commission may, in its discretion, in respect of service during World War II, make an additional award not exceeding an amount equivalent to an additional eighteen months' pension where, through delays in securing service or other records or through other administrative difficulties, beyond the applicant's control, it is apparent that an injustice might otherwise ensue; but no such payment may be made in respect of any member of the forces who has died for any period prior to the date of death. 1939, c. 32, s. 13; 1946, c. 62, s. 24.

43. On the death of a pensioner who was at the time of his death in receipt of pension at the rate of fifty to one hundred per cent, in respect of whom additional pension for a dependant or dependants is payable pending consideration of a claim from such dependant or dependants for pension on account of such death, payment of an amount equal to pension for death shall be made to the dependant or dependants for a period not exceeding one month, such amount to be refunded if pension is eventually awarded; but if the payments under subsection (8) of section 26 exceed the amount payable under this section, that subsection applies in lieu of this section. R.S., c. 157, s. 38.

44. (1) The pension of any female pensioner who is found to be a common prostitute or who openly lives with any man in the relationship of man and wife without being married to him shall be suspended, discontinued or cancelled.

(2) The said pension shall not be cancelled until an opportunity has been given to the said pensioner to enter a defence before the Commission against such cancellation, personally, or by accredited representative, or as the Commission may direct; and any pension that has been suspended, discontinued or cancelled may in the discretion of the Commission be reinstated if it is found that the said pensioner is no longer living under the conditions for which pension was suspended, discontinued, or cancelled. R.S., c. 157, s. 39.

45. (1) Upon the marriage or remarriage of the mother, widow, or divorced wife of a deceased member of the forces who is receiving a pension, or of a woman awarded a pension under subsection (4) of section 36, her pension shall cease, and she is then entitled to be paid one year's pension as a final payment.

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Pension on remarriage, where woman left in condition.

(2) If through the death of the husband of a woman married or remarried, within a period of five years after such marriage or remarriage, the said woman is left in a dependent condition, the pension previously awarded to her or such lesser pension as the Commission may at its discretion decide to award, shall be restored as from the date of the death of the said husband; but there shall be deducted from such pension the amount of final payment previously made at a rate not exceeding fifty per cent of the amount of the restored pension being paid from time to time, and the restored pension shall be discontinued should the said woman cease to be in a dependent condition or remarry. R.S., c. 157, s. 40.

PENALTIES.

46. Any person who by any false representation, personation or fraud obtains, or attempts to obtain, a pension for himself or for any other person is guilty of an indictable offence, and is liable to imprisonment for a period not exceeding two years, or to a fine not exceeding one thousand dollars, or to both imprisonment and fine. 1932-33, c. 45, s. 14.

47. (1) Any person who lends or gives or attempts to lend or give money or credit or any other consideration for the assignment, charging, attachment, anticipation, commutation or giving as security of a pension is guilty of an indictable offence, and is liable to imprisonment for a period not exceeding one year, or to a fine not exceeding five hundred dollars, or to both imprisonment and fine.

(2) This section does not apply to loans, credits or consideration made or given without interest or other profit by the Canadian Patriotic Fund, or by any other patriotic or benevolent Corporation, society or association approved by the Commission. R.S., c. 157, s. 42; 1932-33, c. 45, s. 14.

48. Any person who collects or attempts to collect any fees or charges for services rendered with respect to any application for a pension, the amount of which fees or charges has not been approved as hereinbefore provided, is guilty of an indictable offence, and is liable to imprisonment for a period not exceeding six months, or to a fine not exceeding five hundred dollars, or to both imprisonment and fine. 1932-33, c. 45, s. 14.

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49. Any person who wilfully makes any false statement under oath with reference to any pension or application for pension, is guilty of an indictable offence, and is liable to imprisonment for a period not exceeding six months, or to a fine not exceeding five hundred dollars, or to both imprisonment and fine. 1932-33, c. 45, s. 14.

SUPPLEMENTARY PENSIONS IN RESPECT OF MEMBERS OF ALLIED FORCES.

50. (1) The benefits of this Act, in so far only as the same or equivalent benefits are not provided under the laws or regulations of members of the British Commonwealth of Nations, other than Canada, or under the laws and regulations of the several countries allied with His Majesty, shall be conferred upon all persons domiciled in Canada on the date of commencement of World War I, who, subsequent to that date, have served in the naval, army or air forces of any of the said members of the British Commonwealth of Nations, or in any of the aforesaid forces of any of the countries allied with His Majesty, and who, while so serving during the said war, have suffered disability or death in respect of which a gratuity or pension has been awarded under the laws or regulations of any of the aforementioned countries; and the widows, children and other dependants of such persons are entitled to the benefits of this Act in so far as the same or equivalent benefits are not provided in respect of them under the laws or regulations of any of the aforementioned countries.

(2) Payments may be made under this section only to or in respect of such persons as are residents of Canada and during the continuance of their residence therein, and no payments may be made under this section in respect of any period prior to June 1st, 1946. 1946, c. 62, s. 25; 1951, c. 56, s. 13.

51. (1) The benefits of this Act, in so far only as the same or equivalent benefits are not provided under the laws or regulations of the United Kingdom, shall be conferred upon all persons domiciled in Canada at any time during the four years next preceding the date of commencement of World War II, who, subsequent to the 1st day of September, 1939, have served in the naval, army or air forces of the United Kingdom, and who, while so serving during the said war, have suffered disability or death in respect of which a gratuity or pension has been awarded under the laws or regulations of the United Kingdom, and the widows, children and other dependants of such persons are entitled to the benefits of this Act in so far as the same or otherwise.
or equivalent benefits are not provided in respect of them under the laws or regulations of the United Kingdom.

(2) Payments may be made under this section only to or in respect of such persons as are residents of Canada and during the continuance of their residence therein. 1940-41, c. 23, s. 20; 1946, c. 62, s. 5; 1951, c. 56, s. 14.

52. (1) The benefits of this Act, in so far only as the same or equivalent benefits are not provided under the laws and regulations of members of the British Commonwealth of Nations, other than Canada and the United Kingdom, or under the laws and regulations of the several countries allied with His Majesty, shall be conferred upon all persons domiciled in Canada at the date of the commencement of World War II, who subsequent to that date have served in the naval, army or air forces of any of the said members of the British Commonwealth of Nations, or in any of the aforesaid forces of any of the countries allied with His Majesty, and who, while so serving during the said war, have suffered disability or death in respect of which a gratuity or pension has been awarded under the laws or regulations of any of the aforementioned countries; and the widows, children and other dependants of such persons are entitled to the benefits of this Act in so far as the same or equivalent benefits are not provided in respect of them under the laws or regulations of any of the aforementioned countries.

(2) Payments may be made under this section only to or in respect of such persons as are residents of Canada and during the continuance of their residence therein. 1946, c. 62, s. 26; 1951, c. 56, s. 15.

53. In the consideration of any claim or the authorization of an award under section 50, 51 or 52, the Commission shall require the applicant or pensioner to take all or any steps to claim payment or additional payment under the laws or regulations of the several countries by authority of which the original grant of pension was made, or under the terms of any agreement that may have been or may hereafter be made with any of the countries concerned. 1946, c. 62, s. 26.

54. (1) The pensions that are now being paid by Great Britain for disabilities or deaths that occurred during the South African War to or in respect of members of the Canadian contingents that served in that war shall hereafter be supplemented during the continuance of the residence in Canada of the recipients of such pensions by such additional pensions as will make the total of the two pensions received by them equal to the pension that would have been awarded if they had been disabled or had died in the military service.

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service of Canada during the war, and the widows of such recipients are entitled to the benefits of this Act in so far only as the same or equivalent benefits are not provided under the laws or regulations of the United Kingdom.

(2) Payments may be made under this section only to or in respect of such persons as are residents of Canada and during the continuance of their residence therein. 1948, c. 23, s. 13; 1951, c. 56, s. 16.

55. The pensions that are now being paid to or in respect of members of those forces who served in the Fenian Raid or Northwest Rebellion, during the continuance of the residence in Canada of the recipients of such pensions, shall hereafter be increased to the rates set forth in Schedules A and B. R.S., c. 157, s. 48.

56. The pensions that are now being paid to or in respect of members of Canadian naval or army forces who were killed, had died or were disabled on active service, during drill or training or on other military duty previous to the outbreak of the War, shall, during the continuance of the residence in Canada of the recipients of such pensions, hereafter be increased to the rates set forth in Schedules A and B. R.S., c. 157, s. 49; 1951, c. 56, s. 17.

57. The procedure governing applications for entitlement to pensions under section 13 shall be as provided by sections 58 to 68. 1939, c. 32, s. 14.

58. (1) Upon request in writing by an applicant, the Chief Pensions Advocate shall assist him in the preparation of his case and arrange for its presentation before the Commission or before an Appeal Board of the Commission by a Pensions Advocate; but if the applicant so elects he may have the same prepared and presented by a representative of a service bureau of a veteran organization or by some other person at his own expense.

(2) For the purpose of assisting an applicant in the preparation of his case, the Veterans' Bureau may issue a questionnaire and form of application approved by the Commission. 1936, c. 44, s. 21; 1939, c. 32, s. 15.

59. (1) When an application with respect to service in World War I or in peace time is first made to the Commission after the 1st day of August, 1936, the Commission shall expeditiously consider such application and shall collect such relevant information, if any, as may be available in the R.S., 1952.
the records of any department of the Government of Canada and make, through its medical and other officers, such inquiry as appears advisable into the facts upon which the application is based; if satisfied on the material available, that the applicant is entitled to a pension, the Commission shall then award such pension, and shall take the necessary steps to cause payment of such pension to be made.

(2) Whenever such application is not wholly granted, the Commission shall promptly notify the applicant, in writing, of its decision, stating fully the grounds therefor, and shall inform such applicant that unless he makes application for a second hearing within ninety days of the date of mailing such notification, the case shall be closed and no further application may be entertained.

(3) If requested in writing so to do within a period of ninety days of the date of mailing notification as set forth in subsection (2), the Commission shall arrange for a second hearing, subject to the following conditions:

(a) that additional evidence may be submitted;

(b) that prior to a second hearing, the applicant has submitted to the Commission a statement, signed by himself, setting forth all disabilities or disabling conditions that he claims to be the result of injury or disease or aggravation thereof attributable to or incurred during military service, in regard to which he may desire to claim pension; and

(c) that after a decision has been rendered by the Commission on such second hearing, the Commission may entertain no further application in respect of any disability whatsoever other than an application before an Appeal Board of the Commission, as hereinafter provided.

(4) If a second hearing is requested, as hereinbefore set forth, the Commission shall inform the applicant that, if he so desires, he may have the assistance of the Veterans’ Bureau, free of charge, or a service bureau of a veteran organization, or other representative, at his own expense, in the preparation and presentation of his application; that a summary of all available evidence relating to his claim will be mailed to him, or to such representative as he may direct, by the Veterans’ Bureau; and that his complete claim must be submitted to the Commission for decision within a period of six months of the date of mailing the summary by the Veterans’ Bureau.

R.S., 1952.
(5) Upon request of an applicant for a second hearing, the Commission shall notify the Veterans' Bureau accordingly; and the Veterans' Bureau shall thereupon prepare a summary of all available evidence relating to the claim and shall mail a copy of the same to the applicant, or as he may direct; but where the applicant is suffering from a neuropsychiatric disease it is within the discretion of the Chief Pensions Advocate whether the summary of evidence is furnished to the applicant.

(6) Whenever, after a second hearing, the Commission is satisfied, on the material available, that the applicant is entitled to a pension, it shall then award such pension and shall take the necessary steps to cause payment of such pension to be made, but if the application is not wholly granted, the Commission shall notify the applicant, in writing, of its decision, stating as before, the grounds therefor, and shall inform him that he may, if he so desires, appear before an Appeal Board of the Commission, subject to the following conditions:

(a) that the request to appear before an Appeal Board is made within a period of ninety days of the date of mailing notification; and

(b) that additional evidence may be submitted at the Appeal Board hearing.

(7) If an applicant fails to request a second hearing before the Commission within ninety days of the date of mailing notification by the Commission, as provided in subsection (2), or fails to resubmit his application within six months of the date of mailing a summary, as provided in subsections (4) and (5), or fails to request a hearing before an Appeal Board of the Commission within ninety days of the date of mailing notification by the Commission, as provided in subsection (6), his application shall stand "Not granted"; but, notwithstanding anything in this section, the Commission may grant an extension of time or may grant leave to make or renew an application, when in its opinion the applicant has shown good and sufficient reasons as to why any of the several conditions set forth in this section were not or cannot be complied with.

(8) Any request made by an applicant, either before or after the 1st day of July, 1939, for a hearing in respect of an application for entitlement before a quorum of the Commission and remaining undisposed of, shall be deemed to be a request for a hearing before an Appeal Board of the Commission and shall be dealt with by an Appeal Board of the Commission in accordance with the provisions of this Act. 1936, c. 44, s. 21; 1939, c. 32, ss. 16, 17; 1946, c. 62, s. 28; 1948, c. 23, s. 14.

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60.

R.S., 1952.
60. (1) In respect of all applications for entitlement to pension arising out of World War II the Commission shall expeditiously consider each application and shall collect such relevant information, if any, as may be available in the records of any department of the Government of Canada and make, through its medical and other officers, such inquiry as appears advisable into the facts upon which the application is based; if satisfied, on the material available, that the applicant is entitled to a pension, the Commission shall then award such pension, and shall take the necessary steps to cause payment of such pension to be made.

(2) Whenever such application is not wholly granted, the Commission shall promptly notify the applicant, in writing, of its decision, stating the grounds therefor, and shall inform such applicant that he may renew his claim, before the Commission on the submission of additional evidence, or before an Appeal Board of the Commission in person or by or with a representative, with or without additional evidence, and that he may have the assistance of the Veterans’ Bureau free of charge or of a service bureau of a veteran organization, or other representative at his own expense, in the preparation and presentation of his application.

(3) When the applicant renews his claim before the Commission, as provided for in subsection (2), and the Commission is satisfied, on the material available, that the applicant is entitled to pension, it shall then award such pension and shall take the necessary steps to cause payment of such pension to be made, but if this renewed application is not wholly granted, the Commission shall notify the applicant in writing, of its decision, stating as before, the grounds therefor, and shall inform him that he may, if he so desires, appear before an Appeal Board of the Commission.

(4) The Commission may, in its discretion, entertain a further application in respect of any injury or disease resulting in disability, prior to a hearing by an Appeal Board of the Commission, but after a hearing by an Appeal Board, the Commission may entertain no further application in respect of any injury or disease whatsoever, subject, however, to the provisions of subsection (4) of section 65, respecting leave to reopen an application in certain instances.

(5) After a decision has been rendered by the Commission, upon the applicant’s written request, the Commission will arrange for a hearing by an Appeal Board of the Commission subject to the following conditions:
(a) that additional evidence may be submitted;
(b) that prior to an Appeal Board hearing, the applicant has submitted to the Commission a statement, signed by himself, setting forth all disabilities that have been previously ruled on adversely by the Commission, and that he claims to be the result of injury or disease or aggravation thereof attributable to or incurred during military service, in regard to which he may desire to claim pension; and

(c) that no member of an Appeal Board of the Commission shall adjudicate upon any case coming before an Appeal Board pursuant to this section, if such member has previously sat as a member of the Commission at any hearing of such case, as herein provided, unless the applicant's consent thereto has first been obtained.

(6) Upon request of an applicant for an Appeal Board hearing the Commission shall notify the Veterans' Bureau accordingly and the Veterans' Bureau shall thereupon prepare a summary of all available evidence relating to the claim and shall mail a copy of the same to the applicant, or to such representative as he may direct; but where the applicant is suffering from a neuropsychiatric disease it is within the discretion of the Chief Pensions Advocate whether the summary of evidence is furnished to the applicant. 1946, c. 62, s. 29.

61. The Commission, when its decision awarding a pension to any applicant has become effective, shall forthwith notify the Department and the Comptroller of the Treasury of its award and the Comptroller of the Treasury shall thereupon take the necessary steps to give effect to the same. 1932-33, c. 45, s. 15.

APPEAL BOARDS.

62. (1) For the purpose of hearing applications, Appeal Boards of the Commission, each consisting of three members, shall hold sittings at convenient places throughout Canada.

(2) Such Appeal Boards shall sit at such places and on such days and shall consist of such members of the Commission as may be determined by the Chairman of the Commission.

(3) Public hearings of applications by any Appeal Board of the Commission shall be conducted in accordance with the rules of procedure made under this Act.

(4) At the request of the applicant, an Appeal Board of the Commission may direct any application to be heard in private if it considers that a public hearing might be disadvantageous and that a hearing in private would not be contrary to the public interest.

R.S., 1952.
Member of Appeal Board not again to sit on same case.

(5) No member of an Appeal Board of the Commission shall adjudicate upon any case coming before an Appeal Board pursuant to subsection (6) of section 59, if such member has previously sat as a member of the Commission at either first or second hearing of such case, except that such member may adjudicate upon any case in which the applicant's consent thereto has first been obtained. 1939, c. 32, s. 18.

Witnesses' fees and allowances.

63. Subject to the rules of procedure made under this Act, an applicant may attend and witnesses may be called on his behalf or on behalf of the Crown to give evidence before an Appeal Board of the Commission, and such applicant and witnesses may be paid by the Comptroller of the Treasury the cost of transportation and the fees and allowances as therein fixed. 1939, c. 32, s. 19.

Medical examination of applicant before Board.

64. (1) An Appeal Board of the Commission has power to direct a medical examination of any applicant whose application is before it, by a specialist or by a duly licensed physician or surgeon selected by such applicant.

(2) The Commission, or an Appeal Board thereof, has power at any time to direct a medical examination of any applicant whose application is before it, by a specialist or by a duly licensed physician or surgeon in the employ of the Department, or by a specialist or duly licensed physician or surgeon, not in the employ of the Department, selected by it.

(3) The account of any specialist, physician or surgeon selected by an applicant for any medical examination and for his attendance before an Appeal Board of the Commission to give evidence as to his findings thereon, and the account of any specialist, physician or surgeon, not in the employ of the Department, selected by the Commission or an Appeal Board thereof for any such examination and for his attendance before the Commission or an Appeal Board thereof to give evidence as to his findings thereon, shall be paid by the Comptroller of the Treasury upon the certificate of the Commission or an Appeal Board thereof that the examination was authorized and that the sums charged therefor and for attending to give evidence are proper and reasonable.

(4) For the purpose of any such examination, the Commission or an Appeal Board thereof has power to direct the admission of an applicant into a hospital administered by the Department, or with which the Department has a contract.

R.S., 1952.
(5) For the purpose of this section "specialist" means a duly qualified and experienced medical practitioner whose principal practice is restricted to one branch of medicine or surgery. 1939, c. 32, s. 19.

65. (1) The decision upon an application shall be pronounced by the Appeal Board of the Commission that heard the application, and the applicant shall forthwith be notified in writing of such decision stating the grounds therefor.

(2) If, upon any application before an Appeal Board of the Commission, the members of such Board are not unanimous in their opinion as to the decision that ought to be rendered thereon, the decision of the majority determines the issue.

(3) Except as hereinafter otherwise provided, every decision of an Appeal Board of the Commission is final.

(4) An application based upon any error in such decision or in any decision of the Court, the Federal Appeal Board, the Pension Tribunal or a quorum of the Commission, by reason of evidence not having been presented or otherwise, may be entertained by the Commission with the leave of an Appeal Board of the Commission, such Appeal Board to be designated by the Chairman of the Commission from time to time for this purpose, and such Appeal Board has jurisdiction to grant leave in any case in which it appears proper to grant it.

(5) Any decision of an Appeal Board of the Commission in favour of an applicant shall forthwith be notified by the Commission to the Department and the Comptroller of the Treasury, who shall thereupon take the necessary steps to give effect to the same. 1939, c. 32, s. 20; 1948, c. 23, s. 15.

66. On the approval of the Commission or of an Appeal Board thereof of the award of any pension or of the refusal of any pension, a form shall be placed on the file of the member of the forces by or in respect of whom application for pension has been made bearing the personal signature of at least one of the Commissioners and containing the following information:

(a) the names of the Commissioners dealing with the case;
(b) the grounds on which pension is awarded or refused, specifying:
   (i) the medical classification of the injury or disease causing the disability or death in respect of which the application has been made,
(ii) the medical classification of such injuries or diseases as have been dealt with by the Commission in connection with the application, and

(iii) whether the injury or disease resulting in disability or death was or was not attributable to or incurred during military service or whether it pre-existed enlistment and was or was not aggravated during military service; and

(c) in the event of a disagreement, the grounds on which a Commissioner disagrees with the decision reached.

1939, c. 32, s. 22.

67. Where the Commission considers that an award of entitlement granted by the Federal Appeal Board, the Pension Tribunal, a quorum of the Commission, an Appeal Board of the Commission, or the Court should, on the ground of fraud or misrepresentation or the concealment of material facts, be cancelled, it shall refer the case, with all relevant information to an Appeal Board of the Commission for investigation after notification to the pensioner that he shall be given an opportunity to be heard, and if such Appeal Board of the Commission is satisfied that the award should be cancelled, it may order cancellation and the recovery of any overpayment which may have been made.

1939, c. 32, s. 24.

68. (1) All appeals undisposed of by the Court prior to the 1st day of July, 1939, shall be heard and determined by an Appeal Board of the Commission to be designated by the Chairman of the Commission from time to time for this purpose, subject to the rules of procedure heretofore prescribed for a hearing before the Court.

(2) All applications in which there exists the right of appeal to the Court prior to the 1st day of July, 1939, shall be heard and determined by an Appeal Board of the Commission in the manner set forth in subsection (1), if application is made therefor to the Commission within ninety days after the 1st day of July, 1939.

(3) No member of an Appeal Board of the Commission designated by the Chairman for the purposes of subsections (1) and (2) shall adjudicate upon any case upon which he previously sat as a member of the Commission either at first or second hearing, or as a member of a quorum of the Commission.

R.S., 1952.
(4) Notwithstanding sections 31 and 42, pension awarded by an Appeal Board of the Commission under this section shall be regarded as though it were a decision of the Court and shall be payable with effect in accordance with the provisions existing prior to the 1st day of July, 1939. 1939, c. 32, s. 25.

69. Subject to departmental regulations the following persons may be permitted to inspect the records of the Department and all material considered by the Board of Pension Commissioners for Canada, the Pension Tribunal, the Commission or an Appeal Board thereof, in disposing of any application for pension:

(a) the applicant for pension concerned and such persons as may be employed by him to present a claim on his behalf before the Commission or an Appeal Board thereof;

(b) such medical advisers and other persons, including duly authorized representatives of veterans' organizations incorporated under the Companies Act, or by the authority of any other Act of the Parliament of Canada, as may be consulted by or on behalf of the person whom the records or material directly concerns, in the preparation and presentation of an application for pension; and

(c) such public servants as may require to inspect them or have their contents communicated to them in order that they may properly discharge their duties. 1939, c. 32, s. 27; 1951, c. 56, s. 18.

70. Notwithstanding anything in this Act, on any application for pension the applicant is entitled to the benefit of the doubt, which means that it is not necessary for him to adduce conclusive proof of his right to the pension applied for, but the body adjudicating on the claim shall draw from all the circumstances of the case, the evidence adduced and medical opinions, all reasonable inferences and presumptions in favour of the applicant. 1948, c. 23, s. 16.

71. When an award of pension is made with retroactive effect to a widow who is, or has been, in receipt of mothers' allowance payable by a government of any province of Canada, the Commission may, if the pension is awarded in respect of any period during which such mothers' allowance has been paid to such widow, recoup the provincial government concerned the amount of the allowance so paid during such period out of the retroactive pension payable to such widow. 1932-33, c. 45, s. 16.

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72. R.S., 1952.
72. No action lies against any person by reason of anything contained or said in any judgment or other proceeding in the Commission or the Court, or in any report of any examination made for the purpose of this Act or the Department of Veterans Affairs Act, by any officer of or by any other person at the request of the Commission, a quorum of the Commission, an Appeal Board of the Commission, the Court, the Pension Tribunal or the Department. 1939, c. 32, s. 28; 1944-45, c. 19, s. 8.

73. The Department shall from time to time prepare an office consolidation of this Act for distribution but no such office consolidation shall operate so as to vary or affect the operation of the provisions of the Act as passed and amended by Parliament. 1928, c. 38, s. 32.

74. (1) Notwithstanding anything in this or any other Act, no pension or additional pension, awardable or payable under this Act, shall be awarded or paid,

(a) in respect of service during World War I, under Schedule A or Schedule B, to or in respect of any child of a member of the forces or pensioner if such child was born on or after the 1st day of May, 1951, of a marriage contracted on or after that date; or

(b) in respect of service during World War I, under Schedule A, to or in respect of the wife of a member of the forces or pensioner, if she was married to him on or after the 1st day of May, 1948, unless there is a minor child or there are minor children of the pensioner of pensionable age born of a previous marriage and the said wife assumes the household duties and care of such child or children, when additional pension for a married member of the forces may, in the discretion of the Commission, be awarded or paid during the time such child or children are of pensionable age.

(2) The limitations contained in this section do not apply in any case where additional pension is awarded under subsection (5) of section 34. 1948, c. 23, s. 17; 1951, c. 56, s. 19.

75. When provision is made in this Act for members of the forces, such provision shall be deemed to include female members of the forces and members of the Canadian Women's Army Corps, except as otherwise expressly enacted in this Act; and any payment or additional payment authorized for any period prior to the 10th day of January, 1945, in respect of female members of the forces shall be at the rates previously prescribed by the Governor in Council. 1946, c. 62, s. 32.

R.S., 1952.
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<th>Percentage</th>
<th>Class Range</th>
<th>Class Percentage</th>
<th>Class Rate of Pension</th>
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**Additional Pension for Married Members of the Forces**

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**Additional Pension for Children for Those Above Ranks**

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<td>90.00</td>
<td>81.00</td>
<td>72.00</td>
</tr>
<tr>
<td>Each subsequent child an additional</td>
<td></td>
<td>72.00</td>
<td>64.80</td>
<td>57.60</td>
</tr>
</tbody>
</table>

Class 21—Disabilities below 5 per cent—All ranks—A final payment not exceeding $160.

1951 (2nd Sess.), c. 19, s. 1.
## SCHEDULE B.

### Scale of Pensions for Deaths.

<table>
<thead>
<tr>
<th>Rank or rating of Member of Forces</th>
<th>Widow</th>
<th>Dependent parent</th>
<th>Child or dependent brother or sister</th>
<th>Orphan child or orphan brother or sister</th>
<th>Rate per annum</th>
</tr>
</thead>
<tbody>
<tr>
<td>Lieutenant (Naval), Captain (Army), Flight Lieutenant (Air) and all ranks and ratings below</td>
<td>1,200 00</td>
<td>*900 00</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Lieutenant Commander (Naval), Major (Army), Squadron Leader (Air)</td>
<td>1,200 00</td>
<td>*1,008 00</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Commander and Captain under three years' seniority (Naval), Lieutenant-Colonel (Army), Wing Commander (Air)</td>
<td>1,248 00</td>
<td>*1,248 00</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Captain (Naval), Colonel (Army), Group Captain (Air)</td>
<td>1,512 00</td>
<td>*1,512 00</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Commodore and higher ranks (Naval), Brigadier, Brigadier-General and higher ranks (Army), Air Commodore and higher ranks (Air)</td>
<td>2,160 00</td>
<td>*2,160 00</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Additional pension for children or dependent brothers or sisters for above ranks</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>First child</td>
<td></td>
<td>*240 00</td>
<td>*480 00</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Second child</td>
<td></td>
<td>*180 00</td>
<td>*360 00</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Each subsequent child additional</td>
<td></td>
<td>*144 00</td>
<td>*288 00</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

* Pensions awarded to parents or brothers and sisters may be less than these amounts in accordance with the provisions of this Act.

1951 (2nd Sess.), c. 19, s. 1.
CHAPTER 208.

An Act to Empower the Employees of Incorporated Companies to Establish Pension Fund Societies.

SHORT TITLE.

1. This Act may be cited as the Pension Fund Societies Act. R.S., c. 155, s. 1.

INTERPRETATION.

2. In this Act, “parent corporation” means the corporation any of whose officers establish or take proceedings to establish a pension fund society under the provisions of this Act. R.S., c. 155, s. 2.

3. The president, vice-president, general manager, assistant general manager, or person acting as such, cashier, assistant cashier and inspector of any corporation legally transacting business in Canada, under any Act of the Parliament of Canada, or any two of the said officers, with any other of the superior officers, may at any time establish a pension fund society in connection with the administration of such corporation under the regulations and subject to the supervision and control hereinafter designated, and thereupon they and the employees of such corporation who join the said society and those who replace them from time to time, shall be and be designated as the pension fund society of the corporation, and under such name shall be and become a body corporate and politic. R.S., c. 155, s. 3.

4. (1) Such of the said officers of any corporation as desire to establish a pension fund society under the provisions of this Act, may make and sign in duplicate a declaration in effect according to the Schedule setting forth therein

(a) the names, residences and official positions of the said officers;
(b) the name of the parent corporation;
(c) the exact name adopted for such society; and
(d) the place within Canada that is to be its chief place of business.

R.S., 1952.
(2) Such declaration shall be filed in the office of the Secretary of State of Canada, and in the office of the registrar of deeds for the county or registration division within which the chief place of business of the society shall be situated.

(3) The officers who make and sign such declaration shall be the provisional directors of the society, and shall hold office until their successors are appointed or elected. R.S., c. 155, s. 4.

5. (1) Notice of the incorporation of such society shall be given by publication in the Canada Gazette for four weeks and such notice shall set forth

(a) the exact name adopted by such society;

(b) the designation of the chief place of business of the society; and

(c) the name of the secretary thereof upon whom legal process may be served.

(2) Notice of any change in such place or in the person of the secretary shall also be given in a similar way. R.S., c. 155, s. 5.

6. (1) The corporate name of a pension fund society formed under the provisions of this Act may be changed

(a) if at a special general meeting called for that purpose, or at any general meeting the notice for which specifically mentions that purpose among others, a by-law or a resolution to change the corporate name to some other name specified in the by-law or resolution has been passed by a majority of at least two-thirds of the votes cast at the meeting by the contributories to the funds or members of the society, including the parent corporation; and

(b) if upon application by the board of directors of the society to the Secretary of State of Canada and the filing with him of a duly certified copy of the resolution so passed and of such other information as he may require, he is satisfied that

(i) the change of name is not proposed for any improper purpose,

(ii) the new name proposed is not that of any other known corporation, association or body corporate or unincorporated, or liable to be confounded therewith, and

(iii) the proposed change is not otherwise objectionable.

R.S., 1952.
Pension Fund Societies. Chap. 208.

(2) If the proposed new name appears to the Secretary of State of Canada to be objectionable he may substitute therefor some other name approved by him.

(3) When the Secretary of State of Canada has approved of a change of name he may direct that notice thereof shall be published in the Canada Gazette for four consecutive weeks, at the society's expense, specifying

(a) the corporate name of the society, its chief place of business, and the name of its secretary;
(b) the new name as approved by the Secretary of State of Canada; and
(c) the date after such publication of notice on which the change of name will take effect.

(4) Upon and after the date so specified the new name as approved by the Secretary of State of Canada shall be the corporate name of the society. R.S., c. 155, s. 6.

7. (1) The provisional directors have power to call the first meeting of the society, and at such meeting directors may be elected and by-laws may be passed under the provisions of this Act.

(2) Upon the passage of such by-laws, a copy thereof and subsequent copies of other by-laws in amendment thereof, in addition thereto or diminution thereof shall be filed with the Secretary of State within two weeks from the passage thereof. R.S., c. 155, s. 7.

8. (1) The affairs of the society shall be administered by a board of directors who shall be appointed or elected in such manner, in such number, with such qualifications, and for such period as are determined by the by-laws.

(2) At the first meeting of the society to be held under this Act,

(a) five directors shall be elected, subject to addition to such number if so sanctioned by the by-laws, and
(b) other officers may be appointed in such manner, with such remuneration, and under such provisions touching their powers and duties as are established by the by-laws. R.S., c. 155, s. 8.

9. Each contributory to the funds of the society, including the parent corporation, has such right to vote at general meetings of the society, on such occasions, subject to such restrictions and on such conditions as are determined by the by-laws. R.S., c. 155, s. 9.

Power to form a fund.

10. After its incorporation under this Act every pension fund society has the power by means of voluntary contribution or otherwise as its by-laws provide, to form a fund, and may invest, hold and administer the same and from and out of the said fund may

(a) provide for the support and payment of pensions to officers and employees of the parent corporation incapacitated by age or infirmity, and

(b) upon the death of such officers or employees, pay annuities or gratuities to their widows and minor children or other surviving relatives in such manner as by the by-laws may be specified. R.S., c. 155, s. 10.

By-laws

11. (1) Every such incorporated society has all corporate powers necessary for the purposes of this Act and may make by-laws not contrary to law defining and regulating in the premises, and prescribing the mode of enforcement of all the rights, powers and duties of

(a) the society;

(b) the individual members thereof;

(c) the officers and employees of the parent corporation;

(d) the widows and orphans or other surviving relatives of such officers and employees; and

(e) the parent corporation.

(2) Every such incorporated society may also make by-laws as aforesaid for

(a) the formation and maintenance of the said pension fund;

(b) the management and distribution thereof generally;

(c) enforcing any penalty or forfeiture in the premises; and

(d) the government and ordering of all business and affairs of the society.

Sanction.

(3) No such by-law has any force or effect unless the same has been sanctioned by the board of directors of the parent corporation. R.S., c. 155, s. 11.

Powers.

12. All the powers, authority, rights, penalties and forfeitures whatsoever in the premises, whether of the society or of the individual members thereof, or of the officers and employees thereof or of such widows and orphans and relatives, or of the parent corporation shall be such, and may be enforced in such mode, as by such by-laws shall be defined and limited. R.S., c. 155, s. 12.
13. All the revenues of the society, from whatever source derived, shall be devoted exclusively to the maintenance of the society and the furtherance of the objects aforesaid. R.S., c. 155, s. 13.

14. The parent corporation may, and is hereby authorized to contribute annually or otherwise to the funds of the said society, by a vote of either its directors or its share-holders. R.S., c. 155, s. 14.

15. The interest of any member in the funds of the society is not transferable or assignable in any manner whatsoever by way of pledge, hypothecation, sale or security. R.S., c. 155, s. 15.

16. Every society formed under this Act shall at all times when thereunto required by the Governor in Council or by either House of Parliament make a full return of their property and of their receipts and expenditure for such period and with such details and other information as the Governor in Council or either House of Parliament requires. R.S., c. 155, s. 16.

17. (1) A pension fund society established under this Act may at the request of the parent corporation evidenced by a resolution of its directors admit to membership in the society upon such terms and conditions as the society may determine any officers or employees of a subsidiary corporation of the parent corporation and may

(a) provide for the support and payment of pensions to such officers and employees incapacitated by age or infirmity, and

(b) upon the death of such officers or employees, pay annuities or gratuities to their widows and minor children or other surviving relatives in such manner as by the by-laws of the society may be specified.

(2) All the provisions of this Act applicable to officers and employees of the parent corporation who are members of the society apply *mutatis mutandis* to officers and employees admitted to membership pursuant to this section.

(3) A subsidiary corporation any of the officers or employees of which have been admitted to membership in a pension fund society under this section may and is hereby authorized to contribute annually or otherwise to the funds of the society, by a vote of either its directors or its shareholders, and as such contributory has such right to vote at general meetings of the society, on such occasions, subject to such restrictions and on such conditions as are determined by the by-laws of the society.

R.S., 1952.
“Subsidiary corporation.” (4) In this Act, “subsidiary corporation” means a corporation legally transacting business in Canada, under any Act of the Parliament of Canada, the majority of the shares of which that have under all circumstances full voting rights is owned or controlled directly or indirectly by or for the parent corporation. 1949 (2nd Sess.), c. 33, s. 1.

SCHEDULE.

Declaration of Incorporation.

We the undersigned (describe the officials establishing the society) do hereby declare that we have associated ourselves together for the purpose of establishing a pension fund society in connection with the administration of the under the provisions of the Pension Fund Societies Act;

That the proposed corporate name of the society shall be the Pension Fund Society of the

That the chief place of business of the said society is to be within the of

And we make this declaration for the purpose of establishing the said society under the said Act.

In witness whereof we have executed these presents in duplicate at in the presence of this day of 19 (Signature.)

Signed in the presence of

R.S., c. 155, Sch.

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

R.S., 1952.
CHAPTER 209.

An Act to regulate the Sale of Products used in controlling Agricultural Pests. 1939, c. 21, s. 1.

SHORT TITLE.

1. This Act may be cited as the Pest Control Products Act. 1939, c. 21, s. 2.

INTERPRETATION.

2. In this Act,
   (a) "active substance" means the substance in the pest control product that acts on the pest;
   (b) "advertise" means to make known by the publication or distribution of any advertisement, circular or other notice;
   (c) "brand" means the trade name applied to pest control products of any particular description by the manufacturer, importer or vendor thereof;
   (d) "fungi" means all rusts, smuts, mildews, moulds, yeasts and similar forms of plant life as specified by regulation, and includes bacteria affecting plant life;
   (e) "guarantee" means such statement as is required by regulation of a manufacturer, importer or vendor applying for registration, and indicating the strength, effectiveness or other qualities of any pest control product;
   (f) "ingredient" means any material used in making a pest control product;
   (g) "insect" means any of the small invertebrate animals commonly known as insects and similar forms of animal life as specified by regulation;
   (h) "inspector" means an inspector appointed under this Act;
   (i) "Minister" means the Minister of Agriculture;
   (j) R.S., 1952.
“Official analyst.”

"Other plant or animal pest."

"Package."

"Pest control product."

"Registration number."

"Regulation."

"Rodent."

(i) “official analyst” means an official analyst appointed under this Act;

(k) “other plant or animal pest” includes any form of plant or animal life that the Minister may declare by regulation to be a pest;

(l) “package” includes every container;

(m) “pest control product” means a product used, or represented as a means, for preventing, destroying, repelling, mitigating or controlling, directly or indirectly, any insect, fungus, bacterial organism, virus, weed, rodent, or other plant or animal pest;

(n) “registration number” means a specific number assigned by the Minister under authority of this Act for each brand of pest control product;

(o) “regulation” means a regulation made by the Minister under this Act;

(p) “rodent” includes all members of the order Rodentia.

R.S., c. 5, s. 2; 1939, c. 21, ss. 3, 4, 11.

REGISTRATION OF PEST CONTROL PRODUCTS OBLIGATORY.

1939, c. 21, s. 11.

Registration of brand.

3. (1) No person shall manufacture, import, advertise, or in any other manner whatsoever, offer for sale in Canada, any brand of pest control product unless such brand of pest control product has been registered under this Act and assigned a registration number.

(2) Application for registration of a brand of pest control product may be made by the manufacturer, importer or vendor, in such form as may be prescribed by regulation, and shall be accompanied by a registration fee of twenty dollars.

(3) The manufacturer, importer or vendor upon whose application the registration of a brand of pest control product is obtained, or if he is non-resident in Canada, his duly appointed agent or representative in Canada, is responsible for due compliance with the provisions of this Act. R.S., c. 5, s. 3; 1939, c. 21, s. 11.

Application for registration.

4. (1) Every application for registration of a pest control product shall be accompanied by a statement containing the following information:

(a) the name and address of the manufacturer, importer or vendor applying for registration;

(b) the name and percentage by weight of each ingredient of such pest control product;

R.S., 1952.
(c) the brand name of such pest control product;
(d) the guarantee by the applicant of such pest control product;
(e) the purpose of such pest control product; and
(f) other relevant information as required by the Minister.

(2) Where the applicant is non-resident in Canada, the application shall be signed by the agent or representative in Canada of the applicant as well as by the applicant himself, and shall contain an undertaking on the part of such agent or representative to be held responsible for due compliance with the provisions of this Act. R.S., c. 5, s. 4; 1939, c. 21, s. 5.

5. The Minister may refuse to register a pest control product if, in his opinion,
(a) the brand name would tend to deceive or mislead the purchaser with respect to the guarantee, the materials from which the pest control product is made, or the method of preparation,
(b) the guarantee and the materials from which it is made are approximately the same as those of another brand of pest control product registered by the same manufacturer,
(c) it is believed to be unsuited for the purpose for which it is sold or represented, or
(d) it is generally detrimental or seriously injurious to vegetation (except weeds), domestic animals or public health when used according to directions. R.S., c. 5, s. 5; 1939, c. 21, s. 11.

6. (1) Every brand of pest control product that has been registered under this Act may thereupon and during the currency of the registration be manufactured, imported, advertised, or otherwise offered, for sale in Canada during the period continuing from the date of its registration until the 1st day of January following.

(2) Every registration shall expire on the 31st day of December in each year, but may be renewed from year to year and the same registration number may be assigned to a brand of pest control product that has been registered under the Act, if no change is made of the brand or of the guarantee or of the substances from which the pest control product is made.

(3) A fee of five dollars is payable in respect of every registration renewal of a registration number. R.S., c. 5, s. 6; 1939, c. 21, ss. 6, 11.

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, or if subsequent to registration the pest control product has been found to be of doubtful value. R.S., c. 5, s. 7; 1939, c. 21, s. 11.

8. If any pest control product imported into Canada is found to be adulterated or incorrectly or misleadingly tagged, labelled or named, or if in any way its sale constitutes an infraction of this Act, its further importation may be prohibited by the Minister. R.S., c. 5, s. 8; 1939, c. 21, s. 11.

9. (1) No person shall sell, offer, expose, advertise or hold for sale in Canada any pest control product unless each package containing the pest control product, or a tag or label durably attached thereto, is branded or marked in printed characters in such form and manner as may be prescribed by regulation with

(a) the name and address of the manufacturer, importer or vendor on whose application such pest control product was registered,
(b) brand name,
(c) registration number,
(d) the word poison and symbol thereof, if harmful to human or animal life in any sufficient degree,
(e) the antidote for the poison, if any,
(f) the guarantee in the form prescribed by regulation, and
(g) the net quantity by weight (avoirdupois) or volume (imperial measure).

(2) When the pest control product is sold in bulk and is not contained in packages, the prescribed information mentioned in this section shall be supplied to the purchaser in writing by the vendor. R.S., c. 5, s. 9; 1939, c. 21, ss. 7, 11.

10. This Act does not apply to

(a) the selling or offering for sale of pest control products for manufacturing purposes or pest control products that are for export only,
(b) any pest control product that has been manufactured from an unsolicited prescription submitted by the purchaser thereof, if the prescription is countersigned by an inspector and the pest control product is not purchased for resale in Canada, or

R.S., 1952.
(c) any pest control product that has been prepared by a retail druggist registered under a provincial pharmacy Act in Canada from an unsolicited prescription submitted by the purchaser thereof, if such pest control product is not purchased for resale in Canada. R.S., c. 5, s. 10; 1939, c. 21, ss. 8, 11.

11. The Minister may appoint an advisory board which may at his request prepare and recommend to him such regulations as in his opinion should be established under this Act. R.S., c. 5, s. 11.

12. The Minister may make regulations

(a) prescribing for the purposes of this Act the nomenclature of every form of plant and animal life that shall be deemed to be pests;

(b) prescribing the form in which applications for registration shall be made as provided in this Act;

(c) prescribing the pest control products that may be sold for any purpose;

(d) prescribing the pest control products that are generally detrimental or seriously injurious to vegetation, domestic animals or public health when used according to direction;

(e) describing the pest control products that are to be labelled “poison” and their antidote;

(f) prescribing the materials that may be considered as pest control products and the strength or purity, or both, under which they may be sold;

(g) prescribing for the purposes of this Act the nomenclature of materials from which pest control products are manufactured, and also the brand name that may be employed for any pest control products, with a view to simplifying and harmonizing the employment of brand names in relation to their guarantee as provided in this Act;

(h) describing the procedure to be followed, the instruments to be employed and the quantities to be taken 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 and preserved, and by whom; and the number and qualifications of impartial witnesses before whom samples of pest control products for official analysis shall be taken;

(i) prescribing those materials that may be exempt from the provisions of this Act;

R.S., 1952.
(j) prescribing methods of analysis to be followed and limits of variability that may be tolerated as between the information that is marked on the container or on a label attached thereto or is supplied to the purchaser when sold in bulk, and the statement of analysis by an official analyst;

(k) prescribing the percentages of ingredients that may be present in pest control products;

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

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

(n) prescribing the methods to be used in the examination or analysis of any pest control product for the purposes of this Act; and

(o) for any other purpose deemed by him to be necessary for making effective the provisions of this Act. R.S., c. 5, s. 12; 1939, c. 21, s. 11.

13. (1) Any purchaser of any pest control product may obtain an analysis of such pest control product by making application therefor to an official analyst.

(2) Each sample shall be taken in accordance with the method for taking official samples prescribed by regulation, and the sample taken shall be forwarded to the official analyst in such quantities and containers as may be prescribed by regulation.

(3) 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, importer or vendor,

(c) the registration number,

and such fee as may be prescribed by regulation. R.S., c. 5, c. 13; 1939, c. 21, s. 11.
14. (1) A certificate of analysis signed by an official analyst is prima facie evidence of the particulars of the analysis therein set out.

(2) Where the person from whom an official sample is taken by an inspector and respecting which an analysis has been made, disputes the correctness of the analysis, he may, within thirty days of the receipt of a certified copy of the 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, and in the absence of such notice the certificate of the official analyst is final and conclusive evidence of the facts therein set out.

(3) Where the evidence of the person referred to in subsection (2) 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 that official analyst shall be conclusive evidence of the facts therein set out. R.S., c. 5, s. 14.

15. An inspector charged with the enforcement of this Act may enter upon any premises to make any examination of any pest control products in containers or in bulk, whether such pest control product is on the premises of the owner or on other premises, or in possession of a railway or steamship company, and may take official samples therefrom, for which samples the owner shall on demand be paid in accordance with the amount thus taken and at its current value. R.S., c. 5, s. 15; 1939, c. 21, s. 11.

16. The Minister may publish the results of analyses and examinations of pest control products made in connection with the enforcement of this Act, and any additional information that in the opinion of the Minister is advisable. R.S., c. 5, s. 16; 1939, c. 21, s. 11.

OFFENCES AND PENALTIES.

17. Subject to section 18, any person who

(a) advertises, exposes, offers, or holds in possession for sale, or sells, in Canada, a pest control product registered under this Act that does not meet the guarantee that pursuant to section 9 has been branded or marked on the package containing the pest control product or on the tag or label attached thereto, as the case may be,

(b) R.S., 1952.
(b) falsely represents a pest control product in an advertisement, or

(c) violates any of the provisions of this Act or of any regulations 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 payment of any such fine to imprisonment for a term not exceeding thirty days. R.S., c. 5, s. 17; 1939, c. 21, s. 9.

18. (1) A person accused of selling, offering, advertising, exposing or holding in his possession for sale a pest control product that does not comply with the requirements of this Act or of any regulations, who proves that the pest control product 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 said package was not opened, and whether contained in a package or not that the state of the pest control product was not altered while it was in his possession, and that he had no reason to believe that the said pest control product did not comply with the provisions of this Act, is, upon disclosing the name and address of the person from whom the pest control product was purchased, the place where it was purchased 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 a case under this section shall, within one month of 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 pest control product to the accused and the date and place of the sale and the name and address of the accused. R.S., c. 5, s. 18; 1939, c. 21, s. 11.

19. Any person who

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

(b)
(b) wilfully lowers the value of a pest control product by mixing any other substance therewith after the said pest control product has been placed on the market by the manufacturer, importer or vendor, 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 not exceeding one thousand dollars or to imprisonment for a term not less than sixty days and not exceeding twelve months. R.S., c. 5, s. 19; 1939, c. 21, s. 11.

20. Such inspectors and official analysts as are required for the purposes of this Act may be appointed by the Minister. R.S., c. 5, s. 20.

21. No proceedings taken under this Act against any person shall 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. 5, s. 21.

22. Any pest control product advertised, exposed, offered or held in possession for sale, or sold in Canada contrary to the provisions of this Act or regulations, may be seized and detained by an inspector at the risk and expense of the owner until full compliance with this Act or regulations is properly effected, and if the owner fails to comply within twenty-one days the pest control product may be confiscated and disposed of as the Minister may direct. 1939, c. 21, s. 10.
CHAPTER 210.

An Act respecting Proceedings against the Crown by Petition of Right.

SHORT TITLE.

1. This Act may be cited as the Petition of Right Act. Short title. R.S., c. 158, s. 1.

INTERPRETATION.

2. In this Act, Definitions.
   (a) "Court" means the Exchequer Court of Canada; "Court."
   (b) "judge" means a judge of the Court; and "Judge."
   (c) "relief" includes every species of relief claimed or prayed for in a petition of right, whether a restitution of any incorporeal right or a return of lands or chattels, or payment of money, or damages, or otherwise. R.S., c. 158, s. 2.

3. A petition of right may be addressed to Her Majesty Form of to the effect of Form A in the Schedule. R.S., c. 158, s. 3. petition.

4. (1) The original and two copies of the petition, with Filing of an endorsement thereon to the effect of Form B in the petition. Schedule, shall be filed in the Exchequer Court of Canada, which Court has exclusive original cognizance of petitions of right.

   (2) The sum of two dollars shall be paid to the Registrar Fee. of the Court as a fee on the filing of the petition.

   (3) The original and two copies of the petition may be Mailing. filed as required by subsection (1) by being forwarded, to- gether with a remittance for the filing fee, by registered and prepaid mail addressed to "The Registrar, The Exchequer Court of Canada, Ottawa, Ontario". 1951, c. 33, s. 1.

5. (1) When the original and two copies of a petition Service. have been filed and the filing fee has been paid, as required by section 4, the Registrar of the Court shall, after verifying the accuracy of the copies, forthwith, on behalf of the sup- 2714 4295 pliant, R.S., 1952.

plaint, serve the petition on Her Majesty by transmitting the copies to the office of the Deputy Attorney General of Canada.

(2) When the copies have been transmitted to the office of the Deputy Attorney General of Canada under subsection (1), a certificate signed by or on behalf of the Registrar as to the date of filing and the date of transmission of the copies shall be delivered, or forwarded by registered and prepaid mail, to the suppliant or the suppliant's counsel or solicitor at the address appearing on the petition of right or such other address as may have been communicated to the Registrar for the purpose.

(3) A certificate under subsection (2) is prima facie proof of the date of filing and the date of service of the petition of right referred to in the certificate.

(4) A suppliant is not required to have an address for service in Ottawa and the judges of the Court shall make such general rules and orders as they consider advisable to permit service of pleadings, notices and other documents in petition of right proceedings by registered mail in lieu of personal service. 1951, c. 33, s. 1.

6. There shall be no preliminary inquisition finding the truth of the petition, or the right of the suppliant, but the statement in defence or demurrer, or both, shall be filed within four weeks after service of the petition, or such further time as is allowed by the Court. R.S., c. 158, s. 6.

7. (1) If the petition is presented for the recovery of real or personal property, or an interest in real or personal property and the property has been granted away or otherwise disposed of by or on behalf of Her Majesty, a copy of the petition, endorsed with a notice to the effect of Form C in the Schedule, shall be served upon or left at the last or usual or last known place of abode of the person in the possession or occupation of such property or right.

(2) It is not necessary to issue any scire facias or other process to such person for the purpose of requiring him to file his statement in defence, but, if he intends to contest the petition, he shall, within four weeks after such copy has been so served or left, or within such further time as is allowed by the Court, file his statement of defence or demurrer, or both. R.S., c. 158, s. 7; 1951, c. 33, s. 2.

8. The statement of defence or demurrer may raise, besides any legal or equitable defences in fact or in law available under this Act, any legal or equitable defences

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which would have been available if the proceeding had been a suit or action in a competent court between subject and subject; and any grounds of defence that would be sufficient on behalf of Her Majesty may be alleged on behalf of any such person as aforesaid. R.S., c. 158, s. 8.

9. In case of default, on behalf of Her Majesty or of such other person as aforesaid, to file a statement in defence or demur or in due time, the suppliant may apply to the Court for an order that the petition may be taken as confessed; and the Court may, on being satisfied that there has been such failure, order that the petition be taken as confessed as against Her Majesty, or such other person, and thereupon the suppliant may have judgment, but such judgment may afterwards be set aside by the Court, in its discretion, upon such terms as to the Court seems fit. R.S., c. 158, s. 9.

10. The judgment on every petition of right shall be that the suppliant is not entitled to any portion, or that he is entitled to the whole or to some specified portion of the relief sought by his petition, or to such other relief, and upon such terms and conditions, if any, as are just. R.S., c. 158, s. 10.

11. In all cases in which the judgment commonly called a judgment of amoveas manus, was formerly given in England upon a petition of right, a judgment that the suppliant is entitled to relief, as herein provided, is of the same effect as such judgment of amoveas manus. R.S., c. 158, s. 11.

12. (1) Upon any such petition of right, the suppliant is entitled to costs against Her Majesty, and also against any other person appearing or pleading, or answering to any such petition of right, in like manner and subject to the same rules, regulations and provisions, restrictions and discretion, so far as they are applicable, as are or may be usually adopted or in force in respect to the right to recover costs in proceedings between subject and subject.

(2) For the recovery of any such costs from any such person other than Her Majesty, appearing or pleading, or answering, in pursuance hereof, to any such petition of right, such and the same remedies and writs of execution as are authorized for enforcing payment of costs upon rules, orders, decrees or judgments, in personal actions between subject and subject, shall and may be prosecuted, sued out and executed on behalf of such suppliant. R.S., c. 158, s. 12.

SCHEDULE.

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FORM A.

PETITION OF RIGHT.

In the Exchequer Court of Canada.
To the Queen's Most Excellent Majesty:
County (or district) of (place proposed for trial) to wit:

The humble petition of A. B. of , showeth that (state with convenient certainty the facts on which petitioner relies as entitling him to relief).

Conclusion.

Your suppliant therefore humbly prays that (state the relief claimed).

Dated the day of , A.D. 19 .
(Signed) A.B.
or C. D., Counsel for A.B.

FORM B.

The suppliant prays for a statement in defence on behalf of Her Majesty, within four weeks after the date of service hereof, or otherwise that the petition may be taken as confessed.

FORM C.

To A.B.:

You are hereby required to file a statement in defence to the within petition in Her Majesty's Exchequer Court of Canada, within four weeks after the date of service hereof.

Take notice, that if you fail to file a statement in defence or demurrer in due time, the said petition may, as against you, be ordered to be taken as confessed.

Dated the day of A.D. 19 .

R.S., c. 158, Sch.
CHAPTER 211.

An Act respecting Oil or Gas Pipe Lines.

SHORT TITLE.

1. This Act may be cited as the Pipe Lines Act. 1949, Short title. c. 20, s. 1.

INTERPRETATION.

2. (1) In this Act and in any Special Act, Definitions. (a) “Board” means the Board of Transport Commissioners for Canada;
(b) “company” means a person having authority under a Special Act to construct or operate pipe lines for the transportation of oil or gas;
(c) “company pipe line” or “line” means a pipe line for the transportation of oil or gas that a company is authorized to construct or operate or is owned by or leased to a company and that is subject to the legislative authority of the Parliament of Canada, and includes all branches, extensions, tanks, reservoirs, pumps, racks, loading facilities, inter-station systems of communication by telephone, telegraph or radio, and property real and personal and works connected therewith;
(d) “gas” means any gaseous hydrocarbon;
(e) “lands” means the lands, the acquiring, taking or using of which is authorized by this or the Special Act, and includes real property, messuages, lands, tenements and hereditaments of any tenure, and any easement, servitude, right, privilege or interest in, to, upon, under, over or in respect of the same;
(f) “oil” means any liquid hydrocarbon;
(g) “pipe line” means every kind of pipe line and includes a company pipe line;
(h) “Special Act” means an Act of the Parliament of Canada that authorizes a person named in the Act to

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to construct or operate pipe lines for the transportation of gas or oil or that is enacted with special reference to such pipe lines; and

(i) "toll" or "rate" includes any toll, rate, charge or allowance charged or made for the shipment, transportation, care, handling or delivery of oil or gas, or for storage or demurrage or the like.

(2) Unless it is otherwise provided, words and phrases in this Act or in a Special Act have the same meaning as in the Railway Act. 1949, c. 20, s. 2.

CONSTRUING WITH SPECIAL ACTS.

3. Except as in this Act otherwise provided,

(a) this Act shall be construed as incorporate with a Special Act, and

(b) where the provisions of this Act and a Special Act relate to the same subject-matter, the provisions of the Special Act shall, in so far as is necessary to give effect to the Special Act, be taken to override the provisions of this Act. 1949, c. 20, s. 3.

BOARD.

4. The provisions of the Railway Act relating to sittings of the Board and the disposal of business, witnesses and evidence, practice and procedure, orders and decisions of the Board and appeal therefrom to the Supreme Court of Canada are applicable with respect to every inquiry, complaint, application or other proceeding under this Act, and the Board shall exercise and enjoy the same jurisdiction, powers and authority in matters under this Act as are vested in the Board by the Railway Act. 1949, c. 20, s. 4.

5. (1) The Board may appoint and direct any person to inspect a company pipe line or part thereof, whether constructed or in the course of construction, or to make an inquiry or report upon any application pending before the Board or upon any matter or thing over which the Board has jurisdiction under this or a Special Act.

(a) enter upon and inspect any building, works or property of a company;

(b) require the production of all books, records, vouchers, accounts, plans, specifications, drawings and papers of a company and inspect and examine them;
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(c) require the attendance of all such persons as it or he thinks fit to summon and examine, and require answers or returns to such inquiries as it or he thinks fit to make; and

(d) administer oaths, affirmations or declarations.

(3) The Board, or a person appointed under this Act to inspect or to make an inquiry or report has the like power in summoning witnesses and enforcing their attendance, and compelling them to give evidence and produce books, papers or things that they are required to produce, as is vested in any court in civil cases. 1949, c. 20, s. 5.

6. The Board may review, rescind, change, alter or vary any order or decision made by it, or may rehear any application before deciding it. 1949, c. 20, s. 6.

POWERS OF A COMPANY.

7. A company may, for the purposes of its undertaking, subject to the provisions of this Act and the Special Act,

(a) enter into and upon any Crown land without previous licence therefor, or into or upon the land of any person, lying in the intended route of its line, and make surveys, examinations or other necessary arrangements on such land for fixing the site of the line, and set out and ascertain such parts of the land as are necessary and proper for the line;

(b) purchase, take and hold of and from any person any land or other property necessary for the construction, maintenance and operation of its line and alienate, sell or dispose of any of its land or property that for any reason has become unnecessary for the purpose of the line;

(c) construct, lay, carry or place its line across, upon or under the land of any person on the located line of the company pipe line;

(d) join its line with the pipe line of any other person at any point on its route;

(e) construct, erect and maintain all necessary and convenient roads, buildings, stations, depots, wharves, docks and other structures, and construct, purchase and acquire machinery and other apparatus necessary for the construction, maintenance and operation of its line;

(f) 

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Branch lines.

(f) construct, maintain and operate branch lines, and for that purpose exercise all the powers, privileges and authority necessary therefor, in as full and ample a manner as for a company pipe line;

(g) from time to time alter, repair or discontinue the works or any of them, mentioned in this section, and substitute others in their stead;

(h) transport oil or gas by company pipe line and regulate the time and manner in which oil or gas shall be transported, and the tolls to be charged therefor; and

(i) do all other acts necessary for the construction, maintenance and operation of its line. 1949, c. 20, s. 7.

8. A company shall, in the exercise of the powers granted by this Act or a Special Act, do as little damage as possible, and shall make full compensation in the manner provided in this Act and in a Special Act, to all persons interested, for all damage sustained by them by reason of the exercise of such powers. 1949, c. 20, s. 8.

9. A company operating a company pipe line from a place in Canada to a place on the international boundary line may exercise, beyond such boundary, in so far as permitted by the laws there in force, the powers that it may exercise in Canada. 1949, c. 20, s. 9.

10. A company shall not, without the leave of the Board,

(a) sell, convey or lease to any person its company pipe line, in whole or in part;

(b) purchase or lease from any person any pipe line for the transportation of oil or gas;

(c) enter into an agreement for amalgamation with any other company; or

(d) abandon the operation of a company pipe line. 1949, c. 20, s. 10.

PART I.

OIL OR GAS LINES.

Location of Line.

11. A company shall not, except as in this Act otherwise provided, begin the construction of a section or part of a company pipe line, until

(a) the Board has by order granted the company leave to construct the line;

(b)
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(b) the plan, profile and book of reference of the section or part of the proposed line have been approved by the Board; and
(c) copies of the plan, profile and book of reference so approved, duly certified as such by the Secretary of the Board, have been deposited in the offices of the registrars of deeds for the districts or counties through which such section or part of the company pipe line is to pass. 1949, c. 20, s. 11.

12. (1) Upon an application for an order granting leave to construct a line, the company shall file with the Board a map showing the general location of the proposed line, the termini, and all cities, towns, villages, railways and navigable waters through, under or across which the line is to pass.

(2) The company shall file a copy of the application and of the map with the Attorney-General of each province to which the application relates in whole or in part, and the Board shall require notice of the application to be given by publication in newspapers or otherwise.

(3) Upon the application, the Board shall have regard to all considerations that appear to it to be relevant and in particular to the objection of any party interested, to a public interest that in the Board's opinion may be affected by the granting or the refusing of the application, and to the financial responsibility of the applicant.

(4) The decision of the Board as to whether a person is or is not a party interested within the meaning of this section is binding and conclusive.

(5) Where the Board grants leave to construct a line, it may impose such terms and conditions as it considers proper and may limit the time within which the company shall construct and complete the line. 1949, c. 20, s. 12.

13. (1) When the Board has made an order granting a company leave to construct a pipe line, the company shall prepare and submit to the Board a plan, profile and book of reference.

(2) The plan and profile shall be drawn with such detail as the Board may require.

(3) The book of reference shall describe the portion of land proposed to be taken in each parcel of land to be traversed, giving the numbers of the parcels, and the area, length and width of the portion of each parcel to be taken, and the names of the owners and occupiers so far as they can be ascertained.
(4) The plan, profile and book of reference shall be prepared to the satisfaction of the Board, and the Board may require the company to furnish any further or other information that the Board considers necessary. 1949, c. 20, s. 13.

14. The Board shall not, by making an order granting a company leave to construct a line or by approving a plan, profile and book of reference, be deemed to have relieved the company from otherwise complying with this Act. 1949, c. 20, s. 14.

15. At the time the Board approves a plan, profile and book of reference, or gives leave under this Act to take lands without the consent of the owner, or at any time thereafter, the Board may fix a period within which a company shall acquire the lands or take the necessary steps for such purpose. 1949, c. 20, s. 15.

16. A company pipe line may be made, carried or placed across, upon or under the lands of a person on the located line, although, through error or any other cause, the name of that person has not been entered in the book of reference, or although some other person is erroneously mentioned as the owner of or entitled to convey or as interested in the lands. 1949, c. 20, s. 16.

17. (1) Where any omission, mis-statement or error is made in a plan, profile or book of reference so registered, a company may apply to the Board for a certificate to correct the omission, mis-statement or error.

(2) The Board may in its discretion grant a certificate setting forth the nature of the omission, mis-statement or error and the correction allowed.

(3) Upon the deposit of copies of the certificate, certified as such by the Secretary of the Board, with the registrars of deeds of the districts or counties, respectively, in which such lands are situate, the plan, profile or book of reference shall be taken to be corrected in accordance therewith, and the company may, thereupon, subject to this Act, construct its line in accordance with the correction. 1949, c. 20, s. 17.

Duties of Registrars of Deeds.

18. (1) Every registrar of deeds shall receive and preserve in his office all plans, profiles, books of reference, certified copies thereof and other documents, required by this R.S., 1952.
this Act to be deposited with him, and shall endorse thereon the day, hour and minute when they were so deposited.

(2) All persons may resort to such plans, profiles, books of reference, copies and documents so deposited, and may make extracts therefrom and copies thereof, as occasion requires.

(3) A registrar of deeds shall, at the request of any person, certify copies of any plan, profile, book of reference, certified copy thereof or other document, deposited in his office under the provisions of this Act, or of such portions thereof as may be required, on being paid therefor at the rate of twenty cents for each hundred words copied, and such additional sum for any copy of plan or profile furnished by him as is reasonable and customary in like cases, together with one dollar for each certificate given by him.

(4) The certificate of the registrar of deeds shall set forth that the plan, profile or document, a copy of which, or of any portion of which, is certified by him, is deposited in his office, and shall state the time when it was so deposited, and that he has carefully compared the copy certified with the document on file, and that it is a true copy of the original.

(5) The certified copy is prima facie evidence of the original so deposited and is prima facie evidence that the original was so deposited at the time stated and certified, and that it was signed, certified, attested or otherwise executed by the persons by whom and in the manner in which the original purports to be signed, certified, attested or executed, as shown or appearing by the certified copy; and in the case of a plan, that the plan is prepared according to a scale and in a manner and form sanctioned by the Board. 1949, c. 20, s. 18.

Further Plans.

19. In addition to the plans, profiles and books of reference elsewhere provided for in this Act, a company shall, with all reasonable expedition, prepare and deposit with the Board any other or further plans, profiles or books of reference with respect to any portion of its company pipe line or works, that the Board may, from time to time, order or require. 1949, c. 20, s. 19.

Deviations.

20. (1) When a deviation, change or alteration is required by a company to be made in its line, or any portion thereof, as already constructed, or as merely located and approved, as Board requires.

1949, c. 20, s. 18.
approved, a plan, profile and book of reference of the portion of such line proposed to be changed, showing the deviation, change or alteration proposed to be made, shall be submitted for the approval of the Board.

(2) When the plan, profile and book of reference of the portion of the line so proposed to be changed have been approved by the Board, and copies thereof have been deposited as provided in this Act with respect to the original plan, profile and book of reference, the company may make such deviation, change or alteration, and all the provisions of this Act are applicable to the portion of the line, at any time so changed or proposed to be changed, in the same manner as they are applicable to the original line.

(3) The Board may, either by general regulation or in a particular case, exempt a company from submitting the plan, profile and book of reference, as in this section provided, where the deviation, change or alteration is made or to be made for the purpose of lessening a curve, reducing a gradient, or otherwise benefiting a company pipe line, or for any other purpose of public advantage, as may seem to the Board expedient, if such deviation, change or alteration does not exceed three hundred yards from the centre line of the company pipe line, located or constructed in accordance with the plans, profiles and books of reference approved by the Board under this Act. 1949, c. 20, s. 20.

Taking and Using of Lands.

Crown lands. 21. (1) No company shall take possession of, use or occupy lands vested in the Crown, without the consent of the Governor in Council.

(2) A company may, with the consent of the Governor in Council and upon such terms as the Governor in Council may prescribe, take and appropriate, for the use of its company pipe line and works, so much of the lands of the Crown lying on the route of the line that have not been granted or sold, as is necessary for the line, and also so much of the public beach, or bed of a lake, river or stream, or of the land so vested covered with the waters of such lake, river or stream as is necessary for making, completing and using its line and works.

(3) Where lands are vested in the Crown for a special purpose, or subject to a trust, the compensation money that a company pays therefor shall be held and applied by the Governor in Council for the like purpose or trust. 1949, c. 20, s. 21.
22. (1) No company shall take possession of or occupy a portion of an Indian reserve or lands, without the consent of the Governor in Council.

(2) Where, with the consent of the Governor in Council, a portion of an Indian reserve or lands is taken possession of, used or occupied by a company, or where the same is injuriously affected by the construction of a company pipe line, compensation shall be made therefor as in the case of lands taken without the consent of the owner. 1949, c. 20, s. 22.

Mines and Minerals.

23. No company shall, without the authority of the Board, locate the line of its proposed company pipe line, or construct the company pipe line or portion thereof, so as to obstruct or interfere with or injuriously affect the working of or the access or adit to a mine then open, or for the opening of which preparations are, at the time of such location, being lawfully and openly made. 1949, c. 20, s. 23.

24. A company is not entitled to mines, ores, metals, coal, slate, oil, gas or other minerals in or under lands purchased by it, or taken by it under compulsory powers given to it by this Act, except only the parts thereof that are necessary to be dug, carried away or used in the construction of the works, and except as provided in this section, all such mines and minerals shall be deemed to be excepted from the conveyance of such lands. 1949, c. 20, s. 24.

25. (1) No owner, lessee or occupier of mines or minerals lying under a company pipe line or any of the works connected therewith, or within forty yards therefrom, shall work the mines or minerals until leave therefor has been obtained from the Board.

(2) Notwithstanding the provisions of subsection (1) leave from the Board is not required in the case of a well taking oil or gas from lands lying under a company pipe line or any of the works connected therewith if the well is not drilled within forty yards of the line.

(3) Upon an application to the Board for leave to work mines or minerals, the applicant shall submit a plan and profile of the portion of the company pipe line to be affected thereby, and of the mining works or plant affecting the line, proposed to be constructed or operated, giving all reasonable and necessary information and details as to the extent and character of the same.

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(4) The Board may grant the application upon such terms and conditions for the protection and safety of the public as to the Board seems expedient, and may order that such other works be executed, or measures taken, as under the circumstances appear to the Board best adapted to remove or diminish the danger arising or likely to arise from mining operations. 1949, c. 20, s. 25.

26. A company shall, from time to time, pay to the owner, lessee or occupier of any mines such compensation as the Board shall fix and order to be paid for or by reason of any severance by a company pipe line of the land lying over such mines, or because of the working of the mines being prevented, stopped or interrupted, or because of the mines having to be worked in such manner and under such restrictions as not to injure or be detrimental to the line, and also for any minerals not purchased by the company that cannot be obtained by reason of the construction and operation of its line. 1949, c. 20, s. 26.

27. If necessary in order to ascertain whether mines are being worked, or have been worked, so as to injure or be detrimental to a company pipe line or its safety or the safety of the public, a company may, with the written permission of the Board and after giving twenty-four hours' notice in writing, enter upon any lands through or near which its line passes wherein any mines are being worked, and enter into and return from the mines or works connected therewith; and for such purposes the company may make use of any apparatus of the mines and use all necessary means for discovering the distance from its line to the parts of the mines that are being worked. 1949, c. 20, s. 27.

Extent of Lands That May be Taken.

28. Subject to section 29, the lands that may, without the consent of the owner, be taken for the right of way of a company pipe line shall not exceed sixty feet in breadth. 1949, c. 20, s. 28.

Leave to Take Additional Lands.

29. (1) Where a company at any time requires more ample space than it possesses or may take under section 28, for the efficient construction, maintenance or operation of a company pipe line or for constructing or taking any works or measures ordered by the Board, it may apply to the Board for authority to take, without the consent of the owner, the additional lands required for such purposes.

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Pipe Lines.  

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(2) The company shall give to the owner or possessor of the additional lands required, ten days' notice of its application to the Board, and shall, upon such application, furnish to the Board copies of such notices, with affidavits of the service thereof.

(3) The company, upon the application, shall also furnish to the Board such plans, profiles and books of reference and additional information as the Board may require.

(4) After the time stated in such notices, and the hearing of such parties interested as may appear, the Board may, in its discretion and upon such terms and conditions as it deems expedient, authorize in writing the taking for the said purposes of the whole or any portion of the lands applied for.

(5) Copies of the authorization of the Board and of the plans, profile and book of reference, certified as such by the Secretary of the Board, shall be deposited with the registrars of deeds of the districts or counties in which the lands are situate. 1949, c. 20, s. 29.

Certain Sections of the Railway Act to Apply.

30. Sections 207 to 246, 248 and 251 of the Railway Act, in so far as they are reasonably applicable and not inconsistent with this Act, apply mutatis mutandis to companies and their works and undertaking. 1949, c. 20, s. 30.

Crossings.

31. (1) The company pipeline of a company may, if leave therefor is first obtained from the Board, be carried across any highway, railway, irrigation ditch, underground telegraph, telephone or electric power line or pipe line and for such purpose may be constructed upon, along or under any such highway, railway, irrigation ditch, underground telegraph, telephone or electric power line or pipe line.

(2) Upon any application for such leave, a company shall submit to the Board such plans and profiles and other information as the Board may require.

(3) The Board may, by order, grant the application in whole or in part and upon such terms and conditions as the Board considers proper.

(4) The Board may, with reference to any mode of construction mentioned in subsection (1), provide by order that leave of the Board is not necessary, if the company pipe line is constructed in accordance with the orders, regulations, plans and specifications made, adopted or approved by the Board for such purposes.

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(5) Except as provided in subsection (4), a company pipe line shall not be constructed in any of the modes mentioned in subsection (1) without leave of the Board under this section. 1949, c. 20, s. 31.

**32.** (1) A highway, private road, railway, irrigation ditch, drain, telegraph, telephone or electric power line, or any pipe line may, by leave of the Board, be carried across any company pipe line and for such purposes may be constructed upon, along, under or across such company pipe line.

(2) Upon application for leave, the Board may grant the application in whole or in part and upon such terms and conditions as the Board considers proper. 1949, c. 20, s. 32.

**Diversion of Line.**

**33.** The Board may, upon such terms and conditions as it considers proper, direct a company to divert or relocate its company pipe line if the Board is of the opinion that the diversion or relocation is necessary to facilitate the construction, reconstruction or relocation of a highway or a railway or any other work affecting a public interest. 1949, c. 20, s. 33.

**Operation of Line.**

**34.** No company pipe line and no section thereof shall be opened for the transportation of oil or gas until leave therefor has been obtained from the Board. 1949, c. 20, s. 34.

**35.** (1) To promote safety of operation of a company pipe line, the Board may order the company to repair, reconstruct or alter part of the line and may direct that, until the work has been done, such part of the line shall not be used.

(2) The Board may make orders and regulations providing for the protection of property and the safety of the public and of the company's employees in the operation of a company pipe line. 1949, c. 20, s. 35.

**Weeds.**

**36.** A company shall cut thistles and all noxious weeds growing on the right of way, and upon the land of the company adjoining its company pipe line, and shall cut down or root out and destroy such thistles and weeds each year before they have sufficiently matured to seed. 1949, c. 20, s. 36.

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37. (1) The Board may make orders or regulations exempting lines or parts of lines, not exceeding in any one case twenty-five miles in length, from any or all of the provisions of this Part relating to location, construction, or operation of lines.

(2) In any order or regulation made under this section the Board may impose such terms and conditions as it considers proper. 1949, c. 20, s. 37.

PART II.

OIL LINES.

Common Carriers.

38. This Part applies in respect of company pipe lines for the transportation of oil and to companies operating such lines. 1949, c. 20, s. 38.

39. The Board may, by order, declare a company to be a common carrier whether the company has or has not acted or held itself out as a common carrier, and the expression "common carrier" in the following sections of this Part means a company that has been declared by the Board to be a common carrier. 1949, c. 20, s. 39.

Traffic, Tolls and Tariffs.

40. The Board may make orders and regulations with respect to all matters relating to traffic, tolls or tariffs. 1949, c. 20, s. 40.

41. (1) Subject to such exceptions, conditions or regulations as the Board may prescribe or approve, a common carrier shall, according to its powers, without delay and with due care and diligence, receive, transport and deliver all oil offered for transportation by means of its company pipe line.

(2) The Board may require a common carrier to provide adequate and suitable facilities for the receiving, transporting and delivering of all oil offered for transportation by means of its company pipe line and adequate and suitable facilities for the storage of oil and the junction of its line with other pipe lines. 1949, c. 20, s. 41.

42. A common carrier shall not charge any tolls except tolls specified in a tariff that has been filed with the Board and is in effect. 1949, c. 20, s. 42.
43. All tolls shall be just and reasonable, and shall always, under substantially similar circumstances and conditions with respect to all traffic of the same description carried over the same route, be charged equally to all persons at the same rate. 1949, c. 20, s. 43.

44. The Board may disallow any tariff or any portion thereof that it considers to be contrary to any of the provisions of this Act or to any order or regulation of the Board, and may require a company, within a prescribed time, to substitute a tariff satisfactory to the Board in lieu thereof, or may prescribe other tolls in lieu of the tolls so disallowed. 1949, c. 20, s. 44.

45. The Board may suspend any tariff or any portion thereof before or after the tariff goes into effect. 1949, c. 20, s. 45.

Unjust Discrimination.

46. A common carrier shall not make any unjust discrimination in rates, service or facilities against any person or locality. 1949, c. 20, s. 46.

47. Where it is shown that a common carrier makes any discrimination in rates, service or facilities against any person or locality, the burden of proving that the discrimination is not unjust lies upon the common carrier. 1949, c. 20, s. 47.

48. (1) A common carrier or shipper or an officer, employee or agent of the common carrier or shipper who

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

(b) knowingly is party or privy to a false billing, false classification, false report or other device,

whereby a person obtains transportation of oil by a common carrier at a less rate than that named in the tariffs then in force, is guilty of an offence and is liable on summary conviction to a fine not exceeding one thousand dollars.

(2) No prosecution shall be had or instituted for an offence under this section without leave of the Board. 1949, c. 20, s. 48.

Contracts Limiting Liability.

49. (1) Except as provided in this section, no contract, condition or notice made or given by a common carrier impairing, restricting or limiting its liability in respect of the transportation of oil shall relieve the common carrier from R.S., 1952.
from its liability, unless such class of contract, condition or notice has been first authorized or approved by order or regulation of the Board.

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

(3) The Board may prescribe the terms and conditions under which oil may be carried by a common carrier. 1949, c. 20, s. 49.

PART III.

GAS LINES.

50. This Part applies in respect of company pipe lines for the transportation of gas and to companies operating such lines. 1949, c. 20, s. 50.

51. Where the Board finds such action necessary or desirable in the public interest, it may direct a company to extend or improve its transportation facilities to provide facilities for the junction of its company pipe line with any pipe line of, and sell gas to, any person or municipality engaged or legally authorized to engage in the local distribution of gas to the public, and for such purposes to construct branch lines to communities immediately adjacent to its company pipe line, if the Board finds that no undue burden will be placed upon the company thereby, but the Board has no power to compel a company to sell gas to additional customers if to do so would impair its ability to render adequate service to its existing customers. 1949, c. 20, s. 51.

PART IV.

ACCOUNTS.

52. The Board may prescribe or make regulations with respect to

(a) the manner in which the accounts of a company shall be kept;

(b) the classes of property for which depreciation charges may properly be included under operating expenses, and the rate or rates of depreciation that shall be charged with respect to each of such classes of property; and

(c) a uniform system of accounts applicable to any class of company. 1949, c. 20, s. 52.

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STATISTICS.

53. (1) Every person constructing or operating a pipeline for the transportation of oil or gas shall prepare and furnish to the Board returns of its capital, traffic, revenues, expenses and all other information required by the Board.

(2) The returns required by subsection (1) shall be signed and attested by such person or persons and shall be made for such periods as the Board may direct. 1949, c. 20, s. 53.

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

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CHAPTER 212.

An Act respecting the Canada Post Office.

SHORT TITLE.

1. This Act may be cited at the Post Office Act. 1951, Short title. c. 57, s. 1.

INTERPRETATION.

2. (1) In this Act, Definitions. (a) "Canada Post Office" means the activities conducted under the direction and control of the Postmaster General;
(b) "delivery", as applied to mail, means delivery to the addressee thereof, and, for the purposes of this Act, (i) leaving mail at the residence or place of business of the addressee,
(ii) depositing mail in a post office lock box or rural mail box or any other receptacle provided for the receipt of mail, or
(iii) leaving mail with the addressee or his servant or agent or with any other person considered to be authorized to receive mail, according to the usual manner of delivering that addressee's mail, is deemed to be delivery to the addressee;
(c) "deposit at a post office" means to leave in a post office or with a person authorized by the Postmaster General to receive mailable matter;
(d) "mail" means mailable matter from the time of its deposit at a post office to the time of its delivery;
(e) "mailable matter" includes anything that by this Act or any regulation may be sent by post;
(f) "mail bag" includes any bag, sack, or other container or covering in which mail is conveyed, whether it does or does not actually contain mail;
(g) "mail conveyance" includes any vehicle, vessel, aircraft, animal or other means used for conveying mail; (h) R.S., 1952.
(h) "post letter" means any letter deposited at a post office, whether such letter is addressed to a real or fictitious person, is unaddressed, and whether intended for transmission by post or not, from the time of deposit at a post office to the time of delivery and includes any packet prepaid or payable at letter rate of postage;

(i) "post office" includes any building, room, vehicle, letter box or other receptacle or place authorized by the Postmaster General for the deposit, receipt, sortation, handling or despatch of mail;

(j) "postage" means the charge payable for the handling and conveyance of mail and any charge payable for any service rendered by the Canada Post Office;

(k) "postage stamp" means any stamp or impression authorized by the Postmaster General for the purpose of paying postage;

(l) "postal employee" means a person employed in any business of the Canada Post Office, but does not include a mail contractor or an employee of a mail contractor;

(m) "postal remittance" means any instrument authorized or approved by the Postmaster General for remitting money;

(n) "postmaster" means a postal employee in charge of a postal area or postal agency, whether in a temporary or permanent capacity;

(o) "send by post" or "transmit by post" means to send by, through or by means of the Canada Post Office;

(p) "to post" means to deposit mailable matter at a post office for transmission by post;

(q) "undeliverable mail" means mail that for any cause cannot be delivered to the addressee and includes any mail the delivery of which is prohibited by law or is refused by the addressee or on which postage due is not paid by the sender on demand.

(2) An article shall be deemed to be in the course of post from the time it is deposited at a post office until it is delivered. 1951, c. 57, s. 2.

ORGANIZATION OF DEPARTMENT.

3. There shall be a department of the Government of Canada called the Post Office Department, with headquarters at Ottawa, over which the Postmaster General appointed by commission under the Great Seal of Canada shall preside. 1951, c. 57, s. 3.

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4. (1) The Governor in Council may appoint an officer called the Deputy Postmaster General, who is the deputy head of the Department and holds office during pleasure.

(2) Such other officers, clerks and employees as are necessary for the proper conduct of the business of the Department shall be appointed or employed in the manner authorized by law. 1951, c. 57, s. 4.

POWERS, DUTIES AND FUNCTIONS OF POSTMASTER GENERAL.

5. (1) Subject to this Act, the Postmaster General shall administer, superintend and manage the Canada Post Office, and, without restricting the generality of the foregoing, may

(a) establish, manage, operate, maintain and close post offices, postal stations, postal agencies, sub-post offices and postal routes;

(b) appoint postmasters and assistants when such appointments are not otherwise provided for by law;

(c) establish and operate a system
   (i) for the registration of mail, and may fix fees therefor and out of postal revenue pay indemnity;
   (ii) of special delivery of mail, and may fix fees therefor and out of postal revenue pay messengers notwithstanding the Civil Service Act;
   (iii) of parcel post, and may fix postage rates therefor and determine the method of prepayment thereof;
   (iv) of insurance of mail, and may out of postal revenue pay indemnity in case of loss or damage, fix fees therefor and determine the amount of indemnity payable;
   (v) of cash on delivery of mail, and may fix fees therefor and determine the method of payment thereof, collect charges due and out of postal revenue pay indemnity in case of loss or damage;
   (vi) of transmitting money by postal remittances, and may fix the fees therefor, provide for the manufacture or printing of any instrument or document required for the system, and arrange for the exchange of postal remittances with any country or independent postal administration; and
   (vii) of a post office savings bank;

(d) with the consent of the Governor in Council provide for the door-to-door delivery of mail;

(e) with the consent of the Governor in Council provide for the door-to-door delivery of mail;

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(e) remove or suspend or impose lesser penalties on any postal employee for misconduct in office;

(f) provide and arrange for the erection of letter boxes or other receptacles at such locations as he deems appropriate, in which mail or mailable matter may be deposited or stored;

(g) cause to be manufactured and distributed for sale postage stamps, post cards, envelopes, letter forms, post bands, wrappers and any other forms with postage printed thereon;

(h) authorize agents to sell to the public postage stamps and stamped forms and envelopes and allow to such agents a commission not exceeding two per cent of the amount of their sales;

(i) install or permit to be installed or erected stamp vending machines and machines for the making or printing of postage impressions;

(j) make and give effect to any postal agreement or arrangement with the government or postal authorities of any country or independent postal administration and pay out of postal revenue any remuneration or indemnity thereby provided;

(k) require any person to give security to Her Majesty for the due performance of duties in any matter relative to the Canada Post Office by any postal employee or by any one performing any business of the Canada Post Office;

(l) establish and maintain a fund derived from moneys received from postal employees and pay out of the fund losses sustained by reason of the default or neglect of any postal employee or mail contractor in carrying out his duties in any matter relating to the Canada Post Office;

(m) establish a section of the Department for the receipt and disposition, in accordance with this Act and the regulations, of non-mailable matter and undeliverable mail;

(n) establish and alter the limits of postal areas;

(o) enter into and enforce contracts relating to the conveyance of mail or to any other business of the Canada Post Office;

(p) decide in any particular case what is a letter, mailable matter or non-mailable matter;

(q) determine the classification of any piece of mail or mailable matter and the rate of postage applicable thereto:

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(r) determine in any particular case whether the conditions under which mailable matter may be sent by post have been complied with, and for such purpose may open any mail other than post letters; and

(s) pay out of postal revenue losses resulting from fire, theft or forgery.

(2) Nothing in paragraphs (l) and (s) of subsection (1) creates any liability on the part of Her Majesty to indemnify any person for any losses or to pay any damages in respect thereof. 1951, c. 57, s. 5.

REGULATIONS.

6. The Postmaster General may make regulations for the efficient operation of the Canada Post Office and for carrying the purposes and provisions of this Act into effect, and, without restricting the generality of the foregoing, may make regulations

(a) prescribing, for the purposes of this Act, what is a Letter, etc. letter and what is mailable matter and non-mailable matter;

(b) for the classification of mailable matter;

(c) fixing the rate of postage on mailable matter posted in Canada for delivery outside Canada;

(d) establishing rates of postage on any class of mailable matter for which a rate is not established by this Act;

(e) establishing a surcharge on any mailable matter for special services;

(f) prescribing the conditions under which mailable matter may be sent by post;

(g) for excluding non-mailable matter from the mails and providing for the return to the sender or other disposition of non-mailable matter;

(h) for the operation of post offices, postal agencies and post routes;

(i) for the payment and collection of deficient postage on mail and providing for the return to the sender of any mail on which deficient postage is not paid;

(j) for the operation of any system established pursuant to section 5;

(k) for the administration of the fund referred to in paragraph (l) of subsection (1) of section 5;

(l) providing for the transmission by post, free of postage, of books for the use of the blind;

(m) prescribing the conditions and circumstances under which letters, accounts, papers and supplies relating solely to the business of the Canada Post Office and addressed to or sent by a postal employee may be sent free of postage;

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Oaths.

(n) requiring postal employees to take the oath of allegiance, an oath of secrecy and an oath of office, and requiring mail contractors and their employees to take an oath of office;

Examinations.

(o) providing for the taking of examinations by postal employees and for the reduction of the salary or rank of any employee who is inefficient or whose services or conduct is unsatisfactory;

Postage due.

(p) fixing the amount payable in respect of mail, other than post letters, on which postage has not been prepaid or sufficiently prepaid;

Undeliverable mail.

(q) providing for the return to the sender of undeliverable mail and the disposition of any such mail where the sender cannot be found;

International mail.

(r) for carrying out any postal agreement or arrangement referred to in paragraph (j) of subsection (1) of section 5; and

Exemptions from exclusive privilege.

(s) exempting from his exclusive privilege under section 8 letters carried by any of the naval, army or air forces of any country other than Canada that with the consent of the Government of Canada are lawfully present in Canada. 1951, c. 57, s. 6.

USE OF MAILS FOR UNLAWFUL PURPOSES.

7. (1) Whenever the Postmaster General believes on reasonable grounds that any person

(a) is, by means of the mails,

(i) committing or attempting to commit an offence, or

(ii) aiding, counselling or procuring any person to commit an offence, or

(b) with intent to commit an offence, is using the mails for the purpose of accomplishing his object,

the Postmaster General may make an interim order (in this section called an "interim prohibitory order") prohibiting the delivery of all mail directed to that person (in this section called the "person affected") or deposited by that person in a post office.

Prohibitory order.

(2) Within five days after the making of an interim prohibitory order the Postmaster General shall send to the person affected a registered letter at his last known address informing him of the order and the reasons therefor and notifying him that he may within ten days of the date the registered letter was sent, or such longer period as the Postmaster General may specify in the letter, request that the order be inquired into, and upon receipt within the said ten
ten days or longer period of a written request by the person affected that the order be inquired into, the Postmaster General shall refer the matter, together with the material and evidence considered by him in making the order, to a Board of Review consisting of three persons nominated by the Postmaster General one of whom shall be a member of the legal profession.

(3) The Board of Review shall inquire into the facts and circumstances surrounding the interim prohibitory order and shall give the person affected a reasonable opportunity of appearing before the Board of Review, making representation to the Board and presenting evidence.

(4) The Board of Review has all the powers of a commissioner under Part I of the Inquiries Act, and, in addition to the material and evidence referred to the Board by the Postmaster General, may consider such further evidence, oral or written, as it deems advisable.

(5) Any mail detained by the Postmaster General pursuant to subsection (8) may be delivered to the Board of Review, and, with the consent of the person affected, may be opened and examined by the Board.

(6) The Board of Review shall, after considering the matter referred to it, submit a report with its recommendation to the Postmaster General, together with all evidence and other material that was before the Board, and upon receipt of the report of the Board, the Postmaster General shall reconsider the interim prohibitory order and he may revoke it or declare it to be a final prohibitory order, as he sees fit.

(7) The Postmaster General may revoke an interim or final prohibitory order when he is satisfied that the person affected will not use the mails for any of the purposes described in subsection (1), and the Postmaster General may require an undertaking to that effect from the person affected before revoking the order.

(8) Upon the making of an interim or final prohibitory order and until it is revoked by the Postmaster General,

(a) no postal employee shall without the permission of the Postmaster General

(i) deliver any mail directed to the person affected, or

(ii) accept any mailable matter offered by the person affected for transmission by post,

(b) the Postmaster General may detain or return to the sender any mail directed to the person affected and anything deposited at a post office by the person affected, and
8 (c) the Postmaster General may declare any mail detained pursuant to paragraph (b) to be undeliverable mail, and any mail so declared to be undeliverable mail shall be dealt with under the regulations relating thereto.

(9) Where no request that an interim prohibitory order be inquired into is received by the Postmaster General within the period mentioned in subsection (2), the order shall, at the expiration of the said period, be deemed to be a final prohibitory order. 1951, c. 57, s. 7.

EXCLUSIVE PRIVILEGE OF THE POSTMASTER GENERAL.

8. (1) Except as provided in subsection (2), the Postmaster General has the sole and exclusive privilege of collecting, conveying and delivering letters within Canada.

(2) The exclusive privilege referred to in subsection (1) does not apply to

(a) letters carried by a friend on his way, journey or travel, if such letters are delivered by such friend to the addressee;

(b) letters concerning the private affairs of the sender or addressee when sent casually by a messenger;

(c) commissions, affidavits, writs, processes or proceedings issued by a court of justice;

(d) letters lawfully brought into Canada and immediately posted at the nearest post office;

(e) letters of merchants, owners of vessels of merchandise, or owners of the cargo or loading therein, when carried by such vessel or by any person employed by such owners and delivered to the respective addressees, without pay, reward, advantage or profit for so doing; or

(f) letters concerning goods or merchandise to be delivered with the goods to which such letters relate, carried by common known carriers without reward, profit or advantage for receiving or delivering them.

(3) Nothing in subsection (2) authorizes any person to collect or receive any letters for the purpose of sending, conveying, or delivering them as described in that subsection. 1951, c. 57, s. 8.

9. Nothing in this Act shall be construed as requiring any person to send any parcel, newspaper, pamphlet, or other printed matter by post. 1951, c. 57, s. 9.

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RATES OF POSTAGE.

Letters.

10. The rates of postage on letters posted in Canada for delivery in Canada are:

(a) on each letter for delivery within the postal area in which it is posted, three cents for the first ounce or fraction of an ounce, and one cent for each additional ounce or fraction of an ounce, and

(b) on each letter posted within one postal area for delivery in another postal area and on each letter posted or delivered on a rural mail route, four cents for the first ounce or fraction of an ounce, and two cents for each additional ounce or fraction of an ounce.

1951, c. 57, s. 10.

Newspapers and Periodicals.

11. (1) A newspaper or periodical that

(a) is printed and published in Canada;

(b) is known and recognized as a newspaper or periodical and consists wholly or in great part of political or other news or of articles relative thereto or to other current topics;

(c) has the full title, place and date of publication and the distinguishing number of the issue prominently printed on every issue and on any paper, print, lithograph or engraving purporting to be a supplement to such newspaper or periodical;

(d) is posted by the publisher within the postal area in which the place of its office of publication is situated; and

(e) is addressed to a bona fide subscriber, or to a known newsdealer in Canada;

may be transmitted by mail at the postage rate specified in this section for such newspaper or periodical.

(2) Subject to subsections (3) and (4) and to section 12, the postage rates for newspapers and periodicals referred to in subsection (1) are

(a) for those published daily

(i) with a circulation of ten thousand or more copies per issue, two and one-half cents for each pound weight or fraction thereof in respect of the portion that is not devoted to advertising and four cents for each pound weight or fraction thereof in respect of the portion consisting of advertising, and

(ii) with a circulation of less than ten thousand copies per issue, two and one-half cents for each pound weight or fraction thereof;

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Semi-weekly. (b) for those published less frequently than daily but more frequently than once a week,
   (i) with a circulation of ten thousand or more copies per issue, three cents for each pound weight or fraction thereof, and
   (ii) with a circulation of less than ten thousand copies per issue, two cents for each pound weight or fraction thereof;
Weekly. (c) for those published once a week
   (i) with a circulation of fifty thousand or more copies per issue, three cents for each pound weight or fraction thereof,
   (ii) with a circulation of less than fifty thousand but of ten thousand or more copies per issue, two and one-half cents for each pound weight or fraction thereof, and
   (iii) with a circulation of less than ten thousand copies per issue, one and one-half cents for each pound weight or fraction thereof,
subject to the exception that two thousand five hundred copies per issue may be transmitted by mail free of postage within a distance of forty miles from its known place of publication in the case of a newspaper or periodical published in a city, town or village with a population of not more than ten thousand persons;
Monthly. (d) for those published less frequently than once a week but not less frequently than once a month,
   (i) with a circulation of ten thousand or more copies per issue, one and three-quarter cents for each pound weight or fraction thereof, and
   (ii) with a circulation of less than ten thousand copies per issue, one and one-half cents for each pound weight or fraction thereof,
subject to the exception that two thousand five hundred copies per issue may be transmitted by mail free of postage within a distance of forty miles from its known place of publication in the case of a newspaper or periodical published in a city, town or village with a population of not more than ten thousand persons;
Quarterly. (e) for those published less frequently than once a month but not less frequently than quarterly, two cents for each pound weight or fraction thereof; and
Other. (f) for any other newspaper or periodical, the rates prescribed by the regulations.

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(3) Subject to subsection (4), any newspaper or periodical referred to in this section, other than one referred to in paragraph (e) or (f) of subsection (2) or the copies per issue of those that may be transmitted free of postage under paragraph (c) or (d) of subsection (2), that is devoted to religion, the sciences or agriculture is subject to postage at the rate of one and one-half cents for each pound weight or fraction thereof.

(4) All copies of newspapers and periodicals referred to in this section, other than those referred to in paragraph (f) of subsection (2), that are addressed for delivery within the postal area of publication where there is letter carrier delivery service, are subject to postage at the rate of one cent for the first two ounces or fraction thereof and one cent for the next two ounces or fraction thereof and one cent for each additional four ounces or fraction thereof to each separate address. 1951, c. 57, s. 11.

12. (1) Specimen copies of newspapers or periodicals referred to in paragraphs (a) to (e) of subsection (2) of section 11, with the exception of those mentioned in subsection (4) of that section, are liable to postage at the rate of four cents for each pound weight or fraction thereof within the limits prescribed by the Postmaster General.

(2) Mixed packages of newspapers or periodicals that are mailed by known newsdealers and consist of either or both newspapers or periodicals referred to in section 11 are subject to postage at the rate of four cents for each pound weight or fraction thereof. 1951, c. 57, s. 12.

DEFICIENT POSTAGE.

13. Any post letter on which postage has been prepaid but is not sufficiently prepaid by the sender shall be forwarded to its destination charged with double the deficient postage. 1951, c. 57, s. 13.

14. Subject to any regulations permitting the payment of postage by the addressee, and the provisions of any agreement or arrangement referred to in paragraph (j) of subsection (1) of section 5, any post letter on which no postage has been paid by the sender shall be deemed to be and shall be dealt with as undeliverable mail. 1951, c. 57, s. 14.

15. The postage due on mail shall be paid by the addressee before the mail is delivered to him, and any refusal to pay the postage due on mail shall be deemed to be a refusal to receive such mail. 1951, c. 57, s. 15.

Postage due payable before delivery.

16. The postage due on undeliverable mail is recoverable from the sender. 1951, c. 57, s. 16.

**FREE MAIL.**

17. (1) Mailable matter addressed to or sent by the Governor General, or sent to or by any department of the Government of Canada at Ottawa, is free of Canada postage under such regulations as are made in that respect by the Governor in Council.

(2) Mail shall be transmitted free of postage when sent to or by

(a) the Speaker or Clerk of the Senate or House of Commons at Ottawa, or

(b) a member of the Senate or House of Commons, at Ottawa, during a session of Parliament or during the ten days immediately preceding or following a session of Parliament.

(3) A member of the Senate or House of Commons may, during a recess of Parliament, send from Ottawa, free of postage, any papers printed by order of either the Senate or the House of Commons. 1951, c. 57, s. 17.

**Exception.**

18. Section 17 applies only to mail addressed to a place in Canada and does not apply to parcel post or mail endorsed for transmission by air or to fees for registration, special delivery, insurance or other special services. 1951, c. 57, s. 18.

19. (1) During a recess of Parliament books belonging to the Library of Parliament may be sent free of Canada postage between a librarian of Parliament at Ottawa and a member of the Senate or House of Commons at any place in Canada.

(2) Material relating solely to the business of the Canada Post Office, when addressed to or sent by postal employees, and books for the use of the blind, may be sent free of postage in accordance with the regulations. 1951, c. 57, s. 19.

**POSTAL EMPLOYEES.**

20. Postal employees whose compensation is not provided for under the *Civil Service Act* or any other law, may be paid out of postal revenue such salaries, commissions and allowances as the Postmaster General may prescribe. 1951, c. 57, s. 20.

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21. No postmaster shall in respect of his office as such be paid or retain or receive any remuneration or emolument in addition to the salary and allowances authorized by law. 1951, c. 57, s. 21.

MAIL CONTRACTS AND CONTRACTORS.

22. Before entering into a contract for conveying mail involving an annual expenditure of more than one thousand dollars, the Postmaster General shall display public notices inviting tenders in the post offices and other public places within the area to be affected by the contract, for a period of at least three weeks. 1951, c. 57, s. 22.

23. (1) When the Postmaster General conceives that the public interest will be promoted by such a course, he may enter into contracts for conveying mail involving an amount of expenditure of one thousand dollars or less, if the amount to be paid for the services to be performed under the contract does not exceed the amount ordinarily paid for services of a like nature under contracts made after inviting tenders.

(2) The Postmaster General may, in lieu of entering a contract under subsection (1), invite tenders for a contract involving an annual expenditure of one thousand dollars or less. 1951, c. 57, s. 23.

24. Where more than one tender has been received, the contract shall be awarded to the lowest tenderer who has offered sufficient security for the faithful performance of the contract, unless the Postmaster General is satisfied that it is not in the public interest to accept the lowest tender, and where the Postmaster General does not accept the lowest tender, he shall report his reasons therefor to the Governor in Council. 1951, c. 57, s. 24.

25. The Postmaster General is not bound to consider the tender of any person who, in the opinion of the Postmaster General,

(a) has wilfully or negligently failed to execute or fulfil a prior contract;

(b) has entered or proposed to enter into any combination to prevent the submission of any tender for a mail contract; or

(c) in order to induce anyone not to tender for a mail contract has made an agreement to do or not to do anything or has given or performed or promised to give or perform anything in respect to such tender or contract. 1951, c. 57, s. 25.

26. Where in the opinion of the Postmaster General the lowest tender received after public advertisement is excessive, he may refuse to accept any tender and may give to each tenderer an opportunity to revise his tender, and if a reasonable offer is received he may enter into the contract with the tenderer who has submitted the lowest reasonable offer, but if no reasonable offer is received the Postmaster General may either again invite tenders pursuant to section 22 or may invite offers from any person in such manner as he deems expedient, and an offer so received shall for the purposes of sections 24, 25 and 30 be deemed to be a tender. 1951, c. 57, s. 26.

27. Subject to the provisions of this Act, the Postmaster General may, when in his opinion the interest of the public service will be promoted thereby, enter into a contract with a postmaster for the conveyance of mail. 1951, c. 57, s. 27.

28. (1) Every tender for the conveyance of mail shall be accompanied by a statement, signed by one or more responsible guarantors, to the effect that he or they undertake that the tenderer will, if his tender is accepted and within such time as is prescribed by the Postmaster General, enter into a contract to perform the service and provide sureties.

(2) Where a tenderer is notified of the acceptance of his tender and he fails to enter into the contract and to provide sureties, the Postmaster General may enter into a contract with some other person for the performance of the service, and the amount by which the tender of such other person exceeds the amount of the original tender may be recovered from the original tenderer and his guarantors as a debt due to the Crown. 1951, c. 57, s. 28.

29. The Postmaster General may, without public advertisement, enter into a contract for conveying mail with any person operating a railway, air, steamboat or bus service, but no such contract involving an annual expenditure of more than five thousand dollars may be entered into without the approval of the Governor in Council. 1951, c. 57, s. 29.

30. The Postmaster General shall keep a record of all tenders received for conveying mail, and the record shall show

(a) the service in respect of which the tender was made;
(b) the date each tender was made and received;

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(c) the names of the tenderers, the conditions governing the tender, the amount tendered and the term in respect of which the tender was made; and

(d) whether the tender was accepted or rejected;

and the Postmaster General shall preserve the original tenders for a period of not less than twelve years. 1951, c. 57, s. 30.

31. No contract shall be entered into for the conveyance of mail for a term of more than four years, but the Postmaster General may renew a contract with the original contractor for a further term or terms not exceeding four years each, if the service has been satisfactorily performed under an expiring contract and the public interest will be served by a renewal thereof. 1951, c. 57, s. 31.

32. The Postmaster General may make temporary arrangements for the conveyance of mail until a regular contract is entered into. 1951, c. 57, s. 32.

33. Where there is a substantial increase or alteration in the service required under a mail contract necessitating additional expenditure by the contractor, the Postmaster General may increase the amount stipulated in the contract, but the increase in payment shall bear a fair relation to the amount payable under the contract. 1951, c. 57, s. 33.

TRANSPORTATION OF MAILS.

34. Every common carrier in Canada, when so required by the Postmaster General, shall carry mail and any duly accredited postal employee, on such terms and conditions and under such regulations as may be prescribed by the Governor in Council. 1951, c. 57, s. 34.

35. No vehicle conveying mail is exempt from tolls or dues on any road, bridge or ferry in Canada, unless the Act or charter authorizing such road, bridge, or ferry provides such exemption. 1951, c. 57, s. 35.

36. Every ferryman shall upon request and without delay convey over his ferry any mail or mail conveyance and any person in charge thereof; the sum to be paid for such ferry service may be fixed by contract, but in no case shall it exceed what is ordinarily charged the public for comparable service. 1951, c. 57, s. 36.

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Mail not to be delayed.

37. No toll-gate keeper or ferryman may detain or delay any mail or mail conveyance for the purpose of demanding toll or ferriage, but the toll or ferriage, if due and not paid, is recoverable in the usual course of law from the person liable. 1951, c. 57, s. 37.

Emergency arrangements.

38. The Postmaster General may in emergencies make whatever arrangements for conveying mail are necessary in the interests of the public service. 1951, c. 57, s. 38.

PROPERTY IN MAILS.

Mail becomes property of addressee.

39. Subject to the provisions of this Act and the regulations respecting undeliverable mail, mailable matter becomes the property of the person to whom it is addressed when it is deposited in a post office. 1951, c. 57, s. 39.

No liability for loss, etc.

40. Neither Her Majesty nor the Postmaster General is liable to any person for any claim arising from the loss, delay or mishandling of anything deposited in a post office, except as provided in this Act or the regulations. 1951, c. 57, s. 40.

Mails not subject to seizure.

41. Notwithstanding anything in any other Act or law, nothing is liable to demand, seizure or detention while in the course of post, except as provided in this Act or the regulations. 1951, c. 57, s. 41.

UNDEEELIVERABLE MAIL.

Undeliverable mail.

42. All undeliverable mail and all non-mailable matter found in the mails shall be sent to the section of the Department established by the Postmaster General for the receipt thereof and shall be dealt with as provided in the regulations. 1951, c. 57, s. 42.

Proceeds of sale.

43. (1) The proceeds received from the sale of any matter pursuant to the regulations shall be accounted for as postal revenue.

Money.

(2) Any money found in undeliverable mail that is disposed of under the regulations otherwise than by return to the sender shall be accounted for as postal revenue, but the Postmaster General shall keep a record thereof and may pay the amount thereof to any person who establishes to the satisfaction of the Postmaster General that he was the sender or addressee thereof. 1951, c. 57, s. 43.

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IMPORTED GOODS.

44. (1) All mail from a country other than Canada containing or suspected to contain anything subject to customs or other import duties or tolls or anything the importation of which is prohibited shall be submitted to a Customs officer for examination.

(2) A Customs officer may open any mail, other than letters, submitted to him under this section, and may cause letters to be opened in his presence by the addressee thereof; and where the addressee of any letter cannot be found or where he refuses to open the letter, the Customs officer shall return the letter to the Canada Post Office and it shall be dealt with as undeliverable mail in accordance with the regulations.

(3) A Customs officer shall, in accordance with the laws relating to customs and the importation of goods, deal with all mail submitted to him under this section, and upon compliance with such laws, may deliver such mail to the addressee, subject to the payment of any postage due thereon, or may return it to the Canada Post Office for transmission through the post in the usual way.

(4) Any non-mailable matter found by a Customs officer in any mail submitted to him under this section shall be transmitted to the Postmaster General to be dealt with in accordance with the regulations. 1951, c. 57, s. 44.

UNITED STATES MAIL PASSING THROUGH CANADA.

45. (1) The Postmaster General may from time to time make any arrangement he deems expedient for allowing United States mail to be transported through any portion of Canada from a place in the United States to any other place in the United States.

(2) Any United States mail transported through Canada shall, while in Canada, be deemed to be Canada mail, and all the provisions of this Act respecting mail apply to such United States mail. 1951, c. 57, s. 45.

INVESTIGATIONS.

46. (1) The Postmaster General may at any time designate an officer employed in the Canada Post Office to investigate and report upon the state and management of the business, or any part of the business, of the Canada Post Office, and the conduct of any postal employee or mail contractor so far as it relates to his official duties.

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Powers.

(2) An officer designated under subsection (1) has all the powers of a commissioner under Part II of the Inquiries Act, and, if so authorized by the Postmaster General, may suspend any postal employee suspected of misconduct in his office. 1951, c. 57, s. 46.

POST OFFICE SAVINGS BANK.

Entry in pass-book.

47. (1) A postmaster, or other postal employee, who receives a deposit in the post office savings bank shall immediately enter the amount thereof in the depositor’s pass-book and shall attest and date stamp the entry.

(2) Each deposit in the post office savings bank shall be reported to the Postmaster General on the day it is received, and the Postmaster General shall transmit to the depositor an acknowledgment of the deposit.

(3) An acknowledgment under subsection (2) is conclusive evidence of the claim of the depositor to the amount deposited.

(4) The entry made in the depositor’s pass-book pursuant to subsection (1) is conclusive evidence of the depositor’s claim for such period as may be specified by the Governor in Council. 1951, c. 57, s. 47.

Non-seizure of money.

48. Money deposited with the post office savings bank is not at any time liable to demand, seizure or detention under legal process against the depositor thereof. 1951, c. 57, s. 48.

Withdrawal.

49. A depositor is entitled to withdraw from the post office savings bank any sum that is due to him, on the demand of the depositor, or person legally authorized to claim on account of the depositor, made in the form and manner prescribed by the regulations. 1951, c. 57, s. 49.

Payments valid.

50. Every payment made in good faith to any person who, by the production of a declaration in writing and documents in support thereof, made under the provisions of this Act or any regulation, prima facie appears to be entitled to any deposit or interest, is valid and discharges the Crown, the postmaster and every other person from all or any claim by any person for such deposit or interest. 1951, c. 57, s. 50.

Execution of trusts.

51. (1) No postal employee or other officer, servant or employee of Her Majesty in right of Canada is bound to see to the execution of any trust, whether express, implied or constructive, to which any deposit in the post office savings bank is subject.

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(2) The receipt of the person in whose name any deposit in the post office savings bank stands, or, where it stands in the name of more than one person, the receipt of any one of such persons, is a sufficient discharge to all persons concerned for the payment of any money payable in respect of such deposit, notwithstanding any trust to which such deposit is then subject, and whether or not the postmaster with whom the deposit was made or any other postal employee is charged with such trust or had knowledge thereof.

(3) No postal employee or other officer, servant or employee of Her Majesty in right of Canada is responsible for the disposal or application of the money paid upon such receipt. 1951, c. 57, s. 51.

52. (1) Interest shall be paid to depositors in the post office savings bank at such rate, not exceeding four per cent per annum, as the Governor in Council from time to time prescribes.

(2) Interest shall not be calculated on any amount less than one dollar or on any amount other than a dollar or some multiple thereof.

(3) Interest shall not commence until the first day of the month next following the day of deposit, and shall cease on the first day of the month on any amount withdrawn during that month.

(4) Interest on deposits in the post office savings bank shall be added to and become part of the principal as of the 31st day of March in each year. 1951, c. 57, s. 52.

Secrecy.

53. Subject to the Financial Administration Act, postmasters and other postal employees shall not disclose the name of any depositor in the post office savings bank or give any information concerning the amount that he has on deposit or the amount deposited or withdrawn, except to the Postmaster General or duly authorized postal employees. 1951, c. 57, s. 53.

Returns.

54. As soon as possible after the end of each month, the Postmaster General shall make a return to the Minister of Finance of all moneys deposited in and withdrawn from the post office savings bank during the preceding month, indicating the total amount on deposit at the end of each month, and the Postmaster General shall cause such monthly statement to be published in the Canada Gazette. 1951, c. 57, s. 54.
OFFENCES AND PENALTIES.

55. Every person who unlawfully opens or wilfully keeps, secretes, delays or detains, or procures, or suffers to be unlawfully opened, kept, secreted, or detained, any mail bag, post letters, or other article of mail, or any receptacle authorized by the Postmaster General for the deposit of mail, whether the same came into the possession of the offender by finding or otherwise, is guilty of an indictable offence. 1951, c. 57, s. 55.

56. Every person who abandons, obstructs or wilfully delays the passing or progress of any mail or mail conveyance is guilty of an indictable offence. 1951, c. 57, s. 56.

57. Every toll-gate keeper who, whether for the purpose of collecting toll or other purpose, refuses or neglects forthwith upon demand to allow any mail or mail conveyance to pass through the toll-gate is guilty of an indictable offence. 1951, c. 57, s. 57.

58. Every ferryman who wilfully detains or delays or refuses to convey any mail or mail conveyance by his ferry is guilty of an indictable offence. 1951, c. 57, s. 58.

59. Every person who encloses in or with any letter, packet or other mailable matter sent by post, or puts into any post office, any explosive, dangerous or destructive substance or liquid or any matter or thing likely to injure or damage any mail or the person of any postal employee is guilty of an indictable offence. 1951, c. 57, s. 59.

60. Every person who with fraudulent intent
(a) removes from any mail any postage stamp affixed thereon, or
(b) removes from any previously used postage stamp, any mark or cancellation that has been made thereon at any post office,
is guilty of an indictable offence. 1951, c. 57, s. 60.

61. Every postal employee or mail contractor who hypothecates, pledges or subjects to a lien, any postage stamps or postal remittances entrusted to him for safe keeping, sale or issue to the public, or for any other purpose, or who attempts to do so, is guilty of an indictable offence. 1951, c. 57, s. 61.

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62. (1) Every postal employee or mail contractor who converts to his own use in any way, or uses by way of investment in any kind of property, or lends with or without interest, or wilfully fails to deposit to the credit of the Receiver General of Canada, public moneys entrusted to him, is deemed to have stolen such moneys and is guilty of an indictable offence.

(2) The neglect or refusal of any postal employee or mail contractor to transfer, disburse, or deposit, in accordance with the regulations, any public moneys in his possession is prima facie evidence of the conversion to his own use of such public moneys.

(3) Every person who advises, or knowingly and willingly participates in, a contravention of subsection (1) is guilty of an indictable offence. 1951, c. 57, s. 62.

63. Every person who wilfully destroys, mutilates, obliterates, defaces, erases or changes any record or account of any transaction pertaining to the business of the Canada Post Office, or refuses to produce or to deliver to any inspector or other authorized officer of the Canada Post Office on demand, anything containing or that ought to contain any such record or account is guilty of an indictable offence. 1951, c. 57, s. 63.

64. Every person who, with fraudulent intent, unlawfully issues or alters any postal remittance or post office savings bank pass-book or acknowledgment is guilty of an indictable offence. 1951, c. 57, s. 64.

65. Every person who, with fraudulent intent, forges, counterfeits or imitates any postal remittance or any signature or writing in or upon any postal remittance, or a post office savings bank pass-book or authority of the Postmaster General for the withdrawal of moneys deposited in the post office savings bank or any signature or writing in or upon any such pass-book or authority, is guilty of an indictable offence. 1951, c. 57, s. 65.

66. Every postal employee who issues any postal remittance without having first received and placed with the post office cash the sum payable therefor is guilty of an indictable offence, except in cases where postal remittances are used for the transaction of post office business under the regulations. 1951, c. 57, s. 66.

Evading payment of postage.

67. Every person who, for the purpose of evading the payment of postage, encloses a letter or any writing intended to serve the purpose of a letter in any article of mail not prepaid at letter rate is guilty of an offence. 1951, c. 57, s. 67.

Use of postage previously used.

68. Every person who uses or attempts to use in prepayment of postage any previously used postage stamp or who uses or attempts to use for the purpose of transmission by post any stamped post card, stamped envelope, stamped post-band or stamped wrapper that has been previously used is guilty of an offence. 1951, c. 57, s. 68.

Violation of P.M.G.'s privileges.

69. Every person who, in violation of the prerogatives of the Postmaster General under section 8, collects, conveys or delivers, or undertakes to collect, convey or deliver any letter within Canada, or receives or has in his possession within Canada any letter for the purpose of so conveying or delivering it, is, for each and every letter in respect of which the prerogative of the Postmaster General has been violated, guilty of an offence. 1951, c. 57, s. 69.

Selling stamps.

70. Every person who, without the written licence of the Postmaster General, engages in the business of selling postage stamps to the public for the purpose of prepayment of postage is guilty of an offence. 1951, c. 57, s. 70.

Unlawful use of words "post office."

71. (1) Every person who, without the written licence of the Postmaster General, places or permits or causes to be placed or to remain on his house, building or premises the words "post office", or any other word or mark suggesting or indicating that such house, building or premises is a post office or a place for the receipt of letters, is guilty of an offence.

Unlawful use of postal marks.

(2) Every person who, without the written licence of the Postmaster General places upon any article any word or mark suggesting or indicating that the article

(a) has been authorized or approved by the Postmaster General,

(b) is used in the Canada Post Office, or

(c) is of a kind similar to or the same as an article used in the Canada Post Office,

is guilty of an offence. 1951, c. 57, s. 71.

Unlawful franking.

72. Every person who unlawfully uses or affixes any mark, signature or initials upon mailable matter with the intent of securing transmission thereof by post free of postage or at a lower rate of postage or of indicating that

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the postage thereof or any part thereof has been prepaid or ought to be paid by or charged to any other person is guilty of an offence. 1951, c. 57, s. 72.

73. (1) Every person who is guilty of an indictable offence under this Act is liable, on conviction, to a fine not exceeding three thousand dollars or to imprisonment for a term not exceeding three years or to both fine and imprisonment.

(2) Every person who is guilty of an offence under this Act, other than an indictable offence, is liable on summary conviction to a fine not exceeding one hundred dollars or to imprisonment for a term not exceeding two months or to both fine and imprisonment. 1951, c. 57, s. 73.

74. The Postmaster General may, upon satisfactory evidence, pay over or deliver to such person as he considers to be the rightful owner thereof, any sum of money or other property stolen from the mails and recovered. 1951, c. 57, s. 74.

75. In any prosecution under this Act evidence that any thing bears the words "Post Office", "Canada Post Office", "Canada Mail" or any similar expression is prima facie proof that the thing was established or authorized for use in connection with the Canada Post Office under the authority of this Act. 1951, c. 57, s. 75.

APPLICATION OF OTHER ACTS.

76. Every Act of Parliament respecting the collection and management of the revenue, the auditing of the public accounts and the liabilities of public accountants, applies to the Canada Post Office, to postal employees and to persons collecting or accounting for postal revenue, except in so far as any provision of such Act is not susceptible of such application or is inconsistent with any provision of this Act. 1951, c. 57, s. 76.

POSTMASTER GENERAL'S REPORT.

77. (1) The Postmaster General shall submit annually to the Governor General a report of the Canada Post Office for the preceding fiscal year, containing a statement of the gross revenue collected, the amounts paid by the Postmaster General from revenue, the amounts paid into the Consolidated Revenue Fund, the amounts paid from moneys voted R.S., 1952.
voted by Parliament, post office savings bank transactions, and information concerning such other activities of the Canada Post Office as the Postmaster General deems advisable.

When tabled. (2) The report referred to in subsection (1), if completed when Parliament is in session, shall be laid before Parliament forthwith, and if not so completed, within ten days after the commencement of the next ensuing session of Parliament. 1951, c. 57, s. 77.
CHAPTER 213.

An Act to Assist Agriculture in the Prairie Provinces.

SHORT TITLE.

1. This Act may be cited as the Prairie Farm Assistance Act. 1939, c. 50, s. 1.

INTERPRETATION.

2. (1) In this Act,

(a) “average price” means the average of the daily closing prices of No. 1 Manitoba Northern wheat in store at Fort William, between the 31st day of July and the 1st day of November in any year as ascertained by the Minister pursuant to the regulations;

(b) “Board” means the Board of Review established under this Act;

(c) “crop year” means the period of twelve months commencing on the 1st day of August in any year and ending on the 31st day of July in the next following year;

(d) “cultivated land” means land that in the year of award was seeded to crop or in summer fallow and includes land seeded to grass in any year if the productivity thereof was maintained in the year of award;

(e) “farmer” means a person who as owner or tenant operates a farm in the spring wheat area or who as a member of a co-operative farm association is engaged in farming in the spring wheat area;

(f) “grain” means wheat, oats, barley and rye;

(g) “local improvement district” means in the Province of Saskatchewan a local improvement district organized under the Local Improvement Districts Act of Saskatchewan, and in the Province of Alberta a district as defined by the Improvement Districts Act of Alberta, and in the Province of British Columbia, an assessment and collection district created under the provisions of the Taxation Act of British Columbia;

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"Minister." (h) "Minister" means the Minister of Agriculture;
"Regulation." (i) "regulation" means a regulation made pursuant to the provisions of this Act;
"Rural municipality." (j) "rural municipality" means in the Province of Manitoba a municipal district to which the provisions of the Municipal Act of Manitoba apply, and in the Province of Saskatchewan a municipality to which the provisions of the Rural Municipalities Act of Saskatchewan apply, and in the Province of Alberta a municipal district to which the provisions of the Municipal District Act of Alberta apply, and in the Province of British Columbia a district municipality as defined by the Municipal Act of British Columbia;
"Spring wheat area." (k) "spring wheat area" means the Provinces of Manitoba, Saskatchewan, Alberta and the Peace River District of British Columbia; and
"Township." (l) "township" means, in the Provinces of Manitoba, Saskatchewan and Alberta, a township according to the system of survey authorized by the Dominion Lands Surveys Act, chapter 117 of the Revised Statutes of Canada, 1927, and in the Province of British Columbia a township whose boundaries are confirmed by the Official Surveys Act of British Columbia, and includes any group of settlement or river lots declared by the Governor in Council to be a township for the purposes of this Act.

Application of Canada Grain Act.

(2) In this Act unless it is otherwise provided or the context otherwise requires, expressions have the same meaning as in the Canada Grain Act. 1939, c. 50, s. 2; 1940, c. 38, s. 1; 1947, c. 43, s. 1; 1948, c. 24, s. 1.

CROP FAILURE ASSISTANCE.

3. (1) Subject to this Act, the Minister may in any crop year award to each person who was a farmer from the 1st day of May to the 1st day of November in such year, a sum by way of assistance according to his cultivated land in a township with respect to which an application for assistance has been made by the rural municipality in which that township is situated or, in case there is no such rural municipality, by the government of the province in which that township is situated.

(2) The sum to be awarded by way of assistance under subsection (1) shall be computed as follows:

(a) if the average yield of wheat in the township is found by the Board to be more than eight and not more than twelve bushels per acre, the award shall be ten cents per acre of the cultivated land of the farmer for 4340

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for each cent, or fraction thereof, not exceeding ten, by which the average price is less than eighty cents per bushel;

(b) if the average yield of wheat in the township is found by the Board to be more than four and not more than eight bushels per acre, the award shall be one dollar and fifty cents per acre; and

(c) if the average yield of wheat in the township is found by the Board to be not more than four bushels per acre, the award shall be two dollars and fifty cents per acre.

(3) No award under this section shall be made

(a) with respect to more than one-half of the cultivated land of the farmer;

(b) with respect to more than two hundred acres of the cultivated land of the farmer; or

(c) with respect to lands not sold or granted, or not agreed to be sold or granted, by His Majesty prior to the 31st day of December, 1940, and for the purposes of this section such lands shall not be included in computing the cultivated land of a farmer, and the grain grown thereon shall not be included in computing the average yield in a township, but this paragraph does not apply to

(i) lands disposed of to a settler or veteran under the Soldier Settlement Act, chapter 188 of the Revised Statutes of Canada, 1927, or the Veterans' Land Act,

(ii) lands in a Special Area in Alberta as constituted by or under the Special Areas Act, 1939, of Alberta,

(iii) lands approved by the Board and held by a co-operative farm association,

(iv) school lands,

(v) lands with respect to which an agreement has been entered into between the Government of Canada and the government of a province under the Prairie Farm Rehabilitation Act, or

(vi) lands lying north of the south boundary of township sixty in each of the Provinces of Alberta and British Columbia.

(4) The number of acres for which an award may be made under paragraph (a), (b) or (c) of subsection (2) shall not exceed a number that bears the same proportion to two hundred as the number of acres of cultivated land of the farmer in the township in respect of which the award is made bears to the total number of acres of the cultivated R.S., 1952.
cultivated lands of the farmer in the townships that are determined by the Board to be eligible for an award.

(5) Where not less than one-half of the cultivated land of a farmer that may be included in the computation of an award under subsection (2) is situated in a township in respect of which an award may be made under paragraph (c) of that subsection and the amount that the Minister may award to him under that subsection is less than two hundred dollars, the Minister may, in lieu of that amount, award him the sum of two hundred dollars. 1947, c. 43, s. 2; 1948, c. 24, s. 2; 1950, c. 47, s. 1; 1951 (2nd Sess.), c. 31, s. 1.

4. (1) A Board of Review shall be established to consist of three persons, to be appointed by the Governor in Council on the recommendation of the Minister, one of whom shall be named chairman.

(2) The Board shall examine all information and data regarding the average yield of wheat in any township for which an application for assistance has been received and shall determine the eligibility of such township for an award under this Act.

(3) The Board shall decide, under the Act and regulations, any question concerning the eligibility of any farmer or class of farmers for an award under this Act.

(4) The decision of the majority of the members of the Board constitutes the decision of the Board.

(5) Any decision or determination of the Board is final. 1940, c. 38, s. 5.

REGULATIONS.

5. The Minister may with the approval of the Governor in Council make regulations

(a) requiring farmers or elevator operators to furnish, on a prescribed form, all information required under the regulations;

(b) for determining, for the purposes of this Act, either generally or in specific cases, the area of the cultivated land of a member of a co-operative farm association;

(c) prescribing the manner in which the average price of wheat shall be ascertained;

(d) prescribing the manner in which information with respect to the average yields of wheat shall be obtained for the Board;

(e) providing that in special circumstances another kind of grain may be taken in lieu of wheat as the basis of awards under this Act, and in that event what number of bushels of such other kind of grain shall be deemed...
to be equivalent to a certain number of bushels of wheat for the purposes of such substitution;

(f) defining who is an owner or tenant for the purposes of this Act, prescribing the minimum areas of farms in respect of which payments may be made under this Act and excluding from the operation of this Act persons who, in such circumstances and under such conditions as are prescribed in such regulations, have occupations in addition to farming or do not reside on farms;

(g) excluding from the operation of any section of this Act any lands in the spring wheat area and any grain grown thereon; and

(h) respecting any other matter deemed necessary or expedient for the efficient administration and enforcement of this Act. 1940, c. 38, s. 7; 1947, c. 43, s. 4.

6. Notwithstanding anything in this Act

(a) where a block of contiguous sections of land within an eligible township having an area of not less than one-sixth of the township and a side that lies along the boundary of an ineligible township is determined by the Board to have an average yield of more than ten bushels of wheat per acre, such block of sections of land is ineligible for award;

(b) where a block of contiguous sections of land within an ineligible township having an area of not less than one-sixth of the township and a side that lies along the boundary of an eligible township is determined by the Board to have an average yield of eight bushels of wheat or less per acre, such block of sections of land is eligible for award as though it were a complete township; and

(c) where the Board has determined that an area is eligible for award and a rectangular block of sections of land outside such area having an area of not less than one-half a township is determined by the Board to have an average yield of eight bushels of wheat or less per acre, such block of sections of land is eligible for award as though it were a complete township. 1949 (2nd Sess.), c. 34, s. 1; 1950, c. 47, s. 2.

7. Every award authorized under this Act shall be paid in two instalments, the first, being sixty per cent of the award, in the month of December and the second, being forty per cent, in the month of March next following. 1939, c. 50, s. 7.
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8. Every award payable under this Act is exempt from the operation of any law relating to bankruptcy or insolvency, or to garnishment or attachment, and is not assignable either at law or in equity. 1939, c. 50, s. 8.

9. The Governor in Council may appoint such officers, clerks and employees as may be deemed necessary for the efficient administration of this Act, and such officers, clerks and employees shall hold office during pleasure, and receive such salary or other remuneration as may be fixed by the Governor in Council. 1939, c. 50, s. 10.

**OFFENCES—PENALTIES.**

10. (1) Every person is guilty of an offence under this Act and liable on summary conviction to a fine not exceeding one hundred dollars, who

(a) violates or fails to comply with any provision of this Act or of any regulation;

(b) in respect to any information or return required by regulation, submits false information or makes a false return thereto; or

(c) falsely claims to be entitled to any payment under this Act.

(2) No award shall be made to any farmer who submits any such false information to the Minister or makes any such false return. 1939, c. 50, s. 11.

**ONE PER CENT LEVY.**

11. (1) Notwithstanding the provisions of the Canada Grain Act, a levy of one per cent shall be deducted from the purchase price of all grain purchased by or through the managers of licensed country elevators, licensed grain dealers, licensed track buyers or licensed commission merchants and, unless previously deducted by such licensees, a levy of one per cent of the purchase price shall be deducted on all grain purchased by the managers of mills and licensed terminal elevators, and transferred to the Board of Grain Commissioners for Canada as hereinafter provided.

(2) Notwithstanding the provisions of the Canada Grain Act, the manager of every mill, licensed country elevator, licensed terminal elevator and every licensed grain dealer, track buyer or commission merchant shall record on the cash ticket or other form of settlement issued to the vendor the deduction of one per cent of the purchase price as hereinbefore provided.

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(3) The purchase price for grain purchased on the basis in store at a terminal elevator is subject to deductions of lawful charges for freight, elevation, inspection, weighing and cleaning before calculation of the levy of one percent hereinafter provided.

(4) All licensees shall pay to the Board of Grain Commissioners for Canada for the credit of the Receiver General monthly, as is provided by regulation, all moneys collected hereunder and any licensee who fails to comply with the regulation is subject to a penalty of one-thirtieth of one percent of the amount due for each day that such payment is in default.

(5) Every licensee specified in subsection (1) shall keep or cause to be kept such records and shall make or cause to be made such returns from time to time relating to the collection of the levy hereinafter provided as may be directed or required by the Board of Grain Commissioners for Canada and all such records and returns shall accurately and faithfully represent the facts of the transactions to which they respectively purport to relate, and are subject at any time to examination by any officer of the Board of Grain Commissioners for Canada; any breach of the provisions of this subsection is punishable on summary conviction by imprisonment for not more than one year or by a fine not exceeding five thousand dollars.

(6) There shall be a special account in the Consolidated Revenue Fund called the Prairie Farm Emergency Fund, hereinafter referred to as the "Fund", to which the Minister of Finance shall from time to time credit all revenue hereunder.

(7) Notwithstanding the provisions of the Financial Administration Act, the Minister of Finance may, subject to the provisions of this Act, on the requisition of the Minister or an officer duly authorized by the Minister, pay out of the Fund awards made under this Act, but no other payments shall, except as hereinafter in this section provided, be made out of the said Fund.

(8) If at any time the Fund is insufficient to pay awards made under this Act the Minister of Finance may, out of unappropriated moneys in the Consolidated Revenue Fund, with the approval of the Governor in Council, make an advance to the Fund of the amount required to meet the deficit.

(9) An advance made by the Minister of Finance under this section is repayable out of the Fund without interest.

(10) For the purposes of this section the expression "mill" means

(a) R.S., 1952.
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(a) a mill licensed under the _Canada Grain Act_, and
(b) a mill that is declared by the Parliament of Canada to be a work for the general advantage of Canada and at which wheat flour is manufactured, and the expression "licensee" includes the manager of a mill mentioned in paragraph (b). 1939, c. 50, s. 6; 1940, c. 38, s. 6; 1948, c. 24, s. 4; 1950, c. 47, s. 3.

**Annual report.**

12. The Minister shall, as soon as possible after the termination of each crop year, prepare an annual report in such form as the Governor in Council may prescribe, which report shall be laid before Parliament. 1939, c. 50, s. 12.

**Expenses.**

13. All administrative, including travelling and other expenses incurred under this Act, shall be paid out of moneys provided by Parliament for this purpose. 1940, c. 38, s. 10.

EDMOND CLOUTIER, C.M.G., O.A., D.S.P.
QUEEN'S PRINTER AND CONTROLLER OF STATIONERY
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CHAPTER 214.

An Act to provide for the rehabilitation of drought and soil drifting areas in the Provinces of Manitoba, Saskatchewan and Alberta.

SHORT TITLE.

1. This Act may be cited as the *Prairie Farm Rehabilitation* Act. 1935, c. 23, s. 1.

INTERPRETATION.

2. In this Act, "Minister" means the Minister of Agriculture. 1935, c. 23, s. 2.

3. (1) The Governor in Council may establish one or more advisory committees to be known as *Prairie Farm Rehabilitation* Committees, the members of which hold office during pleasure.

   (2) One of the members of each advisory committee shall be appointed chairman thereof by the Minister. 1937, c. 14, s. 1.

4. The advisory committees shall consider and advise the Minister as to the best methods to be adopted to secure the rehabilitation of the drought and soil drifting areas in the Provinces of Manitoba, Saskatchewan and Alberta, and to develop and promote within these areas systems of farm practice, tree culture, water supply, land utilization and land settlement that will afford greater economic security, and to make such representations thereon to the Minister as the advisory committees may deem expedient. 1937, c. 14, s. 2.

5. No member of the advisory committees shall receive any payment or emolument for his services, but he shall be repaid all actual reasonable travelling or other expenses in connection with the work of the advisory committees. 1935, c. 23, s. 5; 1937, c. 14, s. 3.

(1) All engineers, clerks and stenographers required for carrying out the provisions of this Act shall be appointed in accordance with the provisions of the Civil Service Act.

(2) The Minister may appoint a Director of Rehabilitation, an Associate Director of Rehabilitation and all other officers and employees required for carrying out the provisions of this Act, except those mentioned in subsection (1), but the salaries and expenses of all persons appointed by the Minister under this subsection shall be fixed by the Governor in Council.

(3) A person who on the 30th day of June, 1951, was employed under this Act and whose position is declared by the Governor in Council to be of continuing indeterminate duration shall be deemed to be a civil servant for the purposes of the Civil Service Superannuation Act. 1951, c. 58, s. 1.

7. The Governor in Council may make such regulations as may be necessary or expedient for the effectual execution and working of this Act and the attainment of the intention and objects thereof. 1935, c. 23, s. 7.

8. For the purposes of this Act the Governor in Council may from time to time authorize the expenditure of sums not exceeding the amount appropriated by Parliament in each year for such purposes. 1939, c. 7, s. 1.

9. (1) The Minister may,
(a) subject to section 4, undertake the development, construction, promotion, operation and maintenance of any project or scheme under or by virtue of this Act, or enter into agreements with any province, municipality or person with respect thereto;
(b) pay all necessary administrative expenses incurred under the Act and all necessary travelling and living expenses incurred by officials or employees in performance of their duty.

(2) No single project or scheme under this section involving an expenditure in excess of ten thousand dollars in any fiscal year shall be undertaken without the consent of the Governor in Council. 1940-41, c. 25, s. 1; 1951, c. 58, s. 2.

10. The Minister may, for the purposes of this Act, and with the approval of the Governor in Council, purchase, lease or otherwise acquire, or sell, lease or otherwise dispose of, any lands or premises that may be required for or

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included in any project or scheme, upon such terms or
conditions as he may deem desirable. 1939, c. 7, s. 2.

11. (1) The Minister may, for the purposes of this Act, purchase or rent whatever machinery or equipment may be required in connection with the development, construction or operation of any project or scheme, but the purchase of any single unit of machinery or equipment of a value greater than five thousand dollars requires the approval of the Governor in Council.

(2) Notwithstanding the provisions of any other Act or law, the Minister may sell any single unit of such machinery or equipment upon such terms as he may deem advisable and the proceeds thereof shall be paid to the Receiver General, but the sale of any such unit, if its initial cost exceeded five hundred dollars, requires the approval of the Governor in Council. 1939, c. 7, s. 2.

12. The Minister shall annually lay before Parliament a report of all proceedings under this Act for the preceding fiscal year. 1935, c. 23, 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 215.

An Act respecting the Marking of Articles containing Gold, Silver or Platinum.

SHORT TITLE.

1. This Act may be cited as the Precious Metals Marking Act. 1946, c. 26, s. 1.

INTERPRETATION.

2. In this Act,

(a) “apply” includes to apply or attach to, or to use on, in connection with, or in relation to, an article by any method or means, whether to, on, by, in, or with (i) the article itself, (ii) anything attached to the article, (iii) anything to which the article is attached, (iv) anything in or on which the article is, or (v) anything so used or placed as to lead to a reasonable belief that the mark on that thing is meant to be taken as a mark on the article itself;

(b) “article” means an article of merchandise, and includes any portion of such article, whether a distinct part thereof or not;

(c) “dealer” means a person who is a manufacturer, seller, or importer of or who traffics, by wholesale or retail, in any of the articles to which this Act applies and includes a director, manager, officer or agent of any such person;

(d) “gold” includes an alloy of gold;

(e) “gold article” means an article wholly or partly or purporting to be wholly or partly composed of gold;

(f) “mark” includes mark, sign, device, imprint, stamp, brand, label, ticket, letter, word or figure;

(g) “mount” means any part attached to the body of a plated article, other than the plating;
"Palladium.") “palladium” includes an alloy of palladium;

"Palladium article.") “palladium article” means an article wholly or partly or purporting to be wholly or partly composed of palladium;

"Person.") “person” includes an association and a partnership;

"Plated article.") “plated article” means an article composed of any substance upon the surface of which a layer or plating of gold or silver is deposited or plated by means of a chemical, electrical, mechanical or metallurgical process or by means of a combination of any such processes, and an article composed of an inferior metal to the surface of which a covering or sheeting of gold or silver is fixed by brazing, soldering or by any mechanical means;

"Platinum.") “platinum” includes an alloy of platinum;

"Platinum article.") “platinum article” means an article wholly or partly or purporting to be wholly or partly composed of platinum;

"Quality mark.") “quality mark” means a mark indicating or purporting to indicate the quality, quantity, fineness, weight, thickness, proportion or kind of gold, silver, or platinum in an article;

"Regulation.") “regulation” means a regulation made by the Governor in Council pursuant to this Act;

"Sell.") “sell” includes to dispose of for valuable consideration, to offer to sell, to distribute or offer as premiums or prizes, to offer to dispose of for valuable consideration, to have in possession with intent to sell or intent to dispose of for valuable consideration and to display in such manner as to lead to a reasonable belief that the article is intended for sale;

"Silver.") “silver” includes an alloy of silver; and

"Silver article.") “silver article” means an article wholly or partly or purporting to be wholly or partly composed of silver. 1946, c. 26, s. 2; 1950, c. 18, s. 1.

APPLICATION.

3. (1) This Act applies to gold articles, silver articles, platinum articles, palladium articles and plated articles made or sold in Canada or imported or otherwise brought into Canada by dealers.

Exceptions. (2) This Act does not apply to such parts of articles as require adaptation to the use of the trade and are exempted from the application of this Act by regulation. 1946, c. 26, s. 3; 1950, c. 18, s. 2.

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4. A mark applied to an article composed of a case or cover containing or incorporating mechanism, works or movements, shall be deemed not to be applied and not intended to be applied to the mechanism, works or movements. 1946, c. 26, s. 4.

MARKING.
1950, c. 18, s. 3.

5. Except as authorized by this Act
(a) no mark shall be applied to an article suggesting or indicating that the article is in whole or in part composed of gold, silver, platinum or palladium, and
(b) no decimal mark shall be applied to a gold article, silver article, platinum article, palladium article or plated article. 1950, c. 18, s. 4.

6. (1) A quality mark may be applied in accordance with this Act to an article containing gold, silver, platinum or palladium.
(2) The quality mark applied to any gold article, silver article, platinum article, or palladium article shall truly and correctly indicate the quality of the gold, silver, platinum or palladium, as the case may be, in the manner required by this Act.
(3) A gold article, silver article, platinum article or palladium article that has applied to it a quality mark shall also have applied to it a trade mark registered under the Unfair Competition Act, or a trade mark in respect of which application for registration has been made under that Act, and where the quality mark is stamped, branded, engraved, or imprinted upon the article, such trade mark shall also be stamped, branded, engraved or imprinted upon the article.
(4) Subsections (2) and (3) do not apply to any article that
(a) is hallmark in accordance with the laws of the United Kingdom, or
(b) has applied to it by the government of any foreign country a mark authorized to be applied thereto under the laws of that foreign country and indicating truly and correctly the quality of the gold, silver, platinum or palladium, as the case may be, if with respect to that article all other provisions of this Act are complied with.
(5) An article that has applied to it a quality mark in accordance with this section, or a mark mentioned in subsection (4), may also have applied thereto any or all of the following marks
(a) numerals intended to identify the article or pattern and not calculated to mislead or deceive;
(b) R.S.; 1952.
(b) the name or initials of a dealer; and
(c) any mark not calculated to mislead or deceive.

(6) This section does not apply to plated articles. 1946, c. 26, s. 6; 1950, c. 18, s. 5.

GOLD MARKING.

7. (1) Except as otherwise provided in this Act a quality mark applied to a gold article shall truly and correctly state in karats or in decimals the fineness of the gold in the article.

(2) Karats may be stated by the mark “Karat”, “Carat”, “K”, “Kt.”, “C” or “Ct.”.

(3) Subject to subsection (5) a statement of the number of karats shall be deemed to be a statement that such number is in the same proportion to twenty-four karats as the weight of the pure gold in the article to which the mark applies is to the weight of the gold in the article; for example, 18K shall be deemed to be a statement that eighteen twenty-fourths of the weight of the gold in the article are pure gold.

(4) Subject to subsection (5) a decimal quality mark applied to a gold article shall be deemed to be a statement that the decimal is in the same proportion to one as the weight of the pure gold in the article is to the weight of the gold in the article; for example, .584 shall be deemed to be a statement that five hundred and eighty-four parts in one thousand parts of the weight of the gold in the article are pure gold.

(5) The actual fineness of the gold in the article may be less than that stated by the karat or decimal mark by an amount not exceeding one-half of a karat when solder is used or by an amount not exceeding one-quarter of a karat when solder is not used.

(6) No mark shall be applied to a gold article indicating or purporting to indicate that the fineness of the gold in the article is less than nine karats.

(7) Where a gold article is composed of gold of not less than nine karats in fineness and the quality of the gold is truly and correctly indicated in the manner required by this section,

(a) the mark “Gold” or any abbreviation thereof may be applied to the article when accompanied by a statement in karats or decimals of the fineness of such gold; for example, “14K Gold”; “.584 Gold”; and

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(b) a national mark authorized under licence by the Governor in Council, consisting of a representation of a crown surrounded by the letter “C”, may be applied to the article if it is wholly of Canadian manufacture. 1946, c. 26, s. 7.

SILVER MARKING.

8. (1) Subject to subsection (2) the mark “silver”, “sterling” or “sterling silver” or any abbreviation thereof may be applied to a silver article containing at least nine hundred and twenty-five parts by weight of pure silver in every one thousand parts of the silver in the article.

(2) The actual fineness of silver in a silver article may be less than the standards mentioned in subsection (1) by an amount not exceeding ten parts in one thousand when solder is used or by an amount not exceeding four parts in one thousand when solder is not used.

(3) Where a silver article is composed of silver of a quality not less than that prescribed by subsection (1), is wholly of Canadian manufacture, and has applied to it a mark truly and correctly indicating the quality of the silver in the article, there may be applied to the article a national mark authorized under licence by the Governor in Council consisting of a lion’s head surrounded by the letter “C”. 1946, c. 26, s. 8.

PLATED ARTICLES MARKING.

9. (1) This section applies only to plated articles wholly or partly composed of the materials known to the trade as applicable. “rolled gold plate”, “gold filled”, “gold electro-plate”, “gold plate”, “gold plated”, “rolled silver-plate”, “silver filled”, “silver electro-plate”, “silver plate”, “silver plated” and to such articles of like nature as may be designated and defined by regulation.

(2) Except as authorized by sections 10 and 11, a mark other than a mark authorized by this section shall not be applied to a plated article.

(3) The quality mark “gold filled” or “G.F.” may be applied to an article composed of any substance upon the surface of which a sheet of gold of a quality not lower than ten karat has been soldered or sweated, if the weight of such gold is at least one-twentieth of the gross weight of the article with an allowance of ten per cent leeway on assay.

4355 (4) R.S., 1952.
(4) The quality mark “rolled gold plate” or “R.G.P.” may be applied to an article composed of any substance upon the surface of which a sheet of gold of a quality not lower than ten karat has been soldered or sweated.

(5) The quality mark “gold plated” may be applied to an article composed of a substance upon the surface of which gold has been deposited or plated by means of any chemical, electrical, mechanical or metallurgical process or by means of any combination of such processes.

(6) Subsections (3), (4) and (5) do not apply to a watch case or any part of a spectacle or eyeglass assembly.

(7) A plated article, except a watch case, that has applied to it quality marks in accordance with subsection (3) or (4) may have applied to it a fractional mark, with all numerals therein of equal size, indicating the quality of the gold in the article and the ratio that the gold in the article has to the gross weight of the article; for example 1/20-10K.

(8) The quality mark “gold filled” or “G.F.” when closely accompanied by a quality mark truly and correctly indicating the quality of the gold in characters of the same size as those employed in the mark “gold filled” or “G.F.” may be applied

(a) to a watch case, the hunting case front, if any, and the back and caps of which are made of two sheets of gold of a standard not lower than ten karat soldered or brazed to the two sides or surfaces of a sheet of inferior metal, and the centre, open face bezel or hunting bezel, pendant, crown and bow of which are made of one sheet of gold of a standard not lower than ten karat soldered or brazed to the outer surface of a sheet of inferior metal, if

(i) the sheet of gold soldered or brazed to the outer surface of the hunting case front, back, centre, open face bezel, pendant, crown and bow is not less than three one-thousandths of an inch in thickness, and

(ii) the sheet of gold soldered or brazed to the outer surface of the cap and of the hunting bezel is not less than one thousandth of an inch in thickness;

(b) to a bracelet watch case, the bezel, centre, lugs and back of which are made of one sheet of gold of a standard not lower than ten karat soldered or brazed to the outer surface of a sheet of inferior metal, if the sheet of gold is not less than three one-thousandths of an inch in thickness; and

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(c) to a bracelet watch case other than that described in paragraph (b), the bezel, centre, lugs or back of which is made of one sheet of gold of a standard not lower than ten karat soldered or brazed to the outer surface of a sheet of inferior metal, if

(i) the sheet of gold is not less than three one-thousandths of an inch in thickness,

(ii) the said marks are legibly stamped, branded, engraved or imprinted upon the outer surface of the parts of the case to which such sheet of gold has been so soldered or brazed, and

(iii) the mark "base metal" is legibly stamped, branded, engraved or imprinted upon the outer surface of the parts of the case to which such sheet of gold has not been so soldered or brazed.

(9) The quality mark "rolled gold plate" or "R.G.P." when closely accompanied by a quality mark truly and correctly indicating the quality of the gold in characters of the same size as those employed in the mark "rolled gold plate" or "R.G.P." may be applied

(a) to a watch case, the hunting case front, if any, and the back and caps of which are made of two sheets of gold of a standard not lower than ten karat soldered or brazed to the two sides or surfaces of a sheet of inferior metal, and the centre, open face bezel or hunting bezel, pendant, crown and bow of which are made of one sheet of gold of a standard not lower than ten karat soldered or brazed to the outer surface of a sheet of inferior metal, if

(i) the sheet of gold soldered or brazed to the outer surface of the hunting case front, back, centre, open face bezel, pendant, crown and bow is not less than one and one-half thousandths of an inch in thickness, and

(ii) the sheet of gold soldered or brazed to the outer surface of the cap and of the hunting bezel is not less than one thousandth of an inch in thickness;

(b) to a bracelet watch case, the bezel, centre, lugs and back of which are made of one sheet of gold of a standard not lower than ten karat soldered or brazed to the outer surface of a sheet of inferior metal, if the sheet of gold is not less than one and one-half thousandths of an inch in thickness; and

(c) to a bracelet watch case other than that described in paragraph (b), the bezel, centre, lugs or back of which

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which is made of one sheet of gold of a standard not lower than ten karat soldered or brazed to the outer surface of a sheet of inferior metal, if

(i) the sheet of gold is not less than one and one-half thousandths of an inch in thickness,

(ii) the said marks are legibly stamped, branded, engraved or imprinted upon the outer surface of the parts of the case to which such sheet of gold has been so soldered or brazed, and

(iii) the mark "base metal" is legibly stamped, branded, engraved or imprinted upon the outer surface of the parts of the case to which such sheet has not been so soldered or brazed.

(10) The quality mark "gold filled" or "G.F." shall be applied to every part of a spectacle or eyeglass assembly that is composed in whole or in part of any substance upon the surface of which gold of a quality not lower than twelve karat has been soldered or sweated, if the weight of such gold is at least one-tenth of the gross weight of such part with an allowance of ten per cent leeway on assay.

(11) The quality mark "rolled plate" or "R.P." shall be applied to every part of a spectacle or eyeglass assembly that is composed in whole or in part of any substance upon the surface of which gold of a quality not lower than ten karat is soldered or sweated, with an allowance of ten per cent leeway on assay.

(12) The quality mark "gilt" shall be applied to every part of a spectacle or eyeglass assembly composed in part of gold not soldered to or sweated upon a substance.

(13) A silver plated article to which section 10 or section 11 does not extend may have applied to it the mark "silver electro-plate", or "silver plate" or any abbreviation thereof.

(14) A plated article that has applied to it a quality mark shall also have applied to it a trade mark registered under the Unfair Competition Act, or a trade mark in respect of which application for registration has been made under that Act, and where the quality mark is stamped, branded, engraved or imprinted upon the article, such trade mark shall also be stamped, branded, engraved or imprinted upon the article.

(15) A plated article that has applied to it a quality mark in accordance with this section may have applied to it all or any of the following marks:

(a) a mark indicating truly and correctly, in accordance with the provisions of subsection (1), the designation of the material as known to the trade or as established by regulation;

(b) numerals intended to identify the article or pattern and not calculated to mislead or deceive;
(c) the name or initials of a dealer; and
(d) the words “Sheffield Reproduction” if the article is silver plated on a nickel or pure copper base having a soldered-on decorative or plain border, and if such border and any mounts thereof are of silver, nickel or copper, solid or filled. 1946, c. 26, s. 9.

SILVER ELECTRO-PLATED FLAT WARE MARKING.

10. (1) This section applies only to silver plated articles known to the trade as “electro-plated flat ware”.

(2) A mark other than a mark authorized by this section shall not be applied to an article to which this section extends.

(3) Subject to this section an article may have applied to it a quality mark indicating truly and correctly the grade or quality of the plating as known to the trade.

(4) An article that has applied to it a quality mark shall also have applied to it a trade mark registered under the Unfair Competition Act, or a trade mark in respect of which application for registration has been made under that Act, and where the quality mark is stamped, branded, engraved or imprinted upon the article, such trade mark shall also be stamped, branded, engraved or imprinted upon the article.

(5) An article that has applied to it a quality mark in accordance with subsection (3) may have applied to it any or all of the following marks:

(a) numerals intended to identify the article or pattern and not calculated to mislead or deceive;
(b) the name or initials of a dealer; and
(c) any mark not calculated to mislead or deceive if such marks are not incorporated in the quality mark.

(6) A quality mark, other than “A. 1.” or “Triple Plate” shall be deemed not to indicate truly and correctly the grade or quality, as known to the trade, of the plating, unless it indicates truly and correctly the number of ounces, pennyweights or, as the case may be, of pure silver upon a gross of articles exactly the same in size, design and plating as the article to which the mark is applied.

(7) The quality mark “A.1.” shall not be applied to an article unless the quality of the plating is at least two ounces of pure silver to the gross of teaspoons and the quality mark “Triple Plate” shall not be applied to any article.

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article unless the quality of the plating is not less than six ounces of pure silver to the gross of teaspoons, with other pieces in proportion.

(8) An article may have applied to it the mark "Silverplate", "Silverplated" or "Silverware" or any abbreviation thereof.

(9) An article may have applied to it the mark "Nickel-silver" or an abbreviation thereof if at least ten per cent of the base of inferior metal, upon which the plating of silver is deposited, is pure nickel.

(10) When the base of inferior metal upon which the plating of silver is deposited contains less than ten per cent of pure nickel, there shall be legibly and conspicuously stamped upon the article the word "Steel" or such other word or words as will most accurately describe the base metal as known to the trade, together with the trade mark required to be applied by subsection (4). 1946, c. 26, s. 10.

ELECTRO-PLATED HOLLOW WARE MARKING.

11. (1) This section applies only to articles that are plated with silver and are known to the trade as "electro-plated hollow ware", other than articles known to the trade as "Sheffield Reproductions" as provided for in paragraph (d) of subsection (15) of section 9.

(2) A mark other than a mark authorized by this section shall not be applied to an article to which this section extends.

(3) Every article shall have stamped, branded, engraved or imprinted upon it a trade mark registered under the Unfair Competition Act, or a trade mark in respect of which application for registration has been made under that Act.

(4) In addition to the trade mark mentioned in subsection (3) there shall also be applied in conjunction with the trade mark a mark known to the trade indicating legibly and conspicuously, the base metal of the article and mount, if any, upon which the plating is deposited.

(5) An article to which a trade mark is applied pursuant to subsection (3) may have applied to it any or all of the following marks:

(a) numerals intended to identify the article or pattern;
(b) the name or initials of a dealer; and
(c) any mark not calculated to mislead or deceive if such marks are not incorporated in the quality mark.

(6) An article may have applied to it the marks "Silverplate", "Silverplated" or "Silverware" or any abbreviation thereof.

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(7) An article may have applied to it the mark "Nickel Silver" or any abbreviation thereof if at least ten percent of the base of inferior metal, upon which the plating of silver is deposited, is pure nickel.

(8) An article may have applied to it the mark "Britannia metal" or "white metal" or any abbreviation thereof if at least ninety per cent by weight of the material of which the article is composed is tin. 1946, c. 26, s. 11.

PLATINUM AND PALLADIUM MARKING.

1950, c. 18, s. 6.

12. (1) The mark "platinum" or "plat." may be applied to an article ninety-five per cent of the metallic content of which is composed of platinum either alone or in conjunction with iridium or ruthenium.

(2) The mark "palladium" or "pall." may be applied to an article ninety-five per cent of the metallic content of which is composed of

(a) palladium alone, or

(b) palladium in conjunction with platinum, iridium, ruthenium, rhodium, osmium or gold, if the palladium content is not less than ninety per cent of the whole metallic content of the article.

(3) Except as provided in subsections (1) and (2), the word "platinum" or the word "palladium" or any abbreviation or imitation of either such word shall not be applied to any article. 1946, c. 26, s. 12; 1950, c. 18, s. 7.

OFFENCES AND PENALTIES.

13. Every dealer is guilty of an offence who,

(a) applies to an article any mark not authorized by this Act or by regulation to be applied thereto;

(b) applies to an article any mark in a manner not authorized by this Act or by regulation;

(c) omits or neglects to apply to an article any mark required by this Act or by regulation to be applied thereto;

(d) makes, sells or imports or otherwise brings into Canada, an article to which any mark not authorized by this Act or by regulation is applied, or to which a mark is applied in a manner not so authorized, or that has not applied thereto any mark required by this Act or by regulation to be applied thereto;

(e) destroys, defaces or in any manner renders indecipherable any marks applied to any article under the authority of this Act or any regulation;
(f) in any other way contravenes or fails to comply with any provision of this Act or any regulation; or

(g) attempts to commit any offence described in the foregoing paragraphs;

and for each article or part of an article in respect of which the offence is committed is liable on summary conviction to a fine not exceeding one hundred dollars and not less than twenty-five dollars. 1946, c. 26, s. 13.

14. Every dealer is guilty of an offence who

(a) applies to a plated article any mark that guarantees or purports to guarantee, or induces or tends to induce a belief, that the gold or silver with which the article is plated will wear or last for any time whether specified or not;

(b) makes, sells, or imports or otherwise brings into Canada any plated article to which any mark mentioned in paragraph (a) is applied;

(c) prints, causes to be printed, publishes, or otherwise makes use of, any printed or written matter of the nature of an advertisement guaranteeing or purporting to guarantee or inducing or tending to induce a belief, that the gold or silver with which a plated article is plated will wear or last for any time whether specified or not;

(d) imports or otherwise brings into Canada any printed or written matter referred to in paragraph (c);

(e) in any advertisement of an article uses any mark or description the application of which to such article is prohibited under this Act; or

(f) attempts to commit any offence described in the foregoing paragraphs;

and is liable on summary conviction to a fine not exceeding one hundred dollars and not less than twenty-five dollars. 1946, c. 26, s. 14.

15. (1) Every article in respect of which a conviction is had under this Act shall be broken, broken down or defaced and every part of such article, except precious and semi-precious stones and watch movements, is immediately upon such conviction, in addition to any penalty imposed, ipso facto forfeited to Her Majesty and shall be disposed of by such person, in such manner and at such time and place as the Minister of Trade and Commerce may direct.

(2) All printed or written matter in respect of which a conviction is had under this Act is immediately upon such conviction in addition to any penalty imposed, ipso facto forfeited to Her Majesty.

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ipso facto forfeited to Her Majesty and shall be destroyed by such person, in such manner and at such time and place as the Minister of Trade and Commerce may direct. 1946, c. 26, s. 15.

16. In the case of any offence punishable under this Act the complaint shall be made, or the information shall be laid, within one year from the time when the matter of complaint or information arose. 1946, c. 26, s. 16.

INSPECTION OF ARTICLES.

17. (1) Any officer appointed under this Act or any regulation has power at any reasonable time to enter the premises of any dealer, to require the production for inspection of any article upon the premises of such dealer and to seize any article that he reasonably suspects is marked otherwise than in accordance with the provisions of this Act.

(2) Any article seized pursuant to subsection (1) may be retained for a period of ninety days and if before the expiration of such period any proceedings in respect of such article are taken under this Act may be further retained until such proceedings are finally concluded. 1946, c. 26, s. 17.

EVIDENCE.

18. In any prosecution under this Act a document purporting to be a certificate signed by the Master or any Assayer of the Royal Canadian Mint is prima facie evidence of the facts stated therein and is receivable in evidence without proof of any signature or the official character of any person appearing to have signed the same, and without further proof thereof. 1946, c. 26, s. 18.

REGULATIONS.

19. The Governor in Council may make regulations generally for carrying the purposes or provisions of this Act into effect, and in particular, but without restricting the generality of the foregoing, for

(a) declaring articles to be exempt from the application of this Act;

(b) designating plated articles to which this Act shall apply, defining such plated articles and designating the quantity and quality of the materials of which such articles shall be composed;

(c) prescribing the meaning that marks designated by him shall be taken to have when applied to plated articles;

(d) R.S., 1952.
Precious Metals Marking.

(d) securing the efficient administration and enforcement of this Act; and

(e) prescribing the penalties that may be imposed by way of fine not exceeding one hundred dollars on summary conviction for contravention of or failure to comply with any regulation. 1946, c. 26, s. 19.
CHAPTER 216.

An Act to Provide for the Operation and Maintenance of a Residence for the Prime Minister of Canada.

SHORT TITLE.

1. This Act may be cited as the Prime Minister's Residence Act. 1950, c. 48, s. 1.

2. Notwithstanding anything in the Senate and House of Commons Act, the lands described in the Schedule, and the buildings thereon, shall be maintained as a residence for the Prime Minister of Canada. 1950, c. 48, s. 2.

3. The Minister of Public Works shall furnish, maintain, heat and keep in repair the buildings situated on the lands described in the Schedule, and the Federal District Commission shall maintain and, from time to time as required, improve such lands. 1950, c. 48, s. 3.

4. (1) The Governor in Council may appoint a steward or housekeeper and such other employees as he deems necessary for the management of the residence, and may fix their rate of remuneration and conditions of employment.

(2) The steward or housekeeper may from time to time, with the approval of the Prime Minister, engage casual employees to assist the regular staff appointed under subsection (1).

(3) The Prime Minister's chauffeur may be provided with lodging without charge. 1950, c. 48, s. 4.

5. The Prime Minister shall pay to the Receiver General of Canada five thousand dollars yearly and pro rata for any period less than a year for food and lodging for himself and his family. 1950, c. 48, s. 5.

6. Moneys appropriated by Parliament for the operation of the Prime Minister's residence may be used for the payment of the remuneration of persons employed under the authority of this Act, for the purchase of food and other purposes for which moneys appropriated may be used. 1950, c. 48, s. 6.

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other supplies required for the serving of food, for cleaning, laundering, and the ordinary maintenance of a residence, and for defraying other costs of official hospitality provided by the Prime Minister. 1950, c. 48, s. 6.

SCHEDULE.

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, in the Province of Ontario, being composed of part of lot 3 in the Ottawa and Rideau Junction Gore in the Township of Gloucester described as follows:

COMMENCING at a point on the westerly limit of Ottawa Street (now Sussex Street) distant 173 feet 8 inches more or less southerly from the intersection of the westerly limit of Ottawa Street aforesaid with the westerly prolongation of the northerly limit of MacKay Street in the Village of New Edinburgh, the said point being the south-east angle of that part of the said lot lastly described in Instrument registered in the Registry Office for the Registry Division of the City of Ottawa as number 170475; thence westerly and parallel with the northerly limit of MacKay Street aforesaid, 450 feet more or less to the high watermark of the Ottawa River; thence easterly and following the said high water mark with the stream to its intersection with the westerly limit of Ottawa Street aforesaid; thence southerly and following the westerly limit of Ottawa Street, 563 feet, 8 inches more or less to the point of commencement. The whole containing an area of 3·98 acres more or less. 1950, c. 48, Sch.

EDMOND CLOUTIER, C.M.G., O.A., D.S.P.
QUEEN'S PRINTER AND CONTROLLER OF STATIONERY
OTTAWA, 1952
CHAPTER 217.

An Act respecting Public and Reformatory Prisons.

SHORT TITLE.

1. This Act may be cited as the Prisons and Reformatories Act. R.S., c. 163, s. 1.

INTERPRETATION.

2. In this Act,

(a) "court" includes a police or stipendiary magistrate, "Court."

but, except as otherwise defined in this Act, does not include one or more justices of the peace;

(b) "Lieutenant-Governor" means the Lieutenant-Governor in Council;

(c) "refuge" means any institution for the care of the young or of adult females to which they may by law be sentenced by a court;

(d) "superintendent" includes the matron, superior or other head or person in charge of any refuge. R.S., c. 163, s. 2.

PART I.

GENERAL.

Insecure Prisons.

3. The Governor in Council or the Lieutenant-Governor of the province may, if, from the insecurity or unfitness of any gaol of any county or district for the safe custody of prisoners, R.S., 1952.
custody of prisoners, or for any other cause, he deems it expedient so to do, order any person charged with an indictable offence confined in such gaol, or for whose arrest a warrant has been issued, to be removed to any other place for safe keeping, or to any gaol, which place or gaol shall be named in such order, there to be detained until discharged in due course of law, or removed for the purpose of trial to the gaol of the county or district in which the trial is to take place. R.S., c. 163, s. 4.

4. A copy of such order, certified by the clerk of the Queen's Privy Council for Canada, or the clerk of the executive council, or by any person acting as such clerk of the Privy Council or executive council, is sufficient authority to the sheriffs and gaolers of the counties or districts respectively named in such order, to deliver over and to receive the body of any person named in such order. R.S., c. 163, s. 4.

5. (1) The Governor in Council or a Lieutenant-Governor may, in any such order, direct the sheriff in whose custody the person to be removed then is, to convey the said person to the place or gaol in which he is to be confined, and in case of removal to another county or district shall direct the sheriff or gaoler of such county or district to receive the said person, and to detain him until he is discharged in due course of law, or is removed for the purpose of trial to any other county or district.

(2) The Governor in Council or a Lieutenant-Governor may make an order, as hereinbefore provided, in respect of any person under sentence of imprisonment or under sentence of death.

(3) If such an order is made in respect of a person under sentence of death, the sheriff to whose gaol the prisoner is removed shall obey any direction given by the said order or by any subsequent order in council, for the return of such prisoner to the custody of the sheriff by whom the sentence is to be executed. R.S., c. 163, s. 5.

6. The Lieutenant-Governor of any province of Canada may, by proclamation published in the official gazette of the province, and in the Canada Gazette, declare that the common gaol of any district, county or place in such province is insecure, and may name the gaol of any adjoining district, county or place as the gaol to which offenders within such first mentioned district, county or place, may, from and after a time stated, be committed or sentenced. R.S., c. 163, s. 6.

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7. (1) The Lieutenant-Governor may, after the issue of such proclamation, from time to time direct the sheriff to transfer such of the prisoners then confined in such insecure gaol, as the Lieutenant-Governor thinks proper, to the gaol so named, as aforesaid.

(2) Such order is a sufficient authority to the respective sheriffs and officers to deliver and receive, and to the keeper of such last mentioned gaol to detain therein, any such prisoner according to the exigency of the warrant or sentence under which he was confined in such insecure gaol. R.S., c. 163, s. 7.

8. (1) During the continuance in force of such proclamation any person who would otherwise be committed to or sentenced to imprisonment in the common gaol so declared insecure, shall be committed to or sentenced to imprisonment in the gaol named in the proclamation for the purpose, and the respective sheriffs and officers have authority to deliver and receive such person.

(2) A warrant directed to the gaoler of the insecure gaol is a sufficient authority for the gaoler of the gaol named in such proclamation to detain therein the person named in such warrant, according to the exigency of the warrant, or until he is removed, as hereinafter provided. R.S., c. 163, s. 8.

9. (1) Every person so confined in the gaol named in such proclamation, may be tried in the district, county or place in the gaol whereof he is confined, unless the judge or other person presiding at the court at which it is proposed to try such person, or a judge of a court having jurisdiction to try the offence, otherwise directs.

(2) The court of general gaol delivery or general sessions of the peace, or other court having like powers, held in such district, county or place, and every judge or other person presiding thereat, has jurisdiction to make, in reference to any person committed in default of sureties for good behaviour or to keep the peace, the like order as such court, judge or other person might make if the court was being held in the district, county or place in which such person was committed. R.S., c. 163, s. 9.

10. The Lieutenant-Governor may, at any time, by his proclamation published in the official gazette of the province, and in the Canada Gazette, declare that any proclamation issued as hereinbefore provided, shall, from and after a time stated, cease to have effect; and such proclamation shall cease to have effect accordingly. R.S., c. 163, s. 10.
11. (1) The Lieutenant-Governor may, after the issue of such last mentioned proclamation, direct the sheriff to transfer so many of the prisoners then confined in the gaol so named as aforesaid, as the Lieutenant-Governor thinks proper, to the gaol of the district, county or place in which, but for the operation of the preceding sections, such prisoners would have been confined.

(2) Such order is sufficient authority to the respective sheriffs and officers to deliver and receive, and to the keeper of such last mentioned gaol to detain therein, any such prisoners, according to the exigency of the warrant or sentence under which they were originally confined.

R.S., c. 163, s. 11.

Employment of Prisoners.

12. (1) Every one who is sentenced to imprisonment in any gaol, or other public or reformatory prison, is subject to the provisions of the statutes relating to gaol or prison, and to all rules and regulations lawfully made with respect thereto.

(2) Imprisonment in the Central Prison for the Province of Ontario, in the Andrew Mercer Ontario Reformatory for females, and in any reformatory prison for females in the Province of Quebec, shall be with hard labour, whether so directed in the sentence or not. R.S., c. 163, s. 12.

13. The Lieutenant-Governor of any province may, from time to time, make regulations for the purpose of preventing escapes and preserving discipline in the case of prisoners in any common gaol or prison employed beyond the limits of such common gaol or prison. R.S., c. 163, s. 13.

14. After such regulations are made, the Lieutenant-Governor may, from time to time, direct or authorize the employment, upon any specific work or duty, beyond the limits of any common gaol or prison, of any prisoner who is sentenced to be imprisoned with hard labour in such gaol, for any offence against any law of Canada. R.S., c. 163, s. 14.

15. Every such prisoner is, during such employment, subject to such regulations and to all the rules, regulations and discipline of the gaol or prison, so far as applicable. R.S., c. 163, s. 15.

16. No such prisoner shall be so employed, except under the strictest care and supervision of officers appointed to that duty. R.S., c. 163, s. 16.

**Improved Prisons.**

17. The Governor in Council may, by proclamation published in the *Canada Gazette*, declare sections 18, 19 and 20 in force in a province from and after a day and with respect to a prison named in such proclamation, where

(a) the prison is, in his opinion, of such a character as to render practicable the application of the said sections to it, and

(b) rules for keeping a correct record of the daily conduct of every prisoner in such prison, noting his behaviour, industry, diligence and faithfulness and the strictness with which he observes the prison regulations, have in the case of a prison in a province, other than the Northwest Territories or the Yukon Territory, been made by the Lieutenant-Governor of such province and declared adequate by the Governor in Council or have, in the case of a prison in the Northwest Territories or the Yukon Territory, been made by the Governor in Council. 1951, c. 34, s. 1.

18. Any judge sentencing any prisoner to imprisonment in any prison named in the proclamation mentioned in section 17, may sentence such prisoner for a term not more than one-sixth longer than the maximum term at present prescribed by law for the offence; and any such sentence may be carried out in such prison, although it is for any term not exceeding two years and four months. R.S., c. 163, s. 19.

19. Every prisoner sentenced to such prison is entitled to earn a remission of a portion of the time for which he is sentenced, not exceeding five days for every month during which he is exemplary in behaviour, industry and faithfulness, and does not violate any of the prison rules; and if prevented from labour by sickness, not intentionally produced by himself, he is entitled to earn, by good conduct, a remission not exceeding two and one-half days for every such month. R.S., c. 163, s. 20.

20. Every such prisoner who commits any breach of the laws or of the prison regulations is, besides any other penalty to which he is liable, liable to forfeit the whole or any part of any remission which he has so earned. R.S., c. 163, s. 21.

21. Sections 17 to 20 apply to industrial farms. R.S., c. 163, s. 17.
22. Every street, highway or public thoroughfare of any kind along or across which prisoners pass in going to or returning from their work, and every place where they are so employed, shall, while so used, be considered as a portion of the gaol or prison, and any escape or attempt at escape, and any rescue or attempt at rescue, made on such street, highway or thoroughfare, shall be held to have been made within or from such gaol or prison. R.S., c. 163, s. 22.

23. Every one sentenced to imprisonment or to be detained in any reformatory prison, reformatory school, industrial refuge, industrial home or industrial school, who escapes or attempts to escape therefrom, may, at any time, be apprehended without warrant and brought before any magistrate, who, upon proof of his identity, and of the escape or attempt to escape, if the escape or attempt to escape be from a reformatory prison or a reformatory school shall remand him thereto for the remainder of his original term of imprisonment or detention. R.S., c. 163, s. 23.

24. Where the escape or attempt to escape is from an industrial refuge, industrial home or industrial school, the magistrate may remand the offender thereto for the remainder of his original term of imprisonment or detention; or where the officer in charge of such refuge, home or school certifies in writing that the removal of the offender to a place of safer or stricter imprisonment is desirable, and the governing body of such refuge, home or school applies for such removal, and sufficient cause therefor is shown to the satisfaction of such magistrate, the magistrate may order the offender to be removed to and to be kept imprisoned, for the remainder of his original term of imprisonment or detention, in any reformatory prison, or reformatory school, in which by law such offender might be imprisoned for an indictable offence, and when there is no such reformatory prison or reformatory school, the magistrate may order the offender to be removed to and to be so kept imprisoned in any other place of imprisonment to which the offender may be lawfully committed. R.S., c. 163, s. 24.

25. In the case of any escape or attempt to escape aforesaid, whether the term of imprisonment or detention has expired or not, the magistrate may sentence the offender to such additional term of imprisonment or detention, as the case may be, not exceeding one year, as to such magistrate seems a proper punishment for the escape or attempt to escape. R.S., c. 163, s. 25.

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Incorrigible Offenders.

26. Everyone sentenced to imprisonment or detention in or ordered to be detained in any industrial refuge, industrial home or industrial school, by reason of incorrigible or vicious conduct, or with reference to the general discipline of the institution, who is beyond the control of the officer in charge of such institution, may, at any time before the expiration of his term of imprisonment or detention, be brought without warrant before any magistrate. R.S., c. 163, s. 26.

27. Where the officer in charge of such refuge, home or school certifies in writing that the removal of such offender to a place of stricter imprisonment is desirable, and the governing body of such refuge, home or school applies for such removal, and sufficient cause therefor is shown to the satisfaction of such magistrate, he may order the offender to be removed to and to be kept imprisoned, for the remainder of his original term of imprisonment or detention, in any reformatory prison or reformatory school in which by law such offender may be imprisoned for an indictable offence; and when there is no such reformatory prison or school, the magistrate may order the offender to be removed to and to be kept imprisoned in any other place of imprisonment to which the offender may be lawfully committed. R.S., c. 163, s. 27.

28. The magistrate may, upon conviction for any such incorrigible or vicious conduct, sentence the offender to such additional term of imprisonment, not exceeding one year, as to such magistrate seems a proper punishment for the incorrigible conduct of the offender. R.S., c. 163, s. 28.

Juvenile Offenders and Vagrants.

29. Young persons apparently under the age of sixteen years who are

(a) arrested upon any warrant;

(b) committed to custody at any stage of a preliminary inquiry into a charge for an indictable offence;

(c) committed to custody at any stage of a trial, either for an indictable offence or for an offence punishable on summary conviction; or

(d) committed to custody after such trial, but before imprisonment under sentence;

shall be brought without warrant before any magistrate. R.S., 1952.
Separation from older offenders.

shall be kept in custody separate from older persons charged with criminal offences and separate from all persons undergoing sentences of imprisonment, and shall not be confined in the lock-ups or police stations with older persons charged with criminal offences or with ordinary criminals. R.S., c. 163, s. 29.

Imprisonment in reformatory.

30. (1) The court or person before whom any offender whose age at the time of his trial does not, in the opinion of the court, exceed sixteen years, is convicted, whether summarily or otherwise, of any offence punishable by imprisonment, may sentence such offender to imprisonment in any reformatory prison in the province in which such conviction takes place, subject to the provisions of any Act respecting imprisonment in such reformatory.

(2) In no case shall the sentence be less than two years' or more than five years' confinement in such reformatory prison.

(3) Such imprisonment shall be substituted, in such case, for the imprisonment in the penitentiary or other place of confinement by which the offender would otherwise be punishable under any Act or law relating thereto; but in every case where the term of imprisonment is fixed by law to be more than five years, such imprisonment shall be in the penitentiary.

(4) Every person imprisoned in a reformatory is liable to perform such labour as is required of such person. R.S., c. 163, s. 30.

Labour.

31. Where provision is made therefor by the laws of the province in which the conviction takes place, any person convicted of being a loose, idle or disorderly person may, instead of being committed to the common gaol or other public prison, be committed to any house of industry or correction, alms house, work house or reformatory prison. R.S., c. 163, s. 31.

Custody Pending Transfer to Prison, etc.

32. Any sheriff or other person having the custody of any offender sentenced to imprisonment in any prison, reformatory, refuge or industrial school, may detain the offender in the common gaol of the county or district in which such offender is sentenced, or other place of confinement in which such offender is, until some person lawfully authorized in that behalf requires such offender's delivery for the purpose of being conveyed to such prison or reformatory. R.S., c. 163, s. 32.

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33. Where any offender sentenced to be confined in any prison or refuge is in such a weak state of health that he cannot safely or conveniently be removed thereto, he may be detained in the common gaol or other place of confinement in which he is, until he is sufficiently recovered to be safely and conveniently removed to such prison or refuge. R.S., c. 163, s. 33.

34. Where the gaol surgeon, or other medical practitioner acting in that behalf, certifies that any offender sentenced to any prison or refuge is in such a weak state of health that such offender is unable to perform hard labour, such offender may be detained in the common gaol or other place of confinement in which such offender is, until he is sufficiently recovered to be employed at hard labour. R.S., c. 163, s. 34.

35. The time for which any person, sentenced to imprisonment in any prison or refuge, is held in custody, under section 32, 33 or 34, shall be reckoned in computing the time served by such person in such prison or refuge. R.S., c. 163, s. 35.

36. (1) Any offender who, under the provisions of this Act, is liable to be removed from any common gaol to any prison or refuge, or from any prison or refuge back to any gaol or to any penitentiary, may be conveyed for that purpose through any county, district or other territorial division in the province in which such offender has been convicted, and shall be deemed to be in lawful custody while being so conveyed.

(2) Any person lawfully authorized to convey such offender as aforesaid has, until such offender has been delivered to the warden or superintendent, or other head of such prison or refuge, or the warden of the penitentiary, as the case may be, the same authority and power over and with regard to such offender and for preventing escape, and recapturing such offender in case of escape, as the sheriff of the county, district or other territorial division in which such offender was convicted would himself have in conveying such offender from one part of that county, district or other territorial division to another. R.S., c. 163, s. 36.

37. (1) The constable or other officer having charge of any person accused or convicted of any offence in any provisional judicial district in the Province of Ontario committed to any common gaol in the Province, and entrusted with his conveyance to any such common gaol, may pass through any county in the Province with such person in his custody.

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Custody in transit.

(2) The keeper of the common gaol of any county in the Province of Ontario in which it is found necessary to lodge for safe keeping any such person so being conveyed through such county in custody, shall receive such person and safely keep and detain him in such common gaol for such period as is reasonable or necessary.

Duty of gaoler.

(3) The keeper of any common gaol in the Province, to which any such person is committed as aforesaid, shall receive such person and safely keep and detain him in such common gaol under his custody until discharged in due course of law, or bailed in cases in which bail may be by law taken. R.S., c. 163, s. 37.

Discharge and Recommittal.

38. (1) No prisoner shall be discharged from any prison, or from any refuge for females at the termination of his or her term of confinement, if then labouring under any contagious or infectious disease, or under any acute or dangerous illness, but he or she shall be permitted to remain in such prison or refuge until he or she recovers from the disease or illness.

But to remain under prison discipline.

(2) Any person remaining for any such cause in such prison or refuge shall be under the same discipline and control as if his or her term was still unexpired. R.S., c. 163, s. 38.

When term expires on Sunday.

39. Whenever the time of any offender's sentence in any prison or refuge under any law within the legislative authority of the Parliament of Canada expires on a Sunday, such offender shall be discharged on the previous Saturday, unless such offender desires to remain until the Monday following. R.S., c. 163, s. 39.

Transfer if confinement is for non-payment of fine.

40. (1) Any person who, under the provisions of this Act, is liable to be removed from any prison or refuge, may be so removed notwithstanding that such imprisonment, or any part thereof, is imposed in default of the payment of a fine or penalty in money, and that such person is entitled to be discharged upon payment of such fine or penalty.

If fine paid.

(2) If the fine or penalty is paid after the removal of the offender, the same shall be paid to the proper officer of such prison or refuge, to defray the expenses of the removal of the said offender, and otherwise for the uses of such prison.

Saving.

(3) Nothing in this section affects the right of any private person to such fine or penalty, or any part thereof. R.S., c. 163, s. 40.
41. The judge of any county court or any police magistrate may, upon satisfactory proof that any boy or girl who was sentenced under the provisions of any Act of the Parliament of Canada, and who has been discharged on probation, has violated the conditions of his or her discharge, order such boy or girl to be recommitted to the refuge, and thereupon such boy or girl shall be detained therein under his or her original sentence, as if such boy or girl had never been discharged. R.S., c. 163, s. 41.

42. The Governor in Council may make such regulations as he considers advisable for the discharge, after the expiration of the fixed term of sentence, of prisoners confined in any refuge under any Act of the Parliament of Canada; and such discharge may be either absolute or upon probation, subject to such conditions as are imposed under the authority of the said regulations. R.S., c. 163, s. 42.

43. The Lieutenant-Governor of the Province of Ontario may appoint a Board of Parole for the said Province whose duty it shall be to inquire from time to time into the cases of prisoners sentenced to the Ontario Reformatory, the Andrew Mercer Reformatory or any industrial farm, and where as a result of such inquiry the Board thinks proper, it may permit prisoners serving indeterminate sentences to be paroled under conditions approved of by the Minister of Justice, and when the terms on which such prisoners have been paroled have been complied with, the Board may recommend for the consideration of the Minister of Justice the final discharge of such prisoners. R.S., c. 163, s. 43.

PART II.

ONTARIO.

Application of Part.

44. This Part applies only to the Province of Ontario. R.S., c. 163, s. 44.

Interpretation.

45. In this Part, “certified industrial school” means any "Certified industrial school in the Province of Ontario certified under the Act passed by the legislature of the Province intituled the Industrial Schools Act, and includes for all the purposes of this Act, the Ontario Reformatory for Boys. R.S., c. 163, s. 45.
The Reformatory for the Province of Ontario.

46. Every court in the Province of Ontario, before which any person is convicted for an offence against the laws of Canada, punishable by imprisonment in the common gaol for the term of three months, or for any longer time, may sentence such person to imprisonment for a term of not less than three months and for an indeterminate period thereafter of not more than two years less one day in the Ontario Reformatory instead of the common gaol of the county or judicial district where the offence was committed or was tried. R.S., c. 163, s. 46.

47. (1) Every person confined in any one of the common gaols of the Province under sentence of imprisonment for any offence against the laws of Canada may, by warrant signed by the Inspector of Prisons and Public Charities or by such other officer as is authorized by the Lieutenant-Governor in that behalf, be transferred from such common gaol to the Ontario Reformatory or to an industrial farm, there to be imprisoned for the unexpired portion of the term of imprisonment to which such person was originally sentenced.

(2) Such person shall thereupon be imprisoned in the Ontario Reformatory or industrial farm for the residue of such term unless in the meantime he is lawfully discharged or removed, and is subject to all the rules and regulations of the Ontario Reformatory or industrial farm, as the case may be. R.S., c. 163, s. 47.

48. The Superintendent of the Custodial Branch of the Ontario Reformatory or the superintendent of an industrial farm, as the case may be, shall receive every offender so transferred and every offender legally certified to him as sentenced to imprisonment therein, and shall detain him subject to all the rules and regulations and discipline of their respective institutions until the term for which he has been sentenced is completed or until he is otherwise paroled or discharged in due course of law. R.S., c. 163, s. 48.

49. (1) The Lieutenant-Governor may, from time to time, authorize, direct or sanction the employment upon any specific work or duty without or beyond the limits of the Ontario Reformatory or an industrial farm of any of the prisoners confined or sentenced to be imprisoned therein or transferred thereto, as herein provided.

(2) All such prisoners are, during such last mentioned employment, subject to such rules, regulations and discipline as are approved by the Lieutenant-Governor in that behalf. R.S., c. 163, s. 49.

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50. The Inspector of Prisons and Public Charities or such other officer as is authorized by the Lieutenant-Governor in that behalf may, from time to time, by warrant, direct the removal of any offender from the Ontario Reformatory to an industrial farm, or to the common gaol of the county in which he was sentenced, or to any other gaol, or from an industrial farm to the Ontario Reformatory, or the common gaol of the county in which he was sentenced, or to any other industrial farm or gaol. R.S., c. 163, s. 50.

Certified Industrial School for Boys.

51. Where any boy, who, at the time of his trial, appears to the court to be under the age of sixteen years, is convicted of any offence against a law of Canada for which a sentence of imprisonment for a period of three months or longer, but less than five years, may be imposed upon an adult convicted of the like offence, and the court before which such boy is convicted is satisfied that a due regard for the material and moral welfare of the boy manifestly requires that he should be committed to a certified industrial school, then such court may sentence the boy to be imprisoned in any certified industrial school, for such term as the court thinks fit, not being greater than the term of imprisonment which could be imposed upon an adult for the like offence; and may further sentence such boy to be kept in such certified industrial school for an indefinite time after the expiration of such fixed term; but the whole period of confinement in such certified industrial school shall not exceed five years from the commencement of his imprisonment. R.S., c. 163, s. 51.

52. Where any boy, apparently under the age of sixteen years, is convicted of any offence against a law of Canada punishable on summary conviction, and thereupon is sentenced and committed to prison in any common gaol for a period not less than fourteen days, any judge of any one of the superior courts, or any judge of a county court, in any case occurring within his county, may examine and inquire into the circumstances of such case and conviction, and when he considers that the material and moral welfare of the boy requires such sentence, he may, as an additional sentence for such offence, sentence such boy to be sent either forthwith or at the expiration of his imprisonment in such gaol, to any certified industrial school, to be there detained for the purpose of his industrial and moral education, for an indefinite period, not exceeding in the whole five years, from the commencement of his imprisonment in the common gaol. R.S., c. 163, s. 52.

53. R.S., 1952.
53. The Governor General, by warrant under his hand, may, at any time in his discretion, the consent of the Provincial Secretary of Ontario having been first obtained, cause any boy who is imprisoned in a reformatory or gaol in the Province, under sentence for any offence against a law of Canada, and who is certified by the court, judge or magistrate by whom he was tried to have been, in the opinion of such court, judge or magistrate, at the time of his trial, of or under the age of thirteen years, to be transferred for the remainder of his term of imprisonment to a certified industrial school in the Province. R.S., c. 163, s. 53.

54. (1) Where, under any law of Canada, any boy is convicted, whether summarily or otherwise, of any offence punishable by imprisonment, and the court, judge, stipendiary or police magistrate by whom he is so convicted is of opinion that such boy does not exceed the age of thirteen years, such court, judge or magistrate may sentence such boy to imprisonment in a certified industrial school for any term not exceeding five years and not less than two years; but no such boy shall be detained in any certified industrial school beyond the age of seventeen years.

(2) No boy shall be sentenced to any such school, unless public notice has been given in the official gazette of Ontario, and has not been countermanded, that such school is ready to receive and maintain the boys sentenced under the laws of Canada. R.S., c. 163, s. 54.

55. Every boy sentenced or transferred to a certified industrial school shall be detained therein until the expiration of the fixed term, if any, of his sentence, unless sooner discharged by lawful authority, and thereafter shall, subject to the provisions hereof and to any regulations made, as hereinbefore provided, be detained in such certified industrial school, for a period not to exceed five years from the commencement of his imprisonment, for the purpose of his industrial and moral education. R.S., c. 163, s. 55.

56. A copy of the sentence of the court, duly certified by the proper officer, or the warrant or order of the judge or other magistrate by whom any boy is sentenced to confinement in such certified industrial school, is a sufficient authority to the sheriff, constable or other officer who is directed, verbally or otherwise, so to do, to convey such boy to the common gaol of the county where such sentence is pronounced, and for the gaoler of such gaol to receive and detain such boy, until some person, lawfully authorized, requires the delivery of such boy for removal to the certified industrial school. R.S., c. 163, s. 56.
Part II.  


The Andrew Mercer Reformatory for Females.

57. Every court before which any female is convicted of an offence against the laws of Canada, punishable by imprisonment in the common gaol for a term of two months or for any longer time, may sentence such female to imprisonment for an indefinite period not exceeding two years in the Andrew Mercer Reformatory for Females, instead of the common gaol of the county or judicial district where the offence was committed or was tried. R.S., c. 163, s. 57.

58. (1) Any female, from time to time confined in any common gaol under sentence of imprisonment for any offence against the laws of Canada, may, by warrant signed by the Inspector of Prisons and Public Charities, or by such other officer as is authorized by the Lieutenant-Governor in that behalf, be transferred from such common gaol to the Reformatory or to an industrial farm, there to be imprisoned for the unexpired portion of the term of imprisonment to which such female was originally sentenced or committed to the common gaol.

(2) Such female shall thereupon be imprisoned in the Reformatory or industrial farm for the residue of the said term, unless in the meantime she is lawfully discharged or removed, and she is subject to all the rules and regulations of the Reformatory or industrial farm, as the case may be. R.S., c. 163, s. 58.

59. (1) Whenever any female is convicted under the Criminal Code of being a loose, idle or disorderly person or vagrant, or is convicted of an offence under the sections thereof relating to the summary trial of indictable offences, she may be sentenced to the Reformatory for an indefinite term less than two years.

(2) If any term exceeding six months is inflicted, no fine shall be imposed in addition. R.S., c. 163, s. 59.

60. Any officer appointed by the Lieutenant-Governor, or other officer or person, by his direction or by direction of the court or other lawful authority, may convey to the Reformatory any convict sentenced, or liable to be imprisoned therein, and deliver her to the superintendent or keeper thereof, without any further warrant than a copy of the sentence taken from the minutes of the court by which the offender was tried, and certified by a judge or the clerk or acting clerk of such court. R.S., c. 163, s. 60.

61.  

R.S., 1952.
61. (1) The Superintendent of the Reformatory or the superintendent of an industrial farm, as the case may be, shall receive every offender so transferred, and every offender legally certified to him as sentenced to imprisonment therein, and shall there detain her, subject to all the rules, regulations and discipline of their respective institutions, until the term for which she has been sentenced is completed or until she is paroled or discharged in due course of law.

(2) The Lieutenant-Governor may from time to time authorize, direct or sanction the employment upon any specific work or duty without or beyond the limits of the Reformatory or industrial farm of any female confined or sentenced to be imprisoned or transferred thereto as herein provided.

(3) All such prisoners shall, during such last mentioned employment, be subject to such rules, regulations and discipline as are approved by the Lieutenant-Governor in that behalf. R.S., c. 163, s. 61.

62. The Inspector of Prisons and Public Charities, or such other officer as is authorized by the Lieutenant-Governor in that behalf, may, from time to time, by warrant, direct the removal of any female from the Reformatory to an industrial farm or to the common gaol of the county in which she was sentenced, or to any other gaol, or from an industrial farm to the Reformatory or the common gaol of the county in which she was sentenced, or to any other industrial farm or gaol. R.S., c. 163, s. 62.

63. The Superintendent of the Reformatory, the superintendent of an industrial farm, or the keeper of any common gaol, having the custody of any offender ordered to be removed, shall, when required so to do, deliver up to the constable or other officer or person who produces the said warrant, such offender, together with a copy, attested by the said superintendent or keeper, of the sentence and date of conviction as given on the reception of the offender into the custody of such superintendent or keeper. R.S., c. 163, s. 63.

Industrial Refuge for Girls.

64. Where any girl who at the time of her trial appears to the court to be under the age of fourteen years is convicted of any offence for which a sentence of imprisonment for a term of one month or longer, but less than five years, may be imposed upon an adult convicted of the like offence, and the court before which the girl is convicted is satisfied that
a due regard for her material and moral welfare manifestly requires that she should be committed to the Industrial Refuge for Girls of Ontario, such court may sentence such girl to be imprisoned therein, for such fixed term as the court thinks fit, not being greater than the term of imprisonment that could be imposed upon an adult for the like offence, and may further sentence the said girl to be kept in such Industrial Refuge for an indefinite time after the expiration of such fixed term; but the whole term of confinement in the Industrial Refuge shall not exceed five years from the commencement of her imprisonment. R.S., c. 163, s. 64.

65. Where any girl, apparently under the age of fourteen years, is convicted of any offence punishable by law on summary conviction, and thereupon is sentenced and committed to prison in any common gaol for a term of not less than fourteen days, any judge of one of the superior courts, or any judge of a county court, in any case occurring within his county, may examine and inquire into the circumstances of such case and conviction, and if he considers the material and moral welfare of the girl requires it, he may, as an additional sentence for such offence, sentence such girl to be sent either forthwith, or at the expiration of her imprisonment in such gaol, to the Industrial Refuge for Girls, to be there detained for the purpose of her industrial and moral education for an indefinite period, not exceeding in the whole five years from the commencement of her imprisonment in the common gaol. R.S., c. 163, s. 65.

66. Every girl so sentenced shall be detained in the Refuge until the expiration of the fixed term of her sentence, unless sooner discharged by lawful authority; and such girl thereafter shall, and every girl sentenced under section 65 shall, subject, in both cases, to the provisions of this Part, and to any regulations made as in this Part hereafter provided, be detained in the Refuge for a term not exceeding five years from the commencement of her imprisonment, for the purpose of her industrial and moral education. R.S., c. 163, s. 66.

Apprenticeship.

67. (1) Where any respectable and trustworthy person is willing to undertake the charge of any boy committed to any certified industrial school, when such boy is over the age of twelve years, or of any girl committed to the Industrial Refuge for Girls, as an apprentice to the trade or calling of such person, or for the purpose of domestic service, and R.S., 1952.
and such boy or girl is confined in the certified Industrial School or Refuge by virtue of a sentence or order pronounced under the authority of any Act of the Parliament of Canada, the superintendent of the certified Industrial School or Refuge may, with the consent and in the name of the Inspector of Prisons and Public Charities of Ontario, bind the said boy or girl to such person for any term not to extend, without his or her consent, beyond a term of five years, from the commencement of his or her imprisonment.

(2) The Inspector shall thereupon order that such boy or girl shall be discharged from the said School or Refuge on probation, to remain so discharged, if his or her conduct during the residue of the term of five years, from the commencement of his or her imprisonment, continues good, and such boy or girl shall be discharged accordingly.

(3) Any wages reserved in any indenture of apprenticeship made under this section shall be payable to such boy or girl, or to some other person for his or her benefit. R.S., c. 163, s. 67.

Other Provisions as to Juvenile Offenders.

68. No boy or girl shall be discharged under section 67, except on probation, as aforesaid, until after the fixed term of his or her sentence has elapsed, unless by the authority of the Governor General. R.S., c. 163, s. 68.

69. Where any child, appearing to the court or justice before whom the child is tried, to be under the age of fourteen years, is convicted of any offence against the law of Canada, whether indictable or punishable on summary conviction, such court or justice, instead of sentencing the child to any imprisonment provided by law in such case, may order that the child shall be committed to the charge of any home for destitute or neglected children, or to the charge of any children's aid society duly organized and approved by the Lieutenant-Governor of Ontario in Council, or to any certified industrial school. R.S., c. 163, s. 69.

70. (1) Whenever an information or complaint is laid or made against any boy under the age of twelve years, or girl under the age of thirteen years, for the commission of any offence against the law of Canada, whether indictable or punishable on summary conviction, the court or justice seized thereof shall give notice thereof in writing to the executive of the children's aid society, if there is one in the county.

county, and shall allow him opportunity to investigate the charges made, and may also notify the parents of the child, or either of them, or other person apparently interested in the welfare of the child.

(2) The court or justice may advise and counsel with the said officer and with the parents or such other person, and may consider any report made by the said officer upon the charges.

(3) Where, after such consultation and advice, and upon consideration of any report so made, and after hearing the matter of information or complaint, the court or justice is of opinion that the public interest and the welfare of the child will be best served thereby, then, instead of committing the child for trial or sentencing the child, as the case may be, the court or justice may, by order,

(a) authorize the said officer to take the child and, under the provisions of the law of Ontario, bind the child out to some suitable person until the child has attained the age of twenty-one years, or any less age;

(b) place the child out in some approved foster-home;

(c) impose a fine not exceeding ten dollars;

(d) suspend sentence for a definite period or for an indefinite period; or

(e) if the child has been found guilty of the offence charged or is shown to be wilfully wayward and unmanageable, commit the child to a certified industrial school, or to the Ontario Reformatory for Boys, or to the Refuge for Girls, as the case may be, and in such cases, the report of the said officer shall be attached to the warrant of commitment. R.S., c. 163, s. 70.

71. Whenever an order has been made under either section 69 or 70, the child may thereafter be dealt with under the law of the Province of Ontario, in the same manner, in all respects, as if such order had been lawfully made in respect of a proceeding instituted under authority of a statute of the Province of Ontario. R.S., c. 163, s. 71.

72. Except in the case of children cared for in a shelter or temporary home established under the Act of the Legislature of the Province of Ontario, passed in the year 1893, and intituled *An Act for the Prevention of Cruelty to and better Protection of Children*, in a municipality in which there is but one children’s aid society, no Protestant child shall

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shall, under section 69, 70 or 71, 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, under the said sections, be committed to the care of any Protestant children's aid society, or be placed in any Protestant family as its foster-home. R.S., c. 163, s. 72.

Houses of Refuge for Females.

73. (1) All females sentenced to, or confined from time to time in any of the common gaols of the Province of Ontario, under sentence of imprisonment by a police magistrate of any city, for any offence against any Act of the Parliament of Canada may be committed to any refuge situate in the county or union of counties, city or town in which such females respectively were convicted, or may be transferred, by order of such police magistrate, from such common gaol to such refuge, to be there respectively imprisoned for the whole or the unexpired portions of the terms of imprisonment for which such females were originally sentenced or committed respectively to such common gaol.

(2) Such females shall thereupon be imprisoned in such refuges for the whole or the residue of their respective terms of imprisonment, and they are subject to all the rules and regulations of such refuges respectively.

(3) No Protestant female shall, under this Part, be committed or transferred to a Roman Catholic institution, and no Roman Catholic to a Protestant institution. R.S., c. 163, s. 73.

74. The police magistrate may, from time to time, direct the removal of any such offender from any house of refuge to the common gaol, to which such offender had been originally sentenced, or from which she had been before removed, or to any other place of imprisonment to which the offender may be removed according to law. R.S., c. 163, s. 74.

75. Any officer to whom the magistrate's warrant in that behalf is directed, may convey to the house of refuge for females named in his warrant in that behalf, any offender liable to be imprisoned therein, and deliver her to the superintendent without any further warrant than a copy of the sentence or warrant of commitment against such offender from the proper court in that behalf, certified under the hand of the gaoler to whom the same is directed. R.S., c. 163, s. 75.
76. The superintendent of the refuge, or the keeper of any common gaol, having the custody of any offender ordered to be removed from a refuge to a common gaol or other place of imprisonment, or from the common gaol to a refuge, shall, when required so to do, deliver up to the constable or other officer or person who produces the said warrant, the offender named therein, together with a copy certified by him or her, of the warrant of commitment of the offender, or of the copy thereof as given him or her on the reception of the offender into his or her custody. R.S., c. 163, s. 76.

77. The officer or other person aforesaid shall give a receipt to the said superintendent or gaoler for the offender, and shall thereupon, with all convenient speed, convey and deliver up the offender with the said certified copy of the warrant into the custody of the superintendent of the refuge or keeper of the gaol or other place of imprisonment mentioned in the warrant, who shall give a receipt in writing for every offender so received into his or her custody to such officer or other person as his or her discharge; and the offender shall be kept in custody in the refuge or gaol or other place of imprisonment to which she may have been so removed, until the termination of her sentence or until her pardon or release or discharge by law, unless she is in the meantime again removed under competent authority. R.S., c. 163, s. 77.

78. Any offender who escapes from any such refuge before her sentence therein has expired, may be again arrested without any warrant by any sheriff, sheriff's bailiff or constable of the county, city, town or village in which she may be found and conveyed to the refuge from which she escaped, or to the county gaol of the county from which she was first removed, and she shall there be confined in such refuge or gaol for the balance of the period of her sentence which remained unexpired at the time of her escape. R.S., c. 163, s. 78.

79. No prisoner shall be committed to any refuge without the consent of the superintendent thereof in that behalf. R.S., c. 163, s. 79.

PART III.

QUEBEC.

Application of Part.

80. This Part applies only to the Province of Quebec. To Quebec. R.S., c. 163, s. 80.
81. Every person apparently under the age of sixteen years, who is convicted before any court of criminal jurisdiction or before any judge of the sessions of the peace, recorder, district or police magistrate, of any offence for which he would be liable to imprisonment, may be sentenced, on such conviction, to be detained in a certified reformatory school for any term not less than two years and not more than five years, or he may be sentenced to be first imprisoned in the common gaol for a term not in any case exceeding three months, and at the expiration of his sentence, to be sent to a certified reformatory school, and to be there detained for a term of not less than two years and not more than five years. R.S., c. 163, s. 81.

82. The Lieutenant-Governor may, at any time in his discretion, order that any offender detained in such reformatory school, under a summary conviction, be discharged. R.S., c. 163, s. 82.

83. (1) A person apparently under the age of sixteen years, arrested on a charge of having committed any offence not capital shall not, while awaiting trial for such offence be detained in any common gaol, if there is a certified reformatory school within three miles of such gaol, but shall be detained in such reformatory school while awaiting trial.

(2) If there is more than one such school within such distance, the person so charged shall be detained in that one of them that is conducted most nearly in accordance with the religious belief to which his parents belong, or in which he has been educated. R.S., c. 163, s. 83.

84. (1) Every offender detained in a certified reformatory school, who wilfully neglects or refuses to conform to the rules thereof, shall, on summary conviction before a justice of the peace having jurisdiction in the place or district in which the school is situate, be imprisoned with hard labour, for any term not exceeding three months.

(2) At the expiration of the term of his imprisonment, he shall, by and at the expense of the managers of the school, be brought back to the school from which he was taken, there to be detained during a period equal to so much of his period of detention as remained unexpired at the time of his being sent to the prison. R.S., c. 163, s. 84.

85. Whenever the Lieutenant-Governor of the Province of Quebec has declared, by proclamation published in the official gazette of the Province, that suitable arrangements have been made for the establishment of reformatory prisons.

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have been made in any district in the Province, for the detention and proper government and discipline of female convicts in any separate building or separate portion of the common gaol in such district, as a reformatory prison for such convicts, and has, by such proclamation, declared that such separate building or portion of a common gaol shall be a reformatory prison for the purposes hereof, any female person convicted in the said Province of any offence, not capital, and for which she would without this Part, be punishable by imprisonment for any term not less than two years, but not exceeding seven years, shall be punishable by imprisonment in the female reformatory prison for any term less than seven, but not less than five years, and she may be sentenced to such imprisonment accordingly, although she would not be liable to imprisonment in the penitentiary for so long a term as that for which she may be sentenced to imprisonment in the female reformatory prison. R.S., c. 163, s. 85.

86. (1) Where, after such proclamation, any female is convicted of any indictable offence punishable by imprisonment for any term less than two years, or of being a loose, idle or disorderly person or vagrant under the Criminal Code, then, unless it is proved that she has been previously convicted and imprisoned twice or oftener as aforesaid, such convict shall be asked, by the judge, recorder, judge of the sessions of the peace, commissioner of police, district police, or stipendiary magistrate, mayor, warden or the two justices of the peace, or other functionary before whom the conviction is had, whether she consents, instead of the imprisonment to which she is otherwise liable, to be sentenced to imprisonment for a term of five years in the female reformatory prison.

(2) If she refuses to give such consent, sentence shall be passed upon her as if this Part had not been passed, but if she gives such consent, or it is proved that she has been twice convicted as aforesaid, the fact shall be duly recorded or entered on the proceedings in the case, and she shall be sentenced accordingly to imprisonment in the female reformatory prison for a term of five years. R.S., c. 163, s. 86.

87. Where, at the time of the passing of any such sentence, there is more than one female reformatory prison in the Province, the imprisonment under such sentence shall be in that one of such reformatory prisons that is in the same district as the place at which the sentence is passed, or
if there is no reformatory prison in such district, then in the reformatory prison nearest to such place; but if there is not more than one such reformatory prison in the Province, then such imprisonment shall be in it. R.S., c. 163, s. 87.

88. Each such female reformatory prison as aforesaid, is a house of correction and a public reformatory prison, within the meaning of the sixth enumeration of section 92 of the British North America Act 1867, and subject to such laws as the Legislature of the Province makes with respect to the establishment, maintenance and management thereof. R.S., c. 163, s. 88.

Employment of Prisoners.

89. (1) Every sheriff or gaoler in the Province of Quebec, being thereunto authorized by the Lieutenant-Governor, or in such manner as any Act of the Legislature of the Province provides, and under such regulations as the Legislature makes or authorizes to be made in that behalf, may employ any male convict sentenced to hard labour in such prison, at hard labour outside the walls or precincts of the prison, and may exercise the same powers of restraint and discipline, and for preventing escape, while the convict is so outside of the walls or precincts, as if he were inside the same, and whether his labour is so employed directly by the Government of the Province or by any contractor to whom such labour is let or hired out by the Government, or by any competent authority.

(2) The sentence of any such male convict shall be understood to include such employment as aforesaid.

(3) Any time during which a convict is so employed shall be reckoned as part of the term for which he was sentenced to be confined in such prison. R.S., c. 163, s. 89.

Common Gaols.

90. Every common gaol shall be a house of correction, reformatory prison and place of detention. R.S., c. 163, s. 90.

PART IV.

NOVA SCOTIA.

Application of Part.

91. This Part applies only to the Province of Nova Scotia. R.S., c. 163, s. 91.

Definitions.

92. (1) In this Part,

(a) "child" means a child as defined by section 2 of the Juvenile Delinquents Act;

(b) R.S., 1952.
(b) “reformatory institution” means and includes one of the following:

(i) the Maritime Home for Girls, at Truro,
(ii) the Good Shepherd Industrial Refuge, at Halifax,
(iii) the Halifax Industrial School, at Halifax,
(iv) St. Patrick’s Home, at Halifax,
(v) the Nova Scotia School for Boys.

(2) Where any child is convicted of any offence against the laws of Canada for which a sentence of imprisonment may be imposed upon an adult convicted of a like offence, the court or magistrate before which the child is convicted may sentence such child to be imprisoned in a reformatory institution for such fixed term, not less than three months nor more than three years, as the court or magistrate thinks fit.

(3) Every court or magistrate before whom any such child is convicted before passing sentence upon such child shall make due inquiries to ascertain the religious denomination to which such child belongs; and no child of the Protestant faith shall be sentenced to any Roman Catholic institution and no child of the Roman Catholic faith shall be sentenced to any Protestant institution.

(4) Girls of the Protestant faith shall be sentenced to the Maritime Home for Girls at Truro and girls of the Roman Catholic faith shall be sentenced to the Good Shepherd Industrial Refuge at Halifax; boys of the Protestant faith shall be sentenced to the Halifax Industrial School at Halifax or the Nova Scotia School for Boys and boys of the Roman Catholic faith shall be sentenced to St. Patrick’s Home at Halifax or to the Nova Scotia School for Boys.

(5) Where any child is convicted in Nova Scotia of any offence against the laws of Canada and is sentenced and committed to prison or to the county gaol, any judge of the Supreme Court of Nova Scotia in any case occurring within the province, or any judge of the county court in any case occurring within his district, may summarily examine and inquire into the circumstances of such conviction, and may quash said sentence to the said prison or county gaol, and in substitution thereof sentence said child under the provisions of this section.

(6) Every child sentenced under the provisions of this section shall be detained in a reformatory institution until the expiration of the fixed term of its sentence, unless sooner discharged by lawful authority, and every child after having served such fixed term shall, subject to the laws R.S., 1952.
Indeterminate sentence.

(7) If any responsible and trustworthy person is willing to undertake the charge of any child committed to a reformatory institution under the provisions of this section, the superintendent of such reformatory institution may, with the consent and approval of the Superintendent of Neglected and Delinquent Children for the Province of Nova Scotia, indenture such child to such person for any term not to extend beyond the time when such child shall reach the age of twenty-one years.

Child to be given to parents or guardians or apprenticed within three years.

(8) Every child sentenced to a reformatory institution shall within three years from the date of its reception in such reformatory institution, unless discharged under the provisions of this section, be given over to the custody of its parents or guardians or be placed in a foster home under indenture for any term not to extend beyond the time when such child reaches the age of twenty-one years, as the superintendent of such reformatory institution with the consent of the Superintendent of Neglected and Delinquent Children for the Province of Nova Scotia, may deem advisable.

Child may be returned to reformatory institution.

(9) After a child has been so given over to the custody of its parents or guardians or has been placed in a foster home under indenture not to extend beyond the time when such child reaches the age of twenty-one years the Superintendent of Neglected and Delinquent Children for the Province of Nova Scotia may, if he deems it in the interest of such child, order such child to be returned to such reformatory institution, there to be detained for any indefinite period; but the total period of confinement for such child in such reformatory institution shall not exceed five years.

Discharge on probation upon being apprenticed.

(10) The Superintendent of Neglected and Delinquent Children for the Province of Nova Scotia shall thereupon order that such child be discharged from such reformatory institution on probation, to remain so discharged providing its conduct during the term of said indenture continues good, and such child shall be discharged accordingly, subject to R.S., 1952.

ject, however, to be returned on an order of the Superintendant of Neglected and Delinquent Children for the Province of Nova Scotia to such reformatory institution for an indefinite period; but the total period of confinement in a reformatory institution shall not exceed five years.

(11) Any wages reserved in any indenture under the Payment provisions of this section shall be paid to such child or to some person for such child's benefit.

(12) Any person who induces or attempts to induce, aids, assists, abets, counsels or procures any child to leave the person with whom such child is placed under the provisions of this section, is liable on summary conviction to a penalty not exceeding one hundred dollars, or to imprisonment for a term not exceeding six months.

(13) No child shall be discharged from a reformatory institution until the expiration of the fixed term of its sentence except under the provisions of this section, unless by order of the Governor General.

(14) The Superintendant of Neglected and Delinquent Children for the Province of Nova Scotia shall, subject to the laws of the Province of Nova Scotia, exercise and maintain supervision over every child after its discharge from a reformatory institution under the provisions of this section.

(15) Where a child sentenced to a reformatory institution under the provisions of this section escapes from such reformatory institution it may at any time be apprehended without warrant and brought back to such reformatory institution, there to be detained under the original commitment.

(16) Every person who aids, assists or abets any child in such escape is liable on summary conviction to a penalty not exceeding one hundred dollars or to imprisonment for a period not to exceed six months.

(17) Reformatory institutions mentioned in this section shall be governed by the laws enacted by the Legislature of Nova Scotia respecting such reformatory institutions.

(18) The following form for commitment to reformatory institutions under the provisions of this section may be used for the purpose thereof, or forms of a like effect, and when in use are good and sufficient for such purposes in law:

FORM 4393 R.S., 1952.
FORM OF COMMITMENT.

CANADA

PROVINCE OF NOVA SCOTIA

COUNTY OF SS.

IN THE MATTER OF "THE PRISONS AND REFORMATORIES ACT."

WARRANT COMMITTING CHILD TO REFORMATORY INSTITUTION.

To all or any one of the constables and other peace officers of the said County, and to the Superintendent or manager or person in charge thereof of the reformatory institution:

WHEREAS a male (or female) child of the faith, was on this day duly convicted before me, a for that the said child on or about the day of did unlawfully

Upon due inquiry made it has been found that the religious denomination to which the said child belongs is the faith.

IT WAS THEREFORE ADJUDGED that the said child for the said offence should be imprisoned in the said reformatory institution for the term of , subject to the laws and regulations governing reformatory institutions in the said Province of Nova Scotia.

THIS IS THEREFORE TO COMMAND you the said constables and peace officers or any one of you for the said County to take the said child and safely convey him to the said reformatory institution, and there deliver him to the superintendent, manager or person in charge of the said reformatory institution, together with this precept; and I do hereby command you the said superintendent, manager or person in charge to receive the said child into your care and custody in the said reformatory institution, and there to imprison him for the said term, unless sooner discharged by lawful authority, and for your so doing this shall be your sufficient warrant.

Given under my hand this day of in the year of Our Lord 19 at in the County of in the Province of Nova Scotia.

(19) The Attorney-General for Nova Scotia may order the person in charge of any reformatory institution to transfer any boy detained therein pursuant to this section to any other reformatory institution to which a boy may be sentenced R.S., 1952.
sentenced under this section; but no boy of the Protestant faith shall be transferred to St. Patrick's Home and no boy of the Roman Catholic faith shall be transferred to the Halifax Industrial School; the order of the Attorney-General is sufficient authority to the persons in charge of such reformatory institutions and their agents to transfer the boy and detain him according to the exigencies of his sentence and this section and he shall be deemed to have been sentenced to the reformatory institution to which he has been so transferred. R.S., c. 163, s. 92; 1947, c. 68, ss. 1, 2, 3.

93. The Industrial School shall, at all times, be open to inspection by the Mayor and Aldermen and the Stipendiary Magistrate of the City of Halifax, or any of them. R.S., c. 163, s. 93.

94. The Committee of the Industrial School are bound to teach and instruct each boy so sentenced and detained as aforesaid, in reading and writing, and in arithmetic as far as the rule of three, and also to teach each such boy such one of the trades or occupations that are, from time to time, taught in the said school, as the committee deems most adapted to his capabilities. R.S., c. 163, s. 94.

95. (1) The Superintendent of the Home may at any time notify the mayor, warden or other chief magistrate of any municipality that no prisoners, beyond those already under sentence in the Home, will be received therein.

(2) After such notification no boy shall be sentenced in such municipality to be detained in the Home until notice has been received by such mayor, warden or chief magistrate, from the Superintendent, that prisoners will again be received in the Home. R.S., c. 163, s. 95.

96. The Home shall, at all times, be open to inspection by any officer appointed by the Governor in Council to inspect the same, and, when and so long as any pecuniary aid is received from the City of Halifax, it shall be open to inspection by the Mayor, Aldermen and Stipendiary Magistrate of the City, or any of them. R.S., c. 163, s. 96.

97. The governing body of the Home is bound to teach and instruct each boy so sentenced and detained as aforesaid in reading and writing, and in arithmetic to the end of the rule of three, and also to teach each such boy such one of the trades or occupations that are, from time to time, taught in the Home, as such governing body deems most adapted to his capabilities. R.S., c. 163, s. 97.

98. R.S., 1952

Ticket of leave.

98. (1) Where any boy so sentenced and detained in the Home has, in the opinion of the governing body of the Home, so conducted himself during a term of six consecutive months by good behaviour, diligence and industry as to warrant his being set at large and no longer detained in the Home, the Minister of Justice, or such person as he appoints to issue such licences, may issue a licence to such boy to be at large in the Province of Nova Scotia, or in such part thereof as is specified in the licence.

Revocation.

(2) The licence may be revoked or altered at pleasure by the Minister of Justice, or by such person as he appoints as aforesaid.

Regulations.

(3) The Minister of Justice may make such regulations as he sees fit as to the form of such licences, and conditions of enjoyment and forfeiture thereof, and for ascertaining that the conditions are duly complied with.

If licence contravened.

(4) Upon information on oath that the holder of any such licence has contravened any of the conditions thereof, the Police Court or Stipendiary Magistrate of the City of Halifax may issue a warrant for his arrest, wherever in Canada he may be, and cause him to be brought before such court or magistrate, and upon conviction of such contravention, shall remand him to the Home, there to serve the remainder of his original sentence, with such additional term, not exceeding one year, as to the court or magistrate seems proper. R.S., c. 163, s. 98.

Good Shepherd Reformatory for Females.

99. Every judge, stipendiary magistrate or magistrate in the province before whom any female person being a Roman Catholic above the age of sixteen is convicted of an offence against the law of Canada, punishable by imprisonment in a city prison or common gaol for the term of two months or for any longer time, may sentence such female person to an extended or substituted imprisonment in the Good Shepherd Reformatory at Halifax, subject to the following conditions:

(a) if such female person is under the age of twenty-one years, such extended imprisonment may be until she attains the age of twenty-one years or for any shorter or longer term, not less than two and not more in the whole than four years; and
(b) if such female person is of the age of twenty-one years or upwards, such extended imprisonment may be for any term not less than one year and not more than two years. R.S., c. 163, s. 99.
100. Where any female person who is a Roman Catholic is convicted in Nova Scotia of an offence against the law of Canada, and is sentenced and committed to a city prison or common gaol, any judge of the Supreme Court of Nova Scotia in any case arising in the Province of Nova Scotia, or any judge of a County Court in any case arising within his county or district, may summarily examine and inquire into the circumstances of such conviction, and may quash sentence to the said city prison or common gaol, and in substitution thereof sentence such female person under the provisions of section 99. 1931, c. 46, s. 1.

101. (1) Any female Roman Catholic, convicted under the Criminal Code of being a loose, idle or disorderly person or vagrant, or convicted of an offence under the sections thereof relating to the summary trial of indictable offences, may be sentenced to the Reformatory for any term less than two years.

(2) If any term exceeding six months is inflicted, no fine shall be imposed in addition. R.S., c. 163, s. 101.

102. Any officer appointed by the Lieutenant-Governor, or other officer or person, by his direction or by direction of the judge, stipendiary magistrate, magistrate or other lawful authority, may convey to the Reformatory any convict sentenced, or liable to be imprisoned therein, and deliver her to the Superintendent, without any further warrant than a copy of the sentence, taken from the minutes of the court before which the offender was tried and certified by a judge, magistrate or justice, or the clerk or acting clerk of such court. R.S., c. 163, s. 102.

103. Subject to the provisions hereinafter contained, the Superintendent of the Reformatory shall receive into the same every offender legally certified to her as sentenced to imprisonment therein, and shall there detain her, subject to all the rules, regulations and discipline thereof, until the term for which she has been sentenced is completed, or until she is otherwise discharged in due course of law. R.S., c. 163, s. 103.

104. The Lieutenant-Governor may, from time to time, by warrant signed by the Provincial Secretary, or by such other officer as is authorized by the Lieutenant-Governor in that behalf, direct the removal from the Reformatory back to the city prison or common gaol, or to any other gaol in Nova Scotia, of any person removed to the Reformatory under this Part. R.S., c. 163, s. 104.

105. R.S., 1952.
106. (1) The Superintendent of the Good Shepherd Reformatory or of the Good Shepherd Industrial Refuge may at any time notify the mayor, warden or other chief magistrate of any city, town or other municipality, that no prisoners beyond those already under sentence in the Reformatory or Industrial Refuge will be received therein from such municipality.

(2) After such notification no person shall be sentenced in such municipality to be detained in the Reformatory or Industrial Refuge until notice has been received by such mayor, warden or chief magistrate, from the Superintendent, that prisoners will again be received in the Reformatory or Refuge. R.S., c. 163, s. 106.

107. (1) Where any girl sentenced and detained in the Good Shepherd Reformatory or the Good Shepherd Industrial Refuge, has, in the opinion of the Superintendent thereof, so conducted herself during a term of six consecutive months by good behaviour, diligence and industry as to warrant her being set at large and no longer detained in the Refuge, and the Police Court or Stipendiary Magistrate of the City of Halifax concurs with the Superintendent in recommending the issue of a licence to such girl to be at large, then the Minister of Justice, or such person as he appoints to issue such licence, may issue a licence to such girl to be at large in the Province of Nova Scotia, or in such part thereof as is specified in the licence.

(2) The licence may be revoked or altered at pleasure by the Minister of Justice, or by such person as he appoints as aforesaid.

(3) The Minister of Justice may make such regulations as he sees fit as to the form of such licences, the conditions of enjoyment and forfeiture thereof, and for ascertaining that such conditions are duly complied with.

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(4) Upon information on oath that the holder of any such licence has contravened any of the conditions thereof, a judge or stipendiary magistrate may issue a warrant for her arrest, wherever in Canada she may be, and cause her to be brought before such judge or magistrate, and, upon conviction of such contravention, shall remand her to such industrial refuge, there to serve the remainder of her original sentence, with such additional term, not exceeding one year, as to such judge or magistrate seems proper. R.S., c. 163, s. 107.

PART V.

NEW BRUNSWICK.

Application of Part.

108. This Part applies only to the Province of New Brunswick. R.S., c. 163, s. 108.

Interpretation.

109. In the sections of this Part relating to the Good Shepherd Reformatory at Saint John, in the Province of New Brunswick, “court” includes a police or stipendiary magistrate or justice of the peace. R.S., c. 163, s. 109.

Industrial Home for Boys.

110. (1) Where any boy, who, at the time of his trial, appears to the court to be under the age of sixteen years, is convicted of any offence for which a sentence of imprisonment for a period of three months or longer may be imposed upon an adult convicted of the like offence, the court before whom such boy is convicted may, if satisfied that a due regard for the material and moral welfare of the boy manifestly requires that he should be committed to the Industrial Home for Boys, established in the Province, sentence the boy to be imprisoned in the Home for such term not greater than the term of imprisonment that could be imposed upon an adult for the like offence as the court thinks fit.

(2) Such court may further sentence such boy to be kept in the Industrial Home for an indefinite time after the expiration of such fixed term; but the whole period of confinement in the Industrial Home shall not exceed five years from the commencement of his imprisonment. R.S., c. 163, s. 110.

R.S., 1952.
Additional imprisonment for purposes of reform.

111. Where any boy, apparently under the age of sixteen years, is convicted of an offence punishable by law on summary conviction, and thereupon is sentenced and committed to prison in any common gaol for a period of not less than fourteen days, any judge of the Supreme Court or a county court, in any case occurring within the county or counties for which he is such judge, may examine and inquire into the circumstances of such case and conviction, and when he considers that the material and moral welfare of the boy requires such sentence, he may, as an additional sentence for such offence, sentence such boy, either forthwith or at the expiration of his imprisonment in such gaol, to the Industrial Home, to be there detained for the purpose of his industrial and moral education for an indefinite period, not exceeding in the whole five years from the commencement of his imprisonment in the common gaol. R.S., c. 163, s. 111.

Term.

112. Every boy so sentenced shall be detained in the Industrial Home until the expiration of the fixed term, if any, of his sentence, unless sooner discharged by lawful authority, and thereafter shall, subject to the provisions of this Part and to any regulations made hereinafter provided, be detained in the Industrial Home for the purpose of his industrial and moral education for a period not to exceed five years from the commencement of his imprisonment. R.S., c. 163, s. 112.

Term.

113. The clergymen of all religious denominations shall, at all convenient hours and subject to the rules or regulations governing the Industrial Home, be admitted therein for the purpose of giving spiritual advice and instruction to the inmates therein of their respective denominations. R.S., c. 163, s. 113.

Clergymen visitors.

Chairman's warrant for delivery to Industrial Home.

114. (1) The chairman of the governing board of the Industrial Home may issue a warrant under his official seal requiring the sheriff or a constable or other officer to deliver any boy sentenced to be confined therein to the Superintendent of the Industrial Home.

Copy of sentence sufficient warrant for confinement in gaol.

(2) A copy of the sentence of the court, duly certified by the proper officer, or the warrant or order of the judge or magistrate by whom the boy is sentenced to such confinement, shall be sufficient authority to the sheriff, constable or other officer, if he is directed verbally or otherwise so to do, to convey the boy to the common gaol of the county where the sentence is pronounced, and for the gaoler of such gaol to receive the boy and retain him until such warrant is presented to the gaoler. R.S., c. 163, s. 114.

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115. (1) Where any respectable or trustworthy person is willing to undertake the charge of any boy committed to the said Industrial Home, when such boy is over the age of twelve years, as an apprentice to the trade or calling of such person, and such boy is confined in the Industrial Home by virtue of a sentence or order pronounced under the authority of any Act of the Parliament of Canada, the Superintendent of the Industrial Home may, with the consent of the parent or guardian of the boy, and in the name of the governing board of the Industrial Home, bind the said boy to such person for any term not to extend without his consent, beyond a term of five years from the commencement of his imprisonment.

(2) The said governing board shall thereupon order that such boy shall be discharged from the said Industrial Home on probation, to remain so discharged, if his conduct during the residue of the term of five years, from the commencement of his imprisonment, continues good, and such boy shall be discharged accordingly.

(3) Any wages reserved in any indenture of apprenticeship made under this section are payable to such boy, or to some other person for his benefit. R.S., c. 163, s. 115.

116. No boy shall be discharged under section 115 until after the fixed term of his sentence has elapsed, unless by the authority of the Governor General. R.S., c. 163, s. 116.

117. The Governor in Council may make such regulations as he considers advisable for the discharge, after the expiration of the fixed term of sentence, of prisoners confined in the Industrial Home under any Act of the Parliament of Canada, and such discharge may be either absolute or upon probation, subject to such conditions as are imposed under the authority of the said regulations. R.S., c. 163, s. 117.

118. The judge of any county court or police magistrate may, upon satisfactory proof that any boy who was sentenced under the provisions of any Act of the Parliament of Canada, and who has been discharged on probation, has violated the conditions of his discharge, order such boy to be recommitted to the Industrial Home, and thereupon such boy shall be detained therein under his original sentence as if he had never been discharged. R.S., c. 163, s. 118.

119. The Governor General, by warrant under his hand, may, at any time in his discretion, on the application of the Attorney-General of the Province of New Brunswick, cause the boy to be transferred from Dorchester Penitentiary to Industrial Home. R.S., 1952.
cause any boy who is imprisoned in the Dorchester Penitentiary, or in any gaol in the Province, for an offence against the law of Canada, and who is certified by any judge of the Supreme Court, or of the county court, to have been, in the opinion of such judge, at the time of his trial under the age of fifteen years, to be transferred to the said Industrial Home in the Province, for the remainder of his term of imprisonment, and for such further term in addition thereto as the Governor General, on the report and recommendation of such judge, deems expedient; but the whole term of imprisonment shall not exceed five years from the commencement of the imprisonment in such penitentiary or gaol. R.S., c. 163, s. 119.

**Transfer from Home to penitentiary.**

120. The Governor General, by warrant under his hand, may, at any time in his discretion, on the application of the Attorney-General of the Province of New Brunswick, cause any boy who is imprisoned in the said Industrial Home under sentence for an offence against any law of Canada, and for a term of years for which he might have been sentenced to imprisonment in the penitentiary, to be transferred to the Dorchester Penitentiary for the remainder of his term of imprisonment. R.S., c. 163, s. 120.

**Good Shepherd Reformatory, Saint John.**

121. Whenever any woman or girl, who is a Roman Catholic, is convicted in the Province of New Brunswick of any offence against any law of Canada punishable by imprisonment for a maximum term of less than two years, the Court may sentence such woman or girl to imprisonment in the Good Shepherd Reformatory in the City of Saint John in the said Province instead of the common gaol or other prison. 1931, c. 46, s. 2.

122. (1) Every judge, stipendiary magistrate or magistrate before whom any female person being a Roman Catholic is convicted in the Province of New Brunswick of an offence against the law of Canada punishable by imprisonment in a city prison or common gaol for a term of two months or for any longer term, may sentence such female person to an extended or substituted imprisonment in the Good Shepherd Reformatory in the said City of Saint John, subject to the following conditions:

(a) if such female person is under the age of twenty-one years, such extended imprisonment may be until she attains the age of twenty-one years, or for any shorter or longer term not less than two and not more in the whole than four years; and

(b) R.S., 1952.
(b) if such female person is of the age of twenty-one years or upwards, such extended imprisonment may be for any term not less than one year and not more than two years.

(2) Where any female person who is a Roman Catholic is convicted in New Brunswick of an offence against the law of Canada and is sentenced and committed to a city prison or common gaol, any judge of the Supreme Court of New Brunswick in any case occurring in his province, or any judge of a County Court in any case occurring within his county or district, may summarily examine and inquire into the circumstances of such conviction and may quash such sentence to the said city prison or common gaol, and, in substitution thereof, sentence such female person under the provisions of this section.

(3) Where any female person, sentenced to the Good Shepherd Reformatory under the provisions of this section, escapes from such institution, she may at any time be apprehended without warrant and brought back to the said institution, there to be detained under the original commitment. 1931, c. 46, s. 3.

123. The Superintendent or Keeper of the said Good Shepherd Reformatory may at any time notify the mayor, warden or other chief magistrate of any municipality within the said Province of New Brunswick, that no such female persons, beyond those already under sentence in the said Good Shepherd Reformatory, will be received therein, and after such notification, no such female person shall be sentenced in such municipality to the Good Shepherd Reformatory until notice has been received by such mayor, warden or chief magistrate from the said Superintendent or Keeper that persons will be again received in the Good Shepherd Reformatory. 1931, c. 46, s. 3.

124. The Attorney-General of New Brunswick may from time to time on application from the Superintendent or Keeper of the said Good Shepherd Reformatory, by order, direct the removal from the said Good Shepherd Reformatory of any female person committed thereto under the provisions of this Act from the Province of New Brunswick, back to a city prison or common gaol for the balance of the unexpired portion of the maximum sentence originally imposed on such female. 1931, c. 46, s. 3.
125. (1) Whenever any such woman or girl is convicted in the said City or County of Saint John, under the Criminal Code, of
(a) keeping a common bawdy house or of being found in a common bawdy house, without lawful excuse, or of being an inmate of a common bawdy house,
(b) being a loose, idle or disorderly person or vagrant, or
(c) any offence triable under the sections of the Criminal Code relating to summary trial of indictable offences,
she may be sentenced to imprisonment in the Good Shepherd Reformatory for any term less than two years.

(2) If a term exceeding six months is inflicted, no fine shall be imposed in addition. R.S., c. 163, s. 122.

126. Any officer appointed by the Lieutenant-Governor, or other officer or person by his direction or by direction of the court or other lawful authority, may convey to the Good Shepherd Reformatory any convict sentenced to be imprisoned therein, and deliver her to the Superintendent or Keeper thereof, without any further warrant than a copy of the sentence, taken from the minutes of the court before which the offender was tried and certified by a judge, or the clerk, or acting clerk of such court, together with a certificate from a duly qualified medical practitioner that such female person is free from infectious and contagious diseases, and the said Superintendent or Keeper thereof may refuse to admit any convict sentenced to be imprisoned in the Good Shepherd Reformatory under the provisions of this Act unless such medical certificate accompanies the said copy of the sentence. 1931, c. 46, s. 4.

127. The Superintendent or Keeper of the Good Shepherd Reformatory shall receive therein every offender legally certified to her as sentenced to imprisonment therein, and shall there detain her, subject to all the rules, regulations and discipline thereof, until the term for which she has been sentenced is completed, or until she is otherwise discharged in due course of law. R.S., c. 163, s. 124.

PART VI.

PRINCE EDWARD ISLAND.

Application of Part.

128. This Part applies only to the Province of Prince Edward Island. R.S., c. 163, s. 125.

R.S., 1952.
Reformatory for Juvenile Offenders.

129. (1) As soon as a proclamation has been issued by the Lieutenant-Governor of the Province of Prince Edward Island declaring that a reformatory for juvenile offenders has been established and made ready for the confinement of prisoners, any person, apparently under the age of sixteen years, who is convicted in the Province before the Supreme Court or a stipendiary magistrate, of any offence for which, by law, he is liable to imprisonment, may, by the Court or stipendiary magistrate, be sentenced to be detained in the said reformatory for any term not exceeding five years and not less than two years, as to the Court or magistrate appears proper.

(2) Until an industrial school or reformatory is established in the Province, the Lieutenant-Governor of the Province may arrange for the use of industrial schools or reformatories in other provinces, and thereupon, so far as relates to delinquents and offenders in the Province of Prince Edward Island, the industrial school referred to in the Juvenile Delinquents Act, shall mean and include such industrial school or reformatory so arranged for without the Province. R.S., c. 163, s. 126.

130. Any person apparently under the age of sixteen years, thereafter arrested on a charge of having committed any offence within the said Province, not capital, shall not, while awaiting trial for such offence, be detained in any common gaol, but shall be detained in such reformatory. R.S., c. 163, s. 127.

131. Where any offender, detained in such reformatory, wilfully neglects to conform to the rules thereof, he may upon summary conviction, be imprisoned in the common gaol, with hard labour, for any term not exceeding three months; and at the expiration of his term of imprisonment he shall be brought back to the reformatory, there to be detained during a term equal to so much of his term of imprisonment as remained unexpired at the time of his being sent to the prison. R.S., c. 163, s. 128.

Removal of Prisoners to the Gaol of Queen's County.

132. The Supreme Court of the Province of Prince Edward Island, or any judge thereof, may, on the application of the Attorney-General or other Crown officer of such Province, whenever any prisoner is sentenced to any term of imprisonment, with hard labour, in either Prince County or King's County, make an order or give directions for the transfer of the prisoner to the gaol of Queen's County. R.S., 1952.
Prisons and Reformatories. Part VII.

transfer and removal of such prisoner from the gaol of the county in which the conviction of such prisoner takes place, to the gaol of Queen's County, and such order may be made or directions given at the time of passing sentence. R.S., c. 163, s. 129.

133. Whenever such order is made or directions given, the sheriff of the county in which the conviction takes place shall cause such prisoner to be removed with all convenient despatch to the gaol of Queen's County, pursuant to such order or direction. R.S., c. 163, s. 130.

134. Upon such removal, such prisoner is subject to the same authority and jurisdiction as if he had been convicted in Queen's County. R.S., c. 163, s. 131.

PART VII.

MANITOBA.

Application of Part.

135. This Part applies only to the Province of Manitoba. R.S., c. 163, s. 132.

Reformatory for Boys and Girls.

136. Where any boy or girl, who, at the time of his or her trial, appears to the court to be under the age of sixteen years, is convicted of any offence for which a sentence of imprisonment for a period of three months or longer may be imposed upon an adult convicted of the like offence, the court before which such boy or girl is convicted may, if satisfied that a due regard for the material and moral welfare of the boy or girl manifestly requires that he or she should be committed to some reformatory or industrial home for boys or girls in the Province of Manitoba, sentence the boy or girl to be imprisoned in any such reformatory or industrial home duly established as such by and under the authority of the Legislature of the said Province or approved as such reformatory or industrial home by proclamation of the Lieutenant-Governor in Council under the said authority for such term as the court thinks fit, not being greater than the term of imprisonment that could be imposed upon an adult for the like offence, and may further sentence such boy or girl to be kept in such reformatory or industrial home for an indefinite time after the expiration of R.S., 1952.
of such fixed term; but the whole period of confinement in such reformatory or industrial home shall not exceed five years from the commencement of the imprisonment. R.S., c. 163, s. 133.

137. Where any boy or girl apparently under the age of sixteen years, is convicted of any offence punishable by law on summary conviction, and thereupon is sentenced and committed to prison in any common gaol for a period of not less than fourteen days, any judge of any one of the superior courts, or any judge of the county court of the judicial district in which the conviction is had, may examine and inquire into the circumstances of the case and conviction, and may, as an additional sentence for such offence, when he considers that the material and moral welfare of the boy or girl so requires, sentence such boy or girl to be sent either forthwith or at the expiration of his or her imprisonment in such gaol, to any such reformatory or industrial home, to be there detained for the purpose of his or her industrial and moral education, for an indefinite period, not exceeding in the whole five years from the commencement of his or her imprisonment in the common gaol. R.S., c. 163, s. 134.

138. Every boy or girl so sentenced shall be detained in the reformatory or industrial home until the expiration of the fixed term, if any, of his or her sentence, unless sooner discharged by lawful authority, and thereafter shall, subject to the provisions hereof and to any regulations made as hereinbefore provided, be detained in the reformatory or industrial home for a period not to exceed five years from the commencement of his or her imprisonment, for the purpose of his or her industrial and moral education. R.S., c. 163, s. 135.

139. Where any girl or woman is convicted in Manitoba of any offence under the Criminal Code for which a sentence of imprisonment for a period of three months or longer may be imposed, and the court before which such girl or woman is convicted is satisfied that a due regard for the material and moral welfare of the girl or woman manifestly requires that she should be committed to some reformatory or industrial home for girls or women in the Province, then such court may, notwithstanding any provisions of the Criminal Code as to the duration of the term of imprisonment for such offence, sentence the girl or woman to be imprisoned in any such reformatory or industrial home in Manitoba duly established as such by and under the authority R.S., 1952.
authority of the Legislature of the Province, or approved as such reformatory or industrial home by proclamation of the Lieutenant-Governor in Council under such authority for such term as the court thinks fit, not exceeding in all three years. R.S., c. 163, s. 136.

140. A copy of the sentence of the court, duly certified by the proper officer, or the warrant or order of the judge or other magistrate by whom any woman or boy or girl is sentenced to confinement in the reformatory or industrial home, is sufficient authority to the sheriff, constable or other officer who is directed, verbally or otherwise, so to do, to convey such woman or boy or girl to such reformatory or industrial home, or to the common gaol of the county where such sentence is pronounced, and for the gaoler of such gaol to receive and detain such woman or boy or girl until some person, lawfully authorized, requires the delivery of such woman or boy or girl for removal to the reformatory or industrial home. R.S., c. 163, s. 137.

PART VIII.

BRITISH COLUMBIA.

Application of Part.

141. This Part applies only to the Province of British Columbia. R.S., c. 163, s. 138.

142. Where any girl who, at the time of her trial, appears to the court to be under the age of sixteen years, is convicted of any offence against the laws of Canada for which a sentence of imprisonment for a term of one month or longer but less than five years may be imposed upon an adult convicted of the like offence, and the court before which the girl is convicted is satisfied that a due regard for her material and moral welfare requires that she should be committed to the Industrial Home for Girls of British Columbia, such court may sentence such girl to be imprisoned therein for such fixed term as the court thinks fit, not being greater than the term of imprisonment which could be imposed upon an adult for the like offence. R.S., c. 163, s. 139.

143. Where any girl, apparently under the age of sixteen years, is convicted of any offence against the laws of Canada punishable on summary conviction, and thereupon is sentenced and committed to prison in any common gaol for 4408

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for a term of not less than fourteen days, any judge of one of the superior courts, or any judge of a county court, may examine and inquire into the circumstances of such case and conviction, and if he considers the material and moral welfare of the girl requires it, he may, as an additional sentence for such offence, sentence such girl to be sent either forthwith or at the expiration of her imprisonment in such gaol, to the Industrial Home for Girls, to be there detained for the purpose of her industrial and moral education for an indefinite period, not exceeding in the whole five years from the commencement of her imprisonment in the common gaol. R.S., c. 163, s. 140.

144. Every girl so sentenced shall be detained in the Industrial Home for Girls until the expiration of the fixed term of her sentence, unless sooner discharged by lawful authority; and such girl thereafter shall, and every girl sentenced under section 143 shall, subject, in both cases, to the provisions of this Part, and to any regulations made as in this Part hereafter provided, be detained in the Home for a term not exceeding five years from the commencement of her imprisonment, for the purpose of her industrial and moral education. R.S., c. 163, s. 141.

145. The Lieutenant-Governor may at any time in his discretion order that any girl detained in such Industrial Home for Girls under a summary conviction be discharged. R.S., c. 163, s. 142.

146. (1) Where any respectable and trustworthy person is willing to undertake the charge of any girl committed to the Industrial Home for Girls as an apprentice to the trade or calling of such person, or for the purpose of domestic service, and such girl is confined in the Industrial Home for Girls by virtue of a sentence or order pronounced under the authority of any Act of the Parliament of Canada, the superintendent or other chief officer of the Industrial Home for Girls, with the consent of the Attorney-General of British Columbia, may bind the said girl to such person for any term not to extend without her consent beyond a term of five years from the commencement of her imprisonment.

(2) The Attorney-General of British Columbia shall thereupon order that such girl shall be discharged from the Industrial Home for Girls on probation, to remain so discharged provided her conduct during the residue of the term of five years from the commencement of her imprisonment continues good, and such girl shall be discharged accordingly.

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(3) R.S., 1952.
(3) Any wages reserved in any indenture of apprenticeship made under this section are payable to such girl or to some person for her benefit.

(4) No girl shall be discharged under this section, except on probation as aforesaid, until after the fixed term of her sentence has elapsed, unless by the authority of the Governor in Council. R.S., c. 163, s. 143.

147. (1) Any girl confined in any common gaol of the Province under sentence of imprisonment for any offence against the laws of Canada may, by the direction of the Attorney-General of British Columbia, be transferred from such common gaol to the Industrial Home for Girls, there to be imprisoned for the unexpired portion of the term of imprisonment to which such girl was originally sentenced.

(2) Such girl shall thereupon be imprisoned in the Industrial Home for Girls for the residue of such term unless in the meantime she is lawfully discharged or removed, and shall be subject to all the rules and regulations of the said institution. R.S., c. 163, s. 144.

148. In order to encourage good behaviour and industry among the girls in the Industrial Home for Girls, the Lieutenant-Governor in Council may make rules under which any girl imprisoned in the Industrial Home for Girls shall be entitled, by good conduct and industry, to earn a remission of a portion of the time for which she is sentenced. R.S., c. 163, s. 145.

149. The judge of any county court or any police or stipendiary magistrate may, on satisfactory proof that any girl who has been discharged on probation, or has been apprenticed, has violated the conditions of her discharge or the provisions of the indenture of apprenticeship, order such girl to be recommitted to the Industrial Home for Girls, there to be confined under her original sentence. R.S., c. 163, s. 146.

150. (1) Where a girl escapes from the Industrial Home for Girls, or neglects to attend thereat, or absents herself without consent from the service of the person to whom she may have been apprenticed, she may at any time before the expiration of the period of detention or apprenticeship, as the case may be, be apprehended without warrant, and may be brought back to the said institution or such person, there to be detained during a period equal to so much of her period of detention or apprenticeship as remained unexpired at the time of her escape.

R.S., 1952.
(2) Every person who aids or abets any girl in such escape is liable, upon summary conviction, to a penalty not exceeding twenty-five dollars. R.S., c. 163, s. 147.

151. Every court in the Province of British Columbia, before which any male person apparently over the age of sixteen years and under the age of twenty-three years is convicted of an offence against the laws of Canada, punishable by imprisonment in the common gaol for the term of three months, or for any longer term, may sentence such person to imprisonment for the term of not less than three months and for an indeterminate period thereafter of not more than two years less one day in New Haven, instead of the common gaol of the county or judicial district where the offence was committed or was tried, and such person shall thereupon be imprisoned in New Haven, until he is lawfully discharged or paroled pursuant to section 152 or transferred pursuant to section 153, and shall be subject to all the rules and regulations of the institution as may be approved from time to time by the Lieutenant-Governor in that behalf. 1950, c. 49, s. 1.

152. The Lieutenant-Governor may appoint a Board of Parole for the said Province whose duty it is to inquire from time to time into the cases of prisoners sentenced to New Haven and the prisoners transferred from New Haven to Oakalla Prison Farm under section 153, and where as a result of such inquiry the Board thinks proper, it may permit prisoners serving indeterminate sentences to be paroled under conditions approved of by the Minister of Justice, and when the terms on which such prisoners paroled have been complied with, the Board may recommend for the consideration of the Minister of Justice the final discharge of such prisoners. 1950, c. 49, s. 1.

153. The Lieutenant-Governor may authorize the Attorney-General or his deputy from time to time by warrant to direct the removal of any person imprisoned in New Haven, to the common gaol known as Oakalla Prison Farm whenever he deems it expedient so to do, there to be detained for the unexpired portion of the term of imprisonment to which such person was originally sentenced, and such person shall thereupon be imprisoned in Oakalla Prison Farm for the residue of such term unless in the meantime he is lawfully discharged, and shall be subject to R.S., 1952.
to all the rules and regulations of the Oakalla Prison Farm; and in this section the expressions "term of imprisonment" and "term" include the definite term of imprisonment and the indeterminate period thereafter to which such person was originally sentenced. 1950, c. 49, s. 1.

154. In this Part the expression "New Haven" means the institution established in British Columbia for the reclamation of juvenile offenders known as New Haven and situate on Lot 164, Group 1, New Westminster District in the said Province. 1948, c. 26, s. 1.

PART IX.

NEW BRUNSWICK AND PRINCE EDWARD ISLAND.

155. Sections 156 to 161 apply to the Provinces of New Brunswick and Prince Edward Island only; section 162 to 167 apply to the Provinces of Nova Scotia, New Brunswick and Prince Edward Island. 1928, c. 41, s. 1.

156. Where any girl who is a Protestant, and who at the time of her trial appears to the court to be under the age of sixteen years, is convicted of any offence against the laws of Canada, for which a sentence of imprisonment for a term of one month or longer, but less than five years, may be imposed upon an adult convicted of a like offence, the court before which the girl is convicted may sentence such girl to be imprisoned in the Maritime Home for Girls at Truro for such fixed term as the court thinks fit, not being greater than the term of imprisonment that can be imposed upon an adult for a like offence, and may further sentence the said girl to be kept in the Maritime Home for Girls for an indefinite time after the expiration of such fixed term; but the whole term of confinement in the Maritime Home for Girls shall not exceed five years from the commencement of her imprisonment. R.S., c. 163, s. 149.

157. Where any girl who is a Protestant, and who at the time of her trial appears to the court to be under the age of sixteen years, is convicted of any offence against the laws of Canada, punishable on summary conviction, and thereupon is sentenced and committed to prison in any common gaol for a term of not less than fourteen days, any judge of the Supreme Court of New Brunswick or Prince Edward Island, respectively, in any case occurring in his province, or any judge of a county court, in any case occurring within his county, or district, may examine and inquire into the circumstances of such case and conviction, and

R.S., 1952.
and may, as an additional sentence for such offence, sentence such girl to be sent either forthwith, or at the expiration of her imprisonment in such gaol, to the Maritime Home for Girls, to be there detained for the purpose of her industrial and moral education for an indefinite period; but the whole term of confinement in the Maritime Home for Girls shall not exceed five years from the commencement of her imprisonment in the common gaol. R.S., c. 163, s. 150.

158. Every girl so sentenced shall be detained in the Maritime Home for Girls until the expiration of the fixed term of her sentence, unless sooner discharged by lawful authority; and every girl thereafter shall, and every girl sentenced under section 157 shall, subject, in both cases, to the provisions of this Part, and to any regulations made as in this Part hereinafter provided, be detained in the Maritime Home for Girls for a term not exceeding five years from the commencement of her imprisonment for the purpose of her industrial and moral education. R.S., c. 163, s. 151.

159. (1) Where any respectable and trustworthy person is willing to undertake the charge of any girl committed to the Maritime Home for Girls, as an apprentice to the trade or calling of such person, or for the purpose of domestic service, the Superintendent of the Maritime Home for Girls may, with the consent and in the name of the Superintendent of Neglected Children or other officer named by the government of the province in which the said girl was convicted, bind the said girl to such person for any term not to extend, without her consent, beyond a term of five years from the commencement of her imprisonment.

(2) The Superintendent of Neglected Children or other officer named by the government of the province from which the said girl was committed shall thereupon order that such girl be discharged from the Maritime Home for Girls on probation, to remain so discharged; if her conduct during the residue of the term of five years from the commencement of her imprisonment continues good, and such girl shall be discharged accordingly, subject however to be returned to the Maritime Home for Girls for the unexpired portion of the term of her original commitment on order of the Superintendent of Neglected Children or other officer named by the government of the province in which the said girl was convicted.

(3) Any wages reserved in any indenture of apprenticeship made under this section are payable to such girl or to some other person for her benefit. R.S., c. 163, s. 152.

No other discharge. 

160. No girl shall be discharged under section 159, except on probation, as aforesaid, until after the fixed term of her sentence has elapsed, unless by the authority of the Governor General. R.S., c. 163, s. 153.

Education. 

161. The Superintendent of the Maritime Home for Girls, and the other persons in charge thereof, are bound to teach and instruct each girl so sentenced and detained in the Maritime Home for Girls as aforesaid, in reading and writing and in arithmetic to the end of simple proportion, and also to teach each such girl such one of the trades or occupations taught in the Maritime Home for Girls as they deem most adapted to her capabilities. R.S., c. 163, s. 154.

Protestant woman over 16 years may be sentenced to extended or substituted imprisonment in Inter-Provincial Home at Coverdale, N.B.

162. (1) Every judge, stipendiary magistrate or magistrate before whom any female person being a Protestant above the age of sixteen is convicted of an offence against the law of Canada punishable by imprisonment in a city prison or common gaol for the term of two months or for any longer term, may sentence such female person to an extended or substituted imprisonment in the Inter-Provincial Home for Young Women at Coverdale, in the County of Albert in the Province of New Brunswick, subject to the following conditions:

(a) if such female person is under the age of twenty-one years, such extended imprisonment may be until she attains the age of twenty-one years, or for any shorter or longer term not less than two and not more in the whole than four years; and

(b) if such female person is of the age of twenty-one years or upwards, such extended imprisonment may be for any term not less than one year and not more than two years.

(2) Where any female person, who is a Protestant, is convicted in Nova Scotia, New Brunswick or Prince Edward Island of an offence against the law of Canada and is sentenced and committed to a city prison or to the county gaol, any judge of the Supreme Court of Nova Scotia, New Brunswick or Prince Edward Island, respectively, in any case occurring in his province, or any judge of a county court in any case occurring within his county or district, may summarily examine and inquire into the circumstances of such conviction and may quash such sentence to the said city prison or county gaol and in substitution thereof, sentence such female person under the provisions of this section.

R.S., 1952.
(3) Where any female person, sentenced to the Inter-Provincial Home for Young Women under the provisions of this section, escapes from such institution, she may at any time be apprehended without warrant and brought back to the said institution, there to be detained under the original commitment. R.S., c. 163, s. 155.

163. The Superintendent or Manager of the said Inter-Provincial Home for Young Women may, at any time, notify the mayor, warden or other chief magistrate of any municipality within either of the said Provinces of New Brunswick or Prince Edward Island, that no such female persons, beyond those already under sentence in the said Inter-Provincial Home for Young Women, will be received therein, and after such notification, no such female person shall be sentenced in such municipality to the Inter-Provincial Home for Young Women, until notice has been received by such mayor, warden or chief magistrate from the said Superintendent that prisoners will be again received in the Inter-Provincial Home for Young Women. R.S., c. 163, s. 156.

164. Any police officer or any person whom the court or magistrate may direct, may convey to the said Inter-Provincial Home for Young Women any female person sentenced to imprisonment therein under this Act and deliver her to the Superintendent thereof, with a warrant of commitment, as by this Act provided, together with a certificate from a duly qualified medical practitioner that such female person is free from infections and contagious diseases and the Superintendent of the said Inter-Provincial Home for Young Women may refuse to admit any female person sentenced under the provisions of this Act unless such medical certificate accompanies the said warrant of commitment. R.S., c. 163, s. 157.

165. The said Inter-Provincial Home for Young Women shall be opened to inspection at all reasonable times by any officer designated for that purpose by the Lieutenant-Governor in Council of New Brunswick, Nova Scotia or Prince Edward Island, and the Board of Management of the said Inter-Provincial Home for Young Women shall be bound to teach and instruct all such female persons, sentenced and detained in the Inter-Provincial Home for Young Women under the provisions of this Act, and to teach such trades or occupations as may from time to time be taught in the said institution, with a view to the reformation of such female persons. R.S., c. 163, s. 158.

R.S., 1952.
The Attorney-General of Nova Scotia, New Brunswick or Prince Edward Island may, from time to time, on application from the Superintendent of the said Inter-Provincial Home for Young Women, by order, direct the removal from the said Inter-Provincial Home for Young Women of any female person committed thereto under the provisions of this Act from the province of which he is Attorney-General, back to a city prison or common gaol for the balance of the unexpired portion of the maximum sentence originally imposed on such female. R.S., c. 163, s. 159.

The following form for commitment to the said Inter-Provincial Home for Young Women under the provisions of this Act, may be used for the purposes thereof, or a form of like effect, and when in use is good and sufficient for such purposes in law:

**FORM OF COMMITMENT.**

CANADA Province of County of IN THE MATTER OF “THE PRISONS AND REFORMATORIES ACT”

Warrant committing female persons to the Inter-Provincial Home for Young Women, Coverdale, County of Albert, Province of New Brunswick.

To ............................................. and

To all or any one of the constables and other police officers of the said County; and to the Superintendent or person in charge of the Inter-Provincial Home for Young Women at Coverdale, in the County of Albert, in the Province of New Brunswick, a reformatory institution:

WHEREAS, ......................................, a female person over the age of sixteen years, of the Protestant faith, was on this day duly convicted before me ........................ on or about the ......................... day of ............. did unlawfully ..........................................................

................................. a

................................., in and for the

................................. of ..................

for that the said ..................... on or about the ................ day of ............. did

.......................... ........................................

................................. .......................... ........................................


R.S., 1952.
It was therefore adjudged that the said...for the said offence should be imprisoned in the said Inter-Provincial Home for Young Women at Coverdale, in the County of Albert, in the Province of New Brunswick, a reformatory institution, for...subject to the laws and regulations governing the said reformatory institution.

This is therefore to command you the said...or the said constables or peace officers, or any one of you for the said County, to take the said...and safely convey her to the said reformatory institution and there deliver her to the Superintendent or person in charge thereof, together with this receipt and a certificate that the said...is free of infectious and contagious diseases; and I do hereby command you, the said Superintendent or person in charge of the said reformatory institution to receive the said...into your care and custody in the said reformatory institution, and there to imprison her for the said term, unless sooner discharged by lawful authority, and for your so doing this shall be your sufficient warrant.

Given under my hand this...day of...in the year of Our Lord 19...at...in the County of...in the Province of...

R.S., c. 163, s. 160.

PART X.

ALBERTA.

Application of Part.

168. This Part applies only to the Province of Alberta. Application.

1951, c. 34, s. 2.

Interpretation.

169. In this Part "certified institution" means any "Certified institution" defined. Alberta certified under the Gaols and Prisons Act of the Province of Alberta as a gaol, reformatory or other institution. 1951, c. 34, s. 2.

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R.S., 1952.
170. (1) Every person confined in any one of the common gaols of the Province under sentence of imprisonment for any offence against the laws of Canada or of the Province may, by warrant signed by the Inspector of Gaols or by such other officer as is authorized by the Lieutenant-Governor in Council in that behalf, be transferred from such common gaol to the Bowden Institution or to a certified institution, there to be imprisoned for the unexpired portion of the term of imprisonment to which such person was originally sentenced.

(2) Such person shall thereupon be imprisoned in the Bowden Institution or other certified institution for the residue of such term unless in the meantime he is lawfully discharged or removed, and shall be subject to all the rules and regulations of the Bowden Institution or other certified institution, as the case may be. 1951, c. 34, s. 2.

171. The superintendent or warden of the Bowden Institution or other certified institution, as the case may be, shall receive every offender so transferred and every offender legally certified to him as sentenced to imprisonment therein, and shall detain him subject to all the rules and regulations and discipline of their respective institutions until the term for which he has been sentenced is completed or until he is otherwise paroled or discharged according to law. 1951, c. 34, s. 2.

172. The Lieutenant-Governor in Council may, from time to time, authorize, direct or sanction the employment upon any specific work or duty without or beyond the limits of the Bowden Institution or other certified institution of any of the prisoners confined or sentenced to be imprisoned therein or transferred thereto, as herein provided. 1951, c. 34, s. 2.

173. The Inspector of Gaols, the superintendent or warden of the Bowden Institution or other certified institution, or such other officer as is authorized by the Lieutenant-Governor in Council, as the case may be, may from time to time, by warrant, direct the removal of any offender from the Bowden Institution or other certified institution to any of the common gaols of the Province or to any other certified institution within the Province. 1951, c. 34, s. 2.
CHAPTER 218.

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

SHORT TITLE.

1. This Act may be cited as the Privileges and Immunities (North Atlantic Treaty Organisation) Act. 1951 (2nd Sess.), c. 32, s. 1.

2. The Agreement on the Status of the North Atlantic Treaty Organisation, National Representatives and International Staff, set out in the Schedule, is approved and confirmed, and the Governor in Council may make such orders as appear to him to be necessary for the purpose of carrying out the obligations, duties and rights of Canada thereunder. 1951 (2nd Sess.), c. 32, s. 2.
AGREEMENT ON THE STATUS OF THE NORTH ATLANTIC TREATY ORGANISATION, NATIONAL REPRESENTATIVES AND INTERNATIONAL STAFF

The States signatory to the present Agreement,

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

Have agreed as follows:

PART I.—GENERAL

ARTICLE 1

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

ARTICLE 2

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

ARTICLE 3

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

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

PART II.—THE ORGANISATION

ARTICLE 4

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

ARTICLE 5

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

ARTICLE 6

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

ARTICLE 7

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

ARTICLE 8

1. Without being restricted by financial controls, regulations or moratoria of any kind,
   (a) the Organisation may hold currency of any kind and operate accounts in any currency;
   (b) the Organisation may freely transfer its funds from one country to another or within any country and convert any currency held by it into any other currency at the most favourable official rate of exchange for a sale or purchase as the case may be.

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

**ARTICLE 9**

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

(a) from all direct taxes; the Organisation will not, however, claim exemption from rates, taxes or dues which are no more than charges for public utility services;

(b) from all customs duties and quantitative restrictions on imports and exports in respect of articles imported or exported by the Organisation for its official use; articles imported under such exemption shall not be disposed of, by way either of sale or gift, in the country into which they are imported except under conditions approved by the Government of that country;

(c) from all customs duties and quantitative restrictions on imports and exports in respect of its publications.

**ARTICLE 10**

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

**ARTICLE 11**

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

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

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

ARTICLE 12

Every person designated by a Member State as its principal permanent representative to the Organisation in the territory of another Member State, and such members of his official staff resident in that territory as may be agreed between the State which has designated them and the Organisation and between the Organisation and the State in which they will be resident, shall enjoy the immunities and privileges accorded to diplomatic representatives and their official staff of comparable rank.

ARTICLE 13

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

(a) the same immunity from personal arrest or detention as that accorded to diplomatic personnel of comparable rank;

(b) in respect of words spoken or written and of acts done by him in his official capacity, immunity from legal process;

(c) inviolability for all papers and documents;

(d) the right to use codes and to receive and send papers or correspondence by courier or in sealed bags;

(e) the same exemption in respect of himself and his spouse from immigration restrictions, aliens registration and national service obligations as that accorded to diplomatic personnel of comparable rank;

(f) the same facilities in respect of currency or exchange restrictions as are accorded to diplomatic personnel of comparable rank;

(g) the same immunities and facilities in respect of his personal baggage as are accorded to diplomatic personnel of comparable rank;

(h) the right to import free of duty his furniture and effects at the time of first arrival to take up his post in the country in question, and, on the termination of his functions in that country, to re-export such furniture and effects free of duty, subject in either case to such conditions as the Government of the country in which the right is being exercised may deem necessary;

(i) the right to import temporarily free of duty his private motor vehicle for his own personal use and subsequently to re-export such vehicle free of duty, subject in either case to such conditions as the Government of the country concerned may deem necessary.
2. Where the legal incidence of any form of taxation depends upon residence, a period during which a representative to whom this Article applies is present in the territory of another Member State for the discharge of his duties shall not be considered as a period of residence. In particular, he shall be exempt from taxation on his official salary and emoluments during such periods of duty.

3. In this Article "representative" shall be deemed to include all representatives, advisers and technical experts of delegations. Each Member State shall communicate to the other Member States concerned, if they so request, the names of its representatives to whom this Article applies and the probable duration of their stay in the territories of such other Member States.

ARTICLE 14

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

ARTICLE 15

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

ARTICLE 16

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

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

ARTICLE 17

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

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ARTICLE 18

Officials of the Organisation agreed upon under Article 17 shall:

(a) be immune from legal process in respect of words spoken or written and of acts done by them in their official capacity and within the limits of their authority;

(b) be granted, together with their spouses and members of their immediate families residing with and dependent on them, the same immunities from immigration restrictions and aliens’ registration as is accorded to diplomatic personnel of comparable rank;

(c) be accorded the same facilities in respect of currency or exchange restrictions as are accorded to diplomatic personnel of comparable rank;

(d) be given, together with their spouses and members of their immediate families residing with and dependent on them, the same repatriation facilities in time of international crisis as are accorded to diplomatic personnel of comparable rank;

(e) have the right to import free of duty their furniture and effects at the time of first arrival to take up their post in the country in question, and, on the termination of their functions in that country, to re-export such furniture and effects free of duty, subject in either case to such conditions as the Government of the country in which the right is being exercised may deem necessary;

(f) have the right to import temporarily free of duty their private motor vehicles for their own personal use and subsequently to re-export such vehicles free of duty, subject in either case to such conditions as the Government of the country concerned, may deem necessary.

ARTICLE 19

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

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ARTICLE 20

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

**ARTICLE 21**

1. Experts (other than officials coming within the scope of Articles 18 to 20) employed on missions on behalf of the Organisation shall be accorded the following privileges and immunities so far as is necessary for the effective exercise of their functions while present in the territory of a Member State for the discharge of their duties:
   - (a) immunity from personal arrest or detention and from seizure of their personal baggage;
   - (b) in respect of words spoken or written or acts done by them in the performance of their official functions for the Organisation, immunity from legal process;
   - (c) the same facilities in respect of currency or exchange restrictions and in respect of their personal baggage as are accorded to officials of foreign Governments on temporary official missions;
   - (d) inviolability for all papers and documents relating to the work on which they are engaged for the Organisation.

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

**ARTICLE 22**

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

**ARTICLE 23**

The provisions of Articles 18, 20 and 21, above shall not require any State to grant any of the privileges or immunities referred to therein to any person who is its national, except:
   - (a) immunity from legal process in respect of words spoken or written or acts done by him in the performance of his official functions for the Organisation;
   - (b) 

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(b) inviolability for all papers and documents relating to the work on which he is engaged for the Organisation;

(c) facilities in respect of currency or exchange restrictions so far as necessary for the effective exercise of his functions.

PART V.—SETTLEMENT OF DISPUTES

ARTICLE 24

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

(a) disputes arising out of contracts or other disputes of a private character to which the Organisation is a party;

(b) disputes involving any official or expert of the Organisation to whom Part IV of this Agreement applies who by reason of his official position enjoys immunity, if immunity has not been waived in accordance with the provisions of Article 22.

PART VI.—SUPPLEMENTARY AGREEMENTS

ARTICLE 25

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

PART VII.—FINAL PROVISIONS

ARTICLE 26

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

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

ARTICLE 27

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

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

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

For the Kingdom of Belgium:
A. DE STAERCKE.

For Canada:
L. D. WILGRESS.

For the Kingdom of Denmark:
V. DE STEENSEN-LETH.

For France:
H. ALPHAND.

For Iceland:
C. PETURSSON.

For Italy:
A. ROSSI-LONGHI.

For the Grand Duchy of Luxembourg:
A. CLASEN.

For the Kingdom of the Netherlands:
JONKHEER A. W. L. TJARDA VAN STARKENBORGH-STACKOUWER.

For the Kingdom of Norway:
D. BRYN.

For Portugal:
R. E. ULRICH
Reserving the non application of Article 6 in case of expropriation.

For the United Kingdom of Great Britain and Northern Ireland:
SIR FREDERICK HOYER-MILLER

For the United States of America:
C. M. SPOFFORD.

1951 (2nd Sess.), c. 32, Sch.

R.S., 1952.
CHAPTER 219.

An Act to provide for Privileges and Immunities in respect of the United Nations and related International Organizations.

SHORT TITLE.

1. This Act may be cited as the Privileges and Immunities (United Nations) Act. 1947, c. 69, s. 1.

2. The Governor in Council may authorize the accession of Canada to the Convention on the Privileges and Immunities of the United Nations (in this Act called the "Convention"), set out in the Schedule, with the reservation that exemption from taxation imposed by any law in Canada on salaries and emoluments shall not extend to a Canadian citizen residing or ordinarily resident in Canada, and may make such orders as appear to him to be necessary for that purpose and for the purpose of carrying out the obligations of Canada thereunder. 1947, c. 69, s. 2.

3. (1) For the purposes of this section, the expression "organization" means any specialized agency of which Canada is a member and which is brought into relationship with the United Nations in accordance with Article 63 of the Charter of the United Nations.

(2) Subject to subsection (3), the Governor in Council may by order provide that

(a) an organization shall have the legal capacities of a body corporate;

(b) an organization shall, to such extent as may be specified in the order, have the privileges and immunities set forth in Articles II and III of the Convention for the United Nations;

(c) representatives of states and governments that are members of an organization shall, to such extent as may be specified in the order, have the privileges and immunities set forth in Article IV of the Convention for representatives of Members; and

(d)
(d) such officials of an organization as may be designated by the Governor in Council shall, to such extent as may be specified in the order, have the privileges and immunities set forth in Article V of the Convention for officials of the United Nations.

(3) Nothing in any order made under subsection (2) shall exempt a Canadian citizen, residing or ordinarily resident in Canada, from liability for any taxes or duties imposed by any law in Canada. 1947, c. 69, s. 3.

SCHEDULE.

CONVENTION ON THE PRIVILEGES AND IMMUNITIES OF THE UNITED NATIONS.

ADOPTED BY THE GENERAL ASSEMBLY OF THE UNITED NATIONS ON 13 FEBRUARY 1946

WHEREAS Article 104 of the Charter of the United Nations provides that the Organization shall enjoy in the territory of each of its Members such legal capacity as may be necessary for the exercise of its functions and the fulfilment of its purposes and

WHEREAS Article 105 of the Charter of the United Nations provides that the Organization shall enjoy in the territory of each of its Members such privileges and immunities as are necessary for the fulfilment of its purposes and that representatives of the Members of the United Nations and officials of the Organization shall similarly enjoy such privileges and immunities as are necessary for the independent exercise of their functions in connection with the Organization.

CONSEQUENTLY the General Assembly by a Resolution adopted on the 13 February 1946, approved the following Convention and proposed it for accession by each Member of the United Nations.

ARTICLE I.

JURIDICAL PERSONALITY.

SECTION 1. The United Nations shall possess juridical personality. It shall have the capacity:

(a) to contract;
(b) to acquire and dispose of immovable and movable property;
(c) to institute legal proceedings.

R.S., 1952.
SECTION 2. The United Nations, its property and assets wherever located and by whomsoever held, shall enjoy immunity from every form of legal process except in so far as in any particular case it has expressly waived its immunity. It is, however, understood that no waiver of immunity shall extend to any measure of execution.

SECTION 3. The premises of the United Nations shall be inviolable. The property and assets of the United Nations, wherever located and by whomsoever held, shall be immune from search, requisition, confiscation, expropriation and any other form of interference, whether by executive, administrative, judicial or legislative action.

SECTION 4. The archives of the United Nations, and in general all documents belonging to it or held by it, shall be inviolable wherever located.

SECTION 5. Without being restricted by financial controls, regulations or moratoria of any kind,

(a) the United Nations may hold funds, gold or currency of any kind and operate accounts in any currency;

(b) The United Nations shall be free to transfer its funds, gold or currency from one country to another or within any country and to convert any currency held by it into any other currency.

SECTION 6. In exercising its rights under Section 5 above, the United Nations shall pay due regard to any representations made by the Government of any Member in so far as it is considered that effect can be given to such representations without detriment to the interests of the United Nations.

SECTION 7. The United Nations, its assets, income and other property shall be:

(a) exempt from all direct taxes; it is understood, however, that the United Nations will not claim exemption from taxes which are, in fact, no more than charges for public utility services;

(b) R.S., 1952.
(b) exempt from customs duties and prohibitions and restrictions on imports and exports in respect of articles imported or exported by the United Nations for its official use. It is understood, however, that articles imported under such exemption will not be sold in the country into which they were imported except under conditions agreed with the Government of that country;

(c) exempt from customs duties and prohibitions and restrictions on imports and exports in respect of its publications.

SECTION 8. While the United Nations will not, as a general rule, claim exemption from excise duties and from taxes on the sale of movable and immovable property which form part of the price to be paid, nevertheless when the United Nations is making important purchases for official use of property on which such duties and taxes have been charged or are chargeable, Members will, whenever possible, make appropriate administrative arrangements for the remission or return of the amount of duty or tax.

ARTICLE III.

FACILITIES IN RESPECT OF COMMUNICATIONS.

SECTION 9. The United Nations shall enjoy in the territory of each Member for its official communications treatment not less favourable than that accorded by the Government of that Member to any other Government including its diplomatic mission in the matter of priorities, rates and taxes on mails, cables, telegrams, radiograms, telephotos, telephone and other communications; and press rates for information to the press and radio. No censorship shall be applied to the official correspondence and other official communications of the United Nations.

SECTION 10. The United Nations shall have the right to use codes and to despatch and receive its correspondence by courier or in bags, which shall have the same immunities and privileges as diplomatic couriers and bags.

R.S., 1952.
ARTICLE IV.

THE REPRESENTATIVES OF MEMBERS.

SECTION 11. Representatives of Members to the principal and subsidiary organs of the United Nations and to conferences convened by the United Nations, shall, while exercising their functions and during their journey to and from the place of meeting, enjoy the following privileges and immunities:

(a) immunity from personal arrest or detention and from seizure of their personal baggage, and, in respect of words spoken or written and all acts done by them in their capacity as representatives, immunity from legal process of every kind;

(b) inviolability for all papers and documents;

(c) the right to use codes and to receive papers or correspondence by courier or in sealed bags;

(d) exemption in respect of themselves and their spouses from immigration restrictions, aliens registration or national service obligations in the state they are visiting or through which they are passing in the exercise of their functions;

(e) the same facilities in respect of currency or exchange restrictions as are accorded to representatives of foreign governments on temporary official missions;

(f) the same immunities and facilities in respect of their personal baggage as are accorded to diplomatic envoys; and also,

(g) such other privileges, immunities and facilities not inconsistent with the foregoing as diplomatic envoys enjoy, except that they shall have no right to claim exemption from customs duties on goods imported (otherwise than as part of their personal baggage) or from excise duties or sales taxes.

SECTION 12. In order to secure, for the representatives of Members to the principal and subsidiary organs of the United Nations and to conferences convened by the United Nations, complete freedom of speech and independence in the discharge of their duties, the immunity from legal process in respect of words spoken or written and all acts done by them in discharging their duties shall continue to be accorded, notwithstanding that the persons concerned are no longer the representatives of Members.

SECTION 13. Where the incidence of any form of taxation depends upon residence, periods during which the representatives of Members to the principal and subsidiary organs

R.S., 1952.
organs of the United Nations and to conferences convened by the United Nations are present in a state for the discharge of their duties shall not be considered as periods of residence.

SECTION 14. Privileges and immunities are accorded to the representatives of Members not for the personal benefit of the individuals themselves, but in order to safeguard the independent exercise of their functions in connection with the United Nations. Consequently a Member not only has the right but is under a duty to waive the immunity of its representative in any case where in the opinion of the Member the immunity would impede the course of justice, and it can be waived without prejudice to the purpose for which the immunity is accorded.

SECTION 15. The provisions of Sections 11, 12 and 13 are not applicable as between a representative and the authorities of the state of which he is a national or of which he is or has been the representative.

SECTION 16. In this article the expression "representatives" shall be deemed to include all delegates, deputy delegates, advisers, technical experts and secretaries of delegations.

ARTICLE V.

OFFICIALS.

SECTION 17. The Secretary-General will specify the categories of officials to which the provisions of this Article and Article VII shall apply. He shall submit these categories to the General Assembly. Thereafter these categories shall be communicated to the Governments of all Members. The names of the officials included in these categories shall from time to time be made known to the Governments of Members.

SECTION 18. Officials of the United Nations shall:
(a) be immune from legal process in respect of words spoken or written and all acts performed by them in their official capacity;
(b) be exempt from taxation on the salaries and emoluments paid to them by the United Nations;
(c) be immune from national service obligations;
(d) be immune, together with their spouses and relatives dependent on them, from immigration restrictions and alien registration;

R.S., 1952.
(e) be accorded the same privileges in respect of exchange facilities as are accorded to the officials of comparable ranks forming part of diplomatic missions to the Government concerned;

(f) be given, together with their spouses and relatives dependent on them, the same repatriation facilities in time of international crisis as diplomatic envoys;

(g) have the right to import free of duty their furniture and effects at the time of first taking up their post in the country in question.

SECTION 19. In addition to the immunities and privileges specified in Section 18, the Secretary-General and all Assistant Secretaries-General shall be accorded in respect of themselves, their spouses and minor children, the privileges and immunities, exemptions and facilities accorded to diplomatic envoys, in accordance with international law.

SECTION 20. Privileges and immunities are granted to officials in the interests of the United Nations and not for the personal benefit of the individuals themselves. The Secretary-General shall have the right and the duty to waive the immunity of any official in any case where, in his opinion, the immunity would impede the course of justice and can be waived without prejudice to the interests of the United Nations. In the case of the Secretary-General, the Security Council shall have the right to waive immunity.

SECTION 21. The United Nations shall co-operate at all times with the appropriate authorities of Members to facilitate the proper administration of justice, secure the observance of police regulations and prevent the occurrence of any abuse in connection with the privileges, immunities and facilities mentioned in this Article.

ARTICLE VI.

EXPERTS ON MISSIONS FOR THE UNITED NATIONS.

SECTION 22. Experts (other than officials coming within the scope of Article V) performing missions for the United Nations shall be accorded such privileges and immunities as are necessary for the independent exercise of their functions during the period of their missions, including the time spent on journeys in connection with their missions. In particular they shall be accorded:

(a) immunity from personal arrest or detention and from seizure of their personal baggage;

(b) R.S., 1952.
(b) in respect of words spoken or written and acts done by them in the course of the performance of their mission, immunity from legal process of every kind. This immunity from legal process shall continue to be accorded notwithstanding that the persons concerned are no longer employed on missions for the United Nations;
(c) inviolability for all papers and documents;
(d) for the purpose of their communications with the United Nations, the right to use codes and to receive papers or correspondence by courier or in sealed bags;
(e) the same facilities in respect of currency or exchange restrictions as are accorded to representatives of foreign governments on temporary official missions;
(f) the same immunities and facilities in respect of their personal baggage as are accorded to diplomatic envoys.

SECTION 23. Privileges and immunities are granted to experts in the interests of the United Nations and not for the personal benefit of the individuals themselves. The Secretary-General shall have the right and the duty to waive the immunity of any expert in any case where, in his opinion, the immunity would impede the course of justice and it can be waived without prejudice to the interests of the United Nations.

ARTICLE VII.

UNITED NATIONS LAISSEZ-PASSER.

SECTION 24. The United Nations may issue United Nations laissez-passer to its officials. These laissez-passer shall be recognized and accepted as valid travel documents by the authorities of Members, taking into account the provisions of Section 25.

SECTION 25. Applications for visas (where required) from the holders of United Nations laissez-passer, when accompanied by a certificate that they are travelling on the business of the United Nations, shall be dealt with as speedily as possible. In addition, such persons shall be granted facilities for speedy travel.

SECTION 26. Similar facilities to those specified in section 25 shall be accorded to experts and other persons who, though not the holders of United Nations laissez-passer, have a certificate that they are travelling on the business of the United Nations.

R.S., 1952.
SECTION 27. The Secretary-General, Assistant Secretaries-General and Directors travelling on United Nations laissez-passer on the business of the United Nations shall be granted the same facilities as are accorded to diplomatic envoys.

SECTION 28. The provisions of this article may be applied to the comparable officials of specialized agencies if the agreements for relationship made under Article 63 of the Charter so provide.

ARTICLE VIII.

SETTLEMENT OF DISPUTES.

SECTION 29. The United Nations shall make provisions for appropriate modes of settlement of:

(a) disputes arising out of contracts or other disputes of a private law character to which the United Nations is a party;
(b) disputes involving any official of the United Nations who by reason of his official position enjoys immunity, if immunity has not been waived by the Secretary-General.

SECTION 30. All differences arising out of the interpretation or application of the present convention shall be referred to the International Court of Justice, unless in any case it is agreed by the parties to have recourse to another mode of settlement. If a difference arises between the United Nations on the one hand and a Member on the other hand, a request shall be made for an advisory opinion on any legal question involved in accordance with Article 96 of the Charter and Article 65 of the Statute of the Court. The opinion given by the Court shall be accepted as decisive by the parties.

FINAL ARTICLE.

SECTION 31. This convention is submitted to every Member of the United Nations for accession.

SECTION 32. Accession shall be effected by deposit of an instrument with the Secretary-General of the United Nations and the convention shall come into force as regards each Member on the date of deposit of each instrument of accession.

SECTION 33. The Secretary-General shall inform all Members of the United Nations of the deposit of each accession.

R.S., 1952.
SECTION 34. It is understood that, when an instrument of accession is deposited on behalf of any Member, the Member will be in a position under its own law to give effect to the terms of this convention.

SECTION 35. This convention shall continue in force as between the United Nations and every Member which has deposited an instrument of accession for so long as that Member remains a Member of the United Nations, or until a revised general convention has been approved by the General Assembly and that Member has become a party to this revised convention.

SECTION 36. The Secretary-General may conclude with any Member or Members supplementary agreements adjusting the provisions of this convention so far as that Member or those Members are concerned. These supplementary agreements shall in each case be subject to the approval of the General Assembly. 1947, c. 69, Sch.

EDMOND CLOUTIER, C.M.G., O.A., D.S.P.
QUEEN'S PRINTER AND CONTROLLER OF STATIONERY
OTTAWA, 1952
CHAPTER 220.

An Act respecting Proprietary or Patent Medicines.

SHORT TITLE.

1. This Act may be cited as the Proprietary or Patent Medicine Act. R.S., c. 151, s. 1.

INTERPRETATION.

2. (1) In this Act Definitions.

(a) "Advisory Board” means the Advisory Board appointed under section 9;

(b) “analyst” means a Dominion analyst as defined in the Food and Drugs Act;

(c) “Minister” means the Minister of National Health and Welfare; and

(d) “proprietary or patent medicine” means every artificial remedy or prescription manufactured for the internal or external use of man, the name, composition or definition of which is not to be found in the British Pharmacopoeia, the Codex Medicamentarius of France, the Pharmacopoeia of the United States, or any foreign pharmacopoeia approved by the Minister, the Canadian Formulary, the National Formulary of the United States of America, or any formulary adopted by any properly constituted pharmaceutical association representing Canada and approved by the Minister; or upon which is not printed in a conspicuous manner the true formula or list of medicinal ingredients contained in it.

(2) For the purposes of this Act the proprietor of a proprietary or patent medicine shall be deemed to be the manufacturer thereof, and where the manufacturer of a proprietary or patent medicine is not resident in Canada or

R.S., 1952.

or has his chief place of business or head office in a place outside of Canada, such manufacturer shall file with the Minister the name of a person or corporation in or having its head office in Canada as the agent of such manufacturer, and such agent shall be deemed to be the manufacturer for all the purposes of this Act.

(3) In any case where a manufacturer does not file the name of an agent when required as aforesaid, the Minister may take any proceedings or action under this Act ex parte and without any notice to or communication with such manufacturer. R.S., c. 151, s. 2; 1945, c. 7, s. 1.

ADMINISTRATION.

3. The administration of this Act and of all orders and regulations passed or made hereunder shall be under the direction and control of the Minister. R.S., c. 151, s. 3.

4. (1) Every manufacturer of a proprietary or patent medicine, or the agent of such manufacturer, shall, before offering any medicine for sale, procure from the Minister a numbered certificate of registration for each proprietary or patent medicine that he proposes to import into or offer for sale in Canada, and shall pay a fee of two dollars to the Minister for each such certificate.

(2) Such manufacturer or agent shall, at the time of applying for the said certificate of registration, for any medicine containing any of the drugs mentioned in or added to the Schedule, furnish the Minister with a statement under oath of the quantity of such drug or drugs contained in such medicine, which statement shall be filed in the Department, and shall be treated as confidential.

(3) Any person furnishing the Minister with a statement that is incorrect or false is, in addition to the punishment to which he may be liable for making a false or incorrect statement upon oath, liable to a penalty not exceeding one hundred dollars and costs or to imprisonment for any term not exceeding two months, and the Minister has power to cancel any certificate of registration that the Minister may have granted for the medicine described in such statement.

(4) Whenever required by the Minister, for good cause shown, the preparation of any medicine containing any drug included in the Schedule shall be continuously supervised by a pharmacist or a chemist, and any person violating the provisions of this subsection is guilty of an offence and liable to a penalty not exceeding one hundred dollars and costs, or to imprisonment for any term not exceeding two months.

R.S., 1952.
(5) Should the manufacturer at any time decide to change or alter in any way the composition or the name of any medicine for which a registration number has been granted, he shall notify the Minister of such intention and ask for a new registration number, which may be granted upon the same terms as in the previous application, and the former registration number shall thereupon be cancelled, and shall not be reissued.

(6) The number under which any proprietary or patent medicine is registered shall be deemed to sufficiently identify such medicine for any purposes of this Act, and shall be clearly printed on the wrapper and label on each bottle, box or other container in which such medicine is sold or offered for sale. R.S., c. 151, s. 4.

5. All proprietary or patent medicines shall be put up in packages or bottles, and every one of these, intended for sale or distribution in Canada, shall have placed upon it, in conspicuous characters forming an inseparable part of the general label and wrapper, the name and number under which the medicine is registered, with the words "The Proprietary or Patent Medicine Act," and also the manufacturer's name and address, which name and number is sufficient identification, as to the manufacturer thereof, for the purposes of section 17. R.S., c. 151, s. 5.

6. (1) Every manufacturer of a proprietary or patent medicine shall apply annually for a licence to sell such medicine, and shall pay an annual fee of one dollar for each such licence, but if at the end of the year, the manufacturer is able to prove to the satisfaction of the Minister, that his sales of any registered article for the year amounted to less than twenty-five dollars, the licence fee paid may be repaid to him.

(2) In such licence the medicine shall be referred to by its registered number only.

(3) The year for which such licence is granted shall be the calendar year, and every licence to sell shall expire on the 31st day of December of the year for which it was granted.

(4) Such licence shall permit the sale of such medicine in Canada during the term of such licence.

(5) A single licence covering any number of preparations designated by their registration numbers may be granted to any manufacturer, but the fee to be paid for such licence shall be at the rate of one dollar for every registration number included in the licence.

R.S., 1952.
(6) No proprietary or patent medicine shall be sold in Canada unless a licence as above has been granted for such sale, and the period for which the licence is granted shall determine the time limit during which legal sale may be made. R.S., c. 151, s. 6.

7. The manufacture, importation or sale of all proprietary or patent medicines containing opium or its derivatives for internal use are prohibited. R.S., c. 151, s. 7.

8. (1) No proprietary or patent medicine shall be manufactured, imported, exposed or offered for sale or sold in Canada, if

(a) it contains cocaine or any of its salts or preparations;

(b) it contains alcohol in excess of the amount required as a solvent or preservative, or is not sufficiently medicated to make it unfit for use as a beverage;

(c) it contains any drug that is included in the Schedule the name of which and the amount per dose of which are not conspicuously printed on an inseparable part of the label and wrapper of the bottle, box or other container, or if the quantity of such drug exceeds the amount permitted by the Advisory Board;

(d) it contains any drug that is included in the Schedule and the name of such drug as used on the label is not the commonly employed name of such drug;

(e) the article is represented as a cure for any disease; or

(f) any false, misleading or exaggerated claims are made on the wrapper or label, or in any advertisement of the article.

(2) No proprietary or patent medicine intended for administration to infants under one year of age shall contain any derivative of coal-tar that, in the opinion of the Advisory Board, is dangerous to children under one year of age. R.S., c. 151, s. 8.

9. (1) The Minister has power to appoint an advisory Board consisting of not less than three and not more than five members, one of whom shall be the Chief Dominion analyst or, in the absence or inability to act of the Chief Dominion Analyst, the Assistant Dominion Analyst, the others to be properly qualified persons.

(2) The Advisory Board has power to prescribe what shall be deemed a sufficient medication of medicines containing alcohol in excess of two and one-half per cent to

R.S., 1952.
to make them unfit for use as beverages; and also what shall be the maximum single and daily doses to be prescribed in the case of any medicines consisting of or containing any drug mentioned in or added to the Schedule; and the decision of the Advisory Board in all such cases is final.

(3) The Chief Dominion Analyst shall serve on such Advisory Board without remuneration; the other members shall be paid such fees for their attendance as the Minister may authorize, and all the members of the Board are entitled to be paid their actual travelling expenses.

(4) All expenditure under this section shall be paid out of such money as Parliament may appropriate for the purpose. R.S., c. 151, s. 9.

10. The Minister may order any officer to obtain samples of any proprietary or patent medicine, and the manner of obtaining and treating such samples shall be as provided by departmental regulations which may be made by the Minister. R.S., c. 151, s. 10.

11. (1) No person, firm or corporation shall distribute or cause or permit to be distributed from door to door, or upon a public place or highway, or through the mail, any sample of a proprietary or patent medicine.

(2) This section does not prevent manufacturers or wholesale dealers distributing samples to the trade. R.S., c. 151, s. 11.

12. Any proprietary or patent medicines found on sale in Canada not marked as required by section 5, or offered for sale or sold by any manufacturer who does not hold the licence to sell required by section 6, may be seized, and shall be forfeited to Her Majesty, and may be destroyed or otherwise dealt with as the Minister shall direct. R.S., c. 151, s. 12.

13. (1) No manufacturer, importer or vendor shall, in any advertisement or in any other manner, assert or indicate that the certificate of registration issued by the Minister passes upon the merits of any proprietary or patent medicine, and no reference to such certificate, or to any other certificate or guarantee, other than by this Act specially provided, shall be made in any advertisement, upon any label upon the package or bottle in which such medicine is contained, or in any other manner.

(2) R.S., 1952.
(2) No proprietary or patent medicine shall be imported, exposed, sold or offered for sale in Canada which bears any representations as respects certificates issued under any Canadian or foreign governments different from that allowed under this Act.

(3) Every person who violates the provisions of this section shall, for a first offence, incur a penalty of fifty dollars and costs, and for any subsequent offence a penalty not exceeding five hundred dollars and not less than one hundred dollars and costs, and the certificate of registration shall be cancelled. R.S., c. 151, s. 13.

14. Every person, firm or corporation who unlawfully uses, or forges or alters, or uses, knowing it to be forged or altered, any manufacturer’s label or certificate required under this Act, is guilty of an offence, and liable to a penalty not exceeding five hundred dollars and not less than one hundred dollars, and to imprisonment, with or without hard labour, for any term not exceeding twelve months and not less than three months. R.S., c. 151, s. 14.

15. Every person, firm or corporation failing to observe any provision of this Act for which a specific penalty has not been provided, shall for a first offence incur in each case a penalty not exceeding fifty dollars and costs, and for every subsequent offence a penalty not exceeding one hundred dollars and costs, and his certificate of registration may be cancelled. R.S., c. 151, s. 15.

16. The directors of any company incorporated in Canada are jointly and severally liable for any offence against this Act by such company or by any of its officers. R.S., c. 151, s. 16.

17. (1) In the case of any person accused of selling, offering or exposing for sale any proprietary or patent medicine which is not in conformity with the provisions of this Act, and upon which there appears the name and number under which the medicine is registered, with the words “The Proprietary or Patent Medicine Act,” and also the manufacturer’s name and address, if the person so charged also proves that he sold the said medicine in the same state as when he purchased it and that he could not with reasonable diligence have obtained knowledge of such medicine being of a character contrary to the provisions of this Act, or knowledge of the forgery, or alteration, or unlawful use of the manufacturer’s label and certificate, as the case may be, he shall be discharged; but he is liable to pay the costs incurred by the prosecutor, unless

R.S., 1952.
he has given due notice in writing to the prosecutor that he will rely upon the said defence and has also given to the prosecutor notice in writing of the name of the person from whom he purchased such medicine, but in any case the Minister may, if the medicine is sold, offered or exposed for sale contrary to the provisions of this Act, declare the medicine forfeited to the Crown.

(2) If the person who gives notice of such defence, or the prosecutor, obtains a summons to bring such third party before the court, the court shall at the same time hear all the parties and decide upon the entire merits of the case, not only as regards the person originally accused but also as regards the third party so brought before the court. R.S., c. 151, s. 17.

18. Every penalty or forfeiture incurred for any offence against this Act, or any regulation, may be recovered in the name of Her Majesty in a summary manner, with costs, under the provisions of the Criminal Code relating to summary convictions. R.S., c. 151, s. 18.

19. Any term of imprisonment for an offence against the provisions of this Act, whether in conjunction with a pecuniary penalty or not, may be adjudged and ordered (a) by the Exchequer Court of Canada, or any court of record having jurisdiction in the premises; or (b) if such term of imprisonment does not exceed twelve months, exclusive of any term of imprisonment adjudged or ordered for non-payment of any pecuniary penalty, whether the offence in respect of which the liability to imprisonment has been incurred is declared by this Act to be an indictable offence or not, in a summary manner under the provisions of the Criminal Code relating to summary convictions, by a judge of a county court, or by a police or stipendiary magistrate, or any two justices of the peace having jurisdiction in the place where the cause of prosecution arises, or wherein the defendant is served with process. R.S., c. 151, s. 19.

20. Any penalty incurred under the provisions of this Act shall be deemed to be in addition to, and not in substitution for, any penalty incurred under the law of any province. R.S., c. 151, s. 20.

21. The Governor in Council may make such regulations for giving effect to any of the provisions of this Act or of any amendment hereto which imposes any further restrictions, or in respect of the sale of any patent or proprietary medicine in stock on the 20th day of July, 1908, and R.S., 1952.
and declare the true intent thereof, in any case of doubt, as to him seems meet, and may also add to or remove from the Schedule any poisons or potent drugs, as from time to time he deems expedient. R.S., c. 151, s. 21; 1950, c. 50, s. 10.

22. Any violation of any regulation shall subject the person in the said regulation mentioned to such penalty or forfeiture as is, by the said regulation, imposed for such violation. R.S., c. 151, s. 22; 1950, c. 50, s. 10.

SCHEDULE.

Acetanilide (Antifebrin) and other coal tar derivatives having similar action
Acetylsalicylic Acid under whatever name it may be employed
Aconite, its preparations and derivatives
Adonis Vernalis
Antimony, compounds of
Apiole
Arsenical preparations
Atropine
Barbitone (veronal)
Belladonna, its preparations and derivatives
Benzocaine
Benzol
Beta Naphthol
Bromides
Butyn
Cantharides, its preparations and derivatives
Carbolic Acid (phenol)
Chloral Hydrate
Chloralmide
Chloretone
Cinchopen, U.S. P. Standard, with the chemical synonym quinoline carboxylic acid under whatever name it may be marketed
Colchicum, its preparations and derivatives
Conium (maculatum), its preparations and derivatives
Cotton Root
Croton Oil
Digitalis, its preparations and derivatives
Ephedrine Salts
Ergot and its preparations
Ergotine
Eucaie
Gelsemium

R.S., 1952.
The Hellebores (helleborus niger and album and veratum viride)
Heroin (for external use only)
Hyoscine
Hyoscyamin and its preparations
Hyoscyamus, its preparations and derivatives
Indian Hemp (cannabis indica), its preparations and derivatives
Lobelia, its preparations and derivatives
Mercury and its compounds
Methylene Blue
Morphine (morphia), (external use only)
Novocaine
Nupercaine or Percaine under whatever name it may be known
Nux Vomica, its preparations and derivatives
Oil of Cedar
Opium, its preparations and derivatives (external use only)
Pennyroyal
Phenacetine (para-acetphenetidin) and Phenazone (antipyrine) are included in this group, and other members of the group will be specifically named from time to time
Phenobarbital
Phosphorus
Potassium Chlorate
Prussic Acid
Santonin
Savin
Scopolamine
Squill and its preparations
Stovaine
Stramonium, its preparations and derivatives
Strophanthus, its preparations and derivatives
Strychnine (strychnia), and its preparations
Sulphonal
Tansy
Trional
Veratrine (veratrina).


EDMOND CLOUTIER, C.M.G., O.A., D.S.P.
QUEEN'S PRINTER AND CONTROLLER OF STATIONERY
OTTAWA, 1952
4447

R.S., 1952.
CHAPTER 221.

An Act respecting Subsidies and Allowances to the Provinces.

SHORT TITLE.

1. This Act may be cited as the Provincial Subsidies Act. R.S., c. 192, s. 1.

FIXED SUBSIDIES.

New Brunswick.

2. The Province of New Brunswick, in consideration of the Legislature thereof having passed an Act providing for the repeal of all duties of export on lumber exported from the Province, shall, so long as no such duties of export are imposed by the said Legislature, be paid, in addition to the subsidy to which the Province is entitled, a subsidy at the rate of one hundred and fifty thousand dollars annually, as indemnity for the loss of such duties and the right to impose the same. R.S., c. 192, s. 2.

Prince Edward Island.

3. (1) To the Province of Prince Edward Island, there shall continue to be paid in addition to all other subsidies and allowances payable to the Province, an annual allowance of twenty thousand dollars, payable half-yearly in advance on the 1st days of July and January in each and every year.

(2) To the said Province of Prince Edward Island, in addition to all other sums authorized by law, there shall also continue to be paid an annual allowance of thirty thousand dollars, payable half-yearly in advance on the 1st days of July and January in each and every year. R.S., 1952.
(3) Such last-mentioned annual allowance shall be paid and accepted in full settlement of all claims of the Province against the Dominion of Canada on account of alleged non-fulfilment of the terms of union between the Dominion and the Province as respects the maintenance of efficient steam communication between the Island and the mainland. R.S., c. 192, s. 3.

Manitoba.

4. The following amounts shall be allowed as the annual subsidy to the Province of Manitoba, and shall be paid yearly to the Province, that is to say,

(a) for the support of the Government and Legislature, fifty thousand dollars;

(b) on an estimated population of one hundred and fifty thousand, at eighty cents per head, one hundred and twenty thousand dollars, subject to be increased as hereinafter mentioned, that is to say, a census of the Province shall be taken in every fifth year, reckoning from the general census of 1881; and an approximate estimate of the population shall be made at equal intervals of time between each quinquennial and decennial census; and whenever the population, by any such census or estimate, exceeds one hundred and fifty thousand, which shall be the minimum on which the said allowance shall be calculated, the amount of the said allowance shall be increased accordingly, and so on, until the population has reached four hundred thousand souls; and

(c) as an indemnity for the want of public lands, one hundred thousand dollars. R.S., c. 192, s. 4.

INTEREST ON DEBT ALLOWANCES.

5. (1) In the accounts between the several Provinces of Ontario, Quebec, Nova Scotia, New Brunswick and British Columbia, respectively, and Canada, the amounts payable to and chargeable against the said Provinces respectively, in so far as they depend upon the amount of debt with which each province entered the Union, shall be calculated and allowed as if

(a) in the case of the Provinces of Ontario and Quebec respectively, the sum fixed by section 112 of the British North America Act, 1867, was increased from sixty-two million five hundred thousand dollars to seventy-three million six hundred and eighty-eight dollars and eighty-four cents;
(b) in the case of the Province of Nova Scotia, the amount fixed by section 114 of the said Act was increased in the same proportion;

(c) in the case of the Province of New Brunswick, the amount fixed by section 115 of the said Act, was increased in the same proportion; and

(d) in the case of the Province of British Columbia, the amount upon which it was to receive interest fixed by or under the terms and conditions on which the Province was admitted into the Dominion was increased in the same proportion.

(2) The increased subsidy to be allowed to the Province of Nova Scotia under this section shall be based upon the sum of nine million one hundred and eighty-six thousand seven hundred and fifty-six dollars, as if that sum had been mentioned in section 114 of the British North America Act, 1867, instead of the sum of eight million dollars. R.S., c. 192, s. 5.

6. (1) In the accounts between the several provinces and Canada, the amounts by which the yearly subsidy to each province was increased by the Act of the Parliament of Canada, passed in the year 1873, chapter 30, as explained with respect to Nova Scotia by the Act of the said Parliament, passed in the year 1874, chapter 3, shall be calculated and allowed to Ontario and Quebec jointly, as having formed the late Province of Canada, and to Nova Scotia and New Brunswick, as if the said Acts had directed that such increase should be allowed from the day of the coming into force of the British North America Act, 1867.

(2) The total amount of the half-yearly payments which would in that case have been made on account of such increase from the 1st day of July, 1867, up to and including the 1st day of January, 1873, with interest on each at five per cent per annum, from the day on which it would have been so paid to the 1st day of July, 1884, shall be deemed capital owing to the said Provinces respectively, bearing interest at five per cent per annum, which interest shall be payable to them as part of their yearly subsidies from Canada. R.S., c. 192, s. 6.

7. (1) In the accounts between Canada and the Provinces of British Columbia and Prince Edward Island, the amounts calculated and allowed as the debts of those Provinces respectively, on the 19th day of April, 1884, and on which they were then paid interest by Canada, shall be increased R.S., 1952.
Provincial Subsidies.

increase by amounts bearing the same proportion to the respective populations of the said Provinces, as ascertained by the census of 1881, as the total of the amounts to be added under section 6 as capital owing to Ontario and Quebec, Nova Scotia and New Brunswick, bear to the combined population of the four last-named Provinces, as ascertained by the said census of 1881.

(2) The amounts of such increases, as regards the said Provinces of British Columbia and Prince Edward Island, shall be deemed capital owing to the said Provinces respectively, bearing interest at the rate of five per cent per annum, which interest shall be payable to them as part of their respective subsidies from Canada. R.S., c. 192, s. 7.

8. The amount of the increase of the yearly subsidy and the capital on which the same is payable to the several provinces respectively, under sections 6 and 7 shall be as follows:

<table>
<thead>
<tr>
<th>Province</th>
<th>Yearly increase</th>
<th>Capital</th>
</tr>
</thead>
<tbody>
<tr>
<td>To Ontario and Quebec</td>
<td>$269,875 16</td>
<td>$5,539,503 13</td>
</tr>
<tr>
<td>Nova Scotia</td>
<td>39,939 68</td>
<td>798,793 45</td>
</tr>
<tr>
<td>New Brunswick</td>
<td>30,225 97</td>
<td>604,519 35</td>
</tr>
<tr>
<td>British Columbia</td>
<td>4,155 39</td>
<td>83,107 88</td>
</tr>
<tr>
<td>Prince Edward Island</td>
<td>9,148 68</td>
<td>182,973 78</td>
</tr>
</tbody>
</table>

R.S., c. 192, s. 8.

Manitoba.

9. (1) The capital sum on which the Province of Manitoba is entitled to receive half-yearly payments of interest at the rate of five per cent per annum, as fixed by the Act of the Parliament of Canada passed in the year 1870, chapter 3, and as readjusted or increased by any subsequent Act, shall continue to be calculated on a population of one hundred and twenty-five thousand, at a rate per capita ascertained by dividing the sum of five hundred and forty-one thousand four hundred and forty-seven dollars, by seventeen thousand, which was the estimated population of the Province under the said Act, the said sum of five hundred and fifty-one thousand four hundred and forty-seven dollars being the amount of capital on which the Province was entitled to receive interest under and by virtue of section 24 of the Act hereinbefore last cited and chapter 30 of the Acts of the Parliament of Canada passed in the year 1873.

(2) The Province shall be charged with such advances as had, up to the 20th day of July, 1885, been made to the Province, and with such expenditure as had been made therein

R.S., 1952.
therein by the Dominion for purposes of a strictly local character, and with a further sum of one hundred and fifty thousand dollars, which the Dominion Government may advance to the Province to meet the expenditure of constructing a lunatic asylum, and other exceptional services. R.S., c. 192, s. 9.

10. The grant of swamp lands and the grant of lands not exceeding one hundred and fifty thousand acres as an endowment to the University of Manitoba, authorized by Part I of the *Manitoba Supplementary Provisions Act*, and the payments to the Province of Manitoba hereinbefore authorized, shall be made as a full settlement of all claims made by the said Province for the reimbursement of costs incurred in the government of the disputed territory, or the reference of the boundary question to the Judicial Committee of the Privy Council, and all other questions and claims discussed between the Dominion and the provincial governments, up to the 10th day of January, 1885. R.S., c. 192, s. 10.

**ADVANCES.**

11. (1) The Governor in Council may, in his discretion, advance, from time to time, to any province of Canada, any sums required for local improvements in the province, and not exceeding in the whole the amount by which the debt of the province for which Canada is responsible then falls short of the debt with which the province was allowed to enter the Union; but no such advance shall be made to any province unless it has been previously sanctioned by an Act of the legislature of that province.

(2) Such advances shall be deemed additions to the debt of the province, and the province may repay them to Canada, on such notice, in such sums and on such conditions as the Government of Canada and that of the Province agree upon; and any amount so repaid shall be deducted from the debt of the province in calculating the subsidy payable to it. R.S., c. 192, s. 11.

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

R.S., 1952.
CHAPTER 222.

An Act respecting the Public Archives.

SHORT TITLE.

1. This Act may be cited as the Public Archives Act. Short title. R.S., c. 8, s. 1.

2. In this Act the expression "Minister" means the "Minister" President of the Privy Council, or such other member of the Queen's Privy Council for Canada as is named for that purpose by Order in Council. R.S., c. 8, s. 2.

3. The Governor in Council may appoint an officer to be called the Dominion Archivist, who shall have the rank and salary of a deputy head of a department, and who, under the direction of the Minister, shall have the care, custody and control of the Public Archives. R.S., c. 8, s. 3.

4. Such other officers, clerks and employees as are necessary for the proper care, custody and control of the Public Archives may be appointed in the manner authorized by law. R.S., c. 8, s. 4.

5. The Dominion Archivist shall, subject to the direction of the Minister, oversee and direct all officers, clerks and employees appointed to assist him in the performance of his duties. R.S., c. 8, s. 5.

6. The Public Archives shall consist of all such public records, documents and other historical material of every kind, nature and description as, under the provisions of this Act, or under the authority of any Order in Council made by virtue thereof, are placed under the care, custody and control of the Dominion Archivist. R.S., c. 8, s. 6.

7. (1) The Governor in Council may order and direct that any public records, documents or other historical material of any kind, nature, or description shall be taken from the custody of any department of the Government having R.S., 1952.
having control thereof and removed to the Archives Building in the City of Ottawa established for the purpose of containing such records, documents and material and placed under the care, custody and control of the Dominion Archivist.

(2) The Governor in Council may order and direct that any other records, documents or historical material of any kind, nature or description acquired under the authority of the Minister shall be placed in the said Archives Building under the care, custody and control of the Dominion Archivist. R.S., c. 8, s. 7.

8. The Dominion Archivist, under the direction of the Minister, may acquire for the Public Archives all such original records, documents and other material as he deems necessary or desirable to secure therefor, or he may acquire copies thereof, and all such originals or copies so acquired shall form part of the Public Archives, and he may pay for the same, or for the transcribing, binding and repairing thereof, or any other expense incurred in connection therewith, out of such moneys as are voted by Parliament for the purposes of the Public Archives. R.S., c. 8, s. 8.

9. The Dominion Archivist shall be a deputy head of a department within the meaning of the Canada Evidence Act, and with respect to any of the records or documents under his custody and control he may give any certification or do any act or thing that, under that Act or any other statute or any regulation, may be given or done by a deputy head of a department of government, and any such certification, act or thing has the same force and effect as if given or done by the deputy head of a department. R.S., c. 8, s. 9.

10. Unless otherwise ordered by the Governor in Council, the powers and duties of the Minister under this Act shall not be exercised or discharged by deputy except so far as the Dominion Archivist is authorized to act for or as the deputy of the Minister, and any powers or duties that are by law charged upon the deputy of the Minister in respect of the Public Archives or any matter regulated by this Act shall, unless otherwise ordered by the Governor in Council, be exercised or discharged by the Dominion Archivist. R.S., c. 8, s. 10.
CHAPTER 223.

SHORT TITLE.

1. This Act may be cited as the Public Documents Act. Short title. R.S., c. 48, s. 1.

2. (1) Unless some Act relating thereto expressly so provides, no commission or other public document under the Great Seal of Canada, or under the Privy Seal of the Governor General, and no letters patent of Canada, and no public writ, deed or other document thereof, or any portion of any such document, is required to be on parchment, but, when written or printed wholly or in part on paper, is as valid in all respects as if written or printed on parchment.

(2) Nothing in this Act shall be construed as declaring that it was necessary to the validity of any such document heretofore signed, sealed or executed, that such document or any part thereof should be on parchment. R.S., c. 48, s. 2.

3. (1) Where letters patent under the Great Seal of Canada, other than such as grant lands, or instruments under the Privy Seal of the Governor General or person administering the Government of Canada, have been issued to or in the name of the wrong person, or contain any clerical error or misnomer or wrong description of any material fact therein, the Secretary of State, when authorized by the Governor in Council, may direct the defective letters patent or instruments to be cancelled, and a minute of such cancellation to be entered in the margin of the registry of the original letters patent or other instruments, and correct letters patent under the Great Seal or instruments under Privy Seal, as aforesaid, to be issued in their stead.

(2) Such letters patent or instruments shall relate back to the date of those so cancelled. R.S., c. 48, s. 3.
CHAPTER 224.

An Act respecting Grants of Public Lands.

SHORT TITLE.

1. This Act may be cited as the Public Lands Grants Act. 1950, c. 19, s. 1.

INTERPRETATION.

2. In this Act,

(a) "grant" means letters patent under the Great Seal of Canada and any other instrument by which public lands may be granted in fee simple or for an equivalent estate;
(b) "land" includes mines, minerals, easements, servitudes and all other interests in real property; and
(c) "public lands" means lands belonging to Her Majesty in right of Canada and includes lands of which the Government of Canada has power to dispose. 1950, c. 19, s. 2.

GRANTS OF PUBLIC LANDS.

3. Where under the laws of a province an instrument transferring land without words of limitation operates as an absolute transfer of all such right and title as the transferor has therein, a grant of public lands in such province, if Her Majesty has power to convey such an estate therein, and if no contrary or different intention is expressed in the grant, operates as a conveyance of an estate in fee simple or an equivalent estate in such lands, although no words of limitation are used in the grant. 1950, c. 19, s. 3.

4. The Governor in Council may

(a) authorize the sale, lease or other disposition of any public lands that are not required for public purposes and for the sale, lease or other disposition of which there is no other provision in the law;

(b) 1950, c. 19, s. 4.
Public Lands Grants.

(b) make regulations authorizing the Minister having the control, management and administration of any such public lands to sell, lease or otherwise dispose of them, subject to such limitations and conditions as the Governor in Council may prescribe;

(c) prescribe a tariff of fees for copies of maps, plans, field notes, documents, papers and other records pertaining to public lands, for the preparation of documents evidencing a sale, lease or other disposition of public lands and for the registration in any government department of any documents pertaining to public lands; and

(d) fix the rate of interest to be paid for or on account of the purchase money or rent of any public lands sold or leased under this Act. 1950, c. 19, s. 4.

No title by prescription.

5. No right, title or interest in or to public lands shall be acquired by any person by prescription. 1950, c. 19, s. 5.

LEASES.

6. All leases of public lands issued by special authority of the Governor in Council or pursuant to any regulation of the Governor in Council may be executed on behalf of Her Majesty by the Minister having the control, management and administration of the lands or by some person thereunto authorized by the Minister. 1950, c. 19, s. 6.

DEFENCE LANDS.

7. Such of the lands mentioned in the Schedule to the Ordnance and Admiralty Lands Act, chapter 115 of the Revised Statutes of Canada, 1927, as at the commencement of this Act were vested in Her Majesty in right of Canada, by whatever mode of conveyance they were acquired or taken, whether in fee, for life, for years or otherwise, and all the appurtenances thereof, are and continue absolutely vested in Her Majesty for the purposes of Canada in the same manner and to the same extent as at the date of the coming into force of this Act. 1950, c. 19, s. 7.

8. (1) Public lands that are declared by the Governor in Council to be necessary for the defence of Canada shall not be sold, alienated or otherwise disposed of but may be leased or otherwise used as the Governor in Council thinks best for the advantage of Canada.

(2) Until the Governor in Council otherwise provides, lands that at the commencement of this Act were lands in class one under the said Ordnance and Admiralty Lands Act shall

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shall be deemed to have been declared by the Governor in Council to be necessary for the defence of Canada. 1950, c. 19, s. 8.

CORRECTION OF GRANTS.

9. A grant that is issued to or in the name of a person who is dead is not therefore void, but the title to the land thereby granted or intended to be granted vests in the heirs, assigns, devisees or other legal representatives of the deceased person according to the laws in force in the province in which the land is situate, as if the grant had issued to or in the name of the deceased person during his lifetime. 1950, c. 19, s. 9.

10. Where a grant has issued to, or in the name of, a wrong person, or contains a clerical error, misnomer or wrong or defective description of the land thereby intended to be granted, or where there is in a grant an omission of the conditions of the grant, the Governor in Council may, if there is no adverse claim, direct the defective grant to be cancelled and a correct grant to be issued in lieu thereof, and the correct grant shall relate back to the date of the grant so cancelled and have the same force and effect as if issued at the date of the cancelled grant. 1950, c. 19, s. 10.

11. Where through error grants have issued for the same land, inconsistent with each other, or where sales or appropriations of the same land, inconsistent with each other, have been made, the Governor in Council may
(a) order a new grant to the person thereby deprived, of land to a value equal to that of the original grant at the time of the grant,
(b) in the case of a sale, lease or licence, order a refund to be made of any money paid on account of the sale, lease or licence, with interest at the rate of five per cent per annum, or
(c) when the land has passed from the original holder, or has been improved before the discovery of the error, or when the original grant was a free grant, grant to the original holder such land as to the Governor in Council seems just and equitable under the circumstances,
but no claim under this section shall be entertained unless it is made within one year after the discovery of the error. 1950, c. 19, 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 225.

An Act respecting Public Officers.

SHORT TITLE.

1. This Act may be cited as the Public Officers Act. Short title. R.S., c. 164, s. 1.

INTERPRETATION.

2. In this Act, "bond" includes securities other than "Bond." bonds. R.S., c. 164, s. 2.

COMMISSIONS.

3. The Governor in Council may make regulations declaring and determining what dignitaries, officers or classes of officers, or persons in the public service of Canada, appointed under orders in council shall receive commissions under the Great Seal or under the Privy Seal respectively, and what fee shall be paid thereon; and such commissions may be issued to the dignitaries, officers and persons who have not received and are declared entitled to receive them; but nothing done under this section affects any commission issued before the commencement of this Act. R.S., c. 164, s. 3.

4. Commissions issued under the foregoing provisions shall be recorded in the office of the Registrar General of Canada, and notice of the appointments shall be inserted in the Canada Gazette by the Secretary of State, and a list of such commissions issued during the year shall be laid before Parliament within the first fifteen days of its next ensuing session in each year. R.S., c. 164, s. 4.

TIME AND MANNER OF GIVING AND EFFECT OF SECURITY.

5. Every person who is required to give security by reason of being appointed to any civil office or employment or commission in any public department of the Government of Canada, or to any office or employment of public trust,

R.S., 1952.
trust, or wherein he is concerned in the collection, receipt, disbursement or expenditure of any public money under the Government, shall give and enter into a bond for the due performance of the trust reposed in him, and for his duly accounting for all public moneys entrusted to him or placed under his control, in such manner and with such sureties as are approved of by the Governor in Council, or by the principal officer or person in the office or department to which he is appointed

(a) within one month after notice of such appointment if he is then in Canada,
(b) within three months after such notice if he is then absent from Canada, or
t if, at the time of such notice, he is absent from Canada, within one month after he arrives in Canada, if he so arrives within three months of such notice. R.S., c. 164, s. 5.

6. Whenever any person is required, under this Act or under any Act of the Parliament of Canada, or by any order of the Governor in Council, to give security for the due performance of the duties of any office to which he has been or is about to be appointed, such person may either solely, or together with sureties, as the case may be, give such security by bond to Her Majesty in Form A in the Schedule, or to the like effect. R.S., c. 164, s. 6.

7. Whenever a bond made according to Form A set forth in the Schedule, or any other bond expressed to be made in pursuance of this Act, or referring thereto, contains the form of words set forth in column one of the said Form, such bond shall be construed and have the same effect as if it contained the form of words set forth in column two of the said Form. R.S., c. 164, s. 7.

8. Any recitals may be inserted prior to the condition of the bond, and the feminine gender may be substituted for the masculine, or the plural number for the singular, or vice versa, in the first column of the said Form, and corresponding changes shall, in such case, be taken to be made in the corresponding Form in the second column; and any express exceptions or qualifications or additions, made, introduced or annexed in the first column, shall be taken to be made in the corresponding Form in the second column. R.S., c. 164, s. 8.

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9. Any bond or part of a bond that does not take effect by virtue of sections 6, 7 and 8, is nevertheless as effectual to bind the obligors therein, so far as the rules of law and equity will permit, as if the said sections had not been passed. R.S., c. 164, s. 9.

10. No bond given by any person, under this Act, to Her Majesty, Her heirs or successors, constitutes any other or greater lien or claim upon the lands or tenements, goods or chattels of such person, than if such bond had been given to one of Her Majesty’s subjects. R.S., c. 164, s. 10.

11. Every surety in any such bond shall make an affidavit in Form B in the Schedule, or to the effect thereof, before a justice of the peace; and the execution of every such bond shall be proved as to each person executing the same by an affidavit of the attesting witness, made in Form C in the Schedule, before a justice of the peace. R.S., c. 164, s. 11.

REGISTRATION.

12. (1) Every such bond, with the several affidavits thereunto annexed, shall be recorded at full length in the Department of the Secretary of State of Canada, in the manner hereinafter mentioned; and the original bond and the affidavits thereunto annexed shall, after such registration, be deposited in the said Department.

(2) Such registration and deposit shall be made within one month after the bond is entered into or given, if the person on whose behalf it is entered into or given resides or is in Canada; and if he is absent from Canada, then within three months after the bond is entered into or given, unless such person arrives sooner in Canada, and then within one month after his arrival. R.S., c. 164, s. 12.

13. (1) The Secretary of State shall make an entry, and shall, if required, give a certificate, in writing, under his hand and seal, of every such bond brought to him to be registered as aforesaid, and therein shall mention the day on which such bond is so registered, expressing also in what book, page or number the same is recorded.

(2) The Secretary of State shall, for the purpose of so registering bonds, provide a separate register, every page of which, and every bond recorded in which, shall be numbered; and the day of the month and year when every such bond is registered shall be entered in the margin of the said register, and in the margin of the bond.

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(3) The Secretary of State shall keep separate alphabetical lists of the names of the principals and of the names of the sureties mentioned in such bonds, with reference to the book, page or number where the bonds containing such names are to be found, and shall enter and register the said bonds in the order of time in which they respectively come to his hands. R.S., c. 164, s. 13.

14. Every such bond shall be endorsed with the following particulars, certified by the Secretary of State:

(a) the date of the bond;
(b) the date of its receipt by the Secretary of State;
(c) the names of the principals and sureties and the amount for which each is bound;
(d) the office for the faithful discharge of the duties whereof the bond is given;
(e) the registration number;
(f) the folio on which the bond is entered in the register of bonds; and
(g) the folio and book in which the bond is recorded in the office of the Secretary of State. R.S., c. 164, s. 14.

15. When the securities of the principal and sureties have been executed at different times, whether they were taken in one and the same bond, deed or other instrument, or in different ones, the period limited for registering and depositing such securities shall be estimated from the time of execution thereof by the person who was the last to execute any such bond, deed or other instrument. R.S., c. 164, s. 15.

16. No neglect, omission or irregularity in giving or receiving any bond or in registering or endorsing the same, within the periods or in the manner prescribed by this Act, vacates or makes void any such bond, or discharges any surety from the obligation thereof. R.S., c. 164, s. 16.

17. All bonds hereby required to be registered and deposited shall be registered and deposited by the proper officer, notwithstanding that the period prescribed for registering and depositing the same has expired; but no such registering and depositing of any bond shall be deemed to waive any forfeiture or penalty, or to exempt the person on whose behalf the same is registered and deposited from any forfeiture or penalty under this Act. R.S., c. 164, s. 17.
HOW A SURETY MAY TERMINATE HIS RESPONSIBILITY.

18. Any person who has become surety to the Crown for the due accounting for public moneys, or the proper performance of any public duty, by any person from whom such security is required, may, when no longer disposed to continue his responsibility as such surety, give notice thereof to his principal and also to the Secretary of State, and all accruing responsibility on the part of such person as surety shall cease at the expiration of three months from the receipt of the last of such notices, or upon the acceptance by the Crown of another surety in his place, whichever shall first happen. R.S., c. 164, s. 18.

CONSEQUENCES OF NOT GIVING SECURITY.

19. (1) Where any person, who, by reason of his appointment to or his holding of any civil office, employment or commission in any public department, or office of public trust, or who, by reason of being concerned in the collection, receipt, disbursement or expenditure of any public money, is required or bound to give any security, or to register and deposit any bond, neglects to give such security, or to cause such bond to be duly registered and deposited in the manner and within the period in this Act prescribed, he is liable to forfeit the appointment, office, commission or employment, in respect whereof such security should have been given and such bond registered and deposited as aforesaid; and such forfeiture takes effect from and after the time when the Governor General declares the same to have taken effect under this Act.

(2) No such forfeiture shall take place by reason of any such bond not being registered or deposited, if the proper sureties have been given and the proper bond made out, and the failure of registry and deposit has arisen from the loss of such bond in the transmission thereof from a distance; but in every such case a new bond, specifying the reason of such delay, shall be made out and signed, registered and deposited, within the like period after the person giving such security receives notice of the loss, regard being had to the place where he then is, as would have been required by this Act for the registry thereof, if such loss had not occurred. R.S., c. 164, s. 19.

20. (1) Every such person, who has given any bond, with sureties for the due execution of the trust reposed in him, or for duly accounting for public moneys coming to his hands, shall give notice, in writing, to the Secretary of State, that he is disposed to resign his office. R.S., 1952.
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Public Officers.

State, or to the principal officer or person of the department to which he belongs, of the death, bankruptcy, insolvency, or residence out of Canada, of any surety or person bound for or with him in any such bond.

Within what time.

(2) Such notice shall be given within one month after the fact comes to the knowledge of such person, if he then is or resides in Canada, or within three months if he is out of Canada, unless he sooner arrives in Canada, and then within one month after such arrival; and any person who neglects to give such notice within the period limited therefor, shall forfeit, to the use of Her Majesty, one-fourth part of the sum for which the surety so dead, bankrupt, insolvent or resident out of Canada, became security, recoverable in any court of competent jurisdiction, at the suit of the Crown. R.S., c. 164, s. 20.

Penalty for neglect.

New surety to be provided.

21. Every person who has given any bond with sureties for the due execution of the trust reposed in him, or for duly accounting for public moneys coming to his hands shall, upon the death, bankruptcy, insolvency or residence out of Canada of any such surety, and after giving the notice required by subsection (2) of section 20, within one month, if such person is then in Canada, or within three months if he is then absent from Canada, unless he sooner arrives in Canada, and then within one month after such arrival, substitute for the surety so dead, bankrupt, insolvent or resident out of Canada, another surety, to be approved in like manner, and shall, within the like period after the bond of such new surety is entered into or given, cause such bond to be duly registered and deposited; otherwise such person is liable to forfeit the appointment, office, commission or employment in respect whereof such fresh security ought to have been given; and such forfeiture takes effect from and after the time when the Governor General so declares. R.S., c. 164, s. 20.

When surety gives notice.

22. Whenever under the provisions hereinbefore contained any surety gives notice to his principal and also to the Secretary of State that he is no longer disposed to continue his responsibility, the principal shall, within one month from the receipt of the last of such notices furnish another surety, and register and deposit the bond of such new surety, or in default of so doing is liable to forfeit and be deprived of the appointment, office, commission or employment in respect whereof such new surety ought to

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to have been given, and such new bond registered and deposited as aforesaid; and such forfeiture takes effect from and after the time when the Governor General so declares. R.S., c. 164, s. 22.

23. No act of any public officer of Canada, whose security has been given, registered or deposited, or whose affidavit of justification has been filed after the time limited by this Act, is by such default void or voidable. R.S., c. 164, s. 23.

24. The forfeiture or avoidance of the appointment, office, commission or employment of any person under the authority of this Act does not annul or make void any act or order or other matter or thing done by such person during the time he actually held such appointment, office, commission or employment. R.S., c. 164, s. 24.

POWERS OF GOVERNOR IN COUNCIL TO REMIT FORFEITURES AND EXTEND TIME.

25. The Governor in Council may remit the forfeiture or penalty in any case in which the failure to give security, or to register and deposit any bond under this Act, has not arisen from any wilful neglect of the person bound to give, register or deposit the same. R.S., c. 164, s. 25.

26. (1) The Governor in Council may extend the time for furnishing a new surety if it appears that the period hereinbefore limited therefor is in consequence of accidents or special circumstances insufficient, or that further time will be necessary to enable a new surety to be given by reason of illness, distance or loss of letters; or by reason of the refusal of any person to become surety, or any person offered as surety not being deemed eligible and being rejected.

(2) Such extended period shall in no case exceed two months; and the precise period proposed to be allowed, together with the special grounds for allowing the same, shall be either entered in the book in which the original security has been registered, or endorsed on the back of the original bond itself.

(3) The person required to give such new surety is not subject to any forfeiture or penalty for not giving the same within the time limited by this Act, if he gives such new surety within the extended period so allowed. R.S., c. 164, s. 26.

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27. The Governor in Council may approve of the security given, or the affidavit of justification filed by any public officer although the same has been given or filed after the time limited by this Act; and in such case the appointment, office, commission, or employment of such public officer shall not be deemed to have been forfeited by such default, but to have remained and to remain in full force and effect. R.S., c. 164, s. 27.

REGULATIONS.

28. (1) The Governor in Council may direct that, whenever any person is required to give security for the due performance of his office, trust or employment, or for duly accounting for public moneys entrusted to him or placed under his control, or for the due fulfilment of his duties in any respect, or for the performance of any obligation undertaken towards the Crown,

(a) the bond or policy of guarantee of any incorporated company, named by order in council, and empowered to grant guarantees, bonds, covenants or policies for the integrity and faithful accounting of public officers or other like purposes, or

(b) a conditional assignment of a deposit standing in the name of any public officer, required to give security, in the books of the Post Office or any other Government savings bank, may be accepted as such security upon such terms as are determined by the Governor in Council.

(2) In the case of any such assignment of a deposit the interest upon the deposit is payable to the depositor until forfeiture of the security, in like manner as if no such assignment had been made. R.S., c. 164, s. 28.

29. The Governor in Council may direct that in all cases, or in any case or class of cases in which the bond or policy of guarantee of a company is accepted as such security, the money necessary to pay the premium upon such bond or policy may be deducted from the salary or pay of the person or persons for whom the security is given, either by monthly instalments or otherwise. R.S., c. 164, s. 29.

30. The Governor in Council may from time to time make regulations for the establishment and maintenance of a fund to be derived from moneys contributed by, or deducted from the salaries or pay of the persons concerned, R.S., 1952.
31. Such regulations may apply generally to all persons required to give security or to any class or classes of such persons, and, if the Governor in Council thinks fit, may provide, as to all or any of such persons or classes of persons, that the security afforded by such fund shall be in substitution or in partial substitution for the security required to be given by any such persons or classes of persons. R.S., c. 164, s. 31.

32. The Secretary of State shall cause to be prepared, for the information of the Parliament of Canada, within fifteen days after the opening of every session thereof, a detailed statement of all bonds registered at his office, and of any changes or entries that have been made in reference to the names and residences of any sureties, and of the amounts in which sureties have become severally liable, since the period of the last previous return submitted to the Parliament. R.S., c. 164, s. 32.

SCHEDULE.

FORM A.

Know all men by these presents, that we, of the , in the County of , in the Province of in Canada (hereinafter called "the principal"); and of the , in the Province of and of the said (hereinafter called "the sureties"), are respectively held and 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 severally, and not jointly, or each.

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each for the other, 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 Public Officers Act:

COLUMN ONE

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 come into his custody by virtue of the said office, this obligation shall be void.

Signed, sealed and delivered in the presence of

COLUMN TWO

Now the condition of the above obligation is such that if the principal so appointed to the said office or employment as aforesaid, do and shall, from time to time and at all times, so long as he shall hold the said office or employment, or be and remain charged with the actual discharge of the duties appertaining thereto, or any of them, faithfully, honestly, and diligently,—

(a) Do, perform, fulfil and discharge all and every such duties, in every respect, in accordance with the laws now in force in that behalf, as also all and singular such other duties as, by competent authority in that behalf, now are or hereafter shall or may be attached to the said office or employment, or imposed upon or required to be performed by the incumbent for the time being of the said office or employment, whether such last mentioned duties are regulated or imposed by any Act or Acts heretofore passed by the legislature of any province of Canada or which have been or may hereafter be passed by the Parliament of Canada, or by any ordinance, order in council or regulations made under any such Act, or by any law otherwise in force in Canada, and whether such duties are extended, increased or otherwise varied or altered by any such Act or Acts, or by any such ordinance, order in council or regulations or any such law as aforesaid, or are regulated or imposed, or are extended, increased or otherwise varied or altered by competent authority; and,

(b) Duly account for and pay over all such moneys or securities for money or valuable securities or property as shall come into his hands, custody or control, by virtue of or in consequence of his holding the said office;
And further, if the principal upon his removal from, or his resignation of the said office or employment, or if, in the event of his death during his tenure of the said office or employment, his legal representatives, or some or one of them, do and shall quietly surrender and deliver up the same, and all the moneys, securities for money, valuable securities, or property, books, papers, instruments, instructions, maps, plans, letters, and writings, and other things whatever, which then may be, or ought to be, in his possession, custody or keeping, by virtue of or in consequence of his holding the said office, or anything relating or in any wise appertaining thereto;

Then the above obligation shall be null and void and of no effect; otherwise the same shall be and remain in full force and virtue.

AFFIDAVITS TO BE ANNEXED TO THE BOND.

FORM B.

I, A. B., the obligor (or one of the sureties), in the above bond or writing obligatory named, make oath and say, as follows:

TO WIT:

1. I am seized and possessed to my own use of real (or real and personal) estate in the Province of , in Canada, of the actual value of $ , over and above all charges upon or encumbrances affecting the same.

2. My post office address is as follows:

Sworn before me, at in the of this day of A.D. 19 .

A separate affidavit to be made by the obligor and by each surety.

FORM

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FORM C.

Affidavit of Witness.

Province of [ ] of [ ] of [ ] in the
To wit: [ ]

I, [ ], of the [ ] of [ ], in the Province of [ ], make oath and say that I was personally present, and did see the obligors in the above bond or writing obligatory named, duly execute the said instrument by signing, sealing, and as their respective acts and deeds, delivering the same; and that I am a subscribing witness to such execution.

Sworn before me, at [ ] in the [ ] of this [ ] day of A.D. [19 [ ]]

a J.P. for the [ ]

A separate affidavit in this form shall be made by a witness to the execution by each obligor, if the same person does not witness the execution by all of them.

R.S., c. 164, Sch.

EDMOND CLOUTIER, C.M.G., O.A., D.S.P.
QUEEN'S PRINTER AND CONTROLLER OF STATIONERY
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CHAPTER 226.

An Act respecting the Department of Public Printing and Stationery.

SHORT TITLE.

1. This Act may be cited as the Public Printing and Stationery Act. R.S., c. 162, s. 1.

INTERPRETATION.

2. In this Act,

(a) "Department" means the Department of Public Printing and Stationery hereby constituted;

(b) "Minister" means the member of the Queen's Privy Council for Canada in charge, for the time being, of the Department hereby constituted; and

(c) "Queen's Printer" means the Queen's Printer and Controller of Stationery hereinafter mentioned. R.S., c. 162, s. 2.

CONSTITUTION.

3. (1) There shall be a department called the Department of Public Printing and Stationery over which such member of the Queen's Privy Council for Canada as the Governor in Council directs shall preside.

(2) Such member of the said Privy Council has the management and direction of the Department. R.S., c. 162, s. 4.

4. (1) The Department is charged exclusively with the following duties in relation to services required for the Senate and House of Commons and the several departments of the Government, namely:

(a) the execution and audit of all printing, stereotyping, electrotyping, lithography, binding work, or work of the like nature, and the procuring of the material therefor;

(b) [4475]

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(b) the purchase and distribution of all paper, books and other articles of stationery of whatsoever kind, except books that are required for the Library of Parliament, and printed books required for the use of the chaplains, libraries or schools in the penitentiaries which may be procured in the manner authorized by law;

(c) the sale of all books or publications issued by order of either or both Houses of Parliament or by any department of the Government; and

(d) the audit of all accounts for advertising.

(2) The aforesaid services shall be executed by or under the superintendence of the proper officers respectively of the Department. R.S., c. 162, s. 5.

5. The Governor in Council may, by commission under the Great Seal, appoint an officer called the Queen's Printer and Controller of Stationery, to hold office during pleasure, and to be the deputy head of the Department, and, wherever under any Act of the Parliament of Canada any power is conferred upon or any duty is assigned to the Queen's Printer, such power may be exercised and such duties shall be performed by the Queen's Printer appointed under this Act. R.S., c. 162, s. 6.

6. No person shall be appointed Queen's Printer unless he has been actively engaged for at least ten years in the business of printing or publishing, or in the superintendence of the printing and cognate services of the Parliament or Government of Canada. R.S., c. 162, s. 7.

7. The Queen's Printer and Controller of Stationery, under the Minister, has the management and control of the several services to which this Act relates, and has such powers and shall perform such duties as are conferred upon and assigned to him by this Act, or by any other Act of the Parliament of Canada, or by any order in council made thereunder: but all such powers shall be exercised and all such duties shall be performed subject to the control of the Minister, and as he directs. R.S., c. 162, s. 8.

8. There may be appointed, in the manner authorized by law, a Director and Superintendent of Printing, a Superintendent of Stationery, an Accountant and a Controller of Purchases, who respectively have the rank in the Civil Service of Canada that is from time to time assigned to them by the Governor in Council. R.S., c. 162, s. 9.
9. No person shall be appointed Director and Superintendent of Printing unless he has had at least five years' experience in the business or trade of a printer or in the management of a printing house. R.S., c. 162, s. 10.

10. No person shall be appointed Superintendent of Stationery unless he has had at least five years' experience in the business of a stationery establishment in Canada, or in the management and superintendence of similar work for the Parliament or Government of Canada. R.S., c. 162, s. 11.

11. No person shall be appointed Accountant unless he has a competent knowledge of bookkeeping and accounts, and has had at least five years' experience in the measuring and auditing of printing and binding work, either in a printing or publishing establishment, or in the service of the Parliament or Government of Canada. R.S., c. 162, s. 12.

12. Such officers, clerks and servants as are necessary for the proper conduct of the business of the Department, may be appointed, in the manner authorized by law. R.S., c. 162, s. 13.

13. The Superintendents, Accountant, officers, clerks and servants hold office during pleasure, and shall perform such services as are from time to time assigned to them by the Governor in Council or by the Minister. R.S., c. 162, s. 14.

PUBLIC PRINTING.

14. A Government establishment shall be organized at Ottawa, and shall be under the management of the Director and Superintendent of Printing in which establishment all printing, electrotyping, stereotyping, lithographing and binding and other work of like nature required for the service of the Parliament and the several departments of the Government shall be executed. R.S., c. 162, s. 15.

15. (1) Such apprentices, journeymen, workmen, skilled hands and others as are necessary to perform the work of the establishment, may be employed in the manner authorized by law.

(2) All persons employed under this section shall continue to be paid such rate of wages as they are now respectively receiving and in accordance with weekly, fortnightly or monthly pay-rolls audited by the Accountant.

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(3) No increase of any such rate of wages shall be made so as to raise the rate above that which is, at the time of such increase, paid for similar work in the cities of Montreal and Toronto. R.S., c. 162, s. 16.

16. Nothing in this Act shall be held to require that the printing for the purposes of the railways formerly known as the Intercolonial Railway, or the Prince Edward Island Railway, shall be done in the said establishment, in any case where such printing may be more conveniently done elsewhere, at a cost not exceeding customary and fair commercial rates for similar work in like quantities; but all accounts for such printing shall, before being paid, be examined and certified by the Queen's Printer. R.S., c. 162, s. 17.

STATIONERY OFFICE.

17. An office shall be established as a branch of the Department, which shall be called the Stationery Office, and shall be under the management of the Superintendent of Stationery. R.S., c. 162, s. 18.

(1) The Superintendent of Stationery, under the general supervision of the Queen’s Printer, has charge of the custody and supply of all articles of stationery, required for the use of members and employees of the two Houses of Parliament and of the several departments of the Government of Canada, except printing materials, printing papers and printing supplies.

(2) The Superintendent of Stationery also has charge of the sale of all the official publications of the Parliament and Government of Canada that are issued for sale, as well as of the distribution of all public documents and papers to the officials and other persons who are entitled to receive the same without payment. R.S., c. 162, s. 19.

19. The Superintendent of Stationery shall furnish to such officer as is designated by either House of Parliament, or by any committee or joint committee appointed for the purpose, such number of copies of any document that is printed under the provisions of this Act as such House or committee decides to be necessary for the use of each such House, or for distribution to the members thereof. R.S., c. 162, s. 20.

20. All moneys received by the Superintendent of Stationery shall be paid over to the Accountant for the public uses of Canada, and by him deposited from time to time in R.S., 1952.
in some chartered bank of Canada to the credit of the Minister of Finance, and shall form part of the Consolidated Revenue Fund of Canada. R.S., c. 162, s. 21.

21. (1) The Superintendent of Stationery shall supply any articles of stationery to any department of the Government according to such regulations as are approved by the Governor in Council, upon requisition therefor, signed by the deputy head of such department; and to either House of Parliament, according to regulations approved by such House, upon requisition therefor, signed by the clerk of such House of Parliament.

(2) The quantity supplied and the value thereof shall be charged against such department or House of Parliament, and an account shall be furnished monthly of the same, respectively, to each deputy head of a department and the clerk of each House of Parliament, accompanied by the several requisitions in respect of the several articles mentioned in the said account, and such deputy head or clerk shall, if the same is found correct, certify to the correctness of such account, and return it to the Superintendent of Stationery. R.S., c. 162, s. 22.

22. (1) Such persons skilled in the stationery business, apprentices, workmen and others as are necessary for the efficient working of the Stationery Office, may be employed in the manner authorized by law.

(2) All persons employed under the provisions of this section shall be paid in accordance with weekly, fortnightly or monthly pay-rolls audited by the Accountant. R.S., c. 162, s. 23.

23. Nothing in this Act shall be held to require that stationery for the purposes of the railways formerly known as the Intercolonial Railway, or the Prince Edward Island Railway, shall be obtained in or through the Stationery Office, in any case where such stationery may be more conveniently procured elsewhere, at a cost not exceeding customary and fair commercial rates for similar supplies in like quantities; but all accounts for such stationery shall, before being paid, be examined and certified by the Queen's Printer. R.S., c. 162, s. 24.

ACCOUNTANT.

24. The Accountant shall, under direction of the Minister and the Queen's Printer, audit all accounts for any of the services under the control of the Department, keep the accounts of the Department, receive and deposit all cash paid in, and render statements of accounts to the clerks of the
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the two Houses of Parliament and the deputy heads of the several departments, as and when the same are required by this Act or by regulations made by, or instructions received from, the Minister. R.S., c. 162, s. 25.

CONTROLLER OF PURCHASES.

25. (1) Until a general purchasing agency is established, the Controller of Purchases shall, under the general supervision of the Queen's Printer, and in accordance with regulations to be made by the Minister, purchase all articles of stationery and all materials and supplies required for printing, binding, electrotyping, stereotyping, lithography, engraving, and other work of a like nature, and shall place all orders and shall be responsible for all outside work of a like nature that may be required for the service of Parliament and of the several departments of the Government of Canada.

(2) All purchases made by the Controller of Purchases shall be so made upon requisition approved by the Minister or as he directs, and all purchases involving an amount of one thousand dollars or upwards shall be made in accordance with contracts entered into with the like approval after tenders have been called for.

(3) All such purchases made on the authority of requisitions duly approved by the Minister, or as he directs, shall be paid after audit by the Accountant. R.S., c. 162, s. 26; 1951 (2nd Sess.), c. 21, s. 1.

REGULATIONS.

26. The Minister may, from time to time, with the approval of the Governor in Council, make such regulations as he thinks fit respecting the discipline of the printing and stationery offices and of the persons employed therein, regulating the times and method of payment of the salaries and wages of such persons, and such regulations shall be enforced by the Queen's Printer, the Director and Superintendent of Printing and the Superintendent of Stationery; and by such regulations fines may be imposed upon such employees for non-attendance during working hours, or misconduct tending to prevent efficient work, or cause damage to Government property therein. R.S., c. 162, s. 27.

CANADA GAZETTE, ETC.

27. The Queen's Printer shall print and publish, or cause to be printed and published, for the Government, under his superintendence, the Statutes of Canada, the official gazette of Canada, which shall be known as the Canada Gazette, and

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and all such official and departmental and other reports, forms, documents, commissions, and other papers, as he is required to print and publish, or cause to be printed and published, by or under the authority of the Governor in Council; and whatever is printed under his superintendence, by authority of this Act, shall be held to be printed by him. R.S., c. 162, s. 28.

28. All proclamations issued by the Governor General or under the authority of the Governor in Council, and all official notices, orders in council, regulations, advertisements and documents relating to the Dominion of Canada, or matters under the control of the Parliament thereof, and requiring publication, shall be published in the Canada Gazette, unless some other mode of publication thereof is required by law. R.S., c. 162, s. 29.

29. (1) The Governor in Council may, from time to time, prescribe the form, mode and conditions of publication of the Canada Gazette, and designate the public bodies, officers and persons to whom it shall be sent without charge, and regulate the price of subscription thereto, and the charges to be paid for the publication of notices, advertisements and documents.

(2) All sums payable for such last-mentioned charges shall be paid in advance to the Accountant and by him accounted for and paid over to the Minister of Finance in such manner as the Governor in Council or the Minister directs, and shall form part of the Consolidated Revenue Fund of Canada. R.S., c. 162, s. 30.

GENERAL.

30. The deputy head of each department shall furnish to the Minister, when required, an estimate of the probable quantity, quality, and variety, as well as the probable amount in value, of all articles commonly known as stationery, and of the probable amount in value of printing and binding required for the purposes of each such department for the then ensuing financial year. R.S., c. 162, s. 31.

31. The Clerk of each House of Parliament shall furnish to the Minister, when required, an estimate of the probable quantity, quality and variety, as well as the probable amount in value, of all articles commonly known as stationery, and of the printing paper required for the purposes of each House of Parliament respectively for the then ensuing financial year, also an estimate of the probable amount in value of the printing and binding required by each House of Parliament respectively for such financial year. R.S., c. 162, s. 32.

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32. (1) The Minister shall report to the Governor in Council the total probable amount in quantities, qualities and value required for the then ensuing financial year for the stationery, printing and binding for the departments of the Government, and for the two Houses of Parliament as may be required and ordered by either House, and a requisite sum therefor shall be placed in the estimates as a separate item, and an apportionment in respect of each department and each House of Parliament shall be made by the Governor in Council, which may be increased or varied from time to time so that the whole sum voted by Parliament in any year, together with the value of the stock in hand, is not exceeded.

(2) The Minister shall further report to the Governor in Council the mode or modes in which he proposes that the said articles shall be procured, and the regulations under which tenders may be asked for the same, and as to the terms of acceptance thereof and the mode of collection and disposal of the waste paper of the several departments and Houses of Parliament.

R.S., c. 162, s. 33.

33. Upon the approval by the Governor in Council of such reports, any necessary supplies of stationery to the extent of the appropriation made by Parliament may be procured, and any necessary arrangements for printing and binding may be made in accordance with the provisions of this Act, and all stationery so procured shall be placed in the custody of the Superintendent of Stationery as hereinbefore mentioned. R.S., c. 162, s. 34.

34. (1) The Queen’s Printer shall furnish a statement monthly to the Auditor General, with the accounts and vouchers therefor, of all stationery and articles purchased and supplied to each department and each House of Parliament, and also of all printing and binding executed for each department and for the two Houses of Parliament, during the preceding month, certified as correct by the deputy head of such department, or by the clerk of the proper House of Parliament.

(2) The Auditor General shall, annually or more frequently at his discretion, cause the stock of stationery, printing materials and supplies in store, to be checked with the quantities purchased and supplied. R.S., c. 162, s. 35.

35. The provisions of the Financial Administration Act, so far as applicable, extend to the accounts and charges incurred under this Act. R.S., c. 162, s. 36.

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36. An account shall be laid before Parliament each year, showing the value of the stock of stationery on hand at the beginning of the year, the amount expended during the year for stationery, printing and binding, the amounts charged against each department and each House of Parliament, and the stock on hand at the end of the year. R.S., c. 162, s. 37.

37. (1) For the purpose of carrying out the provisions of this Act, the Minister of Finance may from time to time authorize the advance to the Queen's Printer, out of the Consolidated Revenue Fund of Canada, of such sums of money as the Queen's Printer may require to enable him to purchase material for the execution of orders given or requisitions made under the provisions of this Act, and to pay the wages of workmen engaged in the execution of such orders or requisitions.

(2) All expenditures made under such advances shall be accounted for in like manner as other moneys expended for the public service.

(3) Any moneys received by the Queen's Printer from the Houses of Parliament or from any of the departments of the Government, for work executed or for supplies furnished under the provisions of this Act shall be remitted by him to the Minister of Finance in repayment of such advances.

(4) The amount of outstanding advances to the Queen's Printer, after deducting therefrom all amounts due to him by either House of Parliament or by the several departments shall at no time exceed the sum of four million dollars. 1951 (2nd Sess.), c. 21, s. 2.

EDMOND CLOUTIER, C.M.G., O.A., D.S.P.
QUEEN'S PRINTER AND CONTROLLER OF STATIONERY
OTTAWA, 1952
CHAPTER 227.

An Act to authorize Rearrangements and Transfers of Duties in the Public Service.

SHORT TITLE.

1. This Act may be cited as the Public Service Rearrangement and Transfer of Duties Act. R.S., c. 165, s. 1.

2. The Governor in Council may (a) transfer any powers, duties or functions or the control or supervision of any part of the public service from one Minister of the Crown to any other Minister of the Crown, or from one department or portion of the public service to any other department or portion of the public service; or (b) amalgamate and combine any two or more departments under one Minister of the Crown and under one deputy minister. R.S., c. 165, s. 2.

3. Whenever under the provisions of this Act, or under any other lawful authority, any power, duty or function, or the control or supervision of any part of the public service is transferred from one Minister of the Crown to any other Minister of the Crown, or from one department or branch of the public service to any other department or branch of the public service, the minister, department or branch to which the power, duty, function, control or supervision is transferred, and the appropriate officers of that department or branch, shall, in relation thereto, be substituted for and have and may exercise the respective powers and duties that formerly belonged to or were exercisable by the minister, department or branch and the respective officers of the department or branch from which the power, duty, function, control or supervision is so transferred as aforesaid. R.S., c. 165, s. 3.

EDMOND CLOUTIER, C.M.G., O.A., D.S.P.
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CHAPTER 228.

An Act respecting the Public Works of Canada.

SHORT TITLE.

1. This Act may be cited as the Public Works Act. R.S., Short title. c. 166, s. 1.

APPLICATION.

2. This Act is divided into two Parts; Part I applies exclusively to the Department of Public Works and the public works and property under the control of that Department; Part II is not by this section limited in its application. R.S., c. 166, s. 2.

PART I.

INTERPRETATION.

3. In this Part, Definitions.
   (a) "Department" means the Department of Public Works;
   (b) "Minister" means the Minister of Public Works; "Minister."
   and
   (c) "public work" or "public works" means any work or "Public work." property under the control of the Minister. R.S., work." c. 166, s. 3.

DEPARTMENT OF PUBLIC WORKS.

4. (1) There shall be a department of the Government Department of Canada called the Department of Public Works over which the Minister of Public Works appointed by commission under the Great Seal of Canada shall preside.

   (2) The Minister has the management and direction of Minister the Department, and holds office during pleasure. R.S., the Department, and holds office during pleasure. R.S., c. 166, s. 4.

5. R.S., 1952.
5. (1) The Governor in Council may appoint an officer called the Deputy Minister of Public Works to hold office during pleasure.

(2) A secretary for the Department, one or more chief engineers, a chief architect, and such other officers as are necessary for the proper conduct of the business of the Department, may be appointed in the manner authorized by law. R.S., c. 166, s. 5.

6. The Secretary of the Department shall, unless otherwise directed in any case by the Minister,

(a) keep separate accounts of the moneys appropriated for and expended on each public work;

(b) submit such accounts to be audited in such manner as is appointed by law or by the Governor in Council;

(c) have charge of all plans, contracts, estimates, documents, titles, models and other like things relating to any such work;

(d) keep proper accounts with each contractor or other person employed by or under the Department;

(e) see that all contracts are properly drawn up and executed;

(f) prepare all certificates upon which any certificate for the payment of money is to issue;

(g) keep minutes of all proceedings of the Department;

(h) prepare reports and conduct under the direction of the Minister the correspondence of the Department; and

(i) generally do and perform all such acts and things appertaining to the business of the Department as are from time to time required by the Minister.

R.S., c. 166, s. 6.

7. In case of the absence of the Secretary, or of his inability to act, the Minister may, in writing, authorize some other officer of the Department to act, for the time, in his stead. R.S., c. 166, s. 7.

8. The Chief Engineer or the Chief Architect shall

(a) prepare maps, plans and estimates for all public works that are about to be constructed, altered or repaired;

(b) report for the information of the Minister on any question relating to any public work that is submitted to him;
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(c) examine and revise the plans, estimates and recommendations of other engineers, architects and officers in respect of any public work; and

(d) generally advise the Minister on all engineering or architectural questions affecting any public work.

R.S., c. 166, s. 8.

POWERS OF THE MINISTER.

9. The Minister has the management, charge and direction of the following properties belonging to Canada, and of the services in this section enumerated, namely:

(a) the dams, the hydraulic works, the construction and repair of harbours, piers and works for improving the navigation of any water, and the vessels, dredges, scows, tools, implements and machinery for the improvement of navigation;

(b) the slides, dams, piers, booms and other works for facilitating the transmission of timber, the collection of slidage and boomage dues and matters incident thereto, and the officers or persons employed in that service;

(c) the roads and bridges;

(d) the public buildings;

(e) the telegraph lines;

(f) the heating, maintenance and keeping in repair of the Government buildings at the seat of government and any alteration from time to time requisite therein, and the supplying of furniture and fittings or repairs to the same;

(g) all such portions of the property known as the Ordnance property as were transferred to the Government of the late Province of Canada or to the Government of Canada by the Government of the United Kingdom, and afterwards placed under the control of the Department;

(h) all other property that now belongs to Canada and the works and properties acquired, constructed, extended, enlarged, repaired or improved at the expense of Canada, or for the acquisition, construction, repairing, extending, enlarging or improving of which any public money is voted and appropriated by Parliament, except works for which money has been appropriated as a subsidy only, and every work required for any such purpose. R.S., c. 166, s. 9.

Exceptions.

10. Nothing in section 9 shall be deemed to confer upon the Minister the management, charge or direction of such public works as are

(a) lawfully transferred to any province forming part of Canada;

(b) leased, sold or otherwise lawfully transferred to municipalities, incorporated companies or others, unless the same are subject to be and are resumed by Her Majesty in virtue of the provisions of any Act, or of any lease, sale or transfer thereof, or relating thereto;

(c) by or under the authority of this Act or any other Act of the Parliament of Canada, placed under the control and management of any other minister or department; or

(d) by proclamation abandoned, or left to the control of municipal or local authorities. R.S., c. 166, s. 10.

Works may be withdrawn from Minister's control.

11. The Governor in Council may, by proclamation, declare any public road or bridge under the management and control of the Minister to be no longer under his management and control; and upon, from and after a day to be named in the proclamation, such road or bridge shall cease to be under the management and control of the Minister, and no tolls shall thereafter be levied thereon under the authority of this Act. R.S., c. 166, s. 11.

Construction and repair.

12. The Minister shall direct the construction, maintenance and repair of all harbours, roads or parts of roads, bridges, slides and other public works or buildings constructed or maintained at the expense of Canada, and which are placed under his management and control. R.S., c. 166, s. 12.

Parliamentary sanction.

13. Nothing in this Act authorizes the Minister to cause expenditure not previously sanctioned by Parliament, except for such repairs and alterations as the necessities of the public service demand. R.S., c. 166, s. 13.

Attesting accounts of contractors.

14. The Minister or the Deputy Minister may require any account sent in by any contractor, or by any person in the employ of the Department, to be attested on oath, which oath, as well as that to be taken by any witness, may be administered by the Minister or the Deputy Minister. R.S., c. 166, s. 14.

Power to examine persons on oath.

15. (1) The Minister may send for and examine, on oath, all such persons as he deems necessary, respecting any matter upon which his action is required, and may cause such persons to bring with them such papers, plans, books, documents

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documents and things as it is necessary to examine with reference to such matter, and may pay such persons a reasonable compensation for their time and disbursements.

(2) Such persons shall comply with the summons of the Minister, after due notice; and every person so summoned who neglects or refuses to attend and be examined shall incur a penalty of twenty dollars. R.S., c. 166, s. 15.

16. (1) The Minister, in all cases in which any public work is being carried out by contract, shall take all reasonable care that good and sufficient security is given to and in the name of Her Majesty, for the due performance of the work within the amount and time specified for its completion.

(2) In all cases in which it seems to the Minister not to be expedient to let such work to the lowest tenderer, he shall report the same and obtain the authority of the Governor in Council previously to passing by such lowest tender. R.S., c. 166, s. 16.

17. No sum of money shall be paid to the contractor on any contract nor shall any work be commenced, until the contract has been signed by all the parties therein named, nor until the requisite security has been given. R.S., c. 166, s. 17.

EXECUTION OF CONTRACTS.

18. No deed, contract, document or writing in respect of any matter under the control or direction of the Minister shall be binding on Her Majesty or be deemed to be the act of the Minister, unless the same is signed by him or by the Deputy Minister, and countersigned by the Secretary of the Department, or the person authorized to act for him. R.S., c. 166, s. 18.

EVIDENCE.

19. A copy of any map, plan, or other document in the custody of the Secretary of the Department, certified by him to be a true copy, shall be held to be authentic, and is prima facie of the same legal effect as the original in any court or elsewhere. R.S., c. 166, s. 19.

SALE OR TRANSFER OF PUBLIC WORKS TO LOCAL AUTHORITIES.

20. (1) The Minister may enter into arrangements with any provincial government, municipal council, or other local corporation or authority, or with any company in the Provinces of Ontario or Quebec, incorporated for the purpose

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Governor in Council may grant.

(2) On the completion of such arrangements, the Governor in Council may grant, and, by so granting, transfer and convey for ever or for any term of years, all or any of such roads, harbours, rivers and river improvements, bridges or public buildings, to such provincial government, municipal council or other local corporation or authority or company, upon such terms and conditions as are agreed upon; and the said governments, municipal councils or other local authorities may enter into such arrangements and may take and hold any works so transferred. R.S., c. 166, s. 20.

By order in council.

21. (1) Any such grant may be made by order in council, and by such order any or all of the powers and rights vested in the Crown, or in any officer or department, in respect of such public work, may be granted to and vested in the grantee to whom the public work is granted.

(2) Such order in council may contain any conditions, clauses and limitations agreed upon which, as well as all the provisions of such order in council, shall, in so far as they are not inconsistent with this Act, and do not purport to grant any right or power not immediately before the making of such order in council vested in the Crown or in the Governor in Council, or in some officer or department of the Government, have force and shall be obeyed as if they had been contained in this Act and had formed part thereof.

Revoking or amending the grant.

(3) Any such order in council may, with the consent of the grantee, be revoked or amended by any subsequent order in council, and the consent of the grantee thereto shall be presumed unless disputed by the grantee, and, if disputed, may be proved by any copy of such order in council, on which the consent of the grantee thereto is written and attested by such signature or seal, or both, as would be sufficient to make any deed or agreement the deed or agreement of the grantee. R.S., c. 166, s. 21.

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22. (1) The provisions and conditions of any such order in council may extend to

(a) the mode of adjusting and determining any difference arising between the Crown and any municipal corporation, local authority or company, as to their respective rights under the same; or

(b) the reservation of the right of re-entry by the Crown into possession of any public work on the default of such corporation, authority or company to perform the conditions agreed upon; and

(c) the vesting in any sheriff power to give possession of such public work to any public officer for the Crown, on any warrant, under the hand and seal of the Governor General, addressed to such sheriff, reciting such default and commanding him to give possession to such officer for the Crown as aforesaid.

(2) No enactment made for the purpose of enforcing the provisions of any such order in council shall be deemed an infringement of the rights of the municipal corporation, local authority or company to which it relates, and nothing in this section prevents the enforcement of the rights of the Crown in any lawful manner not inconsistent with the provisions and conditions of any such order in council. R.S., c. 166, s. 22.

23. One of the conditions of every such lease or transfer of any bridge, road or public work, shall be that such work shall be kept in thorough repair, and that, for all the purposes of such contract, sale or lease, the sufficiency of such repair shall be ascertained and decided on by such engineer as the Minister appoints to examine the same. R.S., c. 166, s. 23.

TOLLS AND DUES.

24. (1) The Governor in Council may impose and authorize the collection of tolls and dues upon any public work vested in Her Majesty, and may, from time to time, in like manner alter and change such tolls or dues, and may declare the exemptions therefrom; and all such tolls and dues are payable in advance and before the right to the use of the public work in respect of which they are incurred accrues, if so demanded by the collector thereof.

(2) All tolls and dues imposed under this Part are recoverable, with costs, in any court of competent jurisdiction by the collector or person appointed to receive the same, R.S., 1952.
same, in his own name, or in the name of Her Majesty, and by any form of proceeding by which debts to the Crown are recoverable.

(3) The goods on board of any steamboat, vessel, raft, crib or other craft, and the animal or animals attached to any carriage or vehicle, and the goods contained therein, to whomsoever the same belong, are liable for any tolls, dues or penalties imposed and levied under this Part and they, or any of them, may be seized, detained and sold in the same manner as the steamboat, vessel, raft, crib or other craft, carriage or vehicle in which they are or to which they are attached, as if they belonged to the person violating any such regulation, saving the recourse of the real owner thereof against such person who is deemed the owner for the purposes of this Act. R.S., c. 166, s. 24.

25. Officers and men of Her Majesty's Forces, being in proper uniform, dress or undress, except when passing in any hired or private vehicle, and all vehicles, carriages and horses employed in Her Majesty's service, when conveying persons or baggage, shall be exempted from payment of any tolls on using or travelling over any road or bridge under the control of the Minister. 1951 (2nd Sess.), c. 7, s. 10.

26. All tolls, dues or other revenues imposed and collected on public works, shall be paid by the persons receiving the same to the Minister of Finance in such manner and at such intervals as he appoints, but such intervals shall, in no case, exceed one month. R.S., c. 166, s. 26.

27. The Governor in Council may order the tolls at the several gates erected on any public road or bridge vested in the Crown to be let to farm, under such regulations and by such form of lease as he thinks expedient; and the lessee or farmer of such tolls, or any person he appoints, may demand and take such tolls, and proceed for the recovery of the same in the name of such lessee or farmer, in case of non-payment or evasion thereof, in the same manner and by the same means as are given by law to any collector of tolls or other person authorized to collect the same. R.S., c. 166, s. 27.

REGULATIONS.

28. (1) The Governor in Council may, from time to time, make such regulations as he deems necessary for the management, maintenance, proper use and protection of all or R.S., 1952.
or any of the public works or for the ascertaining and
collection of the tolls, dues and revenues thereon; and may,
by such regulations,

(a) impose such penalties 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 imposed under the authority of this Part; and

(b) provide for the non-passing or detention and seizure
at the risk of the owner of any steamboat, vessel or
other craft, vehicle, carriage, animal, timber or goods
on which tolls or dues have accrued and have not been
paid, or in respect of which any such regulations have
been violated or any injury done to such public works
and not paid for, or for or on account of which any pen-
alty has been incurred and remains unpaid, and for the
sale thereof if such tolls, dues, damages or penalty are
not paid by the time fixed for the purpose, and for the
payment of such tolls, dues, damages or penalty out
of the proceeds of such sale; but no such regulation
shall impair the right of the Crown to recover such
tolls, dues, damages or penalty in the ordinary course
of law.

(2) The surplus proceeds of any such sale, if any, shall
be returned to the owner or his agent. R.S., c. 166, s. 28.

OFFENCES AND PENALTIES.

29. Every one who is an officer or servant of or a person
employed by the Minister on any public work, and who wil-
fully or negligently violates any by-law, order or regula-
tion of the Department, or any order in council lawfully
made or in force respecting the public work 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, 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, is guilty of an indictable offence,
and is, according as the court before which the convic-
tion is had considers the offence proved to be more or less
great, or the injury or risk of injury to person or property
to be more or less great, liable to a penalty not exceed-
ing four hundred dollars, or to imprisonment for a term
not exceeding five years, or to both penalty and imprison-
ment in the discretion of the court. R.S., c. 166, s. 29.
30. Where 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 incur a penalty, not exceeding the amount of thirty days' pay and not less than fifteen days' pay of the offender from the Department, in the discretion of the justice of the peace before whom the conviction is had; and such penalty is recoverable, with costs, before any one justice of the peace having jurisdiction where the offence has been committed or where the offender is found. R.S., c. 166, s. 30.

31. A moiety of every pecuniary penalty recovered under either section 29 or 30 belongs to Her Majesty for the public uses of Canada, and the other moiety belongs to the informer, unless he is an officer or a servant of or person in the employ of the Minister, in which case the whole penalty belongs to Her Majesty for the uses aforesaid. R.S., c. 166, s. 31.

RECOVERY OF DUES AND PENALTIES.

32. (1) All pecuniary penalties imposed by this Part, or by any regulation made under the authority thereof, are recoverable, with costs under the provisions of the Criminal Code relating to summary convictions, before any justice of the peace for the district, county or place in which the offence was committed, and if sufficient distress cannot be found, and such penalty is not forthwith paid, such justice may, by warrant under his hand and seal, cause the person offending to be imprisoned for such term as such justice directs, not exceeding thirty days, unless such penalty and costs are sooner paid.

(2) Such penalties, except as hereinbefore provided, belong to Her Majesty, for the public uses of Canada. R.S., c. 166, s. 32.

33. All tolls and dues on timber passing any slide, and, notwithstanding anything in section 32, all penalties for violating any regulation respecting such slides, or for non-payment of such tolls and dues, may be enforced, imposed and collected by and before any justice of the peace within any district or county in Canada in which the timber respecting which such tolls or dues, or the person from whom such payment or penalty is demanded, happens to be at the time when application is made to such justice to enforce payment of the same. R.S., c. 166, s. 33.

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REPORT.

34. The Minister shall make and submit to the Governor General an annual report on all the works under his control, which shall be laid before both Houses of Parliament, within twenty-one days after the commencement of the session, showing the state of each work and the amounts received and expended in respect thereof, with such further information as is requisite. R.S., c. 166, s. 34.

PART II.

GENERAL.

35. (1) The Governor in Council may at any time transfer the management, charge and direction of any public work, or any power, duty, or function with respect to any work or class of works, whether public or private, that is assigned to, or vested by statute in, any minister or department, to any other minister or department; and from the date appointed for that purpose by the Governor in Council, such power, duty, or function shall be transferred to, and vested in such other minister or department; and the provisions of this Act, so far as they are applicable, apply to any work or property the maintenance, repair, control or management of which is transferred under this section.

(2) Any such transfer may from time to time be made although the subject-matter thereof has theretofore been transferred from one department to another under the authority of this section. R.S., c. 166, s. 35.

36. Where a work is to be executed under the direction of a department of the Government, the Minister having charge of that department shall invite tenders by public advertisement for the execution of the work except in cases where

(a) the work is one of pressing emergency in which the delay would be injurious to the public interest,

(b) the work can be more expeditiously and economically executed by the employees of the department concerned, or

(c) the estimated cost of the work is less than fifteen thousand dollars, and it appears to the Minister, in view of the nature of the work, that it is not advisable to invite tenders. 1951 (2nd Sess.), c. 33, s. 1.

37. R.S., 1952.
37. Whenever the Governor in Council, or the minister charged with any work for the improvement of navigation, directs any work to be performed in any navigable water for the improvement of the navigation thereof, it is lawful for the officers or servants of Her Majesty or the contractors for the work, under the direction of the Governor in Council or of the minister, to enter upon, dig up, dredge and remove any part of the bed of such navigable water, or to build or erect any works thereon, as may be directed or authorized by the Governor in Council or by the minister for the improvement of the navigation. R.S., c. 166, s. 37.

38. Every public road or bridge declared by proclamation of the Governor in Council, under the authority of Part I, to be no longer under the management and control of the Minister of Public Works, and not by or under the authority of this Act or any other Act placed under the control and management of any other minister or department, shall be under the control of and shall be maintained and kept in repair by the municipal or other authorities of the locality and the road officers thereof, in like manner as other public roads and bridges therein under their control. R.S., c. 166, s. 38.

39. Notwithstanding anything in this Act, or in any other Act, any public work not required for public purposes may be sold or leased, under the authority of the Governor in Council, and the proceeds of such sale or lease shall be accounted for as public moneys; but such public work shall be so sold or leased by tender or at auction after public advertisement, unless it is otherwise authorized by the Governor in Council. R.S., c. 166, s. 39.

40. All contracts, bonds, agreements or leases for or respecting any work or building now the property of Canada, or for any tolls for the same, entered into by the Commissioner of Public Works of the late Province of Canada, or by the Board of Works of the Province of Nova Scotia or of the Province of New Brunswick, or by any commissioners or other persons duly authorized to enter into the same in any province of Canada shall enure to the use of Her Majesty, and may be enforced as if they had been entered into with Her Majesty under the authority of this Act. R.S., c. 166, s. 40.

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41. The Governor in Council may, from time to time, require any person, or any provincial authority, having the possession or custody of any maps, plans, specifications, estimates, reports or other paper, books, drawings, instruments, models, contracts, documents or records, which are not private property, and which relate to any public work, to deliver the same forthwith to the secretary or proper officer of the department charged with the management and control of such public work. R.S., c. 166, s. 41.

42. All actions, suits and other proceedings at law or in equity, for the enforcement of any contract, agreement or obligation in respect of any public work, may be instituted in the name of the Attorney General of Canada. R.S., c. 166, s. 42.
CHAPTER 229.

An Act for the Preservation of Health on Public Works.

SHORT TITLE.

1. This Act may be cited as the Public Works Health Act. R.S., c. 91, s. 1.

INTERPRETATION.

2. In this Act, “public work” or “work” includes in addition to every public work of Canada, every railway, canal, bridge, telegraph and other work within the legislative authority of the Parliament of Canada. R.S., c. 91, s. 2.

REGULATIONS.

3. (1) For the preservation of health and the mitigation of disease amongst persons employed in the construction of public works the Governor General in Council may, from time to time, make regulations
   (a) as to the extent and character of the accommodation to be afforded by the houses, tents, or other quarters occupied by the employees on the works;
   (b) for the inspection of such houses, tents, or other quarters, and the cleansing, purifying and disinfecting thereof when necessary;
   (c) as to the number of qualified medical men to be employed on the works;
   (d) for the provision of hospitals on the works, and as to the number, location and character of such hospitals;
   (e) for the isolation and care of persons suffering from contagious or infectious diseases; and
   (f) as to such other matters or things as he may deem best adapted to attain the object of this Act.

   (2) Such regulations may be either general or special and may apply generally to all public works or specially to one or more public works or class of public works named therein. R.S., c. 91, s. 3.
4. (1) The Governor in Council may, until Parliament otherwise provides, prescribe punishments, penalties and forfeitures for breach or non-observance of such regulations, and may also prescribe the procedure for enforcing the same.

(2) No punishment by way of imprisonment to be prescribed by the Governor in Council shall exceed three months, and such punishments, penalties or forfeitures shall be prescribed in addition to any others to which under the criminal law the offender may be liable. R.S., c. 91, s. 4.

EDMOND CLOUTIER, C.M.G., O.A., D.S.P.
QUEEN'S PRINTER AND CONTROLLER OF STATIONERY
OTTAWA, 1952
CHAPTER 230.

An Act respecting the Publication of the Statutes.

SHORT TITLE.

1. This Act may be cited as the Publication of Statutes Short title. Act. R.S., c. 2, s. 1.

INTERPRETATION.

2. In this Act, "Minister" means the member of Her Interpretation. Majesty's Privy Council of Canada in charge for the time being of the Department of Public Printing and Stationery. R.S., c. 2, s. 2.

THE CLERK OF THE PARLIAMENTS.

3. All the original Acts passed by the Legislatures of the late Provinces of Upper or Lower Canada, or of the late Province of Canada, transferred to and deposited of record in the office of the Clerk of the Senate, and also all original Acts of the Parliament of Canada heretofore assented to, or hereafter assented to by the Governor General, shall be and continue to remain of record in the custody of the Clerk of the Senate of Canada, who shall be known and designated as the Clerk of the Parliaments. 1947, c. 44, s. 1.

4. The Clerk of the Parliaments shall have a seal of office, and shall affix the seal to certified copies of all Acts intended for the Registrar General of Canada, or required to be produced before courts of justice, either within or beyond the limits of Canada, and in any other case in which the Clerk of the Parliaments deems it expedient. 1947, c. 44, s. 1.

5. All copies of the Acts certified by the Clerk of the Parliaments pursuant to section 4, shall be held to be duplicate originals, and also to be evidence of those Acts and of their contents, as if printed under the authority of Parliament by the Queen's Printer. R.S., c. 2, s. 5.

Chap. 230. Publication of Statutes.

6. As soon as practicable after the prorogation of every session of Parliament, the Clerk of the Parliaments shall obtain from the Queen's Printer bound copies of the Statutes of Canada passed during that session of Parliament, and shall deliver one copy of the said Acts in the English and French languages, duly certified, to the Registrar General of Canada. 1947, c. 44, s. 2.

7. The Clerk of the Parliaments shall also furnish certified copies of any of the Acts mentioned in section 3 to any department of the public service of Canada or of any province or territory within Canada or to any person applying therefor, and upon every such certified copy, shall, before delivering it, receive a fee of two dollars, in addition to the cost of the printed copy, if a printed copy is furnished, or in addition to a fee of ten cents for every hundred words in such copy, if the copy furnished is not printed. R.S., c. 2, s. 7.

8. The Clerk of the Parliaments shall insert at the foot of every copy of an Act required to be certified pursuant to section 7, a written certificate, duly signed and authenticated by him, to the effect that it is a true copy of the Act passed by the Parliament of Canada, or by the Legislature of the late Province of Canada, or of the late Province of Upper Canada or Lower Canada, as the case may be, in the session thereof held in the year of Her Majesty's reign, and assented to in Her Majesty's name, by the Governor General, or, as the case may be, on the day of . 1947, c. 44, s. 3.

PRINTING AND DISTRIBUTION OF THE STATUTES.

9. The Clerk of the Parliaments shall furnish the Queen's Printer with a certified copy of every Act of the Parliament of Canada as soon as it has received Royal Assent. R.S., c. 2, s. 9.

10. (1) The Acts of the Parliament of Canada shall be printed in two separate Parts, the first of which shall contain such of the said Acts and such Orders in Council, Proclamations and other documents, and such Acts of the Parliament of the United Kingdom, as the Governor in Council deems to be of a public and general nature or interest in Canada and directs to be inserted, and the second Part shall contain the remaining Acts of the session, and shall be printed after the first Part.

(2) The two Parts shall be bound together in one volume, unless it is impracticable or inconvenient so to do, and in such case the Queen's Printer may authorize the Parts to be bound in two or more volumes.

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(3) Copies of the volume or volumes referred to in subsection (2) shall be printed in the English and French languages, respectively, by the Queen's Printer, who shall, as soon after the close of each session as is practicable, deliver or send by post or otherwise, in the most economical manner, the proper number of copies of the volume or volumes, in either or both languages as he is directed, to

(a) the members of the two Houses of Parliament, respectively, who shall each be entitled to receive such number of copies as is, from time to time, directed by joint resolution of the said Houses, or, in default of such resolution, as is directed by the Governor in Council, and

(b) such public departments, administrative bodies and officers throughout Canada as the Governor in Council, from time to time, directs. R.S., c. 2, s. 10.

11. The Statutes shall be printed in royal octavo form on fine paper, in eleven point type, not more than four and three-quarters inches wide by eight and one-half inches deep, including marginal notes in seven point, such notes referring to the year and chapter of previous Statutes, whenever the text amends, repeals or changes the enactments of former years; and shall be bound, if practicable and convenient, in one volume in full buff buckram and lettered in black, with the exception of a certain number to be specified by the Governor in Council, which shall be bound in half-calf and gilt-lettered. R.S., c. 2, s. 11.

12. Whenever any Bill receives the Royal Assent during and before the termination of any session of Parliament, the Queen's Printer shall, if so directed by the Minister, cause distribution of the Act to be made, to the same persons and in like manner and numbers as provided in section 10 with respect to the Acts of any session; or such Acts may, by order of the Governor in Council, be published in the Canada Gazette, and printed afterwards in the proper Part of the statutes. R.S., c. 2, s. 12.

13. The Clerk of the Privy Council shall, within fifteen days after the close of each session of Parliament, transmit to the Queen's Printer a list of the public departments, administrative bodies and officers to whom the Statutes of the session are by section 10 required to be transmitted, and shall also, as occasion requires, furnish the Queen's Printer with copies of all Orders in Council made under this Act. R.S., c. 2, s. 13.

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14. The Queen's Printer shall keep a complete record of the number of copies of the Acts of each session that have been printed, and of their disposition, and the record shall form a part of the annual report of the Queen's Printer as to the work of the Department of Public Printing and Stationery. R.S., c. 2, s. 14.

PAYMENT FOR PRINTING OF PRIVATE BILLS.

15. Any person desiring to obtain a Bill of a private or personal character shall pay to the Clerk of the House in which such proposed legislation is first introduced the charges prescribed by the rules of the House. R.S., c. 2, s. 15.

COST OF PRINTING, BINDING AND DISTRIBUTING STATUTES.

16. All expenditures incurred in printing, binding and distributing the Statutes shall be defrayed from an appropriation voted by Parliament for that purpose. R.S., c. 2, s. 16.

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

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CHAPTER 231.

An Act respecting Quarantine.

SHORT TITLE.

1. This Act may be cited as the Quarantine Act. R.S., Short title. c. 168, s. 1.

INTERPRETATION.

2. In this Act, Definitions.
   (a) “master” includes every person in command of a “Master” vessel;
   (b) “Minister” means the Minister of National Health “Minister.” and Welfare;
   (c) “passengers” includes all passengers as well as im-migrants usually and commonly known and under-stood as such, but not troops or military pensioners and their families, who are carried in transports or at the expense of the Government of Great Britain;
   (d) “quarantine station” includes Grosse Isle, Lawlor’s “Quarantine Island and Partridge Island, or any other place at which quarantine is directed to be performed; and
   (e) “vessel” includes all ships, vessels or craft of any kind carrying passengers. R.S., c. 168, s. 2; 1945, c. 7, s. 1.

ADMINISTRATION.

3. The administration of this Act and of all orders and regulations passed or made under this Act shall be under the direction and control of the Minister. R.S., c. 168, s. 3.

REGULATIONS.

4. The Governor in Council may from time to time make such regulations as he thinks proper and best calculated for the preservation of the public health respecting
   (a) the entry or departure of vessels at the different ports or places in Canada;
   (b) the landing of passengers or cargoes from such vessels or the receiving of passengers or cargoes on board of the same;

   4507 (c) R.S., 1952.
(c) the ensuring of the due performance of quarantine by and in respect of vessels, passengers, goods or things arriving at or in the neighbourhood of any port or place in Canada;

(d) the thorough cleansing and disinfecting of such vessels, passengers, goods and things;

(e) the arrival at or departure from any place in Canada of any persons, goods or things conveyed by land;

(f) the ensuring of the due performance of quarantine by and in respect of such persons, goods and things at or in the neighbourhood of any place in Canada;

(g) the thorough cleansing and disinfecting of such persons, goods and things;

(h) the enforcing of compliance with all the requirements of this Act; and

(i) the imposing of penalties, forfeitures and punishments for the breach of any such regulations. R.S., c. 168, s. 4.

5. The Governor in Council may, by such regulations, require the master of every vessel coming up the River St. Lawrence from below the quarantine station at Grosse Isle, on arriving by sea at or in the neighbourhood of any port or place in Canada, except such vessels as are therein designated and referred to as excepted,

(a) to bring his vessel to anchor, at the anchorage at the proper quarantine station designated in the regulations, and report such vessel in writing to the officer at such station designated for that purpose in such regulations, with all the particulars relative to the same, and to the voyage, passengers and cargo thereof, required by such regulations, or by any officer duly authorized under them to require the same;

(b) to allow the proper officer to visit and inspect such vessel and every part thereof and the passengers and crew and the cargo and other articles on board the same;

(c) to answer truly all questions asked of him touching the same;

(d) to send on shore at such station and at the places there pointed out by the officer thereof unto authorized by such regulations, any or all of the passengers, crew, cargo or other articles, on board such vessel, as such officer thinks necessary for preventing the introduction of contagious or infectious disease; and

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(e) to allow such passengers, crew, cargo or other articles, and also the vessel itself, to remain so long at such station and at such places thereat respectively, and to be so treated, cleansed and purified, as such officer thinks necessary for the purposes of this Act. R.S., c. 168, s. 5.

6. The Governor in Council may, by such regulations, require the owners or persons in charge of goods or things conveyed by land to any place in Canada to allow the proper officer appointed under such regulations to inspect and examine the same and to answer truly all questions asked of them by such officer concerning the same, and to allow such goods or things to remain so long in the custody of such officer and to be so treated, cleansed and purified, as such officer thinks necessary for the purposes of this Act. R.S., c. 168, s. 6.

7. The Governor in Council may, by such regulations, require all persons arriving by land at any place in Canada to allow themselves to be inspected and examined by the proper officer appointed under such regulations, and to answer truly all questions asked of them by such officer, and to remain so long at such place and be so treated, cleansed and purified as such officer thinks necessary for the purposes of this Act. R.S., c. 168, s. 7.

8. The Governor in Council may, by such regulations, (a) assign to the several officers and persons employed at any quarantine station the powers and duties necessary for carrying the said regulations and this Act into effect, and may declare that any such officer or person shall, by virtue of his office or employment, be a justice of the peace or a constable or peace officer for such quarantine station, and for the space around the same described in such regulations; and such officer shall accordingly be such justice of the peace or peace officer, whether he is otherwise qualified or not, for the purpose of carrying out the criminal and other laws of Canada;

(b) prescribe penalties, not exceeding four hundred dollars in any case, for any violation of the same, and provide that the offender shall be imprisoned until such penalty is paid;

(c) direct that no vessel shall be entered or cleared at any Customs-house in Canada until all the requirements of such regulations are complied with; and

(d) R.S., 1952.
(d) direct that any person, vessel or thing, that has passed or departed or been removed from any quarantine station, before all the requirements of such regulations are complied with in respect of such person, vessel or thing, or without the written permission of the officer empowered to authorize such passing or departure, may be compelled to return or be carried back to such station, and by force, if necessary. R.S., c. 168, s. 8.

OFFICERS.

9. There may be appointed in the manner authorized by law, one or more medical officers at each of the principal harbours of Canada, to board, visit and inspect vessels arriving in such harbour, and to perform such other duties and have such powers as the Governor in Council by any regulation directs. R.S., c. 168, s. 10.

10. (1) Such other officers, clerks and employees as are necessary for carrying into effect the provisions of this Act may be appointed in the manner authorized by law to hold office during pleasure.

(2) The Governor in Council may assign to such officers respectively such powers as he deems requisite. R.S., c. 168, s. 10.

VESSELS NOT BOUND FOR CANADA.

11. When any vessel not originally bound for any port in Canada, arrives at any seaport of Canada with contagious or infectious disease on board, and is allowed to remain in quarantine at or near such port, the master of such vessel shall pay to the collector of customs at the port the sum of two dollars, head money, for each person on board the said vessel at the time of her arrival; and the said sum shall be a lien on the vessel, and shall be paid before she shall be allowed to leave the port. R.S., c. 168, s. 11.

12. (1) The master of any such vessel shall, before bulk is broken, have the right of putting to sea with such vessel, instead of allowing her to be quarantined, and if this right is exercised, and the vessel has not arrived at her port of destination, the bill of health shall be returned after the

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inspecting physician has mentioned thereupon the length and circumstances of the detention and the condition of the said vessel on her putting to sea.

(2) Before the exercise of such right by the master of such vessel, the inspecting physician shall satisfy himself that the sick of the vessel will be taken care of during the remainder of the voyage; and if any of the sick prefer to remain at such port the said physician shall take care of them. R.S., c. 168, s. 12.

**OFFENCES AND PENALTIES.**

13. Every penalty imposed under the authority of this Act is a special lien upon the vessel by reason whereof it became payable, and the master thereof becomes liable to such penalty, and may be enforced and collected by the seizure and sale of the vessel, her tackle, apparel and furniture, under the warrant or process of the justices or court before whom it has been sued for, and shall be preferred to all other liens or hypothecations, except mariners' wages. R.S., c. 168, s. 13.

14. Every one who disobeys any regulation made by the Governor in Council respecting quarantine is guilty of an indictable offence and liable to fine or imprisonment or both, in the discretion of the court; or such person may be sued for the penalties prescribed by such regulation. R.S., c. 168, s. 14.

15. All sums and pecuniary penalties levied under the authority of this Act shall be paid into the hands of the Minister of Finance, and shall form part of the Consolidated Revenue Fund of Canada. R.S., c. 168, s. 15.
CHAPTER 232.

An Act respecting certain Savings Banks in the Province of Quebec.

SHORT TITLE.

1. This Act may be cited as the Quebec Savings Banks Act. R.S., c. 14, s. 1.

INTERPRETATION.

2. In this Act,

(a) "bank" means either of the savings banks to which this Act applies;
(b) "chartered bank" means a bank incorporated by or pursuant to the Bank Act;
(c) "Minister" means the Minister of Finance. R.S., c. 14, s. 2; 1944-45, c. 47, s. 1.

LIMITATION.

3. (1) Except as provided in this section, no debt owing by the bank by reason of a deposit shall be extinguished and no action to enforce payment thereof shall be barred by any statute of prescription or limitation.

(2) Where in respect of any debt owing by the bank

(a) by reason of a deposit, no interest has been paid out and no other transaction has taken place and no statement of account has been requested or acknowledged by the creditor during a period of ten years, reckoned, in the case of a deposit made for a fixed period, from a date not earlier than the termination of such fixed period, or

(b) by reason of a cheque, draft or bill of exchange issued or certified by the bank, no payment has been made for a period of ten years,

the bank shall pay to the Bank of Canada an amount equal to the amount owing by the bank in respect thereof including the amount owing by the bank in respect thereof includ-

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Bank of Canada to pay creditor.

Regulations.

Banks may destroy books, etc., re accounts more than thirty years old.

“Creditor.”

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ing interest, if any, to the date of payment, and thereupon the liability of the bank in respect of such debt shall cease and determine.

(3) Upon payment in respect of any debt being made to the Bank of Canada under this section, if payment is demanded by the person who but for the operation of subsection (2) would have been entitled as creditor of the bank by which such payment was made, the Bank of Canada is liable to pay at its branch in the province in which such debt was owing and payable an amount equal to the amount so paid to it together with interest thereon for a period not exceeding twenty years, if interest was payable on such debt, at such rate and computed in such manner as may be determined from time to time by the Governor in Council and such liability may be enforced by action against the Bank of Canada issued in a court of competent jurisdiction in the province in which the debt was owing and payable by the bank before payment to the Bank of Canada under subsection (2).

(4) The Governor in Council may make regulations prescribing the time for payment by the bank to the Bank of Canada under this section, the records to be maintained or kept by the bank with reference to a debt with respect to which payment is so made, the manner of payment of any claim under subsection (3) and the rate of interest to be paid by the Bank of Canada in respect thereof if interest is so payable and the manner of the computation thereof.

(5) The bank may from time to time destroy its books and records containing entries made more than thirty years prior to such destruction and in any action, suit or proceeding in respect of any debt owing or alleged to be owing by the bank its liabilities shall be determined by reference only to evidence of matters or things that have arisen or occurred, including entries made in books or records, during the period of thirty years immediately preceding the commencement of such action, suit or proceeding; but nothing in this subsection affects the operation of any statute of prescription or limitation or any right of the bank to destroy any of its books and records as it may see fit or relieves the bank from any liability to the Bank of Canada in respect of any debt that is subject to subsection (2).

(6) In this section “creditor” includes the heir, executor, administrator or personal or other legal representative or assigns of the creditor and a corporation and its successor or assigns.

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(7) Nothing in this section affects any right in respect of a debt owing by a bank mentioned in subsection (2) that His Majesty in right of any province may have exercised or been entitled to exercise prior to the 15th day of August, 1944. 1944-45, c. 47, s. 2.

CHARTERS.

4. The charters of the Montreal City and District Savings Bank and of La Banque D'Economie de Quebec, The Quebec Savings Bank are, subject to this Act, hereby continued and shall remain in force until the 1st day of July, 1954, except in so far as they or either of them are or become forfeited or void under the terms thereof, or of this Act, or any other Act heretofore or hereafter passed relating to the said savings banks by non-performance of the conditions of such charters or Acts respectively, or by insolvency, or otherwise. 1944-45, c. 47, s. 3.

BANK MEETINGS.

5. (1) The shareholders may, by by-law, fix the date on which the fiscal year of the bank shall end and the date on which the annual meeting shall be held; and public notice shall be given by the directors of the holding of annual or other meetings of shareholders by publishing such notice Notice, for at least four weeks in a newspaper at the place where the head office of the bank is situate; and the notice so published shall be printed in both the English and French languages.

(2) When by this Act a notice is required to be published in a newspaper for four weeks or any longer period, publication each week in a weekly newspaper, or once a week during the period in a newspaper published more frequently, is a sufficient publication for the purposes of this Act. R.S., c. 14, s. 5; 1934, c. 39, s. 2.

6. At all meetings of the bank, every shareholder is entitled to one vote for each share then held by him that he has held for at least three months before the time of voting. R.S., c. 14, s. 6.

7. Shareholders may vote by proxy, but no person other than a shareholder shall vote or act as such proxy. R.S., c. 14, s. 7.

8. No cashier, clerk or other officer of the bank shall vote either in person or by proxy, or hold a proxy for that purpose. R.S., c. 14, s. 8.

DIRECTORS.

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9. The directors shall be elected at the annual meeting of the shareholders and are eligible for re-election; but no person shall be elected a director unless he is a holder, at the time of such election, of capital stock upon which all calls have been paid to the nominal value of five thousand dollars. 1944-45, c. 47, s. 4.

10. At every annual meeting of the shareholders for the election of directors, the outgoing directors shall submit a clear and full statement of the affairs of the bank, exhibiting, on the one part, the liabilities of the bank, and, on the other part, the assets and resources thereof, in such detail respectively as may be necessary for that clear and full statement, and the statement shall be signed by the general manager or other principal officer of the bank next in authority in the management of the affairs of the bank at the time at which the statement is signed, and shall be signed on behalf of the board by the president or vice-president or any other two directors. R.S., c. 14, s. 10.

11. Every director who becomes insolvent, or assigns his estate and effects for the benefit of his creditors, or absents himself, without the consent of the board, for twelve consecutive months from the meetings of the directors, or is convicted of any indictable offence, shall thereupon, ipso facto, cease to be a director, and the vacancy so created shall forthwith be filled up in the manner provided by the charter. R.S., c. 14, s. 11.

12. No failure to elect directors operates a dissolution of the corporation, but in case of such failure the required election shall be made as soon thereafter as possible at a special general meeting of the shareholders called for that purpose; and until such subsequent election takes place, the official acts of the directors holding office are valid and such directors shall call the said special general meeting. R.S., c. 14, s. 12.

13. The capital stock of the bank shall be divided into shares of ten dollars each. 1944-45, c. 47, s. 5.

14. (1) Whenever it is, in the opinion of the directors, necessary or expedient, they may make calls at intervals of not less than three months on the stock subscribed for.

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for and remaining unpaid, not exceeding five per cent; and all amounts paid upon stock, and all accumulated profits thereon after deduction of dividends as hereinafter provided, shall be invested or lent in the manner hereinafter provided for the investment or loan of moneys deposited with the bank; but such limitation of the amount of any call, or of the intervals at which calls may be made, does not apply to calls in case of a deficiency of the funds of the bank to meet the claims of depositors and other liabilities.

(2) The amount of every such call, if not paid when due, may be recovered with interest by the directors, in the name of the bank, in any court having jurisdiction to such amount; and in any action for the recovery thereof it is sufficient to allege and prove the charter, and that the calls were made under this Act, and that the defendant is the holder of a share or shares in respect of which the amount is due without alleging or proving any other matter or thing whatsoever; and any copy of the charter, purporting to be certified as a true copy thereof by the Secretary of State of Canada, shall be deemed authentic and shall be prima facie evidence of the charter and of its contents. R.S., c. 14, ss. 14, 15.

15. (1) In the event of the funds of the bank in money and assets immediately convertible into money becoming insufficient to satisfy its debts and liabilities, the directors shall make calls on the unpaid stock to the full amount not paid thereon or to such less amount as they deem necessary to pay all such debts and liabilities without waiting for the collection of any debts due to the bank or the sale of any of its assets or property; and each shareholder until the whole amount of his stock has been paid up, is individually liable for any such insufficiency to an amount equal to that remaining unpaid on his said stock but not in excess of such amount so unpaid.

(2) In case of such insufficiency the first call shall be made within ten days after such insufficiency is ascertained and thereafter calls shall be made at intervals of thirty days and upon notice given at least thirty days prior to the day on which the call is payable.

(3) No such call shall exceed twenty per cent on each share, and payment thereof may be enforced in the manner hereinafter provided as to calls on unpaid stock.
(4) Failure on the part of any shareholder liable to such call to pay the same when due operates as a forfeiture by such shareholder of all claim in or to any part of the assets of the bank; but such call and any further call on the unpaid stock of such shareholder made thereafter is nevertheless recoverable from him as if no such forfeiture had been incurred. R.S., c. 14, ss. 16, 17, 18, 19.

16. In case of the failure of the bank to meet the claims of its creditors on demand, persons who have been shareholders of any stock are liable to calls on all stock transferred by them within two months of the commencement of such failure, to the same extent as if such stock had not been transferred by them, saving their recourse for the amount of such calls against the transferees of such stock. R.S., c. 14, s. 20.

DIVIDENDS.

17. The directors shall, subject to the provisions of this Act, declare quarterly or half-yearly dividends of so much of the profits of the bank as to the majority of the directors seems advisable; and they shall give public notice for at least thirty days, in the manner provided in this Act for notices of meetings, of the time and place where such dividends will be paid. R.S., c. 14, s. 21.

TRANSFER OF SHARES AND DeposITS.

18. The shares in the bank are transferable in the manner provided by the by-laws and regulations made as prescribed by the charter; and the transferee has the rights and is subject to the liabilities of the original holder. R.S., c. 14, s. 22.

19. No share shall be divided, and if any share is held by several persons jointly, one of them shall be appointed by letter of attorney by the others to vote thereon, to receive dividends and to do all things that require to be done in respect thereof; and such letter of attorney shall be lodged with the bank. R.S., c. 14, s. 23.

20. (1) Where the interest in any deposit or share in the bank becomes transmitted in consequence of the death or insolvency of any depositor or shareholder, or in consequence of the marriage of a female depositor or shareholder, or by any lawful means other than by a transfer upon the books of the bank, or by deed served upon the bank, such transmission shall be authenticated by a declaration in writing, which shall distinctly state the manner in which
and the person to whom such deposit or share has been transmitted, and shall be made and signed by such person.

(2) Every such declaration shall be, by the person making and signing it, acknowledged before a judge or justice of a court of record or chief magistrate of a city, town, borough or other place, or before a notary public, a commissioner of the Superior Court or a justice of the peace authorized to take affidavits, and left with the manager, agent or other officer of the bank who shall, if corroborative evidence of any facts alleged in such declaration is not required as hereinafter authorized, thereupon enter the name of the person, so shown to be entitled to such deposit or share under such transmission as proprietor thereof, in the books of the bank.

(3) Until such transmission is so authenticated, no person claiming by virtue of any such transmission is entitled to receive such deposit or share, or any part thereof, or any interest or dividend thereon. R.S., c. 14, s. 24; 1944-45, c. 47, s. 6.

21. Every declaration and instrument required to perfect the transmission of a deposit or share in the bank, made in any other country than Canada or some other of the British dominions or colonies or the United Kingdom, shall be further authenticated by the British consul or vice-consul, or other accredited representative of Her Majesty's Government in the country where the declaration is made, or shall be made directly before such British nation is made, or shall be made directly accredited representative. R.S., c. 14, s. 25.

22. Nothing in this Act prevents the directors, manager or other officer or agent of the bank from requiring corroborative evidence of any facts alleged in any declaration referred to in section 20. R.S., c. 14, s. 26.

23. Where payment is made to a depositor of a deposit or of interest thereon, or of a dividend on a share, after transmission thereof by any of the means mentioned in this Act, but before the declaration is made and authenticated as required by section 20 and left with the manager, agent or other officer of the bank, the payment is valid and discharges the bank. R.S., c. 14, s. 27.

24. Where the transmission of any deposit or share is by virtue of the marriage of a female depositor or shareholder, the declaration referred to in section 20 shall be accompanied by a copy of the register of such marriage, and shall declare the identity of the wife with the holder of such deposit. R.S., 1952.
By testament, intestacy or vacancy of estate.

deposit or share; and where the transmission has taken place by virtue of any testamentary instrument or by intestacy, or by the vacancy of the estate of a deceased depositor or shareholder, the probate of the will, or, if it is notarial, an authentic copy thereof, or the letters of administration, or act of tutorship or curatorship, or authentic certificates of birth, as the case may be, shall, together with such declaration, be produced and left with the manager, agent or other officer of the bank, who shall thereupon enter the name of the person entitled under such transmission in the books of the bank. R.S., c. 14, s. 28.

PROPERTY, BUSINESS AND POWERS.

25. The bank may acquire and hold real and immovable property for its actual use and occupation and the management of its business, and may sell or dispose thereof, and acquire other property in its stead for the same purpose. R.S., c. 14, s. 29.

26. The bank may receive deposits of money for the benefit of persons depositing the money, and may invest the money as hereinafter provided, and may accumulate the revenues and profits derived from the investment of so much thereof as is not required to meet ordinary demands by the depositors, and out of such accumulation may allow and pay to the depositors thereof such rate of interest on such deposits as is fixed by the Governor in Council, not being more than five per cent per annum. R.S., c. 14, s. 30.

27. Every depositor, on making his first deposit in the bank, shall disclose and declare his name, residence, and occupation. R.S., c. 14, s. 31.

28. (1) The bank may, subject to this section, without the authority, aid, assistance or intervention of any person or official being required,

(a) receive deposits from any person whomsoever, whatever his age, status or condition in life, and whether such person is qualified by law to enter into ordinary contracts or not, and

(b) from time to time pay any or all of the principal thereof and any or all of the interest thereon to or to the order of such person, unless before payment the money so deposited in the bank is claimed by some other person in any action or proceeding to which the bank is a party and in respect of which service of a writ or other process originating such action or proceeding
ceeding has been made on the bank, or in any other action or proceeding pursuant to which an injunction or order made by the court requiring the bank not to make payment of such money or to make payment thereof to some person other than the depositor has been served on the bank.

(2) In the case of any such claim so made the money so deposited may be paid to the depositor with the consent of the claimant or to the claimant with the consent of the depositor. 1944-45, c. 47, s. 7.

29. (1) Any payment of interest or dividend, or of the whole or any part of any deposit, made in good faith to any person who appears prima facie to be entitled to such interest, dividend or deposit, by the production of a declaration in writing, and of the documents in this Act required in support thereof is valid; and the discharge of such person is a sufficient discharge of the bank from all or any further claim by any person whatever for such interest, dividend or deposit.

(2) An attaching or garnishee order or summons affects and binds only property in the possession of the bank belonging to, or moneys to the credit of, the debtor at the branch, agency or office of the bank where such order or summons or notice thereof is served. R.S., c. 14, s. 33; 1944-45, c. 47, s. 8.

30. (1) The bank shall at all times maintain a reserve equal to at least five per cent of its deposit liabilities in the form of notes of the Bank of Canada or of deposits with the Bank of Canada or a chartered bank.

(2) In addition to the reserve required to be maintained by the bank under subsection (1), the bank shall at all times hold moneys, deposits or investments in an amount equal to at least fifteen per cent of its deposit liabilities in the form of

(a) notes of the Bank of Canada or of deposits with the Bank of Canada or a chartered bank,
(b) bonds, debentures, stocks or other securities of or guaranteed by the Government of Canada or of or guaranteed by the government of any province of Canada,
(c) bonds or debentures of any municipal corporation in Canada, or
(d) bonds or debentures of any school corporation in Canada that derives its revenues from rates or taxes levied by it or on its behalf. 1944-45, c. 47, s. 9.

In 31. The bank may, subject to this Act, invest moneys in
(a) any of the securities mentioned in section 30,
(b) bonds, debentures, stocks or other securities of or
guaranteed by the Government of the United King-
dom, or of or guaranteed by the Government of any
British Dominion, colony or possession, or of or
guaranteed by the Government of the United States
or any State thereof,
(c) bonds or debentures of any corporation, having a
share capital, incorporated for the purpose of and
carrying on the business of the distribution of water,
or the production, generation or distribution of gas
or electricity, or the operation of a street or electric
railway or the operation of a telegraph or telephone
system, if such corporation is incorporated in Canada
and has an unimpaired paid-up capital of at least
five hundred thousand dollars,
(d) bonds or debentures of any fabrique de paroisse or
syndics, issued under the Parish and Fabrique Act of
the Province of Quebec,
(e) bonds or debentures of any ecclesiastical or religious
corporation incorporated within the Province of
Quebec or of an incorporated institution or company
incorporated for the purpose of operating a hospital
or sanitarium within the Province of Quebec,
(f) equipment trust obligations or certificates issued to
finance the purchase of transportation equipment for
a railway company incorporated by or under the
authority of an Act of the Parliament of Canada or of
the Legislature of any province, or for a railway
company owned or controlled by a railway company so
incorporated, which obligations or certificates are
fully secured by an assignment of the transportation
equipment to, or by the ownership thereof by, a
trustee, and by a lease, or conditional sale, thereof to
the railway company so incorporated, or
(g) any other securities approved by the Treasury
Board. 1944-45, c. 47, s. 10.

32. The bank may, subject to this Act, invest moneys
in bonds or debentures of a corporation, having a share
capital, incorporated in Canada for the purpose of and
carrying on the business of manufacturing if
(a) such bonds or debentures are fully secured by a first
mortgage or hypothec to a trustee upon real or
immovable property or upon the plant and equipment

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of such corporation used in the transaction of its business,

(b) the unimpaired paid-up capital and earned surplus of such corporation is in excess of five hundred thousand dollars, and

(c) the corporation has paid 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,

but the aggregate amount of investments made by the bank under this section shall not at any time exceed five per cent of its deposit liabilities. 1944-45, c. 47, s. 11; 1951, c. 35, s. 1.

33. The bank may continue to hold any stock of any existing chartered bank held by it before it received its charter, and may sell and dispose of such stock. R.S., c. 14, s. 36.

34. The bank may, subject to this Act, lend money to any individual or corporation if the bank takes collateral security for the repayment of the loan in the form of any of the securities mentioned in, or approved pursuant to, sections 30 and 31, or of stock of a chartered bank in Canada or of bonds, debentures or stock of a corporation, the market value of which securities, bonds, debentures or stock is at the time the loan is made, not less than one hundred and twenty per cent of the amount of the loan, or in the form of a life insurance policy the cash surrender value of which is at the time the loan is made, not less than the amount of the loan, and if the bank takes such collateral security with authority to sell it or realize thereon in the event the loan is not repaid; but where the collateral security consists of securities of the type described in paragraphs (b), (c) and (d) of subsection (2) of section 30 and paragraphs (b), (c), (d), (e) and (f) of section 31, the market value of such securities may be not less than one hundred per cent of the amount of the loan secured thereby. 1944-45, c. 47, s. 12.

35. The bank may, subject to the provisions of this Act, lend money without collateral security for the repayment thereof

(a) to the Government of Canada or to the government of any province of Canada,

(b) R.S., 1952.
(b) to any municipal corporation in Canada, or to any school corporation in Canada that derives its revenue from rates or taxes levied by it or on its behalf, or to any fabrique de paroisse or syndics that are subject to the Parish and Fabrique Act of the Province of Quebec,

(c) to any ecclesiastical or religious corporation incorporated in the Province of Quebec, or to any incorporated institution or company incorporated for the purpose of operating a hospital or sanitarium within the Province of Quebec,

(d) to any corporation, having a share capital, in an amount that, together with the amount owing by the corporation to the bank in respect of any other loan under this section, does not at the time of the loan exceed the unimpaired paid-up capital and earned surplus of the corporation, if

(i) the loan is authorized by a resolution of the board of directors of the bank,

(ii) the corporation has an unimpaired paid-up capital and earned surplus in excess of five hundred thousand dollars, and

(iii) the corporation has paid a dividend, in each year of a period of five years ended less than one year before the date of the loan, 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

(e) to any individual in an amount that, together with the amount owing by the individual to the bank in respect of any other loan under this section, does not at the time of the loan exceed one thousand dollars, but the aggregate amount of the loans made by the bank under paragraphs (b), (c), (d), and (e) shall not at any time exceed five per cent of its deposit liabilities. 1948, c. 65, s. 1; 1951, c. 35, s. 2.

36. (1) The bank may, subject to this Act, lend money to any person on the security of a first mortgage or hypothec on improved real or immovable property if

(a) the loan is authorized by a resolution of the board of directors of the bank, and

(b) with the exception of loans made under the National Housing Act, the loan does not exceed sixty per cent of the value of the real or immovable property on which the mortgage or hypothec is taken.

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but the aggregate amount of the loans made by the bank under this section shall not at any time exceed ten per cent of its deposit liabilities.

(2) In this section “improved real or immovable property” means land or immovable property upon which there is situate a building that constitutes a permanent improvement to the property or on which there is such a building in the process of construction.

(3) This section does not limit the authority of the bank to accept a mortgage or hypothec of any amount as part payment of the sale price of real or immovable property sold by the bank.

(4) Nothing in this section prevents the bank from taking, by way of additional security for debts or liabilities contracted to the bank in the course of its business, mortgages and hypothecs upon real and personal, immovable and movable property. 1948, c. 65, s. 2; 1951, c. 35, s. 3.

37. (1) Except as provided in this section the bank shall not stipulate for, charge, take, reserve or exact any rate of interest or any rate of discount exceeding six per cent per annum and no higher rate of interest or rate of discount is recoverable by the bank.

(2) Where the amount of interest or discount on any loan or advance is less than one dollar the bank may, notwithstanding anything in this section, stipulate for, charge, take, reserve or exact a total charge in respect of interest or discount not exceeding one dollar, except that where the loan or advance is not in excess of twenty-five dollars and the amount of interest or discount thereon is less than fifty cents, the maximum charge in respect thereof shall not exceed fifty cents.

(3) The bank shall not directly or indirectly charge or receive any sum whatsoever for the keeping of any account unless the charge is made by express agreement between the bank and the customer. 1948, c. 65, s. 2.

38. In the event of the non-payment of any loan within thirty days after the loan becomes due and payable, or within such shorter time thereafter as has been fixed by any agreement made in that behalf between the bank and the borrower at the time the loan is contracted, the bank may sell in the manner provided in this Act any collateral securities, other than real estate, held by it as security for the loan, or so much as will suffice to pay the amount of the loan and all interest thereon and the costs and expenses.
expenses of sale, and shall return the surplus, if any, to the
borrower, or person or corporation depositing such securi-
ties. R.S., c. 14, s. 40.

39. Except as hereinafter provided, no sale pursuant to
section 38 shall be made except by public auction, after
notice thereof by advertisement stating the time and place
of such sale, in at least two newspapers published in or
nearest to the place where the sale is to be made, of which
newspapers one at least shall be published in the English
language and one other in the French language; and in
addition to such notice by advertisement, notice of the time
and place of such sale shall be given to the person or cor-
poration depositing the collateral security referred to in
section 38 by addressing and mailing to the last address of
such person, or to the address of such corporation, a letter
containing such notice. R.S., c. 14, s. 41.

40. Nothing herein prevents the bank from collecting
or realizing a loan referred to in section 38, or any balance
due thereon, out of the collateral securities, in any way that
has been agreed upon with the person depositing such
securities. R.S., c. 14, s. 42.

41. (1) The president, vice-president, general manager,
or other officer of the bank, thereunto authorized by the
directors, may transfer and convey to the purchaser any
security sold pursuant to section 38 and by such transfer
and conveyance the property in such security shall become
vested in such purchaser, but without any warranty from
the bank, or any officer thereof.

(2) The bank at any such sale may become the purchaser
of any of the securities held by it. R.S., c. 14, s. 43; 1944-
45, c. 47, s. 14.

42. The bank may purchase any lands or immovable
property offered for sale under execution at the suit of the
bank, or exposed for sale by the bank under a power of
sale given to it in that behalf in all cases in which, under
similar circumstances, an individual could so purchase,
without any restriction as to the value of the property
that it may so purchase, and shall acquire such title thereto,
as any individual purchasing at sheriff's sale or under a
power of sale, in like circumstances, could do, and may take,
have, hold and dispose of any such lands or property at
pleasure. R.S., c. 14, s. 44.

43. The bank may acquire and hold an absolute title in
or to land mortgaged to it as security for a debt due or
owing to it, either by obtaining a release of the equity of
redemption.

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redemption in the mortgaged property, or by procuring a foreclosure, or by other means whereby, as between individuals, an equity of redemption can, by law, be barred, or may purchase and acquire any prior mortgage or charge on such land; but the bank shall not hold any real or immovable property, howsoever acquired, except such as is required for its own use, for any period exceeding seven years from the date of the acquisition thereof. R.S., c. 14, s. 45.

44. Nothing in any charter, Act or law shall be construed as having prevented or as preventing the bank from acquiring and holding an absolute title to and in any mortgaged lands referred to in section 43, whatever the value thereof may be, or from exercising or acting upon any power of sale contained in any mortgage given to it or held by it, authorizing or enabling it to sell or convey away any lands so mortgaged. R.S., c. 14, s. 46.

45. Nothing herein prevents the bank from depositing money in any of the chartered banks carrying on the general business of banking within the Province of Quebec or in the Bank of Canada. 1934, c. 39, s. 6.

SHAREHOLDERS' AUDIT.

46. (1) The shareholders shall, at each annual meeting, appoint an auditor or auditors to hold office until the next annual meeting.

(2) After the appointment of an auditor or auditors under subsection (1), shareholders the aggregate of whose paid-up capital stock is equal to at least one-third of the paid-up capital stock of the bank, who in writing under their respective hands allege that they are dissatisfied with the appointment so made, may, in and by the same writing, make application to the Minister to have the person or persons so appointed superseded, and the Minister may, after such inquiry as he may deem necessary, select an auditor or auditors instead of the auditor or auditors appointed at the annual meeting, and the auditors so appointed shall thereupon cease to be the auditors of the bank and the auditors so selected shall be the auditors of the bank until the next annual meeting.

(3) Where an appointment of auditors is not made at an annual meeting, the Minister shall, on the written application of a shareholder, appoint an auditor or auditors of the bank to hold office until the next annual meeting, and shall thereupon cease to be the auditors of the bank and the auditors so selected shall be the auditors of the bank until the next annual meeting.

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the Governor in Council shall fix the remuneration to be paid by the bank for the services of the auditor or auditors so appointed.

(4) A director or officer of the bank is not capable of being appointed auditor of the bank.

(5) A person, other than a retiring auditor, is not capable of being appointed auditor at an annual meeting unless written notice of an intention to nominate that person to the office of auditor has been given by a shareholder to the bank at its chief office, not less than twenty-one days before the annual meeting, and the bank shall deliver a copy of any such notice to the retiring auditor, if any, and shall give notice of the names of the persons eligible for nomination at the said meeting, and by whom such persons are respectively intended to be nominated, to every shareholder of the bank by mailing the notice in the post office, post paid, to the last known post office address of the shareholder as shown by the records of the bank, at least fourteen days prior to the annual meeting.

(6) Where a casual vacancy occurs in the office of auditor, the surviving or continuing auditor or auditors, if any, may act, but where there is no surviving or continuing auditor, and such vacancy has occurred more than three months before the annual meeting, the directors shall, as provided in this section, call a special general meeting of the shareholders for the purpose of filling the vacancy.

(7) Before calling such special general meeting the directors shall, as soon as may be after the vacancy occurs, give public notice by advertisement in six consecutive issues of one or more daily newspapers published in the city in which the business of the bank is carried on, of the vacancy in the office of auditor, and that the vacancy will be filled in the manner provided by this Act.

(8) A person is not capable of being appointed auditor to fill such vacancy unless notice of an intention to nominate that person to the office of auditor has been given by a shareholder of the bank at its chief office not less than ten days after the last publication of the notice called for by subsection (7).

(9) The directors shall, as soon as may be after the expiry of the ten days mentioned in subsection (8), call a special general meeting of the shareholders for the purpose of filling the vacancy, and notice of such meeting, specifying the object and stating the names of the persons eligible for nomination and by whom such persons are respectively intended to be nominated, shall be given to every shareholder by mailing the notice in the post office.

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post paid, to the last known post office address of the shareholder as shown by the records of the bank, at least fourteen days prior to the date fixed for the meeting.

(10) Where the vacancy contemplated by subsection (6) is not filled in the manner provided, or where a casual vacancy occurs in the office of auditor less than three months before the annual meeting, the Minister in the former case shall, and in the latter case may, on the written application of a shareholder, appoint an auditor or auditors to hold office until the next annual meeting, and the Governor in Council shall fix the remuneration to be paid by the bank for the services of the auditor or auditors so appointed. R.S., c. 14, s. 48.

47. The remuneration of auditors appointed by the shareholders shall be fixed by the shareholders at the time of their appointment, and in the event of such appointees being superseded and other auditors selected as provided by subsection (2) of section 46, the remuneration so fixed shall be divided between them according to the length of time they respectively are auditors of the bank. R.S., c. 14, s. 48.

48. (1) Every auditor has a right of access to the books and accounts, cash, securities, documents and vouchers of the bank, and is entitled to require from the directors and officers of the bank such information and explanation as may be necessary for the performance of the duties of the auditors.

(2) Where the bank has branches or agencies in the city in which the business of the bank is carried on, it is sufficient for all the purposes of this section if the auditors are allowed access to the returns, reports and statements and to such copies of extracts from the books and accounts of any such branch or agency as have been transmitted to the chief office, but the auditors may in their discretion visit any branch or agency for the purpose of examining the books and accounts, cash, securities, documents and vouchers at the branch or agency. R.S., c. 14, s. 48.

49. It is the duty of the auditors once at least during their term of office, in addition to such checking and verification as may be necessary for their report upon the statement submitted to the shareholders under section 10, to check the cash and verify the securities of the bank at the chief office of the bank against the entries in regard thereto.
thereto in the books of the bank, and, should they deem it advisable, to check and verify in the same manner the cash and securities at any branch or agency. R.S., c. 14, s. 48.

50. (1) The auditors shall make a report to the shareholders on the accounts examined by them, on the checking of cash and verification of securities referred to in section 49, and on the statement of the affairs of the bank submitted by the directors to the shareholders under section 10 during their tenure of office, and the report shall state

(a) whether or not they have obtained all the information and explanation they have required,
(b) whether in their opinion the transactions of the bank that have come within their notice have been within the powers of the bank,
(c) whether their checking of cash and verification of securities required by section 49 agreed with the entries in the books of the bank with regard thereto, and
(d) whether, in their opinion, the statement referred to in the report is properly drawn up so as to exhibit a true and correct view of the state of the bank's affairs according to the best of their information and the explanations given to them, and as shown by the books of the bank.

(2) The auditor's report shall be attached to the statement submitted by the directors to the shareholders under section 10, and the report shall be read before the shareholders at the annual meeting.

(3) At or after such meeting any shareholder shall be entitled, on application, to be furnished by the directors with a copy of such statement and report, and a copy of the statement and report shall be forwarded to the Minister. R.S., c. 14, s. 48.

INSPECTOR GENERAL'S REPORT TO MINISTER.

51. (1) The Inspector General of Banks from time to time but not less frequently than once in each calendar year, shall make or cause to be made an examination and inquiry into the affairs or business of the bank and report thereon to the Minister, and for such purposes the Inspector General of Banks shall have, exercise and perform all the rights, powers and duties given to him under the provisions of the Bank Act.

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(2) Where an appropriation therefor has been made by Parliament, the salaries, remuneration and other expenses incidental to such inquiries or examinations shall be paid out of the Consolidated Revenue Fund, and the Consolidated Revenue Fund shall be recouped for such outlay by an assessment upon the banks made in the same manner as is provided for similar outlays in respect of the examinations of chartered banks by the Inspector General of Banks under the Bank Act.

(3) Where in the opinion of the Minister an amount set aside or reserved by the bank out of income 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, is in excess of the reasonable requirements of the bank having regard to all the circumstances, the Minister shall notify the Minister of National Revenue and the Deputy Minister of National Revenue (Taxation) of the amount so set aside and of the amount of the excess, but nothing in this subsection shall be construed to give the Minister any jurisdiction over the discretion of the directors of the bank with regard to amounts set aside, reserved or transferred to any reserve or other fund from income upon which taxes have been assessed under the Income War Tax Act or The Excess Profits Tax Act. 1934, c. 39, s. 7; 1948, c. 65, s. 3.

GENERAL.

52. The directors shall continue to distribute to charitable institutions yearly, as heretofore, the interest accruing on the amounts invested for that purpose. R.S., c. 14, s. 50.

53. The principal of the Poor Fund of the City and District Savings Bank of Montreal, which has been ascertained and settled at one hundred and eighty thousand dollars, shall continue invested and shall be held by the said bank in the city and municipal debentures in which the same is now invested and held, with power to change the investment of the same or of any part thereof, with the approval and permission of the Treasury Board, but not otherwise. R.S., c. 14, s. 51.

54. The principal of the Charity Fund of La Caisse d’Economie de Notre-Dame de Quebec, which has been ascertained and settled at eighty-three thousand dollars, shall continue invested and shall be held by the said bank, in

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in debentures of the City of Quebec, with power to change the investment of the same or of any part thereof, with the approval and permission of the Treasury Board, but not otherwise. R.S., c. 14, s. 52.

55. (1) The shareholders may authorize the directors to establish guarantee and pension funds for the officers and employees of the bank and their families, and to contribute thereto out of the funds of the bank, and such guarantee or pension fund, whether or not contributed in whole or in part out of the funds of the bank, shall be invested in securities in which a trustee may invest under the Trust Companies Act.

(2) Any change in the investment of any such guarantee or pension fund rendered necessary by this provision shall be made within such time or times as the Minister may deem reasonable. 1944-45, c. 47, s. 15.

56. The bank shall not issue any bank note, or note intended to circulate as money or as a substitute for money, or be deemed a bank within the meaning of the Bank Act. R.S., c. 14, s. 54.

57. (1) The bank is not bound to see to the execution of any trust, whether express, implied or constructive, to which any deposit or share therein is subject.

(2) Where a deposit made under the authority of this Act is subject to a trust of which the bank has notice, the receipt or cheque of the person in whose name any such deposit stands, or, where it stands in the names of two or more than two persons, the receipt or cheque of all such persons, or of such of them as under the document creating the trust may be entitled to receive such deposit, is, notwithstanding any trust to which such deposit is then subject, a sufficient discharge to all concerned for the payment of any money payable in respect of such deposit, and the bank is not bound to see to the application of any money paid upon such receipt or cheque.

(3) Except only in the case of a claim made in the manner referred to in paragraph (b) of subsection (1) of section 28 by some other person before repayment, the receipt or cheque of the person in whose name any deposit stands, or, where it stands in the names of two persons, the receipt or cheque of one, or where it stands in the names of more than two persons the receipt or cheque of a majority of such persons, is a sufficient discharge to all concerned.

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for the payment of any money payable in respect of such deposit. R.S., c. 14, s. 55; 1934, c. 39, s. 8; 1944-45, c. 47, s. 16.

58. Where a deposit is made upon the express conditions as to the person or persons to whom the deposit shall be paid, the deposit shall be governed by such conditions, notwithstanding any trust to which such deposit is then subject, and whether or not the bank has had notice of such trust; and the bank is not bound to see to the application of the money paid on any receipt whether given by one of a number of persons in whose name any deposit or share stands or by all of them. R.S., c. 14, s. 56.

RETURNS.

59. (1) The bank shall, within the first fifteen days of each month, transmit or deliver to the Minister and to the Bank of Canada a return in the Form set forth in the Schedule, exhibiting the condition of the bank on the last juridical day of the month next preceding and such return shall be signed by the chief accountant or acting chief accountant and by the president or vice-president or the director then acting as president and by the general manager or other principal officer of the bank next in authority in the management of the affairs of the bank at the time the return is made and shall be published in the Canada Gazette.

(2) The Governor in Council shall have power from time to time to make such amendments and additions to the Schedule as he may deem expedient. 1944-45, c. 47, s. 17.

60. The bank shall within twenty days after the close of each calendar year transmit or deliver to the Minister to be laid before Parliament, a return of shareholders as at the end of such calendar year showing the names, occupations and residences of such shareholders and the number of shares then respectively held by them, together with the amount, if any, remaining to be paid thereon. 1934, c. 39, s. 9.

61. (1) The bank shall, within thirty days after the close of each calendar year, transmit or deliver to the Minister a return as at the end of such calendar year:

(a) of all dividends that have remained unpaid for more than five years, and

(b) of all amounts or balances at branches or agencies in respect of which no interest has been paid out and no other transaction has taken place and no statement of R.S., 1952.
of account has been requested or acknowledged by the creditor, during the five years prior to the date of such return.

(2) In the case of moneys deposited for a fixed period, the term of five years shall for the purposes of subsection (1) be reckoned from the date of the termination of such fixed period.

(3) The return mentioned in subsection (1) shall set forth

(a) the name of each shareholder or creditor to whom such dividends, amounts or balances are, according to the books of the bank, payable,

(b) the last known address of each such shareholder or creditor, as shown by the books of the bank,

(c) the amount due to each such shareholder or creditor,

(d) the branch or agency of the bank at which the last transaction took place,

(e) the date of such last transaction, and

(f) where such shareholder or creditor is known to the bank to be dead, the names and addresses of his legal representatives, so far as known to the bank.

(4) The bank shall likewise, within thirty days after the close of each calendar year, transmit or deliver to the Minister a return of all cheques, drafts or bills of exchange, issued or certified by the bank and remaining unpaid for more than five years prior to the date of such return, setting forth so far as known

(a) the name of each person to whom, or at whose request, each cheque, draft or bill was issued or certified,

(b) the last known address of each such person, as shown by the books of the bank,

(c) the name of the payee of each draft or bill,

(d) the amount and date of each cheque, draft or bill,

(e) the name of the place where each cheque, draft or bill was payable, and

(f) the branch or agency of the bank from which each cheque, draft or bill was issued, or by which it was certified.

(5) Where a dividend, amount or balance, cheque, draft or bill is for a less sum than ten dollars and returns in respect thereof have been made under the preceding provisions of this section for two consecutive years, the bank may thereafter omit from the respective returns particulars required.

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required by the said provisions with regard to any such dividend, amount or balance, cheque, draft or bill.

(6) The bank shall transmit by ordinary post to the person to whom any dividend, amount or balance mentioned in this section is payable, and to the person, in so far as known to the bank, to whom any cheque, draft or bill mentioned in this section was issued, or at whose request any such cheque was certified, to the last known address of the person as shown by the books of the bank, a notice in writing stating that the dividend remains unpaid, or that in respect of the amount or balance no interest has been paid out and no other transaction has taken place and no statement of account has been requested or acknowledged by the creditor, or that the cheque, draft or bill remains unpaid, as the case may be.

(7) The notice required by subsection (6) shall be given twice, namely, during the month of January next after the end of the first two-year period and also during the month of January next after the end of the first five-year period in respect of which

(a) the dividend has remained unpaid,

(b) no interest has been paid out and no other transaction has taken place and no statement of account has been requested or acknowledged by the creditor, in connection with the amount or balance, or

(c) the cheque, draft or bill has remained unpaid. 1948, c. 65, s. 4.

62. Returns under section 61 shall be signed in the manner in which monthly returns are required to be signed under this Act and shall be laid before Parliament within fifteen days after receipt thereof by the Minister, or if Parliament is not then sitting, within fifteen days after the beginning of the next ensuing session. 1948, c. 65, s. 4.

WINDING-UP.

63. (1) Under the winding-up of the bank in insolvency, or under any general winding-up Act or otherwise, and before the final distribution of the assets, or within three years from the commencement of the suspension of payment by the bank or the commencement of the winding-up thereof, whichever first happens, the assignees, liquidators, directors or other officials in charge of such winding-up shall, notwithstanding any statute of limitation, or other enactment or law relating to prescription, pay to the Minister.

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Minister out of the assets of the bank any moneys payable either to shareholders or depositors, that may then remain unclaimed.

(2) Upon such payment being made, the bank and its assets are relieved from all further liability in respect of the amount so paid. R.S., c. 14, s. 61.

64. All moneys paid the Minister pursuant to section 63 shall be held by him, subject to all rightful claims on behalf of any person other than the bank, and in case a claim to any moneys so paid should be thereafter established to the satisfaction of the Treasury Board, the Governor in Council shall, on the report of the Treasury Board, direct payment thereof to be made to the parties entitled thereto, together with interest on the principal sum thereof at the rate of three per cent per annum for a period not exceeding six years from the date of payment thereof to the Minister, but no such interest shall be paid or payable on such principal sum unless interest thereon was payable by the bank paying the same to the Minister. R.S., c. 14, s. 62.

65. Every liquidator or other officer or person appointed to wind up the affairs of the bank in case of its insolvency, shall have all the powers in this Act given to directors with respect to calls. R.S., c. 14, s. 63.

OFFENCES AND PENALTIES.

66. (1) Every officer, clerk, servant or agent employed under this Act who defaces, alters, erases or in any manner or way whatsoever changes the effect of the books of account kept under this Act, or any entry in the said books of account, for any fraudulent purpose, and every such officer, clerk, servant or agent who secretes, appropriates or steals any bond, obligation, bill or note, or any security for money, or any money or effects entrusted to him, or in his custody, or to which he has obtained access as such officer, clerk, servant or agent, to whomsoever the said property belongs, is guilty of an indictable offence, and, on conviction thereof, is liable to imprisonment for a term not exceeding seven years.

(2) Nothing in this section nor the conviction or punishment of the offender under this section shall prevent, lessen or impair any remedy that Her Majesty, or the Minister, or any other person, would otherwise have against any other person whatsoever. R.S., c. 14, s. 64.

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67. Every person who, with intent to defraud, falsely pretends to be the owner of any deposit made under this Act, or of the interest upon such deposit, and who is not such owner, and who demands or claims from the bank with which such deposit has been made, or from any person employed under this Act, the payment of such deposit or interest, or of any portion thereof, as the case may be, and whether he does or does not thereby obtain any part of such deposit or interest, 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. 14, s. 65.

68. (1) Every one is guilty of an offence and liable, upon conviction on indictment, to two years' imprisonment, or to a fine not exceeding two thousand five hundred dollars, or to both fine and imprisonment, and, upon summary conviction, to imprisonment for six months, with or without hard labour, or to a fine not exceeding one hundred dollars, or to both fine and imprisonment, who,

(a) being a director, general manager, manager, agent or other executive officer of the bank, corruptly accepts or obtains, or agrees to accept or attempts to obtain, from any person, for himself or for any other person, any gift or consideration as an inducement or reward for doing or forbearing to do, or for having, after this Act came into force, done or forborne to do, any act relating to the bank's business or affairs, or for showing or forbearing to show favour or disfavour to any person with relation to the bank's business or affairs, or

(b) corruptly gives or agrees to give or offers any gift or consideration to any director, general manager, manager, agent or other executive officer of the bank as an inducement or reward or consideration to such director, general manager, manager, agent or other executive officer of the bank for doing or forbearing to do, or for having, after this Act came into force, done or forborne to do any act relating to the bank's business or affairs, or for showing or forbearing to show favour or disfavour to any person with relation to the bank's business or affairs.

(2) In this section, "consideration" includes valuable consideration of any kind. R.S., c. 14, s. 66.

69. (1) Every person who

(a) makes any wilfully false or deceptive statement in any account, statement, report or other document respecting the affairs of the bank, or

(b) Making false or deceptive statements in documents.

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(b) uses any false or deceptive statement in any account, statement, report or other document respecting the affairs of the bank with intent to deceive or mislead any person,

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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 five years.

(2) Every president, vice-president, director, auditor, general manager or other officer of the bank who negligently prepares, signs, approves or concurs in any account, statement, return, report or document respecting the affairs of the bank 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.

Penalty.

(3) Any person appointed or selected by the Minister under section 46 shall be deemed to be an officer of the bank within the meaning of this section. R.S., c. 14, s. 67; 1934, c. 39, s. 11.

70. Where the bank neglects to transmit or deliver to the Minister the returns required by this Act to be so transmitted or delivered within the time in this Act limited therefor, it shall incur a penalty of fifty dollars for each and every day during which such neglect continues. R.S., c. 14, s. 68.

71. Where the bank suspends payment in Bank of Canada notes of any of its liabilities as they accrue, then, so long as such suspension continues, any director, officer, clerk, servant or agent of the bank who, having knowledge of such suspension, pays or causes to be paid to any person any debt or liability of the bank unless with the consent of a curator or liquidator duly appointed, is guilty of an offence and liable, upon conviction on indictment to a fine not exceeding two thousand dollars or to imprisonment for a term not exceeding two years, or to both fine and imprisonment, or upon summary conviction, to a fine not exceeding one hundred dollars or to imprisonment with or without hard labour for a term not exceeding six months, or to both fine and imprisonment. 1944-45, c. 47, s. 18.

72. Where the bank holds any real or immovable property howsoever acquired, except such as is required for its own use, for any period exceeding seven years from the date of the acquisition thereof, it shall incur a penalty not exceeding five hundred dollars, which shall be recoverable with costs in any court of competent jurisdiction by

R.S., 1952.
any person who sues therefor, and one-half of such penalty shall be paid to the Minister for the public uses of Canada and the other half thereof to the person suing therefor. R.S., c. 14, s. 70.

73. Every director who refuses to make or enforce or to concur in making or enforcing any call provided for by this Act to be made in case of an insufficiency in the funds of the bank to satisfy its debts and liabilities, is guilty of an indictable offence and is personally responsible for any damages suffered by reason of such refusal. R.S., c. 14, s. 71.

74. Where the bank knowingly makes default in complying with the requirements of section 30, it is liable to a penalty at the rate of ten per cent per annum of the amount of deficiency for each day on which there is a deficiency in the amount of the reserve maintained by the bank or on which there is a deficiency in the amount of the moneys, deposits or securities held by the bank as required by that section. 1944-45, c. 47, s. 19.

75. Where the bank knowingly invests moneys in any bonds, debentures, stocks, or securities other than those authorized by this Act, the bank shall incur a penalty of fifty dollars for each and every day during which it holds such bonds, debentures, stocks or securities. 1944-45, c. 47, s. 19.

76. Where the bank knowingly invests moneys in bonds or debentures of corporations, having a share capital, incorporated in Canada for the purpose of and carrying on the business of manufacturing, in an aggregate amount in excess of five per cent of its deposit liabilities, the bank is liable to a penalty at the rate of ten per cent per annum of the amount of the excess for each and every day during which the excess continues. 1944-45, c. 47, s. 19.

77. Where the bank knowingly lends money to any person in violation or contravention of any provision of this Act, the bank shall incur a penalty of an amount equal to the interest on such loan and an additional penalty in an amount equal to interest at ten per cent per annum on such loan. 1944-45, c. 47, s. 19.

78. (1) Where the bank knowingly makes loans to any persons under the provisions of section 35 or 36 in excess of the aggregate amounts prescribed therein, the bank shall incur a penalty of an amount equal to interest at ten per cent per annum on the excess for each day during which the excess continues. 4539

(2) R.S., 1952.
(2) Where the bank violates subsection (1) of section 37, the bank is guilty of an offence and liable for every such offence to a fine not exceeding five hundred dollars and every one who, being a manager or officer of any bank, violates the provisions of that subsection is guilty of an offence and liable for every such offence to a fine not exceeding one hundred dollars. 1948, c. 65, s. 5.

79. (1) The amount of all penalties imposed upon a bank or any person by or under this Act shall, unless otherwise provided for by this Act, be 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 shall, 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, or paid to any person, or applied in any manner deemed best adapted to attain the objects of this Act and to secure the due administration thereof.

(3) The imposition, payment or recovery of any penalty under this Act in respect of any act or omission of the bank shall not be deemed to relieve such bank from liability to forfeiture of its charter by reason of such act or omission if such charter may be forfeited by reason thereof. 1944-45, c. 47, s. 19.

SCHEDULE.

RETURN of the amount of liabilities and assets of the (name of the bank) on the day of 

LIABILITIES
1. Deposits by and balances due to Government of Canada $
2. Deposits by and balances due to Provincial Governments.
3. Advances from Bank of Canada, secured
4. Advances from and balances due to chartered banks.
5. Deposits by the public, payable on demand
6. Deposits by the public, payable after notice or on a fixed day
7. Special Poor Fund or Charity Fund Trust
8. Liabilities to the public not included under the foregoing heads
9. Dividends declared and unpaid
10. Rest or Reserve Fund
11. Capital paid up

$ 

ASSETS
1. Notes of and deposits with Bank of Canada and deposits with chartered banks $
2. Cash, other than notes of Bank of Canada.
3. Government of Canada direct and guaranteed securities not exceeding market value

4540

4 

R.S., 1952.
4. Provincial government direct and guaranteed securities, not exceeding market value.
5. Canadian municipal and school corporation bonds and debentures, not exceeding market value.
6. Bonds and debentures of manufacturing companies, not exceeding market value.
7. Other bonds, debentures and stocks, not exceeding market value.
8. Loans on the security of bonds, debentures, stocks, life insurance or other securities, less provision for estimated loss.
9. Loans on the security of mortgages or hypothecs on improved real estate, less provision for estimated loss.
10. Loans without collateral security, less provision for estimated loss.
11. Poor Fund or Charity Fund investments.
12. Bank premises, at cost, less provision for depreciation.
13. Other assets not included under the foregoing heads.

<table>
<thead>
<tr>
<th>Capital authorized</th>
<th>$</th>
</tr>
</thead>
<tbody>
<tr>
<td>Capital subscribed</td>
<td>$</td>
</tr>
<tr>
<td>Rate per annum of last dividend (and bonus, if any) declared</td>
<td>%</td>
</tr>
<tr>
<td>Aggregate amount of loans to directors and firms of which they are partners, and loans of which they are guarantors</td>
<td>$</td>
</tr>
<tr>
<td>Average daily amount held during the month in notes of and deposits with Bank of Canada and deposits with chartered banks</td>
<td>$</td>
</tr>
<tr>
<td>Average daily amount held during the month in notes of and deposits with Bank of Canada and deposits with chartered banks plus securities stipulated by section 30</td>
<td>$</td>
</tr>
</tbody>
</table>

I declare that the above return has been prepared under my directions and is correct according to the books of the bank.

E.F.
Chief Accountant, (or Acting Chief Accountant, as the case may be).

We declare that the foregoing return is made up from the books of the bank, and that it is correct, to the best of our knowledge and belief, and shows truly and clearly the financial position of the bank.

(Place) this ............... day of ............... , 19 .......

A.B.,
President, (Vice-President, or Director acting as President, as the case may be).

C.D.,
General Manager, (or other principal officer, as the case may be).

1944-45, c. 47, s. 20; 1948, c. 65, s. 6.

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

R.S., 1952.
CHAPTER 233.

An Act respecting Radio in Canada.

1. This Act may be cited as the Radio Act. 1938, c. 50, Short title. s. 1.

INTERPRETATION.

2. (1) In this Act, Definitions.

(a) "broadcasting" means the dissemination of any form of radioelectric communication, including radiotelegraph, radiotelephone and the wireless transmission of writing, signs, signals, pictures and sounds of all kinds by means of Hertzian waves, intended to be received by the public either directly or through the medium of relay stations;

(b) "coast station" means any radio station that is established on land or on board a ship permanently moored and is used for communication with ships at sea;

(c) "land station" means any radio station or installation of radio apparatus that is not a coast, mobile, ship, or private receiving station;

(d) "Minister" means the Minister of Transport;

(e) "mobile station" means any radio station, other than a ship station or a private receiving station, that is capable of being moved and ordinarily does move;

(f) "operator" means a person employed, engaged or authorized to operate or assist in the operation of any radio transmitter, radio receiver or other radio apparatus at any coast, land or mobile radio station;

(g) "private receiving station" means any house, room, vehicle, ship, aircraft, or other place wherein a radio receiving set intended solely for and capable of receiving broadcasting is located or installed;
Radio.

(h) "radio apparatus" means a reasonably complete and sufficient combination of distinct radio appliances intended for or capable of being used for radioelectric communication, whether by transmission or reception or both;

(i) "radio" means radiotelegraph, radiotelephone and any other form of radioelectric communication including the wireless transmission of writing, signs, signals, pictures and sounds of all kinds by means of Hertzian waves;

(j) "radio station", and the same expression when abbreviated as "station", means a station, other than a private receiving station, equipped with transmitting or receiving radio apparatus or both and intended for, or capable of being used for, any form of radioelectric communication, whether by transmission or reception or both;

(k) "ship station" means any radio station established on board a ship that is not permanently moored; and

(l) "telecommunication" means any transmission, emission or reception of signs, signals, writing, images or sounds or intelligence of any nature by wire, radio, visual or other electromagnetic system.

(2) Notwithstanding anything in the Interpretation Act or any other statute or law, the provisions of this Act shall be deemed to apply and to have full force and effect according to their terms, in the case of all radio stations and private receiving stations or radio apparatus owned or operated by or on behalf of Her Majesty in the right of any province, but nothing herein contained is intended to impose or to declare the imposition of any tax upon, or to make, render, or declare liable to taxation, any property belonging to Her Majesty in the right of any province. 1938, c. 50, s. 2; 1951, c. 22, s. 1.

3. (1) The Governor in Council may

(a) prescribe the tariff of fees to be paid for licences and for examination for certificates of proficiency held and issued under this Act;

(b) authorize the payment of a portion of the licence fees collected in respect of private receiving station licences to any person or department of government, approved by the Minister, for services rendered in connection with the issuance of such licences;

(c) accede to any international convention in connection with telecommunication, and make such regulations as "Radio apparatus."
may be necessary to carry out and make effective the terms of such convention and prescribe penalties recoverable on summary conviction for the violation of such regulations, but such penalties shall not exceed five hundred dollars and costs; and

(d) make regulations for the censorship and controlling of radio signals and messages in case of actual or apprehended war, rebellion, riot or other emergency.

(2) Any person who violates any regulation made under this section for which no penalty is provided is liable upon summary conviction to a penalty not exceeding fifty dollars and costs or to imprisonment for a term not exceeding three months. 1938, c. 50, s. 3; 1951, c. 22, s. 2.

4. (1) The Minister may make regulations

(a) prescribing the form and manner in which applications for licences under this Act are to be made;

(b) classifying coast, land, and mobile stations, and prescribing the type of radio equipment to be installed, the frequencies to be used and the nature of the service to be rendered by the several classes of stations;

(c) defining the different kinds of licences that may be issued, their respective forms and the several periods for which they shall continue in force;

(d) prescribing the conditions and restrictions to which the several licences shall respectively be subject;

(e) prescribing that no radio receiving set or radio apparatus for installation or use as, or in, a private receiving station may be sold, repaired or maintained by any person until a licence is first obtained for such station;

(f) prescribing the different classes of certificate of proficiency of operators and the class of certificate, if any, necessary to qualify persons as operators for coast, land and mobile stations;

(g) for the examination of persons desiring to obtain certificates of proficiency as radio operators and to determine the qualifications in respect of age, term of service, skill, character and otherwise to be required by applicants for such certificates;

(h) to provide against any person divulging information received by means of a private receiving station;

(i) prescribing the watches, if any, to be kept by operators and the number of operators, if any, to be maintained at coast, land and mobile stations;

(j) for the inspection of radio stations;

(k) R.S., 1952.
(k) to compel all radio stations to receive, accept, exchange and transmit signals and messages with such other radio stations and in such manner as he may prescribe; and

(l) for the effective carrying out of the provisions of this Act.

(2) Any person who violates any regulation made under this section is liable upon summary conviction to a penalty not exceeding fifty dollars and costs or to imprisonment for a term not exceeding three months. 1938, c. 50, s. 4.

5. (1) No person shall establish a radio station or private receiving station, or install, operate or have in his possession a radio apparatus at any place in Canada or on any aircraft registered in Canada, except under and in accordance with a licence granted by the Minister in that behalf.

(2) The Governor in Council may, by regulation and on such terms and conditions as he may prescribe, exempt from the operation of this section

(a) a radio receiving set installed in an automobile or other vehicle temporarily in Canada and that is owned by a bona fide tourist who resides out of Canada, and

(b) a radio station temporarily in Canada that is

(i) duly licensed by the country in which the owner of the station resides, and

(ii) owned by a person who is a resident and citizen of a country that grants a reciprocal exemption to residents of Canada. 1951, c. 22, s. 3.

6. All persons operating land or cable telegraph lines shall transmit all messages destined to or coming from any ship via coast stations under such rules as may be made by the Board of Transport Commissioners for Canada. 1938, c. 50, s. 6; 1938, c. 53, s. 3.

7. (1) No one shall be employed as a radio operator at any coast, land or mobile station unless he is a British subject.

(2) All radio operators at coast or land stations or on mobile stations shall take and subscribe a Declaration of Secrecy in the form set forth in the Schedule, before 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., 1952.
(3) Every person who has made the Declaration of Secrecy and who, either directly or indirectly, divulges to any person, except when lawfully authorized or directed so to do, any information that he acquired by virtue of his employment, is guilty of an offence and is liable, on summary conviction, to a penalty not exceeding one hundred dollars, or to imprisonment for a term not exceeding six months or to both fine and imprisonment.

(4) The Governor in Council may, by regulation and on such terms and conditions as he may prescribe, exempt from the operation of this section a non-resident of Canada who

(a) is employed as a radio operator on a radio station in Canada,

(b) holds a valid Canadian certificate of proficiency or an equivalent certificate issued by the country of which he is a citizen, and

(c) is a resident and citizen of a country that grants a reciprocal permission to Canadian citizens to be employed as radio operators in that country. 1938, c. 50, s. 7; 1951, c. 22, s. 4.

8. Any person who knowingly sends or transmits or causes to be sent or transmitted any false or fraudulent distress signal, message, call or radiogram of any kind, or who without lawful excuse interferes with or obstructs any radio-communication, is guilty of an offence and is liable, on summary conviction, to a penalty not exceeding five hundred dollars and costs or to imprisonment for a term not exceeding six months or to both fine and imprisonment. 1938, c. 50, s. 8.

9. (1) Where a magistrate or justice of the peace is satisfied by information on oath that there is reasonable ground for believing that a radio station or a private receiving station has been established without a licence, or that any radio apparatus has been installed, or is being operated, or is in possession of any person in any place in Canada within his jurisdiction without a licence in that behalf, he may grant a search warrant to any police officer or any officer appointed in that behalf by the Minister and named in the warrant.

(2) A warrant so granted authorizes the officer named therein to enter and inspect the station or place and seize any radio apparatus there installed, or found in operation or in possession of any person. 1938, c. 50, s. 9.

10. (1) Any person who establishes a radio station or private receiving station or installs, operates or has in his possession any radio apparatus, in violation of the provisions of this Act is liable

(a) of an offence.

Exemption for certain non-residents.

R.S., 1952.
(a) in the case of the establishment of a private receiving station or the installation, operation or possession of radio apparatus intended for or capable of being used as a private receiving station, on summary conviction, to a fine not exceeding twenty-five dollars, and

(b) in all other cases under this section, on summary conviction, to a fine not exceeding fifty dollars and, on conviction on indictment, to a fine not exceeding five hundred dollars and to imprisonment for a term not exceeding twelve months;

and in the case of any conviction under this section the radio apparatus or equipment, to which the offence relates, may be forfeited to Her Majesty by order of the Minister for such disposition as the Minister may direct.

(2) Whenever any person is charged with an offence against section 5, if he is proved to be the owner, tenant or the person in control of the premises, place, aircraft, automobile or other vehicle where any radio station or private receiving station or radio apparatus is found, there shall be a presumption that he did establish the radio station or private receiving station or that he did install, operate or have the said apparatus in his possession.

(3) No proceedings shall be taken against any person under this section except by order of the Minister.

(4) In every case of a summary conviction under this section the magistrate or justice of the peace shall, in addition to any other penalty imposed, award and order that the defendant shall pay to the prosecutor or complainant such proper costs as may be allowed under the provisions of the *Criminal Code* relating to summary convictions. 1938, c. 50, s. 10.

11. (1) Her Majesty may, at any time, assume, and for any length of time retain, possession of any radio station, and of all things necessary to the sufficient working thereof, and may, for the same time, require the exclusive service of the operators and other persons employed in working the same.

(2) The person owning or controlling the station shall give up possession thereof, and the operators and other persons so employed shall, during the time of such possession, diligently and faithfully obey such orders, and transmit and receive such signals, calls and radiograms as they are required to receive and transmit by any duly authorized officer of the Government of Canada.

(3) Where the Minister and the person owning or controlling any radio station taken possession of by the Crown

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under this section cannot agree as to the compensation to be paid by the Crown for such taking possession, the Minister shall refer the matter to the Exchequer Court of Canada for adjudication and the provisions of the Expropriation Act are, mutatis mutandis, applicable for the purpose of determining the amount of the compensation, if any, aforesaid, and the amount of any judgment upon proceedings instituted hereunder is payable out of the Consolidated Revenue Fund. 1938, c. 50, s. 11.

12. All fines imposed by this Act or the regulations belong to Her Majesty in right of Canada and they shall be paid to the Receiver General of Canada. 1938, c. 50, s. 12.

13. In the case of any offence against any of the provisions of this Act or any regulation, the complaint shall be made, or the information shall be laid, within one year from the time when the matter of complaint or information arose and not otherwise. 1938, c. 50, s. 13.

SCHEDULE.

DECLARATION OF SECRECY.

I, A.B., solemnly and sincerely promise and declare that I will faithfully and honestly fulfil the duties which devolve upon me as radio operator, and that I will not, either directly or indirectly, divulge to any person, except when lawfully authorized or directed so to do, any information that I acquire by virtue of my employment as such operator, or that may come to my knowledge through the operation of any radio installation.  

Declared before me at. ............ 

............this ............day 

of. ............19 , ............

(Signature of declarant)

1938, c. 50, Sch.
CHAPTER 234.

An Act respecting Railways.

SHORT TITLE.

1. This Act may be cited as the Railway Act. R.S., Short title. c. 170, s. 1.

INTERPRETATION.

2. In this Act, and in any Special Act as hereinafter defined, in so far as this Act applies,

(1) “Board” means the Board of Transport Commissioners for Canada;

(2) “by-law,” when referring to an act of the company, “By-law.” includes a resolution;

(3) “charge”, when used as a verb with respect to tolls, “Charge.” includes to quote, demand, levy, take or receive;

(4) “company” includes a person, and where not otherwise stated or implied means “railway company,” unless immediately preceded by “any”, “every” or “all”, in which case it means every kind of company which the context will permit of; and “railway company” or “company” when it means or includes “railway company,”

(a) includes every such company and any person having authority to construct or operate a railway; and

(b) in the sections of this Act that require companies to furnish statistics and returns to the Board, or provide penalties for default in so doing, includes further any company constructing or operating a line of railway in Canada, even though such company is not 2871 4551 otherwise

R.S., 1952.
otherwise within the legislative authority of the Parliament of Canada, and includes also any individual not incorporated who is the owner or lessee of a railway in Canada, or party to an agreement for the working of such a railway;

(5) "costs" includes fees, counsel fees and expenses;

(6) "county" includes any county, union of counties, riding, district, or division corresponding to a county, and any separate municipal division of a county;

(7) "court" means a superior court of the province or district, and, when used with respect to any proceedings for

(a) the ascertainment or payment, either to the person entitled, or into court, of compensation for lands taken, or for the exercise of powers conferred by this Act, or

(b) the delivery of possession of lands, or the putting down of resistance to the exercise of powers, after compensation paid or tendered,

includes the county court of the county where the lands lie; and "county court" and "superior court" are to be interpreted according to the Interpretation Act and amendments thereto;

(8) "Exchequer Court" means the Exchequer Court of Canada;

(9) "express toll" means any toll, rate or charge to be charged by any company, or any person or corporation other than the company, to any persons, for hire or otherwise, for or in connection with the collecting, receiving, caring for or handling of any goods for the purpose of sending, carrying or transporting them by express, or for or in connection with the sending, carrying, transporting or delivery by express of any goods, or for any service incidental thereto, or for or in connection with any or either of these objects, where the whole or any portion of the carriage or transportation of such goods is by rail upon the railway of the company;

(10) "goods" includes personal property of every description that may be conveyed upon the railway, or upon steam vessels or other vessels connected with the railway;

(11) "highway" includes any public road, street, lane or other public way or communication;

R.S., 1952. 4552
(12) “inspecting engineer” means an engineer who is directed by the Minister, or by the Board, to examine any railway or works, and includes two or more engineers, when two or more are so directed;

(13) “judge” means a judge of a superior or county court hereinbefore mentioned, as the case may be;

(14) “justice” means a justice of the peace acting for the province, district, county, riding, division, city or place where the matter requiring the cognizance of a justice arises; and, when any matter is authorized or required to be done by two justices, the expression “two justices” means two justices assembled and acting together;

(15) “lands” means the lands, the acquiring, taking or using of which is authorized by this or the Special Act, and includes real property, messuages, lands, tenements and hereditaments of any tenure, and any easement, servitude, right, privilege or interest in, to, upon, under, over or in respect of the same;

(16) “lease” includes an agreement for a lease;

(17) “Minister” means the Minister of Transport;

(18) “owner”, when, under the provisions of this Act or the Special Act, any notice is required to be given to the owner of any lands, or when any act is authorized or required to be done with the consent of the owner, means any person who, under the provisions of this Act, or the Special Act, or any Act incorporated therewith, is enabled to sell and convey the lands to the company, and includes also a mortgagee of the lands;

(19) “plan” means a ground plan of the lands and property taken or intended to be taken;

(20) “provincial legislature” or “legislature of any province” means any legislative body other than the Parliament of Canada;

(21) “railway” means any railway that the company has authority to construct or operate, and includes all branches, extensions, sidings, stations, depots, wharves, rolling stock, equipment, stores, property real or personal and works connected therewith, and also any railway bridge, tunnel or other structure which the company is authorized to construct; and, except where the context is inapplicable, includes street railway and tramway;

4553 (22) R.S., 1952.
(22) "Railway Act, 1888," means the Act of the Parliament of Canada passed in the year 1888, chapter 29, intituled An Act respecting Railways, and the several Acts in amendment thereof;

(23) "registrar of deeds" or "registrar" includes the registrar of land titles, or other officer with whom the title to the land is registered;

(24) "registry of deeds," or "office of the registrar of deeds," or other words descriptive of the office of the registrar of deeds, include the land titles office, or other office in which the title to the land is registered;

(25) "rolling stock" includes any locomotive, engine, motor car, tender, snow-plough, flanger, and every description of car or of railway equipment designed for movement on its wheels, over or upon the rails or tracks of the company;

(26) "Secretary" means the Secretary of the Board;

(27) "sheriff" means the sheriff of the district, county, riding, division, city or place within which any lands in relation to which any matter is required to be done by a sheriff, and includes an under sheriff or other lawful deputy of the sheriff;

(28) "Special Act", when used with reference to a railway, means any Act under which the company has authority to construct or operate a railway, or that is enacted with special reference to such railway, whether heretofore or hereafter passed, and includes

(a) all such Acts,

(b) with respect to the Grand Trunk Pacific Railway Company, the National Transcontinental Railway Act, and any amendments thereto, and any scheduled agreements therein referred to, and

(c) any letters patent, constituting a company's authority to construct or operate a railway, granted under any Act, and the Act under which such letters patent were granted or confirmed;

(29) "telegraph" includes wireless telegraph;

(30) "telegraph toll," or "toll," when used with reference to telegraph, means any toll, rate or charge to be charged by any company to the public, or to any person, for the transmission of messages by telegraph;

(31) "telephone toll," or "toll," when used with reference to telephone, means any toll, rate or charge to be charged by any company to the public, or to any person, for use or lease of a telephone system or line,
or any part thereof, or for the transmission of a message by telephone, or for installation and use or lease of telephone instruments, lines or apparatus, or for any service incidental to a telephone business;

(32) "toll," or "rate," when used with reference to a railway, means any toll, rate, charge or allowance charged or made either by the company, or upon or in respect of a railway owned or operated by the company, or by any person on behalf or under authority or consent of the company, in connection with the carriage and transportation of passengers, or the carriage, shipment, transportation, care, handling or delivery of goods, or for any service incidental to the business of a carrier; and includes any toll, rate, charge or allowance so charged or made in connection with rolling stock, or the use thereof, or any instrumentality or facility of carriage, shipment or transportation, irrespective of ownership or of any contract, expressed or implied, with respect to the use thereof; and includes also any toll, rate, charge or allowance so charged or made for furnishing passengers with beds or berths upon sleeping cars, or for the collection, receipt, loading, unloading, stopping over, elevation, ventilation, refrigerating, icing, heating, switching, ferriage, cartage, storage, care, handling or delivery of, or in respect of, goods transported, or in transit, or to be transported; and includes also any toll, rate, charge or allowance so charged or made for the warehousing of goods, wharfage or demurrage, or the like, or so charged or made in connection with any one or more of the above-mentioned objects, separately or conjointly;

(33) "traffic" means the traffic of passengers, goods and rolling stock;

(34) "train" includes any engine, locomotive or other rolling stock;

(35) "the undertaking" means the railway and works of whatsoever description that the company has authority to construct or operate;

(36) "whistle" includes a horn of any type approved by the Board;

(37) "working expenditure" includes

(a) all expenses of maintenance of the railway;

(b) all such tolls, rents or annual sums as are paid in respect of the hire of rolling stock let to the company; or in respect of property leased to or held by the company, apart from the rent of any leased line;

(c) R.S., 1952.
(c) all rent charges or interest on the purchase money of lands belonging to the company, purchased but not paid for, or not fully paid for;

(d) all expenses of or incidental to the working of the railway and the traffic thereon, including all necessary repairs and supplies to rolling stock while on the lines of another company;

(e) all rates, taxes, insurance and compensation for accidents or losses, including any such compensation payable under the provisions of any Act of the Parliament of Canada or of any provincial legislature providing for compensation to workmen for injuries or in respect of an industrial disease;

(f) all salaries and wages of persons employed in and about the working of the railway and traffic;

(g) all office and management expenses, including directors' fees, and agency, legal and other like expenses;

(h) all costs and expenses of and incidental to the compliance by the company with any order of the Board under this Act; and

(i) generally, all such charges, if any, not hereinbefore otherwise specified, as, in all cases of English railway companies, are usually carried to the debit of revenue as distinguished from capital account;

(38) when any matter arises in respect of any lands that are not situated wholly in any one district, county, riding, division, city or place, and are the property of one and the same person, "clerk of the peace," "justice," and "sheriff," respectively, mean any clerk of the peace, justice or sheriff for any district, county, riding, division, city or place within which any portion of such lands is situated. R.S., c. 170, s. 2; 1936, c. 34, s. 3; 1938, c. 53, s. 3; 1947, c. 70, s. 1.

**Construing with Special Acts.**

3. Except as in this Act otherwise provided,

(a) this Act shall be construed as incorporate with the Special Act, and

(b) where the provisions of this Act and of any Special Act passed by the Parliament of Canada relate to the same subject-matter the provisions of the Special Act shall, in so far as is necessary to give effect to such Special Act, be taken to over-ride the provisions of this Act. R.S., c. 170, s. 3.
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4. If in any Special Act passed before the 7th day of July, 1919, it is enacted that any provision of any general railway Act in force at the time of the passing of such Special Act, is excepted from incorporation therewith, or if the application of any such provision is, by such Special Act, extended, limited or qualified, the provisions of this Act relating to the same subject-matter, shall, unless otherwise provided in this Act, be taken to be excepted, extended, limited, or qualified, in like manner. R.S., c. 170, s. 4.

APPLICATION OF ACT.

5. Subject as herein provided, this Act applies to all persons, railway companies and railways, within the legislative authority of the Parliament of Canada, whether heretofore or hereafter, and howsoever, incorporated or authorized, except Government railways, to which however it applies to such extent as is specified in any Act referring or relating thereto. R.S., c. 170, s. 5.

6. (1) The provisions of this Act, without limiting the effect of section 5, extend and apply to

(a) every railway company incorporated elsewhere than in Canada and owning, controlling, operating or running trains or rolling stock upon or over any line or lines of railway in Canada either owned, controlled, leased or operated by such company or companies, whether in either case such ownership, control, or operation is acquired by purchase, lease, agreement or by any other means whatsoever;

(b) every railway company operating or running trains from any point in the United States to any point in Canada; and

(c) every railway or portion thereof, whether constructed under the authority of the Parliament of Canada or not, now or hereafter owned, controlled, leased, or operated by a company wholly or partly within the legislative authority of the Parliament of Canada, or by a company operating a railway wholly or partly within the legislative authority of the Parliament of Canada, whether such ownership, control, or first mentioned operation is acquired or exercised by purchase, lease, agreement or other means whatsoever, and whether acquired or exercised under authority of the Parliament of Canada, or of the legislature of any province, or otherwise howsoever; and every railway or portion thereof, now or hereafter so owned, controlled,

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trolled, leased or operated shall be deemed and is hereby declared to be a work for the general advantage of Canada.

(2) The provisions of paragraph (c) of subsection (1) shall be deemed not to include or apply to any street railway, electric suburban railway or tramway constructed under the authority of a provincial legislature, and which has not been declared to be a work for the general advantage of Canada otherwise than by the provisions of the said paragraph. R.S., c. 170, s. 6.

7. Where any railway, the construction or operation of which is authorized by a Special Act passed by the legislature of any province, is declared, by any Act of the Parliament of Canada, to be a work for the general advantage of Canada, this Act applies to such railway, and to the company constructing or operating the same, to the exclusion of such of the provisions of the said Special Act as are inconsistent with this Act, and in lieu of any general railway Act of the province. R.S., c. 170, s. 7.

8. Every railway, the construction or operation of which is authorized by Special Act of the legislature of any province and which connects with or crosses or may hereafter connect with or cross any railway within the legislative authority of the Parliament of Canada, is, although not declared by Parliament to be a work for the general advantage of Canada, subject to the provisions of this Act relating to

(a) the connection or crossing of one railway with or by another, so far as concerns the aforesaid connection or crossing,

(b) criminal matters, including offences and penalties, and

(c) navigable waters. R.S., c. 170, s. 8.

BOARD OF COMMISSIONERS.

Constitution.

9. (1) There shall be a commission, known as the Board of Transport Commissioners for Canada, consisting of six members appointed by the Governor in Council.

(2) Such commission shall be a court of record, and have an official seal which shall be judicially noticed.

(3) Each commissioner holds office during good behaviour for a period of ten years from the date of his appointment, but may be removed at any time by the Governor in Council upon address of the Senate and House of Commons.

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(4) A commissioner ceases to hold office upon reaching the age of seventy-five years.

(5) A commissioner on the expiration of his first or subsequent term of office is, if not disqualified by age, eligible for reappointment for a period not exceeding ten years. R.S., c. 170, s. 9; 1938, c. 53, s. 3; 1951 (2nd Sess.), c. 22, s. 1.

10. (1) One of such commissioners shall be appointed by the Governor in Council, Chief Commissioner, and another of them Assistant Chief Commissioner of the Board.

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

(3) Sections 23, 24, 27, 29 and 30 of the Judges Act apply in respect of the Chief Commissioner as though his service in the office of Chief Commissioner were service in the office of a judge of the Exchequer Court, and notwithstanding anything in the Civil Service Superannuation Act the Chief Commissioner is not a civil servant for the purposes of that Act.

(4) Where the term of office of a Chief Commissioner expires before he has attained the age of seventy-five years and he has not, prior to the expiration of such term, been reappointed as Chief Commissioner for a further term, he becomes, at the time such term expires and without any appointment pursuant to the provisions of the Exchequer Court Act, a puisne judge of the Exchequer Court in addition to the number of judges of the Exchequer Court provided for in the Exchequer Court Act and the Judges Act and with the same jurisdiction, tenure of office and salary as other puisne judges of the Exchequer Court; and for the purposes of sections 23 and 24 of the Judges Act his period of service as Chief Commissioner shall be added to his period of service as judge of the Exchequer Court, and for the purposes of section 34 of the Judges Act his salary as a puisne judge of the Exchequer Court shall be deemed to be payable under that Act.

(5) Where a Chief Commissioner who made an election under section 27 of the Judges Act in respect of his office as Chief Commissioner becomes a puisne judge of the Exchequer Court pursuant to subsection (4), no further election under that section is necessary and the election he made in respect of his office as Chief Commissioner shall be deemed R.S., 1952.
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deemed to have been made in respect of his office as a puisne judge of the Exchequer Court at the time he became such a judge.

(6) Any person may be appointed Assistant Chief Commissioner who is or has been a judge of a superior court of Canada or of any province of Canada, or who is a barrister or advocate of at least ten years' standing at the bar of any such province, or who is a barrister or advocate of any such province and has held office as a commissioner of the Board for a period of at least ten years.

(7) The Chief Commissioner is entitled to hold the office of Chief Commissioner, and the Assistant Chief Commissioner the office of Assistant Chief Commissioner or that of Chief Commissioner, so long as they respectively continue to be members of the Board.

(8) The Assistant Chief Commissioner has all the powers of the Chief Commissioner; but such powers shall not be exercised by him except in the absence of the Chief Commissioner, and whenever he has acted it shall be conclusively presumed that he so acted in the absence or disability of the Chief Commissioner within the meaning of this section. R.S., c. 170, s. 10; 1951 (2nd Sess.), c. 22, s. 1.

(11) Another of the commissioners shall be appointed by the Governor in Council, Deputy Chief Commissioner of the Board.

(2) In case of the absence of the Chief Commissioner and the Assistant Chief Commissioner, or of their inability to act, the Deputy Chief Commissioner shall exercise the powers of the Chief Commissioner for him or in his stead, and in such case, all regulations, orders and other documents signed by the Deputy Chief Commissioner have the like force and effect as if signed by the Chief Commissioner.

(3) Whenever the Deputy Chief Commissioner appears to have acted for or instead of the Chief Commissioner, it shall be conclusively presumed that he so acted in the absence or disability of the Chief Commissioner and of the Assistant Chief Commissioner within the meaning of this section.

(4) Where the Chief Commissioner deems it necessary for the more speedy and convenient despatch of business he may by writing authorize any commissioner to sign regulations, orders and other documents in his stead, and when done pursuant to such authority the same have the like force and effect as if signed by the Chief Commissioner. R.S., c. 170, s. 11.

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12. (1) Two commissioners form a quorum, and not less than two commissioners shall attend at the hearing of every case, except that

(a) in any case where there is no opposing party and no notice to be given to any interested party, any one commissioner may act alone for the Board, and

(b) the Board, or the Chief Commissioner, may authorize any one of the commissioners to report to the Board upon any question or matter arising in connection with the business of the Board, and when so authorized such commissioner has all the powers of two commissioners sitting together for the purpose of taking evidence or acquiring the necessary information for the purpose of such report, and upon such report being made to the Board, it may be adopted as the order of the Board, or otherwise dealt with as to the Board seems proper.

(2) The Chief Commissioner, when present, shall preside, and the Assistant Chief Commissioner, when present, in the absence of the Chief Commissioner, shall preside, and the opinion of either of them upon any question arising when he is presiding, which in the opinion of the commissioners is a question of law, shall prevail.

(3) No vacancy in the Board impairs the right of the remaining commissioners to act. R.S., c. 170, s. 12.

13. Whenever any commissioner is interested in any matter before the Board, or of kin or affinity to any person interested in any such matter, the Governor in Council may, either upon the application of such commissioner or otherwise, appoint some disinterested person to act as commissioner pro hac vice; and the Governor in Council may also, in case of the illness, absence or inability to act of any commissioner, appoint a commissioner pro hac vice; but no commissioner is disqualified to act by reason of interest or of kindred or affinity to any person interested in any matter before the Board. R.S., c. 170, s. 13.

14. (1) No commissioner or officer of the Board shall directly or indirectly,

(a) hold, purchase, take or become interested in any stock, share, bond, debenture or other security, of any company subject to this Act, or

(b) have any interest in any device, appliance, machine, patented process or article, or any part thereof, that may be required or used as a part of the equipment of railways or of any rolling stock to be used thereon, or of any other work or undertaking subject to this Act.
(2) If any such stock, share, bond or other security, device, appliance, machine, patented process or article, or any part thereof or any interest therein, comes to or vests in any commissioner or officer of the Board by will or succession for his own benefit, he shall, within three months thereafter, absolutely sell and dispose of the same, or his interest therein. R.S., c. 170, s. 14.

Residence. 15. Each commissioner shall during his term of office reside in the City of Ottawa, or within five miles thereof, or within such distance thereof as the Governor in Council at any time determines. R.S., c. 170, s. 15.

Whole time. 16. The commissioners shall devote the whole of their time to the performance of their duties under this Act, and shall not accept or hold any office or employment inconsistent with this section. R.S., c. 170, s. 16.

Offices. 17. (1) The Governor in Council shall, upon the recommendation of the Minister, provide, within the City of Ottawa, a suitable place in which the sessions of the Board may be held, and also suitable offices for the commissioners, and for the Secretary, and the officers and employees of the Board, and all necessary furnishings, stationery and equipment for the conduct, maintenance and performance of the duties of the Board.

(2) The Governor in Council, upon the recommendation of the Minister, may establish at any place or places in Canada such office or offices as are required for the Board, and may provide therefor the necessary accommodation, furnishings, stationery and equipment. R.S., c. 170, s. 17.

Sittings and Disposal of Business. 18. The Board may hold more than one sitting at the same time, and, whenever circumstances render it expedient to hold a sitting elsewhere than in Ottawa, may hold such sitting in any part of Canada. R.S., c. 170, s. 18.

19. (1) The commissioners shall sit at such times and conduct their proceedings in such manner as may seem to them most convenient for the speedy despatch of business.

(2) They may, subject to the provisions of this Act, sit either together or separately, and either in private or in open court; but any complaint made to them shall, on the application of any party to the complaint, be heard and determined in open court. R.S., c. 170, s. 19.

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20. Subject to the provisions of this Act, the Board may make rules and provisions respecting
(a) the sittings of the Board;
(b) the manner of dealing with matters and business before the Board;
(c) the apportionment of the work of the Board among its members, and the assignment of members to sit at hearings, and to preside thereat; and
(d) generally, the carrying on of the work of the Board, the management of its internal affairs, and the duties of its officers and employees;
and in the absence of other rule or provision as to any such matter, such matter shall be in the charge and control of the Chief Commissioner or such other member or members of the Board as the Board directs. R.S., c. 170, s. 20.

21. The Governor in Council may, from time to time, or as the occasion requires, appoint one or more experts, or persons having technical or special knowledge of the matters in question, to assist in an advisory capacity in respect of any matter before the Board. R.S., c. 170, s. 21.

22. There shall be a Secretary of the Board who shall be appointed by the Governor in Council to hold office during pleasure, and who shall reside in the City of Ottawa. R.S., c. 170, s. 22.

23. (1) It is the duty of the Secretary
(a) to keep a record of all proceedings conducted before the Board or any commissioner under this Act;
(b) to have the custody and care of all records and documents belonging or appertaining to the Board or filed in his office;
(c) to obey all rules and directions that may be made or given by the Board, or the Chief Commissioner, touching his duties or office, and in the event of a conflict of such rules or directions those made by the Board prevail; and
(d) to have every regulation and order of the Board drawn pursuant to the direction of the Board, duly signed and sealed with the official seal of the Board, and filed in the office of the Secretary.

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(2) The Secretary shall keep in his office suitable books of record, in which he shall enter a true copy of every such regulation and order, and every other document that the Board may require to be entered therein, and such entry constitutes and is the original record of any such regulation or order.

(3) Upon application of any person, and on payment of such fees as the Board may prescribe, the Secretary shall deliver to such applicant a certified copy of any such regulation or order. R.S., c. 170, s. 23.

24. In the absence of the Secretary from illness or any other cause, the Board may appoint from its staff an acting secretary, who shall thereupon act in the place of the Secretary, and exercise his powers. R.S., c. 170, s. 24.

25. Such other officers, clerks and employees as are necessary for the proper conduct of the business of the Board may be appointed in the manner authorized by law. R.S., c. 170, s. 25.

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

(2) Such salaries shall be paid monthly out of the unappropriated funds in the hands of the Receiver General for Canada.

(3) The Secretary may be paid out of money appropriated by Parliament for such purpose such annual salary as may from time to time be fixed by the Governor in Council. R.S., c. 170, s. 26; 1951 (2nd Sess.), c. 22, s. 1.

27. The officers, clerks and employees attached to the Board may be paid out of such money as may be appropriated by Parliament for the purpose. R.S., c. 170, s. 27.

28. Whenever the Board, by virtue of any power vested in it by this Act or any other Act of the Parliament of Canada appoints or directs any person, other than a member

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ber of the staff of the Board, to perform any service, such person shall be paid therefor such sum for services and expenses as the Governor in Council may, upon the recommendation of the Board, determine. R.S., c. 170, s. 28.

29. The salaries or remuneration of all such officers, clerks, stenographers, and messengers, and all the expenses of the Board incidental to the carrying out of this Act, including all actual and reasonable travelling expenses of the commissioners and the Secretary, and of such members of the staff of the Board as may be required by the Board to travel, necessarily incurred in attending to the duties of their office, shall be paid monthly out of moneys to be provided by Parliament. R.S., c. 170, s. 29.

Franking Privilege.

30. All letters or mailable matter addressed to the Board or the Secretary at Ottawa, or sent by the Board or the Secretary from Ottawa, shall be free of Canada postage under such regulations as are from time to time made in that regard by the Governor in Council. R.S., c. 170, s. 30.

Annual Report.

31. (1) The Board shall, within two months after the 31st day of December in each year, make to the Governor in Council through the Minister, an annual report for the year ended on the 31st day of December, showing briefly,
(a) applications to the Board and summaries of the findings thereon under this Act;
(b) summaries of the findings of the Board in regard to any matter or thing respecting which the Board has acted of its own motion, or upon the request of the Minister; and
(c) such other matters as appear to the Board to be of public interest in connection with the persons, companies and railways subject to this Act.

(2) The said report shall be forthwith laid before both Houses of Parliament, if then in session, and if not in session then during the first fifteen days of the next ensuing session of Parliament. R.S., c. 170, s. 31.

General Jurisdiction and Powers.

32. Whenever, by an Act or document, the Railway Committee of the Privy Council is given any power or authority, or charged with any duty with regard to any company.

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company, railway, matter or thing, such power, authority or duty may, or shall, be exercised by the Board. R.S., c. 170, s. 32.

33. (1) The Board has full jurisdiction to inquire into, hear and determine any application by or on behalf of any party interested,

(a) complaining that any company, or person, has failed to do any act, matter or thing required to be done by this Act, or the Special Act, or by any regulation, order or direction made thereunder by the Governor in Council, the Minister, the Board, or any inspecting engineer or other lawful authority, or that any company or person has done or is doing any act, matter or thing contrary to or in violation of this Act, or the Special Act, or any such regulation, order, or direction, or

(b) requesting the Board to make any order, or give any direction, leave, sanction or approval, that by law it is authorized to make or give, or with respect to any matter, act or thing, that by this Act, or the Special Act, is prohibited, sanctioned or required to be done.

(2) The Board may order and require any company or person to do forthwith, or within or at any specified time, and in any manner prescribed by the Board, so far as is not inconsistent with this Act, any act, matter or thing that such company or person is or may be required to do under this Act, or the Special Act, and may forbid the doing or continuing of any act, matter or thing which is contrary to this Act, or the Special Act; and for the purposes of this Act has full jurisdiction to hear and determine all matters whether of law or of fact.

(3) The Board, as respects the attendance and examination of witnesses, the production and inspection of documents, the enforcement of its orders, the entry on and inspection of property, and other matters necessary or proper for the due exercise of its jurisdiction, has all such powers, rights and privileges as are vested in a superior court.

(4) The fact that a receiver, manager, or other official of any railway, or a receiver of the property of a railway company, has been appointed by any court in Canada or any province thereof, or is managing or operating a railway under the authority of any such court, is not a bar to the exercise by the Board of its jurisdiction; but every such receiver, manager, or official is bound to manage and operate any such railway in accordance with this Act and with the orders and directions of the Board, whether general or

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referring particularly to such railway; and every such receiver, manager, or official, and every person acting under him, shall obey all orders of the Board within its jurisdiction in respect of such railway, and be subject to have them enforced against him by the Board, notwithstanding the fact that such receiver, manager, official, or person is appointed by or acts under the authority of any court; and wherever by reason of insolvency, sale under mortgage, or any other cause, a railway or section thereof is operated, managed or held otherwise than by the company, the Board may make any order it deems proper for adapting and applying the provisions of this Act to such case.

(5) The decision of the Board as to whether any company, municipality or person is or is not a party interested within the meaning of this section is binding and conclusive upon all companies, municipalities and persons. R.S., c. 170, s. 33.

34. (1) The Board may make orders or regulations:
(a) with respect to any matter, act or thing that by this or the Special Act is sanctioned, required to be done, or prohibited;
(b) generally for carrying this Act into effect; and
(c) for exercising any jurisdiction conferred on the Board by any other Act of the Parliament of Canada.

(2) Any such orders or regulations may be made to apply to all cases or to any particular case or class of cases, or to any particular district, or to any railway or other work, or section or portion thereof; and the Board may exempt any railway or other work, or section or portion thereof, from the operation of any such order or regulation for such time or during such period as the Board deems expedient; and such orders or regulations may be for such time as the Board deems fit, and may be rescinded, amended, changed, altered or varied as the Board thinks proper.

(3) The Board may by regulation or order provide penalties, when not already provided in this Act, to which every company or person who offends against any regulation or order made by the Board shall be liable.

(4) The imposition of any such penalty does not lessen or affect any other liability that any company or person may have incurred. R.S., c. 170, s. 34.

35. Where it is complained by or on behalf of the Crown or any municipal or other corporation or any other person aggrieved, that the company has violated or committed a breach of an agreement between the complainant and the company. R.S., 1952.
company—or by the company that any such corporation or person has violated or committed a breach of an agreement between the company and such corporation or person—for the provision, construction, reconstruction, alteration, installation, operation, use or maintenance by the company, or by such corporation or person, of the railway or of any line of railway intended to be operated in connection with or as part of the railway, or of any structure, appliance, equipment, works, renewals or repairs upon or in connection with the railway, the Board shall hear all matters relating to such alleged violation or breach, and shall make such order as to the Board may seem reasonable and expedient, and in such order may, in its discretion, direct the company, or such corporation or person, to do such things as are necessary for the proper fulfilment of such agreement, or to refrain from doing such acts as constitute a violation or a breach thereof. R.S., c. 170, s. 35.

36. The Board may, of its own motion, or shall, upon the request of the Minister, inquire into, hear and determine any matter or thing that, under this Act, it may inquire into, hear and determine upon application or complaint, and with respect thereto has the same powers as, upon any application or complaint, are vested in it by this Act. R.S., c. 170, s. 36.

37. Any power or authority vested in the Board may, though not so expressed, be exercised from time to time, or at any time, as the occasion may require. R.S., c. 170, s. 37.

38. The Governor in Council may at any time refer to the Board for a report, or other action, any question, matter or thing arising, or required to be done, under this Act, or the Special Act, or any other Act of the Parliament of Canada, and the Board shall without delay comply with the requirements of such reference. R.S., c. 170, s. 38.

39. (1) When the Board, in the exercise of any power vested in it, in and by any order directs or permits any structure, appliances, equipment, works, renewals or repairs to be provided, constructed, reconstructed, altered, installed, operated, used or maintained, it may, except as otherwise expressly provided, order by what company, municipality or person, interested or affected by such order, as the case may be, and when or within what time and upon what terms and conditions as to the payment of compensation or otherwise, and under what supervision, the same shall be provided, constructed, reconstructed, altered, installed, operated, used and maintained.

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(2) The Board may, except as otherwise expressly provided, order by whom, in what proportion, and when, the cost and expenses of providing, constructing, reconstructing, altering, installing and executing such structures, equipment, works, renewals, or repairs, or of the supervision, if any, or of the continued operation, use or maintenance thereof, or of otherwise complying with such order, shall be paid. R.S., c. 170, s. 39.

40. Whenever any Act of the Parliament of Canada requires or directs that before the doing of any work the approval of the Board must be first obtained, and whenever any such work has been done without such approval, the Board nevertheless has power to approve of the same and to impose any terms and conditions upon such company that may be thought proper in the premises; but where the doing of such work affects the safety of the public or the employees, no such approval shall be given without due notice and hearing. R.S., c. 170, s. 40.

41. When any work, act, matter or thing is, by any regulation, order or decision of the Board, required to be done, performed or completed within a specified time, the Board may, if the circumstances of the case in its opinion so require, upon notice and hearing or, in its discretion, upon ex parte application, extend the time so specified; but where such regulation, order or decision requires any act, matter or thing to be done for the safety of the public or the employees of the railway, no extension shall be granted without hearing on notice. R.S., c. 170, s. 41.

42. (1) Notwithstanding anything in any special Act heretofore passed, the Board has jurisdiction and control over tolls to be charged in respect of the use for pedestrian, vehicular, tramway, street railway, railway or other like traffic on, over, across or through international bridges owned or operated by any company, and all the provisions of this Act relating to tolls and tariffs apply mutatis mutandis.

(2) For the purposes of this section, "international bridge", means bridges or tunnels (including the approaches or facilities connected therewith) over or under any waterway being or running along or across the boundary between Canada and any foreign country. 1929, c. 54, s. 1.

43. The Board may, in any application, proceeding or matter of special importance pending before it, if in the opinion of the Board the public interest so requires, apply to counsel in public interest. R.S., 1952.
to the Minister of Justice to instruct counsel to conduct or argue the case or any particular question arising in the application, proceeding or matter as to any public interest that is or may be affected thereby or by any order or decision which may be made therein; and, upon such application to him by the Board, or of his own motion, the Minister of Justice may instruct counsel accordingly. R.S., c. 170, s. 42.

44. (1) The Board may of its own motion, or upon the application of any party, and upon such security being given as it directs, or at the request of the Governor in Council, state a case, in writing, for the opinion of the Supreme Court of Canada upon any question that in the opinion of the Board is a question of law or of the jurisdiction of the Board.

(2) The Supreme Court of Canada shall hear and determine such question, and remit the matter to the Board with the opinion of the Court thereon. R.S., c. 170, s. 43.

45. (1) In determining any question of fact, the Board is not concluded by the finding or judgment of any other court, in any suit, prosecution or proceeding involving the determination of such fact, but such finding or judgment, in proceedings before the Board, is prima facie evidence only.

(2) The pendency of any suit, prosecution or proceeding, in any other court, involving questions of fact, does not deprive the Board of jurisdiction to hear and determine the same questions of fact.

(3) The finding or determination of the Board upon any question of fact within its jurisdiction is binding and conclusive. R.S., c. 170, s. 44.

Orders and Decisions.

46. (1) The Board may direct in any order that such order or any portion or provision thereof, shall come into force at a future time or upon the happening of any contingency, event or condition in such order specified, or upon the performance to the satisfaction of the Board, or a person named by it, of any terms which the Board may impose upon any party interested, and the Board may direct that the whole, or any portion of such order, shall have force for a limited time, or until the happening of a specified event.

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(2) The Board may, instead of making an order final in the first instance, make an interim order, and reserve further directions either for an adjourned hearing of the matter, or for further application. R.S., c. 170, s. 45.

47. Upon any application made to the Board, the Board may make an order granting the whole or part only of such application, or may grant such further or other relief, in addition to or in substitution for that applied for, as to the Board may seem just and proper, as fully in all respects as if such application had been for such partial, other, or further relief. R.S., c. 170, s. 46.

48. The Board may, if the special circumstances of any case so require, make an interim order authorizing, requiring or forbidding anything to be done that the Board would be empowered, on application, notice and hearing, to authorize, require or forbid; but no such interim order shall be made for any longer time than the Board may deem necessary to enable the matter to be heard and determined. R.S., c. 170, s. 47.

49. No order of the Board need show upon its face that any proceeding or notice was had or given, or any circumstance necessary to give it jurisdiction to make such order. R.S., c. 170, s. 48.

50. (1) Any decision or order, made by the Board may be made a rule, order or decree of the Exchequer Court, or of any superior court of any province of Canada, and shall be enforced in like manner as any rule, order or decree of such court.

(2) To make such decision or order a rule, order or decree of any such court, the usual practice and procedure of the court in such matters may be followed; or, in lieu thereof, the Secretary may make a certified copy of such decision or order, upon which shall be made the following endorsement signed by the Chief Commissioner and sealed with the official seal of the Board:

To move to make the within a rule (order or decree, as the case may be) of the Exchequer Court of Canada (or as the case may be).

Dated this day of A.D. 19 A.B.

[Seal.] Chief Commissioner of the Board of Transport Commissioners for Canada.

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(3) The Secretary may forward such certified copy, so endorsed, to the registrar, or other proper officer of such court, who shall, on receipt thereof, enter the same as of record, and the same shall thereupon become and be such rule, order or decree of such court.

(4) When a decision or order of the Board under this Act, or of the Railway Committee of the Privy Council under the Railway Act, 1888, has been made a rule, order or decree of any court, any order or decision of the Board rescinding or changing the same shall be deemed to cancel the rule, order or decree of such court, and may, in like manner, be made a rule, order or decree of such court.

(5) It is optional with the Board, either before or after its decision or order is made a rule, order or decree of any court, to enforce such decision or order by its own action. R.S., c. 170, s. 49; 1938, c. 53, s. 3.

51. Any rule, regulation, order or decision of the Board, when published by the Board, or by leave of the Board, for three weeks in the Canada Gazette, and while the same remains in force, has the like effect as if enacted in this Act and all courts shall take judicial notice thereof. R.S., c. 170, s. 50.

Review and Appeal.

52. The Board may review, rescind, change, alter or vary any order or decision made by it, or may rehear any application before deciding it. R.S., c. 170, s. 51.

53. (1) The Governor in Council may at any time, in his discretion, either upon petition of any party, person or company interested, or of his own motion, and without any petition or application, vary or rescind any order, decision, rule or regulation of the Board, whether such order or decision is made inter partes or otherwise, and whether such regulation is general or limited in its scope and application; and any order that the Governor in Council may make with respect thereto is binding upon the Board and upon all parties.

(2) An appeal lies from the Board to the Supreme Court of Canada upon a question of law, or a question of jurisdiction, upon leave therefor being obtained from a judge of the Supreme Court upon application made within one month after the making of the order, decision, rule or regulation sought to be appealed from or within such further time as the judge under special circumstances allows, and upon R.S., 1952.
upon notice to the parties and the Board, and upon hearing such of them as appear and desire to be heard; and the costs of such application are in the discretion of the judge.

(3) No appeal, after leave therefor has been obtained under subsection (2), lies unless it is entered in the Supreme Court within sixty days from the making of the order granting leave to appeal.

(4) Upon such leave being obtained the party so appealing shall deposit with the Registrar of the Supreme Court of Canada the sum of two hundred and fifty dollars, by way of security for costs, and thereupon the Registrar shall set the appeal down for hearing at the nearest convenient time; and the party appealing shall, within ten days after the appeal has been so set down, give to the parties affected by the appeal, or the respective solicitors by whom such parties were represented before the Board, and to the Secretary, notice in writing that the case has been so set down to be heard in appeal as aforesaid; and the said appeal shall be heard by such Court as speedily as practicable.

(5) On the hearing of any appeal, the Court may draw all such inferences as are not inconsistent with the facts expressly found by the Board, and are necessary for determining the question of jurisdiction, or law, as the case may be, and shall certify its opinion to the Board, and the Board shall make an order in accordance with such opinion.

(6) The Board is entitled to be heard by counsel or otherwise, upon the argument of any such appeal.

(7) The Court has power to fix the costs and fees to be taxed, allowed and paid upon such appeals, and to make rules of practice respecting appeals under this section; and, until such rules are made, the rules and practice applicable to appeals from the Exchequer Court are applicable to appeals under this Act.

(8) Neither the Board nor any member of the Board is in any case liable to any costs by reason or in respect of any appeal or application under this section.

(9) Save as provided in this section,
(a) every decision or order of the Board is final, and
(b) no order, decision or proceeding of the Board shall be questioned or reviewed, restrained or removed by prohibition, injunction, certiorari, or any other process or proceeding in any court. R.S., c. 170, s. 52; 1951 (2nd Sess.), c. 22, s. 4.

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Practice

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Rules of practice and procedure.

54. The Board may make general rules regulating, so far as not inconsistent with the express provisions of this Act, its practice and procedure. R.S., c. 170, s. 53.

Notice and Service.

55. Any notice required or authorized to be given in writing

(a) by the Board, may be signed by the Secretary or Chief Commissioner;

(b) by the Minister, inspecting engineer, or other officer or person appointed by the Minister, or the Board, may be signed by the Minister, or by such inspecting engineer, officer or other person, as the case may be;

(c) by any company or corporation, may be signed by the president or secretary, or mayor, warden, reeve or other principal officer thereof, or by its duly authorized agent or solicitor; and

(d) by any person, may be signed by such person or his duly authorized agent or solicitor. R.S., c. 170, s. 54.

Mode of service.

56. (1) Service of any notice, summons, regulation, order, direction, decision, report or other document, unless in any case otherwise provided, may be effected

(a) upon a railway, telegraph, telephone, or express company to which this Act in whole or in part applies, by delivering the document or a copy thereof to the person entered by the company as its agent in the agents' book in subsection (3) provided for; or at his residence, to any member of his household; or at the place of business or other place entered in the agents' book, to any clerk or adult person in his employ; or if at the time of attendance to serve any document the place of business or other place aforesaid is closed or no one is in attendance therein for receiving service, service of the document may be effectively made by mailing the same or a copy thereof at any time during the same day or the next following day by registered letter, postage prepaid, addressed to the agent at such place of business or other place, and the service shall be deemed to have been effected at the time of attendance for service; or if the company has not caused the required entry to be made in the agents' book, then posting up the document or a copy thereof in the office of the Secretary of the Board is effective service upon the company, unless the Board otherwise orders;

but
but the Board may in any case direct that the fact of service upon an agent and the nature of the document served shall be communicated to the company by telegraph, or may make any other order or direction it deems proper as to such service;

(b) upon any railway company, whether included in paragraph (a) or not, by delivering the document or a copy thereof to the president, a vice-president, or a managing director, or the secretary or superintendent of the company; or at the head or any principal office of the company, to some adult person in its employ;

(c) upon any company other than a railway company, whether such company is included in paragraph (a) or not, by delivering the document or a copy thereof to the president, a vice-president, the manager or secretary of the company; or at its head office, to some adult person in its employ;

(d) upon a municipality or civic or municipal corporation, by delivering the document or a copy thereof to the mayor, warden, reeve, secretary, treasurer, clerk, chamberlain or other principal officer thereof;

(e) upon a firm or co-partnership, by delivering the document or a copy thereof to any member of such firm or co-partnership; or at the last place of abode of any such member, to any adult member of his household; or at the office or place of business of the firm, to a clerk employed therein; and

(f) upon an individual, by delivering the document or a copy thereof to him; or at his last place of abode, to any adult member of his household; or at his office or place of business, to a clerk in his employ.

(2) Where in any case within the jurisdiction of the Minister, or the Board, it is made to appear to the satisfaction of the Minister, or the Board, as the case may be, that service cannot conveniently be made in the manner provided in subsection (1), the Minister, or the Board, as the case may be, may order and allow service to be made by publication of the document or notice thereof for any period not less than three weeks in the Canada Gazette, and also, if so ordered, in any other newspaper; and such publication shall be deemed to be equivalent to service in the manner provided in subsection (1).

(3) There shall be kept in the office of the Secretary of the Board a book to be called the agents’ book in which every railway, telegraph, telephone, and express company to which this Act in whole or in part applies shall enter
its name and the place of its head office and the name of an agent at Ottawa and his place of business or some other proper place within Ottawa where he may be served for such company. R.S., c. 170, s. 55.

57. Every company shall, as soon as possible after receiving or being served with any regulation, order, direction, decision, notice, report or other document of the Minister, or the Board, or the inspecting engineer, notify the same to each of its officers and servants performing duties which are or may be affected thereby, by delivering a copy to him or by posting up a copy in some place where his work or his duties, or some of them, are to be performed. R.S., c. 170, s. 56.

58. Unless otherwise provided, fifteen days' notice of any application to the Board, or of any hearing by the Board, is sufficient, but the Board may in any case direct longer notice or allow notice for any period less than fifteen days. R.S., c. 170, s. 57.

59. (1) Notice of any application to the Board for permission as provided by the Lord's Day Act, to perform any work on the Lord's Day in connection with the freight traffic of any railway, shall be given to the Department of Transport, and shall fully set out the reasons relied upon.

(2) The costs of any such application shall be borne by the applicant, and if more than one, in such proportions as the Board determines.

(3) In all other respects the procedure provided by this Act, so far as applicable, applies to any such application. R.S., c. 170, s. 58; 1936, c. 34, s. 3.

60. (1) Except as herein otherwise provided, when the Board is authorized to hear an application, complaint or dispute, or make any order, upon notice to the parties interested, it may, upon the ground of urgency, or for other reason appearing to the Board to be sufficient, notwithstanding any want of or insufficiency in such notice, make the like order or decision in the matter as if due notice had been given to all parties; and such order or decision is as valid and takes effect in all respects as if made on due notice.

(2) Any company or person entitled to notice and not sufficiently notified may, at any time within ten days after becoming aware of such order or decision, or within such further time as the Board may allow, apply to the Board

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to vary, amend or rescind such order or decision, and the
Board shall thereupon, on such notice to other parties in-
terested as it may in its discretion think desirable, hear
such application, and either amend, alter or rescind such
order or decision, or dismiss the application, as may seem
to it just and right. R.S., c. 170, s. 59.

Amending Proceedings.

61. The Board may, upon terms or otherwise, make or
allow any amendments in any proceedings before it. R.S.,
c. 170, s. 60.

Costs.

62. (1) The costs of and incidental to any proceeding
before the Board, except as herein otherwise provided, are
in the discretion of the Board, and may be fixed in any case
at a sum certain, or may be taxed.

(2) The Board may order by whom and to whom any.
costs are to be paid, and by whom the same are to be taxed
and allowed.

(3) The Board may prescribe a scale under which such
costs shall be taxed. R.S., c. 170, s. 61.

Witnesses and Evidence.

63. (1) The Board may order that any witness resident
or present in Canada may be examined upon oath before,
or make production of books, papers, documents or articles
to, any one member of the Board, or before or to any officer
of the Board, or before or to any other person named for
the purpose by the order of the Board, and may make
such orders as seem to it proper for securing the attendance
of such witness and his examination, and the production by
him of books, papers, documents, or articles, and the use
of the evidence so obtained, and otherwise exercise, for the
enforcement of such orders or punishment for disobedience
thereof, all powers that are exercised by any superior court
in Canada for the enforcement of subpoenas to witnesses
or punishment of disobedience thereof; no person is com-
pellable, against his will, to attend for such examination
or production at any place outside the province in which he
is served with the order of the Board for the purpose.

(2) The Board may issue commissions to take evidence
in a foreign country, and make all proper orders for the
purpose, and for the return and use of the evidence so
obtained. R.S., c. 170, s. 62.

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64.

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64. (1) The Board may accept evidence upon affidavit or written affirmation, in cases in which it seems to it proper to do so.

(2) All persons authorized to administer oaths to be used in any of the superior courts of any province may administer oaths in such province to be used in applications, matters or proceedings before the Board.

(3) All persons authorized by the Governor in Council to administer oaths within or out of Canada, in or concerning any proceeding had or to be had in the Supreme Court of Canada or in the Exchequer Court of Canada, may administer oaths in or concerning any application, matter, or proceeding before the Board.

(4) An oath administered out of Canada, before any commissioner authorized to take affidavits to be used in Her Majesty's High Court of Justice in England, or before any notary public, certified under his hand and official seal, or before the mayor or chief magistrate of any city, borough or town corporate in Great Britain or Ireland, or in any colony or possession of Her Majesty out of Canada, or in any foreign country, and certified under the common seal of such city, borough, or town corporate, or before a judge of any court of supreme jurisdiction in any colony or possession of Her Majesty, or dependency of the Crown out of Canada, or before any consul, vice-consul, acting-consul, pro-consul or consular agent of Her Majesty exercising his functions in any foreign place, certified under his official seal, concerning any application, matter or proceeding had or to be had by or before the Board, is as valid and of like effect, to all intents, as if it had been administered before a person authorized by the Governor in Council as provided in this section.

(5) Every document purporting to have affixed, imprinted or subscribed thereon or thereto, the signature of any such person or commissioner so authorized as aforesaid, or the signature or official seal of any such notary public, or the signature of any such mayor or chief magistrate and the common seal of the corporation, or the signature and official seal of any such consul, vice-consul, acting-consul, pro-consul or consular agent, in testimony of any oath having been administered by or before him, shall be admitted in evidence before the Board without proof of any such signature or seal being the signature or seal of the person or corporation whose signature or seal it purports to be, or of the official character of such person.

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(6) No informality in the heading or other formal requisites of any oath made before any person under any provision of this section is an objection to its reception in evidence before the Board, if the Board thinks proper to receive it; and if it is actually sworn to by the person making it before any person duly authorized thereto, and is received in evidence, no such informality shall be set up to defeat an indictment for perjury. R.S., c. 170, s. 63.

65. Every person summoned to attend before the Minister or the Board, or before any inspecting engineer, or person appointed under this Act to make inquiry and report shall, in the discretion of the Minister or the Board, receive the like fees and allowances for so doing as if summoned to attend before the Exchequer Court. R.S., c. 170, s. 64.

66. No person shall be excused from attending and producing books, papers, tariffs, contracts, agreements and documents, in obedience to the subpoena or order of the Board, or of any person authorized to hold any investigation or inquiry under this Act, or in any cause or proceeding based upon or arising out of any alleged violation of this Act, on the ground that the documentary evidence required of him may tend to criminate him or subject him to any proceeding or penalty; but no such book, paper, tariffs, contract, agreement or document so produced shall be used or receivable against such person in any criminal proceeding thereafter instituted against him, other than a prosecution for perjury in giving evidence upon such investigation or inquiry, cause or proceeding. R.S., c. 170, s. 65.

67. In any proceeding before the Board and in any action or proceeding under this Act, every written or printed document purporting to have been issued or authorized by the company, or any officer, agent, or employee of the company, or any other person or company for or on its behalf, shall, as against the company, be received as prima facie evidence of the issue of such document by the company and of the contents thereof, without any further proof than the mere production of such document. R.S., c. 170, s. 66.

68. (1) Every document purporting to be signed by the Minister, or by the Chief Commissioner and Secretary or either of them, or by an inspecting engineer, is, without proof of any such signature, prima facie evidence that such document was duly signed and issued by the Minister, the Board, or inspecting engineer, as the case may be.

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(2) If such document purports to be a copy of any regulation, order, direction, decision or report made or given by the Minister, the Board, or an inspecting engineer, it is prima facie evidence of such regulation, order, direction, decision or report. R.S., c. 170, s. 67.

69. (1) Any document purporting to be certified by the Secretary as being a copy of any plan, profile, book of reference or other document deposited with the Board, or of any portion thereof, is, without proof of the signature of the Secretary, prima facie evidence of such original document, and that the same is so deposited, and is signed, certified, attested or executed by the persons by whom and in the manner in which, the same purports to be signed, certified, attested or executed, as shown or appearing from such certified copy; and also, if such certificate states the time when such original was so deposited, that the same was deposited at the time so stated.

(2) A copy of any regulation, order or other document in the custody of the Secretary or of record with the Board, certified by the Secretary to be a true copy, and sealed with the seal of the Board, is prima facie evidence of such regulation, order or document, without proof of signature of the Secretary.

(3) A certificate purporting to be signed by the Secretary, sealed with the seal of the Board, is prima facie evidence of the facts therein stated without proof of the signature of the Secretary. R.S., c. 170, s. 68.

Inquiries.

70. (1) The Board may appoint or direct any person to make an inquiry and report upon any application, complaint or dispute pending before the Board, or upon any matter or thing over which the Board has jurisdiction under this or the Special Act.

(2) The Minister may, with the approval of the Governor in Council, appoint and direct any person to inquire into and report upon any matter or thing which the Minister is authorized to deal with under this Act or the Special Act. R.S., c. 170, s. 69.

71. The Minister, the Board, or the inspecting engineer, or person appointed under this Act to make any inquiry or report may

(a) enter upon and inspect any place, building, or works, being the property or under the control of any company, the entry or inspection of which appears to it or him requisite;

(b)
(b) inspect any works, structure, rolling stock or other property of the company;

(c) require the attendance of all such persons as it or he thinks fit to summon and examine, and require answers or returns to such inquiries as it or he thinks fit to make;

(d) require the production of all material books, papers, plans, specifications, drawings and documents; and

(e) administer oaths, affirmations or declarations; and has the like power in summoning witnesses and enforcing their attendance, and compelling them to give evidence and produce books, papers or things that they are required to produce, as is vested in any court in civil cases. R.S., c. 170, s. 70.

Inspecting Engineers.

72. (1) Inspecting engineers may be appointed by the Minister or the Board, subject to the approval of the Governor in Council.

(2) It is the duty of every such inspecting engineer, upon being directed by the Minister or the Board, as the case may be, to inspect any railway, or any branch line, siding, or portion thereof, whether constructed, or in the course of construction, to examine the stations, rolling stock, rails, roadbed, right of way, tracks, bridges, tunnels, trestles, viaducts, drainage, culverts, railway crossings and junctions, highway and farm crossings, fences, gates, and cattleguards, telegraph, telephone or other lines of electricity, and all other buildings, works, structures, equipment, apparatus, and appliances thereon, or to be constructed or used thereon, or such part thereof as the Minister, or the Board, as the case may be, may direct, and forthwith to report fully thereon in writing to the Minister or the Board, as the case may be.

(3) Every such inspecting engineer has the same powers with regard to any such inspection as are by this Act conferred upon a person appointed by the Board to make an inquiry and report upon any matter pending before the Board.

(4) Every company, and the officers and directors thereof, shall afford to any inspecting engineer such information as is within their knowledge and power, in all matters inquired into by him, and shall submit to such inspecting engineer all plans, specifications, drawings and documents relating to the construction, repair, or state of repair of the railway, or any portion thereof.

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Inspecting engineers may travel free. Use telegraph wires.

Transmissions of telegrams.

Proof of engineer's authority.

(5) Every such inspecting engineer has the right, while engaged in the business of such inspection, to travel without charge on any of the ordinary passenger trains running on the railway, and to use without charge the telegraph wires and machinery in the offices or under the control of any such company.

(6) The operators, or officers, employed in the telegraph offices or under the control of the company, shall, without unnecessary delay, obey all orders of any such inspecting engineer for transmitting messages.

(7) The production of his appointment in writing, signed by the Minister, the Chief Commissioner, or the Secretary, is sufficient evidence of the authority of such inspecting engineer. R.S., c. 170, s. 71.

RAILWAY COMPANIES.

Incorporation.

73. Every railway company incorporated under a Special Act is a body corporate, under the name declared therein, and is vested with all such powers, privileges and immunities as are necessary to carry into effect the intention and objects of this Act, and of the Special Act, and which are incident to such corporation, or are expressed or included in the Interpretation Act. R.S., c. 170, s. 72.

Offices.

Head office. Change of location. To be registered. Other offices.

74. (1) The head office of the company shall be in the place designated in the Special Act, but the company may, by by-law, from time to time, change the location of its head office to any place in Canada; notice of any such change shall be given to the Secretary of the Board.

(2) The Secretary of the Board shall keep a register wherein he shall enter all such changes of location so notified to him.

(3) The directors of the company may establish one or more offices in other places in Canada or elsewhere. R.S., c. 170, s. 73.

Provisional Directors.

75. (1) The persons mentioned by name as such in the Special Act are the provisional directors of the company.

(2) A majority of such provisional directors constitute a quorum.

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(3) The provisional directors may

(a) forthwith open stock books and procure subscriptions of stock for the undertaking;

(b) receive payments on account of stock subscribed;

(c) cause plans and surveys to be made; and

(d) deposit in any chartered bank of Canada moneys received by them on account of stock subscribed.

(4) The moneys so received and deposited shall not be withdrawn, except for the purposes of the undertaking, or upon the dissolution of the company.

(5) The provisional directors hold office as such until the first election of directors. R.S., c. 170, s. 74.

76. If more than the whole stock has been subscribed, the provisional directors shall allocate and apportion the authorized stock among the subscribers as they deem most advantageous and conducive to the furtherance of the undertaking. R.S., c. 170, s. 75.

Capital.

77. (1) The capital stock of the company, the amount of which shall be stated in the Special Act, shall be divided into shares of one hundred dollars each.

(2) The moneys raised from the capital stock shall be applied, in the first place, to the payment of all fees, expenses and disbursements for procuring the passing of the Special Act, and for making the surveys, plans and estimates of the works authorized by the Special Act; and all the remainder of such moneys shall be applied to the making, equipping, completing and maintaining of the railway, and other purposes of the undertaking. R.S., c. 170, s. 76.

78. (1) So soon as twenty-five per cent of the capital has been subscribed, and ten per cent of the amount subscribed has been paid into some chartered bank in Canada, the provisional directors shall call a meeting of the shareholders of the company at the place where the head office is situate, at which meeting the shareholders who have paid at least ten per cent on the amount of stock subscribed for by them shall, from the shareholders possessing the qualifications hereinafter mentioned, elect the number of directors prescribed by the Special Act.

(2) Notice of such meeting shall be given by advertisement for the time and in the manner hereinafter required for meetings of shareholders. R.S., c. 170, s. 77.

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79. (1) The original capital stock of the company may, with the approval of the Governor in Council, be increased, from time to time, to any amount, if

(a) such increase is sanctioned by a vote, in person or by proxy, of the shareholders who hold at least two-thirds in amount of the subscribed stock of the company, at a meeting expressly called by the directors for that purpose, and

(b) the proceedings of such meeting have been entered in the minutes of the proceedings of the company.

(2) Notice in writing stating the time, place and object of such meeting, and the amount of the proposed increase, shall be given to each shareholder, at least twenty days previously to such meeting, by delivering the notice to the shareholder personally, or depositing the same in the post office, post paid, and properly directed to the shareholder. R.S., c. 170, s. 78.

80. The stock of the company is personal property. R.S., c. 170, s. 79.

81. (1) Subject to subsection (2), no transfer of shares, unless made by sale under execution, or under the decree, order or judgment of a court of competent jurisdiction is valid for any purpose whatever, until entry thereof is duly made in the register of transfers, except for the purpose of exhibiting the rights of the parties thereto towards each other, and of rendering the transferee liable, in the meantime, jointly and severally, with the transferor to the company and its creditors.

(2) In the case of the stock of any company listed and dealt with on any recognized stock exchange by means of scrip, commonly in use endorsed in blank and transferable by delivery, such endorsement and delivery, except for the purpose of voting at meetings of the company, constitutes a valid transfer. R.S., c. 170, s. 80.

82. (1) Transfers, except in the case of fully paid-up shares, shall be in the form following, or to the like effect, varying the names and descriptions of the contracting parties as the case requires, that is to say:

I, (A.B.), in consideration of the sum of paid to me by (C.D.), hereby sell and transfer to him share (or shares) of the stock of the , to hold to him, the said (C.D.), his executors, administrators and assigns (or successors and assigns, as the case may be), subject to the same
same rules and orders and on the same conditions upon which I held the same immediately before the execution hereof. And I, the said (C.D.), do hereby agree to accept of the said (A.B.) share (or shares) subject to the same rules, orders and conditions.

Witness our hands this day of , in the year 19

(2) In the case of fully paid shares the transfer may be in such form as is prescribed by by-law of the company.

R.S., c. 170, s. 81.

83. (1) No shares are transferable until all previous calls thereon have been fully paid up, or until the said shares have been declared forfeited for the non-payment of calls thereon.

(2) No transfer of less than a whole share is valid. R.S., Whole share.

c. 170, s. 82.

84. Every shareholder is entitled to have a certificate of proprietorship signed by the officers designated by the board of directors for the purpose, certifying the number of shares held by him and the class thereof; where any such certificate is signed by a transfer agent acting on behalf of the company, and by a registrar, the signatures of such officers may be facsimiles engraved, printed or otherwise mechanically reproduced; in case any such officer who has signed or whose facsimile signature has been placed upon such certificate has ceased to be such before such certificate is issued, it may be issued by the company with the same effect as if such officer had not ceased to be such at the date of its issue. 1930, c. 36, s. 1.

85. The certificate of proprietorship of any share is prima facie evidence of the title of any shareholder, his executors, administrators or assigns, or successors and assigns, as the case may be, to the share therein specified.

R.S., c. 170, s. 83.

86. The want of a certificate of proprietorship does not prevent the holder of any share from disposing thereof.

R.S., c. 170, s. 84.

87. (1) If any share in the capital stock of the company is transmitted by the death, bankruptcy, last will and testament, donatio mortis causa, or by the intestacy of any shareholder, or by any lawful means other than the transfer hereinbefore mentioned, the person to whom such share is transmitted shall deposit in the office of the company a statement

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statement in writing signed by him, which shall declare the manner of such transmission, and he shall deposit therewith a duly certified copy or probate of such will and testament, or sufficient extracts therefrom, and such other documents and proofs as are necessary.

(2) The person to whom the share is so transmitted as aforesaid, is not, without complying with this section, entitled to receive any part of the profits of the company, or to vote in respect of any such share as the holder thereof. R.S., c. 170, s. 85.

88. (1) The company is not bound to see to the execution of any trust, whether express, implied or constructive, to which any share or security issued by it is subject, whether or not the company has had notice of the trust; and it may treat the registered holder as the absolute owner of any such share or security, and is not bound to recognize any claim on the part of any other person whomsoever, with respect to any such share or security, or the dividend or interest payable thereon.

(2) Nothing in this section prevents a person equitably interested in any such share or security from procuring the intervention of the court to protect his rights. R.S., c. 170, s. 86.

89. (1) Every shareholder who makes default in the payment of any call payable by him, together with the interest, if any, accrued thereon, for the space of two months after the time appointed for the payment thereof, shall forfeit to the company his shares in the company, and all the profit and benefit thereof.

(2) No advantage shall be taken of the forfeiture unless the shares are declared to be forfeited at a general meeting of the company, assembled at any time after such forfeiture has been incurred. R.S., c. 170, s. 87.

90. Every shareholder so forfeiting is by such declaration of forfeiture relieved from liability in all actions, suits or prosecutions whatsoever that may be commenced or prosecuted against him for any breach of the contract existing between such shareholder and the other shareholders by reason of such shareholder having subscribed for or become the holder of the shares so forfeited. R.S., c. 170, s. 88.

91. (1) The directors may, subject as hereinafter provided, sell, either by public auction or private sale, any shares so declared to be forfeited, upon authority therefor having
having been first given by the shareholders, either at the
general meeting at which such shares were declared to be
 forfeited, or at any subsequent general meeting.

(2) The directors shall not sell or transfer more of the
shares of any such defaulter than will be sufficient, as
nearly as can be ascertained at the time of such sale, to
pay the arrears then due from such defaulter on account
of any calls, together with interest, and the expenses at-
tending such sale and declaration of forfeiture.

(3) If the money produced by the sale of any such for-
feited shares is more than sufficient to pay all arrears of
calls and interest thereon due at the time of such sale,
and the expenses attending the declaration of forfeiture
and the sale of such shares, the surplus shall, on demand,
be paid to the defaulter.

(4) If payment of such arrears of calls and interest and
expenses is made before any share so forfeited and vested
in the company is sold, such share reverts to the person
to whom it belonged before such forfeiture, who is entitled
there to as if such calls had been duly paid.

(5) Any shareholder may purchase any forfeited share
so sold. R.S., c. 170, s. 89.

92. (1) A certificate of the treasurer of the company
that any share of the company has been declared forfeited
for non-payment of any call, and that such share has been
purchased by a purchaser therein named, together with the
receipt of the treasurer of the company for the price of
such share, constitutes a good title thereto.

(2) Such certificate shall be by the treasurer registered
in the name and with the place of abode and occupation
of the purchaser, and shall be entered in the books to be
kept by the company, and such purchaser shall thereupon
be deemed to be the holder of such share.

(3) The purchaser is not bound to see to the application
of the purchase money.

(4) The title of the purchaser to such share is not affected
by any irregularity in the proceedings in reference to such
sale. R.S., c. 170, s. 90.

93. A certificate of the treasurer of the company that
any share of the company has been declared forfeited for
non-payment of any call or interest accrued thereon, and
that such share has been purchased by a purchaser therein
named is sufficient evidence of such facts. R.S., c. 170, s. 91.

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Shareholders may advance.

94. (1) Any shareholder who is willing to advance the amount of his shares, or any part of the money due upon his shares, beyond the sums actually called for, may pay the same to the company.

(2) Upon the principal moneys so paid in advance, or so much thereof as, from time to time, exceeds the amount of the calls then made upon the shares in respect of which such advance is made, the company may pay such interest at the lawful rate of interest for the time being, as the shareholders, who pay such sum in advance, and the company agree upon.

(3) Such interest shall not be paid out of the capital subscribed. R.S., c. 170, s. 92.

Interest.

No interest out of capital.

Limited liability.

95. Every shareholder is individually liable to the creditors of the company for the debts and liabilities of the company to an amount equal to the amount unpaid on the stock held by him, and until the whole amount of his stock has been paid up, but no action shall be instituted or maintained against any such shareholder in respect of his said liability until an execution at the suit of the creditor against the company has been returned unsatisfied in whole or in part. R.S., c. 170, s. 93.

Municipal corporations may take stock.

96. Municipal corporations in any province of Canada duly empowered so to do by the laws of the province may, subject to the limitations and restrictions in such laws prescribed, subscribe for any number of shares in the capital stock of the company. R.S., c. 170, s. 94.

Aliens.

97. All shareholders in the company, whether British subjects or aliens, or residents in Canada or elsewhere, have equal rights to hold stock in the company, and to vote on the same, and, subject as herein provided, are eligible to office in the company. R.S., c. 170, s. 95.

Shareholders have equal rights.

Record of shareholders.

98. A true and perfect account of the names and places of abode of the several shareholders shall be entered in a book, which shall be kept for that purpose, and which shall be open to the inspection of the shareholders. R.S., c. 170, s. 96.

Calls.

99. (1) The directors may, from time to time, make such calls of money as they deem necessary upon the respective shareholders, in respect of the amount of capital respectively subscribed or owing by them, if the intervals between such

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such calls, the notices of each call, and the other provisions of this Act and of the Special Act, in respect of calls, are duly observed and given.

(2) At least thirty days' notice shall be given of each call. Notice.

(3) No call shall exceed ten per cent of the amount of each share subscribed, unless otherwise provided in the Special Act.

(4) No call shall be made at a less interval than two months from the previous call.

(5) A greater amount shall not be called in, in any one year, than the amount prescribed in the Special Act.

(6) Nothing herein contained prevents the directors from making more than one call by one resolution of the Board. R.S., c. 170, s. 97.

100. (1) At least four weeks' notice of any call upon the shareholders of the company shall be given by publication in the Canada Gazette, and in at least one newspaper published in the place where the head office of the company is situate. Publication of notice of call.

(2) A copy of the Canada Gazette containing any such notice is, on production thereof, sufficient evidence of such notice having been given. R.S., c. 170, s. 98.

101. Every shareholder is liable to pay the amount of the calls so made, in respect of the shares held by him, to the persons, and at the times and places, from time to time appointed by the company or the directors. R.S., c. 170, s. 99.

102. If, on or before the day appointed for payment of any call, any shareholder does not pay the amount of such call, he is liable to pay interest upon such amount, at the rate of five per cent per annum, from the day appointed for the payment thereof to the time of the actual payment. R.S., c. 170, s. 100.

103. If, at the time appointed for the payment of any call, any shareholder fails to pay the amount of the call, he may be sued therefor in any court of competent jurisdiction, and such amount is recoverable with lawful interest from the day on which the call became payable. R.S., c. 170, s. 101.

104. In any action or suit to recover any money due upon any call, it is not necessary to set forth the special matter, but it is sufficient to declare that the defendant is the holder of one share or more, stating the number of shares.

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shares, and is indebted in the sum of money to which the
calls in arrear amount, in respect of one call or more, upon
one share or more, stating the number and amount of
each of such calls. R.S., c. 170, s. 102.

Meetings of Shareholders.

105. (1) A general meeting of the shareholders for the
election of directors, and for the transaction of other busi-
ness connected with or incident to the undertaking, to be
called the annual meeting, shall be held annually on the day
mentioned in the Special Act, or on such other day as the
directors may determine.

(2) Other general meetings, to be called special meetings,
may be called at any time by the directors, or by share-
holders representing at least one-fourth in value of the
subscribed stock, if the directors, having been requested by
such shareholders to convene a special meeting, fail, for
twenty-one days thereafter, to call such meeting. R.S.,
c. 170, s. 103.

106. All general meetings, whether annual or special,
shall be held at the head office of the company. R.S.,
c. 170, s. 104.

107. (1) At least four weeks’ public notice of any meet-
ing shall be given by advertisement published in the Canada
Gazette, and in at least one newspaper published in the
place where the head office is situate.

(2) Such notices shall specify the place and the day and
the hour of meeting.

(3) All such notices shall be published weekly.

(4) A copy of the Canada Gazette containing such notice
is, on production thereof, sufficient evidence of such notice
having been given. R.S., c. 170, s. 105.

108. (1) Any business connected with or incident to the
undertaking may be transacted at an annual meeting,
except such business as is, by this Act or the Special Act,
required to be transacted at a special meeting.

(2) No special meeting shall enter upon any business not
set forth in the notice upon which it is convened. R.S.,
c. 170, s. 106.

109. The number of votes to which each shareholder
is entitled, at any meeting of the shareholders, shall be in
the proportion of the number of shares held by him, on
which all calls due have been paid. R.S., c. 170, s. 107.

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110. (1) Every shareholder, whether resident in Canada or elsewhere, may vote by proxy, if he sees fit, and if such proxy produces from his constituent an appointment in writing, in the words or to the effect following, that is to say:

I, of , one of the shareholders of the , do hereby appoint , to be my proxy, and in my absence, to vote or give my assent to any business, matter or thing relating to the undertaking of the said that is mentioned or proposed at any meeting of the shareholders of the said company, in such manner as he, the said thinks proper.

In witness whereof, I have hereunto set my hand and seal the day of in the year .

(2) The votes by proxy are as valid as if the constituents had voted in person. R.S., c. 170, s. 108.

111. (1) Every matter or thing proposed or considered at any meeting of the shareholders shall, except as otherwise specially provided, be determined by the majority of votes and proxies then present and given.

(2) All decisions and acts of any such majority bind the company and shall be deemed the decisions and acts of the company. R.S., c. 170, s. 109.

112. All notices given by the secretary of the company by order of the directors shall be deemed notices by the directors of the company. R.S., c. 170, s. 110.

President and Directors.

113. (1) A board of directors of the company, to manage its affairs, the number of whom shall be stated in the Special Act, shall be chosen at the annual meeting.

(2) If such election is not held at the annual meeting, the directors shall cause such election to be held at a special meeting duly called for that purpose, within as short a delay as possible after the annual meeting.

(3) No person shall vote at such special meeting except those who would have been entitled to vote if the election had been held at the annual meeting. R.S., c. 170, s. 111.

114. The mayor, warden, reeve or other head officer of any municipal corporation, in any province of Canada holding stock in any company to the amount of twenty thousand dollars or upwards, is ex officio one of the directors of R.S., 1952.
of the company, in addition to the number of directors authorized by the Special Act, unless in such Special Act provision is made for the representation of such corporation on the directorate of such company. R.S., c. 170, s. 112.

115. (1) No person shall be a director unless he is a shareholder, owning twenty shares of stock, and has paid all calls due thereon, and is qualified to vote for directors at the election at which he is chosen.

(2) No person who holds any office, place or employment in the company, or who is concerned or interested in any contract under or with the company, or is surety for any contractor with the company, is capable of being chosen a director, or of holding the office of director.

(3) A majority of the directors shall be British subjects, unless the Governor in Council otherwise permits. R.S., c. 170, s. 113.

116. The directors appointed at the last election, or those appointed in their stead in case of vacancy, remain in office until their successors are appointed. R.S., c. 170, s. 114.

117. Vacancies in the board of directors shall be filled in the manner prescribed by the by-laws. R.S., c. 170, s. 115.

118. (1) In case of the death, absence or resignation of any of the directors, others may, unless otherwise prescribed by the by-laws, be appointed in their stead by the remaining directors.

(2) In case such remaining directors do not constitute a quorum, the shareholders, at a special meeting to be called for that purpose, may, unless otherwise prescribed in the by-laws, elect such other directors.

(3) If such appointment or election is not made, such death, absence or resignation shall not invalidate the acts of the remaining directors. R.S., c. 170, s. 116.

119. (1) The directors shall, at their first or some other meeting after their election, elect one of their number to be the president of the company; and they may, in like manner, elect one or more vice-presidents.

(2) The president holds his office until he ceases to be a director, or until another president has been elected in his stead, and unless otherwise provided by by-law, shall always, when present, be the chairman of and preside at all meetings of the directors.

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(3) In the absence of the president the vice-president, or one of the vice-presidents, according to such priority as may be prescribed by by-law or determined by the directors, shall act as chairman.

(4) In the absence of the president and the vice-president, or vice-presidents, the directors at any meeting at which not less than a quorum are present, are competent to elect a chairman from among their number to preside at such meeting. R.S., c. 170, s. 117.

120. (1) A majority of the directors constitute a quorum.

(2) The directors at any meeting regularly held, at which not less than a quorum are present, are competent to exercise all or any of the powers vested in the directors; and the act of a majority of a quorum of the directors present at any such meeting shall be deemed the act of the directors. R.S., c. 170, s. 118.

121. No director has more than one vote, except the chairman, who, in case of a division of equal numbers, has the casting vote. R.S., c. 170, s. 119.

122. The directors are subject to the examination and control of the shareholders at their annual meetings, and are subject to all by-laws of the company, and to the orders and directions from time to time made or given at the annual or special meetings if such orders and directions are not contrary to or inconsistent with any express direction or provision of this Act or of the Special Act. R.S., c. 170, s. 120.

123. No person who is a director of the company shall enter into, or be directly or indirectly, for his own use and benefit, interested in any contract with the company other than a contract that relates to the purchase of land necessary for the railway, nor shall any such person be or become a partner of or surety for any contractor with the company. R.S., c. 170, s. 121.

124. (1) The directors may make by-laws or pass resolutions, from time to time, not inconsistent with law, for (a) the management and disposition of the stock, property, business and affairs of the company; (b) the appointment of all officers, servants and artificers, and the prescribing of their respective duties and the compensation to be made therefor; and

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(c) the retirement of such of said officers and servants, on such terms as to an annual allowance or otherwise, as in each case the directors, in the interest of the company's service, and under the circumstances, consider just and reasonable.

(2) The directors may also, from time to time, make by-laws or pass resolutions for the election or appointment of officers of the company, who need not be directors, as vice-presidents of the company, and may by any such by-law or resolution specify the manner of such election or appointment and define the powers, duties, qualifications and term of office of such vice-presidents, each of whom has and may exercise, subject to the limitations set forth in any such by-law or resolution, all the powers of a vice-president elected by the directors pursuant to the provisions of this Act.

(3) A copy of any such by-law or resolution certified as correct by the president, secretary or other executive officer of the company and bearing the seal of the company is evidence thereof. R.S., c. 170, s. 122.

125. (1) The directors shall, from time to time, appoint such officers as they deem requisite, and shall take such sufficient security as they think proper from the managers and officers, for the time being, for the safe-keeping and accounting for by them respectively of the moneys raised by virtue of this Act and the Special Act, and for the faithful execution of their duties.

(2) Such security may, as the directors deem expedient, be by bond or by the guarantee of any society or joint stock company incorporated and empowered to grant guarantees, bonds, covenants or policies for the integrity and faithful accounting of persons occupying positions of trust, or for other like purposes. R.S., c. 170, s. 123.

126. (1) In the case of the absence or illness of the president, the vice-president or one of the vice-presidents has all the rights and powers of the president, and may sign all debentures and other instruments, and perform all acts that, by the regulations and by-laws of the company, or by the Special Act, are required to be signed, performed and done by the president.

(2) In the absence or illness of the president and the vice-president, or vice-presidents, any director of the company acting under the express authority of the board of directors may while so acting exercise the rights and powers of the president or vice-president as hereinbefore set forth. R.S., 1952.
(3) The directors may, at any meeting of the directors, require the secretary of the company to enter such absence or illness among the proceedings of such meeting.

(4) A certificate of any such absence or illness signed by the secretary of the company shall be delivered to any person requiring the same on payment to the treasurer of one dollar, and such certificate is prima facie evidence of the absence or illness therein certified. R.S., c. 170, s. 124.

127. Copies of the minutes of proceedings and resolutions of the shareholders of the company, at any annual or special meeting, and of the minutes of proceedings and resolutions of the directors, at their meetings, extracted from the minute book, kept by the secretary of the company, and by him certified to be true copies extracted from such minute book, when sealed with the company's seal, are, without proof of the signature of such secretary, evidence of such proceedings and resolutions. R.S., c. 170, s. 125.

128. The directors shall cause to be kept, and, annually, on the 31st day of December, to be made up and balanced, a true, exact and particular account of the moneys collected and received by the company, or by the directors or managers thereof, or otherwise for the use of the company, and of the charges and expenses attending the erecting, making, supporting, maintaining and carrying on of the undertaking, and of all other receipts and expenditures of the company or the directors. R.S., c. 170, s. 126.

Dividends and Interest.

129. Dividends, at and after the rate of so much per share upon the several shares held by the shareholders in the stock of the company, may, from time to time, be declared and paid by the directors out of the net profits of the undertaking. R.S., c. 170, s. 127.

130. (1) The directors may, before recommending any reserve dividend, set aside out of the profits of the company such sums as they think proper as a reserve fund, to meet contingencies, or for equalizing dividends, or for repairing, maintaining, renewing or extending the railway or any portion thereof, and shall submit their action in regard to such reserve fund to the shareholders at a general meeting for their approval.

(2) The directors may invest the sum so set apart as a reserve fund in such securities, not inconsistent with this or the Special Act, as they select. R.S., c. 170, s. 128.

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131. (1) Subject to subsection (2), no dividend shall be
(a) declared whereby the capital of the company is in
any degree reduced or impaired,
(b) paid out of such capital, or
(c) paid in respect of any share, after a day appointed
for payment of any call for money in respect thereof,
until such call has been paid.

(2) The directors may in their discretion, until the rail-
way is completed and opened to the public, pay interest at
any rate, not exceeding five per cent per annum, on all
sums actually paid in cash in respect of the shares, from
the respective days on which the same have been paid, and
such interest shall accrue and be paid at such times and
places as the directors appoint for that purpose. R.S.,
c. 170, s. 129.

132. No interest shall accrue to any shareholder in
respect of any share upon which any call is in arrear, or in
respect of any other share held by such shareholder while
such call remains unpaid. R.S., c. 170, s. 130.

133. The directors may deduct, from any dividend pay-
able to any shareholder, all or any such sum or sums of
money as are due from him to the company on account
of any call or otherwise. R.S., c. 170, s. 131.

Bonds, Mortgages and Borrowing Powers.

134. (1) Subject to the provisions of this Act and of
the Special Act, the directors of the company may, when
thereunto authorized by the Special Act, issue bonds, deben-
tures, perpetual or terminable debenture stock, or other
securities, if duly empowered in that behalf by the share-
holders, at any special meeting called for the purpose by
notice in the manner provided by this Act, or at any annual
meeting in case like notice of intention to apply for such
authority at such annual meeting has been given, at which
meeting, whether annual or special, shareholders represent-
ing at least two-thirds in value of the subscribed stock of
the company and who have paid all calls due thereon, are
present in person, or represented by proxy.

(2) Such securities,
(a) if in the form of bonds, may be signed by the presi-
dent, or the vice-president or one of the vice-presi-
dents, or a director, and countersigned by the secre-
tary or an assistant or local secretary of the company;
and any coupons attached to such bonds shall bear

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the signature of the treasurer or secretary of the company; the signature of the president on the bonds, and the signature of the treasurer or secretary on the coupons, may be engraved, lithographed or otherwise mechanically reproduced facsimile of such signatures respectively; and such reproduced and all other signatures of the officers aforesaid are, for all purposes, valid and binding upon the company, notwithstanding that at the date of the issue or certification of the bonds or coupons the persons whose signatures so appear are not the president, vice-president, director, treasurer, secretary, or assistant or local secretary, of the company as the case may be;

(b) if in the form of debenture stock, may be signed in the same way as herein provided for the signature of bonds, or may be signed by the secretary or an assistant or local secretary of the company and counter-signed by the registrar or an assistant or local registrar of the stock for the time being, or such other officers as the directors may designate; and

(c) if in any form other than bonds or debenture stock, may be signed in the same way as herein provided for the signature of bonds.

(3) Such securities may be made payable at such times and in such manner and at such place or places in Canada or elsewhere, and may bear such rate of interest, not exceeding six per cent per annum, as the directors think proper.

(4) The directors may, for the purpose of raising money for prosecuting the undertaking, issue, and sell or pledge, all or any of the said securities, at the best price, and upon the best terms and conditions, that at the time they may be able to obtain.

(5) The power of issuing securities conferred upon the company by this Act, or under the Special Act, shall not be construed as being exhausted by any issue, and such power may be exercised from time to time, but the limit to the amount of securities fixed in the Special Act shall not be exceeded. R.S., c. 170, s. 132.

135. (1) When securities issued under section 134 have been deposited or pledged by the company, as security for a loan or for advances made to it, and such loan or advances have been paid off and such deposit or pledge redeemed, such securities shall not be deemed to have been paid off or to have become extinguished, but shall be deemed to be still 4597

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still alive, and the company may reissue them, or may cancel them and issue other securities in lieu thereof; in such event the person to whom such issue or reissue is made has the same rights and priorities as if the securities had not previously been issued.

(2) Where a company has deposited any of its securities to secure advances from time to time on current account, such securities shall not be deemed to have been paid off or extinguished by reason only of the account of the company ceasing to be in debit while the securities remain so deposited.

(3) The issue or reissue of a security under this section shall not be treated as the issue of a new security for the purpose of any provision limiting the number or amount of the securities to be issued.

(4) This section is retrospective in its operation, and applies to securities heretofore as well as to securities hereafter issued, deposited or pledged, and to past as well as to future transactions relating to or affecting the same, but nothing therein prejudices

(a) the operation of any judgment or order of a court of competent jurisdiction pronounced or made in any legal proceedings that were pending on the 19th day of May, 1909, as between the parties to the proceedings, in which judgment was pronounced or the order made, and any appeal from any such judgment or order shall be decided as if this section had not been enacted, or

(b) any power to issue securities in the place of any securities paid off, or otherwise satisfied or extinguished, reserved to a company by the securities themselves, or by any mortgage or trust deed securing them. R.S., c. 170, s. 133.

136. No power to issue or dispose of any such securities conferred by any Special Act of a provincial legislature shall, if such railway is thereafter brought under the legislative authority of the Parliament of Canada, be subsequently exercised without the sanction of the Governor in Council. R.S., c. 170, s. 134.

137. (1) The company may secure such securities by one or more deeds of trust by way of mortgage or charge creating such mortgages, charges and encumbrances upon the whole of such property, assets, rents and revenues of the company, present or future, or both, as are described therein; but such property, assets, rents and revenues are subject, in the first instance, to the payment of any penalty then or thereafter

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thereafter imposed upon the company for non-compliance with the requirements of this Act, and next, to the payment of the working expenditure of the railway.

(2) By such a mortgage deed the company may grant to the holders of such securities or the trustee or trustees named in such mortgage deed all and every the powers, rights and remedies granted by this Act in respect of the said securities, and all other powers, rights and remedies, not inconsistent with this Act, or may restrict the said holders, or trustee or trustees, in the exercise of any power, privilege or remedy granted by this Act, as the case may be; and all the powers, rights, and remedies, so provided for in such mortgage deed, are valid and binding and available to the said holders and trustee or trustees in manner and form as therein provided. R.S., c. 170, s. 135.

138. (1) The company may except from the operation of any such mortgage any assets, property, rents or revenue of the company, and may declare and provide therein that such mortgage shall only apply to and affect certain sections or portions of the railway or property of the company.

(2) Where any such exception is made, the company shall in such mortgage deed expressly specify and describe, with sufficient particularity to identify the same, the assets, property, rents or revenue of the company, or the sections or portions of the railway not intended to be included therein or conveyed thereby. R.S., c. 170, s. 136.

139. Every such mortgage deed, and every assignment thereof, or other instrument in any way affecting such mortgage or security, shall be deposited in the office of the Secretary of State of Canada; and notice of such deposit shall forthwith be given in the Canada Gazette. R.S., c. 170, s. 137.

140. Where the provisions of section 139 have been complied with, or where by any Act of the Parliament of Canada heretofore or hereafter passed, provision was or is made for the deposit in the office of the Secretary of State of Canada of any mortgage or mortgage deed given to secure the payment of bonds or other securities issued by the company and the provisions with regard to such deposit have been duly complied with, it is hereby declared and enacted that it was and is unnecessary for any purpose that such mortgage, or any assignment thereof, or any other instrument in any way affecting it, should have been or should be otherwise deposited, registered or filed under the provisions of any law respecting the deposit, registration or filing of instruments affecting R.S., 1952.
affecting real or personal property, but if such Act expressly required or requires some additional or other deposit, registration or filing, nothing herein contained shall be taken or held to dispense therewith or to waive any non-compliance with such requirement. R.S., c. 170, s. 138.

141. A copy of any mortgage deed securing any bonds, debentures, or other securities issued under the authority of this Act and the Special Act, and of any assignment thereof, or other instrument in any way affecting such mortgage or security, deposited in the office of the Secretary of State of Canada, purporting to be certified to be a true copy by the Secretary of State, or by the Deputy Registrar General of Canada, is prima facie evidence of the original, without proof of the signature of such official. R.S., c. 170, s. 139.

142. (1) Subject however to the payment of the penalties and the working expenditure of the railway as hereinbefore provided, the securities so authorized and the mortgage deeds respectively securing the same rank against the company, and upon the franchise, undertaking, tolls and income, rents and revenues, and the real and personal property thereof, according to the priorities, if any, established by such mortgage deeds.

(2) Each holder of the said securities shall be deemed to be a mortgagee or encumbranceree upon the mortgaged premises pro rata with all other holders of the same issue and in accordance with and having regard to the priorities, if any, so established; but no proceedings authorized by law, or by this Act, shall be taken to enforce payment of the said securities or of the interest thereon except through the trustee or trustees appointed by or under such mortgage deeds. R.S., c. 170, s. 140.

143. If the company makes default in paying the principal of or interest on any of such securities at the time when such principal or interest, by the terms of the securities, becomes due and payable, then at the next annual general meeting of the company, and at all subsequent meetings, all holders of such securities so being and remaining in default, have and possess, in respect thereof, subject to section 144, the same rights, privileges and qualifications for being elected directors, and for voting at general meetings, as would attach to them as shareholders, if they held fully paid-up shares of the company to a corresponding amount. R.S., c. 170, s. 141.

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144. (1) The rights given by section 143 shall not be exercisable by any such holder, unless it is so provided by the mortgage deed, nor unless the security in respect of which he claims to exercise such rights has been registered in his name, in the same manner as the shares of the company are registered, at least ten days before he attempts to exercise the right of voting thereon.

(2) The company is bound on demand to register such securities, and thereafter any transfers thereof, in the same manner as shares or transfers of shares. R.S., c. 170, s. 142.

145. The exercise of the rights so given as provided by sections 143 and 144 does not take away, limit or restrain any other of the rights or remedies to which the holders of the said securities are entitled under the provisions of such mortgage deed. R.S., c. 170, s. 143.

146. (1) All such securities may be made payable to bearer, and are, in that case, transferable by delivery until registration thereof, as hereinbefore provided.

(2) While so registered, they are transferable by written transfers, registered in the manner prescribed in the mortgage deed or deeds. R.S., c. 170, s. 144.

147. (1) The company may, for the purposes of the undertaking, borrow money by overdraft or upon promissory note, warehouse receipt, bills of exchange, or otherwise upon the credit of the company, and become party to promissory notes and bills of exchange.

(2) Every such note or bill made, drawn, accepted or endorsed by the president or vice-president or one of the vice-presidents of the company, or other officer authorized by the by-laws of the company or by resolution of the directors, and countersigned by the secretary, or assistant or local secretary, or treasurer of the company, is binding on the company, and shall be presumed to have been made, drawn, accepted or endorsed with proper authority, until the contrary is shown.

(3) It is not necessary in any case to have the seal of the company affixed to any such promissory note or bill of exchange.

(4) Nothing in this section shall be construed to authorize the company to issue any note or bill payable to bearer, or intended to be circulated as money, or as the note or bill of a bank.

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(5) Neither the president, vice-president or secretary, nor any other officer of the company so authorized as aforesaid, is individually responsible for any such promissory note or bill of exchange made, drawn, accepted or endorsed, or countersigned by him, unless such promissory note or bill of exchange has been issued without proper authority. R.S., c. 170, s. 145.

Contracts Respecting Rolling Stock.

148. (1) Any contract evidencing the lease, conditional sale or bailment of rolling stock to a company shall be in writing, duly executed by the parties thereto, and the same or a copy thereof may be deposited in the office of the Secretary of State of Canada, within twenty-one days from the execution thereof, and no contract so deposited need be otherwise deposited, registered or filed under the provisions of any law respecting the deposit, registration or filing of instruments affecting real or personal property, and upon the due execution and deposit of any such lease, conditional sale or bailment of rolling stock as aforesaid, the same is valid against all persons.

(2) Notice of such deposit shall forthwith thereafter be given in the Canada Gazette. R.S., c. 170, s. 146.

Purchase of Railway Securities.

149. Except as in this Act or the Special Act otherwise provided, no company shall, either directly or indirectly, employ any of its funds in the purchase of its own stock, or in the acquisition of any shares, bonds or other securities, issued by any other railway company, or in the purchase or acquisition of any interest in any such stock, shares, bonds or other securities. R.S., c. 170, s. 147.

Disposing of Lands Obtained as Subsidy, etc.

150. (1) Any company that has obtained from the Crown, by way of subsidy or otherwise, in respect of the construction or operation of its railway, a right to any land or to an interest in land, has, and from the time of obtaining such right has had, as incident to the exercise of its corporate powers, authority to acquire, sell or otherwise dispose of the same or any part thereof.

(2) Such company may convey such right or interest, or any part thereof, to any other company that has entered into any undertaking for the construction or operation, in whole or in part, of the railway in respect of which such land or interest in land was given; and thereafter such other company

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company has, in respect of such land or interest in land, the same authority as that of the company that has so conveyed it. R.S., c. 170, s. 148.

151. If any lands have been given to the company by any corporation or person, as aid towards, or as consideration in whole or in part for the construction or operation of the company's railway, either generally or with respect to the adoption of any particular route, or on any other account, the authority of the company, and of any other company to which it may convey its right in any of the said lands, is the same as if such lands had been obtained by the company from the Crown as aforesaid. R.S., c. 170, s. 149.

Purchase of Railway by Person without Corporate Power to Operate.

152. (1) If any railway, or any section of any railway, is sold under the provisions of any deed or mortgage, or at the instance of the holders of any mortgage, bonds or debentures, for the payment of which any charge has been created thereon, or under any other lawful proceeding, and is purchased by any person not having corporate power to hold and operate the same, the purchaser shall not run or operate such railway until authority therefor has been obtained as provided in this section.

(2) The purchaser shall transmit to the Minister an application in writing stating the fact of such purchase, describing the termini and lines of route of the railway purchased, specifying the Special Act under which the same was constructed and operated, and requesting authority from the Minister to run and operate the railway, and shall with such application transmit a copy of any writing preliminary to the conveyance of such railway, made as evidence of such sale, and also a duplicate or authenticated copy of the deed of conveyance of such railway, and such further details and information as the Minister may require.

(3) Upon any such application, the Minister may, if he is satisfied therewith, grant an order authorizing the purchaser to run and operate the railway purchased until the end of the then next session of the Parliament of Canada, subject to such terms and conditions as the Minister may deem expedient.

(4) The purchaser is thereupon authorized for such period only and subject to such order, to run and operate such railway, and, subject to the other provisions of this Act, R.S., 1952.
Act, to take and receive such tolls in respect of traffic carried thereon as the company previously owning and operating the same was authorized to take, and the purchaser is also subject to the terms and conditions of the Special Act of the said company, in so far as the same can be made applicable.

(5) The purchaser shall apply to the Parliament of Canada at the next following session thereof after the granting of such order by the Minister for an Act of incorporation, or other legislative authority, to hold, run and operate the railway.

(6) If such application is made to Parliament and is unsuccessful, the Minister may extend the order to run and operate such railway until the end of the then next following session of Parliament, and no longer.

(7) If during such extended period the purchaser does not obtain such an Act of incorporation or other legislative authority, such railway shall be closed or otherwise dealt with by the Minister, as may be determined by the Governor in Council.

(8) Notwithstanding anything herein contained the purchaser may, pending the obtaining of authority from the Minister, run and operate the railway for a period not exceeding fifteen days subject to the provisions of this Act and to the terms and conditions of the Special Act in so far as the same can be made applicable. R.S., c. 170, s. 150.

Agreements for Sale, Lease and Amalgamation.

153. (1) Where the company is authorized by any Special Act of the Parliament of Canada to enter into an agreement with any other company, whether within the legislative authority of the Parliament of Canada or not, for selling, conveying or leasing to such company the railway and undertaking of the company, in whole or in part, or for purchasing or leasing from such company the railway and undertaking of such company, in whole or in part, or for amalgamation, such agreement shall be first approved by two-thirds of the votes of the shareholders of each company party thereto, at an annual general meeting, or at a special general meeting, of each company, called for the purpose of considering such agreement, at each of which meetings shareholders representing at least two-thirds in value of the capital stock of each company are present or represented by proxy.

(2) Upon such agreement being so approved, and duly executed, it shall be submitted to the Board with an application for a recommendation to the Governor in Council for the sanction thereof.

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(3) Notice of the proposed application for such recommendation shall be published in the Canada Gazette, for at least one month prior to the time, to be stated therein, for the making of such application, and also, unless the Board otherwise orders, for a like period in one newspaper in each of the counties or electoral districts through which the railway to be sold, leased or amalgamated, runs, in which a newspaper is published.

(4) Upon such notice being given the Board shall grant or refuse such application, and upon granting the same shall make a recommendation to the Governor in Council for the sanction of such agreement.

(5) Upon such agreement being sanctioned by the Governor in Council, a duplicate original of such agreement shall be filed in the office of the Secretary of State of Canada; and thereupon such agreement shall come into force and effect and notice thereof shall be forthwith given in the Canada Gazette.

(6) The production of the Canada Gazette containing the notice mentioned in subsection (5) is prima facie evidence that the requirements of this section have been complied with.

(7) Whenever the agreement does not involve any sale or amalgamation and may be terminated by either company on giving a notice not exceeding twelve months, the Board may, notwithstanding anything in this section, by order or regulation, exempt the company from complying with any of the foregoing conditions with respect to any such agreement. R.S., c. 170, s. 151.

154. Upon any agreement for amalgamation coming into effect, as provided in section 153, the companies, parties to such agreement, shall, subject to the provisions of this Act and the Special Act authorizing such agreement to be entered into, be deemed to be amalgamated, and shall form one company, under the name and upon the terms and conditions in such agreement provided; and the amalgamated company possesses and is vested with all the railways and undertakings, and all other the powers, rights, privileges, franchises, assets, effects, and properties, real, personal and mixed, belonging to, possessed by, or vested in the companies, parties to such agreement, or to which they, or any or either of them, may be or become entitled; and is liable for all claims, demands, rights, securities, causes of action, complaints, debts, obligations, works, contracts, agreements, or duties, to as full an extent as any or either of such companies was, at or before the time when the amalgamation agreement came into effect. R.S., c. 170, s. 152.

Saving of rights and claims.

155. (1) Notwithstanding anything in any agreement made or sanctioned under the provisions of sections 153 and 154, every act, matter or thing done, effected or confirmed under or by virtue of this Act, or the Special Act, before the date of the coming into effect of such agreement, is as valid as if such agreement had never come into effect; and such agreement is subject and without prejudice to every such act, matter or thing, and to all rights, liabilities, claims and demands, present or future, that would be incident to, or consequent upon such act, matter or thing if such agreement had never come into effect.

(2) In the case of an agreement for amalgamation, as to all acts, matters and things so done, effected or confirmed, and as to all such rights, liabilities, claims and demands, the amalgamated company for all purposes stands in the place of and represents the companies who are parties thereto and the generality of the provisions of this section shall not be deemed to be restricted by any Special Act, unless this section is expressly referred to in such Special Act, and expressly limited or restricted thereby. R.S., c. 170, s. 153.

Agreements for Interchange of Traffic and Running Rights.

156. (1) The directors of the company may, at any time, make and enter into any agreement or arrangement, not inconsistent with the provisions of this or the Special Act, with any other company, either in Canada or elsewhere, for the interchange of traffic between their railways or vessels, and for the division and apportionment of tolls in respect of such traffic.

(2) The directors may also make and enter into any agreement or arrangements, not inconsistent with the provisions of this or the Special Act, for any term not exceeding twenty-one years

(a) for the running of the trains of one company over the tracks of another company;

(b) for the division and apportionment of tolls in respect of such traffic;

(c) generally in relation to the management and working of the railways, or any of them, or any part thereof, and of any railway or railways in connection therewith; and

(d) to provide, either by proxy or otherwise, for the appointment of a joint committee for the better carrying into effect of any such agreement or arrangement, with such powers and functions as are considered necessary or expedient;
subject to the like consent of the shareholders, the sanction of the Governor in Council upon the recommendation of the Board, application, notices and filing, as hereinbefore provided with respect to amalgamation agreements; publication of notices in the *Canada Gazette* is sufficient notice, and the duplicate original of such agreement or arrangement shall, upon being sanctioned, be filed with the Board.

(3) The Board may, notwithstanding anything in this section, by order or regulation, exempt the company from complying with any of the foregoing conditions, with respect to any such agreement or arrangement made or entered into by the company for the transaction of the usual and ordinary business of the company, and where such consent of the shareholders is deemed by the Board to be unnecessary.

(4) Neither the making of any such arrangement or agreement, nor anything therein contained, nor any approval thereof, restricts, limits, or affects any power by this Act vested in the Board, or relieves the companies from complying with the provisions of this Act. R.S., c. 170, s. 154.

**Insolvent Companies.**

157. (1) Where a company is unable to meet its engagements with its creditors, the directors may prepare a scheme of arrangement between the company and its creditors, and may file it in the Exchequer Court.

(2) Such scheme of arrangement may or may not include provisions for settling and defining any rights of shareholders of the company as among themselves, and for the raising if necessary of additional share and loan capital.

(3) There shall be filed with such scheme of arrangement

(a) a declaration in writing under the common seal of the company to the effect that the company is unable to meet its engagements with its creditors, and

(b) an affidavit made by the president and directors of the company, or by a majority of them, that such declaration is true to the best of their respective judgments and beliefs.

(4) After the filing of the scheme, the Exchequer Court may, on the application of the company, on summons or motion in a summary way, restrain any action against the company on such terms as the Exchequer Court thinks fit.

(5) Notice of the filing of the scheme shall be published in the *Canada Gazette*. 

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(6) After such publication of notice, no execution, attachment, or other process against the property of the company is available without leave of the Exchequer Court, to be obtained on summons or motion in a summary way. R.S., c. 170, s. 155.

158. (1) The scheme shall be deemed to be assented to
(a) by the holders of mortgages or bonds issued under the authority of this or any Special Act relating to the company, when it is assented to in writing by three-fourths in value of the holders of such mortgages or bonds;
(b) by the holders of debenture stock of the company, when it is assented to in writing by three-fourths in value of the holders of such stock;
(c) by the holders of any rent charge, or other payment, charged on the receipts of or payable by the company in consideration of the purchase of the undertaking of another company, when it is assented to in writing by three-fourths in value of such holders;
(d) by the guaranteed or preference shareholders of the company, when it is assented to in writing by three-fourths in value of such shareholders, if there is only one class of such shareholders, or three-fourths in value of each class, if there are more classes of such shareholders than one; and
(e) by the ordinary shareholders of the company, when it is assented to by a special meeting of the company called for that purpose.

(2) Where the company is lessee of a railway, the scheme shall be deemed to be assented to by the leasing company when it is assented to
(a) in writing, by three-fourths in value of the holders of mortgages, bonds and debenture stock of the leasing company;
(b) in writing, by three-fourths in value of the guaranteed or preference shareholders of the leasing company, if there is only one such class, and by three-fourths in value of each class, if there are more classes than one of such shareholders; and
(c) by the ordinary shareholders of the leasing company, at a special meeting of that company called for that purpose.

(3) The assent to the scheme of any class of holders of mortgages, bonds or debenture stock, or of any class of holders of a rent charge or other payment as aforesaid, or of any class of guaranteed or preference shareholders, or of

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a leasing company, is not requisite in case the scheme does not prejudicially affect any right or interest of such class or company. R.S., c. 170, s. 156.

159. (1) If, at any time within three months after the filing of the scheme, or within such extended time as the Exchequer Court, from time to time, thinks fit to allow, the directors of the company consider the scheme to be assented to, as by this Act required, they may apply to the Exchequer Court by petition in a summary way for confirmation of the scheme.

(2) Notice of any such application shall be published in the Canada Gazette.

(3) The Court, after hearing the directors, and any creditors, shareholders or other persons whom it thinks entitled to be heard on the application, may confirm the scheme, if satisfied that the scheme has been assented to, as required by this Act, within three months after the filing of it, or within such extended time, if any, as the Court has allowed, and that no sufficient objection to the scheme has been established.

(4) The scheme when confirmed shall be enrolled in the Exchequer Court, and thenceforth it is binding and effectual to all intents, and the provisions thereof, against and in favour of the company and all persons, have the like effect as if they had been enacted by Parliament.

(5) Notice of the confirmation and enrolment of the scheme shall be published in the Canada Gazette. R.S., c. 170, s. 157.

160. The Judges of the Exchequer Court may make general rules for the regulation of the practice and procedure of the Court under sections 157, 158 and 159, which rules have force and effect when they are approved by the Governor in Council. R.S., c. 170, s. 158.

161. The company shall at all times keep at its principal or head office printed copies of the scheme when confirmed and enrolled, and shall sell such copies to all persons desiring to buy them at a reasonable price, not exceeding ten cents for each copy. R.S., c. 170, s. 159.

Sale of Subsidized Railways not kept in Repair.

162. (1) Whenever it is made to appear to the Minister that any railway owned by a company incorporated by the Parliament of Canada, the construction of which has been aided by a subsidy from the Government of Canada, cannot by reason of the condition of such railway or of its equipment R.S., 1952.
Application to Board.

Be created.

be safely and efficiently operated, the Minister may apply to the Board for an order that the said railway, or its equipment, or both, shall be put in a safe and efficient condition, which order the Board is hereby authorized to make after such notice to the president or manager of the company and the trustee of the bondholders, if any, as to the Board seems reasonable, and the Board may, by order, direct what repairs, improvements or additions shall be made to the said railway, or equipment, or both, and within what times the same shall be undertaken and completed respectively.

On failure of company to comply with order, a lien may be created.

(2) If the company fails to comply with such order of the Board, the Governor in Council may, upon the recommendation of the Minister, approve of such order, and direct that a copy of such order and of the order of the Governor in Council approving thereof, certified by the Secretary of the Board and the Clerk of the Privy Council respectively, shall be filed by the Minister in the office of the Registrar of Deeds of each county through which such railway runs, and upon such orders being so filed there is, ipso facto, created a first lien or mortgage upon the said railway and its equipment in favour of Her Majesty for the amount of the said subsidy, which immediately thereupon becomes due and payable to Her Majesty.

Enforcement of lien.

(3) Such lien may be enforced by Her Majesty in the same manner and by the like proceedings as any other lien upon property may be enforced by Her Majesty in the Exchequer Court of Canada.

Court may order sale.

(4) The said Court may order such railway and its equipment to be sold to satisfy such lien, and pending such lien may appoint a receiver to manage and operate such railway.

Moneys realized from sale to be applied by the Minister towards repair, etc. of such railway.

(5) Any moneys realized from such sale may, with the consent of the purchaser, be applied by the Minister under the direction of the Chief Engineer of Government Railways towards the repair and improvement of such railway and equipment so far as the same may be deemed necessary by the Minister, and any moneys so realized, and not in the opinion of the Minister required for such repairs and improvements, may be paid to the company owning the railway at the time of the sale, or to the trustee for the holders of any outstanding bonds or other securities secured by mortgage or otherwise upon such railway. R.S., c. 170, s. 160.
POWERS—CONSTRUCTION OF RAILWAYS.

Limitation of Time for Construction.

163. If the construction of the railway is not commenced and fifteen per cent of the amount of the capital stock is not expended thereon in survey, purchase of right of way, and actual construction work, or, in the case of a branch or extension of the railway, if fifteen per cent of the bond issue authorized therefor is not expended thereon in actual construction work, within two years after the passing of the Act authorizing the construction of such railway, branch, or extension, as the case may be, or, where the Parliament of Canada grants an extension of the time for commencing such construction, within the time so granted; or, if the railway or branch or extension, as the case may be, is not completed and put in operation within five years from the passing of such Act, or, where the Parliament of Canada grants an extension of time for completion, within the time so granted; then the powers granted by such Act or by this Act cease and are null and void as respects so much of the railway or branch or extension, as the case may be, as then remains uncompleted. R.S., c. 170, s. 161.

General Powers.

164. (1) The company may, for the purposes of the undertaking, subject to the provisions in this and the Special Act contained

(a) enter into and upon any Crown lands without previous licence therefor, or into or upon the lands of any person whomsoever, lying in the intended route or line of the railway, and make surveys, examinations or other necessary arrangements on such lands 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;

(b) receive, take and hold, all voluntary grants and donations of lands or other property or any bonus of money or debentures, or other benefit of any sort, made to it for the purpose of aiding in the construction, maintenance and accommodation of the railway; but the same shall be held and used for the purpose of such grants or donations only;

(c) purchase, take and hold of and from any person, any lands or other property necessary for the construction, maintenance and operation of the railway, and also alienate, sell or dispose of, any lands or property of the company that for any reason have become not necessary for the purposes of the railway;

(d) powers of company.

Entry upon lands.

Surveys.

Receive grants and bonuses.

Acquire property.

Dispose of property not required.

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Placing of railway.

Cross and connect with other railways.

Construct and operate railways.

Buildings, equipment, etc.

Branch railways.

Transport passengers and freight.

Remove trees.

Make tunnels and other works.

Divert highways and waterways.

Construct drains.

Divert drains, pipes and wires.

Telegraph, etc.

(d) make, carry or place the railway across or upon the lands of any person on the located line of the railway;
(en) cross any railway, or join 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;
(f) make, complete, operate, alter and maintain the railway with one or more sets of rails or tracks, to be worked by the force and power of steam, electricity, or of the atmosphere, or by mechanical power, or any combination of them;
(g) construct, erect and maintain all necessary and convenient roads, buildings, stations, depots, wharves, docks, elevators, and other structures, and construct, purchase and acquire stationary or locomotive engines, rolling stock, and other apparatus necessary for the accommodation and use of the traffic and business of the railway;
(h) make branch railways, and manage the same, and for that purpose exercise all the powers, privileges and authority necessary therefor, in as full and ample a manner as for the railway;
(i) take, transport, carry and convey persons and goods on the railway, and regulate the time and manner in which the same shall be transported, and the tolls to be charged therefor;
(j) fell or remove any trees that stand within one hundred feet from either side of the right of way of the railway, or are liable to fall across any railway track;
(k) make or construct in, upon, across, under or over any railway, tramway, river, stream, watercourse, canal, or highway, which it intersects or touches temporary or permanent inclined planes, tunnels, embankments, aqueducts, bridges, roads, ways, passages, conduits, drains, piers, arches, cuttings and fences;
(l) divert or alter, as well temporarily as permanently, the course of any such river, stream, watercourse or highway, or raise or sink the level thereof, in order the more conveniently to carry the same over, under or by the side of the railway;
(m) make drains or conduits into, through or under any lands adjoining the railway, for the purpose of conveying water from or to the railway;
(n) divert or alter the position of any water pipe, gaspipe, sewer or drain, or any telegraph, telephone or electric lines, wires or poles;
(o) construct, acquire and use telegraph, telephone or electric lines and plant;

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(p) from time to time alter, repair or discontinue the
works hereinbefore mentioned, or any of them, and
substitute others in their stead; and
(q) do all other acts necessary for the construction,
maintenance and operation of the railway.

(2) The tracks of every railway, the construction of which
is commenced after the 7th day of July, 1919, shall be of the
standard gauge of four feet eight and one-half inches, unless
otherwise permitted by the Board. R.S., c. 170, s. 162.

165. The company shall restore, as nearly as possible,
to its former state, any river, stream, watercourse, highway,
water pipe, gas-pipe, sewer or drain, or any telegraph, tele-
phone or electric line, wire or pole, that it diverts or alters,
or it shall put the same in such a state as not materially to
impair the usefulness thereof. R.S., c. 170, s. 163.

166. The company shall, in the exercise of the powers
by this or the Special Act granted, do as little damage as
possible, and shall make full compensation, in the manner
herein and in the Special Act provided, to all persons in-
terested, for all damage by them sustained by reason of the
exercise of such powers. R.S., c. 170, s. 164.

167. Any company operating a railway from any point
in Canada to any point on the international boundary line
may exercise, beyond such boundary, in so far as permitted
by the laws there in force, the powers that it may exercise
in Canada. R.S., c. 170, s. 165.

168. The company may abandon the operation of
any line of railway with the approval of the Board, and no
company shall abandon the operation of any line of railway
without such approval. 1932-33, c. 47, s. 1.

Commencement of Works.

169. The company shall not, except as in this Act other-
wise provided, commence the construction of the railway,
or any section or portion thereof, until the general location
has been approved by the Board as hereinafter provided,
nor until the plan, profile and book of reference have been
sanctioned by and deposited with the Board and duly cer-
tified copies thereof deposited with the registrars of deeds,
in accordance with the provisions of this Act. R.S., c. 170,
a. 166.

LOCATION OF LINE.

170. (1) The company shall prepare, and submit to the Map.
Board, in duplicate, a map showing the general location of
the proposed line of the railway, the termini and the prin-
cipal Contents.

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cipal towns and places through which the railway is to pass, giving the names thereof, the railways, navigable streams and tidewaters, if any, to be crossed by the railway, and such as may be within a radius of thirty miles of the proposed railway, and, generally, the physical features of the country through which the railway is to be constructed, and shall give such further or other information as the Board may require.

(2) Such map shall be prepared upon a scale not smaller than six miles to the inch, or upon such other appropriate scale as the Board may determine, and shall be accompanied by an application in duplicate, stating the Special Act authorizing the construction of such railway, and requesting the Board's approval of the general location as shown on the said map.

(3) The Board may approve such map and location, or any portion thereof, or may make or require such changes and alterations therein as it deems expedient.

(4) Where the Board approves the whole or any portion of such map and location such approval shall be signified upon the map and the duplicate thereof accordingly.

(5) The map when so approved and the application shall be filed in the Department of Transport and the duplicate thereof with the Board.

(6) The provisions of this section only apply to the main line, and to branch lines over six miles in length. R.S., c. 170, s. 167; 1936, c. 34, s. 3.

Plan, Profile and Book of Reference.

Plan, profile and book of reference. 171. (1) Upon compliance with the provisions of section 170, the company shall make a plan, profile and book of reference of the railway.

Plan. (2) The plan shall show

(a) the right of way, with lengths of sections in miles;
(b) the names of terminal points;
(c) the station grounds;
(d) the property lines and owners' names;
(e) the areas and length and width of lands proposed to be taken, in figures, stating every change of width; or other accurate description thereof;
(f) the bearings; and
(g) all open drains, watercourses, highways and railways proposed to be crossed or affected.

Profile. (3) The profile shall show the grades, curves, highway and railway crossings, open drains and watercourses.

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(4) The book of reference shall describe the portion of land proposed to be taken in each lot to be traversed, giving numbers of the lots, and the area, length and width of the portion of each lot proposed to be taken, and names of owners and occupiers so far as they can be ascertained.

(5) The Board may require any additional information for the proper understanding of the plan and profile.

(6) The plan, profile and book of reference may be of a section or sections of the railway.

(7) In the Province of Quebec the portion of the railway comprised in each municipality shall be indicated on the plan, and in the book of reference, by separate number or numbers. R.S., c. 170, s. 168.

172. (1) All plans and profiles required by law to be deposited by the company with the Board, shall be drawn to such scale, with such detail, upon such materials, and shall be of such character, as the Board may, either by general regulation, or in any case, require, or sanction.

(2) All such plans and profiles shall be certified and signed by the president or vice-president or general manager, and also by the engineer of the company.

(3) Any book of reference, required to be so deposited, shall be prepared to the satisfaction of the Board.

(4) Unless and until such plan, profile and book of reference are so made satisfactory to the Board, the Board may refuse to sanction the same, or to allow the same to be deposited with the Board. R.S., c. 170, s. 169.

173. (1) Such plan, profile and book of reference shall be submitted to the Board, which, if satisfied therewith, may sanction the same.

(2) The Board by such sanction shall be deemed to have approved merely the location of the railway and the grades and curves thereof, as shown in such plan, profile and book of reference, but not to have relieved the company from otherwise complying with this Act.

(3) The Board upon the application of the company may sanction a deviation of not more than one mile from any one point as shown on the general location approved by the Board, and any such deviation shall be shown upon the general location plan filed with the Department of Transport, and upon the duplicate thereof filed with the Board.

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(4) Before sanctioning any plan, profile or book of reference of a section of a railway, the Board may require the company to submit the plan, profile and book of reference of the whole or of any portion of the remainder of the railway or such further or other information as the Board may deem expedient. R.S., c. 170, s. 170; 1936, c. 34, s. 3.

174. (1) In granting any such sanction, or in giving leave under any provision of this Act to take lands without the consent of the owner, the Board may fix a period

(a) within which the company must acquire the lands or take the necessary steps for such purpose, or

(b) within which the notice hereinafter required to be given, preliminary to proceeding to arbitration to fix compensation or damages, shall be conclusively deemed to have been given.

(2) In the event of the order granting such sanction or leave, whether made before or after the passing of this Act, providing no such time limit, any owner or person interested in the lands may apply to the Board for an order that the company shall acquire such lands, or take the necessary steps for such purpose, within such time as the Board deems proper, and thereupon the Board may make such order in the premises as appears just.

(3) Where no time is fixed by the Board as above mentioned, if the company, within one year after any such sanction or leave has been given by the Board, or in any case where no such sanction or leave is necessary, if the company within one year after the plan, profile and book of reference have been deposited with the registrar of deeds, does not either acquire the lands covered by such sanction, leave, or plan, profile and book of reference, or give the notice hereinafter required to be given preliminary to proceeding to arbitration to fix compensation or damages in respect thereof, the company's right to take or enter upon, without the consent of the owner, any part of such lands that it has not within the said year either acquired or given such notice in respect of, at the expiration of such year absolutely ceases and determines, unless the Board, after notice to the owner and upon such terms as the Board may deem proper, otherwise orders.

(4) If no such order is made by the Board the company is liable for damages and costs to any person damaged by such failure to acquire the lands or give such notice. R.S., c. 170, s. 171.
Deposit of Plans, etc., after Sanction.

175. (1) The plan, profile and book of reference, when so sanctioned, shall be deposited with the Board, and each plan shall be numbered consecutively in order of deposit.

(2) The company shall also deposit copies thereof, or of such parts thereof as relate to each district or county through which the railway is to pass, duly certified as copies by the Secretary, in the offices of the registrars of deeds for such districts or counties respectively. R.S., c. 170, s. 172.

Errors.

176. The railway may be made, carried or placed across or upon the lands of any person on the located line, although through error or any other cause, the name of such person has not been entered in the book of reference, or although some other person is erroneously mentioned as the owner of or entitled to convey, or as interested in such lands. R.S., c. 170, s. 173.

177. (1) Where any omission, mis-statement or error is made in any plan, profile or book of reference so registered, the company may apply to the Board for a certificate to correct the same.

(2) The Board may, in its discretion, require notice to be given to parties interested, and, if it appears to the Board that such omission, mis-statement or error arose from mistake, may grant a certificate setting forth the nature of the omission, mis-statement or error and the correction allowed.

(3) Upon the deposit of such certificate with the Board, and of copies thereof, certified as such by the Secretary, with the registrars of deeds of the districts or counties, respectively, in which such lands are situate, the plan, profile or book of reference shall be taken to be corrected in accordance therewith, and the company may, thereupon, subject to this Act, construct the railway in accordance with such correction. R.S., c. 170, s. 174.

Deposit of Plans, etc., of Completed Railway.

178. (1) A plan and profile of the completed railway or of any part thereof that is completed and in operation, and of the land taken or obtained for the use thereof, shall, within six months after completion of the undertaking, or within six months after beginning to operate any such completed part, as the case may be, or within such extended or renewed period as the Board at any time directs, be made and filed with the Board.

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(2) Plans of the parts of such railway so completed or in operation located in different districts and counties, prepared on such a scale, and in such manner and form, and signed or authenticated in such manner, as the Board may from time to time, by general regulation or in any individual case, sanction or require, shall be filed in the registry offices for the districts and counties in which such parts are respectively situate. R.S., c. 170, s. 175.

Duties of Registrars of Deeds.

179. (1) Every registrar of deeds shall receive and preserve in his office, all plans, profiles, books of reference, certified copies thereof, and other documents, required by this Act to be deposited with him, and shall endorse thereon the day, hour and minute when the same were so deposited.

(2) All persons may resort to such plans, profiles, books of reference, copies and documents so deposited, and may make extracts therefrom, and copies thereof, as occasion requires, paying the registrar therefor at the rate of ten cents for each hundred words, so copied or extracted, and ten cents for each copy made of any plan or profile.

(3) The registrar shall, at the request of any person, certify copies of any plan, profile, book of reference, certified copy thereof, or other document, deposited in his office under the provisions of this Act, or of such portions thereof as may be required, on being paid therefor at the rate of ten cents for each hundred words copied, and such additional sum, for any copy of plan or profile furnished by him, as is reasonable and customary in like cases, together with fifty cents for each certificate given by him.

(4) Such certificate of the registrar shall set forth that the plan, profile or document, a copy of which, or of any portion of which, is certified by him, is deposited in his office, and shall state the time when it was so deposited, and that he has carefully compared the copy certified with the document on file, and that the same is a true copy of such original.

(5) Such certified copy is prima facie evidence of the original so deposited, that such original was so deposited at the time stated and certified, and that the same was signed, certified, attested or otherwise executed by the persons by whom and in the manner in which the said original purports to be signed, certified, attested or executed, as shown or appearing by such certified copy; and

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in the case of a plan, that such plan is prepared according to a scale and in a manner and form sanctioned by the Board. R.S., c. 170, s. 176.

Board may Require Further Plans, etc.

180. In addition to the plans, profiles and books of reference elsewhere provided for, the company shall, with all reasonable expedition, prepare and deposit with the Board, any other or further plans, profiles, or books of reference of any portion of the railway, or of any siding, station or works thereof, that the Board may from time to time order or require. R.S., c. 170, s. 177.

Deviations, Changes and Removal.

181. (1) If any deviation, change or alteration is required by the company to be made in the railway, or any portion thereof, as already constructed, or as merely located and sanctioned, a plan, profile and book of reference of the portion of such railway proposed to be changed, showing the deviation, change or alteration proposed to be made, shall, in like manner as hereinbefore provided with respect to the original plan, profile and book of reference, be submitted for the approval of the Board, and may be sanctioned by the Board.

(2) The plan, profile and book of reference of the portion of such railway so proposed to be changed shall, when so sanctioned, be deposited and dealt with as hereinbefore provided with respect to such original plan, profile and book of reference.

(3) The company may thereupon make such deviation, change, or alteration, and all the provisions of this Act apply to the portion of such line of railway, at any time so changed or proposed to be changed, in the same manner as they apply to the original line.

(4) The Board may, either by general regulation, or in any particular case, exempt the company from submitting the plan, profile and book of reference, as in this section provided, where such deviation, change, or alteration, is made, or to be made, for the purpose of lessening a curve, reducing a gradient, or otherwise benefiting the railway, or for any other purpose of public advantage, as may seem to the Board expedient, if such deviation, change, or alteration does not exceed three hundred feet from the centre line of the railway, located, or constructed, in accordance with the plans, profiles and books of reference deposited with the Board under this Act.

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(5) Nothing in this section shall be taken to authorize any extension of the railway beyond the termini mentioned in the Special Act. R.S., c. 170, s. 178.

Unauthorised changes forbidden.

182. The company shall not, at any time, make any change, alteration or deviation in the railway, or any portion thereof, until the provisions of section 181 are fully complied with, nor remove, close, or abandon any station, or divisional point nor create a new divisional point that would involve the removal of employees, without leave of the Board; and where any such change is made the company shall compensate its employees as the Board deems proper for any financial loss caused to them by change of residence necessitated thereby. R.S., c. 170, s. 179.

Branch Lines.

Power to construct.

183. The company may, for the purposes of its undertaking, construct, maintain and operate branch lines, not exceeding in any one case six miles in length, from the main line of the railway or, except as hereinafter provided, from any branch thereof. R.S., c. 170, s. 180.

Procedure.

184. Before commencing to construct any such branch line, the company shall

(a) make a plan, profile and book of reference, showing the proposed location of the branch line, with the particulars hereinbefore required as to plans, profiles and books of reference of the main line, and deposit the same, or such parts thereof as relate to each district or county through which the branch line is to pass, in the offices of the registrars of deeds for such districts or counties respectively;

(b) upon such deposit, give four weeks' public notice of its intention to apply to the Board under this section, in some newspaper published in each county or district through which the branch line is to pass, or, if there should be no newspaper published in such county or district, then for the same period in the Canada Gazette; the Board may dispense with or shorten the time of such notice in any case where it deems proper; and

(c) after the expiration of the notice submit to the Board, upon such application, a duplicate of the plan, profile and book of reference so deposited. R.S., c. 170, s. 181.

Board may authorize branch line.

185. (1) The Board, if satisfied that the branch line is necessary in the public interest or for the purpose of giving increased facilities to business, and if satisfied with the location

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location of such branch line, and the grades and curves as shown on such plan, profile and book of reference, may, in writing, authorize the construction of the branch line in accordance with such plan, profile and book of reference, or subject to such changes in location, grades and curves as the Board may direct.

(2) Such authority shall limit the time, not exceeding two years, within which the company shall construct and complete such branch line. R.S., c. 170, s. 182.

186. (1) There shall be deposited with the Board the authority and the duplicate of such plan, profile and book of reference, together with such papers and plans as are necessary to show and explain any changes directed by the Board, under the provisions of section 185.

(2) The company shall deposit in the registry offices of the counties or district through which the branch line is to pass, copies, certified as such by the Secretary, of the authority, and of the papers and plans, showing the changes directed by the Board.

(3) No branch line shall be extended under the foregoing provisions for the construction of branch lines, or

(a) constructed so as to form, in effect, an extension of the railway beyond the termini mentioned in the Special Act.

(4) Except with reference to branch lines authorized by the Special Act to be constructed between any two points or places definitely fixed or named therein, no power to construct branch lines in any Special Act contained, inconsistent with the foregoing provisions for the construction of branch lines, has any force or effect, but nothing in this subsection shall be deemed to take away or impair the rights or powers of any company under any contract with the Government of Canada, approved and ratified by a Special Act of the Parliament of Canada. R.S., c. 170, s. 183.

187. Upon compliance with the requirements of sections 183 to 186 all the other provisions of this Act, except sections 173 and 175, relating to the sanction by the Board of the plan, profile and book of reference of the railway, and the deposit thereof with the Board and in the offices of the registrars of deeds for the districts or counties through which the railway is to pass, apply, in so far as applicable, to the branch lines so authorized, and to the lands to be taken for such branch lines. R.S., c. 170, s. 184.
188. (1) When any industry or business is established or intended to be established, within six miles of the railway, and the owner of such industry or business, or the person intending to establish the same, is desirous of obtaining railway facilities in connection therewith, but cannot agree with the company as to the construction and operation of a spur or branch line from the railway thereto, the Board may, on the application of such owner or person, and upon being satisfied of the necessity for such spur or branch line in the interests of trade, order the company to construct, maintain and operate such spur or branch line, and may direct such owner or person to deposit in some chartered bank such sum or sums as are by the Board deemed sufficient, or are by the Board found to be necessary to defray all expenses of constructing and completing the spur or branch line in good working order, including the cost of the right of way, incidental expenses and damages.

(2) The amount so deposited shall, from time to time, be paid to the company upon the order of the Board, as the work progresses.

(3) The aggregate amount so paid by the applicant in the construction and completion of the said spur or branch line shall be repaid or refunded to the applicant by the company by way of rebate, to be determined and fixed by the Board, out of or in proportion to the tolls charged by the company in respect of the carriage of traffic for the applicant over the said spur or branch line.

(4) Until so repaid or refunded, the applicant has a special lien for such amount upon such branch line, to be reimbursed by rebate as aforesaid.

(5) Upon repayment by the company to such applicant of all payments made by the applicant upon such construction, the said spur or branch line, right of way and equipment becomes the absolute property of the company free from any such lien.

(6) The operation and maintenance of the said spur or branch line by the company is subject to and shall be in accordance with such order as the Board makes with respect thereto, having due regard to the requirements of the traffic thereon, and to the safety of the public and of the employees of the company.

(7) All the provisions of this Act respecting the construction of spur or branch lines apply to any spur or branch line constructed under this section. R.S., c. 170, s. 185.
189. Notwithstanding anything done under section 188 and notwithstanding any agreement made thereunder or otherwise the Board may, on application, permit any owner of another industry or business or any person intending to establish another industry or business, within six miles of the railway, to have traffic carried over any spur or branch line, or any part thereof, constructed pursuant to the said section or to have such spur or branch line extended; but any terms and conditions that the Board thinks just and reasonable shall always be imposed, and regard shall always be had to the convenience of the owner or person having senior rights in such spur or branch line. R.S., c. 170, s. 186.

190. No branch line or spur constructed pursuant to either section 188 or 189 shall be removed without the consent of the Board. R.S., c. 170, s. 187.

Stations.

191. (1) Before the company proceeds to erect any station upon its railway, the location of such station shall be approved of by the Board.

(2) Every station of the company shall be erected, operated and maintained with good and sufficient accommodation and facilities for traffic.

(3) The company shall erect, maintain and operate stations at any points on the railway designated by the Board, and shall provide such accommodation and facilities in connection therewith as the Board directs.

(4) In the case of any railway, whether subject to the legislative authority of the Parliament of Canada or not, subsidized in money or in land, after the 18th day of July, 1900, under the authority of an Act of the Parliament of Canada, the payment and acceptance of such subsidy shall be taken to be subject to the covenant or condition, whether expressed or not in any agreement relating to such subsidy, that the company, for the time being owning or operating such railway, shall, when thereto directed by order of the Board, maintain and operate stations, with such accommodation or facilities in connection therewith as are defined by the Board, at such points on the railway as are designated in such order. R.S., c. 170, s. 188.

THE TAKING AND USING OF LANDS.

Restrictions—Crown Lands.

192. (1) No company shall take possession of, use or occupy any lands vested in the Crown, without the consent of the Governor in Council.

(2) R.S., 1952.
(2) Any railway company may, with such consent, upon such terms as the Governor in Council prescribes, take and appropriate, for the use of its railway and works, so much of the lands of the Crown lying on the route of the railway that have not been granted or sold, as is necessary for such railway, and also so much of the public beach, or bed of any lake, river or stream, or of the land so vested covered with the waters of any such lake, river or stream as is necessary for making, completing and using its said railway and works.

(3) The company may not alienate any such lands so taken, used or occupied.

(4) Whenever any such lands are vested in the Crown for any special purpose, or subject to any trust, the compensation money that the company pays therefor shall be held or applied by the Governor in Council for the like purpose or trust. R.S., c. 170, s. 189.

Public Beach and Waters.

193. The extent of the public beach, or of the land covered with the waters of any river or lake in Canada, taken for the railway, shall not exceed the quantity hereinafter limited in the case of lands which may be taken without the consent of the owner. R.S., c. 170, s. 190.

Military Lands.

194. (1) Whenever it is necessary for the company to occupy any part of the lands belonging to the Crown reserved for naval, army or air force purposes, it shall first apply for and obtain the licence and consent of the Crown, under the hand and seal of the Governor General.

(2) No such licence or consent shall be given, except upon a report first made thereupon by the naval, army or air force authorities, in which such lands are for the time being vested, approving of such licence and consent being so given.

(3) The company may, with such licence and consent, at any time or times enter into and enjoy any of the said lands for the purposes of the railway. R.S., c. 170, s. 191.

Indian Lands.

195. (1) No company shall take possession of or occupy any portion of any Indian reserve or surrendered lands, without the consent of the Governor in Council.

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(2) When, with such consent, any portion of any such reserve or lands is taken possession of, used or occupied by any railway company, or when the same is injuriously affected by the construction of any railway, compensation shall be made therefor as in the case of lands taken without the consent of the owner. R.S., c. 170, s. 192.

**Other Railways.**

196. (1) The company may take possession of, use or occupy any lands belonging to any other railway company, use and enjoy the whole or any portion of the right of way, tracks, terminals, stations or station grounds of any other railway company, and have and exercise full right and power to run and operate its trains over and upon any portion or portions of the railway of any other railway company, subject always to the approval of the Board obtained and to any order and direction that the Board may make in regard to the exercise, enjoyment or restriction of such powers or privileges.

(2) Such approval may be given upon application and notice, and, after hearing, the Board may make such order, give such directions, and impose such conditions or duties upon either party as to it may appear just or desirable, having due regard to the public and all proper interests.

(3) If the parties fail to agree as to compensation, the Board may, by order, fix the amount of compensation to be paid in respect of the powers and privileges so granted.

(4) Where the proposed location of any new railway is close to or in the neighbourhood of an existing railway, and the Board is of opinion that it is undesirable in the public interest to have the two separate rights of way in such vicinity, the Board may, when it deems proper, upon the application of any company, municipality or person interested, or of its own motion, order that the company constructing such new railway shall take the proceedings provided for in subsection (1) to such extent as the Board deems necessary in order to avoid having such separate rights of way.

(5) The Board, in any case where it deems it in the public interest to avoid the construction of one or more new railways close to or in the neighbourhood of an existing railway, or to avoid the construction of two or more new railways close to or in the neighbourhood of each other, may, on the application of any company, municipality or person interested, or of its own motion, make such order or direction for the joint or common use, or construction of tracks, etc.
and use, by the companies owning, constructing or operating such railways, of one right of way, with such number of tracks, and such terminals, stations and other facilities, and such arrangements respecting them, as may be deemed necessary or desirable. R.S., c. 170, s. 193.

Mines and Minerals.

197. No company shall, without the authority of the Board, locate the line of its proposed railway, or construct the same or any portion thereof, so as to obstruct or interfere with, or injuriously affect the working of, or the access or adit to any mine then open, or for the opening of which preparations are, at the time of such location, being lawfully and openly made. R.S., c. 170, s. 194.

198. (1) The company is not, unless the same have been expressly purchased, entitled to any mines, ores, metals, coal, slate, mineral oils, gas or other minerals in or under any lands purchased by it, or taken by it under any compulsory powers given it by this Act, except only such parts thereof as are necessary to be dug, carried away or used in the construction of the works.

(2) All such mines and minerals, except as aforesaid, shall be deemed to be excepted from the conveyance of such lands, unless they have been expressly named therein and conveyed thereby. R.S., c. 170, s. 195.

199. (1) No owner, lessee or occupier of any such mines or minerals lying under the railway or any of the works connected therewith, or within forty yards therefrom, shall work the same until leave therefor has been obtained from the Board.

(2) Upon any application to the Board for leave to work any such mines or minerals, the applicant shall submit a plan and profile of the portion of the railway to be affected thereby, and of the mining works or plant affecting the railway, proposed to be constructed or operated, giving all reasonable and necessary information and details as to the extent and character of the same.

(3) The Board may grant such application upon such terms and conditions for the protection and safety of the public as to the Board seem expedient, and may order that such other works be executed, or measures taken, as under the circumstances appear to the Board best adapted to remove or diminish the danger arising or likely to arise from such mining operations. R.S., c. 170, s. 196.

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200. The company shall, from time to time, pay to the owner, lessee, or occupier of any such mines such compensation as the Board shall fix and order to be paid, for or by reason of any severance by the railway of the land lying over such mines, or because of the working of such mines being prevented, stopped or interrupted, or of the same having to be worked in such manner and under such restrictions as not to injure or be detrimental to the railway, and also for any minerals not purchased by the company that cannot be obtained by reason of the construction and operation of the railway. R.S., c.170, s.197.

201. If necessary in order to ascertain whether any such mines are being worked, or have been worked, so as to injure or be detrimental to the railway or its safety or the safety of the public, the company may with the written permission of the Board, after giving twenty-four hours' notice in writing, enter upon any lands through or near which the railway passes wherein any such mines are being worked, and enter into and return from any such mines or the works connected therewith; and for such purpose may make use of any apparatus of such mines and use all necessary means for discovering the distance from the railway to the parts of such mines which are being worked. R.S., c. 170, s. 198.

Extent of Lands that may be Taken without Consent.

202. The lands that may be taken without the consent of the owner shall not, subject to the provisions of section 203, exceed

(a) for the right of way, one hundred feet in breadth, except in places where the rail level is or is proposed to be more than five feet above or below the surface of the adjacent lands, when such additional width may be taken as shall suffice to accommodate the slope and side ditches, or

(b) for stations, depots and yards, with the freight sheds, warehouses, wharfs, elevators and other structures for the accommodation of traffic incidental thereto, one mile in length by five hundred feet in breadth, including the width of the right of way;

and no interest in land less than a fee-simple interest shall be acquired without the consent of the owner, except upon leave of the Board and upon such terms and conditions as the Board may impose. R.S., c. 170, s. 199.

Leave

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Leave to Take Additional Lands.

203. (1) Should the company require, at any point on the railway, more ample space than it possesses or may take under section 202, for the convenient accommodation of the public, or for the traffic on its railway, or for protection against snowdrifts, or for the diversion of a highway, or for the substitution of one highway for another, or for the construction or taking of any works or measures ordered by the Board under any of the provisions of this Act or the Special Act, or to secure the efficient construction, maintenance or operation of the railway, it may, whether before or after the railway has been opened for the carriage of traffic, apply to the Board for authority to take the same for such purposes, without the consent of the owner.

Procedure.

(2) The company shall give ten days' notice of such application to the owner or possessor of such lands, and shall, upon such application, furnish to the Board copies of such notices, with affidavits of the service thereof.

What application must include.

(3) The company, upon such application, shall also furnish to the Board, in duplicate

(a) a plan, profile and book of reference of the portion of the railway affected, showing the additional lands required, and certified as hereinbefore provided with respect to plans and profiles required to be deposited by the company with the Board, and

(b) an application, in writing, for authority to take such lands, signed and sworn to by the president, vice-president, general manager or engineer of the company, referring to the plan, profile and book of reference, specifying definitely and in detail the purposes for which each portion of the lands is required, and the necessity for the same, and showing that no other land suitable for such purposes can be acquired at such place on reasonable terms and with less injury to private rights.

Authority from Board.

(4) After the time stated in such notices, and the hearing of such parties interested as may appear, the Board may, in its discretion, and upon such terms and conditions as the Board deems expedient, authorize in writing the taking, for the said purposes, of the whole or any portion of the lands applied for.

In duplicate.

(5) Such authority shall be executed in duplicate, and one of such duplicates shall be filed, with the plan, profile, book of reference, application and notices, with the Board; and the other, with the duplicate plan, profile, book of reference and application, shall be delivered to the company.

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(6) Such duplicate authority, plan, profile, book of reference and application, or copies thereof certified as such by the Secretary, shall be deposited with the registrars of deeds of the districts or counties, respectively, in which such lands are situate.

(7) All the provisions of this Act applicable to the taking of lands without the consent of the owner for the right of way or main line of the railway apply to the lands authorized under this section to be taken except sections 173 and 175 relating to the sanction by the Board of the plan, profile and book of reference of the railway, but the deposit with the Board and with the registrar of deeds shall be made as provided in this section.

(8) The Board may, upon consent in writing having been first obtained from the Minister in that behalf, repeal, rescind, change or vary any certificate of the Minister made under section 109 of the Railway Act, 1888. R.S., c. 170, s. 200.

Using Lands for Special Purposes.

204. (1) The company, either for the purpose of constructing or repairing its railway, or for the purpose of carrying out the requirements of the Board, or in the exercise of the powers conferred upon it by the Board, may enter upon any land that is not more than six hundred feet distant from the centre of the located line of the railway, and may occupy the said land as long as is necessary for the purposes aforesaid; and all the provisions of law at the time applicable to the taking of land by the company, and its valuation, and the compensation therefor, apply to the case of any land so required.

(2) Before entering upon any land for the purposes aforesaid, the company shall, in case the consent of the owner is not obtained, pay into the office of one of the superior courts for the province in which the land is situated

(a) such sum, as is, after two clear days’ notice to the owner of the land, or to the person empowered to convey the same, or interested therein, fixed by a judge of such superior court, and

(b) interest for six months upon the sum so fixed.

(3) Such deposit shall be retained to answer any compensation that may be awarded the person entitled thereto, and may upon order of a judge of such court, be paid out to such person in satisfaction pro tanto of such award, and the surplus, if any thereafter remaining, shall by order of the judge, be repaid to the company.

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(4) Any deficiency in such deposit to satisfy such award shall be forthwith paid by the company to the person entitled to compensation under such award. R.S., c. 170, s. 201.

205. (1) Whenever

(a) any stone, gravel, earth, sand, water or other material is required for the construction, maintenance or operation of the railway, or any part thereof, or

(b) such materials or water, so required, are situate, or have been brought to a place at a distance from the line of railway, and the company desires to lay down the necessary tracks, spurs or branch lines, water pipes or conduits, over or through any lands intervening between the railway and the land on which such materials or water are situate, or to which they have been brought,

the company may, if it cannot agree with the owner of the lands for the purchase thereof, cause a land surveyor, duly licensed to act in the province, or an engineer to make a plan and description of the property or right of way, and shall serve upon each of the owners or occupiers of the land affected a copy of such plan and description, or of so much thereof as relates to the lands owned or occupied by them respectively, duly certified by such surveyor or engineer.

(2) All the provisions of this Act apply, in so far as applicable, and the powers thereby granted may be used and exercised to obtain the materials or water, so required, or the right of way to the same, irrespective of the distance thereof, except that the company is not required to submit any such plan for the sanction of the Board.

(3) The company may, at its discretion, acquire the lands from which such materials or water are taken, or upon which the right of way thereto is located, for a term of years or permanently.

(4) The notice of arbitration, if arbitration is resorted to, shall state the extent of the privilege and title required.

(5) The tracks, spurs or branch lines constructed or laid by the company under this section shall not be used for any purpose other than in this section mentioned, except by leave of the Board, and subject to such terms and conditions as the Board sees fit to impose.

(6) The Board may restrict or forbid the exercise of any power under this section. R.S., c. 170, s. 202.
206. (1) Every railway company may, on and after the 1st day of November, in each year, enter into and upon any lands of Her Majesty or of any person lying along the route or line of the railway, and erect and maintain snow fences thereon, subject to the payment of such land damages, if any actually suffered, as are thereafter established by mutual agreement, and failing such agreement, in the manner provided by law with respect to such railway or, in the alternative, at the option of the claimant, by the Board, who, upon hearing, shall determine and fix the compensation to be paid the owner by way of damages.

(2) Every snow fence so erected shall be removed on or before the 1st day of April then next following. R.S., c. 170, s. 203; 1938, c. 40, s. 1; 1938, c. 53, s. 3.

Purchase and Conveyance.

207. (1) Except as otherwise hereinafter provided, whenever the company can purchase a larger quantity of land from any particular owner at a more reasonable price, on the average, or on terms more advantageous, than those upon which it could obtain the portion thereof that it may take from him without his consent, it may purchase such larger quantity.

(2) The company may sell and dispose of any part of the lands so purchased that may be unnecessary for its undertaking. R.S., c. 170, s. 204.

208. All tenants in tail or for life, grevés de substitution, guardians, curators, executors, administrators, trustees and all persons whomsoever, as well for and on behalf of themselves, their heirs and successors, as on behalf of those whom they represent, whether infants, issue unborn, lunatics, idiots, feme-covert or other persons, seized, possessed of or interested in any lands, may, subject to the provisions of section 209, contract and sell and convey to the company all or any part thereof. R.S., c. 170, s. 205.

209. (1) When such persons have no right in law to sell or convey the rights of property in the said lands they shall not sell or convey the same without obtaining from a judge, after due notice to the persons interested, the right to sell the said lands; but where any person interested is absent from the district or county in which the lands lie, or is unknown, the judge may order such substitutional service of notice as he deems proper or may dispense with notice. R.S., 1952.
Purchase money.

(2) The said judge shall give such orders as are necessary to secure the investment of the purchase money, in such a manner as he deems necessary, in accordance with the law of the province, to secure the interests of the owner of the said land. R.S., c. 170, s. 206.

Limitation of powers to convey.

210. The powers by sections 208 and 209 conferred upon

(a) rectors in possession of glebe lands in the Province of Ontario;

(b) ecclesiastical and other corporations;

(c) trustees of land for church or school purposes;

(d) executors appointed by wills under which they are not invested with, and have not otherwise, power to sell the real property of the testator; and

(e) administrators of persons dying intestate seized of real property, where such administrators have not power to sell such property; shall only extend and be exercised with respect to any of such lands actually required for the use and occupation of the company. R.S., c. 170, s. 207.

Conveyance to vest fee simple.

211. (1) Any contract, agreement, sale, conveyance or assurance made under the authority of section 208, 209 or 210 is valid and effectual in law, to all intents and purposes and whatsoever; and any conveyance so authorized vests in the company receiving the same the fee simple in the lands therein described, freed and discharged from all trusts, restrictions and limitations whatsoever.

(2) The person so conveying is hereby relieved from liability for what he does by virtue of or in pursuance of this Act. R.S., c. 170, s. 208.

Indemnity to persons conveying.

212. The company is not responsible for the disposition of any purchase money for lands taken by the company for its purposes, if paid to the owner of the land or into court for his benefit. R.S., c. 170, s. 209.

Application of purchase money.

213. (1) Any contract or agreement made by any person authorized by this Act to convey lands, either before the deposit of the plan, profile and book of reference, or before the setting out and ascertaining of the lands required for the railway, is, if such contract or agreement or notice thereof by caveat or otherwise, is duly registered with the proper registrar of deeds, binding at the price agreed upon, if the lands are afterwards so set out and ascertained within one

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one year from the date of the contract or agreement, and although such lands have in the meantime become the property of a third person.

(2) Possession of the lands may be taken, and the agreement and price may be dealt with, as if such price had been fixed by an arbitration award as hereinafter provided, and the agreement shall be in the place of an award. R.S., c. 170, s. 210.

214. (1) If, in any case not hereinbefore provided for, any person interested in any lands so set out and ascertained is not authorized by law to sell or alienate the same, he may agree upon a fixed annual rent as an equivalent, and not upon a principal sum, to be paid therefor.

(2) If the amount of the rent is not fixed by agreement, it shall be fixed and all proceedings shall be regulated, in the manner prescribed in this Act. R.S., c. 170, s. 211.

215. Such annual rent and every other annual rent, agreed upon or ascertained, and to be paid for the purchase of any lands, or for any part of the purchase money of any lands which the vendor agrees to leave unpaid, shall, upon the deed creating such charge and liability being duly registered in the registry office of the proper district, county or registration division, be chargeable as part of the working expenditure of the railway. R.S., c. 170, s. 212.

Publishing Notice of Plans and Making Agreements.

216. (1) After the expiration of ten days from the deposit of the plan, profile and book of reference in the office of the registrar of deeds, and after notice thereof has been given in at least one newspaper, if any, published in each of the districts and counties through which the railway is intended to pass, application may be made by the company to the owners of lands, or to persons empowered to convey lands, or interested in lands, that may be taken, or that suffer damage from the taking of materials, or the exercise of any of the powers granted for the railway; and, thereupon, such agreements and contracts as seem expedient to both parties may be made with such persons, touching the said lands or the compensation to be paid for the same, or for the damages, or as to the mode in which such compensation shall be ascertained.

(2) The company may at any time grant or agree to grant to the owner of any lands injuriously affected, or likely to be injuriously affected, by the exercise of the company's powers, easement, etc. R.S., 1952.
company's powers, any easement, servitude or privilege over or in respect of the company's lands or the lands being taken by the company, and may construct and maintain or agree to construct and maintain any work for such owner's benefit; and any such agreement may be enforced by the Board, or damages may be recovered for the breach thereof in any court of competent jurisdiction.

(3) Such deposit of plan, profile and book of reference and such notice of such deposit, shall be deemed a general notice to all parties of the lands which will be required for the railway and works. R.S., c. 170, s. 213.

217. In case of disagreement between the parties, or any of them, all questions that arise between them shall be settled as hereinafter provided. R.S., c. 170, s. 214.

EXPROPRIATION PROCEEDINGS.

Notice.

218. Preliminary to proceeding to arbitration to fix compensation or damages, the company shall serve upon the opposite party a notice, which shall contain

(a) a description of the lands to be taken, or of the powers intended to be exercised with regard to any lands therein described;

(b) a declaration of readiness to pay a certain sum or rent, as the case may be, as compensation for such lands or for such damages; and

(c) a notification that if within ten days after the service of this notice, or, where the notice is served by publication, within one month after the first publication thereof, the party to whom the notice is addressed does not give notice to the company that he accepts the sum offered by the company, either he or the company will be entitled to apply to have the compensation fixed by arbitration as provided in this Act. R.S., c. 170, s. 215.

219. Such notice shall be accompanied by the certificate of a sworn surveyor or engineer, who is not interested in the land or in the amount of compensation or damages, which certificate shall state

(a) that the land, if the notice relates to the taking of land shown on the said plan, is required for the railway;

(b) that he knows the land, or the amount of damage likely to arise from the exercise of the powers; and

(c) what sum is, in his opinion, a fair compensation for the land and damages aforesaid. R.S., c. 170, s. 216.
220. (1) If the opposite party is absent from the district or county in which the lands lie, or is unknown, an application for service by advertisement may be made to a judge of a superior court for the province or district, or to the judge of the county court of the county where the lands lie.

(2) Such application shall be accompanied by such certificate as aforesaid, and by an affidavit of some officer of the company, that the opposite party is so absent, or that, after diligent inquiry, the person on whom the notice ought to be served cannot be ascertained.

(3) The judge shall order a notice as aforesaid, but without such certificate, to be inserted three times in the course of one month in a newspaper published in the district or county, or, if there is no newspaper published therein, then in a newspaper published in some adjacent district or county, and in such other newspaper, if any, as the judge may direct. R.S., c. 170, s. 217.

221. (1) Where the notice given improperly describes the lands or materials intended to be taken, or where the company decides not to take the lands or materials mentioned in the notice, it may abandon the notice and all proceedings thereunder, but is liable to the person notified for all damages suffered and costs incurred by him in consequence of such notice and abandonment, and such damages shall be fixed and such costs taxed by the judge, or as he directs.

(2) The company after payment of such damages and costs, if any, may, notwithstanding the abandonment of any former notice, give to the same or any other person notice for other lands or materials, or for lands or materials otherwise described.

(3) Where the amount of compensation payable under the notice has been referred to arbitration, the company may, in lieu of abandoning the notice pursuant to subsection (1), give to the opposite party and to the arbitrator, a notice varying the description of the lands or materials to be taken or the powers intended to be exercised by the company; which subsequent notice shall also contain

(a) a declaration of readiness to pay a certain sum or rent as the case may be, as compensation for such lands or for damages for such materials or powers, and damages suffered and costs incurred by such opposite party in consequence of the former notice, and

(b) R.S., 1952.
(b) a notification that if within eight days after the service of such notice, the party to whom the notice is addressed does not give notice to the company that he accepts the sum offered by the company, the arbitrator may proceed to fix the compensation for the lands, materials or powers described in such subsequent notice.

(4) In the event of the arbitration proceeding pursuant to such subsequent notice, all evidence taken and proceedings had under the former notice, shall, in so far as they are applicable, be used in the arbitration upon the subsequent notice and the proceedings on both notices shall be deemed one arbitration, but the company is liable to pay all damages suffered and costs incurred by the opposite party by reason of the company having failed to demand by the original notice, the lands, materials or powers as described in the subsequent notice. R.S., c. 170, s. 218.

Arbitrator.

222. (1) If within ten days after the service of such notice, or, where service is made by advertisement, within one month after the first publication thereof, the opposite party does not give notice to the company that he accepts the sum offered by it, either party may apply to the judge of the county court of the county in which the lands lie, or, in the Province of Quebec or in any other part of Canada where there is no county court, to a judge of the superior court for the district or place in which the lands lie, to determine the compensation to be paid as aforesaid.

(2) Ten days' notice of such application shall be given by the company to the opposite party, or vice versa.

(3) If the opposite party is absent from the district or county in which the lands lie, or is unknown, service of such ten days' notice may be made by advertisement as hereinbefore authorized; but the judge may dispense with, shorten or lengthen the time or times for the publication of the notice in any case in which he deems it proper. R.S., c. 170, s. 219.

223. (1) Such judge shall, upon application being made to him as aforesaid, become the arbitrator for determining such compensation, except that where such judge is personally interested in the land or in the amount of the compensation or damages in question, or where for any other reason it is necessary, either party may, on six days' notice to the opposite party, apply to a judge of a superior court to appoint, and that judge may appoint, a county or superior

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Prior court judge to be arbitrator, and in such case the judge so appointed shall be the arbitrator for the purposes aforesaid.

(2) The arbitrator shall proceed to ascertain such compensation in such way as he deems best, and, except as hereinafter provided, his award is final and conclusive. Award. R.S., c. 170, s. 220.

**Determining Compensation.**

**224.** (1) The arbitrator, in deciding on such value or compensation, shall take into consideration the increased value, beyond the increased value common to all lands in the locality, that will be given to any lands of the opposite party through or over which the railway will pass, by reason of the passage of the railway through or over the same or by reason of the construction of the railway, and shall set off such increased value that will attach to the said lands against the inconvenience, loss or damage that might be suffered or sustained by reason of the company taking possession of or using the said lands.

(2) The date of the deposit of the plan, profile and book of reference with the registrar of deeds shall be the date with reference to which such compensation or damages shall be ascertained, but if the company does not actually acquire title to the lands within one year from the date of such deposit then the date of such acquisition shall be the date with reference to which such compensation or damages shall be ascertained.

(3) The arbitrator may include in the award an allowance for interest on the compensation or damages from the date of deposit of the plan, profile and book of reference with the registrar of deeds or for such shorter time as he deems proper. R.S., c. 170, s. 221.

**225.** In mitigation of any injury or damage caused or likely to be caused to any lands by the exercise of the company's powers, the company may, by its notice of expropriation or by subsequent notice filed with the arbitrator, and served upon the opposite party, prior to the close of the hearing before the arbitrator, undertake to abandon or grant to the owner of the above mentioned lands or the party interested therein any portion of the company's lands, or the lands being taken, or any easement, servitude or privilege over or in respect of the same, or to construct and maintain any work for the benefit of such owner or person interested, and if such owner or person interested, by writing filed with the arbitrator, consents to accept what R.S., 1952.
what is so undertaken, or if the arbitrator approves thereof in the award, such undertaking is binding upon the company, and the compensation or damages shall be fixed in view of what is so undertaken, and the undertaking may be enforced by the Board, or damages may be recovered for the breach thereof in any court of competent jurisdiction. R.S., c. 170, s. 222.

**Costs of Arbitration.**

226. (1) The costs of the arbitration are in the discretion of the arbitrator and shall be paid by the party against whom he allows the same and it is the duty of the arbitrator to state in his award whether the whole or any part of the costs are allowed and by whom the same are to be paid.

(2) The amount of the costs, if not agreed upon, may be taxed by the proper taxing officer for the taxation of costs of an action or suit tried before the judge who acted as arbitrator, and appeal may be taken from such taxing officer as in the case of the costs of such an action or suit.

(3) The arbitrator is not entitled to any fee or reward for his services as arbitrator, but shall be paid, as part of the costs of the arbitration, all his actual necessary and reasonable travelling and other expenses incurred in or in connection with the arbitration. R.S., c. 170, s. 223.

**Proceedings of Arbitrator.**

227. The arbitrator shall examine on oath or solemn affirmation such witnesses as appear before him, but no more than three expert or opinion witnesses shall be called in behalf of any party; the arbitrator may by consent of the parties decide the matter upon view or inspection of the property without examining witnesses, but any party or his representative may in such case be permitted to point out and explain such things as seem material to the case. R.S., c. 170, s. 224.

228. (1) The arbitrator may in any case with respect to such arbitration

(a) enter upon and inspect any land, place, building, works or other thing, being the property of or under the control of the company or the opposite party, the entry or inspection of which appears to him requisite;

(b) inspect any works, structure, rolling stock or property of the company;
(c) require the production of all books, papers, plans, specifications, drawings and documents relating to the matter before him; and

(d) administer oaths, affirmations or declarations.

(2) He has the like power in summoning witnesses and enforcing their attendance and compelling them to give evidence and produce books, papers or things which they are required to produce as is vested in any court in civil cases.

(3) The persons attending and giving evidence at any such arbitration are entitled to the like fees and allowances for so doing as if summoned to attend before the Exchequer Court.

(4) The provisions hereinbefore contained with respect to the production before the Board of books and papers that may tend to criminate the persons producing them apply to persons attending and giving evidence at any such arbitration. R.S., c. 170, s. 225.

229. (1) The arbitrator shall take down in writing the evidence brought before him, unless either party requires that it be taken by a stenographer; in which case a stenographer shall be named by the arbitrator, unless the parties agree upon one.

(2) The stenographer shall be sworn before the arbitrator before entering upon his duties.

(3) The expense of such stenographer, if not arranged by agreement between the parties, shall form part of the costs of the arbitration. R.S., c. 170, s. 226.

230. (1) After making the award, the arbitrator shall forthwith notify the parties that the award has been made, and shall forthwith deliver or transmit by registered post the award and the depositions, exhibits and all other papers connected with the arbitration to the clerk of the court, to be filed with the records of the said court.

(2) The notice of the making of the award may be given by registered letter addressed to the parties at their usual or last known post office addresses, or addressed in care of their representatives, if any, who appeared for them in the arbitration proceedings. R.S., c. 170, s. 227.

Preventing Delay.

231. After the making of the application constituting him arbitrator, or in the case of appointment by order of a judge of a superior court after the receipt of such order or a copy R.S., 1952.
copy thereof, the arbitrator shall proceed with and complete the arbitration and award as speedily as possible, having regard to the interests of the parties, and he may give any directions respecting the proceedings which he deems proper to prevent delay. R.S., c. 170, s. 228.

232. (1) If the arbitrator dies before the award is made, or is incapacitated, disqualified or unable to act, either party may, on six days' notice to the opposite party, apply to a judge of the superior court to appoint, and such judge shall appoint, any county or superior court judge to be arbitrator in the place of the arbitrator who has died, become incapacitated, disqualified or unable to act.

(2) The proceedings are not in any such case required to be recommenced or repeated.

(3) The cost of applications and proceedings under this section shall form part of the costs of the arbitration proceedings. R.S., c. 170, s. 229.

Impeaching Award.

233. (1) No award is invalidated by reason of any want of form or other technical objection, if the requirements of this Act have been substantially complied with, and if the award states clearly the sum awarded, and the lands or other property, right or privilege for which such sum is to be the compensation.

(2) The person to whom the sum is to be paid need not be named in the award. R.S., c. 170, s. 230.

Arbitrator not disqualified by—

234. If the arbitrator is not himself personally interested in the amount of the compensation he shall not be disqualified because he has previously expressed an opinion as to the amount of compensation or because he is related or of kin to any shareholder of the company. R.S., c. 170, s. 231.

Appeal from Award.

235. (1) Within one month after receiving from the arbitrator or from the opposite party a written notice of the making of the award, the company may, where the award exceeds six hundred dollars, and any other party may, where such party in his notice of appeal claims more than six hundred dollars or objects to some easement or other thing approved by the arbitrator without his consent as hereinbefore provided, appeal from the award upon any question of law or fact, or upon any other ground of objection, R.S., 1952.
objection, to a superior court, or to the court of last resort of the province in which the lands lie, if a judge of a superior court has been constituted arbitrator.

(2) Where the award is less than six hundred dollars the company or the opposite party may, within the time limited by this section, appeal from the award upon any question of law or upon any question of mistake appearing on the face of the proceedings, to a superior court or to the court of last resort as the case may be; and upon the hearing of the appeal such court shall decide any question of fact upon the evidence taken before the arbitrator as in the case of original jurisdiction.

(3) The court may, where, from any other evidence it deems proper to admit, it is clearly satisfied that injustice has been done, set aside the award or remit it to the arbitrator for reconsideration with such directions as it deems proper.

(4) Upon such appeal the practice and proceedings shall be, as nearly as may be, the same as upon an appeal from the decision of an inferior court to the said superior court, subject to any general rules or orders from time to time made by the court to which such appeal lies in respect to such appeals.

(5) The decision of such court is not, except where the amount awarded by or claimed in the appeal from such decision exceeds five thousand dollars, subject to further appeal, and except as herein provided there shall be no appeal from, or proceedings had to impeach or set aside any award made under this Act. R.S., c. 170, s. 232.

Paying Money into Court, etc.

236. (1) Whenever

(a) the company has reason to fear any claim, mortgage, hypothec, or encumbrance;

(b) any person to whom the compensation or annual rent, or any part thereof, is payable, refuses to execute a proper conveyance;

(c) the person entitled to claim the compensation or annual rent cannot be found, or is unknown to the company; or

(d) for any other reason, the company deems it advisable;

the company may pay such compensation into court, with the interest thereon for six months, and may deliver to the clerk or prothonotary of such court an authentic copy of the conveyance, or of the award or agreement, if there is no conveyance.

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Title.

(2) Such conveyance, or award or agreement, shall thereafter be deemed to be the title of the company to the land therein mentioned. R.S., c. 170, s. 233.

Lands not in Quebec.

237. (1) Where the lands are situated elsewhere than in the Province of Quebec, a notice of such payment and delivery, in such form and for such time as the court appoints, shall be inserted in a newspaper, published in the county in which the lands are situated, or, if there is no newspaper published in the county, then in the official gazette of the province, and also in a newspaper published in the nearest county thereto in which a newspaper is published.

What notice shall state.

(2) Such notice shall state that the conveyance, agreement or award constituting the title of the company is obtained under the authority of this Act, and shall call upon all persons claiming an interest in or entitled to the lands, or any part thereof, to file their claims to the compensation, or any part thereof. R.S., c. 170, s. 234.

Lands in Quebec.

238. Where the lands are situated in the Province of Quebec, the notice shall be published as required in cases of confirmation of title, and the registrar's certificate shall be procured and filed as in such cases. R.S., c. 170, s. 235.

Compensation in place of land.

239. The compensation for any lands that may be taken without the consent of the owner stands in the stead of such lands; and any claim to or encumbrance upon the said lands, or any portion thereof, is, as against the company, converted into a claim to the compensation, or to a like proportion thereof; and the company is responsible accordingly, whenever it has paid such compensation or any part thereof to a person not entitled to receive the same, saving always its recourse against such person; but nothing herein contained prejudices any owner's right to a lien for unpaid purchase money unless such compensation is actually paid to such owner or paid into court pursuant to this Act. R.S., c. 170, s. 236.

Lien for purchase money.

240. (1) All such claims filed shall be received and adjudicated upon by the court, and the adjudication thereon forever bars all claims to the land, or any part thereof, including any dower, mortgage, hypothec or encumbrance upon the same.

Disposal of compensation.

(2) The court shall make such order for the distribution, payment, or investment of the compensation and for the security of the rights of all persons interested, as to right and justice and to law appertains.

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(3) If the order for distribution, payment, or investment is obtained within less than six months from the payment of the compensation into court, the court shall direct a proportionate part of the interest to be returned to the company.

(4) If from any error, fault or neglect of the company, such order is not obtained until after six months have expired, the court shall order the company to pay into court, as part of the compensation, the interest for such further period as is right.

(5) The costs of the proceedings, in whole or in part, including the proper allowances to witnesses, shall be paid by the company, or by any other person, as the court orders. R.S., c. 170, s. 237.

Right of Company to take Possession.

241. Upon payment or legal tender of the compensation or annual rent awarded or agreed upon to the person entitled to receive the same, or upon the payment into court of the amount of such compensation, in the manner hereinbefore mentioned, the award or agreement vests in the company the power forthwith to take possession of the lands, or to exercise the right, or to do the thing for which such compensation or annual rent has been awarded or agreed upon. R.S., c. 170, s. 238.

Proceedings in case of Resistance.

242. (1) If any resistance or forcible opposition is made by any person to the exercise by the company of any such power the judge shall upon or without notice to the opposite party as he deems proper, on proof to his satisfaction of such award or agreement and of payment or tender of the sum awarded or agreed upon or of payment thereof into court, issue his warrant to the sheriff of the district or county, or to a bailiff, as he deems most suitable, to put down such resistance or opposition, and to put the railway company in possession.

(2) The sheriff or bailiff shall, in the execution of such warrant, take with him sufficient assistance for such purpose, and shall put down such resistance or opposition and put the company in possession. R.S., c. 170, s. 239.

243. Such warrant shall also be granted by the judge without such award or agreement, on affidavit to his satisfaction that the immediate possession of the lands or of the power to do the thing mentioned in the notice, is necessary for immediate possession in certain cases. R.S., 1952.
for the construction or maintenance of some part of the railway with which the company is ready forthwith to proceed. R.S., c. 170, s. 240.

244. (1) The judge shall not grant any warrant under section 243, unless

(a) ten days' previous notice of the time and place when and where the application for such warrant is to be made has been served upon the owner of the lands, or the person empowered to convey the lands or interested in the lands sought to be taken or which may suffer damage from the taking of materials sought to be taken, or the exercise of the powers sought to be exercised, or the doing of the thing sought to be done by the company, and

(b) the company gives security to his satisfaction, by payment into court, of a sum in his estimation sufficient to cover the probable compensation and costs of the arbitration, and not less than fifty per cent above the amount offered by the company in the notice mentioned in section 218 or certified by the surveyor or engineer under section 219, whichever is larger; or, if the judge deems proper, pays the party in part and gives security for the balance.

(2) Where for any reason service of such notice cannot be made, or cannot be made promptly, the judge may, on proof to his satisfaction of circumstances justifying it, order substitutional or other service of such notice or dispense with such notice. R.S., c. 170, s. 241.

245. (1) The costs of any such application and hearing before the judge shall be borne by the company, unless the compensation awarded is not more than the company had offered to pay.

(2) No part of such deposit or of any interest thereon shall be repaid, or paid to such company, or paid to such owner or party, without an order from the judge, which he may make in accordance with the terms of the award. R.S., c. 170, s. 242.

246. Any proceeding under the foregoing provisions of this Act relating to the ascertainment or payment of compensation or the delivery of possession of lands taken, or the putting down of resistance to the exercise of powers, shall, if commenced in a superior court having jurisdiction, be continued in such superior court, or, if the proceeding is

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is commenced in a county court having jurisdiction, it shall be continued in such county court; and where there are different interests in the same lands all shall as far as possible be dealt with in one proceeding. R.S., c. 170, s. 243.

MATTERS INCIDENTAL TO CONSTRUCTION.

Respecting Wages.

247. (1) In every case in which the Parliament of Current Canada votes financial aid by way of subsidy or guarantee towards the cost of railway construction, all mechanics, labourers or other persons who perform labour in such construction shall be paid such wages as are generally accepted as current for competent workmen in the district in which the work is being performed; and if there is no current rate in such district, then a fair and reasonable rate. (2) In the event of a dispute arising as to what is the current or a fair and reasonable rate, it shall be determined by the Minister, whose decision is final. R.S., c. 170, s. 244.

Respecting Navigable Waters.

248. No company shall cause any obstruction in, or impede the free navigation of any river, water, stream or canal, to, upon, along, over, under, through or across, which its railway is carried. R.S., c. 170, s. 245.

249. No company shall run its trains over any canal, or over any navigable water, without having first laid, nor without maintaining, such proper flooring under and on both sides of its railway track over such canal or water as is deemed by the Board sufficient to prevent anything falling from the railway into such canal or water, or upon the boats, vessels, craft, or persons navigating such canal or water. R.S., c. 170, s. 246.

250. (1) Whenever the railway is, or is proposed to be carried over any navigable water or canal by means of a bridge, the Board may by order in any case, or by regulations, direct that such bridge shall be constructed with such span or spans of such headway and waterway, and with such opening span or spans, if any, as to the Board may seem expedient for the proper protection of navigation. (2) The Board may in like manner, if any such bridge is a draw or swing bridge, direct when, under what conditions and circumstances, and subject to what precautions, the same shall be opened and closed. R.S., c. 170, s. 247.
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Railway Act.

251. (1) When the company is desirous of constructing any wharf, bridge, tunnel, pier or other structure or work, in, upon, over, under, through or across any navigable water or canal, or upon the beach, bed or lands covered with the waters thereof, the company shall, before the commencement of any such work,

(a) in the case of navigable water, not a canal, submit to the Minister of Public Works, and in the case of a canal to the Minister, for approval by the Governor in Council, a plan and description of the proposed site for such work, and a general plan of the work to be constructed, to the satisfaction of such Minister, and

(b) upon approval by the Governor in Council of such site and plans, apply to the Board for an order authorizing the construction of the work and with such application, transmit to the Board a certified copy of the Order in Council and of the plans and description approved thereby, and also detail plans and profiles of the proposed work, and such other plans, drawings and specifications as the Board may, in any such case, or by regulation, require.

(2) No deviation from the site or plans approved by the Governor in Council, shall be made without the consent of the Governor in Council.

(3) Upon any such application, the Board may

(a) make such order in regard to the construction of such work upon such terms and conditions as it may deem expedient;

(b) make alterations in the detail plans, profiles, drawings and specifications so submitted;

(c) give directions respecting the supervision of any such work; and

(d) require that such other works, structures, equipment, appliances and materials be provided, constructed, maintained, used and operated, and measures taken, as under the circumstances of each case may appear to the Board best adapted for securing the protection, safety and convenience of the public.

(4) Upon such order being granted, the company shall be authorized to construct such work in accordance therewith.

(5) Upon the completion of any such work the company shall, before using or operating the same, apply to the Board for an order authorizing such use or operation, and if the Board is satisfied that its orders and directions have been carried out, and that such work may be used or operated

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operated without danger to the public, and that the provi-
sions of this section have been complied with, the Board
may grant such order. R.S., c. 170, s. 248.

Bridges, Tunnels and other Structures.

252. (1) The Governor in Council may, upon the report of
the Board, authorize or require any railway company to
construct fixed and permanent bridges, or swing, draw or
movable bridges, or to substitute any of such bridges for
bridges existing on the line of its railway, within such time
as the Governor in Council directs.

(2) No company shall substitute any swing, draw or
movable bridge for any fixed or permanent bridge already
built and constructed without the previous consent of the
Governor in Council. R.S., c. 170, s. 249.

253. (1) Every bridge, tunnel or other erection or struc-
ture, over, through or under which any railway passes, shall
be so constructed and maintained as to afford, at all times,
an open and clear headway of at least seven feet between
the top of the highest freight car used on the railway and
the lowest beams, members, or portions of that part of
such bridge, tunnel, erection or structure that is directly
over the space liable to be traversed by such car in passing
thereunder.

(2) The Board may, if necessary, require any existing
bridge, tunnel, or other erection or structure to be recon-
structed or altered, within such time as it may order, so as to comply with the requirements mentioned in subsection
(1); and any such bridge, tunnel, or other erection or
structure, when so reconstructed or altered shall thereafter
be maintained accordingly.

(3) Except by leave of the Board the space between the
rail level and such beams, members or portions of any such
structure, constructed after the 1st day of February, 1904,
shall in no case be less than twenty-two feet six inches.

(4) If, in any case, it is necessary to raise, reconstruct or
alter any bridge, tunnel, erection or structure not owned by
the company, the Board, upon application of the company,
and upon notice to all parties interested, or without any
application, may make such order, allowing or requiring
such raising, reconstruction or alteration, and upon such
terms and conditions as to the Board appear just and proper
and in the public interest.

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(5) R.S., 1952.
Board may exempt certain structures.

(5) The Board may exempt from the operation of this section any bridge, tunnel, erection, or structure, over, through or under which it is satisfied no trains, except such as are equipped with air brakes, are run. R.S., c. 170, s. 250.

Where length exceeds 18 feet.

254. (1) The company shall not, within the limits of any incorporated city or town, or where its line of railway crosses a highway, whether within or without such limits, commence the construction or reconstruction of, or any material alteration in any bridge, tunnel, viaduct, trestle, or other structure, through, over, or under which the company's trains are to pass, the span, or proposed span or spans, or length of which exceeds eighteen feet, until leave therefore has been obtained from the Board; but the company may, without such leave, commence such construction, reconstruction or alteration at any place beyond the said limits, if such construction, reconstruction or alteration is not at a highway crossing and is in accordance with standard specifications and plans approved by the Board.

Leave or approval of Board.

(2) Upon any application to the Board for such leave, the company shall submit to the Board the detail plans, profiles, drawings and specifications of any such work proposed to be constructed, and such other plans, profiles, drawings and specifications as the Board may in any case, or by regulation, require.

Powers of Board. Terms.

(3) Upon any such application the Board may

(a) make such order with regard to the construction of such work, and upon such terms and conditions, as it deems expedient;

(b) make alterations in the detail plans, profiles, drawings and specifications so submitted;

(c) give directions respecting the supervision of any such work; and

(d) require that such other works, structures, equipment, appliances and materials be provided, constructed, maintained, used, and operated, and that such measures be taken, as, under the circumstances of each case, may appear to the Board best adapted for securing the protection, safety and convenience of the public.

Company may construct.

(4) Upon such order being granted the company shall be authorized to construct such works in accordance therewith.

Board to authorize operation.

(5) Upon the completion of any such work the company shall, before using or operating the same, apply to the Board for an order authorizing such use or operation, and the Board may grant such order if it is satisfied that its orders and directions have been carried out, and that such work

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work may be used or operated without danger to the public, and that the provisions of this section have been complied with.

(6) Upon the application of any municipality or municipalities interested, the Board may, where it deems it reasonable and proper, require the company to construct under or alongside of its track upon any bridge being constructed, reconstructed or materially altered by the company a passageway for the use of the public either as a general highway or as a footway, the additional cost to the company of constructing, maintaining and renewing which, as fixed by or under the direction of the Board, shall be paid by the municipality or municipalities as the Board may direct, and the Board may impose any terms or conditions as to the use of such passageway or otherwise which it deems proper. R.S., c. 170, s. 251.

Crossings and Junctions with other Railways.

255. (1) The railway lines or tracks of any railway company shall not cross or join or be crossed or joined by or with any railway lines or tracks other than those of such company, whether otherwise within the legislative authority of the Parliament of Canada or not, until leave therefor has been obtained from the Board as hereinafter provided.

(2) Upon any application for such leave the applicant shall submit to the Board a plan and profile of such crossing or junction, and such other plans, drawings and specifications as the Board may, in any case, or by regulation, require.

(3) The Board may, by order,

(a) grant such application on such terms as to protection and safety as it deems expedient;

(b) change the plan and profile, drawings and specifications so submitted, and fix the place and mode of crossing or junction;

(c) direct that one line or track or one set of lines or tracks be carried over or under another line or track or set of lines or tracks;

(d) direct that such works, structures, equipment, appliances and materials be constructed, provided, installed, maintained, used or operated, watchmen or other persons employed, and measures taken, as under the circumstances appear to the Board best adapted to remove and prevent all danger of accident, injury or damage;

(e) 4649 R.S., 1952.
(e) determine the amount of damage and compensation, if any, to be paid for any property or land taken or injuriously affected by reason of the construction of such works;

(f) give directions as to supervision of the construction of the works; and

(g) require that detail plans, drawings and specifications of any works, structures, equipment or appliances required, shall, before construction or installation, be submitted to and approved by the Board.

(4) No trains shall be operated on the lines or tracks of the applicant over, upon or through such crossing or junction until the Board grants an order authorizing such operation.

(5) The Board shall not grant such last mentioned order until satisfied that its orders and directions have been carried out, and that the provisions of this section have been complied with. R.S., c. 170, s. 252.

256. (1) Where the lines or tracks of one railway are intersected or crossed by those of another, or upon any application for leave to make any intersection or crossing, or in any case in which the tracks or lines of two different railways run through or into the same city, town or village, the Board may, upon the application of one of the companies, or of a municipal corporation or other public body, or of any person or persons interested, order that the lines or tracks of such railways shall be so connected, at or near the point of intersection or crossing or in or near such city, town or village, as to admit of the safe and convenient transfer or passing of engines, cars and trains, from the tracks or lines of one railway to those of another, and that such connection shall be maintained and used.

(2) In and by the order for such connection, or from time to time subsequently, the Board may determine by what company or companies, or other corporations or persons, and in what proportions, the cost of making and maintaining any such connections shall be borne, and upon what terms traffic shall be thereby transferred from the lines of one railway to those of another.

(3) Where the lines or tracks of any railway within the legislative authority of a province intersect the lines or tracks, or run through or into the same city, town or village as the lines or tracks, of a railway within the legislative authority of the Parliament of Canada, and it is desired by the company owning or operating either of such railways, or
or by any municipal corporation, or other public body, or any person interested, that the lines or tracks of such railways should be connected, so as to admit of the safe and convenient transfer of engines, cars and trains from the lines or tracks of one of such railways to those of the other, and for the reasonable receiving, forwarding, delivering and interswitching of traffic between such railways, and there exists in the province in which such connection is desired a provincial railway, public utilities, or other board, commission or body, having power to require such connection between two railways within the legislative authority of such province, hereinafter in this subsection called the provincial board, proceedings may be taken in accordance with the following provisions:

(a) either of such companies, or any municipal corporation, or other public body, or any person interested, may file with the Secretary of the Board, and with the secretary of the provincial board, an application for an order that such connection should be required to be made, together with evidence of service of such application upon the railway companies interested or affected; and, where the application is not made by the municipality, upon the head of the municipal corporation within which the proposed connection is situate;

(b) after the receipt of the said application, the Board and the provincial board may, by joint session or conference, in conformity with the practice established or adopted by them, hear and determine the said application, and may order that the lines or tracks of such railways be so connected at or near the point of intersection, or in or near such city, town, or village, upon such terms and conditions, and subject to such plans, as they may deem proper;

(c) the Chief Commissioner and the chairman of the provincial board of any province having concurrent legislation carrying into effect the purposes and objects of this subsection, may make rules of procedure and practice covering the making of such applications and the hearing and the disposition thereof;

(d) the Chief Commissioner and the chairman of the provincial board may assign or appoint from each board the members comprising the joint board that may be required to sit for the hearing and determining of such applications as they arise; and

(e) R.S., 1952.

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(e) any order aforesaid may be made a rule of the Ex-
chequer Court and shall be enforced in like manner as
any rule, order, or decree of such court. R.S., c. 170,
s. 253.

Safety ap-
pliances at
rail level
crossings.

257. The Board may order the adoption and use at any
such crossing or junction at rail level, of such interlocking
switch, derailing device, signal system, equipment, appli-
cances and materials, as in the opinion of the Board renders
it safe for engines and trains to pass over such crossing or
junction without being brought to a stop. R.S., c. 170,
s. 254.

Highway Crossings, etc.

258. (1) The railway of the company may, if leave
therefor is first obtained from the Board as hereinafter
authorized, but shall not without such leave, be carried
upon, along or across any existing highway; the compen-
sation, if any, payable by the company to adjacent or
abutting landowners shall be determined under the arbi-
tration sections of this Act in so far as such sections are
applicable, and the Board shall not grant leave to any
company to carry any street railway or tramway, or any
railway operated or to be operated as a street railway or
tramway, along any highway that is within the limits of
any city or incorporated town, until the company has first
obtained the consent therefor by a by-law of the municipal
authority of such city or incorporated town; and where
leave is obtained to carry any railway along a highway
the Board may require the company to make compensation
to the municipality if the Board deems proper, such com-
pensation to be determined under the arbitration sections
of this Act, in so far as such sections are applicable.

(2) The company shall, before obstructing any such high-
way by its works, turn the highway so as to leave an open
and good passage for carriages, and, on completion of
the works, restore the highway to as good a condition as nearly
as possible as it originally had.

(3) Nothing in this section deprives any such company
of rights conferred upon it by any Special Act of the Par-
liament of Canada, or amendment thereof, passed prior
to the 12th day of March, 1903. R.S., c. 170, s. 255; 1930,
c. 36, s. 2.

259. (1) Upon any application for leave to construct a
railway upon, along or across any highway, or to construct
a highway along or across any railway, the applicant shall
submit to the Board a plan and profile showing the portion
of the railway and highway affected.
(2) The Board may, by order, grant such application in whole or in part and upon such terms and conditions as to protection, safety and convenience of the public as the Board deems expedient, or may order that the railway be carried over, under or along the highway, or that the highway be carried over, under or along the railway, or that the railway or highway be temporarily or permanently diverted, or that such other work be executed, watchmen or other persons employed, or measures taken as under the circumstances appear to the Board best adapted to remove or diminish the danger or obstruction, in the opinion of the Board, arising or likely to arise in respect of the granting of the application in whole or in part in connection with the crossing applied for, or arising or likely to arise in respect thereof in connection with any existing crossing.

(3) When the application is for the construction of the railway, upon, along or across a highway, all the provisions of law at such time applicable to the taking of land by the company, to its valuation and sale and conveyance to the company, and to the compensation therefor, including compensation to be paid to adjacent or abutting landowners as provided by section 258, apply to the land exclusive of the highway crossing, required for the proper carrying out of any order made by the Board.

(4) The Board may exercise supervision in the construction of any work ordered by it under this section, or may give directions respecting such supervision.

(5) When the Board orders the railway to be carried over or under the highway, or the highway to be carried over or under the railway, or any diversion temporarily or permanently of the railway or the highway, or any works to be executed under this section, the Board may direct that detailed plans, profiles, drawings and specifications be submitted to the Board.

(6) The Board may make regulations respecting the plans, profiles, drawings and specifications required to be submitted under this section. R.S., c. 170, s. 256.

260. (1) Where a railway is already constructed upon, along or across any highway, the Board may, of its own motion, or upon complaint or application, by or on behalf of the Crown, or any municipal or other corporation, or any person aggrieved, order the company to submit to the Board, within a specified time, a plan and profile of such portion of the railway, and may cause inspection of such portion, and may inquire into and determine all matters and R.S., 1952.
and things in respect of such portion, and the crossing, if any, and may make such order as to the protection, safety and convenience of the public as it deems expedient, or may order that the railway be carried over, under or along the highway, or that the highway be carried over, under or along the railway, or that the railway or highway be temporarily or permanently diverted, and that such other work be executed, watchmen or other persons employed, or measures taken as under the circumstances appear to the Board best adapted to remove or diminish the danger or obstruction in the opinion of the Board arising or likely to arise in respect of such portion or crossing, if any, or any other crossing directly or indirectly affected.

(2) When the Board of its own motion, or upon complaint or application, makes any order that a railway be carried across or along a highway, or that a railway be diverted, all the provisions of law at such time applicable to the taking of land by the company, to its valuation and sale and conveyance to the company, and to the compensation therefor, apply to the land, exclusive of the highway crossing, required for the proper carrying out of any order made by the Board.

(3) The Board may exercise supervision in the construction of any work ordered by it under this section, or may give directions respecting such supervision. R.S., c. 170, s. 257.

261. The Board has, without limiting any general power elsewhere conferred, power, for the purpose of diminishing the danger at any highway crossing with any railway heretofore or hereafter constructed, to order

(a) that any trees, buildings, earth or other obstruction to the view, that may be upon the railway, or the highway or any trees on any adjoining lands, shall be removed, and

(b) that nothing obstructing the view shall be placed at such crossing or nearer thereto than the Board designates;

and for any such purpose the Board has power to authorize or direct the expropriation of any land, the acquirement of any easement and the doing of anything deemed necessary, and has power to fix and order payment of such compensation as it deems just. R.S., c. 170, s. 258.

262. Notwithstanding anything in this Act, or in any other Act, the Board may, subject to the provisions of section 263, order what portion, if any, of cost is to be borne respectively

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respectively by the company, municipal or other corporation, or person in respect of any order made by the Board, under section 259, 260 or 261, and such order is binding on and enforceable against any railway company, municipal or other corporation or person named in such order. R.S., c. 170, s. 259.

263. In any case where a railway is constructed after the 19th day of May, 1909, the company shall, at its own cost and expense, unless and except as otherwise provided by agreement, approved by the Board, between the company and a municipal or other corporation or person, provide, subject to the order of the Board, all protection, safety and convenience for the public in respect of any crossing of a highway by the railway. R.S., c. 170, s. 260.

264. The Board may order any company to erect over its railway at or near, or in lieu of any highway crossing at rail level, a foot bridge or foot bridges, for the purpose of enabling persons, passing on foot along such highway, to cross the railway by means of such bridge or bridges. R.S., c. 170, s. 261.

265. (1) The sums heretofore or hereafter appropriated and set apart to aid actual construction work for the protection, safety and convenience of the public in respect of highway crossings of railways at rail level shall be placed to the credit of a special account to be known as "The Railway Grade Crossing Fund," and shall (insofar as not already applied) be applied by the Board, subject to the limitations hereinafter set out, solely towards the cost, not including that of maintenance and operation, of actual construction work for the protection, safety and convenience of the public in respect of crossings (railway crossings of highways or highway crossings of railways) at rail level in existence on the 1st day of April, 1909, and in respect of existing crossings (railway crossings of highways or highway crossings of railways) at rail level, constructed after the 1st day of April, 1909, but the Board shall not apply any moneys out of The Railway Grade Crossing Fund towards the cost of the actual construction work, for the protection, safety and convenience of the public in respect of any existing crossing (railway crossing of a highway or highway crossing of a railway), at rail level, constructed after the 1st day of April, 1909, unless and except an agreement, approved of by the Board, has been entered into between the company and a municipal or other corporation or person by which agreement the municipal or other corporation or person has agreed with the company to bear a portion of the R.S., 1952.
the cost of the actual construction work for the protection,
safety and convenience of the public in respect of such
crossing (railway crossing of a highway or highway crossing
of a railway), at rail level, constructed after the 1st day of
April, 1909.

(2) The total amount of money, to be applied by the
Board out of The Railway Grade Crossing Fund, under
the provisions of this section, in the case of any one crossing,
where the cost of the actual construction work in providing
the protection, safety and convenience for the public does
not exceed one hundred and fifty thousand dollars, shall not
exceed forty per cent of such cost, and the total amount of
money, to be applied by the Board out of The Railway
Grade Crossing Fund, under the provisions of this section,
in the case of any one crossing, where the cost of the actual
construction work in providing the protection, safety and
convenience of the public exceeds one hundred and fifty
thousand dollars shall not exceed forty per cent of such cost,
and shall not in any case exceed one hundred and fifty
thousand dollars.

(3) In case any province contributes towards The Rail-
way Grade Crossing Fund, the Board may apportion, direct
and order payment out of the amount so contributed by
such province for the purpose of the said fund, subject to
any conditions and restrictions made and imposed by such
province in respect of its contribution.

(4) In this section “crossing,” means any railway crossing
of a highway, or any highway crossing of a railway, at rail
level, and every manner of construction of the railway or
of the highway by the elevation or the depression of the
one above or below the other, or by the diversion of the
one or the other and any other work ordered by the Board
to be provided as one work of protection, safety and con-
venience for the public in respect of one or more railways of
as many tracks crossing or so crossed as in the discretion
of the Board determined.

(5) The grants or the unexpended portions or moneys
thereof made under the provisions of the Acts, chapter
32 of the statutes of 1909, chapter 50 of the statutes of
1914, and chapter 30 of the statutes of 1919, of two hundred
thousand dollars each year for twenty consecutive years
from the 1st day of April, 1909, may, from and after the
11th day of June, 1928, notwithstanding any provision of
any of the said Acts, be expended to aid actual construction
work for the protection, safety and convenience of the
public in respect of crossings (railway crossings of highways
or highway crossings of railways) at rail level in existence
on
on the 1st day of April, 1909, and in respect of existing crossings (railway crossings of highways or highway crossings of railways) at rail level, constructed after the 1st day of April, 1909, subject to the terms and conditions contained in this section.

(6) The sum of five hundred thousand dollars each year for two consecutive years from the 1st day of April, 1949, and the sum of one million dollars each year for six consecutive years from the 1st day of April, 1951, shall be appropriated and set apart from the Consolidated Revenue Fund of Canada to aid actual construction work for the protection, safety and convenience of the public in respect of highway crossings of railways at rail level in accordance with the provisions of this section. 1928, c. 43, s. 1; 1950, c. 20, ss. 1, 2.

266. Unless otherwise directed or permitted by the Board, the highway at any overhead railway crossing shall not at any time be narrowed by means of any abutment or structure to a width less than twenty feet, nor shall the clear headway above the surface of the highway at the central part of any overhead structure, constructed after the 1st day of February, 1904, be less than fourteen feet. R.S., c. 170, s. 263.

267. Every structure by which any railway is carried over or under any highway or by which any highway is carried over or under any railway, shall be so constructed, and, at all times, be so maintained, as to afford safe and adequate facilities for all traffic passing over, under or through such structure. R.S., c. 170, s. 264.

268. Whenever the railway crosses any highway at rail level, whether the level of the highway remains undisturbed or is raised or lowered to conform to the grade of the railway, the top of the rail may, when the works are completed, unless otherwise directed by the Board, rise above or sink below the level of the highway to the extent of one inch without being deemed an obstruction. R.S., c. 170, s. 265.

269. (1) The inclination of the ascent or descent, as the case may be, of any approach by which any highway is carried over or under any railway, or across it at rail level, shall not, unless the Board otherwise directs, be greater than one foot of rise or fall for every twenty feet of the horizontal length of such approach.

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(2) Such fences or other structures as the Board may by order or regulation direct shall be erected and maintained on the sides of the approaches mentioned in subsection (1). R.S., c. 170, s. 266; 1947, c. 70, s. 4.

270. (1) Signboards at every highway crossed at rail level by any railway, shall be erected and maintained at each crossing, and shall have the words Railway Crossing painted on each side thereof in letters at least six inches in length.

(2) In the Province of Quebec such words shall be in both the English and the French languages. R.S., c. 170, s. 267.

Drainage and Power, Mining and Irrigation Works.

271. The company shall in constructing the railway make and maintain suitable water pipes, flumes, ditches and drains along each side of, and across and under the railway, to connect with water pipes, flumes, ditches, drains, drainage works and watercourses upon the lands through which the railway runs, so as to afford sufficient outlet to drain and carry off the water, or to convey the water supply, and so that the then natural, artificial, or existing drainage, or water supply, of the said lands shall not be obstructed or impeded by the railway. R.S., c. 170, s. 268.

272. (1) Whenever

(a) any lands are injuriously affected by reason of the drainage upon, along, across, or under the railway being insufficient to drain and carry off the water from such lands;

(b) any municipality or landowner desires to obtain means of drainage, or the right to lay water pipes or other pipes, temporarily or permanently, through, along, upon, across or under the railway or any works or land of the company; or

(c) the railway company desires to obtain means of drainage, or the right to lay water pipes or other pipes, temporarily or permanently, through, along, upon, across or under any lands adjoining or near the railway;

the Board may, upon the application or complaint of the municipality or landowner, or of the company, order or permit the company to construct such drainage or lay such pipes, and may require the applicant to submit to the Board a plan and profile of the portion of the railway or lands to be affected, or may direct an inspecting engineer,

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or such other person as it deems advisable to appoint, to inspect the locality in question, and, if expedient, there hold an inquiry as to the necessity or requirements for such drainage or pipes, and to make a full report thereon to the Board.

(2) The Board may upon such report, or in its discretion, order how, where, when, by whom, and upon what terms and conditions, such drainage may be effected, or pipes laid, constructed and maintained, having due regard to all proper interests, and may fix the compensation, if any, that should be paid to any owner injuriously affected or may direct the compensation, if any, to be determined under the arbitration sections of this Act.

(3) An order of the Board is not required in the cases in which water pipes or other pipes are to be laid or maintained under the railway, with the consent of the railway company in accordance with the general regulations, plans or specifications adopted or approved by the Board for such purposes. R.S., c. 170, s. 269.

273. (1) Whenever by virtue of any Act of any province through which the railway runs, proceedings may be had or taken by any municipality or landowner for any drainage, or drainage works, upon and across the property of any other landowner in such province, the like proceedings may, at the option of such municipality or landowner, be had or taken by such municipality or landowner for drainage, or drainage works, upon and across the railway and lands of the company, in the place of the proceedings before the Board provided in section 272.

(2) In case of any such proceedings, the drainage laws of the province, subject to any previous order or direction of the Board made or given with respect to drainage of the same lands, apply to the lands of the company upon or across which such drainage is required, to the same extent as to the lands of any landowner of such province; but the company has the option of constructing the portion of any drain, or drainage work, required to be constructed upon, along, under or across its railway or lands.

(3) In the event of the company not exercising such option, and completing such work within a reasonable time, and without any unnecessary delay, such work may be constructed or completed in the same manner as any other portions of such work are provided under the laws of such province to be constructed.

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(4)

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(4) Notwithstanding anything in this section, no drainage works shall be constructed or reconstructed upon, along, under or across the railway or lands of the company until the character of such works, or the specifications or plans thereof, have been first submitted to and approved of by the Board.

(5) The proportion of the cost of the drain, or drainage works, across or upon the railway, to be borne by the company, shall, in all such cases, be based upon the increase of cost of such work caused by the construction and operation of the railway. R.S., c. 170, s. 270.

274. (1) When any person having authority to create, develop, enlarge or change any water-power, or any electrical or power development by means of water, or to develop and operate mineral claims or mines, or to use water for irrigation purposes, desires for any such purpose to carry any canal, tunnel, flume pipe, ditch or wire across, over or under any railway, and is unable to agree with the railway company as to the terms and conditions upon which the same may be so carried over, under or across the said railway, an application may be made to the Board for leave to construct the necessary works.

(2) Upon such application the applicant shall submit to the Board a plan and profile of the railway at the point where it is desired to make such crossing, and a plan or plans showing the proposed method of carrying such canal, tunnel, flume pipe, ditch or wire across, over or under the said railway, and such other plans, drawings and specifications as the Board in any case or by any regulation requires.

(3) The Board may, by order, grant such application on such terms and conditions as to protection and safety, payment of compensation or otherwise, as it deems just and proper, may change the plans, profiles, drawings and specifications so submitted, and fix the place and mode of crossing and may give directions as to the method in which the works are to be constructed and as to supervision of the construction of the works and the maintenance thereof, and order that detailed plans, drawings and specifications of any works, structures, equipment or appliances required shall before construction or installation be submitted to and approved by the Board. R.S., c. 170, s. 271.

275. (1) Every company shall make crossings for persons across whose lands the railway is carried, convenient and proper for the crossing of the railway for farm purposes.

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(2) Live stock, in using such crossings when at rail level, shall be in charge of some competent person, who shall take all reasonable care and precaution to avoid accidents. R.S., c. 170, s. 272.

276. (1) The Board may, upon the application of any landowner, order the company to provide and construct a suitable farm crossing across the railway, wherever in any case the Board deems it necessary for the proper enjoyment of his land, and safe in the public interest.

(2) The Board may order and direct how, when, where, by whom, and upon what terms and conditions, such farm crossing shall be constructed and maintained. R.S., c. 170, s. 273.

Fences, Gates and Cattle-guards.

277. (1) The company shall erect and maintain upon the railway

(a) fences of a minimum height of four feet six inches on each side of the railway;

(b) swing gates in such fences at farm crossings of the minimum height aforesaid, with proper hinges and fastenings; and

(c) cattle-guards, on each side of the highway, at every highway crossing at rail level with the railway.

(2) The railway fences at every such highway crossing shall be turned into the respective cattle-guards on each side of the highway.

(3) Such fences, gates and cattle-guards shall be suitable and sufficient to prevent cattle and other animals from getting on the railway lands.

(4) The Board may, upon application made to it by the company, relieve the company, temporarily or otherwise, from erecting and maintaining such fences, gates and cattle-guards where the railway passes through any locality in which, in the opinion of the Board, such works and structures are unnecessary.

(5) Where the railway is being constructed through enclosed lands, the company shall, by fencing its right of way before any existing fences are taken down or by other effective means, prevent cattle or other animals escaping from or getting upon such enclosed lands or from one enclosure to another or upon the property of the company by reason of such construction or of any act or thing done by the company, its contractors, agents or employees. R.S., c. 170, s. 274.
Gates to be Kept Closed.

278. The persons for whose use farm crossings are furnished shall keep the gates at each side of the railway closed, when not in use. R.S., c. 170, s. 275.

OPENING RAILWAY FOR TRAFFIC.

Inspection and Leave of Board.

279. (1) No railway, nor any portion thereof, shall be opened for the carriage of traffic, other than for the purposes of the construction of the railway by the company, until leave therefor has been obtained from the Board, as hereinafter provided.

(2) When the company is desirous of so opening its railway or any portion thereof, it shall make an application to the Board for authority therefor, supported by affidavit of its president, secretary, engineer or one of its directors, to the satisfaction of the Board, stating that the railway, or portion thereof, desired to be opened, is in his opinion sufficiently completed for the safe carriage of traffic, and ready for inspection.

(3) Before granting such application, the Board shall direct an inspecting engineer to examine the railway, or portion thereof, proposed to be opened.

(4) If the inspecting engineer reports to the Board, after making such examination, that in his opinion the opening of the railway or portion thereof so proposed to be opened for the carriage of traffic, will be reasonably free from danger to the public using the same, the Board may make an order granting such application, in whole or in part, and may name the time therein for the opening of the railway or such portion thereof, and thereupon the railway, or such portion thereof as is authorized by the Board, may be opened for traffic in accordance with such order.

(5) If such inspecting engineer, after the inspection of the railway, or any portion thereof, reports to the Board that, in his opinion, the opening of the same would be attended with danger to the public using the same by reason of the incompleteness of the works or permanent way, or the insufficiency of the construction or equipment of such railway, or portion thereof, he shall state in his report the grounds for such opinion, and the company is entitled to notice thereof, and shall be served with a copy of such report and grounds, and the Board may refuse such application in whole or in part, or may direct a further or other inspection and report to be made.

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(6) If thereafter, upon such further or other inspection, or upon a new application under this section, the inspecting engineer reports that such railway, or portion thereof, may be opened without danger to the public, the Board may make an order granting such application in whole or in part, and may name the time therein for the opening of the railway, or such portion thereof, and thereupon the railway, or such portion thereof as is authorized by the Board, may be opened for traffic in accordance with such order.

(7) The Board, upon being satisfied that public convenience will be served thereby, may, after obtaining a report of an inspecting engineer, allow the company to carry traffic over any portion of the railway not opened for the carriage of traffic in accordance with the provisions of sub-sections (1) to (6). R.S., c. 170, s. 276.

**Board May Order Railway to be Opened.**

280. The Board, in any case where it deems it right, may, upon the application of any person interested or of its own motion, order the opening of any railway or line or any portion thereof, for traffic, and may require the company to do all things necessary therefor, within such time as the Board fixes. R.S., c. 170, s. 277.

**SAFETY AND CARE OF ROADWAY.**

*Animals not to be at Large Near Highway Crossings.*

281. (1) No horses, sheep, swine or other cattle shall be permitted to be at large upon any highway, within half a mile of the intersection of such highway with any railway at rail level, unless they are in charge of some competent person or persons, to prevent their loitering or stopping on such highway at such intersection.

(2) All horses, sheep, swine or other cattle found at large contrary to the provisions of this section may, by any person who finds them at large, be impounded in the pound nearest to the place where they are so found, and the pound-keeper with whom the same are impounded shall detain them in like manner, and subject to like regulations as to the care and disposal thereof, as in the case of cattle impounded for trespass on private property. R.S., c. 170, s. 278.

*Thistles and Weeds to be Kept Cut.*

282. Every company shall cause thistles and all noxious weeds growing on the right of way, and upon land of the company, to be removed. R.S., 1952.
company adjoining the railway, to be cut down or to be rooted out and destroyed each year, before such thistles or weeds have sufficiently matured to seed. R.S., c. 170, s. 279.

Dry Grass to be Removed.

283. The company shall at all times maintain and keep its right of way free from dead or dry grass, weeds and other unnecessary combustible matter. R.S., c. 170, s. 280.

Fire Protection.

284. (1) The Board may make orders and regulations respecting the construction, use and maintenance, in connection with the railway, of fire guards or other works which may be deemed by the Board to be necessary and suitable to prevent, as far as possible, fires from being started or occurring, upon, along or near the right of way of the company; (b) requiring the company to establish and maintain an efficient and competent staff of fire-rangers, equipped with such appliances for fighting fires or preventing them from spreading, as the Board may deem proper, and to provide such fire-rangers with proper and suitable equipment to enable them to move from place to place along the line of railway with all due speed; (c) requiring the company to maintain an efficient patrol of the line of railway and of the lands in the vicinity thereof to which fires may spread, and generally defining the duties of the company and of the fire-rangers in respect thereof; (d) requiring the company to make returns of the names of fire-rangers in its employ in the performance of the above-mentioned duties, and of the places or areas in which they are from time to time engaged; and (e) requiring the company to make reports and returns of fires occurring upon or near its right of way.

(2) Any such orders or regulations may be made applicable during or after the construction of the railway, or during such time, and in such manner, as the Board deems proper.

(3) For the purpose of fighting and extinguishing fires, the fire-rangers of the company may follow the fires that spread from the railway, to, over and upon the lands to which they may spread.

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(4) Subject to the terms and conditions of any order or regulation of the Board, the company may at all times enter into and upon any lands of Her Majesty or of any person lying along the railway, for the purpose of establishing and maintaining thereon the fire guards or other protection directed by the Board, and for the purpose of freeing from dead or dry grass, weeds, and other unnecessary inflammable matter, the land between such fire guards and the line of railway. R.S., c. 170, s. 281.

Packing.

285. (1) The spaces behind and in front of every railway frog or crossing, and between the fixed rails of every switch, where such spaces are less than four inches in width, shall be filled with packing up to the underside of the head of the rail.

(2) The spaces between any wing rail and any railway frog, and between any guard rail and the track rail along-side of it, shall be filled with packing at their splayed ends, so that the whole splay shall be so filled where the width of the space between the rails is less than four inches.

(3) Such packing shall not reach higher than to the underside of the head of the rail.

(4) Such packing shall consist of wood or metal, or some equally substantial and solid material, of not less than two inches in thickness, and, where by this section any space is required to be filled in on any railway, shall extend to within one and a half inches of the crown of the rails in use, shall be neatly fitted so as to come against the web of such rails, and shall be well and solidly fastened to the ties on which such rails are laid; but if there is at any time any method of packing that, in the opinion of the Board, is an improvement over the present requirements, the Board, after hearing on notice, may authorize or direct the use of such improved method. R.S., c. 170, s. 282.

Board may Direct Inspection and Order Repairs.

286. (1) Whenever any complaint is made to the Board, or the Board receives information, that any railway, or any portion thereof, is dangerous to the public using the same, from want of renewal or repair, or insufficient or erroneous construction, or from any other cause, or whenever circumstances arise that, in its opinion, render it expedient, the Board may direct an inspecting engineer to examine the railway, or any portion thereof.

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(2) The Board may, upon the report of the inspecting engineer, order any repairs, renewal, reconstruction, alteration or new work, materials or equipment to be made, done or furnished by the company upon, in addition to, or substitution for, any portion of the railway, which may, from such report, appear to the Board necessary or proper, and may order that until such repairs, renewals, reconstruction, alteration, and work, materials or equipment are made, done and furnished to its satisfaction, no portion of the railway in respect of which such order is made, shall be used, or used otherwise than subject to such restrictions, conditions and terms as the Board may in such order impose.

(3) The Board may by such order condemn and thereby forbid further use of any rolling stock which, from such report, it may consider unfit to repair or use. R.S., c. 170, s. 283.

Inspecting Engineer may Forbid Operation.

287. (1) If in the opinion of any inspecting engineer, it is dangerous for trains to pass over any railway, or any portion thereof, until alterations, substitutions or repairs are made thereon, or that any of the rolling stock should be run or used, the said engineer may, by notice in writing

(a) forthwith forbid the running of any train over such railway or portion of railway; or

(b) require that the same be run only at such times, under such conditions, and with such precautions, as he by such notice specifies; and

(c) forbid the running or using of any such rolling stock.

(2) Such notice shall state the reasons for such opinion of the inspecting engineer, and distinctly point out the defects or the nature of the danger to be apprehended.

(3) The notice may be served upon the company owning, running, or using such railway or rolling stock, or upon any officer having the management or control of the running of trains upon the railway, or the management or control of the rolling stock.

(4) The inspecting engineer shall forthwith report such notice to the Board, which may either confirm, modify or disallow the act or order of such engineer.

(5) Notice of such confirmation, modification or disallowance, shall be duly given to the company. R.S., c. 170, s. 284.

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ACCIDENTS.

Notice to be Sent to Board.

288. (1) Every company shall, as soon as possible and immediately after the head officers of the company have received information of the occurrence upon the railway belonging to such company, of any accident attended with personal injury to any person using the railway, or to any employee of the company, or whereby any bridge, culvert, viaduct, or tunnel on or of the railway has been broken or so damaged as to be impassable or unfit for immediate use, give notice thereof, with full particulars, to the Board.

(2) The conductor or other employee in charge of the train, place or structure in connection with which such accident occurred, shall as soon as possible after such accident notify the Board of the same by telegraph.

(3) The Board may by regulation declare the manner and form in which such information and notice shall be given and the class of accidents to which this section shall apply, and may declare any such information so given to be privileged. R.S., c. 170, s. 285.

Board May Direct Inquiry.

289. (1) The Board may appoint such person or persons as it thinks fit to inquire into all matters and things that it deems likely to cause or prevent accidents, and the causes of and the circumstances connected with any accident or casualty to life or property occurring on any railway, and into all particulars relating thereto.

(2) The person or persons so appointed shall report fully in writing, to the Board, his or their doings and opinions on the matters respecting that he or they are appointed to inquire, and the Board may act upon such report and may order the company to suspend or dismiss any employee of the company whom it may deem to have been negligent or wilful in respect of any such accident. R.S., c. 170, s. 286.

OPERATION AND EQUIPMENT.

Orders and Regulations of Board.

290. (1) The Board may make orders and regulations (a) limiting the rate of speed at which railway trains and locomotives may be run in any city, town or village, or in any class of cities, towns or villages; and the Board may, if it thinks fit, limit certain rates of speed within certain described portions of any city, town or village, and different rates of speed in other portions thereof; R.S., 1952.
Use of steam whistle. (b) with respect to the use of the steam whistle within any city, town or village, or any portion thereof;

Passing from car to car. (c) with respect to the method and means of passing from one car to another, either inside or overhead, and for the safety of railway employees while passing from one car to another;

Coupling. (d) for the coupling of cars;

Shelter. (e) requiring proper shelter to be provided for all railway employees when on duty;

Prevention of fires. (f) with respect to the use on any engine of nettings, screens, grates and other devices, and the use on any engine or car of any appliances and precautions, that may be deemed by the Board necessary and most suitable to prevent, as far as possible, fires from being started or occurring upon, along, or near the right of way of the railway;

Protection generally. (g) with respect to the rolling stock, apparatus, cattle-guards, appliances, signals, methods, devices, structures and works, including light, heat and power lines or wires, to be used upon the railway, so as to provide means for the due protection of property, the employees of the company, and the public and all persons travelling on Her Majesty's service;

Length of sections, etc. (h) with respect to the length of sections required to be kept in repair by employees of the company, and with respect to the number of employees required for each section, so as to ensure safety to the public and to employees;

Number of men. (i) designating the number of men to be employed upon trains, with a view to the safety of the public and of employees;

Hours of duty. (j) limiting or regulating the hours of duty of any employees or class or classes of employees, with a view to the safety of the public and of employees;

Fuel. (k) providing that a specified kind of fuel or a specified kind of power or method or means of propulsion shall be used on any or all locomotives and trains in any district; and

Motive power. (l) generally providing for the protection of property, and the protection, safety, accommodation and comfort of the public, and of the employees of the company, in the running and operating of trains and the speed thereof, or the use of engines, by the company on or in connection with the railway.

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(2) Any orders or regulations under this section may be made applicable during or after the construction of the railway, or during such time, and in such manner, as the Board deems proper. R.S., c. 170, s. 287.

291. The Board shall endeavour to provide for uniformity in the construction of rolling stock to be used upon the railway, and for uniformity of rules for the operation and running of trains. R.S., c. 170, s. 288.

292. The salary or wages of every person employed in the operation, maintenance or equipment of any railway to which the Parliament of Canada has granted aid by means of subsidy or guarantee shall be paid not less frequently than semi-monthly during the term of employment of such person. R.S., c. 170, s. 289.

By-Laws, Rules and Regulations of Company.

293. The company may, subject to the provisions and restrictions in this and in the Special Act contained, and subject to any orders or regulations of the Board made under the authority of this Act, make by-laws, rules or regulations respecting

(a) the mode by which, and the speed at which any rolling stock used on the railway is to be moved;

(b) the hours of arrival and departure of trains;

(c) the loading and unloading of cars, and the weights that they are respectively to carry;

(d) the receipt and delivery of traffic;

(e) the smoking of tobacco, expectorating, and the commission of any nuisance in or upon trains, stations, or other premises occupied by the company;

(f) the travelling upon, or the using or working of the railway;

(g) the employment and conduct of the officers and employees of the company; and

(h) the due management of the affairs of the company.

R.S., c. 170, s. 290.

294. The company may, for the better enforcing of the observance of any such by-law, rule or regulation, thereby prescribe a penalty enforceable on summary conviction not exceeding forty dollars for any violation thereof. R.S., c. 170, s. 291.

295. All by-laws, rules and regulations, whether made by the directors or the company, shall be reduced to writing, be signed by the chairman or person presiding at the meeting.

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Must be approved by Governor in Council.

Board to report.

296. (1) All such by-laws, rules and regulations, except such as relate to tolls and such as are of a private or domestic nature and do not affect the public generally shall be submitted to the Governor in Council for approval.

(2) The Board shall make a report to the Governor in Council upon such by-laws, rules and regulations, and the Governor in Council may thereupon sanction such by-laws, rules and regulations or any of them, or any part thereof, and may, from time to time, rescind the sanction thereof, or of any part thereof.

(3) No such by-law, rule or regulation has any force or effect without such sanction, or after such sanction has been rescinded. R.S., c. 170, s. 293.

No effect without sanction.

Binding when approved.

297. Such by-laws, rules and regulations when so approved are binding upon, and shall be observed by all persons, and are sufficient to justify all persons acting thereunder. R.S., c. 170, s. 294.

Printed copy to be posted up.

298. (1) A printed copy of so much of any by-law, rule or regulation, as affects any person, other than the shareholders, or the officers or employees of the company, shall be openly affixed, and kept affixed, to a conspicuous part of every station belonging to the company, so as to give public notice thereof to the persons interested therein or affected thereby.

(2) Nothing in subsection (1) applies to any by-law for the regulation of highway traffic upon or over a railway bridge, public notice of which by-law is sufficiently given, to persons interested therein or affected thereby, by the publication thereof in one issue of the Canada Gazette.

(3) A printed copy of so much of any by-law, rule or regulation, as relates to the conduct of or affects the officers or employees of the company, shall be given to every officer and employee of the company thereby affected.

(4) In the Province of Quebec every such notice, by-law, rule and regulation shall be published both in the English and French languages. R.S., c. 170, s. 295; 1928, c. 43, s. 2.

Publication of by-law for regulation of highway traffic.

Copy to every officer and employee affected.

In Quebec both languages.

Company may enforce.

299. If the violation or non-observance of any by-law, rule or regulation is attended with danger or annoyance to the public, or hindrance to the company in the lawful use of the railway, the company may summarily interfere, using reasonable

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reasonable force, if necessary, to prevent such violation, or
to enforce observance, without prejudice to any penalty
incurred in respect thereof. R.S., c. 170, s. 296.

300. A copy of any such by-law, rule or regulation of the company, certified as correct by the president, secretary or other executive officer of the company, and bearing the seal of the company, is evidence thereof. R.S., c. 170, s. 297.

Equipment of Cars and Locomotives.

301. (1) Every railway company shall provide and cause to be used on all trains modern and efficient apparatus, appliances and means
(a) to provide immediate communication between the conductor while in any car of any passenger train, and, the engine driver;
(b) to check at will the speed of the train, and bring the same safely to a standstill, as expeditiously as possible, and except under circumstances of sudden danger or emergency, without causing undue discomfort to passengers, if any, on the train; and
(c) to securely couple and connect the cars composing the train, and to attach the engine to such train, with couplers that couple automatically by impact and can be uncoupled without the necessity of men going in between the ends of the cars.

(2) Such apparatus, appliances and means for the checking of speed or the stopping of any train shall include a power drive wheel brake and appliances for operating the train brake system upon the locomotive.

(3) There shall also be such a number of cars in every train equipped with power or train brakes that the engineer on the locomotive drawing such train can control its speed, or bring the train to a stop in the quickest and best manner possible, without requiring brakemen to use the common hand brake for that purpose.

(4) Upon all trains carrying passengers such system of brakes shall be continuous, instantaneous in action, and capable of being applied at will by the engine driver or any brakeman, and the brakes must be self-applying in the event of any failure in the continuity of their action.

(5) All box freight cars of the company shall, for the security of railway employees, be equipped with
(a) outside ladders, on two of the diagonally opposite ends and sides of each car, projecting below the frame of the car, with one step or rung of each ladder below the frame, the ladders being placed close to the ends and sides to which they are attached, and
(b) R.S., 1952.
(b) hand grips placed anglewise over the ladders of each box car and so arranged as to assist persons in climbing on the roof by means of the ladders; but, if there is at any time any other improved side attachment that, in the opinion of the Board, is better calculated to promote the safety of the train hands, the Board may require any of such cars not already fitted with the side attachments by this section required, to be fitted with the said improved attachment.

(6) Every railway company shall adopt and use upon all its rolling stock such height of draw-bars as the Board determines, in accordance with any standard from time to time adopted by competent railway authorities.

(7) The Board may upon good cause shown, by general regulation, or in any particular case, from time to time grant delay for complying with the provisions of this section. R.S., c. 170, s. 298.

302. The Board may, by general regulation or upon application in any particular case, after hearing on notice, order that any apparatus or appliances specified in such regulation or order shall or shall not be deemed sufficient compliance with the provisions of section 301, or that any apparatus or appliances specified in such regulation or order shall or shall not, when used upon the train in the manner and under the circumstances in such regulation or order specified, be deemed sufficient compliance with the provisions of the said section. R.S., c. 170, s. 299.

303. The oil cups or other appliances used for oiling the valves of every locomotive in use upon any railway shall be such that no employee shall be required to go outside the cab of the locomotive, while the same is in motion, for the purpose of oiling such valves. R.S., c. 170, s. 300.

304. Every locomotive engine propelled on the railway by steam shall be equipped and maintained with a bell of at least thirty pounds weight and a whistle; and every locomotive engine, car or other mechanism, propelled on the railway otherwise than by steam, shall be equipped and maintained with such signalling appliance or appliances as may be approved by the Board. 1930, c. 36, s. 3.

Running of Trains.

305. (1) All regular trains shall be started and run, as nearly as practicable, at regular hours, fixed by public notice.

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(2) Every railway company shall print in both the English and French languages the time-tables that are to be used along its lines within the limits of the Province of Quebec. R.S., c. 170, s. 302.

306. (1) Every railway company, upon whose railway there is a telegraph or telephone line in operation shall have a blackboard put upon the outside of the station house, over the platform of the station, in some conspicuous place at each station of such company at which there is a telegraph or telephone office; and when any passenger train is overdue at any such station, according to the time table of such company, the station agent or person in charge at such station, shall write, or cause to be written, with white chalk on such blackboard, a notice stating, to the best of his knowledge and belief, the time when such overdue train may be expected to reach such station.

(2) If there is any further change in the expected time of arrival the station agent or person in charge of the station shall write, or cause to be written, on the blackboard in like manner, a fresh notice stating, to the best of his knowledge and belief, the time when such overdue train may then be expected to reach such station.

(3) Such notices shall, in the Province of Quebec, be written in the English and French languages, and, in the other provinces, in English. R.S., c. 170, s. 303.

307. No passenger train shall have any freight, merchandise or lumber car in the rear of any passenger car in which any passenger is carried. R.S., c. 170, s. 304.

Precautions at Swing Bridges.

308. (1) When any railway passes over any navigable water, or canal, by means of a draw or swing bridge that is subject to be opened for navigation, every train shall, before coming on or crossing over such bridge, be brought to a full stop, and shall not thereafter proceed until a proper signal has been given for that purpose.

(2) Wherever there is adopted or in use on any railway, at any such bridge, an interlocking switch and signal system or other device that, in the opinion of the Board, renders it safe to permit engines and trains to pass over such bridge without being brought to a stop, the Board may, by order, permit engines and trains to pass over such bridge without stopping, under such regulations as to speed and other matters, as the Board deems proper. R.S., c. 170, s. 305.

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Precautions at Railway Crossings.

309. (1) No train or engine or electric car shall pass over any crossing where two main lines of railway, or the main tracks of any branch lines, cross each other at rail level, whether they are owned by different companies or the same company, until a proper signal has been received by the conductor or engineer in charge of such train or engine from a competent person or watchman in charge of such crossing that the way is clear.

(2) In the case of an electric car crossing any railway track at rail level, if there is no competent person or watchman in charge of the crossing, it is the duty of the conductor, before crossing and before giving the signal to the motorman that the way is clear and to proceed, to go forward and see that the track to be crossed is clear. R.S., c. 170, s. 306.

310. Every engine, train or electric car shall, before it passes over any crossing as mentioned in section 309, be brought to a full stop, except that whenever there is in use, at any such crossing, an interlocking switch and signal system, or other device that, in the opinion of the Board, renders it safe to permit engines and trains or electric cars to pass over such crossing without being brought to a stop, the Board may, by order, permit such engines and trains and cars to pass over such crossing without stopping, under such regulations as to speed and other matters as the Board deems proper. R.S., c. 170, s. 307.

Precautions at Highway Crossings and in Thickly Peopled Places.

311. (1) When any train is approaching a highway crossing at rail level the engine whistle shall be sounded at least eighty rods before reaching such crossing, and the bell shall be rung continuously from the time of the sounding of the whistle until the engine has crossed such highway.

(2) Where a by-law of an urban municipality prohibits such sounding of the whistle or ringing of the bell in respect of any such crossing or crossings within the limits of the municipality, the by-law shall, if approved by an order of the Board, to the extent of the prohibition relieve the company and its employees from the duty imposed by this section.

(3) In subsection (2) the expression "urban municipality" means

(a) a city;
(b) a town; or
(c) any other municipality which contains a thickly peopled portion and which the Board, on the application of such municipality, declares to be an urban municipality within the meaning of the said subsection. R.S., c. 170, s. 308; 1947, c. 70, s. 5.

312. (1) No train shall pass at a speed greater than ten miles an hour
(a) in or through any thickly peopled portion of any city, town or village, unless the track is fenced or properly protected in the manner prescribed by this Act, or unless permission is given by some regulation or order of the Board;
(b) over any highway crossing at rail level in any thickly peopled portion of any city, town or village, unless such crossing is constructed and thereafter maintained and protected in accordance with the orders, regulations and directions specially issued by the Railway Committee of the Privy Council or of the Board, in force with respect to such crossing, or unless permission is given by some regulation or order of the Board; or
(c) over any highway crossing at rail level in respect of which crossing an order of the Board has been made to provide protection for the safety and convenience of the public and which order has not been complied with.

(2) No train shall pass at a speed greater than twenty-five miles an hour over any highway crossing at rail level if at such crossing subsequent to the 1st day of January, 1905, a person or vehicle using the crossing, or an animal being ridden or driven over the same, has been struck by a moving train, and bodily injury or death thereby caused to such person, or to any other person using the crossing, unless the Board directs that the speed limitation of twenty-five miles an hour shall not be in effect at the crossing or unless the crossing is protected to the satisfaction of the Board. R.S., c. 170, s. 309; 1947, c. 70, s. 6.

313. (1) Whenever in any city, town or village, any train, not headed by an engine or its tender, is passing over or along a highway at rail level that is not adequately protected by gates or otherwise, the company shall station on that part of the train, which is then foremost, a person who shall warn persons standing on, or crossing, or about to cross the track of such railway.
Board may exempt.

(2) The Board, upon the application of any railway company or person, has power to order that this section shall not apply to any particular trains or classes of trains, or to trains running on any specified portions of the railway of the company, but no such order shall be made with respect to trains engaged in shunting or switching, or in yard or terminal movements. R.S., c. 170, s. 310; 1946, c. 30, s. 1.

Respecting the Obstruction of Highway Traffic.

314. Whenever any railway crosses any highway at rail level, the company shall not, nor shall its officers, agents or employees, wilfully permit any engine, tender or car, or any portion thereof, to stand on any part of such highway, for a longer period than five minutes at one time, or in shunting, to obstruct public traffic for a longer period than five minutes at one time, or in the opinion of the Board, unnecessarily interfere therewith. R.S., c. 170, s. 311.

TRAFFIC, TOLLS AND TARIFFS.

Accommodation for Traffic.

315. (1) The company shall, according to its powers,

(a) furnish, at the place of starting, and at the junction of the railway with other railways, and at all stopping places established for such purpose, adequate and suitable accommodation for the receiving and loading of all traffic offered for carriage upon the railway;

(b) furnish adequate and suitable accommodation for the carrying, unloading and delivering of all such traffic;

(c) without delay, and with due care and diligence, receive, carry and deliver all such traffic;

(d) furnish and use all proper appliances, accommodation and means necessary for receiving, loading, carrying, unloading and delivering such traffic; and

(e) furnish such other service incidental to transportation as is customary or usual in connection with the business of a railway company, as may be ordered by the Board.

(2) Such adequate and suitable accommodation shall include reasonable facilities for the junction of private sidings or private branch railways with any railway belonging to or worked by the company, and reasonable facilities for receiving, forwarding and delivering traffic upon and from those sidings or private branch railways, together with the placing of cars and moving them upon and from such private sidings and private branch railways.

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(3) If in any case such accommodation is not, in the opinion of the Board, furnished by the company, the Board may order the company to furnish the same within such time or during such period as the Board deems expedient, having regard to all proper interests; or may prohibit or limit the use, either generally or upon any specified railway or part thereof, of any engines, locomotives, cars, rolling stock, apparatus, machinery, or devices, or any class or kind thereof, not equipped as required by this Act, or by any orders or regulations of the Board made within its jurisdiction under the provisions of this Act.

(4) Such traffic shall be taken, carried to and from, and delivered at the places aforesaid on the due payment of the toll lawfully payable therefor.

(5) Where a company's railway crosses or joins or approaches, in the opinion of the Board, sufficiently near to any other railway, upon which passengers or mails are transported, whether the last mentioned railway is within the legislative authority of the Parliament of Canada or not, the Board may order the company so to regulate the running of its trains carrying passengers or mails, and the places and times of stopping them, as to afford reasonable opportunity for the transfer of passengers and mails between its railway and such other railway, and may order the company to furnish reasonable facilities and accommodation for such purpose.

(6) For the purposes of this section the Board may order that specific works be constructed or carried out, or that property be acquired, or that specified tolls be charged, or that cars, motive power or other equipment be allotted, distributed, used or moved as specified by the Board, or that any specified steps, systems, or methods be taken or followed by any particular company or companies, or by railway companies generally.

(7) Every person aggrieved by any neglect or refusal of the company to comply with the requirements of this section has, subject to this Act, an action therefor against the company, from which action the company is not relieved by any notice, condition or declaration, if the damage arises from any negligence or omission of the company or of its servant.

(8) The Board may make regulations, applying generally to any particular railway or any portion thereof, or may make an order in any case where it sees fit, imposing charges for default or delay by any company in furnishing accommodation, appliances, or means as aforesaid, or in receiving, loading,

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loading, carrying, unloading or delivering traffic, and may enforce payment of such charges by companies to any person injuriously affected by such default or delay; and any amount so received by any person shall be deducted from the damages recoverable or recovered by such person for such default or delay; and the Board may, by order or regulation, determine what circumstances shall exempt any company from payment of any such charges. R.S., c. 170, s. 312.

316. (1) Where a branch line of one railway joins or connects the line or lines of such railway with another, the Board may, upon application of one of the companies, or of a municipal corporation or other public body, order that the railway company that constructed such branch line shall afford all reasonable and proper facilities for the interchange, by means of such branch, of freight and live stock traffic, and the empty cars incidental thereto, between the lines of the said railway and those of the railway with which the said branch is so joined or connected, in both directions, and also between the lines of the said first mentioned railway and those of other railways connecting with the lines of the first mentioned railway and all tracks and sidings used by such first mentioned railway for the purpose of loading and unloading cars, and owned or controlled by, or connecting with the lines of, the company owning or controlling the first mentioned railway, and such other tracks and sidings as the Board from time to time directs; and the company owning or controlling the secondly mentioned railway shall furnish similar reasonable and proper facilities to the first mentioned railway, and to other lines connecting with its own railway, and shall in all respects be under duties corresponding to those of the company owning or controlling the first mentioned railway, and shall be subject in like manner to the directions of the Board.

(2) The Board may, in and by such order, or by other orders, from time to time determine as questions of fact and direct the price per car that shall be charged by and paid for such traffic.

(3) This section applies whether or not the point of connection is within the same city, town or village as the point of shipment or delivery, or so near thereto that the tolls to and from such points are the same. R.S., c. 170, s. 313.
Equality as to Tolls and Facilities.

317. (1) All tolls shall always under substantially similar circumstances and conditions, in respect of all traffic of the same description, and carried in or upon the like kind of cars or conveyances, passing over the same line or route, be charged equally to all persons and at the same rate, whether by weight, mileage or otherwise.

(2) No reduction or advance in any such tolls shall be made, either directly or indirectly, in favour of or against any particular person or company travelling upon or using the railway.

(3) The tolls for carload quantities or longer distances, may be proportionately less than the tolls for less than carload quantities, or shorter distances, if such tolls are, under substantially similar circumstances, charged equally to all persons.

(4) No toll shall be charged that unjustly discriminates between different localities.

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

(6) The Board may declare that any places are competitive points within the meaning of this Act. R.S., c. 170, s. 314.

318. No company shall, without leave therefor having been obtained from the Board, except in accordance with the provisions of this Act, directly or indirectly, pool its freights or tolls with the freights or tolls of any other railway company or common carrier, or divide its earnings or any portion thereof with any other railway company or common carrier, or enter into any contract, arrangement, agreement, or combination to effect, or which may effect, any such result. R.S., c. 170, s. 315.

319. (1) All railway companies shall, according to their respective powers, afford to all persons and companies all reasonable and proper facilities for the receiving, forwarding and delivering of traffic upon and from their several railways, for the interchange of traffic between their respective railways, and for the return of rolling stock.

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(2) Such facilities so to be afforded shall include the due and reasonable receiving, forwarding and delivering by the company, at the request of any other company, of through traffic, and in the case of goods shipped by carload, of the car with the goods shipped therein, to and from the railway of such other company, at a through rate; and also the due and reasonable receiving, forwarding and delivering by the company, at the request of any person interested in through traffic, of such traffic at through rates.

(3) No company shall

(a) make or give any undue or unreasonable preference or advantage to, or in favour of any particular person or company, or any particular description of traffic, in any respect whatsoever;

(b) by any unreasonable delay or otherwise howsoever, make any difference in treatment in the receiving, loading, forwarding, unloading, or delivery of the goods of a similar character in favour of or against any particular person or company;

(c) subject any particular person, or company, or any particular description of traffic, to any undue, or unreasonable prejudice or disadvantage, in any respect whatsoever; or

(d) so distribute or allot its freight cars as to discriminate unjustly against any locality or industry, or against any traffic that may originate on its railway destined to a point on another railway in Canada with which it connects.

(4) Every railway company that has or works a railway forming part of a continuous line of railway with or which intersects any other railway, or that has any terminus, station or wharf near to any terminus, station or wharf of any other railway, shall afford all due and reasonable facilities for delivering to such other railway, or for receiving from and forwarding by its railway, all the traffic arriving by such other railway without any unreasonable delay, and without any such preference or advantage, or prejudice or disadvantage as aforesaid, and so that no obstruction is offered to the public desirous of using such railways as a continuous line of communication, and so that all reasonable accommodation, by means of the railways of the several companies, is, at all times, afforded to the public in that behalf.

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(5) The reasonable facilities that every railway company is required to afford under this section, shall include reasonable facilities for the junction of private sidings or private branch railways with any railway belonging to or worked by any such company, and reasonable facilities for receiving, forwarding and delivering traffic upon and from those sidings or private branch railways.

(6) Every railway company that grants any facilities for the carriage of goods by express to any incorporated express company or person, shall grant equal facilities, on equal terms and conditions, to any other incorporated express company which demands the same.

(7) Any agreement made between any two or more companies contrary to this section is unlawful and null and void. R.S., c. 170, s. 316.

320. (1) The Board may determine, as questions of fact, whether or not traffic is or has been carried under substantially similar circumstances and conditions, and whether there has, in any case, been unjust discrimination, or undue or unreasonable preference or advantage, or prejudice or disadvantage, within the meaning of this Act, or whether in any case the company has, or has not, complied with the provisions of sections 317, 318 and 319.

(2) The Board may by regulation declare what shall constitute substantially similar circumstances and conditions, or unjust or unreasonable preferences, advantages, prejudices, or disadvantages within the meaning of this Act, or what shall constitute compliance or non-compliance with the provisions of sections 317, 318 and 319.

(3) For the purposes of section 319, the Board may order that specific works be constructed or carried out, or that property be acquired, or that specified tolls be charged, or that cars, motive power or other equipment be allotted, distributed, used or moved as specified by the Board, or that any specified steps, systems, or methods be taken or followed by any particular company or companies, or by railway companies generally. R.S., c. 170, s. 317.

321. If the company is unable or fails to provide sufficient facilities for the movement of grain from the western provinces to the elevators at the head of Lake Superior, or to destinations east thereof, after the close of navigation on the Great Lakes and before the next harvest, and grain in certain sections or districts cannot by reason thereof be marketed, the Board may require the said company to furnish all facilities within its powers for the carriage of such grain in such R.S., 1952.
such sections or districts to any intermediate point or points of interchange with another company or any terminal elevator, and there to make delivery thereof to such other company or companies or to such elevator for carriage by such other company or companies as the Board may direct; and the Board may require such other company or companies to transport such grain and supply the necessary cars and engines therefor, and the rates lawfully published and filed by the company in default and obtaining on its route apply over the joint route or routes so directed and shall be apportioned between the companies as the Board may direct. R.S., c. 170, s. 318.

322. Whenever it is shown that any railway company charges one person, company, or class of persons, or the persons in any district, lower tolls for the same or similar goods, or lower tolls for the same or similar services, than it charges to other persons, companies, or classes of persons, or to the persons in another district, or makes any difference in treatment in respect of such companies or persons, the burden of proving that such lower toll or difference in treatment does not amount to an undue preference or an unjust discrimination, lies on the company. R.S., c. 170, s. 319.

323. In deciding whether a lower toll, or difference in treatment, does or does not amount to an undue preference or an unjust discrimination, the Board may consider whether such lower toll, or difference in treatment, is necessary for the purpose of securing, in the interests of the public, the traffic in respect of which it is made, and whether such object cannot be attained without unduly reducing the higher tolls. R.S., c. 170, s. 320.

324. In any case in which the toll charged by the company for carriage, partly by rail and partly by water, is expressed in a single sum, the Board, for the purpose of determining whether a toll charged is discriminatory or contrary in any way to the provisions of this Act, may require the company to declare forthwith to the Board, or may determine, what portion of such single sum is charged in respect of the carriage by rail. R.S., c. 170, s. 321.

Freight Classification.

325. (1) The tariffs of tolls for freight traffic shall be subject to and governed by that classification which the Board may prescribe or authorize, and the Board shall endeavour to have such classification uniform throughout Canada, as far as may be, having due regard to all proper interests.

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(2) The Board may make any special regulations, terms and conditions or order or direction in connection with such classification, and as to the carriage of any particular commodity or commodities mentioned therein, as to it may seem expedient.

(3) The company may, from time to time, with the approval of the Board, and shall, when so directed by the Board, place any goods specified by the Board in any stated class, or remove them from any one class to any other, higher or lower, class; but no goods shall be removed from a lower to a higher class until such notice as the Board determines has been given in the Canada Gazette.

(4) Any freight classification and exception thereto in use in the United States may, subject to any regulation, order or direction of the Board, be used by the company with respect to traffic to and from the United States. R.S., c. 170, s. 322.

Tariffs—General Provisions.

326. (1) The company or the directors of the company, by by-law, or any officer of the company who is thereunto authorized by a by-law of the company or directors may from time to time prepare and issue tariffs of the tolls to be charged in respect of the railway owned or operated by the company, and may specify the persons to whom, the place where, and the manner in which, such tolls shall be paid.

(2) The tolls may be either for the whole or for any particular portion of the railway.

(3) All such by-laws shall be submitted to and approved by the Board.

(4) The Board may approve such by-laws in whole or in part, or change, alter or vary any of the provisions therein.

(5) No tolls shall be charged by the company or by any person in respect of a railway or any traffic thereon until a by-law authorizing the preparation and issue of tariffs of such tolls has been approved by the Board, nor, unless otherwise authorized by this Act, until a tariff of such tolls has been filed with, and, where such approval is required under this Act, approved by, the Board, nor until any other requirements necessary under this Act to bring such tariff into effect have been complied with; nor shall any tolls be charged under any tariff or portion thereof disallowed by the Board, or not in effect in accordance with the provisions of this Act; nor shall the company charge, levy or collect any toll or money for any service as a common carrier except under and in accordance with the provisions of this Act.

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(6) The Board may, with respect to any tariff of tolls, make regulations fixing and determining the time when, the place where, and the manner in which, such tariffs shall be filed, published and kept open for public inspection. R.S., c. 170, s. 323; 1951 (2nd Sess.), c. 22, s. 5.

327. All tariff by-laws and tariffs of tolls shall be in such form, size and style, and give such information, particulars and details, as the Board may, by regulation, or in any case, prescribe. R.S., c. 170, s. 324.

328. (1) The Board may disallow any tariff or any portion thereof that it considers to be unjust or unreasonable, or contrary to any of the provisions of this Act, and may require the company, within a prescribed time, to substitute a tariff satisfactory to the Board in lieu thereof, or may prescribe other tolls in lieu of the tolls so disallowed.

(2) The Board may designate the date at which any tariff shall come into force, and either on application or of its own motion may, pending investigation or for any reason, postpone the effective date of, or either before or after it comes into effect, suspend any tariff or any portion thereof.

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

(4) When any tariff has been amended or supplemented, or is proposed to be amended or supplemented, the Board may order that a consolidation and reissue of such tariff be made by the company.

(5) Notwithstanding the provisions of section 3 the powers given to the Board under this Act to fix, determine and enforce just and reasonable rates, and to change and alter rates as changing conditions or cost of transportation may from time to time require, are not limited or in any manner affected by the provisions of any Act of the Parliament of Canada, or by any agreement made or entered into pursuant thereto, whether general in application or special and relating only to any specific railway or railways, and the Board shall not excuse any charge of unjust discrimination, whether practised against shippers, consignees, or localities, or of undue or unreasonable preference, on the ground that such discrimination or preference is justified or required by any agreement made or entered into by the company.

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(6) Notwithstanding anything in subsection (5), rates on grain and flour shall, on and from the 27th day of June, 1925, be governed by the provisions of the agreement made pursuant to chapter 5 of the statutes of Canada 1897, but such rates shall apply to all such traffic moving from all points on all lines of railway west of Fort William to Fort William or Port Arthur over all lines now or hereafter constructed by any company subject to the jurisdiction of Parliament.

(7) The Board shall not excuse any charge of unjust discrimination, whether practised against shippers, consignees, or localities or of undue or unreasonable preference, respecting rates on grain and flour, governed by the provisions of chapter 5 of the statutes of Canada, 1897, and by the agreement made or entered into pursuant thereto within the territory referred to in subsection (6), on the ground that such discrimination or preference is justified or required by the said Act or by the agreement made or entered into pursuant thereto. R.S., c. 170, s. 325; 1951 (2nd Sess.), c. 22, s. 6.

329. (1) Every tariff superseding or intended to supersede any other tariff or tariffs, or any portion or portions thereof, shall specify the tariff or tariffs, or portion or portions thereof, that it supersedes or is intended to supersede, by giving the reference number or referring to the page and section or item in such a way as to facilitate an accurate and ready reference to what is superseded or intended to be superseded.

(2) When any tariff is cancelled without being superseded by a tariff of like issue, a supplement shall be issued to such cancelled tariff and such supplement shall specify the tariff wherein the tolls may thereafter be found. R.S., c. 170, s. 326.

330. (1) In all cases a fraction of a mile in the distance over which traffic is carried on the railway shall be considered as a whole mile.

(2) In estimating the weight of any goods in any one single shipment on which the toll amounts to more than the minimum, or "smalls" toll, any fraction of five pounds shall be waived by the company, and five or any fraction above five and up to ten pounds shall be deemed ten pounds by the company.

(3) In estimating the tolls to be charged in passenger tariffs hereafter issued, any amount not exceeding two and a half cents shall be waived by the company, and above two and a half cents and up to five cents shall be considered as five cents by the company. R.S., c. 170, s. 327.

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331. (1) The tariffs of tolls that the company is authorized to issue under this Act for the carriage of goods between points on the railway are
(a) class rate tariffs;
(b) commodity rate tariffs;
(c) competitive rate tariffs; and
(d) special arrangements tariffs.

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

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

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

(5) Special arrangements are charges, allowances, absorptions, rules and regulations respecting demurrage, protection, storage, switching, elevation, cartage, loading, unloading, weighing, diversion and all other accessorial or special arrangements that in any way increase or decrease the charges to be paid on any shipment or that increase or decrease the value of the service provided by the company. 1951 (2nd Sess.), c. 22, s. 7.

332. Class rate tariffs
(a) shall specify class rates on a mileage basis for all distances covered by the company’s railway, and such distances shall be expressed in blocks or groups and the blocks or groups shall include relatively greater distances for the longer than for the shorter hauls, and
(b) may, in addition, specify class rates between specified points on the railway and when rates are established in groups the rates to or from individual points in the groups may be higher or lower than the rates specified under paragraph (a). 1951 (2nd Sess.), c. 22, s. 7.

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

(2) Unless otherwise ordered by the Board, when any freight tariff other than a competitive tariff reduces any toll previously authorized to be charged under this Act, the company shall file such tariff with the Board at least three days before its effective date.

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(3) Unless otherwise ordered by the Board, when any freight tariff other than a competitive tariff advances any toll previously authorized to be charged under this Act, the company shall in like manner file and publish such tariff at least thirty days before its effective date.

(4) Competitive rate tariffs shall be filed by the company with the Board and every such tariff shall specify the date of the issue thereof and the date on which it is intended to take effect.

(5) Where a freight tariff is filed and notice of issue is given in accordance with this Act and regulations, orders and directions of the Board, the tolls therein shall, unless and until they are disallowed, suspended, or postponed by the Board, be conclusively deemed to be the lawful tolls and shall take effect on the date stated in the tariff on which it is intended to take effect, and it shall supersede any preceding tariff, or any portion thereof, in so far as it reduces or advances the tolls therein, and the company shall thereafter, until such tariff expires or is disallowed or suspended by the Board or is superseded by a new tariff, charge the tolls as specified therein. 1951 (2nd Sess.), c. 22, s. 7.

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

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

(a) the competition exists;
(b) the rates are compensatory; and
(c) the rates are not lower than necessary to meet the competition;

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

(i) the name of the competing carrier or carriers,
(ii) the route over which competing carriers operate,
(iii) the rates charged by the competing carriers, with proof of such rates as far as ascertainable,
(iv) the tonnage normally carried by the railway between the points of origin and destination,
(v) the estimated amount of tonnage that is diverted from the railway or that will be diverted if the rate is not made effective,

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(vi) the extent to which the net revenue of the company will be improved by the proposed changes,
(vii) the revenue per ton-mile and per car-mile at the proposed rate and the corresponding averages of the company's system or region in which the traffic is to move, and
(viii) any other information required by the Board regarding the proposed movement.

1951 (2nd Sess.), c. 22, s. 7.

335. Where an objection is filed with the Board to any freight tariff that advances a rate previously authorized to be charged under this Act, other than a competitive rate, the burden of proof justifying the proposed advance shall be upon the company filing the tariff. 1951 (2nd Sess.), c. 22, s. 7.

336. (1) It is hereby declared to be the national freight rates policy that, subject to the exceptions specified in subsection (4), every railway company shall, so far as is reasonably possible, in respect of all freight traffic of the same description, and carried on or upon the like kind of cars or conveyances, passing over all lines or routes of the company in Canada, charge tolls to all persons at the same rate, whether by weight, mileage or otherwise.

(2) The Board may, with a view to implementing the national freight rates policy, require any railway company
(a) to establish a uniform scale of mileage class rates applicable on its system in Canada, such rates to be expressed in blocks or groups, the blocks or groups to include relatively greater distances for the longer than for the shorter hauls;
(b) to establish for each article or group of articles for which mileage commodity rates are specified, a uniform scale of mileage commodity rates applicable on its system in Canada, such rates to be expressed in blocks or groups, the blocks or groups to include relatively greater distances for the longer than for the shorter hauls; and
(c) to revise any other rates charged by the company.

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

(4) Subsections (1), (2) and (3) are subject to subsection (6) of section 328 of this Act and to the Maritime Freight Rates Act, and do not apply in respect of

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(a) joint international rates between points in Canada and points in the United States of America;
(b) rates on export and import traffic through Canadian ports, where in practice such rates bear a fixed and long-standing relationship with rates on similar traffic through ports in the United States of America;
(c) competitive rates;
(d) agreed charges authorized by the Board under Part IV of the Transport Act;
(e) rates over the White Pass and Yukon route;
(f) rates applicable to movements of freight traffic upon or over all or any of the lines of railway collectively designated as the "Eastern lines" in the Maritime Freight Rates Act as amended by The Statute Law Amendment (Newfoundland) Act, chapter 6 of the statutes of Canada, 1949; or
(g) where the Board considers that an exception should be made from the operation of this section. 1951 (2nd Sess.), c. 22, s. 7.

337. (1) In this section
(a) "eastern territory" means any point on a line of railway east of Port Arthur, Ontario, or Armstrong, Ontario;
(b) "western territory" means any point on a line of railway in British Columbia to which competitive transcontinental tolls apply;
(c) "intermediate territory" means any point between eastern territory and western territory on any line of railway; and
(d) "transcontinental freight traffic" means freight traffic (i) having its origin in eastern territory and its destination in western territory, or (ii) having its origin in western territory and its destination in eastern territory.

(2) Tariffs naming a competitive toll for any transcontinental freight traffic shall provide that (a) the toll for freight traffic having its destination at a point in intermediate territory, and (i) having its origin at the same point in eastern or western territory,
(ii) being of the same description, and
(iii) carried in the same direction and under the same conditions and arrangements as to weight and otherwise, as the transcontinental freight traffic for which the competitive toll is named, shall not exceed by more than one-third the competitive toll so named to the point of destination.

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destination in eastern or western territory, as the case may be, nearest to the point of destination in intermediate territory; and

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

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

(ii) being of the same description, and

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

as the transcontinental freight traffic for which the competitive toll is named, shall not exceed by more than one-third the competitive toll so named between such point of destination and the point of origin in eastern or western territory, as the case may be, nearest to the point of origin in intermediate territory. 1951 (2nd Sess.), c. 22, s. 7.

Passenger Tariffs.

338. (1) The tariffs of tolls that the company shall be authorized to issue under this Act for the carriage of passengers between points on the railway shall be divided into two classes,

(a) the standard passenger tariff; and

(b) special passenger tariffs.

(2) The standard passenger tariff or tariffs, where the company is allowed by the Board more than one standard passenger tariff, shall specify the maximum mileage toll or tolls to be charged for passengers for all distances covered by the company’s railway; and such distances may be expressed in like manner as provided in paragraph (a) of section 332 for class rate freight tariffs.

(3) Special passenger tariffs shall specify the toll or tolls to be charged by the company for passengers, in every case where such tolls are lower than the tolls specified in the company’s standard passenger tariff. R.S., c. 170, s. 333; 1951 (2nd Sess.), c. 22, s. 8.

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

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

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(3) When the provisions of this section have been complied with, the tolls in the standard passenger tariff shall, except in the case of special passenger tariffs, be the only tolls that the company is authorized to charge for the carriage of passengers. R.S., c. 170, s. 334; 1951 (2nd Sess.), c. 22, s. 9.

340. (1) The company shall file all special passenger tariffs with the Board at least three days before the effective date and shall, for three days previous to the date on which any such tariff is intended to take effect, deposit and keep on file in a convenient place, open for the inspection of the public during office hours, a copy of each such tariff, at every station or office of the company where passengers are received for carriage thereunder, and also post up in a prominent place at each such office or station a Notice. The date of the issue and the date on which, and the period, if any, during which, any such tariff is intended to take effect, shall be specified therein.

(2) The date of the issue and the date on which, and the period, if any, during which, any such tariff is intended to take effect, shall be specified therein.

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

(4) Until such tariff comes into effect no such toll or tolls shall be charged by the company. R.S., c. 170, s. 335.

Joint Tariffs.

341. (1) Where traffic is to pass over any continuous route in Canada operated by two or more companies, the several companies shall agree upon a joint tariff for such continuous route and the initial company or an agent duly authorized by power of attorney of such company, shall file such tariff with the Board and the other company or companies shall promptly notify the Board of its or their concurrence in such joint tariff.
(2) The names of the companies whose lines compose such continuous route shall be shown by such tariffs.

(3) If the company owns, charters, uses, maintains or works, or is a party to any arrangement for using, maintaining or working vessels for carrying traffic, by sea or inland water, between any places or ports in Canada, and if any such vessel carries traffic between a port in Canada reached by such company and a port in Canada reached by the railway of another company, the vessel and the railway of either company shall be deemed to constitute a continuous route in Canada within the meaning of this section.

(4) Where it is shown that the rates in the joint tariff exceed the rates in a single-line tariff for the same or similar distances in the same locality, the burden of proof lies upon the companies to show to the satisfaction of the Board that there are greater costs involved in the joint movement, and only in such case shall the rates in the joint tariff exceed the rates in the single-line tariff. R.S., c. 170, s. 336; 1929, c. 54, s. 3; 1951 (2nd Sess.), c. 22, s. 10.

342. (1) In the event of failure by such companies to agree upon any such joint tariff as provided in section 341, the Board on the application of any company or person desiring to forward traffic over any such continuous route, which the Board considers a reasonable and practicable route, or any portion thereof, may require such companies, within a prescribed time, to agree upon and file in like manner a joint tariff for such continuous route, satisfactory to the Board, or may, by order, determine the route, fix the toll or tolls and apportion the same among the companies interested, and may determine the date when the toll or tolls so fixed shall come into effect.

(2) Upon any such order being made the companies shall as soon as possible, or within such time as the Board may require, file and publish a joint tariff in accordance with this Act, and in accordance with such order.

(3) In any case when there is a dispute between companies interested as to the apportionment of a through rate in any joint tariff, the Board may apportion such rate between such companies.

(4) The Board may decide that any proposed through rate is just and reasonable, notwithstanding that a less amount may be allotted to any company out of such through rate than the toll such company would otherwise be entitled to charge. R.S., c. 170, s. 337.
343. When traffic is to pass over any continuous route from a point in Canada through a foreign country into Canada, or from any point in Canada to a foreign country, and such route is operated by two or more companies, whether Canadian or foreign, the several companies shall file with the Board a joint tariff for such continuous route. R.S., c. 170, s. 338.

344. As respects all traffic that is carried from any point in a foreign country into Canada, or from a foreign country through Canada into a foreign country by any continuous route owned or operated by any two or more companies, whether Canadian or foreign, a joint tariff for such continuous route shall be duly filed with the Board. R.S., c. 170, s. 339.

345. (1) No company shall, by any combination, contract or agreement, express or implied, or by other means or device, prevent the carriage of goods from being continuous from the place of shipment to the place of destination.

(2) No break in bulk, stoppage or interruption made by such company shall prevent the carriage of goods from being treated as one continuous carriage from the place of shipment to the place of destination, unless such break, stoppage or interruption was made in good faith for some necessary purpose, and without any intent to avoid or unnecessarily interrupt such continuous carriage, or to evade any of the provisions of this Act. R.S., c. 170, s. 340.

346. (1) Joint tariffs are, as to the filing and publication thereof, subject to the same provisions in this Act as are applicable to the filing and publication of local tariffs of a similar description, except that joint tariffs may be filed by one agent or company, duly authorized by power of attorney of the initial company; upon any such joint tariff being so duly filed with the Board, the company or companies shall, until such tariff is superseded by another tariff or disallowed by the Board, charge the toll or tolls as specified therein; the Board may except from the provisions of this section the filing and publication of any or all passenger tariffs of foreign railway companies.

(2) The Board may require to be informed by the company of the proportion of the toll or tolls, in any joint tariff filed, that it or any other company, whether Canadian or foreign, is to receive or has received. R.S., c. 170, s. 341; 1929, c. 54, s. 4.
Inspection of Freight Classifications.

347. The company shall keep on file at its stations or offices, where freight is received and delivered, a copy of the freight classification, or classifications, in force upon the railway, for inspection during business hours. R.S., c. 170, s. 342.

Presumption as to Legal Tolls.

348. If the company files with the Board any tariff and such tariff comes into force and is not disallowed by the Board under this Act, or if the company participates in any such tariff, the tolls under such tariff while so in force shall, in any prosecution under this Act, as against such company, its officers, agents or employees, be conclusively deemed to be the legal tolls chargeable by such company. R.S., c. 170, s. 343.

Special Rates for Specific Shipments.

349. (1) Notwithstanding anything in this Act, the Board may make regulations permitting the company to issue special rate notices prescribing tolls, lower than the tolls in force upon the railway, to be charged for specific shipments between points upon the railway, not being competitive points, if it considers that the charging of the special tolls mentioned in any such notices will help to create trade, or develop the business of the company, or be in the public interest, and not otherwise contrary to the provisions of this Act.

(2) Every such special rate notice, or a duplicate copy thereof, shall be filed with the Board, and shall exist merely for the purpose of giving effect to the special rate charged for the specific shipment mentioned therein. R.S., c. 170, s. 344.

Reduced Rates and Free Transportation.

350. (1) Nothing in this Act shall be construed to prevent

(a) the carriage, storage or handling of traffic, free or at reduced rates, for the Government of Canada, or for any provincial or municipal government, or for charitable purposes, or to or from fairs and expositions for exhibition thereat, or the carriage, free or at reduced rates, of destitute or homeless persons, transported by charitable societies, and the necessary agencies employed in such transportation, or the carriage at one-half the regular tolls.

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regular single fare of ministers of religion or persons exclusively engaged in charitable, religious, or eleemosynary work;

(b) the issuing of mileage, excursion or commutation passenger tickets, or the carriage at reduced rates, of immigrants or settlers and their goods or effects, or any member of any organized association of commercial travellers with his baggage;

(c) railways from giving free carriage or reduced rates to their own directors, officers, agents and employees, or their families, or to former employees of any railway, or for their goods and effects, or between points within the province to members of the provincial legislatures or to members of the press, or to members of the Interstate Commerce Commission of the United States and the officers and staff of such commission, and for their baggage and equipment, or to dependent members of the families of members of the Senate and House of Commons of Canada, and members of the Board and such officers and staff of the Board as the Board may determine, and for their baggage, or to such other persons as the Board may approve or permit;

(d) railways or transportation companies from exchanging passes or free tickets with other railways or transportation companies for their officers, agents and employees and their families, goods and effects, or from issuing passes or free tickets to officers and employees of the Department of Transport, or their families, and their goods and effects, or a similar interchange of passes, or francs with or by telegraph, telephone and cable companies; or

(e) railways from giving free carriage to the Governor General, and staff, and families, and baggage and equipment.

(2) The carriage of traffic by the company under this section may, in any particular case, or by general regulation, be extended, restricted, limited or qualified by the Board, and the Board, in or by any order or by general regulation, may prescribe the forms to be issued or used by the company for the carriage of traffic at free or reduced rates under this Act, and the terms and conditions applicable thereto, and the records to be kept by the company of all such traffic carried and of all passes, free and reduced rate transportation issued or given by the company, and shall require the making of periodical returns duly verified by affidavit.
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Affidavit to the Board in respect thereof; and it is the duty of the Board to examine such returns with a view to seeing that the law has been observed.

(3) Whenever the Board sees fit it may require the company to grant and issue commutation tickets at such rates and on such terms as the Board may order. R.S., c. 170, s. 345; 1936, c. 34, s. 3.

351. Members of the Senate and House of Commons of Canada, with their baggage, and members of the Board and such officers and staff of the Board as the Board may determine, with their baggage and equipment, are, on production of cards, certifying their membership or right, which shall be furnished them by the Clerk of the Senate or the Clerk of the House of Commons or the Secretary of the Board, as the case may be, entitled to free transportation on any of the trains of the company; and the company shall also, when required, haul free of charge any car provided for the use of the Board. R.S., c. 170, s. 346.

352. Subject to the provisions of sections 350 and 351, no company shall hereafter, directly or indirectly, issue or give any free ticket or free pass, whether for a specific journey or periodical or annual pass, and no company shall otherwise arrange for or permit the transportation of passengers except on payment of the fares properly chargeable for such transportation under the tariffs filed under the provisions of this Act, and at the time in effect; but nothing in this Act affects the furnishing of free transportation where such is specifically required by any other public general Act of the Parliament of Canada. R.S., c. 170, s. 347.

Contracts, etc., Limiting Carriers’ Liability.

353. (1) No contract, condition, by-law, regulation, declaration or notice made or given by the company, impairing, restricting or limiting its liability in respect of the carriage of any traffic, shall, except as hereinafter provided, relieve the company from such liability, unless such class of contract, condition, by-law, regulation, declaration or notice has been first authorized or approved by order or regulation of the Board.

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

(3) The Board may by regulation prescribe the terms and conditions under which any traffic may be carried by the company.

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(4) Railway companies shall print in both the English and French languages the bills of lading that are to be used along their lines within the limits of the Province of Quebec. R.S., c. 170, s. 348.

Carrying Dangerous Commodities.

354. (1) No passenger shall carry, nor, except in conformity with any order or regulation made by the Board in that behalf, shall the company be required to carry upon its railway, gunpowder, dynamite, nitroglycerine, or any other goods that are of a dangerous or explosive nature.

(2) Every person who sends by the railway any such goods shall distinctly mark their nature on the outside of the package containing the same, and otherwise give notice in writing to the station agent or employee of the company whose duty it is to receive such goods and to whom the same are delivered. R.S., c. 170, s. 349.

355. (1) The company shall not carry any goods of an explosive or dangerous nature except in conformity with the regulations made by the Board in that behalf.

(2) The company may refuse to take, except in conformity with any order or regulation made by the Board in that behalf, any package or parcel that it suspects to contain goods of an explosive or dangerous nature, or may require the same to be opened to ascertain the fact. R.S., c. 170, s. 350.

Carrying Her Majesty’s Mail and Forces.

356. Her Majesty’s mail, Her Majesty’s Forces and all artillery, ammunition, provisions or other stores for their use, and all policemen, constables or others travelling on Her Majesty’s service, shall, at all times, when required by the Postmaster General of Canada, the Minister or Deputy Minister of National Defence, or any person having the superintendence and command of any police force, respectively, be carried on the railway, and with the whole resources of the company if required, on such terms and conditions and under such regulations as the Governor in Council makes. 1951 (2nd Sess.), c. 7, s. 11.

Checking Passengers’ Baggage.

357. (1) A check shall be affixed by the company to every parcel of baggage, having a handle, loop or suitable means for attaching a check thereupon, delivered by a passenger. R.S., 1952.
passenger to the company for transport; and a duplicate of such check shall be given to the passenger delivering the same.

(2) In the case of excess baggage the company is entitled to collect from the passenger, before affixing any such check, the toll authorized under this Act. R.S., c. 170, s. 352.

Passenger Employees to wear Badges.

358. Every employee of the company employed in a passenger train or at a passenger station shall wear upon his hat or cap a badge, which shall indicate his office, and he is not, without such badge, entitled to demand 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. 170, s. 353.

Passengers refusing to pay Fare.

359. Every passenger who refuses to pay his fare or produce and deliver up his ticket upon the request of the conductor may, by the conductor of the train and the train servants of the company, be expelled from and put out of the train, with his baggage, at any usual stopping place, but the conductor shall first stop the train and use no unnecessary force. R.S., c. 170, s. 354.

Collection of Tolls.

360. In case of refusal or neglect of payment on demand of any lawful tolls, or any part thereof, the same are recoverable in any court of competent jurisdiction. R.S., c. 170, s. 355.

361. (1) The company may, instead of proceeding as aforesaid for the recovery of such tolls, seize the goods for or in respect whereof such tolls are payable, and may detain the same until payment thereof, and in the meantime the said goods are at the risk of the owners thereof.

(2) If the tolls on live animals or goods liable to deteriorate or perish while in the possession of the company are not paid forthwith on demand, or if the tolls on bulk goods, as hereinafter defined, are not paid within two weeks after demand, or if the tolls on any other goods are not paid within four weeks after demand, the company may, without further notice to the consignee or owner advertise and sell the whole or any part of the goods and out of the money realized from such sale retain the tolls payable and all reasonable charges and expenses of such seizure, detention, advertisement and sale.

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(3) For the purposes of subsection (2) "bulk goods" means carload lots of coal, coal products, wood, sand, gravel, brick, scrap metal, and of such other goods as may be approved by the Board.

(4) The company shall pay or deliver the surplus, if any, or such of the goods as remain unsold, to the person entitled thereto and may recover the deficiency, if any, by action in any court of competent jurisdiction. R.S., c. 170, s. 356; 1930, c. 36, s. 4.

362. (1) If any goods remain in possession of the company unclaimed for the space of twelve months, the company 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 other newspapers as it deems necessary, sell such goods by public auction, at a time and place which shall be mentioned in such advertisement, and, out of the proceeds thereof, pay such tolls and all reasonable charges for storing, advertising and selling such goods.

(2) The balance of the proceeds, if any, shall be kept by the company for a further period of three months, to be paid over to any person entitled thereto.

(3) In default of such balance being claimed before the expiration of the period last aforesaid, the same shall be deposited with the Minister of Finance for the public uses of Canada.

(4) Such balance may be claimed by the person entitled thereto at any time within six years from the date of such deposit. R.S., c. 170, s. 357.

Traffic by Water.

363. The provisions of this Act, in respect of tolls, tariffs and joint tariffs, so far as deemed applicable by the Board, extend and apply to the traffic carried by any railway company by sea or by inland water, between any ports or places in Canada, if the company owns, charters, uses, maintains or works, or is a party to any arrangement for using, maintaining or working vessels for carrying traffic by sea or by inland water between any such ports or places. R.S., c. 170, s. 358.

Tolls and Traffic on Bridges and Tunnels.

364. The provisions of this Act in respect of tolls, tariffs and traffic, in so far as the Board deems them applicable, extend and apply to

(a) R.S., 1952.
(a) any company that has power under any Special Act to construct, maintain and operate any bridge or tunnel for railway purposes, or for railway and traffic purposes, and to charge tolls for traffic carried over, upon or through such structure by any railway, and

(b) the traffic so carried over, upon or through such structure. R.S., c. 170, s. 359.

EXPRESS BUSINESS.

Express Tolls and Tariffs.

365. (1) All express tolls are subject to the approval of the Board.

(2) The Board may disallow any express tariff or any portion thereof that it considers unjust or unreasonable, and has and may exercise all such powers with respect to express tolls and such tariffs as it has or may exercise under this Act with respect to freight tolls and freight tariffs; and all the provisions of this Act applicable to freight tolls and freight tariffs, in so far as such provisions are applicable and not inconsistent with the provisions of this section and sections 366 to 370, apply to express tolls and tariffs. R.S., c. 170, s. 360.

366. Tariffs of such express tolls shall be filed with the Board and shall be in such form, size and style and give such information, particulars and details as the Board, from time to time, by regulation or by order in any particular case, prescribes. R.S., c. 170, s. 361.

367. No company shall carry or transport any goods by express, unless and until the tariff of express tolls therefor or in connection therewith has been submitted to and filed with the Board in the manner hereinbefore provided: or in the case of competitive tariffs, unless such tariffs are filed in accordance with the rules and regulations of the Board made in relation thereto; or in any case where such express toll in any tariff has been disallowed or suspended by the Board. R.S., c. 170, s. 362.

368. No express toll shall be charged in respect of which there is default in such filing, or which is disallowed or suspended by the Board. R.S., c. 170, s. 363.

Board may define Carriage by Express.

369. The Board may by regulation, or in any particular case, prescribe what is carriage or transportation of goods by express, or whether goods are carried or transported by express

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express within the meaning of this Act, and may order that all such goods as the Board may think proper shall be carried by express. R.S., c. 170, s. 364.

Contracts Limiting Liability of Express Companies.

370. (1) No contract, condition, by-law, regulation, declaration or notice made or given by any company or any person or corporation charging express tolls impairing, restricting or limiting the liability of such company, person or corporation with respect to the collecting, receiving, caring for or handling of any goods for the purpose of sending, carrying or transporting them by express, or for or in connection with the sending, carrying, transporting or delivery by express of any goods, has any force or effect unless first approved by order or regulation of the Board.

(2) The Board may in any case or by regulation
(a) determine the extent to which the liability of such company, person or corporation may be so impaired, restricted or limited, and
(b) prescribe the terms and conditions under which goods may be collected, received, cared for or handled for the purpose of sending, carrying or transporting them by express, or under which goods may be sent, carried, transported or delivered by express by any such company, person or corporation. R.S., c. 170, s. 365.

Returns by Companies Charging Express Tolls.

371. (1) Every company and every person and corporation charging express tolls shall make to the Board an annual return of its capital, business and working expenditure, and such other information and particulars, including a statement of unclaimed goods, as the Board directs.

(2) Such return shall be made in such form, covering such period, and at such time, and shall be published in such manner, as the Board from time to time directs. R.S., c. 170, s. 366.

TELEGRAPHS, TELEPHONES, POWER AND ELECTRICITY.

Telegraphs and Telephones on Railway for Railway Purposes.

372. (1) The railway company may, as incidental to and as part of its undertaking, construct and operate telegraph and telephone lines upon its railway for the purposes of its undertaking.

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(2) The railway company may, for the purpose of operating such lines or exchanging and transmitting messages, enter into contracts with any companies having telegraph or telephone powers, and may connect its own lines with the lines of any such companies, or may lease its own lines to any such companies.

(3) Part II of the *Telegraphs Act* applies to the telegraphic business of the railway company. R.S., c. 170, s. 367.

**Special Powers of Railway Companies.**

373. Whenever in any Special Act passed after the 7th day of July, 1919, it is stated or provided that a railway company has power to acquire, transmit and distribute electric and other power or energy, such company, subject to the provisions of this Act, may for the purposes of its undertaking acquire, but not by expropriation, electric and other power or energy, and transmit and deliver the same to any place in the municipalities through which the railway is built, and receive, transform, transmit, distribute and supply such power or energy in any form; and may dispose of the surplus thereof, and collect rates and charges therefor, but no such rate or charge shall be demanded or taken until it has been approved of by the Board, and the Board may revise such rates and charges whenever it deems proper. R.S., c. 170, s. 368.

374. (1) Whenever in any Special Act passed after the 7th day of July, 1919, it is stated or provided that a railway company has power to transmit telegraph and telephone messages for the public and collect tolls therefor, such company may, subject to the provisions of this Act, construct and operate telegraph and telephone lines upon its railway, and establish offices for and undertake the transmission of messages for the public, and collect tolls therefor; and for the purpose of operating such lines or exchanging or transmitting messages, may, subject to the provisions of this Act, enter into contracts with any companies having telegraph or telephone powers and may connect its own lines with the lines of, or may lease its own lines to, any such companies.

(2) No toll or charge shall be demanded or taken for the transmission of any message or for leasing or using the telegraphs or telephones of such company except in accordance with section 381, and the said company and its said business and works are in all respects subject to the provisions of the said section.

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(3) Part II of the Telegraphs Act, except such portions thereof as are inconsistent with this Act, applies to the telegraphic business of such company. R.S., c. 170, s. 369.

375. No power conferred as mentioned in sections 373 and 374 and nothing in the said sections or in the Telegraphs Act, authorizes such company to construct or operate any line along any highway or public place, without first obtaining the consent, expressed by by-law, of the municipality having jurisdiction over such highway or public place, nor without complying with any terms stated or provided for in such by-law, or authorize such company to sell, dispose of or distribute power or energy within or for use within the limits of any municipality, without the consent, expressed by by-law, of such municipality. R.S., c. 170, s. 370.

Telephone Connection with Railway Stations.

376. (1) Whenever any province, municipality, corporation or incorporated company has authority to construct, operate and maintain a telephonic system in any district, and is desirous of obtaining telephonic connection or communication with or within any station or premises of a railway company in such district, and cannot agree with such company with respect thereto, such province, municipality, corporation or incorporated company may apply to the Board for leave therefor.

(2) The Board may also upon the application of any interested party authorize any telephone company operated by any province, municipality or incorporated company to install at its own expense telephone connection with any station of the company, the annual charge, if any, to be paid by the company for such service and all other terms or conditions connected therewith to be such as the Board may determine, having regard to all local conditions, but in no case is such charge to exceed the customary local rate.

(3) Notwithstanding anything in any Act, the Board, in determining the terms or compensation upon which any such connection or communication is to be provided for, shall not take into consideration any contract, lease or agreement now or hereafter in force by which the railway company has given or gives any exclusive or other privilege to any company or person, other than the applicant, with respect to any such station or premises. R.S., c. 170, s. 371.

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**Putting Wires Across Railways or Other Wires.**

377. (1) Lines, wires, other conductors, or other structures or appliances for telegraphic or telephonic purposes, or for the conveyance of power or electricity for other purposes, shall not, without leave of the Board, except as provided in subsection (5), be constructed or maintained:

(a) along or across a railway, by any company other than the railway company owning or controlling the railway, or

(b) across or near other such lines, wires, conductors, structures or appliances that are within the legislative authority of the Parliament of Canada.

(2) Upon any application for such leave, the applicant shall submit to the Board a plan and profile of the part of the railway or other work proposed to be affected, showing the proposed location and the proposed works.

(3) The Board may grant the application and may order the extent to which, by whom, how, when, on what terms and conditions, and under what supervision, the proposed works may be executed.

(4) Upon such order being made the proposed works may be constructed and maintained subject to and in accordance with such order.

(5) Leave of the Board under this section is not necessary for the exercise of the powers of a railway company under section 372, nor for the maintenance of works now authorized, nor when works have been or are to be constructed or maintained by consent and in accordance with any general orders, regulations, plans or specifications adopted or approved by the Board for such purposes. R.S., c. 170, s. 372.

**Putting Lines or Wires Across or Along Highways, etc.**

378. (1) Subject to the provisions of this section, any company empowered by Special Act or other authority of the Parliament of Canada to construct, operate and maintain telegraph or telephone lines, may, for the purpose of exercising the said powers, enter upon, and, as often as the company thinks proper, break up and open any highway, square or other public place, but

(a) such company shall not interfere with the public right of travel, or in any way obstruct the entrance to any door or gateway or free access to any building;

(b) in cities, towns and incorporated or police villages such company shall not permit any wire to be less than twenty-two feet, or less than any greater height that the Board may direct, above such highway or public place.

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public place; nor shall it in any municipality permit any wire that crosses any highway or public place to be less than eighteen feet, or less than any greater height the Board may direct, above such highway or public place; nor shall it permit any wire that crosses or is adjacent to any private way, entrance or lane used for vehicular traffic to be less than seventeen feet or less than any greater height the Board may direct above such private way, entrance or lane; or erect more than one line of poles along any highway;

(c) all poles shall be as nearly as possible straight and perpendicular, and shall, in cities and towns, be painted;

(d) such company shall not unnecessarily nor without giving at least ten days previous notice to the owner thereof or to the municipality, nor in any case where forbidden by the Board, cut down or mutilate any shade, fruit or ornamental trees, but the Board may when it deems proper dispense with such notice and may in any case make any order or direction it deems fit respecting such trees;

(e) the opening up of any street, square, or other public place for the erection of poles, or for the carrying of wires underground, shall be subject to the supervision of such persons as the municipal council may appoint, and such street, square or other public place shall, without any unnecessary delay, be restored, as far as possible, to its former condition;

(f) if for the purpose of removing buildings, or in the exercise of the public right of travel, it is necessary that the said wires or poles be temporarily removed by cutting or otherwise, such company shall, at its own expense, upon reasonable notice in writing from any person requiring it, remove such wires and poles; and in default of such company so doing such person may remove such wires and poles at the expense of such company;

(g) such company is responsible for all unnecessary damage that it causes in carrying out, maintaining or operating any of its said works;

(h) such company is not entitled to damages on account of its poles or wires being cut by direction of the officer in charge of the fire brigade at any fire, if, in the opinion of such officer, it is advisable that such poles or wires be cut; and

(i) every person employed upon the work of erecting or repairing any line or instrument of such company shall have conspicuously attached to his dress a badge, 4705
on which are legibly inscribed the name of such company and a number by which he can be readily identified.

(2) Notwithstanding anything in any Act of the Parliament of Canada or of the legislature of any province, or any power or authority heretofore or hereafter conferred thereby or derived therefrom, no telegraph or telephone line, within the legislative authority of the Parliament of Canada shall, except as hereinafter in this section provided, be constructed by any company upon, along, across or under any highway, square or other public place, without the legal consent of the municipality having jurisdiction over such highway, square or public place.

(3) If any company cannot, in respect of any such line, obtain such consent from such municipality, or cannot obtain such consent otherwise than subject to terms and conditions not acceptable to the company, such company may apply to the Board for leave to exercise such powers, and upon such application shall submit to the Board a plan of such highway, square or other public place showing the proposed location of such lines, wires and poles.

(4) The Board may refuse or may grant such application in whole or in part, and may change or fix the route of such lines, wires or poles, and may by order impose any terms, conditions or limitations in respect of the application that it deems expedient, having due regard to all proper interests.

(5) Upon such order being made, and subject to any terms imposed by the Board, such company may exercise such powers in accordance with such order, and shall in the performance and execution thereof, or in the repairing, renewing or maintaining of such lines, wires or poles, conform to and be subject to the provisions of subsection (1), except in so far as the said provisions are expressly varied by order of the Board.

(6) Notwithstanding any power or authority heretofore or hereafter conferred upon any company by or under any Act of the Parliament of Canada, or of the legislature of any province, or any other authority, the Board, upon the application of the municipality, and upon such terms and conditions as the Board may prescribe, may order any telegraph or telephone line, within the legislative authority of the Parliament of Canada, in any municipality or any portion thereof, to be placed underground, and may order any extension or change in the location of any such line or any portion thereof, and the construction of any new line, and may abrogate the right of any such company to construct or maintain, or to operate or continue, any such line.

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or any pole of other works belonging thereto, except as directed by the Board; and where such a line or lines within the legislative authority of the Parliament of Canada and such a line or lines within the legislative authority of a province, run through or into the same municipality, and the municipality is desirous of having any of the lines placed underground, and there exists in such province a provincial commission, public utilities or other board or body having power to order such a line within the legislative authority of such province to be placed underground, the Board and the provincial commission, or public utilities board or body, may by joint session or conference, or by joint board, order any of the lines to be placed underground, and abrogate any right to carry the same on poles, and the provisions of subsection (3) of section 256, with the necessary adaptation, apply to every such case.

(7) Where the Board makes an order under subsection (6) and a company requires additional lands for the purpose of enabling it to comply with the order, the company may apply to the Board for authority to take the additional lands necessary for such purpose without the consent of the owner, and subsections (2) to (7) of section 203 apply, mutatis mutandis, to the taking of the additional lands.

(8) Where a municipality or landowner desires to obtain means of drainage or the right to lay water-pipes or other pipes, temporarily or permanently, through, along, upon, across or under any telegraph or telephone line within the legislative authority of the Parliament of Canada or any lands forming part of or used in connection with such telegraph or telephone line, the Board may, upon the application of the municipality or landowner, permit the construction of the drainage or the laying of the pipes upon such terms and conditions as the Board may consider proper.

(9) Except as provided in subsections (6) and (8) nothing in this section affects the right of any telegraph or telephone company to operate, maintain, renew or reconstruct underground or overhead systems or lines, heretofore constructed.

(10) Nothing in this section authorizes, or gives power to authorize, any company to construct or operate any line or works along any highway or public place without the consent of the municipality having jurisdiction thereover in any case where

(a) the Special Act applying to such company requires such consent, or

(b) the provisions of section 373, 374 or 375 apply to such company and require such consent;
and where such consent is so required the provisions respecting the same shall be complied with. R.S., c. 170, s. 373; 1948, c. 27, s. 2.

**Price and Supply of Certain Power.**

**379.** (1) In any case where water-power has been acquired under lease from the Crown for the development of electrical energy, and the lessee from the Crown of such water-power and the applicant for the purchase of electrical energy so developed cannot agree as to the quantity to be sold by the lessee to the applicant, and the price to be paid by the applicant to the lessee for such quantity, or either, as the case may be, the Board shall determine and fix the quantity and the price to be paid therefor, or either, as the case may be, and the lessee shall sell, supply and furnish, if the applicant shall then require it, such quantity, and at the price so determined and fixed, as the case may be.

(2) For the purpose of determining and fixing such quantity or such price, the Board may enter on and inspect the property leased from the Crown and all erections and machinery thereon, and may examine all papers, documents, vouchers, records and books of every kind, and may order and require the lessee and any other person to attend before the Board and be examined on oath and to produce all papers, documents, vouchers, records and books of every kind; and for the purpose aforesaid, the Board has all such powers, rights and privileges as are vested in a superior court.

(3) This section does not apply to any case where the water-power leased from the Crown has been acquired for, and is used in the development of electrical energy for the direct and immediate industrial or manufacturing operations of the lessee. R.S., c. 170, s. 374.

**Provisions Governing Telegraphs and Telegraphes.**

**380.** (1) In this section,

(a) "company" means a railway company or person authorized to construct or operate a railway, having authority to construct or operate a telegraph or telephone system or line, and to charge telegraph or telephone tolls, and includes also telegraph and telephone companies and every company and person within the legislative authority of the Parliament of Canada having power to construct or operate a telegraph or telephone system or line and to charge telegraph or telephone tolls; and

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(b) "Special Act" means any Act under which the company has authority to construct or operate a telegraph or telephone system or line, or which is enacted with special reference to any such system or line, and any letters patent constituting a company's authority to construct or operate a telegraph or telephone system or line, granted under any Act, and the Act under which such letters patent were granted, and includes the Telegraphs Act and any general Act relating to telegraphs or telephones.

(2) Notwithstanding anything in any Act passed before the 7th day of July, 1919, all telegraph and telephone tolls to be charged by the company, and all charges for leasing or using the telegraphs or telephones of the company, are subject to the approval of the Board, and may be revised by the Board from time to time; this subsection does not apply to the use of telegraph or telephone wires where no toll is charged to the public.

(3) The company shall file with the Board tariffs of any telegraph or telephone tolls to be charged, and such tariffs shall be in such form, size and style, and give such information, particulars and details, as the Board, from time to time, by regulation, or in any particular case, prescribes, and unless with the approval of the Board, the company shall not charge and is not entitled to charge any telegraph or telephone toll in respect of which there is default in such filing, or which is disallowed by the Board; but any company, previous to the 1st day of May, 1908, charging telegraph or telephone tolls, may, without such filing and approval, for such period as the Board allows, charge such telegraph or telephone tolls as such company was immediately previous to the said date authorized by law to charge, unless where the Board has disallowed or disallows such tolls.

(4) Such telegraph and telephone tolls may be dealt with by the Board in the same manner as is provided by this Act with respect to freight tariffs, and all the provisions of this Act, except section 336, applicable to companies thereunder with respect to freight tariffs and tolls shall in so far as they are applicable, and not inconsistent with the provisions of this section, apply to the company with respect to such telephone and telegraph tariffs and tolls.

(5) The Board may permit the classification of telegraph, telephone and cable messages into such classes as it deems just and reasonable, and may permit different rates to be charged for such different classes.

(6) "Special Act."
Tolls, rates and services.

(6) The Board may, from time to time upon application, deal with all questions of unreasonableness or unjust discrimination in respect of telephone tolls resulting from the establishment, redivision and readjustment of the boundaries of any base rate area or telephone exchange area and, where it considers such tolls to be unreasonable or unjust or contrary to any of the provisions of this Act, may require the company to substitute tolls satisfactory to the Board in lieu thereof, or may prescribe other tolls in lieu of the tolls published by the company.

Publication of tariffs.

(7) The Board may, by regulation or otherwise, determine and prescribe the manner and form in which any tariff or tariffs of telegraph or telephone tolls shall be published or kept open for public inspection.

Connections with other systems, power of Board to order.

(8) Whenever any company or any province, municipality or corporation, having authority to construct and operate, or to operate, a telephone system or line and to charge telephone tolls, whether such authority is derived from the Parliament of Canada or otherwise, is desirous of using any telephone system or line owned, controlled or operated by the company, in order to connect such telephone system or line with the telephone system or line operated or to be operated by such first mentioned company, or by such province, municipality or corporation for the purpose of obtaining direct communication, whenever required, between any telephone or telephone exchange on the one telephone system or line and any telephone or telephone exchange on the other telephone system or line, and cannot agree with the company with respect to obtaining such use, connection or communication, such first mentioned company or province, municipality or corporation may apply to the Board for relief, and the Board may order the company to provide for such use, connection or communication, upon such terms, including compensation if any, as the Board deems just and expedient, and may order and direct how, when, where, by whom, and upon what terms and conditions such use, connection, or communication shall be had, constructed, installed, operated and maintained.

Local conversations over competing systems.

(9) No order made under subsection (8) applies to the interchange of local conversations between persons using the telephones of two competing systems or lines where such systems or lines terminate upon switch-boards located within the municipal limits of the same city, town or village, except in the case of rural party line telephones in non-competitive areas, and then only when the Board deems such interchange to be desirable and practicable.

R.S., 1952. 4710 (10)
(10) Upon any such application the Board shall, in addition to any other consideration affecting the case, take into consideration the standards, as to efficiency and otherwise, of the apparatus and appliances of such telephone systems or lines, and shall only grant the leave applied for in case and in so far as, in view of such standards, the use, connection or communication applied for can, in the opinion of the Board, be made or exercised satisfactorily and without undue or unreasonable injury to or interference with the telephone business of the company, and where in all the circumstances it seems just and reasonable to grant the same.

(11) Where the telephone system or line operated by the company is used or connected, for purposes of communication as aforesaid, with the telephone system or line operated by any other company or by any such province, municipality or corporation, whether the authority of such company, province, municipality or corporation to construct and operate or to operate such telephone system or line is derived from the Parliament of Canada or otherwise, and whether such connection or communication has been previously or is hereafter established either by agreement of the parties or under an order of the Board, the provisions of this Act with respect to joint tariffs, in so far as they are applicable and not inconsistent with this section or the Special Act, apply to such company or companies and to such province, municipality or corporation; and the Board has, for the enforcement of its orders in this respect, in addition to all other powers possessed by it therefor, the power to order a discontinuance of such connection or communication between such different telephone systems or lines.

(12) All contracts, agreements and arrangements between the company and any other company, or any province, municipality or corporation having authority to construct or operate a telegraph or telephone system or line, whether such authority is derived from the Parliament of Canada or otherwise, for the regulation and interchange of telegraph or telephone messages or service passing to and from their respective telegraph or telephone systems and lines, or for the division or apportionment of telegraph or telephone tolls, or generally in relation to the management, working or operation of their respective telegraph or telephone systems or lines, or any of them, or any part thereof, or of any other systems or lines operated in connection with them or either of them, are subject to the approval of the Board.
and shall be submitted to and approved by the Board before such contract, agreement or arrangement has any force or effect.

(13) Without limitation of the generality of this subsection by anything contained in the preceding subsections, the jurisdiction and powers of the Board, and, in so far as reasonably applicable and not inconsistent with this section or the Special Act, the provisions of this Act respecting such jurisdiction and powers, and respecting proceedings before the Board and appeals to the Supreme Court or Governor in Council from the Board, and respecting offences and penalties, and the other provisions of this Act, except sections 73 to 273, 275 to 285, 290 to 316, 326, 354 to 359, 365 to 371, 401 to 431, 456 to 464, extend and apply to all companies as in this section defined, and to all telegraph and telephone systems, lines and business of such companies within the legislative authority of the Parliament of Canada; and in and for the purposes of such application

(a) "company" or "railway company" means a company as in subsection (1) defined;

(b) "railway" means all property real and personal and works forming part of or connected with the telegraph or telephone system or line of the company;

(c) "Special Act" means a Special Act as in subsection (1) defined;

(d) "toll" or "rate" means telegraph or telephone toll; and

(e) "traffic" means the transmission of and other dealings with telegraphic and telephonic messages. R.S., c. 170, s. 375; 1938, c. 12, s. 1; 1951 (2nd Sess.), c. 22, s. 12.

Marine Electric Telegraphs or Cables.

381. (1) After this section is brought into effect, section 380 extends and applies to marine electric telegraphs or cables; and

(a) "telegraph" in the said section includes marine electric telegraph or cable;

(b) "telegraph toll" in the said section includes any toll, rate or charge to be charged by the company to the public or to any person for the transmission of messages by any marine electric telegraph or cable system whereby messages are transmitted from, to or through Canada;

(c) "traffic" in the interpretation provided for by subsection (13) of the said section, and as the application of the said section is extended by the coming into force of this section, includes messages transmitted from Canada.
Canada to any other country by means of any marine electric telegraph or cable line; or to Canada from any other country by the like or similar means; or through, or into, or from any part of Canada by means of any marine electric telegraph or cable lines acting in conjunction with land lines or by land lines acting in conjunction with marine electric telegraph or cable lines, by means of a through route or otherwise.

(2) Every company to which this section applies has four months after this section comes into force within which to file and obtain approval of its tariffs and tolls; but the Board may, upon application and upon good and sufficient ground being shown, extend such time to a period not exceeding one year, including the said four months.

(3) This section shall come into force upon similar provision being made by the proper authority in Great Britain, and upon proclamation of the Governor in Council. R.S., c. 170, s. 376.

**Government Use and Construction of Telegraphs and Telephones.**

382. (1) Every railway, telegraph and telephone company shall, when required so to do by the Governor in Council, or any person authorized by him, place at the exclusive use of the Government of Canada any electric telegraph and telephone lines, and any apparatus and operators which it has.

(2) Such company is thereafter entitled to receive reasonable compensation for such service. R.S., c. 170, s. 377.

383. The Governor in Council may, at any time, cause a line or lines of electric telegraph or telephone to be constructed along the line of any railway, for the use of the Government of Canada, and for that purpose, may enter upon and occupy so much of the lands of the company as is necessary for the purpose. R.S., c. 170, s. 378.

**STATISTICS AND RETURNS.**

384. (1) Every railway, telegraph, telephone and express company and every carrier by water shall annually prepare returns, in accordance with the forms and classifications for the time being required by the Board, of its assets, liabilities, capitalization, revenues, working expenditures and traffic.
(2) Such returns shall be dated and signed by and attested upon the oath of the secretary, or some other chief officer of the company or carrier by water, and shall also be attested upon the oath of the president, or in his absence, of the vice-president or manager of the company or carrier by water, or shall be signed and attested by such other person or persons as the Board may direct.

(3) Such returns shall be made for the period beginning from the date to which the then last yearly returns made by the company or carrier by water extend, or if no such returns have been previously made, from the commencement of the operation of the railway, or other works, or undertaking, and ending with the last day of December in the year, or other interval, for which the returns are to be made, or with such other date as the Board may direct.

(4) A duplicate copy of such returns, dated, signed and attested in manner aforesaid, shall be forwarded by such company to the Dominion Statistician within one month after the 1st day of February in each year, or within one month after any other date directed by the Board under subsection (3). R.S., c. 170, s. 379; 1951 (2nd Sess.), c. 22, s. 13.

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

(2) Such returns shall be in accordance with the forms for the time being required by the Board.

(3) A copy of such returns, signed by the officer of the company or carrier responsible for the correctness of such returns, shall be forwarded by the company or carrier to the Dominion Statistician within seven days from the day to which the said returns have been prepared.

(4) The Board may in any case extend the time within which such returns shall be forwarded. R.S., c. 170, s. 380; 1951 (2nd Sess.), c. 22, s. 14.

386. The Board shall institute and maintain a statistical procedure designed to provide the data necessary for the performance of its duties. 1951 (2nd Sess.), c. 22, s. 15.

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

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(2) The Board may prescribe for any other railway company within the legislative authority of the Parliament of Canada a uniform classification and system as described in subsection (1), or a condensed form thereof.

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

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

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

(6) Every railway company for which the uniform or condensed classification and system of accounts and returns is prescribed shall keep its accounts in accordance with the prescribed classification and system. 1951 (2nd Sess.), c. 22, s. 15.

388. (1) Every railway, telegraph, telephone and express company and every carrier by water shall annually, or more frequently if the Board so requires, make to the Board, under the oath of the president, secretary or superintendent of the company, or carrier, or of such other person as the Board may direct, a true and particular return of all accidents and casualties, whether to persons, or to animals or other property, which have occurred on the property or in connection with the operation of the undertaking of the company, or carrier, setting forth

(a) the causes and nature of such accidents and casualties;

(b) the points at which such accidents and casualties occurred, and whether by night or by day; and

(c) the full extent of such accidents and casualties and all the particulars thereof.

(2) Such returns shall be made for the period beginning from the date to which the then last yearly returns made by the company or carrier extend, or if no such returns have been previously made, from the commencement of the operation of the railway, or undertaking, and ending with the last day of December in the then current year.
(3) A duplicate copy of such returns, dated, signed and attested in manner aforesaid, shall be forwarded by such company or carrier to the Dominion Statistician within one month after the 1st day of February in each year.

(4) Every such company and every carrier by water shall also, when required by the Board return a true copy of the existing by-laws of the company, or carrier, and of its rules and regulations for the management of the company or carrier, and of its railway, or of such other undertaking or business as it is authorized to carry on.

(5) The Board may order and direct the form in which such returns shall be made up. R.S., c. 170, s. 381.

389. The Board may order and direct any railway company to make up and deliver to the Board, from time to time, in addition to the said periodical returns, returns of serious accidents occurring in the course of the public traffic upon the railway belonging to such company, whether attended with personal injury or not, in such form and manner as the Board deems necessary and requires for their information with a view to public safety. R.S., c. 170, s. 382.

390. All returns made in pursuance of any of the provisions of sections 384 to 389 are privileged communications, and are not evidence in any court whatsoever, except in any prosecution for

(a) default in making such returns in accordance with the requirements of this Act;

(b) perjury in making any oath required by this Act in connection with such returns;

(c) forgery of any such return; or

(d) signing any such return knowing the same to be false. R.S., c. 170, s. 383; 1951 (2nd Sess.), c. 22, s. 16.

To the Board.

391. (1) The Board may, from time to time, by notice served upon any railway, telegraph, telephone or express company or any officer, servant or agent of such company, require it, or such officer, servant or agent, to furnish the Board, at or within any time stated in such notice, a written statement or statements showing in so far, and with such detail and particulars, as the Board requires

(a) the assets and liabilities of such company;

(b) the amount of its stock issued and outstanding, and the date at which any such stock was so issued;

(c)
(c) the amount and nature of the consideration received by such company for such issue, and, in case the whole of such consideration was not paid to such company in cash, the nature of the service rendered to or property received by such company for which any stock was issued;

(d) the gross earnings or receipts or expenditure by such company during any periods specified by the Board, and the purposes for which such expenditure was made;

(e) the amount and nature of any bonus, gift, or subsidy, received by such company from any source whatsoever; and the source from which, and the time when, and the circumstances under which, the same was so received or given;

(f) the bonds issued at any time by such company, and what portion of the same are outstanding and what portion, if any, have been redeemed;

(g) the amount and nature of the consideration received by such company for the issue of such bonds;

(h) the character and extent of any liabilities outstanding chargeable upon the property or undertaking of such company, or any part thereof, and the consideration received by such company for any such liabilities, and the circumstances under which the same were created;

(i) the cost of construction of such company's railway or other works or any part thereof;

(j) the amount and nature of the consideration paid or given by such company for any property acquired by it;

(k) the particulars of any lease, contract or arrangement entered into, or at any time having been entered into, and the particulars of any financial or business relations relevant to any matter within the jurisdiction of the Board existing, or at any time having existed between such company and any other company or person; and

(l) generally, the extent, nature, value and particulars of the property, earnings and business of such company.

(2) The Board may summon, or require the attendance of and examine under oath, any officer, servant or agent of such company or of any other company within the legislative authority of the Parliament of Canada, or person, as to any matters included in such return, or which were required by notice aforesaid to be returned to the Board, and as to any matter or thing that, in the opinion of the Board, is relevant to such return, or to any inquiry that the Board deems it expedient to make in connection with any of the matters in this section aforesaid; and for such purposes

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purposes may require the production to the Board of any books or documents in the control of such company or any such other company, or in the control of any such officer, servant, agent or person.

(3) Any information furnished to the Board by any such return, or any evidence taken by the Board in connection therewith, shall not be open to the public, or published, but shall be for the information of the Board only.

(4) The Governor in Council may nevertheless require the Board to communicate to him in Council any or all information obtained by it in the manner aforesaid.

(5) The Board may authorize any part of such information to be made public when, and in so far as, there may appear to the Board to be good and sufficient reasons for so doing; but if the information so proposed to be made public by the Board is of such character that such company or any other company within the legislative authority of the Parliament of Canada would, in the opinion of the Board, be likely to object to the publication thereof, the Board shall not authorize such information to be published without notice to such company, or any such other company, and hearing any objection that such company or any such other company, may make to such publication.

R.S., c. 170, s. 384; 1929, c. 54, ss. 5, 6, 7.

ACTIONS FOR DAMAGES.

Breach of Duty under Act.

392. Any company that, or any person who, being a director or officer thereof, or a receiver, trustee, lessee, agent, or otherwise acting for or employed by such company, does, causes or permits to be done, any matter, act or thing contrary to the provisions of this or the Special Act, or to the orders, regulations or directions of the Governor in Council, or of the Minister, or of the Board, made under this Act, or omits to do any matter, act or thing, thereby required to be done on the part of any such company, or person, is, in addition to being liable to any penalty elsewhere provided, liable to any person injured by any such act or omission for the full amount of damages sustained thereby, and such damages are not subject to any special limitation except as expressly provided for by this or any other Act.

R.S., c. 170, s. 385.

Cattle Getting on Railway.

393. (1) When any horses, sheep, swine or other cattle, whether at large or not, get upon the lands of the company and by reason thereof damage is caused to or by such animal,
animal, the person suffering such damage is entitled to recover the amount of such damage against the company in any action in any court of competent jurisdiction unless the company establishes that such damage was caused by reason of

(a) any person for whose use any farm crossing is furnished, or his servant or agent, or the person claiming such damage or his servant or agent, wilfully or negligently failing to keep the gates at each side of the railway closed when not in use;

(b) any person other than an officer, agent, employee or contractor of the company wilfully opening and leaving open any gate, on either side of the railway provided for the use of any farm crossing, without some one being at or near such gate to prevent animals from passing through the gate onto the railway;

(c) any person other than an officer, agent, employee or contractor of the company taking down any part of a railway fence;

(d) any person other than an officer, agent, employee or contractor of the company turning any such animal upon or within the enclosure 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) any person other than an officer, agent, employee or contractor of the company, except as authorized by this Act, without the consent of the company, riding, leading or driving any such animal or wilfully suffering the same to enter upon any railway, and within the fences, guards and gates thereof.

(2) Where any such animal, by reason of being at large within half a mile of the intersection of a highway with any railway at rail level contrary to the provisions of section 281 is killed or injured by any train at such point of intersection, the owner of such animal does not have any right of action against any company in respect of the same being so killed or injured; but contravention of the said section does not in any other case, nor does the fact that the company is not guilty of any negligence or breach of duty, prevent any person from recovering damage from the company under this section.

(3) Nothing in this section shall be construed as relieving any person from the penalties imposed by section 413. R.S., c. 170, s. 386.
394. (1) Whenever damage is caused to any property by a fire started by any railway locomotive, the company operating the railway on which the locomotive is being used, whether guilty of negligence or not, is liable for such damage and may be sued for the recovery of the amount of such damage in any court of competent jurisdiction.

(2) If it is shown that the company has used modern and efficient appliances, and has not otherwise been guilty of any negligence, the total amount of compensation recoverable from the company under this section in respect of any one or more claims for damage from a fire or fires started by the same locomotive and upon the same occasion, shall not exceed five thousand dollars.

(3) If there is any insurance existing on the property destroyed or damaged, where the company has used modern and efficient appliances and has not otherwise been guilty of negligence, the total amount of damages sustained by any claimant in respect of the destruction or damage of such property shall, for the purposes of this section, be reduced by the amount received or recoverable by or for the benefit of such claimant in respect of such insurance.

(4) No action lies against the company by reason of anything in any such policy of insurance.

(5) In any action or proceeding under this section the limitation of two years hereinafter prescribed begins to run from the date of final judgment in any action brought by the assured to recover such insurance money, or in the case of settlement, from the date of the receipt of such money by the assured, as the case may be.

(6) Where the amount recoverable from the company is limited to such five thousand dollars and such sum is not sufficient to pay all the claims in full, it shall be apportioned among the claimants pro rata according to the claims established.

(7) Where it is made to appear that the total amount of the claims may exceed the said sum, a judge of any superior court of competent jurisdiction may make such order as he deems fit for the proper determination and adjustment of all such claims and of the liability of the company, and if he deems proper, may stay or consolidate any action or actions, and may direct advertisement for such claims and filing and adjudication thereof in such manner and before such tribunal, officer or person as he deems fit, and may order that after such advertisement or notice as he directs all claims...
claims not filed and established as directed shall thereafter be barred; and the costs of any such proceedings shall be paid as such judge directs.

(8) Except under or in pursuance of such an order, the company is not entitled to have any action under this section stayed or the amount recoverable therein lessened because of the limitation of its liability to five thousand dollars as aforesaid, nor does any payment made by the company to any claimant otherwise than under or in pursuance of such an order prejudice the right of any other claimant to receive his due proportion of such five thousand dollars.

(9) Nothing in subsections (7) and (8) prevents or prejudices any action or claim against the company for failure to use modern and efficient appliances or for other negligence.

(10) The company has an insurable interest in all property upon or along its route, for which it may be held liable to compensate the owners for loss or damage by fire caused by a railway locomotive, and may procure insurance thereon in its own behalf. R.S., c. 170, s. 387.

**Failure to Equip Trains Properly.**

395. Every company that fails to comply with any requirement of this Act

(a) with respect to providing and causing to be used on its trains modern and efficient apparatus, appliances or means, or any apparatus, appliance or means in this Act specified, for the providing of communication between the conductor and the engine driver, or for the checking of the speed of any train or the bringing of the same expeditiously to a standstill, or for the secure coupling and connecting of the cars and the engine composing the train;

(b) with respect to equipping its box freight cars, for the security of its employees, with outside ladders and hand-grips, or if the Board so requires, with any other improved side attachment required by the Board; or

(c) with respect to adopting and using upon its rolling stock draw bars of a height determined by the Board; is, in addition to being liable to any penalty elsewhere provided, liable to pay to all such persons as are injured by reason of the non-compliance with such requirements, or to their representatives, such damages as they are legally entitled to, notwithstanding any agreement to the contrary.

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with regard to any such person, unless such agreement is authorized by the law of the province in which it is made and by regulation of the Board. R.S., c. 170, s. 388.

*Infraction of Provision or Order respecting Tolls.*

396. (1) Every company is, in addition to any penalty in this Act provided in respect of any infraction by the company, or any officer, servant or agent of the company, of any provision of this Act, or of any order, direction, decision or regulation made or given by the Board under this Act, in respect of tolls, liable, at the suit of any person injured by reason of any such infraction, to three times the amount of the actual damage which such person may be proved to have sustained.

(2) No action shall be commenced for the recovery of any such triple damages without the leave of the Board first being obtained. R.S., c. 170, s. 389.

*Injuries on Platform, Baggage or Freight Car.*

397. No person injured while on the platform of a car, or on any baggage, or freight car, in violation of the printed regulations posted up at the time, has any claim in respect of the injury, if room inside of the passenger cars, sufficient for the proper accommodation of the passengers, was furnished at the time. R.S., c. 170, s. 390.

*Limitation and Defences.*

398. (1) All actions or suits for indemnity for any damages or injury sustained by reason of the construction or operation of the railway shall, and notwithstanding anything in any Special Act may, be commenced within two years next after the time when such supposed damage is sustained, or if there is continuation of damage, within two years next after the doing or committing of such damage ceases, and not afterwards.

(2) Nothing in subsection (1) applies to any action brought against the company upon any breach of contract, express or implied, for or relating to the carriage of any traffic, or to any action against the company for damages under the provisions of this Act respecting tolls.

(3) Notwithstanding anything in any Special Act or elsewhere contained, the pleadings in any action or suit against the company shall be governed by the law or rules of procedure of the court in which such action or suit is brought, and the company is not, unless permitted by such law or rules, entitled to plead the general issue.

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(4) No inspection under or by the authority of this Act, and nothing in this Act and nothing done, ordered or directed, or required or provided for, or omitted to be done, ordered or directed or required or provided for, under or by virtue of the provisions of this Act, shall, except in so far as a compliance with the Act or with such order or direction, or requirement or provision, constitutes a justification for what would otherwise be wrongful, relieve, or be construed to relieve, any company of or from, or in any wise diminish or affect, any liability or responsibility resting upon it by law, either towards Her Majesty or towards any person, or the wife or husband, parent or child, executor or administrator, tutor or curator, heir or personal representative, of any person, for anything done or omitted to be done by such company, or for any wrongful act, negligence or default, misfeasance, malfeasance, or nonfeasance, of such company. R.S., c. 170, s. 391.

OFFENCES, PENALTIES AND OTHER LIABILITY.

Disobeying Orders of Board.

399. (1) Every company and every municipal or other corporation that neglects or refuses to obey any order of the Board made under the provisions of this Act, or any other Act of the Parliament of Canada, is for every such offence, liable to a penalty of not less than twenty dollars nor more than five thousand dollars.

(2) Wherever it is proved that any company has neglected or refused to obey an order of the Board made under the provisions of this Act, or any other Act of the Parliament of Canada, the president, the vice-president, each vice-president where there are more than one, and every director and managing director of such company is guilty of an offence for which he is liable to a penalty of not less than twenty dollars and not more than five thousand dollars, or imprisonment for any period not exceeding twelve months, or both, unless he proves that, according to his position and authority, he took all necessary and proper means in his power to obey and carry out, and to procure obedience to and carrying out of, such order and that he was not at fault for the neglect or refusal to obey the same.

(3) Wherever it is proved that any municipal or other corporation has neglected or refused to obey any order of the Board made under the provisions of this Act, or any other Act of the Parliament of Canada, the mayor, warden, reeve or other head of such corporation, and every member of the council or other ruling or executive body of such corporation, R.S., 1952.
corporation, is guilty of an offence for which he is liable to a penalty of not less than twenty dollars and not more than five thousand dollars, or imprisonment for any period not exceeding twelve months, or both, unless he proves that, according to his position and authority, he took all necessary and proper means in his power to obey and carry out, and to procure obedience to and carrying out of, such order, and that he was not at fault for the neglect or refusal to obey the same.

(4) Nothing in or done under this section lessens or affects any other liability of such company, corporation or person, or prevents or prejudices the enforcement of such order in any other way.

(5) No prosecution shall be had under this section except by leave or direction of the Board. R.S., c. 170, s. 392.

Obstructing Inspecting Engineers.

As to transmission of telegraph messages. 400. (1) Every operator or officer employed in any telegraph office of the company, or under the control of the company, who neglects or refuses to obey, without unnecessary delay, all orders of any inspecting engineer for the transmission of messages is, for every such offence, liable on summary conviction to a penalty of forty dollars.

Penalty.

(2) Every person who wilfully obstructs any inspecting engineer in the execution of his duties is liable on summary conviction to a penalty not exceeding forty dollars, and, in default of payment thereof forthwith, or within such time as the convicting justice appoints, to imprisonment with or without hard labour for any term not exceeding three months. R.S., c. 170, s. 393.

Purchase of Railway Securities.

401. (1) Every director of a railway company who knowingly permits the funds of any such company to be applied either directly or indirectly in the purchase of its own stock, or in the acquisition of any shares, bonds or other securities issued by any other railway company in Canada, or in the purchase or acquisition of any interest in any such stock, shares, bonds or other securities, contrary to the provisions of this Act or the Special Act, shall incur a penalty of one thousand dollars for each such violation.

Penalty.

(2) The acquisition of each share, bond or other security or interest as aforesaid shall be deemed a separate violation of this section.

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(3) Such penalty is recoverable on information filed in the name of the Attorney General of Canada, and a moiety thereof shall belong to Her Majesty, and the other moiety thereof shall belong to the informer. R.S., c. 170, s. 394.

Schemes of Arrangement with Creditors.

402. If any railway company fails to keep at all times, at its principal or head office, printed copies of any scheme of arrangement between the company and its creditors, after such scheme has been confirmed and enrolled as provided by this Act, or to sell such copies to all persons desiring to buy them at a reasonable price, not exceeding ten cents for each copy, the company shall incur a penalty not exceeding one hundred dollars, and a further penalty not exceeding twenty dollars for every day during which such failure continues after the first penalty is incurred. R.S., c. 170, s. 395.

Filing and Registry.

403. Every railway company that fails or neglects, within six months after the completion of the undertaking, or within six months after beginning to operate any completed part of the railway, as the case may be, or within such extended or renewed period as the Board at any time directs,

(a) to file with the Board a plan and profile of its completed railway, or of any such part thereof as is completed and in operation, and of the land taken or obtained for the use thereof; or

(b) to file in the registry offices for the respective districts and counties, in which the parts of such railway so completed, or completed and in operation are situate, plans of the parts thereof and of the land taken or obtained for the use thereof, located in such districts and counties respectively, prepared on such a scale and in such manner, and form, and signed or authenticated in such manner, as the Board may from time to time by general regulation, or in any individual case, sanction or require;

shall incur a penalty of two hundred dollars, and a like penalty for each and every month during which such failure or neglect continues. R.S., c. 170, s. 396.
Registrator
of deeds
neglecting
his duty.

404. Every registrar of deeds with whom it is by this Act required that any plan, profile, book of reference, certified copy thereof, or other document relating to the location or construction of any railway shall be deposited, who refuses or neglects (a) to receive and preserve in his office all such plans, profiles, books of reference, certified copies thereof, and other documents duly tendered to him for such deposit; (b) to endorse thereon the day, hour and minute when the same were so deposited; (c) to allow any person to make extracts therefrom and copies thereof as occasion requires, upon payment of the fees in that behalf by this Act prescribed; or (d) to certify, at the request of any person, in the manner and with the particulars by this Act required, copies of any such plan, profile, book of reference or document, or such portions thereof as may be required, upon being paid therefor at the rate provided by this Act; is liable on summary conviction to a penalty of ten dollars, and also to an action for damages at the suit of any person injured by any such refusal or neglect. R.S., c. 170, s. 397.

Penalty.

Removing Industrial Spurs.

405. Any company or person who, without consent or order of the Board, removes any spur or branch line constructed under or pursuant to this Act for the purpose of affording railway facilities to, or in connection with, any industry or business established or intended to be established, is liable on conviction to a penalty not exceeding one thousand dollars. R.S., c. 170, s. 398.

Examining Mine Workings.

406. Any owner, lessee, or occupier of a mine lying under or near a railway or any of the works connected therewith, who, after the company owning or operating such railway has obtained the written permission of the Board and given twenty-four hours notice in writing in that behalf, refuses or neglects to allow any person appointed by such company for that purpose, to enter into and return from such mine or the works connected therewith and make use of any apparatus of such mine and all necessary means for discovering the distance from such railway or works connected therewith to the parts of such mine which are being worked, in order to ascertain whether such mine is being worked or has been worked so as to injure or be detrimental to such railway or works connected therewith.

Refusing to allow examination of mine workings.

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or to the safety thereof or of the public, is for every such refusal or neglect liable on summary conviction to a penalty not exceeding one hundred dollars. R.S., c. 170, s. 399.

Matters Incidental to Construction.

407. Every railway company that fails or neglects to comply with any direction of the Governor in Council, given upon the report of the Board, requiring such company within such time as the Governor in Council directs, to construct fixed and permanent bridges, or swing, draw or movable bridges, or to substitute any of such bridges for bridges existing on the line of the company's railway, shall, for every day after the expiration of the period so fixed, during which the company fails or neglects to comply with such direction, forfeit and pay to Her Majesty the sum of two hundred dollars. R.S., c. 170, s. 400.

408. Whenever
(a) any bridge, tunnel or other erection or structure over, through or under which any railway passes is not so constructed, or reconstructed or altered, within such time as the Board may order, and thereafter so maintained, as to afford at all times an open and clear headway of at least seven feet between the top of the highest freight car used on the railway, and the lowest beams, members or portions of that part of such bridge, tunnel, erection or structure, which is directly over the space liable to be traversed by such car in passing thereunder; or
(b) except by leave of the Board, the space between the rail level and such beams, members, or portions of any such structure, constructed after the 1st day of February, 1904, is in any case less than twenty-two feet six inches;
the company or owner so constructing shall incur a penalty not exceeding fifty dollars, for each day during which such company or owner wilfully refuses, neglects or omits to comply with the requirements of this Act, as to construction, reconstruction, alteration or maintenance, in this section mentioned; but nothing in this section applies to any bridge, tunnel, erection or structure exempted by the Board from such requirements. R.S., c. 170, s. 401.

409. Every company that erects, operates or maintains any bridge, approach, tunnel, viaduct, trestle, or any building, erection or structure, in violation of this Act, or of any order or regulation of the Board, shall for each offence incur a penalty of fifty dollars. R.S., c. 170, s. 402.

Improper use of highways.

410. Every railway company that, except as authorized by Special Act of the Parliament of Canada, or amendment thereof, passed previously to the 12th day of March, 1903,

(a) carries its railway or causes or permits the same to be carried upon, along or across an existing highway without having first obtained leave therefor from the Board;

(b) obstructs any such highway by its works before turning the highway so as to leave an open and good passage for carriages; or

(c) on completion of the works fails or neglects to restore the highway to as good a condition, as nearly as possible, as it originally had;

shall incur a penalty of not less than forty dollars nor more than five thousand dollars for each such offence. R.S., c. 170, s. 403.

Penalty.

Failure to erect signboards at crossings.

411. Every railway company that fails or neglects to erect and maintain, at each crossing where a highway is crossed at rail level by the railway of the company, a signboard having the words Railway Crossing painted on each side thereof, in letters at least six inches in length, and, in the Province of Quebec, in both the English and French languages, shall incur a penalty not exceeding forty dollars. R.S., c. 170, s. 404.

Penalty.

Opening Railway for Traffic.

412. If any railway or portion thereof is opened for the carriage of traffic, other than for the purposes of the construction of the railway by the company, before leave therefor has been obtained from the Board as hereinbefore provided, the company or person to whom such railway belongs, shall forfeit to Her Majesty the sum of two hundred dollars for each day on which the railway is or continues open without such leave. R.S., c. 170, s. 405.

Safety and Care of Roadway, etc.

413. (1) Every person who

(a) wilfully leaves 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 passing through it on to the railway;

(b) not being an officer or employee of the company acting in the discharge of his duty, takes down any part of a railway fence;

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(c) turns any 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

(d) except as authorized by this Act, without the consent of the company, rides, leads or drives any horse, or other animal, or wilfully suffers any such horse or animal to enter upon the railway, and within the fences and guards thereof; is, on summary conviction, liable to a penalty of twenty dollars for each such offence.

(2) Every such person is also liable to the company for any damage to the property of the company, or for which the company may be responsible, by reason of any such act or omission.

(3) Every person guilty of any offence under this section is, in addition to the penalty and liability therein provided, liable to pay to any person injured by reason of the commission of such offence all damages thereby sustained.

R.S., c. 170, s. 406.

414. (1) Every railway company that fails or neglects to cause the thistles and all noxious weeds growing on the right of way, and upon land of the company adjoining the railway, to be cut down, or to be rooted out and destroyed, each year, before such thistles or weeds have sufficiently matured to seed, or that fails or neglects to do anything that it is required by law to do for the purpose of cutting down, or rooting out and destroying such thistles and weeds before they have sufficiently matured to seed, shall incur a penalty of two dollars for every day during which such failure or neglect continues.

(2) The mayor, reeve or chief officer of the municipality, township, county or district in which any portion of the right of way or land of the company lies, upon which the company has failed to cut down, or root out and destroy, such thistles and weeds as by law required, or to do anything which the company is by law required to do for the purpose aforesaid, or any justice of the peace in such municipality, township, county or district, may enter upon the portion of the right of way and lands aforesaid, and, by himself and his assistants or workmen, cut down, or root out and destroy, such thistles or weeds, and for that purpose cause to be done all things which the company is by law required to do.

(3) R.S., 1952.
(3) Such mayor, reeve, chief officer or justice of the peace may recover the expenses and charges so incurred, and the said penalty, with costs, in any court of competent jurisdiction.

(4) Such penalty shall be paid to the proper officer of the municipality. R.S., c. 170, s. 407.

415. Every person, not connected with the railway or employed by the company, who trespasses upon the yard or track of the company, except where the same is laid across or along a highway, is liable on summary conviction to a penalty not exceeding ten dollars. R.S., c. 170, s. 408.

416. Any person who uses any highway crossing at rail level for the purpose of passing on foot along such highway across the railway, except during the time when such highway crossing is used for the passage of carriages, carts, horses or cattle along the said highway, is liable on summary conviction to a penalty not exceeding ten dollars, if

(a) the company has erected and completed, pursuant to order of the Board, over its railway, at or near or in lieu of such highway crossing, a foot bridge or foot bridges for the purpose of enabling persons passing on foot along such highway to cross the railway by means of such bridge or bridges, and

(b) such foot bridge is maintained or such foot bridges are maintained by the company in good and sufficient repair. R.S., c. 170, s. 409.

417. (1) If any company refuses or neglects to comply with any order of the Board, made upon the report of the inspecting engineer, under the authority of this Act,

(a) directing any repairs, renewals, reconstruction, alteration or new work, material or equipment to be made, done or furnished by the company upon, in addition to, or in substitution for any portion of the railway;

(b) directing that, until such repairs, renewals, reconstruction, alteration and work, materials or equipment are made, done and furnished to the satisfaction of the Board, no portion of the railway in respect of which such order is made shall be used, or used otherwise than subject to certain restrictions, conditions and terms by such order imposed; or

(c) condemning and forbidding further use of any rolling stock therein specified;

the company shall for each such refusal or neglect forfeit to Her Majesty the sum of two thousand dollars.

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(2) Any person wilfully and knowingly aiding or abetting any such disobedience or non-compliance is liable therefor, upon conviction, to a penalty of not less than twenty dollars, and not more than two hundred dollars.

(3) No prosecution for any penalty under this section shall be instituted without the authority of the Board first obtained. R.S., c. 170, s. 410.

418. If any railway company refuses or neglects to comply with any notice in writing of any inspecting engineer, given under the authority of this Act, and duly served upon the company, forbidding the running of any train over the railway of the company, or any portion thereof, or requiring that trains be run only at such times, under such conditions and with such precautions as specified in such notice, or forbidding the running or using of any rolling stock specified in the notice, such company shall forfeit to Her Majesty the sum of two thousand dollars. R.S., c. 170, s. 411.

Notification of Accidents.

419. (1) Every railway company that wilfully or negligently omits to give immediate notice as by this Act required, with full particulars, to the Board of the occurrence, upon the railway belonging to such company, of any accident attended with serious personal injury to any person using the railway, or to any employee of the company, or whereby any bridge, culvert, viaduct or tunnel on or of the railway has been broken, or so damaged as to be impassable or unfit for immediate use, shall forfeit to Her Majesty the sum of two hundred dollars for every day during which the omission to give such notice continues.

(2) Every conductor or other employee who makes a report to the company of the occurrence of any such accident and fails, wilfully or negligently, to notify the Board of the same by telegraph as soon as possible after such accident, is guilty of an offence and liable, on summary conviction, to a penalty not exceeding one hundred dollars. R.S., c. 170, s. 412.

Operation and Equipment.

420. Every person who wilfully or negligently violates any by-law, rule or regulation of the company is liable, on summary conviction, for each offence, to a penalty not exceeding the amount therein prescribed, or if no amount is prescribed, to a penalty not exceeding twenty dollars; but no such person shall be convicted of any such offence, unless R.S., 1952.
unless at the time of the commission thereof a printed copy of such by-law, rule or regulation was openly affixed to a conspicuous part of the station at which the offender entered the train, or at or near which the offence was committed. R.S., c. 170, s. 413.

421. Every railway company required by this Act
(a) to provide and cause to be used on its trains modern and efficient apparatus, appliances and means, or any apparatus, appliances and means in this Act specified, for the providing of communication between the conductor and the engine driver, or for the checking of the speed of any train or the bringing of the same expeditiously to a standstill, or for the secure coupling and connecting of the cars and the engine composing the train;
(b) to equip its box freight cars, for the security of its employees, with outside ladders and hand-grips, or if the Board so requires, with any other improved side attachment required by the Board; or
(c) to adopt and use upon its rolling stock draw bars of a height determined by the Board;
which fails to comply with any requirement of this Act in that behalf shall forfeit to Her Majesty a sum not exceeding two hundred dollars for every day during which such default continues. R.S., c. 170, s. 414.

422. (1) Whenever
(a) any railway company upon whose railway there is a telegraph or telephone line in operation wilfully neglects, omits or refuses to have a blackboard put upon the outside of the station house over the platform of the station, in some conspicuous place, at each station of such company in which there is a telegraph or telephone office;
(b) when any passenger train is overdue at any such station according to the time-table of such company, the station agent, or person in charge at such station, wilfully neglects, omits or refuses to write or cause to be written in white chalk on such blackboard a notice, in English and French in the Province of Quebec, and in English in the other provinces, stating to the best of his knowledge and belief the time when such overdue train may be expected to reach such station; or
(c) when there is any further change in the expected time of arrival, such station agent, or person in charge of the station, wilfully neglects, omits or refuses to write or cause to be written on the blackboard, in like manner,
manner, a fresh notice stating to the best of his knowledge and belief the time when such overdue train may then be expected to reach such station; such company is liable, upon summary conviction, to a penalty not exceeding five dollars for each such wilful neglect, omission or refusal.

(2) Such station agent or person in charge at any such station is likewise liable to a penalty not exceeding five dollars for every willful neglect, omission or refusal to write or cause to be written upon such blackboard any of such notices as hereinbefore required. R.S., c. 170, s. 415.

423. Every officer or employee of any railway company who directs or knowingly permits any freight, merchandise or lumber car to be placed in any passenger train, in the rear of any passenger car in which any passenger is carried, is guilty of an indictable offence. R.S., c. 170, s. 416.

424. (1) A company is liable to a penalty not exceeding four hundred dollars if, when the railway passes over any navigable water or canal by means of a draw or swing bridge that is subject to be opened for navigation, any train of the company upon such railway is not brought to a full stop before coming on or crossing over such bridge, or if such train thereafter proceeds before a proper signal has been given for that purpose.

(2) This section does not apply in the case of any bridge over which, by order of the Board under the authority of this Act, engines and trains are permitted to pass without stopping. R.S., c. 170, s. 417.

425. Every employee of the company who fails to comply with the rules of the company made for carrying into effect the provisions of this Act with regard to the stopping of trains before crossing any such draw or swing bridge, or for preventing such trains from proceeding over any such bridge before a proper signal has been given for that purpose, is liable to a penalty not exceeding four hundred dollars, or to six months' imprisonment, or to both. R.S., c. 170, s. 418.

426. (1) The company shall incur a penalty of eight dollars if, when any train of the company is approaching a highway crossing at rail level,

(a) the engine whistle is not sounded at least eighty rods before reaching such crossing; and

(b) R.S., 1952.
(b) the bell is not rung continuously from the time of the sounding of the whistle until the engine has crossed the highway.

(2) The company is also liable for all damage sustained by any person by reason of any failure or neglect so to sound the whistle or ring the bell.

(3) Where a by-law of an urban municipality as defined in subsection (3) of section 311 prohibits such sounding of the whistle or ringing of the bell in respect of any such crossing or crossings within the limits of the municipality, the by-law if approved by order of the Board, to the extent of the prohibition, relieves the company from any penalty or liability under this section. R.S., c. 170, s. 419; 1947, c. 70, s. 7.

427. Every employee of the company whose duty it is to sound the whistle or ring the bell at any such highway crossing, who neglects to perform such duty as required by this Act, shall for each offence incur a penalty of eight dollars. R.S., c. 170, s. 420.

428. (1) The company shall incur a penalty of one hundred dollars if

(a) any train or engine of the company passes over any crossing where two main lines of railway, or the main tracks of any branch lines, cross each other at rail level, whether they are owned by different companies or by the same company, before a proper signal has been received by the conductor or engineer in charge of such train or engine, from a competent person or watchman in charge of such crossing, that the way is clear;

(b) any train of the company, before it passes over any such crossing, is not brought to a full stop, unless engines and trains are, by order of the Board under the authority of this Act, permitted to pass over such crossing without stopping;

(c) any train of the company passes in or through any thickly peopled portion of any city, town or village at a speed greater than ten miles an hour, unless the track is fenced or properly protected in the manner prescribed by this Act, or unless permission to pass at greater speed is given by some regulation or order of the Board;

(d) any train of the company passes over any highway crossing at rail level in any thickly peopled portion of any city, town or village at a speed greater than ten miles per hour.

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miles an hour, unless such crossing is constructed and thereafter maintained and protected in accordance with the orders, regulations and directions specially issued by the Railway Committee of the Privy Council or of the Board in force with respect to such crossing, or unless permission is given by some regulation or order of the Board;

(e) any train of the company passes over any highway crossing at rail level at a speed greater than twenty-five miles an hour, if at such crossing, subsequent to the 1st day of January, 1905, a person or vehicle using the crossing, or an animal being ridden or driven over the same, has been struck by a moving train, and bodily injury or death thereby caused to such person or to any other person using the crossing, unless the Board has directed that the speed limitation of twenty-five miles an hour imposed by subsection (2) of section 312 shall not be in effect at the crossing or unless the crossing is protected to the satisfaction of the Board;

(f) any train of the company passes at a speed greater than ten miles an hour over any highway crossing at rail level in respect of which crossing an order of the Board has been made to provide protection for the safety and convenience of the public and which order has not been complied with; or

(g) whenever in any city, town or village, any train of the company, not headed by an engine or its tender, is allowed to pass over or along a highway at rail level that is not adequately protected by gates or otherwise, the company does not station on that part of the train, which is then foremost, a person who shall warn persons standing on, or crossing or about to cross the track of such railway.

(2) Every company operating an electric street railway shall incur a penalty of one hundred dollars if

(a) any electric car of such company passes over any crossing, where its line of railway crosses any line of railway subject to the provisions of this Act, at rail level, before a proper signal has been received by the conductor in charge of such electric car, from a competent person or watchman in charge of such crossing, that the way is clear;

(b) there being no competent person or watchman in charge of such crossing, the conductor, before crossing the same, does not go forward and see that the track to be crossed is clear, before giving the signal to the motorman that the way is clear and to proceed; or

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Not stopping.
(c) any such electric car, before it passes over such crossing, is not brought to a full stop, unless electric cars are by order of the Board under the authority of this Act permitted to pass over such crossing without stopping. R.S., c. 170, s. 421; 1946, c. 30, s. 2; 1947, c. 70, s. 8.

Obstructing highway.
429. (1) Whenever at any highway crossing at rail level any engine, tender or car, or any part thereof, is wilfully allowed by the company, its officers, agents or employees to stand on any part of such highway for a longer period than five minutes at one time, or in shunting, to obstruct public traffic for a longer period than five minutes at one time, every officer, agent or employee of the company who has directly under or subject to his control, management or direction any such engine, tender or car, is liable on summary conviction to a penalty not exceeding fifty dollars, and the company is also liable to a like penalty; but, if the offence is in the opinion of the court excusable, the prosecution for the penalty may be dismissed and the costs are in the discretion of the court.

(2) No employee is liable to such penalty if he proves that the carrying out or observing of the rules of the company was the cause of such obstruction, and in such case the company and its superintendent or other officer in charge of the operation of the railway, or of the division thereof upon which such obstruction occurs, are each guilty of the offence mentioned in this section and liable to a penalty not exceeding two hundred dollars. R.S., c. 170, s. 422.

Intoxication of Employees.
430. Every conductor, locomotive engineer, train dispatcher, telegraph operator, station agent, switchman, signal man, bridge tender or any other person who is intoxicated, or under the influence of liquor, while on duty, in charge of or in any employment having to do with the movement of trains upon any railway, is guilty of an offence, and shall be punished by fine, not exceeding four hundred dollars, or imprisonment, not exceeding five years, or both, 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 as causing injury to any person or property, or as exposing or likely to expose any person or property to injury, although no actual injury occurs. R.S., c. 170, s. 423.
431. Every person who sells, gives or barters any spirituous or intoxicating liquor to or with any servant or employee of any company, while on duty, is liable on summary conviction to a penalty not exceeding fifty dollars, or to imprisonment, with or without hard labour, for a period not exceeding one month, or to both. R.S., c. 170, s. 424.

Traffic, Tolls, and Tariffs.

432. (1) If any company or any director or officer thereof, or any receiver, trustee, lessee, agent or person, acting for or employed by such company, either alone or with any other company or person,

(a) wilfully does, or causes to be done, or willingly suffers to be done, any act, matter or thing, contrary to any order, direction, decision or regulation of the Board made or given under this Act, in respect of tolls;

(b) wilfully omits or fails to do any act, matter, or thing thereby required to be done;

(c) causes or willingly suffers or permits any act, matter or thing, so directed or required to be done, not to be done; or

(d) contravenes any such order, direction, decision or regulation, or any of the provisions of this Act, in respect of tolls;

such company, director, officer, receiver, trustee, lessee, agent or person is for each such offence liable to a penalty of not more than one thousand dollars, and not less than one hundred dollars.

(2) No prosecution shall be had or instituted for any such penalty without the leave of the Board first being obtained. R.S., c. 170, s. 425.

433. (1) Any company or any officer or agent thereof, or any person acting for or employed by such company, who, in contravention of the provisions of this Act, directly or indirectly, issues or gives any free ticket or free pass, whether for a specific journey or periodical or annual pass, or who arranges for or permits the transportation of passengers except on payment of the fares properly chargeable for such transportation under the tariffs filed under the provisions of this Act, and at the time in effect, is for each offence liable to a penalty not exceeding one thousand dollars and not less than one hundred dollars, and any person other than as provided by this Act who uses any such free ticket or free pass, whether for a specific journey or periodical or annual pass, is subject to a like penalty.

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(2) R.S., 1952.
(2) No prosecution shall be had or instituted for any such penalty without the leave of the Board first being obtained. R.S., c. 170, s. 426.

434. (1) Any company or any officer or agent thereof, or any person acting for or employed by such company, who by means of false billing, false classification, false report of weight, or by any other device or means, knowingly, wilfully or willingly suffers or permits any person or persons to obtain transportation for goods at less than the required tolls then authorized and in force on the railway of the company, is for each offence liable to a penalty not exceeding one thousand dollars and not less than one hundred dollars.

(2) No prosecution shall be had or instituted for any such penalty without the leave of the Board first being obtained. R.S., c. 170, s. 427.

435. (1) Any person, or any officer or agent of any incorporated company, who delivers goods for transportation to such company, or for whom as consignor or consignee the company transports goods, who knowingly or wilfully, by false billing, false classification, false weighing, false representation of the contents of the package, or false report of weight, or by any other device or means, whether with or without the consent or connivance of the company, its agent or agents, obtains, or knowingly or wilfully attempts to obtain, transportation for such goods at less than the regular tolls then authorized and in force on the railway is, for each offence, liable to a penalty not exceeding one thousand dollars and not less than one hundred dollars.

(2) The Board may make regulations providing that any such persons or company is, in addition to the regular toll, liable to pay to the company a further toll not exceeding fifty per cent of the regular charge.

(3) The company may, and when ordered by the Board shall, open and examine any package, box, case or shipment, for the purpose of ascertaining whether this section has been violated.

(4) No prosecution shall be had or instituted for any such penalty without the leave of the Board first being obtained. R.S., c. 170, s. 428.

436. (1) Any person or company, or any officer or agent of any company

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(a) who offers, grants or gives, or solicits, accepts or receives any rebate, concession, or discrimination in respect of the transportation of any traffic by the company, whereby any such traffic is, by any device whatsoever, transported at a less rate than that named in the tariffs then in force;

(b) for whom the company or any of its officers or agents, is by any such means induced to transport traffic, and thereby to discriminate unjustly in favour of any such person, company, officer or agent as against any other person or company; or

(c) who aids or abets the company in any unjust discrimination;

is for each offence liable to a penalty not exceeding one thousand dollars and not less than one hundred dollars.

(2) No prosecution shall be had or instituted for any such penalty without the leave of the Board first being obtained. R.S., c. 170, s. 429.

437. (1) If the company files with the Board any tariff, and such tariff comes into force and is not disallowed by the Board under this Act, or if the company participates in any such tariff, any departure from the tariffs in such tariff, when so in force, is, as against such company, its officers, agents or employees, an offence under this Act.

(2) No prosecution shall be had or instituted in respect of any such offence without the leave of the Board first being obtained. R.S., c. 170, s. 430.

438. (1) All goods carried or being carried over any continuous route, from a point in Canada through a foreign country into Canada, operated by two or more companies whether Canadian or foreign, are, unless such companies have filed with the Board a joint tariff for such continuous route, subject upon admission into Canada, to Customs duties, as if such goods were of foreign production and coming into Canada for the first time.

(2) Such goods are subject to a Customs duty of thirty per cent of the value thereof, if they would not be subject to any Customs duty in case they were of foreign production and coming into Canada for the first time.

(3) If any such duty is paid by the consignor or consignee of such goods, the same shall be repaid on demand to the person so paying by the company or companies owning or operating so much of such continuous line or route as lies within Canada. R.S., c. 170, s. 431.

439. Every person who

(a) sends by any railway any gunpowder, dynamite, nitroglycerine, or any other goods that are of a dangerous or explosive nature, without distinctly marking their nature on the outside of the package containing the same, and otherwise giving notice thereof in writing to the station agent or employee of the company whose duty it is to receive such goods, and to whom the same are delivered; or

(b) carries or takes upon any train any such goods for the purpose of carriage;

is liable on conviction to a penalty not exceeding two thousand dollars or imprisonment for any period not exceeding two years, or both. R.S., c. 170, s. 432.

440. Every company that carries any goods of an explosive or dangerous nature except in conformity with the regulations, or an order, made by the Board in that behalf, shall for each such offence incur a penalty of five hundred dollars. R.S., c. 170, s. 433.

441. If any railway company improperly refuses upon demand to affix a check to any parcel of baggage, having a handle, loop or suitable means for attaching a check thereupon, delivered by a passenger to the company for transport or to deliver a duplicate of such check to such passenger, the company is liable to such passenger for the sum of eight dollars recoverable in a civil action. R.S., c. 170, s. 434.

442. Every person who

(a) unlawfully bores, pierces, cuts, opens, enters or otherwise injures any car or any cask, can, bottle, box, case, sack, wrapper, package, container, or rolls of goods in or about any car, wagon, boat, vessel, warehouse, station house, wharf, quay or premises of or belonging to any company;

(b) unlawfully breaks the seal upon any car on any railway; or

(c) unlawfully drinks or wilfully spills or allows to run to waste any liquids;

is liable, on summary conviction, to a penalty not exceeding five hundred dollars, or to imprisonment, with or without hard labour, for a term not exceeding one year, or to both. R.S., c. 170, s. 435.

Express Business.

443. Every company that carries or transports, and every officer or employee thereof who directs or knowingly permits to be carried or transported, any goods by express,
(a) unless and until the tariff of express tolls therefor
or in connection therewith has been submitted to and
filed with the Board in the manner required by this
Act;
(b) in the case of competitive tariffs, unless such tariffs
are filed in accordance with the rules and regulations
of the Board made in relation thereto; or
(c) in any case where such express toll in any tariff has
been disallowed by the Board;
is liable to a penalty not exceeding one hundred dollars
for each such offence. R.S., c. 170, s. 436.

Statistics and Returns.

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

(a) any return of its assets, liabilities, capitalization,
Revenue, working expenditure and traffic or of any
other information required as indicated in the forms
for the time being required by the Board;
(b) any monthly return of its revenues, working expendi-
ture and traffic and of any other information that may
be required, in accordance with the forms for the time
being required by the Board; or
(c) any other information that may be from time to
time required by the Board under this Act;
shall incur a penalty not exceeding ten dollars for every
day during which such default continues.

(2) Every person who knowing the same to be false in
any particular, signs any such return, is guilty of an
offence punishable on summary conviction. R.S., c. 170,
s. 437; 1951 (2nd Sess.), c. 22, s. 17.

445. Any railway, telegraph, telephone or express com-
pany that fails or neglects to deliver to the Dominion
Statistician within the time provided in this Act or when
required by the Board, and in the form ordered and
directed by the Board, or specified in this Act,

(a) a true and particular return of all accidents and
accidents, whether to persons, or to animals or other
property, which have occurred on the property of the
company, or in connection with the operation of the
undertaking of the company setting forth the particu-

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(b) if required by the Board, a true copy of the existing by-laws of the company and of its rules and regulations for the management of the company and of its railway or such other undertaking or business as it is authorized to carry on, within fourteen days after having been so required by the Board; or

(c) in the case of a railway company, any other or additional returns of serious accidents occurring in the course of the public traffic on the railway, if thereunto required with a view to public safety by the Board, within fourteen days after the same have been so required;

shall forfeit to Her Majesty the sum of one hundred dollars for every day during which the company so neglects to deliver such return. R.S., c. 170, s. 438.

(1) If the Board at any time, by notice served upon any railway, telegraph, telephone or express company or any officer, servant or agent of such company, requires such company or such officer, servant or agent to furnish to the Board, at or within any time stated in such notice, a written statement or statements showing in so far and with such detail and particulars as the Board requires,

(a) the assets and liabilities of such company;

(b) the amount of such company's stock issued and outstanding and the date at which any such stock was so issued;

(c) the amount and nature of the consideration received by such company for such issue, and in case the whole of such consideration was not paid to such company in cash, the nature of the service rendered to or property received by such company for which any stock was issued;

(d) the gross earnings or receipts or expenditure by such company during any period specified by the Board, and the purposes for which such expenditure was made;

(e) the amount and nature of any bonus, gift or subsidy received by such company from any source whatsoever and the source from which and the time when, and the circumstances under which, the same was so received or given;

(f) the bonds issued at any time by such company and what portion of the same is outstanding, and what portion, if any, has been redeemed;

(g) the amount and nature of the consideration received by such company for the issue of such bonds;
(h) the character and extent of any liabilities outstanding chargeable upon the property or undertaking of such company, or any part thereof, and the consideration received by such company for such liabilities, and the circumstances under which the same were created;

(i) the cost of construction of such company’s railway or other works or of any part thereof;

(j) the amount and nature of the consideration paid or given by such company for any property acquired by it;

(k) the particulars of any lease, contract or arrangement entered into between such company and any other company or person; and

(l) generally, the extent, nature, value and particulars of the property, earnings and business of such company; or

(m) any of the matters in this section mentioned;

and if such company, officer, servant or agent wilfully or negligently refuses to make such return when and as thereunto required by the Board, or fails to make any such return to the utmost of its or his knowledge, or means of knowledge, such company and every such officer, servant or agent, so in default, is severally liable on conviction to a penalty not exceeding one thousand dollars.

(2) Each such officer, servant or agent so convicted is, in addition to such penalty, liable to imprisonment in the common gaol of the county in which such conviction is made, for any period not exceeding twelve months. R.S., c. 170, s. 439.

447. (1) If any company or any officer, servant or agent of such company wilfully or negligently makes any such return to the Board falsely, or makes any false statement in any such return, such company and every such officer, servant or agent is severally liable on conviction to a penalty not exceeding one thousand dollars.

(2) Such officer, servant or agent is also, on such conviction, liable to imprisonment, for any period not exceeding twelve months, in the common gaol of the county where such conviction is had. R.S., c. 170, s. 440.

448. If any officer or servant of the Board, or any person having access to or knowledge of any return made to the Board, or of any evidence taken by the Board in connection therewith, without the authority of the Board first obtained, publishes or makes known any information, having obtained the same, or knowing the same to have been derived

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derived from such return or evidence, he is liable, on conviction, to a penalty not exceeding five hundred dollars for each offence, and to imprisonment not exceeding six months, in the common gaol of the county where such conviction is had. R.S., c. 170, s. 441.

**Railway Constables Failing in Duty.**

449. (1) Every constable appointed under the authority of this Act who is guilty of any neglect or breach of duty in his office of constable is 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.

(2) Such penalty may, if the constable is in receipt of a salary from the company, be deducted from any such salary due to such offending constable.

(3) Any offence under this section may be prosecuted and adjudged within any county, city, district, or other local jurisdiction of the province wherein the offence was committed. R.S., c. 170, s. 442.

**Various Offences.**

450. Every person who

(a) wilfully breaks down, injures, weakens or destroys any gate, fence, erection, building or structure of a company;

(b) removes, obliterates, defaces or destroys any printed or written notice, direction, order, by-law or regulation of a company, or any section of or extract from this Act or any other Act of Parliament, that a company or any of its officers or agents have caused to be posted, attached or affixed to or upon any fence, post, gate, building or erection of the company, or any car upon any railway;

(c) enters upon any railway train, with intent fraudulently to be carried upon the said railway without paying fare thereon;

(d) wilfully obstructs or impedes any officer or agent of any company in the execution of his duty upon any train, or railway, or upon any of the premises of the company; or

(e) not being an employee of the company, wilfully trespasses by entering upon any of the stations, cars or buildings of the company in order to occupy the same for his own purposes;

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is liable on summary conviction to a penalty not exceeding fifty dollars, or in default of payment to imprisonment with or without hard labour for a term not exceeding two months. R.S., c. 170, s. 443.

Penalties Not Otherwise Provided.

451. Any company that, or any person who, being a director or officer thereof, or being a receiver, trustee, lessee, agent, or otherwise acting for or employed by such company, or being a contractor or other person having to do with the railway or other works of the company, does, causes or permits to be done, any matter, act or thing contrary to the provisions of this or the Special Act, or to the orders, regulations, or directions of the Governor in Council, or of the Minister, or of the Board, made under this Act, or omits to do any matter, act or thing, thereby required to be done on the part of any such company or person, is, if no other penalty is provided in this or the Special Act for any such act or omission, 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 the same is recoverable. R.S., c. 170, s. 444.

Continuing Offences.

452. When the violation of or failure to comply with any provision of this Act, or with any regulation, order or direction of the Governor in Council, the Minister, the Board or any inspecting engineer, is made, by this Act or any regulation thereunder, an offence subject to penalty, each day's continuance of such violation, or failure to comply, constitutes a new and distinct offence. R.S., c. 170, s. 445.

Company Liable for Acts of its Officers and Agents.

453. (1) For the purpose of enforcing any penalty under any of the provisions of this Act, or enforcing any regulation, order, or direction of the Governor in Council, the Minister, the Board, or any inspecting engineer, made under this Act, the act, omission, or failure of any officer, agent, or other person acting for, or employed by the company, shall, if within the scope of his employment, in every case be also deemed to be the act, omission or failure of such company.

(2) Anything done or omitted to be done by the company which if done or omitted to be done by any director, or officer thereof, or any receiver, trustee, lessee, agent or person, is liable to the same penalty as an individual offender. R.S., 1952.
son acting for or employed by the company, would constitute an offence under this Act, shall also be held to be an offence committed by such company, and upon conviction of any such offence, the company is subject to the like penalties as are prescribed by this Act with reference to such persons. R.S., c. 170, s. 446.

**Penalties Constitute a First Charge.**

454. If any company has been convicted of any penalty under this Act, such penalty is the first lien or charge upon the railway, property, assets, rent and revenues of the company. R.S., c. 170, s. 447.

**Procedure.**

455. (1) If any penalty, prescribed for any offence under this Act, or under any order, rule or regulation of the Board, is one hundred dollars or less, with or without imprisonment, the penalty may, subject to the provisions of this Act, be imposed and recovered on summary conviction before a justice of the peace.

(2) If the penalty prescribed is more than one hundred dollars and less than five hundred dollars, the penalty may, subject as aforesaid, be imposed and recovered on summary conviction before two or more justices, or before a police magistrate, a stipendiary magistrate, or any person with the power or authority of two or more justices of the peace.

(3) Whenever the Board has reasonable ground for belief that any company, or any person or corporation is violating or has violated any of the provisions of this Act, or any order, rule or regulation of the Board, in respect of which violation a penalty may be imposed under this Act, the Board may request the Attorney General of Canada to institute and prosecute proceedings, on behalf of Her Majesty, against such company or person or corporation for the imposition and recovery of the penalty provided under this Act for such violation, or the Board may cause an information to be filed in the name of the Attorney General of Canada for the imposition and recovery of such penalty.

(4) No prosecution shall be had against the company for any penalty under this Act, in which the company might be held liable for a penalty exceeding one hundred dollars, without the leave of the Board being first obtained. R.S., c. 170, s. 448.
RAILWAY CONSTABLES.

Appointment.

456. (1) A superior or county court judge, two justices of the peace, or a stipendiary or police magistrate, in any part of Canada, a clerk of the peace, clerk of the Crown or judge of the sessions of the peace in the Province of Quebec, within whose jurisdiction the railway runs, may, on the application of the company or any clerk or agent of the company, appoint any persons who are British subjects to act as constables on and along such railway.

(2) Every person so appointed shall take an oath or make a solemn declaration, which may be administered by any judge or other official authorized to make the appointment or to administer oaths, 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 Railway Act, do swear that I am a British subject; 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; 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 said office, I will, to the best of my skill and knowledge, discharge the duties thereof faithfully according to the law. So help me God.

(3) Such appointment shall be made in writing signed by the official making the appointment, and the fact that the person appointed thereby has taken such oath or declaration shall be endorsed on such written appointment by the person administering such oath or declaration. R.S., c. 170, s. 449.

Territorial Limits and Powers.

457. (1) Every constable so appointed, who 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

(a) on such railway, and on any of the works belonging thereto;

(b) on and about any trains, roads, wharfs, quays, landing places, warehouses, lands and premises belonging to such company, 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 R.S., 1952.
same terminates, or through or to which any railway passes which is worked or leased by such company; and

(c) in all places not more than a quarter of a mile distant from such railway.

Powers of constable.

(2) Every such constable has all such powers, protection and privilege for the apprehending of offenders, as well by night as by day, and for doing all things for the prevention, discovery and prosecution of offences, and for keeping the peace, as any constable duly appointed has within his constablewick. R.S., c. 170, s. 450.

Justices.

458. (1) Any such constable may take such persons as are charged with any offence against the provisions of this Act, or any of the Acts or by-laws affecting the railway, punishable by summary conviction, before any justice or justices appointed for any county, city, town, parish, district or other local jurisdiction within which such railway passes.

(2) Every such justice may deal with all such cases, as though the offence had been committed and the persons taken within the limits of his jurisdiction. R.S., c. 170, s. 451.

Dismissal.

459. (1) A superior or county court judge or a stipendiary or police magistrate, in any part of Canada, or a judge of the sessions of the peace in the Province of Quebec, may dismiss any such constable who is acting within his jurisdiction.

(2) The company, or any clerk or agent of the company, may also dismiss any such constable who is acting on such railway.

(3) Upon every such dismissal, all powers, protection and privileges, which belonged to any such person by reason of such appointment, wholly cease.

(4) 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. 170, s. 452.

Records and Evidence Respecting Appointment and Dismissal.

460. The company shall within one week after the date of the appointment or dismissal, as the case may be, of any such constable appointed at the instance of the company, cause to be recorded in the office of the clerk of the peace for every county, parish, district, or other local jurisdiction in which any such constable is so appointed,

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(a) such appointment or a certified copy thereof;
(b) the name and designation of any such constable;
(c) the date of his appointment;
(d) the name of the authority making such appointment; and
(e) in the case of dismissal,
   (i) the fact of the dismissal of any such constable;
   (ii) the date of any such dismissal; and
   (iii) the name of the authority making such dismissal. R.S., c. 170, s. 453.

461. Such clerk of the peace shall keep a record of all such facts in a book, which shall be open to public inspection, and is entitled to a fee of fifty cents for each entry of appointment or dismissal, and twenty-five cents for each search or inspection, including the taking of extracts. R.S., c. 170, s. 454.

462. The records relating to appointments and dismissals of railway constables, required by this Act to be kept by the respective clerks of the peace for the counties, parishes, districts or other local jurisdictions in which such constables are appointed, are, without further proof than the mere production of such records, prima facie evidence of the due appointments of such constables, of their jurisdiction to act as such, and of the other facts by this Act required so to be recorded. R.S., c. 170, s. 455.

MISCELLANEOUS.

Sunday Observance.

463. (1) Notwithstanding anything in this Act, or in any other Act, every railway, situate wholly within one province of Canada and declared by the Parliament of Canada to be either wholly or in part a work for the general advantage of Canada, and every person employed thereon, in respect of such employment, and every person, company, corporation or municipality owning, controlling or operating the same wholly or partly, in respect of such ownership, control or operation, shall be subject to any Act of the legislature of the province in which any such railway is situate which was in force on the 10th day of August, 1904, in so far as such Act prohibits or regulates work, business or labour upon the first day of the week, commonly called Sunday.

(2) Every such Act, in so far as it purports to prohibit, within the legislative authority of the province, work, business or labour upon the said first day of the week, is hereby confirmed. R.S., 1952.
ratified and confirmed and made as valid and effectual, for the purposes of this section, as if it had been duly enacted by the Parliament of Canada.

(3) The Governor in Council may, by proclamation, confirm, for the purposes of this section, any Act of the legislature of any province passed after the 10th day of August, 1904, in so far as such Act purports to prohibit or regulate, within the legislative authority of the province, work, business or labour upon the said first day of the week; and such Act is, to the extent aforesaid, by force of such proclamation, ratified and confirmed and made as valid and effectual, for the purposes of this section, as if it had been enacted by the Parliament of Canada.

(4) Notwithstanding anything in this Act, or in any other Act, every railway, wholly situate within the province, and which has been declared by the Parliament of Canada to be in whole or in part a work for the general advantage of Canada, and every person employed thereon, in respect of such employment, and every person, company, corporation or municipality, owning, controlling, or operating the same wholly or partly, in respect of such ownership, control or operation, is, from and after such proclamation, subject to such Act in so far as it has been so confirmed.

(5) Nothing in this section applies to any railway or part of a railway

(a) that forms part of a continuous route or system operated between two or more provinces, or between any province and a foreign country, so as to interfere with or affect through traffic thereon;

(b) between any of the ports on the Great Lakes and such continuous route or system, so as to interfere with or affect through traffic thereon; or

(c) that the Governor in Council by proclamation declares to be exempt from the provisions of this section.

R.S., c. 170, s. 456.

Ascertaining Grand Trunk Pacific Railway Earnings.

464. (1) In order to ascertain the true net earnings of

(a) the Eastern Division of the Grand Trunk Pacific Railway, for the purposes of the scheduled agreements referred to in the Act passed in the year 1904, chapter 24, intituled An Act to amend the National Transcontinental Railway Act; and

(b) the Grand Trunk Pacific Railway Company, upon its system of railways, at all times while the principal

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or interest of any bonds made by the said company and guaranteed by the Government are unpaid by the said company; the Board shall, upon the request of the Minister, inquire into, hear and determine any question as to the justness and reasonableness of the apportionment of any through rate or rates between the Grand Trunk Pacific Railway Company and any other transportation company, whether such company is or is not a railway company, or if a railway company, whether it is or not as such subject to the legislative jurisdiction of the Parliament of Canada.

(2) In any such determination the Board shall have due regard to the interests of the Government of Canada as owner of the said Eastern Division, and of the Intercolonial Railway, or as guarantor of any such principal or interest, and to the provisions of the National Transcontinental Railway Act, and of the Acts in amendment thereof, and of the said scheduled agreements.

(3) Although, in any such case, the Grand Trunk Pacific Railway Company has agreed to any apportionment, the net earnings shall be ascertained upon the basis of the receipt by the Grand Trunk Pacific Railway Company of such share of such through rate or rates as, in the opinion of the Board, the said company should have received under a just and reasonable apportionment; and such agreement is material evidence only and not conclusive.

(4) Either party to any such question may appeal from any such determination to the Supreme Court of Canada.

Regulations and Orders of the Railway Committee of the Privy Council.

465. (1) All regulations and orders made by the Railway Committee of the Privy Council, under the provisions of the Railway Act, 1888, in force on the 1st day of February, 1904, continue in force until repealed, rescinded, changed or varied under the provisions of this Act.

(2) The Board has the like powers to repeal, rescind, change or vary such regulations and orders, as in the case of regulations or of orders that the Board may make under this Act. R.S., c. 170, s. 458.

466. (1) Notwithstanding the repeal of the Railway Act, 1888, the orders of the Railway Committee of the Privy Council in force on the 1st day of February, 1904, may be made rules or orders of the Exchequer Court, or of any Exchequer Court, or of any R.S., 1952.
Penalties for disobeying.

(2) All penalties, forfeitures and liabilities attaching, under this Act, to the violation of any regulation or disobedience to any order of the Board, apply and attach to any violation of or disobedience to any regulation or order of the Railway Committee of the Privy Council occurring after the 1st day of February, 1904, in all respects, as nearly as may be, as if such regulation or order of the Railway Committee of the Privy Council were a regulation or order of the Board. R.S., c. 170, s. 459.

Powers of Governor in Council continued.

467. (1) The Governor in Council continues to have authority and jurisdiction to sanction, confirm, rescind or vary, or to take any other action upon any report, order or decision of the Railway Committee of the Privy Council made before the 1st day of February, 1904, under the Railway Act, 1888, in as full and ample a manner as if the said Act had not been repealed and as if this Act had not been passed.

(2) Any order or decision so sanctioned or confirmed has the same validity, force and effect as if the said order or decision had been so sanctioned or confirmed prior to the 1st day of February, 1904. R.S., c. 170, s. 460.

Orders and decisions confirmed.

468. (1) Subject to the provisions of this section, the Minister of Finance may, when authorized by the Governor in Council, pay out of the Consolidated Revenue Fund an amount equal to the annual cost of maintaining the trackage between Sudbury and Fort William on its transcontinental line of railway, and an amount equal to the annual cost of maintaining trackage corresponding in extent to the trackage mentioned in paragraph (a) between Capreol and Fort William and between Cochrane and Armstrong on the transcontinental lines of Canadian National Railways.

Cost determined by Board of Transport Commissioners.

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

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(3) The amounts paid under subsection (1) shall not in any year exceed seven million dollars in the aggregate.

(4) When the cost of maintenance of the trackage on the lines of railway specified in subsection (1) exceeds in any year the sum of seven million dollars, the payments authorized by subsection (1) shall be apportioned between the companies according to the amounts expended by each company on the maintenance of its trackage.

(5) The amounts paid under subsection (1) shall be applied to a reduction in the relative level of rates applying on freight traffic moving in both directions between points in eastern Canada and points in western Canada over the trackage to which the payment relates, in such manner as the Board may allow or direct. 1951 (2nd Sess.), c. 22, s. 18.
CHAPTER 235.

An Act to provide for the Publication of Statutory Regulations.

SHORT TITLE.

1. This Act may be cited as the Regulations Act. 1950, Short title. c. 50, s. 1.

INTERPRETATION.

2. In this Act

(a) “regulation” means a rule, order, regulation, by-law or proclamation

(i) made, in the exercise of a legislative power conferred by or under an Act of Parliament, by the Governor in Council, the Treasury Board, a Minister of the Crown, or a board, commission, corporation or other body or person that is an agent or servant of Her Majesty in right of Canada, or

(ii) for the contravention of which a penalty of fine or imprisonment is prescribed by or under an Act of Parliament, but does not include

(iii) an ordinance of the Yukon Territory or the Northwest Territories,

(iv) an order or decision of a judicial tribunal,

(v) a rule, order or regulation governing the practice or procedure in any proceedings before a judicial tribunal, or

(vi) a rule, order, regulation or by-law of a corporation incorporated by or under an Act of Parliament unless the rule, order, regulation or by-law comes within subparagraph (ii);

(b) “regulation-making authority” means every author-“Regula- ity authorized to make regulations and with reference tion-making authority.” to a regulation means the authority that made the regulation. 1950, c. 50, s. 2.

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TRANSMISSION

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3. (1) Every regulation-making authority shall, within seven days after it makes a regulation, transmit copies of the regulation in English and in French to the Clerk of the Privy Council.

(2) A copy of a regulation transmitted to the Clerk of the Privy Council under subsection (1), other than one made by the Governor in Council or the Treasury Board, shall be certified by the regulation-making authority to be a true copy of the regulation. 1950, c. 50, s. 3.

4. (1) The Clerk of the Privy Council shall maintain a record in which he shall record the regulations transmitted to him under section 3 and the regulations made by the Governor in Council or the Treasury Board.

(2) Every regulation recorded under this section shall bear a number assigned to it by the Clerk of the Privy Council, but all copies of the same regulation, whether they are in English or in French, shall bear the same number. 1950, c. 50, s. 4.

5. (1) A regulation is not invalid by reason only that it was not transmitted to the Clerk of the Privy Council, certified or recorded as required by this Act.

(2) In addition to any other mode of citation, regulations may be cited or referred to by the expression “Statutory Orders and Regulations” or “S.O.R.” followed by the number thereof. 1950, c. 50, s. 5.

6. (1) Every regulation shall be published in English and in French in the Canada Gazette within thirty days after it is made.

(2) A regulation-making authority may by order extend the time for publication of a regulation and the order shall be published with the regulation.

(3) No regulation is invalid by reason only that it was not published in the Canada Gazette, but no person shall be convicted for an offence consisting of a contravention of any regulation that was not published in the Canada Gazette unless

(a) the regulation was, pursuant to section 9, exempted from the operation of subsection (1), or the regulation expressly provides that it shall operate according to its terms prior to publication in the Canada Gazette, and

(b) R.S., 1952.
(b) it is proved that at the date of the alleged contravention reasonable steps had been taken for the purpose of bringing the purport of the regulation to the notice of the public, or the persons likely to be affected by it, or of the person charged. 1950, c. 50, s. 6.

**REPORT TO PARLIAMENT.**

7. Every regulation shall be laid before Parliament within fifteen days after it is published in the *Canada Gazette* or, if Parliament is not then in session, within fifteen days after the commencement of the next ensuing session. 1950, c. 50, s. 7.

**JUDICIAL NOTICE.**

8. (1) A regulation that has been published in the *Canada Gazette* shall be judicially noticed.

(2) In addition to any other mode of proof, evidence of a regulation may be given by the production of the *Canada Gazette* purporting to contain the text thereof.

(3) For the purposes of this section the publication of a regulation in a consolidation or supplement published pursuant to section 9 shall be deemed to be publication in the *Canada Gazette*. 1950, c. 50, s. 8.

**REGULATIONS.**

9. (1) The Governor in Council may make regulations

(a) prescribing the powers and duties of the Clerk of the Privy Council under this Act;

(b) prescribing the system of recording, indexing and preparation for the publication of regulations;

(c) providing for the preparation and publication of consolidations of regulations and for the preparation and publication of supplements to such consolidations; and

(d) for carrying out the purposes and provisions of this Act.

(2) The Governor in Council may by regulation exempt any regulation or class of regulations from the operation of section 3, section 4, subsection (1) of section 6, and section 7, but every regulation made under this subsection shall be published in English and in French in the *Canada Gazette* within thirty days after it is made and shall be laid before Parliament within fifteen days after it is published in the *Canada Gazette* or, if Parliament is not then in session, within fifteen days after the commencement of the next ensuing session. 1950, c. 50, s. 9.
CHAPTER 236.

An Act to provide for the Reinstatement in Civil Employment of discharged members of His Majesty's Forces and other designated classes of persons.

SHORT TITLE.

1. This Act may be cited as the Reinstatement in Civil Employment Act. 1946, c. 63, s. 1.

INTERPRETATION.

2. In this Act and in any order or regulation made thereunder,

(a) "applicant" means a person who is or claims to be entitled to reinstatement under this Act;

(b) "employer" in relation to any person accepted for service in His Majesty's forces, means a person carrying on any undertaking or service in which the person accepted for service had been employed for at least three months immediately prior to the date on which he was accepted for service, or in which on that date he had employee status or a recognized position by reason of an agreement between one or more employers and one or more trade unions or groups of employees; and references to an employer shall be construed as including references to any person for the time being carrying on any undertaking or service with which has been amalgamated the undertaking or service in which the person accepted for service was employed when so accepted or in which it was comprised when the employee's service in His Majesty's forces began;

(c) "Minister" means the Minister of Labour;

(d) "reinstated employee" means an employee who has been reinstated under this Act;

(e) "reinstatement" means reinstatement under this Act;

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(f) "Reinstatement Officer" means a person designated as such under this Act;

(g) "reinstatement period" means the period of three months after discharge in Canada from the service or from hospital treatment following discharge in Canada, or the period of four months after discharge overseas or from hospital treatment following discharge overseas;

(h) "Selective Service Officer" means a National Selective Service Officer appointed under the National Selective Service Civilian Regulations;

(i) "service in His Majesty's forces" means

(i) service on active service in World War II in the naval, army or air forces of His Majesty or in the naval, army or air forces of any of the nations allied with His Majesty, or any period of training, service or duty in consequence of having been called out under The National Resources Mobilization Act, 1940;

(ii) service in the capacity of merchant seaman by any person who is a British subject and a citizen of and resident in Canada engaged in such capacity on or since the 9th day of September, 1939, on a vessel sailing in coastwise waters or in waters outside the territorial limits of Canada, whether under Canadian registry or licence or registry or licence of any other country other than a country at war with the nations allied with His Majesty, and after such service for a continuous period of at least six months including layoff periods and after discharge or release from such service, or other termination thereof, if, with the exception of persons who were undergoing training in Dominion Government Marine and Engineering Training Schools for the purpose of fitting themselves for engagement as merchant seamen on the 7th day of May, 1945, such service in the capacity of merchant seaman commenced before the 7th day of May, 1945;

(iii) service as a member of the Corps of (Civilian) Canadian Fire Fighters for Service in the United Kingdom during the period of such service or any period of training, service or duty in consequence of having been called out under The National Resources Mobilization Act, 1940; and

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3. (1) For the purpose of this section, "member of an interim force" means a member of the naval, army or air forces of Canada who has offered to serve in any of the said forces for a specific period terminating on or after the 30th day of September, 1947, and who, having been accepted for such service, is so serving.

(2) Where a person was, immediately before becoming a member of an interim force, on active service in the present war in the naval, army or air forces of Canada, his service shall, for the purposes of section 5, be deemed not to have terminated whether or not he continues on active service as long as he continues to perform fulltime duties as a member of one of the said forces until

(a) the 30th day of April, 1946; or
(b) if he has applied for retirement or discharge from the said service before the 30th day of April, 1946, until actual termination of his service.

(3) For the purposes of section 5 the service of a member of the interim force shall be deemed to have terminated on the 30th day of April, 1946, unless he has, prior to that date, applied for retirement or discharge. 1946, c. 63, s. 3.

4. For the purposes of section 5, service by any person in the capacity of merchant seaman, in any case where such service is not terminated prior to the 31st day of December, 1946, shall be deemed to have terminated on the said day, unless, on the said day he is engaged in such capacity on a voyage in coastwise waters or in waters outside the territorial limits of Canada, in which case such service shall be deemed to have terminated on the day that voyage is concluded. 1946, c. 63, s. 4.

5. (1) It is the duty of an employer by whom a person accepted for service in His Majesty’s forces was employed when accepted for such service, to reinstate him in employment at the termination of his service in such occupation and position as would be consistent with the true intent
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and purposes of this Act and under conditions not less favourable to him than those that would have been applicable to him had he remained in the employment of that employer; but the right to reinstatement is subject to established rules of seniority in the employer's establishment, with retention of seniority rights during the employee's period of service with His Majesty's forces, or, in an absence of such rules, to preference according to dates of first employment in the employer's service with due consideration to continuity of employment in that service; and for determining the employee's rights to pension or other benefits, service in His Majesty's forces shall be deemed to have been service with the employer.

Acceptance of service.

(2) For the purposes of this Act, where a man has,

(a) upon being served with an order requiring him to report for military training, service or duty under regulations made by the Governor in Council, or

(b) in the belief that he has been or will be accepted for service in one of His Majesty's armed forces, left his employment to comply with the order or to enter the service, he shall be deemed to have been accepted for service in His Majesty's forces at the time he left the employment whether that time is before or after the time this Act comes into force; and his service in His Majesty's forces shall be deemed to have been terminated when he ascertained that he was not being accepted for service therein whether that time is before or after the time this Act comes into force.

Continuity of service during incapacity.

(3) Where, after termination of his service in His Majesty's forces, a person receives hospital treatment or is physically or mentally incapable of performing work to which he would have been entitled upon reinstatement, the period of the treatment or incapacity shall, upon reinstatement thereafter, be deemed to have been a period of service in His Majesty's forces for the purposes of this section.

Delayed reinstatement.

(4) Where the Minister or a Selective Service Officer has, within the reinstatement period, directed or requested a person entitled to reinstatement to accept other employment and the person so directed or requested accepts the employment, his service in His Majesty's forces shall be deemed not to have been terminated for the purposes of this Act until the termination of the work which he has been so directed or requested to accept.

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(5) Where an employer's employees are employed in various establishments and it is not reasonably practicable to reinstate an applicant in the establishment in which he was employed at the time he was accepted for service in His Majesty's forces, the employer shall reinstate the applicant in one of his other establishments in Canada if

(a) it is reasonably practicable so to reinstate him, and
(b) it is or has been the policy or practice of the employer to transfer employees in the applicant's classification from one establishment to another. 1946, c. 63, s. 5.

6. (1) An applicant may apply to the employer verbally or in writing for reinstatement.

(2) The Minister may prescribe forms to be used in applying for reinstatement but an application is not invalid or defective because it is not in prescribed form.

(3) The fact that an employer has offered to reinstate a former employee within the reinstatement period but before the employee has applied for reinstatement does not affect the employee's right to apply for reinstatement at a later time within the said period.

(4) For the purposes of this Act, if an applicant inquires about reinstatement but does not expressly apply for reinstatement he shall be deemed not to have applied for reinstatement. 1946, c. 63, s. 6.

7. (1) A person who has been offered reinstatement may accept the offer without prejudice to a claim that it does not comply with the requirements of this Act.

(2) Where an applicant, having been offered reinstatement by the employer and having presented himself for employment, is of opinion that the employment offered does not comply with the requirements of this Act, he may apply for assistance to a Reinstatement Officer in person or in writing. 1946, c. 63, s. 7.

8. (1) If an employer claims that an applicant is physically or mentally incapable of performing work available in the employer's service, a Reinstatement Officer may arrange for a medical examination of the applicant.

(2) Where, upon discharge from His Majesty's forces, a person is physically or mentally incapable of performing work available in the service of the employer by whom he was employed when accepted for service in His Majesty's forces, he may notify the employer during the reinstatement period that he intends to apply for reinstatement when he is capable of performing the work. 1946, c. 63, s. 8.

9. (1) Where there is a practice or policy of paying graduated scales of wages and where increases are given to employees principally on the basis of length of service, it shall be deemed, for the purposes of this Act, that increases are given on the basis of length of service only and in any such case the employer shall, upon reinstatement of an applicant in his previous classification, remunerate him at the rate at which he would, on that basis, have been remunerated if his service in His Majesty's forces had been service with the employer.

(2) Where there is a practice or policy of giving increases in wages to employees by reason of acquired skills, experience or training, the employer shall, as soon as an applicant has, after he has been reinstated, manifested the skills, experience or training, give to the applicant the increases which he might have been given if the relevant skills, experience or training acquired in His Majesty's forces had been acquired in the employment.

(3) The employer shall grant to a reinstated employee upon reinstatement or as soon thereafter as is reasonably practicable every promotion to which he would have become entitled by reason of length of service or seniority if the time spent by the reinstated employee in His Majesty's forces had been spent in the service of the employer.

(4) Where, under the terms of employment, whether under a collective agreement or otherwise, employees obtain a permanent status in the employment or are entered on the seniority lists after having been in the employer's services for a fixed period, service in His Majesty's forces shall be deemed to have been service with the employer for the purposes of determining

(a) their status or position in so far as it affects their rights to reinstatement, and

(b) their status or position after reinstatement. 1946, c. 63, s. 9.

10. (1) Subject to the other provisions of this section, for the purpose of determining a reinstated employee's right to vacation with pay for the calendar year in which he is reinstated and for subsequent years, the period of service in His Majesty's forces shall be deemed to be time spent in the service of the employer.

(2) Subject to subsection (3), a reinstated employee is not entitled to vacation with pay for the calendar year in which he is reinstated unless he is in the employment ninety days in the calendar year after reinstatement.

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(3) Notwithstanding anything in this Act the employer may, in accordance with his existing practice or policy or in accordance with a collective labour agreement or otherwise, grant vacation with pay commencing at any time after reinstatement. 1946, c. 63, s. 10.

11. (1) Where an employer has reinstated a former employee in accordance with section 5, he shall not, without reasonable cause, terminate the employment of that employee and, in any proceedings for violation of this section in any case where the employment was terminated within six months of the reinstatement the onus shall be on the employer to prove that he had reasonable cause for terminating the employment.

(2) Failure of a person who has applied for assistance under subsection (2) of section 7 to perform the duties of the employment during a period when he is being assisted by a Reinstatement Officer is, for the purposes of subsection (1), not reasonable cause for terminating the employment. 1946, c. 63, s. 11.

12. When reviving a contract of apprenticeship in any designated trade upon the discharge from service in His Majesty's forces of a former apprentice or when entering into a new contract between the former master and such apprentice, due regard shall be given to and allowance made for any instruction relevant to such trade received by the said apprentice while serving in His Majesty's forces, and the relationship of master and apprentice shall be deemed to be the relationship of employer and employee for the purposes of this Act. 1946, c. 63, s. 12.

13. Where any employer has entered into a mutual agreement with his employees undertaking to restore to employment employees who enlist for service in His Majesty's forces such agreement shall continue in force to the extent that it is not less advantageous to an employee than the provisions of this Act, and subject to such interpretation as may be mutually agreed to by the contracting parties. 1946, c. 63, s. 13.

PROCEEDINGS AGAINST EMPLOYERS.

14. In any proceedings against an employer for the violation of section 5,

(a) it is a defence for the employer to prove that the person formerly employed by him did not within the reinstatement period apply to the employer for reinstatement,

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statement, except that where such person upon discharge from His Majesty's forces was physically or mentally incapable of performing work available in the service of such employer, it is not a defence to prove the facts aforesaid if the said person has notified his employer as provided in section 8 and has within the reinstatement period or within six months thereafter made one or more applications for reinstatement;

(b) it is a defence for the employer to prove that, subject to the provisions of paragraph (a), the person formerly employed by him applied for reinstatement before he offered reinstatement to him and that having been offered reinstatement by the employer he failed without reasonable excuse to present himself for employment at the time and place notified to him by the employer; the fact that an applicant has applied to a Reinstatement Officer for assistance under section 7 shall be deemed to be a reasonable excuse for failing to present himself for employment during the period when he is being assisted by the Reinstatement Officer;

(c) it is a defence for the employer to prove that, by reason of a change of circumstances, other than the engagement of some other person to replace him, it was not reasonably practicable to reinstate the person formerly employed or that his reinstatement in an occupation and under conditions not less favourable to him than those that would have been applicable to him had he not been accepted for service with the armed forces was impracticable, and that the employer has offered to reinstate him in the most favourable occupation and under the most favourable conditions reasonably practicable;

(d) it is a defence for the employer to prove that the person formerly employed was physically or mentally incapable of performing work available in the employer's service, except that where such person has notified the employer pursuant to section 8 and has within the reinstatement period or within six months thereafter made one or more applications for reinstatement, it is not a defence to prove the facts aforesaid unless the employer also proves that the applicant was so incapable at the time of the last application for reinstatement made within the said reinstatement period or period of six months thereafter;

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(e) it is a defence for the employer to prove

(i) that the applicant was formerly employed
directly or indirectly to take the place of an em-
ployee who had been previously accepted for
service in His Majesty's forces,

(ii) that the applicant would not have been em-
ployed if such other employee had not left the
employment, and

(iii) that such other employee had been reinstated
in his employment. 1946, c. 63, s. 14.

ADMINISTRATION.

15. The Minister may designate any person as a Rein-
statement Officer to assist in the administration and enforce-
ment of this Act and may issue to a Reinstatement Officer
a certificate of his designation as such. 1946, c. 63, s. 15.

16. (1) A Reinstatement Officer may, for the purpose of enforcing and administering this Act,

(a) enter at all reasonable times any premises or place,
other than a private dwelling house not being a work-
shop, where he has reasonable grounds for supposing
that an applicant was employed before being accepted
for service in His Majesty's forces;

(b) make such examination and inquiry as may be neces-
sary for ascertaining whether the provisions of this
Act are being complied with in any such premises or
place; and

(c) examine orally, either alone or in the presence of
any other person, as he thinks fit, with respect to any
matter arising under this Act, any person whom he
finds in the premises or place, and require a person so
examined to sign a declaration as to the truth of the
statements made by him with respect thereto.

(2) Every person shall forthwith furnish to a Reinstate-
ment Officer such information as the Reinstatement Officer
may reasonably require in connection with the enforcement
or administration of this Act and shall produce for inspec-
tion every register, book, card, wage sheet, record of wages,
or other document that he reasonably requires in that
connection.

(3) The production of a document purporting to be a
certificate of designation as a Reinstatement Officer signed
by or on behalf of the Minister is evidence of the designa-
tion and a Reinstatement Officer applying for admission
to any premises or place under this section shall, if required,
produce his certificate of designation. 1946, c. 63, s. 16.

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Secrecy of information.  
17. (1) Subject to subsection (2), information, written or verbal, obtained under this Act shall not be disclosed to any person except the Minister, or his officers in the course of their employment.

(2) The Minister or a Reinstatement Officer may
(a) disclose to an applicant or any person acting on his behalf, such information as may be necessary for the enforcement of his rights under this Act, and
(b) disclose information obtained under this Act to a department of the Government or to a court in connection with the administration or enforcement of this Act. 1946, c. 63, s. 17.

OFFENCES.

Offence.  
18. Any employer who contravenes or fails to comply with the provisions of section 5 or section 11, is guilty of an offence and liable on summary conviction to a fine not exceeding five hundred dollars, and, in addition, the court shall order him to pay to the person whom he has failed to reinstate, or whose employment he has terminated, a sum not exceeding an amount equal to twelve weeks' remuneration at the rate at which he was being remunerated by that employer when he was accepted for service in His Majesty's forces. 1946, c. 63, s. 18.

Offence.  
19. (1) Any person who
(a) refuses to supply information as required by this Act;
(b) obstructs, hinders or delays a Reinstatement Officer in making an inspection of registers, books, cards, wage sheets, records of wages and other documents under this Act; or
(c) fails or refuses to produce a register, book, card, wage sheet, record of wages or other document, as required by this Act

is guilty of an offence and liable, on summary conviction, in the case of a corporation to a fine of not less than one hundred dollars and not more than one thousand dollars and in the case of any other person to a fine of not less than twenty-five dollars and not more than five hundred dollars.

(2) Every person who contravenes any of the provisions of this Act is guilty of an offence and, where no penalty is expressly provided, liable on summary conviction, in the case of a corporation to a fine of not less than one hundred dollars.

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dollars and not more than one thousand dollars and in the case of any other person to a fine not exceeding two hundred dollars. 1946, c. 63, s. 19.

20. The Minister shall, where he considers the circumstances warrant a prosecution under section 18, institute and conduct proceedings on behalf of a former employee without cost to such employee. 1946, c. 63, s. 20.

21. In any prosecution for a contravention of any of the provisions of this Act, the complaint shall be made, or the information laid, within one year from the time when the matter of the complaint or information arose. 1946, c. 63, s. 21.

REGULATIONS.

22. The Governor in Council may make all such orders and regulations as may be deemed necessary or desirable to carry out the purposes and intentions of this Act, and he may prescribe the penalties that may be imposed for the violation of such orders and regulations. 1946, c. 63, s. 22; 1950, c. 50, s. 10.

EDMOND CLOUTIER, C.M.G., O.A., D.S.P.
QUEEN'S PRINTER AND CONTROLLER OF STATIONERY
OTTAWA, 1952
CHAPTER 237.

An Act respecting Remembrance Day.

SHORT TITLE.

1. This Act may be cited as the Remembrance Day Act. Short title. R.S., c. 9, s. 1.

2. Throughout Canada in each and every year, the 11th day of November, being the day in the year 1918 on which the Great War was triumphantly concluded by an armistice, shall be a holiday, and shall be kept and observed as such under the name of Remembrance Day. 1931, c. 4, s. 1.

EDMOND CLOUTIER, C.M.G., O.A., D.S.P.
QUEEN'S PRINTER AND CONTROLLER OF STATIONERY
OTTAWA, 1952.
CHAPTER 238.

An Act to readjust the Representation in the House of Commons.

WHEREAS the results of the census of 1941 necessitate a readjustment of the representation in the House of Commons, pursuant to the provisions of the British North America Acts, 1867 to 1946, and the other statutes in that behalf: 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 Representation Act. 1947, c. 71, s. 1.

2. Eighty-three members of the House of Commons shall be elected for the Province of Ontario, seventy-three for the Province of Quebec, thirteen for the Province of Nova Scotia, ten for the Province of New Brunswick, sixteen for the Province of Manitoba, eighteen for the Province of British Columbia, four for the Province of Prince Edward Island, twenty for the Province of Saskatchewan, seventeen for the Province of Alberta, seven for the Province of Newfoundland, and one for the Yukon Territory including that part of the Mackenzie district of the Northwest Territories lying west of the 109th Meridian of west longitude, thus making a total of two hundred and sixty-two members. 1947, c. 71, s. 2; 1949, c. 6, s. 52.

3. The said Provinces respectively shall, for the purpose of the election of members to serve in the House of Commons, be divided into electoral districts, which shall be represented as provided in the Schedule. 1947, c. 71, s. 3.

4. The whole of that part of the Schedule relating to any province shall be read together, and shall, so far as possible, be construed as including the whole of such province in some one or other of the electoral districts therein described.

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described, the description of each electoral district being accordingly construed as intended, unless the contrary is expressed, to include the whole of the contained area, whether particularly mentioned or not, and to include also any area partly surrounded by the areas expressly described which appears to have been intended to be included; in any doubtful case the Chief Electoral Officer shall finally determine of what electoral district, if any, any area not expressly referred to was intended to form part, and shall, within the first fifteen days of the session of Parliament next following any such determination, report the same, with the reasons therefor, to the Speaker of the House of Commons. 1947, c. 71, s. 4.

5. Wherever in the Schedule any word or expression is used to denote the name of any territorial division, such word or expression shall, unless the context otherwise requires, be construed as indicating such territorial division as it exists and is bounded at the date of the passing of this Act. 1947, c. 71, s. 5.

6. Wherever in the Schedule a municipality or place is wrongfully referred to as a city, or a town, or a village, but there is within the territorial limits of the electoral district, in the description of which the reference occurs, a municipality or place of the same name that is a city, or a town, or a village, but is not of the class, namely, city, town or village, as the case may be, specified in the Schedule, the reference shall be taken to be to that municipality or place. 1947, c. 71, s. 6.
SCHEDULE

ONTARIO.

There shall be in the Province of Ontario eighty-three electoral districts, named and described as follows, each of which shall return one member.

In the following descriptions reference to “street”, “avenue”, “road”, “drive”, “boulevard”, “terrace”, “river” or “railway” signifies the centre line of said street, avenue, road, drive, boulevard, terrace, river or railway unless otherwise described.

1. ALGOMA EAST consisting of the Territorial District of Manitoulin and those parts of the Territorial Districts of Algoma and Sudbury bounded on the south by Lake Huron; on the west by a line described as commencing on the south boundary of Canada at its intersection (east of St. Joseph’s Island in Lake Huron) with the projection southerly of the east boundary of the township of Plummer Additional; thence northerly and following along the east boundaries of the said Township of Plummer Additional and the townships lying north thereof to the south boundary of the Twenty-first (21) Range of townships; thence east along the said boundary to a point directly south of the southwest corner of Township thirty-two (32); thence northerly along the west boundaries of the said Township thirty-two (32) and the townships lying north thereof to the northeast corner of the Township of Pelletier; and on the north and east by a line described as commencing at the northeast corner of the Township of Pelletier and running easterly along the north boundaries of the Township of Doherty and the townships east thereof to the northeast corner of the Township of Shanly; thence southerly along the east boundaries of the Township of Shanly and the townships south thereof to the north boundary of the Territorial District of Sudbury; thence easterly along the north boundary of the Territorial District of Sudbury to the northeast corner of the Township of Frey; thence southerly along the east boundaries of the Township of Frey and the townships south thereof to the southeast corner of the township of MacKinnon.

2. ALGOMA WEST consisting of those parts of the Territorial Districts of Algoma and Sudbury, bounded on the south by the southerly boundary of the said Territorial District of Algoma; on the east by a line described as commencing on the south boundary of Canada at its intersection with the projection southerly of the east boundary of the Township of Plummer Additional; thence northerly along the east boundaries of the said Township of Plummer Additional and the townships lying north thereof to the south boundary of the twenty-first Range of townships; thence easterly along the said boundary to a point due south of the southwest corner of Township

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thirty-two (32); thence northerly along the west boundaries of the said Township thirty-two (32) and the townships lying north thereof to the northeast corner of the Township of Pelletier; on the north by the north boundary of the Territorial District of Algoma; and on the west by a line which may be described as commencing at the intersection of the projection southerly of the west boundary of Township thirty (30), range twenty-four (24) in the Territorial District of Algoma with the shore line of Lake Superior; thence following northerly along the said projection to the southwest corner of said Township thirty (30) in the said Range; thence easterly along the south boundary of said Township thirty (30) to its southeast corner; thence northerly along the east boundary of Township thirty (30); thence due north to the north boundary of the said Territorial District of Algoma, including the City of Sault Ste. Marie, but excluding the Village of Hornepayne.

3. BRANTFORD consisting of the City of Brantford and that part of the County of Brant included in the Townships of Burford and Oakland and that part of the Township of Brantford lying south and west of the left bank of Grand River.

4. BRANT-WENTWORTH consisting of that part of the County of Brant, including the Town of Paris, contained in the Townships of South Dumfries, Onondaga, and Tuscarora, and that part of the Township of Brantford lying north and east of the left bank of Grand River; and that part of the county of Wentworth contained in the Townships of Beverly, Ancaster, Glanford and Binbrook.

5. BRUCE consisting of the County of Bruce, excepting therefrom the Townships of Brant, Carrick and Elderslie.

6. CARLETON consisting of the County of Carleton excepting therefrom the Township of Gloucester, the Town of Eastview and the Village of Rockcliffe Park; together with those parts of Victoria and Elmdale wards in the City of Ottawa lying west of Parkdale Avenue; that part of Dalhousie ward lying south of Carling Avenue; that part of Capital ward lying south of Carling Avenue and Linden Terrace; and that part of Riverdale ward lying south and west of a line commencing at the intersection of Riverdale Avenue and Echo Drive, thence following northeasterly along Riverdale Avenue to Main Street and thence southerly on Main Street to the city limit.

7. COCHRANE consisting of that part of the Territorial District of Cochrane which may be bounded as follows: commencing at the intersection of the easterly boundary of the Province of Ontario with the south shore of Lake Abitibi; thence westerly along the said south shore to a point due north of the east boundary of the Township of Milligan; thence southerly along the said east boundary to its intersection with the north boundary of the Township of McCool; thence westerly along the said north boundary, and the north boundaries of the adjoining townships, to the easterly boundary of the Township of R.S., 1952.
of Fortune; thence southerly along the said east boundary, and the
east boundary of the Township of Enid, to the boundary of the Terri-
torial District of Cochrane; thence westerly and northerly along the
boundary of the Territorial District of Cochrane to the east boundary
of the Township of McCoig; thence northerly along the east boundary
of the Townships of McCoig and Mulloy and its projection northerly
to the north boundary of the District of Cochrane; thence easterly
and southerly along the said boundary to the point of commencement;
together with that portion of the District of Patricia lying east of the
projection northerly of the extreme westerly boundary of the
Electoral District of Cochrane as above described.

8. DUFFERIN-SIMCOE consisting of that part of the County
of Simcoe lying south of the north boundaries of the Townships of
Tosorontio, Essa and Innisfil, but not including any part of the Town
of Barrie; and the County of Dufferin, including the Town of Orange-
ville, but excluding the Townships of East Luther and East Garafraxa.

9. DURHAM consisting of the County of Durham.

10. ELGIN consisting of the County of Elgin, including the City
of St. Thomas.

11. ESSEX EAST consisting of that part of the County of Essex
included in the Towns of Riverside and Tecumseh and the Townships
of Maidstone, Rochester, Sandwich East and Tilbury North, and
that part of the City of Windsor lying south of Tecumseh Boulevard
and east of the line dividing lots facing on Lincoln Road to the east
and Gladstone Avenue to the west.

12. ESSEX WEST consisting of that part of the County of
Essex contained in the Township of Sandwich West including the
Town of Sandwich and the City of Windsor, excluding therefrom that
portion of the said City lying south of Tecumseh Boulevard and east
of the line dividing lot facing on Lincoln Road to the east and
Gladstone Avenue to the west.

13. ESSEX SOUTH consisting of that part of the County of
Essex included in the Townships of Anderdon, Malden, Colchester
(North and South), Gosfield (North and South), Mersea, Pelee
Island, Sandwich South, Tilbury West and the Town of Essex and
excluding both the Village of Wheatley and the Town of Tilbury.

14. FORT WILLIAM consisting of the City of Fort William and
of those parts of the Territorial Districts of Rainy River, Kenora and
Thunder Bay bounded on the south by the southern boundary of
Canada; on the west by the Fourth Meridian; and on the north and
east by a line described as commencing at a point on the said Fourth
Meridian five miles north of the Canadian Pacific Railway; thence
southeast parallel to and at a distance of five miles northerly from the
said line of railway to a point five miles due north of the former
Station
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Station of Poland, which was situated approximately at the intersection of the said railway line with the north boundary of the Township of Fallis, five and one-half miles westerly from Argon Station; thence south to the said railway and continuing along the said railway to the intersection of the north boundary of the Township of Goldie; thence along the north boundaries of the Townships of Goldie and Forbes; thence south along the east boundaries of the Townships of Forbes and Conmees; thence east and south along the north and east boundaries respectively of the Township of Oliver; thence along the north boundaries of the Townships of Paipoonge and Neebing and their projection easterly to the Eighty-ninth Meridian of west longitude; thence south along the said Meridian to the southern boundary of Canada.

15. FRONTENAC-ADDINGTON consisting of the County of Lennox and Addington excepting therefrom the Townships of Ernestown, Fredericksburgh North and Fredericksburgh South, Richmond, Adolphustown and Amherst Island; and the County of Frontenac excepting therefrom the City of Kingston and the Village of Portsmouth.

16. GLENGARRY consisting of the County of Glengarry.

17. GRENVILLE-DUNDAS consisting of the Counties of Grenville and Dundas.

18. GREY-BRUCE consisting of that part of the County of Grey contained in the Townships of Artemesia, Bentinck, Egremont, Glenelg, Normanby, Proton and Sullivan, including the Village of Chatsworth; and that part of the County of Bruce contained in the Townships of Brant, Carrick and Elderslie.

19. GREY NORTH consisting of that part of the County of Grey contained in the Townships of Collingwood, Derby, Euphrasia, Holland, Keppel, Osprey, St. Vincent, Sarawak and Sydenham, and including the City of Owen Sound, but excluding the Village of Chatsworth.

20. HALDIMAND consisting of the County of Haldimand.

21. HALTON consisting of the County of Halton.

22. HAMILTON EAST consisting of that part of the City of Hamilton lying east of Wellington Street and west of Ottawa Street, but excluding that part lying to the south of a line which may be described as commencing at the centre line of the westerly jog of Wellington Street where it intersects Concession Street; thence easterly along Concession Street to its intersection with the centre line of the easterly jog of Sherman Avenue; thence northerly along the centre line of the easterly jog of Sherman Avenue to its intersection with the centre line of the westerly jog of Argus Avenue.

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section with the line of the brow of the mountain; thence easterly following the line of the brow of the mountain until it joins the city limit near the end of Kerr Avenue.

23. HAMILTON WEST consisting of that part of the City of Hamilton lying west of Wellington Street, east of Paradise Road, and north of Cootes Paradise; but excluding that part lying to the south of a line which may be described as commencing at the centre line of the westerly jog of Wellington Street where it intersects Concession Street; thence westerly along Concession Street and its extension westerly to its intersection with Claremont Drive; thence westerly along Claremont Drive and across West Fifth Street to its intersection with the city limit.

24. HASTINGS-PETERBOROUGH consisting of that part of the County of Peterborough lying east of a line described as commencing at the northwest corner of the Township of Anstruther and following the west boundary of the said Township and of the Townships of Burleigh, Dummer and Asphodel to the south boundary of the said County; together with that part of the County of Hastings lying north of a line described as commencing at the southwest corner of the Township of Rawdon and following the south boundary of the said Township, the south and east boundaries of the Township of Huntingdon and south boundary of the Townships of Madoc and Elzevir to the east boundary of the said County.

25. HASTINGS SOUTH consisting of that part of the County of Hastings included in the Townships of Hungerford, Tyendinaga, Thurlow and Sidney and including the City of Belleville and the Towns of Trenton and Deseronto.

26. HURON NORTH consisting of that part of the County of Huron included in the Townships of Goderich, Colborne, Ashfield, Wawanosh (East and West), Morris, Grey, Turnberry, Howick and the Town of Clinton.

27. HURON-PERTH consisting of that part of the County of Perth included in the Townships of Fullarton, Logan and Hibbert, and the Town of Mitchell; and that part of the County of Huron included in the Townships of Hullett, McKillop, Stanley, Tucker-smith, Hay, Stephen and Usborne.

28. KENORA-RAINY RIVER consisting of that part of the Province of Ontario lying west of the Fourth Meridian, including Sioux Lookout, Ignace and Atikokan.

29. KENT consisting of the County of Kent, excluding there-from the Townships of Camden and Zone, and that part of the Township of Chatham formerly known as the Gore of Chatham; but including the City of Chatham, the Town of Tilbury and the Village of Wheatley.
30. KINGSTON CITY consisting of the City of Kingston and the Village of Portsmouth.

31. LAMBTON-KENT consisting of that part of the County of Lambton contained in the Townships of Brooke, Dawn, Enniskillen, Euphemia, Sombra and Warwick, including the Town of Forest, Walpole Island, St. Ann Island and the other islands at the mouth of the St. Clair River but not including the Village of Arkona; and that part of the County of Kent contained in the Townships of Camden and Zone, and that part of the Township of Chatham formerly known as the Gore of Chatham.

32. LAMBTON WEST consisting of that part of the County of Lambton contained in the Townships of Bosanquet, Moore, Plympton and Sarnia, including the City of Sarnia and the Village of Arkona but not including the Town of Forest.

33. LANARK consisting of the County of Lanark.

34. LEEDS consisting of the County of Leeds.

35. LINCOLN consisting of the County of Lincoln, including the City of St. Catharines.

36. LONDON consisting of that part of the City of London lying west of a line described as commencing at the intersection of the northern city limit with Adelaide Street; thence southerly along Adelaide Street to Oxford Street; thence easterly along Oxford Street to the east boundary of Carlings Heights; thence southerly along the said east boundary to its intersection with the production westerly of the south side of Middleton Avenue to meet the south side of Central Avenue; thence easterly along the south side of Middleton Avenue to Glasgow Street; thence southerly along the west side of Glasgow Street produced to Lorne Avenue; thence easterly along the north side of Lorne Avenue produced to Bur Brook Place; thence southerly along Bur Brook Place to Dundas Street; thence easterly along Dundas Street to its intersection with the production northerly of Swinyard Street; thence southerly along Swinyard Street and its production to Pine Street; thence northwesterly along Pine Street to Elm Street; thence southerly along Elm Street to Trafalgar Street; thence westerly along Trafalgar Street to Adelaide Street; thence southerly along Adelaide Street to the south branch of the River Thames; thence westerly along the River Thames down stream to its intersection with the northerly production of Beverley Street; thence southerly along the said production and along Beverley Street and Wellington Street to the south boundary of the City.

37. MIDDLESEX EAST consisting of that part of the County of Middlesex contained in the Townships of North Dorchester, London, West Nissouri and Westminster, together with that part of the City of London lying east of a line described as commencing at the intersection of the northern city limit with Adelaide Street; thence

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thence southerly along Adelaide Street to Oxford Street; thence easterly along Oxford Street to the east boundary of Carlings Heights; thence southerly along the said east boundary to its intersection with the production westerly of the south side of Middleton Avenue to meet the south side of Central Avenue; thence easterly along the south side of Middleton Avenue to Glasgow Street; thence southerly along the west side of Glasgow Street produced to Lorne Avenue; thence easterly along the north side of Lorne Avenue produced to Burbrook Place; thence southerly along Burbrook Place to Dundas Street; thence easterly along Dundas Street to its intersection with the production northerly of Swinyard Street; thence southerly along Swinyard Street and its production to Pine Street; thence westerly along Pine Street to Elm Street; thence southerly along Elm Street to Trafalgar Street; thence westerly along Trafalgar Street to Adelaide Street; thence southerly along Adelaide Street to the south branch of the River Thames; thence westerly along the River Thames down stream to its intersection with the northerly production of Beverly Street; thence southerly along the said production and along Beverly Street and Wellington Street to the south boundary of the city.

38. MIDDLESEX WEST consisting of the County of Middlesex excluding the Townships of North Dorchester, London, West Nissouri and Westminster.

39. NIPISSING consisting of that part of the Territorial District of Sudbury lying east of a line described as commencing at the northeast corner of the Township of Unwin; thence southerly along the east boundary of the said Township and of the townships south thereof to the north boundary of the Township of Creelman; thence east and south along the north and east boundaries of the Township of Creelman to the north boundary of the Township of Parkin; thence easterly along the north boundary of the Township of Parkin and the townships east thereof to the east boundary of the Township of McCarthy; thence southerly along the east boundary of the Township of McCarthy and the Townships south thereof to the north boundary of the Township of Appleby; thence west and south along the north and west boundaries of the Township of Appleby to the north boundary of the Township of Hendrie; thence west and south along the north and west boundaries of the Township of Hendrie to the north boundary of the Township of Servos; thence westerly along the north boundary of the Township of Servos and the Townships west thereof to the east boundary of Township 68; thence southerly along the east boundary of Townships 68, 67 and Humboldt to the Georgian Bay; together with the Territorial District of Nipissing, excluding therefrom the Townships of Ballantyne, Wilkes, Pentland, Boyd and Cameron and all Townships south thereof.

40. NORFOLK consisting of the County of Norfolk.

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41. NORTHUMBERLAND consisting of the County of Northumberland.

42. ONTARIO consisting of that part of the County of Ontario included in the Townships of Pickering, Whitby (East and West), Reach, Seugog, Scott and Uxbridge, and the City of Oshawa.

43. OTTAWA EAST consisting of that part of the City of Ottawa contained in the following wards: Rideau, Ottawa, By, St. George's; and that part of Riverdale ward lying east and north of a line described as commencing at the intersection of Main Street, with the southerly boundary of the City of Ottawa, and following northerly along Main Street to its intersection with Riverdale Avenue; thence southwesterly along Riverdale Avenue to its intersection with Echo Drive; and thence northeasterly along Echo Drive to the northeast boundary of the said ward; together with the Village of Rockcliffe Park.

44. OTTAWA WEST consisting of that part of the City of Ottawa contained in the following wards: Central, Wellington and that part of Dalhousie ward north of Carling Avenue, and that part of Capital ward north of Carling Avenue and Linden Terrace, and those parts of Victoria and Elmdale wards east of Parkdale Avenue.

45. OXFORD consisting of the County of Oxford including that part of the Village of Tavistock contained in the Township of Zorra East.

46. PARRY SOUND-MUSKOKA consisting of the Territorial District of Parry Sound and Muskoka except the Township of Baxter; together with that portion of the Territorial District of Nipissing comprised in the Townships of Ballantyne, Wilkes, Pentland, Boyd, Paxton, Biggar, Osler, Lister, Butt, Devine, Bishop, Freswick, McCraney, Hunter, McLaughlin, Bower, Finlayson, Peck, Canisbay and Sproule.

47. PEEL consisting of the County of Peel.

48. PERTH consisting of the County of Perth, excepting therefrom the Townships of Fullarton, Logan and Hibbert but including the City of Stratford and that part of the Village of Tavistock contained in the Township of Easthope South.

49. PETERBOROUGH WEST consisting of that part of the County of Peterborough included in the Townships of Galway, Cavendish, Harvey, Ennismore, Smith, Douro, Otonabee and North Monaghan, together with the City of Peterborough.

50. PORT ARTHUR consisting of that part of the Province of Ontario lying east of the Fourth Meridian and west of a line described as commencing at the intersection with the shore line of Lake Superior of the projection southerly of the west boundary of Township Thirty in Range Twenty-four in the Territorial District of Algoma; thence northerly

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northerly on the said projection to the south boundary of the said Township; thence easterly on the south boundary of the said Township to its east boundary; thence northerly along said east boundary and the east boundaries of the Townships lying north thereof to the north boundary of the Territorial District of Algoma; thence easterly along said boundary to the east boundary of the Township of McCoig; thence northerly along the east boundary of the Townships of McCoig and Mulloy and its projection northerly to the shore of Hudson Bay; including the City of Port Arthur and the Village of Hornepayne but excluding that portion lying south and west of a line described as commencing at a point on the Fourth Meridian five miles north of the Canadian Pacific Railway; thence southeast and parallel to the said railway to a point five miles north of the former Station of Poland, which was situated approximately at the intersection of the said railway line with the north boundary of the Township of Fallis, five and a half miles westerly from Argon Station; thence due south to the railway and southeasterly along it to the north boundary of the Township of Goldie; thence easterly along the north boundaries of the Townships of Goldie and Forbes to the east bank of the Kaministikwia River; thence southerly along the Kaministikwia River to the north boundary of the Township of Oliver; thence east and south along the north and east boundaries of the Township of Oliver to the north boundary of the Township of Paipoonge; thence easterly along the north boundary of the Townships of Paipoonge and Neebing produced easterly to the 89th Meridian of west longitude; thence southerly to the southern boundary of Ontario.

51. PRESCOTT consisting of the County of Prescott.

52. PRINCE EDWARD-LENNOX consisting of the County of Prince Edward and that part of the County of Lennox and Addington contained in the Townships of Ernestown, Fredericksburgh North and Fredericksburgh South, Richmond, Adolphustown and Amherst Island.

53. RENFREW NORTH consisting of that part of the County of Renfrew contained in the Townships of Algonia North, Algonia South, Alice, Bromley, Buchanan, Clara, Fraser, Head, Maria, McKay, Pembroke, Petawawa, Rolph, Ross, Stafford, Westmeath, Wilberforce and Wylie and including the Town of Pembroke and that part of the Village of Eganville lying within the Township of Wilberforce; together with that part of the Territorial District of Nipissing lying east of a line described as commencing at the northwest corner of the Township of Cameron and following southerly the westerly boundaries of the said Township of Cameron and the Townships of Deacon, Anglin, Dickson and Preston to the southwest corner of the Township of Preston; thence westerly along the northerly boundary of the Township of Airy to its northwest corner; thence southerly along the westerly boundaries of the townships of Airy and Sabine to the southwest corner of the Township of Sabine.
54. RENFREW SOUTH consisting of that part of the County of Renfrew lying south and west of a line described as commencing at the northeast corner of the Township of Richards, and following the east boundaries of the said Township and the Townships of Hartley and Brudenell and the north boundaries of the Townships of Sebastopol, Grattan, Admaston and Horton to the east boundary of the said County; and including that part of the Village of Eganville lying within the Township of Grattan.

55. RUSSELL consisting of the County of Russell and that part of the County of Carleton included in the Township of Gloucester, including the Town of Eastview, but excepting that part of the Township of Gloucester included in the Village of Rockcliffe Park.

56. SIMCOE EAST consisting of that part of the County of Simcoe lying north of a line described as commencing at the southwest corner of the Township of Tiny, and following the south boundary of the said Township, the west boundary of the Townships of Medonte and Oro to Lake Simcoe; together with that part of the Territorial District of Muskoka included in the Township of Baxter.

57. SIMCOE NORTH consisting of that part of the County of Simcoe included in the Townships of Nottawasaga, Sunnidale, Vespra and Flos, and including the Town of Barrie.

58. STORMONT consisting of the County of Stormont, including the City of Cornwall.

59. SUDBURY consisting of the City of Sudbury and that part of the Territorial District of Sudbury bounded on the west by a line described as commencing at the northwest corner of the Township of Crothers; thence southerly along the west boundaries of the Township of Crothers and the townships to the south thereof to the north shore of Lake Huron; on the north and east by a line described as commencing at the northwest corner of the Township of Crothers; thence easterly along the north boundaries of the Township of Crothers and the townships to the east thereof to the northeast corner of the Township of Zavitz; thence southerly along the east boundaries of the Township of Zavitz and the Townships to the south thereof to the northwest corner of the Township of Creelman; thence easterly along the north boundary of the Township of Creelman and south along the east boundary thereof to the north boundary of the Township of Parkin; thence easterly along the north boundaries of the Township of Parkin and those Townships lying to the east thereof the northeast corner of the Township of McCarthy; thence southerly along the east boundaries of the Township of McCarthy and those townships lying to the south thereof to the southeast corner of the Township of Hagar; thence westerly along the south boundary of the Township of Hagar to the east boundary of the Township of Hawley; thence southerly along the east boundary of the Township of Hawley, and R.S., 1952.
and westerly along the south boundary thereof, to the east boundary of the Township of Burwash; thence southerly along the east boundary of the Township of Burwash, and westerly along the south boundaries of the Townships of Burwash, Secord and Tilton to the east boundary of Township Sixty-eight (68); thence southerly along the east boundaries of Townships Sixty-eight (68) and Sixty-seven (67) to the north boundary of the Territorial District of Manitoulin; and bounded on the south by the north boundary of the Territorial District of Manitoulin.

60. TIMISKAMING consisting of that portion of the Territorial District of Timiskaming lying south of a line drawn from the northeast corner of the Township of Ossian, westerly along the northerly boundaries of the row of townships west of Ossian Township to the northwest corner of the Township of Fallon; and east of the line described as commencing at the northwest corner of the Township of Fallon and running southerly along the westerly boundary of the Townships of Fallon and Cleaver, and along the westerly boundary of the Territorial District of Timiskaming.

61. TIMMINS consisting of those portions of the Territorial Districts of Timiskaming and Cochrane bounded as follows: commencing at the intersection of the easterly boundary of the Province of Ontario with the south shore of Lake Abitibi; thence westerly along the said south shore to a point due north of the east boundary of the Township of Milligan; thence southerly along the said east boundary to its intersection with the north boundary of the Township of McCool; thence westerly along the said north boundary and the north boundaries of the adjoining townships to the northwest corner of the Township of Côté; thence southerly along the western boundary of the Township of Côté and the townships lying immediately to the south thereof, to the south boundary of the Township of Pharand; thence easterly along the said south boundary, and the south boundaries of the adjoining townships to the east boundary of the Township of Geikie; thence northerly along the east boundaries of the Townships of Geikie and Douglas to the south boundary of the Township of Langmuir; thence easterly along the south boundaries of the Township of Langmuir and the townships to the east thereof to the east boundary of the Township of Pontiac; thence northerly along the easterly boundaries of the Township of Pontiac and of the townships to the north thereof to the place of commencement.

62. VICTORIA consisting of the County of Victoria, the provisional County of Haliburton and those parts of the County of Ontario included in the Townships of Rama, Mara, Thorah and Brock.

63. WATERLOO NORTH consisting of the City of Kitchener and the Town of Waterloo and that part of the County of Waterloo contained in the Townships of Wellesley and Woolwich and that part of R.S., 1952.
of the Township of Waterloo lying north of a line described as commencing at the southwest corner of Lot Forty-six (46) and following the southerly boundaries of the said Lot and of Lots Forty-seven (47), Forty-eight (48), Fifty (50), Fifty-one (51), and Fifty-three (53), the projection of the boundary of the last mentioned Lot, the Grand River upstream, the projection of the boundary between Lots One hundred and thirteen (113) and One hundred and fourteen (114), and the said boundary, the westerly and northerly boundaries of Lot One hundred and seven (107), and the northerly boundary of Lots One hundred and six (106), Eighty-four (84) and Ninety-six (96) to the east boundary of the said Township of Waterloo.

64. WATERLOO SOUTH consisting of that part of the County of Waterloo contained in the Townships of Wilmot and Dumfries North and that part of the Township of Waterloo lying south of a line described as commencing at the southwest corner of Lot Forty-six (46) and following the southerly boundaries of the said Lot and of Lots Forty-seven (47), Forty-eight (48), Fifty (50), Fifty-one (51) and Fifty-three (53), the projection of the boundary of the last mentioned Lot, the Grand River upstream, the projection of the boundary between Lots One hundred and thirteen (113) and One hundred and fourteen (114) and the said boundary, the westerly and northerly boundaries of Lot One hundred and seven (107), and the northerly boundary of Lots One hundred and six (106), Eighty-four (84) and Ninety-six (96) to the east boundary of the said Township of Waterloo; and including the City of Galt.

65. WELLAND consisting of the County of Welland, including the Cities of Niagara Falls and Welland.

66. WELLINGTON NORTH consisting of that part of the County of Wellington contained in the Townships of Arthur, Erin, Garafraxa West, Maryborough, Minto, Peel and West Luther including the Towns of Mount Forest and Palmerston; together with that part of the County of Dufferin contained in the Townships of Garafraxa East and Luther East, but excluding the Town of Orangeville.

67. WELLINGTON SOUTH consisting of the City of Guelph and that part of the County of Wellington contained in the Townships of Puslinch, Eramosa, Guelph, Pilkington and Nichol.

68. WENTWORTH consisting of the County of Wentworth, excluding the Townships of Beverly, Ancaster, Glanford and Binbrook, together with those portions of the City of Hamilton lying east, south and west of a line described as commencing at the intersection of Ottawa Street and the shore of Hamilton Harbour; thence southerly along Ottawa Street to the intersection of the projection of the said street and the south city limit; thence westerly following the south city limit along the brow of the mountain to Sherman Avenue; thence southerly along Sherman Avenue to Concession Street;
Street; thence westerly along Concession Street and Claremont Drive to the city limit; thence following the city limit to the intersection of Main Street and Paradise Road; thence northerly along Paradise Road and its continuation to the city limit.

69. YORK EAST comprising all that part of the County of York lying south of the Township of Markham, east of Yonge Street and north of the City of Toronto.

70. YORK NORTH consisting of that part of the County of York lying north of the line being the southerly boundary of the Township of North York, Yonge Street and the southerly boundary of the Township of Markham.

71. YORK SOUTH consisting of the Village of Forest Hill and that portion of the Township of York lying north and east of a line described as commencing at the intersection of the north boundary of the city of Toronto with Weston Road; thence following northwesterly along Weston Road to Lambton Avenue; thence westerly along Lambton Avenue and its production to the township boundary at the Humber River.

72. YORK WEST consisting of all that portion of the Township of York lying west of the City of Toronto and of a line drawn as follows: commencing at the limit of the City of Toronto at the intersection of Weston Road, thence northwesterly along Weston Road to its intersection with Lambton Avenue; thence westerly along Lambton Avenue and its continuation westerly to the Humber River; together with the Township of Etobicoke, the Towns of Weston, Mimico and New Toronto and the Villages of Long Branch and Swansea.

CITY OF TORONTO.

The City of Toronto is divided into eleven electoral districts named and described as follows:

73. BROADVIEW consisting of that part of the City of Toronto which may be bounded as follows: commencing at the intersection of the southern city limit with Leslie Street produced; thence northerly along Leslie Street produced and Leslie Street to Eastern Avenue; thence westerly along Eastern Avenue to Rushbrook Avenue; thence northerly along Rushbrook Avenue to Queen Street East; thence westerly along Queen Street East to Jones Avenue; thence northerly along Jones Avenue to Danforth Avenue; thence westerly along Danforth Avenue to Langford Avenue; thence northerly along Langford Avenue to the city limit; thence westerly along the city limit to the Channel of the Don River; thence southerly along the Channel of the Don River and the Don Channel to where it enters Keating Channel; 4787

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Chapter; thence westerly and southerly along Keating Channel and Eastern Channel to the southern city limit; thence easterly along the city limit to the point of commencement.

74. DANFORTH consisting of that part of the City of Toronto which is bounded on the south by the city limit; on the north by the city limit; on the east by the city limit; and on the west by Woodbine Avenue produced southerly to the southern city limit.

75. DAVENPORT consisting of that part of the City of Toronto which is bounded as follows: on the east by the western limit of Ward Five of the City of Toronto; on the north by the city limit to the Canadian National Railway; thence southerly along the Canadian National Railway to the Canadian Pacific Railway; thence easterly along the Canadian Pacific Railway to its intersection with Lansdowne Avenue; thence southerly along Lansdowne Avenue to College Street; thence easterly along College Street to Dufferin Street; thence southerly along Dufferin Street and its production to Lake Ontario; thence easterly along Lake Ontario to the western limit of Ward Five of the City of Toronto.

76. EGLINTON consisting of Ward Nine of the City of Toronto.

77. GREENWOOD consisting of that part of the City of Toronto which is bounded as follows: commencing at the intersection of the southern city limit with Woodbine Avenue produced; thence northerly along Woodbine Avenue produced and Woodbine Avenue to the city limit; thence westerly, northerly and westerly along the city limit to Langford Avenue; thence south along Langford Avenue to Danforth Avenue; thence easterly along Danforth Avenue to Jones Avenue; thence easterly along Jones Avenue to Queen Street East; thence easterly along Queen Street East to Rushbrook Avenue; thence southerly along Rushbrook Avenue to Eastern Avenue; thence easterly along Eastern Avenue to Leslie Street; thence southerly along Leslie Street and the production of Leslie Street to the southern city limit; thence easterly along the city limit to the point of commencement.

78. HIGH PARK consisting of Ward Seven of the City of Toronto and that part of Ward Six lying west of a line described as follows: commencing at the point of intersection of Bloor Street West and Indian Road; thence southerly along Indian Road to Howard Park Avenue; thence easterly along Howard Park Avenue to Sunnyside Avenue; thence southerly along Sunnyside Avenue and its production to the shore of Lake Ontario.

79. PARKDALE consisting of that part of the City of Toronto which is bounded as follows: commencing at the intersection of the production of Dufferin Street with the city limit in Lake Ontario; thence northerly along said production of Dufferin Street and Dufferin Street to College Street; thence westerly along College Street to Lansdowne Avenue; thence northerly along Lansdowne Avenue to the Canadian Pacific Railway; thence westerly along the Canadian

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Pacific Railway to the eastern limit of Ward Seven of the City of Toronto; thence along the limit of said Ward Seven in a southerly direction to Bloor Street West; thence westerly along Bloor Street West to Indian Road; thence southerly along Indian Road to Howard Park Avenue; thence easterly along Howard Park Avenue to Sunnyside Avenue; thence southerly along Sunnyside Avenue and its production to the city limit in Lake Ontario; thence easterly along said city limit to the point of commencement.

80. ROSEDALE consisting of that part of the City of Toronto bounded on the north by Ward Nine of the City of Toronto; on the east by the city limit and the eastern boundary of Ward Two, and the Don Channel to Keating Channel; on the south by Keating Channel and the shore of Toronto Bay westerly to the southerly production of Sherbourne Street; on the west by the said production of Sherbourne Street and by Sherbourne Street northerly to its intersection with Bloor Street East; thence westerly along Bloor Street to Yonge Street; thence northerly along Yonge Street to the south boundary of Ward Nine of the City of Toronto.

81. ST. PAUL'S consisting of that part of the City of Toronto bounded on the south by the north shore of Toronto Bay; on the east by a line described as commencing at the intersection of the production of Sherbourne Street and the north shore of Toronto Bay; thence northerly along said production and Sherbourne Street to Bloor Street East; thence westerly along Bloor Street East to Yonge Street; thence northerly along Yonge Street to the south boundary of Ward Nine of the City of Toronto; on the north by Ward Nine of the City of Toronto; and on the west by a line described as commencing at the intersection of John Street produced southerly with the shore line of Toronto Bay; thence northerly along said production and John Street to Queen Street West; thence westerly along Queen Street West to Beverley Street; thence northerly along Beverley Street to College Street; thence westerly along College Street to St. George Street; thence northerly along St. George Street to Dupont Street; thence easterly along Dupont Street to Davenport Road; thence northerly along Davenport Road across the Canadian Pacific Railway to Poplar Plains Road; thence along Poplar Plains Road to St. Clair Avenue West; thence westerly along St. Clair Avenue West to Dunvegan Road; thence northerly along Dunvegan Road to the city limit; thence following the city limit easterly and northerly to the southern boundary of Ward Nine of the City of Toronto.

82. SPADINA consisting of that part of the City of Toronto bounded on the east by a line described as commencing at the intersection of John Street produced southerly with the shore line of Toronto Bay; thence northerly along the said production and John Street to Queen Street West; thence westerly along Queen Street West to Beverley Street; thence northerly along Beverley Street to College Street; thence westerly along College Street to St. George Street;
Street; thence northerly along St. George Street to Dupont Street; thence easterly along Dupont Street to Davenport Road; thence northerly along Davenport Road across the Canadian Pacific Railway to Poplar Plains Road; thence along Poplar Plains Road to St. Clair Avenue West; thence westerly along St. Clair Avenue West to Dunvegan Road; thence northerly along Dunvegan Road to the city limit; on the north by the city limit; on the west by a line described as commencing at the intersection of Humewood Drive with the city limit; thence southerly along Humewood Drive to St. Clair Avenue West; thence easterly along St. Clair Avenue West to Christie Street; thence southerly along Christie Street to Bloor Street West; thence westerly along Bloor Street West to Grace Street; thence southerly along Grace Street to Dundas Street; thence easterly along Dundas Street to Bathurst Street; thence southerly along Bathurst Street to the Lake Shore at Western Channel; and on the south by the city limit between Eastern Channel and Western Channel; together with all the islands in Toronto Bay.

83. TRINITY consisting of that part of the City of Toronto bounded on the east by a line described as commencing at the intersection of Humewood Drive with the city limit; thence southerly along Humewood Drive to St. Clair Avenue West; thence easterly along St. Clair Avenue West to Christie Street; thence southerly along Christie Street to Bloor Street West; thence westerly along Bloor Street West to Grace Street; thence southerly along Grace Street to Dundas Street; thence easterly along Dundas Street to Bathurst Street; thence southerly along Bathurst Street to the Lake Shore at Western Channel; on the north by the city limit; on the west by the boundary between Ward Five and Ward Six of the City of Toronto; and on the south by Lake Ontario.

QUEBEC.

There shall be in the Province of Quebec, outside of the Island of Montreal and Ile Jésus, fifty-three electoral districts, named and described as follows, each of which shall return one member.

Any reference to “county” means a county municipality as named and described in section 17 of chapter 3 of the Revised Statutes of the Province of Quebec, 1941.

1. ARGENTEUIL-DEUX-MONTAGNES consisting of:
   (a) the County of Argenteuil and the Towns of Barkmere and Lachute;
   (b) the County of Deux-Montagnes and the Town of Oka-sur-le-Lac.

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2. BEAUCÉ consisting of:
   (a) the County of Beauce (except the Municipality des Saints-Anges and the Township of Metgermette-South) and the Towns of Beaueville and Beauceville-East;
   (b) that part of the County of Frontenac included in the Municipalities of Risborough and part of Marlow, St. Gédéon, St. Hilaire-de-Dorset and the Village of St. Ludger.

3. BEAUHARNOIS consisting of:
   (a) the County of Beauharnois, the City of de Salaberry-de-Valleyfield and the towns of Maple Grove Beauharnois;
   (b) that part of the County of Châteauguay included in the Municipality of St. Joachim-de-Châteauguay and the Towns of Châteauguay and De Léry;
   (c) that part of the County of Huntingdon included in the Municipalities of St. Anicet and Ste. Barbe.

4. BELLECHASSE consisting of:
   (a) the County of Bellechasse;
   (b) that part of the County of Lévis included in the Municipalities of Rivière-Boyer, St. Henri-de-Lauzon and the Village of St. Henri;
   (c) that part of the County of Dorchester included in the Municipality of St-Luc-de-Dijon;
   (d) that part of the County of Montmagny included in the Municipalities of Berthier and St. François-de-la-Rivière-du-Sud.

5. BERTHIER-MASKINONGÉ consisting of:
   (a) the County of Berthier and the Town of Berthierville;
   (b) the County of Maskinongé and the Town of Louiseville;
   (c) that part of the County of Joliette included in Gouin Township.

6. BONAVENTURE consisting of the County of Bonaventure.

7. BROME-MISSISQUIOI consisting of:
   (a) the County of Brome;
   (b) the County of Missisquoi and the Towns of Bedford, Farnham and Cowansville.

8. CHAMBLY-ROUVILLE consisting of:
   (a) the County of Chambly (except the Municipality of Ste. Famille-de-Boucherville and the Village of Boucherville), the Cities of Longueuil and St. Lambert and the Towns of Greenfield Park and Montreal South;
   (b) the County of Rouville (except that part of the County included in the Municipalities of St. Paul-d'Abbotsford, St. Ange-Gardien, St. Césaire and the Villages of Canrobert and St. Césaire), and the Town of Marieville;
   (c) R.S., 1952.
(c) the Town of Belœil and that part of the County of Verchères included in the Village of McMasterville and the Municipalities of Ste. Julie and St. Mathieu.

9. CHAMPLAIN consisting of the City of Cape-de-la-Madeleine, the Town of St. Tite and that part of the County of Champlain included in the Municipalities of La Visitation-de-Champlain, Notre-Dame-du-Mont-Carmel, St. Adelphe, Ste. Anne-de-la-Pérade, St. François-Xavier-de-Batiscan, Ste. Geneviève-de-Batiscan, St. Jacques-des-Piles, St. Louis-de-France, St. Luc, Ste. Marthe-du-Cap-de-la-Madeleine, St. Maurice, St. Narcisse, St. Prosper, St. Séverin, St. Stanislas, Ste. Thècle, St. Théophile, St. Timothée, St. Tite and the Villages of Champlain, Deux-Rivières, La-Pérade, St. Georges and Ste. Thècle.

10. CHAPLEAU consisting of:
   (a) the County of Abitibi (except that part situated west of Bell River and south of the Townships of Roquemaure, Palmarolle, Poulariès, Privat, Launay, Trécesson, Figuery, Landrienne, Fiedmont, Courville and Senneterre) and the Town of Amos;
   (b) that part of the counties of Champlain and St. Maurice; included in the Townships of Potherie, Picard, Bisaillon, Olscamp, Payment and Adams and all the townships situated to the northwest of the townships previously enumerated;
   (c) the territories included in the districts of Abitibi and Mistassini.

11. CHARLEVOIX consisting of:
   (a) the County of Charlevoix-East;
   (b) the County of Charlevoix-West and the Municipality of l'Ile-aux-Coudres;
   (c) that part of the County of Saguenay included in the Municipalities of St. Firmin and the Township of Sagard;
   (d) the County of Montmorency No. 1, except the Municipalities of St. Jean-de-Boischatel and Ange-Gardien.

12. CHATEAUGUAY-HUNTINGDON-LAPRAIRIE consisting of:
   (a) the County of Châteauguay, except the Municipality of St. Joachim-de-Châteauguay;
   (b) the County of Huntingdon (except the Municipalities of St. Anicet and Ste. Barbe), and the Town of Huntingdon;
   (c) the County of Laprairie (except the Municipality of St-Jacques-le-Mineur), and the Town of Laprairie;
   (d) that part of the County of St. Jean included in the Municipalities of Notre-Dame-du-Mont-Carmel, St.-Bernard-de-Lacolle and the Village of Lacolle.

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13. CHICOUTIMI consisting of:
   (a) the City of Chicoutimi and the Towns of Bagotville, Port Alfred and Saguenay;
   (b) that part of the County of Chicoutimi situated to the east of the western limit of the Townships of Gagné, Tremblay, Chicoutimi, Laterrière, the eastern part of the Townships of Lartigue and Lapointe situated east of Boisvert River (Cyriac), together with the whole territory situated to the north of the Townships of Gagné, Chardon, Silvy, Couture, Couillard and Coquart and to the east of a meridian line passing through the north-east angle of the Township of Falardeau.

14. COMPTON-FRONTENAC consisting of:
   (a) the County of Compton and the Towns of Cookshire, East Angus and Scotstown;
   (b) that part of the County of Sherbrooke included in the Municipalities of Compton and the Villages of Compton and Waterville;
   (c) that part of the County of Frontenac included in the Municipalities of Chesham, Ditchfield and Spaulding, Gayhurst, Gayhurst South-East, Marston South, St-Augustin-de-Woburn, Ste. Cécile-de-Whitton, St-Hubert-de-Spaulding, St. Léon-de-Marston, St. Sébastien, Winslow North, Winslow South, the Village of St. Sébastien and the Town of Mégantic;
   (d) that part of the County of Stanstead included in the Municipality and the Village of St. Hermenégilde.

15. DORCHESTER consisting of:
   (a) the County of Dorchester, except the Municipality of St. Luc-de-Dijon;
   (b) that part of the County of Beauce included in the Municipality of Saints-Anges and the Township of Metgermette South.

16. DRUMMOND-ARTHABASKA consisting of:
   (a) that part of the County of Drummond included in the Municipalities of Grantham, Grantham West, L’Avenir, Notre-Dame-du-Bon-Conseil, St. Lucien, St. Simon-de-Drummond, Wendover and Simpson, St-Nicéphore and Wickham West, the City of Drummondville, the Town of St. Joseph-de-Grantham and the Villages of Drummondville West, L’Avenir, St. Cyrille, St. Felix and Wickham West;
   (b) R.S., 1952.
(b) the County of Arthabaska (except the Municipalities of Chénier, Maddington, Ste. Anne-du-Sault, St. Louis de Blandford, St. Rémi-de-Tingwick, Tingwick and the Village of Daveluyville), and the Towns of Arthabaska and Victoriaville.

17. GASPÉ consisting of:
   (a) the Counties of Gaspé East and of Gaspé West;
   (b) that part of the County of Matane included in the Townships of Dalibaire and Romieu West.

18. GATINEAU consisting of:
   (a) the County of Gatineau and the Town of Aylmer;
   (b) that part of the County of Labelle included in the Townships of Wabassee and Dudley and the Municipality of Notre-Dame-du-Laus;
   (c) that part of the County of Papineau included in the Municipalities of Portland West, Bowman and Villeneuve.

19. HULL consisting of:
   (a) the County of Hull and the City of Hull;
   (b) that part of the County of Papineau included in the Municipalities of l'Ange-Gardien, Buckingham, Buckingham South-East, Buckingham West, Derry-Mulgrave (but not Mulgrave), Portland East, the Town of Buckingham and the Villages of Angers and Masson.

20. ÎLES-DE-LA-MADELEINE consisting of the County of the Îles-de-la-Madeleine.

21. JOLIETTE-L'ASSOMPTION-MONTCALM consisting of:
   (a) the County of Joliette (except the part included in the Township of Gouin), and the City of Joliette;
   (b) the County of L'Assomption and the Towns of L'Assomption and Laurentides;
   (c) the County of Montcalm, except the Townships of Brunet, Nantel and Péroleau and that part of the Township of Archambault situated in such County.

22. KAMOURASKA consisting of:
   (a) the County of Kamouraska;
   (b) that part of the County of Rivière-du-Loup included in the Municipality of Notre-Dame-du-Portage;
   (c) that part of the County of L'Islet included in the Municipalities of Ashford, Ste. Louise, Ste. Perpétue, St. Roch-des-Aulnaies, Tourville and the territory included in the Parish of Ste. Félicité.

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23. LABELLE consisting of:
   (a) the County of Labelle, except that part included in the Townships of Wabassee and Dudley and the Municipality of Notre-Dame-du-Laus;
   (b) the County of Papineau, except the Municipalities or Townships of l’Ange-Gardien, Buckingham, Buckingham South-East, Buckingham West, Derry-Mulgrave (but not Mulgrave), Portland East, Portland West, Bowman, Villeneuve and the Villages of Angers and Masson;
   (c) that part of the County of Montcalm included in the Townships of Brunet, Nantel and Pérodeau.

24. LAC-SAINT-JEAN consisting of:
   (a) the County of Lake St. John East and the Towns of Riverbend, Ile Maligne and St. Joseph-d’Alma;
   (b) that part of the County of Lake St. John West included in the Municipalities of Ste. Jeanne-d’Arc, St. Edouard-de-Péribonca, St. Augustin and the Townships of Proulx, Milot, Jogues, Maltais, together with all the townships and the territories situated north of such townships and bounded to the east by the Péribonca River and to the west by the Mistassibi River.

25. LAPOINTE consisting of the City of Arvida and the Towns of Kénogami and Jonquières, together with that part of the County of Chicoutimi situated west of the western limit of the Townships of Gagné, Tremblay, Chicoutimi, Laterrière, the western part of the Townships of Lartigue and Lapointe situated west of the Boisvert River (Cyriac) together with the whole territory situated north of the Townships of Falardeau, Bégin and Labrecque and west of a meridian line passing through the north-east angle of the Township of Falardeau.

26. LÉVIS consisting of the County of Lévis (except the Municipalities of Rivière-Boyer, St. Henri-de-Lauzon and the Village of St. Henri), and the City of Lévis and the Town of Lauzon.

27. LOTBINIÈRE consisting of:
   (a) the county of Lotbinière;
   (b) that part of the County of Nicolet included in the Municipalities of Lemieux, St. Pierre-les-Becquets, Ste. Cécile-de-Lévrard, Ste. Sophie-de-Lévrard, Ste. Marie-de-Blandford, St. Joseph-de-Blandford and the Villages of Manseau and Les Becquets;
   (c) that part of the County of Mégantic included in the Village of Lyster and the Municipalities of Nelson and Ste. Anastasie-de-Nelson;
   (d) that part of the County of Arthabaska included in the Municipality of St. Louis-de-Blandford.
28. MATAPÉDIA-MATANE consisting of:
   (a) the County of Matane (except the Townships of Dalibaire and Romieu West), and the Town of Matane;
   (b) the County of Matapédia.

29. MÉGANTIC consisting of:
   (a) the County of Mégantic (except the Municipalities of Nelson, Ste. Anastasie-de-Nelson and the Village of Lyster), the City of Thetford Mines and the Town of Black Lake;
   (b) that part of the County of Frontenac included in the Municipalities of Courcelles, St. Vital-de-Lambton, St. Evariste-de-Forsythe, St. Méthode-de-Frontenac and the Villages of Lambton and St. Evariste Station;
   (c) that part of the County of Wolfe included in the Municipalities of Garthby, Stratford, Wolfestown, Disraeli, Ste. Praxède and the Villages of Beaulac and Disraeli, together with that part of the Municipality of Saints-Martyrs Canadiens included in the Township of Garthby.

30. MONTMAGNY-L’ISLET consisting of:
   (a) the County of Montmagny (except the Municipalities of Berthier and St. François-de-la-Rivière-du-Sud), and the Town of Montmagny and the Municipality of Île-aux-Grues;
   (b) the County of L’Islet, except the Municipalities of Ashford, Ste. Louise, St. Roch-des-Aulnaies, Ste. Perpétue, Tourville and the territory included in the Parish of Ste. Félicité.

31. NICOLET-YAMASKA consisting of:
   (a) the County of Nicolet (except the Municipalities of Lemieux, Ste. Cécile-de-Lévrard, St. Joseph-de-Blandford, Ste. Marie-de-Blandford, St. Pierre-les-Becquets, Ste. Sophie-de-Lévrard and the Villages of Manseau and Les Becquets), and the Town of Nicolet;
   (b) the County of Yamaska;
   (c) that part of the County of Drummond included in the Municipalities of St. Edmond-de-Grantham and St. Majorique-de-Grantham;
   (d) that part of the County of Arthabaska included in the Municipalities of Ste. Anne-du-Sault and Maddington and the Village of Daveluyville;
   (e) that part of the County of Richelieu included in the Municipality of St. Marcel.

32. PONTIAC-TEMISCAMINGUE consisting of:
   (a) the County of Pontiac;
   (b) the Towns of Belleterre and Témiscamingue and the County of Témiscamingue, except the Townships of Montreuil, Rémigny, Beaumesnil, Cléricon, Chabert, Landanet, Mazériac, Jourdan, Pélissier and Granet and all the townships situated North of the latter.

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33. PORTNEUF consisting of:
   
   (a) the County of Portneuf (except the camp of Valcartier), and the Towns of Donnacona, Lake St. Joseph and Lake Sergent;
   
   (b) that part of the County of Quebec situated North of the Municipalities of St. Gabriel West and Stoneham;
   
   (c) in the County of Champlain, that part of the Township of Lejeune included in Ranges I North-East to V North-East inclusively.

   QUEBEC (City of)

   Any reference to street, boulevard, road or river of the City of Quebec means the centre line of the said street, boulevard, road or river unless otherwise described.

34. QUEBEC EAST consisting of:
   
   (a) all that portion of the City of Quebec lying north of St. Charles River, together with that part of the City lying south of St. Charles River and bounded by a line commencing at the River and following southerly St. Roch Street and its prolongation to its intersection with the north side of des Glacis Street; thence following easterly the edge of the hill to the fortifications; and thence following southerly the fortifications to St. John Street; thence following St. John Street to its intersection with de Salaberry Avenue; thence following de Salaberry Avenue to Boulevard Langelier; thence following Boulevard Langelier to Commissioners Street; thence easterly following Commissioners Street to St. Anselme Street; thence, following St. Anselme Street to St. Charles River;
   
   (b) that part of the County of Quebec included in the Parish of St. Michel-Archange.

35. QUEBEC WEST consisting of:
   
   (a) that part of the City of Quebec included in the following boundaries: from a point commencing at St. Charles River to the intersection of the west limit of the said City; thence following the said limit to Ste. Foye Road; thence following Ste. Foye Road to de Salaberry Avenue; thence following de Salaberry Avenue to Boulevard Langelier; thence following Boulevard Langelier to Commissioners Street; thence following Commissioners Street to St. Anselme Street; thence following St. Anselme Street to St. Charles River; thence following St. Charles River to the point of commencement;
   
   (b) that part of the County of Quebec included in the Municipality of La-Petite-Rivière and the Town of Quebec West.

36. QUEBEC SOUTH consisting of:
   
   (a) that part of the City of Quebec bounded by a line commencing at the northwest angle of the said City at its intersection with Ste. Foye Road; thence following Ste. Foye Road, then
St. John Street to the fortifications; thence following said fortifications northerly then the edge of the hill westerly to the north side of des Glacis Street; thence following the north side of des Glacis Street to St. Roch Street; thence following St. Roch Street to St. Charles River; thence following St. Charles River to the St. Lawrence River; thence following the bank of the St. Lawrence River to its intersection with the south limit of the City of Quebec; thence following the said south limit to the point of commencement;

(b) that part of the County of Quebec included in the Municipality of St. Colomb-de-Sillery.

37. QUÉBEC-MONTMORENCY consisting of:

(a) the Towns of Beauport, Chateau d'Eau, Courville, Val St. Michel and Montmorency and the County of Quebec, except the Municipalities of La Petite-Rivièreme, St. Colomb-de-Sillery, the Parish of St. Michel-Archange and that part situated north of the Municipalities of St. Gabriel West and Stoneham;

(b) the County of Montmorency No. 2;

(c) that part of the County of Montmorency No. 1 included in the Municipalities of St. Jean-Boischatel and Ange-Gardien;

(d) that part of the County of Portneuf included in the camp of Valcartier.

38. RICHELIEU-VERCHÈRES consisting of:

(a) the County of Richelieu (except the Municipality of St. Marcel), the City of Sorel and the Towns of St. Ours and St. Joseph-de-Sorel;

(b) the County of Verchères, except the Municipalities of Ste. Julie and St. Mathieu and the Village of McMasterville;

(c) that part of the County of Chambly included in the Municipalities of Ste. Famille-de-Boucherville and the Village of Boucherville.

39. RICHMOND-WOLFE consisting of:

(a) the County of Richmond and the Towns of Asbestos, Bromontville, Richmond and Windsor;

(b) the County of Wolfe, except that part of such County included in the Municipalities of Stratford, Garthby, Wolfestown, Disraeli St. Praxède and the Villages of Beaulac and Disraeli and that part of the municipality of the Saints-Martyrs Canadiens included in the Township of Garthby;

(c) that part of the County of Drummond included in the Municipalities of Durham, Durham South, Kingsey, Kingsey Falls and Lefebvre, and the Villages of Durham South and Kingsey Falls;

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(d) that part of the County of Arthabaska included in the Municipalities of Chénier, St. Rémi-de-Tingwick and Tingwick.

40. RIMOUSKI consisting of:
   (a) the County of Rimouski and the Towns of Mont-Joli and Rimouski;
   (b) that part of the County of Rivière-du-Loup included in the Municipalities of Bégon, Ste. Françoise and Trois Pistoles and the Town of Trois Pistoles.

41. ROBERVAL consisting of:
   (a) the Towns of Dolbeau, St. Félicien and Roberval;
   (b) the County of Lake St. John West, except the Municipalities of Ste. Jeanne-d'Arc, St. Edouard-de-Péribonca and St. Augustin, the Townships of Proulx, Milot, Jogues, Maltais, together with all the townships and territories situated to the north of the said Townships and bounded on the east by the Peribonca River and on the west by the Mistassibi River.

42. SAINT-HYACINTHE-BAGOT consisting of:
   (a) the County of Saint-Hyacinthe and the City of Saint-Hyacinthe;
   (b) the County of Bagot, except the Municipalities of St. André-d'Acton and Ste. Christine;
   (c) that part of the County of Drummond included in the Municipalities of St. Eugène-de-Grantham and St. Germain-de-Grantham and the Village of St. Germain-de-Grantham.

43. SAINT-JEAN-IBERVILLE-NAPIERVILLE consisting of:
   (a) the City of St. Jean and the County of St. John (except the Municipalities of Notre-Dame-du-Mont-Carmel, St. Bernard-de-Lacolle and the Village of Lacolle);
   (b) the County of Iberville and the Town of Iberville;
   (c) the County of Napierville;
   (d) that part of the County of Laprairie included in the Municipality of St. Jacques-le-Mineur.

44. SAINT-MAURICE-LAFLÈCHE consisting of:
   (a) the City of Shawinigan Falls and the County of St. Maurice, except the Municipalities of Pointe-du-Lac, La Pointe-du-Lac (Visitation), St. Anne-de-Yamachiche, St. Barnabé-de-Gatineau, St. Etienne-des-Grès, St. Sévère, Notre-Dame-des-Trois-Rivières, the Village of Yamachiche, Potherie Island, the Township of Potherie and all townships and territories situated at the northwest of the said Township.
   (b) The Town of LaTuque and that part of the County of Champlain included in the Municipalities of St. Jean-des-Piles, St. Roch-de-Mékinac and of all the municipalities or townships situated to the northwest of the said Municipalities.

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palities and of the Township of Lejeune and to the southeast of the Townships of Picard, Bisaillon, Olscamp, Payment and Adams;
(c) the City of Grand'Mère and that other part of the County of Champlain included in the Municipality of Almaville and the Village of Almaville.

45. SAGUENAY consisting of:
(a) the County of Saguenay (except the Municipality of St. Firmin and the Township of Sagard), and the Towns of Baie Comeau and Forestville;
(b) Anticosti Island;
(c) the Territory of New-Quebec.

46. SHEFFORD consisting of:
(a) the County of Shefford, the City of Granby and the Town of Waterloo;
(b) that part of the County of Bagot included in the Municipalities of St. André-d'Acton and Ste. Christine and the Town of Actonvale;
(c) that part of the County of Rouville included in the Municipalities of St. Ange-Gardien, St. Césaire and St. Paul-d'Abbotsford and the Villages of Canrobert and St. Césaire.

47. SHERBROOKE consisting of:
(a) the City of Sherbrooke;
(b) that part of the County of Sherbrooke situated north of the southern limit of Lot 23 of the Township of Orford and of the Municipality of Rock Forest, west of Little Lake Magog and northwest of Magog River and north of the southern limit of Lot 16 of the Township of Ascot.

48. STANSTEAD consisting of:
(a) the County of Stanstead (except the Municipality and the Village of St. Herménégilde), and the Towns of Coaticook and Magog;
(b) the Town of Lennoxville and those parts of the County of Sherbrooke situated south of the southern limit of Lot 23 of the Township of Orford and of the Municipality of Rock Forest, east of Little Lake Magog, southeast of Magog River and south of the southern limit of Lot 16 of the Township of Ascot, except however, the Municipality of Compton and the Villages of Compton and Waterville.

49. TÉMISCOUATA consisting of:
(a) the County of Témiscouata;
(b) the County of Rivière-du-Loup, (except the Municipalities of Notre-Dame-du-Portage, Bégon, Ste. Françoise and Trois Pistoles) and the City of Rivière-du-Loup.

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50. TERREBONNE consisting of:
   (a) the County of Terrebonne and the Towns of Ste. Agathe-des-Monts, St. Jérome, Ste. Thérèse and Terrebonne;
   (b) that part of the Township of Archambault situated in the County of Montcalm.

51. TROIS-RIVIÈRES consisting of:
   (a) the City of Trois-Rivières;
   (b) that part of the County of St. Maurice included in the Municipalities of Pointe-du-Lac, La Pointe-du-Lac (Visitation), Ste. Anne-de-Yamachiche, St. Barnabé-de-Gatineau, St. Etienne-des-Grès, St. Sévère, Notre-Dames-des-Trois-Rivières the Village of Yamachiche and Potherie Island.

52. VAUDREUIL-SOULANGES consisting of:
   (a) the County of Vaudreuil and the Towns of Rigaud, Dorion and Ile Cadieux;
   (b) the County of Soulanges.

53. VILLENEUVE consisting of:
   (a) that part of the County of Abitibi situated west of the Bell River and south of the Townships of Roquemaure, Palmarol, Poulariès, Privat, Launay, Trécesson, Figuery, Landrienne, Fiedmont, Courville and Senneterre and of the Towns of Burlamarque, Duparquet, Malartic and Val-d'Or;
   (b) that part of the County of Témiscamingue included in the Townships of Montreuil, Rémigny, Beaumesnil, Cléron, Chabert, Landranet, Mazérac, Jourdan, Pélissier and Granet and all the townships situated north of the latter together with the Towns of Mercier, Noranda and Rouyn.

ISLAND OF MONTREAL AND ILE JÉSUS.

There shall be in that part of the Province of Quebec, included in the Island of Montreal and Ile Jésus, 20 electoral districts named and described as follows, each of which shall return one member.

In the following descriptions reference to “street”, “avenue”, “road”, “montée”, “boulevard”, “railway tracks”, or “canal”, signifies the centre line of said street, avenue, road, montée, boulevard, railway tracks and canal unless otherwise described.

54. CARTIER consisting of those parts of the City of Montreal and of the City of Outremont bounded by a line commencing at a point situated at the intersection of Mount Royal Avenue with Park Avenue; thence southerly following Mount Royal Avenue to Côte-Ste-Catherine Road; thence following Côte-Ste-Catherine Road to St. Joseph Boulevard; thence following St. Joseph Boulevard to Querbes Avenue; thence following Querbes Avenue to St. Viateur Street; thence following St. Viateur Street to St. Lawrence Boulevard;

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55. HOCHELAGA consisting of that part of the City of Montreal bounded by a line commencing at a point situated at the intersection of Rachel Street with Boulevard Pie IX; thence following Boulevard Pie IX and its prolongation to the bank of the St. Lawrence River; thence following the bank of the St. Lawrence River to the prolongation of Iberville Street; thence following said prolongation and Iberville Street to the Canadian Pacific Railway tracks; thence following the said tracks to Nolan Street; thence following Nolan and Rachel Streets to the point of commencement.

56. JACQUES CARTIER consisting of that part of the Island of Montreal, lying south of the following line: commencing at a point situated at the intersection of the Montreal Aqueduct with the left bank of the St. Lawrence River; thence following the said Montreal Aqueduct to its intersection with the northern limit of Ville La Salle; thence skirting the said limit to the Lachine Canal; thence southwestward along said Lachine Canal to the southern limit of the Town of Montreal West; thence along said limit of the Town of Montreal West to the southern limit of the Village of Côte-St-Luc; thence skirting around the southern limit of the Village of Côte-St-Luc to the eastern limit of Lot 566; thence along the said limit of Lot 566 to Côte-de-Liesse Road; thence along Côte-de-Liesse Road to a public road known as Montée Vertu; thence along said Montée Vertu to Côte-de-la-Vertu Road to a public road known as Montée Bois Franc; thence along said Montée Bois Franc to Côte-St-Louis or Bois Franc Road; thence northeastward following Côte-St-Louis or Bois Franc Road to the southern limit of the Village of Saraguay; thence northward along said limit of the Village of Saraguay to the eastern limit of Laval County; together with Ile Bizard, Ile Dorval and all other islands in Rivière-des-Prairies and the St. Lawrence River not included in the adjacent counties.

57. LAFONTAINE consisting of that part of the City of Montreal bounded by a line commencing at the intersection of Sherbrooke Street with Iberville Street; thence southerly following Sherbrooke Street to Park Lafontaine Street; thence following Park Lafontaine Street to Rachel Street; thence following Rachel Street to

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to Brébeuf Street; thence following Brébeuf Street to Mount Royal Avenue; thence following Mount Royal Avenue to de Lanaudière Street; thence following de Lanaudière Street and its prolongation to the Canadian Pacific Railway tracks; thence following said tracks to Iberville Street; thence following Iberville Street to the point of commencement.

58. LAURIER consisting of that part of the City of Montreal bounded by a line commencing at a point situated at the intersection of St. Dominique Street with Mount Royal Avenue; thence westerly following St. Dominique Street to Fairmount Avenue; thence following Fairmount Avenue to St. Lawrence Boulevard; thence following St. Lawrence Boulevard to St. Viateur Street; thence following St. Viateur Street to Hutchison Street; thence following Hutchison Street to the Canadian Pacific Railway tracks; thence following said tracks to its intersection with the prolongation of de Lanaudière Street; thence following said prolongation and de Lanaudière Street to Mount Royal Avenue; thence following Mount Royal Avenue to St. André Street; thence following St. André Street to Marie-Anne Street; thence following Marie-Anne Street to City Hall Street; thence following City Hall Street to Mount Royal Avenue; thence following Mount Royal Avenue to the point of commencement.

59. LAVAL consisting of:

(a) that part of the City of Montreal bounded by a line commencing at a point situated at the intersection of the easterly limit of Laval county with the westerly prolongation of the southerly limit of Montreal North; thence easterly following said prolongation and the southern limit of the Town of Montreal North, and skirting the western and southern limits of the Town of St. Michel-de-Laval to Côte-St-Michel Road; thence following Côte-St-Michel road to St. Hubert Street; thence following St. Hubert Street to Leman Street; thence following Leman Street to Foucher Street; thence following Foucher Street to Guizot Street; thence following Guizot Street and its prolongation to the Canadian Pacific Railway tracks; thence westerly following said tracks to the southerly limit of Laval County; thence following in a north-easterly direction said southerly limit of Laval County to the point of commencement;

(b) The County of Laval and the Towns of Ile Laval, Laval-des-Rapides, Laval-sur-le-Lac, Plage-Laval and Ste. Rose.

60. MAISONNEUVE-ROSEMONT consisting of that part of the City of Montreal bounded by a line commencing at a point situated at the intersection of Rachel Street with Boulevard Pie IX; thence easterly following Boulevard Pie IX and its prolongation to the St. Lawrence River; thence following the left bank of the St. Lawrence R.S., 1952.
Lawrence River to the prolongation of Viau Street; thence following said prolongation and Viau Street to Rosemont Boulevard; thence following Rosemont Boulevard to Boulevard Pie IX; thence following Boulevard Pie IX to Bélanger Street; thence following Bélanger Street to Iberville Street; thence following Iberville Street to the Canadian Pacific Railway tracks; thence following said tracks to Nolan Street; thence following Nolan and Rachel Streets to the point of commencement.

61. MERCIER consisting of that part of the Island of Montreal, lying north of a line commencing at a point situated at the intersection of the easterly limit of Laval County with the westerly prolongation of the southerly limit of the Town of Montreal North; thence easterly following said prolongation and the southern limit of the Town of Montreal North and the western and southern limits of the Town of St-Michel-de-Laval and its prolongation to Bélanger Street; thence following Bélanger Street to Boulevard Pie IX; thence following Boulevard Pie IX to Rosemont Boulevard; thence following Rosemont Boulevard to the westerly prolongation of Viau Street; thence following said prolongation and Viau Street and its prolongation easterly to the bank of the St. Lawrence River; together with all the islands in Rivière-des-Prairies and the St. Lawrence River not included in the adjacent counties.

62. MOUNT ROYAL consisting of that part of the Island of Montreal bounded by a line commencing at a point situated at the intersection of the eastern limit of Laval County with the Canadian Pacific Railway tracks; thence following said tracks to Jean-Talon Street; thence following Jean-Talon Street to the northern limit of the Town of Mount Royal; thence following said limit eastward then southward to its intersection with the Canadian Pacific Railway tracks; thence following said tracks to the prolongation of Darlington Avenue; thence following said prolongation and Darlington Avenue to Côte-Ste-Catherine Road; thence following Côte-Ste-Catherine Road to its intersection with the prolongation of McKenna Street; thence along said prolongation, then McKenna Street and its prolongation to Côte-des-Neiges Road; thence following Côte-des-Neiges Road to Coronet Road; thence following Coronet Road to its intersection with the dividing line between Cadastral Lots 159 and 160; thence eastward following said dividing line to the western limit of the City of Westmount; thence following said limit to Kingston Road; thence following Kingston Road to Cedar Crescent; thence following Cedar Crescent and Miller Avenue to Queen Mary Road; thence following Queen Mary Road to Macdonald Avenue; thence following Macdonald Avenue to Aumont Street; thence following Aumont Street to Dufferin Road; thence following Dufferin Road to Côte-St-Luc Road; thence following Côte-St-Luc Road and the southern limit of Notre Dame de Grace Ward of the City of Montreal to its intersection.

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section with Lachine Canal; thence southwestward along said Canal to its intersection with the southern limit of the Town of Montreal West; thence along said limit of the Town of Montreal West to the southern limit of the Village of Côte-St-Luc; thence skirting around the southern limit of the Village of Côte-St-Luc to the eastern limit of Lot 566; thence along the said limit of Lot 566 to Côte-de-Liesse Road; thence along Côte-de-Liesse Road to a public road known as Montée Vertu; thence along said Montée Vertu to Côte-de-la-Vertu Road; thence along said Côte-de-la-Vertu Road to a public road known as Montée Bois Franc; thence along said Montée Bois Franc to Côte-St-Louis or Bois Franc Road; thence northwestward following Côte-St-Louis or Bois Franc Road to the southern limit of the Village of Saraguay; thence northwestward along said limit of the Village of Saraguay to the easterly limit of Laval County; thence northeastward following the said easterly limit of Laval County to the point of commencement.

63. NOTRE-DAME-DE-GRACE consisting of that part of the City of Montreal bounded by a line commencing at the intersection of Upper Lachine Road with Girouard Avenue; thence northerly following Upper Lachine Road to its intersection with St. Rémi Street; thence following St. Rémi Street to its intersection with the southern limit of the City of Westmount; thence following the southern limit of the City of Westmount to its intersection with Kingston Road; thence following Kingston Road to Cedar Crescent; thence following Cedar Crescent and Miller Avenue to Queen Mary Road; thence following Queen Mary Road to Macdonald Avenue; thence following Macdonald Avenue to Aumont Street; thence following Aumont Street to Dufferin Road; thence following Dufferin Road to the northern limit of Notre-Dame-de-Grâce Ward of the City of Montreal; thence following the said limit in a southerly then easterly direction to its intersection with Lachine Canal; thence following Lachine Canal to the easterly prolongation of Girouard Avenue across the Canadian National Railway Yard (Turcot); thence following said prolongation of Girouard Avenue to the point of commencement.

64. OUTREMONT-ST-JEAN consisting of those parts of the City of Outremont and of the City of Montreal bounded by a line commencing at a point situated at the intersection of the prolongation of Henri-Julien Avenue with the Canadian Pacific Railway tracks; thence westerly following Henri-Julien Avenue and its prolongation to Jean Talon Street; thence following Jean Talon Street to the northern limit of the Town of Mont-Royal; thence following said limit in an easterly then southerly direction to its intersection with the Canadian Pacific Railway tracks; thence following said tracks to the westerly prolongation of Darlington Avenue; thence following said prolongation and Darlington avenue to Côte-Ste-Catherine Road; thence following Côte-Ste-Catherine Road to its intersection with the westerly prolongation of McKenna Street; thence following said

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said prolongation and McKenna Street then its prolongation to Côte-des-Neiges Road; thence following Côte-des-Neiges Road to Shakespeare Road (Remembrance Road); thence following Shakespeare Road then the Southeastern limit of the City of Outremont to Côte-Ste-Catherine Road; thence following Côte-Ste-Catherine Road to St. Joseph Boulevard; thence following St. Joseph Boulevard to Querbes Avenue; thence following Querbes Avenue to St. Viateur Avenue; thence following St. Viateur Avenue to Hutchison Street; thence following Hutchison Street to the Canadian Pacific Railway tracks; thence following said tracks to the point of commencement.

65. PAPINEAU consisting of that part of the City of Montreal bounded by a line commencing at a point situated at the intersection of Bellechasse Street with de Lanaudière Street; thence southerly following Bellechasse Street to Christophe-Colomb Avenue; thence following Christophe-Colomb Avenue to Côte St-Michel Road; thence, following Côte St-Michel Road to the southern limit of the Town of St-Michel-de-Laval; thence following the said limit and its prolongation to Bélanger Street; thence, following Bélanger Street to Iberville Street; thence, following Iberville Street to the tracks of the Canadian Pacific Railway; thence, following said tracks to its intersection with the prolongation of de Lanaudière Street; thence following said prolongation and de Lanaudière Street to the point of commencement.

66. ST. ANN consisting of that part of the City of Montreal bounded by a line commencing at a point situated at the intersection of Craig Street and St. Lawrence Boulevard; thence southerly following Craig street and St. Antoine Street to Guy Street; thence following Guy Street to St. James Street; thence following St. James Street to Dominion Street; thence following Dominion Street and its prolongation to the Lachine Canal; thence following Lachine Canal to its intersection with Church Avenue; thence following Church Avenue to the east limit of the City of Montreal; thence northerly and easterly along said limit to the St. Lawrence River; thence following the bank of the St. Lawrence River to the prolongation of St. Lawrence Boulevard; thence following the prolongation of St. Lawrence Boulevard and St. Lawrence Boulevard to the point of commencement.

67. ST. ANTOINE-WESTMOUNT consisting of:
(a) the City of Westmount;
(b) that part of the City of Montreal commencing at a point situated at the intersection of Côte-des-Neiges Road and the western limit of the City of Westmount; thence following the said limit to its intersection with the dividing line between Cadastral Lots 159 and 160; thence following the said dividing line to Coronet Road; thence following Coronet Road to Côte-des-Neiges Road; thence following Côte-des-Neiges Road.

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Road to McGregor Street; thence following McGregor Street to Côte-des-Neiges Road; thence following Côte-des-Neiges Road and Guy Street to St. James Street; thence following St. James Street and Upper Lachine Road to St. Rémi Street; thence following St. Rémi Street to the eastern limit of the City of Westmount; thence following the eastern and northern limit of the City of Westmount to the point of commencement.

68. ST-DENIS, consisting of that part of the City of Montreal bounded by a line commencing at a point situated at the intersection of Côte-St-Michel Road with the prolongation of Christophe-Colomb Avenue; thence easterly following the prolongation of Christophe-Colomb Avenue and the said Christophe-Colomb Avenue to Bellechasse Avenue; thence following Bellechasse Avenue to de Lanaudière Street; thence following de Lanaudière Street and its prolongation to the tracks of the Canadian Pacific Railway; thence following the said tracks to Henri-Julien Avenue; thence following Henri-Julien Avenue and its prolongation to Jean-Talon Street; thence following Jean-Talon Street to the tracks of the Canadian Pacific Railway; thence following the said tracks to the Southerly prolongation of Guizot Street; thence following the said prolongation and the said Guizot Street to Foucher Street; thence following Foucher Street to Leman Street; thence following Leman Street to St. Hubert Street; thence following St. Hubert Street to Côte-St-Michel Road; thence following Côte-St-Michel Road to the point of commencement.

69. ST. HENRY consisting of that part of the City of Montreal, commencing at a point situated at the intersection of Upper Lachine Road and St. Rémi Street; thence southerly following Upper Lachine Road to its intersection with Girouard Avenue; thence following the easterly prolongation of Girouard Avenue across the Turcot Yards of the Canadian National Railways to the Lachine Canal; thence following the Lachine Canal to its intersection with the northeastern limit of the Town of Lasalle; thence southerly and easterly following the said limit of the town of Lasalle to its intersection with the eastern boundary of the City of Montreal; thence following said boundary to its intersection with Church Avenue; thence following Church Avenue to the Lachine Canal; thence following said Lachine Canal to the prolongation of Dominion Street; thence following said prolongation and Dominion Street to St. James Street; thence following St. James Street and Upper Lachine Road to the point of commencement.

70. ST. JAMES consisting of that part of the City of Montreal, bounded by a line commencing at a point situated at the intersection of St. Catherine Street with St. Denis Street; thence southerly following St. Catherine Street to St. Lawrence Boulevard; thence following St. Lawrence Boulevard and its prolongation to the bank of the St. Lawrence River; thence following the bank of the St. Lawrence River to the prolongation of Visitation Street; thence following the prolongation of Visitation Street; thence following the
prolongation of Visitation Street and the said Street to Sherbrooke Street; thence following Sherbrooke Street to Park Lafontaine Street; thence following Park Lafontaine Street to Rachel Street; thence following Rachel Street to Brébeuf Street; thence following Brébeuf Street to Mount Royal Avenue; thence following Mount Royal Avenue to St. André Street; thence following St. André Street to Marie-Anne Street; thence following Marie-Anne Street to City Hall Avenue; thence following City Hall Avenue to Rachel Street; thence following Rachel Street to St. Denis Street; thence following St. Denis Street to the point of commencement.

71. ST. LAWRENCE-ST. GEORGE consisting of that part of the City of Montreal bounded by a line commencing at a point situated at the intersection of Craig Street and St. Lawrence Boulevard; thence westerly following St. Lawrence Boulevard to Rachel Street; thence following Rachel Street to Esplanade Avenue; thence following Esplanade Avenue to Mount Royal Avenue; thence following Mount Royal Avenue to its intersection with the limit of the City of Outremont; thence following the said limit of the City of Outremont and Shakespeare (Remembrance) Road to Côte-des-Neiges Road; thence following Côte-des-Neiges Road, McGregor Street, Côte-des-Neiges Road and Guy Street to St. Antoine Street; thence following St. Antoine Street and Craig Street to the point of commencement.

72. ST. MARY consisting of:
(a) that part of the City of Montreal bounded by a line commencing at a point situated at the intersection of Sherbrooke Street and Iberville Street; thence easterly following Iberville Street and its prolongation to the bank of the St. Lawrence River; thence following the bank of the St. Lawrence River to the prolongation of Visitation Street; thence following the said prolongation and Visitation Street to Sherbrooke Street; thence following Sherbrooke Street to the point of commencement;
(b) Ste. Hélène Island, Verte Island and Ronde Island.

73. VERDUN-LA SALLE consisting of the City of Verdun and that part of the Town of La Salle lying east of the Montreal Aqueduct and south of the City of Verdun and including Nun’s Island and Héron Islands.

NOVA SCOTIA.

There shall be in the Province of Nova Scotia twelve electoral districts, named and described as follows, each of which, unless otherwise expressly stated, shall return one member:

1. ANnapolis-Kings consisting of the Counties of Annapolis and Kings.

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2. ANTIGONISH-GUYSBOROUGH consisting of the Counties of Antigonish and Guysborough.

3. CAPE BRETON NORTH AND VICTORIA consisting of the County of Victoria and that part of the County of Cape Breton contained in the Municipal Districts of Ball Creeks and Edwardsville (No. 2), Big Pond (No. 13), Boisdale (No. 9), Boularderie (No. 10), East Bay North (No. 19), East Bay South (No. 8), Enon (No. 21), Frenchvale (No. 22), George's River (No. 23), Grand Narrows (No. 14), Hillside (No. 3), Little Bras d'Or (No. 4) and South Forks (No. 18), and including the Towns of Sydney Mines and North Sydney.

4. CAPE BRETON SOUTH consisting of that part of the County of Cape Breton contained in the Municipal Districts of Dominion No. 6 (No. 11), Lingan (No. 20), Port Morien (No. 12) and Reserve Mines (No. 1), and including the City of Sydney and the Towns of Glace Bay, New Waterford and Dominion.

5. COLCHESTER-HANTS consisting of the Counties of Colchester and Hants.

6. CUMBERLAND consisting of the County of Cumberland.

7. DIGBY-YARMOUTH consisting of the Counties of Digby and Yarmouth.

8. HALIFAX consisting of the City of Halifax and the County of Halifax, which shall return two members.

9. INVERNESS-RICHMOND consisting of the Counties of Inverness and Richmond and that part of the County of Cape Breton contained in the Municipal Districts of Bateson (No. 24), Catalone (No. 15), Gabarus (No. 7), Grand Mira (No. 17), Louisburg Parish (No. 6), Main-a-Dieu (No. 5), and Trout Brook (No. 16), and including the Town of Louisburg.

10. LUNENBURG consisting of the County of Lunenburg.

11. PICTOU consisting of the County of Pictou.

12. QUEENS-SHELBURNE consisting of the Counties of Queens and Shelburne.

NEW BRUNSWICK.

There shall be in the Province of New Brunswick ten electoral districts, named and described as follows, each of which shall return one member:

1. CHARLOTTE consisting of the County of Charlotte.

2. GLOUCESTER consisting of the County of Gloucester.

3. KENT consisting of the County of Kent.
4. NORTHUMBERLAND consisting of the County of Northumberland.

5. RESTIGOUCHE-MADAWASKA consisting of the Counties of Restigouche and Madawaska.

6. ROYAL consisting of the Counties of Kings and Queens.

7. SAINT JOHN-ALBERT consisting of the City of Saint John and the Counties of St. John and Albert.

8. VICTORIA-CARLETON consisting of the Counties of Victoria and Carleton.

9. WESTMORLAND consisting of the County of Westmorland.

10. YORK-SUNBURY consisting of the Counties of York and Sunbury.

PRINCE EDWARD ISLAND.

There shall be in the Province of Prince Edward Island three electoral districts, named and described as follows, each of which, unless otherwise expressly stated, shall return one member:

1. KINGS consisting of the County of Kings.

2. PRINCE consisting of the County of Prince.

3. QUEENS consisting of the County of Queens, which shall return two members.

MANITOBA.

There shall be in the Province of Manitoba sixteen electoral districts, named and described as follows, each of which shall elect and return one member.

In the following descriptions, "range" and "township" refer to the ranges and townships in accordance with the Dominion lands system of surveys and include the extension thereof in accordance with the said system.

Reference to "street", "avenue", "road" or "railway" in the following descriptions signifies the centre line of the said street, avenue, road or railway unless otherwise described.

1. BRANDON consisting of Townships Seven (7) to Twelve (12) inclusive in Ranges Fifteen (15) to Twenty-nine (29) inclusive west of the First Principal Meridian, including the City of Brandon.

2. CHURCHILL consisting of Townships Thirty-two (32) to Forty-five (45) inclusive in Ranges Twelve (12) to Twenty-nine (29) inclusive west of the Principal Meridian; those parts of Township 4810 Forty-six
Forty-six (46) in Ranges Twelve (12) to Fourteen (14) inclusive west of the Principal Meridian lying south of the fifty-third parallel of north latitude (53° N.); Townships Forty-six (46) to Sixty (60) inclusive in Ranges Fifteen (15) to Twenty-nine (29) inclusive west of the Principal Meridian; Townships Forty-five (45) to Fifty-three (53) inclusive between Lake Winnipeg and the eastern boundary of the Province; Townships Fifty-four (54) to Sixty (60) inclusive between the Principal Meridian and the eastern boundary of the Province; together with all that part of the Province of Manitoba lying north of the north boundary of Township Sixty (60).

3. DAUPHIN consisting of Township Twenty-one (21) in Ranges Ten (10) to Sixteen (16) inclusive, and all the Settlement Lots in Township Twenty-one (21) in Range Ten (10); Township Twenty-two (22) in Ranges Eleven (11) to Sixteen (16) inclusive; Lots One (1) to Twenty-four (24) inclusive of the Manitoba House Settlement; and the north half of Township Twenty-two (22) in Range Seventeen (17); Townships Twenty-three (23) to Thirty-one (31) inclusive in Ranges Eleven (11) to Twenty-nine (29) inclusive; and those parts of townships Twenty-three (23) to twenty-six (26) inclusive in Range ten (10) lying west of the west shore of Lake Manitoba, together with the islands in Lake Manitoba west of Range Eleven (11); but excluding therefrom those parts of Townships Twenty-seven (27) to Thirty-one (31) inclusive in Ranges Eleven (11) and Twelve (12) which lie east of the west shore of Peonan Point; all west of the First Principal Meridian.

4. LISGAR consisting of Townships One (1) to Six (6) inclusive in Ranges One (1) to Twelve (12) inclusive; Township Seven (7) in Ranges One (1) to Nine (9) inclusive; together with Township Eight (8) in Ranges One (1) to Seven (7) inclusive all west of the First Principal Meridian.

5. MARQUETTE consisting of Townships Thirteen (13) to Nineteen (19) inclusive in Ranges Sixteen (16) to twenty-nine (29) inclusive; Townships Twenty (20) and Twenty-one (21) in Ranges Seventeen (17) to Twenty-nine (29) inclusive; the south half of Township Twenty-two (22) in Range Seventeen (17); together with Township Twenty-two (22) in Ranges Eighteen (18) to Twenty-nine (29) inclusive, all west of the First Principal Meridian.

6. NORQUAY consisting of those parts of Townships Fourteen (14) to Sixteen (16) inclusive between Range Five (5) east of the Principal Meridian and Range Four (4) west of the Principal Meridian, both inclusive, and that part of St. Peters Parish lying west of Red River; those parts of Township Seventeen (17) to Thirty-one (31) inclusive lying between the east shore of Lake Winnipeg and the west shore of Peonan Point and Lake Manitoba; Townships Thirty-two (32) to Forty-six (46) inclusive between the east
shore of Lake Winnipeg and the east boundary of Range Twelve (12) west of the Principal Meridian; those parts of Township Forty-six (46) in Ranges Twelve (12) to Fourteen (14) inclusive west of the Principal Meridian lying north of latitude 53° north; Townships Forty-seven (47) to Fifty-three (53) inclusive in Ranges Seven (7) to Fourteen (14) inclusive, west of the Principal Meridian; Townships Fifty-four (54) to Sixty (60) inclusive in Ranges One (1) to Fourteen (14) inclusive west of the Principal Meridian; together with all islands within the area so described.

7. PORTAGE-NEEPAWA consisting of Township Seven (7) in Ranges Ten (10) to Fourteen (14) inclusive; Township Eight (8) in Ranges Eight (8) to Fourteen (14) inclusive; Townships Nine (9) to Twelve (12) inclusive in Ranges Five (5) to Fourteen (14) inclusive; including the Parishes of High Bluff, Portage-la-Prairie, Poplar Point, Sections Eighteen (18) and Nineteen (19), in Township Eleven (11), Range Four (4) and the Village of Oakville; all those parts of Townships Thirteen (13) to Nineteen (19) inclusive in Ranges Five (5) to Fifteen (15) inclusive lying south or west of Lake Manitoba; together with Township Twenty (20) in Ranges Nine (9) to Sixteen (16) inclusive; all west of the First Principal Meridian.

8. PROVENCHER consisting of Townships One (1) to Seven (7) inclusive in Ranges One (1) to Seventeen (17) inclusive East of the First Principal Meridian, together with all the river lots on the Red River south of the north boundary of Township seven (7).

9. ST. BONIFACE consisting of the City of St. Boniface; such and so much of the river lots on both banks of the Red River as lie north of the north boundary of the seventh Township and south of the south boundary of Lots One hundred and twenty-three (123) and One hundred and twenty-five (125) in the Parish of St. Norbert; such and so much of the river lots on the east bank of the Red River as lie north of the City of St. Boniface and east and south of the Birds Hill Road (the two-mile road) and the Springfield Road; those portions of Township Eleven (11) in Range Four (4) east of the First Principal Meridian as lie south of the said roads, and such portions of Townships Eight (8) to Ten (10) inclusive in Ranges Three (3) to Eight (8) inclusive east of the said Meridian as lie east of the Red River; together with those parts of Townships Eight (8) and Nine (9) in Ranges One (1), Two (2) and Three (3) east of the First Principal Meridian lying west of the River Lots on the west bank of Red River.

10. SELKIRK consisting of Townships Nine (9) to Thirteen (13) inclusive in Ranges One (1) to Four (4) inclusive west of the First Principal Meridian including all lots on Assiniboine River lying east of the Parish of Poplar Point but excluding Sections Eighteen (18) and Nineteen (19) in Township Eleven (11) Range Four (4) and the Village of Oakville; such parts of Townships Ten (10) to

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Thirteen (13) inclusive in Ranges One (1) to Four (4) inclusive east of the First Principal Meridian, and of the settlements of St. Clements (including the Town of Selkirk), St. Andrews, St. Pauls, and Kildonan, as lie west of the Red River; excluding therefrom the area composed of the City of Winnipeg, the Village of Brooklands, that part of the Town of Tuxedo lying north of the Canadian National Railway, and that Part of the rural Municipality of Fort Garry lying north of the south boundary of Lot 123 in the Parish of St. Norbert.

11. SOURIS consisting of Townships One (1) to Six (6) inclusive in Ranges Thirteen (13) to Twenty-nine (29) inclusive, west of the First Principal Meridian.

12. SPRINGFIELD consisting of Townships Eight (8) to Ten (10) inclusive in Ranges Nine (9) to Seventeen (17) inclusive; Township eleven (11) in Ranges five (5) to seventeen (17) inclusive; the north half of Township Eleven (11) in Range Four (4); all those river lots lying east of Red River between the City of Winnipeg and Lake Winnipeg, excluding therefrom those lots lying east and south of the Birds Hill Road and the Springfield Road; together with those parts of Townships Twelve (12) to Forty-four (44) inclusive in Ranges One (1) to Seventeen (17) inclusive lying east of Lake Winnipeg; all the above Ranges lying east of the Principal Meridian.

13. WINNIPEG NORTH consisting of that part of the City of Winnipeg, west of Red River, lying north of the main line of the Canadian Pacific Railway except that part lying east of Higgins Avenue; together with that portion of the said City lying east of Red River, and north and west of Stadacona Street and the spur line of the Canadian Pacific Railway between Stadacona Street, Levis Street and the city limits.

14. WINNIPEG NORTH CENTRE consisting of the Village of Brooklands; that part of the City of Winnipeg bounded on the south by a line described as commencing at the intersection of Ellice Avenue with the west boundary of the said City; thence easterly on Ellice Avenue to Balmoral Street; thence northerly on Balmoral Street to its intersection with Colony Street; thence southerly on Colony Street to the westerly projection of College Place; thence easterly along the projection of College Place and upon College Place until said College Place joins on to Ellice Avenue; thence easterly along Ellice Avenue to Notre Dame Avenue West; thence southeasterly on Notre Dame Avenue West, Portage Avenue and Main Street to Notre Dame Avenue East, and southeasterly along Notre Dame Avenue East and its projection to the city boundary; and bounded on the north by a line described as commencing at the intersection of the west boundary of the City with the Canadian Pacific Railway main line; thence southeasterly following along the said railway to Higgins Avenue; thence

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thence northerly along Higgins Avenue, Stadacona Street and the Spur line of the Canadian Pacific Railway to the north boundary of the city.

15. WINNIPEG SOUTH consisting of all that part of the City of Winnipeg south of the Assiniboine River including Assiniboine Park together with that part of the Town of Tuxedo lying North of the Canadian National Railway; that part of the rural municipality of Fort Garry lying north of the south boundary of Lot 123 in the Parish of St. Norbert; and such and so much of the river lots on the east bank of the Red River as lie north of the south boundary of River Lot One hundred and twenty-five (125) in the said Parish, west of the Seine River and south of the City of St. Boniface.

16. WINNIPEG SOUTH CENTRE consisting of that part of the City of Winnipeg lying north of the Assiniboine River and south of a line described as commencing at the intersection of Ellice Avenue with the west boundary of the City; thence easterly along Ellice Avenue to Balmoral Street; thence northerly on Balmoral Street to its intersection with Colony Street; thence southerly on Colony Street to the westerly projection of College Place; thence easterly along the projection of College Place and upon College Place until said College Place joins on to Ellice Avenue; thence easterly along Ellice Avenue to Notre Dame Avenue West; thence southeasterly on Notre Dame Avenue West; Portage Avenue and Main Street to Notre Dame Avenue East, and southeasterly along Notre Dame Avenue East and its projection to the city boundary.

BRITISH COLUMBIA.

There shall be in the Province of British Columbia eighteen electoral districts, named and described as follows, each of which shall return one member.

In the following descriptions reference to “street”, “avenue”, “road”, “drive”, “railway” or “river” signifies the centre line of such street, avenue, road, drive, railway or river, unless otherwise described.

1. BURNABY-RICHMOND consisting of the territory bounded as follows: commencing at the northwest corner of the Municipality of Burnaby; thence southerly along the western boundary of the Municipality of Burnaby to the intersection with the Northerly boundary of the Municipality of Richmond; thence westerly, southerly and easterly along the said boundary of the Municipality of Richmond to the intersection with the westerly boundary of the City of New Westminster; thence northerly, northeasterly and southeasterly along the said boundary of the City of New Westminster to the channel of the Fraser River; thence easterly along the said channel of the Fraser River passing north of Tree and Douglas Islands to the intersection of Pitt River; thence following the Pitt River

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River passing east of Siwash Island and the centre of Pitt Lake passing West of Goose Island to a point in the northerly reach of the said Pitt Lake due south of the Northwest corner of Section Thirty-five (35) Township Six (6) Range Five (5) west of the Seventh (7) Principal Meridian; thence due north to a point due east of the Northeast corner of Section Fifteen (15) Township Seven (7) Range Six (6) West of the Seventh (7) Principal Meridian; thence due west to the said northeast corner of Section Fifteen (15); thence westerly along the North boundaries of Sections Fifteen (15) to Eighteen (18) inclusive, Township Seven (7) Range Six (6) west of the Seventh Principal Meridian to Hixon Creek; thence in a line due west to an intersection with Indian River; thence southerly along Indian River to the North Arm of Burrard Inlet; thence southerly along the centre line of the North Arm of Burrard Inlet, passing east of Croker Island and west of Racoon Island to an intersection with the northerly boundary of the Municipality of Burnaby; thence westerly along the said northerly boundary of the Municipality of Burnaby to the point of commencement.

2. CARIBOO consisting of the territory bounded as follows: commencing at the northeast corner of the Province of British Columbia; thence southerly along the easterly boundary of the said Province to the fifty-two degree thirty-minute (52°30') parallel of north latitude; thence westerly along the said fifty-two degree thirty-minute parallel to the One hundred and twenty-fifth (125th) Meridian; thence northerly along the said One hundred and twenty-fifth Meridian to the north boundary of the Province of British Columbia; thence easterly along the said north boundary of the Province to the point of commencement.

3. COAST-CAPILANO consisting of the territory bounded as follows: commencing at a point on the northerly boundary of the City of Vancouver due north of Prospect Point lighthouse; thence due west to the centre line of Strait of Georgia; thence northerly and westerly along the Centre lines of the said Strait of Georgia, Malaspina Channel, the channel between the Islands of Texada, Harwood, Savary and Hernando on the west and the mainland on the east, the centre lines of the Channels of Cordero, Calm and Lewis; thence northerly along the centre line of Frederick Arm to the head of said Frederick Arm in Lot Two hundred and seventy-four (274) of Range One (1), Coast Land District; thence northerly along the height of land between the waters flowing into Knight Inlet and Phillips River on the west and Bute Inlet on the east and the height of land between the waters flowing into Knight Inlet on the west and into Bute Inlet and the Homathko River on the east to the intersection of the said height of land with the fifty-first (51st) parallel of north latitude; thence easterly along said fifty-first (51st) parallel to the intersection with the One hundred and twenty-fourth (124th) Meridian; thence southerly along the One hundred and twenty-fourth (124th) Meridian, R.S., 1952.
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dian, to an intersection with the southerly boundary of the Lillooet Land District; thence easterly along the said southern boundary of the Lillooet Land District to an intersection with the height of land between the waters flowing into Pitt and Lillooet Rivers and Lillooet Lake on the east and Cheakamus and Green Rivers on the west; thence southerly along the said height of land to the head waters of Hixon Creek; thence southerly along the said Hixon Creek to the intersection of the north boundary of Section Eighteen (18) Township Seven (7) Range Six (6) west of the Seventh Principal Meridian; thence due West to an intersection with the Indian River; thence southerly along the said Indian River and centre line of Burrard Inlet passing east of Croker Island and west of Racoon Island to an intersection with the north boundary of the Municipality of Burnaby; thence westerly along the north boundary of said Municipality of Burnaby to an intersection with the north boundary of the City of Vancouver; thence westerly along the said boundary of the City of Vancouver to the point of commencement.

4. COMOX-ALBERNI consisting of the territory bounded as follows: commencing at the intersection of the fifty-first (51st) parallel of north latitude with the height of land between the waters flowing into Knight Inlet on the west and into Homathko River and Bute Inlet on the east; thence southerly along the said height of land and the height of land between the waters flowing into Knight Inlet and Phillips River on the west and Bute Inlet on the east to the head of Frederick Arm in Lot Two hundred and seventy-four (274) of Range One (1) Coast Land District; thence southerly along the centre line of Frederick Arm to the centre line of Cordero Channel; then southeasterly along the centre lines of Cordero, Calm, and Lewis Channels, of the channel between Hernando, Savary, Harwood, and Texada Islands on the west and the mainland on the east, of Malaspina Channel, and of the Strait of Georgia to a point due west of Prospect Point Lighthouse; thence southwesterly through the Strait of Georgia and Middle Channel passing to the north of Newcastle Island through Departure Bay to the northeast corner of Mountain Land District; thence westerly along the northerly boundary of the said Mountain Land District and the northerly boundary of Dunsmuir Land District to the northwest corner of the said Dunsmuir Land District; thence southerly along the westerly boundary of the said Dunsmuir Land District to the easterly boundary of Barclay Land District; thence southeasterly along the said easterly boundary of Barclay Land District to Nitinat Creek; thence southwesterly following the said Nitinat Creek and the centre line of Nitinat Lake to the westerly coast of Vancouver Island; thence northwesterly following the said westerly coast including all off-shore islands, to the fifty-first (51st) parallel of north latitude; thence easterly along the said fifty-first (51st) parallel to the point of commencement.

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5. FRASER VALLEY consisting of the territory bounded as follows: commencing at the intersection of the south boundary of the Province of British Columbia with the easterly boundary of the Municipality of Langley; thence northerly along the said easterly boundary of the said Municipality and its projection northerly to the Fraser River; thence westerly following the said Fraser River, passing north of McMillan and Barnston Islands and east of Douglas Island, to Pitt River; thence northerly along the said Pitt River, passing east of Siwash Island, and the centre line of Pitt Lake, passing west of Goose Island, to a point in the northerly reach of said Pitt Lake due south of the northwest corner of Section Thirty-five (35), Township Six (6), Range Five (5) west of the Seventh Principal Meridian; thence due north to a point due east of the Northeast corner of Section Fifteen (15) Township Seven (7) Range Six (6) west of the Seventh Principal Meridian; thence due west to the said northeast corner of said Section Fifteen (15); thence westerly along the north boundary of Sections Fifteen (15) to Eighteen (18) inclusive, Township Seven (7) Range Six (6) west of the Seventh Principal Meridian to Hixon Creek; thence northerly along the said Hixon Creek to its head waters and along the height of land between the waters flowing into Pitt and Lillooet Rivers and Lillooet Lake on the east and Cheakamus and Green Rivers on the west to the south boundary of Lillooet Land District; thence easterly along the south boundary of Lillooet Land District to the west limit of the British Columbia Railway Belt; thence southerly along the said west limit of the British Columbia Railway Belt to a point thereon due west of the northwest corner of Township Thirteen (13) Range Thirty (30) west of Sixth (6) Meridian; thence easterly along the north boundary of Township Thirteen (13), Ranges Thirty (30), Twenty-nine (29), Twenty-eight (28), Twenty-seven (27), Twenty-six (26) and Twenty-five (25) to the northeast corner of Township Thirteen (13), Range Twenty-five (25), west of Sixth (6) Meridian; thence southerly along the east boundary of said Range Twenty-five and its projection south-erly to the south boundary of the Province; thence westerly along said boundary to the point of commencement.

6. KAMLOOPS consisting of the territory bounded as follows: commencing at the intersection of the fifty-two degree thirty-minute (52° 30') parallel of north latitude with the easterly boundary of the Province of British Columbia; thence west along the said fifty-two degree thirty-minute parallel to an intersection with the One hundred and twenty-fifth (125th) Meridian; thence south along the said One hundred and twenty-fifth Meridian to an intersection with the fifty-first (51st) parallel of north latitude; thence east along the said fifty-first (51st) parallel to an intersection with the One hundred and twenty-fourth (124th) Meridian; thence south along the said One hundred and twenty-fourth Meridian to an intersection with the southerly boundary of Lillooet Land District; thence easterly along the

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the said southerly boundary of the Lillooet Land District to an intersection with the westerly limit of the British Columbia Railway Belt; thence southerly along the said westerly limit of the British Columbia Railway Belt to a point thereon due west of the northwest corner of Township Thirteen (13), Range Thirty (30) west of the Sixth (6th) Meridian; thence easterly along the north boundary of Township Thirteen (13) Ranges Thirty (30), Twenty-nine (29), Twenty-eight (28), Twenty-seven (27), Twenty-six (26) and Twenty-five (25) to the northeast corner of Township Thirteen (13) Range Twenty-five (25) west of the Sixth (6th) Meridian; thence southerly along the east boundary of the said Range Twenty-five (25) to the north boundary of Township Seven (7); thence easterly along the said north boundary of Township Seven (7) to an intersection with Summers Creek; thence Northerly along Summers Creek to an intersection with the southerly shore of Messezula Lake; thence in a line due east to an intersection with the easterly boundary of Kamloops Land District; thence northerly following said easterly boundary of Kamloops Land District to the southerly boundary of the British Columbia Railway Belt; thence easterly along said southerly boundary of the British Columbia Railway Belt to the east boundary of Township Seventeen (17) Range Twelve (12) west of the Sixth Principal Meridian; thence northerly along the east boundary of said Township Seventeen (17) to Salmon River; thence easterly and northerly along the said Salmon River to the north boundary of Township Nineteen (19); thence easterly along said north boundary of Township Nineteen (19) Ranges Ten (10) and Nine (9) west of the Sixth Principal Meridian to the east boundary of the said Range Nine (9); thence northerly along the said east boundary of said Range Nine (9) to the north boundary of Township Twenty (20); thence easterly along the said north boundary of Township Twenty (20) to the east boundary of Range Two (2) west of the Sixth Principal Meridian; thence southerly along the said east boundary of said Range Two (2) to the southerly limit of the British Columbia Railway Belt; thence easterly along the said southerly limit of the Railway Belt to the Columbia River; thence southeasterly along the Columbia River passing through the northerly channel into Upper Arrow Lake to the centre line of the northeast arm of said Upper Arrow Lake; thence north-easterly along the said centre line of the northeast arm to an intersection with the projection westerly of the north boundary of Lot Seven thousand five hundred and eighty-six (7,586) of the Kootenay Land District; thence easterly along the projection of, and the north boundary of, the said Lot to its northeast corner; thence in a straight line to the height of land between the waters flowing into Beaton Creek on the east and Hill Creek on the west; thence southerly along said height of land to the height of land between the waters flowing into Trout Lake and Duncan River on the east and Upper Arrow Lake and Incomappleux River on the west; thence along said height 4818

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height of land to an intersection with the height of land between the
waters flowing into Columbia and Kootenay Rivers on the east and
Columbia and Duncan Rivers and Kootenay Lake on the west; thence
northerly along the said height of land to the intersection of the
Columbia and Canoe Rivers; thence northerly along said Canoe River
to the northerly boundary of the Kootenay Land District; thence
easterly along the said northerly boundary of the Kootenay Land
District to the easterly boundary of the Province of British Columbia;
thence northerly along the said easterly boundary of the Province to
the point of commencement.

7. KOOTENAY EAST consisting of the territory bounded as
follows: commencing at the southeast corner of the Province of
British Columbia; thence northerly along the easterly boundary of the
said Province to the northerly boundary of Kootenay Land District;
thence westerly along the said northerly boundary of Kootenay Land
District to Canoe River; thence southerly along the said Canoe River
to the Columbia River; thence southerly along the height of land
between the waters flowing into Columbia and Kootenay Rivers on
the east and Columbia and Duncan Rivers and Kootenay Lake on the
west to the head waters of Akokli Creek; thence westerly following
the said Akokli Creek to the centre line of Kootenay Lake; thence
southerly along the said centre line of Kootenay Lake and the main
channel of Kootenay River to the southern boundary of the Province
of British Columbia; thence easterly along the said southern boundary
to the point of commencement.

8. KOOTENAY WEST consisting of the territory bounded as
follows: commencing at the intersection of the westerly boundary of
Kootenay Land District with the southern boundary of the Province
of British Columbia; thence northerly along said westerly boundary
of Kootenay Land District to the southerly boundary of the British
Columbia Railway Belt; thence easterly along said southerly boundary
to the Columbia River; thence southeasterly along the said Columbia
River passing through the northerly channel into Upper Arrow Lake
to the centre line of North East Arm of said Upper Arrow Lake; thence
northeasterly along the said centre line of the said North East Arm to
its intersection with the projection westerly of the north boundary of
Lot Seven thousand five hundred and eighty-six (7,586) of Kootenay
Land District; thence easterly along the said projection and the said
north boundary of the said Lot to its northeast corner; thence in a
straight line to the height of land between the waters flowing into
Beaton Creek on the east and Hill Creek on the west; thence southerly
along the said height of land to the height of land between the waters
flowing into Upper Arrow Lake on the west and Trout Lake on the
east; thence northeasterly along the height of land between the waters
flowing into Trout Lake and Duncan River on the east and Upper
Arrow Lake and Incomappleux River on the west to the height of land
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between
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between the waters flowing into Columbia and Kootenay Rivers on the east and the Columbia and Duncan Rivers and Kootenay Lake on the west; thence southerly along this said height of land to the head waters of Akokli Creek; thence westerly following said Akokli Creek to the centre line of Kootenay Lake; thence southerly along the centre line of Kootenay Lake and the main channel of Kootenay River to the southern boundary of the Province of British Columbia; thence westerly along said southern boundary to the point of commencement.

9. NANAIMO consisting of that part of Vancouver Island and all off-shore islands lying south and east of a line described as follows: commencing at a point on the centre line of the Strait of Georgia due west of Prospect Point Lighthouse; thence southwesterly through the Strait of Georgia and Middle Channel passing to the north of Newcastle Island through Departure Bay to the northeast corner of Mountain Land District; thence westerly along the northerly boundary of the said Mountain Land District and the northerly boundary of Dunsmuir Land District to the northwest corner of the said Dunsmuir Land District; thence southerly along the westerly boundary of Dunsmuir Land District to the easterly boundary of Barclay Land District; thence southeasterly along the said easterly boundary of Barclay Land District to Nitinat Creek; thence southwesterly following the said Nitinat Creek and the centre line of Nitinat Lake to the westerly coast of Vancouver Island; excluding the City of Victoria, the Municipalities of Oak Bay and Esquimalt and the off-shore islands to the south and east thereof and that part of the Municipality of Saanich lying south of North Dairy Road, Richmond Avenue and Argyle Avenue.

10. NEW WESTMINSTER consisting of that part of the land district of New Westminster bounded as follows; commencing at the intersection of the south boundary of the Province of British Columbia with the easterly boundary of the Municipality of Langley; thence northerly along the said east boundary of the Municipality of Langley and its projection northerly to an intersection with the Fraser River; thence westerly following the said Fraser River passing north of McMillan, Barnston, Douglas and Tree Islands to the easterly limit of the City of New Westminster; thence northerly, westerly and southerly following the boundary of the City of New Westminster to an intersection with the northerly boundary of the Municipality of Delta; thence westerly and southeasterly following the said boundary of the Municipality of Delta to an intersection with the south boundary of the Province of British Columbia; thence easterly along the south boundary of the said Province to the point of commencement.

11. SKEENA consisting of all that portion of the Province of British Columbia lying west of the One hundred and twenty-fifth (125th) Meridian and north of the fifty-first (51st) parallel of north latitude.

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12. VANCOUVER-BURRARD consisting of that part of the City of Vancouver bounded as follows: commencing at the intersection to Sixteenth (16th) Avenue and Alma Road; thence northerly along Alma Road and its projection northerly to the northerly boundary of the City of Vancouver; thence easterly along the said northerly boundary of the City of Vancouver to a point in English Bay opposite False Creek; thence easterly following the said False Creek to an intersection with the projection westerly of Terminal Avenue; thence easterly along the projection of and along Terminal Avenue to an intersection with the projection northerly of Scott Street; thence southerly along the said projection and Scott Street to Sixteenth (16th) Avenue; thence westerly along Sixteenth Avenue, Marpole Avenue and Sixteenth Avenue to the point of commencement.

13. VANCOUVER CENTRE consisting of that part of the City of Vancouver bounded as follows: commencing at the intersection of Terminal Avenue with Glen Drive; thence northerly along Glen Drive and its projection northerly to the northerly boundary of the said City of Vancouver; thence westerly along the said northerly boundary of the City of Vancouver to a point in English Bay opposite False Creek; thence easterly following the said False Creek to its intersection with the projection westerly of Terminal Avenue; thence easterly along the said projection of Terminal Avenue and Terminal Avenue to the point of commencement.

14. VANCOUVER EAST consisting of that portion of the City of Vancouver bounded as follows: commencing at the intersection of Terminal Avenue and Glen Drive; thence northerly along Glen Drive and its projection northerly to an intersection with the northerly boundary of the City of Vancouver; thence easterly and southerly along the boundaries of the City of Vancouver to an intersection with Kingsway; thence westerly and northwesterly along Kingsway to an intersection with Scott Street; thence northerly along Scott Street and its projection northerly to an intersection with Terminal Avenue; thence southeasterly along Terminal Avenue to the point of commencement.

15. VANCOUVER-QUADRA consisting of that part of the City of Vancouver together with that part of New Westminster Land District bounded as follows: commencing at the intersection of Fraser Avenue and Thirty-Seventh (37th) Avenue; thence westerly along the said Thirty-seventh (37th) Avenue to an intersection with Camosun Street; thence southerly along the said Camosun Street to an intersection with the northerly boundary of the Musqueam Indian Reserve; thence easterly and southerly along the said boundary of the Musqueam Indian Reserve to an intersection with the southerly boundary of the City of Vancouver; thence westerly along the said boundary of the City of Vancouver to the southwest corner of the said City of Vancouver; thence westerly, northerly and easterly paralleling the shore line in the Gulf of Georgia and English Bay to the R.S., 1952.
the northerly boundary of the said City of Vancouver; thence easterly along the said northerly boundary of the City of Vancouver to the intersection of the northerly projection of Alma Road; thence southerly along the projection of Alma Road and Alma Road to an intersection with Sixteenth (16th) Avenue; thence easterly along Sixteenth Avenue, Marpole Avenue and Sixteenth Avenue to an intersection with Kingsway; thence southeasterly along the said Kingsway to an intersection with Thirty-Third (33rd) Avenue; thence westerly along the said Thirty-Third (33rd) Avenue to an intersection with Fraser Street; thence southerly along the said Fraser Street to the point of commencement.

16. VANCOUVER SOUTH consisting of that portion of the City of Vancouver bounded as follows: commencing at a point where the projection southerly of the easterly boundary of the Musqueam Indian Reserve intersects the southerly boundary of the City of Vancouver; thence northerly and westerly along the boundary of the said Musqueam Indian Reserve to an intersection with Camosun Street; thence northerly along Camosun Street to an intersection with Thirty-Seventh Avenue; thence easterly along Thirty-Seventh Avenue to an intersection with Fraser Street; thence northerly along Fraser Street to an intersection with Thirty-Third Avenue; thence easterly along Thirty-Third Avenue to an intersection with Kingsway; thence southeasterly along the said Kingsway to the easterly boundary of the City of Vancouver; thence southerly and westerly along the easterly and southerly boundaries of said City of Vancouver to the point of commencement.

17. VICTORIA consisting of all of the City of Victoria, the Municipalities of Oak Bay and Esquimalt and the off-shore islands lying to the south and east thereof, and that part of the Municipality of Saanich lying south of North Dairy Road, Richmond Avenue and Argyle Avenue.

18. YALE consisting of the territory bounded as follows: commencing at the intersection of the southerly boundary of the Province of British Columbia with the westerly boundary of the Kootenay Land District; thence northerly along said westerly boundary of Kootenay Land District to an intersection with the southerly boundary of the British Columbia Railway Belt; thence easterly along the southerly boundary of the said railway belt to the east boundary of Township Twenty (20) Range Two (2) west of the Sixth (6th) Meridian; thence northerly along the east boundary of Township Twenty (20) to the northeast corner of the said Township; thence westerly along the north boundary of Township Twenty (20) Range Two (2) west of the Sixth Meridian to the northeast corner of Township Twenty (20) Range Nine (9) west of the Sixth Meridian; thence southerly along the east boundary of said Range Nine (9) to the north boundary of Township Nineteen (19); thence westerly along the

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north boundary of Township Nineteen (19) Ranges Nine (9) and Ten (10) to an intersection with Salmon River; thence southerly along said Salmon River to an intersection with the east boundary of Township Seventeen (17) Range Twelve (12) west of the Sixth Meridian; thence southerly along the east boundary of said Township Seventeen to the southern boundary of the British Columbia Railway Belt; thence westerly along southern Boundary of said railway belt to the easterly boundary of the Kamloops Land District; thence southerly along the east boundary of the Kamloops Land District to a point due east of the intersection of Summers Creek and the south shore of Missezula Lake; thence due west to the said intersection; thence southerly along Summers Creek to an intersection with the projection easterly of the north boundary of Township Seven (7) Range Twenty-three west of the Sixth Meridian; thence westerly along said projection of and the north boundary of Township Seven (7) Range Twenty-three (23) west of the Sixth Meridian to the east boundary of Township Seven (7) Range Twenty-five (25) west of the Sixth Meridian; thence southerly along the east boundary of the said Range Twenty-five and its projection southerly to the south boundary of the Province of British Columbia; thence easterly along the south boundary of the said Province to the point of commencement.

SASKATCHEWAN.

There shall be in the Province of Saskatchewan twenty electoral districts, named and described as follows, each of which shall elect and return one member.

In the following descriptions "township", "range" and "section" refer to the townships, ranges and sections in accordance with the Dominion Land System of surveys and include the extension thereof in accordance with the said system.

Reference to "river" in the following descriptions signifies the centre line of such river unless otherwise described.

1. ASSINIBOIA consisting of Townships One (1) to Twelve (12) inclusive in Ranges Fourteen (14) to Twenty (20) inclusive; and of Townships One (1) to Ten (10) inclusive in Ranges Twenty-one (21) to Thirty (30) inclusive all west of the Second Meridian; and of Townships One (1) to Ten (10) inclusive in Ranges One (1) to Three (3) inclusive west of the Third Meridian.

2. HUMBOLDT consisting of Township Thirty-two (32) Ranges Nineteen (19) to twenty-four (24) inclusive; township thirty-three (33) to Forty-three (43) inclusive in Ranges Twelve (12) to Twenty-four (24) inclusive; together with Township Forty-four (44) in Range Twenty (20), the south half of Township Forty-four (44) Range 21, and fractional Townships Forty-four (44) in Ranges Twenty-one.

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Twenty-one A (21A) and Twenty-two (22), and Township Forty-four (44) in Ranges Twenty-three (23) and Twenty-four (24), all west of the Second Meridian.

3. KINDERSLEY consisting of all those portions of Townships Twenty (20) to Forty-one (41) inclusive, between the east boundary of Range Seventeen (17) west of the Third Meridian and the west boundary of the Province of Saskatchewan lying north of the Red Deer River and of South Saskatchewan River downstream from its confluence with the said Red Deer River saving and excepting therefrom those portions of Townships Forty (40) and Forty-one (41) in Range 17 west of the Third (3rd) Meridian occupied by Mosquito Indian Reserve Number One hundred and nine (109).

4. LAKE CENTRE consisting of Townships Nineteen (19) to Thirty (30) inclusive in Ranges Twenty (20) to Twenty-three (23) inclusive west of the Second (2nd) Meridian; those parts of Townships Nineteen (19) to Thirty (30) inclusive between Range Twenty-four (24) west of the Second (2nd) Meridian and Range Five (5) west of the Third (3rd) Meridian both inclusive lying north and east of Qu'Appelle River, Eyebrow Lake, Aiktow Creek and South Saskatchewan River; those parts of Townships Twenty-one (21) to thirty (30) inclusive in Ranges Sixteen (16) to Nineteen (19) inclusive west of the Second (2nd) Meridian lying north of Qu'Appelle River including Gordon Indian Reserve No. 86 but excluding therefrom Muskowekwan Indian Reserve No. 85, those parts of Sections One (1) and Two (2) in Township Twenty-seven (27) Range Sixteen (16) not included in Muskowekwan or Gordon Indian Reserves, Township Twenty-seven A (27A) Range Sixteen (16), and the east half of Township Twenty-six (26) in Range Sixteen (16); together with Township Thirty-one (31) in Ranges Sixteen (16) to Twenty-six (26) inclusive and Township Thirty-two (32) in Ranges Sixteen (16) to Eighteen (18) inclusive, both west of the Second (2nd) Meridian.

5. MACKENZIE consisting of Townships Thirty-one (31) to fifty-seven (57) inclusive between the east boundary of the Province and the east boundary of Range Seven (7) west of the Second (2nd) Meridian; Townships Thirty-one (31) to Forty-three (43) inclusive in Range Seven (7) west of the Second (2nd) Meridian; Townships Thirty-two (32) to Forty-three (43) inclusive in Ranges Eight (8) to Eleven (11) inclusive west of the Second (2nd) Meridian; together with that part of the Province lying north of the north boundary of Township Fifty-seven (57) and east of the east boundary of Range Eleven (11) west of the Second (2nd) Meridian.

6. MAPLE CREEK consisting of Townships One (1) to Twelve (12) inclusive, in Ranges Four (4) to Thirty (30) inclusive; and of Townships Thirteen (13) and Fourteen (14) in Ranges Eighteen (18) to Thirty (30) inclusive, all west of the Third Meridian.

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7. MEADOW LAKE consisting of Township Forty-seven (47) in Ranges Eight (8) to Fifteen (15) inclusive; Townships Forty-eight (48) to Fifty-five (55) inclusive in Ranges Eight (8) to Twenty (20) inclusive, including those parts of the New Moosomin and Saulteux Indian Reserves in Township Forty-eight (48); those parts of Townships Forty-eight (48) to Fifty-five (55) inclusive between the east boundary of Range Twenty-one (21) and the west boundary of the Province lying north and east of the left bank of North Saskatchewan River; together with all that part of the Province lying north of the north boundary of Township Fifty-five (55) and west of the east boundary of Range Eleven (11), all west of the Third (3rd) Meridian.

8. MELFORT consisting of Townships Forty-four (44) to Fifty-seven (57) inclusive in Ranges Seven (7) to Ten (10) inclusive; Township Forty-four (44) in Ranges Eleven (11) to Nineteen (19) inclusive; all townships between the South boundary of Township Forty-five (45) and the north boundary of the Province in Ranges Eleven (11) to Twenty-one (21) inclusive; the north half of Township Forty-four (44) in Range Twenty-one (21); townships Forty-five (45) and Forty-five A (45A) in Ranges Twenty-two (22) to Twenty-four (24) inclusive; together with those parts of Townships Forty-six (46) and Forty-six A (46A), Forty-seven (47), Forty-seven A (47A), Forty-eight (48) and Forty-nine (49) in Ranges Twenty-two (22) to Twenty-five (25) inclusive lying south and east of the left bank of the South Saskatchewan River, excluding therefrom Section Six (6) in Township Forty-seven A (47A) in Range Twenty-five (25), all west of the Second (2nd) Meridian.

9. MELVILLE consisting of all those portions of Range thirty (30) west of the First Meridian to Range Six (6) west of the Second Meridian, both inclusive, lying north of the Qu’Appelle River and south of the north boundary of Township Twenty-four (24); also all those portions of Range Seven (7) west of the Second Meridian to Range Fifteen (15) west of the Second Meridian, both inclusive, lying north of the Qu’Appelle River and south of the north boundary of Township Twenty-five (25); together with Pasquia Indian Reserve Number Seventy-nine (79) and those portions of Township Twenty-one (21) in Ranges Thirteen (13) and Fourteen (14) which lie South of Fishing Lakes and Qu’Appelle River, and including the Town of Fort Qu’Appelle.

10. MOOSE JAW consisting of Townships Sixteen (16) to Eighteen (18) inclusive in Range Twenty (20) west of the Second Meridian excepting the City of Regina; also Townships Eleven (11) to Eighteen (18) inclusive in Ranges Twenty-one (21) to Twenty-three (23) inclusive west of the Second Meridian; together with all those portions of Ranges Twenty-four (24) west of the Second Meridian R.S., 1952.
dian to Range Three (3) west of the Third Meridian which lie south of the Qu'Appelle River and north of the north boundary of Township Ten (10).

11. MOOSE MOUNTAIN consisting of Townships One (1) to Twelve (12) inclusive from the east boundary of the Province of Saskatchewan westerly to the Second Meridian; and of Townships One (1) to Twelve (12) inclusive in Ranges One (1) to Thirteen (13) inclusive west of the Second Meridian.

12. PRINCE ALBERT consisting of those parts of Townships Forty-five (45) to Fifty-five (55) inclusive between Range Twenty-two (22) west of the Second (2nd) Meridian and Range Seven (7) west of the Third (3rd) Meridian, both inclusive, lying north and west of the left bank of the South Saskatchewan River; Township Forty-four (44) in Ranges Three (3) to Seven (7) inclusive west of the Third (3rd) Meridian; Okemasis and Beardy Indian Reserves Numbers Ninety-six (96) and Ninety-seven (97); that part of the north half of Township Forty-four (44) in Ranges One (1) and Two (2) west of the Third (3rd) Meridian lying west of the left bank of South Saskatchewan River; together with all that part of the Province lying north of the north boundary of Township Fifty-five (55) and between Range Twenty-two (22) west of the Second (2nd) Meridian and Range Ten (10) west of the Third (3rd) Meridian, both inclusive.

13. QU'APPELLE consisting of all those portions of Range Thirty (30) west of the First Meridian to Range Nineteen (19) west of the Second Meridian, inclusive, which lie south of the Qu'Appelle River and north of the north boundary of Township Twelve (12); together with Townships Thirteen (13) to Fifteen (15) inclusive in Range Twenty (20) west of the Second Meridian; excepting the City of Regina, the Pasquia Indian Reserve Number Seventy-nine (79), and those portions of Township Twenty-one (21) in Ranges Thirteen (13) and Fourteen (14) west of the Second Meridian, which lie south of the Fishing Lakes and Qu'Appelle River.

14. REGINA CITY consisting of the City of Regina.

15. ROSETOWN-BIGGAR consisting of those parts of Townships Nineteen (19) to Twenty-one (21) inclusive in Ranges Nine (9) to Sixteen (16) inclusive lying north of the left bank of the South Saskatchewan River; Township Twenty-one (21) in Ranges Four (4) to Eight (8) inclusive; those parts of townships Twenty-two (22) to Twenty-five (25) inclusive in Ranges Four (4) and Five (5) lying south of Aktow Creek and South Saskatchewan River (downstream); Townships Twenty-two (22) to Thirty-eight (38) inclusive in Ranges Six (6) to Sixteen (16) inclusive, excluding those parts of Townships Thirty-three (33) to Thirty-six (36) inclusive in Range Six (6) lying east of the left bank of South Saskatchewan River, but including that part

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part of Township Thirty-five (35) in Range Five (5) lying west of the said River; together with those parts of Townships Thirty-nine (39) to Forty-one (41) inclusive in ranges Eight (8) to Sixteen (16) inclusive lying south of the left bank of North Saskatchewan River, including Mosquito Indian Reserve, Number One hundred and nine (109), all west of the Third (3rd) Meridian.

16. ROSTHERN consisting of Township Thirty-one (31) between Range Twenty-seven (27) west of the Second (2nd) Meridian and Range Two (2) west of the Third (3rd) Meridian, both inclusive; Townships Thirty-two (32) to Thirty-six (36) inclusive between Range Twenty-five (25) west of the Second (2nd) Meridian and Range Two (2) west of the Third (3rd) Meridian, both inclusive; Townships Thirty-seven (37) and Thirty-eight (38) between Range Twenty-five (25) west of the Second (2nd) Meridian and Range Five (5) west of the Third (3rd) Meridian, both inclusive, but not including any part of the City of Saskatoon or of the Town of Sutherland; Townships Thirty-nine (39) to Forty-three (43) inclusive between Range Twenty-five (25) west of the Second (2nd) Meridian and Range Six (6) west of the Third (3rd) Meridian both inclusive; excluding Okemasis and Beardy Indian Reserves Numbers Ninety-six (96) and Ninety-seven (97); that part of the south half of Township Forty-four (44) in Ranges One (1) and Two (2) west of the Third (3rd) Meridian lying west of the left bank of the South Saskatchewan River; Townships Forty-four (44) and Forty-five (45) in Range Twenty-five (25) west of the Second (2nd) Meridian; together with those parts of Townships Forty-four (44) to Forty-seven A (47A) inclusive between Range One (1) west of the Third (3rd) Meridian, and Range Twenty-six (26) west of the Second (2nd) Meridian, both inclusive, and that part of Section Six (6) in Township Forty-seven A (47A) in Range Twenty-five (25), lying south of the left bank of the South Saskatchewan River.

17. SASKATOON consisting of the City of Saskatoon and Townships Thirty-one (31) to Thirty-six (36) inclusive in Ranges Three (3) to Five (5) inclusive west of the Third Meridian, together with those parts of Townships Thirty-three (33) to Thirty-six (36) inclusive in Range Six (6) lying east of the left bank of South Saskatchewan River, including the Town of Sutherland but excluding therefrom those portions of said Townships lying west of the left bank of South Saskatchewan River.

18. SWIFT CURRENT consisting of Townships Thirteen (13) to Twenty (20) inclusive in Ranges Four (4) to Eight (8) inclusive; and all those portions of Townships Thirteen (13) to Twenty-one (21) inclusive in Ranges Nine (9) to Seventeen (17) inclusive, lying south of the left bank of the South Saskatchewan River; and all those portions of Townships Fifteen (15) to Twenty-four (24) inclusive in Ranges Eighteen (18) to Thirty (30) inclusive, lying south of the left bank of North Saskatchewan River.

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left bank of Red Deer River and the South Saskatchewan River downstream from its confluence with the said Red Deer River, all west of the Third Meridian.

19. THE BATTLEFORDS consisting of Townships Thirty-nine (39) to Forty-three (43) inclusive in Range Seven (7); those parts of Townships Thirty-nine (39) to Forty-one (41) inclusive in Ranges Eight (8) to Fourteen (14) inclusive lying north of the left bank of North Saskatchewan River; Townships Forty-two (42) to Forty-six (46) inclusive between the east boundary of Range Eight (8) and the west boundary of the Province; Township Forty-seven (47) in Ranges Sixteen (16) to Twenty-eight (28) inclusive, including those parts of the New Moosomin and Saulteux Indian Reserves Numbers 112 B and 159 respectively in Township Forty-seven (47); together with those parts of Townships Forty-eight (48) to Fifty-three (53) inclusive in Ranges Twenty-one (21) to Twenty-eight (28) inclusive lying south and west of the left bank of North Saskatchewan River, all west of the Third (3rd) Meridian.

20. YORKTON consisting of Townships Twenty-five (25) to Thirty (30), both inclusive, in Range Thirty (30) west of the First Meridian to Range Six (6) west of the Second Meridian, both inclusive; Townships Twenty-six (26) to Thirty (30), both inclusive, in Range Seven (7) west of the Second Meridian; Townships Twenty-six (26) to Thirty-one (31), both inclusive, in Ranges Eight (8) to Eleven (11) inclusive, west of the Second Meridian; and Townships Twenty-six (26) to Thirty-two (32) inclusive in Ranges Twelve (12) to Fifteen (15) inclusive, west of the Second Meridian; and Townships Twenty-seven (27) Range Sixteen (16), and the east half of Township Twenty-six (26) in Range Sixteen (16).

ALBERTA.

There shall be in the Province of Alberta seventeen electoral districts named and described as follows, each of which shall elect and return one member.

In the following descriptions where, "townships," "ranges," "boundaries," "sections" and "meridians" are referred to, these expressions mean the townships, ranges, boundaries, sections and meridians in accordance with the Dominion Lands system of surveys, and include the extension thereof in accordance with the said system; also the bank of a river is referred to as the right or left bank, according as it is to the right or to the left, looking down the stream.

Reference to "street", "avenue", "river" or "railway" in the following descriptions signifies the centre line of said street, avenue, river or railway unless otherwise described.

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1. ACADIA consisting of those portions of Townships Thirty (30) to Thirty-seven (37) inclusive, in Ranges One (1) to Twenty-two (22) inclusive, west of the Fourth Meridian lying to the east of Red Deer River; and of those portions of Townships Twenty-one (21) to Twenty-nine (29) inclusive, in Ranges One (1) to Seventeen (17) inclusive, west of the Fourth Meridian, lying to the north of Red Deer River.

2. ATHABASKA consisting of those portions of Townships Fifty-three (53) to Sixty (60) inclusive, in Ranges One (1) to Eleven (11) inclusive, west of the Fourth Meridian lying north of North Saskatchewan River; Townships Fifty-nine (59) and Sixty (60) in Ranges Twenty-three (23) to Twenty-seven (27) inclusive, west of the Fourth Meridian; together with that part of the Province of Alberta between the Fourth and Fifth Meridians lying north of the north boundary of Township Sixty (60).

3. BATTLE RIVER consisting of Townships Thirty-eight (38) to Fifty (50) inclusive, in Ranges One (1) to Ten (10) inclusive, west of the Fourth Meridian and those portions of Townships Fifty-one (51) to Fifty-six (56) inclusive, Ranges One (1) to Eleven (11) inclusive, west of the Fourth Meridian, lying south of the left bank of North Saskatchewan River.

4. BOW RIVER consisting of those portions of Townships Twenty-five (25) to Twenty-seven (27) inclusive, in Ranges Fifteen (15) to Seventeen (17) inclusive west of the Fourth Meridian, lying west of the left bank of Red Deer River; Townships Twenty-five (25) to Twenty-nine (29) inclusive, in Ranges Eighteen (18) to Twenty-nine (29), inclusive, west of the Fourth Meridian; that portion of Township Thirty (30) in Ranges Twenty-one (21) to Twenty-nine (29) inclusive west of the Fourth Meridian lying west of the left bank of Red Deer River; all Townships Twenty-five (25) to Thirty (30) inclusive in Range One (1) and all Townships Twenty-six (26) to Thirty (30) inclusive in Range Two (2) west of the Fifth Meridian; those portions of Townships Twenty-one (21) to Twenty-four (24) inclusive in Ranges Twenty-six (26) to Twenty-nine (29) inclusive west of the Fourth Meridian lying north of Bow River and including such parts as are within the boundaries of the City of Calgary; all of Sections Twenty-five (25), Twenty-six (26), Thirty-five (35), and Thirty-six (36) in Township Twenty-three (23) Range One (1) west of the Fifth Meridian, including such parts of these Sections as are within the City of Calgary, and those portions of Sections Twelve (12), Thirteen (13), Twenty-three (23) and Twenty-four (24) in the same Township which lie east of Bow River; together with that portion of the City of Calgary lying east of a line which may be described as follows: commencing at the intersection of Sixth Street E. with the north boundary of Township Twenty-three (23); thence northerly along the said Sixth St. E. to its intersection with 25th Avenue S.E.; thence westerly along Twenty-fifth Ave. S.E. to the Elbow R.S., 1952.
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Elbow River; thence northerly along the Elbow River to its intersection with Seventeenth Ave. S.E.; thence westerly along Seventeenth Ave. S.E. to its intersection with Fourth Street E.; thence northerly along Fourth Street E. and across Langevin Bridge to the Edmonton Trail; thence northerly and following the Edmonton Trail to its intersection with Eighth Ave. N.E.; thence easterly along Eighth Ave. N.E. to its intersection with Sixth Street E., thence northerly along Sixth Street E. to the northern boundary of the city of Calgary.

5. CALGARY EAST consisting of those portions of Townships Twenty (20) to Twenty-three (23) inclusive between Range Twenty-six (26) west of the Fourth Meridian and Range One (1) west of the Fifth Meridian inclusive, lying south and west of the left bank of Bow River excepting Sections Twenty-five (25), Twenty-six (26), Thirty-five (35), and Thirty-six (36) in Township Twenty-three (23) Range One (1) west of the Fifth Meridian; all Townships Twenty (20) to Twenty-three (23) inclusive between the east boundary of Range Two (2) west of the Fifth Meridian and the west boundary of the Province of Alberta; the Sarcee Indian Reserve No. 145; together with that portion of the City of Calgary in Township Twenty-four (24) Range One (1) west of the Fifth Meridian lying between and not included in the Electoral Districts of Bow River and Calgary West.

6. CALGARY WEST consisting of all Townships Twenty-four (24) to Thirty (30) inclusive, lying between the west boundary of the Province of Alberta and the east boundary of Range Three (3) west of the Fifth Meridian; Townships Twenty-four (24) and Twenty-five (25) Range Two (2), west of the Fifth Meridian, together with that portion of the west half of Township Twenty-four (24), Range One (1), west of the Fifth Meridian, lying west of a line which may be described as follows: commencing at the intersection of the north boundary of Township Twenty-three (23), Range One (1), west of the Fifth Meridian, with 4th Street W.; thence northerly along the said 4th Street W. to the left bank of Elbow River; thence northerly and following the left bank of the said Elbow River to its most northerly intersection with 4th Street W.; thence northerly along the said 4th Street W. to its intersection with the main line of the Canadian Pacific Railway; thence westerly along the said Canadian Pacific Railway to its intersection with 8th Street W.; thence northerly along the said 8th Street W. to its intersection with 4th Avenue S.W.; thence westerly along the said 4th Avenue S.W. to Louise Bridge at Bow River; thence northerly across Louise Bridge to 10th Street N.W.; thence northerly along the said 10th Street N.W. to its intersection with 24th Avenue N.W.; thence easterly along the said 24th Avenue N.W. to its intersection with 9th Street N.W.; thence northerly along the said 9th Street N.W. to its intersection with 29th Avenue N.W.; thence westerly along the said 29th Avenue R.S., 1952.
Avenue N.W. to its intersection with 10th Street N.W.; thence northerly along the said 10th Street N.W. to the north boundary of the Township.

7. CAMROSE consisting of Townships Thirty-eight (38) to Fifty (50) inclusive, in Ranges Eleven (11) to Twenty-one (21) inclusive west of the Fourth Meridian and those portions of Townships Thirty-eight (38) and Thirty-nine (39), Range Twenty-two (22), west of the Fourth Meridian, lying to the east and north of Red Deer River.

8. EDMONTON EAST consisting of those portions of sections Seven (7), Seventeen (17), Eighteen (18) and Nineteen (19) in Township Fifty-three (53) Range Twenty-three (23) west of the Fourth Meridian; and that part of the Edmonton Settlement, lying north and west of North Saskatchewan River; Sections Thirteen (13) and Twenty-four (24) in Township Fifty-three (53) Range Twenty-four (24) west of the Fourth Meridian; together with that portion of the City of Edmonton, lying east of a line which may be described as follows: commencing at the intersection of the south boundary of the City of Edmonton with the Calgary and Edmonton branch of the Canadian Pacific Railway; thence northerly along the said railway to Whyte Avenue; thence westerly along Whyte Avenue to the east boundary of 103rd Street; thence northerly along 103rd Street to the north boundary of Saskatchewan Drive; thence easterly along Saskatchewan Drive to the east Boundary of Queen Elizabeth Park; thence northerly along the Park boundary produced to the left bank of North Saskatchewan River; thence westerly along the bank of the River to 101st Street; thence, northerly along 101st Street to the northern boundary of the City of Edmonton.

9. EDMONTON WEST consisting of all Township Fifty-four (54) in Ranges Twenty-two (22) to Twenty-five (25) inclusive; that portion of Township Fifty-five (55) in Range Twenty-two (22) contained in River Lot Eleven (11) of the Fort Saskatchewan Settlement; those portions of Townships Fifty-one (51) to Fifty-three (53) inclusive in Ranges Twenty-three (23) to Twenty-five (25) inclusive lying north and west of the left bank of North Saskatchewan River, together with the area within the boundaries of the City of Edmonton, excluding however the Electoral District of Edmonton East hereinbefore defined; all the said Townships and Ranges being west of the Fourth Meridian.

10. JASPER-EDSON consisting of all Townships Forty-one (41) to Sixty-four (64) inclusive comprised between the east boundary of Range Nineteen (19) west of the Fifth Meridian and the west boundary of the Province of Alberta; those portions of Townships Fifty (50) to Fifty-four (54) inclusive, in Ranges Twenty-six (26) to Twenty-eight (28) inclusive, west of the Fourth Meridian lying north of North Saskatchewan River; Townships Fifty-five (55) to Fifty-eight (58) inclusive, in Ranges Twenty-three (23) to Twenty-seven (27) R.S., 1952.
seven (27) inclusive, west of the Fourth Meridian; those portions of Townships Forty-two (42) to Fifty-one (51) inclusive, in Ranges One (1) to Eighteen (18) inclusive west of the Fifth Meridian lying north of Blackstone River, Brazeau River and of North Saskatchewan River downstream from its confluence with the said Brazeau River; Townships Fifty-two (52) to Sixty-four (64) inclusive, in Ranges One (1) to Eighteen (18) inclusive, west of the Fifth Meridian and Townships Sixty-five (65) to Sixty-eight (68) inclusive, in Ranges One (1) to Seven (7) inclusive, west of the Fifth Meridian.

11. LETHBRIDGE consisting of Townships One (1) to Ten (10) inclusive in Ranges Fifteen (15) to Twenty-four (24) inclusive, excepting that portion of Township Seven (7) in Range Twenty-four (24) lying west of the left bank of Belly River; Township Eleven (11) Ranges Fifteen (15) to Twenty-four (24) excepting those portions in Range Fifteen (15) and the East half of Range Sixteen (16) lying north of Old Man River; that portion of Township Twelve (12) in Range Sixteen (16) lying South of Old Man River; Townships One (1) and Two (2) in Ranges Twenty-five (25) to Thirty (30) inclusive; Townships Three (3) and Four (4) in Ranges Twenty-five (25) to Twenty-seven (27) inclusive, and that portion of Township Three (3) Range Twenty-eight (28) lying east of the left bank of Belly River; together with the Blood Indian Reserve No. 148; all the above mentioned Townships and Ranges being west of the Fourth Meridian.

12. MACLEOD consisting of all Townships One (1) to Nineteen (19) inclusive comprised between the Fifth Meridian and the west boundary of the Province of Alberta; those portions of Townships Three (3) to Eleven (11) inclusive in Ranges Twenty-five (25) to Thirty (30) inclusive, and of Township Seven (7) in Range Twenty-four (24), west of the Fourth Meridian, lying west and north of the left bank of Belly River; Townships Twelve (12) to Nineteen (19) inclusive in Ranges Twenty-six (26) to Thirty (30) inclusive, west of the Fourth Meridian; together with those portions of Townships Twelve (12) to Twenty-two (22) inclusive in Ranges Seventeen (17) to Twenty-five (25) inclusive west of the Fourth Meridian, and of Blackfoot Indian Reserve No. 146, lying south and west of the left bank of Bow River.

13. MEDICINE HAT consisting of Townships One (1) to Twenty (20) inclusive, in Ranges One (1) to Fourteen (14) inclusive, west of the Fourth Meridian; those portions of Townships Twenty-one (21) to Twenty-four (24) inclusive, in Ranges One (1) to Fifteen (15) inclusive, lying south of Red Deer River and extending to the left bank thereof; all those portions of Township Eleven (11), Range Fifteen (15), the east half of Township Eleven (11), Range Sixteen (16) and of Township Twelve (12), Range Sixteen (16), lying north of Old Man River; of Townships Twelve (12) to Twenty (20) inclusive, in Range Fifteen (15); of Townships Thirteen (13) to Twenty-four R.S., 1952.
Twenty-four (24) inclusive, in Range Sixteen (16) and of all those portions of Blackfoot Indian Reserve No. 146 and of Townships Seventeen (17) to Twenty-four (24) inclusive, in Ranges Seventeen (17) to Twenty-five (25) inclusive, lying north of Bow River; all the said Townships being west of the Fourth Meridian.

14. PEACE RIVER consisting of all that portion of the Province of Alberta, lying west of the Fifth Meridian and north of the north boundary of Township Sixty-four (64) excepting that area comprised in Townships Sixty-five (65) to Sixty-eight (68) inclusive, in Ranges One (1) to Seven (7) inclusive, west of the Fifth Meridian.

15. RED DEER consisting of all Townships Thirty-one (31) to Thirty-nine (39) inclusive in Ranges Twenty-three (23) west of the Fourth Meridian to Range Two (2) west of the Fifth Meridian inclusive; those portions of Townships Thirty-one (31) to Thirty-nine (39) inclusive in Ranges Twenty-one (21) and Twenty-two (22) west of the Fourth Meridian lying west of the left bank of Red Deer River; all Townships Thirty-one (31) to Forty (40) inclusive lying between the west boundary of the Province of Alberta and the east boundary of Range Three (3) west of the Fifth Meridian; together with those portions of Townships Forty-one (41) to Forty-six (46) inclusive in Ranges Seven (7) to Eighteen (18) inclusive west of the Fifth Meridian lying west of the left bank of North Saskatchewan River to the mouth of Brazeau River, south of the left bank of Brazeau River to the mouth of Blackstone River, and south of Blackstone River.

16. VEGREVILLE consisting of Townships Fifty-one (51) to Fifty-four (54) inclusive in Ranges Twelve (12) to Twenty-one (21) inclusive, west of the Fourth Meridian and Townships Fifty-five (55) to Sixty (60) inclusive, in Ranges Twelve (12) to Twenty-two (22) inclusive, west of the Fourth Meridian, excepting that part of Townships Fifty-five (55), Range Twenty-two (22), contained within the boundaries of the Town of Fort Saskatchewan.

17. WETASKIWIN consisting of Townships Forty-one (41) to Forty-nine (49) inclusive, in Ranges Twenty-two (22) to Twenty-eight (28) inclusive, west of the Fourth Meridian; and in Ranges One (1) to Five (5) inclusive west of the Fifth Meridian; Township Forty (40), in Ranges Twenty-two (22) to Twenty-eight (28) inclusive, west of the Fourth Meridian and in Ranges One (1) and Two (2) west of the Fifth Meridian; all portions of Townships Forty-one (41) to Fifty (50) inclusive, in Ranges Six (6) to Nine (9) inclusive, west of the Fifth Meridian, lying east of the left bank of North Saskatchewan River; and all portions of Townships Fifty (50) to Fifty-three (53) inclusive, in Ranges Twenty-two (22) to Twenty-eight (28) inclusive, west of the Fourth Meridian, and in Ranges One (1) to Five (5) inclusive, west of the Fifth Meridian, lying south of Blackstone River.

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the left bank of North Saskatchewan River; excepting that portion of Townships Fifty-two (52) and Fifty-three (53), in Ranges Twenty-four (24) and Twenty-five (25), west of the Fourth Meridian, contained within the boundaries of the City of Edmonton.

NEWFOUNDLAND.

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

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

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

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

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

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5. ST. JOHN'S WEST shall consist of the Districts of Placentia-St. Mary's and Ferryland, and that part of the Province bounded as follows, that is to say: By a line commencing at the Motion Head of Petty Harbour and running in a straight line to the Northern Goulds Bridge (locally known as Doyle's Bridge) thence following the centre line of Doyle's Road to Short's Road, thence in a straight line to a point one mile west of Quigley's, thence in a straight line to the point where the northeastern boundary of the District of Harbour Main-Bell Island intersects Kenmount Road, thence along the centre line of Kenmount Road and Freshwater Road to Carter's Street, thence down the centre line of Carter's Street and Carter's Hill to Theatre Hill and thence along the centre line of said Theatre Hill to the centre line of Duckworth street and thence easterly along the centre line of Duckworth Street to the top of Beck's Cove Hill, thence from the centre line of said Beck's Cove Hill to the shore of St. John's Harbour and thence following the shore of St. John's Harbour and, passing through the Narrows by the north of Fort Amherst and thence following the coastline southerly to the Motion Head of Petty Harbour, the point of commencement.

6. BURIN-BURGEO shall consist of the Districts of Placentia West, Burin, Fortune Bay-Hermitage, and Burgeo and LaPoile and all the unorganized territory bounded on the north and west by the District of Grand Falls, on the south by the Districts of Burgeo and LaPoile and Fortune Bay-Hermitage, on the east by the Districts of Trinity North, Bonavista South and Bonavista North.

7. HUMBER-ST. GEORGE'S shall consist of the Districts of St. George's-Port au Port, Humber, and St. Barbe, and all the unorganized territory bounded on the north by the District of Humber, on the east by the District of Grand Falls, on the south by the District of Burgeo and LaPoile, and on the west by the District of St. George's-Port au Port.

YUKON TERRITORY AND DISTRICT OF MACKENZIE
OF THE NORTHWEST TERRITORIES.

There shall be in the Yukon Territory and the District of Mackenzie one electoral district named and described as follows, which shall return one member:

YUKON-MACKENZIE RIVER consisting of the Yukon Territory as bounded or described in the Schedule to Chapter 41 of the Statutes of Canada, 1901, together with that part of the District of Mackenzie in the Northwest Territories lying west of the 109th Meridian of west longitude. 1947, c. 71, Sch.; 1949, c. 1, Sch.; 1949, c. 6, s. 52.
CHAPTER 239.
The Research Council Act.

SHORT TITLE.

1. This Act may be cited as the Research Council Act. Short title. R.S., c. 177, s. 1.

INTERPRETATION.

2. In this Act, Definitions.

(a) "Chairman" means the Chairman of the Committee "Chairman." of the Privy Council on Scientific and Industrial Research;

(b) "Committee" means the Committee of the Privy "Committee." Council on Scientific and Industrial Research;

(c) "company" means a company incorporated pursuant to paragraph (a) of subsection (1) of section 17 and any company the direction and control of which is assumed by the Council pursuant to paragraph (b) of subsection (1) of section 17;

(d) "Council" means The Honorary Advisory Council "Council." for Scientific and Industrial Research;

(e) "President" means the President of The Honorary "President." Advisory Council for Scientific and Industrial Research;

(f) "Vice-President (Administration)" means the Vice-President "Vice-President (Administration)." of The Honorary Advisory Council for Scientific and Industrial Research; and

(g) "Vice-President (Scientific)" means a Vice-President "Vice-President (Scientific)." of The Honorary Advisory Council for Scientific and Industrial Research. R.S., c. 177, s. 2; 1946, c. 31, s. 1; 1950, c. 21, s. 1.

3. There shall be a Council to be called "The Honorary Advisory Council for Scientific and Industrial Research." Council. R.S., c. 177, s. 3.

4. There shall be a committee to be called the Committee of the Privy Council on Scientific and Industrial Research consisting of such number of ministers belonging to the Queen’s Privy Council for Canada as the Governor in Council may determine, to be nominated by the Governor in Council. 1946, c. 31, s. 2.

5. (1) The Council consists of a President, a Vice-President (Administration) and two Vice-Presidents (Scientific) and not more than seventeen other members, to be appointed by the Governor in Council.

(2) The members of the Council, with the exception of the President, the Vice-President (Administration), and the Vice-Presidents (Scientific) hold office for a period of three years.

(3) A retiring member is eligible for re-appointment.

(4) There shall be an Executive Committee of the Council consisting of the President, the Vice-President (Administration), the Vice-Presidents (Scientific), and at least three other members selected by the Council. 1950, c. 21, s. 2.

6. (1) The President is the chief executive officer of the Council and has supervision over, and direction of, the work of the Council and of the officers, technical and otherwise, appointed for the purpose of carrying on the work of the Council.

(2) Subject to the direction and control of the President, the Vice-President (Administration) has charge of all matters relating to administration and shall perform such other duties as the President may from time to time assign to him.

(3) Subject to the direction and control of the President, each of the Vice-Presidents (Scientific) has supervision over such scientific matters and shall perform such other duties as the President may from time to time assign to him.

(4) The President, the Vice-President (Administration) and the Vice-Presidents (Scientific) shall receive such salaries and be employed for such terms of office as the Governor in Council may prescribe, and such salaries shall be paid out of moneys provided for the work of the Council. 1946, c. 31, s. 4; 1950, c. 21, s. 3.

7. The Council has charge of all matters affecting scientific and industrial research in Canada that may be assigned to it by the Committee, and also has the duty of advising the Committee on questions of scientific and technological methods.

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methods affecting the expansion of Canadian industries or the utilization of the natural resources of Canada. R.S., c. 177, s. 6.

8. (1) The Council is a body corporate capable of suing and being sued and having the power to acquire money, securities, real estate or property by gift, grant, bequest, donation or otherwise, and of holding lands, tenements, hereditaments, goods, chattels and any other property, movable or immovable, for the purpose of, and subject to, this Act.

(2) The Council may be called the National Research Council. R.S., c. 177, s. 7; 1950, c. 21, s. 4.

9. (1) The Council 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 Council 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 Council in the name of the Council in any court that would have jurisdiction if the Council were not an agent of Her Majesty. 1950, c. 51, s. 3.

10. The Council shall meet at least four times a year in the City of Ottawa on such days as may be fixed by the Council, and may also meet at such other times and places as the Council may deem necessary. R.S., c. 177, s. 8.

11. The Executive Committee of the Council may exercise the powers of the Council and shall submit at each meeting of the Council minutes of its proceedings since the last preceding meeting of the Council. 1946, c. 31, s. 5.

12. No member of the Council, with the exception of the President, the Vice-President (Administration) and the Vice-Presidents (Scientific) shall receive any payment or emolument for his services, but each member shall receive such travelling and other expenses in connection with the work of the Council as may be approved by the Governor in Council. 1950, c. 21, s. 5.

Powers of Council.

13. Without thereby limiting the general powers of the Council conferred upon or vested in it by this Act, it is hereby declared that the Council may exercise the following powers, namely:

(a) to make by-laws for the conduct of its business;

(b) to control and direct the work of the Council through the President, and, in case of the illness, absence or suspension of the President, or in the case of vacancy in the office of President, through an Acting President temporarily appointed by the Council;

(c) to undertake in such way as may be deemed advisable

(i) to promote the utilization of the natural resources of Canada,

(ii) researches with the object of improving the technical processes and methods used in the industries of Canada, and of discovering processes and methods that may promote the expansion of existing or the development of new industries,

(iii) researches with the view of utilizing the waste products of said industries,

(iv) the investigation and determination of standards and methods of measurements, including length, volume, weight, mass, capacity, time, heat, light, electricity, magnetism and other forms of energy, and the determination of physical constants and the fundamental properties of matter,

(v) the standardization and certification of the scientific and technical apparatus and instruments for the Government service and for use in the industries of Canada, and the determination of the standards of quality of the materials used in the construction of public works and of the supplies used in the various branches of the Government service,

(vi) the investigation and standardization, at the request of any of the industries of Canada, of the materials which are or may be used in, or of the products of, the industries making such a request, and

(vii) researches, the object of which is to improve conditions in agriculture;

(d) to have charge of, and direction or supervision over, the researches which may be undertaken, under conditions to be determined in each case, by or for single industrial firms, or by such organizations or persons, as may desire to avail themselves of the facilities offered for this purpose;
(e) to expend such sums of money as may be annually appropriated by Parliament for the work of the Council or that have been received by the Council through bequest, donation or otherwise;

(f) with the approval of the Committee, to appoint such scientific, technical and other officers as are nominated by the President, and to fix the tenure of such appointments, to prescribe the several duties of such officers, and, subject to the approval of the Governor in Council, to fix their remuneration;

(g) subject to the approval of the Chairman, to publish, from time to time, such scientific and technical information as the Council may deem necessary;

(h) to carry on work and manufacturing of an experimental and developmental nature with respect to the matters referred to in paragraphs (c) and (d) so as to render the processes, methods or products to which the said matters relate more available and effective in useful arts and manufacturing and for scientific purposes and otherwise; and

(i) to license, sell or otherwise grant or make available to others, Canadian or other patent rights or any other rights, vested in or owned or controlled by the Council, to or in respect of any discovery, invention or improvement in any art, process, apparatus, machine, manufacture or composition of matter, and to receive royalties, fees and payments therefor. R.S., c. 177, s. 10; 1946, c. 31, s. 7; 1950, c. 21, s. 6.

14. (1) Every discovery, invention or improvement in any art, process, apparatus, machine, manufacture or composition of matter made by a member or any number of members of the scientific and technical staff of the Council, or a company and all rights with respect thereto are vested in the Council.

(2) The Council, with the approval of the Governor in Council, may pay to its scientific and technical officers and to others working under its auspices who have made any valuable discovery, invention or improvement in any art, process, apparatus, machine, manufacture or composition of matter, such bonuses or royalties as in its opinion may be warranted. 1950, c. 21, s. 7.

15. All the receipts and expenditures of the Council are subject to examination and audit by the Auditor General. R.S., c. 177, s. 12.

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16. (1) The President shall report annually to the Council upon the progress and efficiency of the work of the Council and as to its requirements, and shall make such recommendations therein as he may deem necessary.

(2) The Council shall, after the conclusion of the fiscal year, make a report to the Committee containing the report of the President to the Council and also containing a statement of the receipts and expenditures of the Council during the preceding fiscal year.

(3) Such reports shall be printed and laid before Parliament within fifteen days of the making thereof, or, if Parliament is not then in session, within fifteen days after the commencement of the next session of Parliament. R.S., c. 177, s. 13.

17. (1) The Council may, with the approval of the Governor in Council,

(a) procure the incorporation of any one or more companies under the provisions of Part I of the Companies Act, for the objects and purposes of exercising and performing on behalf of the Council such of the power conferred upon the Council by paragraphs (c), (d), (h) and (i) of section 13 of this Act as the Council may from time to time direct and all the issued shares of the capital stock of each such company shall be owned or held in trust by the Council for Her Majesty in right of Canada except shares necessary to qualify other persons as directors; or

(b) assume, by transfer to the Council in trust for Her Majesty in right of Canada of all the issued share capital thereof except shares necessary to qualify other persons as directors, the direction and control of any one or more existing companies incorporated under the provisions of Part I of the Companies Act all the issued share capital of which is owned by or held in trust for Her Majesty in right of Canada except shares necessary to qualify other persons as directors and may delegate to any such company any of the powers conferred on the Council by paragraphs (c), (d), (h) and (i) of section 13 of this Act.

(2) Every company shall keep and maintain such books and records, in addition to those required by the Companies Act as the Council may prescribe and shall make such reports and returns to the Council as the Council may require.

(3) The accounts of a company shall be audited by the Auditor General. 1946, c. 31, s. 9.

EDMOND CLOUTIER, C.M.G., O.A., D.S.P.
QUEEN'S PRINTER AND CONTROLLER OF STATIONERY
OTTAWA, 1953

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CHAPTER 240.

An Act respecting the Royal Canadian Mint.

SHORT TITLE.

1. This Act may be cited as the Royal Canadian Mint Short title. Act.

2. There shall be a branch of the Department of Finance called the “Royal Canadian Mint”, in this Act referred to as “the Mint”. 1931, c. 48, s. 1.

3. (1) Subject to the provisions of subsection (2), there shall be appointed in the manner authorized by law such officers, clerks and employees as may be required for the operation of the Mint.

(2) The officers, clerks and employees who are employed in the Ottawa Branch of the Royal Mint at the time of the coming into force of this section, and the positions respectively held by them, shall in all respects become subject to the provisions of the Civil Service Act, except that if on the classification of any such officer, clerk or employee by the Civil Service Commission he is placed in any position where the maximum salary is smaller than the maximum salary of the position or grade in which he was at the date of the coming into force of this section, he is eligible for increases until he reaches the maximum fixed for the position which he occupied at the date of the coming into force of this section. 1931, c. 48, s. 1.

4. (1) Any officer, clerk or employee mentioned in subsection (2) of section 3 who continues to hold office after the coming into force of this section, is entitled to receive the same benefits as he would have received if he had remained under the provisions of the Acts of the Parliament of Great Britain, namely, the Superannuation Act, 1859, and the Superannuation Act, 1909, as the case may be, and amending Acts, as in force on the date of the coming into force of this section, unless within three months after the said date such officer, clerk or employee, if eligible to become

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a contributor under the provisions of the Civil Service Superannuation Act, chapter 24 of the Revised Statutes of Canada, 1927, elected to become a contributor under the provisions of the said Act, and any such person who so elected is not entitled to any benefits under the Acts of the Parliament of Great Britain above mentioned, and is subject to the provisions of the said Civil Service Superannuation Act, and prior service in the Ottawa Branch or any other branch of the Royal Mint shall, for the purposes of the said Act, be considered as having been service in the Civil Service.

(2) There may be paid out of any unappropriated moneys in the Consolidated Revenue Fund amounts necessary for the following purposes, namely:

(a) to provide the portion of annuities of officers, clerks or employees of the Ottawa Branch of the Royal Mint or of the Royal Mint or any other branch thereof retired before or after the date of coming into force of this section, referable to their service in the said Ottawa branch;

(b) to provide for payment of the portion of retirement benefits referable to their service in the said Ottawa Branch of officers, clerks and employees who continue in office with the Mint after the date of the coming into force of this section, and who do not elect to come under the provisions of the Civil Service Superannuation Act as provided in this section. 1931, c. 48, s. 1.

5. All coins of the currency of Canada that may be made pursuant to the provisions of the Currency Act shall, subject to regulations and conditions that may be made by the Governor in Council, be coined at the Mint; but if for any reason such coins cannot be made at the Mint as required, the Governor in Council may authorize the making of such coins at Her Majesty’s Royal Mint, or at any branch thereof. 1931, c. 48, s. 1.

6. The Governor in Council, on the recommendation of the Treasury Board, may from time to time, by proclamation, do all or any of the following things, namely:

(a) regulate any matters relative to the coinage and the Mint within the present prerogative of the Crown that are not provided for by this Act, or by the Currency Act;

(b) prescribe regulations in regard to deposits of gold bullion and coin;

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(c) prescribe regulations for the making of coins at the Mint for other British dominions or colonies, or for a foreign state, and the terms and conditions under which coins may be so made; and

(d) revoke or alter any proclamation previously made. 1931, c. 48, s. 1.

7. The Auditor General shall inspect the store of bullion and coin at the Mint at least once a year, and the Minister of Finance may direct an officer of his department, other than an officer of the Mint, or some other person to be present at and take part in the inspection. 1931, c. 48, s. 1.

8. Whenever in the Currency Act or any other Act of the Parliament of Canada, or in any regulations or orders made thereunder, the Ottawa Branch of the Royal Mint is mentioned or referred to, there shall in each and every case be substituted therefor the Royal Canadian Mint. 1931, c. 48, s. 1.

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QUEEN'S PRINTER AND CONTROLLER OF STATIONERY
OTTAWA, 1952
CHAPTER 241.

An Act respecting the Royal Canadian Mounted Police.

SHORT TITLE.

1. This Act may be cited as the Royal Canadian Mounted Police Act. R.S., c. 160, s. 1.

INTERPRETATION.

2. In this Act,

(a) "constable" means any member of the Royal Canadian Mounted Police Force, other than a commissioned officer;

(b) "Force" means the Royal Canadian Mounted Police Force;

(c) "Marine Section" means the water transport and personnel of the Force;

(d) "member of the Force" or "member" includes the Commissioner and every other officer, non-commissioned officer and man or woman of the Force;

(e) "Minister" means the Minister for the time having control and management of the Force;

(f) "officer" means a commissioned officer of the Force;

(g) "pay", for pension purposes, means the pay of the substantive rank or appointment, but not that of acting rank, and does not include extra pay for staff and similar temporary appointments;

(h) "rank" means substantive rank or appointment, but does not include acting rank;

(i) "service" means service in the Force. 1934, c. 8, s. 1; 1937, c. 38, s. 1; 1948, c. 28, s. 1.

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PART I.

ROYAL CANADIAN MOUNTED POLICE FORCE.

Constitution.

3. The Royal Canadian Mounted Police Force shall continue to be a police force duly constituted for Canada, shall be known as the Royal Canadian Mounted Police and may be employed in such parts of Canada as the Governor in Council may prescribe. R.S., c. 160, s. 3.

4. Such member of the Queen's Privy Council for Canada as the Governor in Council from time to time directs, has the control and management of the Force, and of all matters connected therewith. R.S., c. 160, s. 4.

5. (1) The Governor in Council may enter into arrangements with the government of any province of Canada or, with the prior approval of the Lieutenant-Governor in Council of any such province, with any municipality thereof, for the use or employment of the Force, or any portion thereof, in aiding the administration of justice in such province or municipality, and in carrying into effect the laws of the legislature or municipality thereof respectively; and may, in any such arrangement, agree upon and determine the amount of money that shall be paid by the province or municipality, as the case may be, for such services of the Force.

(2) There may be included in any such arrangements provisions for the taking over by the Force of such officers and men of any provincial or municipal police force, respectively, as may be required, and for the extension to such officers and men of any provincial, but not to the officers or men of any municipal, police force, of the pension benefits provided for officers and constables of the Royal Canadian Mounted Police Force, upon such terms and conditions, including recognition of prior service, as may be approved by the Governor in Council and agreed upon between the Government of Canada and the government of any province. 1940, c. 39, s. 1.

6. (1) The Governor General may by commission appoint a Commissioner of Police, who shall be called the Commissioner of the Royal Canadian Mounted Police, and may also appoint by commission a Financial Comptroller of Police.

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(2) The Governor in Council may by commission appoint a Deputy Commissioner and one or more Assistant Commissioners of Police, one or more staff and other superintendents, and inspectors, detective inspectors, sub-inspectors, surgeons, assistant surgeons, veterinary surgeons and assistant veterinary surgeons, of the Force, and the Governor in Council may in any commission issued under the authority of this subsection limit the time during which the same shall continue in force. R.S., c. 160, s. 6; 1934, c. 8, s. 2.

7. (1) The headquarters of the Force shall be at such place as the Governor in Council from time to time appoints.

(2) The offices of the Commissioner shall be at the head- quarters of the Force. R.S., c. 160, s. 7.

8. (1) The Governor in Council may from time to time authorize the Commissioner to appoint by warrant under his hand such number of constables as the Governor in Council thinks proper, and men and boys not less than fourteen years of age, as trumpeters and buglers and to appoint from among the constables, non-commissioned officers of different grades, and may from time to time authorize the Commissioner to appoint by warrant under his hand such executive ranks in command, and such engineers and ratings of such grades, to man and assist in the operation of the cruisers and other vessels of the Marine Section, for the prevention of smuggling and similar offences, as the Governor in Council thinks proper.

(2) The Commissioner may delegate such authority to any commissioned officer of the Force.

(3) Such number of non-commissioned officers and constables shall be mounted as the Governor in Council directs.

(4) The Governor in Council may authorize the Commissioner to employ in emergencies such persons as may be necessary to perform the duties of scouts, artisans, cooks, stenographers, tailors, engineers, agents, interpreters, guides or for any other purpose or for general duty for such periods as may be required and at such rates of pay as are authorized by the Minister.

(5) Persons employed in accordance with the provisions of subsection (4) may be appointed by the Commissioner as special constables to make arrests or to assist in other police duties and for purposes of discipline or any other purpose.

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purpose in the public interest, but such persons appointed on and after the 1st day of April, 1932, after qualifying in length of service, are not eligible for pension under the provisions of this Act, except in cases of special merit on the recommendation of the Commissioner.

(6) The Governor in Council may authorize the Commissioner to appoint without pay special constables supernumerary to the strength of the Force for a period not exceeding twelve months at any one time for the purpose of maintaining law and order at the request of any Department of the Government or in any case in which the Commissioner considers it necessary or in the public interest, but such special constables are not entitled to any pecuniary privilege or benefit under this Act and such appointment may be revoked by the Commissioner at any time. 1932, c. 37, s. 2; 1934, c. 8, s. 3.

9. The Governor in Council may authorize arrangements to be made with any surgeon or veterinary surgeon to perform the duties of surgeon, assistant surgeon, or veterinary surgeon, respectively, for the Force, as to any portions or detachments thereof, and may pay reasonable and proper remuneration for any services so rendered. R.S., c. 160, s. 9.

10. (1) The Commissioner of Police, under the Minister, has the control and management of the Force and of all matters connected therewith.

(2) Notwithstanding the provisions of any Act inconsistent herewith, the Governor in Council has power to prescribe the rank and seniority in the militia that officers of the Force shall hold for the purpose of seniority and command when they are serving with the militia. R.S., c. 160, s. 10.

11. In the absence of the Commissioner, the Deputy Commissioner, or such Assistant Commissioner as the Commissioner may designate, may exercise all the powers that by this or any other Act are conferred upon the Commissioner. 1948, c. 28, s. 2.

12. (1) The Commissioner, the Deputy Commissioner and the Assistant Commissioners, respectively, have all the powers of two justices of the peace under this or any Act in force in any province of Canada.

(2) The superintendents, and such other officers as the Governor in Council approves, are ex officio justices of the peace.

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(3) Every member of the Force is a constable in every part of Canada for the purpose of carrying out the criminal and other laws of Canada, and in the Northwest Territories and the Yukon Territory for carrying out any laws and ordinances in force therein. R.S., c. 160, s. 12; 1932, c. 37, s. 4.

13. (1) No officer or constable shall be appointed to the Force unless he is of a sound constitution, active and able-bodied, of good character, and between the ages of eighteen and forty years, nor unless he is able to read and write either the English or the French language.

(2) The provision in this section as to age does not apply to the Commissioner, Deputy Commissioner, Assistant Commissioners, or surgeons.

(3) The Governor in Council may exempt from the provision of this section as to age, new personnel taken into the Force by reason of any arrangement entered into with a province or municipality under the provisions of section 5, and the personnel of the Customs-Excise Preventive Service of the Department of National Revenue absorbed into the Force, and the personnel of the Royal Canadian Mounted Police Reserve Force, or any other personnel that the Governor in Council considers should be exempted in the public interest. R.S., c. 160, s. 13; 1932, c. 37, s. 5; 1940, c. 39, s. 2.

14. (1) Every constable shall, upon appointment to the Force, sign articles of engagement for a term of service not exceeding five years, and such engagement shall be made with the Commissioner, and may be enforced by him.

(2) Such constable may be dismissed or discharged by the Commissioner before the expiration of the said term.

(3) Persons appointed by the Commissioner under subsection (4) of section 8 may also be dismissed or discharged by the Commissioner before the expiration of their term of service. R.S., c. 160, s. 14; 1940, c. 39, s. 3.

Oaths.

15. (1) Every member of the Force shall, before entering upon the duties of his office, take the oath of allegiance and an oath of office in the form following, that is to say:

I, A.B., solemnly swear that I will faithfully, diligently and impartially execute and perform the duties required of me as a member of the Royal Canadian Mounted Police, and

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and will well and truly obey and perform all lawful orders and instructions that I receive as such, without fear, favour or affection of or towards any person. So help me God.

(2) Such oaths, as well as any others or statutory declarations that may be necessary or required, may be taken by the Commissioner before any judge, stipendiary magistrate or justice of the peace, having jurisdiction in any part of Canada, and by any other member of the Force, before the Commissioner of Police or before any commissioned officer of the Force or any person having jurisdiction as aforesaid.

(3) Such oaths shall be retained by the Commissioner as part of the records of his office. R.S., c. 160, s. 15; 1940, c. 39, s. 4.

Duties.

16. The Commissioner of Police shall perform such duties as are assigned to him, and he is subject to the control, orders and authority of such person or persons as are for that purpose named by the Governor in Council. R.S., c. 160, s. 16.

17. It is the duty of members of the Force, subject to the orders of the Commissioner,

(a) to perform all duties that now or hereafter are assigned to constables in relation to the preservation of the peace, the prevention of crime, and of offences against the revenue laws of Canada and the laws and ordinances in force in any province or territory or territories in which they may be employed, and the criminal and other laws of Canada, and the apprehension of criminals and offenders, and others who may be lawfully taken into custody.

(b) when thereto ordered, to attend upon any judge, stipendiary magistrate or justice of the peace when specially required, and to execute all warrants, and perform all duties and services in relation thereto, that may, under this Part, or the laws and ordinances in force in any province, territory or territories in which they may be employed, or the criminal or other laws of Canada be lawfully executed and performed by constables; and

(c) to perform all duties that may be lawfully performed by constables in relation to the escort and conveyance of convicts and other prisoners and lunatics to or from any courts, places of punishment or confinement, asylums or other places. R.S., c. 160, s. 17; 1932, c. 37, s. 7.
18. (1) It is the duty of the members of the Force, subject to the orders of the Commissioner, upon information, or upon reasonable grounds of suspicion, and without the necessity of any intervention or process of law, to enter any shop, store, hut, tent, wigwam, dwelling or building, or place or enclosure, and to enter, and, for such purpose, stop and detain while travelling, any vessel, canoe, carriage, wagon, cart, sleigh, or other vehicle or means of conveyance of any description, and to search all parts thereof, and any kegs, barrels, cases, boxes, or packages or receptacles of any kind, for spirits, strong waters, spirituous liquors, wines, or fermented or compounded liquors, or intoxicating drink of any kind, and to break and destroy any such kegs, barrels, cases, boxes, or packages or other receptacles of any kind found containing the same, and to pour out and destroy all spirits, strong waters, spirituous liquors, wines, or fermented or compounded liquors or intoxicating drink.

(2) No constable shall so enter any hut, tent, wigwam or dwelling, unless accompanied by or under the order of a commissioned officer.

(3) It is not necessary, in order to a constable's lawful entry into or search of any place or thing in this section mentioned, or to his right of seizure and destruction of such liquors or intoxicating drink as aforesaid, that, before such entry or seizure, he see any such liquor or intoxicating drink, or have any visible indication or evidence that liquor of any kind may be contained in or about the premises.

(4) This section applies only to the Northwest Territories as constituted on the 31st day of January, 1907, and to any other territory in which the provisions of the Northwest Territories Act, relating to the prohibition of intoxicants, remain in force, and it does not apply to intoxicants lawfully imported and brought in. R.S., c. 160, s. 18.

19. (1) The Force, for the purposes aforesaid and the performance of the duties assigned to it by or under the authority of this Part, in addition to the powers and duties conferred or imposed by this Part, has all the powers, authority, protection and privileges that any constable has by law.

(2) Except within the Yukon Territory, the Force shall not be charged with any duties under or in connection with any municipal by-laws, unless authorized by the Governor in Council.
(3) Members of the Force in connection with the prevention of offences against the revenue laws of Canada, have all the rights, privileges and immunities of customs and excise preventive officers, including authority to make seizures of goods for infractions of revenue laws, and to lay informations in proceedings brought for the recovery of penalties therefor. 1934, c. 8, s. 4.

20. The Governor in Council may by regulation determine the pay and allowances to be received by the Commissioner and other members of the Force. 1932-33, c. 29, s. 1.

21. (1) Notwithstanding the provisions of any Act inconsistent herewith, all fines and the proceeds of all forfeitures and seizures and all portions of any fine and of any forfeiture or seizure that may be awarded or adjudged to any member of the Force in connection with the performance of his duties, and all gifts and bequests of money and the proceeds of all gifts and bequests, if converted into money, given or made to the Force after the 1st day of December, 1936, shall be paid to the Minister.

(2) All fees or costs that are ordinarily paid to any member of the Force and any remuneration granted to or awarded him by way of salary, commission or fee for duties performed for any Department of the Federal, Provincial or Territorial Governments or any other organization, or any money whatsoever earned, awarded or granted to him in connection with the performance of his duties over and above his regular salary or pay and allowances as a member of the Force, shall be paid to the Minister, except cases in which the Minister may from time to time otherwise direct.

(3) The money so paid to the Minister shall be used or paid

(a) for the benefit of members and ex-members of the Force and their families and the families of deceased members of the Force;

(b) to such benefit fund established or as may hereafter be established in the interest of members and ex-members of the Force or their dependants as the Governor in Council may prescribe; or

(c) as a reward, grant or compensation to any person who assists the Force in the performance of its duties in any case where the Minister is of opinion that such person is deserving of recognition for the service rendered.

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(4) The Governor in Council may make any regulations deemed by him necessary or convenient for the management and administration of the said moneys, and of any Benefit Fund established in connection therewith. 1932-33, c. 29, s. 2; 1940, c. 39, s. 5; 1948, c. 28, s. 3.

22. (1) If any member of the Force is caused personal injury by accident arising out of and in the course of his employment he may be granted compensation, including medical and hospital expenses, at such rate and in such manner as the Governor in Council may prescribe.

(2) If any such member is invalided from the Force as a result of such an injury and such member has served long enough to qualify for pension he may elect whether he will accept compensation for such injury or a service pension as a result of compulsory retirement.

(3) The provisions of the Government Employees Compensation Act do not apply to members of the Force. 1940, c. 39, s. 6.

Regulations.

23. The Governor in Council may regulate and prescribe the amounts to be paid for the purchase of horses, vehicles, harness, saddlery, clothing, arms and accoutrements, or articles necessary for the Force; and also the expenses of travelling, and of rations, or of boarding or billeting the Force, and of forage for the horses. R.S., c. 160, s. 22.

24. (1) The Governor in Council may make regulations for the quartering, billeting and cantoning of the Force, or any portion or detachment thereof, and for the furnishing of boats, carriages, vehicles of transport, horses and other conveyances for transport and use, and for giving adequate compensation therefor; and may, by such regulations, impose fines, not exceeding two hundred dollars, for the violation of any such regulation, or for refusing to billet any of the Force, or to furnish transport as herein mentioned.

(2) No such regulations shall authorize the quartering or billeting of any of the Force in any nunnery or convent, or upon any religious order of females. R.S., c. 160, s. 23.

25. The Governor in Council may establish the precedence and rank in the Force of the several commissioned officers, and make rules and regulations as to

(a) the clothing, arms, training and discipline of the Force;

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(b) the duties and authorities of the Commissioner and the other members of the Force, and the several places at or near which they, or the Force, or any portion thereof, may be stationed; and

(c) generally for such matters and things, concerning the government, discipline and guidance of the Force, as are not inconsistent with this Act. R.S., c. 160, s. 24.

Expenditure.

26. All sums of money required or authorized to be paid by or under the authority of this Act, and for payment of which no other provision is made, shall be paid out of any unappropriated moneys in the Consolidated Revenue Fund. 1940, c. 39, s. 7.

27. Notwithstanding anything in this Act, any pension, gratuity or allowance provided for by Part I, II or III shall be granted only with the approval of the Governor in Council and upon the further condition, in the case of a member of the Force, that it shall be granted only in consideration of good and faithful service during the period in respect of which it is calculated. 1948, c. 28, s. 4.

Reserve.

28. (1) The Governor in Council may authorize the Commissioner to appoint by warrant under his hand such number of men as reserve constables as the Governor in Council thinks proper, to be known as the "Royal Canadian Mounted Police Reserve", and to appoint from among such constables, reserve non-commissioned officers of different grades.

(2) Such Reserve, or any portion or member thereof, may be called up for training or duty by the Commissioner when he deems it necessary.

(3) When such men of the Reserve have been called up for training or duty, they shall hold the rank assigned to them by the Commissioner and shall receive such pay as is authorized by the Governor in Council for such rank.

(4) When a member of such Reserve is called up for training or duty, he shall exercise all the powers of a member of the Force as prescribed in this Act.

(5) Every member of such Reserve shall be appointed or enlisted for a period of three years, and shall take the oath of allegiance and oath of office as prescribed under section 15.

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(6) Every member of such Reserve on being called up for duty or training is subject to the provisions of Part I and of all rules and regulations made thereunder from the date of his being called up, which date shall be the date on which he is advised by registered letter to report himself for duty; should he become injured or killed in the performance of duty, but not otherwise, he or his dependants, if any, are eligible to receive the benefits provided under the provisions of Part III and under any regulations of the Force providing for the payment of compensation in respect of the injury or death of a member of the Force arising out of and in the course of the performance of duty.

(7) A reserve constable desirous of resigning from the Force before the expiration of the period for which he has undertaken to serve, must apply to the Commissioner in writing for permission to resign, disclosing sufficient reasons and giving at least one month’s notice; such permission to resign is subject to the consent of the Commissioner; a reserve constable desirous of resigning on the grounds of ill health must furnish a medical certificate, certifying that ill health prevents him from continuing to carry out his duties as a reserve constable; the application must be accompanied by the applicant’s warrant of appointment.

(8) Any member of such Reserve may be discharged therefrom by the Commissioner without notice.

(9) Any member of such Reserve may be called up for training for a period not exceeding three months in any one year.

(10) No constable or man shall be appointed to such Reserve unless he is of sound constitution, active, able-bodied, of good character and education, and between the ages of eighteen and forty years; provision in this section as to age, at the discretion of the Commissioner, does not apply to commissioned officers, non-commissioned officers or constables appointed to the Reserve from the Royal Canadian Mounted Police Force for purposes of command or instruction, or to the re-employment of former members of the Royal Canadian Mounted Police, or the Royal Canadian Mounted Police Reserve, who are physically fit and otherwise suitable for duty in the Reserve.

(11) Except as hereinbefore specified, the provisions of this Act are not applicable to a member of such Reserve.
Offences and Penalties.

29. Every commissioned officer who is charged with any of the offences enumerated in section 30 may be placed under arrest; and the Commissioner may, on receipt of the charge in writing, order an investigation as in case of a special inquiry under the provisions of this Part. R.S., c. 160, s. 29.

30. Every member of the Force, other than a commissioned officer, who is charged with

(a) disobeying or refusing to obey the lawful command of, or striking his superior in rank, or any other member of the Force placed in authority over him;
(b) oppressive or tyrannical conduct to his inferior in rank or any other member of the Force over whom he exercises authority;
(c) intoxication, however slight;
(d) having intoxicating liquor illegally in his possession or concealed;
(e) directly or indirectly receiving any gratuity, without the Commissioner's sanction, or any bribe;
(f) wearing any party emblem or otherwise manifesting political partisanship;
(g) overholding any complaint;
(h) mutinous or insubordinate conduct;
(i) unduly overholding any allowances or any other public money entrusted to him;
(j) misapplying or improperly withholding any money or goods levied under any warrant or taken from any prisoner;
(k) divulging any matter or thing that it is his duty to keep secret;
(l) making any anonymous complaint to the government or the Commissioner;
(m) communicating, without the Commissioner's authority, either directly or indirectly, to the public press any matter or thing touching the Force;
(n) wilfully, or through negligence or connivance, allowing any prisoner to escape;
(o) using any cruel, harsh or unnecessary violence towards any prisoner or other person;
(p) leaving any post on which he has been placed as sentry, guard, or escort, or on any other duty;
(q) being asleep, not alert or inattentive whilst on a tour of duty or as sentry, or whilst in charge of prisoners;

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13. (r) deserting or absenting himself from his duties or quarters without leave;
(s) making a false statement, or a statement deliberately intended to mislead, either verbally or in writing;
(t) scandalous or infamous behaviour;
(u) disgraceful, profane or immoral conduct;
(u) conduct unbecoming a member of the Force;
(w) violating any standing order, rule or regulation, or any order, rule or regulation hereafter made; or
(x) any disorder or neglect, although not specified in this Part or in any rule or regulation;
may be forthwith placed under arrest and detained in custody, to be dealt with under the provisions of this Part. 1934, c. 8, s. 6; 1940, c. 39, s. 9.

31. (1) The Commissioner, the Deputy Commissioner, and Assistant Commissioner, a superintendent or other commissioned officer at any post or in any district may, forthwith, on a charge in writing of any one or more of the offences mentioned in this Act or any regulation made under the authority hereof being preferred against any member of the Force, other than a commissioned officer, cause the person so charged to be brought before him, and he shall then and there, in a summary way, investigate the said charge, and, if proved on oath to his satisfaction, shall thereof convict the offender; every commissioned officer for the purpose of this section is empowered to administer the necessary oaths in dealing with a charge in a summary way.

(2) Any such offender is liable to a penalty not exceeding one month's pay, or to imprisonment, with hard labour, for a term, not exceeding one year, or to both fine and imprisonment, and also to reduction in rank, in addition in any case to any punishment to which the offender is liable, with respect to such offence, under any other law in force in the Northwest Territories or the Yukon Territory, or in the province in which the offence is committed.

(3) Any such offender on being convicted of absence without leave, in addition to any other penalty which may be imposed under this section, is subject to complete stoppage of pay for each day he is so absent, within the meaning of the Royal Canadian Mounted Police rules and regulations.

(4) Any such offender on being convicted of damage to or loss of Government or other property, or of rendering himself unfit for duty through negligence, carelessness or wilful act, may be required to pay the cost of such damage.

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or loss or of the hospital and medical bills incurred while unfit for duty, or may be required to pay such amount by pay stoppage as may be levied against him by the officer trying the case, in addition to any other punishment that may be awarded.

(5) Any such offender on being convicted of an offence contrary to paragraphs (e), (i) or (j) of section 30 may be required to pay the amount specified in such charge, or any portion thereof, or may be required to pay such amounts or portions thereof by pay stoppages as may be levied against him by the officer trying the case, in addition to any other punishment that may be awarded.

(6) Where a person is convicted under this section lesser punishments may be imposed as follows:

(a) where in the opinion of the convicting officer imprisonment is too severe a punishment the offender may be confined to barracks for a period not exceeding twenty-eight days in lieu of or in addition to a fine;

(b) where in the opinion of the convicting officer reduction in rank would be too severe the offender, if he is a non-commissioned officer, may be reduced in seniority in his own rank;

(c) where the convicting officer considers that the offence is of a minor nature and that fine or imprisonment would be too severe the offender may be given extra guards, extra fatigues or other extra duties; and

(d) where in the opinion of the convicting officer the offence is of so minor a nature that a more severe punishment is not necessary the offender may be reprimanded, admonished or warned as provided for in the Standing Orders of the Commissioner. 1934, c. 8, s. 7; 1935, c. 25, s. 1; 1938, c. 24, s. 3; 1948, c. 28, s. 5.

Deserters.

32. Every member who, having deserted, has not surrendered himself before the termination of his period of engagement, is subject to the provisions of sections 30 and 31 for a further period of twelve months after the expiration of his period of engagement; or if he left Canada after the offence and within either of the said periods, then for twelve months after his return to Canada. R.S., c. 160, s. 32.

Application of penalties.

33. (1) All pecuniary penalties imposed under sections 30, 31 and 32, and all pay due to deserters at the time of their desertion, with the exception of those penalties referred to in subsections (2) and (3), shall form a fund to be managed by the Commissioner, with the approval of the Minister, and be applicable to the payment of rewards for good R.S., 1952.
good conduct, or meritorious service, to the establishment of libraries and recreation rooms and to such other objects, for the benefit of the members of the Force, as the Minister approves.

(2) Where pecuniary penalties are imposed for offences under either one or more of paragraphs (e), (i) or (j) of section 30, or for an offence that comes within the scope of subsection (4) of section 31, that part of such penalties imposed that relate to a full or partial re-imbursement for loss, damage or deficiency shall be paid to the credit of the Receiver General of Canada or to the credit of the respective person or organization sustaining the loss, damage or deficiency for which the offender was tried.

(3) When any offender is penalized under subsection (3) of section 31 by a stoppage of pay, the stoppage shall be effected by deducting the number of days without pay from the total he otherwise would have been allowed on the paylist. 1935, c. 25, s. 2.

34. Whenever the Commissioner deems it advisable to make or cause to be made any special inquiry into the conduct of any member of the Force, or into any complaint against any of them, he or the commissioned officer or officers whom he appoints for that purpose, may examine any person on oath or affirmation, and may compel the attendance of any necessary witnesses, in the same manner as if the proceedings were before justices, under the provisions of the Criminal Code relating to summary convictions. R.S., c. 160, s. 34.

35. (1) Every member of the Force who, having deserted, absented himself from his duties without leave, or refused to do duty therein, is found in any part of Canada, whether the term for which he engaged to serve has or has not expired at the time of his being so found, is, on summary conviction, liable

(a) to a fine not exceeding two hundred dollars and not less than one hundred dollars, and in default of payment of such fine, to imprisonment for a term not exceeding eight months, unless such fine is sooner paid;

(b) to imprisonment with hard labour for a term not exceeding twelve months;

(c) to both fine and imprisonment; or

(d)

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(d) to be delivered into the custody of a member of the Force and taken back in custody to the headquarters thereof, or elsewhere in Canada, to be dealt with in a summary way, in accordance with the provisions of this Part.

Evidence.

(2) Upon the trial of any offender under this section, it is not necessary to produce or give in evidence the original engagement or agreement to serve in the Force signed by such offender, but such engagement may be proved by parol evidence or by a certificate purporting to be signed by the Commissioner, the Deputy Commissioner, an Assistant Commissioner or any superintendent or inspector or commissioned officer of the Force, giving the date and term of such engagement; and such certificate is prima facie evidence of such engagement.

When complaint or information may be laid.

(3) Any complaint may be made or information laid under this section, and proceedings may be had thereon, at any time during the period of the engagement of such offender and within twelve months thereafter. 1940, c. 39, s. 11.

Refusal of discharged member to deliver up clothing, etc.

36. Every member of the Force who, if discharged or dismissed, refuses or neglects to forthwith deliver up to the Commissioner or to a commissioned officer, or to a constable authorized to receive them, his clothing, arms, accoutrements and all property of the Crown in his possession as a member of the Force or used for police purposes, shall, on summary conviction, incur a penalty of fifty dollars in addition to the value of the articles not delivered up. R.S., c. 160, s. 36.

Penalty.

Personating member, inducing him to forego duty, etc.

37. (1) Every person who unlawfully puts on or assumes the dress, name, designation or description of any member of the Force, or who gives or offers or promises to give to any member of the Force any bribe, pecuniary or otherwise, or who makes any agreement with any member of the Force to induce him in any way to forego his duty, or who concurs or connives at any act whereby any rule, order or regulation of the Governor in Council in relation to the Force may be evaded, is, on summary conviction, liable to a fine not exceeding eighty dollars, or to imprisonment, with or without hard labour, for a term not exceeding six months, or to both fine and imprisonment.

Penalty.

Using name, etc., without authority.

(2) Every person who uses, without the authority of the Governor in Council, the name "Royal Canadian Mounted Police" or "R.C.M.P." or any other combination of letters relating to the Force, or any pictorial simulation

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Simulation or representation of a member of the Force in trade marks, business identifications, business advertisements, or any similar marking or advertisement, is, on summary conviction, upon the complaint of any member of the Force, liable to a fine not exceeding two hundred dollars, or to imprisonment, with or without hard labour, for a term not exceeding six months, or to both fine and imprisonment; but no such complaint shall be laid without the consent in writing of the Commissioner. R.S., c. 160, s. 37; 1940, c. 39, s. 12.

38. Every person who unlawfully disposes of, receives, buys or sells, or has in his possession without lawful cause, or refuses to deliver up when thereunto lawfully required, any horse, vehicle, harness, arms, accoutrements, clothing or other thing used for police purposes, is, on summary conviction, liable to a penalty of double the value thereof, and to a further penalty not exceeding twenty-five dollars, and in default of payment forthwith to imprisonment for a term not exceeding three months. R.S., c. 160, s. 38.

39. Every person who, by concealing the fact of his having been dismissed from the Force, or by false or forged certificates or false representations, obtains admission into the Force, or obtains any pay, gratuity or pension, is, on summary conviction, liable to a fine not exceeding eighty dollars, or to imprisonment, with or without hard labour, for any term not exceeding six months, or to both fine and imprisonment. R.S., c. 160, s. 39.

40. Whenever, during his engagement, any member of the Force has been imprisoned for more than one month for any offence, or has been absent through desertion, the period of his imprisonment or desertion shall not be reckoned as service; and upon the expiry of the term for which he had engaged to serve in the Force, he shall continue to serve for a period equal to the period of such imprisonment or desertion, or both. R.S., c. 160, s. 40.

41. Whenever, during his engagement, a member of the Force has been imprisoned for an offence, such term of imprisonment shall not be deemed to be abridged or to cease in consequence of the expiry, pending such term of imprisonment, of the term during which the offender had engaged to serve in the Force. R.S., c. 160, s. 41.

42. In all cases of imprisonment under sentence, the pay of the offender shall be forfeited during the period of imprisonment suffered. R.S., c. 160, s. 42.
Report to Commissioner.

43. All fines and sentences of imprisonment, together with the record of investigation, shall be forthwith reported to the Commissioner, or in case of his absence, to the Deputy Commissioner or an Assistant Commissioner by whom they may be mitigated or reversed, in his discretion. 1932, c. 37, s. 11.

PART II.

OFFICERS' PENSIONS.

Pension to officers, service 10 years.

44. (1) An officer who is retired compulsorily for any cause other than misconduct or inefficiency after ten years' service, is entitled to a pension for life, not exceeding one-fiftieth of the pay and allowances of his rank or permanent appointment at the time of his retirement for each completed year of service.

(2) The Governor in Council may by regulation determine the amount of allowances for purposes of pension to be received by the Commissioner and other officers of the Force. R.S., c. 160, s. 44; 1932-33, c. 29, s. 4.

Voluntary retirement after 25 years' service.

45. An officer who retires voluntarily after twenty-five years' service is entitled to a pension for life, twenty per cent less than he would be entitled to if he were retired compulsorily. R.S., c. 160, s. 45.

After 35 years.

46. An officer who retires voluntarily after thirty-five years' service is entitled to the same pension as if he were retired compulsorily. R.S., c. 160, s. 46.

Maximum rates.

47. (1) No addition shall be made to such pension for any service beyond thirty-five years.

(2) If the service has not been continuous, the period or periods during which such service has been discontinued shall not be counted. R.S., c. 160, s. 47.

Breaks in service not to be counted.

48. (1) In the case of an officer who prior to his appointment in the Force has served as a non-commissioned officer or constable in the Force or in the Dominion Police, the time during which he has so served may be included in his term of service or be computed as service for the purposes of this Part. subject to the provisions of section 49.

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(2) Time served in the Civil Service of Canada that could be reckoned for the purposes of Part I of the Civil Service Superannuation and Retirement Act may in like manner be included in the term of service for the purpose of this Part.

(3) Time served in the Civil Service of Canada during which Part II of the Civil Service Superannuation and Retirement Act applied to the person serving and during which the reservation of five per cent was made out of his salary as required by section 27 of that Act may in like manner be included in the term of service for the purpose of this Part.

(4) Subsections (1) and (3) shall be construed and applied with relation to officers in the Force on the 19th day of July, 1924, as if the same had been enacted on the 1st day of February, 1920.

(5) Time served on active service during the war between Great Britain and Germany that commenced on the 4th day of August, 1914, may be included in the term of service for the purpose of pension under this Part.

(6) Time served in the Civil Service of Canada that counted towards superannuation and retirement under the various Civil Service Superannuation and Retirement Acts, and time served in the Customs-Excise Preventive Service of the Department of National Revenue may be included in the term of service for the purpose of pension under this Part.

(7) Recognition of prior service in and time served in any provincial police force with which the Federal Government has an agreement under section 5, at the time of the officer's appointment or re-appointment, or subsequent to such appointment or re-appointment, may be included in the term of service for the purpose of pension under this Part, if the officer pays the amount required by the Governor in Council.

(8) Time served in the permanent naval, army or air forces of Canada may also be included in the term of service of an officer for the purposes of pension under this Part; and in such cases the yearly deduction of five per cent upon average pay under this Part from any pension shall be reduced by the average yearly deduction from the officer's salary or pay as a member of the permanent naval, army or air forces, made under the Defence Services Pension Act.

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(9) Time served on active service during the war that commenced in September, 1939, may be included in the term of service of an officer for the purposes of pension under this Part. R.S., c. 160, s. 48; 1932, c. 37, s. 12; 1934, c. 8, s. 8; 1938, c. 24, s. 4; 1948, c. 28, s. 6.

49. (1) A deduction towards making good the pensions aforesaid shall be made from the pay of every officer at the rate of five per cent per annum on such pay; but such deduction shall not be made during more than thirty-five years of service.

(2) If an officer becomes entitled to a pension, and the deduction from his pay provided for in this section has not been made for as great a number of years as that upon which his pension is based, the aggregate amount of pay received by him during the years for which no such deduction has been made shall be divided by the number of such years for the purpose of ascertaining the average pay of such officer during such years, and a yearly deduction amounting to five percent upon such average pay shall be made from the pension of such officer, and such deduction shall continue to be made until the expiration of the number of years last mentioned or the cessation of the payment of the pension, whichever first happens; but if the officer thinks fit, the deficiency in deduction may be made good by him in one payment.

(3) The sums deducted under this section shall form part of the Consolidated Revenue Fund of Canada. R.S., c. 160, s. 49.

50. (1) If any officer is constrained, from any infirmity of body or mind, to quit the Force before a period at which a pension might be granted to him, the Governor in Council may allow him a gratuity not exceeding one month's pay for each year of his service.

(2) If any such officer is so constrained to quit the service before such period by reason of severe bodily injury, received without his own fault, in the discharge of his public duty, the Governor in Council may allow him a gratuity not exceeding three months' pay for every two years' service. R.S., c. 160, s. 50.

51. If an officer is retired to promote efficiency or economy in the service, the Governor in Council may grant him such gratuity as he would have been entitled to if he had been retired in consequence of permanent infirmity of body or mind. R.S., c. 160, s. 51.

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52. Subject to the provisions hereinafter contained, the Governor in Council may, as to him seems fit, grant a pension to the widow and a compassionate allowance to each of the children of any officer who, having completed ten years’ service, was at the time of his death on full pay, or who, having completed ten years’ service, is at the time of his death in receipt of a pension. R.S., c. 160, s. 52.

53. Such pension or compassionate allowance shall not be granted

(a) if the applicant is unworthy of it;
(b) if the applicant is already wealthy;
(c) if the officer married after retirement;
(d) if the officer was at the time of his marriage over sixty years of age;
(e) in the case of an officer who married after the 1st day of July, 1902, if he was more than twenty-five years older than his wife; or
(f) if the officer died within one year after his marriage, unless he was manifestly in good health at the time of his marriage, and his death was caused by disease or injury not due to causes within his own control, and there are no other objections to the granting of the pension or compassionate allowance. R.S., c. 160, s. 53.

54. The pension of a widow shall be, (a) if her husband was at the time of his death on full pay, an amount equal to one-half of the pension to which he would have been entitled if he had been retired compulsorily immediately before his death; or
(b) if he was on pension, an amount equal to one-half of such pension. R.S., c. 160, s. 54.

55. (1) The compassionate allowance to a child shall be,

(a) in the case of the Commissioner, Deputy Commissioner, or an Assistant Commissioner, eighty dollars;
(b) in the case of a superintendent or surgeon, seventy dollars; and
(c) in the case of an inspector, assistant surgeon or veterinary surgeon, sixty-five dollars.

(2) If the child is motherless and in great need, the allowance may be doubled. R.S., c. 160, s. 55; 1932, c. 37, s. 13.

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Certain constables pensioned may be recalled.

Amount of pension.

67. (1) The pension of a constable on retirement shall be,

(a) if he has completed ten but less than twenty-one years' service, one-fiftieth of his annual pay and allowances during the last year of his service for every year of service;

(b) if he has completed twenty-one but less than twenty-five years' service, an annual sum equal to twenty-fiftieths of his annual pay and allowances during the last year of his service, with an addition of two-fiftieths of such pay and allowances for every completed year of service above twenty years; or

(c) if he has completed twenty-five years' service, an annual sum equal to thirty-fiftieths of his annual pay and allowances during the last year of his service with an addition of one-fiftieth of such pay and allowances for every completed year of service above twenty-five years, but the pension shall not exceed two-thirds of such annual pay and allowances.

(2) The Governor in Council may by regulation determine the amount of allowances for pension purposes to be received by any constable of the Force, and this subsection shall be and be deemed to have been effective from the 1st day of August, 1919. 1940, c. 39, s. 13.

68. (1) In the event of a pensioner being re-engaged for service in the Force by reason of the existence of a national emergency, including war, his pension shall be discontinued until his re-engagement is terminated by his final discharge from the Force.

(2) Notwithstanding anything in this Part, payment of the pension of which any such pensioner was in receipt prior to his re-engagement as aforesaid shall, upon his final discharge from the Force, be immediately resumed; but the Governor in Council may, in his discretion, increase the amount of such pension by an amount equal to one-fiftieth of the annual pay and allowances of which such pensioner was in receipt at the time of his final discharge from the Force.

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Force for each year or, save as otherwise provided by subsection (3), portion of a year of his service during the period of his re-engagement as aforesaid.

(3) In determining the period of service of a pensioner under re-engagement as aforesaid for the purposes of subsection (2), service of six months or more but of less than one year shall be counted as one-half of a year's service, but service of less than six months shall not count for the purposes of any increase of pension; and where in the case of any pensioner no allowances for the rank held by him during re-engagement as aforesaid are prescribed for pension purposes, the Minister may recommend that such amount by way of allowances as may in his opinion be considered fair and just in the circumstances of the case be taken into account for the purpose of computing an increase of the pension of such pensioner under the provisions of subsection (2).

(4) In this section “pensioner” means any constable who, prior to his re-engagement for service in the Force, was in receipt of a pension granted to him under this Act. 1940, c. 39, s. 14.

69. (1) For the purpose of estimating any pension under this Part,

(a) if the service has not been continuous, the period or periods during which such service has been interrupted shall not be counted; and

(b) neither working pay nor extra pay of any man shall be considered.

(2) Time served on active service during the war between Great Britain and Germany that commenced on the 4th day of August, 1914, may be included in the term of service for the purpose of pension under this Part.

(3) Time served in the Civil Service of Canada that counted towards superannuation and retirement under the various Civil Service Superannuation and Retirement Acts, and time served in the Customs-Excise Preventive Service of the Department of National Revenue, may be included in the term of service for the purpose of pension under this Part.

(4) Recognition of prior service in and time served in any provincial police force with which the Federal Government has an agreement under section 5 at the time of the constable's engagement or re-engagement or subsequent to such engagement or re-engagement may be included.

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56. The total amount paid to the widow and children of an officer during any year shall not exceed the amount of the pension of which the officer was in receipt, or to which he would have been entitled, as the case may be. R.S., c. 160, s. 56.

57. (1) A widow’s pension or a child’s compassionate allowance shall be discontinued if such widow or child becomes unworthy of it, or becomes wealthy.

(2) If the widow remarries, her pension shall be suspended from the day following that of her remarriage; but in the event of her again becoming a widow, her pension may be restored, if she is otherwise qualified.

(3) If, through her own neglect or omission, the claim of a widow to pension is not established before her death, the amount of pension which she might have received, if living, shall not be allowed to her representatives. R.S., c. 160, s. 57.

58. The compassionate allowance to an officer’s child shall cease when such child, if a son, reaches the age of eighteen, and when such child, if a daughter, reaches the age of twenty-one or marries. R.S., c. 160, s. 58.

59. No pension or compassionate allowance shall be granted unless the Treasury Board reports that the person to whom it is proposed to grant it is eligible within the meaning of this Part. R.S., c. 160, s. 59.

60. This Part applies, instead of the Civil Service Superannuation and Retirement Act,

(a) to every officer appointed to the Force after the 1st day of July, 1902; and

(b) to every officer in the Force who is not subject to the provisions of Parts I or II of the Civil Service Superannuation and Retirement Act.

R.S., c. 160, s. 60.

61. Any deduction made from the pay of an officer towards the Civil Service Superannuation Fund or the Civil Service Retirement Fund may, if such officer so elected to accept the provisions of the Mounted Police Officers Pension Act, 1902, be counted as part of the five per cent deduction required by the provisions of this Part towards making good the pensions aforesaid. R.S., c. 160, s. 62.

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62. Part I or Part II of the Civil Service Superannuation and Retirement Act, as the case may be, continues to apply as heretofore to officers who are not subject to the application of this Part. R.S., c. 160, s. 63.

63. Nothing in this Part affects the right of the Governor in Council to dismiss or remove any officer. R.S., c. 160, s. 64.

64. (1) Subject to the provisions hereinafter contained, the Governor in Council may grant a pension to the widow and a compassionate allowance to each of the children of any officer who loses his life in the performance of duty, as a result of hardship, accident, misadventure or violence. (2) The pension of such widow shall be equal to one-half the pay and allowances that would have been permitted her deceased husband for pension purposes, under this Act at the time of his death, irrespective of whether he had qualified for pension by length of service or not, and the compassionate allowance to each child shall be that stipulated in section 55.

(3) The provisions of section 56 do not apply in the case of the widow and children of an officer who loses his life under the conditions set forth in subsection (1).

(4) Payments of pension or compassionate allowance granted to the widow and children of an officer under this section are subject to the provisions of sections 57, 58 and 59. 1934, c. 8, s. 10.

PART III.

CONSTABLES' PENSIONS.

65. When any constable has (a) completed a service of twenty years, or (b) completed a service of not less than ten years, and has reached the age limit, the Commissioner may, with the approval of the Governor in Council, require him to retire upon the terms as to pension prescribed under this Part. 1938, c. 24, s. 5.

68. (1) Subject to the provisions of this Part, when any constable (a) has completed not less than ten years' service, and is incapacitated from the performance of his duty by infirmity of mind or body, he may be invalided and granted a pension for life; or (b) R.S., 1952.
(b) has completed not less than twenty years' service, he shall be entitled to retire and receive a pension for life.

(2) Any constable who receives a pension before he has completed twenty years' service shall be subject to return to service, as provided by this Part, if he ceases to be incapacitated and has not reached the age limit. 1940, c. 39, s. 13.

67. (1) The pension of a constable on retirement shall be,

(a) if he has completed ten but less than twenty-one years' service, one-fiftieth of his annual pay and allowances during the last year of his service for every year of service;

(b) if he has completed twenty-one but less than twenty-five years' service, an annual sum equal to twenty-fiftieths of his annual pay and allowances during the last year of his service, with an addition of two-fiftieths of such pay and allowances for every completed year of service above twenty years; or

(c) if he has completed twenty-five years' service, an annual sum equal to thirty-fiftieths of his annual pay and allowances during the last year of his service with an addition of one-fiftieth of such pay and allowances for every completed year of service above twenty-five years, but the pension shall not exceed two-thirds of such annual pay and allowances.

(2) The Governor in Council may by regulation determine the amount of allowances for pension purposes to be received by any constable of the Force, and this subsection shall be and be deemed to have been effective from the 1st day of August, 1919. 1940, c. 39, s. 13.

68. (1) In the event of a pensioner being re-engaged for service in the Force by reason of the existence of a national emergency, including war, his pension shall be discontinued until his re-engagement is terminated by his final discharge from the Force.

(2) Notwithstanding anything in this Part, payment of the pension of which any such pensioner was in receipt prior to his re-engagement as aforesaid shall, upon his final discharge from the Force, be immediately resumed; but the Governor in Council may, in his discretion, increase the amount of such pension by an amount equal to one-fiftieth of the annual pay and allowances of which such pensioner was in receipt at the time of his final discharge from the Force.

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Force for each year or, save as otherwise provided by subsection (3), portion of a year of his service during the period of his re-engagement as aforesaid.

(3) In determining the period of service of a pensioner under re-engagement as aforesaid for the purposes of subsection (2), service of six months or more but of less than one year shall be counted as one-half of a year's service, but service of less than six months shall not count for the purposes of any increase of pension; and where in the case of any pensioner no allowances for the rank held by him during re-engagement as aforesaid are prescribed for pension purposes, the Minister may recommend that such amount by way of allowances as may in his opinion be considered fair and just in the circumstances of the case be taken into account for the purpose of computing an increase of the pension of such pensioner under the provisions of subsection (2).

(4) In this section "pensioner" means any constable who, prior to his re-engagement for service in the Force, was in receipt of a pension granted to him under this Act. 1940, c. 39, s. 14.

69. (1) For the purpose of estimating any pension under this Part,

(a) if the service has not been continuous, the period or periods during which such service has been interrupted shall not be counted; and

(b) neither working pay nor extra pay of any man shall be considered.

(2) Time served on active service during the war between Great Britain and Germany that commenced on the 4th day of August, 1914, may be included in the term of service for the purpose of pension under this Part.

(3) Time served in the Civil Service of Canada that counted towards superannuation and retirement under the various Civil Service Superannuation and Retirement Acts, and time served in the Customs-Excise Preventive Service of the Department of National Revenue, may be included in the term of service for the purpose of pension under this Part.

(4) Recognition of prior service in and time served in any provincial police force with which the Federal Government has an agreement under section 5 at the time of the constable's engagement or re-engagement or subsequent to such engagement or re-engagement may be included.
included in the term of service for the purpose of pension under this Part, provided the constable pays the amount required by the Governor in Council.

(5) Time served in the permanent naval, army or air forces of Canada may also be included in the term of service of a constable for the purposes of pension under this Part.

(6) Time served on active service during the war that commenced in September, 1939, may be included in the term of service for the purpose of pension under this Part.

(7) Where a member of the Force, who has made the payment required under this section in respect of prior service in a provincial police force, is certified by the Commissioner to have been retained in the Force beyond the maximum period of service that may be counted for the purpose of computing a pension under this Part by reason of the war that commenced in September, 1939, there may be paid to him, or if he has died, to his legal representatives, an amount that bears the same ratio to the total of the payment made by him in respect of his prior service in the provincial police force, without interest, that the period of his service that may be counted for pension purposes in excess of the maximum period that may be so counted, bears to the total of his prior service in the provincial police force in respect of which he made payment; but the amount payable under this subsection shall not exceed the total amount of the payment made by him in respect of his prior service in the provincial police force.

No pension shall be granted to any constable unless a board composed of three officers, the rank of one of whom shall not be less than that of superintendent, has certified to his length of service and conduct, and that other evidence has been adduced before it which justifies the granting of a pension under this Part. R.S., c. 160, s. 67; 1932, c. 37, s. 14; 1934, c. 8, s. 12; 1938, c. 24, s. 7; 1948, c. 28, s. 7; 1949 (2nd Sess.), c. 35, s. 1.

Before a pension is granted to a constable, who after having served for less than twenty years, retires on the ground of his being incapacitated by infirmity of mind or body for the discharge of his duty, a medical board composed of a surgeon, or assistant surgeon, or acting assistant surgeon, or a medical practitioner employed by the Force, and two other legally qualified medical practitioners, shall certify that such constable is so incapacitated and that the incapacity is likely to be permanent.
(2) Until the liability of a constable to serve again ceases, he shall, when required, furnish satisfactory evidence certified by a legally qualified medical practitioner that such incapacity continues. 1934, c. 8, s. 13.

72. In the event of such incapacity ceasing before the expiration of such time as would, together with the period of service prior to his retirement, make up a period of twenty years, the constable is liable to serve again in the Force; and if, before the expiration of the said time, he declines so to serve, or if, when serving again, he neglects to perform his duty satisfactorily, being in a competent state of health, he shall forfeit his pension. R.S., c. 160, s. 70.

73. If a constable fails or refuses, when required, to be examined by a legally qualified medical practitioner, the Commissioner has the same power of requiring such constable to serve again, and with the approval of the Governor in Council, of declaring forfeited the pension of such constable, as he would have under the foregoing provisions of this Part, if satisfied by the evidence of a legally qualified medical practitioner that the incapacity of such constable had ceased. R.S., c. 160, s. 71.

74. (1) A constable so serving again is entitled to retire at the same time as he would be entitled to retire if the time that elapsed between his retirement and the renewal of his service were service.

(2) The time so elapsed shall not be reckoned as service in calculating his pension on his retirement. R.S., c. 160, s. 72.

75. When a pension is granted to a constable on account of infirmity of mind or body, and such infirmity is certified by a medical board constituted as aforesaid to have been brought about or been contributed to by his own default, or by his vicious habits, and such constable, but for such default or habit, is entitled under this Part to a pension of a fixed amount, the Governor in Council may grant to him a less amount of pension than the said fixed amount to which he would otherwise have been entitled. R.S., c. 160, s. 73.

76. A pension to a constable under this Part shall be granted only upon condition that it becomes forfeited, and may be withdrawn,

(a) if the grantee is convicted of any indictable offence;
(b) if incapacity ceases.

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(b) if the grantee knowingly associates with thieves or suspected persons; or
(c) if the grantee refuses to give to the police any information and assistance in his power for the detection of crime, for the apprehension of criminals, or for the suppression of any disturbance of the public peace. R.S., c. 160, s. 74.

Obtaining pensions by false pretences.

77. Every constable who obtains any pension under this Part by any false representation or false evidence, or by personation, by malingering or feigning disease or infirmity, or by maiming or injuring himself, or causing himself to be maimed or injured, or otherwise producing disease or infirmity, or by any other fraudulent conduct, is guilty of an offence, and liable, on summary conviction, to imprisonment, with or without hard labour, for a period not exceeding twelve months, or to a fine not exceeding one hundred dollars, and shall forfeit the pension obtained. R.S., c. 160, s. 75.

Penalty.

Pensions to widows and compassionate allowances to children.

78. (1) Subject to the provisions hereinafter contained, the Governor in Council may grant a pension to the widow and a compassionate allowance to each of the children of any constable who loses his life in the performance of duty, as a result of hardship, accident, misadventure or violence.

(2) The pension of a constable's widow shall be equal to one-half the pay and allowances which would have been permitted her deceased husband for pension purposes, under this Act, at the time of his death, irrespective of whether he had qualified for pension by length of service or not, and the compassionate allowance to each child shall be sixty dollars per annum.

(3) Payments of pension or compassionate allowance granted to the widow and children of a constable under this section are subject to the provisions of sections 57, 58 and 59. 1934, c. 8, s. 14.

Part IV.

Application.

79. This Part applies to
(a) every constable appointed after the 1st day of October, 1934; and
(b) every constable on the Force on the 1st day of October, 1934, who elects to contribute under the provisions of section 80. 1934, c. 40, s. 1.

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80. (1) For the purpose of providing the cost of benefits payable under this Part, every person to whom this Part applies shall contribute, by deduction out of his pay, five per cent of the stated rate of pay of his rank.

(2) In any month in which, due to leave of absence or any other cause, the actual pay of any such person is not at least equal to the contributions to be deducted out of his pay in that month under the provisions of this and the following sections, then no part of the contributions for that month shall be deducted out of his pay, if any, but he may nevertheless pay into the Consolidated Revenue Fund of Canada the full contributions required for that month and if paid after the due date he shall include interest for the period of the delay in payment at the rate of four per cent per annum.

(3) Every such person may at any time authorize a supplementary deduction to be made from his pay in accordance with the following table.

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<th>Age, last preceding birthday, on commencement of supplementary contribution</th>
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(4) The contributions from time to time so made by every such person, as well as any other contributions made under the provisions of this Part, shall in effect be used as and when made to purchase benefits to become payable consequent on the death of such person, whenever death may occur, to or in respect of his widow or children if survived by a widow or children and to or in respect of his children and other dependants if such person is not survived by a widow.

(5) The said benefits shall be as defined and described in section 81, and the said contributions shall be applied in accordance with the said section and the Schedule to this Part to purchase the said benefits.

(6) Subject to subsection (7) any constable on the Force on the 1st day of October, 1934, who does not elect within eight months to contribute under the provisions of subsection (1) shall not thereafter become subject to this Part unless the Commissioner is satisfied that the health of such constable is such as would be satisfactory for enlistment in the Force.

(7) If due to remoteness of location or difficulties of communication any constable may in the opinion of the Commissioner not have had a reasonable opportunity within the said eight months period of electing to so contribute, the Commissioner may extend the period of election of such constable for such period as the Commissioner may deem reasonable.

(8) For the purposes of this and the following sections "child" includes stepchild and adopted child. 1934, c. 40, s. 1; 1935, c. 25, s. 3.

81. (1) Consequent on the death of every person to whom this Part applies there shall, subject to the provisions of this Part, be paid the following benefits, namely,

(a) if such person is survived by a widow, a pension to her for life in such an amount as may be purchased by the contributions made by such person, always taking into account the other benefits to be purchased out of the said contributions as provided in paragraphs (b) and (c);

(b)

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(b) in respect of each child surviving such person, an annuity payable to age eighteen, if a son, and to age twenty-one, if a daughter, in such an amount as may be purchased by twenty-five per cent of the contributions from time to time made or such lesser percentage of the contribution as may be sufficient to bring the child's annuity up to seven per cent of the pay of the rank of such person, except that the annuity payable in respect of an orphan child shall be double the annuity otherwise payable to a child, but a double annuity shall not be paid in respect of a child during the lifetime of the stepmother of the child nor shall a double annuity be payable in respect of an adopted child of such person during the lifetime of the widow of such person; and

(c) if such person is not survived by a widow, a lump sum to be used as hereinafter provided, the amount of the said lump sum being determined as follows, namely, the lump sum shall equal in value a pension to a female life aged twenty years older than such person at his death but not exceeding the age of seventy-five years, the annual amount of the said pension being the same as the widow's pension would be if such person were survived by a widow.

(2) Where the age of any such person at the date of his death exceeds the then age of his widow by more than twenty years, the pension to his widow shall be reduced in the proportion of the value of a life annuity as at an age just twenty years less than the age of such person at the date of his death to the value of an equal life annuity as at the actual age of his widow at the said date.

(3) Where any such person marries after termination of service in the Force and dies within five years after his marriage, the value of the pension to his widow shall not exceed the lump sum benefit that would be payable if he were not survived by a widow unless within the said five years he establishes to the satisfaction of the Commissioner that he is in sound health.

(4) Where any such person marries after the age of sixty years, the value of the pension to his widow shall not exceed the lump sum benefit that would be payable if he were not survived by a widow.

(5) The annual total of the pension to the widow and of the annuities to the children of any such person shall not exceed seventy per cent of the final annual rate of pay and allowances for pension purposes of such person. 1934, c. 40, s. 1.

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82. (1) Where any such person is not survived by a widow, the Minister shall, having regard for all the circumstances, determine the dependants and relatives of such person who are in his opinion best entitled to share in the lump sum benefit as defined under paragraph (c) of subsection (1) of section 81 and he shall determine the proportion to which each is entitled and the manner and time of payment, whether as an annuity for life or for a term of years or in any other manner, and payment of the benefit or benefits shall be made accordingly; but the value of the benefits so determined by the Minister shall not exceed the said lump sum.

(2) For the purposes of subsection (1), the Minister is not bound by any expressed wish or instrument in writing of such person in regard to the disposition of the said lump sum, but the Minister shall, nevertheless, take into consideration any such expressed wish or instrument in writing.

(3) Where it appears to the Minister that there is no dependant, relative or other person who has any special claim to share in the said lump sum, then he shall direct payment thereof to be made to the estate of the deceased. 1934, c. 40, s. 1.

83. (1) Every person who, at the date he becomes subject to this Part, has to his credit a period of prior service, countable for pension purposes under Part III, may contribute under this Part in respect of such period of service such an amount in one lump sum as would, if applied as of the said date to purchase benefits in the manner in which contributions are required to be applied to purchase benefits under the provisions of sections 80 and 81, result in the purchase of a widow's pension equal to one and one-half per cent of the pay of such person at the said date for each year of such prior service, including therein any unsurrendered widow's pension purchased under the provisions of this Part during such prior service.

(2) Any such person who does not contribute the amount computed in accordance with subsection (1) within one year after becoming subject to this Part may at any time thereafter while a member of the Force contribute the said amount provided the Commissioner is satisfied that the health of such person is such as would be satisfactory on enlistment in the Force and subject to an addition to the said amount of two per cent thereof for each complete year or part thereof elapsed from the said date, excluding the first such year, but any amount so added shall not be deemed
deemed to be a part of the contribution for the purposes of computing any benefit or any refund of contribution payable under this Part; the terms of subsection (7) of section 80 apply to this subsection.

(3) Instead of contributing the full amount determined in respect of such period of service as hereinbefore in this section provided, any such person may contribute any portion thereof and in event of his death there shall become payable benefits determined in accordance with section 81.

(4) Any lump sum contribution to be made under the provisions of this section may be liquidated in equal monthly instalments of equivalent value during a term of years or until the earlier death of such person or for the whole lifetime of such person, and for the purpose of computing benefits hereunder the lump sum contribution shall be deemed to have been paid on the date of payment of the first monthly instalment.

(5) The monthly instalment payments shall be deducted from the pay of such person and any payments thereof falling due after the date of pension of such person shall be deducted from his pension, but the whole or any portion of such monthly instalment payments may at any time be commuted and paid in one sum. 1934, c. 40, s. 1; 1935, c. 25, s. 4.

84. (1) Any person to whom this Part applies may within one year after confirmation of promotion to any non-commissioned rank, contribute in one lump sum an amount which, when applied to purchase benefits in the manner in which contributions are required to be applied to purchase benefits under the provisions of sections 80 and 81, will be sufficient, together with the contributions made prior to promotion in accordance with sections 80 and 83 and in accordance with this section, if any, to provide in respect of his service a widow’s pension equal to one and one-half per cent of the pay of his new rank for each year of such service, including therein any widow’s pension already purchased under the provisions of this Part; the terms of subsection (7) of section 80 apply to this subsection.

(2) The provisions of subsections (2), (3), (4) and (5) of section 83 apply mutatis mutandis to the payment of any such amount. 1934, c. 40, s. 1.

85. R.S., 1952.
85. Where the service of any person to whom this Part applies terminates, or where he is promoted to a commissioned rank

(a) he may continue to pay any instalments of contributions being paid by him under the provisions of section 83 or 84 and in event of his death there shall become payable benefits determined in accordance with section 81, but if payment of any such instalment of contributions is discontinued before completion thereof a reduction shall be made in the value of the prospective benefits so determined as of the date of discontinuance of the instalment payments equivalent to the value of the instalments unpaid as of the said date, or

(b) he may, at the date of such termination of service or at the date of termination of service after promotion as aforesaid, or, in either case, at any time thereafter, in satisfaction of all other rights, benefits and equities under this Act, withdraw in one sum the amount of his contributions made under the provisions of this Part without interest, less the value of the instalment payments of contribution, if any, at the date of discontinuance thereof, being made by him under the provisions of sections 83 and 84. 1937, c. 38, s. 5.

86. Pension and annuity benefits granted under this Part are payable monthly, except that where the monthly amount is small, the payment may be made quarterly, half-yearly or annually in accordance with regulations made in that behalf. 1934, c. 40, s. 1.

87. (1) A child's annuity is payable to the mother of the child or to such other person as may for the time being have the custody of the child, but if the Minister is satisfied that due to any special circumstances it would be in the interests of the child so to do, he may direct that the annuity shall be paid to any other person, society, institution or local authority to be administered for the benefit of the child.

(2) A woman is disqualified from receiving any pension or annuity under this Part so long as she and any person, not her husband, are co-habiting together as man and wife, and any person is disqualified from receiving any pension or annuity while in gaol or in prison, but the pension or annuity payable to or in respect of any such person may be used for the benefit of such other person or persons as may in the opinion of the Minister be best entitled thereto. 1934, c. 40, s. 1.

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88. (1) All contributions under the provisions of this Part shall be paid into the Consolidated Revenue Fund and all payments made under the provisions of this Part shall be made from that Fund.

(2) For the purposes of this Part, there shall be kept in accordance with the direction of the Minister of Finance an account to be called the Royal Canadian Mounted Police (Dependants) Pension Fund to which shall be credited all contributions made under this Part and against which shall be charged all pensions, annuities and other benefits paid under this Part.

(3) Interest shall be added to the balance from time to time standing to the credit of said account at the rate of four per cent per annum.

(4) The Fund shall be annually examined by the Auditor General, and a statement of the Fund and of the transactions thereunder for the year shall, together with the report of the Auditor General thereon, be laid before Parliament. 1934, c. 40, s. 1; 1948, c. 28, s. 8.

89. (1) The Minister of Finance shall cause a valuation of the assets and liabilities of the Fund to be made as at March 31, 1939, and every five years thereafter, by an actuary qualified to make valuations for fraternal benefit societies registered under the laws of Canada to transact business in Canada, and the said Minister may in like manner cause a valuation to be made at such times during the currency of any quinquennial period as he may think fit.

(2) The actuary shall report to the said Minister and in his report he shall describe the data and processes used in his investigation and the bases of the valuation and shall show in summary form the data and the results of the investigation and valuation, and shall make recommendations for the disposal of any surplus or for the removal of any deficiency or in respect of any other matters that may come to his attention in the course of his investigation as may to him appear necessary or desirable.

(3) Every such report shall be laid before Parliament as soon as may be after it is made. 1934, c. 40, s. 1.

90. (1) Where it appears from a report made under section 89 that the Fund is substantially in excess of the amount required to make adequate provision for the prospective payments to be made out of it, the Governor in Council may by order increase the benefits provided in this Part, or any of them, in such manner as may appear equitable.

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able and expedient, or if it appears that the Fund is less than the said amount, the Governor in Council may direct that there be credited to the Fund out of any unappropriated moneys in the Consolidated Revenue Fund such amount as may appear equitable and expedient so as to re-establish the solvency of the Fund.

(2) The Governor in Council, on the recommendation of the Minister of Finance, may by order amend the Tables in the Schedule to this Part, but no amendment to the said Tables affects any benefits theretofore purchased.

(3) Any order made under this section shall be laid before Parliament as soon thereafter as may be. 1934, c. 40, s. 1; 1948, c. 28, s. 9.

91. Every person to whom this Part applies is entitled in making a return of his income for the purposes of taxation under any Act of the Parliament of Canada, to claim exemption from taxation in respect of any contributions made under this Part by deduction out of his pay during the taxation period in respect of which the return is made. 1934, c. 40, s. 1.

92. The Governor in Council may make regulations (a) prescribing the bases for determining the value of the lump sum benefit when any person subject to this Part is not survived by a widow and for determining the value of benefits payable in lieu of the said lump sum; (b) prescribing the bases for computing instalment payments of lump sum contributions and the commutation of such instalment payments; (c) prescribing bases for computing the reduction of benefits as a consequence of discontinuance of instalment payments of any lump sum contribution; (d) prescribing rules and procedure so far as may be necessary for making all computations hereunder; and (e) generally for carrying this Part into effect or for any other purpose deemed necessary to give effect to the terms of this Part. 1934, c. 40, s. 1.
SCHEDULE TO PART IV.

THE CONTRIBUTIONS REQUIRED TO PURCHASE BENEFITS
AS DESCRIBED IN SECTION 81.

**Table I.**

Showing the contribution required to purchase an annuity of ten dollars per annum (payable monthly) to each child surviving a member of the Force payable to age eighteen, if a son, and to age twenty-one, if a daughter, the annuity being twenty dollars per annum in respect of an orphan child, subject to the provisions of section 81.

<table>
<thead>
<tr>
<th>Age of member of the Force at date contribution is made</th>
<th>Amount of contribution (lump sum) required to purchase the above benefit</th>
</tr>
</thead>
<tbody>
<tr>
<td>18 and under</td>
<td>$10.46</td>
</tr>
<tr>
<td>19</td>
<td>10.92</td>
</tr>
<tr>
<td>20</td>
<td>11.41</td>
</tr>
<tr>
<td>1</td>
<td>11.91</td>
</tr>
<tr>
<td>2</td>
<td>12.44</td>
</tr>
<tr>
<td>3</td>
<td>12.99</td>
</tr>
<tr>
<td>4</td>
<td>13.57</td>
</tr>
<tr>
<td>25</td>
<td>14.18</td>
</tr>
<tr>
<td>6</td>
<td>14.68</td>
</tr>
<tr>
<td>7</td>
<td>15.14</td>
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<tr>
<td>8</td>
<td>15.53</td>
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<tr>
<td>9</td>
<td>15.87</td>
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<tr>
<td>30</td>
<td>16.14</td>
</tr>
<tr>
<td>1</td>
<td>16.36</td>
</tr>
<tr>
<td>2</td>
<td>16.52</td>
</tr>
<tr>
<td>3</td>
<td>16.63</td>
</tr>
<tr>
<td>4</td>
<td>16.70</td>
</tr>
<tr>
<td>35</td>
<td>16.72</td>
</tr>
<tr>
<td>6</td>
<td>16.71</td>
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<tr>
<td>7</td>
<td>16.65</td>
</tr>
<tr>
<td>8</td>
<td>16.55</td>
</tr>
<tr>
<td>9</td>
<td>16.42</td>
</tr>
</tbody>
</table>

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### TABLE I—Concluded

<table>
<thead>
<tr>
<th>Age of member of the Force at date contribution is made</th>
<th>Amount of contribution (lump sum) required to purchase the above benefit</th>
</tr>
</thead>
<tbody>
<tr>
<td>40</td>
<td>16.24</td>
</tr>
<tr>
<td>1</td>
<td>16.03</td>
</tr>
<tr>
<td>2</td>
<td>15.78</td>
</tr>
<tr>
<td>3</td>
<td>15.50</td>
</tr>
<tr>
<td>4</td>
<td>15.19</td>
</tr>
<tr>
<td>45</td>
<td>14.84</td>
</tr>
<tr>
<td>6</td>
<td>14.46</td>
</tr>
<tr>
<td>7</td>
<td>14.05</td>
</tr>
<tr>
<td>8</td>
<td>13.62</td>
</tr>
<tr>
<td>9</td>
<td>13.17</td>
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<tr>
<td>50</td>
<td>12.71</td>
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<td>12.23</td>
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<td>2</td>
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<td>3</td>
<td>11.23</td>
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<td>4</td>
<td>10.73</td>
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<td>55</td>
<td>10.22</td>
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<td>7</td>
<td>9.22</td>
</tr>
<tr>
<td>8</td>
<td>8.75</td>
</tr>
<tr>
<td>9</td>
<td>8.31</td>
</tr>
</tbody>
</table>

**Note.**—The above table shall be applied in computing benefits in effect as follows:

(1) the age of the member shall be taken to the nearest month at date the contribution is made, and

(2) an adjustment shall be made in the values in the second column of the above Table corresponding to the age of the member so determined.
**TABLE II.**

Showing the contribution required to purchase a life annuity of ten dollars per annum (payable monthly) to the widow of a member of the Force, if survived by a widow, and a life annuity of like amount, if he is not survived by a widow, payable to a female aged twenty years more than the member of the Force at his death but not exceeding the age of seventy-five years.

<table>
<thead>
<tr>
<th>Age of member of the Force at date contribution is made.</th>
<th>Amount of contribution (lump sum) required to purchase the above benefit.</th>
</tr>
</thead>
<tbody>
<tr>
<td>18 and under</td>
<td>$27.04</td>
</tr>
<tr>
<td>9</td>
<td>27.51</td>
</tr>
<tr>
<td>20</td>
<td>27.98</td>
</tr>
<tr>
<td>1</td>
<td>28.46</td>
</tr>
<tr>
<td>2</td>
<td>28.96</td>
</tr>
<tr>
<td>3</td>
<td>29.47</td>
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<td>4</td>
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<td>25</td>
<td>30.56</td>
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<td>7</td>
<td>31.72</td>
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<td>8</td>
<td>32.33</td>
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<tr>
<td>9</td>
<td>32.98</td>
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<tr>
<td>30</td>
<td>33.64</td>
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<tr>
<td>1</td>
<td>34.34</td>
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<tr>
<td>2</td>
<td>35.07</td>
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<tr>
<td>3</td>
<td>35.82</td>
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<tr>
<td>4</td>
<td>36.60</td>
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<tr>
<td>35</td>
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<td>6</td>
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<td>9</td>
<td>40.86</td>
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<td>40</td>
<td>41.76</td>
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<tr>
<td>1</td>
<td>42.68</td>
</tr>
<tr>
<td>2</td>
<td>43.62</td>
</tr>
<tr>
<td>3</td>
<td>44.57</td>
</tr>
<tr>
<td>4</td>
<td>45.54</td>
</tr>
</tbody>
</table>

R.S., 1952.
### TABLE II—Concluded

<table>
<thead>
<tr>
<th>Age of member of the Force at date contribution is made</th>
<th>Amount of contribution (lump sum) required to purchase the above benefit</th>
</tr>
</thead>
<tbody>
<tr>
<td>45</td>
<td>46.51</td>
</tr>
<tr>
<td>46</td>
<td>47.47</td>
</tr>
<tr>
<td>47</td>
<td>48.44</td>
</tr>
<tr>
<td>48</td>
<td>49.41</td>
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<tr>
<td>49</td>
<td>50.38</td>
</tr>
<tr>
<td>50</td>
<td>51.34</td>
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<td>51</td>
<td>52.30</td>
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<td>52</td>
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<td>53</td>
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<td>55.12</td>
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<td>56.03</td>
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<td>56</td>
<td>56.93</td>
</tr>
<tr>
<td>57</td>
<td>57.77</td>
</tr>
<tr>
<td>58</td>
<td>58.57</td>
</tr>
<tr>
<td>59</td>
<td>59.35</td>
</tr>
</tbody>
</table>

**NOTE.**—The above table shall be applied in computing benefits in effect as follows:

1. The age of the member shall be taken to the nearest month at date the contribution is made, and
2. An adjustment shall be made in the values in the second column of the above Table corresponding to the age of the member so determined.

1934, c. 40, Sch.

## PART V.

### INTERPRETATION.

#### Definitions

- **“Child.”**
- **“Civil Service.”**
- **“Contributor.”**
- **“Dependant.”**

93. (1) In this Part and in Part VI,

(a) "child" includes a stepchild and an adopted child;

(b) "Civil Service" means all branches or portions of the public service of Canada to which the Civil Service Superannuation Act is applicable;

(c) "contributor" means a member of the Force who contributes under this Part to the Consolidated Revenue Fund;

(d) "dependant" of a contributor means the widow, father, mother, stepfather, stepmother, brother, sister or child of a contributor who is at the date of the death of the contributor dependent upon the contributor for support;

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(e) "Force" means the Royal Canadian Mounted Police Force;

(f) "member of the Force" means any officer, non-commissioned officer, or constable, male or female, of the Force and any special constable, male or female, designated by the Treasury Board as a member of the Force for the purposes of this Part;

(g) "Minister" means the Minister for the time having the control and management of the Force;

(h) "pay and allowances" of a contributor, means the pay of the substantive rank or appointment of the contributor, not including the pay of acting rank or extra pay for staff or similar temporary appointments, and such allowances made by way of compensation for such substantive rank or appointment as may be fixed by regulation for the purposes of this Part;

(i) "regulation" means a regulation made under this Part; and

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

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

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

(iii) in the case of any person who elects to become a contributor under this Part, any period which might have been counted as service of the said person under any other Part of this Act.

(2) When a member of the Force does not offer to reengage in the Force upon the expiration of his period of engagement he shall, for the purposes of this Part, be deemed to have retired voluntarily from the Force and when he offers so to re-engage and his offer is refused he shall be deemed to have been retired compulsorily from the Force.

(3) A period during which a member of the Force served as a special constable in the Force or as a member of a provincial police force may in accordance with regulations be deemed to be a period during which the member served in the Force and to be service for the purposes of this Act. 1948, c. 28, s. 10; 1949, c. 6, s. 21; 1951 (2nd Sess.), c. 7, s. 9.

APPLICATION.

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94. (1) This Part applies to every member of the Force
(a) who was not a member of the Force on the 1st day of March, 1949, or
(b) who was a member of the Force on that day but who subsequently ceased to be a member of the Force and after so ceasing to be a member of the Force, was re-appointed or re-enlisted in the Force, and
(c) who was a member of the Force on that day and who, within two years thereafter, elected to become a contributor under this Part.

(2) Any provision of Part I relating to the payment of pension or compensation and Parts II, III and IV, do not apply to any member of the Force to whom this Part applies or to any special constable or other person appointed or employed under the authority of this Act after the 1st day of March, 1949. 1948, c. 28, s. 10.

95. (1) Every person to whom this Part applies shall, by reservation from his pay and allowances, contribute to the Consolidated Revenue Fund the following amounts:
(a) while in receipt of pay and allowances of twelve hundred dollars per annum or less, five per cent thereof;
(b) while in receipt of pay and allowances over twelve hundred dollars and not over fifteen hundred dollars per annum, five and one-half per cent thereof but not in excess of an amount that would reduce the remainder of his pay and allowances to a rate per annum of eleven hundred and forty dollars; or
(c) while in receipt of pay and allowances over fifteen hundred dollars per annum, six per cent thereof but not in excess of an amount that would reduce the remainder of his pay and allowances to a rate per annum of fourteen hundred and seventeen dollars and fifty cents;

but no such contribution shall be made in respect of a period of service in excess of thirty-five years.

(2) Where a person becomes a contributor or where the pay and allowances of a contributor are increased, if the day in respect of which he becomes a contributor or the increase is made effective, is a day prior to the day on which the appointment or increase is certified or approved, the contributor shall contribute to the Consolidated Revenue Fund an amount equal to, or an amount that, together with
with the contributions, if any, made by him under this Part during the period between the day in respect of which it is made effective and the day of certification or approval will equal the amount that he would have contributed under this section by reservation from his pay and allowances if the appointment or increase had been certified or approved on the day it was made effective. 1948, c. 28, s. 10.

96. (1) Any contributor may within one year after he becomes a contributor elect to contribute under this Part in respect of the whole or any part of his service prior to becoming a contributor for which he has not contributed under this Part or under Parts II or III or the Civil Service Superannuation Act or the Defence Services Pension Act or in respect of which he made contributions thereunder that have previously been repaid to him by way of a withdrawal allowance or a gratuity.

(2) The contributions required under this section in respect of the whole of the service of a contributor prior to the time he became a contributor for which he has not contributed is an amount equal to that which he would have contributed had he during that service made contributions under this Part in the manner and at the relevant rates set out in subsection (1) of section 95 together with simple interest at the rate of four per cent per annum up to the time of his election and the contribution required in respect of any part of that service is that proportion of the said amount which the part is of the whole of that service.

(3) A contribution made under this section or under subsection (2) of section 95 may be made in one sum or by instalments of equivalent value payable by reservation from pay and allowances or otherwise, for life, or for a period of years or for life whichever is the shorter, the instalments to be computed on such bases as to mortality and interest as may be prescribed by regulation.

(4) Where a contributor who is contributing by instalments in respect of prior service under this section, retires before payment of the said instalments in full, he shall be deemed to have contributed in respect of the service for which he elected to contribute and the remaining instalments shall be reserved out of any pension or retiring allowance, or the equivalent present value thereof shall be deducted from any gratuity granted under this Part on his said retirement. 1948, c. 28, s. 10; 1951 (2nd Sess.), c. 7, s. 9.
97. The Governor in Council may grant

(a) to a contributor who has served in the Force for twenty years or upwards and who is compulsorily retired for any reason other than misconduct or inefficiency, an annual pension;

(b) to a contributor other than an officer who has served in the Force for twenty-five years or upwards and who voluntarily retires from the Force, otherwise than by reason of misconduct, at the end of a period of engagement or re-engagement, an annual pension;

(c) to a contributor other than an officer who has served in the Force for twenty years and less than twenty-five years and who voluntarily retires from the Force, otherwise than by reason of misconduct, at the end of a period of engagement or re-engagement, three-fourths of the annual pension that might have been granted to him if he had been compulsorily retired for any reason other than misconduct or inefficiency, together with one-twentieth of the said annual pension for each year by which his period of service exceeds twenty years;

(d) to a contributor who has served in the Force for ten years or upwards but less than twenty years

(i) who becomes disabled so that he is thereby rendered incapable of performing his duties as a member of the Force, an annual pension; or

(ii) who is compulsorily retired from the Force to promote economy or efficiency, otherwise than by reason of his misconduct or inefficiency in the performance of his duties, an annual retiring allowance equal to two-thirds of the pension that might have been granted to him if he had become disabled at the time of his retirement until he attains the age of sixty-five years and thereafter to the said pension;

(e) to a contributor who has served in the Force for ten years or upwards and who is retired by reason of his inefficiency in the performance of his duties, an annual retiring allowance equal to one-half of the pension that might have been granted to him if he had become disabled at the time of his retirement until he attains the age of sixty-five years and thereafter to two-thirds of the said pension;

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(f) to a contributor who has served in the Force less than ten years and who becomes disabled or otherwise incapable of performing the duties of his rank or who is retired to promote economy and efficiency, a gratuity not exceeding one month’s pay and allowances for each year of his service;

(g) to a contributor who at any time for any reason other than those provided in the preceding paragraphs, retires either voluntarily or by dismissal or removal, a withdrawal allowance payable in one sum equal to his total contributions under this Part without interest;

(h) to a widow of a contributor who has served in the Force for ten years or upwards and who dies while a member of the Force or while in receipt of an annual pension or retiring allowance under this Part, an annual allowance until re-marriage equal to one-half of the pension that might have been granted to the contributor if he had become totally disabled as aforesaid at the date of his death or of his retirement, as the case may be;

(i) to each child of a contributor who has served in the Force for ten years or upwards and who dies while a member of the Force or while in receipt of an annual pension or retiring allowance, an annual allowance payable until the child reaches the age of eighteen years, equal to one-fifth of the allowance that may be granted to a widow of the contributor in like circumstances but not in excess of three hundred dollars per annum and in the case of a child who has lost both parents by death, the allowance may be increased by the Governor in Council to twice the said amount but not in excess of six hundred dollars per annum; the total amount of the allowance to the children of a contributor shall not exceed the amount of an allowance that might be granted to a widow of a contributor in like circumstances and the total amount of the allowance to the widow and children shall not exceed three-fourths of the annual pension that might have been granted to a contributor if he had become totally disabled as aforesaid at the time of his death or his retirement, as the case may be;

(j) to the dependent children of a contributor who has served in the Force for ten years or upwards and who dies while in receipt of an annual pension or retiring allowance, although the said children have attained the age of eighteen years, if the aggregate amount paid to the R.S., 1952.
Part V.
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the contributor or to his widow or children, if any, by way of allowances or gratuities under the preceding paragraphs does not exceed the total amount of his contributions under this Part without interest, a gratuity payable in one sum equal to the difference between the said aggregate amount and the said total amount, the said gratuity to be payable in accordance with regulations;

(k) to the widow of a contributor who has served in the Force less than ten years and who dies while in the Force or if the contributor leaves no widow, to his children under eighteen years of age at his death, a gratuity not exceeding one month’s pay and allowances for each year of his service;

(l) to the dependants of a contributor who dies while in the Force and leaves no widow or children to whom an allowance may be granted under the preceding paragraphs, a gratuity not exceeding the amount of his contributions under this Part without interest, the said gratuity to be payable in accordance with regulations;

or

(m) to the legal representative of a contributor who dies while in the Force and leaves no widow, children or dependants to whom an allowance or gratuity may be granted under the preceding paragraphs, or to such other person as the Treasury Board may designate, a gratuity not exceeding the amount of his contributions under this Part without interest. 1948, c. 28, s. 10.

(1) Except as herein otherwise provided, an annual pension granted under section 97 shall be one-fiftieth of the average pay and allowances received by the contributor during the last six years of his service multiplied by the number of years of his service not exceeding, however, thirty-five years.

(2) If the average pay and allowances for the period fixed by this Part for the purpose of computing the pension of a contributor is less than the average pay and allowances for any like period during the contributor’s service, the contributor or his widow or children under the age of eighteen years, as the case may be, are entitled to receive in addition to a pension or allowance under this Part a refund of the contributions made in respect of the excess of his pay and allowances during any like period over his pay and allowances for the period so fixed and the Governor in Council on the recommendation of the Treasury Board may by regulation determine the basis of such refund in any case or class of cases, and where the contributor

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contributor has died without receiving the refund, the person or persons amongst the surviving widow and children, or children only, of the contributor to whom it shall be paid, and if to more than one of them, the manner in which it shall be apportioned. 1948, c. 28, s. 10.

99. (1) All service of a contributor, whether or not the service has been continuous, in respect of which the contributor has at any time made contributions under this Part or under Part II or Part III or under the *Civil Service Superannuation Act* or the *Defence Services Pension Act*, which contributions have not previously been repaid to him by way of withdrawal allowance, gratuity or otherwise, may, on his retirement or death be counted for the purpose of computing any pension, allowance or gratuity under this Part but, except as provided by subsections (2), (3) and (4), no other service may be counted.

(2) Where a person who has elected to become a contributor under this Part has service in the Force that could be counted as service for the purpose of a pension under any other Part of this Act for which he was not required to make any contribution, the whole of the said service may be counted for the purpose of computing any pension, allowance or gratuity under this Part but an amount equal to five per cent of the aggregate pay and allowances received by him during such service shall be deducted from the gratuity, if any, or shall be commuted on such basis as may be prescribed by regulation, into an annuity in respect of his life commencing at the age when the pension or retiring allowance becomes payable and the amount of the annual payment of such annuity shall be deducted from the payments of pension or retiring allowance, but the person to whom the pension or allowance is payable may, at any time after the pension or allowance becomes payable, make good in one payment the value of the said deductions which would be made thereafter under this subsection from the said pension or allowance.

(3) The Governor in Council may, by regulation, provide that service as a member of a provincial police force may be counted as service for the purpose of computing any pension, allowance or gratuity under this Part to such extent and on such conditions as may be prescribed in such regulation.

(4) The Governor in Council may by regulation provide that the service of a contributor for which he made contributions under this Part or Part II or Part III or under the *Civil Service Superannuation Act* or the *Defence Services Pension Act*, which contributions have been refunded, may be counted.
refunded to him by way of a withdrawal allowance, gratuity or otherwise or in respect of which he received any gratuity, may be counted for the purpose of computing any pension, allowance or gratuity under this Part to such extent and on such conditions and upon the making of such contributions as may be prescribed by regulation. 1948, c. 28, s. 10; 1951 (2nd Sess.), c. 7, s. 9.

100. The annual pensions and allowances provided for by this Part are, unless otherwise provided by regulation, payable in equal monthly instalments and, unless otherwise specified in this Part, shall continue during the lifetime of the recipient; but the Governor in Council on the recommendation of the Treasury Board may by regulation authorize the payment of an annual pension or allowance to the last day of the month in which the recipient dies. 1948, c. 28, s. 10.

101. (1) No pension, allowance or gratuity shall be granted to or in respect of a contributor unless the Treasury Board reports that the granting thereof is authorized under this Part and the Treasury Board on the advice of the Minister reports in addition that the granting of the pension, allowance or gratuity is in the public interest.

(2) Where a contributor is retired by reason of misconduct or inefficiency, the fact of such retirement and the circumstances thereof shall be reported to a Board of Pension Officers appointed by the Minister to be known as the Royal Canadian Mounted Police Pension Board.

(3) If the Royal Canadian Mounted Police Pension Board, after investigation of the circumstances surrounding any retirement reported to it under subsection (2), reports to the Minister that it is in the public interest by reason of good and faithful service rendered by the contributor in the Force prior to the time of the misconduct or at which the inefficiency became manifest, to grant a pension, allowance or gratuity, the Minister may recommend accordingly to the Treasury Board and the Governor in Council may, on the report of the Treasury Board, in such case notwithstanding anything in this Part, grant a pension, allowance or gratuity to the contributor in the same manner as if the contributor had been compulsorily retired to promote economy or efficiency. 1948, c. 28, s. 10.

102. (1) No allowance shall be granted under this Part to the widow or any child of a contributor if

(a) the person to whom it is proposed to grant the allowance is in the opinion of the Treasury Board unworthy of it;

(b)
(b) the contributor was over sixty years of age at the
time of his marriage; or
(c) the contributor dies within one year after his marri-
age unless the Treasury Board is satisfied that he was
in good health at the time of his marriage and that
there are no other objections to the granting of the
allowance.

(2) A breach by the contributor of the conditions as to
marriage prescribed by subsection (1) does not prejudice
the right to an allowance of a child of an earlier marriage
of the contributor.

(3) If a contributor marries and if his age exceeds that
of his wife by twenty years or upwards, an allowance under
this Part to his wife shall be reduced by such an amount as
the Governor in Council may by regulation prescribe.

(4) An allowance under this Part to a widow or child
shall be suspended or discontinued if, in the opinion of the
Treasury Board, the widow or child becomes unworthy of
it. 1948, c. 28, s. 10.

103. (1) Retirement from the Force shall be compul-
sory on every contributor to whom a pension or a retiring
allowance is offered, but such offer shall not be considered as
implying any censure on the person to whom it is made, nor
shall any person be considered as having a right to such an
allowance, but it shall be granted only in consideration of
good and faithful service during the period in respect of
which it is calculated.

(2) Nothing in this Part shall be understood as impairing
or affecting the right of the Governor in Council or the Gl. in C.
Commissioner to dismiss or remove any contributor from
the Force. 1948, c. 28, s. 10.

104. The Governor in Council may, on the recommend-
dation of the Treasury Board, make regulations
(a) prescribing the rates of allowances in respect of any
rank which shall constitute part of pay and allowances
of the rank for the purposes of this Part;
(b) prescribing the method of computation of pension
and retiring allowances authorized by this Part;
(c) prescribing the cases in which annual pensions or
other allowances provided for by this Part shall be
payable otherwise than in monthly instalments;
(d) prescribing the nature and form of the accounts to be
kept of amounts received or paid under this Part and
of the statement to be laid before Parliament by the
Minister;
(e) providing for the transfer to the account set up under this Part of amounts, if any, credited in respect of contributions of a contributor under this Part made under any other Part of this Act or under the Civil Service Superannuation Act or the Defence Services Pension Act;

(f) prescribing whether and to what extent and under what conditions any duly authorized period of absence from duty without pay shall be counted as service for the purpose of computing allowances under this Part and the pay and allowances which a contributor on leave of absence shall be deemed to have been in receipt of for the purpose of computing contributions and average pay and allowances under this Part;

(g) prescribing the extent to and manner in which a pension or retiring allowance may be continued or discontinued to a contributor who after retirement from the Force is again appointed to or enlisted in the Force or in the public service of Canada and the counting of such additional service for the purpose of an additional allowance; and

(h) for any other purpose deemed necessary to give effect to the terms of, or for which regulations are provided for under this Part. 1948, c. 28, s. 10; 1951 (2nd Sess.), c. 7, s. 9.

Contributor deserting wife and children.

105. (1) Where a pension, allowance or gratuity is payable under this Part to a contributor, if he has deserted his wife or children and left her or them without means of support, or if he is incapable of managing his own affairs, or if for any other reason the Treasury Board deems it advisable so to do, the Treasury Board may direct that the pension, allowance or gratuity or any part thereof be paid to such person or persons as it deems advisable.

(2) Where a contributor to whom a pension or allowance is being paid under this Part is convicted of an indictable offence committed by him while in the Force, if it appears to the Treasury Board that the commission of the offence constituted a failure by the contributor to render good and faithful service while in the Force, the Treasury Board may direct that payment of the allowance be discontinued or that the whole or any part thereof be paid to persons dependent upon the contributor for support.

(3) Where the Treasury Board makes any direction under this section, if the contributor claims that the direction was not warranted by this section and gives notice of his claim to the Minister of Justice within thirty days after being notified of the direction, the Minister of Justice shall refer the Reference to Exchequer Court of Canada.

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the claim to the Exchequer Court of Canada for determination as to whether the direction was so warranted. 1948, c. 28, s. 10.

106. (1) Moneys received under this Part form part Application of the Consolidated Revenue Fund, and moneys payable of C.R.F. under this Part are payable out of the Consolidated Revenue Fund.

(2) There shall be kept a Special Account in the Consolidated Revenue Fund, to be known as the Royal Canadian Mounted Police Pension Account, of all moneys received or paid under this Part and there shall be added to the said Account annually an amount representing interest, at such rate and calculated in such manner as the Governor in Council may by regulation prescribe, on the amount to the credit of the Account. 1948, c. 28, s. 10.

107. Every contributor is entitled, in making a Income tax return of his income for the purpose of taxation on or in respect of income under any Act of the Parliament of Canada, to deduct from his pay and allowances the amount of the contributions reserved from his pay and allowances during the taxable year and paid into the Consolidated Revenue Fund under the provisions of this Part. 1948, c. 28, s. 10.

108. The Minister or such other Minister as the Governor in Council may designate for that purpose shall lay before Parliament, within fifteen days after the commencement of each session, a report on the administration of this Part during the preceding fiscal year, including therein statements showing by appropriate classifications, the amounts received by way of contribution under this Part, the amounts granted by way of pensions, allowances or gratuities, the amounts paid therefor, the number of contributors and the number of persons receiving pensions, allowances or gratuities together with such further information as may be prescribed by regulation. 1948, c. 28, s. 10.

109. Where a member of the Force elects to become a contributor under this Part he shall thereupon be deemed to have waived his right to any payment under section 22, or Part II or Part III and the amount of any contributions made under either of the said Parts in respect of his service shall be transferred to the Royal Canadian Mounted Police Pension Account maintained under this Part and shall be deemed to be the contribution required under this Part in respect of the service for which such contributions were made. 1948, c. 28, s. 10.

110. R.S., 1952.
110. Where a member of the Force who is a contributor under Part IV elects to become a contributor under this Part, he shall thereupon discontinue making contributions under Part IV but he may

(a) continue to pay any instalments of contributions being paid by him under the provisions of section 83 or section 84, and the amount of benefits and the effect of such continuance shall be determined in accordance with the provisions of paragraph (a) of section 85, or

(b) at the date of his election or at any time thereafter withdraw the amount of his contributions theretofore made under Part IV, and the amount that may be so withdrawn and the effect of such withdrawal shall be determined in accordance with the provisions of paragraph (b) of section 85 but no such withdrawal may be made except on the written request of the contributor. 1948, c. 28, s. 10.

PART VI.

INJURY OR DEATH ON SERVICE.

111. (1) This Part applies in respect of any member of the Force to whom Part V applies and in respect of any special constable appointed after the 1st day of March, 1949.

(2) Any provision of Part I relating to the payment of pensions or compensation and Parts II, III and IV do not apply to any person to whom this Part applies. 1948, c. 28, s. 10.

112. (1) Subject to this section a pension, in accordance with the rates set out in Schedules A or B of the Pension Act, or compensation in respect of medical and hospital expenses at such rate and in such manner as the Governor in Council may, by regulation, prescribe, or both such pension and compensation, shall be awarded to or in respect of persons to whom this Part applies who have suffered disability or who have died, when the injury or disease or aggravation thereof resulting in disability or death in respect of which the application for pension or compensation is made, arose out of or was directly connected with service in the Force.

(2) All claims for pension or compensation, under this section, shall be dealt with and adjudicated upon in a like manner as claims under the Pension Act and all provisions R.S., 1952.
visions of the Pension Act not inconsistent with this section shall, with such modifications as circumstances may require, apply to every claim under this section.

(3) For the purposes of the application under this section of Schedules A and B of the Pension Act, the ranks in the Force set out in the following table shall be deemed to correspond to the army ranks in respect of which the rates of pension set out in the attached table were applicable on the 30th day of September, 1947:

<table>
<thead>
<tr>
<th>Rank in the Force</th>
<th>Rate of Pension</th>
</tr>
</thead>
<tbody>
<tr>
<td>Commissioner or Deputy Commissioner</td>
<td>$ 2,160.00</td>
</tr>
<tr>
<td>Assistant Commissioner</td>
<td>1,512.00</td>
</tr>
<tr>
<td>Superintendent</td>
<td>1,248.00</td>
</tr>
<tr>
<td>Inspector with over three years' service in that rank</td>
<td>1,008.00</td>
</tr>
<tr>
<td>Inspector with less than three years' service in that rank</td>
<td>800.00</td>
</tr>
<tr>
<td>Sub-Inspector and lower ranks</td>
<td>720.00</td>
</tr>
</tbody>
</table>

113. (1) The provisions of the Government Employees Compensation Act do not apply to persons to whom this Part applies.

(2) Pension or compensation payable under this Part is payable in addition to any pension, allowance or gratuity granted under Part V or under Part IV pursuant to section 110. 1948, c. 28, s. 10.

PART VII.

SPECIAL CONSTABLES NOT SUBJECT TO PART V AND CIVILIAN EMPLOYEES.

114. (1) This Part applies to special constables and other persons employed under the authority of this Act who are not members of the Force as defined in Part V, if such special constables or other persons

(a) were appointed or employed after the 1st day of March, 1949, or

(b) having been appointed or employed prior to the 1st day of March, 1949, have elected within two years thereafter to be subject to this Part.

(2) Any provision of Part I relating to the payment of pensions and Parts II, III and IV do not apply to persons to whom this Part applies. 1948, c. 28, s. 10.

115. R.S., 1952.
(1) A person to whom this Part applies shall be deemed to be employed in the Civil Service for the purposes of the Civil Service Superannuation Act.

(2) Where a special constable is designated as a member of the Force for the purposes of Part V, any amount to his credit in the Retirement Fund under Part VI of the Civil Service Superannuation Act or an amount equal to his contributions under Part I of that Act with interest thereon at four per cent per annum, shall be transferred from the Retirement Fund or Superannuation Account in the Consolidated Revenue Fund, as the case may be, to the Royal Canadian Mounted Police Pension Account in the Consolidated Revenue Fund kept under Part V and shall be deemed to be a contribution under Part V in respect of the service of the special constable in respect of which the contributions were made. 1948, c. 28, s. 10.
CHAPTER 242.

An Act to establish the St. Lawrence Seaway Authority.

SHORT TITLE.

1. This Act may be cited as the St. Lawrence Seaway Authority Act. 1951 (2nd Sess.), c. 24, s. 1.

INTERPRETATION.

2. In this Act, Definitions.

(a) "Authority" means The St. Lawrence Seaway Authority established by this Act;

(b) "canal" means a canal, lock or navigable channel and all works and property appertaining or incident to such canal, lock or channel;

(c) "deep waterway" means adequate provision for navigation requiring a controlling channel depth of twenty-seven feet with a depth of thirty feet over lock sills in general in accordance with paragraph (j) of the preliminary article of the Agreement between Canada and the United States providing for the Development of Navigation and Power in the Great Lakes-St. Lawrence Basin, dated the 19th day of March, 1941;

(d) "member" means a member of the Authority;

(e) "Minister" means the Minister of Transport;

(f) "President" means the President of the Authority.

1951 (2nd Sess.), c. 24, s. 2.

CONSTITUTION OF AUTHORITY.

3. (1) There is hereby established a corporation called The St. Lawrence Seaway Authority, consisting of a President and two other members as provided in this Act.

(2) Except as provided in section 9, the Authority is An agent of H.M. and its powers under this Act may be exercised only as an agent of Her Majesty.

R.S., 1952.
(3) The Authority may, on behalf of Her Majesty, enter into contracts in the name of Her Majesty or in the name of the Authority.

(4) Property acquired by the Authority is the property of Her Majesty and title thereto may be vested in the name of Her Majesty or in the name of the Authority. 1951 (2nd Sess.), c. 24, s. 3.

4. Actions, suits or other legal proceedings in respect of any right or obligation acquired or incurred by the Authority 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 Authority in the name of the Authority in any court that would have jurisdiction if the Authority were not an agent of Her Majesty. 1951 (2nd Sess.), c. 24, s. 4.

5. (1) The Governor in Council shall appoint the members of the Authority to hold office during good behaviour for a term not exceeding ten years, who shall be paid such salaries as may be fixed by the Governor in Council.

(2) A member, on the expiration of his term of office, may be reappointed for a further term not exceeding ten years.

(3) Where a member of the Authority is absent or incapable for any reason of performing the duties of his office or the office thereof is vacant, the Governor in Council may appoint a temporary substitute member to hold the office upon such terms and conditions as the Governor in Council may prescribe. 1951 (2nd Sess.), c. 24, s. 5.

6. The head office of the Authority shall be at the City of Ottawa or in such other place in Canada as the Governor in Council may designate. 1951 (2nd Sess.), c. 24, s. 6.

CONDUCT OF BUSINESS OF AUTHORITY.

7. (1) The President is the chief executive officer of the Authority, is charged with the general direction and control of the business of the Authority, and shall have such other powers as may be conferred on him by the by-laws.

(2) During incapacity or absence for any reason of the President or a vacancy in the office of the President, one of the other members designated by the Governor in Council may exercise and perform all the powers and functions of the President.

(3) The exercise of the powers of the Authority is not impaired by reason of a vacancy in its membership. 1951 (2nd Sess.), c. 24, s. 7.

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8. The Authority with the approval of the Governor in Council may make by-laws not inconsistent with this Act with respect to
(a) the management of the affairs of the Authority and the conduct of its business, and
(b) the establishment of a pension fund for the officers and employees of the Authority employed in a continuing capacity and for the members, and for their dependents, and authorizing contributions to be made to it out of the funds of the Authority. 1951 (2nd Sess.), c. 24, s. 8.

9. The Authority may employ such officers and employees for such purposes and on such terms and conditions as may be determined by it and the officers and employees so employed are not officers or servants of Her Majesty. 1951 (2nd Sess.), c. 24, s. 9.

PURPOSES, CAPACITIES AND POWERS OF AUTHORITY.

10. The Authority is incorporated for the purposes of (a) acquiring lands for and constructing, maintaining and operating all such works as may be necessary to provide and maintain, either wholly in Canada or in conjunction with works undertaken by an appropriate authority in the United States, a deep waterway between the Port of Montreal and Lake Erie, and (b) constructing, maintaining and operating all such works in connection with such a deep waterway as the Governor in Council may deem necessary to fulfil any obligation undertaken or to be undertaken by Canada pursuant to any present or future agreement. 1951 (2nd Sess.), c. 24, s. 10.

11. Subject to this Act, the Authority, for the purposes set out in section 10, has the capacities and powers of a natural person as if it were a corporation incorporated for such purposes by Letters Patent under the Great Seal. 1951 (2nd Sess.), c. 24, s. 11.

12. The Authority, with the approval of the Governor in Council, may lease to any person any lands, property or water power held in the name of the Authority or held in the name of Her Majesty under the control of the Authority. 1951 (2nd Sess.), c. 24, s. 12.

13. The Authority, with the approval of the Governor in Council, may, from time to time, borrow money from Her Majesty or otherwise for the purposes for which it is incorporated.
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incorporated, but the aggregate of the amounts borrowed under this Act and outstanding shall not at any time exceed three hundred million dollars. 1951 (2nd Sess.), c. 24, s. 13.

14. The Governor in Council may entrust to the Authority the management and operation of any canals or works similar or related to the works mentioned in section 10 upon such terms and conditions as the Governor in Council approves. 1951 (2nd Sess.), c. 24, s. 14.

TOLLS.

15. (1) The Authority may, subject to sections 16 and 17, establish tariffs of tolls to be charged by it with respect to

(a) vessels entering, passing through, or leaving a canal or works under its administration;
(b) passengers, goods or cargo carried in such a vessel;
(c) goods or cargo landed, shipped, trans-shipped or stored in a canal or on canal lands under its administration;
(d) the use of any wharf, building, plant, property or facilities under its administration; and
(e) any service performed by the Authority.

(2) The tolls that may be charged by the Authority pursuant to this section may be for the use of the canals and works administered by it as a whole or for the use of any particular part thereof or for any particular service rendered by the Authority.

(3) Every such tariff or amendment thereto shall be filed with the Board of Transport Commissioners and becomes operative from the date of such filing.

(4) Any person interested may at any time file a complaint with the Board of Transport Commissioners that there is unjust discrimination in an existing tariff and the Board shall thereupon consider such complaint and make a finding thereon which shall be reported to the Authority.

(5) Section 53 of the Railway Act applies, mutatis mutandis, in the case of every report of the Board of Transport Commissioners as if the same were a decision made pursuant to the Railway Act. 1951 (2nd Sess.), c. 24, s. 15.

16. The tolls that may be charged by the Authority shall be fair and reasonable and designed to provide a revenue sufficient to defray the cost to the Authority of its operations in carrying out the purposes for which it is incorporated, which costs shall include

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(a) payments in respect of the interest on amounts borrowed by the Authority to carry out such purposes;
(b) amounts sufficient to amortize the principal of amounts so borrowed over a period not exceeding fifty years; and
(c) the cost of operating and maintaining the canals and works under the administration of the Authority, including all operating costs of the Authority and such reserves as may be approved by the Minister. 1951 (2nd Sess.), c. 24, s. 16.

17. Where the works have been constructed and are maintained and operated by the Authority to provide, in conjunction with works undertaken by an appropriate authority in the United States, the deep waterway mentioned in section 10, tolls may be established pursuant to sections 15 and 16 or by agreement between Canada and the United States and, in the event of such an agreement, shall be charged by the Authority in accordance with directions given by the Governor in Council. 1951 (2nd Sess.), c. 24, s. 17.

EXPROPRIATION.

18. (1) With the prior approval of the Governor in Council, the Authority may, without the consent of the owner, take or acquire lands for the purposes of this Act and, except as otherwise provided in this section, all the provisions of the Expropriation Act are, mutatis mutandis, applicable to the taking, acquisition, sale or abandonment of lands by the Authority under this section.

(2) For the purposes of section 9 of the Expropriation Act the plan and description may be signed by the President of the Authority.

(3) The Authority shall pay compensation for lands taken or acquired under this section or for damage to lands injuriously affected by the construction of works erected by it and all claims against the Authority for such compensation may be heard and determined in the Exchequer Court of Canada in accordance with sections 46 to 49 of the Exchequer Court Act.

(4) The Authority shall pay out of the funds administered by it the compensation agreed upon or adjudged by the Court to be payable. 1951 (2nd Sess.), c. 24, s. 18.

REGULATIONS.

19. (1) The Authority may, with the approval of the Governor in Council on the recommendation of the Minister, make regulations. 1951 (2nd Sess.), c. 24, s. 18.
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make regulations for the administration, management and control of the works and property under its jurisdiction including

(a) the regulation and control of vessels navigating a canal or pertinent works;
(b) the regulation of plant, machinery or appliances for loading or unloading vessels in a canal; and
(c) the seizure, detention or sale of vessels, goods or cargo in respect of which any sum is due for tolls and is unpaid or in respect of which any provision of this Act or any regulation has been violated.

(2) A person who violates a regulation is guilty of an offence and is liable on summary conviction to a fine not exceeding one thousand dollars. 1951 (2nd Sess.), c. 24, s. 19.

GENERAL.

20. The Authority shall comply with any direction not inconsistent with this Act with respect to the exercise of its powers or the conduct of its business given to it by the Governor in Council for the purpose of ensuring compliance on the part of Canada with any obligation of Canada to any other nation. 1951 (2nd Sess.), c. 24, s. 20.

21. (1) Notwithstanding this Act or any other statute or law, where a person is employed by the Authority and immediately before his employment he was a contributor under a Part of the Civil Service Superannuation Act other than Part VI, and his employment by the Authority was entered into with the consent of the Minister of the Department or Branch of the Public Service in which he was employed, he continues, while in the employment of the Authority to be such a contributor under the Civil Service Superannuation Act, and for the purposes of that Act his service in employment under this Act shall be counted as service in the Civil Service and upon his death or retirement therefrom, he, his widow, children or other dependants, if any, may, subject to subsection (2), be granted the respective allowances or gratuities provided by that Act.

(2) Where a person to whom subsection (1) applies is retired from employment by the Authority for a reason other than misconduct,

(a) if before his employment by the Authority he was employed in a position to which the Civil Service Act applied, he may be appointed to a position to which the Civil Service Act applies of a class not lower than the position in which he was so employed;

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(b) if before his employment by the Authority he was employed in any other position in the Public Service, he may be appointed to a position in the Public Service to which the Civil Service Act does not apply of a class not lower than the class in which he was so employed; (c) if he fails to apply for or refuses appointment to a position to which he may be appointed under paragraph (a) or (b) and has not reached retirement age or become disabled or incapable of performing the duties of the position, he shall be deemed for the purposes of the Civil Service Superannuation Act, to have retired voluntarily from a position in the Civil Service; or (d) if he applies for and is not appointed to such a position he shall be deemed, for the purposes of the Civil Service Superannuation Act to have been retired from his position in the Civil Service by reason of the abolition of office.

(3) The Government Employees Compensation Act applies to officers and servants of the Authority and, notwithstanding section 9, for the purposes of that Act, but not otherwise, such officers and servants shall be deemed to be employees in the service of Her Majesty. 1951 (2nd Sess.), c. 24, s. 21.

22. The Navigable Waters Protection Act does not apply to works undertaken by the Authority pursuant to this Act. 1951 (2nd Sess.), c. 24, s. 22.

23. Notwithstanding that the Authority is an agent of Her Majesty, it may enter into contracts with Her Majesty. 1951 (2nd Sess.), c. 24, s. 23.

24. The accounts and financial transactions of the Authority shall be audited by the Auditor General. 1951 (2nd Sess.), c. 24, s. 24.

LOANS AND GUARANTEES BY CROWN.

25. (1) The Minister of Finance, with the approval of the Governor in Council, may, from time to time, (a) make loans to the Authority out of money in the Consolidated Revenue Fund, or (b) guarantee repayment of the principal of and interest on money borrowed by the Authority, but no such loans or guarantees shall be made or given in any fiscal year except to the extent that Parliament has authorized such loans and guarantees to be made or given in that year.

4907 (2) R.S., 1952.
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(2) Notwithstanding subsection (1), the Minister of Finance, with the approval of the Governor in Council, may, from time to time,

(a) make loans to the Authority out of money in the Consolidated Revenue Fund, or

(b) guarantee repayment of the principal of and interest on money borrowed by the Authority,

for the purpose of repaying money that has been borrowed under this Act.

(3) A loan or guarantee under this section shall be made or given in such manner and subject to such terms and conditions as the Governor in Council approves. 1951 (2nd Sess.), c. 24, s. 25.

26. (1) The Minister of Finance, at the request of the Minister, and with the approval of the Governor in Council, may, from time to time, make temporary loans to the Authority out of money in the Consolidated Revenue Fund.

(2) The aggregate amount of loans outstanding under this section shall not at any time exceed ten million dollars.

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

(4) A report of every loan to the Authority under this section shall be laid by the Minister of Finance before Parliament within fifteen days after it is made, or, if Parliament is not then in session, within fifteen days after the commencement of the next ensuing session. 1951 (2nd Sess.), c. 24, s. 26.

27. (1) The Minister of Finance, with the concurrence of the Minister, may direct that money borrowed by the Authority under this Act shall be deposited in the Consolidated Revenue Fund to be placed to the credit of a special account in the name of the Authority.

(2) The Minister of Finance may, upon application by the Authority approved by the Minister, pay out to or for the purposes of the Authority, all or any part of the money in the special account established under subsection (1). 1951 (2nd Sess.), c. 24, s. 27.

SAVING CLAUSE.

28. Nothing in this Act affects the operation of The International Boundary Waters Treaty Act, chapter 28 of the statutes of 1911. 1951 (2nd Sess.), c. 24, s. 28.

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COMMENCEMENT.

29. Each section of this Act shall come into force on a day or days to be fixed by proclamation of the Governor in Council. 1951 (2nd Sess.), c. 24, s. 29.
CHAPTER 243.

An Act respecting the Salaries of Certain Public Functionaries.

SHORT TITLE.

1. This Act may be cited as the Salaries Act. R.S., c. 182, Short title. s. 1.

2. There shall be payable yearly, and pro rata for any Sums less period than a year, out of any unappropriated moneys forming part of the Consolidated Revenue Fund of Canada, the salaries and sums of money mentioned in the following sections, to the persons and for the purposes therein specified. R.S., c. 182, s. 2.

3. The salaries of the Lieutenant-Governors of the several provinces are as follows:

<table>
<thead>
<tr>
<th>Province</th>
<th>Per Annum</th>
</tr>
</thead>
<tbody>
<tr>
<td>The Lieutenant-Governor of Ontario</td>
<td>$10,000</td>
</tr>
<tr>
<td>The Lieutenant-Governor of Quebec</td>
<td>10,000</td>
</tr>
<tr>
<td>The Lieutenant-Governor of Nova Scotia</td>
<td>9,000</td>
</tr>
<tr>
<td>The Lieutenant-Governor of New Brunswick</td>
<td>9,000</td>
</tr>
<tr>
<td>The Lieutenant-Governor of Manitoba</td>
<td>9,000</td>
</tr>
<tr>
<td>The Lieutenant-Governor of British Columbia</td>
<td>9,000</td>
</tr>
<tr>
<td>The Lieutenant-Governor of Prince Edward Island</td>
<td>8,000</td>
</tr>
<tr>
<td>The Lieutenant-Governor of Saskatchewan</td>
<td>9,000</td>
</tr>
<tr>
<td>The Lieutenant-Governor of Alberta</td>
<td>9,000</td>
</tr>
<tr>
<td>The Lieutenant-Governor of Newfoundland</td>
<td>9,000</td>
</tr>
</tbody>
</table>

1948, c. 68, s. 1; 1949, c. 6, s. 23.

4. 3104

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4. The salaries of the following Ministers, members of the Queen’s Privy Council for Canada, are as follows:

<table>
<thead>
<tr>
<th>Position</th>
<th>Per Annum</th>
</tr>
</thead>
<tbody>
<tr>
<td>The Member of the Queen’s Privy Council holding the recognized position of First Minister</td>
<td>$15,000</td>
</tr>
<tr>
<td>The Minister of Justice and Attorney General</td>
<td>10,000</td>
</tr>
<tr>
<td>The Minister of National Defence</td>
<td>10,000</td>
</tr>
<tr>
<td>The Minister of National Revenue</td>
<td>10,000</td>
</tr>
<tr>
<td>The Minister of Finance</td>
<td>10,000</td>
</tr>
<tr>
<td>The Minister of Transport</td>
<td>10,000</td>
</tr>
<tr>
<td>The Minister of Public Works</td>
<td>10,000</td>
</tr>
<tr>
<td>The President of the Queen’s Privy Council for Canada</td>
<td>10,000</td>
</tr>
<tr>
<td>The Minister of Fisheries</td>
<td>10,000</td>
</tr>
<tr>
<td>The Postmaster General</td>
<td>10,000</td>
</tr>
<tr>
<td>The Minister of Agriculture</td>
<td>10,000</td>
</tr>
<tr>
<td>The Secretary of State of Canada</td>
<td>10,000</td>
</tr>
<tr>
<td>The Minister of Trade and Commerce</td>
<td>10,000</td>
</tr>
<tr>
<td>The Minister of Labour</td>
<td>10,000</td>
</tr>
<tr>
<td>The Secretary of State for External Affairs</td>
<td>10,000</td>
</tr>
<tr>
<td>The Minister of National Health and Welfare</td>
<td>10,000</td>
</tr>
<tr>
<td>The Minister of Veterans Affairs</td>
<td>10,000</td>
</tr>
<tr>
<td>The Minister of Resources and Development</td>
<td>10,000</td>
</tr>
<tr>
<td>The Minister of Mines and Technical Surveys</td>
<td>10,000</td>
</tr>
<tr>
<td>The Minister of Citizenship and Immigration</td>
<td>10,000</td>
</tr>
</tbody>
</table>

5. The salary of the Solicitor General of Canada is ten thousand dollars per annum. 1931, c. 12, s. 1.

6. The salary of the Secretary of the Governor General is two thousand four hundred dollars per annum. R.S., c. 182, s. 6.

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CHAPTER 244.

An Act to provide for the constitution of a Salt Fish Board.

WHEREAS various causes of as well foreign as domestic origin have produced within the Eastern provinces of Canada, with relation to fishermen, meaning fishermen producers, an emergent condition whereunder such fishermen are unable to obtain for fish intended for export prices sufficient to enable them to continue production of fish for such purpose;

AND WHEREAS the trade and commerce of Canada is, by reason of the premises, prejudiced and impaired;

THEREFORE, to the end that such fishermen may secure for their fish prices sufficient to enable continuance of production, 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 Salt Fish Board Act. Short title.
1939, c. 51, s. 1.

INTERPRETATION.

2. In this Act Definitions.
(a) "Board" means the Board created by this Act; "Board."
(b) "export" means export from Canada to another "Export."
country;
(c) "exporter" means a fisherman or co-operative group "Exporter." of fishermen or any other person owning fish that is afterwards exported in a salted state, whether dried, boneless, pickle cured or otherwise processed;
(d) "Minister" means the Minister of Fisheries; and "Minister."
(e) "salt fish" means fish in a salted state whether dried, "Salt fish." boneless, pickle cured or otherwise processed. 1939, c. 51, s. 2.

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Constitution of Board.

3. (1) There shall be a board to be known as the Salt Fish Board consisting of three members appointed by the Governor in Council.

(2) One of the members shall be appointed Chairman and another Vice-Chairman; the Chairman, who shall be an officer of the Department of Fisheries, shall preside at meetings of the Board and, in his absence, the Vice-Chairman; the other two members shall be appointed as representatives of the fishermen-producers, whether co-operative or otherwise.

(3) Each member holds office during pleasure.

(4) The remuneration of the members of the Board shall be fixed by the Governor in Council.

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

Chairman and Vice-Chairman.

(6) The headquarters of the Board shall be at the City of Halifax in the Province of Nova Scotia. 1939, c. 51, s. 3.

Tenure of office.

Remuneration.

Quorum.

Headquarters of Board.

Staff.

4. The Board, with the approval of the Governor in Council, may appoint and employ such technical or other officers, clerks and employees as may be necessary for the conduct of its business and the carrying out of the provisions of this Act. 1939, c. 51, s. 4.

Duties of Board.

5. The Board shall

(a) investigate and report to the Minister upon the marketing of salt fish in the export trade and explore all possibilities of opening up new marketing outlets;

(b) devise and recommend to the Minister a plan, or plans, that may be adopted for the orderly marketing of fish, salt or to be salted, with a view to improving conditions and bringing greater returns to the primary producer and the exporter;

(c) study and report to the Minister upon the best methods of preparing salt fish for the various export markets, to include,

(i) the manner of curing and packing and the marking of packages for export,

(ii) arrangements for an adequate inspection of salt fish for export, and the supervising of such; and

(d) study and recommend to the Minister means of insuring the use of a proper grade and kind of salt for curing the various species of fish. 1939, c. 51, s. 5.

Powers of Board. Assistance to exporters.

6. The Board may

(a) on such terms and conditions as may be deemed necessary to ensure that such assistance reaches the fishermen...
fishermen-producers give assistance to exporters in such form and manner and to such extent as may from time to time be determined by the Board and approved by the Governor in Council, but the assistance given to any exporter during any marketing season shall not exceed in value twenty-five per cent of the value as estimated or found by the Board at the point and time of export of the fish in respect of which such assistance is given;

(b) with the approval of the Governor in Council, establish by regulation and from time to time vary the terms and conditions under which assistance may be given under this section; and

(c) with the approval of the Governor in Council, enter into an agreement with any exporter providing for the sale by the Board, for such exporter, of fish during any marketing season. 1939, c. 51, s. 6.

7. The Governor in Council may authorize the Minister of Finance to make from time to time advances to the Board from moneys appropriated by Parliament for the purposes of this Act, and the Board may expend or administer for such purposes any sum or sums of money so received. 1939, c. 51, s. 7.

8. (1) With the approval of the Governor in Council, the Board may appoint advisory committees to advise it in connection with the marketing of fish; each such committee shall consist of not more than three members, two of whom shall represent the fishermen-producers, and the others shall represent the dealers or exporters.

(2) The members of an advisory committee shall not receive any salary but shall be paid their necessary travelling and living expenses while travelling from their homes to attend the meetings of such committee and returning therefrom.

(3) The Board may call meetings of an advisory committee to be held at such time and place as the Board may decide. 1939, c. 51, s. 8.

9. The Board shall make such reports and furnish such further information as the Minister may from time to time require. 1939, c. 51, s. 9.

10. The Board may, with the approval of the Governor in Council, make such regulations as may be necessary for R.S., 1952.
Salt Fish Board.

for the operation of this Act and for carrying out the provisions thereof in accordance with its intent and meaning. 1939, c. 51, s. 10.

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CHAPTER 245.

An Act respecting the Discharge of Securities to the Crown.

SHORT TITLE.

1. This Act may be cited as the Satisfied Securities Act. Short title. R.S., c. 184, s. 1.

2. Whenever the lien created by any mortgage or other instrument on any real or personal property to Her Majesty has been satisfied, the Governor in Council may declare that the same has been satisfied and discharged; and a copy of the order in council, certified by the Clerk of the Queen's Privy Council for Canada, operates as a release and discharge of any claim of Her Majesty, Her successors or assigns, in respect of the same. R.S., c. 184, s. 2.

3. From and after the 1st day of July in the year 1888, any lands in the Province of Ontario theretofore bound by the registration in the office of the Clerk of the former Court of Queen's Bench in Toronto, of any deed, bond, contract or other instrument whereby any debt, obligation or duty was incurred or created to Her late Majesty Queen Victoria, or any of Her Royal Predecessors, in respect of any matter within the authority of the Government of Canada, shall be released from the charge created by such registration, so far as the same is within the authority of the Government of Canada; but nothing herein contained shall be construed to affect the obligations of parties to any such deed, bond, contract, or other instrument, to the Crown or to each other, or to release any charge that may have been, previous to the said date, obtained against any such lands by virtue of any writ or other proceeding. R.S., c. 184, s. 3.

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CHAPTER 246.

An Act respecting Returns by Certain Persons and Corporations receiving Moneys on Deposit at Interest.

SHORT TITLE.

1. This Act may be cited as the Savings Deposits Returns Act. R.S., c. 183, s. 1.

RETURNS.

2. Every person, corporation or institution, except chartered banks, receiving money in small sums, on deposit at interest as savings, shall make such returns as to such deposits, and the investment thereof, as the Governor in Council, from time to time, requires; and shall register with the Minister of Finance and notify in such manner as the Governor in Council by order directs, the name of such person, corporation or institution, and that of the officer or person on whom process may be served in any suit or proceeding. R.S., c. 183, s. 2.

3. Every wilful refusal or neglect to obey any order in council made under this Act is an indictable offence. R.S., c. 183, s. 3.

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CHAPTER 247.

An Act to make provision for the Sealing of Royal Instruments.

SHORT TITLE.

1. This Act may be cited as the Seals Act. 1939, c. 22, Short title. s. 1.

INTERPRETATION.

2. In this Act, Definitions.

(a) "Great Seal of the Realm" means the Great Seal of the United Kingdom of Great Britain and Northern Ireland for which provision was made in Article XXIV of the Union with Scotland Act, 1706 (6 Anne, A.D. 1706, chapter XI, An Act for an Union of the Two Kingdoms of England and Scotland) and includes the wafer seal;

(b) "signet" means the seal that, under the existing practice in the United Kingdom, is delivered by Her Majesty the Queen to each of her Principal Secretaries of State in the United Kingdom, and includes the lesser signet, or second secretarial seal and the cachet;

(c) "royal instrument" means an instrument, in respect of Canada, that, under the present practice, is issued by and in the name of the Queen and passed under the Great Seal of the Realm or under one of the signets;

(d) "document under the sign-manual" means an instrument, in respect of Canada, that, under the present practice, is issued in the name and under the signature of Her Majesty the Queen, without any seal;

(e) "countersignature" refers to the endorsement upon a royal instrument or upon a document under the sign-manual of the signature of Her Majesty's responsible Canadian minister; and

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(f) R.S., 1952.
"Royal Seals."

(f) "royal seals" include the Great Seal of Canada and any other seals or signets that may, with the approval of Her Majesty the Queen be authorized under this Act. 1939, c. 22, s. 2.

3. Notwithstanding any law in force in Canada, any royal instrument may be issued by and with the authority of Her Majesty the Queen and passed under the Great Seal of Canada, or under any other royal seal approved by Her Majesty the Queen for the purpose. 1939, c. 22, s. 3.

Orders and regulations.

4. Notwithstanding any law in force in Canada, the Governor in Council may, subject to the approval of Her Majesty the Queen, make orders and regulations relating to royal seals, the use thereof, royal instruments, and documents under the sign-manual, and, without restricting the generality of the foregoing, in relation to the following matters:

(a) the specification of the instruments or classes of instruments that are to be passed under the royal seals;
(b) the authorization of royal seals and the naming of such seals, and the specification of the purposes for which they are to be used;
(c) the custody of the royal seals;
(d) the procedure governing the use of the royal seals;
(e) countersignature of royal instruments;
(f) the issuing and countersignature of documents under the sign-manual;
(g) the procedure whereby the approval of Her Majesty the Queen and her authority for the issuing of royal instruments and documents under the sign-manual is to be given; and
(h) the authentication and proof of royal instruments and documents under the sign-manual, including the conditions under which certification by an official, or publication by the Queen's Printer, constitutes authentication and proof. 1939, c. 22, s. 4.

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INTERPRETATION.

1. This Act may be cited as the Seeds Act. 1937, c. 40, Short title. a. 1.

(a) "brand" means the trade name or mark applied to "Brand." seed by the producer, wholesaler or retailer thereof;

(b) "container" includes every package, sack, bag, "Container." barrel, car, truck, bin, case or other receptacle;

(c) "control sample" means a seed sample drawn from "Control sample.” a seed lot by or on behalf of the grower or owner, on his own responsibility, and forwarded to a district office of the Plant Products Division, Production Service of the Department of Agriculture, for testing;

(d) "control sample certificate” means a certificate that "Control sample certificate.” is issued on a control sample of seed;

(e) "crop registration certificate” means a certificate "Crop registration certificate.” issued for a seed crop by the Canadian Seed Growers’ Association, based on records and reports of crop inspections made in accordance with standards and regulations established by the Association;

(f) "Elite stock seed” means selected seed or plants "Elite stock seed.” produced by plant breeders the product of which may be eligible to produce registered seed;

(g) "inspector” means any officer designated by the "Inspector.” Minister to carry out the provisions of this Act;

(h) "inspector’s sample” means a seed sample officially "Inspector’s sample.” drawn by an inspector, or under his direction, from a seed lot to be examined, graded and sealed;

(i) "Minister” means the Minister of Agriculture; "Minister.”

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(j) "official analyst" means any seed analyst or plant specialist designated as official analyst under the provisions of this Act;

(k) "official sample" means a seed sample officially drawn by an inspector and forwarded to a district office of the Plant Products Division, Production Service of the Department of Agriculture, to check a suspected violation of this Act;

(l) "official sample certificate" means a certificate that is issued on an official sample of seed;

(m) "registration control number" means a number issued for seed represented as to quality and grade by a type sample and also in the case of lawn and turf grass seed mixtures, by a stated formula;

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

(o) "sealed container" means any container so closed as to prevent its being opened without discovery;

(p) "seed crop certificate" means a certificate issued by an inspector for a seed crop, based on standards and regulations established by the Minister; and

(q) "seed inspection certificate" means a certificate issued by an inspector on seed sampled, examined, graded and sealed by him or under his direction.

1937, c. 40, s. 2; 1938, c. 51, ss. 1, 2.

3. 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, and may make regulations not inconsistent with the provisions of this Act prescribing

(a) the minimum quality for seeds that may be sold under the grade names prescribed under the provisions of this Act, the minimum percentage of purity of variety for seeds that may be sold in accordance with the provisions of paragraph (d) of section 5 and paragraph (b) of section 6; the kinds of seeds to which sections 5 and 6 shall apply, and to modify such minimum quality for any period of time or territory;

(b) the conditions under which brand names and registration control numbers for seeds may be used;

(c) the species of plants the seeds of which may be deemed to be prohibited noxious, primary noxious, or secondary noxious weed seeds, and also other plants the seeds of which may be deemed to be other weeds within the meaning of this Act;

Regulations.

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(d) the names of the varieties to be included in a list of established variety names and the methods to be followed in making propagating tests or an examination of seeds or plants to determine the variety, and whether falsely represented, or of a new or inferior variety within the meaning of this Act;

(e) the form of statement, language, whether English or French, and size of the printing of the brand or mark to be on the container of seeds or plants or on a tag or label attached thereto;

(f) the geographical areas which for the purpose of this Act shall be designated to indicate origin of production for those kinds of seeds prescribed by regulation;

(g) the minimum percentage of germination for each kind of seed, below which such seeds when sold, advertised, offered or had in possession for sale shall be branded or marked as required by the provisions of this Act;

(h) the procedure to be followed and the implements and materials to be used in the grading and inspection of seed, in the inspection of seed crops, and in the methods for testing and analysing seed;

(i) whatever may be considered necessary to restrict or prohibit the importation into Canada of any seeds or plants to which this Act applies and which may within the meaning of this Act, be deemed to be not suitable for seeding or planting;

(j) whatever else may be deemed necessary to secure the efficient enforcement of this Act;

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

(l) that the inspection or testing of seed crops or the issuing of seed inspection certificates, control sample certificates, licences, registration control numbers or any seed control service, may be refused to any person who is indebted to Her Majesty with respect to any of the said services. 1937, c. 40, s. 3; 1940, c. 16, s. 1.

GENERAL.

4. There may be appointed in the manner authorized by law such inspectors and official analysts as are necessary for the purposes of this Act. 1937, c. 40, s. 4.

5. R.S., 1952.
Seeds.

5. Seeds of cereals, forage crops, lawn or turf grasses, or other kinds of seed, or bulbs or sets of garden vegetables, that may be prescribed by regulation, shall not be advertised, offered, sold or had in possession for sale for the purpose of seeding in Canada nor shall any shipment be billed as seed unless each container thereof or a tag or label durably attached thereto is marked on one side in such form and manner as may be prescribed by regulation, with the following information only:

(a) the name and address of the seller;
(b) the name of the kind or kinds;
(c) the brand name or mark if any;
(d) the name of the variety, when known;
(e) the name of the grade of seed, or bulb or set, which shall be one of the following:
   (i) for seed derived from an inspected seed crop for which a crop registration certificate has been issued, Registered No. 1, Registered No. 2, Registered No. 3,
   (ii) for seed derived from an inspected seed crop for which a seed crop certificate has been issued, Certified No. 1, Certified No. 2,
   (iii) for the general seeds, bulbs or sets of commerce No. 1 Seed, No. 2 Seed, No. 3 Seed and for timothy the additional grade name of No. 2 Seed No. 1 Purity,
   (iv) for mixtures of forage crop, lawn or turf grass seeds, No. 1 Mixture, No. 2 Mixture, No. 3 Mixture;
(f) the letter and serial number of the seed inspection certificate, or the serial number of the control sample certificate, or the registration control number; and
(g) the origin of production for the kinds and in the manner as may be prescribed by regulation. 1937, c. 40, s. 5.

6. Seeds of field roots or garden vegetables that may be prescribed by regulation shall not be advertised, offered, sold or had in possession for sale for the purpose of seeding in Canada, unless such seed is graded and containers marked in accordance with section 5, or if not graded, each container of such seed or a tag or label attached thereto is marked on one side in such form and manner as may be prescribed by regulation, with the following information:

(a) the name and address of the seller;
(b) the name of the kind and variety or type;
(c) the year in which the seed was tested for germination;
(d) the letter and serial number of the seed inspection certificate, or the serial number of the control sample certificate, or the registration control number;
(e) the origin of production for the kinds and in the manner as may be prescribed by regulation. 1937, c. 40, s. 5.

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(d) the percentage of germination when such germination is below the minimum percentage of germination prescribed by regulation for seed of the kind; and
(e) the origin of production for the kinds and in the manner prescribed by regulation. 1937, c. 40, s. 6.

7. Seeds or plants of cereals, potatoes, forage crops, lawn or turf grasses shall not be advertised, offered, sold or had in possession for sale for the purpose of seeding or planting in Canada, under any variety name that is not included in a list of established variety names as may be prescribed by regulation, nor shall an approved variety name for any kind of seed accepted for registration or certification be altered by any qualifying term or reference whatsoever. 1937, c. 40, s. 7.

8. (1) Seeds or plants of cereals, potatoes, forage crops, lawn or turf grasses described as a new variety of such seeds or plants shall not be advertised, offered, sold or had in possession for sale for the purpose of seeding or planting in Canada, unless such variety is licensed for sale by the Minister.

(2) The Minister may refuse to issue a licence in respect of any variety name unless the seeds or plants have been submitted to a propagating test, or the mature plants have been examined and reported upon by such person, persons or Advisory Board as may be appointed for the purpose, or if the variety is found or known to be approximately the same as a previously established variety and variety name or is of such inferior quality or possesses such characteristics as to impair its value for commerce.

(3) The Minister may cancel a licence or change the name of a variety licensed for sale when sufficient evidence is submitted to show that it is in the interest of the public to make such cancellation or change. 1937, c. 40, s. 8.

9. Seeds or plants that are falsely represented as to age, viability, quality, grade, variety, origin or description shall not be advertised, offered, sold or had in possession for sale for the purpose of seeding or planting in Canada, nor shall seeds of cereal grains, forage crops, lawn or turf grasses be advertised for sale at a stated price unless the grade name is included in the advertisement. 1937, c. 40, s. 9.

10. Seeds purported to have been inspected and graded for export shall not be advertised, offered, sold or had in possession for export. 1937, c. 40, s. 9.

As to sale of seed for export.

As to truth in advertising.

Licence to be obtained before new variety name may be used.

Minister may refuse licence until after examination and report.

Power to cancel licence or change name.
possession for sale for export from Canada, unless each container thereof has affixed thereto an approved seal and tag bearing the following information only:

(a) the name and address of the seller;
(b) the name of the kind or kinds;
(c) the name of the variety, when known;
(d) the name of the export grade the quality of which may be defined by regulation which shall be one of the following: Registered No. 1, Registered No. 2, Registered No. 3, Certified No. 1, Certified No. 2, No. 1 Seed, No. 2 Seed, No. 3 Seed;
(e) the letter and number of the seed inspection certificate; and
(f) the origin of production for the kinds and in the manner as may be prescribed by regulation. 1937, c. 40, s. 10.

11. Seed or a mixture of seeds as named in section 5, or that may be prescribed by regulation, of a quality inferior to No. 3 Seed or No. 3 Mixture, or any seed named in section 6, or that may be prescribed by regulation, of a quality inferior to the minimum standard of purity prescribed for No. 3 Seed shall not be advertised, offered, sold or had in possession for sale for the purpose of seeding in Canada; such seed shall be designated as Rejected. 1937, c. 40, s. 11.

12. Seed of cereal grains, forage crops, lawn or turf grasses, field roots, garden vegetables or other kinds of seed that may be prescribed by regulation, shall not be imported into Canada for the purpose of seeding or of selling or offering for sale for seeding, unless they conform to the provisions of this Act and the regulations thereunder. 1937, c. 40, s. 12.

13. The use of a printed or written disclaimer or non-warranty clause in respect to any seed advertised, sold, offered or had in possession for sale for the purpose of seeding in Canada, shall not be deemed to waive any liability of the person who violates any provision of this Act. 1937, c. 40, s. 13.

14. This Act does not apply to
(a) seed that is sold to be cleaned or graded before offered for sale for the purpose of seeding;
(b) seed that is held in storage for the purpose of cleaning or grading, if the place of storage is not accessible to purchasers of seed or the seed is labelled “held for recleaning”. 1937, c. 40, s. 14.

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15. Sections 5 and 6 do not apply to seed of cereal grains, buckwheat, field peas, field beans and corn that are grown, sold and delivered by any farmer, on his own premises, for seeding by the purchaser himself unless the purchaser of the said seed obtains from the seller at the time of the sale thereof, a certificate that the said seed is supplied to him subject to the provisions of this Act, nor to seed of Elite stock that may be produced and sold by any plant breeder to a seed grower, unless such seed is again sold. 1937, c. 40, s. 15.

16. Any inspector charged with the enforcement of this Act may require a grower or dealer to take a statutory declaration in respect to seed presented to an inspector for grading and sealing in containers as may be prescribed by regulation, and may enter upon any premises to make any examination of any plants or seeds, in containers or in bulk, whether such seeds or plants are on the premises of the owner or on other premises, or in the possession of any carrier, and may take official samples therefrom for which samples the owner shall, on demand, be paid in accordance with the amount thus taken and its current value; further, he may make or have made any examination of books, invoices or other records to determine the truthfulness of advertising or public statements in respect to seed offered for sale. 1937, c. 40, s. 16.

17. (1) Any inspector charged with the enforcement of this Act, or any purchaser of seeds may take an official sample and forward it to such person as may be appointed to inspect, test, grade and report upon any seeds submitted for such purposes under the provisions of this Act; such official sample shall be taken in accordance with the procedure as prescribed by regulation.

(2) Official sample certificates shall be issued on official samples and copies forwarded to the inspector, informant, or complainant, and to the seller of the said seeds; the seller shall be granted a period of at least fourteen days after receipt of the official sample certificate before any action to impose a penalty may be taken under this Act. 1937, c. 40, s. 17.

18. The Minister may publish the results of tests of official samples of seeds or plants made in connection with the enforcement of this Act, and any additional information that in the opinion of the Minister is advisable. 1937, c. 40, s. 18.

Detention. 19. Any seed advertised, offered, sold, had in possession for sale or carried for the purpose of seeding in Canada contrary to the provisions of this Act, may be detained by an inspector, together with any container enclosing same, and held as may be prescribed by regulation, at the expense of the owner, until compliance with the Act is effected; if the owner fails to comply with the aforesaid provisions within sixty days such seed may be confiscated and disposed of as the Minister may direct. 1937, c. 40, s. 19.

Prosecution for violation. 20. (1) Notwithstanding anything herein contained no person shall be prosecuted for violation of any provision of this Act or regulation thereunder with respect to the viability of seeds when such seeds have been out of his possession for more than six months.

(2) No person having seeds in his possession for sale shall be prosecuted for violation of this Act or regulations thereunder if he satisfies the inspector that

   (a) the seeds were purchased in Canada,

   (b) the seeds have not been altered or their quality impaired while in his possession, and

   (c) he had no reason to believe that such seeds did not comply with the provisions of this Act or regulations thereunder,

   and discloses the name and address of the person from whom he purchased the seed and the place and date of such purchase.

(3) Where the seeds or plants were purchased from a person not resident in Canada the prosecution shall be taken against the person or his agent in Canada who sold, advertised, offered or had in his possession for sale the said seeds or plants. 1937, c. 40, s. 20.

OFFENCES AND PENALTIES.

21. (1) Except as otherwise provided in section 22, every person who by himself or through the agency of another person sells, advertises, offers or has in his possession for sale, seeds or plants in violation of any of the provisions of this Act or regulations thereunder, is guilty of an offence and liable upon summary conviction for a first offence to a fine of not less than five dollars and not more than twenty-five dollars, and for each subsequent offence to a fine of not less than twenty-five dollars and not more than two hundred and fifty dollars.

(2) In default of immediate payment of such fine such person is liable to imprisonment for a term not exceeding one month unless such fine is sooner paid. 1937, c. 40, s. 21.

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22. Any person who
(a) forges or alters any certificate of grade or falsely marks or uses the serial number of any certificate issued under the provisions of this Act;
(b) wilfully lowers the quality or value of seeds by mixing any other seeds or material therewith after the said seeds have been tested and marked as required by this Act; or
(c) wilfully obstructs, hinders, resists or in any way opposes any inspector while in the discharge of his duty;
is guilty of an offence and liable upon summary conviction to a fine of not less than fifty dollars and not exceeding five hundred dollars, or to imprisonment for any term not exceeding twelve months, or to both fine and imprisonment. 1937, c. 40, s. 22.

23. 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. 1937, c. 40, s. 23.

24. In any prosecution under this Act or regulations thereunder, the certificate of grade of an inspector and the certificate of test or analysis of an official analyst on any official sample of seeds or plants received under the provisions of this Act, shall be accepted as prima facie evidence of the particulars of the said certificates as therein set out. 1937, c. 40, s. 24.

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

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CHAPTER 249.

An Act respecting the Senate and House of Commons.

SHORT TITLE.

1. This Act may be cited as the Senate and House of Commons Act. R.S., c. 147, s. 1.

DEMISE OF THE CROWN.

2. No parliament of Canada shall determine or be dissolved by the demise of the Crown, but such parliament shall continue, and may meet, convene and sit, proceed and act, notwithstanding the demise of the Crown, in the same manner as if such demise had not happened. R.S., c. 147, s. 2.

3. Nothing in section 2 shall alter or abridge the power of the Crown, to prorogue or dissolve the Parliament of Canada. R.S., c. 147, s. 3.

PRIVILEGES AND IMMUNITIES OF MEMBERS AND OFFICERS.

4. The Senate and the House of Commons respectively, and the members thereof respectively, shall hold, enjoy and exercise,

(a) such and the like privileges, immunities and powers as, at the time of the passing of the British North America Act 1867, were held, enjoyed and exercised by the Commons House of Parliament of the United Kingdom, and by the members thereof, so far as the same are consistent with and not repugnant to the said Act; and

(b) such privileges, immunities and powers as are from time to time defined by Act of the Parliament of Canada, not exceeding those at the time of the passing of such Act held, enjoyed and exercised by the Commons House of Parliament of the United Kingdom and by the members thereof respectively. R.S., c. 147, s. 4.

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5. Such privileges, immunities and powers are part of the general and public law of Canada, and it is not necessary to plead the same, but the same shall, in all courts in Canada, and by and before all judges, be taken notice of judicially. R.S., c. 147, s. 5.

6. Upon any inquiry touching the privileges, immunities and powers of the Senate and of the House of Commons or of any member thereof respectively, any copy of the journals of the Senate or House of Commons, printed or purported to be printed by the order of the Senate or House of Commons, shall be admitted as evidence of such journals by all courts, justices and others, without any proof being given that such copies were so printed. R.S., c. 147, s. 6.

REPORT AND PROCEEDINGS.

7. (1) Any person who is a defendant in any civil or criminal proceedings commenced and prosecuted in any manner for or on account of or in respect of the publication of any report, paper, votes or proceedings, by such person or by his servant, by or under the authority of the Senate or House of Commons, may bring before the court in which such proceedings are so commenced and prosecuted, or before any judge of the same, first giving twenty-four hours' notice of his intention so to do to the prosecutor or plaintiff in such proceedings, or to his attorney or solicitor, a certificate under the hand of the Speaker or Clerk of the Senate or House of Commons, as the case may be, stating that the report, paper, votes or proceedings, as the case may be, in respect whereof such civil or criminal proceedings have been commenced and prosecuted, was or were published by such person or by his servant, by order or under the authority of the Senate or House of Commons, as the case may be, together with an affidavit verifying such certificate.

(2) Such court or judge shall thereupon immediately stay such civil or criminal proceedings, and the same and every writ or process issued therein shall be and shall be deemed and taken to be finally put an end to, determined and superseded by virtue of this Act. R.S., c. 147, s. 7.

8. (1) Where any civil or criminal proceedings are commenced or prosecuted for or on account of or in respect of the publication of any copy of such report, paper, votes or proceedings, the defendant, at any stage of the proceedings, may lay before the court or judge, such report, paper, votes or proceedings, and such copy with an affidavit verifying such report, paper, votes or proceedings, and the correctness of such copy.
(2) The court or judge shall thereupon immediately stay such civil or criminal proceedings, and the same and every writ or process issued therein, shall be and shall be deemed to be finally put an end to, determined and superseded by virtue of this Act. R.S., c. 147, s. 8.

9. In any civil or criminal proceedings commenced or prosecuted for printing any extract from or abstract of any such report, paper, votes or proceedings, such report, paper, votes or proceedings may be given in evidence, and it may be shown that such extract and abstract was published bona fide and without malice, and, if such is the opinion of the jury, a verdict of not guilty shall be entered for the defendant. R.S., c. 147, s. 9.

INDEPENDENCE OF PARLIAMENT.

Members of the House of Commons.

10. Except as hereinafter specially provided,

(a) no person accepting or holding any office, commission or employment, permanent or temporary, in the service of the Government of Canada, at the nomination of the Crown or at the nomination of any of the officers of the Government of Canada, to which any salary, fee, wages, allowance, emolument, or profit of any kind is attached; and

(b) no sheriff, registrar of deeds, clerk of the peace, or county crown attorney in any of the provinces of Canada,

is eligible as a member of the House of Commons, or shall sit or vote therein. R.S., c. 147, s. 10.

11. Nothing in section 10 renders ineligible any person holding any office, commission or employment, permanent or temporary, in the service of the Government of Canada, at the nomination of the Crown, or at the nomination of any of the officers of the Government of Canada, as a member of the House of Commons, or disqualifies him from sitting or voting therein, if, by his commission or other instrument of appointment, it is declared or provided that he shall hold such office, commission or employment without any salary, fees, wages, allowances, emolument or other profit of any kind, attached thereto. R.S., c. 147, s. 11.

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12. Nothing renders ineligible, as aforesaid, any person serving in the naval, army or air forces of Canada, or in any other of the naval, army or air forces of the Crown, while such forces are on active service in consequence of any war, and receiving salary, pay or allowance as a member of such forces while on such active service. 1940-41, c. 26, s. 1.

13. Notwithstanding anything in this Act, a member of the House of Commons shall not vacate his seat by reason only of his acceptance of an office of profit under the Crown, if that office is an office the holder of which is capable of being elected to, or sitting or voting in, the House of Commons. 1931, c. 52, s. 1.

14. Nothing in this Act renders ineligible, as aforesaid, any person, member of the Queen’s Privy Council, holding the recognized position of First Minister, President of the Queen’s Privy Council for Canada, Minister of Finance, Minister of Justice, Minister of National Defence, Secretary of State of Canada, Minister of Transport, Minister of Public Works, Postmaster General, Minister of Agriculture, Minister of National Revenue, Minister of Fisheries, Minister of Trade and Commerce, Minister of Labour, Secretary of State for External Affairs, Minister of National Health and Welfare, Minister of Veterans Affairs, Minister of Resources and Development, Minister of Mines and Technical Surveys, Minister of Citizenship and Immigration, Minister of Defence Production or Solicitor General, or any office that is hereafter created, to be held by a member of the Queen’s Privy Council for Canada and entitling him to be a Minister of the Crown, or disqualifies any such person to sit or vote in the House of Commons, if he is elected while he holds such office, or is a member of the House of Commons at the date of his nomination by the Crown for such office, and is not otherwise disqualified. 1931, c. 52, s. 1.

15. No person, directly or indirectly, alone or with any other, by himself or by the interposition of any trustee or third party, holding or enjoying, undertaking or executing any contract or agreement, expressed or implied, with or for the Government of Canada on behalf of the Crown, or with or for any of the officers of the Government of Canada, for which any public money of Canada is to be paid, is eligible as a member of the House of Commons, or shall sit or vote in the said House. R.S., c. 147, s. 15.

R.S., 1952.
16. If any member of the House of Commons accepts any office or commission, or is concerned or interested in any contract, agreement, service or work which, by this Act, renders a person incapable of being elected to, or of sitting or voting in the House of Commons, or knowingly sells any goods, wares or merchandise to, or performs any service for the Government of Canada, or for any of the officers of the Government of Canada, for which any public money of Canada is paid or to be paid, whether such contract, agreement or sale is expressed or implied, and whether the transaction is single or continuous, the seat of such member shall thereby be vacated, and his election shall thenceforth be null and void. R.S., c. 147, s. 16.

17. (1) If any person disqualified or by this Act declared incapable of being elected to, or of sitting or voting in the House of Commons, or if any person duly elected, who has become disqualified to continue to be a member or to sit or vote, under section 16, nevertheless sits or votes, or continues to sit or vote therein, he shall thereby forfeit the sum of two hundred dollars for each and every day on which he so sits or votes.

(2) Such sum shall be recoverable from him by any person who sues for the same in any court of competent civil jurisdiction in Canada. R.S., c. 147, s. 17.

18. Sections 15, 16 and 17 extend to any transaction or act begun and concluded during a recess of Parliament. R.S., c. 147, s. 18.

19. (1) In every contract, agreement or commission to be made, entered into or accepted by any person with the Government of Canada, or any of the departments or officers of the Government of Canada, there shall be inserted an express condition, that no member of the House of Commons shall be admitted to any share or part of such contract, agreement or commission, or to any benefit to arise therefrom.

(2) In case any person, who has entered into or accepted, or who shall enter into or accept any such contract, agreement or commission, admits any member or members of the House of Commons, to any part or share thereof, or to receive any benefit thereby, every such person shall, for every such offence, forfeit and pay the sum of two thousand dollars, recoverable with costs in any court of competent jurisdiction by any person who sues for the same. R.S., c. 147, s. 19.

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20. This Act does not extend to disqualify any person as a member of the House of Commons by reason of his being

(a) a shareholder in any incorporated company having a contract or agreement with the Government of Canada, except any company that undertakes a contract for the building of any public work;

(b) a person on whom the completion of any contract or agreement, expressed or implied, devolves by descent or limitation, or by marriage, or as devisee, legatee, executor or administrator, until twelve months have elapsed after the same has so devolved on him;

(c) a contractor for the loan of money or of securities for the payment of money to the Government of Canada under the authority of Parliament, after public competition, or respecting the purchase or payment of the public stock or debentures of Canada, on terms common to all persons;

(d) an officer of the militia, or militiaman, not receiving any salary or emolument out of the public money of Canada, except his daily pay when called out for drill or active service, or annual or other allowances of any kind prescribed by the National Defence Act, or fixed or prescribed by the Governor in Council under the provisions of the National Defence Act, or sums paid for enrolment, and any pay or remuneration allowed him for the care of arms or for drill instruction; or

(e) in the naval, army or air forces of Canada or in any other of the naval, army or air forces of the Crown while such forces are on active service in consequence of any war, and receiving salary, pay or allowance as a member of such forces while on such active service.

R.S., c. 147, s. 20.

21. (1) No person, who is a member of the Senate, shall directly or indirectly, knowingly and wilfully be a party to or be concerned in any contract under which the public money of Canada is to be paid.

(2) If any person, who is a member of the Senate, knowingly and wilfully becomes a party to or concerned in any such contract, he shall forfeit the sum of two hundred dollars for each and every day during which he continues to be such party or so concerned.

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(3) Such sum may be recovered from him by any person who sues for the same, in any court of competent jurisdiction in Canada.

(4) This section does not render any senator liable for such penalties, by reason of his being a shareholder in any incorporated company, having a contract or agreement with the Government of Canada, except any company that undertakes a contract for the building of any public work.

(5) This section does not render any senator liable for such penalties by reason of his being, or having been, a contractor for the loan of money or of securities for the payment of money to the Government of Canada under the authority of Parliament, after public competition, or by reason of his being, or having been, a contractor respecting the purchase or payment of the public stock or debentures of Canada, on terms common to all persons. R.S., c. 147, s. 21; 1932-33, c. 48, s. 1.

Members of the Senate and of the House of Commons.

22. (1) No member of the Senate or of the House of Commons shall receive or agree to receive any compensation, directly or indirectly, for services rendered, or to be rendered, to any person, either by himself or another, in relation to any bill, proceeding, contract, claim, controversy, charge, accusation, arrest or other matter before the Senate or the House of Commons, or before a committee of either House, or in order to influence or to attempt to influence any member of either House.

(2) Every member of the Senate offending against this section is liable to a fine of not less than one thousand dollars and not more than four thousand dollars; and every member of the House of Commons offending against this section is liable to a fine of not less than five hundred dollars and not more than two thousand dollars, and shall for five years after conviction of such offence, be disqualified from being a member of the House of Commons, and from holding any office in the public service of Canada.

(3) Any person who gives, offers, or promises to any such member any compensation for such services as aforesaid, rendered or to be rendered, is guilty of an indictable offence, and liable to one year’s imprisonment and to a fine of not less than five hundred dollars and not more than two thousand dollars. R.S., c. 147, s. 22.

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LIMITATION OF ACTIONS.

Limitation of suits. 23. No person is liable to any forfeiture or penalty imposed by this Act, unless proceedings are taken for the recovery thereof within twelve months after such forfeiture or penalty has been incurred. R.S., c. 147, s. 23.

EXAMINATION OF WITNESSES.

Oath to witnesses at bar. 24. The Senate or the House of Commons may administer an oath to any witness examined at the bar of the Senate or of the said House. R.S., c. 147, s. 24.

Ordinary examination under oath. 25. The Senate or the House of Commons may at any time order witnesses to be examined on oath before any committee. R.S., c. 147, s. 25.

Administration of oath by committee. 26. Any committee of the Senate or of the House of Commons may administer an oath to any witness examined before such committee. R.S., c. 147, s. 26.

Affirmation. 27. Where any witness to be examined under this Act conscientiously objects to take an oath, he may make his solemn affirmation and declaration. R.S., c. 147, s. 27.

Force and effect of affirmation. 28. Any solemn affirmation and declaration so made is of the same force and effect, and entails the same consequences, as an oath taken in the usual form. R.S., c. 147, s. 28.

Form. 29. Every such oath or affirmation shall be in the Forms A and B respectively in the Schedule. R.S., c. 147, s. 29.

Perjury. 30. Any person examined as aforesaid who wilfully gives false evidence is liable to the penalties of perjury. R.S., c. 147, s. 30.

Persons to administer oaths. 31. Any oath or affirmation under this Act may be administered by

(a) the Speaker of the Senate or of the House of Commons;
(b) the chairman of any committee of the Senate or House of Commons; or
(c) such person or persons as may from time to time be appointed for that purpose, either by the Speaker of the Senate or by the Speaker of the House of Commons, or by any standing or other order of the Senate or House of Commons respectively. R.S., c. 147, s. 31.

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SPEAKERS' SALARIES.

32. The following salaries shall be payable, respectively:

(a) to the Speaker of the Senate, the sum of six thousand dollars per annum;

(b) to the Speaker of the House of Commons, the sum of six thousand dollars per annum; and

(c) to the Deputy Speaker of the House of Commons, the sum of four thousand dollars per annum. R.S., c. 147, s. 32.

INDEMNITY.

33. For every session of Parliament that extends over a period of sixty-five days or more, there shall be payable to every member of the Senate and House of Commons attending at such session, a sessional allowance of four thousand dollars and no more. R.S., c. 147, s. 33.

34. A member is not entitled to the said sessional allowance for less than fifty days' attendance; but the allowance for any less number of days shall be twenty-five dollars for each day's attendance. R.S., c. 147, s. 34.

35. The said allowance may be paid on the last day of each month, to the extent of twenty dollars for each day's attendance, but the remainder shall be retained by the clerk or accountant of the proper House, until the close of the session, when the final payment shall be made. R.S., c. 147, s. 35.

36. (1) A deduction at the rate of twenty-five dollars per day shall be made from such sessional allowance for every day beyond fifteen on which the member does not attend a sitting of the House of which he is a member, if the House sits on such day; but in the case of a member elected or appointed after the commencement of a session, no day of a session previous to such election or appointment shall be reckoned as one of such fifteen days.

(2) Each day during the session on which there has been no sitting of such House in consequence of its having adjourned over such day, and each day on which the member is in the place where the session is held but is by reason of his illness unable to attend any such sitting as aforesaid, shall be reckoned as a day of attendance at such session for the purpose of the indemnity; and a member shall, in the case of his being unable to attend any such sitting by reason of his illness, be entitled to receive sessional allowance for each such day.
reason of his illness, be held to be in the place where the session is held whenever he is within ten miles of such place. R.S., c. 147, s. 36.

37. In the calculation of any deduction from any member's sessional allowance on account of absence, days which were spent by such member on duty with his corps in a regularly organized militia camp or in travelling between Ottawa and such camp shall not be computed. R.S., c. 147, s. 37.

38. In the calculation of any deduction from any member's sessional allowance on account of absence, days which were spent by such member in the naval, army or air forces of Canada or in any other of the naval, army or air forces of the Crown while such forces are on active service in consequence of any war, shall not be computed. R.S., c. 147, s. 38.

39. (1) Whenever any person is a member of either House for fifty days or more during any session, extending over a period of sixty-five days or more, though such person may be a member for a part only of such session, he is entitled to his sessional allowance, subject to the deduction aforesaid for non-attendance as a member, and subject also to a deduction of twenty-five dollars for each day of such session before he was elected or appointed, or after he ceased to be a member, as the case may be.

(2) If he is a member for less than fifty days, he is entitled only to twenty-five dollars for each day's attendance at such session, whatever may be the length thereof.

(3) A member of either House for a part only of a session, who becomes during the session a member of the other House, is not entitled to more than four thousand dollars for the session. R.S., c. 147, s. 39.

40. In every session of Parliament covering a period of less than sixty-five days, there shall be payable to every member of the Senate and House of Commons attending at such session, twenty-five dollars for each day's attendance. R.S., c. 147, s. 40.

41. The Senate or the House of Commons may respectively make regulations, from time to time, by rule or by order, rendering more stringent upon its own members the provisions of this Act that relate to attendance of members or to deductions to be made from the sessional allowance. R.S., c. 147, s. 41.

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42. To the member occupying the recognized position of Leader of the Opposition in the House of Commons, there shall be payable in addition to his sessional allowance an annual allowance of ten thousand dollars. R.S., c. 147, s. 42.

43. To the member of the Senate occupying the recognized position of Leader of the Government in the Senate there shall be payable in addition to his sessional allowance an annual allowance of seven thousand dollars, and to the member of the Senate occupying the recognized position of Leader of the Opposition in the Senate there shall be payable in addition to his sessional allowance an annual allowance of four thousand dollars; but if the Leader of the Government is in receipt of a salary under the Salaries Act, the annual allowance aforesaid shall not be payable. 1947, c. 73, s. 1.

44. (1) For each session of Parliament, there shall also be allowed to each member of the Senate and of the House of Commons his actual moving or transportation expenses, and reasonable living expenses while on the journey between his place of residence and Ottawa, going and coming, once each way.

(2) No such allowance shall be made for travelling outside of Canada, except from one point in Canada, to another by any direct route.

(3) Any member residing at a greater distance than four hundred miles from Ottawa may commute such allowance for travelling and living expenses, receiving in lieu thereof an allowance of fifteen dollars per day for each day necessarily occupied in the journey between his place of residence and Ottawa, going and coming, once each way, the day of departure and the day of arrival being counted each as a full day.

(4) In addition to the expenses provided for in subsection (1), each member of the Senate and House of Commons shall be paid an allowance for expenses incidental to the discharge of his duties as a member, at the rate of two thousand dollars per annum for the period during which he is a member; this allowance shall be paid at the end of each calendar year and shall be subject to a deduction equal to one half of the deductions, if any, from the member's sessional allowances in respect of non-attendance at sittings of the House of which he is a member during such year; in the case of Ministers of the Crown, of the Leader of the Opposition in the House of Commons, and

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of members of the Senate, the amount of such allowance paid shall be deemed to be taxable income. R.S., c. 147, s. 43; 1945, c. 29, s. 1.

45. (1) For each session of Parliament, at the end of each month and at the end of the session, each member shall furnish the Clerk of the House of which he is a member with a statement, signed by him, of the number of day's attendance during the month or session, as the case may be, for which he is entitled to the said allowance, and, in case days are included on which the member has failed to attend by reason of illness, setting forth that fact and that his absence was due to such illness and was unavoidable.

(2) Every member applying for an allowance for travelling and living expenses shall furnish the Clerk of the House of which he is a member with a statement, signed by him, of his actual moving or transportation expenses, and of his living expenses, as provided for in section 44, and, if the member has elected to commute such allowance under section 44, a statement of the time necessarily occupied in his journeys to and from Ottawa, as provided by that section.

(3) Upon the said statements being certified by the Clerk, or the Assistant Clerk, and sworn to by the member before the accountant or assistant accountant of the House or any person authorized to take affidavits, the Clerk of the Senate or the accountant of the House of Commons, shall pay to the member the allowance to which he is entitled. R.S., c. 147, s. 44.

46. There is hereby granted to Her Majesty, out of any unappropriated moneys forming part of the Consolidated Revenue Fund of Canada, an annual sum sufficient to enable Her Majesty to pay the amount of the sessional allowances hereinbefore mentioned. R.S., c. 147, s. 45.

47. All moneys expended under this Act, in respect of the House of Commons, shall be expended and accounted for in the same manner as moneys for defraying the contingent expenses of the House of Commons are to be expended and accounted for under the House of Commons Act. R.S., c. 147, s. 46.

48. (1) Credits for all sums voted by Parliament and payable in respect of allowances to members of the Senate as hereinbefore provided, and in respect of other expenditure for the service of the Senate, shall issue from time to time.

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(2) Such credits shall issue on one of the banks of Canada in favour of the Clerk of the Senate and the assistant accountant of the Senate, or such other persons as the Speaker of the Senate from time to time designates for the purpose.

(3) Such Clerk shall, from time to time, apply for such credits as he deems necessary by an order signed by him.

R.S., c. 147, s. 47.

SCHEDULE.

FORM A.

The evidence you shall give on this examination shall be the truth, the whole truth and nothing but the truth. So help you God.

FORM B.

I, A.B., do solemnly, sincerely and truly affirm and declare the taking of any oath is according to my religious belief unlawful, and I do also solemnly, sincerely and truly affirm and declare, etc.

R.S., c. 147, Sch.
CHAPTER 250.
An Act respecting the Registration of Shop Cards by Labour Unions.

SHORT TITLE.
1. This Act may be cited as the Shop Cards Registration Act. 1938, c. 41, s. 1.

INTERPRETATION.

2. In this Act, Definitions.
(a) "labour union" or "union" means any organization of employees formed for the purpose of regulating the relations between employers and employees;
(b) "Minister" means the Secretary of State of Canada or such other Minister of the Crown as may be appointed by the Governor in Council to administer this Act;
(c) "Register" means the Register of Shop Cards maintained pursuant to this Act;
(d) "Registrar" means the officer appointed by the Governor in Council to act as Registrar under this Act; and
(e) "Shop Card" means any design, emblem, figure, sign, seal, stamp, ticket, device or other form of advertisement adopted by a labour union. 1938, c. 41, s. 2.

3. The Minister shall cause to be kept, under the supervision of the Registrar, a Register of Shop Cards in which, subject as hereinafter provided, any labour union may cause to be registered any Shop Card it has adopted. 1938, c. 41, s. 3.

4. A labour union may apply for the registration of a Shop Card by filing with the Registrar an application therefor accompanied by a declaration made by the president, secretary or other executive officer of such union thereunto authorized, specifying the name of the union on behalf of which such application is being made, the description R.S., 1952.
Shop Cards Registration.

5. (1) The Minister may refuse to authorize the registering of any Shop Card,

(a) if he is not satisfied that the applicant is entitled to the exclusive use of such Shop Card;

(b) if the Shop Card submitted for registration is identical with or resembles a Shop Card already registered;

(c) if it appears that the Shop Card is calculated to deceive or mislead the public;

(d) if the Shop Card contains any immoral or scandalous figure; or

(e) if, in the opinion of the Minister, the registration of the Shop Card is otherwise on public grounds objectionable.

(2) If the Minister refuses to authorize the registering of any Shop Card, the Registrar shall refuse the application and shall give notice in writing to the applicant of his refusal and shall state his reasons for refusing to grant the application for registration.

(3) Upon the refusal of the Registrar to grant, wholly or in part, any application authorized by this Act to be made to him, the applicant may appeal from such refusal to the Exchequer Court of Canada within sixty days from the date upon which the notice of the decision was despatched to the applicant by the Registrar or within such further times as the Court may allow, either before or after the expiry of the sixty days aforesaid.

(4) Notice of such appeal shall within the time limited as aforesaid be filed with the Registrar and with the Registrar of the Exchequer Court of Canada and a like notice shall within such time be given by registered mail to such unions as may appear from the Register to be the proprietors of any Shop Cards that have been referred to by the Registrar in the decision complained of.

(5) In any case in which by reason of the nature of the question presented by such appeal, the Court considers that such question cannot be properly dealt with without public notice by advertisement or otherwise of the hearing of the appeal, it may direct such public notice to be given in such manner as appears to it to be necessary to bring the question raised to the attention of the persons whom it considers may be concerned or interested in the decision thereof.
(6) Subject to the direction of the Court, any such appeal shall be deemed to have been abandoned if it has not been brought on for hearing within six months after notice thereof was filed with the Registrar of the Exchequer Court of Canada. 1938, c. 41, s. 5.

6. No Shop Card registered by any labour union may be assigned by any process of law or otherwise. 1938, c. 41, s. 6.

7. A labour union may authorize the use of any Shop Card registered by it and such authorization is subject to cancellation only upon twelve months' notice, unless otherwise specified in any agreement for the use of such Shop Card, and the union shall grant the use of the Shop Card to any applicant who complies with the rules of the union. 1938, c. 41, s. 7.

8. A Shop Card, when registered, endures for the term of fifteen years, but may be renewed before the expiration of the said term by the proprietor thereof, or by his legal representative, for another term of fifteen years, and so on from time to time; but every such renewal shall be registered before the expiration of the current term of fifteen years. 1938, c. 41, s. 8.

9. (1) An action or suit may be maintained in any court of record having jurisdiction to the amount claimed, by any labour union that has complied with the provisions of this Act as to registration, or by any authorized executive officer thereof, against any person, firm, labour union, association, or corporation, alleged to be using without permission the Shop Card of such labour union. (2) Nothing in this Act enables any suit, action, garnishee, interpleader or other proceeding to be brought, had or maintained against a labour union, except for the purposes of this Act. 1938, c. 41, s. 9.

10. (1) A labour union that has registered a Shop Card may petition for the cancellation of the same by petition addressed to the Minister, and the Minister may on receiving such petition cause the registration of the Shop Card to be cancelled. (2) The Exchequer Court of Canada may, on application, direct the cancellation of the registration of any Shop Card registered by a labour union if, in the opinion of the Court, such action is justified by all the circumstances of the case.

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(3) The Exchequer Court of Canada may, on the information of the Attorney General, or at the suit of any person aggrieved by any omission to make, without sufficient cause, any entry in the Register of Shop Cards, 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.

(4) The proprietor of a registered Shop Card may apply to the Exchequer Court of Canada for leave to add to or alter any such Shop Card in any particular not being an essential particular, and the Court may refuse or grant leave on such terms as it may think fit.

(5) Due notice in writing of any intended application to the Court under this section for leave to add to or alter any such Shop Card shall be given by the applicant to the Minister, and he is entitled to be heard on the application.

(6) A certified copy of any order of the Court for the making, expunging or varying of any entry in the Register of Shop Cards, or for adding to or altering any registered Shop Card 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. 1938, c. 41, s. 10.

11. A certificate that any Shop Card has been duly registered in accordance with the provisions of this Act, which purports to be signed by the Minister or the Registrar, shall, without proof of the signature, be received in all courts in Canada as prima facie evidence of the facts therein alleged. 1938, c. 41, s. 11.

12. The Governor in Council may make regulations deemed expedient for carrying into effect the objects of this Act and in particular with respect to the following matters:

(a) the form of Register of Shop Cards and of the indexes thereto that are to be maintained pursuant to this Act and of the entries to be made therein;
(b) the form and contents of application for registration of any Shop Card;
(c) the form and contents of certificates of registration; and
(d) the fees prescribed in respect of applications to register Shop Cards and in respect of all other services performed by the Registrar under the Act. 1938, c. 41, s. 12.
CHAPTER 251.

An Act respecting Small Loans.

WHEREAS it has become the common practice for money-lenders to make charges against borrowers claimed as discount, deduction from an advance, commission, brokerage, chattel mortgage and recording fees, fines and penalties, or for inquiries, defaults or renewals, which, in truth and substance are, in whole or in part, compensation for the use of money loaned or for the acceptance of the risk of loss or are so mixed with such compensation as to be indistinguishable therefrom and are, in some cases, charges primarily payable by the lender but required by the lender to be paid by the borrowers; and whereas the result of these practices is to add to the cost of the loan without increasing the nominal rate of interest charged so that the provisions of the law relating to interest and usury have been rendered ineffective: Therefore His Majesty, by and with the advice and consent of the Senate and the House of Commons of Canada, enacts as follows:

SHORT TITLE.

1. This Act may be cited as the Small Loans Act. 1939, c. 23, s. 1.

INTERPRETATION.

2. In this Act, (a) "cost" of a loan means the whole of the cost of the loan to the borrower whether the same is called interest or is claimed as discount, deduction from an advance, commission, brokerage, chattel mortgage and recording fees, fines, penalties or charges for inquiries, defaults or renewals or otherwise, and whether paid to or charged by the lender or paid to or charged by any other person, and whether fixed and determined by the loan contract itself, or in whole or in part by any other collateral contract or document by which the charges, if any, imposed under the loan contract or the terms of the repayment of the loan are effectively varied; (b) R.S., 1952.
(b) "licensee" means a person licensed under this Act;
(c) "loan" means a loan made by a money-lender of
not more than five hundred dollars and includes the
consideration for a wage assignment; and if, after
deducting all payments whether on account of interest,
expenses or principal, made by the borrower to the
money-lender at or about the same time as a loan is
made, the amount retained by the borrower is five
hundred dollars or less, the transaction or transactions
shall be deemed to have resulted in a loan of the
amount so retained by the borrower notwithstanding
that nominally a loan for a larger sum has been made;
(d) "Minister" means the Minister of Finance;
(e) "money-lender" means any person other than a
chartered bank who carries on the business of money-
lending or advertises himself, or holds himself or itself
out in any way, as carrying on that business, but does
not include a registered pawnbroker as such;
(f) "small loans company" means a company incor-
porated by special Act of Parliament and authorized to
lend money on promissory notes or other personal
security and on chattel mortgages;
(g) "Superintendent" means the Superintendent of In-
surance;
(h) "wage assignment" means a sale, assignment, trans-
ferrer or order for payment of wages, salary, commissions
or other remuneration for services whether earned or
to be earned when made or given in consideration
of the payment of five hundred dollars or less in money,
credit or choses in action, and the amount whereby
the assigned remuneration exceeds the amount of the
consideration actually paid therefor shall for the
purposes of this Act be deemed to be the cost of the
loan. 1939, c. 23, s. 2.

PART I.

MONEY-LENDERS.

3. (1) No money-lender shall, in respect of any loan,
directly or indirectly, charge, exact or receive, or stipulate
for the payment by the borrower of, a sum of money as
a result of the payment of which the cost of the loan exceeds
an amount equivalent to the amount or rate prescribed
by subsection (2), and any money-lender who enters into
a transaction in contravention of the provisions of this
section, is guilty of an indictable offence and liable,
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if an individual, to imprisonment for a term not exceeding one year and to a penalty not exceeding one thousand dollars and, if a corporation, to a penalty not exceeding five thousand dollars.

(2) The cost of the loan mentioned in subsection (1) shall, for a loan for a period of fifteen months or less, not exceed two per cent per month on the amount actually advanced to the borrower and monthly balances thereof from time to time outstanding, and, for a loan for a period greater than fifteen months, the cost of the loan shall not exceed one per cent per month on the amount actually advanced to the borrower and monthly balances thereof from time to time outstanding and in addition thereto such proportion of one per cent per month on the said amount and balances as fifteen is of the period of the loan expressed in months. 1939, c. 23, s. 3.

4. In any suit, action or other proceeding concerning a loan wherein it is alleged that the cost of the loan paid or claimed exceeds the rate of cost prescribed by section 3, 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 borrower of any obligation to pay any sum on account of the cost of the loan in excess of an amount equivalent to the said rate; and if any such excess has been paid or allowed, may order the money-lender to repay it and may set aside, either in whole or in part, or revise, or alter, any security given in respect of the transaction. 1939, c. 23, s. 4.

LICENCES.

5. (1) No person shall transact the business of a money-lender unless such person has first obtained from the Minister a licence; but this section does not apply to a money-lender the cost of whose loans does not in any case exceed an amount equivalent to twelve per cent per annum upon the amount actually received by the borrower.

(2) The Minister may issue a licence to any person upon being satisfied that the experience, character, and general fitness of such person or, if such person is a corporation, of the officers and directors of the corporation, are such as to warrant the belief that the applicant will, if granted a licence, R.S., 1952.
licensure, carry on with efficiency, honesty and fairness to borrowers the business of money-lending pursuant to this Act.

(3) The licence may 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 this Act, deem proper.

(4) The licence shall expire 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 subject, however, to any qualification or limitation that the Minister may, consistently with the provisions of this Act, deem proper.

(5) The Minister shall cause to be published in the first issue of the Canada Gazette in the month of April in each year a list of all persons to whom licences have been issued as aforesaid, and if any licence is issued or cancelled during the interval between the publication of two such lists, notice thereof shall be caused to be given in the Canada Gazette by the Minister.

(6) Where any person makes application to the Minister for the issue of a licence under the provisions of this section or for the renewal of such licence, and such application is refused by the Minister, the applicant has the right of appeal to the Governor in Council against the decision of the Minister, and the Governor in Council, after such hearing as is deemed necessary or desirable, shall render a decision on the appeal, which decision is final. 1939, c. 23, s. 5.

6. (1) Every loan shall be repayable in approximately equal instalments of principal or of principal and cost of the loan at intervals of not more than one month each, and on default in the payment of any instalment, interest shall accrue thereon from the date of default at the rate fixed by the contract as the cost of the loan; but if default in the payment of any instalment continues beyond the date on which the last instalment of the loan falls due, interest shall accrue thereon at a rate not exceeding twelve per cent per annum from such date.

(2) The cost of any such loan or any part thereof or any interest accruing after default shall not be compounded or deducted or received in advance.

(3) The borrower may repay any such loan or any part thereof before maturity on the date on which any instalment thereof falls due, without notice, bonus or penalty; and the borrower shall, when making such repayment, pay the portion of the cost of the loan accrued and unpaid up to the date of such repayment. 1939, c. 23, s. 6.
INSPECTION.

7. (1) The Superintendent shall inspect personally or cause a duly qualified member of his staff to inspect, at least once in each year, the chief place of business of every licensee, and to examine carefully into the conduct of the business of every licensee.

(2) Similarly, the Superintendent may inspect or authorize the inspection of any of the branch offices of the licensees.

(3) To facilitate such inspection every licensee shall on or before the 1st day of March in each year prepare and file with the Minister a statement in respect of the conduct of the business of the licensee in such form as the Minister may require and the licensee and his or its officers, agents and servants shall cause the books of the licensee at the principal or any branch office to be open for inspection and shall facilitate such inspection.

(4) The Superintendent may examine under oath the licensee or its officers, agents and servants for the purpose of obtaining any information that he deems necessary for the purposes of his inspection.

(5) The Superintendent shall prepare and submit to the Minister an annual report disclosing full particulars of the conduct of the business of every licensee. 1939, c. 23, s. 7.

8. (1) Where as a result of the inspection aforesaid the Superintendent believes that the licensee has failed to comply with any of the provisions of this Act, he shall make a special report to the Minister.

(2) Where the Minister, after a reasonable time has been given to the licensee to be heard, and upon such further enquiry 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 suspend or cancel the licence of the licensee. 1939, c. 23, s. 8.

9. For the purpose of ascertaining whether the provisions of this Act have been complied with, the Superintendent may at any time investigate the loans and business of any money-lender not licensed under this Act, and every such money-lender shall afford to the Superintendent free access to the offices and places of business, books, accounts, papers and records of such money-lender and failure on the part of any such money-lender to comply with the provisions of this section constitutes an offence against this Act. 1939, c. 23, s. 9.

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Part II.

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10. The Superintendent shall annually cause an assessment to be prepared against each licensee under this Act for the purpose of meeting the expense incurred by the Government for or in connection with the administration of this Act, and the provisions of sections 6 and 8 of the Department of Insurance Act apply mutatis mutandis in the case of every such licensee to the same extent as if the title of this Act were inserted in the Schedule to the Department of Insurance Act. 1939, c. 23, s. 10.

11. The bona fide holder, before maturity of a negotiable instrument given to secure the repayment of a loan discounted by a preceding holder at such rate of interest that the discount exceeds in amount the cost of the loan permitted 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 cost of the loan permitted by this Act. 1939, c. 23, s. 11.

PART II.

SMALL LOANS COMPANIES.

12. This Part applies to every small loans company and may be administered separately from Part I. 1939, c. 23, s. 12.

13. (1) Every small loans company incorporated by special Act of the Parliament of Canada in the Form set forth in Schedule One, or in that Form varied as such special Act provides, shall be a body corporate by the name contained in its Act of incorporation, and be invested with all the powers, privileges and immunities, be subject to all the liabilities and obligations, and, generally, be governed by the provisions set forth in this Act, and the provisions of sections 5, 7, 8, 10 and 11 extend and apply to every small loans company as if those provisions were here re-enacted and made applicable in terms thereto with the substitution of the expression “small loans company” for the word “person”, and every such company is hereinafter called “the Company”.

(2) Except as provided by subsection (3) all provisions of the Loan Companies Act that are not inconsistent with those of this Act or with those of the special Act of the Company extend and apply to the Company.

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(3) Paragraph (f) of subsection (1) and paragraph (c) of subsection (2) of section 60, subsection (3) of section 62, paragraph (c) of section 63, sections 64 to 72 inclusive, 81 and 88 of the Loan Companies Act, do not apply to the Company. 1939, c. 23, s. 13.

14. The Company may

(a) buy, sell, deal in and lend money on the security of, conditional sale agreements, lien notes, hire purchase agreements, chattel mortgages, trade paper, bills of lading, warehouse receipts, bills of exchange and choses in action; and may receive and accept from the makers, vendors or transferors thereof guarantees or other security for the performance and payment thereof and may enforce such guarantees and realize on such security;

(b) lend money in sums not exceeding five hundred dollars in amount and may charge, exact or receive or stipulate for the payment by the borrower of a sum of money as the cost of a loan which shall not exceed an amount equivalent to the amounts or rates herein prescribed, namely, in the case of a loan for a period of fifteen months or less, two per cent per month on the amount actually advanced to the borrower and monthly balances thereof from time to time outstanding, and in the case of a loan for a period greater than fifteen months, one per cent per month on the amount actually advanced to the borrower and monthly balances thereof from time to time outstanding and in addition thereto such proportion of one per cent per month on the said amount and balances as fifteen is of the period of the loan expressed in months; every loan shall be repayable in approximately equal instalments of principal or of principal and cost of the loan at intervals of not more than one month each, and on default in the payment of any instalment, interest shall accrue thereon from the date of default at the rate fixed by the contract as the cost of the loan, but if default in the payment of any instalment continues beyond the date on which the last instalment of the loan falls due, interest shall accrue thereon at a rate not exceeding twelve per cent per annum from such date; the cost of the loan or any part thereof or any interest accruing after default shall not be compounded or deducted or received in advance; the borrower may repay the loan or any part thereof

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thereof before maturity on the date on which any instalment thereof falls due, without notice, bonus or penalty, but the borrower shall, when making such repayment, pay the portion of the cost of the loan accrued and unpaid up to the date of such repayment. 1939, c. 23, s. 14.

15. If authorized by by-law sanctioned by a vote of not less than two-thirds in value of the subscribed stock of the Company represented at a general meeting duly called for considering the by-law the directors of the Company may from time to time,

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

(b) limit or increase the amount to be borrowed; and

(c) hypothecate, mortgage or pledge the real or personal property of the Company, or both, to secure the payment of any money borrowed for the purposes of the Company. 1939, c. 23, s. 15.

16. The Company shall not issue any bonds, debentures or other securities for money borrowed, nor shall it accept deposits. 1939, c. 23, s. 16.

17. Nothing in this Act limits or restricts the power of the Company to borrow money on bills of exchange or promissory notes, made, drawn, accepted or endorsed by or on behalf of the Company. 1939, c. 23, s. 17.

18. If the Company, in respect of any transaction of loan, directly or indirectly charges, imposes upon, or demands or receives from or through any borrower, as the cost of any loan, an amount or rate in excess of the amount or rate authorized by this Act, the Company, in addition to its liability to any other penalty or to any other consequence otherwise provided, is liable to be wound up and to be dissolved if the Attorney General of Canada, upon receipt of a certificate of the Minister setting forth his opinion that the Company has so charged, imposed, demanded or received, applies to a court of competent jurisdiction for an order that the Company be wound up under the provisions of the Winding-Up Act, which provisions in such case apply to the Company, as nearly as may be, as if it were an insolvent insurance company. 1939, c. 23, s. 18.

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19. (1) The provisions of this Act apply to each and all of the companies, already incorporated by special Acts of the Parliament of Canada, which are named in Schedule Two.

(2) With relation to each of the companies so named it shall be deemed that at the time when it was incorporated this Act was in force and that the company was incorporated by special Act of the Parliament of Canada in the Form set out in Schedule One.

(3) The terms of the respective Acts of incorporation of such companies and amendments thereto are repealed, and such Acts are amended and consolidated, to conform to the provisions of this Act, as and to such extent as in and by such Schedule Two is made to appear, and each of such Acts of incorporation, as so amended and consolidated, shall be deemed to have been enacted pursuant to, and to comply with the requirements of, subsection (2).

(4) The said companies, and each of them, shall, from the 2nd day of May, 1939, be, and for all the purposes of this Act be deemed to be, small loans companies.

(5) It shall be deemed with respect to each of such companies, that, notwithstanding anything in this Act, there has been no breach of continuity of the corporate existence of the company as originally incorporated; and that loans made before the 2nd day of May, 1939, in accordance with the law applicable thereto may continue in force subject to their own terms and be collectable as if this Act had not been passed. 1939, c. 23, s. 19.

PART III.

GENERAL.

20. Every person who transacts the business of a moneylender without a licence, contrary to the provisions of this Act, or who in any other respect contravenes the provisions of this Act, is guilty of an offence and if no other penalty is provided is liable on summary conviction to a fine not exceeding one thousand dollars. 1939, c. 23, s. 20.

21. The Governor in Council may make regulations deemed necessary for the efficient enforcement and operation of this Act and for carrying out its provisions according to their true intent and meaning and for the better attainment of its objects. 1939, c. 23, s. 21.

SCHEDULE

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SCHEDULE ONE.

Model Bill.

(For incorporation of a Small Loans 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. (State name, description and place of residence of each of the persons applying for incorporation) together with such other persons as become shareholders in the company are incorporated under the name of (state name of company) hereinafter called "the Company."

2. The persons named in section 1 (or as the case may be) shall be the provisional directors of the Company. (If other directors are desired state name, description and place of residence of each of such directors.)

3. The capital stock of the Company shall be ............ dollars.

4. The head office of the Company shall be in the .......................... of .......................... in the Province of .........................

5. The Company is incorporated pursuant to Part II of the Small Loans Act, and to it all the provisions of that Act shall extend and apply. 1939, c. 23, Sch. I.

SCHEDULE TWO.

1.—Names and dates of incorporation of the companies referred to in subsection (1) of section 19:

(a) An Act to incorporate Central Finance Corporation. Incorporated the 11th day of June, 1928, by chapter 77 of the Statutes of 1928.

(b) An Act to incorporate Industrial Loan and Finance Corporation. Incorporated the 30th day of May, 1930, by chapter 68 of the Statutes of 1930.

(c) An Act to incorporate The Discount and Loan Corporation of Canada. Incorporated the 23rd day of May, 1933, by chapter 63 of the Statutes of 1932-33.

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2 (A) CENTRAL FINANCE CORPORATION.

Act of incorporation of Central Finance Corporation, being chapter 77 of the Statutes of Canada, 1928, as amended and consolidated pursuant to section 19 of this Act.

An Act to incorporate Central Finance Corporation.

[Assented to 11th June, 1928.]

WHEREAS the persons hereinafter named have by their petition prayed that it be enacted as hereinafter set forth, and it is expedient to grant the prayer of the said petition: Therefore His Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:

1. Joseph Singer, barrister-at-law, Lawrence Kert, barrister-at-law, David Sher, student-at-law, Catherine Gallagher, stenographer, Margaret Hand, stenographer, all of the City of Toronto in the County of York, and Province of Ontario, together with such other persons as become shareholders in the company are incorporated under the name “Central Finance Corporation” hereinafter called “the Company”.

2. The persons named in section 1 of this Act shall be the provisional directors of the Company.

3. The capital stock of the Company shall be five hundred thousand dollars divided into shares of one hundred dollars each and may be increased, from time to time, to an amount not to exceed five million dollars divided into shares of one hundred dollars each.

4. The head office of the Company shall be in the City of Toronto in the Province of Ontario.

5. The Company is incorporated pursuant to Part II of the Small Loans Act, and to it all the provisions of that Act shall extend and apply.

Extent to which the terms of this Company's Act of incorporation are affected by this Act:

Sections 5 and 6 of chapter 77 of the Statutes of Canada, 1928, and the whole of chapter 94 of the Statutes of Canada, 1929, are repealed and section 5 of the next preceding amended and consolidated Act is substituted therefor.
2 (b) Industrial Loan and Finance Corporation.

Act of Incorporation of Industrial Loan and Finance Corporation, being chapter 68 of the Statutes of Canada, 1930, as amended pursuant to section 19 of this Act.

An Act to incorporate Industrial Loan and Finance Corporation.

[Assented to 30th May, 1930.]

WHEREAS the persons hereinafter named have by their petition prayed that it be enacted as hereinafter set forth, and it is expedient to grant the prayer of the said petition: Therefore His Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:

Incorporation.

1. (1) James Penrose Anglin, contractor, Nathan Lande, financier, Gordon Murphy Webster, barrister, all of the City and District of Montreal in the Province of Quebec, together with such other persons as become shareholders of the Company, are hereby incorporated under the name of "Industrial Loan and Finance Corporation" hereinafter called "the Company".

2. In the French language the Company may be designated as "La Compagnie des Prêts et Finance Industrielle."

Provisional directors.

2. The persons named in section 1 of this Act shall be the provisional directors of the Company.

Capital stock.

3. The capital stock of the Company shall be five hundred thousand dollars, divided into five thousand shares of one hundred dollars each, and may be increased from time to time to an amount not to exceed two million dollars, divided into shares of one hundred dollars each.

Head office.

4. The head office of the Company shall be at the City of Montreal in the Province of Quebec.

Powers of company.

5. (1) The Company may acquire the whole or any part of the assets of and may assume the obligations and liabilities of Industrial Loan and Investment Corporation, incorporated by Letters Patent under the law of the Province of Quebec, and of The People's Thrift and Finance Company, Limited, incorporated by Letters Patent under the law of the Province of Ontario; and may also acquire and exercise such of the rights and powers of the said corporations, or either of them, as are not in excess of or in conflict with the rights
rights and powers granted to the Company under the provisions of this Act; and in the event of any such acquisition and assumption the Company shall perform and discharge all such duties, obligations and liabilities of the said corporations in respect of the rights and property acquired as are not performed and discharged by the said corporations.

(2) An agreement between the Company and either of the corporations mentioned in subsection (1) of this section shall not become effective until it has been submitted to and approved by the Treasury Board; and the Treasury Board shall not approve of such agreement until it is satisfied that the agreement has been approved by the vote of at least two-thirds of the shareholders present or represented by proxy at a special general meeting of the corporation and of the Company, respectively, parties to the said agreement.

6. The Company is incorporated pursuant to Part II of the Small Loans Act, and to it all the provisions of that Act shall extend and apply.

Extent to which the terms of this Company’s Act of incorporation are affected by this Act:

Sections 5, 7 and 8 of chapter 68 of the Statutes of Canada, 1930, are repealed and section 6 of the next preceding amended Act is substituted therefor.

2 (c) THE DISCOUNT AND LOAN CORPORATION OF CANADA.

Act of incorporation of The Discount and Loan Corporation of Canada, being chapter 63 of the Statutes of Canada, 1932-33, as amended and consolidated pursuant to section 19 of this Act.

An Act to incorporate The Discount and Loan Corporation of Canada.

[Assented to 23rd May, 1933.]

WHEREAS the persons hereinafter named have by their petition prayed that it be enacted as hereinafter set forth, and it is expedient to grant the prayer of the said petition: Therefore His Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:

1. Joseph Alberic Beaudry, physician, Lionel Percy Villeneuve, commercial traveller, Joseph Stanislas Beaudry, physician, Omer Langlois, journalist, Jean Eugene Laurin, financier,

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financier, all of the City of Montreal, in the Province of Quebec, together with such persons as become shareholders in the company, are incorporated under the name of "The Discount and Loan Corporation of Canada" and under the name of "La Corporation de Prêts et d'Escomptes du Canada," hereinafter called "the Company."

2. The persons named in section 1 of this Act shall be the provisional directors of the Company.

3. The capital stock of the Company shall be one million dollars divided into ten thousand shares of one hundred dollars each.

4. The head office of the company shall be in the City of Montreal in the Province of Quebec.

5. The Company is incorporated pursuant to Part II of the Small Loans Act, and to it all the provisions of that Act shall extend and apply.

Extent to which the terms of this Company's Act of incorporation are affected by this Act:

Sections 5, 6 and 7 of chapter 63 of the Statutes of Canada, 1932-33, as amended by chapter 68 of the Statutes of Canada, 1934, are repealed and section 5 of the next preceding amended and consolidated Act is substituted therefor. 1939, c. 23, Sch. II.

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

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CHAPTER 252.

An Act respecting a certain convention signed the 26th day of May, 1930, between His Majesty in respect of Canada and the United States of America for the preservation and extension of the Sockeye Salmon Fisheries in the Fraser River System.

SHORT TITLE.

1. This Act may be cited as the Sockeye Salmon Fisheries Convention Act.

2. The Convention relating to the protection, preservation and extension of the Sockeye Salmon Fisheries in the Fraser River System between His Majesty in respect of Canada and the United States of America, signed at Washington on the 26th day of May, 1930, and set out in the Schedule is hereby confirmed and sanctioned. 1930, c. 10, s. 1.

3. Any law of Canada repugnant to the provisions of the said Convention is hereby amended and altered so as to permit, authorize and sanction the performance of the obligations undertaken by His Majesty in and under the said Convention; and so as to sanction, confer and impose the various rights, duties and disabilities intended by the said Convention to be conferred or imposed or to exist in Canada. 1930, c. 10, s. 2.

4. Section 64 and all sections following, of the Fisheries Act, shall be deemed to apply, mutatis mutandis, for all purposes of this Act and have effect as if enacted herein. 1930, c. 10, s. 3.

5. (1) The owner or master of every vessel or any other person who,

(a) uses 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 Sockeye Salmon Fishery in contravention of any regulation or order made in pursuance of the said Convention; or

(b) engages in fishing, or departure for that purpose in contravention.

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(b) causes or permits any vessel to depart from any such port or place with the intention of fishing for Sockeye Salmon in contravention of any regulation or order made in pursuance of the said Convention; is guilty of an offence against this Act.

(2) The owner or master of any vessel is, 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 Sockeye Salmon as aforesaid, or having on board the said vessel any Sockeye Salmon so caught, guilty of an offence against this Act. 1930, c. 10, s. 4.

6. Every person who contravenes any provision of this Act or of any order or regulation made by the International Pacific Salmon Fisheries Commission, is guilty of an offence, and is liable upon summary conviction to a penalty 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 such fine and imprisonment. 1930, c. 10, s. 5.

7. This Act may be repealed by the Governor in Council but it shall not be so repealed during the existence of the International Pacific Salmon Fisheries Commission. 1930, c. 10, s. 6.

SCHEDULE.

Convention between Canada and the United States for the protection, preservation and extension of the Sockeye Salmon Fisheries in the Fraser River System, signed at Washington on the 26th day of May, 1930.

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, recognizing that the protection, preservation and extension of the Sockeye Salmon Fisheries in the Fraser River System are of common concern to the Dominion of Canada and the United States of America; that the supply of this fish in recent years has been greatly depleted and that it is of importance in the mutual interest of both countries that this source of wealth should be restored and maintained, have resolved to conclude a Convention and to that end have named as their respective plenipotentiaries:—
His Majesty, for the Dominion of Canada:
The Honourable Vincent Massey, a member of His Majesty's Privy Council for Canada and His Envoy Extraordinary and Minister Plenipotentiary for Canada at Washington; and

The President of the United States of America:
Mr. Henry L. Stimson, Secretary of State of the United States of America;

Who, after having communicated to each other their full powers, found in good and due form, have agreed upon the following Articles:

ARTICLE I

The provisions of this Convention and the orders and regulations issued under the authority thereof shall apply, in the manner and to the extent hereinafter provided in this Convention, to the following waters:

1. The territorial waters and the high seas westward from the western coast of the Dominion of Canada and the United States of America and from a direct line drawn from Bonilla Point, Vancouver Island, to the lighthouse on Tatoosh Island, Washington—which line marks the entrance to Juan de Fuca Strait—and embraced between 48 and 49 degrees north latitude, excepting therefrom, however, all the waters of Barkley Sound, eastward of a straight line drawn from Amphitrite Point to Cape Beale and all the waters of Nitinat Lake and the entrance thereto.

2. The waters included within the following boundaries:

Beginning at Bonilla Point, Vancouver Island, thence along the aforesaid direct line drawn from Bonilla Point to Tatoosh Lighthouse, Washington, described in paragraph numbered 1 of this Article, thence to the nearest point of Cape Flattery, thence following the southerly shore of Juan de Fuca Strait to Point Wilson, on Quimper Peninsula, thence in a straight line to Point Partridge on Whidbey Island, thence following the western shore of the said Whidbey Island, to the entrance to Deception Pass, thence across said entrance to the southern side of Reservation Bay, on Fidalgo Island, thence following the western and northern shore line of the said Fidalgo Island to Swinomish Slough, crossing the said Swinomish Slough, in line with the track of the Great Northern Railway, thence northerly following the shore line of the mainland to Atkinson Point at the northerly entrance to Burrard Inlet, British Columbia, thence in a straight line to the southern end of Bowen Island, thence westerly following the southern shore of Bowen Island to Cape Roger Curtis, thence in a straight line

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line to Gower Point, thence westerly following the shore line to Welcome Point on Sechelt Peninsula, thence in a straight line to Point Young on Lasqueti Island, thence in a straight line to Dorcas Point on Vancouver Island, thence following the eastern and southern shores of the said Vancouver Island to the starting point at Bonilla Point, as shown on the British Admiralty Chart Number 579, and on the United States Coast and Geodetic Survey Chart Number 6300, as corrected to March 14, 1930, copies of which are annexed to this Convention and made a part thereof.

3. The Fraser River and the streams and lakes tributary thereto.

The High Contracting Parties engage to have prepared as soon as practicable charts of the waters described in this Article, with the above described boundaries thereof and the international boundary indicated thereon. Such charts, when approved by the appropriate authorities of the Governments of the Dominion of Canada and the United States of America, shall be considered to have been substituted for the charts annexed to this Convention and shall be authentic for the purposes of the Convention.

The High Contracting Parties further agree to establish within the territory of the Dominion of Canada and the territory of the United States of America such buoys and marks for the purposes of this Convention as may be recommended by the Commission hereinafter authorized to be established, and to refer such recommendations as the Commission may make as relate to the establishment of buoys or marks at points on the international boundary to the International Boundary Commission, Canada and United States-Alaska, for action pursuant to the provisions of the Treaty between His Majesty in respect of Canada and the United States of America, respecting the boundary between the Dominion of Canada and the United States of America, signed February 24, 1925.

ARTICLE II

The High Contracting Parties agree to establish and maintain a commission to be known as the International Pacific Salmon Fisheries Commission, hereinafter called the Commission, consisting of six members, three on the part of the Dominion of Canada, and three on the part of the United States of America.

The Commissioners on the part of the Dominion of Canada shall be appointed by His Majesty on the recommendation of the Governor General in Council. The

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Commissioners on the part of the United States of America shall be appointed by the President of the United States of America.

The Commissioners appointed by each of the High Contracting Parties shall hold office during the pleasure of the High Contracting Party by which they were appointed.

The Commission shall continue in existence so long as this convention shall continue in force, and each High Contracting Party shall have power to fill and shall fill from time to time vacancies which may occur in its representation on the Commission in the same manner as the original appointments are made. Each High Contracting Party shall pay the salaries and expenses of its own Commissioners, and joint expenses incurred by the Commission shall be paid by the two High Contracting Parties in equal moieties.

ARTICLE III

The Commission shall make a thorough investigation into the natural history of the Fraser River sockeye salmon, into hatchery methods, spawning ground conditions and other related matters. It shall conduct the sockeye salmon fish cultural operations in the waters described in paragraphs numbered 2 and 3 of Article I of this Convention, and to that end it shall have power to improve spawning grounds, construct, and maintain hatcheries, rearing ponds and other such facilities as it may determine to be necessary for the propagation of sockeye salmon in any of the waters covered by this Convention, and to stock any such waters with sockeye salmon by such methods as it may determine to be most advisable. The Commission shall also have authority to recommend to the Governments of the High Contracting Parties removing or otherwise overcoming obstructions to the ascent of sockeye salmon, that may now exist or may from time to time occur, in any of the waters covered by this Convention, where investigation may show such removal of or other action to overcome obstructions to be desirable. The Commission shall make an annual report to the two Governments as to the investigations which it has made and other action which it has taken in execution of the provisions of this Article, or of other Articles of this Convention.

The cost of all work done pursuant to the provisions of this Article, or of other Articles of this Convention, including removing or otherwise overcoming obstructions that may be approved, shall be borne equally by the two Governments.
Governments, and the said Governments agree to appropriate annually such money as each may deem desirable for such work in the light of the reports of the Commission.

ARTICLE IV

The Commission is hereby empowered to limit or prohibit taking sockeye salmon in respect of all or any of the waters described in Article I of this Convention, provided that when any order is adopted by the Commission limiting or prohibiting taking sockeye salmon in any of the territorial waters or on the High Seas described in paragraph numbered 1 of Article I, such order shall extend to all such territorial waters and High Seas, and, similarly, when in any of the Canadian waters embraced in paragraphs numbered 2 and 3 of Article I, such order shall extend to all such Canadian waters, and when in any of the waters of the United States of America embraced in paragraph numbered 2 of Article I, such order shall extend to all such waters of the United States of America, and provided further, that no order limiting or prohibiting taking sockeye salmon adopted by the Commission shall be construed to suspend or otherwise affect the requirements of the laws of the Dominion of Canada or of the State of Washington as to the procuring of a licence to fish in the waters on their respective sides of the boundary, or in their respective territorial waters embraced in paragraph numbered 1 of Article I of this Convention, and provided further that any order adopted by the Commission limiting or prohibiting taking sockeye salmon on the High Seas embraced in paragraph numbered 1 of Article I of this Convention shall apply only to nationals and inhabitants and vessels and boats of the Dominion of Canada and the United States of America.

Any order adopted by the Commission limiting or prohibiting taking sockeye salmon in the waters covered by this Convention, or any part thereof, shall remain in full force and effect unless and until the same be modified or set aside by the Commission. Taking sockeye salmon in said waters in violation of an order of the Commission shall be prohibited.

ARTICLE V

In order to secure a proper escapement of sockeye salmon during the spring or chinook salmon fishing season, the Commission may prescribe the size of the meshes in all fishing gear and appliances that may be operated during said season in the Canadian waters and/or the waters of the

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the United States of America described in Article I of this Convention. At all seasons of the year the Commission may prescribe the size of the meshes in all salmon fishing gear and appliances that may be operated on the High Seas embraced in paragraph numbered I of Article I of this Convention, provided, however, that in so far as concerns the High Seas, requirements prescribed by the Commission under the authority of this paragraph shall apply only to nationals and inhabitants and vessels and boats of the Dominion of Canada and the United States of America.

Whenever, at any other time than the spring or chinook salmon fishing season, the taking of sockeye salmon in Canadian waters or in waters of the United States of America is not prohibited under an order adopted by the Commission, any fishing gear or appliance authorized by the laws of the Dominion of Canada may be used in Canadian waters by any person thereunto duly authorized, and any fishing gear or appliance authorized by the State of Washington may be used in waters of the United States of America by any person thereunto authorized by the State of Washington. Whenever the taking of sockeye salmon on the High Seas embraced in paragraph numbered I of Article I of this Convention is not prohibited, under an order adopted by the Commission, to the nationals or inhabitants or vessels or boats of the Dominion of Canada or the United States of America, only such salmon fishing gear and appliances as may have been approved by the Commission may be used on such High Seas by said nationals, inhabitants, vessels or boats.

ARTICLE VI

No action taken by the Commission under the authority of this Convention shall be effective unless it is affirmatively voted for by at least two of the Commissioners of each Contracting Party.

ARTICLE VII

Inasmuch as the purpose of this Convention is to establish for the High Contracting Parties, by their joint effort and expense, a fishery that is now largely nonexistent, it is agreed by the High Contracting Parties that they should share equally in the fishery. The Commission shall, consequently, regulate the fishery with a view to allowing, as nearly as may be practicable, an equal portion of the fish that may be caught each year to be taken by the fishermen of each High Contracting Party.
ARTICLE VIII

Each High Contracting Party shall be responsible for the enforcement of the orders and regulations adopted by the Commission under the authority of this Convention, in the portion of its waters covered by the Convention.

Except as hereinafter provided in Article IX of this Convention, each High Contracting Party shall be responsible, in respect of its own nationals and inhabitants and vessels and boats, for the enforcement of the orders and regulations adopted by the Commission, under the authority of this Convention, on the High Seas embraced in paragraph numbered 1 of Article I of the Convention.

Each High Contracting Party shall acquire and place at the disposition of the Commission any land within its territory required for the construction and maintenance of hatcheries, rearing ponds and other such facilities as set forth in Article III.

ARTICLE IX

Every national or inhabitant, vessel or boat of the Dominion of Canada or of the United States of America, that engages in sockeye salmon fishing on the High Seas embraced in paragraph numbered 1 of Article I of this Convention, in violation of an order or regulation adopted by the Commission, under the authority of this Convention, may be seized and detained by the duly authorized officers of either High Contracting Party, and when so seized and detained shall be delivered by the said officers, 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 with the competent authorities. The authorities of the country to which a person, vessel or boat belongs alone shall have jurisdiction to conduct prosecutions for the violation of any order or regulation, adopted by the Commission in respect of fishing for sockeye salmon on the High Seas embraced in paragraph numbered 1 of Article I of this Convention, or of any law or regulation which either High Contracting Party may have made to carry such order or regulation of the Commission into effect, 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.

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ARTICLE X

The High Contracting Parties agree to enact and enforce such legislation as may be necessary to make effective the provisions of this Convention and the orders and regulations adopted by the Commission under the authority thereof, with appropriate penalties for violations.

ARTICLE XI

The present Convention shall be ratified by His Majesty in accordance with constitutional practice and by the President of the United States of America, by and with the advice and consent of the Senate thereof, and it shall become effective upon the date of the exchange of ratifications which shall take place at Washington as soon as possible and shall continue in force for a period of sixteen years, and thereafter until one year from the day on which either of the High Contracting Parties shall give notice to the other of its desire to terminate it.

In witness whereof, the respective plenipotentiaries have signed the present Convention, and have affixed their seals thereto.

Done in duplicate at Washington, the twenty-sixth day of May, one thousand nine hundred and thirty.

VINCENT MASSEY,
HENRY L. STIMSON.

1930, c. 10, Sch.
CHAPTER 253.

An Act respecting the Solicitor General of Canada.

SHORT TITLE.

1. This Act may be cited as the Solicitor General Act. Short title. R.S., c. 107, s. 1.

2. The Governor in Council may appoint an officer called the Solicitor General of Canada who shall assist the Minister of Justice in the counsel work of the Department of Justice, and shall be charged with such other duties as are at any time assigned to him by the Governor in Council. R.S., c. 107, s. 2.

EDMOND CLOUTIER, C.M.G., O.A., D.S.P.
QUEEN'S PRINTER AND CONTROLLER OF STATIONERY
OTTAWA, 1952
CHAPTER 254.

An Act respecting the Speaker of the House of Commons.

SHORT TITLE.

1. This Act may be cited as the Speaker of the House of Commons Act. R.S., c. 148, s. 1.

2. Whenever the Speaker of the House of Commons, Speaker leaving the chair, who to preside.

3. Whenever the House is informed by the Clerk at the table of the unavoidable absence of the Speaker, the Chairman of Committees, if present, shall take the chair and shall perform the duties and exercise the authority of speaker in relation to all the proceedings of the House, until the meeting of the House on the next sitting day, and so on from day to day on the like information being given to the House until the House otherwise orders; but if the House adjourns for more than twenty-four hours, the deputy speaker shall continue to perform the duties and exercise the authority of speaker for twenty-four hours only after such adjournment. R.S., c. 148, s. 3.

4. If, at any time during a session of Parliament the Speaker is temporarily absent from the House, and a deputy speaker thereupon performs the duties and exercises the authority of speaker, as hereinbefore provided, or pursuant to the standing orders or other order, or a resolution of the House, every act done and proceeding taken in or by the House, in the exercise of its powers and authority, is as valid and effectual as if the Speaker himself was in the chair. R.S., c. 148, s. 4.

5. R.S., 1952.
Chap. 254. Speaker of the House.

5. Every act done, and warrant, order or other document issued, signed or published by such deputy speaker in relation to any proceedings of the House of Commons, or that under any statute would be done, issued, signed or published by the Speaker if then able to act, has the same effect and validity as if the same had been done, issued, signed or published by the Speaker for the time being. R.S., c. 148, s. 5.

EDMOND CLOUTIER, C.M.G., O.A., D.S.P.
QUEEN'S PRINTER AND CONTROLLER OF STATIONERY
OTTAWA, 1952
CHAPTER 255.

An Act respecting the Speaker of the Senate.

SHORT TITLE.

1. This Act may be cited as the Speaker of the Senate Short title. Act. R.S., c. 149, s. 1.

2. Whenever the Speaker of the Senate, from illness or other cause, finds it necessary to leave the chair during any part of the sittings of the Senate on any day, he may call upon any senator to take the chair and preside as Speaker during the remainder of such day, unless he himself resumes the chair before the close of the sittings for that day. R.S., c. 149, s. 2.

3. Whenever the Senate is informed by the Clerk at the table of the unavoidable absence of the Speaker, the Senate may choose any senator to preside as the Speaker during such absence, and such senator shall thereupon have and execute all the powers, privileges and duties of Speaker, until the Speaker himself resumes the chair, or another Speaker is appointed by the Governor General. R.S., c. 149, s. 3.

4. Every act done by any senator, acting as aforesaid, has the same effect and validity as if the act had been done by the Speaker himself. R.S., c. 149, s. 4.

EDMOND CLOUTIER, C.M.G., O.A., D.S.P.
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CHAPTER 256.

An Act respecting benefits to certain persons who were recruited in Canada by United Kingdom authorities for special duties in war areas.

SHORT TITLE.

1. This Act may be cited as the Special Operators War Service Benefits Act. 1946, c. 64, s. 1.

INTERPRETATION.

2. In this Act

(a) "special operator", means a person certified by the Under-Secretary of State for External Affairs as having been enrolled in Canada by United Kingdom authorities for special duty in war areas outside the Western Hemisphere during the war that commenced in September, 1939, and who, at the time of such enrolment, was resident in Canada; and

(b) "Western Hemisphere", means the Continents of North and South America, the islands adjacent thereto and the territorial waters thereof, including Newfoundland, Bermuda and the West Indies, but excluding Greenland, Iceland and the Aleutian Islands. 1946, c. 64, s. 2.

3. Every special operator on the termination of his service as such shall be deemed

(a) to be a "veteran" within the meaning and for the purposes of

(i) the Veterans' Land Act,
(ii) the Veterans Insurance Act,
(iii) the Veterans Rehabilitation Act,
(iv) the War Veterans' Allowance Act, and
(v) the Unemployment Insurance Act;

(b) Deemed a "veteran."
(b) for the purposes of the Department of Veterans Affairs Act, to have served in the naval, army or air forces of His Majesty;

(c) for the purposes of the Civil Service Act, to have served on active service overseas with the naval, army or air forces of His Majesty;

(d) for the purposes of the Pension Act, to have been a member of the forces who performed service as a sergeant in the military forces in a theatre of actual war;

(e) for the purposes of the Income War Tax Act, and during the period of his service as such, to have been a member of the Canadian Military Forces while in Canadian Active Service Forces and overseas on the strength of an Overseas Unit outside the Western Hemisphere;

(f) for the purposes of the Reinstatement in Civil Employment Act, to have been on service in His Majesty's forces. 1946, c. 64, s. 3.

4. Every special operator, on the termination of his service as such, shall be deemed to be a discharged member of the forces with the rank of a sergeant in the military forces, for the purposes of the War Service Grants Act, without prejudice to any rights, privileges or benefits to which he is entitled under that Act for service in any of His Majesty's forces. 1946, c. 64, s. 4.

5. Every special operator who is not a member of His Majesty's forces entitled thereto is, on the termination of his service as such, entitled to receive a rehabilitation grant and clothing allowance equal to that which he would have received if he had been a member of the Canadian Army Overseas with the rank of sergeant. 1946, c. 64, s. 5.

6. For the purpose of applying any Act mentioned in sections 3 and 4 to special operators the Minister administering the same may extend any time limited therein for the doing of anything, but not beyond one year from the time so limited. 1946, c. 64, s. 6.

7. The Governor in Council may make regulations for carrying the purposes and provisions of this Act into effect and, in addition, may declare any other person, who has had war service of a kind comparable with that of a special operator, to be a special operator of whatever rank may be deemed proper for any or all of the purposes of this Act. 1946, c. 64, s. 7.

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S. For the purposes of this Act and any Act mentioned therein the period of a special operator's service as such is the period certified by the Under-Secretary of State for External Affairs. 1946, c. 64, s. 8.

EDMOND CLOUTIER, C.M.G., O.A., D.S.P.
QUEEN'S PRINTER AND CONTROLLER OF STATIONERY
OTTAWA, 1952
CHAPTER 257.

An Act respecting the Dominion Bureau of Statistics.

SHORT TITLE.

1. This Act may be cited as the Statistics Act. 1948, Short title. c. 45, s. 1.

INTERPRETATION.

2. In this Act,

(a) "Bureau" means the Dominion Bureau of Statistics; "Bureau."
(b) "carrier" means any person engaged in the business of transporting goods, wares, or merchandise by land, water or air, including an express company;
(c) "department" includes any branch or agency of the Government of Canada or of the government of a province, as the case may be;
(d) "Minister" means the Minister of Trade and Commerce;
(e) "public utility" means
   (i) any person owning, operating or managing an undertaking for the supply of electricity, gas or water or for the transmission of oil by pipeline, and
   (ii) any telegraph, cable or telephone company;
(f) "regulation" means any regulation, order, rule or instruction made or issued under this Act. 1948, c. 45, s. 2.

GENERAL.

3. There shall be a Bureau under the Minister, to be called the Dominion Bureau of Statistics, the duties of which are

(a) to collect, compile, analyse, abstract and publish statistical information relative to the commercial, industrial, financial, social, economic and general activities and condition of the people;

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(b) R.S., 1952.
To collaborate with government departments.

To take the census.

To maintain a co-ordinated system of social and economic statistics.

(b) to collaborate with all other departments of the government in the collection, compilation and publication of statistical records of administration according to any regulations;

(c) to take the census of Canada as provided in this Act; and

(d) generally to organize a scheme of co-ordinated social and economic statistics pertaining to the whole of Canada and to each of the provinces thereof. 1948, c. 45, s. 3.

4. (1) The Governor in Council may appoint an officer called the Dominion Statistician to hold office during pleasure, whose duties are, under the direction of the Minister,

(a) to advise on all matters pertaining to statistical policy and to confer with the several departments of government to that end;

(b) to organize and maintain a scheme of co-operation in the collection, classification and publication of statistics as between the several departments of government;

(c) to supervise generally the administration of this Act and to control the operations and staff of the Bureau; and

(d) to report annually to the Minister with regard to the work of the Bureau during the preceding year.

(2) Such other officers, clerks and employees as are necessary for the proper conduct of the business of the Bureau may be appointed in the manner authorized by law. 1948, c. 45, s. 4.

5. The Minister may employ from time to time, in the manner authorized by law, such commissioners, enumerators, agents or persons as are necessary to collect for the Bureau such statistics and information as he deems useful and in the public interest, relating to such commercial, industrial, financial, social, economic and other activities as he may determine, and the duties of such commissioners, enumerators, agents or persons are such as the Minister prescribes. 1948, c. 45, s. 5.

6. (1) Every officer, census commissioner, enumerator, agent and other person employed in the execution of any duty under this Act or under any regulation, before entering on his duties, shall take and subscribe the following oath:

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I, .................., solemnly swear that I will faithfully and honestly fulfil my duties as ..............................

in conformity with the requirements of the Statistics Act and of all regulations thereunder, and that I will not, without due authority in that behalf, disclose or make known any matter or thing which comes to my knowledge by reason of my employment as such ..........................

(2) The oath shall be taken before such person, and returned and recorded in such manner as the Minister prescribes. 1948, c. 45, s. 6.

7. The Minister shall

(a) make and prescribe such rules, regulations, instructions, schedules and forms as he deems requisite for conducting the work and business of the Bureau, the collecting, compiling and publishing of statistics and other information and the taking of any census authorized by this Act; and

(b) prescribe what schedules, returns and information are to be verified by oath, the form of oath to be taken, and shall specify the officers and persons by and before whom the said oaths are to be taken. 1948, c. 45, s. 7.

STATISTICS.

8. (1) The Governor in Council shall not, nor shall the Minister, in the execution of the powers conferred by this Act, discriminate between individuals or companies to the prejudice of any such individuals or companies.

(2) Notwithstanding anything in this Act, the Minister may authorize the collection of statistics by means of the statistical method known as “sampling”. 1948, c. 45, s. 8.

9. (1) The Minister may enter into any arrangement with the government of any province providing for any matter necessary or convenient for the purpose of carrying out or giving effect to this Act, and in particular for all or any of the following matters:

(a) the execution by provincial officers of any power or duty conferred or imposed on any officer under this Act or any regulation;

(b) the collection by any provincial department or officer of any statistical or other information required for the purpose of carrying out this Act; and

(c) the supplying of statistical information by any provincial department or officer to the Dominion Statistician.

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(2) All provincial officers executing any power or duty conferred or imposed on any officer under this Act or any regulation, in pursuance of any arrangement entered into under this section, shall, for the purposes of the execution of that power or duty, be deemed to be officers under this Act.

(3) All schedules or forms returned to a provincial department in pursuance of any arrangement entered into under this section shall be free of Canada postage, under such regulations as are from time to time made in that respect by the Governor in Council, and any person violating any such regulation is guilty of an offence and is liable upon summary conviction to a fine not exceeding fifty dollars. 1948, c. 45, s. 9.

10. Every person who has the custody or charge of any provincial, municipal or other public records or documents, or of any records or documents of any corporation, from which information sought in respect of the objects of this Act can be obtained or which would aid in the completion or correction thereof, shall grant to any census officer, commissioner, enumerator, agent or other person deputed for that purpose by the Dominion Statistician, access thereto for the obtaining of such information therefrom. 1948, c. 45, s. 10.

11. The Minister may, by special letter of instruction, direct any officer, census commissioner or other person employed in the execution of this Act to make inquiry under oath as to any matter connected with the taking of the census or the collection of statistics or other information or the ascertaining or correction of any supposed defect or inaccuracy therein; and such officer, census commissioner or other person shall then have the same power as is vested in any court of justice, of summoning any person, of enforcing his attendance and of requiring and compelling him to give evidence on oath, whether orally or in writing, and to produce such documents and things as such officer, census commissioner or other person deems requisite to the full investigation of such matter or matters. 1948, c. 45, s. 11.

12. Any letter purporting to be signed
(a) by the Minister or the Dominion Statistician, or by any person thereunto authorized by the Governor in Council, and giving notice of any appointment or removal of or setting forth any instructions to any person employed in the execution of this Act; or

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(b) by any officer, census commissioner or other person thereunto duly authorized, giving notice of any appointment or removal of or setting forth any instructions to any person employed under the superintendence of the signer thereof, is prima facie evidence of such appointment, removal or instructions, and that such letter was signed and addressed as it purports to be. 1948, c. 45, s. 12.

13. Any document or paper, written or printed, purporting to be a form authorized for use in the taking of a census, or the collection of statistics or other information, or to set forth any instructions relative thereto, which is produced by any person employed in the execution of this Act, as being such form or as setting forth such instructions, shall be presumed to have been supplied by the proper authority to the person so producing it, and is prima facie evidence of all instructions therein set forth. 1948, c. 45, s. 13.

14. (1) The Minister shall, subject to the approval of the Governor in Council, cause to be prepared one or more tables setting forth the rates of remuneration or allowances for the several census commissioners, enumerators, agents and other persons employed in the execution of this Act, which may be a fixed sum, a rate per diem, or a scale of fees, together with allowances for expenses.

(2) Such remuneration or allowances and all expenses incurred in carrying this Act into effect shall be paid out of moneys provided by Parliament for that purpose.

(3) No remuneration or allowance shall be paid to any person for any service performed in connection with this Act until the service required of such person has been faithfully and entirely performed. 1948, c. 45, s. 14.

SECRECY.

15. (1) No individual return and no part of an individual return made, and no answer to any question put, for the purposes of this Act, shall, without the previous consent in writing of the person or of the owner for the time being of the undertaking in relation to which the return or answer was made or given, be published, nor, except for the purposes of a prosecution under this Act, shall any person, other than a person employed by the Bureau or working under arrangement with the Bureau and sworn under section 6, be permitted to see any such individual return, part or answer.

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(2) No report, summary of statistics or other publication under this Act shall contain any of the particulars comprised in any individual return so arranged as to enable any person to identify any particulars so published as being particulars relating to any individual person or business.

(3) This section does not apply to returns or answers made pursuant to section 25 or section 26. 1948, c. 45, s. 15.

CENSUS OF POPULATION AND AGRICULTURE.

16. The census of population and agriculture of Canada shall be taken by the Bureau, under the direction of the Minister, in the month of June in the year 1951 and every tenth year thereafter, on a day to be fixed by the Governor in Council. 1948, c. 45, s. 16.

17. A census of population and agriculture of the Provinces of Manitoba, Saskatchewan and Alberta shall be taken by the Bureau, under the direction of the Minister, in the month of June in the year 1956 and every tenth year thereafter, on a day to be fixed by the Governor in Council. 1948, c. 45, s. 17.

18. The Governor in Council shall divide the country in respect of which the census is to be taken into census districts, and each census district into subdistricts to correspond respectively, as nearly as may be, with the electoral divisions and subdivisions for the time being, and in territories not so defined or so situated as to admit of adhering to boundaries already established, into special divisions and subdivisions, for the purpose of the census. 1948, c. 45, s. 18.

19. (1) Each census of population and agriculture shall be so taken as to ascertain with the utmost possible accuracy for the various territorial divisions of Canada, or of the Provinces of Manitoba, Saskatchewan and Alberta, as the case may be,

(a) their population and the classification thereof, as regards name, age, sex, conjugal condition, relationship to head of household, nationality, race, education, wage-earnings, religion, profession or occupation and otherwise;

(b) the number of houses for habitation, whether occupied or vacant, under construction or otherwise, the materials thereof and the number of rooms inhabited;

(c) the area of occupied land and its value and its condition thereof as improved for cultivation, in fallow, in forest, unbroken prairie, marsh or waste land, and otherwise; the tenure and acreage of farms and the value of farms, buildings and implements;

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(d) the products of farms, with the values of such products and the number and value of domestic animals within the preceding census or calendar year; and
(e) such other matters as may be prescribed by the Governor in Council.

(2) To promote economy, the method of statistical sampling may be used for the securing of some of the information specified in subsection (1) if, in the opinion of the Dominion Statistician, the sampling method will yield data adequate to meet census needs and the Dominion Statistician may, as he deems advisable, omit some of such information from the quinquennial census if, in his opinion, the change at five-year intervals is not of sufficient importance to warrant the expense of collection and compilation.

1948, c. 45, s. 19.

CENSUS OF INDUSTRY, CONSTRUCTION, TRADING AND SERVICE ESTABLISHMENTS, ETC.

20. A census with regard to mines, quarries, fisheries and forests, and of manufacturing, construction, commercial, and service establishments, and of such other industrial, trading, business and professional activities as may be prescribed by the Minister, shall be taken at such intervals as the Minister may direct, so as to ascertain with the utmost possible accuracy the products and operations thereof. 1948, c. 45, s. 20.

21. (1) The Dominion Statistician shall, under the statistical direction of the Minister, prepare forms for the collection of such data as may be, in his judgment, desirable for the proper presentation of industrial statistics, and the said forms shall embody inquiries as to the
   (a) name under which business is carried on;
   (b) kind of goods manufactured or business done;
   (c) capital invested;
   (d) principal stock or raw materials used, and total value thereof;
   (e) gross quantity and value of articles manufactured;
   (f) number of persons employed, distinguished as to sex, adults and children;
   (g) power used or generated;
   (h) total wages and salaries paid; and
   (i) number of days on which business was carried on, and any other special matter.

(2) The Minister may employ agents or other persons for the collection of the statistics referred to in subsection (1) or a form may be sent to the person from whom information is desired and such person shall answer the inquiries thereon.

1948, c. 45, s. 20.

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thereon and return the same to the Bureau, properly certified as accurate, not later than the time prescribed thereon or such extended time as the Minister in his discretion may allow. 1948, c. 45, s. 21.

22. The Dominion Statistician shall, under the direction of the Minister,
(a) annually prepare a report on the statistics of commerce and navigation of Canada with foreign countries, which shall, according to the principles and in the manner defined in the regulations,
(i) state the kinds, quantities and values of the merchandise entered and cleared coastwise into and from the customs collection ports of Canada,
(ii) comprehend all goods, wares and merchandise exported from Canada to other countries,
(iii) comprehend all goods, wares and merchandise imported into Canada from other countries, and
(iv) comprehend all navigation employed in the foreign trade of Canada; and
(b) prepare and publish monthly reports of the exports and imports of Canada, including the quantities and values of accounts drawn from the warehouse and such other statistics relative to the trade and industry of the country as the Minister may consider expedient. 1948, c. 45, s. 22.

23. The Department of National Revenue shall send to the Dominion Statistician, in such manner and form and at such periods as the Governor in Council may prescribe, returns of imports from and exports to foreign countries arriving at or leaving Canada by water, land or air, and of the navigation employed in the foreign trade of Canada. 1948, c. 45, s. 23.

24. The Dominion Statistician shall prepare and make a report annually containing the results of any information collected during the preceding year upon the domestic trade of Canada. 1948, c. 45, s. 24.

CARRIERS AND PUBLIC UTILITIES.

25. (1) When so required by the Minister, every carrier and public utility shall annually prepare returns in such form as may be prescribed by the Governor in Council with respect to its operations.
(2) Such returns shall be signed and certified as accurate by the individual concerned or by the secretary or other responsible officer if the carrier or public utility is a corporation.

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(3) Such returns shall be made for the period beginning from the day to which the then last yearly returns made by the carrier or public utility extended, or if no such returns have been previously made, from the commencement of the operation of the carrier or public utility and ending with the last day of December in the year for which the returns are to be made or with such other day as the Minister may direct.

(4) Such returns, completed as required by this section, shall be forwarded by such carrier or public utility to the Dominion Statistician within one month after the 1st day of February in each year or within one month after any other day directed by the Minister under subsection (3).

26. (1) When so required by the Minister, every carrier shall prepare returns of his traffic and operations monthly, and every public utility shall prepare returns of its operations monthly, that is to say, from the first to the close of the month inclusive; such returns to be in accordance with the form prepared by the Dominion Statistician and approved by the Minister.

(2) Such return, signed by the individual concerned or, if the carrier or public utility is a corporation, by an officer responsible for the correctness of the same, shall be forwarded to the Dominion Statistician within forty-five days from the end of the month to which the return relates.

27. All returns made in pursuance of section 25 or 26 are privileged communications and shall not be evidence in any court whatever, except in any prosecution for

(a) default in making such returns in accordance with the requirements of this Act;
(b) perjury in making any oath required by this Act in connection with such returns;
(c) forgery of any such return; or
(d) signing any such return knowing the same to be false.

28. The clerk of every court or tribunal administering criminal justice, or in case of there being no clerk, the judge or other functionary presiding over such court or tribunal shall, before the end of October in each year, fill in and transmit to the Dominion Statistician, for the year ending the 30th day of September preceding, such schedules as R.S., 1952.
as he receives from time to time from the Dominion Statistician relating to the criminal business transacted in such court or tribunal. 1948, c. 45, s. 28.

29. The warden of every penitentiary and reformatory and the sheriff of every county and district shall, before the end of October in each year, fill in and transmit to the Dominion Statistician, for the year ending the 30th day of September preceding, such schedules as he receives from time to time from the Dominion Statistician relating to the prisoners committed to the penitentiary, reformatory or jail. 1948, c. 45, s. 29.

30. Every person required to transmit any schedules mentioned in section 28 or 29 shall from day to day make and keep entries and records of the particulars to be comprised in such schedules. 1948, c. 45, s. 30.

31. The Secretary of State shall, before the end of October in each year, cause to be filled in and transmitted to the Dominion Statistician such schedules for the year ending the 30th day of September last preceding, relative to the cases in which the prerogative of mercy has been exercised, as the Minister may prescribe. 1948, c. 45, s. 31.

32. Subject to the direction of the Minister, the Bureau shall collect, compile, analyse, abstract and publish statistics in relation to all or any of the following matters:

(a) population;
(b) births, deaths, marriages, divorces;
(c) epidemiology, morbidity;
(d) immigration and emigration;
(e) employment, unemployment, payrolls, man-hours;
(f) agriculture, horticulture, dairying, cold storage;
(g) factories, mines and productive industries generally;
(h) education;
(i) public and private finance;
(j) wholesale and retail trade and supplying of services;
(k) hospitals, mental institutions, tuberculosis institutions, charitable and benevolent institutions;
(l) prices and cost of living; and
(m) any other matters prescribed by the Minister or by the Governor in Council. 1948, c. 45, s. 32.

33. The Governor in Council may authorize the Minister to have any special statistical investigation made that is deemed advisable, and may prescribe the manner and by what means such investigation shall be made. 1948, c. 45, s. 33.

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OFFENCES AND PENALTIES.

34. Every person employed in the execution of any duty under this Act or any regulation who,

(a) after having taken the prescribed oath, deserts from his duty, or wilfully makes any false declaration, statement or return touching any such matter;

(b) in the pretended performance of his duties thereunder, obtains or seeks to obtain information that he is not duly authorized to obtain; or

(c) fails to keep inviolate the secrecy of the information gathered or entered on the schedules and forms, and who, except as allowed by this Act and the regulations, divulges the contents of any schedule or form filled in, in pursuance of this Act or any regulation, or any information furnished in pursuance of this Act or any regulation;

is guilty of an offence and is liable, on summary conviction, to a fine not exceeding three hundred dollars, or to imprisonment for a term not exceeding six months, or to both fine and imprisonment. 1948, c. 45, s. 34.

35. Every person who, without lawful excuse,

(a) refuses or neglects to answer, or wilfully answers falsely, any question requisite for obtaining any information sought in respect of the objects of this Act or any regulation, or pertinent thereto, that has been asked of him by any person employed in the execution of any duty under this Act or any regulation; or

(b) refuses or neglects to furnish any information or to fill in to the best of his knowledge and belief any schedule or form that he has been required to fill in, and to return the same when and as required of him under this Act or any regulation, or wilfully gives false information or practises any other deception thereunder;

is, for every such refusal or neglect, or false answer or deception, guilty of an offence and is liable, upon 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. 1948, c. 45, s. 35.

36. Every person who has the custody or charge of any provincial, municipal or other public records or documents, or of any records or documents of any corporation, from which information sought in respect of the objects of this Act or any regulations can be obtained, or that would aid in the completion or correction thereof, who refuses

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refuses or neglects to grant access thereto to any census officer, commissioner, enumerator, agent or other person deputed for that purpose by the Dominion Statistician, and every person who wilfully hinders or seeks to prevent or obstruct such access, or otherwise in any way wilfully obstructs or seeks to obstruct any person employed in the execution of any duty under this Act or any regulation, is guilty of an offence and is liable, on summary conviction, to a fine not exceeding three hundred dollars and not less than fifty dollars, or to imprisonment for a term not exceeding six months and not less than one month, or to both fine and imprisonment. 1948, c. 45, s. 36.

37. The leaving by an enumerator, agent or other person employed in the execution of this Act or any regulation, at any house or part of a house, of any schedule or form purporting to be issued under this Act or any regulation, and having thereon a notice requiring that it be filled in and signed within a stated time by the occupant of such house or part of a house, or in his absence by some other member of the family, is, as against the occupant, a sufficient requirement so to fill in and sign the schedule or form, though the occupant is not named in the notice, or personally served therewith. 1948, c. 45, s. 37.

38. The leaving by an enumerator or agent or other person employed in the execution of this Act or any regulation at the office or other place of business of any person or the delivery by registered letter to any person or his agent, of any schedule or form purporting to be issued under this Act or any regulation, and having thereon a notice requiring that it be filled in and signed within a stated time, is, as against the person a sufficient requirement to fill in and sign the schedule or form, and if so required in the notice, to mail the schedule or form within a stated time to the Bureau. 1948, c. 45, s. 38.

39. Every person employed under this Act who

(a) wilfully discloses or makes known directly or indirectly to any person not entitled under this Act or any regulation to receive the same, any information obtained by him in the course of his employment which might exert an influence upon or affect the market value of any product or article, or

(b) uses any such information for the purpose of speculating in any product or article,

is guilty of an offence and is liable, on summary conviction, to a fine not exceeding five thousand dollars or to imprisonment for a term not exceeding five years or to both fine and imprisonment. 1948, c. 45, s. 39.

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40. Any fine imposed and recovered for any offence under this Act belongs to Her Majesty for the public uses of Canada. 1948, c. 45, s. 40.

41. Where an offence against this Act or any regulation has been committed the complaint may be made or the information laid within twelve months from the time when the matter of the complaint or information arose. 1948, c. 45, s. 41.
CHAPTER 258.

An Act respecting Benefits to certain Supervisors in the Auxiliary Services.

SHORT TITLE.

1. This Act may be cited as the Supervisors War Service Benefits Act. 1946, c. 66, s. 1.

INTERPRETATION.

2. In this Act (a) "supervisor" means a duly selected and approved representative of
   (i) Canadian Legion War Services Inc.,
   (ii) the National Council of the Young Men’s Christian Associations of Canada,
   (iii) Knights of Columbus Canadian Army Huts, or
   (iv) Salvation Army Canadian War Services,
   who was attached to and served with the naval, army or air forces of Canada outside the Western Hemisphere;
   (b) "Western Hemisphere" means the Continents of North and South America, the Islands adjacent thereto and the territorial waters thereof, including Newfoundland, Bermuda and the West Indies, but excluding Greenland, Iceland and the Aleutian Islands.
1946, c. 66, s. 2.

3. Subject to section 5, every supervisor, on the termination of his service as such, shall be deemed
   (a) to be a “veteran” within the meaning of
   (i) the Veterans’ Land Act,
   (ii) the Veterans Insurance Act,
   (iii) the Veterans Rehabilitation Act,
   (iv) the War Veterans’ Allowance Act,
   (v) the Unemployment Insurance Act, and
   (vi) the Veterans’ Business and Professional Loans Act;
   (b) for the purposes of the Department of Veterans Affairs Act, to have served in the naval, army or air forces of His Majesty;

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(c) for the purposes of the War Service Grants Act, to be a discharged member of the forces;

(d) for the purposes of the Civil Service Act, to have served on active service overseas with the naval, army or air forces of His Majesty; and

(e) for the purposes of the Pension Act, to have been a member of the forces who performed service as Captain (Army) in a theatre of actual war. 1946, c. 66, s. 3.

4. Every supervisor shall, upon termination of his service as such, if he became employed by Canadian Legion War Services Inc., The National Council of the Young Men's Christian Associations of Canada, Knights of Columbus Canadian Army Huts or Salvation Army Canadian War Services on or after the 1st day of September, 1939, be deemed to have been on service in His Majesty's forces for the purposes of the Reinstatement in Civil Employment Act, and for the purposes of that Act shall be deemed to have been accepted for service on the day he became so employed. 1946, c. 66, s. 4.

5. In any case where the benefits under this Act or any Act referred to in section 3 are calculated with reference to length of service, a supervisor is entitled to such benefits only in respect of service performed outside the Western Hemisphere, except that nothing in this section shall deprive a supervisor of any benefits to which he would otherwise be entitled in respect of his service as supervisor during the thirty days immediately preceding the termination of such service. 1946, c. 66, s. 5.

6. The Governor in Council may make regulations for carrying the purposes and provisions of this Act into effect. 1946, c. 66, s. 6.

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

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CHAPTER 259.

An Act respecting the Supreme Court of Canada.

SHORT TITLE.

1. This Act may be cited as the Supreme Court Act. R.S., Short title. c. 35, s. 1.

INTERPRETATION.

2. In this Act, Definitions.

(a) "appeal" includes any proceeding to set aside or vary any judgment of the court appealed from;

(b) "final judgment" means any judgment, rule, order or decision that determines in whole or in part any substantive right of any of the parties in controversy in any judicial proceeding;

(c) "judge" means a judge of the Supreme Court of Canada and includes the Chief Justice;

(d) "judgment," when used with reference to the court appealed from, includes any judgment, rule, order, decision, decree, decretal order or sentence thereof; and when used with reference to the Supreme Court, includes any judgment or order of that Court;

(e) "judicial proceeding" means and includes any action, suit, cause, matter or other proceeding in disposing of which the court appealed from has not exercised merely a regulative, administrative, or executive jurisdiction;

(f) "Registrar" means the Registrar of the Supreme Court;

(g) "the court appealed from" means the court from which the appeal is brought directly to the Supreme Court, whether such court is one of original jurisdiction or a court of appeal;

(h) "the Supreme Court" or "the Court" means the Supreme Court of Canada;

(i) "witness" means any person, whether a party or not, to be examined under the provisions of this Act. R.S., c. 35, s. 2.

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3. The court of common law and equity in and for Canada now existing under the name of the Supreme Court of Canada is hereby continued under that name, as a general court of appeal for Canada, and as an additional court for the better administration of the laws of Canada, and shall continue to be a court of record. R.S., c. 35, s. 3.

4. The Supreme Court shall consist of a chief justice to be called the Chief Justice of Canada, and eight puisne judges, who shall be appointed by the Governor in Council by letters patent under the Great Seal. 1949 (2nd Sess.), c. 37, s. 1.

5. Any person may be appointed a judge who is or has been a judge of a superior court of any of the provinces of Canada, or a barrister or advocate of at least ten years' standing at the bar of any of the said provinces. R.S., c. 35, s. 5.

6. Three at least of the judges shall be appointed from among the judges of the Court of Queen's Bench, or of the Superior Court, or the barristers or advocates of the Province of Quebec. 1949 (2nd Sess.), c. 37, s. 1.

7. No judge shall hold any other office of emolument either under the Government of Canada or under the government of any province of Canada. R.S., c. 35, s. 7.

8. The judges shall reside at the City of Ottawa, or within five miles thereof. R.S., c. 35, s. 8.

9. (1) Subject to subsection (2), the judges hold office during good behaviour, but are removable by the Governor General on address of the Senate and House of Commons.

(2) A judge ceases to hold office upon attaining the age of seventy-five years. 1949 (2nd Sess.), c. 37, s. 1.

10. Every judge shall, before entering upon the duties of his office as such judge, take an oath in the following form:

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 Chief Justice (or as one of the judges) of the Supreme Court of Canada. So help me God. R.S., c. 35, s. 10.

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11. The oath referred to in section 10 shall be administered to the Chief Justice before the Governor General, or person administering the Government of Canada, in Council, and to the puisne judges by the Chief Justice, or, in his absence or illness, by any other judge present at Ottawa. R.S., c. 35, s. 11.

THE REGISTRAR AND OTHER OFFICERS.

12. The Governor in Council may, by an instrument under the Great Seal, appoint a fit and proper person, being a barrister of at least five years' standing, to be Registrar of the Supreme Court. R.S., c. 35, s. 12.

13. The Registrar holds office during pleasure and shall reside and keep an office at the City of Ottawa. R.S., c. 35, s. 13.

14. The Registrar has the rank of a deputy head of a department, and shall be paid a salary of not less than four thousand two hundred dollars and not more than eight thousand five hundred dollars, to be determined by the Governor in Council. 1951 (2nd Sess.), c. 25, s. 1.

15. The Registrar shall, subject to the direction of the Minister of Justice, oversee and direct the officers, clerks and employees appointed to the Court. R.S., c. 35, s. 15.

16. The Registrar shall give his full time to the public service, and shall not receive any pay, fee or allowance in any form in excess of the amount hereinbefore provided. R.S., c. 35, s. 16.

17. The Registrar shall, under the supervision of the Minister of Justice, have the management and control of the Library of the Court and the purchase of all books therefor. R.S., c. 35, s. 17.

18. The Registrar shall, until otherwise provided, publish the reports of the decisions of the Court. R.S., c. 35, s. 18.

19. The Registrar has such authority to exercise the jurisdiction of a judge sitting in chambers as may be conferred upon him by general rules or orders made under this Act. R.S., c. 35, s. 19.

20. The provisions of the Civil Service Act, the Civil Service Superannuation and Retirement Act, and the Civil Service Superannuation Act, so far as applicable, extend and apply to the officers, clerks and servants at the seat of Government. R.S., c. 35, s. 20.

21. The Sheriff of the County of Carleton, in the Province of Ontario, is ex officio an officer of the Court and shall perform the duties and functions of a sheriff in connection therewith. R.S., c. 35, s. 21.

BARRISTERS AND SOLICITORS.

22. All persons who are barristers or advocates in any of the provinces of Canada may practise as barristers, advocates and counsel in the Supreme Court. R.S., c. 35, s. 22.

23. All persons who are attorneys or solicitors of the superior courts in any of the provinces of Canada may practise as attorneys, solicitors and proctors in the Supreme Court. R.S., c. 35, s. 23.

24. All persons who may practise as barristers, advocates, counsel, attorneys, solicitors or proctors in the Supreme Court are officers of the Court. R.S., c. 35, s. 24.

SESSIONS AND QUORUM.

25. Any five of the judges of the Supreme Court shall constitute a quorum and may lawfully hold the Court. R.S., c. 35, s. 25.

26. It is not necessary for all the judges who have heard the argument in any case to be present in order to constitute the Court for delivery of judgment in that case, but in the absence of any judge, from illness or any other cause, judgment may be delivered by a majority of the judges who were present at the hearing. R.S., c. 35, s. 26.

27. (1) Any judge who has heard the case and is absent at the delivery of judgment, may hand his opinion in writing to any judge present at the delivery of judgment, to be read or announced in open court, and then to be left with the Registrar or reporter of the Court.

(2) A judge who has resigned his office, or who has ceased to hold office under the provisions of section 9 shall, within six months thereafter, for the purposes of this section, be deemed to be absent at the delivery of judgment in any case heard by him in which judgment has not been delivered during his tenure of office. R.S., c. 35, s. 27; 1929, c. 58, s. 1.

28. (1) No judge against whose judgment an appeal is brought, or who took part in the trial of the cause or matter, or in the hearing in a court below, shall sit or take part in the hearing of or adjudication upon the proceedings in the Supreme Court.
(2) In any cause or matter in which a judge is unable to sit or take part in consequence of this section, any four of the other judges of the Supreme Court constitute a quorum and may lawfully hold the Court. R.S., c. 35, s. 28.

29. Any four judges constitute a quorum and may lawfully hold the Court in cases where the parties consent to be heard before a court so composed. R.S., c. 35, s. 29.

30. (1) Where at any time there is not a quorum of the judges of the Supreme Court available to hold or continue any session of the Court, owing to a vacancy or vacancies, or to the absence through illness or on leave or in the discharge of other duties assigned by statute or order in council, or to the disqualification of a judge or judges, the Chief Justice, or, in his absence, the senior puisne judge, may in writing request the attendance at the sittings of the Court, as an ad hoc judge, for such period as may be necessary, of a judge of the Exchequer Court, or, should the judges of the said court be absent from Ottawa or for any reason unable to sit, of a judge of a provincial superior court to be designated in writing by the Chief Justice or in his absence by any Acting Chief Justice or the senior puisne judge of such provincial court upon such request being made to him in writing.

(2) Unless two of the judges of the Supreme Court available fulfill the requirements of section 6, the ad hoc judge for the hearing of an appeal from a judgment rendered in the Province of Quebec shall be a judge of the Court of Queen's Bench or a judge of the Superior Court of that Province designated as above provided.

(3) A duplicate of the requisition of the Chief Justice or senior puisne judge and where a judge of a provincial court is designated to act, the letter designating him shall be filed with the registrar and is conclusive evidence of the authority of the judge named therein to act under this section.

(4) It is the duty of the judge whose attendance has been so requested or who has been so designated in priority to other duties of his office, to attend the sittings of the Supreme Court at the time and for the period for which his attendance is required, and while so attending he possesses the powers and privileges and shall discharge the duties of a puisne judge of the Supreme Court.

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Compensation.

(5) An ad hoc judge who attends a sittings of the Supreme Court or any conference of the judges called for the consideration of judgments in cases in which he sat, shall be paid his travelling expenses and shall receive a per diem allowance for living expenses of ten dollars for each day that he is necessarily absent from his place of residence, as provided by the Judges Act.

Delivery of judgment.

(6) In any case in which judgment is not delivered while such judge is attending the sittings of the Court or a conference of the judges, his opinion shall be delivered as is provided by section 27. R.S., c. 35, s. 30.

Admiralty appeal.

31. (1) The Court may, in any Admiralty appeal, in which it may think it expedient so to do, call in the aid of one or more assessors specially qualified and try and hear such appeal, wholly or partially with the assistance of such assessors.

(2) The remuneration, if any, to be paid to such assessors shall be determined by the Court. R.S., c. 35, s. 31.

Three sessions.

32. (1) The Supreme Court, for the purpose of hearing and determining appeals, shall hold, in each year, at the City of Ottawa, three sessions.

(2) The first session shall begin on the first Tuesday in February, the second on the fourth Tuesday in April, and the third on the first Tuesday in October, in each year.

(3) The dates in subsection (2), fixed for the beginning of each session, may be varied by the Governor in Council, or by the Court, if notice is given in the Canada Gazette not less than four weeks before the date that may be fixed for the beginning of any session.

(4) Each of the said sessions shall be continued until the business before the Court is disposed of. R.S., c. 35, s. 32; 1928, c. 9, s. 1.

Power to adjourn.

33. The Supreme Court may adjourn any session from time to time and meet again at the time appointed for the transaction of business. R.S., c. 35, s. 33.

34. The Court may be convened at any time by the Chief Justice, or, in the event of his absence or illness, by the senior puisne judge, in such manner as is prescribed by the rules of Court. R.S., c. 35, s. 34.

APPELLATE JURISDICTION.

35. The Supreme Court shall have, hold and exercise an appellate, civil and criminal jurisdiction within and throughout Canada. R.S., c. 35, s. 35.

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36. Subject to sections 40 and 44, an appeal to the Supreme Court lies from a final judgment or a judgment granting a motion for a nonsuit or directing a new trial of the highest court of final resort in a province, or a judge thereof, pronounced in
(a) a judicial proceeding where the amount or value of the matter in controversy in the appeal exceeds two thousand dollars, or
(b) proceedings for or upon a writ of habeas corpus or mandamus. 1949 (2nd Sess.), c. 37, s. 2.

37. An appeal lies to the Supreme Court from an opinion pronounced by the highest court of final resort in a province on any matter referred to it for hearing and consideration by the Lieutenant Governor in Council of that province whenever it has been by the statutes of that province declared that such opinion is to be deemed a judgment of the said highest court of final resort and that an appeal lies therefrom as from a judgment in an action. 1949 (2nd Sess.), c. 37, s. 2.

38. Subject to sections 40 and 44, an appeal to the Supreme Court lies with leave of the highest court of final resort in a province from a final judgment of that court where, in the opinion of that court, the question involved in the appeal is one that ought to be submitted to the Supreme Court for decision. 1949 (2nd Sess.), c. 37, s. 2.

39. Subject to sections 40 and 44, an appeal to the Supreme Court lies in respect of a question of law alone with leave of the highest court of final resort in a province from a final judgment of another court of that province, the judges of which are appointed by the Governor General, pronounced in a judicial proceeding where the amount or value of the matter in controversy in the appeal exceeds two thousand dollars and an appeal lies to that court of final resort, if the consent in writing of the parties or their solicitors, verified by affidavit, is filed with the Registrar of the Supreme Court and with the registrar, clerk or prothonotary of the court from which the appeal is to be taken. 1949 (2nd Sess.), c. 37, s. 2.

40. No appeal to the Supreme Court lies under Exceptions. section 36, 38 or 39 from a judgment in a criminal cause, in proceedings for or upon a writ of habeas corpus, certiorari or prohibition arising out of a criminal charge, or in proceedings for or upon a writ of habeas corpus arising out of a claim for extradition made under a treaty. 1949 (2nd Sess.), c. 37, s. 2.
41. (1) Subject to subsection (3) and to section 44, an appeal lies to the Supreme Court with leave of that court from any final or other judgment of the highest court of final resort in a province, or a judge thereof, in which judgment can be had in the particular case sought to be appealed to the Supreme Court, whether or not leave to appeal to the Supreme Court has been refused by any other court.

(2) Leave to appeal under this section may be granted during the period fixed by section 64 or within thirty days thereafter or within such further extended time as the Supreme Court or a judge may either before or after the expiry of the said thirty days fix or allow.

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

(4) Whenever the Supreme Court has granted leave to appeal the Supreme Court or a judge may, notwithstanding anything in this Act, extend the time within which the appeal may be allowed. 1949 (2nd Sess.), c. 37, s. 2.

42. Notwithstanding anything in this Act the Supreme Court has jurisdiction as provided in any other Act conferring jurisdiction. 1949 (2nd Sess.), c. 37, s. 2.

43. Where the right to appeal or to apply for special leave to appeal is dependent on the amount or value of the matter in controversy the amount or value may be proved by affidavit, and it shall not include interest subsequent to the day on which the judgment to be appealed from was pronounced or any costs. 1949 (2nd Sess.), c. 37, s. 2.

44. No appeal lies to the Supreme Court from a discretionary judgment or order made in the exercise of judicial discretion except in proceedings in the nature of a suit or proceeding in equity originating elsewhere than in the Province of Quebec and except in mandamus proceedings. 1949 (2nd Sess.), c. 37, s. 2.

JUDGMENTS.

45. The Court may quash proceedings in cases brought before it in which an appeal does not lie, or whenever such proceedings are taken against good faith. R.S., c. 35, s. 45. 5008

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46. The Court may dismiss an appeal or give the judgment and award the process or other proceedings that the court, whose decision is appealed against, should have given or awarded. R.S., c. 35, s. 46.

47. On any appeal, the Court may, in its discretion, order a new trial, if the ends of justice seem to require it, although such new trial is deemed necessary upon the ground that the verdict is against the weight of evidence. R.S., c. 35, s. 47.

COSTS.

48. The Court may, in its discretion, order the payment of the costs of the court appealed from and of the court of original jurisdiction, and also of the appeal, or any part thereof, as well when the judgment appealed from is varied or reversed as when it is affirmed. R.S., c. 35, s. 48.

AMENDMENTS.

49. At any time during the pendency of an appeal before the Court, the Court may, upon the application of any of the parties, or without any such application, make all such amendments as are necessary for the purpose of determining the appeal, or the real question or controversy between the parties as disclosed by the pleadings, evidence or proceedings. R.S., c. 35, s. 49.

50. An amendment referred to in section 49 may be made, whether the necessity for the same is or is not occasioned by the defect, error, act, default or neglect of the party applying to amend. R.S., c. 35, s. 50.

51. Every amendment shall be made upon such terms as to payment of costs, postponing the hearing or otherwise as to the Court seems just. R.S., c. 35, s. 51.

INTEREST.

52. If on appeal against any judgment, the Court affirms such judgment, interest shall be allowed by the Court for such time as execution has been delayed by the appeal. R.S., c. 35, s. 52.

CERTIFICATE OF JUDGMENT.

53. The judgment of the Court in appeal shall be certified by the Registrar to the proper officer of the court of original jurisdiction, who shall thereupon make all proper
JUDGMENT FINAL AND CONCLUSIVE.

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

(2) Notwithstanding any royal prerogative or anything contained in any Act of the Parliament of the United Kingdom or any Act of the Parliament of Canada or any Act of the legislature of any province of Canada or any other statute or law, no appeal lies or shall be brought from or in respect of the judgment of any court, judge or judicial officer in Canada to any court of appeal, tribunal or authority by which, in the United Kingdom, appeals or petitions to Her Majesty in Council may be ordered to be heard.

(3) The Judicial Committee Act, 1833, chapter 41 of the statutes of the United Kingdom of Great Britain and Ireland, 1833, and the Judicial Committee Act, 1844, chapter 69 of the statutes of the United Kingdom of Great Britain and Ireland, 1844, and all orders, rules or regulations made under the said Acts are hereby repealed in so far as the same are part of the law of Canada. 1949 (2nd Sess.), c. 37, s. 3.

SPECIAL JURISDICTION.

References by Governor in Council.

55. (1) Important questions of law or fact touching

(a) the interpretation of the British North America Acts;

(b) the constitutionality or interpretation of any Dominion or provincial legislation;

(c) the appellate jurisdiction as to educational matters, by the British North America Act, 1867, or by any other Act or law vested in the Governor in Council;

(d) the powers of the Parliament of Canada, or of the legislatures of the provinces, or of the respective governments thereof, whether or not the particular power in question has been or is proposed to be exercised; or

(e) any other matter, whether or not in the opinion of the Court ejusdem generis with the foregoing enumerations, with reference to which the Governor in Council sees fit to submit any such question;

may
may be referred by the Governor in Council to the Supreme Court for hearing and consideration; and any question touching any of the matters aforesaid, so referred by the Governor in Council, shall be conclusively deemed to be an important question.

(2) Where a reference is made to the Court under subsection (1) it is the duty of the Court to hear and consider it, and to answer each question so referred; and the Court shall certify to the Governor in Council, for his information, its opinion upon each such question, with the reasons for each such answer; and such opinion shall be pronounced in like manner as in the case of a judgment upon an appeal to the Court; and any judge who differs from the opinion of the majority shall in like manner certify his opinion and his reasons.

(3) Where the question relates to the constitutional validity of any Act that has heretofore been or is hereafter passed by the legislature of any province, or of any provision in any such Act, or in case, for any reason, the government of any province has any special interest in any such question, the attorney general of such province shall be notified of the hearing, in order that he may be heard if he thinks fit.

(4) The Court has power to direct that any person interested, or, where there is a class of persons interested, any one or more persons as representatives of such class, shall be notified of the hearing upon any reference under this section, and such persons are entitled to be heard thereon.

(5) The Court may, in its discretion, request any counsel to argue the case as to any interest that is affected and as to which counsel does not appear, and the reasonable expenses thereby occasioned may be paid by the Minister of Finance out of any moneys appropriated by Parliament for expenses of litigation.

(6) The opinion of the Court upon any such reference, although advisory only, shall, for all purposes of appeal to Her Majesty in Council, be treated as a final judgment of the said Court between parties. R.S., c. 35, s. 55.

References by Senate or House of Commons.

56. The Court, or any two of the judges thereof, shall examine and report upon any private bill or petition for a private bill presented to the Senate or House of Commons, and referred to the Court under any rules or orders made by the Senate or House of Commons. R.S., c. 35, s. 56.
57. (1) Every judge of the Court, except in matters arising out of any claim for extradition under any treaty, has concurrent jurisdiction with the courts or judges of the several provinces, to issue the writ of habeas corpus ad subjiciendum, for the purpose of an inquiry into the cause of commitment in any criminal case under any Act of the Parliament of Canada.

(2) If the judge refuses the writ or remands the prisoner, an appeal lies to the Court. R.S., c. 35, s. 57.

58. In any habeas corpus matter before a judge of the Supreme Court, or on any appeal to the Supreme Court in any habeas corpus matter, the Court or judge has the same power to bail, discharge or commit the prisoner or person, or to direct him to be detained in custody or otherwise to deal with him as any court, judge or justice of the peace having jurisdiction in any such matters in any province of Canada. R.S., c. 35, s. 58.

59. (1) On any appeal to the Court in any habeas corpus matter the Court may by writ or order direct that any prisoner or person on whose behalf such appeal is made shall be brought before the Court.

(2) Unless the Court so direct it is not necessary for such prisoner or person to be present in court but he shall remain in the charge or custody to which he was committed or had been remanded, or in which he was at the time of giving the notice of appeal, unless at liberty on bail, by order of a judge of the court that refused the application or of a judge of the Supreme Court. R.S., c. 35, s. 59.

60. An appeal to the Supreme Court in any habeas corpus matter shall be heard at an early day, whether in or out of the prescribed sessions of the Court. R.S., c. 35, s. 60.

Certiorari.

61. A writ of certiorari may, by order of the Court or a judge thereof, issue out of the Supreme Court to bring up any papers or other proceedings had or taken before any court, judge or justice of the peace, and that are considered necessary with a view to any inquiry, appeal or other proceeding had or to be had before the Court. R.S., c. 35, s. 61.
Supreme Court. Chap. 259. 13

Cases removed from Provincial Courts.

62. (1) Where the legislature of any province of Canada has passed an Act agreeing and providing that the Supreme Court has jurisdiction in any of the following cases, that is to say:

(a) of suits, actions or proceedings in which the parties thereto by their pleading have raised the question of the validity of an Act of the Parliament of Canada, when in the opinion of a judge of the court in which the same are pending such question is material;

(b) of suits, actions or proceedings in which the parties thereto by their pleadings have raised the question of the validity of an Act of the legislature of such province, when in the opinion of a judge of the court in which the same are pending such question is material;

the judge who has decided that such question is material shall at the request of the parties, and may without such request, if he thinks fit, in any suit, action or proceeding within the class or classes of cases in respect of which such Act so agreeing and providing has been passed, order the case to be removed to the Supreme Court for the decision of such question, whatever may be the value of the matter in dispute, and the case shall be removed accordingly.

(2) The Supreme Court shall thereupon hear and determine the question so raised and shall remit the case with a copy of its judgment thereon to the court or judge whence it came to be then and there dealt with as to justice appertains.

(3) There shall be no further appeal to the Supreme Court on any point decided by it in any such case, nor, unless the value of the matter in dispute exceeds five hundred dollars, on any other point in such case.

(4) This section applies only to cases of a civil nature.

R.S., c. 35, s. 62.

PROCEDURE IN APPEALS.

63. Proceedings in appeals shall, when not otherwise provided for by this Act, or by the Act providing for the appeal, or by the general rules and orders of the Supreme Court, be as nearly as possible in conformity with the present practice of the Judicial Committee of Her Majesty's Privy Council. R.S., c. 35, s. 63.

64. (1) Except as otherwise provided, every appeal shall be brought within sixty days from the signing or entry or pronouncing of the judgment appealed from, but the months of July and August shall be excluded in the computation of the said sixty days.

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(2)

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Notice of intention to limit appeal.

(2) The appellant may appeal from the whole or any part of any judgment, or order, and at the time of bringing the appeal he shall, if he intends to limit the appeal, give notice stating that part only of such judgment or order is complained of, and shall in the notice specify such part. R.S., c. 35, s. 64.

Allowance of appeals in special cases.

65. (1) Notwithstanding anything in this Act the court proposed to be appealed from, or any judge thereof, may, under special circumstances allow an appeal, although the same is not brought within the time hereinbefore prescribed in that behalf.

(2) In such case, the court or judge shall impose such terms as to security or otherwise as seems proper under the circumstances.

(3) This section does not apply to any appeal in the case of an election petition.

(4) Notwithstanding anything in this Act a judge of the Supreme Court may, on an application for leave to appeal in forma pauperis, allow an appeal by giving the applicant leave to serve notice of appeal although the time prescribed by section 64 has expired. R.S., c. 35, s. 66; 1951, c. 61, s. 1.

On terms.

No application to election cases.

Appeals in forma pauperis.

66. (1) No writ shall be required or issued for bringing any appeal in any case to or into the Court, but it is sufficient that the party desiring so to appeal has, within the time herein limited in the case, given the security required and obtained the allowance of the appeal.

(2) Whenever error in law is alleged, the proceedings in the Supreme Court shall be in the form of an appeal. R.S., c. 35, s. 67.

When error is alleged.

Appeal to be on a stated case.

67. The appeal shall be upon a case to be stated by the parties, or, in the event of difference, to be settled by the court appealed from, or a judge thereof, and the case shall set forth the judgment objected to and so much of the pleadings, evidence, affidavits and documents as is necessary to raise the question for the decision of the Court; but the Court may, in its discretion, on special grounds, and by special leave, receive further evidence upon any question of fact, such evidence to be taken in the manner authorized by this Act, either by oral examination in Court, by affidavit, or by deposition, as the Court may direct. R.S., c. 35, s. 68; 1928, c. 9, s. 3.

Further evidence upon question of fact.

68. The clerk or other proper officer of the court appealed from shall, upon payment to him of the proper fees and the expenses of transmission, transmit the case forthwith.
forthwith after such allowance to the Registrar, and further proceedings shall thereupon be had according to the practice of the Supreme Court. R.S., c. 35, s. 69.

Security and the Staying of Execution.

69. (1) No appeal shall be allowed until the appellant has given proper security, to the extent of five hundred dollars, to the satisfaction of the court from whose judgment he is about to appeal, or a judge thereof, or to the satisfaction of the Supreme Court, or a judge thereof, that he will effectually prosecute his appeal and pay such costs and damages as may be awarded against him by the Supreme Court.

(2) This section does not apply to appeals by or on behalf of the Crown or in election cases, in cases in the Exchequer Court, in criminal cases, or in proceedings for or upon a writ of habeas corpus. R.S., c. 35, s. 70.

70. (1) Upon the perfecting of the security referred to in section 69, execution shall be stayed in the original cause, except that

(a) where the judgment appealed from directs an assignment or delivery of documents or personal property, the execution of the judgment shall not be stayed, until the things directed to be assigned or delivered have been brought into court, or placed in the custody of such officer or receiver as the court appoints, nor until security has been given to the satisfaction of the court appealed from, or of a judge thereof, in such sum as the court or judge directs, that the appellant will obey the order or judgment of the Supreme Court;

(b) where the judgment appealed from directs the execution of a conveyance or any other instrument, the execution of the judgment shall not be stayed, until the instrument has been executed and deposited with the proper officer of the court appealed from, to abide the order or judgment of the Supreme Court;

(c) where the judgment appealed from directs the sale or delivery of possession of real property, chattels real or immovables, the execution of the judgment shall not be stayed, until security has been entered into to the satisfaction of the court appealed from, or a judge thereof, and in such amount as the said last mentioned court or judge directs, that during the possession of the property by the appellant he will not commit, or suffer to be committed, any waste on the property.

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property, and that if the judgment is affirmed, he will pay the value of the use and occupation of the property from the time the appeal is brought until delivery of possession thereof, and also, if the judgment is for the sale of property and the payment of a deficiency arising upon the sale, that the appellant will pay the deficiency; and

(d) where the judgment appealed from directs the payment of money, either as a debt or for damages or costs, the execution of the judgment shall not be stayed, until the appellant has given security to the satisfaction of the court appealed from, or of a judge thereof, that if the judgment or any part thereof is affirmed, the appellant will pay the amount thereby directed to be paid, or the part thereof as to which the judgment is affirmed, if it is affirmed only as to part, and all damages awarded against the appellant on such appeal.

(2) Where the court appealed from is a court of appeal, and the assignment or conveyance, document, instrument, property or thing as aforesaid, has been deposited in the custody of the proper officer of the court in which the cause originated, the consent of the party desiring to appeal to the Supreme Court, that it shall so remain to abide the judgment of the Supreme Court, is binding on him and shall be deemed a compliance with the requirements in that behalf of this section.

(3) In any case in which execution may be stayed on the giving of security under this section, the security may be given by the same instrument whereby the security prescribed in section 69 is given. R.S., c. 35, s. 71.

71. (1) When the security has been perfected and allowed, any judge of the court appealed from may issue his fiat to the sheriff, to whom any execution on the judgment has issued, to stay the execution, and the execution shall be thereby stayed, whether a levy has been made under it or not.

(2) Where the court appealed from is a court of appeal, and execution has been already stayed in the case, the stay of execution continues without any new fiat, until the decision of the appeal by the Supreme Court.

(3) Unless a judge of the court appealed from otherwise orders no poundage shall be allowed against the appellant, upon any judgment appealed from, on which any execution is issued before the judge's fiat to stay the execution is obtained. R.S., c. 35, s. 72.

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72. Where at the time of the receipt by the sheriff of the fiat, or of a copy thereof, the money has been made or received by him, but not paid over to the party who issued the execution, the party appealing may demand back from the sheriff the amount made or received under the execution, or so much thereof as is in his hands not paid over, and in default of payment by the sheriff, upon such demand, the party appealing may recover the same from him in an action for money had and received, or by means of an order or rule of the court appealed from. R.S., c. 35, s. 73.

73. Where the judgment appealed from directs the delivery of perishable property, the court appealed from, or a judge thereof, may order the property to be sold and the proceeds to be paid into court, to abide the judgment of the Supreme Court. R.S., c. 35, s. 74.

Discontinuance of Proceedings.

74. (1) An appellant may discontinue his proceedings by giving to the respondent a notice entitled in the Supreme Court and in the cause, and signed by the appellant, his attorney or solicitor, stating that he discontinues such proceedings.

(2) Upon such notice being given, the respondent is at once entitled to the costs of and occasioned by the proceedings in appeal, and may, in the court of original jurisdiction, either sign judgment for such costs or obtain an order from such court, or a judge thereof, for their payment, and may take all further proceedings in that court as if no appeal had been brought. R.S., c. 35, s. 75.

Consent to Reversal of Judgment.

75. A respondent may consent to the reversal of the judgment appealed against, by giving to the appellant a notice entitled in the Supreme Court and in the cause, and signed by the respondent, his attorney or solicitor, stating that he consents to the reversal of the judgment, and thereupon the Court, or any judge thereof, shall pronounce judgment of reversal as of course. R.S., c. 35, s. 76.

Dismissal for Delay.

76. (1) Where an appellant unduly delays to prosecute his appeal, or fails to bring the appeal on to be heard at the first session of the Supreme Court, after the appeal is ripe for hearing, the respondent may, on notice to the appellant, move the Supreme Court, or a judge thereof in chambers, for the dismissal of the appeal.

(2) Such order shall thereupon be made as the Court or judge deems just. R.S., c. 35, s. 77.
Chap. 259. Supreme Court.

Death of Parties.

77. In the event of the death of one of several appellants, pending the appeal to the Supreme Court, a suggestion may be filed of his death, and the proceedings may thereupon be continued at the suit of and against the surviving appellant, as if he were the sole appellant. R.S., c. 35, s. 78.

78. (1) In the event of the death of a sole appellant, or of all the appellants, the legal representative of the sole appellant, or of the last surviving appellant, may, by leave of the Court or a judge, file a suggestion of the death, and that he is such legal representative, and the proceedings may thereupon be continued at the suit of and against such legal representative as the appellant.

(2) If no such suggestion is made, the respondent may proceed to an affirmance of the judgment, according to the practice of the Court, or take such other proceedings as he is entitled to. R.S., c. 35, s. 79.

79. In the event of the death of one of several respondents, a suggestion may be filed of such death, and the proceedings may be continued against the surviving respondents. R.S., c. 35, s. 80.

80. A suggestion of the death of one of several appellants or of a sole appellant or of all the appellants or of one of several respondents, if untrue, may on motion be set aside by the Court or a judge. R.S., c. 35, s. 81.

81. In the event of the death of a sole respondent, or of all the respondents, the appellant may proceed, upon giving one month's notice of the appeal and of his intention to continue the same, to the representative of the deceased party, or if no such notice can be given, then upon such notice to the parties interested as a judge of the Supreme Court directs. R.S., c. 35, s. 82.

82. In the event of the death of a sole plaintiff or defendant before the judgment of the court in which an action or an appeal is pending is delivered, and if such judgment is against the deceased party, his legal representatives, on entering a suggestion of the death, are entitled to proceed with and prosecute an appeal in the Supreme Court, in the same manner as if they were the original parties to the suit. R.S., c. 35, s. 83.

83. In the event of the death of a sole plaintiff or sole defendant before the judgment of the court in which an action or an appeal is pending is delivered, and if such judgment
judgment is in favour of such deceased party, the other party, upon entering a suggestion of the death is entitled to prosecute an appeal to the Supreme Court against the legal representatives of such deceased party, but the time limited for appealing shall not run until such legal representatives are appointed. R.S., c. 35, s. 84.

ENTRY OF CAUSES.

84. The appeals set down for hearing shall be entered by the Registrar on a list divided into five parts, and numbered as follows:—Number one, Election Cases; Number two, Western Provinces Cases; Number three, Maritime Provinces Cases; Number four, Quebec Province Cases; Number five, Ontario Province Cases; and the Registrar shall enter all Election Appeals on part numbered one, all appeals from the Yukon Territory and the Provinces of British Columbia, Alberta, Saskatchewan and Manitoba on part numbered two, all appeals from the Provinces of Newfoundland, Nova Scotia, New Brunswick and Prince Edward Island on part numbered three, all appeals from the Province of Quebec on part numbered four, and all appeals from the Province of Ontario on part numbered five; and such appeals shall be heard and disposed of in the order in which they are so entered, unless otherwise ordered by the Chief Justice or one of the puisne judges at his direction. 1949 (2nd Sess.), c. 37, s. 5.

EVIDENCE.

85. All persons authorized to administer affidavits to be used in any of the superior courts of any province, may administer oaths, affidavits and affirmations in such province to be used in the Supreme Court. R.S., c. 35, s. 86.

86. (1) The Governor in Council may, by commission, from time to time, empower such persons as he thinks necessary, within or out of Canada, to administer oaths, and take and receive affidavits, declarations and affirmations in or concerning any proceeding had or to be had in the Supreme Court.

(2) Every such oath, affidavit, declaration or affirmation so taken or made is as valid and of the like effect, to all intents, as if it had been administered, taken, sworn, made or affirmed before the Court or before any judge or competent officer thereof in Canada.

(3) Every commissioner so empowered shall be styled "a commissioner for administering oaths in the Supreme Court of Canada". R.S., c. 35, s. 87.

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Any oath, affidavit, affirmation or declaration concerning any proceeding had or to be had in the Supreme Court administered, sworn, affirmed or made out of Canada is as valid and of like effect to all intents as if it had been administered, sworn, affirmed or made before a commissioner appointed under this Act, if it is so administered, sworn, affirmed or made out of Canada before

(a) a commissioner authorized to take affidavits to be used in Her Majesty's High Court of Justice in England,
(b) a notary public and certified under his hand and official seal,
(c) a mayor or chief magistrate of any city, borough, or town corporate in Great Britain or Ireland, or in any colony or possession of Her Majesty out of Canada, or in any foreign country, and certified under the common seal of such city, borough, or town corporate,
(d) a judge of any court of superior jurisdiction in any colony or possession of Her Majesty, or dependency of the Crown out of Canada, or
(e) a consul, vice-consul, acting consul, pro-consul or consular agent of Her Majesty exercising his functions in any foreign place and certified under his official seal.

No proof required of signature or seal of commissioner.

Every document purporting to have affixed, imprinted or subscribed thereon or thereto the signature of a

(a) commissioner appointed under this Act,
(b) person authorized to take affidavits to be used in any of the superior courts of any province,
(c) commissioner authorized to receive affidavits to be used in Her Majesty's High Court of Justice in England,
(d) notary public under his official seal,
(e) mayor or chief magistrate of any city, borough or town corporate in Great Britain or Ireland, or in any colony or possession of Her Majesty out of Canada, or in a foreign country, under the common seal of the corporation,
(f) judge of any court of superior jurisdiction in any colony or possession of Her Majesty, or dependency of the Crown out of Canada under the seal of the court of which he is such judge, or
(g) consul, vice-consul, acting consul, pro-consul or consular agent of Her Majesty exercising his functions in any foreign place under his official seal,

in testimony of any oath, affidavit, affirmation or declaration having been administered, sworn, affirmed or made by

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or before him, shall be admitted in evidence without proof of the signature or seal or official character of such person. R.S., c. 35, s. 89.

89. No informality in the heading or other formal requisites of any affidavit, declaration or affirmation, made or taken before any person under any provision of this or any other Act, shall be an objection to its reception in evidence in the Supreme Court, if the court or judge before whom it is tendered thinks proper to receive it; and if the same is actually sworn to, declared or affirmed by the person making it before any person duly authorized thereto, and is received in evidence, no such informality shall be set up to defeat an indictment for perjury. R.S., c. 35, s. 90.

90. (1) If any party to any proceeding had or to be had in the Supreme Court is desirous of having therein the evidence of any person, whether a party or not, or whether resident within or out of Canada, the Court or any judge thereof, if in its or his opinion it is, owing to the absence, age or infirmity, or the distance of the residence of such person from the place of trial, or the expense of taking his evidence otherwise, or for any other reason, convenient so to do, may, upon the application of such party, order the examination of any such person upon oath, by interrogatories or otherwise, before the Registrar of the Court, or any commissioner for taking affidavits in the Court, or any other person or persons to be named in such order, or may order the issue of a commission under the seal of the Court for the examination.

(2) The Court or a judge may, by the same or any subsequent order, give all such directions touching the time, place and manner of the examination, the attendance of the witnesses and the production of papers thereat, and all matters connected therewith, as appears reasonable. R.S., c. 35, s. 91.

91. Every person authorized to take the examination of any witness pursuant to this Act, shall take such examination upon the oath of the witness, or upon affirmation, in any case in which affirmation instead of oath is allowed by law. R.S., c. 35, s. 92.

92. The Supreme Court, or a judge thereof, may, if it is considered for the ends of justice expedient so to do, order the further examination, before either the Court or a judge thereof, or other person, of any witness, and if the party

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on whose behalf the evidence is tendered neglects or refuses to obtain such further examination, the Court or judge, in its or his discretion, may decline to act on the evidence. R.S., c. 35, s. 93.

93. Such notice of the time and place of examination as is prescribed in the order, shall be given to the adverse party. R.S., c. 35, s. 94.

94. Where an order is made for the examination of a witness, and a copy of the order, together with a notice of the time and place of attendance, signed by the person or one of the persons to take the examination, has been duly served on the witness within Canada, and he has been tendered his legal fees for attendance and travel, his refusal or neglect to attend for examination or to answer any proper question put to him on examination, or to produce any paper that he has been notified to produce shall be deemed a contempt of court and may be punished by the same process as other contempts of court; but he shall not be compelled to produce any paper that he would not be compelled to produce, or to answer any question that he would not be bound to answer in court. R.S., c. 35, s. 95.

95. Where the parties in any case pending in the Court consent, in writing, that a witness may be examined within or out of Canada by interrogatories or otherwise, the consent and the proceedings had thereunder are as valid in all respects as if an order had been made and the proceedings had thereunder. R.S., c. 35, s. 96.

96. All examinations taken in Canada pursuant to this Act shall be returned to the Court; and the depositions, certified under the hands of the person or one of the persons taking the same, may, without further proof, be used in evidence, saving all just exceptions. R.S., c. 35, s. 97.

97. All examinations taken out of Canada pursuant to this Act shall be proved by affidavit of the due taking of the examinations, sworn before some commissioner or other person authorized under this or any other Act to take such affidavit, at the place where such examination has been taken, and shall be returned to the Court; and the depositions so returned, together with such affidavit, and the order or commission, closed under the hand and seal of the person or

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or one of the persons authorized to take the examination, may, without further proof, be used in evidence, saving all just exceptions. R.S., c. 35, s. 98.

98. Where any examination has been returned, any party may give notice of such return, and no objection to the examination being read has effect, unless taken within the time and in the manner prescribed by general order. R.S., c. 35, s. 99.

GENERAL.

99. (1) The process of the Court runs throughout Canada, and shall be tested in the name of the Chief Justice, or in case of a vacancy in the office of chief justice, in the name of the senior puisne judge of the Court, and shall be directed to the sheriff of any county or other judicial division into which any province is divided.

(2) The sheriffs of the said respective counties or divisions are ex officio officers of the Supreme Court, and shall perform the duties and functions of sheriffs in connection with the Court.

(3) In any case where the sheriff is disqualified, the process shall be directed to any of the coroners of the county or district. R.S., c. 35, s. 100.

100. Every commissioner for administering oaths in the Supreme Court, who resides within Canada, may take and receive acknowledgments or recognizances of bail, and all other recognizances in the Supreme Court. R.S., c. 35, s. 101.

101. An order in the Supreme Court for payment of money, whether for costs or otherwise, may be enforced by such writs of execution as the Court prescribes. R.S., c. 35, s. 102.

102. No attachment as for contempt shall issue in the Supreme Court for the non-payment of money only. R.S., c. 35, s. 103.

103. (1) The judges of the Supreme Court, or any five of them, may, from time to time, make general rules and orders

(a) for regulating the procedure of and in the Supreme Court, and the bringing of cases before it from courts appealed from or otherwise, and for the effectual execution and working of this Act, and the attainment of the intention and objects thereof;

(b) R.S., 1952.
Supreme Court.

In forma pauperis.

Conferring jurisdiction upon the Registrar.

For fixing fees and costs.

For and against Crown.

In references by the Governor in Council.

Extent of such rules and orders.

Force of such rules and orders.

Copies thereof for Parliament.

How costs to the Crown shall be paid.

(b) for allowing appeals in forma pauperis by leave, notwithstanding section 69, and for allowing a respondent leave to defend in forma pauperis;

c) for empowering the Registrar to do any such thing and transact any such business as is specified in the rules or orders, and to exercise any authority and jurisdiction in respect of the same as is now or may be hereafter done, transacted or exercised by a judge of the Court sitting in chambers in virtue of any statute or custom or by the practice of the Court;

d) for fixing the fees and costs to be taxed and allowed to, and received and taken by, and the rights and duties of the officers of the Court;

e) for awarding and regulating costs in such Court in favour of and against the Crown, as well as the subject; and

(f) with respect to matters coming within the jurisdiction of the Court, in regard to references to the Court by the Governor in Council, and in particular with respect to investigations of questions of fact involved in any such reference.

(2) Such rules and orders may extend to any matter of procedure or otherwise not provided for by this Act, but for which it is found necessary to provide, in order to ensure the proper working of this Act and the better attainment of the objects thereof.

(3) All such rules as are not inconsistent with the express provisions of this Act have force and effect as if herein enacted.

(4) Copies of all such rules and orders shall be laid before both Houses of Parliament at the session next after the making thereof. R.S., c. 35, s. 104; 1949 (2nd Sess.), c. 37, s. 6; 1951, c. 61, s. 2.

104. Any moneys or costs awarded to the Crown shall be paid to the Minister of Finance, and he shall pay out of any unappropriated moneys forming part of the Consolidated Revenue Fund of Canada, any moneys or costs awarded to any person against the Crown. R.S., c. 35, s. 105.

105. In any proceeding to which Her Majesty is a party, either as represented by the Attorney General of Canada or otherwise, costs adjudged to Her Majesty shall not be disallowed or reduced upon taxation merely because the solicitor or the counsel who earned such costs, or in respect of whose services the costs are charged, was a salaried officer.

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salaried officer of the Crown performing such services in the discharge of his duty and remunerated therefor by his salary, or for that or any other reason not entitled to recover any costs from the Crown in respect of the services so rendered, and the costs recovered by or on behalf of Her Majesty in any such case shall be paid into the Consolidated Revenue Fund. R.S., c. 35, s. 106.

106. (1) All fees payable to the Registrar under this Act shall be paid by means of stamps, issued for that purpose by the Minister of National Revenue, who shall regulate the sale thereof.

(2) The proceeds of the sale of such stamps shall be paid into the Consolidated Revenue Fund of Canada. R.S., c. 35, s. 107.

107. Notwithstanding anything in section 3 of An Act to amend the Supreme Court Act, chapter 37 of the statutes of 1949 (second session), an appeal from or in respect of a judgment pronounced in

(a) a judicial proceeding that was commenced prior to the 23rd day of December, 1949, or

(b) a reference made by the Governor in Council or by the Lieutenant-Governor in Council of a province prior to the 23rd day of December, 1949,

lies or may be brought as if that section had not been enacted. 1949 (2nd Sess.), c. 37, s. 7.
CHAPTER 260.


SHORT TITLE.

1. This Act may be cited as the Surplus Crown Assets Act. 1944-45, c. 21, s. 1.

INTERPRETATION.

2. In this Act,

(a) “Board” means the Board of Directors of the Corporation;

(b) “Corporation” means the corporation established by this Act;

(c) “government department” means a department of the Government of Canada or a board, commission, corporation or other body that is an agent of Her Majesty in right of Canada, but does not include the National Railways as defined in the Canadian National Canadian Pacific Act, the Canadian Broadcasting Corporation, the Bank of Canada, the Industrial Development Bank, Trans-Canada Air Lines or any corporation incorporated under the Trans-Canada Air Lines Act, or the National Harbours Board;

(d) “Minister” means the Minister of Defence Production; and

(e) “surplus Crown assets” means the property that is included in a report made to the Minister under section 3 and has not subsequently been deleted from the report with the authority of the Minister or disposed of pursuant to this Act. 1949 (2nd Sess.), c. 38, s. 1; 1951, c. 4, s. 9.

3. (1) Except as provided in subsection (2), whenever a government department determines that property of Her Majesty in right of Canada in its custody or under its control or administration is surplus to its requirements, it shall make a report of such property to the Minister.

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Exceptions.

(2) The following property need not be included in a report made under subsection (1), except to such extent as may be specified by order of the Governor in Council:

(a) agricultural or dairy products or live stock or live stock products, other than those in the custody or under the control or administration of the Department of National Defence;

(b) personal property acquired or produced by a board, commission, corporation or other body for disposal pursuant to an Act of Parliament or order of the Governor in Council;

(c) lands situated in the Yukon Territory or the Northwest Territories and under the control, management or administration of the Minister of Resources and Development;

(d) lands under the control, management or administration of the Minister of Mines and Resources on the 31st day of December, 1949, or by virtue of the Indian Act, the National Parks Act or the Canada Forestry Act;

(e) lands under the control, management or administration of the Minister of Transport, other than those acquired pursuant to the Acts mentioned in section 2 of The War Appropriation Act, No. 2, 1944;

(f) lands authorized to be disposed of under the Veterans' Land Act, the Soldier Settlement Act, the Central Mortgage and Housing Corporation Act or the Housing Acts as defined in the Central Mortgage and Housing Corporation Act.

(3) Notwithstanding any Act or order in council enacted or passed before the 11th day of July, 1944, no government department shall dispose of any surplus Crown assets except in accordance with this Act. 1949 (2nd Sess.), c. 18, s. 6; 1949 (2nd Sess.), c. 38, s. 2.

4. Every government department shall continue to be responsible for surplus Crown assets until it surrenders the custody or control thereof pursuant to the order of the Minister or the Corporation. 1944-45, c. 21, s. 4.

5. With specific or general authority from the Governor in Council, the Minister may

(a) sell, exchange, lease, lend or otherwise dispose of or deal with surplus Crown assets either gratuitously or for a consideration and upon such terms and subject to such conditions as he may consider desirable;

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(b) hold, manage, operate, finish, assemble, store, transport, repair, maintain and service surplus Crown assets;

(c) restore to its original condition any property that has been made available to Her Majesty and settle any claim in connection therewith;

(d) approve the transfer of surplus Crown assets from one government department to another, subject to such terms and conditions as he may consider desirable;

(e) authorize a government department to dispose of surplus Crown assets in such manner, upon such terms and subject to such conditions as he may consider desirable;

(f) make such orders and issue such directions as he may deem necessary or expedient to provide for the safety and preservation of surplus Crown assets;

(g) direct any person to furnish, within such time as he may specify, such information with regard to surplus Crown assets as he may specify;

(h) engage or make use of the services of any person in carrying out any of the purposes of this Act;

(i) authorize a government department to amend a report made under section 3 by deleting therefrom a reference to any specified property; and

(j) do any other thing the Governor in Council may consider to be incidental to, or necessary or expedient for, carrying out the objects of this Act. 1944-45, c. 21, s. 9; 1949 (2nd Sess.), c. 38, s. 4.

6. (1) There shall be a corporation to be known as Crown Assets Disposal Corporation.

(2) The Corporation shall consist of a board of not less than six directors appointed by the Minister with the approval of the Governor in Council.

(3) The Corporation is a body politic and corporate having capacity to contract and to sue and be sued in its name; and shall be and be deemed to be for all purposes an agent of Her Majesty in right of Canada.

(4) Actions, suits or other legal proceedings in respect of any right or obligation acquired or incurred by the Corporation 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 Corporation in the name of the Corporation.

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Head office. (5) The head office of the Corporation shall be at Ottawa or in such other place as the Minister may from time to time determine.

Branches and agents. (6) The Corporation may establish branches and appoint agents in Canada and may also, with the approval of the Minister, establish branches and appoint agents outside Canada.

Subject to Minister. (7) The Corporation is responsible to, and subject to the direction and control of, the Minister. 1944-45, c. 21, s. 10; 1949 (2nd Sess.), c. 38, s. 5; 1950, c. 51, s. 7.

President, Vice-President. 7. (1) The Board, with the approval of the Minister, shall designate one of the directors to be the President and one of the directors to be the Vice-President of the Corporation.

(2) Each director shall be appointed for a term of three years.

(3) Retiring directors are eligible for re-appointment.

(4) The Governor in Council may, without cause, remove a director at any time during his term.

(5) In the absence of the President, the Vice-President shall act as chairman and, in the absence of the President and Vice-President, another director designated by those present shall act as chairman.

Voting. (6) A decision of the majority of the directors present and constituting a quorum is a decision of the Corporation, and in the event of a tie, the President or other director acting as chairman has the casting vote.

(7) In the event of a casual vacancy occurring on the Board, the Minister, with the approval of the Governor in Council, may appoint a person to fill such vacancy.

(8) The Board, with the approval of the Minister, may fix the President's salary and the fees to be paid to directors for attending meetings.

(9) Every director is entitled to be reimbursed in respect of his actual disbursements for expenses reasonably incurred in connection with the discharge of his duties under this Act.

Liability. (10) No director and no person acting for, on behalf of, or under the authority of the Board or a director is liable to any person for any act or omission that the director

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director or person acting in good faith reasonably believed to have been required or authorized by or pursuant to this Act.

(11) Every director shall, before acting as such, take Oath of Office before a justice of the peace or commissioner for taking affidavits, and file with the secretary of the Corporation, an oath of fidelity and secrecy in the Form set out in the Schedule. 1944-45, c. 21, s. 11.

8. (1) The Minister may authorize the Corporation to exercise or perform any or all of the functions, powers or duties of the Minister under section 5.

(2) Subject to specific or general instructions of the Minister, the Corporation may

(a) convert surplus Crown assets to basic materials;

(b) purchase, lease or otherwise acquire real or personal property for the purpose of its operations and sell, lease or otherwise dispose of such property; and

(c) do such other acts and things as the Board may deem incidental or conducive to the attainment of its objects or the exercise of its power. 1949 (2nd Sess.), c. 38, s. 7.

9. (1) The Corporation may, with the approval of the Governor in Council, make such by-laws as the Board may deem necessary or expedient to enable it to discharge the duties imposed upon it by this Act, and, without limiting the generality of the foregoing, it may make by-laws,

(a) to provide for an executive committee of the Board to exercise such powers as the by-laws may specify; and

(b) to provide for the calling of meetings of the Board or the executive committee and the number of persons who shall constitute a quorum in each case.

(2) The Corporation may, notwithstanding anything in the Civil Service Act, employ such officers, clerks and employees for such purposes and on such terms and conditions and pay them such remuneration as the Board may decide; and every officer, clerk and employee of the Corporation shall, before entering upon his duties, take before a justice of the peace or a commissioner for taking affidavits, and file with the secretary of the Corporation, an oath of fidelity and secrecy in the Form set out in the Schedule. 1944-45, c. 21, s. 13.
10. The Governor in Council, on the recommendation of the Minister, may authorize the Minister of Finance to pay or advance to the Corporation from time to time working capital from any unappropriated moneys in the Consolidated Revenue Fund. 1944-45, c. 21, s. 14.

11. (1) The Corporation shall keep one or more bank accounts with such chartered bank or banks in Canada as may from time to time be approved by the Governor in Council and, with the approval of the Minister, may keep one or more bank accounts outside Canada; and all moneys from time to time received by the Corporation shall be deposited in the said account or accounts.

(2) All moneys deposited in the Corporation's bank accounts except

(a) moneys paid or advanced to the Corporation by Her Majesty on account of working capital, and

(b) such percentage of the net proceeds of sales and of all other moneys received by the Corporation during any period as the Governor in Council may from time to time fix to be retained to meet administrative costs or other expenses of the Corporation,

shall be transferred or deposited to the credit of the Receiver General of Canada on requisition by the Minister of Finance but, if no such requisition is made, on a day not later than the 15th day of the month following receipt thereof by the Corporation. 1944-45, c. 21, s. 15.

12. Subject to section 11, the Corporation may administer all moneys received by it exclusively in exercising the powers conferred on it by or pursuant to this Act. 1944-45, c. 21, s. 16.

13. (1) The Corporation shall establish and maintain an accounting system satisfactory to the Minister.

(2) The Corporation shall render to the Minister detailed statements of its receipts and expenditures at such times and for such periods as he may specify.

(3) All books of account, records, bank books and papers of the Corporation shall at all times be open to audit and inspection by the Minister or any person thereunto authorized by him.

(4) The accounts of the Corporation shall be audited by the Auditor General of Canada and the audited statements of such accounts shall be included in the Corporation's annual report.

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(5) The fiscal year of the Corporation shall end on the 31st day of March in each year. 1944-45, c. 21, s. 17.

14. The Corporation shall, as soon as possible after the 31st day of March in each year, and in any event within three months thereof, submit an annual report to the Minister in such form as the Auditor General may prescribe, containing in reasonable detail particulars of surplus Crown assets, sold or otherwise disposed of during the accounting period, and the Minister shall lay the said report before Parliament. 1944-45, c. 21, s. 18.

15. No statute relating to insolvency or the winding-up of corporations applies to the Corporation and the affairs of the Corporation shall not be wound up unless Parliament so provides. 1944-45, c. 21, s. 19.

16. (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 this Act, is a contributor under 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 person who at the time of his appointment or employment under or pursuant to 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 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.

(3) The Government Employees Compensation Act applies to all persons appointed or employed under or pursuant to this Act, and for the purposes of the said Act such persons shall be deemed to be "employees" as defined by the said Act. 1944-45, c. 21, s. 21.

17. R.S., 1952.
Execution of deeds, contracts or other documents.

17. Either the Minister or any person or persons thereunto generally or specifically authorized by the Minister or the Corporation under its corporate seal and the hands of its duly authorized officers may execute, on behalf of Her Majesty, any deed, contract or document transferring title to, or otherwise dealing with or relating to the disposition of, surplus Crown assets, other than a grant of land; and when any such document has been so executed it is valid and binding upon Her Majesty. 1944-45, c. 21, s. 22.

Governor in Council.

18. The Governor in Council may:

(a) make such orders as he may deem necessary or desirable with reference to the organization, administration or management of the Corporation and confer on the Corporation additional powers and duties; and

(b) make or issue such orders, rules and regulations as may be deemed necessary or desirable to assist the Minister to exercise and perform the duties conferred or imposed upon him by or pursuant to this Act. 1944-45, c. 21, s. 23; 1949 (2nd Sess.), c. 38, s. 11.

Offence.

19. Every person who contravenes any order, rule or regulation made or issued by the Governor in Council or by the Minister with the authority of the Governor in Council under this Act is guilty of an offence and liable on summary conviction to a fine not exceeding five hundred dollars or imprisonment for a period not exceeding six months or to both such fine and such imprisonment. 1944-45, c. 21, s. 24.

SCHEDULE.

Oath of Fidelity and Secrecy of Employee of Crown Assets Disposal Corporation:

I, ........................................, solemnly and sincerely swear that I will faithfully and honestly fulfil the duties that devolve upon me and shall not divulge any knowledge or information obtained by me in the course of my employment to any one not legally entitled thereto unless expressly authorized by my superior officers.

Oath of Fidelity and Secrecy of Director or Officer of Crown Assets Disposal Corporation:

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

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as a Director or Officer, as the case may be, of Crown Assets Disposal Corporation.

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 Corporation, nor will I allow any such person to inspect or have access to any books, documents or records belonging to or in the possession of the Corporation and relating to its business. 1949 (2nd Sess.), c. 38, Sch.
CHAPTER 261.

An Act to provide for the appointment of a Tariff Board.

SHORT TITLE.

1. This Act may be cited as the Tariff Board Act, 1931, Short title. c. 55, s. 1.

INTERPRETATION.

2. In this Act,

(a) "Board" means the Tariff Board provided for by this Act;

(b) "goods" means products, wares and merchandise or movable effects of any kind, including, but without limiting the generality of the foregoing, horses, cattle, and other animals;

(c) "member" means a member of the Tariff Board; and

(d) "Minister" means the Minister of Finance. 1931, "Minister." c. 55, s. 2.

CONSTITUTION AND DUTIES OF BOARD.

3. (1) There shall be a Board to be called the Tariff Board, consisting of three members appointed by the Governor in Council.

(2) One of the members shall be appointed chairman and another vice-chairman by the Governor in Council, and at sessions of the Board the chairman shall preside, and in his absence the vice-chairman.

(3) Each member holds office during good behaviour for such term not exceeding ten years as may be fixed by the Governor in Council at the time of his appointment but may be removed for cause at any time by the Governor in Council.

(4) A member ceases to hold office upon reaching the age of seventy years.

(5) A member on the expiration of his term of office, if not disqualified by age, eligible for re-appointment.

(6) R.S., 1952.
(6) If any member by reason of illness or other incapacity or absence from Canada, is unable at any time to perform the duties of his position, or if the position of a member is at any time vacant, the Governor in Council may make a temporary appointment of a qualified person to act in his place or in such position upon such terms and conditions and for such time as the Governor in Council may prescribe.

(7) No member is eligible to be a candidate for election to the House of Commons of Canada until after the expiration of two years from the date when he ceased to be a member of the Board.

(8) With respect to an appeal to the Board under the provisions of the Customs Act or the Excise Tax Act, two members, including the Chairman, or in his absence the Vice-Chairman, may exercise the powers of the Board.

4. (1) In respect of goods produced in or imported into Canada the Board shall, at the request of the Minister, make inquiry as to

(a) the price and cost of raw materials in Canada and elsewhere, and the cost of transportation thereof from the place of production to the place of use or consumption;

(b) the cost of efficient production in Canada and elsewhere, and what increases or decreases in rates of duty are required to equalize differences in the cost of efficient production;

(c) the cost, efficiency and conditions of labour, including health of employees, in Canada and elsewhere;

(d) the prices received by producers, manufacturers, wholesale dealers, retailers and other distributors in Canada and elsewhere;

(e) all conditions and factors which affect or enter into the cost of production and the price to the consumers in Canada; and

(f) generally, all the conditions affecting production, manufacture, cost and price in Canada as compared with other countries;

and report to the Minister.

(2) The Board shall make inquiry into any other matter, upon which the Minister desires information, in relation to any goods that, if brought into Canada or produced in Canada, are subject to or exempt from duties of customs or excise, and shall report to the Minister, and the inquiry into any such matter may include inquiry as to the effect that an increase or decrease of the existing rate of duty upon

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upon a given commodity might have upon industry or trade, and the extent to which the consumer is protected from exploitation.

(3) The Board may be empowered by the Governor in Council to hold an inquiry under section 14 of the *Customs Tariff*, in the same manner as the judge of the Exchequer Court or any other judge therein referred to may be so empowered, and that section includes and applies to the Board as if it were therein expressly named.

(4) The Governor in Council may empower the Board to make any investigation or hold any inquiry authorized by the provisions of the *Combines Investigation Act*, or of a relative nature, and for these purposes the Board has all the powers, authority and jurisdiction vested in the Commissioner of the Combines Investigation Act to hold investigations.

(5) It is also the duty of the Board to inquire into any other matter or thing in relation to the trade or commerce of Canada that the Governor in Council sees fit to refer to the Board for inquiry and report.

(6) Inquiries under this section shall be conducted in a summary manner in public, except as otherwise expressly provided in this or any other Act of the Parliament of Canada, and the respective reports to be made pursuant to its provisions shall succinctly state the facts so ascertained; and each report shall be accompanied by a copy of the evidence, if any, taken, and by a copy of all information obtained in connection with the inquiry. 1931, c. 55, s. 4.

5. (1) 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 to produce such documents and things as the Board deems requisite.

(2) The Board shall give reasonable opportunity to persons who may not have been summoned, to appear before it and give evidence upon oath or solemn affirmation as aforesaid, on any matter relevant to an inquiry then being held by the Board.

(3) No person is compellable, against his will, to attend to give evidence or to produce documents or other things, at any place outside of the province in which he is served with the summons or other process issued for the purpose of an inquiry under this Act.

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(4) Every person summoned to attend, pursuant to the provisions of this section, shall, in the discretion of the Board or a member of the Board, as the case may be, receive the like fees and allowances for so doing as if summoned to attend before the Exchequer Court.

(5) 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.

(6) The Board is a court of record, and shall have an official seal, which shall be judicially noticed.

(7) One member has power to conduct any inquiry under subsection (1) and subsection (2) of section 4 and may, for the purposes of such inquiry, exercise the powers conferred upon the Board by subsections (1) and (5) of this section.

(8) Two members have the power to conduct any inquiry under subsections (3), (4) and (5) of section 4 and may, for the purposes of such inquiry, exercise the powers conferred upon the Board by subsections (1) and (5) of this section.

(9) For the purposes of any inquiry under this Act, the Board may obtain information that in its judgment is authentic, otherwise than under the sanction of an oath or affirmation, and use and act upon such information.

(10) Should evidence or information that is in its nature confidential, relating to the business or affairs of any person, firm or corporation, be given or elicited in the course of any inquiry, the evidence or information shall not be made public in such a manner as to be available for the use of any business competitor or rival of the person, firm or corporation, respectively, but this subsection does not apply to an inquiry under subsection (3) of section 4; any person who violates any of the provisions of this subsection is guilty of an offence and liable, on summary conviction, to a penalty not exceeding one thousand dollars or not more than twelve months' imprisonment.

(11) Inquiries under this Act shall, whenever practicable, be conducted at some suitable place in the City of Ottawa, but the Board may, in its discretion, conduct such inquiries, either in whole or in part, in any other place in Canada, and, with the consent of the Minister, in any place outside of Canada.

(12) The Board shall hold its sessions and conduct its proceedings in such manner as may seem to it most convenient for the speedy and efficient discharge of its duties, and may make such rules and regulations, as it may deem expedient for the conduct of its proceedings, not inconsistent with the provisions of this Act.
ent with the provisions of this Act; such rules and regulations shall be published in the Canada Gazette immediately after the promulgation thereof.

(13) This section, except subsections (3), (7) and (8), applies in respect of an appeal to the Board pursuant to any other Act or regulation thereunder as if the appeal were an inquiry within the meaning of this Act. 1931, c. 55, s. 5; 1950, c. 52, s. 1.

6. Whenever a report has been made under this Act, a copy thereof and a copy of the evidence, if any, taken, and of the information obtained (except such evidence and information as was of a confidential character under subsection (10) of section 5) in connection therewith shall be laid before Parliament by the Minister within fifteen days after the opening of the next session thereafter, or within fifteen days after the making of the report if Parliament is then in session. 1931, c. 55, s. 6.

7. (1) Except as provided in this section, the officers, clerks and employees necessary for the proper conduct of the business of the Board shall be appointed in the manner authorized by law.

(2) The Governor in Council may, on the recommendation of the Board, appoint one or more persons having technical or special knowledge of any of the matters into which inquiry under this Act may be made, to assist the Board in making such inquiries and may employ shorthand reporters, and the remuneration and period of service of all such persons, shall on like recommendation be as the Governor in Council determines. 1948, c. 70, s. 2.

8. (1) The Chairman of the Board shall be paid an annual salary of fifteen thousand dollars and the other two members shall each be paid an annual salary of ten thousand dollars.

(2) The Secretary shall be paid an annual salary of six thousand dollars. 1948, c. 70, s. 3.

9. The Board shall cause its decisions in any case brought before it under the Customs Act or Excise Tax Act to be published forthwith in the Canada Gazette. 1948, c. 70, s. 4.

10. The Governor in Council may make such regulations not inconsistent with this Act as may be deemed necessary for carrying out the provisions of this Act. 1948, c. 70, s. 4.

EDMOND CLOUTIER, C.M.G., O.A., D.S.P.
QUEEN'S PRINTER AND CONTROLLER OF STATIONERY
OTTAWA, 1952
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CHAPTER 262.

An Act respecting Telegraphs.

SHORT TITLE.

1. This Act may be cited as the Telegraphs Act. R.S., Short title. c. 194, s. 1.

PART I.

SECRECY.

2. The Minister of Public Works or such officer or person as he appoints for that purpose, may determine and decide that any employee in connection with any telegraph line wholly or partly under the control of the Government of Canada, shall not be required to make the declaration as to secrecy provided for in this Part. R.S., c. 194, s. 2.

3. Subject to section 2, every person who is employed in connection with any telegraph line wholly or partly under the control of the Government of Canada as an operator or in any other capacity in which he has opportunities of becoming acquainted with information connected with matters of state or with any other information, shall, before entering upon the duties of such employment, take and subscribe a declaration in the Form set forth in the Schedule before a justice of the peace or before a person appointed by the Governor in Council to take declarations under this Part. R.S., c. 194, s. 3.

4. All declarations taken under this Part shall be forwarded to the Department of Public Works, and shall there be kept on file; and a register thereof shall be kept in the said Department. R.S., c. 194, s. 4.

5. Every person who has made the declaration hereinbefore mentioned, and who, either directly or indirectly, divulges to any person, except when lawfully authorized or directed, information connected with matters of state or with any other information, shall be punished by a fine of not exceeding five thousand dollars, or imprisonment for not more than five years, or both. R.S., 1952.
directed so to do, any information that he acquires by virtue of his employment, is guilty of an offence against this Part, and is liable on summary conviction before a justice of the peace to a penalty not exceeding one hundred dollars and not less than fifty dollars, or to imprisonment for a term not exceeding six months, or to both penalty and imprisonment. R.S., c. 194, s. 5.

6. Every telegraph operator or other person in the employ of a telegraph company, who divulges the contents of any telegram, except when lawfully authorized or directed so to do, is guilty of an offence against this Part, and is liable on summary conviction before a justice of the peace to a penalty not exceeding one hundred dollars and not less than fifty dollars, or to imprisonment for a term not exceeding six months, or to both penalty and imprisonment. R.S., c. 194, s. 6.

PART II.

ELECTRIC TELEGRAPH COMPANIES.

Interpretation.

7. In this Part, "the company" means a company incorporated by letters patent under the Companies Act for the purpose of constructing a line or lines of electric telegraph in Canada. R.S., c. 194, s. 7.

Construction of Lines.

8. (1) Every company may construct the lines of telegraph, authorized by its charter, along and upon any of the public roads and highways, or across or under any of the navigable waters within Canada, by the erection of the necessary fixtures, including posts, piers or abutments for sustaining or protecting the wires or cables of such lines.

Manner of construction.

(2) The same shall be so constructed as not to inconvenience the public use of such roads or highways, or to impede free access to any house or other building erected in the vicinity of the same, or injuriously to interrupt the navigation of such waters. R.S., c. 194, s. 8.

9. Nothing herein contained confers on the company the right of building a bridge over any navigable water. R.S., c. 194, s. 9.

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Part II.  

Telegraphs.  

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Transmission of Messages.

10. (1) The company shall transmit all despatches in the order in which they are received.

(2) Every message in relation to the administration of justice, the arrest of criminals, the discovery or prevention of crime, and Government messages or despatches, shall always be transmitted in preference to any other message or despatch, if so required by any person connected with the administration of justice, or any person thereunto authorized by the Secretary of State of Canada. R.S., c. 194, s. 10.

Expropriation.

11. (1) Her Majesty may, at any time, assume, and for any length of time retain, possession of any such telegraph line and of all things necessary to the sufficient working thereof, and may, for the same time, require the exclusive service of the operators and other persons employed in working such line; and the company shall give up possession thereof.

(2) The operators and other persons so employed shall, during the time of such possession, diligently and faithfully obey such orders, and transmit and receive such despatches as they are required to receive and transmit by any duly authorized officer of the Government of Canada. R.S., c. 194, s. 11.

12. (1) Her Majesty may, at any time after the commencement of the operation of a telegraph line under this Part, and after two months' notice to the company, assume the possession and property thereof.

(2) Upon such assumption, such line and all the property, real or personal, essential to the working thereof, and all the rights and privileges of the company, as regards such line, shall be vested in the Crown. R.S., c. 194, s. 12.

Arbitration.

13. (1) If any differences arise between the company and those who act for the Crown, as to the compensation that ought to be paid to the company for any telegraph line and appurtenances taken possession of or temporarily and exclusively used by the Crown under this Part, such differences shall be referred to three arbitrators, one to be appointed on the part of the Crown, another by the company, and the third by the two arbitrators so appointed.

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(2) The award of any two of the said arbitrators is final.

(3) If the company refuses or neglects to appoint an arbitrator on its behalf, or if the two arbitrators cannot agree upon a third arbitrator, then such arbitrator or third arbitrator shall be appointed by any two judges of the Supreme Court of Canada, on application on the part of the Crown. R.S., c. 194, s. 13.

Penalties.

14. Every company that violates the provisions of this Part in reference to the order in which messages received by it are to be transmitted, shall incur a penalty not exceeding one hundred dollars and not less than twenty dollars, which is recoverable on summary conviction with costs by the person whose despatch has been postponed out of its order. R.S., c. 194, s. 14.

15. (1) Every company that on request duly made in that behalf refuses or neglects to give up and transfer possession of any telegraph line and of all things necessary to the sufficient working thereof, or, having so given up and transferred possession, neglects or refuses to allow Her Majesty to continue in such possession for any length of time required in that behalf, or refuses or neglects on request duly made in that behalf to give and hand over to Her Majesty the exclusive service of the operators and other persons employed in working such line shall incur a penalty not exceeding one hundred dollars for every such refusal or neglect.

(2) Every operator and other person in the employ of the said company who does not after such possession is taken and during the whole period of such possession, diligently and faithfully obey such orders and transmit or receive such despatches as they are required to transmit and receive by any duly authorized officer of the Government of Canada, shall incur a penalty not exceeding one hundred dollars for every such refusal or neglect.

(3) Such penalty is recoverable by the Crown for the public uses of Canada with costs in any way in which debts of like amounts are recoverable by the Crown. R.S., c. 194, s. 15.
PART III. MARINE ELECTRIC TELEGRAPH COMPANIES.

Interpretation.

16. In this Part, (a) "company" means any company or association of persons to which this Part applies; and (b) "Minister" means the Minister of Transport. R.S., c. 194, s. 16; 1936, c. 34, s. 4.

Application.

17. This Part applies to every company (a) authorized after the 8th day of April, 1875, by any special or general Act of the Parliament of Canada, or under the provisions of this Part to construct or maintain telegraphic wires or cables, in, upon, under or across any gulf, bay or branch of any sea or any tidal water within the jurisdiction of Canada, or the shore or bed thereof respectively, so as to connect any province with any other province of Canada, or to extend beyond the limits of any province; or (b) authorized to construct or maintain such telegraphic wires or cables before the 8th day of April, 1875, by any such special or general Act of the Parliament of Canada, or by any other special Act or charter of any of the provinces constituting Canada, and at the said date in force in Canada. R.S., c. 194, s. 17.

18. This Act does not affect any franchise, right or privilege that the New York, Newfoundland and London Telegraph Company or any other company, or person lawfully entitled thereto, actually acquired and exercised or operated in Prince Edward Island before and up to the 1st day of July, 1873, under and subject to the provisions of any Act of the legislature of Prince Edward Island made and passed before the said 1st day of July, 1873. R.S., c. 194, s. 18.

Powers.

19. The company may, with the consent of the Governor in Council, take and appropriate for the use of the company, for its stations, offices and works, but shall not alienate, so much of the land held by the Crown for the purposes of Canada, and the shore or bed adjacent to or covered

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covered by any gulf, bay or branch of the sea, or by any tidal water, as is necessary for constructing, completing and using the telegraph and works of the company. R.S., c. 194, s. 19.

20. The company may also acquire from any province of Canada any land or other property necessary for the construction, maintenance, accommodation and use of the telegraph and works of the company, and may also alienate, sell and dispose of the same when no longer required for the purposes of the company. R.S., c. 194, s. 20.

21. (1) The company may also acquire any land necessary for the construction, maintenance and use of the telegraphic cable and works of the company, adjacent to or near the shore end or place of landing of the telegraph.

(2) If the company and the person from whom the land is to be acquired fail to agree as to the possession or price of such land, the company may enter upon and take such land, not exceeding five acres in extent, under the powers, authorities and provisions of the Railway Act.

(3) The sections of the Railway Act, in respect to compulsory powers for the acquisition of lands, apply to, and the powers and authorities contained therein shall be vested in and may be exercised by, every company to which this Part applies. R.S., c. 194, s. 21.

22. The company shall not exercise any of the powers by this Part conferred until

(a) the company has submitted to the Governor in Council, a plan and survey of the proposed site and location of such telegraph and its approaches at the shore, and of its stations, offices and accommodations on land and of all the intended works thereto appertaining,

(b) such plan, site and location have been approved by the Governor in Council, and

(c) such conditions as he thinks fit for the public good to impose touching the said telegraph and works, have been complied with. R.S., c. 194, s. 22.

23. The company shall not place any telegraphic wire, cable or work connected therewith in, under, upon, over, along or across any gulf, bay or branch of the sea, or any tidal water, or the shore or bed thereof respectively, except with
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with the consent of all persons having any right of property or other right, or any power, jurisdiction or authority in, over or relating to the same, that may be affected or be liable to be affected by the exercise of the powers of the company. R.S., c. 194, s. 23.

24. (1) Before commencing the construction of any such telegraph or work mentioned in section 23, or of any buoy or seaman connected therewith, the company shall deposit, at the Department of Transport, a plan thereof, for the approval of the Minister.

(2) In cases of emergency, for repairs to any work previously constructed or laid, the plan thereof shall be so deposited as speedily as may be after the commencement of the work. R.S., c. 194, s. 24; 1936, c. 34, s. 4.

25. (1) The work shall not be constructed otherwise than in accordance with the plan as approved by the Minister.

(2) If any work is constructed otherwise or without compliance with the provisions of section 24, the Minister may, at the expense of the company, abate and remove it, or any part of it, and restore the site thereof to its former condition. R.S., c. 194, s. 25.

26. The company may, in or about the construction, maintenance or repairs of any such work, use on board ships lights and signals or elsewhere any light or signal allowed by any regulation made in that behalf by the Minister. R.S., c. 194, s. 26.

27. If any such work, buoy or sea-mark is abandoned or allowed to fall into decay, the Minister may, if and as he thinks fit, at the expense of the company, abate and remove it, and restore the site thereof to its former condition. R.S., c. 194, s. 27.

28. The Minister may, at any time, at the expense of the company, cause to be made a survey and examination of any such work, buoy or sea-mark, or of the site thereof. R.S., c. 194, s. 28.

29. Whenever the Minister, under the authority of this Act, does, in relation to any such work, any act or thing which he is, by this Part, authorized to do at the expense of the company, the amount of such expense is a debt due by the company to the Crown, and is recoverable as such with costs, or as a penalty on summary conviction. R.S., c. 194, s. 29.
Only companies subject to this Part may extend beyond the limits of a province.

30. (1) No company other than a company to which this Part applies shall construct, maintain or use any telegraphic wire or cable connecting two or more provinces of Canada, or extending beyond the limits of any province, in, upon, under or across any gulf, bay or branch of any sea or any tidal water within the jurisdiction of Canada, or the shore or bed thereof respectively.

(2) Any existing telegraph company may continue to receive and transmit messages over its line of marine telegraph, until such time as another company, under the authority and within the provisions of this Part, constructs and is operating a line or lines of marine telegraph that has been determined by the Governor in Council to afford reasonable facilities for the transmission of marine telegraphic messages, in lieu of the line or lines of such existing telegraph company, or to be a line or lines for doing business over a route of a competitive nature, and until the order in council declaring such determination has been published for three months in the Canada Gazette. R.S., c. 194, s. 30.

Transmission of Messages.

31. (1) The company shall transmit all messages

(a) in the order in which they are received or in such order as the Board of Transport Commissioners for Canada may require or direct, and

(b) at such rates as may be determined from time to time by the said Board for the different classes of messages, or hours of the day or night during which such messages are transmitted, without discrimination within each class.

(2) Every company violating any of the provisions of this section shall incur a penalty not exceeding two hundred dollars, and not less than fifty dollars.

(3) Such penalty is recoverable on summary conviction with costs, by the person aggrieved. R.S., c. 194, s. 31; 1938, c. 53, s. 3.

32. The company may charge for the transmission of messages, and may demand and collect in advance such rates of payment therefor as are fixed by by-law of the company as its tariff rates and approved by the Board of Transport Commissioners for Canada. R.S., c. 194, s. 32; 1938, c. 53, s. 3.

33. (1) Notwithstanding anything contained herein arrangements may be made by any such company with the proprietors

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Proprietors or publishers of newspapers for the transmission, for the purpose of publication, of intelligence of general and public interest, out of its regular order and at less rates of charge than its regular tariff rates.

(2) Every such arrangement is subject to the approval of the Board of Transport Commissioners for Canada. R.S., c. 194, 33; 1938, c. 53, s. 3.

34. Every message in relation to the administration of justice, the arrest of criminals, the discovery or prevention of crime, and Government messages or despatches, shall always be transmitted in preference to any other message or despatch, if required by any person officially charged with the administration of justice, or by any person thereunto authorized by the Secretary of State of Canada, or by the Secretary of State for the Colonies on behalf of the Government of Great Britain. R.S., c. 194, s. 34.

Incorporation of British Companies.

35. (1) If any company is now or hereafter authorized by any special Act of the Parliament of Great Britain, or is incorporated under the Statutes of the Parliament of Great Britain, relating to joint stock companies, or any other general Act of Parliament of Great Britain, or by Royal charter, for establishing or maintaining telegraphic communication, in, upon, under or across any gulf, bay or branch of any sea or tidal water within the jurisdiction of Canada, the Governor in Council may, by letters patent under the Great Seal of Canada, and upon the terms and conditions contained therein, grant a charter to the persons forming such company, upon the company petitioning therefor.

(2) Such persons and others who become shareholders in the company shall be constituted a body corporate and politic, by the same name, and with the same power and constitution in Canada, for the said purpose and object of establishing and maintaining their said telegraph and works within the jurisdiction of Canada.

(3) Any such grant shall be expressly subject to this Part, and conditional upon the company observing and performing the several provisions hereof. R.S., c. 194, s. 35.

36. Such letters patent, when published in the Canada Gazette with any Orders in Council relating thereto, have the like force and effect as if the company had been incorporated by special Act of Parliament. R.S., c. 194, s. 36.
37. No such letters patent or grant of corporate powers to be exercised within the jurisdiction of Canada shall be made to or conferred upon any company which possesses any exclusive privilege of landing wire or cable and establishing a marine telegraph in or upon the coast of any state, province or country in America, Europe or elsewhere, unless an equal or reciprocal right or privilege of landing wire or cable, and establishing a marine telegraph upon the same coast is conceded to any and each of the companies to which this Part applies. R.S., c. 194, s. 37.

38. Every such letters patent or grant of corporate powers made to or conferred upon any such company may be declared forfeited and revoked by any Act of the Parliament of Canada

(a) for non-user for three consecutive years;
(b) in case the company does not go into actual operation within three years after the issue of the letters patent granting such powers; or
(c) if the company at any time possesses or acquires any exclusive right or privilege of landing wire or cable and establishing a marine telegraph in or upon the coast of any state, province or country in America, Europe or elsewhere, and an equal or reciprocal right or privilege of landing wire or cable and establishing a marine telegraph on the same coast is not conceded to every company to which this Part applies. R.S., c. 194, s. 38.

Reciprocal Agreement.

39. (1) No company to which this Part applies shall enter into any agreement for the transmission or interchange of messages, or for participation in profits, or for the union or consolidation of capital stock, with any company that at any time possesses or acquires any such exclusive privilege of landing wire or cable and establishing a marine telegraph, in Newfoundland or the Danish possessions, unless such equal or reciprocal right is conceded.

(2) Every agreement contrary to the provisions of this section is illegal and void. R.S., c. 194, s. 39.

SCHEDULE.

I, A. B., solemnly and sincerely promise and declare that I will faithfully and honestly fulfil the duties which devolve upon me as operator (or in other capacity, as the case may be) upon (state the line of telegraph), and that

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I will not, either directly or indirectly, divulge to any person, except when lawfully authorized or directed so to do, any information that I acquire by virtue of my employment as such operator (or in other capacity, as the case may be).

Declared before me,  

etc., etc.  

(Signature)  

A. B.

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CHAPTER 263.


SHORT TITLE.

1. This Act may be cited as the Territorial Lands Act. Short title. 1950, c. 22, s. 1.

INTERPRETATION.

2. In this Act Definitions.

(a) "Crown" means Her Majesty in right of Canada; "Crown."
(b) "dues" means all ground rents, royalties, duties, "Dues."
fees, rates, charges or other moneys payable by any
person to the Crown under and by virtue of a lease,
licence or permit;
(c) "grant" means letters patent under the Great Seal of "Grant." Canada and any other instrument by which territorial
lands may be granted in fee simple or for an equivalent
estate;
(d) "land" includes mines, minerals, easements, servi-
tudes and all other interests in real property;
(e) "Minister" means the Minister of Resources and "Minister." Development;
(f) "permit" means a valid and subsisting permit issued "Permit." under this Act;
(g) "territorial lands" means lands in the Northwest "Territorial "Territorial lands." Territories or in the Yukon Territory that are vested
in the Crown or of which the Government of Canada has power to dispose; and
(h) "timber" means trees standing, fallen or cut, and "Timber." round, flatted or squared logs, lumber, deals, boards
or any other sawn or hewn products of trees. 1950, c. 22,
a. 2.

APPLICATION.

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APPLICATION.

3. This Act applies only to territorial lands that are under the control, management and administration of the Minister, and nothing in this Act shall be construed as limiting the operation of the *Yukon Quartz Mining Act*, the *Yukon Placer Mining Act*, the *Dominion Water Power Act* or the *National Parks Act*. 1950, c. 22, s. 3.

SALE OR LEASE OF TERRITORIAL LANDS.

4. Subject to this Act, the Governor in Council may authorize the sale, lease or other disposition of territorial lands and may make regulations authorizing the Minister to sell, lease or otherwise dispose of territorial lands subject to such limitations and conditions as the Governor in Council may prescribe. 1950, c. 22, s. 4.

5. (1) No territorial lands suitable for muskrat farming shall be sold.

   (2) No territorial lands shall be sold until a plan of survey thereof has been approved by the Surveyor General. 1950, c. 22, s. 5.

6. (1) Not more than one hundred and sixty acres of territorial lands may be sold to any one person without the approval of the Governor in Council.

   (2) Subject to subsection (3), not more than six hundred and forty acres of territorial lands may be leased to any one person without the approval of the Governor in Council.

   (3) Where territorial lands are hay lands or lands suitable for grazing or muskrat farming, not more than six thousand four hundred acres may be leased to any one person without the approval of the Governor in Council. 1950, c. 22, s. 6.

MINING RIGHTS.

7. The Governor in Council may make regulations for the leasing of mining rights in, under or upon territorial lands and the payment of royalties therefor, but such regulations shall provide for the protection of and compensation to the holders of surface rights. 1950, c. 22, s. 7.

RESERVATION FROM GRANTS.

8. Unless otherwise ordered by the Governor in Council, a strip of land one hundred feet in width, measured from ordinary high water mark or from the boundary line, as the case may be. R.S., 1952.
case may be, shall be deemed to be reserved to the Crown out of every grant of territorial lands, where the land extends

(a) to the sea or an inlet thereof;
(b) to the shore of any navigable water or an inlet thereof; or
(c) to the boundary line between the Yukon Territory and Alaska, or between the Yukon Territory and the Northwest Territories, or between the Yukon Territory or the Northwest Territories and the Provinces of Manitoba, Saskatchewan, Alberta or British Columbia. 1950, c. 22, s. 8.

9. Unless the grant contains a provision to the contrary, the bed, below ordinary high water mark, of a body of water shall be deemed to be reserved to the Crown out of every grant of territorial lands where the lands border a body of water. 1950, c. 22, s. 9.

10. There shall be deemed to be reserved to the Crown out of every grant of territorial lands

(a) all mines and minerals whether solid, liquid or gaseous that may be found to exist within, upon or under such lands, together with the right to work the same and for this purpose to enter upon, use and occupy the said lands or so much thereof and to such extent as may be necessary for the working and extraction of the said minerals; and
(b) all rights of fishery and fishing and occupation in connection therewith upon or around or adjacent to such lands. 1950, c. 22, s. 10.

11. Unless the grant or other document establishing a grant, lease or other disposition of territorial lands expressly states the contrary, no grant, lease or other disposition of territorial lands conveys any exclusive right, privilege, property or interest with respect to any lake, river, stream or other body of water, within, bordering or passing through the lands. 1950, c. 22, s. 11.

TIMBER.

12. No person shall cut timber on territorial lands unless he is the holder of a permit. 1950, c. 22, s. 12.

13. The Governor in Council may make regulations (a) respecting the issue of permits to cut timber and prescribing the terms and conditions thereof, including the payment of ground rent, and exempting any person or class of persons from the provisions of section 12; 5057
(b) R.S., 1952.
(b) providing for the suspension or cancellation of permits for violation of any of the terms or conditions thereof or for violation of any provision of this Act or the regulations;
(c) prescribing fees for the issue of permits and prescribing the dues to be paid in respect of timber cut pursuant to a permit;
(d) providing for the making of returns by holders of permits;
(e) providing for the recovery of dues including the taking of security therefor and the seizure, forfeiture and sale of timber; and
(f) providing for the seizure, forfeiture and sale of timber unlawfully cut on territorial lands. 1950, c. 22, s. 13.

14. Unless the grant or other document establishing a grant, lease or other disposition of territorial lands expressly states the contrary, no grant, lease or other disposition of territorial lands
(a) conveys any right, title or interest in or to any slide, dam, pier, boom or other work constructed, for the purpose of facilitating the movement of timber, prior to the date of the grant, lease or other disposition of land;
(b) affects the unimpeded right to use or repair the works referred to in paragraph (a); or
(c) affects the unimpeded right to use, for the purpose of facilitating the movement of timber, all streams, lakes, bodies of water, portage roads or trails past rapids, falls or other natural obstacles or connecting bodies of water, or any land that has to be used in connection with the foregoing. 1950, c. 22, s. 14.

15. (1) Where under this Act the right of any person to use, possess or occupy territorial lands has been forfeited or where, in the opinion of the Minister, a person is wrongfully or without lawful authority, using, possessing or occupying territorial lands and he continues to use, possess or occupy or fails to deliver up possession of the lands, an officer of the Department of Resources and Development authorized by the Minister for that purpose may apply to a stipendiary magistrate for a summons directed to such person calling upon such person
(a) to forthwith vacate or abandon and cease using, possessing or occupying such lands; or
(b) to show cause.
(b) within thirty days after service of the summons upon him to show cause why an order or warrant should not be made for his removal from the said lands.

(2) Where a summons has been served under subsection (1) and within thirty days from the service thereof the person named in the summons has not removed from, vacated or ceased using, possessing or occupying the said lands or has not shown cause why he should do so, the stipendiary magistrate may make an order or warrant for that person's summary removal from the lands.

(3) A warrant made under subsection (2) shall be executed by a sheriff, bailiff, constable or other person to whom it is delivered for that purpose and he has all the powers, rights, immunities and privileges enjoyed by a sheriff, constable or other peace officer in the execution of his duty.

(4) A person to whom an order or warrant is addressed shall forthwith remove the person named therein from such lands and all members of his family, employees, servants, labourers, tenants, or other persons employed by or living with such person or his tenants.

(5) Service of a summons or warrant under this section shall be made by leaving a copy with an adult person found on the said lands and by posting up another copy in a conspicuous place on the said lands, or where no adult person is found on the said lands, by posting up copies in two conspicuous places thereon. 1950, c. 22, s. 15.

16. A person who remains on territorial lands or returns thereto or assumes any possession or occupancy thereof after having been ordered to vacate them under section 15 or after having been removed therefrom under that section is guilty of an offence and is liable upon summary conviction to a fine of not more than three hundred dollars or to imprisonment for a term not exceeding six months or to both fine and imprisonment. 1950, c. 22, s. 16.

17. The order or judgment of a stipendiary magistrate in any action or proceedings under this Act is subject to an appeal by a party to such action or proceedings in the same manner as any other order or judgment of a stipendiary magistrate. 1950, c. 22, s. 17.

POWERS OF THE GOVERNOR IN COUNCIL.

18. The Governor in Council may

(a) upon setting forth the reasons for withdrawal in the order, order the withdrawal of any tract or tracts of territorial lands from disposal under this Act;

(b) R.S., 1952.
(b) set apart and appropriate territorial lands for the sites of places of public worship, burial grounds, schools, market places, gaols, court houses, town halls, public parks or gardens, hospitals, harbours, landings, bridge sites, airports, landing fields, railway stations, town sites, historic sites or for other public purposes and, at any time before the issue of letters patent, alter or revoke such appropriations;

(c) order that grants or leases for a nominal consideration be made of the lands appropriated under paragraph (b) and that there be expressed in any letters patent or lease the trusts and uses to which the territorial lands granted or leased thereby are subject;

(d) set apart and appropriate such areas or lands as may be necessary to enable the Government of Canada to fulfil its obligations under treaties with the Indians and to make free grants or leases for such purposes, and for any other purpose that he may consider to be conducive to the welfare of the Indians;

(e) set apart and appropriate territorial lands for use as forest experimental areas, national forests, game preserves, game sanctuaries, bird sanctuaries, public shooting grounds, public resorts or for any other similar public purpose;

(f) authorize the acquisition by any railway, power company or pipe line company, upon and subject to such terms and conditions as may be deemed proper, of a right of way for a road bed, for transmission lines, or for pipe lines through territorial lands together with such other territorial lands as may be deemed necessary for stations, station grounds, workshops, buildings, yards, pumps, tanks, reservoirs or other appurtenances in connection therewith;

(g) divide territorial lands into mining districts, land districts and timber districts;

(h) make regulations or orders with respect to any question affecting territorial lands under which persons designated in the regulations or orders may enquire into a question affecting territorial lands and may, for the purposes of such enquiry, summon and bring before them any person whose attendance they consider necessary to the enquiry, examine such person under oath, compel the production of documents and do all things necessary to provide a full and proper enquiry;
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(i) prescribe a tariff of fees for copies of maps, plans, field notes, documents, papers and other records pertaining to territorial lands, and for the preparation of documents evidencing a sale, lease or other disposition of territorial lands and for the registration of any documents pertaining to territorial lands; and

(j) make such orders and regulations as are deemed necessary to carry out the purposes and provisions of this Act. 1950, c. 22, s. 18.

GENERAL.

19. A receipt for payment made upon the filing of an application to purchase or lease land, does not entitle the person making the payment to take, occupy or use the land described in the receipt. 1950, c. 22, s. 19.

20. Any lease, agreement, licence, permit, or notice of cancellation issued or made pursuant to this Act and any consent to any assignment of any such lease, agreement, licence or permit may be executed on behalf of the Crown by the Minister, the Deputy Minister or by any other officer of the Department authorized in writing for the purpose by the Minister. 1950, c. 22, s. 20.

21. Whenever interest is payable under or by virtue of this Act or for or on account of any claim, matter or thing arising under any provision of this Act, the rate of interest shall be five per cent per annum, whether that interest is payable under the terms of any sealed or unsealed instrument or not. 1950, c. 22, s. 21.

22. The Minister may prescribe forms of leases, agreements of sale, licences and other documents required for use under this Act, but not including instruments issued under the Great Seal of Canada. 1950, c. 22, s. 22.

23. (1) No officer or employee of or under the Government of Canada shall, directly or indirectly, in his own name or in that of any other person, purchase or acquire any territorial land or any interest therein, nor shall he be interested as shareholder or otherwise in any corporation or company purchasing or acquiring such lands or any interest therein except by or under authority of an order of the Governor in Council.

(2) Every person who violates this section is liable to summary dismissal on the order of the Minister, but his dismissal does not affect the right that any person may have to bring against him any civil or criminal action. 1950, c. 22, s. 23.

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24. Every person who violates any provision of the Act or the regulations is guilty of an offence and liable on summary conviction to a fine not exceeding three hundred dollars or to imprisonment for a term not exceeding three months or to both fine and imprisonment, and every person who unlawfully cuts timber on territorial lands, in addition to any other penalty, is liable to a penalty not exceeding three dollars in respect of each tree unlawfully cut. 1950, c. 22, s. 24.
CHAPTER 264.

An Act to provide for the Conditional Liberation of Convicts.

SHORT TITLE.

1. This Act may be cited as the Ticket of Leave Act. Short title. R.S., c. 197, s. 1.

ADMINISTRATION.

2. It is the duty of the Minister of Justice, or of such other member of the Government as may be designated by the Governor in Council, to advise the Governor General upon all matters connected with or affecting the administration of this Act. 1931, c. 13, s. 1.

TICKET OF LEAVE.

3. (1) The Governor General by an order in writing under the hand and seal of the Secretary of State may grant to any convict, under sentence of imprisonment in a penitentiary, gaol or other public or reformatory prison, a licence to be at large in Canada, or in such part thereof as is mentioned in such licence, during such portion of his term of imprisonment, and upon such conditions in all respects as to the Governor General may seem fit.

(2) The Governor General may from time to time revoke or alter such licence by a like order in writing. R.S., c. 197, s. 3.

4. The conviction and sentence of any convict to whom a licence is granted under this Act shall be deemed to continue in force while such licence remains unforfeited and unrevoked, although execution thereof is suspended; but, so long as such licence continues in force and unrevoked or unforfeited, such convict is not liable to be imprisoned by reason of his sentence, but shall be allowed to go and remain at large according to the terms of such licence. R.S., c. 197, s. 4.

5. R.S., 1952.
5. (1) A licence under this Act may be in the Form A in the Schedule, or to the like effect, or may, if the Governor General thinks proper, be in any other form different from that given in the Schedule that he may think it expedient to adopt, and contain other and different conditions.

(2) A copy of any conditions annexed to any such licence, other than the conditions contained in Form A shall be laid before both Houses of Parliament within twenty-one days after the making thereof, if Parliament be then in session, or if not, then within fourteen days after the commencement of the next session of Parliament. R.S., c. 197, s. 5.

REVOCATION AND FORFEITURE.

6. If any holder of a licence under this Act is convicted of any indictable offence his licence shall be forthwith forfeited. R.S., c. 197, s. 6.

7. When any holder of a licence under this Act is convicted of an offence punishable on summary conviction under this or any other Act, the justice or justices convicting the prisoner shall forthwith forward by post a certificate in the Form B in the Schedule to the Secretary of State, and thereupon the licence of the said holder may be revoked in manner aforesaid. R.S., c. 197, s. 7.

8. (1) If any such licence is revoked or forfeited, it is lawful for the Governor General by warrant under the hand and seal of the Secretary of State to signify to the Commissioner of the Royal Canadian Mounted Police at Ottawa that such licence has been revoked or forfeited, and to require the Commissioner to issue his warrant under his hand and seal for the apprehension of the convict, to whom such licence was granted, and the Commissioner shall issue his warrant accordingly.

(2) Such warrant shall and may be executed by the constable to whom the same is given for that purpose in any part of Canada, and has the same force and effect in all parts of Canada as if the same had been originally issued or subsequently endorsed by a justice or other lawful authority having jurisdiction in the place where the same is executed.

(3) Any holder of a licence apprehended under such warrant, shall be brought as soon as conveniently may be before a justice of the peace of the county in which the warrant is executed and such justice shall thereupon make out his warrant under his hand and seal for the recommittal
Ticket of Leave. Chap. 264.

ment of such convict to the penitentiary, gaol or other public or reformatory prison from which he was released by virtue of the said licence, and such convict shall be so recommitted accordingly, and shall thereupon be remitted to his original sentence, and shall undergo the residue of such sentence that remained unexpired at the time his licence was granted; but if the place where such convict is apprehended is not within the province, territory or district to which such penitentiary, gaol or other public or reformatory prison belongs, such convict shall be committed to the penitentiary, gaol, or other public or reformatory prison for the province, territory or district, within which he is so apprehended, and shall there undergo the residue of his sentence as aforesaid. R.S., c. 197, s. 8.

9. (1) When any such licence is forfeited by a conviction of an indictable offence or other conviction, or is revoked in pursuance of a summary conviction or otherwise, the person whose licence is forfeited or revoked shall, after undergoing any other punishment to which he may be sentenced for any offence in consequence of which his licence is forfeited or revoked, further undergo a term of imprisonment equal to the portion of the term to which he was originally sentenced and which remained unexpired at the time his licence was granted.

(2) If the original sentence in respect of which the licence was granted was to a penitentiary, the convict shall for the purpose of serving the term equal to the residue of such original sentence be removed from the gaol or other place of confinement in which he is, if it is not a penitentiary, to a penitentiary by warrant under the hand and seal of any justice having jurisdiction at the place where he is confined.

(3) If he is confined in a penitentiary, he shall undergo a term of imprisonment in that penitentiary equal to the residue of the original sentence.

(4) In every case such convict is liable to be dealt with in all respects as if such term of imprisonment had formed part of his original sentence. R.S., c. 197, s. 9.

REPORTING TO POLICE.

10. (1) Every holder of a licence who is at large in Canada shall notify the place of his residence to the chief officer of police, or the sheriff of the city, town, county or district in which he resides, and shall, whenever he changes such residence within the same city, town, county or district, notify R.S., 1952.
notify such change to the said chief officer of police or sheriff, and, whenever he is about to leave a city, town, county or district, he shall notify such his intention to the chief officer of police or sheriff of that city, town, county or district, stating the place to which he is going, also, if required, and so far as is practicable, his address at that place, and whenever he arrives in any city, town, county or district he shall forthwith notify his place of residence to the chief officer of police or the sheriff of such last-mentioned city, town, county or district.

(2) Every male holder of such a licence shall, once in each month, report himself at such time as may be prescribed by the chief officer of police or sheriff of the city, town, county or district in which such holder may be, either to such chief officer or sheriff himself, or to such other person as he may direct, and such report may, according as such chief officer or sheriff directs, be required to be made personally or by letter.

(3) The Governor General may, by order under the hand of the Secretary of State, remit any of the requirements of this section either generally or in the case of any particular holder of a licence. R.S., c. 197, s. 10.

OFFENCES AND PENALTIES.

11. (1) If any person to whom section 10 applies fails to comply with any of the requirements thereof, he is in any such case guilty of an offence against this Act, unless he proves to the satisfaction of the court before which he is tried, either that, being on a journey he tarried no longer in the place in respect of which he is charged with failing to notify his place of residence than was reasonably necessary, or that, otherwise, he did his best to act in conformity with the law.

(2) On summary conviction of any such offence the offender is liable, in the discretion of the justice, either to forfeit his licence, or to imprisonment with or without hard labour for a term not exceeding one year. R.S., c. 197, s. 11.

12. Any holder of a licence who

(a) fails to produce the same whenever required so to do by any judge, police or other magistrate, or justice of the peace, before whom he may be brought charged with any offence, or by any peace officer in whose custody he may be, and fails to make any reasonable excuse for not producing the same; or

(b)
(b) breaks any of the other conditions of his licence by an act which is not of itself punishable either upon in- dictment or upon summary conviction; is guilty of an offence upon summary conviction of which he is liable to imprisonment for three months with or without hard labour. R.S., c. 197, s. 12.

13. (1) Any peace officer may take into custody without warrant any convict who is the holder of such a licence (a) whom he reasonably suspects of having committed any offence; or (b) if it appears to such peace officer that such convict is getting his livelihood by dishonest means; and may take him before a justice to be dealt with according to law.

(2) If it appears from the facts proved before the justice that there are reasonable grounds for believing that the convict so brought before him is getting his livelihood by dishonest means such convict shall be deemed guilty of an offence against this Act, and his licence shall be forfeited.

(3) Any convict so brought before a justice of the peace may be convicted of getting his livelihood by dishonest means although he has been brought before the justice on some other charge, or not in the manner provided for in this section. R.S., c. 197, s. 13.

SCHEDULE.

FORM A.

LICENSE.

OTTAWA, day of 19.

His Excellency the Governor General is graciously pleased to grant to , who was convicted of at the for the on the , and was then and there sentenced to imprisonment in the penitentiary, gaol or prison (as the case may be) for the term of , and is now confined in the , licence to be at large from the day of his liberation under this order during the remaining portion of his term of imprisonment, unless the said shall before the expiration of the said term be convicted of an indictable offence within Canada, or shall be summarily convicted of an offence involving

R.S., 1952.
volving forfeiture, in which case such licence will be immediately forfeited by law, or unless it shall please His Excellency sooner to revoke or alter such licence.

This licence is given subject to the conditions endorsed upon the same upon the breach of any of which it will be liable to be revoked, whether such breach is followed by a conviction or not.

And His Excellency hereby orders that the said ticket be set at liberty within thirty days from the date of this order.

Given under my hand and seal at the day of 19

Secretary of State.

CONDITIONS.
1. The holder shall preserve his licence and produce it when called upon to do so by a magistrate or a peace officer.
2. He shall abstain from any violation of the law.
3. He shall not habitually associate with notoriously bad characters, such as reputed thieves and prostitutes.
4. He shall not lead an idle and dissolute life without visible means of obtaining an honest livelihood.

If his licence is forfeited or revoked in consequence of a conviction for any offence he will be liable to undergo a term of imprisonment equal to the portion of his term of years which remained unexpired when his licence was granted, viz.: the term of years.

FORM B.

FORM OF CERTIFICATE OF CONVICTION.

I do hereby certify that A.B., the holder of a licence under the Ticket of Leave Act was on the day of in the year duly convicted by and before of the offence and sentenced to J.P., Co.

R.S., c. 197, Sch.
CHAPTER 265.

An Act respecting the Marking of Timber.

SHORT TITLE.

1. This Act may be cited as the Timber Marking Act. Short title. R.S., c. 198, s. 1.

INTERPRETATION.

2. In this Act, "Minister" means the Minister of the interpretation. Crown named by the Governor in Council to administer this Act. R.S., c. 198, s. 2.

3. Every person engaged in the business of lumbering or the getting out of timber, and of the floating or rafting of the same on the inland waters of Canada, within the provinces of Ontario, Quebec and New Brunswick, shall, within one month after he engages therein, select a mark or marks, and cause such mark or marks to be registered in the manner hereinafter provided. R.S., c. 198, s. 3.

4. (1) The Minister shall keep a book to be called the Timber Mark Register, in which any person engaged in the business of lumbering or getting out timber as aforesaid, may have his timber mark registered upon depositing with the Minister a drawing or impression and description in duplicate of such timber mark, together with a declaration that the same is not and was not in use, to his knowledge, by any person other than himself at the time of his adoption thereof.

(2) The Minister, on receipt of the fee hereinafter provided, shall cause the said timber mark to be examined, to ascertain whether it resembles any other mark already registered and, if he finds that such mark is not identical with, or does not so closely resemble any other timber mark already registered as to be confounded therewith, he shall register the same, and shall return to the proprietor thereof one copy of the drawing and description, with a certificate.
Timber Marking.

cate signed by the Minister or the Commissioner of Patents, to the effect that the said mark has been duly registered in accordance with the provisions of this Act.

(3) Such certificate shall further set forth the day, month and year of the entry thereof, in the proper register; and every such certificate shall be received in all courts in Canada as evidence of the facts therein alleged, without proof of the signature. R.S., c. 198, s. 4.

5. The person who registers such timber mark thereafter has the exclusive right to use the same, to designate the timber got out by him and floated or rafted as aforesaid; and he shall put the same in a conspicuous place on each log or piece of timber so floated or rafted. R.S., c. 198, s. 5.

6. Any person who has registered a timber mark may petition for the cancellation of the same, and the Minister may, on receiving such petition, cause the said mark to be cancelled; and the same shall, after such cancellation, be considered as if it had never been registered under the name of the said person. R.S., c. 198, s. 6.

7. Every registered timber mark is assignable in law; and, on the production of the assignment and the payment of the fee hereinafter mentioned, the Minister shall cause the name of the assignee, with the date of the assignment, and such other details as he sees fit, to be entered on the margin of the register of timber marks on the folio where such mark is registered. R.S., c. 198, s. 7.

8. If any person makes application to register, as his own, any timber mark which is already registered, the Minister shall give notice of the fact to such person, who may then select some other mark and forward the same for registration. R.S., c. 198, s. 8.

9. No person, other than the person who has registered the same, shall mark any timber of any description with any mark registered under the provisions of this Act, or with any part of such mark. R.S., c. 198, s. 9.

10. (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 Timber Marks, or by any entry made or remaining without sufficient cause in R.S., 1952.
Timber Marking. Chap. 265.

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 cost of the proceedings as the Court thinks fit.

(3) The Court may, in any proceeding under this section, decide any question that it may be necessary or expedient to decide for the rectification of any register. 1930, c. 45, s. 1.

11. (1) The following fees are payable:

<table>
<thead>
<tr>
<th>Description</th>
<th>Fee</th>
</tr>
</thead>
<tbody>
<tr>
<td>(a) on every application to register a timber mark, including certificate</td>
<td>$2.00</td>
</tr>
<tr>
<td>(b) for each certificate of registration not already provided for</td>
<td>0.50</td>
</tr>
<tr>
<td>(c) for each copy of any drawing, the reasonable expenses of preparing the same</td>
<td></td>
</tr>
<tr>
<td>(d) for recording any assignment</td>
<td>1.00</td>
</tr>
</tbody>
</table>

(2) Such fees shall be paid over by the Minister to the Minister of Finance, and shall form part of the Consolidated Revenue Fund of Canada. R.S., c. 198, s. 10.

12. 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. R.S., c. 198, s. 11.

OFFENCES AND PENALTIES.

13. Every person engaged in the business of lumbering or getting out timber, and floating or rafting the same on the inland waters of Canada, within the Provinces of Ontario, Quebec and New Brunswick, who fails, within one month after he engages therein, to select a mark or marks, and cause such mark or marks to be registered in the manner hereinbefore provided, or to put the same in a conspicuous place on each log or piece of timber so floated or rafted, shall incur a penalty of fifty dollars. R.S., c. 198, s. 12.

14. (1) Every person, other than the person who has registered the same, who marks any timber of any description with any mark registered under the provisions of this Act, or with any part of such mark, is, on summary conviction before two justices of the peace, liable, for each offence, 320½ 5071 - R.S., 1952.
Penalty. 

offence, to a penalty not exceeding one hundred dollars and not less than twenty dollars, which amount shall be paid to the proprietor of such mark, together with the costs incurred in enforcing and recovering the same.

(2) Every complaint of violation of this section shall be made by the proprietor of such timber mark, or by some one acting on his behalf and thereunto duly authorized. R.S., c. 198, s. 13.
CHAPTER 266.

An Act to restrain the use of Tobacco by Young Persons.

SHORT TITLE.

1. This Act may be cited as the Tobacco Restraint Act. Short title. R.S., c. 199, s. 1.

2. Everyone is guilty of an offence and liable on summary conviction in the case of a first offence to a penalty not exceeding ten dollars, and in the case of a second offence to a penalty not exceeding twenty-five dollars, and in the case of a third or subsequent offence to a penalty not exceeding one hundred dollars, who, directly or indirectly, sells or gives or furnishes to a person under the age of sixteen years any cigarettes or cigarette papers, whether for his own use or not, or sells or gives or furnishes to such person tobacco in any form other than cigarettes, which tobacco he knows or has reason to believe is for the use of that person. R.S., c. 199, s. 2.

3. It is the duty of any constable or person having the powers of a constable, or person authorized so to do by any by-law in that behalf made by any authority or person having power to make such by-law, to seize any cigarettes, cigarette papers or tobacco in any form other than cigarettes in the possession of any person apparently under the age of sixteen years whom he finds smoking or chewing or about to smoke or chew tobacco in any street or public place. R.S., c. 199, s. 3.

4. (1) Every one is guilty of an offence and liable on summary conviction in the case of a first offence to be reprimanded, in the case of a second offence to a penalty not exceeding one dollar, and in the case of a third or subsequent offence to a penalty not exceeding one hundred dollars. R.S., 1952.
Tobacco Restraint Act.

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Power to ascertain where tobacco, etc., purchased.

(2) It is the duty of the justice to examine upon oath or affirmation all persons brought before him who are found guilty of violation of this section, as to where or from whom such persons purchased or obtained the cigarettes or cigarette paper or tobacco found in the possession of any such person; and the refusal to give such information to the satisfaction of the justice shall be deemed a contempt of the court. R.S., c. 199, s. 4.

Provisions as to automatic machines for the sale of tobacco, etc.

5. (1) If, on complaint to a justice, it is established to his satisfaction that an automatic machine, for the sale of cigarettes, cigars or tobacco in any form, kept on any premises, is being used by persons under the age of sixteen years, the justice may order the person on whose premises the machine is kept to take such precautions to prevent its being so used as are specified in the order, or, if necessary, to remove the machine within any specified time.

Penalty.

(2) Every person is guilty of an offence and liable on summary conviction to a penalty not exceeding twenty-five dollars and to a further penalty not exceeding five dollars for each day during which the offence continues, who refuses, fails or neglects to carry out the directions of any such order.

(3) Any person upon whose premises there is any such machine may himself or by his agent seize any cigarettes, cigars or tobacco obtained from such machine and in the possession of any person apparently under the age of sixteen years using such machine or smoking or about to smoke such cigarettes, cigars or tobacco. R.S., c. 199, s. 5.

Seizure of tobacco, etc., from machines.

Exemption as to young persons employed in trade.

6. The provisions of this Act, other than those which make it an offence for a person under the age of sixteen years to smoke or use cigarettes or cigarette papers, or tobacco in any form, do not apply to any case where the minor is employed for the purposes of his business, by a dealer in tobacco, either wholesale or retail. R.S., c. 199, s. 6.

Meaning of "cigarette."

7. For the purposes of this Act the word "cigarette" includes any small cigar made of tobacco rolled up in paper, tobacco leaf or any other material. R.S., c. 199, s. 7.

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8. For the purposes of this Act any person who appears to the justice dealing with an information or complaint hereunder to be under the age of sixteen years shall be presumed to be under that age unless it is shown by evidence that he is in fact over that age, and the provisions of the Criminal Code relating to the proof of the age of young persons apply to offences under this section. R.S., c. 199, s. 8.

EDMOND CLOUTIER, C.M.G., O.A., D.S.P.
QUEEN'S PRINTER AND CONTROLLER OF STATIONERY
OTTAWA, 1952
CHAPTER 267.

An Act respecting Trade Unions.

1. This Act may be cited as the Trade Unions Act. Short title.

R.S., c. 202, s. 1.

2. In this Act, "trade union" means such combination, whether temporary or permanent, for regulating the relations between workmen and masters, or for imposing restrictive conditions on the conduct of any trade or business, as would, but for this Act, have been deemed to be an unlawful combination by reason of some one or more of its purposes being in restraint of trade. R.S., c. 202, s. 2.

3. This Act does not affect

(a) any agreement between partners as to their own business;

(b) any agreement between an employer and those employed by him as to such employment; or

(c) any agreement in consideration of the sale of the good will of a business, or of instruction in any profession, trade or handicraft. R.S., c. 202, s. 3.

4. (1) Nothing in this Act enables any court to entertain any legal proceeding instituted with the object of directly enforcing or recovering damages for the breach of any agreement

(a) between members of a trade union, as such, concerning the conditions on which any members for the time being of the trade union shall, or shall not, sell their goods, transact business, employ or be employed;

(b) R.S., 1952.
Trade Unions.

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(b) for the payment by any person of any subscription or penalty to a trade union;

c) for the application of the funds of a trade union,

(i) to provide benefits to members,

(ii) to furnish contributions to any employer or workman, not a member of such trade union, in consideration of such employer or workman acting in conformity with the rules or resolutions of such trade union, or

(iii) to discharge any fine imposed upon any person by sentence of a court of justice;

d) made between one trade union and another; or

e) to secure by bond the performance of any of the above-mentioned agreements.

(2) Nothing in this section shall be deemed to constitute any of the agreements above mentioned unlawful. R.S., c. 202, s. 4.

5. No Act in force in Canada providing for the constitution and incorporation of charitable, benevolent or provident institutions, applies to trade unions; and this Act does not apply to any trade union not registered under this Act. R.S., c. 202, s. 5.

CONSTITUTION AND REGISTRY.

6. Any seven or more members of a trade union may, by subscribing their names to the rules of the union and otherwise complying with the provisions of this Act with respect to registry, register such trade union under this Act, but if any one of the purposes of such trade union is unlawful, such registration is void. R.S., c. 202, s. 6.

7. The Registrar General of Canada shall be the Registrar under this Act. R.S., c. 202, s. 7.

8. (1) With respect to the registry, under this Act, of trade unions, the following provisions have effect:

(a) an application to register the trade union and printed copies of its rules, together with a list of the titles and names of its officers, shall be sent to the Registrar under this Act;

(b) the Registrar, upon being satisfied that the trade union has complied with the regulations respecting registry in force under this Act, shall register such trade union and such rules;

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(c) no trade union shall be registered under a name identical with that under which any other trade union has been registered, or so nearly resembling such name as to be likely to deceive the members or the public; and

(d) if a trade union that applies to be registered has been in operation for more than a year before the date of such application, there shall be delivered to the Registrar, before the registry thereof, a general statement of the receipts, funds, effects and expenditure of such trade union, in the same form and showing the same particulars as if it was the annual general statement required, as hereinafter mentioned to be transmitted annually to the Registrar.

(2) The Registrar, upon registering such trade union, shall issue a certificate of registry, which certificate, unless it is proved to have been withdrawn or cancelled, is conclusive evidence that the regulations of this Act, with respect to registry, have been complied with. R.S., c. 202, s. 8.

9. The Governor in Council may, from time to time, make regulations respecting registry under this Act, and respecting the seal, if any, to be used for the purpose of such registry, and the inspection of documents kept by the Registrar under this Act, and respecting the fees, if any, to be paid on registry, not exceeding the fees specified in the First Schedule, and generally for carrying into effect the provisions of this Act as to registry of trade unions. R.S., c. 202, s. 9.

10. With respect to the rules of a trade union registered under this Act, the following provisions have effect:

(a) the rules shall contain provisions in respect of the several matters mentioned in the Second Schedule; and

(b) a copy of the rules shall be delivered by the trade union to every person on demand, on payment of a sum not exceeding twenty-five cents. R.S., c. 202, s. 10.

11. Every trade union registered under this Act shall have a registered office, to which all communications and notices may be addressed. R.S., c. 202, s. 11.

12. Notice of the situation of such registered office and of any change therein, shall be given to the Registrar and recorded by him; and until such notice is given, the trade union shall not be deemed to have complied with the provisions of this Act. R.S., c. 202, s. 12.

ANNUAL STATEMENT.

13. (1) A general statement of the receipts, funds, effects and expenditure of every trade union registered under this Act shall be transmitted to the Registrar, before the 1st day of June in each year, and shall show fully the assets and liabilities at the date, and the receipts and expenditure of the trade union, during the year preceding the date to which it is made out, and separately, the expenditure in respect of the several objects of the trade union, and such statement shall be prepared and made out to such date, in such form and shall comprise such particulars as the Registrar, from time to time, requires.

(2) Every member of and depositor in any such trade union is entitled to receive, on application to the secretary or treasurer of the trade union, a copy of such general statement, without making any payment for the same. R.S., c. 202, s. 13.

14. There shall be sent to the Registrar, together with such general statement, a copy of all new rules and of all alterations of rules, and a statement showing the changes of officers, made by the trade union during the year preceding the date to which the general statement is made out, and a copy of the rules of the trade union as they exist at that date. R.S., c. 202, s. 14.

RESPECTING PROPERTY.

15. Any trade union registered under this Act may purchase, or take upon lease, in the names of the trustees for the time being of such trade union, any land not exceeding one acre, and may sell, exchange, mortgage or let the same; and no purchaser, assignee, mortgagee or tenant is bound to inquire whether the trustees have authority for any sale, exchange, mortgage or letting, and the receipt of the trustees is a discharge for the money arising therefrom; and for the purposes of this section, every branch of a trade union shall be considered a distinct union. R.S., c. 202, s. 15.

16. (1) All real and personal property whatsoever belonging to any trade union registered under this Act shall be vested in the trustees for the time being of such trade union, appointed as provided by this Act, for the use and benefit of such trade union and the members thereof.

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(2) The real or personal property of any branch of a Real and trade union shall be vested in the trustees of such branch and be under the control of such trustees, their respective executors or administrators, according to their respective claims or interests.

(3) Upon the death or removal of any such trustees the same shall vest in the succeeding trustees for the same estate and interest as the former trustees had therein, and subject to the same trusts, without any conveyance or assignment whatsoever, save and except in the case of Dominion stock, which shall be transferred into the names of such new trustees. R.S., c. 202, s. 16.

PROCEDURE.

17. In all actions, suits or indictments or summary proceedings before any court of summary jurisdiction, touching or concerning any property of a trade union or branch, the same shall be stated to be the property of the persons for the time being holding the said office of trustee, in their proper names, as trustees of such trade union without any further description. R.S., c. 202, s. 17.

18. (1) The trustees of any trade union registered under this Act, or any other officer of such trade union who is authorized so to do by the order thereof, may bring or defend, or cause to be brought or defended, any action, suit, prosecution or complaint, in any court of competent jurisdiction, touching or concerning the property, right or claim to property of the trade union, and may, in all cases concerning the property, real or personal, of such trade union, sue and be sued, plead and be impleaded, in any such court, in their proper names, without other description than the title of their office.

(2) No such action, suit, prosecution or complaint shall be discontinued or abated by the death or removal from office of such persons, or any of them, but the same shall be proceeded in by or against their successor or successors, as if such death, resignation or removal had not taken place; and such successors shall pay and receive the like costs as if the action, suit, prosecution or complaint had been commenced in their names, for the benefit of, or to be reimbursed from the funds of such trade union.

(3) Any summons to any such trustee or other officer may be served by leaving the same at the registered office of the trade union. R.S., c. 202, s. 18.

ACCOUNTING

R.S., 1952.
Liability of trustee.

19. No trustee of a trade union registered under this Act is liable to make good any deficiency that arises or happens in the funds of such trade union; but such trustee is liable only for the moneys actually received by him on account of such trade union. R.S., c. 202, s. 19.

Account to be rendered.

20. Every treasurer or other officer of a trade union registered under this Act shall, at such times as he is required by the rules of such trade union, or at any other time, when called upon by such trade union so to do, render to the trustees of the trade union, or the members, at a meeting thereof, a just and true account of all moneys received and paid by him since he last rendered a like account, and of the balance then remaining in his hands, and of all bonds or securities of such trade union. R.S., c. 202, s. 20.

Audit.

21. (1) The trustees shall cause such account to be audited by some fit and proper person or persons appointed by them.

(2) Upon such audit, the treasurer, if required, shall forthwith

(a) hand over to the trustees the balance which appears to be due by him; and

(b) hand over to such trustees all securities and effects, books, papers and property of such trade union in his hands or custody;

and if he fails so to do, the said trustees may sue such treasurer, in any court of competent jurisdiction, for the balance appearing to have been due from him upon the last account rendered by him, and for all moneys since received by him on account of such trade union, and for the securities and effects, books, papers and property in his hands or custody, leaving him to set off in such action the sums, if any, that he has since paid on account of such trade union.

(3) In such action the trustees are entitled to recover their full costs of suit, to be taxed as between solicitor and client. R.S., c. 202, s. 21.

Offences and Penalties.

22. (1) If any officer, member or other person who is, or represents himself to be a member of a trade union registered under this Act, or the nominee, executor, administrator or assignee of a member thereof, or any person whatsoever,

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(a) by false representation or imposition, obtains possession of any moneys, securities, books, papers or effects of such trade union;

(b) having the same in his possession, wilfully withholds or fraudulently misapplies the same; or

(c) wilfully applies any part of the same to purposes other than those expressed or directed in the rules of such trade union, or any of them;

the magistrate or justices having jurisdiction in cases of complaint for offences under this Act for the place in which the registered office of the trade union is situate, may, by summary order, upon a complaint made by any person on behalf of such trade union, or by the Registrar, order such officer, member or other person,

(i) to deliver up all such moneys, securities, books, papers or other effects to the trade union; or

(ii) to repay the amount of money paid improperly; and

(iii) to pay, if such magistrate or justices think fit, a further sum of money not exceeding one hundred dollars, together with costs not exceeding five dollars; and in default of such delivery of effects or payment of such amount of money, or payment of such penalty and costs, as aforesaid, the said magistrate or justices may order the person so convicted to be imprisoned, with or without hard labour, for any term not exceeding three months.

(2) Nothing in this Act prevents the trade union from proceeding by indictment against the said person; but no person shall be proceeded against by indictment if a conviction has been previously obtained for the same offence under the provisions of this Act. R.S., c. 202, s. 22.

23. If any trade union registered under this Act is in failure to have an office.

operation for seven days without having a registered office, to which all communications and notices may be addressed, such trade union and every officer thereof shall each incur a penalty not exceeding twenty-five dollars for every day during which it is so in operation. R.S., c. 202, s. 23.

24. (1) Every trade union registered under this Act that fails to transmit to the Registrar, before the 1st day of June in each year, a general statement of its receipts, funds, effects and expenditure,

(a) showing fully the assets and liabilities at that date;

(b) 5083

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(b) the receipts and expenditure of such trade union during the year immediately preceding; and

(c) showing separately the expenditure in respect of the several objects of the trade union, prepared and made out to such date, and in such form, and comprising such particulars as the Registrar from time to time requires, together with a copy of all alterations of rules and changes of officers made, and a copy of the rules as they exist at that date;

shall incur a penalty not exceeding twenty-five dollars for each such offence.

(2) Every officer of such trade union whose duty it is to transmit any such statement who fails so to do, shall incur a penalty not exceeding twenty-five dollars for each such offence.

(3) If the secretary or treasurer of any trade union so registered refuses or fails to furnish to any member thereof or depositor therein, upon application, a copy of such general statement, he shall, for each such offence, incur a penalty not exceeding twenty-five dollars. R.S., c. 202, s. 24.

25. Every person who wilfully makes, or orders to be made, any false entry in or any omission from any such general statement, or in or from the return of such copies or rules or alterations of rules as hereinbefore required shall incur a penalty not exceeding two hundred dollars for each offence. R.S., c. 202, s. 25.

26. Every person who, with intent to mislead or defraud,

(a) gives to any member of a trade union registered under this Act, or to any person intending or applying to become a member of such trade union, a copy of any rules or of any alterations of the same falsely pretending that the same are the existing rules of such trade union, or that there are no other rules of such trade union; or

(b) gives a copy of any rules of any trade union not registered under this Act to any person under the pretense that such rules are the rules of a trade union registered under this Act;

is guilty of an indictable offence, and liable to a penalty not exceeding two hundred dollars, or to imprisonment for a term not exceeding six months, or to both, in the discretion of the court. R.S., c. 202, s. 26.
Trade Unions.

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Procedure.

27. (1) All offences and penalties under this Act may be prosecuted and recovered on summary conviction.

(2) The description of any offence against this Act in the words of this Act is sufficient.

(3) Any exception, exemption, proviso, excuse or qualification, whether it does or does not accompany the description of any offence charged under this Act, may be proved by the defendant, but need not be specified in the information; and if so specified and negatived in such information, no proof in relation to the matters specified and negatived shall be required on the part of the informant or prosecutor. R.S., c. 202, s. 27.

28. The father, son or brother of a master, in the particular trade or business in or in connection with which any offence under this Act is charged to have been committed, shall not act as a magistrate or justice of the peace, in any case of complaint or information under this Act, or as a member of any court for hearing any appeal in any such case. R.S., c. 202, s. 28.

GENERAL.

29. The purposes of any trade union shall not, by reason merely that they are in restraint of trade, be deemed to be unlawful, so as to render any member of such trade union liable to criminal prosecution for conspiracy or otherwise, or so as to render void or voidable any agreement or trust. R.S., c. 202, s. 29.

30. The Registrar shall lay before Parliament annual reports with respect to the matters transacted by him as Registrar under this Act and in pursuance thereof. R.S., c. 202, s. 30.

SCHEDULES.

FIRST SCHEDULE.

Maximum Fees.

For registering a trade union............ $4 00
For registering alterations in rules. . 2 00
For inspection of documents .......... 0 50

R.S., c. 202, 1st Sch.
SECOND SCHEDULE.

Matters to be provided for by the Rules of Trade Unions registered under this Act.

(1) The name of the trade union and the place of meeting for the business of the trade union;

(2) Every object for which the trade union is to be established, the purposes for which the funds thereof shall be applicable, and the conditions under which any member may become entitled to any benefit assured thereby, and the fines and forfeitures which may be imposed on any member of such trade union;

(3) The manner of making, altering, amending and rescinding rules;

(4) A provision for the appointment and removal of a general committee of management, and of a trustee or trustees, treasurer and other officers;

(5) A provision for the investment of the funds, and for an annual or periodical audit of accounts;

(6) The inspection of the books and names of members of the trade union by every person having an interest in the funds of the trade union. R.S., c. 202, 2nd Sch.
CHAPTER 268.

An Act to incorporate Trans-Canada Air Lines.

SHORT TITLE.

1. This Act may be cited as the Trans-Canada Air Lines Short title. Act. 1937, c. 43, s. 1.

INTERPRETATION.

2. In this Act, Definitions.

(a) "aircraft" means airships designed to be lighter than "Aircraft." air and flying machines designed to be heavier than air and, in either case, having means of traction or propulsion;

(b) "Corporation" means Trans-Canada Air Lines; "Corporation."

(c) "current year" means the fiscal year commencing on the 1st day of April and ending on the 31st day of March following, in respect of which a rate is to be fixed pursuant to this Act;

(d) "deficit" means the amount of money by which "Deficit." operating expenses exceed gross revenue;

(e) "director" means a member of the Board of Direc- "Director." tors of the Corporation;

(f) "gross revenue" means the total revenue earned by "Gross revenue." the Corporation from the operation of the Trans-Canada Lines, including the rates payable for the transport of mails;

(g) "initial period" means the period of time commencing "Initial period." on the date of the Trans-Canada contract and ending on the 31st day of March, 1942;

(h) "Minister" means the Minister of Transport; "Minister."

(i) "operating expenses" means the expenditure actually "Operating expenses." and necessarily made by the Corporation to earn the gross revenue and includes an allowance equal to five per cent per annum on the capital invested in the Trans-Canada Lines, an allowance for depreciation to be determined in accordance with the terms of the Trans-Canada contract, premiums for the insurance of passengers, 5087 R.S., 1952.
Trans-Canada Air Lines.

"Preceding year." (j) "preceding year" means the calendar year next preceding the current year;

"Rate" or "rates." (k) "rate" or "rates" means the rate or rates of remuneration authorized by this Act to be paid to the Corporation for the transport of mails;

"Surplus." (l) "surplus" means the amount of money by which the gross revenue exceeds the operating expenses;

"Trans-Canada Lines." (m) "Trans-Canada Lines" has the meaning set forth in section 15; and

"Trans-Canada contract." (n) "Trans-Canada contract" means the contract authorized by section 15. 1937, c. 43, s. 2; 1940-41, c. 9, ss. 1, 2.

CONSTITUTION OF THE CORPORATION.

3. The following persons, namely, Valentine Irving Smart, Robert Knowlton Smith, Charles Peter Edwards, Edward Burton Jost and Findlay Malcolm Maclennan all of the City of Ottawa together with such persons as become shareholders of the Corporation are hereby incorporated under the name of "Trans-Canada Air Lines." 1937, c. 43, s. 3.

4. The head office of the Corporation shall be at the City of Ottawa or such other city as the directors may select. 1937, c. 43, s. 5.

MANAGEMENT.

5. (1) The Corporation shall be under the management of a Board of Directors composed of seven persons, elected and appointed as hereinafter provided.

(2) It is not necessary that a director be a shareholder of the Corporation, but no person shall be elected or appointed as a director or shall continue to hold office as such who is not a British subject who has been continuously resident in Canada for not less than five years prior to the date of his election or appointment.

(3) Four directors shall be elected by the shareholders of the Corporation and three directors shall be appointed by the Governor in Council.

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(4) The directors may appoint an executive committee of three of their number; such committee may exercise all the powers of the directors but every act or decision of the committee shall be reported by it to the Board at its next ensuing meeting. 1937, c. 43, s. 6.

**CAPITAL STOCK.**

6. (1) The authorized capital of the Corporation shall be twenty-five million dollars divided into shares of one hundred dollars each, represented by share certificates.

(2) The shares of the capital stock of the Corporation shall be offered for subscription to the Canadian National Railway Company at par.

(3) The Canadian National Railway Company is hereby authorized to subscribe for, underwrite, purchase, hold and, subject to the provisions of this Act, sell and dispose of the shares of the capital stock of the Corporation, but the Canadian National Railway Company shall not sell or dispose of more than twenty-four thousand nine hundred shares except with the approval of Parliament. 1937, c. 43, s. 7; 1945, c. 31, s. 1.

7. The directors of the Corporation may call for and demand from the shareholders thereof respectively all sums of money by them subscribed at such times and places and in such payments or instalments as the directors in their discretion by resolution decide. 1937, c. 43, s. 8.

8. No property or services shall be received or accepted in payment of shares or of any call made in respect of shares unless, in the opinion of the Minister, such property or services have a value equivalent to the total nominal amount of the shares or of the call made in respect of the shares, as the case may be, and if any property or services are received or accepted by the directors otherwise than in accordance with the terms of this section the directors are jointly and severally liable to pay to the Corporation the total nominal amount of the shares or of the call, as the case may be. 1937, c. 43, s. 8.

9. Shares of capital stock are not transferable except to such persons engaged or interested in aviation as are approved by the Minister. 1937, c. 43, s. 9.

10. No shares shall be held by any person other than a British subject resident in Canada or a corporation incorporated under the laws of Canada or of any province and controlled by British subjects ordinarily resident in Canada, and if any shares are held by any person or corpor-
Minister may acquire all shares.

Book value.

Contract not deemed an asset.

Minister to hold shares in trust.

11. (1) The Minister, with the approval of the Governor in Council, is entitled at any time to acquire from the shareholders all of the shares of the capital stock of the Corporation on payment to the shareholders of the book value thereof, and the Governor in Council may by order vest the said shares in the Minister.

(2) The book value of the shares shall, in the event of disagreement, be determined by a reference by the Minister to the Exchequer Court of Canada.

(3) The Trans-Canada contract shall not be deemed to have any value or to be an asset to be taken into consideration in determining the book value of the shares.

(4) The shares shall, upon acquisition by the Minister, be held in trust for Her Majesty. 1937, c. 43, s. 11.

ISSUE OF SECURITIES BY CANADIAN NATIONAL RAILWAY COMPANY.

Power to issue securities.

Governor in Council may guarantee securities.

Governor in Council approval of form of securities.

Minister of Finance to sign guarantees.

12. (1) Subject to the provisions of this Act, the Canadian National Railway Company may issue notes, obligations, bonds and other securities (in this section called "securities") not exceeding the sum of twenty-five million dollars for the purpose of acquiring the capital stock of the Corporation, and the Governor in Council may authorize the guarantee of the principal and interest of such securities on behalf of Her Majesty.

(2) The Governor in Council may, subject to the provisions of this Act, approve or decide

(a) 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 the issue or issues;

(d) the terms and conditions of any sale, pledge or other disposition of the securities; and

(e) the securing, if deemed desirable by the Governor in Council, of the securities by mortgage, deed of trust or other instrument, and the form and terms of any such instrument and the trustee or trustees thereof.

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

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(4) To enable the Canadian National Railway Company to proceed forthwith to acquire the capital stock of the Corporation, the Governor in Council, pending the issue, sale, pledge or other disposition of the aforesaid securities, may authorize advances to be made to the said Company from the Consolidated Revenue Fund, such advances to be reimbursed to Her Majesty by the said Company from the proceeds of the sale, pledge or other disposition of such securities. 1937, c. 43, s. 12; 1945, c. 31, s. 2.

AUDIT.

13. The books of the Corporation shall at all reasonable Audit. times be open to audit by an auditor to be named by the Minister, and such auditor shall report to the Minister. 1937, c. 43, s. 13.

BUSINESS AND POWERS OF THE CORPORATION.

14. (1) The Corporation is authorized

(a) to establish, operate and maintain air lines or regular services of aircraft of all kinds, to carry on the business of transporting mails, passengers and goods by air, and to enter into contracts for the transport of mails, passengers and goods by any means, and either by the Corporation’s own aircraft and conveyances or by means of the aircraft and conveyances of others, and to enter into contracts with any person or company for the interchange of traffic and, in connection with any of the objects aforesaid, to carry on the business of warehousing goods, wares and merchandise of every kind and description whatsoever;

(b) to buy, sell, lease, erect, construct and acquire hangars, aerodromes, seaplane bases, landing fields, beacons and mooring masts;

(c) to borrow money for any of the purposes of the Corporation;

(d) to carry on its business throughout Canada and outside of Canada;

(e) to purchase, hold and, subject to the provisions of this Act, sell and dispose of shares in any company incorporated under section 19 or in any company or corporation incorporated for the operation and maintenance of air lines or services of aircraft of any kind;

(f) to dispose of such shares, etc., etc.

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(f) to lend money to any corporation incorporated under section 19 on such security as the Minister may determine.

(2) The Corporation shall not sell or dispose of more than forty-nine per cent of the outstanding shares of any company incorporated under section 19 except with the approval of Parliament. 1937, c. 43, s. 14; 1945, c. 31, ss. 3, 4.

**TRANS-CANADA LINES.**

15. (1) The Governor in Council may authorize the Minister to enter into a contract with the Corporation (to be known as the Trans-Canada contract) for the organization, operation and maintenance by the Corporation of lines of aircraft (to be known as the Trans-Canada Lines) for the speedy and efficient transport of passengers, and goods across Canada and between and within the several provinces thereof, and between points in Canada and points outside of Canada, over routes wholly within or partly within and partly outside of Canada.

(2) The Trans-Canada contract shall contain such terms as the Governor in Council may order, and in the absence of such order shall provide

(a) for the operation of the aforesaid lines of aircraft between points and over routes to be designated from time to time while the contract is in force by the Governor in Council;

(b) for a schedule of services to be maintained by the Corporation, and that such schedule may from time to time while the contract is in force be amended by the Governor in Council on the joint recommendation of the Minister and the Postmaster General;

(c) for the payment to the Corporation, at the end of each calendar year of the initial period, of a subsidy equal to the deficit, if any, resulting from operations during such calendar year, which subsidy shall be payable out of moneys to be appropriated by Parliament for that purpose;

(d) for the transport of passengers and goods by the Corporation at tariff charges on a competitive basis with other similar transportation services in North America;

(e) for the furnishing by the Corporation of all adequate, modern aviation equipment, two-way telephone service, hangars and other buildings and, except as hereinafter otherwise provided, all other equipment.

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services and materials necessary for the operation of an efficient service by means of the aforesaid Trans-Canada Lines sufficient to take care of all mail, passengers, express and other traffic offered to the Corporation for transport;

(f) for the operation and maintenance by the Government of Canada, without charge to the Corporation, of emergency landing fields, lights and radio beams, necessary for the operation of the said Trans-Canada Lines and for the supply to the Corporation free of charge of weather reports; but when the revenues of the Corporation, in the opinion of the Minister, will permit, charges may be imposed for landing, lighting and weather reports such as are charged for other similar competing coast to coast services in North America; and

(g) for the term of the contract, but the same shall not be less than ten years.

(3) The Trans-Canada contract is not assignable except with the approval of the Governor in Council.

(4) The Governor in Council may from time to time authorize the Minister to enter into a contract amending the Trans-Canada contract and containing such terms as the Governor in Council may order. 1937, c. 43, s. 15; 1938, c. 15, s. 2; 1945, c. 31, ss. 6, 7.

TRANS-CANADA MAIL CONTRACT.

16. (1) The Governor in Council may authorize the Postmaster General to enter into a contract with the Corporation for the transport of mails by means of the Trans-Canada Lines.

(2) A contract made under subsection (1) shall contain such terms as the Governor in Council may order.

(3) Notwithstanding anything in the Post Office Act, such contract shall be co-terminous with the Trans-Canada contract.

(4) The Governor in Council may from time to time authorize the Postmaster General to enter into a contract amending a contract made under subsection (1) and containing such terms as the Governor in Council may order. 1937, c. 43, s. 16; 1945, c. 31, ss. 8, 9.

GENERAL.

17. Nothing in this Act shall be deemed to relieve the Corporation or its servants from any duty or obligation under any other statute, regulation, or law, not inconsistent with R.S., 1952.
Trans-Canada Air Lines.

with the provisions of this Act, relating to the ownership or operation of aircraft or to the transport of passengers and goods by means of aircraft. 1937, c. 43, s. 18.

18. (1) The provisions of Part III of the Companies Act, except sections 149, 162, 163, 167, 184 and 185, in so far as the said provisions are not inconsistent with the provisions of this Act, apply to the Corporation, and this Act shall for the purposes of the said Part III of the Companies Act, be deemed to be a Special Act and the Corporation shall be deemed to be a company for the purposes of the aforesaid Part.

(2) The fiscal year of the Corporation shall be the calendar year. 1937, c. 43, s. 19.

SUBSIDIARIES.

19. The Governor in Council may, on the petition of the Corporation declare that any number of persons named in the petition, not exceeding seven in number, shall be a body corporate and upon such declaration being made the said persons are a body corporate and politic. 1945, c. 31, s. 10.

20. Whenever the Governor in Council declares any persons to be a body corporate under section 19 he shall at the same time name the corporation and fix its authorized capital and the par value of the shares. 1945, c. 31, s. 10.

21. The persons named in any declaration under section 19 shall be the provisional directors of the corporation. 1945, c. 31, s. 10.

22. The head office of the corporation shall be at such city as the directors may select. 1945, c. 31, s. 10.

23. The shares of any company incorporated under section 19 shall be offered for subscription to Trans-Canada Air Lines at par. 1945, c. 31, s. 10.

24. (1) The Governor in Council may authorize the Minister to enter into a contract with any corporation incorporated under section 19, for the organization, operation and maintenance of air services designated from time to time by the Governor in Council.

(2) A contract entered into under subsection (1) shall contain such terms as the Governor in Council may order, including terms for payment of a subsidy to the corporation, which subsidy is payable out of moneys to be appropriated by Parliament for that purpose.

R.S., 1952.
(3) The Governor in Council may from time to time authorize the Minister to enter into a contract amending a contract made under subsection (1) and containing such terms as the Governor in Council may order. 1945, c. 31, s. 10.

25. (1) The Governor in Council may authorize the Postmaster General to enter into a contract with any corporation incorporated under section 19 for the transport of mails. 

(2) The Governor in Council may from time to time authorize the Postmaster General to enter into a contract amending a contract made under subsection (1) and containing such terms as the Governor in Council may order. 1945, c. 31, s. 10.

26. All the provisions of this Act relating to Trans-Canada Air Lines, except sections 3, 4, 6, 12, 15 and 16 apply mutatis mutandis to every corporation incorporated under section 19. 1945, c. 31, s. 10.

27. Every order in council made under this Act shall be laid before Parliament as soon as may be after it is made. 1945, c. 31, s. 10.

28. The Board of Directors shall make a report annually to Parliament setting forth in a summary manner the results of their operations and such other information as appears to them to be of public interest or necessary for the information of Parliament with relation to any situation existing at the time of such report, or as may be required from time to time by the Governor in Council. 1945, c. 31, s. 10.

29. The annual reports of the Board of Directors and the auditor, respectively, shall be submitted to Parliament through the Minister. 1945, c. 31, s. 10.

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

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CHAPTER 269.

An Act to encourage and to assist in the construction of a Trans-Canada Highway.

SHORT TITLE.

1. This Act may be cited as the Trans-Canada Highway Act. 1949 (2nd Sess.), c. 40, s. 1.

INTERPRETATION.

2. In this Act

(a) "highway" includes culverts, bridges and "Highway." separations;
(b) "Minister" means the Minister of Resources and "Minister." Development; and
(c) "province" means a province of Canada but does not "Province." include the Northwest Territories or the Yukon Territory. 1949 (2nd Sess.), c. 18, s. 9; 1949 (2nd Sess.), c. 40, s. 2.

3. (1) With the approval of the Governor in Council the Minister may enter into an agreement with any prov-ince providing for the payment by Canada to the province of contributions in respect of the cost to the province of the construction of a highway within the province as part of a trans-Canada highway.

(2) An agreement made under subsection (1) shall pre-scribe the location, standards and the time and method of the construction of the highway and shall include terms and conditions for

(a) the calling of tenders and the review by the Minister of tenders and specifications,
(b) the inspection by the Minister of the highway during construction,
(c) the method of determining the cost of construction,
(d) the amount of the contribution,
(e) the examination, inspection and audit of all construc-tion costs and accounts, and
(f) such other terms and conditions as the Minister may consider necessary or desirable. 1949 (2nd Sess.), c. 40, s. 3.

4. (1) The Minister of Finance may, in accordance with an agreement made with a province under section 3, pay to the province out of unappropriated moneys in the Consolidated Revenue Fund the contributions required by the agreement to be paid by Canada.

(2) The contributions paid to a province under this section shall not exceed fifty per cent of the cost to the province of the construction of the highway as determined by the Governor in Council.

(3) No contributions or payments shall be made under this Act in respect of construction costs incurred after the expiration of the period of seven years next following the 10th day of December, 1949. 1949 (2nd Sess.), c. 40, s. 4.

5. Where a province has prior to the 10th day of December, 1949, constructed a highway that in the opinion of the Governor in Council may properly be included as part of a trans-Canada highway, the Governor in Council may authorize the Minister of Finance to pay to the province out of unappropriated moneys in the Consolidated Revenue Fund a contribution in respect of the cost to the province of the construction of the highway in such amount and payable at such times and in such manner as the Governor in Council may determine, but not exceeding fifty per cent of the cost of construction as determined by the Governor in Council. 1949 (2nd Sess.), c. 40, s. 5.

6. (1) With the approval of the Governor in Council the Minister may employ temporary engineers, technical officers and other employees for the purposes of this Act.

(2) The salaries and expenses of persons employed under this section shall be fixed by the Governor in Council and shall be paid out of moneys appropriated by Parliament for that purpose. 1949 (2nd Sess.), c. 40, s. 6.

7. The aggregate of all expenditures under sections 4, 5 and 6 shall not exceed one hundred and fifty million dollars. 1949 (2nd Sess.), c. 40, s. 7.

8. The Minister of Resources and Development may out of moneys appropriated by Parliament provide for the construction of such highways within the National Parks as form part of a trans-Canada highway. 1949 (2nd Sess.), c. 18, s. 9; 1949 (2nd Sess.), c. 40, s. 8.

9. The Minister shall annually lay before Parliament a report of all proceedings under this Act for the preceding fiscal year. 1949 (2nd Sess.), c. 40, 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 270.

An Act respecting the Bureau for Translations.

SHORT TITLE.

1. This Act may be cited as the Translation Bureau Act. Short title. 1934, c. 25, s. 1.

INTERPRETATION.

2. In this Act, Definitions.
   (a) "Bureau" means the Bureau for Translations constituted under the provisions of this Act;
   (b) "Minister" means the Secretary of State of Canada, or such other Minister of the Crown as may from time to time be appointed by the Governor in Council to administer this Act; and
   (c) "regulation" means any rule or regulation made by the Minister and approved by order of the Governor in Council under the authority of this Act. 1934, c. 25, s. 2.

3. (1) There shall be a Bureau under the Minister called the Bureau for Translations, the duties and function of which are to collaborate with and act for all departments of the Public Service, and both Houses of the Parliament of Canada and all bureaus, branches, commissions and agencies created or appointed by Act of Parliament, or by order of the Governor in Council, in making and revising all translations from one language into another of all departmental and other reports, documents, debates, bills, Acts, proceedings and correspondence.

   (2) It is the duty of all departments of the Public Service and all such branches, commissions and agencies as aforesaid to collaborate with the Bureau in carrying into effect the provisions of this Act and the regulations. 1934, c. 25, s. 3.
Officer and employees may be transferred.

4. (1) All officers and employees who are employed in the Public Service or in any department or branch of the Public Service, including all employees of the Senate and House of Commons of Canada, who are chiefly engaged as translators or in the work of translating departmental and other reports, documents, debates, bills, Acts, proceedings and correspondence, including the translation into either the English or French language of the debates and proceedings of the Senate and House of Commons, may be transferred to the Bureau as herein provided, and such officers and employees are thereafter subject to the provisions of the Civil Service Act.

(2) The Minister may from time to time designate such translators or other employees in the Public Service or in any department or branch of the Public Service as he may deem necessary for carrying into effect the provisions of this Act, and the Governor in Council may, from time to time, transfer to the Bureau any of the said translators, or other employees so designated. 1934, c. 25, s. 4.

Minister to designate employees to be transferred.

5. (1) An officer to be called the Superintendent of the Bureau for Translations shall be appointed under the Civil Service Act, to hold office during pleasure, whose duties are to supervise and control the Bureau under the direction of the Minister, and to report annually to the Minister with regard to the work of the Bureau during the preceding fiscal year.

(2) Such other officers, translators, clerks or other employees as are from time to time necessary for the proper conduct of the business of the Bureau, may be appointed under the provisions of the Civil Service Act to hold office during pleasure. 1934, c. 25, s. 5.

Appointment and duties of Superintendent of Bureau.

6. The Minister, with the approval of the Governor in Council, may make all regulations that are by him deemed necessary or expedient for carrying into effect the provisions of this Act. 1934, c. 25, s. 6.

Appointment of other officers, clerks and employees.

7. (1) Every officer, translator, clerk or other person employed in the execution of any duty or function under this Act or under any regulation made in pursuance thereof, before entering on his duties, shall take and subscribe the oath of allegiance and also the following oath:

I, .................................., solemnly swear that I will faithfully and honestly fulfil my duties as........ in conformity with the requirements of the Translation Bureau.

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Translation Bureau. Chap. 270.

Bureau Act and of all orders in council, regulations and instructions issued in pursuance thereof, and that I will not, without due authority in that behalf, disclose or make known any matter or thing that comes to my knowledge by reason of my employment as such.

(2) The said oaths shall be taken before such person, and returned and recorded in such manner as the Minister prescribes. 1934, c. 25, s. 7.

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

R.S., 1952.
CHAPTER 271.

An Act to establish a Board of Transport Commissioners for Canada, with authority in respect of transport by railways, ships and aircraft.

SHORT TITLE.

1. This Act may be cited as the Transport Act. 1938, Short title. c. 53, s. 1.

INTERPRETATION.

2. (1) In this Act, Definitions.

(a) "agreed charge" means a charge agreed upon between "Agreed a carrier and a shipper as in this Act provided and charge." includes the conditions attached thereto;

(b) "Board" means the Board of Transport Commis- "Board." sioners for Canada;

(c) "carrier" means any person engaged in the transport "Carrier." of goods or passengers for hire or reward to whom this Act applies, and includes any company that is subject to the Railway Act;

(d) "goods in bulk" means the following goods laden or "Goods in freighted in ships, and except as herein otherwise bulk." provided, not bundled or enclosed in bags, bales, boxes, cases, casks, crates or any other container:

(i) grain and grain products, including flour and mill feeds in bulk or in sacks,

(ii) ores and minerals (crude, screened, sized, refined or concentrated, but not otherwise processed), including ore concentrates in sacks, sand, stone and gravel, coal and coke, liquids,

(iii) pulpwood, woodpulp, poles and logs, including pulpwood and woodpulp in bales, and

(iv) waste paper loaded as full ship's cargo, iron and steel scrap and pig iron;
"Great Lakes." (e) "Great Lakes" means Lakes Ontario, Erie, Huron, (including Georgian Bay), and Superior, and their connecting waters, and includes the St. Lawrence River and its tributaries as far seaward as the west end of the Island of Orleans;

"Harbour toll." (f) "harbour toll" means every rate, toll and charge established or proposed to be established by any Act of Parliament or by, or with the approval of, the Governor in Council in respect of ships entering, using or leaving any harbour in Canada, or the passengers thereof, or goods loaded, unloaded, shipped, transhipped, moved in transit or stored in any harbour in Canada, or on or in any wharf, dock, pier, warehouse or other facility within the limits of any such harbour or situate on lands appurtenant thereto;

"Licensee." (g) "licensee" means a person licensed under this Act to engage in transport by water;

"Mackenzie River." (h) "Mackenzie River" means all rivers, streams, lakes and other waters within the watershed of the Mackenzie River;

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

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

"Ship." (k) "ship" means every description of vessel, including a lighter, barge, scow or other like vessel, however propelled, exceeding ten tons gross tonnage, used in navigation on the Mackenzie River, and exceeding five hundred tons gross tonnage used in navigation on other waters in Canada; and when used in Part V, includes any vessel, boat, dredge, floating elevator or any other floating craft, and 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;

"Shipper." (l) "shipper" means a person sending or receiving or desiring to send or receive goods by means of any carrier to whom this Act applies;

"Toll" or "charge." (m) "toll" or "charge" means any toll, rate, charge or allowance charged or made in connection with the transport of passengers, or the shipment, transport, care, handling or delivery of goods, or for any services incidental to the business of a carrier; and includes also any toll, rate, charge or allowance as charged or made in connection with any instrumentality or facility of shipment or transport irrespective of ownership, or of any contract express or implied with respect to the use thereof, and includes also any toll, rate, charge or allowance

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allowance so charged or made for furnishing passengers with sleeping accommodation, or for collecting, receiving, loading, unloading, stopping over, elevating, ventilating, refrigerating, icing, heating, switching, ferrying, carting, storing, caring for, handling or delivering goods transported or in transit or to be transported; and includes also any toll, rate, charge or allowance so charged or made for the warehousing of goods, wharfage or demurrage, or the like; and includes charges made in connection with any one or more of the above mentioned subjects, separately or conjointly;

(n) “transport” means the transport of goods or passengers whether by water or by rail, for hire or reward, to which the provisions of this Act apply;

(o) “transport by rail” means the transport of goods or passengers by a company to which the Railway Act applies; and

(p) “transport by water” means the transport of goods or passengers for hire or reward by means of ships required to be licensed under this Act.

(2) Unless it is otherwise provided expressions contained in this Act have the same meaning as in the Railway Act.

3. It is the duty of the Board to perform the functions vested in the Board by this Act and by the Railway Act with the object of co-ordinating and harmonizing the operations of all carriers engaged in transport by railways and ships and the Board shall give to this Act and to the Railway Act such fair interpretation as will best attain the object aforesaid.

4. The provisions of the Railway Act relating to sittings of the Board and the disposal of business, witnesses and evidence, practice and procedure, orders and decisions of the Board and review thereof and appeal therefrom, are applicable in the case of every inquiry, complaint, application or other proceeding under this Act, and the Board shall exercise and enjoy the same jurisdiction and authority in matters under this Act as are vested in the Board by the Railway Act.

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5. Before any application for a licence is granted for the transport of goods or passengers or both goods and passengers under the provisions of this Act, the Board shall determine whether public convenience and necessity require such transport, and in so determining the Board may take into consideration, _inter alia_,

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

(b) whether or not the issue of such licence would tend to develop the complementary rather than the competitive functions of the different forms of transport, if any, involved in such objections;

(c) the general effect on other transport services and any public interest which may be affected by the issue of such licence; and

(d) the quality and permanence of the service to be offered by the applicant and his financial responsibility, including adequate provision for the protection of passengers, shippers and the general public by means of insurance. 1938, c. 53, s. 5; 1944-45, c. 25, s. 5.

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

(2) Fees for licences shall be paid to the Receiver General of Canada for the use of Her Majesty. 1938, c. 53, s. 6.

7. Every fine imposed under this Act or under any regulation shall be paid over to the Receiver General of Canada for the use of Her Majesty. 1938, c. 53, s. 7.

8. If any corporation is guilty of a breach of any provision of this Act for which a fine is provided to be imposed on such corporation, every officer or director of such corporation who has been party or privy to such breach also is liable on summary conviction to a fine not exceeding one thousand dollars. 1938, c. 53, s. 8.

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9. No proceeding for any penalty for any breach of the Limitation provisions of this Act or of any regulation made or licence granted thereunder shall be commenced except within twelve months from the date of the breach complained of. 1938, c. 53, s. 9.

PART II.

TRANSPORT BY WATER.

10. (1) The Board may, subject to the provisions of this Part, license ships to transport passengers or goods or both passengers and goods from a port or place in Canada to another port or place in Canada.

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

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

(4) The Board may in the licence state the ports between which the ship or ships named therein may carry goods or passengers and the schedule of services that shall be maintained, but the licensee may be authorized to substitute another ship of approximately the same tonnage for a ship named in the licence.

(5) The Board shall issue a licence in respect of a ship built, building or about to be built, upon being satisfied that the proposed service is and will be required by the present and future public convenience and necessity, and unless the Board is so satisfied no licence shall be issued.

(6) No licence shall be issued in the case of a ship other than a British ship, hereafter imported into Canada, that was constructed more than ten years before such importation. 1938, c. 53, s. 10.

11. (1) No goods or passengers shall be transported by water, from one port or place in Canada to another port or place in Canada, either directly or by way of a foreign port or for any part of the transport, by means of any ship other than a ship licensed under this Part.

(2) If any goods or passengers are transported contrary to the provisions of this Part or otherwise than in accordance with the terms of the licence of the ship, the owner or any other person operating the ship is liable upon summary conviction to a fine in respect of goods so transported not exceeding fifty cents per ton gross tonnage of the ship or five hundred dollars, whichever is the greater, and

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Power of detention.

(3) The Collector of Customs at any port or place in Canada may, if he believes that any ship to which this Part applies is transporting, or has transported, passengers or goods or both passengers and goods without a licence, in contravention of this Part, may detain the ship pending the disposition of any complaint or charge and the payment of any fine imposed in respect of such offence.

Suspension or cancellation of licence.

(4) If any licensee is convicted of an offence under this Act, or if the Board is satisfied that a ship is operated otherwise than in accordance with the terms of a licence applicable thereto, the Board may after hearing licensee suspend or cancel the licence of such licensee in respect of one or all of the ships licensed. 1938, c. 53, s. 11.

Coming into force by proclamation.

(1) This Part shall not come into force on, or in respect of, any sea or inland water of Canada until proclaimed by the Governor in Council to be in force on, or in respect of, such sea or inland water.

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

(3) The provisions of this Part do not apply to the transport of goods in bulk on waters other than the Mackenzie River.

Provisions not to apply.

(4) The provisions of this Part do not apply in the case of ships engaged in the transport of goods or passengers (a) between ports or places in British Columbia, or (b) between ports or places in Hudson Bay, Nova Scotia, New Brunswick, Prince Edward Island, Newfoundland, and the Gulf and River St. Lawrence east of the western point of the Island of Orleans, or between any two or more places therein, nor does this Part apply between any of such ports or places and ports or places outside of Canada.

(5) The provisions of this Part do not apply in the case of ships engaged in the transport of goods or passengers between ports or places in the Maritime Provinces and ports or places on the Great Lakes, but such ships are subject to the provisions of this Part in respect of goods or passengers accepted for transport by water from a port or place on the Great Lakes to another port or place on the Great Lakes.

(6) Except as provided in subsection (7) the provisions of this Part do not apply in the case of ships engaged in the transport of goods or passengers between ports or places.

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places on the Pacific Ocean and ports or places on the
Atlantic Ocean or the Great Lakes or both, but such ships
are at liberty, notwithstanding the provisions of this
Part, to receive at any number of ports or places on the
Pacific Ocean goods or passengers consigned or destined to
any number of ports or places on the Atlantic Ocean or the
Great Lakes or both, and likewise to receive at any number
of ports or places on the Atlantic Ocean or the Great Lakes
or both, goods or passengers consigned or destined to any
number of ports or places on the Pacific Ocean.

(7) The ships mentioned in subsection (6) are subject
to the provisions of this Part in respect of goods or passen-
gers accepted for transport by water from a port or place
on the Pacific Ocean to another port or place on the Pacific
Ocean or from a port or place on the Atlantic Ocean or on
the Great Lakes to another port or place on the Atlantic
Ocean or on the Great Lakes. 1938, c. 53, s. 12; 1945, c. 32,
s. 3; 1949, c. 6, s. 36.

PART III.

TRAFFIC, TOLLS AND TARIFFS.

13. (1) Every licensee shall be governed by the pro-
visions of this Part in respect of tolls to be charged.

(2) Any tolls may be either for the whole or for any
particular portion of the route of the licensee. 1938, c. 53,
s. 16.

14. (1) Every licensee shall file a standard tariff or
such other tariff or tariffs as are authorized by this Part.

(2) Except as otherwise provided, any tariff in force
may be amended, supplemented, or superseded by new tariffs, in
accordance with the provisions of this Part and regulations
of the Board. 1938, c. 53, s. 17.

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

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By-laws to be submitted to the Board.  

Approval.  

Tolls to be charged only after by-law approved by the Board.  

(2) All such by-laws or resolutions shall be submitted to the Board for approval.  

(3) The Board may approve such by-laws or resolutions in whole or in part, or change, alter or vary any of the provisions therein.  

(4) If the licensee is a corporation, no tolls shall be charged by the licensee or by any person until a by-law or resolution authorizing the preparation and issue of tariffs of such tolls has been approved by the Board; or, whether the licensee is a corporation or not, unless otherwise authorized by this Act, until a tariff of such tolls has been filed with, and, where such approval is required under this Act, approved by, the Board; or until any other requirements of this Act to bring such tariff into effect have been complied with; nor shall any tolls be charged under any tariff or portion thereof disallowed by the Board, or that has not been brought into operation in accordance with the provisions of this Act, nor shall the licensee charge, levy or collect any toll for any service except under and in accordance with the provisions of this Act. 1938, c. 53, s. 18; 1944-45, c. 25, s. 8.  

Tolls to be as specified in tariff.  

16. When a tariff is filed with and approved by the Board, where approval is necessary under this Act, the licensee shall thereafter, until such tariff is disallowed or suspended by the Board, or superseded by a new tariff, charge the toll or tolls as specified therein. 1938, c. 53, s. 19.  

Division of tariffs.  

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

(a) standard freight tariffs;  
(b) special freight tariffs;  
(c) competitive freight tariffs;  
(d) standard passenger tariffs;  
(e) special passenger tariffs. 1938, c. 53, s. 20.  

Standard tariffs.  

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

(2) Every standard tariff and every amendment and supplement thereto requires the approval of the Board before it becomes effective. 1938, c. 53, s. 21.  

Special tariffs.  

19. Special tariffs shall specify a toll or tolls lower than in the standard tariffs. 1938, c. 53, s. 22.  

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

(2) The Board may declare that any places are competitive points within the meaning of this Part. 1938, c. 53, s. 23.

21. (1) All tolls shall always under substantially similar circumstances and conditions, in respect of all traffic of the same description, and carried in like manner over the same route, be charged equally to all persons and at the same rate, whether by weight, mileage or otherwise.

(2) No reduction or advance in any such tolls shall be made either directly or indirectly, in favour of or against any particular passenger or shipper.

(3) No toll shall be charged that unjustly discriminates between different localities. 1938, c. 53, s. 24.

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

(2) No licensee shall

(a) make or give any undue or unreasonable preference or advantage to, or in favour of any particular person or company, or any particular description of traffic, in any respect whatsoever;

(b) by any unreasonable delay or otherwise howsoever, make any difference in treatment in the receiving, loading, forwarding, unloading or delivery of the goods of a similar character in favour of or against any particular person or company; or

(c) subject any particular person or company, or any particular description of traffic, to any undue, or unreasonable prejudice or disadvantage, in any respect whatsoever. 1938, c. 53, s. 25; 1944-45, c. 25, s. 9.

23. The Board may disallow any tariff or any portion thereof that it considers to be unjust or unreasonable, or contrary to any provisions of this Part and may require the licensee, within a prescribed time, to substitute a tariff satisfactory to the Board in lieu thereof, or may prescribe other tolls in lieu of the tolls so disallowed. 1938, c. 53, s. 26.
24. The Board may determine, as questions of fact, whether or not traffic is or has been carried under substantially similar circumstances and conditions, and whether there has, in any case, been unjust discrimination, or undue or unreasonable preference or advantage, or prejudice or disadvantage, within the meaning of this Part. 1938, c. 53, s. 27.

25. Whenever it is shown that any licensee charges one person, company, or class of persons, or the persons in any district, lower tolls for the same or similar goods, or lower tolls for the same or similar services, than it charges to other persons, companies or classes of persons, or to the persons in another district, or makes any difference in treatment in respect of such companies or persons, the burden of proving that such lower toll or difference in treatment does not amount to an undue preference, or an unjust discrimination, lies on the licensee. 1938, c. 53, s. 28.

26. In deciding whether a lower toll, or difference in treatment, does or does not amount to an undue preference or an unjust discrimination, the Board may consider whether such lower toll, or difference in treatment, is necessary for the purpose of securing, in the interests of the public, the traffic in respect of which it is made, and whether such object cannot be attained without unduly reducing the higher tolls. 1938, c. 53, s. 29.

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

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

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

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

(2) Any licensee or officer or agent of such licensee who does or omits any act, the doing or omission whereof is required or prohibited, as the case may be, and for which no other penalty is provided under this Act, is guilty of an offence and liable on summary conviction to a fine not exceeding one thousand dollars.

(3) No prosecution shall be had or instituted for any offence under this section without leave of the Board first being obtained. 1938, c. 53, s. 30; 1944-45, c. 25, s. 10.

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28. Notwithstanding anything in this Act, the Board may make regulations permitting the licensee to issue special rate notices prescribing tolls lower than the tolls in force upon the ships of the licensee, to be charged for specific shipments between points on the route or routes of the licensee, not being competitive points, if it considers that the charging of the special tolls mentioned in any such notices will help to create trade, or develop the business of the licensee, or be in the public interest, and is not otherwise contrary to the provisions of this Act. 1944-45, c. 25, s. 11.

29. Notwithstanding anything in this Act a licensee engaged in transport by water may carry traffic free or at reduced rates to the same extent and subject to the same restrictions, limitations and control as are applied in the case of a railway company under the Railway Act. 1944-45, c. 25, s. 11.

30. The Board may by regulation,
(a) provide for the classification of freight and any changes therein from time to time, to be observed in connection with the operation and issue of all tariffs, which classification shall, in so far as it is practicable, be uniform throughout Canada;
(b) provide for the form, size and style of tariffs;
(c) provide for the notice that shall be given by a licensee of the issue of a tariff, or of any alteration or cancellation of a tariff, or any part thereof;
(d) provide for the publication and posting by a licensee of every tariff;
(e) provide for the date of coming into force of every tariff and of every alteration or cancellation of any tariff or any part thereof;
(f) declare what shall constitute substantially similar circumstances and conditions or unjust or unreasonable preferences, advantages, prejudices or disadvantages, within the meaning of this Act;
(g) require periodic returns to be made to the Board by licensees of their capital, traffic, expenditures and other information required by the Board;
(h) provide for the imposition and collection of fines for neglect or omission to comply with regulations made hereunder; and
(i) provide generally for such matters as, in the opinion of the Board, may be required for the purpose of this Act. 1938, c. 53, s. 33.
31. The provisions of this Part do not apply to the transport of goods in bulk on waters other than the Mackenzie River. 1945, c. 32, s. 4.

PART IV.

AGREED CHARGES.

32. (1) Notwithstanding anything in the Railway Act, or in this Act, but subject to this section, a carrier may make such charge or charges for the transport of the goods of any shipper or for the transport of any part of his goods as may be agreed between the carrier and that shipper.

(2) Any such agreed charge requires the approval of the Board, and the Board shall not approve such charge if, in its opinion, the object to be secured by the making of the agreement can, having regard to all the circumstances, adequately be secured by means of a special or competitive tariff of tolls under the Railway Act or this Act.

(3) When the transport is by rail from or to a competitive point or between competitive points on the lines of two or more carriers by rail the Board shall not approve an agreed charge unless the competing carriers by rail join in making the agreed charge.

(4) Particulars of an agreed charge, including a duplicate original of the agreement, shall be lodged with the Board within seven days after the date of the agreement and notice of an application to the Board for its approval of the agreed charge shall be given at least thirty days before the hearing by publication in the Canada Gazette and in such other manner as the Board may direct.

(5) An agreed charge shall be made on the established basis of rate making and shall be expressed in cents per hundred pounds or such other unit as the Board may approve; and the car-load rate for one car shall not exceed the car-load rate for any greater number of cars.

(6) The Board may approve an agreed charge either for such period as it thinks fit or without restriction of time, and the date on which the charge shall become operative, or as from which it shall be deemed to have become operative, shall be such date, not being earlier than the date on which application for approval was lodged, as may be fixed by the Board.

(7) On an application to the Board for the approval of an agreed charge,

(a) any shipper who considers that his business will be unjustly discriminated against if the agreed charge is approved and is made by the carrier, or that his busi-
ness has been unjustly discriminated against as a result of the making of the charge by virtue of a previous approval;
(b) any representative body of shippers; and
(c) any carrier,
is, after giving such notice of objection, as may be prescribed by the Board, entitled to be heard in opposition to the application.

(8) Any shipper who considers that his business will be unjustly discriminated against if an agreed charge is approved and is made by the carrier, or that his business has been unjustly discriminated against as a result of the making of an agreed charge, may at any time apply to the Board for a charge to be fixed for the transport of his goods (being the same goods as or similar goods to and being offered for carriage under substantially similar circumstances and conditions as the goods to which the agreed charge relates) by the same carrier with which the agreed charge is proposed to be made, or is being made, and, if the Board is satisfied that the business of the shipper will be or has been so unjustly discriminated against, it may fix a charge (including the conditions to be attached thereto) to be made by such carrier for the transport of such goods.

(9) The Board, in fixing a charge, may fix it either for such period as it thinks fit or without restriction of time, and may appoint the date on which it is to come into operation, but no such charge shall be fixed for a period beyond that for which the agreed charge complained of by the shipper has been approved.

(10) An application under this section may, if it is convenient, be combined with an objection by the shipper to the application for the approval of the agreed charge of which he complains.

(11) Where the Board has approved an agreed charge without restriction of time,
(a) any shipper who considers that his business has been unjustly discriminated against as a result of the making of the agreed charge,
(b) any representative body of shippers, and
(c) any carrier,
may, at any time after the expiration of one year from the date of the approval, apply to the Board for the withdrawal of its approval of the agreed charge, and, upon any such application, the Board may withdraw, or refuse to withdraw, its approval, or may continue its approval subject to approval after one year.
such modifications being made in the charge as it thinks proper and as the carrier and the shipper to whose goods the charge is applicable are prepared to agree to; but where the Board has fixed a charge in favour of a shipper complaining of an agreed charge, such shipper is not entitled to make an application under this subsection in respect of that agreed charge in so far as it relates to goods that are the same as or similar to any goods to which the charge so fixed relates.

(12) All agreed charges shall, when approved, be published in the manner provided by section 333 of the Railway Act.

(13) Where under this section the Board withdraws its approval of an agreed charge or continues its approval of an agreed charge, subject to modifications, any charges fixed under subsection (7) in favour of a shipper complaining of that agreed charge shall cease to operate, or shall be subject to such corresponding modifications as the Board may determine.

(14) For the purpose of applications under this section a decision of the Board continuing its approval of a charge subject to agreed modifications shall be deemed to be the approval of an agreed charge.

(15) On any application under this section, the Board shall have regard to all considerations that appear to it to be relevant and, in particular, to the effect that the making of the agreed charge or the fixing of a charge is likely to have, or has had, on

(a) the net revenue of the carrier, and 

(b) the business of any shipper by whom, or in whose interests, objection is made to approval being given to an agreed charge, or application is made for approval to be withdrawn. 1938, c. 53, s. 35.

33. (1) Upon complaint to the Minister by any representative body of carriers that, in the opinion of the Minister, is properly representative of the interests of persons engaged in the kind of business (transport by water or rail, as the case may be), represented by such body that any existing agreed charge places such kind of business at any undue or unfair disadvantage, the Minister may, if satisfied that in the national interest the complaint should be investigated, refer such complaint to the Board for investigation and if the Board after hearing finds that the effect of such agreed charge upon such kind of business...
is undesirable in the national interest the Board may make an order varying or cancelling the agreed charge complained of or may make such other order as in the circumstances it deems proper.

(2) Where under this section the Board cancels or varies an agreed charge, any charge fixed under this Part in favour of a shipper complaining of that agreed charge shall cease to operate, or shall be subject to such corresponding modifications as the Board may determine. 1938, c. 53, s. 36; 1944-45, c. 25, s. 12.

34. Nothing in this Part affects any right or obligation, granted or imposed, by the *Maritime Freight Rates Act* or preserved, by paragraph (e) of section 1 of chapter 5 of the statutes of 1897, as extended and preserved by subsections (5) and (6) of section 328 of the *Railway Act*. 1938, c. 53, s. 37.

35. The provisions of this Part do not apply to the transport by water of goods in bulk on waters other than the Mackenzie River. 1945, c. 32, s. 5.

**PART V.**

**Transport.**

**HARBOUR TOLLS.**

36. (1) The Board shall when requested by the Minister make inquiry, and at the conclusion thereof report to him, in respect of any harbour toll as to whether such harbour toll is just and reasonable under all the circumstances, and without restricting the generality of the foregoing the Board shall in the conduct of such inquiry have regard, *inter alia*, to,

(a) the service, privilege, advantage or benefit enjoyed or provided in respect of which the harbour toll is charged;

(b) the cost of providing, operating and maintaining the facilities and services of the harbour, including, without restricting the generality of the foregoing, interest on capital investment and depreciation;

(c) comparable tolls and charges payable at any harbour in Canada or elsewhere than in Canada;

(d) whether such harbour toll is under substantially similar circumstances and conditions charged equally to all persons;

(e) the effect of such harbour toll upon the movement of ships, goods or passengers, as the case may be, through the harbour and upon the movement of trade generally.
(2) The Board shall with its report transmit to the Minister a copy of the evidence taken by the Board in the course of its inquiry. 1938, c. 53, s. 40.

37. If the Board, after inquiry as hereinbefore provided is of the opinion that any harbour tolls should be amended or rescinded or other harbour tolls substituted therefor, it is the duty of the Board to forward with its report a recommendation to the Minister for such action as he deems fit. 1938, c. 53, s. 41.

38. This Part shall not come into force until proclaimed as in force by the Governor in Council. 1938, c. 53, s. 42.

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

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CHAPTER 272.

An Act respecting Trust Companies.

SHORT TITLE.

1. This Act may be cited as the Trust Companies Act. Short title. R.S., c. 29, s. 1.

INTERPRETATION.

2. In this Act, Definitions

(a) "a corporation incorporated in Canada" means a "Corporation that has been incorporated in Canada either before or after Confederation;

(b) "annual general meeting" includes the general meeting of shareholders at which the directors of the company are elected;

(c) "guaranteed investment certificate" means a certificate issued by a trust company in evidence of the deposit of guaranteed trust money and the guarantee thereof by the company;

(d) "guaranteed trust money" means money received by a trust company in trust for investment subject to a guarantee by the company in respect of the payment of interest or the repayment of principal;

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

(f) "real estate" or "land" includes messuages, lands, tenements and hereditaments of any tenure and all immovable property of any kind;

(g) "shareholder" means every subscriber to or holder of stock in the company and includes the personal representatives of the shareholder;

(h) "Superintendent" means the Superintendent of Insurance;

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"Company."
"Trust company."

(i) "the company" or "trust company" means a company incorporated for the purpose of
(ii) exercising the powers set forth in section 63; or
(iii) executing the office of executor, administrator or trustee, either with or without other objects or powers; and

(j) "unguaranteed trust money" means trust money other than guaranteed trust money received by a trust company. R.S., c. 29, s. 2; 1947, c. 75, s. 1.

APPLICATION OF ACT.

3. (1) The provisions of this Act apply to every trust company incorporated by
(a) a special Act of the Parliament of Canada, or
(b) letters patent issued under authority of an Act of the Parliament of Canada.

(2) Part III of the Companies Act, which relates to "companies clauses", shall not, on or after the 1st day of July, 1947, apply to a trust company incorporated by a special Act of the Parliament of Canada.

(3) Where a trust company has been incorporated by letters patent under authority of an Act of the Parliament of Canada, none of the provisions of that Act inconsistent with this Act are applicable to the company on or after the 1st day of July, 1947. 1947, c. 75, s. 2.

INCORPORATION AND ORGANIZATION.

4. No trust company shall, after the 12th day of June, 1914, be incorporated by letters patent under the provisions of that part of the Companies Act relating to companies with share capital. R.S., c. 29, s. 4.

5. The capital stock of every trust company incorporated after the 12th day of June, 1914, the name of the trust company, the place where its head office is to be situated, the name, place of residence and description of each of the provisional directors, shall be declared in the Act of incorporation of every such trust company. R.S., c. 29, s. 5.

6. (1) Every trust 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.

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(2) Every such trust company 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. 29, s. 6.

7. The number of provisional directors shall be not less than five, a majority of whom constitutes a quorum. R.S., c. 29, s. 7.

8. (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 percent 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.

(4) The provisional 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.

(5) 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.

(6) The provisional directors shall deposit to the credit 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. 29, s. 8; 1950, c. 53, s. 1.

9. The provisional directors hold office until directors are elected by the shareholders qualified as hereinafter provided. R.S., c. 29, s. 9.
10. (1) As soon as not less than one hundred and fifty thousand dollars of the capital stock have been bona fide subscribed and not less than fifty thousand dollars have 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) The stock upon which less than ten per cent has been paid in cash by the shareholder shall not be reckoned as part of the one hundred and fifty thousand dollars of stock necessary to be subscribed, nor shall any sum paid by any shareholder upon the shares subscribed for by him which is less than ten per cent of the amount subscribed for by such shareholder be reckoned as part of the sum of fifty thousand dollars required to be paid as hereinbefore mentioned. R.S., c. 29, s. 10.

11. At such meeting only the shareholders who have 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. 29, s. 11.

12. (1) The shareholders so qualified shall at such meeting

(a) determine the day upon which the annual general meeting of the company is to be held,

(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 constitutes 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. 29, s. 12; 1947, c. 75, s. 3.

13. (1) The company shall not commence business by exercising any of the powers set forth in section 63 until it has obtained from the Minister a certificate permitting it to do so.

(2) No application for such certificate shall be made and no 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 have been bona fide subscribed;

(c)
(c) the company has at its credit in a chartered bank a sum not less than one hundred thousand dollars paid in by shareholders 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.

(3) The particulars of all liabilities of the company shall be disclosed to the Minister at the time the application is made.

(4) 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.

(5) 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 the subscribers the amount paid by them upon the subscribed stock or so much thereof as they may be entitled to. R.S., c. 29, s. 13.

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. 29, s. 14.

INTERNAL REGULATIONS.

15. The shareholders of the company 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 company has at its credit in a chartered bank a sum not less than one hundred thousand dollars paid in by shareholders 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;
Election of directors.

The election of directors shall take place each year, at the annual general meeting of the company.

Majority.

(2) The persons to the number authorized to be elected who have the greatest number of votes at any election shall be directors.

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 persons as a director or directors depends on such equality, then the directors who have a greater number of votes or a majority of them shall, in order to complete the full number of directors, determine which of the said persons 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.

Re-election.

Directors hold office until the annual general meeting in the year succeeding their election, and if otherwise qualified are eligible for re-election.

Qualification of directors.

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.

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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. 1947, c. 75, s. 5.

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. 29, s. 19.

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 vacancy is not filled the acts of a quorum of the remaining directors are not thereby invalidated. R.S., c. 29, s. 20.

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.

(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), (c), (e) and (f) of subsection (1) of section 26 and sections 29, 30, 32, 33, 48 and 70 shall be delegated to an executive committee under this section. 1947, c. 75, s. 6; 1950, c. 53, 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.

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(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. 53, s. 3.

23. (1) Where a vacancy occurs in the office of president or vice-president, the directors shall from among 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. 29, s. 23.

24. The directors may establish branch offices and local advisory boards either within Canada or elsewhere, at such times and in such manner as they deem expedient. R.S., c. 29, s. 24.

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. 29, s. 25.

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, the making of 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) setting aside out of premium on shares or of profits a reserve fund hereinafter called "reserve";

(d)

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(d) 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;

(e) the time and place for the holding of meetings of the board of directors and the procedure in all things at such meetings;

(f) the imposition and recovery of all penalties and forfeitures admitting of regulation by by-law; and

(g) 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. 29, s. 26; 1950, c. 53, s. 4.

CAPITAL STOCK AND CALLS THEREON.

27. (1) The capital stock of a trust 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 shall be divided into shares of ten dollars, or any multiple thereof not exceeding one hundred dollars, each. 1947, c. 75, s. 7.

28. The stock of the company is personal estate, and is transferable in the manner, and subject to the conditions and restrictions prescribed by this Act or the by-laws of the company. R.S., c. 29, 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.

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(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.

(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.

(4) There shall be an interval of not less than thirty days between the times at which successive calls are payable.

(5) 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.

(6) 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.

(7) 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. 29, s. 29; 1950, c. 53, s. 5.

(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.

(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 instalment and such interest are to be paid, and 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.

(3) 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

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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.

(4) 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.

(5) 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.

(6) Any share so forfeited shall be deemed to be the property of the company, and the directors may sell, re-allot and otherwise dispose of the same in such manner as they think fit.

(7) The directors may at any time before any share so forfeited has been sold, re-allotted or otherwise disposed of, annul the forfeiture thereof upon such conditions as they think fit. R.S., c. 29, s. 30.

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. 29, s. 31.

PREFERENCE STOCK.

32. (1) The directors may make by-laws for creating 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.

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(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.

Petition to Governor in Council.

(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. R.S., c. 29, s. 32.

INCREASE OF CAPITAL STOCK.

33. (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 from time to time to an amount not exceeding the sum named for that purpose in the Act incorporating the company.

(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. 29, s. 33.

SHARE WARRANTS.

34. (1) The company may, if so provided by by-law 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.

(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.

(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-law, but the bearer of a share warrant is not qualified in respect of the shares specified in such share warrant for being a director of the company.

(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 35 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.

(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 is 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.

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(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. 29, s. 34.

BOOKS OF THE COMPANY.

35. (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, letters patent or other incorporating instrument, with all amendments thereto, and of the memorandum of agreement and all by-laws of the company;

(b) the names, alphabetically arranged, of all persons who are or have been shareholders, together with the address and calling of every such person while such shareholder 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; and

(f) 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.

(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 38 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 72 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. 29, s. 35; 1947, c. 75, s. 8.
36. (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 35, 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 35, 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 in 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 or define the existing rights of the person appearing 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 application.

(6) In this section "court" means in British Columbia, Alberta, Ontario, New Brunswick, Nova Scotia and Newfoundland, the Supreme Court of those Provinces respectively; 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 Northwest Territories, a Stipendiary Magistrate. 1947, c. 75, s. 9; 1950, c. 53, s. 6.
37. (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.

"Document of transmission" defined.

(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 deceased 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. 53, s. 7.

38. The books mentioned in subsection (1) of section 35 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 personal 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. 1947, c. 75, s. 10.
SHAREHOLDERS' LIABILITY.

39. Every shareholder is, until the whole amount of his capital stock has been paid up, individually liable to the company to an amount equal to that not paid up thereon. R.S., c. 29, s. 38.

40. 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 of their respective shares in the capital stock thereof. R.S., c. 29, s. 39.

41. 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. 29, s. 40.

42. 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. 29, s. 41.

MEETINGS AND VOTING.

43. (1) An annual general meeting of the company shall be held at its head office once in each year after the organization of the company and the commencement of business, and at such meeting a statement of the affairs of the company shall be submitted.

(2) Special general meetings may be called by any three of the directors, or the directors shall, upon a written requisition 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 provided 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 called for by subsection (1) to each shareholder at his last known address as shown by the records of the company, together with a notice of the time and place at which the meeting will be held.

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will be held and the names of the auditors eligible for appointment at the meeting under the provisions herein-after set out.

(4) A certificate forming part of the 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. 29, s. 42.

44. No shareholder who is in arrears in respect of any call is entitled to vote at any meeting of the company. R.S., c. 29, s. 43.

45. In the absence of other provisions in that behalf in the by-laws of the company, notice of the time and place for holding special 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, and the notice shall specify the objects of the meeting. R.S., c. 29, s. 44.

46. (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 of shares in the company, and may vote by proxy, but the holder of such 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. 29, s. 45.

47. (1) Every executor, administrator, tutor, curator, guardian or trustee may represent the stock in his possession in his fiduciary capacity at all meetings of the company, and may vote as a shareholder.

(2) Every person who pledges his stock may, notwithstanding such pledge, represent the said stock at all such meetings, and vote as a shareholder. R.S., c. 29, s. 46.

AUDIT.

48. (1) The shareholders shall at each annual general meeting appoint an auditor or auditors to hold office until the next annual general meeting.

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(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.

(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.

49. (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

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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. 29, s. 48.

CONTRACTS, ETC.

50. (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 whatsoever to any third person therefor. R.S., c. 29, s. 49.

TRUSTS.

51. (1) Except in the capacity of trustee the company is not bound to see to the execution of any trust whether express, implied or constructive, in respect of any share of its capital stock.

(2) The receipt of the shareholder in whose name any share stands in the books of the company is a valid and binding discharge to the company for any dividend or money payable in respect of such share, 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. 29, s. 50.

LIABILITY OF DIRECTORS.

52. 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 negligently concur in the declaration or making payable of such dividend whereby the paid-up capital of the company

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pany 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. 29, s. 51.

53. 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. 29, s. 52.

54. Where any loan is made by the company to any shareholder or director in violation of the provisions of this Act, all directors and officers of the company who made the loan or assented thereto are jointly and severally liable to the company for the amount thereof with lawful interest. R.S., c. 29, s. 53.

55. (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 officer 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 the directors. R.S., c. 29, s. 54.

PROCEDURE.

56. The company may enforce payment of all calls and interest thereon by action in any court of competent jurisdiction. R.S., c. 29, s. 55.

57. 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 R.S., 1952.
the amount of each call, whereby an action has accrued to the company under this Act. R.S., c. 29, s. 56.

58. (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. 29, s. 57.

59. Any description of action may be prosecuted and maintained between the company and any shareholder thereof. R.S., c. 29, s. 58.

60. 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. R.S., c. 29, s. 59.

61. 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. R.S., c. 29, s. 60.

62. 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 facts purporting to be stated therein. R.S., c. 29, s. 61.

63. The company may

(a) receive money in trust for the purposes herein specified, and invest and accumulate it at such lawful rates of interest as may be obtained therefor;

(b)
(b) accept and execute all such trusts of every description and nature as are entrusted to it by any government or person, or committed or transferred to it by the order of a judge or by the order, judgment or decree of any court in Canada or elsewhere;

(c) execute the offices of executor, administrator, trustee, accountant, arbitrator, adjustor, auditor, receiver, assignee, liquidator, sequestrator, official guardian, guardian, tutor or curator, judicial advisor or committee of a lunatic, and perform the duties of such offices or trusts as fully and completely as any person so appointed could do;

(d) receive and manage any sinking fund on such terms as may be agreed upon; take, hold and accept by grant, assignment, transfer, deed, will, devise, bequest, or otherwise, any real or personal estate upon any lawful trusts, and perform and execute them according to the terms and for the purposes declared, established or agreed upon; accept from, and execute trusts for married women in respect of their separate property, real or personal, and act as agent for them in the management of such separate property;

(e) guarantee repayment of the principal or payment of the interest, or both, of any moneys entrusted to the company for investment, on such terms and conditions as are agreed upon;

(f) act as agent for countersigning, registering or otherwise ascertaining and certifying to the genuineness of any issue of stock, bonds, debentures or other securities for money of any government, municipal or other corporate body duly authorized to issue and make the said issue, and hold the said securities as agent or trustee; and act generally as fiscal or other agent for any such government or corporate body;

(g) act as agent or attorney for winding up estates, receiving or collecting any principal, interest, rents, coupons, mortgages, debts, debentures or other securities or evidences of debt or demands of any nature, and in the sale or purchase of any real or personal property, and generally act in all matters in the nature of a trust or general agency;

(h) be the custodian, on such terms as are agreed upon, of any jewellery, plate and other valuable property, and of papers, documents, deeds, wills, debentures and other evidence of title and indebtedness;

(i) R.S., 1952.
(i) act as investing and managing agent of estates and properties for and on behalf of executors, administrators and trustees or other persons;

(j) receive and collect such remuneration for its services as is agreed upon or as fixed or allowed from time to time by law, and all usual and customary charges, costs and expenses;

(k) receive money on deposit in trust and allow interest thereon from the time of deposit at such rate as may be agreed upon and advance moneys to protect any estate, trust or property entrusted to it as aforesaid, and charge lawful interest upon any such advances, but nothing herein shall be held either to restrict or to extend the powers of the company as trustee or agent under the terms of any trust or agency that may be conferred upon it;

(l) take securities of such nature as are deemed expedient for any moneys owing to the company; and

(m) hold real estate that, having been mortgaged or hypothecated to it, is acquired by it for the protection of its investments, or is acquired by it in satisfaction in whole or in part of any debt due to itself, and from time to time sell, mortgage, lease or otherwise dispose thereof; but no real estate so acquired by the company, other than as trustee or in an official capacity, shall be held by the company for a longer period than twelve years after the acquisition thereof. unless such period is extended by order of the Governor in Council, but shall, at or before the expiration of such period or extended period, be absolutely sold or disposed of, so that the company no longer retains any interest therein except by way of security. R.S., c. 29, s. 62; 1947, c. 75, s. 11.

INVESTMENTS.

64. (1) Subject to any restrictions contained in the instrument creating the trust the company may

(a) invest unguaranteed trust money in

(i) debentures, bonds, stocks or other securities

(A) of or guaranteed by the Government of Canada,

(B) of or guaranteed by the government of a province,

(C) of or guaranteed by the Government of Great Britain and Northern Ireland or of any of Her Majesty's self-governing dominions or dependencies,

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(D) of or guaranteed by the Government of the United States or of a state thereof,

(E) of a municipal or school corporation in Canada,

(F) guaranteed by a municipal corporation in Canada, or

(G) secured by rates or taxes levied under the authority of laws of a province on property situated in the province and collectable by the municipalities in which the property is situated,

that are not in default in respect of either principal or interest,

(ii) mortgages or hypothecs on freehold real estate in Canada and agreements for sale of such real estate, but the amount paid for the mortgage, hypothec, or agreement for sale, together with the amount of indebtedness under any mortgage, hypothec or agreement for sale ranking superior to the mortgage, hypothec or agreement for sale in which the investment is made, shall not exceed sixty per cent of the value of the real estate,

(iii) securities in which trustees are authorized by the laws of the province in which the trust is being administered to invest trust moneys, or

(iv) such other securities as are authorized by the instrument creating the trust;

(b) invest guaranteed trust money in

(i) securities mentioned in subparagraphs (i), (ii) and (iii) of paragraph (a),

(ii) securities mentioned in paragraphs (b) to (j) inclusive of subsection (1) of section 68 if the security is also authorized by the instrument creating the trust, but the amount invested under this subparagraph in common stocks shall not exceed fifteen per cent of the guaranteed trust money held by the company, or

(iii) freehold real estate in Canada for the production of income in accordance with paragraph (l) of subsection (1) of section 68, but the amount invested under this subparagraph shall not exceed five per cent of the total guaranteed trust money held by the company or twenty-five per cent of the company's unimpaired paid-up capital and reserve, and the amount invested in any one parcel of real estate under this subparagraph, when added to the amount invested in such parcel under the said paragraph

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(l),

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(l), shall not exceed one-half of one per cent of the aggregate of the book value of the company's own funds and of the guaranteed trust money held by the company;

(c) lend unguaranteed trust money on the security of
(i) securities mentioned in subparagraphs (i), (ii) and (iii) of paragraph (a),
(ii) such other securities as are authorized by the instrument creating the trust, or
(iii) freehold real estate in Canada, but the amount of the loan, together with the amount of indebtedness under any mortgage or hypothec on the real estate ranking superior to the loan, shall not exceed sixty per cent of the value of the real estate; and

(d) lend guaranteed trust money on the security of
(i) securities mentioned in subparagraphs (i), (ii) and (iii) of paragraph (a),
(ii) securities mentioned in paragraphs (b) to (j) inclusive of subsection (1) and paragraph (b) of subsection (3) of section 68 subject to all the limitations and restrictions imposed by that section other than subsections (8) and (9), if such securities are also authorized by the instrument creating the trust, or
(iii) freehold real estate in Canada, but the amount of the loan, together with the amount of indebtedness under any mortgage or hypothec on the real estate ranking superior to the loan, shall not exceed sixty per cent of the value of the real estate.

(2) The company may accept personal property or personal covenants as additional or collateral security for any loan made under subsection (1) or for any debt due to the company.

(3) The company shall not lend trust funds to a director or officer thereof, to the wife or a child of a director or officer or to a corporation more than one-half of the capital stock of which is owned by a director or officer, the wife or a child of a director or officer or by a combination of such persons.

(4) The company may manage, sell or dispose of investments as the terms of the trust pursuant to which they were made require or, in the absence of such requirement, as the directors, subject to the provisions of this Act, may see fit.

(5) Where the terms of a trust under which money is deposited with the company on which interest is payable give

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give to the company a general discretion in the investment or lending thereof, the discretion shall be exercised only to invest such money in accordance with the provisions of subparagraphs (i), (ii) and (iii) of paragraph (a) of subsection (1) or to lend such money in accordance with the provisions of subparagraphs (i) and (iii) of paragraph (c) of the said subsection (1).

(6) The company shall not lend trust funds on which interest is payable on the security of vacant land not used for agricultural purposes.

(7) The amount of guaranteed trust money invested in or loaned upon the security of the stocks of corporations shall not exceed in the aggregate twenty-five per cent of the total amount of guaranteed trust money held by the company. 1947, c. 75, s. 12; 1950, c. 53, s. 8.

65. Nothing in section 64 prevents the company from holding securities of any other kind that form or are part of any trust estate that comes into its hands; and it may hold such securities subject to the trusts and legal obligations attached thereto; but in the case of the realization of any portion thereof the proceeds shall be invested as herein directed, unless the will, deed or instrument creating the trust provides otherwise. R.S., c. 29, s. 64.

66. (1) The moneys and securities given, acquired or held in trust by the company, shall always be kept distinct from those of the company, and in separate accounts, and so marked for each particular trust as always to be distinguished from any other in the registers and other books of account to be kept by the company, so that at no time shall trust moneys form part of or be mixed with the general assets of the company.

(2) The company shall, in the receipt of rent and in the overseeing and management of trusts and other property, keep distinct records and accounts of all operations connected therewith.

(3) In the management of the money and property held by the company as trustee, or in any other official capacity, under the powers conferred by this Act, the company may, unless the authority making the appointment otherwise directs, invest the trust money in the manner provided by section 64 in one or more general or common trust funds of the company.

(4) The total amount of money of any one trust invested in one or more general or common trust funds of the company shall not, at any time, exceed the amount that a trust company may invest in one or more general or common trust funds.

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company may invest from such trust in general or common trust funds under the laws of the province in which the trust is being administered.

(5) Where it is provided by the agreement under which guaranteed trust moneys are received that specific securities shall be allocated in respect thereof, specific securities shall be ear-marked and set aside in respect thereof; otherwise, it is not necessary for the company to allocate specific securities to particular deposits of guaranteed trust moneys but securities shall be ear-marked and set aside in respect of all such moneys equal to the aggregate amount thereof as required by subsection (1). R.S., c. 29, s. 65; 1947, c. 75, s. 13; 1950, c. 53, s. 9.

67. All deposits of money received by the company in trust on which interest is allowed 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. R.S., c. 29, s. 66.

68. (1) The company may invest its own funds in
(a) debentures, bonds, stocks or other securities
(i) of or guaranteed by the Government of Canada,
(ii) of or guaranteed by the government of a province,
(iii) of or guaranteed by the Government of Great Britain and Northern Ireland, or of any of Her Majesty's self-governing dominions or dependencies,
(iv) of or guaranteed by the Government of the United States or of a state thereof,
(v) of a municipal or school corporation in Canada,
(vi) guaranteed by a municipal corporation in Canada, or
(vii) secured by rates or taxes levied under the authority of laws of a province on property situated in the province and collectable by the municipalities in which the property is situated;
(b) bonds of a corporation incorporated in Canada that are secured by a mortgage or hypothec to a trustee upon
(i) real estate,
(ii) plant or equipment of the corporation used in the transaction of its business, or
(iii) bonds, debentures or other evidences of indebtedness or stocks owned by the corporation of a class or classes authorized by this section as investments for a trust company.

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but the inclusion as additional security in the mortgage or hypothec of assets not of a class authorized by this Act as investments for a trust company does not render ineligible such bonds as an investment;

(c) bonds or debentures of a corporation incorporated in Canada that are secured by the assignment to a trust corporation in Canada of annual payments that the Government of Canada has agreed to make, if each payment is sufficient to meet the interest falling due on bonds or debentures outstanding and the principal amount of the said bonds or debentures maturing for payment in the year in which it is to be made;

(d) bonds or debentures issued by a charitable, educational or philanthropic institution incorporated in Canada in respect of which bonds or debentures are, by virtue of an Act of a province of Canada passed before the 1st day of July, 1947, payable, by or under the authority of the province, to a trust company as trustee for the holders of the bonds or debentures;

(e) debentures, debenture stock or other evidences of indebtedness of a corporation incorporated in Canada that are fully secured by statutory charge upon real estate or upon plant and 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 date of investment in the debentures, debenture stock or other evidences of indebtedness upon securities of the corporation of that class then outstanding; or the bonds or other evidences of indebtedness of a corporation incorporated in Canada that are fully secured by mortgage or hypothec to a trustee of securities of the class hereinbefore in this paragraph first mentioned;

(f) equipment trust obligations or certificates issued to finance the purchase of transportation equipment for a railway company incorporated in Canada or for a railway company owned or controlled by a railway company so incorporated, which obligations or certificates are fully secured by an assignment of the transportation equipment to, or by the ownership thereof by, a trustee, and by a lease or conditional sale thereof to the railway company;

(g) debentures or other evidences of indebtedness of a corporation incorporated in Canada that has paid regular

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regular dividends on its preferred or common stock for a term of at least five years immediately preceding the date of investment in such debentures or other evidences of indebtedness;

(h) preferred stocks of a corporation incorporated in Canada that has paid regular dividends upon such stocks, or upon its other preferred stocks ranking equally therewith or common stocks for not less than five years preceding the purchase of such preferred stocks;

(i) stocks of a corporation incorporated in Canada that are guaranteed by a corporation that has paid regular dividends upon its preferred or common stocks for not less than five years 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 corporation;

(j) fully paid common stocks of a corporation incorporated in Canada which, in each year of a period of seven years ended less than one year 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 the corporation 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 corporation shall be purchased by the company and the company shall not invest in its own stock or in the stock of any other trust company;

(k) mortgages or hypothecs on freehold real estate in Canada and agreements for sale of such real estate, but the amount paid for the mortgage, hypothec, or agreement for sale, together with the amount of indebtedness under any mortgage, hypothec, or agreement for sale ranking superior to the mortgage, hypothec, or agreement for sale in which the investment is made, shall not exceed sixty per cent of the value of the real estate; or

(l) freehold real estate in Canada for the production of income, either alone or jointly with any other company to which this Act or the Loan Companies Act applies, if

(i) a lease of the real estate is made to, or guaranteed by, a corporation that has paid

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(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 amount invested in any one parcel of real estate under this paragraph when added to the amount invested in such parcel under subparagraph (iii) of paragraph (b) of subsection (1) of section 64 does not exceed one-half of one per cent of the aggregate of the book value of the company's own funds and of the guaranteed trust money held by the company;

and the company may hold, maintain, improve, lease, sell or otherwise deal with or dispose of the real estate.

(2) The company may acquire and hold real and immovable property for its actual use and occupation and the management of its business and may sell or dispose of the same but 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.

(3) The company may lend its own funds on the security of

(a) bonds, debentures, stocks or other securities in which a company may invest its funds under the provisions of paragraphs (a) and (b) of subsection (1);

(b) bonds, debentures, notes, stocks or other securities of a corporation incorporated in Canada other than those mentioned in paragraph (b) of subsection (1), but the market value of the securities on which the loan is made shall exceed the amount of the loan by at least one-third of the market value; and the amount loaned on the security of the stocks of a corporation incorporated

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incorporated in Canada shall not exceed twenty per cent of the market value of the total stocks of the corporation;

(c) guaranteed investment certificates; or

(d) freehold real estate in Canada, but the amount of the loan, together with the amount of indebtedness under any mortgage or hypothec on the real estate ranking superior to the loan, shall not exceed sixty per cent of the value of the real estate, 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.

(4) The Treasury Board may authorize the acceptance by a company of bonds, stocks or debentures not fulfilling the foregoing requirements of this section

(a) in payment or part payment for securities sold by the company, or

(b) obtained under a bona fide arrangement for the reorganization of a corporation whose securities were previously owned by the company, or for the amalgamation with another corporation of the corporation whose securities were so owned;

but the bonds, stocks or debentures whose acceptance is so authorized shall be absolutely sold and disposed of within five years after the acquisition thereof, or within such further time as the Governor in Council shall on report of the Minister fix and determine, unless it can be shown to the satisfaction of the Minister that the bonds, stocks or debentures whose acceptance is so authorized are not inferior in status or value to the securities for which they have been substituted.

Determining eligibility as investments of preferred or common stocks.

(5) For the purpose of determining the eligibility as investments under this section of the preferred or common stocks of a corporation, the capital account of which has been voluntarily reorganized without impairment of the status or value of its outstanding securities, including the capital stock, dividends paid on the preferred and common stocks of the corporation before such reorganization may be counted as dividends paid on such stocks, respectively, of the corporation.

(6) The company shall not lend its own funds to a director or officer thereof, to the wife or a child of a director or officer or to a corporation more than one-half of the capital stock of which is owned by a director or officer, the wife or a child of a director or officer or by a combination of such persons.

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(7) The company shall not invest its own funds in, or lend its own funds on the security of, bonds, debentures or other evidences of indebtedness on which payment of principal or interest is in default.

(8) Except as hereinafter provided, 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 own funds.

(9) Where the company has on hand, on the 1st day of July, 1947, investments in common stocks of a total book value in excess of fifteen per cent of the book value of the company's own funds at the said date, the provisions of subsection (8) are not applicable to the company until the 1st day of January following the year in which the amount of the said investments is first reduced to fifteen per cent or less of the book value of the company's own funds, and on and after the said date, the said subsection applies; but until the said date no investment in common stocks shall be made by the company.

(10) The amount or value of shares of common stock acquired by the company after the 1st day of July, 1947, as bonuses or dividends on preferred or common stocks or acquired in the exercise of rights or privileges arising from investments of the company in preferred or common stocks, shall not be deemed to be an investment in common stocks for the purposes of subsections (8) and (9).

(11) Notwithstanding anything in this section, the amount of the company's investment or loans 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 in the aggregate twenty per cent of the market value of the debentures, bonds, stock and other securities issued by such company.

(12) The amount invested in or loaned upon the security of the stocks of corporations shall not exceed in the aggregate twenty-five per cent of the company's unimpaired paid-up capital and reserve.

(13) The total book value of the investments of the company's own funds in real estate for the production of income pursuant to paragraph (l) of subsection (1) shall not exceed five per cent of the book value of the company's own funds.

(14) The company shall not lend its funds on the security of vacant land not used for agricultural purposes.

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Collateral.

(15) The company may take personal or other security as collateral for an advance or for any debt due to the company.

Advances to protect property.

(16) Nothing in this section prohibits the company from making from its own funds reasonable advances to enable it to obtain possession of or to protect property entrusted to it for administration. 1947, c. 75, s. 14; 1950, c. 53, s. 10.

Trustee by appointment of Court.

69. In case of the appointment of the company to any trust or office by any court in Canada, or any judge, officer or person having lawful authority in that behalf, such court, judge, officer or person may require the company to render an account of its administration of the particular trust or office to which it has been appointed, and may appoint a suitable person to investigate the management of such particular trust by the company, and as to the security afforded to those by or for whom its engagements are held, and such person shall report thereon to such court, judge, officer or person, and the expenses of such investigation shall be borne as ordered by such court, judge or officer thereof. R.S., c. 29, s. 68.

BORROWING POWER.

Borrowing.

70. (1) For the purpose of carrying out the objects and powers of the company as authorized by section 63 or such of them as the company may be authorized to exercise, and for no other purpose, the directors of the company may, if authorized by by-law, sanctioned by a vote of not less than two-thirds of the amount of the paid-up capital stock of the company, represented at a general meeting duly called for that purpose,

(a) borrow money upon the credit of the company, and

(b) hypothecate, mortgage or pledge the real or personal property of the company, or both, to secure any money borrowed under the authority of this section.

Restriction.

(2) The company shall not borrow money by the issue of bonds or debentures.

Limitation of amount.

(3) The aggregate of the sums of money borrowed and of money entrusted to the company for investment, the repayment of which is guaranteed by the company, shall not exceed ten times the amount of the company’s unimpaired paid-up capital and reserve.

Application of subsection (3).

(4) Subsection (3) applies to every trust company whenever incorporated by Act of the Parliament of Canada or by letters patent issued under authority of any Act of the said Parliament. R.S., c. 29, s. 69; 1947, c. 75, s. 15.

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LICENCE.

71. (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 trust 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 trust 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 this 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.

(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. 29, s. 70.

ANNUAL STATEMENTS.

72. (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,

(a) the capital stock of the company and the portion thereof paid up;

(b) a list of the company's shareholders;

(c) the assets of the company that are its absolute property and liabilities in respect thereof;

(d) 5153

R.S., 1952.
(d) the liabilities of the company to the public in its trustee capacity and the investments and holdings of the company on trust account; and

(e) such other details as the Form hereinafter mentioned and the Minister require.

(2) The statement shall be in the Form in Schedule B, and shall be signed and declaration made by the president or 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. 29, s. 71.

INSPECTION.

73. (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 72, 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 power.

(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.

R.S., 1952.
(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. 29, s. 72.

74. (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 enquiry 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 to 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 section 80.

(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. 29, s. 73.

75. In his annual report prepared for the Minister under section 73, the Superintendent shall

(a) allow as assets only such of the investments of the several companies as are authorized by this Act, or by their Acts of incorporation, or by the general Acts applicable to such investments;

(b) make all necessary corrections in the annual statements made by the companies as herein provided; and

(c) 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. R.S., c. 29, s. 74.

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76. R.S., 1952.
76. (1) The Superintendent may request any company to dispose of and realize any of its investments acquired after the 28th day of June, 1922, 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.

(2) 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. R.S., c. 29, s. 75.

77. (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 interested give a certificate in writing setting forth the ruling appealed from and the reasons therefor, which ruling is, 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. 29, s. 76.

78. (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

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petent valuers, or may himself procure such appraise-
ment 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 par-
cel 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 realiz-
able 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. 29, s. 77.

PURCHASE AND SALE.

79. (1) The company may acquire the whole or any part
of the business, rights and property of any other company
that the company is authorized to carry on, exercise or
hold, conditional upon the assumption by the company
of the duties, obligations and liabilities of such other com-
pany with respect to the business, rights and property so
acquired as are not performed or discharged by such other
company, but no agreement therefor takes effect until
it has been submitted to and approved of by the Treasury
Board.

(2) Without limiting the powers the company has under
subsection (1), the company may, for the purpose of acquir-
ing the business, rights and property of a company pursu-
ant to subsection (1), purchase not less than sixty-seven
per cent of the outstanding shares of any other trust com-
pany 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 evi-
dence that

R.S., 1952.
(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 trust 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;

(c) the power to purchase shares under this subsection is in addition to the powers set forth in section 68, and the limitations and provisos contained in that section do not apply to any such purchase of shares; and

(d) where a company has purchased shares under this subsection, the company shall, under the provisions of subsection (1), acquire the business, rights and property, and assume the duties, obligations and liabilities, of the other trust company, within a period of two years after the purchase 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.

(3) The consideration for the business, rights and property or for the shares acquired under the authority of this section may be cash or 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.

(4) Nothing in this section shall be construed as authorizing a company to purchase or acquire its own shares.

(5) Any provisions in any letters patent or special Act by which a purchasing company was incorporated, or in any other statute or law, granting any shareholders or other persons a primary right to an allotment of shares, do not apply.
apply to the issue of any shares by the purchasing company for the purposes of subsection (3). R.S., c. 29, s. 79; 1950, c. 53, s. 11.

80. (1) The company may sell and dispose of the whole or any part of the business, rights and property of the company, for such consideration as the company may think fit.

(2) No sale or disposal shall be made until it is 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 for that purpose and representing at least fifty per cent of the issued capital stock of the company.

(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 trust 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. 29, s. 80.

81. (1) Nothing in this Act affects the validity of any investment or loan made on or before the 1st day of July, 1922.

(2) All investments or loans made after the said date shall be, such as are authorized by the provisions of this Act unless such investments or loans were contracted for before the said date.

(3) The loaning and investment powers of a trust company shall be determined by reference exclusively to the provisions of this Act notwithstanding anything contained in the special Act by which the company was incorporated, the Companies Act, or any other statute or law.

(4) 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. 29, s. 81; 1945, c. 33, s. 2.

PENSION FUNDS.

82. (1) Every trust 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, R.S., 1952.
provide, either by itself or jointly in association with any loan 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 trust company, whenever incorporated, whose incorporation is subject to the legislative jurisdiction of the Parliament of Canada. 1939, c. 9, s. 1.

**PENALTIES.**

**83.** 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. 29, s. 82.

**84.** 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. 29, s. 83.

**85.** 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 therefore, by imprisonment for a term not exceeding five years. R.S., c. 29, s. 84.

**86.** 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 1952.
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. 29, s. 85.

87. 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, refrains or neglects to produce any of the books mentioned in subsection (1) of section 35 within his power or control, or who refrains 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. 53, s. 12.

88. 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. Penalty. R.S., c. 29, s. 87.

89. 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 and every day during which such neglect continues. Penalty. R.S., c. 29, s. 88.

90. (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) R.S., 1952.
(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. 29, s. 89.

91. (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. 29, s. 90.

SCHEDULE A.

MODEL BILL.

For Incorporation of a Trust 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”.

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 addition 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 Trust Companies Act. R.S., c. 29, Sch. A.
**SCHEDULE B.**

**ANNUAL STATEMENT FOR THE YEAR ENDING DECEMBER 31, 19**

On the financial position and the condition of the affairs of............................

Head Office.................................

President................................. Secretary.................................

Vice-President............................ Manager.................................

Date of incorporation........................ Date of commencement of business......

Statute under which incorporated.................................

<table>
<thead>
<tr>
<th>CAPITAL</th>
<th>$</th>
</tr>
</thead>
<tbody>
<tr>
<td>Amount of capital stock authorized—preferred stock</td>
<td></td>
</tr>
<tr>
<td>&quot; &quot; common stock</td>
<td></td>
</tr>
<tr>
<td>Amount subscribed for—preferred</td>
<td></td>
</tr>
<tr>
<td>&quot; &quot; common</td>
<td></td>
</tr>
<tr>
<td>Amount paid up in cash—preferred</td>
<td></td>
</tr>
<tr>
<td>&quot; &quot; common</td>
<td></td>
</tr>
<tr>
<td>Share warrants exchangeable for capital stock</td>
<td></td>
</tr>
<tr>
<td>Dividend declared during the year</td>
<td></td>
</tr>
<tr>
<td>rate</td>
<td></td>
</tr>
<tr>
<td>amount</td>
<td></td>
</tr>
</tbody>
</table>

**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>$</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>$</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 of the Company

- **1.** Book value of office premises held by the company
- **2.** Amount of loans on real estate secured by mortgage and hypothec first liens
- **3.** The same, other than first mortgages or hypothecs
- **4.** Government, municipal and school securities
  - (a) owned
  - (b) Amount loaned against
- **5.** Loaned against
  - (a) bank stocks
  - (b) stocks of incorporated companies
  - (c) securities of incorporated companies
- **6.** Cash on hand
- **7.** Cash in banks (specify banks with deposits in each)

**Total assets of the company $5164**

### Other Assets

- **8.** Market value of real estate, government securities, etc., owned, over book value, (If under, a deduction to be made)
- **9.** Interest due—
  - (a) more than 6 months
  - (b) less than 6 months

**Total assets of the company $5164**

### Liabilities of the Company

#### To Shareholders

- **1.** Capital stock fully paid up
- **2.** Capital stock subscribed ($ ...), on which has been paid
- **3.** Reserve fund
- **4.** Dividends declared and unpaid
- **5.** Unappropriated profits

#### Other Liabilities

- **6.** Due for interest
- **7.** Due for salaries
- **8.** Due for rent
- **9.** Due for advertising, agency and miscellaneous expenses
- **10.** Money borrowed upon the credit of the company
- **11.** All other liabilities

**Total liabilities of the company $5164**
Trust Companies.

LIABILITIES TO THE PUBLIC.

1. Money in trust for investment.

2. Trust funds for investment, guaranteed.

3. Estates, trusts and agencies under administration by the Company.

   Total.

INVESTMENTS ON TRUST ACCOUNT.

1. First mortgages and hypotethes, upon improved freehold property,
   (a) in Canada.
   (b) in the United Kingdom.
   (c) in British Possessions.
   (d) in the United States.

2. Government securities, direct or guaranteed, held as trustee,
   (a) of Canada.
   (b) of the provinces of Canada.
   (c) of the United Kingdom.
   (d) of British Possessions.
   (e) of the United States.

3. " " as above, amount loaned against.

4. Canadian municipal bonds and debentures, held in trust.

5. " " " amount loaned against.

6. School district bonds and debentures.

7. " " " amount loaned against.

8. Other securities authorized by terms of trust.
   (Classification of such securities in separate schedule).

9. Investments other than foregoing.
   (Classification of such investments in separate schedule).

HOLDINGS AS TRUSTEE UNINVESTED.

10. Cash in hand.

11. Cash in banks, including interest-bearing deposits.
    (Specify banks with deposit in each).

12. Uninvested and unrealized trust or agency assets.
    (At the like valuation as same items are included in 3 of "Liabilities to the Public" foregoing).

   Total.
MISCELLANEOUS STATEMENT.

1. Real estate acquired in protecting Company's own, as distinguished from trust, investments.................................

2. Earliest date at which any portion of same has been acquired..............

3. Amount of interest due Company in its trustee capacity overdue more than 6 months..............................................................

4. Average rate of interest earned—
   (a) upon the Company's own, as distinguished from trust, investments....
   (b) upon trustee investments—
      (i) in mortgages and hypothecs......................................................
      (ii) in government securities...........................................................
      (iii) in municipal and school securities...........................................
      (iv) in all other classes of investment ...........................................

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. 29, Sch. B.

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

R.S., 1952.  

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CHAPTER 273.

An Act to establish an Unemployment Insurance Com-
misson, to provide for Insurance against Unem-
ployment, to establish an Employment Service,
and for other purposes related thereto.

SHORT TITLE.

1. This Act may be cited as the Unemployment Insur-
ance Act. 1940, c. 44, s. 1.

INTERPRETATION.

2. (1) In this Act and in any regulation or order made Definitions.
thereunder,
(a) "Commission" means The Unemployment Insurance Commis-
  sion created by this Act;
(b) "day" means a period of twenty-four hours from midnight to midnight or such other period of twenty-
  four hours as the Commission may for any general or special purpose prescribe;
(c) "insurance year" means such period of not less than fifty-two or more than fifty-three weeks as may be prescribed;
(d) "labour dispute" means any dispute between employers and employees, or between employees and employees, that is connected with the employment or non-employment, or the terms or conditions of employment of any persons, whether employees in the employment of the employer with whom the dispute arises, or not;
(e) "Minister" means the Minister of Labour;
(f) "prescribed" means prescribed by regulation of the Commission;
(g) "regulation" means any regulation made pursuant to this Act;
(h) "working week" means the number of hours, the number of days or the number of shifts that constitute the full week's work for any grade or class or shift in an occupation or at a factory, workshop or other premises of an employer.

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Meaning of certain expressions in this Act.

(2) In this Act and in any regulation or order made thereunder, each of the following expressions has the meaning assigned thereto in the section cited in this subsection:

(a) "benefit year" section 38;
(b) "employer's contribution" section 20;
(c) "employed person" section 14;
(d) "insurance benefit" section 29;
(e) "insurance books" section 27;
(f) "insurance cards" section 27;
(g) "insurable employment" section 14;
(h) "insured person" section 14;
(i) "statutory conditions" sections 29 and 30;
(j) "Unemployment Insurance Advisory Committee" section 85;
(k) "Unemployment Insurance Fund" subsection (1) of section 19, and subsection (1) of section 80; and
(l) "unemployment insurance stamps" section 27. 1940, c. 44, s. 2; 1946, c. 68, s. 1.

Division into Parts.

3. The remainder of this Act may be referred to as follows:

(a) Part I, sections 4 to 13, The Unemployment Insurance Commission;
(b) Part II, sections 14 to 90, Unemployment Insurance;
(c) Part III, sections 91 to 96, Supplementary Benefits;
(d) Part IV, sections 97 to 100, Employment Service;
(e) Part V, sections 101 to 107, Veterans;
(f) Part VI, sections 108 to 119, Regulations and General. 1946, c. 68, s. 2; 1950, c. 1, s. 20.

PART I.

THE UNEMPLOYMENT INSURANCE COMMISSION.

4. (1) This Act shall be administered by a Commission called "The Unemployment Insurance Commission" consisting of three Commissioners appointed by the Governor in Council of whom one shall be Chief Commissioner.

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Part I.  


(2) One Commissioner, other than the Chief Commissioner, shall be appointed after consultation with organizations representative of workers and the other after consultation with organizations representative of employers.

(3) The Chief Commissioner holds office for a period of ten years, and each of the other Commissioners for a period of five years, except that the office of any Commissioner becomes vacant for cause or permanent incapacity, or upon his attaining the age of seventy years.

(4) A Commissioner upon expiration of his term of office, if under seventy years of age, is eligible for reappointment. 1940, c. 44, s. 4.

5. (1) Two Commissioners constitute a quorum and no vacancy in the Commission impairs the right of the remaining Commissioners to act.

(2) In the event of absence or temporary incapacity of any Commissioner the Governor in Council may appoint a person to act in his stead during such absence or incapacity.

(3) Any vacancy arising in the Commission shall be filled within a period of four months.

(4) The decision of the majority of the Commissioners present at any meeting is the decision of the Commission, and in the event of a tie the Chief Commissioner has a second or casting vote. 1940, c. 44, s. 5.

6. The Commission is a body corporate having capacity to contract and to sue and be sued in the name of the Commission. 1940, c. 44, s. 6.

7. The Commission has power, for the purposes of this Act, to acquire, hold and dispose of personal property, and, with the approval of the Governor in Council, real property. 1940, c. 44, s. 7.

8. The Head Office of the Commission shall be in the City of Ottawa and each Commissioner shall reside in the City of Ottawa or within ten miles thereof. 1940, c. 44, s. 8.

9. The Commissioners shall be paid such salaries as may from time to time be fixed by the Governor in Council, and they shall devote their whole time to the performance of the duties of their respective offices. 1940, c. 44, s. 9.

10. (1) Such officers, clerks and other employees as are necessary for the proper conduct of the business of the Commission shall be appointed or employed in the manner authorized by law.

(2) The Commission may, subject to the approval of the Governor in Council, from time to time temporarily employ such persons of technical or professional attainments as the Commission may deem necessary. 1940, c. 44, s. 10.

11. The costs of administration of this Act, including remuneration of Commissioners, officers, clerks and employees, shall be paid out of moneys provided by Parliament. 1940, c. 44, s. 11.

12. Any officer or clerk appointed under this Act who is designated by the Commission 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 such officer or clerk has, with respect to any such oath, affidavit, declaration or affirmation, all powers of a commissioner for taking affidavits. 1950, c. 1, s. 1.

13. (1) For the purposes of any investigations undertaken by the Commission under the provisions of this Act, the Commission has the powers of a commissioner under the Inquiries Act.

(2) The Commission shall give such public notice as it considers sufficient of its intention to investigate any matters that under this Act it is empowered to investigate, and it shall receive representations submitted to it by persons or associations of persons appearing to the Commission to have an interest in the matters under investigation. 1940, c. 44, s. 12.

PART II.

UNEMPLOYMENT INSURANCE.

Insured Persons.

14. (1) Subject to the provisions of this Act, all persons who are employed in any of the employments specified in Part I of the Schedule, not being employments specified as excepted employments in Part II of the Schedule shall be insured against unemployment in the manner provided by this Act.

(2) The employment in which any such person is employed is in this Act referred to as “insurable employment”.

(3) Any person employed in insurable employment is in this Act referred to as an “employed person”.

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(4) Any such person who is insured under this Act is in this Act referred to as an "insured person". 1940, c. 44, s. 13.

15. (1) Where it appears to the Commission that the terms and conditions of service of, and the nature of the work performed by, any class of persons employed in an excepted employment are so similar to the terms and conditions of service of, and the nature of the work performed by, a class of persons employed in an insurable employment as to result in anomalies in the operation of this Act, the Commission may, by regulation, conditionally or unconditionally provide for including,

(a) the class of persons employed in insurable employment among the classes of persons employed in excepted employment, or

(b) the class of persons employed in excepted employment among the classes of persons employed in insurable employment.

(2) Where it appears to the Commission that, by reason of any law of a foreign country, a duplication of unemployment insurance contributions by employers or employed persons or both and of unemployment insurance benefits will result, the Commission may, from time to time, notwithstanding anything in this Act, by regulation, conditionally or unconditionally, wholly or in part, provide for including any employed person or class or group of employed persons among the excepted employments in Part II of the Schedule. 1940, c. 44, s. 14.

16. The Commission may, by special order, declare that the terms and conditions of service of, and the nature of the work performed by a person or group or class of persons who are not employed under a contract of service are so similar to the terms and conditions of service of, and the nature of the work performed by, a person or group or class of persons who are employed under a contract of service as to result in anomalies or injustices in the operation of the Act, and thereupon the person or group or class of persons in respect of whom the declaration is made shall be deemed to be employed under a contract of service for the purposes of this Act. 1946, c. 68, s. 3.

17. Where, in the opinion of the Commission, persons are ordinarily employed in insurable employment to an inconsiderable extent, the Commission may by regulation provide, subject to such exceptions and conditions as the Commission thinks fit, that such persons shall be deemed to be in excepted employments. 1940, c. 44, s. 15.

18. (1) Where an employed person establishes to the satisfaction of the Commission that he is either
(a) a person who is employed in an industry that is seasonal and that does not ordinarily extend over more than twenty weeks in any year and who is not ordinarily employed in any other insurable employment, or
(b) a person who habitually works for not more than one-half of the working hours in the normal working day at the office, plant, factory, premises or place where he is employed, and for not more than a total of four hours a day,
the Commission shall grant him a certificate exempting him from liability to contribute under this Act and the holder of such a certificate shall not be insured under this Act.
(2) Such certificate is subject to cancellation on proof satisfactory to the Commission that the holder is no longer entitled thereto.
(3) All claims for exemption shall be made to the Commission in the prescribed manner and subject to the prescribed conditions. 1940, c. 44, s. 16; 1946, c. 68, s. 4; 1948, c. 29, s. 1.

Contributions.
19. (1) The funds required for providing insurance benefit and for making any other payments that under this Act are to be made out of the Unemployment Insurance Fund, established under this Part, shall be derived partly from moneys provided by Parliament, partly from contributions by employed persons and partly from contributions by the employers of those persons.
(2) Subject to the provisions of this Act and to any regulations made thereunder, a contribution at the weekly rate provided in this subsection is payable for each calendar week during the whole of which an employed person is employed by an employer:

<table>
<thead>
<tr>
<th>Range of Earnings</th>
<th>Weekly Rate</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Employer</td>
</tr>
<tr>
<td>While earning in a week</td>
<td></td>
</tr>
<tr>
<td>Less than $9.00</td>
<td>18 cents</td>
</tr>
<tr>
<td>$9.00 to $14.99</td>
<td>24 cents</td>
</tr>
<tr>
<td>$15.00 to $20.99</td>
<td>30 cents</td>
</tr>
<tr>
<td>$21.00 to $26.99</td>
<td>36 cents</td>
</tr>
<tr>
<td>$27.00 to $33.99</td>
<td>42 cents</td>
</tr>
<tr>
<td>$34.00 to $47.99</td>
<td>48 cents</td>
</tr>
<tr>
<td>$48.00 or more</td>
<td>54 cents</td>
</tr>
</tbody>
</table>

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(3) Where an employed person works in any calendar week for the full working week for an employer, he shall be deemed to have worked for the whole of that calendar week for that employer, and no contribution is payable in respect of him by any other employer in that week.

(4) Where an employed person in any calendar week is not employed by any employer for a full working week as aforesaid but is employed by any employer for a shorter period than the full working week as aforesaid then a daily contribution, at one-sixth the weekly rate is payable in respect of him for each day during the whole or part of which he is employed by an employer; but if an employed person is employed by more than one employer on any day, his first employer on that day, subject to regulations by the Commission, shall be deemed to be the employer for the purposes of the provisions of this Act relating to the payment of contributions, and no further contribution is payable in respect of him by any other employer of that day.

(5) The Commission may, notwithstanding anything herein contained, prescribe contribution rates for periods other than a week on a basis substantially equivalent to the rates in subsection (2) and by such regulations may determine the corresponding weekly or daily rates of contribution for the purposes of Part II of this Act. 1940, c. 44, s. 17; 1950, c. 1, s. 3.

20. Except where the regulations under this Act otherwise prescribe, the employer is in the first instance liable to pay both the contribution payable by himself (in this Act referred to as "the employer’s contribution") and also on behalf of, and to the exclusion of, the employed person, the contribution payable by that person. 1940, c. 44, s. 18.

21. (1) Except in cases to which subsection (3) applies, where an employed person receives wages or other pecuniary remuneration in respect of his employment, an amount equal to any contribution paid or payable on behalf of the employed person by the employer or by any other person may, notwithstanding any act or contract to the contrary, be recovered by deducting from the wages or other pecuniary remuneration and not otherwise; but no deduction may be made under this subsection

(a) from any wages or pecuniary remuneration other than such as are paid in respect of the period or part of the period for which the contribution is payable, or

(b) R.S., 1952.
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(b) in excess of the contribution paid or payable on behalf of the employed person for the period in respect of which the wages or pecuniary remuneration is paid.

(2) Where the employed person does not receive any wages or other pecuniary remuneration from the employer but receives such remuneration from some other person, the amount of any contribution paid by the employer on behalf of the employed person is (without prejudice to any other means of recovery) recoverable as a civil debt from such other person, if proceedings for recovery are instituted within three months from the date on which the contribution was payable.

(3) Where the employed person is not paid wages or other pecuniary remuneration by his employer or any other person, the employer is liable to pay the contributions payable both by himself and the employed person and is not entitled to recover any part thereof from the employed person. 1940, c. 44, s. 19; 1950, c. 1, s. 4.

22. (1) In any case or class of cases where employed persons

(a) work under the general control or direct supervision of, or are paid by, some person other than their actual employer, or

(b) in the case of employment in lumbering and logging, work with the concurrence of some person other than their actual employer on the premises or property of that person,

the Commission may by special order provide that such other person shall for the purposes of this Act relating to the payment of contributions be deemed to be the employer.

(2) Where the Commission makes an order under subsection (1), the person thereby deemed to be the employer may deduct the amount of any contribution paid by him on behalf of such employed persons from any sums payable by him to the actual employer and the actual employer may recover such amount from the employed persons under the provisions of subsection (1) of section 21. 1943-44, c. 31, s. 3; 1950, c. 1, s. 5.

23. Notwithstanding any contract to the contrary, the employer is not entitled to deduct from the wages of, or otherwise to recover from, the employed person, the employer's contribution, except where the employed person has continued as an insured person pursuant to paragraph (l) of Part II of the Schedule. 1940, c. 44, s. 21.

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24. The employer of a person who holds a certificate of exemption under section 18 is not liable to pay an employer's contribution in respect of such person. 1948, c. 29, s. 2.

25. Any sum deducted by an employer from wages or other remuneration under this Act shall be deemed to have been entrusted to him for the purpose of paying the contribution for which it was deducted. 1940, c. 44, s. 23.

26. (1) The Commission may by regulation provide for the return to a person and to his employer of any contributions paid by them or either of them under the erroneous belief that the contributions were payable in respect of that person, subject, in the case of that person's contributions, to the deduction of any amount received by him as insurance benefit to which he was erroneously deemed to be entitled by reason of the contributions so paid in respect of him.

(2) No return of contributions shall be made under this section except on an application made in the prescribed manner and within the prescribed period, not being less than one year from the date on which the contributions were paid, and no such application for an amount less than fifty cents shall be considered. 1940, c. 44, s. 24; 1943-44, c. 31, s. 5.

27. The Commission may by regulation provide for the payment of contributions by means of stamps (in this Act referred to as "unemployment insurance stamps") affixed to or impressed upon books or cards (in this Act respectively referred to as "insurance books" and "insurance cards"), or otherwise, and such stamps or the devices for impressing the same, or other methods of payment, shall be prepared and issued in such manner as may be provided by the regulations. 1940, c. 44, s. 25.

28. Subject to the provisions of this Part, the Commission may make regulations providing for any matters relating to the payment and collection of contributions payable under this Act, and in particular for

(a) regulating the manner, times and conditions in, at and under which payments are to be made;

(b) the entry in or upon insurance books or cards of particulars of contributions and benefits paid in respect of the persons to whom the insurance books or cards relate;

(c) R.S., 1952.
(c) the issue, sale, custody, production and surrender of insurance books or cards and the replacement of insurance books or cards which have been lost, destroyed or defaced; and

(d) the offering of reward for the return of an insurance book or card which has been lost and for the recovery from the person responsible for the custody of the book or card at the time of its loss of any reward paid for the return thereof. 1940, c. 44, s. 26.

Insurance Benefit.

29. (1) Every person who, being insured under this Act, proves that he is

(a) unemployed,

(b) capable of and available for work, and

(c) unable to obtain suitable employment,

and in whose case the conditions laid down by this Act are fulfilled, is, subject to the provisions of this Act, entitled to receive payments (in this Act referred to as “insurance benefit” or “benefit”) at weekly or other prescribed intervals at such rates as are authorized by section 33, so long as those conditions continue to be fulfilled and so long as he is not disqualified under this Act from the receipt of benefit.

(2) Notwithstanding subsection (1) or any other law, the Commission may make regulations providing that, in the case of a deceased person or a person of unsound mind, benefit may be paid to any person who, in the opinion of the Commission, is equitably entitled thereto or that, in the case of a juvenile under eighteen years of age, benefit may be paid to a person by whom such juvenile is mainly or wholly maintained. 1946, c. 68, s. 7.

30. (1) The right of an insured person to receive insurance benefit is subject to the following conditions (in this Act referred to as “statutory conditions”), namely:

(a) that contributions have been paid in respect of him while employed in insurable employment for at least one hundred and eighty days during the two years immediately preceding the day on which the benefit year commences; and

(b) that contributions have been paid in respect of him while employed in insurable employment

(i) for at least sixty days during the period of fifty-two weeks immediately preceding the commencement of the benefit year, or during the period since the commencement of the immediately preceding benefit year, if any, whichever period is less, or

(ii)
(ii) for at least forty-five days during the period of twenty-six weeks immediately preceding the commencement of the benefit year or during the period since the commencement of the immediately preceding benefit year, if any, whichever period is less.

(2) For the purposes of the statutory conditions, account shall be taken only of contributions paid in respect of the insured person for periods during which he was bona fide employed in insurable employment and was not exempt from the provisions of this Act.

(3) Where an insured person proves in the prescribed manner that he was, during any period falling within the two years specified in subsection (1),

(a) incapacitated for work by reason of some specific disease or bodily or mental disablement;
(b) employed in excepted employment;
(c) engaged in business on his own account;
(d) employed in insurable employment in respect of which contributions were not payable;
(e) employed outside of Canada or partly outside of Canada, in an employment in respect of which contributions were not payable; or
(f) employed in an employment not described by Part I of the Schedule,

then subsection (1) and section 33 have effect as if, for each period therein referred to, there were substituted that period increased by the aggregate of the periods of such incapacity or of such employment or business engagement, but the increase so made in any period shall not in any case exceed two years. 1946, c. 68, s. 7; 1950, c. 1, s. 6.

31. (1) An insured person shall be deemed not to be unemployed

(a) during any period for which notwithstanding that his employment has terminated, he continues to receive

(i) remuneration, or
(ii) compensation for loss of, and substantially equivalent to, the remuneration he would have received if his employment had not terminated;

(b) on any day on which, notwithstanding that his employment has terminated, he is following an occupation for remuneration or profit unless

(i) that occupation could ordinarily be followed by him in addition to, and outside the ordinary working hours of, his usual employment, and

(ii)
(ii) the remuneration or profit received or earned therefrom for that day does not exceed two dollars or, where such remuneration or profit is in respect of a period longer than a day, the daily average of the remuneration or profit does not exceed that amount;

Holidays.

(c) on any day that is recognized as a holiday for his grade, class or shift in the occupation or at the factory, workshop or other premises at which he is employed unless otherwise prescribed;

Full working week.

(d) on any day of any calendar week during which he works the full working week;

Sundays.

(e) on any Sunday;

Prior to claim.

(f) subject to the provisions of subsection (6) of section 38, on any day prior to the day on which he makes a claim for benefit; or

(g) on any day for which a contribution is required under this Act or regulations made thereunder.

(2) An insured person shall be deemed not to have failed to prove that he is available for work on any day on which he is or was attending a course of instruction or training that the Commission has directed him to attend. 1946, c. 68, s. 7; 1948, c. 29, s. 3; 1950, c. 1, s. 7.

32. (1) The number of days in respect of which benefit may be paid to an insured person in a benefit year is the difference between

(a) one-fifth of the number of days for which contributions have been paid in respect of him in the prescribed period of five years preceding the benefit year for which the computation is made, and

(b) one-third of the number of days, if any, for which benefit has been paid to him in the prescribed period of three years preceding the benefit year.

(2) For the purposes of this section

(a) fractions of a day less than one-half shall be disregarded and a fraction of a day equal to or greater than one-half shall be taken as a full day, and

(b) the Commission may, by regulation, prescribe that the dates of termination of the five-year and three-year periods aforesaid shall be determined otherwise than by reference to the commencement of the benefit year.

(3) Notwithstanding subsection (1) and without restricting the right of an insured person to receive all benefit to which he is entitled under this Act, where a benefit year is established the Commission may treat it as a benefit year in which the number of days in respect of which benefit may be paid is at least thirty-six, and benefit may be paid to

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to the insured person on that basis for not more than thirty-six days in such benefit year, but no benefit year shall be so treated if it commences within twelve months after the establishment of a previous benefit year in which all the benefit that was paid was paid on such basis. 1946, c. 68, s. 7; 1948, c. 29, s. 4.

33. (1) The daily rate of benefit for a benefit year Rates of
(a) for a person without a dependant, shall be thirty-four times the average of the one hundred and eighty most recent daily contributions paid by the insured person during the two years immediately preceding the commencement day of the benefit year, and
(b) for a person with a dependant, shall be forty-five times such average, less ten cents from the product so obtained, and the weekly rate of benefit shall be six times the daily rate.

(2) In computing the average daily contribution Computation of average daily contribution.
(a) any contributions paid by the insured person for any period prior to the 1st day of July, 1951, at the daily rate of nine cents shall be deemed to have been paid at the rate of eight cents, for the purpose of computing his rate of benefit for periods prior to the 1st day of July, 1951,
(b) one cent shall be deducted from each daily contribution paid by the insured person after the 1st day of July, 1950, and
(c) fractions of a cent less than one-half shall be dis-regarded and fractions of a cent equal to or greater than one-half shall be taken as a full cent.

(3) For the purposes of this section Dependant.
(a) a person with a dependant is
(i) a man whose wife is being maintained wholly or mainly by him,
(ii) a married woman who has a husband dependent on her,
(iii) a person who maintains wholly or mainly one or more children under the age of sixteen years, or
(iv) a person who maintains a self-contained domestic establishment and supports therein, wholly or mainly, a person connected with him by blood relationship, marriage or adoption; and
(b) a child means a child of the insured person and includes his stepchild, adopted child or illegitimate child.
(4) Where the average daily contribution, computed in accordance with subsection (2) is the amount in column (1) below, the rates of benefit shall be the respective amounts set out in columns (2) to (5) inclusive below:

<table>
<thead>
<tr>
<th>Average Insured Person Contribution</th>
<th>Rate of Benefit</th>
<th>Person without a Dependant</th>
<th>Person with a Dependant</th>
</tr>
</thead>
<tbody>
<tr>
<td>Daily</td>
<td>Daily</td>
<td>Weekly</td>
<td>Daily</td>
</tr>
<tr>
<td>cents</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>2</td>
<td>$0.70</td>
<td>$4.20</td>
<td>$0.80</td>
</tr>
<tr>
<td>3</td>
<td>1.00</td>
<td>6.00</td>
<td>1.25</td>
</tr>
<tr>
<td>4</td>
<td>1.35</td>
<td>8.10</td>
<td>1.70</td>
</tr>
<tr>
<td>5</td>
<td>1.70</td>
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<tr>
<td>6</td>
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<tr>
<td>7</td>
<td>2.40</td>
<td>14.40</td>
<td>3.05</td>
</tr>
<tr>
<td>8</td>
<td>2.70</td>
<td>16.20</td>
<td>3.50</td>
</tr>
</tbody>
</table>

1950, c. 1, s. 8.

34. In computing benefit rights, account shall be taken only of contributions paid in respect of an insured person for periods during which he was bona fide employed in insurable employment and was not exempt from the provisions of this Act. 1946, c. 68, s. 7.

35. The Commission may prescribe the circumstances in which and the extent to which

(a) contributions paid in error and sums paid to a person by way of benefit while he was not entitled theret o are to be taken into account in determining his benefit rights, notwithstanding section 34;

(b) sums paid to a person by way of benefit while he was not entitled thereto may be ratified; and

(c) sums due and owing to the Fund by a person who has failed or neglected to pay such sums may be considered no longer due and owing to the Fund. 1946, c. 68, s. 7.

36. Where an insured person has been unemployed for six full days in a calendar week or for the full number of days constituting the normal week at the plant, factory, workshop or other place of usual employment, benefit shall be paid at the weekly rate prescribed in section 33 and where he has been unemployed for a portion of a calendar week, benefit shall be paid at the daily rate therein prescribed. 1946, c. 68, s. 7.
37. (1) An insured person is not entitled to benefit, (a) for any period of unemployment consisting of one day or for the first day in any period of unemployment consisting of two or more consecutive days, subject to the following exceptions:

(i) not more than one such day shall be excluded from benefit under this paragraph in any claim week, and

(ii) where that person while unemployed becomes employed for monetary gain and continues to be so employed for a period of not more than three consecutive days, then subject to the prescribed proof of the facts of that employment, the first day of unemployment following that period shall not be excluded from benefit under this paragraph, but this subparagraph does not apply if that person is regularly employed by the same employer for three days or less, whether consecutive or not, in a week; and

(b) in addition to the days specified in paragraph (a), for the first eight days of unemployment in any benefit year.

(2) For the purposes of this section

(a) “claim week” means a period of seven consecutive “Claim days beginning on a day to be determined in the prescribed manner; and

(b) a day for which an insured person is disqualified from receiving benefit is not a day of unemployment.

1950, c. 1, s. 9.

38. (1) Subject to subsection (2) “benefit year” means, “Benefit year in relation to an insured person who, upon making a claim for benefit, proves that the statutory conditions are fulfilled in his case, a period of twelve months commencing on the day he makes that claim.

(2) If an insured person exhausts his benefit rights in a benefit year, that benefit year shall thereupon be deemed to be terminated.

(3) A benefit year cannot commence until the previous benefit year, if any, has terminated.

(4) An insured person shall prove fulfilment of the statutory conditions only once in a benefit year.

(5) In any case where, by reason of an erroneous decision, a benefit year has been deemed to have been established although one or more of the statutory conditions have not been fulfilled, a benefit year shall nevertheless be deemed

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deemed to have commenced; but the insured person concerned is not entitled to benefit during that benefit year from the time when it is ascertained that such decision was made erroneously until the day upon which he proves that he fulfils the statutory conditions as of any day subsequent to the day on which the benefit year commences.

(6) Where an insured person shows good cause for delay in making a claim for benefit the Commission may authorize

(a) the commencement of a benefit year on a day earlier than that specified in subsection (1), and

(b) in respect of a period of unemployment, a day of commencement earlier than the day he makes his claim for benefit.

(7) Where an insured person has not proved entitlement to benefit or where benefit has not been paid to him, the Commission may determine that a benefit year is deemed not to have commenced. 1946, c. 68, s. 7; 1950, c. 1, s. 10.

39. Subject to the provisions of this Act, every assignment of, or charge on, and every agreement to assign, or charge, any of the benefits conferred by this Act is void, and, on an assignment for the benefit of creditors being made by any person entitled to any such benefit, the benefit does not pass to any trustee or other person acting on behalf of his creditors. 1946, c. 68, s. 7.

Regulations in respect of special classes.

40. (1) Where it appears to the Commission that the application of the provisions of this Act in the determination of benefit for classes of persons

(a) who habitually work for less than a full working week;

(b) who work or have worked for only part of the year in an industry or in an occupation that the Commission declares to be seasonal;

(c) who by custom of their occupation, trade or industry or pursuant to their agreement with an employer are paid, in whole or in part, by the piece or on a basis other than that of time; or

(d) who are married women;

would result in anomalies in relation to the benefit of other classes of insured persons, the Commission may make regulations in relation to the said classes of persons

(i) imposing additional conditions and terms with respect to contributions and the payment thereof and with respect to the receipt of benefit.

(ii) restricting the amount or period of benefit, and
(iii) making modifications in the provisions of this Act relating to the determination of claims for benefit as may appear necessary to remove or substantially remove the anomalies.

(2) The Commission shall give such public notice as it considers sufficient of its intention to make regulations under this section and shall receive any representations that may be made to it with respect thereto.

(3) Regulations made under this section may be applicable (a) either generally or in a specified area, and (b) to all classes to which subsection (1) applies or one or more of them, to a particular class or a portion of a class or to an industry or a portion of an industry.

1946, c. 68, s. 7; 1950, c. 1, s. 11.

Disqualification for Benefit.

41. (1) An insured person is disqualified from receiving benefit if he has lost his employment by reason of a stoppage of work due to a labour dispute at the factory, workshop or other premises at which he was employed unless he has, during the stoppage of work, become bona fide employed elsewhere in the occupation that he usually follows, or has become regularly engaged in some other occupation; but this disqualification lasts only so long as the stoppage of work continues.

(2) An insured person is not disqualified under this section if he proves (a) that he is not participating in, or financing or directly interested in the labour dispute that caused the stoppage of work, and (b) that he does not belong to a grade or class of workers of which immediately before the commencement of the stoppage there were members employed at the premises at which the stoppage is taking place any of whom are participating in, financing or directly interested in the dispute.

(3) Where separate branches of work that are commonly carried on as separate businesses in separate premises are carried on in separate departments on the same premises, each department shall, for the purpose of this section, be deemed to be a separate factory or workshop.

1946, c. 68, s. 7.

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42.
An insured person is disqualified from receiving benefit if he,

(a) after an officer of the Commission or a recognized agency or an employer has notified him that a situation in suitable employment is vacant or about to become vacant, has without good cause refused or failed to apply for such situation or failed to accept such situation when offered to him;

(b) has neglected to avail himself of an opportunity of suitable employment;

(c) has without good cause failed to carry out any written direction given to him by an officer of the Commission with a view to assisting him to find suitable employment (being a direction which was reasonable having regard both to his circumstances and to the usual means of obtaining that employment); or

(d) has without good cause failed to attend a course of instruction or training that the Commission directed him to attend for the purpose of becoming or keeping fit for entry into or return to employment.

For the purposes of this section, employment shall be deemed not to be suitable employment for a claimant if it is

(a) employment arising in consequence of a stoppage of work due to a labour dispute;

(b) employment in his usual occupation at a lower rate of wages, or on conditions less favourable, than those observed by agreement between employers and employees, or failing any such agreement, than those recognized by good employers; or

(c) employment of a kind other than employment in his usual occupation at a lower rate of wages, or on conditions less favourable, than those that he might reasonably expect to obtain, having regard to those which he habitually obtained in his usual occupation, or would have obtained had he continued to be so employed.

Notwithstanding paragraph (c) of subsection (2) after a lapse of such an interval from the date on which an insured person becomes unemployed as, in the circumstances of the case, is reasonable, employment shall not be deemed to be not suitable by reason only that it is employment of a kind other than employment in the usual occupation of the insured person, if it is employment at a rate of wages not lower and on conditions not less favourable
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favourable than those observed by agreement between employees and employers or, failing any such agreement, than those recognized by good employers. 1946, c. 68, s. 7.

43. (1) An insured person is disqualified from receiving benefit if he has lost his employment by reason of his own misconduct or if he voluntarily leaves his employment without just cause.

(2) An insured person shall be deemed not to have lost his employment by reason of his own misconduct if he has lost his employment on account of membership in, or of lawful activity connected with, any association, organization or union of workers. 1946, c. 68, s. 7.

44. An insured person is disqualified from receiving benefit while he is an inmate of any prison or an institution supported wholly or partly out of public funds or, unless otherwise prescribed, while he is resident, whether temporarily or permanently, out of Canada. 1946, c. 68, s. 7.

45. Notwithstanding anything in this Act, no insured person is disqualified from receipt of benefit by reason only of his refusal to accept employment if by acceptance thereof he would lose the right

(a) to become a member of,

(b) to continue to be a member and to observe the lawful rules of, or

(c) to refrain from becoming a member of any association, organization or union of workers. 1946, c. 68, s. 7.

46. (1) Where an insured person is disqualified from receiving benefit under section 42 or section 43, the period of disqualification shall be for such period, not exceeding six weeks, and shall begin on such day, as may be determined by the insurance officer, court of referees or umpire, as the case may be.

(2) Where an insurance officer becomes aware of facts that in his opinion establish that an insured person has made a false statement or a misrepresentation for the purpose of obtaining benefit under this Act, he may disqualify the insured person from receiving benefit for not more than the first thirty-six compensable days that occur after such day as he may determine, and such disqualification may be imposed notwithstanding that proceedings have been taken under any other provision of this Act in respect of the false statement or misrepresentation.

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"Compensable days."

(3) For the purposes of subsection (2) the expression "compensable days" means days in respect of which the person makes a claim for benefit in the prescribed manner and would be entitled to receive benefit but for this subsection. 1946, c. 68, s. 7; 1948, c. 29, s. 8.

Determination of Questions.

47. If any question arises as to
(a) whether any employment or any class of employment is or will be such employment as to make the person engaged therein an insured person or whether a person is or was an insured person;
(b) who is or was the employer of any employed person;
(c) the rate of contribution payable under this Act by or in respect of any person or class of persons or as to the rates of contribution payable in respect of any insured person by the employer and that person respectively; or
(d) whether a person was or was not employed in any excepted employment or any insurable employment in respect of which contributions were not payable, or engaged in business on his own account, or employed outside of Canada or partly outside of Canada in an employment in respect of which contributions were not payable, or employed in an employment not described by Part I of the Schedule, during any period falling within the period of two years specified in the first statutory condition;

the question shall, subject to the provisions of this Act, be decided by the Commission. 1946, c. 68, s. 7.

48. (1) Any person aggrieved by any decision of the Commission made in pursuance of section 47, may appeal from that decision to the umpire within six months from the date on which the decision of the Commission is communicated to him or within such longer period as the umpire may allow.

(2) The decision of the umpire on any such appeal is final and not subject to appeal to any Court. 1946, c. 68, s. 7.

49. The Commission or the umpire may, on new facts being brought to its or his notice, rescind or amend any decision given by it or him, as the case may be, under this Act. 1946, c. 68, s. 7.

50. The Commission may, if it thinks fit, refer any question mentioned in section 47 to the umpire for decision. 1946, c. 68, s. 7.

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51. Where a question specified in section 47 arises in any legal proceedings, the justice or justices of the peace, magistrate, judge or court before whom it arises shall, if the question has not been decided by the Commission, refer the question to the Commission and defer further proceedings until the Commission's decision is received, and upon receipt of the Commission's decision, shall proceed with the hearing and judgment of the legal proceedings, and where an appeal or reference to the umpire has been made, shall nevertheless proceed with the hearing but defer judgment until the umpire's decision is received. 1946, c. 68, s. 7.

52. In determining any question as to whether any occupation, in which a person is or has been engaged, is or was such as to make him an insured person within the meaning of this Act, regard shall be had to the nature of the work on which he is or was engaged rather than to the business of the person by whom he is or was employed. 1940, c. 44, s. 50.

53. (1) The Commission may make regulations prescribing the procedure for the determination of questions.

(2) The Commission may, subject to the approval of the Governor in Council, pay such travelling and other allowances, including compensation for loss of remunerative time, to any person required by the Commission or the umpire to attend before the Commission or the umpire, as the case may be, as the Commission may determine, and any such payments shall be treated as costs of administration of this Act. 1940, c. 44, s. 51; 1950, c. 1, s. 12.

Insurance Officer: Referee: Umpire.

54. (1) The Commission may in each regional division established under this Act authorize such of its officers or employees as the Governor in Council may approve, to be insurance officers for such division.

(2) The Governor in Council may appoint such number of persons as is deemed necessary to be chairmen of courts of referees in each regional division.

(3) The Governor in Council may, from amongst the Judges of the Exchequer Court of Canada and of the Superior Courts of the provinces of Canada, appoint an umpire and such number of deputy-umpires as he may deem necessary for the purposes of this Act, and, subject to the provisions of this Act, may prescribe their jurisdiction; and unless the context otherwise requires, any reference to the umpire includes a reference to a deputy-umpire.
(4) The Governor in Council may by regulation appoint persons to act in the place of the umpire in case of his unavoidable absence or incapacity. 1940, c. 44, s. 52.

55. (1) A court of referees for the purposes of this Act shall consist of one or more members chosen to represent employers, with an equal number of members chosen to represent insured persons, and a chairman appointed as provided in subsection (2) of section 54.

(2) Panels of persons chosen to represent employers and insured persons respectively shall be constituted by the Commission for such districts as the Commission may think fit, and the members of a court of referees to be chosen to represent employers and insured persons shall be selected from those panels in the prescribed manner.

(3) Subject as aforesaid, the constitution of courts of referees shall be determined by regulation under this Act.

(4) Regulations under this Act may provide that any claim or question that is referred to a court of referees may, with the consent of the claimant or the person or association in whose case the question arises, but not otherwise, be proceeded with in the absence of any member or members of the court other than the chairman, and in any such case the court shall, notwithstanding anything in this Act, be deemed to be properly constituted, and the Chairman, if the number of the members of the court is an even number, has a second or casting vote.

(5) The Commission may, subject to the approval of the Governor in Council, pay such remuneration to the chairman and other members of a court of referees, and such travelling, subsistence and other allowances, including compensation for loss of remunerative time, to any such chairman or members or to any persons required to attend before any such court, and such other expenses in connection with any court of referees as the Commission determines, and any such payments shall be treated as costs of administration of this Act. 1940, c. 44, s. 53.

Claim Procedure.

56. All claims for benefit, and all questions arising in connection with such claims, shall be submitted for examination to one of the insurance officers. 1940, c. 44, s. 54.

57. (1) The insurance officer shall take into consideration any claim submitted to him for examination under section 56, and
(a) if he is of opinion that the statutory conditions have been fulfilled, he shall declare that a benefit year has been established, or

(b) if he is of opinion that the statutory conditions have not been fulfilled, he shall

(i) declare that a benefit year has not been established on the ground that one or more of the statutory conditions is not fulfilled, or

(ii) refer the claim, if practicable, within fourteen days from the day on which the claim was submitted to him for examination, to the court of referees for its decision.

(2) Notwithstanding, that a benefit year has been established, if the insurance officer is not satisfied that the claimant has fulfilled all the other conditions of entitlement to benefit or if he is of the opinion that the claimant is disqualified from receiving benefit, he shall

(a) refer the claim, if practicable, within fourteen days from the day on which the claim was submitted to him for examination, to the court of referees for its decision, or

(b) declare the claimant to be disqualified from receiving benefit from such day as he may determine, on the ground that

(i) the claimant has not proved fulfilment of the conditions contained in section 29,

(ii) the claimant does not fulfil one or more of the additional conditions or terms for the receipt of benefit imposed by regulation, or

(iii) the claimant is disqualified under sections 41 to 46, inclusive. 1946, c. 68, s. 8; 1948, c. 29, s. 9.

58. Where the insurance officer declares that a benefit year has not been established or declares a claimant to be disqualified from receiving benefit, the claimant may at any time within twenty-one days from the date on which the decision of the officer is communicated to him, or within such further time as the Commission may in any particular case for special reasons allow, appeal in the prescribed manner to the court of referees. 1946, c. 68, s. 8.

59. Subject to the provisions of section 60 an appeal lies to the umpire from any decision of a court of referees as follows:

(a) at the instance of an insurance officer, in any case;

(b) at the instance of an association of employed persons of which the claimant is a member, in any case; or

(c) 

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(c) at the instance of the claimant

(i) without leave in any case in which the decision of the court of referees is not unanimous; and

(ii) with the leave of the chairman of the court of referees in any other case; so, however, that where leave to appeal is not granted when the decision of the court of referees is given, an application for such leave may be made by the claimant in such form, and within such time after the date of the decision, as shall be prescribed, and any application for leave to appeal shall be granted by the chairman if it appears to him that there is a principle of importance involved in the case or any other special circumstances by reason of which leave to appeal ought to be given. 1946, c. 68, s. 9.

60. For the purposes of paragraph (b) of section 59 a claimant for benefit shall not, in relation to any appeal be deemed to be a member of any association of employed persons unless he was a member thereof on the last day on which he was employed before the claim that is the subject of the appeal was made, and has continued to be a member thereof until the date when the appeal is made; and the question whether any association is or is not an association of employed persons for the purpose of this section shall be for the decision of the umpire. 1946, c. 68, s. 9.

61. (1) The decisions of a court of referees shall be recorded in writing and shall include a statement of its findings on questions of fact material to the decision.

(2) Where the chairman of a court of referees grants leave of appeal to the umpire from the decision of the court, the chairman shall record in writing a statement of the grounds on which leave to appeal is granted. 1946, c. 68, s. 9.

62. An appeal must be brought within six months of the date of the decision of the court of referees or such longer period as the umpire may, in any case, for special reasons allow. 1946, c. 68, s. 9.

63. On an appeal from a decision of a court of referees or a decision of the Commission, the umpire may direct the court of referees or the Commission, as the case may be, to reconsider or rehear the case either generally or on any particular issue, and may withhold his decision pending the decision of the court of referees or the Commission. 1946, c. 68, s. 10.
64. The decision of the umpire on any appeal from the court of referees is final and not subject to appeal to any Court. 1946, c. 68, s. 11.

65. Where on an appeal to the umpire from a decision of a court of referees any person affected by the decision is requested by the umpire to attend before him on the consideration of the appeal and so attends, he shall be paid out of moneys provided by Parliament for meeting the costs of administration of this Act such travelling and other allowances, including compensation for loss of remunerative time, as the Commission may prescribe. 1940, c. 44, s. 63.

66. An insurance officer, a court of referees or the umpire, on new facts being brought to his or their knowledge, may rescind or amend a decision given in any particular claim for benefit. 1940, c. 44, s. 64.

67. Where a claim for benefit is allowed by a court of referees, benefit is payable in accordance with the decision of the court notwithstanding that an appeal to the umpire is pending, unless the appeal has been brought on the ground that the claimant ought to be disqualified under the provisions of section 41 and within twenty-one days of the date on which the decision of the court of referees was given, and any benefit paid in pursuance of the provisions of this section shall be treated, notwithstanding that the final determination of the question is adverse to the claimant, as having been duly paid and is not recoverable from the claimant. 1946, c. 68, s. 12.

68. (1) In sections 55 to 67, references to claims for benefit shall be construed as including references to questions arising in relation to such claims, and references to action on a claim shall be construed as including references to determining a question in favour of or adversely to a claimant.

   (2) If any question specified in section 47 arises, that question shall be decided by the Commission under the provisions of section 47. 1946, c. 68, s. 13; 1950, c. 1, s. 13.

Legal Proceedings.

69. (1) If, for the purpose of obtaining any benefit or payment under this Act, either for himself or for any other person, or for the purpose of avoiding or enabling any person to avoid any payment required under this Act, any person makes a false statement or misrepresentation to any person makes a false statement or misrepresentation

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to the Commission or to any person concerned in the administration of this Act, he is guilty of an offence and liable on summary conviction to a fine of not less than fifteen dollars nor more than one hundred dollars or to imprisonment for a term not exceeding three months, with or without hard labour, or to both fine and imprisonment.

(2) There shall be imposed on every person convicted of an offence under subsection (1), in addition to the penalty provided therein, an additional penalty equal to whatever portion of the benefit or payment obtained as a result of the false statement or misrepresentation remains at the time of conviction unrepaid to or unrecovered by the Commission and such additional penalty shall be paid over to the Unemployment Insurance Fund to be applied in repayment of the sum so obtained; and such benefit or payment or portion thereof or additional penalty may, without prejudice to any other mode of recovery, be recovered by the Commission by deduction from benefit.

Evidence.

(3) In any prosecution under subsection (1) a certificate purporting to be signed by an officer appointed under this Act and setting forth the amount of benefit or payment obtained, and the portion thereof that remains unrepaid to or unrecovered by the Commission as of any day subsequent to the laying of the information, is receivable in evidence as prima facie proof of the amount of benefit or payment obtained, and the portion thereof that remains unrepaid to or unrecovered by the Commission as of the day of conviction, without proof of the signature or official character of the person appearing to have signed the certificate, and without further proof thereof.

(4) Proceedings may be taken under this section notwithstanding that proceedings have been taken or a disqualification has been imposed in respect of the same false statement or misrepresentation under any other provision of this Act.

(5) Where in any legal proceedings under this Act any question arises and

(a) that question is one that could be decided by an insurance officer under any of sections 55 to 68 and has not been decided by an insurance officer, or

(b) an appeal from a decision of that question under any of those sections is pending,

the justice or justices of the peace, magistrate, judge or court before whom the question arises shall, in the case of a question coming within paragraph (a), refer the question to the insurance officer and defer further proceedings until the insurance officer's decision is received, or, in the case

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of a question coming within paragraph (b), defer further proceedings until the appeal decision has been received, and upon receipt of such decision shall proceed with the hearing and judgment; and in any legal proceedings under this Act, any decision under the said sections is conclusive.

(6) Subject to subsections (3), (4) and (5) of section 4 of the Canada Evidence Act, the wife or husband of a person charged with an offence against the provisions of subsection (1) of this section in respect of a false statement or misrepresentation as to his or her dependant under this Act, is a competent and compellable witness for the prosecution without the consent of the person charged. 1948, c. 29, s. 10; 1950, c. 1, s. 14.

70. (1) If any person is guilty of any contravention of or non-compliance with any of the requirements of this Act or the regulations made thereunder, or if any employer deducts or attempts to deduct from the wages or other remuneration of an employed person the whole or any part of the employer's contribution, or fails or neglects to pay any contribution for which he is liable under this Act, he is guilty of an offence against this Act and for each offence, in respect of which no penalty is provided, is liable on summary conviction, to a fine not exceeding two hundred and fifty dollars, or to imprisonment for a term not exceeding three months, or to both fine and imprisonment.

(2) In any case where an employer is convicted of the offence of failing or neglecting to pay a contribution there shall be imposed on him, in addition to the aforesaid penalty, a further penalty equal to the amount of the contribution which he has failed or neglected to pay, which additional penalty shall be paid over to the Unemployment Insurance Fund and applied in payment of the contributions in arrears in respect of which the conviction is made.

(3) In any proceedings for offences against the provisions of this Act or regulations made thereunder, any information may include more than one offence committed by the same person, and all such offences may be tried concurrently, and no information, warrant, summons, conviction, or other proceedings for such offences shall be deemed objectionable or insufficient on the ground that it relates to two or more offences, and one conviction for any or all such offences may be made, which conviction may, but need not, provide a separate penalty for each such offence; except that penalties imposed under subsection (2) of section 69 or subsection (2) of this section shall be imposed.

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imposed separately from any other penalty and they shall be imposed either separately for each offence or as one penalty in an amount equal to the total of the penalties if imposed separately.

(4) Notwithstanding the provisions of the Criminal Code relating to summary convictions, a justice may hear, try, determine and adjudge the complaint or information in respect of any offence against this Act or regulations made thereunder if the accused is summoned, found, apprehended or is in custody in his territorial jurisdiction although the matter of the complaint or information did not arise within his territorial jurisdiction.

(5) In any legal proceedings under this Act, a certificate purporting to be signed under the hand of any inspector of the Commission and stating the amount of contributions owing by any employer, or a copy of the payroll or any part thereof of any employer purporting to be certified under the hand of any such inspector, is receivable in evidence as prima facie proof of the amount of contributions owing or the contents of such payroll, as the case may be, without proof of the signature or the official character of the person appearing to have signed the same and without further proof thereof. 1946, c. 68, s. 15; 1948, c. 29, s. 11; 1950, c. 1, s. 15.

71. Every person who buys, sells, or offers for sale, takes or gives in exchange or pawns or takes in pawn, any insurance card, insurance book, or used unemployment insurance stamp, or any document or thing used in the administration of this Part, or has in his possession any of these things not being entitled to possess them, is guilty of an offence against this Act and for each such offence is liable on summary conviction to a fine not exceeding two hundred and fifty dollars or to imprisonment for a term not exceeding three months, or to both fine and imprisonment. 1940, c. 44, s. 69.

72. (1) Proceedings for an offence under this Act shall not be instituted except with the consent in writing of the Commission or an officer appointed under this Act and authorized in that behalf by special or general directions of the Commission.

(2) Proceedings for an offence under this Act or regulations made thereunder may be commenced at any time within twelve months from the day on which evidence, sufficient in the opinion of the Commission to justify prosecution for the offence, comes to its knowledge.

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(3) For the purposes of subsection (2), a certificate issued by the Commission certifying as to the date on which the evidence referred to in subsection (2) came to the knowledge of the Commission, shall be received as conclusive evidence thereof. 1946, c. 68, s. 16.

73. (1) Any sum due and owing to the Unemployment Insurance Fund or to the Commission under this Act is recoverable as a debt due to the Crown and, without prejudice to any other remedy, may be recovered by the Commission as a civil debt.

(2) Proceedings for the recovery of any sum due and owing to the Unemployment Insurance Fund or to the Commission may be commenced at any time within twelve months from the day on which evidence sufficient in the opinion of the Commission to justify such proceedings, comes to its knowledge.

(3) For the purposes of subsection (2), a certificate issued by the Commission certifying as to the date on which the evidence referred to in subsection (2) came to the knowledge of the Commission, shall be received as conclusive evidence thereof. 1946, c. 68, s. 17.

74. (1) Where an employer fails or neglects to pay a contribution that under this Act he is liable to pay in respect of any insured person in his employment, or fails or neglects to comply with the requirements of any regulation relating to the payment or collection of contributions in respect of the insured person, and by reason thereof that person loses the right to claim in whole or in part the insurance benefit to which he would otherwise have been entitled under this Act, the Commission may nevertheless pay the benefit and the employer is, unless the failure to pay contributions was the result of an erroneous opinion or ruling given in writing by an officer of the Commission, liable to pay to the Unemployment Insurance Fund a sum equal to the amount of such insurance benefit to which he would otherwise have been entitled.

(2) Upon recovery of an amount from an employer under subsection (1), the Commission shall pay the benefit if it has not already done so.

(3) If it is found at any time that a person has received a sum by way of benefit while the statutory conditions or any other conditions for the receipt of benefit imposed by or pursuant to this Act were not fulfilled, or while the insured person was disqualified from receiving benefit, he is liable to repay to the Unemployment Insurance Fund a sum equal to the amount so received by him.

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(4) Proceedings may be taken under this section notwithstanding that proceedings have been taken under any other provision of this Act in respect of the same failure or neglect. 1946, c. 68, s. 18; 1950, c. 1, s. 16.

75. Where a corporation is guilty of an offence under this Act or the regulations, 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. 1948, c. 29, s. 12.

Inspection.

76. Any person authorized by the Commission to act as an inspector has, for the purpose of the execution of this Act, power to do all or any of the following things, namely:

(a) to enter at all reasonable times any premises or place where he has reasonable grounds for supposing that any insured persons are employed, but not a private dwelling house, unless the private dwelling house is or contains a workshop, an office, a place of business, or a place indicated by the employer to the Commission as a place of business;

(b) to make such examination and inquiry as may be necessary for ascertaining whether the provisions of this Act are complied with in any such premises or place;

(c) to examine orally, either alone or in the presence of any other person, as he thinks fit, with respect to any matters under this Act, every person whom he finds in any such premises or place, or whom he has reasonable cause to believe to be or to have been an employed person, and to require every such person to be so examined, and to sign a declaration of the truth of the matters in respect of which he is so examined; and

(d) to exercise such other powers as may be necessary for carrying this Act into effect. 1940, c. 44, s. 73; 1950, c. 1, s. 17.

77. (1) The following persons, namely,

(a) the occupier of any premises or place that an inspector is by section 76 authorized to enter, and the servants and agents of such occupier;

(b) any person who is supposed by an inspector on reasonable grounds to be or to have been an employer, and the servants and agents of any such person; and

(c) any person who is or has been employed by any person mentioned in paragraph (a) or (b);

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shall furnish to any inspector all such information and shall produce for inspection all such registers, books, cards, wage sheets, records of wages, ledgers and other documents as the inspector requests.

(2) An employer shall, forthwith upon being requested so to do by an inspector, furnish to him the prescribed proof of the amount of unemployment insurance stamps lawfully in his possession at the commencement of any period specified by the inspector, the amount of such stamps lawfully purchased by him during the period and the amount of such stamps lawfully in his possession at the end of the said period.

(3) In any legal proceedings under this Act evidence that the aggregate amount of unemployment insurance stamps lawfully in the possession of an employer at the commencement of the period specified by the inspector plus the amount of such stamps lawfully purchased by him during the period, plus the amount of any contributions paid otherwise, less the amount of such stamps lawfully in his possession at the end of the period, was not sufficient to enable the employer to pay all contributions payable by him during the period, is *prima facie* evidence that the employer is guilty of an offence against this Act.

(4) The inspector may determine that the amount by which such contributions exceed such stamps and other payments is the aggregate amount of the contributions that the employer failed or neglected to pay, and the amount so determined shall *prima facie* be deemed to be contributions due and owing to the Fund by the employer.

1950, c. 1, s. 18.

78. If any person wilfully delays or obstructs an inspector in the exercise of any power under section 76 or if any person fails or neglects to give such information or to produce such proof or documents as required in section 77, or conceals or prevents or attempts to conceal or prevent any person from appearing before or being examined by an inspector, he is guilty of an offence against this Act. 1950, c. 1, s. 18.

79. Every inspector shall be furnished with the prescribed certificate of his appointment, and on applying for admission to any premises or place for the purpose of this Act shall, if so required, produce the said certificate to the occupier. 1940, c. 44, s. 76.
Unemployment Insurance Fund.

80. (1) There shall be a special account in the Consolidated Revenue Fund called the Unemployment Insurance Fund (in this Act referred to as "the Fund"), to which the Minister of Finance shall from time to time credit all moneys received from the sale of unemployment insurance stamps and all contributions paid otherwise than by means of such stamps under the provisions of this Act.

(2) The Minister of Finance shall also credit in like manner from time to time out of moneys provided by Parliament an amount equal to one-fifth of the aggregate credits from time to time made as aforesaid after deducting from the said aggregate credits any refunds of contributions from time to time made under the provisions of this Act from the Fund. 1940, c. 44, s. 77; 1946, c. 68, s. 19.

81. (1) Notwithstanding the Financial Administration Act, the Minister of Finance may, subject to the provisions of this Act, on the requisition of the Commission or its authorized officers, pay out of the Fund insurance benefits and refunds of contributions as provided by this Act and expenses in connection with the pledging of securities or advances to the Fund pursuant to section 82 but no other payment shall be made a charge on the Fund.

(2) Credits in the Fund not currently required for the purposes of this Act shall, as provided in this section, be invested by the Commission in obligations of, or guaranteed by, the Government of Canada, and investments so made may be sold or exchanged for other like securities and all interest received on the investments shall be credited to the Fund.

(3) Investment transactions under the provisions of this section shall be made only on the authorization of an Investment Committee of three members consisting of

(a) one member nominated by the Minister,
(b) one member nominated by the Minister of Finance, and
(c) the Governor of the Bank of Canada, or, in the event of his absence or incapacity, the Deputy Governor or the Acting Governor for the time being.

(4) The Bank of Canada shall be employed to carry out transactions authorized by the said Investment Committee.

(5) The securities thus acquired through the transactions authorized by the Investment Committee shall be held by the statutory fiscal agents of Canada for the Commission and are subject to the inspection of the Auditor General. 1940, c. 44, s. 78; 1946, c. 68, s. 20.

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82. Where the Commission is at any time in temporary need of funds, to finance the cost of insurance benefits, it may with the consent of the Minister of Finance, pledge securities of the Fund with the Bank of Canada, or, on like security, the Minister of Finance may make advances to the Fund out of the unappropriated moneys in the Consolidated Revenue Fund on such terms and conditions as the Governor in Council may decide, but no advance may be made either by the Bank or by the Minister of Finance for an amount in excess of the par value of the securities pledged for an advance. 1940, c. 44, s. 79.

83. The Minister of Finance shall report annually to Parliament the advances, if any, made to the Fund under the authority of section 82 and which are outstanding on the 31st day of March last preceding, and he shall likewise report the balance held in the special account on that date; and in a separate section of the Public Accounts the operations of the Fund shall be set out in such details as the Minister of Finance may decide. 1940, c. 44, s. 80.

84. The powers of the Bank of Canada shall be deemed to include the power to do all of the things required to be done by it under the provisions of sections 81 and 82. 1940, c. 44, s. 81.

Unemployment Insurance Advisory Committee.

85. There shall be appointed by the Governor in Council a committee to be called "The Unemployment Insurance Advisory Committee," (in this Act referred to as "the Advisory Committee" or "the Committee") to perform the duties specified in this Act. 1940, c. 44, s. 82.

86. (1) The Committee shall consist of a Chairman and not less than six or more than eight other members.

(2) The Chairman and other members hold office for a period that, in the case of each of the members first appointed, and of any member appointed to fill a casual vacancy, shall be of such duration not exceeding five years as may be determined by the Governor in Council, and in all other cases members shall be appointed for a period of five years.

(3) Of the members, other than the Chairman, there shall be appointed at least one after consultation with organizations representative of employed persons and an equal number after consultation with organizations representative of employers.
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(4) No senator or member of the House of Commons and no member of the Legislative Council or the Legislative Assembly of any province of Canada is eligible to be a member of or to act on the Committee.

(5) Where, in the opinion of the Minister, a member becomes unfit to continue in office or incapable of performing his duties, the Minister shall forthwith report the facts to the Governor in Council and the Governor in Council may declare vacant the office of such member.

(6) The Committee may act notwithstanding any vacancy in the membership of the Committee.

(7) The Committee may make rules for regulating its procedure.

(8) Each member of the Committee shall receive such remuneration and travelling expenses in connection with the work of the Committee as may be approved by the Governor in Council.

(9) The Minister may provide the Committee with such professional, technical, secretarial, and other assistance as the Committee may require, but the provision of such assistance otherwise than from the public service is subject to authorization by the Governor in Council.

(10) The Commission shall make available to the Committee such information as the Committee may reasonably require for the proper discharge of its functions under this Act. 1940, c. 44, s. 83; 1950, c. 1, s. 19.

87. (1) The Committee shall, not later than the end of July, in each year, make a report to the Governor in Council on the financial condition of the Unemployment Insurance Fund as of the 31st day of March last preceding, and shall also make a report to the Governor in Council on the financial condition of the Fund whenever the Committee considers that the Fund is or is likely to become, and is likely to continue to be, insufficient to discharge its liabilities, and may make a report on the financial condition of the Fund at such other times as the Committee may think fit.

(2) Where the Committee at any time reports that the Fund is or is likely to become, and is likely to continue to be, insufficient to discharge its liabilities, or is and is likely to continue to be more than reasonably sufficient to discharge its liabilities, the report shall contain recommendations for the amendment of the provisions of this Act, or of any regulation made thereunder, either generally or in relation to

R.S., 1952.

to special classes of insured persons, concerning any matters relating to the financial condition of the Fund, and, without restricting the generality of the foregoing, to

(a) the statutory conditions for receipt of insurance benefit and the provisions relating to the right to benefit;
(b) the disqualifications for insurance benefit;
(c) the meaning of "unemployment", or "unemployed", and of "benefit year";
(d) the rates of insurance benefit, the periods for which such benefit may be paid and the computation thereof;
(e) the payment of benefit pending appeals; or
(f) the rates of contribution.

(3) The amendments recommended shall, if the Committee considers the Fund insufficient, be such as in the opinion of the Committee are required in order to make the Fund sufficient; or if the Committee considers the Fund more than reasonably sufficient to discharge its liabilities, such as in the opinion of the Committee, may appropriately be made in the circumstances; and, in either case, the report shall contain an estimate of the effect that the amendments recommended will have on the financial condition of the Fund. 1940, c. 44, s. 84; 1946, c. 68, s. 21.

88. (1) The Committee shall give such public notice as it considers sufficient of its intention to make a report under section 87 and shall receive any representations that may be made to it with respect thereto.

(2) Every such report shall be laid before Parliament within four weeks after being made, or, if Parliament is not then sitting, within four weeks after Parliament next sits. 1940, c. 44, s. 85.

89. (1) Whenever the Governor in Council, after consultation with the Commission, considers it expedient to do so, he may direct the Committee to investigate and to report upon

(a) the provision of unemployment insurance for the employments excepted from the operation of Part II of this Act, or for any of them, either by extending thereto the provisions of that Part, with such modifications, if any, as may be found necessary, or by special or supplementary schemes; and
(b) the adjustment of the rates of contribution and benefit of insured persons having regard to the wages or salaries of such persons.

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(2) R.S., 1952.
(2) On the recommendation of the Committee and the Commission, the Governor in Council may extend the provisions of this Act to any of the employments specified as excepted employments in Part II of the Schedule or any part of any such excepted employment, with such modifications, if any, as may be found necessary, or by special or supplementary schemes.

(3) No contributions are payable or shall be paid in respect of employment in lumbering and logging, in any area, until a day prescribed by the Commission for that area unless, prior to the 1st day of October, 1946, a day has already been prescribed for that area.

(4) Where the provisions of Part II of this Act are extended to any employment under this section, no contributions are payable or shall be paid in respect of that employment, in any area, until a day prescribed by the Commission for that area. 1943-44, c. 31, s. 13; 1946, c. 68, s. 22.

90. The Commission may from time to time refer to the Committee for consideration and advice such questions relating to the operation of this Act as the Commission thinks fit including questions as to the advisability of amending this Act. 1940, c. 44, s. 87.

PART III.

SUPPLEMENTARY BENEFIT.

91. Every person, who proves in the prescribed manner that he comes within one of the four Classes mentioned in section 92, and in whose case all the conditions for the receipt of benefit laid down by this Act, except the statutory conditions, are fulfilled, is, subject to the provisions of this Act, entitled to receive payments (in this Part referred to as “supplementary benefit”) at weekly or other prescribed intervals, at such rates and for such duration as authorized by this Part, so long as those conditions continue to be fulfilled and so long as he is not disqualified under this Act from the receipt of benefit or supplementary benefit. 1950, c. 1, s. 20.

92. (1) The Classes of persons entitled to receive supplementary benefit are as follows:

Class 1—A person whose benefit year has terminated since the 31st day of March immediately preceding the day on which he makes a claim for supplementary benefit.

Class 2—A person who made a claim for benefit but in relation to whom a benefit year was not established with respect 5202.
respect to that claim for the reason that he did not fulfill the statutory conditions, if contributions were paid in respect of him, while employed in insurable employment, for not less than ninety days subsequent to the 31st day of March immediately preceding the day on which he makes a claim for supplementary benefit.

Class 3—A person who, for not less than ninety days within any period of twelve consecutive months falling within the eighteen months immediately preceding the date on which he makes a claim for supplementary benefit, was employed

(a) in lumbering and logging in any area of Canada that had not been prescribed as an area where contributions are payable in respect of such employment prior to the 1st day of January, 1950, or

(b) in any employment described in paragraph (a) and in any insurable employment in any place.

Class 4—A person who, for not less than ninety days subsequent to the 31st day of March immediately preceding the day on which he makes a claim for supplementary benefit, was employed in

(a) any employment that was made insurable employment at any time during the twelve months immediately preceding the day on which he makes a claim for supplementary benefit, or

(b) in any employment described in paragraph (a) and in other insurable employment.

(2) No claim for a supplementary benefit in respect of any supplementary benefit period may be made before the 1st day of December immediately preceding that period.

(3) For the purposes of subsection (1) where a person in Class 1 or Class 2 makes a claim for supplementary benefit on or after the 1st day of April, 1950, in respect of the supplementary benefit period ending on the 15th day of March in that year, the 31st day of March immediately preceding the day on which he makes that claim shall be deemed to be the 31st day of March, 1949. 1950, c. 1, s. 20.

93. (1) Subject to the provisions of this section, the rates of supplementary benefit shall be eighty per cent of the benefit rates authorized by section 33.

(2) For the purposes of this section, the average daily contribution shall be

(a) for a person in Class 1, the average daily contribution used in calculating his rate of benefit for the benefit year immediately preceding the supplementary benefit period;
(b) for a person in Class 2, the average of the ninety most recent daily contributions paid by him subsequent to the 31st day of March immediately preceding the day on which he makes a claim for supplementary benefit;

(c) for a person in Class 3, the average of the ninety most recent daily contributions that, within any period of twelve consecutive months falling within the eighteen months immediately preceding the date on which he makes a claim for supplementary benefit, were paid by him and would have been paid by him if contributions had been payable in respect of lumbering and logging in any area of Canada that had not been prescribed as an area where contributions are payable in respect of such employment prior to the 1st day of January, 1950; and

(d) for a person in Class 4, the average of the ninety most recent daily contributions that, subsequent to the 31st day of March immediately preceding the day on which he makes a claim for supplementary benefit, were paid by him and would have been paid by him if contributions had been payable in respect of the employment that was made insurable employment during the twelve months preceding the day on which he makes a claim for supplementary benefit.

(3) Where the average daily contribution, computed in accordance with this section is the amount in column (1) below, the rates of supplementary benefit shall be the respective amounts set out in columns (2) to (5) inclusive below:

<table>
<thead>
<tr>
<th>Average daily contribution</th>
<th>RATE OF SUPPLEMENTARY BENEFIT</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Person without a dependant</td>
</tr>
<tr>
<td></td>
<td>Daily</td>
</tr>
<tr>
<td>(1)</td>
<td>(2)</td>
</tr>
<tr>
<td>Cents</td>
<td></td>
</tr>
<tr>
<td>2</td>
<td>$0.55</td>
</tr>
<tr>
<td>3</td>
<td>0.80</td>
</tr>
<tr>
<td>4</td>
<td>1.10</td>
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<tr>
<td>5</td>
<td>1.35</td>
</tr>
<tr>
<td>6</td>
<td>1.65</td>
</tr>
<tr>
<td>7</td>
<td>1.90</td>
</tr>
<tr>
<td>8</td>
<td>2.15</td>
</tr>
</tbody>
</table>

1950, c. 1, s. 20.

R.S., 1952.
94. (1) Notwithstanding section 32, supplementary benefit may be paid only from the 1st day of January to the 31st day of March next following (herein referred to as "supplementary benefit period") for the number of days calculated as follows:

(a) for a person in Class 1, the same number of days to which he was entitled to benefit by virtue of his most recent benefit year established under section 38;

(b) for a person in Class 2, one-fifth of the number of days for which contributions have been paid in respect of him subsequent to the 31st day of March immediately preceding the day on which he makes a claim for supplementary benefit;

(c) for a person in Class 3, one-fifth of the number of days for which he was employed in lumbering and logging and in any insurable employment, during the period of twelve months specified for that Class in section 92, but no supplementary benefit shall be paid in respect of any person in Class 3 in respect of any period after the 31st day of March, 1951; and

(d) for a person in Class 4, one-fifth of the number of days for which he was employed in the employment that was made insurable and in other insurable employment, subsequent to the 31st day of March immediately preceding the day on which he makes a claim for supplementary benefit.

(2) Any supplementary benefit paid under this Part to any person shall not be taken into account for the purposes of section 32.

(3) Any day of unemployment before the commencement of the supplementary benefit period but after the 30th day of November immediately preceding that period, may be substituted for any of the eight days mentioned in paragraph (b) of subsection (1) of section 37. 1950, c. 1, s. 20.

95. Except as provided in this Part, all the provisions of any other Part of this Act applicable in respect of insurance benefit are applicable mutatis mutandis in respect of supplementary insurance benefit. 1950, c. 1, s. 20.
Moneys provided by Parliament credited to the Fund.

96. (1) The Minister of Finance shall credit to the Fund from time to time, out of moneys provided by Parliament, an amount equal to the supplementary benefit paid to persons of Class 3 and Class 4.

(2) The Minister of Finance shall also credit to the Fund in like manner, after the 31st day of March, 1952, an amount equal to the amount by which the aggregate of the supplementary benefit paid under this Part for persons in Class 1 and Class 2 before the 31st day of March, 1952, exceeds the portion of the aggregate of

(a) that part of the combined unemployment insurance contributions of the employers and of the employed persons representing twelve cents for each week, received from the sale of unemployment insurance stamps or paid otherwise under this Act, and

(b) one-fifth of the amount specified in paragraph (a) that was credited to the Fund under subsection (2) of section 80 after the 3rd day of July, 1950, but before the 1st day of April, 1952. 1950, c. 1, s. 20.

PART IV.

EMPLOYMENT SERVICE.

97. (1) The Commission shall organize and maintain an employment service for Canada and in respect of the administration of that service is responsible to the Minister.

(2) It is the duty of the Commission in organizing and maintaining such employment service, to collect information concerning employment for workers and workers seeking employment and, to the extent the Commission considers it necessary, to make such information available at the employment offices, with a view to assisting workers to obtain employment for which they are fitted and assisting employers to obtain workers most suitable to their needs.

(3) The employment service shall in relation to unemployment insurance, perform such duties under this Act as may be prescribed by the Commission, and undertake such other services in the interests of workers and employers as the Commission in the exercise of its powers may prescribe.

(4) The Commission shall assume and carry out such other duties and responsibilities as the Governor in Council, on the recommendation of the Minister, may require from time to time.

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time to time and, in respect of such other duties and responsibilities, is responsible to the Minister. 1946, c. 68, s. 23.

98. (1) The Commission shall establish such regional divisions as it may deem expedient and desirable, and there shall be a regional office in each such division at such place as the Commission may select, and all employment offices provided for under subsection (2) that are within any such division shall be directed and controlled by the Commission through the regional office.

(2) The Commission shall establish employment offices within each division at such places as it may deem expedient and desirable for the purposes of this Act.

(3) The regional office within each division shall be a clearing house for collecting from and distributing to the employment offices in the division information concerning employers seeking workers and workers seeking employment.

(4) The Commission shall co-ordinate the services of the regional offices so that the information obtained in any division may be available to workers and employers in other divisions. 1940, c. 44, s. 89.

99. (1) Subject to the approval of the Minister, the Commission shall establish a committee to be called the "National Employment Committee" for the purpose of advising and assisting the Commission in carrying out the purposes of the employment service.

(2) The Committee so established shall include members chosen after consultation with organizations representative of workers and an equal number after consultation with organizations representative of employers.

(3) In like manner and for like purposes, a regional committee for each regional office and, where deemed advisable by the Commission, a local committee for an employment office shall be established.

(4) Each member of the National Employment Committee or of any local or regional committee shall receive such remuneration and travelling expenses in connection with the work of his Committee as may be approved by the Governor in Council. 1940, c. 44, s. 90; 1950, c. 1, s. 21.

100. (1) The Commission may make regulations authorizing advances by way of loan towards meeting the expenses of workers travelling to places where employment has been found for them through an employment office.

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(2) Any sum advanced in accordance with such regulations is a debt due to the Commission recoverable by process of law.

(3) Any such advance may be made at the request either of the employer or of the worker, and the person on whose application the advance is made is liable to repay the same and give such undertaking with respect to repayment of the advance as the Commission may, from time to time, by regulation prescribe either generally or as regards any specified district or class of applicants.

(4) All such advances shall be made out of moneys provided by Parliament for that purpose, but any sum repaid in the same fiscal year in which the advance was made may be again advanced from time to time within such fiscal year without further provision by Parliament. 1940, c. 44, s. 91.

PART V.

VETERANS.

101. In this Part,

(a) "discharge" means any honourable termination of service from the forces since the 30th day of June, 1941;

(b) "period of service" means time served on active service in the forces, excluding therefrom any period of absence without leave or leave of absence without pay, or time served while undergoing sentence of penal servitude, imprisonment or detention, or period of service in respect of which pay is forfeited;

(c) "veteran" means a person

(i) who has been on active service in the Canadian forces or in receipt of active service rates of pay from such forces during the war, including a person who has served in the Canadian Women's Army Corps since the 13th day of August, 1941, and who has been discharged from such forces,

(ii) resident in Canada who served in the forces of His Majesty other than Canadian forces, was domiciled in Canada at the time he joined such forces for the purposes of the war and who has been discharged from such forces, or

(iii) domiciled and resident in Canada, who served in the armed forces of any of the nations allied with His Majesty in active operations against the enemy

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enemy in the war and was domiciled in Canada at the time he joined any such forces for the purposes of the war, and who returned to Canada within two years of the date of his discharge from such forces, or of the 8th day of May, 1945;

(d) "war" means the war that commenced on the 10th day of September, 1939. 1946, c. 68, s. 24.

102. (1) Subject to subsection (2), a veteran who not later than the 30th day of September, 1952, completes fifteen weeks in insurable employment within any period of twelve months, whether continuous employment or not, shall for the purposes of this Act be deemed to have been in insurable employment immediately prior to the commencement of the said fifteen weeks for a period equal to his period of service after the 30th day of June, 1941, and the said insurable employment shall be deemed to have been continuous as nearly as may be without being contemporaneous with any period during which the veteran actually was in insurable employment prior to the said fifteen weeks.

(2) If a veteran is unable to complete fifteen weeks as aforesaid in insurable employment because of injury or disease attributable to or incurred or aggravated during his service in the forces or during his period of service as a merchant seaman, the Governor in Council may extend to a date not later than the 30th day of September, 1954, the time within which the veteran may complete the said fifteen weeks. 1948, c. 29, s. 14.

103. As soon as may be after the Commission ascertains that a veteran has completed fifteen weeks as aforesaid in insurable employment, there shall be credited to the Fund out of moneys appropriated by Parliament for the purpose, the amount of the combined contributions of the employer and the employed person under this Act, for a period equal to the period of service of the veteran after the 30th day of June, 1941, and the rate at which the said combined contributions shall be computed is the average of the contributions shown by the unemployment insurance records of the veteran to have been paid by him and on his behalf for the said fifteen weeks; and for the purposes of this Act the veteran shall be deemed to have been bona fide employed in insurable employment during the said period of service and all contributions shall be deemed to have been paid under this Act in respect of the veteran during the said period of service. 1946, c. 68, s. 24.

104. R.S., 1952.
104. If, on making any report on the financial condition of the Fund, the Unemployment Insurance Advisory Committee finds that the said Fund has been adversely affected by reason of the provisions of this Part, the Committee shall, in its report under section 87, state the amount and the manner in which the said Fund has been adversely affected as aforesaid, and the Governor in Council may, on receipt of the said report, take into consideration immediate measures to remedy any depletion of the said Fund due to the operation of this Part, which depletions have been established by the aforesaid report of the Committee. 1946, c. 68, s. 24.

105. For the purposes of this Part “veteran” includes merchant seamen to whom a Special Bonus or a War Service Bonus was payable and “period of service” of merchant seamen shall be such part of the time served which counted for such bonuses as may be prescribed by the Governor in Council. 1946, c. 68, s. 24.

106. No veteran is entitled to any benefit under this Part in respect of service in any forces subsequent to the 30th day of September, 1947. 1948, c. 29, s. 15.

107. For the purposes of this Part,
(a) active service by a person in any of the naval or army forces of Newfoundland, or by a person who was recruited in Newfoundland in any naval, army or air forces raised in Newfoundland by or on behalf of the United Kingdom, shall be deemed to be active service in the Canadian forces; and
(b) residence and domicile in Newfoundland shall respectively be deemed to be residence and domicile in Canada. 1949, c. 6, s. 38; 1951 (2nd Sess.), c. 7, s. 24.

PART VI.

REGULATIONS.

108. In addition to the authority elsewhere in this Act conferred upon the Commission to make regulations, the Commission may also make regulations:

(a) for permitting persons who are engaged under the same employer, partly in insurable employment and partly in some other employment to be treated with the consent of the employer, for the purposes of this Act, as if they were wholly engaged in insurable employment;

(b) No benefits to veteran for service after Sept. 30, 1947. Newfoundland veterans.

R.S., 1952.
(b) for prescribing the evidence to be required as to the fulfilment of the conditions and the absence of the disqualifications for receiving or continuing to receive insurance benefit, and for that purpose requiring the attendance of employed persons at such offices or places and at such time as may be required, and requiring employers to answer inquiries relating to any matters on which the fulfilment of the aforesaid conditions or the absence of the aforesaid disqualifications depends;

(c) for prescribing the manner in which claims for benefit may be made and the procedure to be followed for the consideration and examination of claims and questions to be considered by the Commission, insurance officers, courts of referees, and umpire, and the mode in which any question may be raised as to the continuance, in the case of a person in receipt of insurance benefit, of the benefit;

(d) with respect to the payment of contributions and benefits during any period intervening between any application for the determination of any question or any claim for benefit and the final determination of the question or claim;

(e) governing the reference, for consideration and advice of questions bearing upon the administration of this Act to the Committees provided for in Part IV of this Act;

(f) for prescribing, either generally or with respect to any special class of cases, that where a period of employment begun on one day extends over midnight into another day, the person employed shall be treated as having been employed on such one of those two days as the regulations may direct;

(g) to provide, with the concurrence of the Postmaster General, for enabling claimants of benefit in certain places to make their claims for benefit through the Post Office, and for the payment of benefit of such claimants through the Post Office;

(h) for prescribing penalties for the violation of any regulation, including maximum and minimum fines, but a fine prescribed shall not exceed two hundred and fifty dollars and a term of imprisonment shall not exceed three months;

(i) for determining the earnings of employed persons for the purpose of this Act and without limiting the generality of the foregoing for determining the earnings of employed persons who are paid a single amount for personal benefit.
personal services and expenses, or whose remuneration is not pecuniary, is only partly pecuniary, or is not fixed at a pecuniary amount payable only for personal services;

(j) for prescribing the commencement of the periods specified in sections 30 and 33 otherwise than by reference to the commencement day of the benefit year;

(k) for regulating the possession, custody or control of insurance cards, insurance books, unemployment insurance stamps or other documents or things used in the administration of this Act;

(l) for determining the amount of contributions payable under this Act in respect of one or more employees of any employer by reference to a percentage of the total remuneration that has been paid or become payable by an employer who, in the opinion of the Commission, has failed to keep books, records or accounts adequate for the purpose;

(m) for determining the total remuneration paid or payable in respect of one or more employees of any employer who, in the opinion of the Commission, has failed to keep books, records or accounts adequate for the purpose;

(n) varying the provisions of, or creating a scheme supplementing or to be substituted for, Part II of this Act in relation to employments specified in paragraph (c) of Part I of the Schedule either generally or with reference to any class or area;

(o) requiring every person who has engaged an employee, who ascertains that he requires or will require to engage an employee or who ascertains that an employee has left or will be leaving his employment, subject to prescribed conditions, to notify the employment service organized under Part IV of this Act, of such fact and to supply prescribed incidental information in such manner and within such time as may be prescribed;

(p) requiring every person seeking employment to notify the employment service of such fact and to supply prescribed incidental information in such manner and within such time as may be prescribed;

(q) notwithstanding subsection (1) of section 31, prescribing the conditions under which contributions and benefit shall be paid in respect of Sundays and holidays and any period mentioned in paragraph (a) of that subsection, and for determining the period for which the remuneration or compensation mentioned in that paragraph is deemed to have been received;

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(r) for prescribing anything that, under this Act, may be prescribed;

(s) for predetermining or determining whether or not the earnings of employed persons, by reason of the amount thereof, will render their employments excepted employments, or whether or not a rate or aggregate rates of remuneration is or are such that the earnings of an employed person thereunder, by reason of the amount thereof, will render their employments excepted employments;

(t) for regulating, prohibiting and licensing any employment service carried on or operated by or on behalf of any person or agency, other than the Government of Canada or the Government of a province; and

(u) generally for carrying this Act into effect. 1946, c. 68, s. 25; 1948, c. 29, s. 16; 1950, c. 1, s. 22.

109. (1) All regulations made under this Act are without effect until approved by the Governor in Council.

(2) Prior to the making of regulations under the provisions of section 40 or in relation to the matters specified in subsections (2) and (3) of section 87 the same shall be reported on by the Unemployment Insurance Advisory Committee.

(3) Any special order made under the provisions of this Act may be varied or revoked, by a special order made in like manner. 1940, c. 44, s. 93; 1943-44, c. 31, s. 16; 1948, c. 29, s. 17; 1950, c. 50, s. 10.

110. (1) Within two months after the 31st day of March in each year, or within such longer period as may be approved by the Governor in Council, the Commission shall submit to the Minister a report covering the business and affairs of the Commission, for the twelve months ending on the said 31st day of March, in such detail as the Minister may from time to time direct; and such report shall contain a statement of the costs arising out of the administration of this Act, including the indirect costs as nearly as they may be ascertainable and also a statement of the services rendered to the Commission by other departments of the public service.

(2) The Minister shall lay before Parliament, any such report within fifteen days after it is submitted to him or, if Parliament is not then sitting, within fifteen days after Parliament next sits. 1940, c. 44, s. 94; 1943-44, c. 31, s. 17.
111. The Governor in Council may direct the Commission to investigate and report upon all questions that the Governor in Council may deem advisable or necessary. 1940, c. 44, s. 95.

112. All reports, recommendations and submissions required to be made under this Act to the Governor in Council, whether by the Commission or by the Advisory Committee, shall be submitted through the Minister. 1940, c. 44, s. 96.

113. (1) The Commission may require any person to keep such books, records and accounts as the Commission may direct and may require any person to make written returns of information deemed by the Commission to be necessary for the purposes of this Act, and failure to comply with any such direction or requirement is an offence against this Act.

(2) No person shall, with intent to evade any of the provisions of this Act, destroy, alter, mutilate or secrete any records or books of account or make or counsel or procure the making of any false or fraudulent entries in those records or books, or omit or concur in omitting to enter any material particular in records or books of account. 1946, c. 68, s. 27; 1948, c. 29, s. 18.

114. Any fine imposed under this Act or regulations made thereunder shall unless otherwise provided for be payable to Her Majesty in right of Canada and be disposed of as the Governor in Council may direct. 1940, c. 44, s. 98.

115. The Governor in Council may, notwithstanding anything herein contained, enter into agreements with the Government of another country to establish reciprocal arrangements on questions relating to unemployment insurance. 1940, c. 44, s. 99.

116. Information, written or verbal, obtained by the Commission from any person pursuant to the provisions of this Act or any regulations made thereunder shall be made available only to the employees of the Commission in the course of their employment and such other persons as the Commission may deem advisable, and neither the Commission nor any of its employees shall be compelled to answer any question concerning such information or to produce any records or other documents containing such information.
information as evidence in any proceedings not directly concerned with the enforcement or interpretation of this Act or any regulation made thereunder. 1946, c. 68, s. 29.

117. A consent or certificate of the Commission, or a copy of a consent or certificate, resolution, regulation, special order, record, document, other proceeding of the Commission or other proceeding under this Act, purporting to be signed or certified under the hand of any Commissioner or the Secretary of the Commission, is receivable in evidence without proof of the signature or the official character of the person or persons appearing to have signed the same and without further proof thereof. 1946, c. 68, s. 30.

118. The accounts of the Commission are subject to the applicable provisions of the Financial Administration Act, and the Public Service Rearrangement and Transfer of Duties Act applies to the Commission. 1940, c. 44, s. 101.

119. No contribution is payable or shall be paid under the provisions of Part II of this Act until a date to be prescribed by the Commission of which due notice shall be published in the Canada Gazette and in such other manner as the Commission may deem necessary. 1940, c. 44, s. 102.

SCHEDULE

PART I.

EMPLOYMENT WITHIN THE MEANING OF PART II OF THIS ACT.

(a) Employment in Canada under any contract of service or apprenticeship, written or oral, whether expressed or implied, or whether the employed person is paid by the employer or some other person, and whether under one or more employers, and whether paid by time or by the piece, or partly by time and partly by the piece, or otherwise.

(b) Employment, as aforesaid, under:

(i) the Government of Canada;

(ii) the government of any Province, with the concurrence of the Province; or

(iii) any municipal or other public authority;

other than any such employment as may be excluded by special order of the Commission.

(c) R.S., 1952.
(c) If prescribed for the purposes of this Part, employment outside of Canada or partly outside of Canada, being employment that if it were employment in Canada, would make the person employed therein an insured person.

(d) Employment in Canada by the Government of the United Kingdom of Great Britain and Northern Ireland, the government of any member of the British Commonwealth of Nations, or any foreign government, with the concurrence of such government and the Commission.

PART II.

EXCEPTED EMPLOYMENTS.

(a) Employment in agriculture, horticulture and forestry.

(b) Employment in fishing.

(c) Employment in hunting and trapping.

(d) Employment in domestic service except where the employed person is employed in a trade or business carried on for purpose of gain or is employed in a club.

(e) Employment in a hospital or in a charitable institution where in the opinion of the Commission such hospital or charitable institution is not carried on for purpose of gain, unless the employer makes contributions under the Act in respect of any group or class of employees with the consent in writing, of the Commission.

(f) Employment as a professional nurse for the sick or as a probationer undergoing training for employment as such nurse.

(g) Employment as a teacher, including teachers of music and dancing, whether engaged in schools, colleges, universities or institutes or in a private capacity.

(h) Employment as a member of Her Majesty's Canadian naval, army or air forces and the Royal Canadian Mounted Police.

(i) Employment as a member of dominion, provincial or municipal police forces.

(j) Employment (other than employment in connection with a public utility) by a municipal authority or in the public service of Canada or a province of a person in an employment that the Commission by special order specifies as permanent, upon certification satisfactory to the Commission that such person is employed in any employment so specified; for the purposes of this paragraph

(i) "public utility" includes any gas, electric, heat, light, or power works, telephone lines, transportation system, and works for the transmission of gas or electrical power or energy and such other works, lines

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or systems as may be declared by special order of the Commission to be public utilities for the purposes of this paragraph; and

(ii) employment in connection with a public utility includes the employment of all employees whose employment is considered by the Commission to be reasonably necessary or incidental to the operation thereof.

(k) Employment as an agent paid by commission or fees or a share of the profits, or partly in one and partly in another of such ways, where the person so employed is mainly dependent for his livelihood on his earnings from some other occupation, or where he is ordinarily employed as such agent by more than one employer, and his employment under no one of such employers is that on which he is mainly dependent for his livelihood.

(l) Employment under one or more contracts of service, whether concurrent or not, whether for full time service or for part-time service, at a rate or aggregate rates of remuneration under which the earnings of the employed person exceed in value four thousand eight hundred dollars a year, subject as follows

(i) any such employment the rate of remuneration whereof is an hourly rate, a daily rate, a piece rate including a mileage or other rate being a sum of money per unit of physical measurement of work accomplished or service rendered, or any of such rates in combination with other rates, shall, notwithstanding that earnings thereunder exceed in value four thousand eight hundred dollars a year, be insured unless otherwise excepted;

(ii) notwithstanding anything contained in this paragraph, any person, in respect of whom one hundred and eighty daily contributions have been paid or payable as an insured person within the period of two years immediately prior to the date on which his employment became excepted by reason of this paragraph, may within six months after becoming so excepted, elect in the prescribed manner to remain an insured person from the date of his election.

(m) Employment of a casual nature otherwise than for the purpose of the employer's trade or business.

(n) Employment of any class that may be specified in a special order made by the Commission, and declared by the Commission to apply for the purposes of this Act, as being of such a nature that it is ordinarily adopted as subsidiary employment only and not as the principal means of livelihood.
(o) Employment in the service of the husband or wife of the employed person.

(p) Employment for which no wages or other money payment is made, where the person employed is the child of, or is maintained by the employer.

(q) Employment in which persons are employed and paid for playing any game.

(r) Employment in any area specified by regulations of the Commission, subject to the approval of the Committee, as being an area in which there is considerable insurable employment, subject to such conditions and qualifications as the Commission may by such regulations direct.

(s) Employment by a corporation, of a person
   (i) who is the bona fide registered owner of more than half of the shares of the corporation which carry voting rights, or
   (ii) who is the bona fide registered owner of more than the number of shares of the corporation required for his qualification as a director and who has been duly elected a director and appointed to the position of an officer of the corporation, if such person actually performs the functions and duties of the said position; and for the purposes of this subparagraph "officer" means the president, vice-president, secretary, treasurer, secretary-treasurer, chairman of the executive committee, general manager or managing director of the corporation. 1940, c. 44, First Schedule; 1943-44, c. 31, ss. 19, 20, 21, 23, 24; 1946, c. 68, ss. 33, 34, 36; 1948, c. 29, s. 19; 1950, c. 1, s. 23; 1951 (2nd Sess.), c. 7, s. 15.
CHAPTER 274.

An Act respecting Unfair Competition in Trade and Commerce.

SHORT TITLE.

1. This Act may be cited as the Unfair Competition Act. 

1932, c. 38, s. 1.

INTERPRETATION.

2. In this Act,

(a) "Convention" means the Convention of the Union of Paris made on 20th March, 1883, as revised at Brussels on 14th December, 1900, at Washington on 2nd June, 1914, and at The Hague on 6th November, 1925, and any amendments to such Convention hereafter made and adhered to by Her Majesty on behalf of Canada;

(b) "country of the Union" means any country that has acceded to the Union for the Protection of Industrial Property as the same is now constituted under the Convention;

(c) "design mark" means a trade mark consisting of an arbitrary and in itself meaningless mark or design, or of a representation of some object or objects, or of letters or numerals in series or otherwise, or of a combination of two or more of the foregoing elements, and depending for its distinctiveness upon its form and colour, or upon the form, arrangement or colour of its several parts, independently of any idea or sound capable of being suggested by the particular sequence of the letters or numerals, or both, if any, forming part, thereof, or by their separation into groups, and includes any distinguishing guise capable of constituting a trade mark;

(d) R.S., 1952.
"Distinguishing guise." 

(d) "distinguishing guise" means a mode of shaping, moulding, wrapping or packing wares entering into trade or commerce that, by reason only of the sensory impression thereby given and independently of any element of utility or convenience it may have, is adapted to distinguish the wares so treated from other similar wares and is used by some person in association with his wares in such a way as to indicate to dealers in or users of similar wares that the wares so treated have been manufactured or sold by him;

"Owner." 

(e) "owner", in relation to a trade mark, means either the person who has an exclusive right to use the mark in association with his wares in such a way as to indicate to dealers in or users of such wares that they have been manufactured, sold, leased or hired by him, or, in the case of a trade mark adopted for use in such a way as to indicate only that the wares in association with which it is used are of a defined standard or that they have been produced under defined working conditions, by a defined class of persons or in a defined territorial area, means the person, trade union, commercial association or administrative authority by which the said standard, working conditions, class of persons or area has been defined;

"Package." 

(f) "package" includes any container or holder ordinarily associated with wares at the time of the transfer of the property or possession of the wares in the course of trade or commerce;

"Person." 

(g) "person" includes any trade union or any commercial association, whether incorporated or not, if it is established that its existence is not contrary to the law of the country in which its headquarters are situate, and the administrative authority of any country, state, province, municipality or other organized administrative area;

"Person interested." 

(h) "person interested" includes any person directly affected by any breach of any provision of this Act; any person who, by reason of the nature of the business carried on by him and the ordinary mode of carrying on such business, may reasonably apprehend that the goodwill of such business may be adversely affected by any entry in the register of trade marks, or by any act or omission or contemplated act or omission contrary to the provisions of this Act; and, in respect of any such act, omission or entry in the register relating

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relating to or affecting any right vested in any trade
union or commercial association or in the admin-
istrative authority of any country, state, province,
municipality or other organized administrative area,
including such trade union, such association and such
administrative authority, and also any person author-
ized from time to time by the union, association or
administrative authority to make use of the mark;

(i) “Registrar” means the Commissioner of Patents or “Registrar.”
other officer appointed by order of the Governor in
Council to act as Registrar under this Act;

(j) “register” means the register of trade marks main- “Register.”
tained pursuant to this Act;

(k) “similar”; in relation to trade marks, trade names or “Similar.”
distinguishing guises, describes marks, names or guises
so resembling each other or so clearly suggesting the
idea conveyed by each other that the contemporaneous
use of both in the same area in association with wares
of the same kind would be likely to cause dealers in
or users of such wares to infer that the same person
assumed responsibility for their character or quality,
for the conditions under which or the class of persons
by whom they were produced, or for their place of
origin;

(l) “similar”, in relation to wares, describes categories “Similar.”
of wares that, by reason of their common character-
istics or of the correspondence of the classes of persons
by whom they are ordinarily dealt in or used, or of the
manner or circumstances of their use, would, if in the
same area they contemporaneously bore the trade
mark or presented the distinguishing guise in question,
be likely to be so associated with each other by dealers
in or users of them as to cause such dealers or users
to infer that the same person assumed responsibility
for their character or quality, for the conditions under
which or the class of persons by whom they were
produced, or for their place of origin;

(m) “trade mark” means a symbol that has become “Trade
adapted to distinguish particular wares falling within
mark.”
a general category from other wares falling within the
same category, and is used by any person in asso-
ciation with wares entering into trade or commerce
for the purpose of indicating to dealers in, or users
of such wares that they have been manufactured,
sold, leased or hired by him, or that they are of a
defined standard or have been produced under defined
working conditions, by a defined class of persons, or in a defined territorial area, and includes any distinguishing guise capable of constituting a trade mark;

\((n)\) “trade name” means the name under which any business is carried on, whether the same is the name of a corporation, a partnership or an individual;

\((o)\) “word mark” means a trade mark consisting only of a series of letters or numerals or both and depending for its distinctiveness upon the idea or sound suggested by the sequence of the letters or numerals or both and their separation into groups, independently of the form of the letters or numerals severally or as a series.

1932, c. 38, s. 2.

UNFAIR COMPETITION.

3. No person shall knowingly adopt for use in Canada in connection with any wares any trade mark or any distinguishing guise that

\((a)\) is already in use in Canada by any other person and is registered pursuant to the provisions of this Act as a trade mark or distinguishing guise for the same or similar wares;

\((b)\) is already in use by any other person in any country of the Union other than Canada as a trade mark or distinguishing guise for the same or similar wares, and is known in Canada in association with such wares by reason either of the distribution of the wares in Canada or of their advertisement therein in any printed publication circulated in the ordinary course among potential dealers in or users of such wares in Canada; or

\((c)\) is similar to any trade mark or distinguishing guise in use, or in use and known as aforesaid. 1932, c. 38, s. 3.

4. (1) The person who, in association with wares, first uses or makes known in Canada, as provided in section 3, a trade mark or a distinguishing guise capable of constituting a trade mark, is entitled to the exclusive use in Canada of such trade mark or distinguishing guise in association with such wares, if such trade mark is recorded in the register existing under the Trade Mark and Design Act, Chapter 201 of the Revised Statutes of Canada, 1927, on the 1st day of September, 1932, or if in compliance with the provisions of this Act he makes application for the registration of such trade mark within six months of the 1st day of September, 1932, or of the date of his first use.

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use thereof in Canada, or of the date upon which the trade mark or distinguishing guise was first made known in Canada, as provided in section 3, and thereafter obtains and maintains registration thereof under the provisions of this Act.

(2) The use of a trade mark or a distinguishing guise capable of constituting a trade mark by a person who is not registered as the owner thereof pursuant to the provisions of this Act does not confer upon such person any right, title or interest therein as against the person who is registered as the owner of the same or a similar trade mark or distinguishing guise.

(3) Notwithstanding the provisions of subsection (1), the person who first uses or makes known in Canada, in association with wares a trade mark or a distinguishing guise capable of constituting a trade mark, may apply for and secure registration thereof after the expiration of any of the periods of six months specified by subsection (1), if the same or a similar trade mark or distinguishing guise has not been registered by another for use in association with the same or similar wares, but such application shall not be allowed or the registration of such trade mark made before the expiration of a period of six months from the date of such application.

(4) No person shall institute any proceedings in any court to prevent the infringement of any trade mark unless such trade mark is recorded in the register maintained pursuant to this Act. 1932, c. 38, s. 4.

5. Except as thereunto authorized by the registered owner thereof, no person shall sell, distribute or advertise in Canada, any wares in association with any trade mark or distinguishing guise that, pursuant to the provisions of this Act, has been adopted and registered by any other person for use in association with the same or similar wares. 1932, c. 38, s. 5.

6. For the purposes of this Act a trade mark shall be deemed to have been or to be used in association with wares if, by its being marked on the wares themselves or on the packages in which they are distributed, or by its being in any other manner so associated with the wares at the time of the transfer of the property therein, or of the possession thereof, in the ordinary course of trade and commerce, notice of the association is then given to the persons to whom the property or possession is transferred. 1932, c. 38, s. 6.


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7. No person shall knowingly adopt for use as the name under which he carries on business, or knowingly adopt for use in connection with any business, any trade name that at the time of his adoption thereof is the name, or is similar to the name, in use by any other person as the trade name of a business of the same general character carried on in Canada, or of such a business carried on elsewhere if its name is known in Canada by reason of the distribution therein of wares manufactured or handled by such person under such trade name, or of the advertisement of such wares in Canada in association with such trade name, in any printed publication circulated in the ordinary course among potential dealers in or users of similar wares in Canada. 1932, c. 38, s. 7.

8. No person is entitled to continue to use in Canada any trade name that he knew, at the time of his adoption thereof, was, or was similar to, the trade name of a business of the same general character then being carried on in Canada, or of a business carried on elsewhere than in Canada if its name was then known in Canada for one of the reasons aforesaid. 1932, c. 38, s. 8.

9. Nothing in section 7 or 8 affects the right of any individual or group of individuals to adopt for use and use his or their own personal names or surnames as a trade name for a business commenced and carried on for his or their own direct benefit in good faith and without any intention to deceive. 1932, c. 38, s. 9.

10. Any person who adopts a trade mark, trade name or distinguishing guise identical with or similar to a trade mark, trade name or distinguishing guise that was in use, or in use and known as aforesaid, shall be presumed to have knowingly adopted the same unless it is established either

(a) that, in the case of a trade mark, the ownership thereof in Canada passed to the person by whom the same was adopted, or, in the case of a trade name or distinguishing guise not being a trade mark, that the same was adopted with the consent of the person by whom the same was in use;

(b) that, at the time of the adoption of the trade mark, trade name or distinguishing guise, the person who adopted it was in ignorance of the use of the same or of a similar unregistered trade mark or a similar trade name or distinguishing guise, and that in adopting it the person by whom it was adopted acted in good faith and believed himself to be entitled to adopt and use it; or

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(c) that the person by whom such trade mark, trade name or distinguishing guise was adopted has continuously used the same in the ordinary course of his business and in substantially the manner complained of during the five years immediately before the commencement of the proceedings. 1932, c. 38, s. 10.

11. No person shall, in the course of his business, 
(a) make any false statement tending to discredit the wares of a competitor;
(b) direct public attention to his wares in such a way that, at the time he commenced so to direct attention to them, it might be reasonably apprehended that his course of conduct was likely to create confusion in Canada between his wares and those of a competitor; or
(c) adopt any other business practice contrary to honest industrial and commercial usage. 1932, c. 38, s. 11.

SPECIAL PROVISIONS.

12. (1) A trade mark the use of which is intended to indicate only that the wares in association with which it is used are of a defined standard, or have been produced under defined working conditions, by a defined class of persons or in a defined area, may be adopted for use only by a person who is not engaged in the manufacture, sale, leasing or hiring of such wares as those in association with which the mark is used.

(2) Subject as hereinafter provided, the registered owner of any such trade mark is entitled to license its use by such persons and in association with such wares as he may from time to time determine and to prevent its use by unauthorized persons or in association with any wares to which the licence does not extend.

(3) In addition to any rights otherwise conferred, any action or proceeding to prevent the use of any such trade mark by an unauthorized person or in association with wares to which the licence to use it does not extend may, if the registered owner of the mark is an unincorporated body, be brought by any member of such body on behalf of himself and all other members thereof. 1932, c. 38, s. 12.

13. Where any symbol has by ordinary and bona fide commercial usage become recognized in Canada as designating the kind, quality, quantity, destination, value, place of origin or date of production of any wares, no person shall adopt it for use as a trade mark for similar wares or use it in such a way as to be likely to mislead. 1932, c. 38, s. 13.

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14.

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14. (1) No person is entitled to adopt for use in connection with his business, as a trade mark or otherwise, any symbol consisting of, or so nearly resembling as to be likely to be mistaken for,

(a) the Royal Arms, Crest or Standard;

(b) the arms or crest of any member of the Royal Family;

(c) the national flag in any of its forms;

(d) the standard, arms or crest of His Excellency the Governor General;

(e) the arms or crest adopted and used at any time by Canada or by any province or municipal corporation in Canada;

(f) any national flag, arms, crest or emblem commonly used as such by any foreign state;

(g) the emblem of the Red Cross Society, consisting of a red cross on a white ground or the expression "Red Cross" or "Geneva Cross";

(h) any national, territorial or civic flag, arms, crest, or emblem of the prohibition of which as a commercial device notice has been received and publicly given by the registrar pursuant to the provisions of the Convention more than two months before the adoption of the symbol;

(i) the emblem of any fraternal society, the legal existence of which is recognized under any law in force in Canada;

(j) any symbol adopted and used by any public authority in Canada as an official mark on similar wares; or

(k) the portrait or signature of any person who is living or has died within thirty years.

(2) Nothing in this section prevents the use as a trade mark, or otherwise in connection with a business, of any such symbol as aforesaid with the consent and approval of Her Majesty or such other person as may be deemed to have been intended to be protected by the provisions hereof. 1932, c. 38, s. 14.

15. Unless otherwise antecedently and expressly stated in writing, every one who in the course of trade or commerce transfers to another the property in or the possession of any wares bearing, or in packages bearing, any trade mark or trade name, or presenting any distinguishing guise, shall be deemed to warrant, to the person to whom the property or possession is transferred, that such trade mark, trade name or distinguishing guise has been and may be lawfully used in connection with such wares. 1932, c. 38, s. 15.

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LEGAL PROCEEDINGS.

16. (1) Where it is made to appear to the Exchequer Court of Canada or to any superior court that any trademark that is registered pursuant to the provisions of this Act, or any trade name, or any indication of a place of origin, has been fraudulently or unlawfully applied to any wares that have been imported into Canada or are about to be distributed in Canada, or that the use in Canada of such trademark or trade name by the importer or distributor of such wares is contrary to the provisions of this Act, the court may make an order for the interim custody of such wares pending a final determination of the legality of their importation or distribution.

(2) Such order may be made in an action or proceeding by any person interested against the person appearing to be the owner or consignee of the wares, or on an ex parte petition by any such person if it appears that the owner or consignee of the wares is not certainly known, or is not within the jurisdiction of the court, and that the wares are in the possession of Her Majesty or any public officer or other person who does not assert any interest in them other than a lien for charges thereon.

(3) Before any such order is made the plaintiff or petitioner shall be required to furnish security in such amount as the court may fix to answer any damages that may, by reason of the order, be sustained by the owner or consignee of the wares and for any sums that may become chargeable against the wares while they remain in custody under the order.

(4) It shall be a condition of the continued operation of any order made on an ex parte petition that the petitioner or some person in the same interest shall, within a time limited by the order, or by a subsequent order amending the same, obtain a similar order or an order having a like effect in an action against the owner or consignee of the wares.

(5) If, by the judgment in any such action finally determining the legality of the importation or distribution of the wares, their importation or distribution is forbidden, either absolutely or on condition, any lien for charges against them that arose prior to the execution of an order made under this section has effect only so far as may be consistent with the due execution of the judgment. 1932, c. 38, s. 16.
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**17.** When it is made to appear to the Exchequer Court of Canada or to a superior court that any wares or the packages containing the same have been marked with any trade mark contrary to the provisions of this Act, the court may, in addition to any such order as the circumstances may require by way of injunction or for the recovery of damages or with respect to the disposition of the wares or packages improperly marked, order the delivery up for destruction of all infringing labels and dies used for the purpose of the marking of the said wares or packages. 1932, c. 38, s. 17.

**18.** (1) In any action for the infringement of any trade mark, the production of a certified copy of the record of the registration of such trade mark made pursuant to the provisions of this Act is *prima facie* evidence of the facts set out in such record and that the person named therein is the registered owner of such mark for the purposes and within the territorial area therein defined.

(2) Such a certified copy is also, subject only to proof of clerical error therein, conclusive evidence that, at the date of the registration, the trade mark therein mentioned was in use in Canada or in the territorial area therein defined for the purpose therein set out, in such manner that no person could thereafter adopt the same or a similar trade mark for the same or similar goods in ignorance of the use of the registered mark by the owner thereof for the said purpose in Canada or in the defined territorial area within Canada. 1932, c. 38, s. 18.

**19.** When it appears to the court that a registered trade mark was not registrable by the person by whom the application for its registration was made, the owner thereof is not entitled to any remedy or relief in an action for the alleged infringement of such mark without other evidence of his rights than the mere production of a certified copy of the record of the registration. 1932, c. 38, s. 19.

**20.** The Exchequer Court of Canada has jurisdiction to entertain any action or proceeding for the enforcement of any of the rights conferred or defined by this Act. 1932, c. 38, s. 20.

**21.** Notwithstanding any other provision of this Act, when in any action or proceeding in the Exchequer Court of Canada it appears that prior to the 1st day of September, 1932, two or more persons have adopted the same or a similar trade name, or have adopted the same or a similar trade mark or distinguishing guise for use in connection with similar wares, and that neither would be entitled to a judgment forbidding the other from continuing to use his trade name, trade mark or distinguishing guise in any territorial

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territorial area within Canada, the Court shall, so far as, having regard to the evidence adduced, it is possible to do so, define the territorial area within which each of the persons concerned may so continue and shall give judgment between the parties accordingly, or may, if the parties agree or the circumstances permit, specify the conditions, by way of difference or otherwise, under which each of the parties may continue to use his trade name, trade mark or distinguishing guise throughout Canada. 1932, c. 38, s. 21.

REGISTER OF TRADE MARKS.

22. (1) There shall be kept under the supervision of the Registrar a register of trade marks in which, subject as hereinafter provided, any person may cause to be recorded any trade mark he has adopted, and notifications of any assignments, transmissions, disclaimers and judgments relating to such trade mark.

(2) The register shall specify the date upon which each of the trade marks recorded therein was registered, and shall contain an abstract of the statements contained in the applications for the registration of such marks respectively, and of any documents deposited with such applications, or filed with the Registrar subsequent to the making of the applications and affecting the right to such trade marks respectively. 1932, c. 38, s. 22.

23. (1) The register existing under the Trade Mark and Design Act on the 1st day of September, 1932, shall form part of the register maintained pursuant to this Act, and, subject as hereinafter provided, all entries therein shall hereafter be governed by the provisions of this Act, but shall not, if properly made under the law in force at the time they were made, be subject to be expunged or amended only because they might not properly have been made hereunder.

(2) The Registrar may at any time, and shall at the request of any applicant for the registration of a trade mark under this Act, by notice in writing require the owner of any trade mark or union label on the register on the 1st day of September, 1932, to furnish to him within four months from the date of the notice the information that would have been required on an application for the registration of such trade mark under this Act.

(3) If such information is not furnished pursuant to such notice, the Registrar shall by a further notice fix a reasonable time within which, if the information is not furnished, the record of the registration shall be liable to be expunged, and it may be expunged accordingly by the Registrar if no objection.

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objection is made by the owner of the mark, or by judgment, declaration or order of the Exchequer Court of Canada if he enters an objection.

(4) Any such notice as aforesaid shall be deemed to have been sufficiently given if sent to the person appearing from the record to be the owner of such mark addressed to him at his address as stated in the application for the registration of the mark or for the last renewal thereof, and if any other later or more accurate address is known to the Registrar, at such later or more accurate address, and also addressed to him in care of the person to whom the certificate of registration or of the last renewal thereof was sent at the time of its issue.

(5) Marks registered before the 1st day of September, 1932, shall be treated as word marks or as design marks according to the following rules:

(a) any mark consisting only of words or numerals or both without any indication of a special form or appearance shall be deemed to be a word mark;

(b) any other mark consisting only of words or numerals or both shall be deemed to be a word mark if at the date of its registration the words or numerals or both would have been registrable independently of any defined special form or appearance and shall also be deemed to be a design mark for reading matter presenting the special form or appearance defined;

(c) any mark including words or numerals or both in combination with other features shall be deemed to be a design mark having the features described in the application therefor but without any meaning being attributed to the words or numerals, which shall, however, also be deemed to constitute a word mark if and so far as they would at the date of registration have been registrable independently of any defined form or appearance and without being combined with any other feature; and

(d) any other mark shall be deemed to be a design mark having the features described in the application therefor.

24. There shall not be entered in the register any notice of any trust expressed, implied or constructive, nor shall any such notice be receivable by the Registrar. 1932, c. 38, s. 24.

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25. The register and the documents upon which the entries therein are based shall be open to inspection by the public during business hours and a copy of any entry in the register or of any such document, certified by the Registrar under his official seal, shall be furnished by him upon request and upon payment of the fee prescribed therefor. 1932, c. 38, s. 25.

REGISTRABLE TRADE MARKS.

26. (1) Subject as otherwise provided in this Act, a word mark is registrable if it
(a) does not contain more than thirty letters or numerals or both divided into not more than four groups;
(b) is not the name of a person, firm or corporation;
(c) is not, to an English or French speaking person, clearly descriptive or misdescriptive of the character or quality of the wares in connection with which it is proposed to be used, or of the conditions of, or the persons employed in, their production, or of their place of origin;
(d) would not if sounded be so descriptive or misdescriptive to an English or French speaking person;
(e) is not the name in any language of any of the wares in connection with which it is to be used;
(f) is not similar to, or to a possible translation into English or French of, some other word mark already registered for use in connection with similar wares; and
(g) is not such as to suggest the name in French or English of some feature of a design mark already registered for use in connection with similar wares which is so characteristic of the design mark that its name would not be unlikely to be used to define or describe the wares in connection with which the design mark is used.

(2) An application for the registration of a word mark otherwise registrable shall not be refused on the ground that the mark consists of or includes a series of letters or numerals that also constitute or form part of the name of the firm or corporation by which the application for registration is made. 1932, c. 38, s. 26.

27. Subject as hereinafter provided, any design mark may be registered if it
(a) is not identical with or similar to any design mark already registered for use in connection with similar wares;
(b) R.S., 1952.
(b) is not such as to be likely to mislead dealers in or users of the wares in connection with which it is proposed to be used as to the character or quality of such wares or as to the conditions of or the persons employed in their production or as to their place of origin; and

(c) is not such that, by reason of one of its principal characteristics being a representation of something which obviously suggests a word mark already registered for use in connection with similar wares, it is likely that such word mark, or some word resembling the same, would be used to define or describe the wares in connection with which the design mark is used.

1932, c. 38, s. 27.

28. (1) Notwithstanding anything hereinbefore contained,

(a) a word mark descriptive of the place of origin of wares, and not in conflict with any mark already registered for use in connection with similar wares, is registrable if the applicant is the administrative authority of a country, state, province or municipal area including or forming part of the area indicated by the word mark, or a commercial association having its headquarters in such area and recognized by the law in force therein; but the owner of any trade mark registered under this clause shall permit the use of the mark on any wares produced in the area of which the mark is descriptive;

(b) similar marks are registrable for similar wares if the applicant is the owner of all such marks, which shall be known as associated marks, but no group of associated marks shall include both a mark intended to indicate that the wares bearing it have been manufactured, sold, leased, or hired by the owner of the mark and a mark intended to indicate that the wares bearing it are of a defined standard or have been produced under defined working conditions, by a defined class of persons or in a defined territorial area;

(c) with the consent of the owner of a mark intended to indicate that the wares in connection with which it is used are of a defined standard or have been produced under defined working conditions, by a defined class of persons or in a defined area, a mark similar to such mark may, if it exhibits an appropriate difference, be registered by some other person to indicate that the wares in connection with which it is used have been manufactured, sold, leased or hired by him

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as one of the persons entitled to use the first mentioned mark, but the registration thereof shall be expunged by the Registrar on the withdrawal at any time of the consent of the owner of the first mentioned mark and the former owner of the last mentioned mark shall thereafter have no right to continue to use it; and

(d) a word or group of words that the applicant or his predecessor in title, without being guilty of any act of unfair competition, has already caused to be duly and validly registered as a trade mark in the country of origin of such registration, is, although otherwise unregistrable by reason of its or their form, sound or meaning, registrable under this Act, if

(i) its use as a trade mark is not prohibited by this Act,
(ii) it is not calculated to deceive nor otherwise contrary to some law or regulation directly concerned with the maintenance of public order,
(iii) it is not in conflict with any mark already registered for similar wares,
(iv) having regard to all the circumstances, including the length of time its use has continued, it cannot be said to be wholly without distinctive character, and
(v) it does not include the personal or trade name of any person domiciled or carrying on business in Canada.

(2) For the purpose of this section, the expression “country of origin” means the country of the Union other than Canada in which the applicant for such registration had at the date of the application a real and substantial industrial or commercial establishment, or if he had no real and substantial commercial or industrial establishment in any country of the Union, means the country of the Union in which he was then domiciled, or if at the said date he neither had a real and substantial commercial or industrial establishment in any country of the Union nor was domiciled in any such country, means the country, if any, of the Union of which he was then a national. 1932, c. 38, s. 28.

29. (1) Notwithstanding that a trade mark is not registrable under any other provision of this Act, it may be registered if, in any action or proceeding in the Exchequer Court of Canada, the court by its judgment declares that it has been proved to its satisfaction that the mark has been so used by any person as to have become generally recognized by dealers in or users of the class of wares in association with which it has been used, as indicating that such person

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person assumes responsibility for their character or quality, for the conditions under which or the class of person by whom they have been produced or for their place of origin.

(2) Any such declaration shall define the class of wares with respect to which proof has been adduced as aforesaid and shall specify whether, having regard to the evidence adduced, the registration should extend to the whole of Canada or should be limited to a defined territorial area in Canada.

(3) No declaration under this section shall authorize the registration pursuant thereto of any mark identical with or similar to a mark already registered for use in association with similar wares by any person who was not a party to the action or proceeding in which the declaration was made. 1932, c. 38, s. 29.

**APPLICATION FOR REGISTRATION.**

30. (1) Any person who desires to register a trade mark under this Act otherwise than pursuant to a judgment, order or declaration of the Exchequer Court of Canada shall make an application in writing to the Registrar in duplicate containing

(a) a statement of the date from which the applicant or named predecessors in title has or have used the mark for the purposes defined in the application and of the countries in which the mark has been principally used since the said date;

(b) a statement that the applicant considers that, having regard to the provisions of this Act, he was and is entitled to adopt and use the mark in Canada in connection with the wares described; and

(c) the address of the applicant's principal office or place of business in Canada, if any, and if the applicant has no office or place of business in Canada, the address of his principal office or place of business abroad and the name and address in Canada of some person, firm or corporation to whom any notice in respect of the registration may be sent, and upon whom service of any proceedings in respect of the registration may be made with the same effect as if they had been served upon the applicant himself.

(2) If the mark is intended to indicate that the wares in association with which it is used have been manufactured, sold, leased or hired by the owner thereof the application shall so indicate and shall contain

(a)
(a) a concise description, expressed in such terms as are ordinarily and commercially used by the applicant, of the wares with which the applicant is commercially concerned; and

(b) a concise description in like terms of the specific wares in association with which the applicant has used the mark.

(3) If the mark is intended to indicate that the wares in association with which it is used are of a defined standard, or have been produced under defined working conditions, by a defined class of persons or in a defined area, the application shall so indicate and shall contain

(a) a statement that the applicant is not engaged in the manufacture, sale, leasing or hiring of wares similar to any wares in association with which the mark is used; and

(b) an exact definition of what the use of the mark in association with wares is intended to indicate in respect of the standard which such wares have attained, or of the working conditions under which or the class of persons by whom they have been produced or of the area in which they have originated. 1932, c. 38, s. 30.

31. (1) Every application for the registration of a trade mark shall state whether the applicant requests the registration of the mark as a word mark or as a design mark.

(2) If he requests the registration of the mark as a word mark, the letters or numerals or both constituting the mark shall be set out in the application in their proper grouping.

(3) If he requests the registration of the mark as a design mark, the application shall contain such a concise description of what the applicant considers to be its principal features as to enable the Registrar properly to index the mark; any words or figures shall be referred to, if at all, only as reading matter, and shall be described as being in a specified relation to the other features of the design or of a described general appearance, or both, as the case may require, and the applicant shall furnish five accurate and complete representations of the design prepared on or attached to paper of the prescribed size. 1932, c. 38, s. 31.

32. Any person who bases his right to the registration of a trade mark upon a previous registration abroad shall, in addition to the information hereinbefore specified, furnish a copy of such previous registration, certified by the office in which it was made, together with a translation thereof.

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thereof into English or French if it is in any other language, and such other evidence, if any, as may be necessary fully to establish his right to obtain the registration applied for. 1932, c. 38, s. 32.

**33.** Any person who desires to make an application for the registration of a trade mark based upon a judgment, order or declaration of the Exchequer Court of Canada or of a superior court shall file a certified copy of the judgment of such court containing the declaration and an application in writing containing so much of the information specified in sections 30 and 31 as is not contained in such judgment. 1932, c. 38, s. 33.

**34.** Every application by a trade union or a commercial association for the registration of a trade mark shall contain or be accompanied by evidence that its existence is not contrary to the laws of the country in which its head-quarters are situate. 1932, c. 38, s. 34.

**35.** An application for the registration of a trade mark shall be deemed to assert a claim on the part of the applicant to be registered as owner of the mark throughout Canada. 1932, c. 38, s. 35.

**36.** (1) There shall be kept under the supervision of the Registrar three indexes of applications for the registration or extension of trade marks that have been received by the Registrar but are still pending and undisposed of; such indexes shall respectively contain

(a) an alphabetically arranged list of the persons by whom such applications have been made, with an indication of the nature of the trade mark applied for by each, and of the wares, if any are specified, in association with which it is proposed to be used;

(b) an alphabetically arranged list of the word marks which are the subject of such applications and of the groups of letters and numerals forming part of them, with a note of the persons by whom such word marks have been respectively applied for and of the wares, if any are specified, in association with which the marks are proposed to be used; and

(c) a classified list of the design marks that are the subject of such applications, with a note of the persons by whom such design marks have been respectively applied for and of the wares, if any are specified, in association with which the marks are proposed to be used.
(2) Upon the disposition of any pending application for the registration of a trade mark, the nature and date of such disposition shall be noted in the indexes aforesaid against the entries therein relating to such application.

(3) The indexes and the applications therein referred to shall be open to public inspection during business hours and the Registrar shall, upon request and the payment of the fee prescribed therefor, furnish a copy of any entry in any index or of any application certified under his seal of office. 1932, c. 38, s. 36.

37. If the Registrar is of opinion that an application is one which cannot be allowed under this Act, he shall forthwith notify the applicant accordingly, giving his reasons for refusing to allow the application. 1932, c. 38, s. 37.

38. (1) If the Registrar is in doubt as to whether or not an application for registration should be granted by reason of any registrations theretofore made, he shall by registered letter request the owners of the previously registered marks upon which such doubt is based to state, within a period to be fixed by him, whether they have any objection to the proposed registration, and if so, the reasons for such objection.

(2) If any of them object for reasons that are not in the Registrar's opinion frivolous, he shall, subject as hereinafter provided, refuse the application and notify the applicant accordingly, giving full particulars of the registrations or applications on which the objections are based, and the reasons adduced in support of such objections. 1932, c. 38, s. 38.

REGISTRATION.

39. If there is no objection to the registration of a trade mark for the registration of which a sufficient and complete application has been made, the Registrar shall, subject as hereinafter provided, forthwith cause such trade mark to be entered in the register as of the date upon which such application was received by him. 1932, c. 38, s. 39.

40. (1) When an application for the registration of a trade mark has been made in any country of the Union other than Canada, the date of such application shall be deemed to be the date of the application in Canada for the registration for use in association with the same kind of wares of the same or substantially the same mark by the same applicant or his successor in title, who is entitled to such priority in Canada notwithstanding any intervening use or registration, if

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(a) the application in Canada is made within six months from the date of the earliest application in any country of the Union; and

(b) the applicant or, if the applicant is an assignee, his predecessor in title by whom any earlier application was made in any country of the Union, was at the date of such application a national of or domiciled in such country or had therein a real and substantial commercial or industrial establishment.

(2) For the purpose of the priority given by this section, it shall suffice if the applicant deposits with the Registrar within the period hereinbefore limited a written request for the registration including or accompanied by a declaration setting out the date upon which and the country of the Union in which the earliest application was made for the registration of the same or substantially the same mark for use in association with the same kind of wares.

(3) To preserve his right of priority, however, he shall within three months after such deposit, or within such further period as the Registrar may, by order made within such three months, for good cause allow, furnish a copy of every prior application relied upon, certified by the office in which it was made, together with a certificate by such office of the date upon which it was deposited therein, translations of these documents if not in English or French, and any other papers necessary fully to establish his right, or required, as hereinbefore provided, to be furnished in support of an application for the registration of a trade mark. 1932, c. 38, s. 40.

41. Upon the registration of any mark associated with any other mark already registered, a note of the registration of such mark shall be made on the record of the registration of the mark or marks with which it is associated, and a note of the registration of such other mark or marks shall be made on the record of the registration of the new associated mark. 1932, c. 38, s. 41.

AMENDMENT OF RECORD OF REGISTRATION.

42. If the person who at any time appears from the record of the registration of a trade mark to be the owner of such mark represents to the Registrar that any amendment is required to any statement theretofore recorded relating to the wares in which the owner of the mark is commercially concerned, or to the use of the mark, the address of the owner, or the person upon whom service may be made of proceedings in respect of the registration, the record shall subject as hereinafter provided, be amended or added to accordingly. 1932, c. 38, s. 42.

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43. No amendment of or addition to the statement relating to wares in association with which any trade mark is used shall be made in the record of the registration of such mark unless the Registrar is first satisfied that such amendment is justified by the use which has been made of the mark and that it will not prejudice the rights of the person appearing to be the owner of any trade mark on the register at the date of the making of the application for the amendment. 1932, c. 38, s. 43.

44. (1) Whenever it is made to appear to his satisfaction that any person who appears on the register to be an owner of a registered trade mark has ceased to be so and that some other person has become by assignment or transmission the owner of such mark, the Registrar shall note the change of ownership accordingly on the record of the registration.

(2) A registered trade mark shall not be assigned or transmitted except in connection and concurrently with an assignment or transmission of the goodwill of the business carried on in Canada in association with the wares for which such mark has been registered, and in any case such trade mark shall be terminate with such goodwill; but any registered owner of a trade mark whose headquarters are situate in Canada and who is entitled to its exclusive use in connection with a business carried on in Canada may assign the right to use such trade mark in any other country, in association with any wares for which such trade mark is registered, in connection and concurrently with his assignment of the goodwill of the business carried on in such other country in such wares, if the grant of such right is forthwith recorded by the grantor of such right in the register maintained pursuant to this Act. 1932, c. 38, s. 44.

45. No amendment of the register recording any change in the ownership of any one of a group of associated marks shall be made unless it has been made to appear to the Registrar that the same change has occurred in the ownership of all the marks in such group and corresponding entries are made contemporaneously with respect to the ownership of all such marks. 1932, c. 38, s. 45.

46. The owner of every registered trade mark shall give notice from time to time to the Registrar of any change in the address to which he desires that any notice with respect to the trade mark should be directed, and any notice authorized by this Act to be given with respect to any trade mark shall, unless otherwise specially provided, be deemed to have

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have been sufficiently given to the owner thereof if posted by ordinary mail directed to the person appearing on the register to be the owner at the address last given by him. 1932, c. 38, s. 46.

47. The owner of any registered design mark shall, from time to time, at the request of the Registrar, furnish such additional representations of the mark as the Registrar may require and if the owner of the mark fails to comply promptly with any such request, the record of the registration of the mark shall be liable to be expunged on notice or order as hereinafter provided. 1932, c. 38, s. 47.

48. The person who at any time appears from the register to be the owner of a trade mark may request the Registrar to cancel the registration of such mark and the Registrar shall cancel the same accordingly. 1932, c. 38, s. 48.

49. (1) The Registrar may at any time, and shall at the request of any person who pays the prescribed fee, notify the person appearing from the register to be the owner of any trade mark that he considers, or that it has been represented to him that such trade mark has ceased to be used as a trade mark in Canada, or for any other specific reason to be set out in the notice, the registration of such mark should be cancelled or that an entry relating thereto should be struck out, corrected or amplified, and request him to advise whether he has any, and if any, what objection to the amendment of the register accordingly.

2) If the person to whom such notice has been addressed agrees to the proposed amendment of the register in whole or in part, such amendment shall forthwith be made by the Registrar in accordance with such agreement.

3) If, within three months from the despatch of such a notice as aforesaid, no reply to it has been received from the person to whom it was addressed, the Registrar shall send such person a second notice enclosing a copy of the first and stating that if, within a reasonable time to be fixed by the notice, no objection to the proposed amendment of the register is received, such amendment will be made, and, unless an objection is received within the time limited, the Registrar shall amend the register accordingly.

4) Except as provided in section 50, the Registrar shall not cause any amendment to be made in the register to which the person appearing therefrom to be the owner of the mark makes any objection. 1932, c. 38, s. 49.

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50. (1) If a mark has been on the register without renewal for the period hereinafter specified less four months, the Registrar shall take the action prescribed under section 49 on the ground that the person appearing from the registrar to be the owner thereof has ceased to use the same.

(2) In any such case the registration of the mark shall be cancelled notwithstanding objection on the part of the owner thereof, unless the prescribed fee for the renewal of the registration is paid within the time within which an objection to the cancellation of the registration might be made.

(3) The period specified in subsection (1) shall be as follows:

(a) in the case of any specific trade mark on the register maintained under the Trade Mark and Design Act on the 1st day of September, 1932, twenty-five years from the date of the original registration or of the last renewal thereof;

(b) in the case of any general trade mark or union label on the register maintained under the Trade Mark and Design Act on the 1st day of September, 1932, twenty-five years from the said date; and

(c) in the case of any trade mark registered under this Act, fifteen years from the date of the registration or of the last renewal thereof. 1932, c. 38, s. 50.

JURISDICTION OF EXCHEQUER COURT.

51. (1) Upon the refusal of the Registrar to grant, wholly or in part, any application authorized by this Act to be made to him, the applicant may appeal from such refusal to the Exchequer Court of Canada within sixty days from the date upon which notice of the decision was despatched to him by the Registrar or within such further time as the Court may allow, either before or after the expiry of the sixty days aforesaid.

(2) Notice of such appeal shall within the time limited as aforesaid be filed with the Registrar and with the Registrar of the Exchequer Court of Canada and a like notice shall within such time be given by registered mail to such persons as may appear from the register to be the owners of any trade marks that have been referred to by the Registrar in the decision complained of.

(3) In any case in which by reason of the nature of the question presented by such appeal, the Court considers that such question cannot be properly dealt with without public notice by advertisement or otherwise of the hearing of the appeal, it may direct such public notice to be given in R.S., 1952.

in such manner as appears to it to be necessary to bring the question raised to the attention of the persons whom it considers may be concerned or interested in the decision thereof.

(4) Subject to the direction of the Court, any such appeal shall be deemed to have been abandoned if it has not been brought on for hearing within six months after notice thereof was filed with the Registrar of the Exchequer Court of Canada. 1932, c. 38, s. 51.

Abandonment of appeal.

Jurisdiction of Exchequer Court to amend register.

52. (1) The Exchequer Court of Canada has jurisdiction, on the application of the Registrar or of any person interested, to order that any entry in the register be struck out or amended on the ground that at the date of such application the entry as it appears on the register does not accurately express or define the existing rights of the person appearing to be the registered owner of the mark.

(2) No person is entitled to institute under this section any proceeding calling into question any decision given by the Registrar of which such person had express notice and from which he had a right to appeal. 1932, c. 38, s. 52.

Decisions of Registrar.

Summary disposition of proceedings.

53. Every application under section 52 shall be made either by the filing with the Registrar of the Court of an originating notice of motion or by counterclaim in an action for the infringement of the mark. 1932, c. 38, s. 53.

Summary disposition of applications and appeals.

54. Every such application and every appeal from any decision of the Registrar shall, unless either party requires some issue of fact to be determined on oral evidence, be heard and determined summarily on evidence adduced by affidavit. 1932, c. 38, s. 54.

Registrar to transmit papers on request.

55. When any appeal or other application has been made to the Exchequer Court of Canada under any of the provisions of this Act, the Registrar shall, on the request of any of the parties to such proceedings and the payment of the prescribed fee, transmit to the Registrar of the Exchequer Court of Canada, all papers on file in his office relating to the matters in question in such proceedings. 1932, c. 38, s. 55.

APPEAL.

Appeal.

56. An appeal lies from any judgment of the Exchequer Court of Canada in any action or proceeding under this Act irrespective of the amount of money, if any, claimed to be involved. 1932, c. 38, s. 56.

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GENERAL PROVISIONS.

57. The following fees are payable on applications to the Registrar under this Act:

(a) on every application to register a trade mark ........................... $25 00
(b) on every application for the renewal of an expiring registration ........ 15 00
(c) on every application to amend the record of the registration of a trade mark, otherwise than in respect of the address of the applicant or of the person or corporation representing him in Canada for the purpose of this Act .................. 5 00
(d) on every application to amend the record of a registration in respect of any such address ........................................ 1 00
(e) on every application to record a transfer of the ownership of a trade mark or the grant of a right to use the trade mark in any other country .................. 5 00
(f) on every application for a copy of any document on file in the office of the Registrar, $0.25 for each one hundred words or fraction thereof, with a minimum of ... 1 00
(g) on every application for the despatch to the registered owner of a trade mark of a notice or notices proposing that any entry in the register should be expunged or amended .................. 5 00
(h) on any application to the Registrar to transmit to the Exchequer Court of Canada, the papers on file in his office relating to any entry in the register.... 5 00

1932, c. 38, s. 57.

58. The Registrar shall cause to be published periodically particulars of the registrations made and extended from time to time under this Act, and shall in such publication give particulars of any rulings made by him which are intended to serve as precedents for the determination of similar questions thereafter arising. 1932, c. 38, s. 58.

59. (1) Until otherwise ordered by the Governor in Council the administration of this Act is vested in the Department of the Secretary of State of Canada, of which the Act to be administered under Secretary of State.

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the Secretary of State has the management and direction, and the officers charged with duties or functions in connection therewith shall be officers of said Department and subject to the supervision of the Under Secretary of State.

(2) The Commissioner of Patents or other officer appointed by order of the Governor in Council shall exercise the powers conferred and perform the duties imposed by this Act upon the Registrar under the direction of the Secretary of State of Canada, and, in the absence or inability of the Registrar to act, any other officer temporarily appointed by the Secretary of State for that purpose may, as Acting Registrar, exercise such powers and perform such duties under the direction of the Secretary of State.

(3) The Governor in Council may, at any time, assign any of the duties and powers hereby vested in the Secretary of State to any other Minister of the Crown, as provided in the Public Service Rearrangement and Transfer of Duties Act. 1932, c. 38, s. 59.

60. The Governor in Council may make, amend or repeal any regulations deemed expedient for carrying into effect the objects of this Act and in particular with respect to the following matters:

(a) the form of the register of trade marks and of the indexes thereto, which are to be maintained pursuant to this Act, and of the entries to be made therein;

(b) the form and contents of applications for registration of any trade mark;

(c) the registration of assignments, transmissions, licences, disclaimers, judgments or other documents relating to any trade mark; and

(d) the form and contents of certificates of registration.

1932, c. 38, s. 60.

61. (1) The registration of a trade mark under the laws of Newfoundland prior to the 1st day of April, 1949, 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.

(2) 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 the registration of trade marks under the laws of Newfoundland.

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foundland pending at that time and any trade marks registered under such applications shall, for the purposes of this section, be deemed to have been registered under the laws of Newfoundland prior to the 1st day of April, 1949. 1949, c. 6, s. 26.

62. Any application for the registration of a trade mark received by the Registrar at any time before the 1st day of October, 1932, shall be dealt with in accordance with the provisions of the Trade Mark and Design Act, and registrations made pursuant to such applications shall for the purposes of this Act be deemed to have been on the register on the 1st day of September, 1932. 1932, c. 38, s. 61.
CHAPTER 275.

An Act respecting Article Forty-one of the Charter of the United Nations.

SHORT TITLE.

1. This Act may be cited as the United Nations Act. Short title. 1947, c. 46, s. 1.

2. When, in pursuance of Article 41 of the Charter of the United Nations, set out in the Schedule, the Security Council of the United Nations decides upon a measure to be employed to give effect to any of its decisions and calls upon Canada to apply such measure, the Governor in Council may make such orders and regulations as appear to him to be necessary or expedient for enabling such measure to be effectively applied. 1947, c. 46, s. 2.

3. (1) The Governor in Council may prescribe a fine not exceeding five thousand dollars or a term of imprisonment not exceeding five years or both fine and imprisonment as a penalty for violation of an order or regulation made under this Act and may also prescribe whether the penalty shall be imposed upon summary conviction or upon indictment or upon either summary conviction or indictment, but in the case of summary conviction the fine prescribed shall not exceed two hundred dollars and the term of imprisonment prescribed shall not exceed three months.

(2) Any goods, wares or merchandise dealt with contrary to any order or regulation made under this Act may be seized and detained and are liable to forfeiture at the instance of the Minister of Justice, upon proceedings in the Exchequer Court of Canada, or in any Superior Court, and any such Court may make rules governing the procedure upon any proceedings taken before such Court or a Judge thereof under this section. 1947, c. 46, s. 3.

4. Every order and regulation made under this Act shall be laid before Parliament forthwith after it has been made if Parliament is then sitting, or if Parliament is not then R.S., 1952.
then sitting, forthwith after the commencement of the next ensuing session and if the Senate and House of Commons within the period of forty days, beginning with the day on which any such order or regulation is laid before Parliament and excluding any time during which Parliament is dissolved or prorogued or during which both the Senate and House of Commons are adjourned for more than four days, resolve that it be annulled, it ceases to have effect, but without prejudice to its previous operation or anything duly done or suffered thereunder or any offence committed or any penalty or punishment incurred. 1947, c. 46, s. 4.

SCHEDULE.

ARTICLE 41—The Security Council may decide what measures not involving the use of armed force are to be employed to give effect to its decisions, and it may call upon the Members of the United Nations to apply such measures. These may include complete or partial interruption of economic relations and of rail, sea, air, postal, telegraphic, radio, and other means of communication, and the severance of diplomatic relations. 1947, c. 46, Sch.
CHAPTER 276.

An Act respecting Aid by United States Wreckers in Canadian Waters.

SHORT TITLE.

1. This Act may be cited as the United States Wreckers Act. R.S., c. 214, s. 1.

2. United States vessels and wrecking appliances may salve any property wrecked, and may render aid and assistance including all necessary towing incident thereto to any vessels wrecked, disabled, or in distress, in the waters of Canada contiguous to the United States. R.S., c. 214, s. 2.

3. Nothing in the Customs or coasting laws of Canada restricts the salving operations of such vessels or wrecking appliances. R.S., c. 214, s. 3.

4. This Act shall cease to be in force from and after a date to be named in a proclamation of the Governor General, which may be issued after he is advised that the reciprocal privilege with respect to Canadian vessels or wrecking appliances salving any property wrecked or aiding any vessels wrecked, disabled or distressed in United States waters contiguous to Canada has been withdrawn, revoked or rendered inoperative. R.S., c. 214, s. 4.

EDMOND CLOUTIER, C.M.G., O.A., D.S.P.
QUEEN'S PRINTER AND CONTROLLER OF STATIONERY
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CHAPTER 277.

An Act to provide for the regulation of Vehicular Traffic on Dominion property.

SHORT TITLE.

1. This Act may be cited as the Vehicular Traffic Act. Short title.

2. The Governor in Council may make regulations Power to make regulations. for controlling or prohibiting the operation of certain vehicles in or upon any of the parks, roads, avenues and driveways that are situate on the property of Her Majesty, and over which there exists no public right of way. 1930, c. 47, s. 1.

3. The Governor in Council may by such regulations Scope of regulations. (a) prescribe the maximum speed at which vehicles may be driven;
(b) designate the kind of vehicle or the time and circumstances under which vehicles may be allowed to be operated;
(c) provide the manner in which traffic is to be directed;
(d) designate the places where vehicles may be parked and by whom, and attach conditions to such parking;
(e) authorize officers to enforce the regulations;
(f) designate the parks, roads, avenues or driveways to which any such regulations shall apply; and
(g) prescribe the penalties to be incurred for the breach of any regulations. 1930, c. 47, s. 2.

4. Any offence against the regulations is punishable upon Offences. summary conviction. 1930, c. 47, s. 3.
CHAPTER 278.

An Act respecting Loans to Veterans to assist in their Establishment in Business or Professionally.

SHORT TITLE.

1. This Act may be cited as the Veterans' Business and Professional Loans Act. 1946, c. 69, s. 1.

INTERPRETATION.

2. In this Act, Definitions.

(a) "application" means application for a guaranteed loan that has been signed by the veteran making the application for the guaranteed loan;
(b) "bank" means a bank incorporated by or under the provisions of the Bank Act;
(c) "borrower" means a veteran to whom a guaranteed loan has been made;
(d) "business" includes trade, industry, or profession;
(e) "guaranteed loan" means a loan that complies with all the requirements of paragraphs (a) to (m) of section (1) of section 4;
(f) "insurance" means insurance that a bank may carry to cover any loss sustained by it as the result of a guaranteed loan;
(g) "Minister" means the Minister of Finance acting for or on behalf of Her Majesty;
(h) "prescribed" means prescribed by regulation;
(i) "purchase of a business" includes the purchase of an interest in an existing partnership and the advance of capital for a new partnership, if the partnership business is to be the main occupation of the veteran and he intends to participate actively in that business;
(j) "regulation" means a regulation made under this Act;

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(k) "veteran" means a person resident and domiciled in Canada who has received, or is entitled to a gratuity under the War Service Grants Act, and who

(i) has not elected to take benefits under the Veterans' Land Act, or

(ii) having so elected, has either received no such benefit or has repaid to The Director, The Veterans' Land Act, the amount of any benefit he has received under that Act, as determined under section 13 of the War Service Grants Act, in excess of his re-establishment credit. 1946, c. 69, s. 2; 1947, c. 76, s. 1; 1951, c. 63, s. 1.

Newfoundland veterans.

3. 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, and is resident and domiciled in Canada, has not elected to take benefits under the Veterans' Land Act, and who would have been eligible for a gratuity under the War Service Grants Act, if such service had been service in the Canadian forces, shall be deemed to be a veteran for the purposes of this Act. 1949, c. 6, s. 49; 1951 (2nd Sess.), c. 7, s. 24.

GUARANTEED LOANS.

4. (1) The Minister shall, subject to the provisions of this Act, pay to a bank, the amount of loss sustained by it as a result of a loan made to a veteran in pursuance of an application by such veteran in any case where

(a) the application stated that the loan was required by the veteran for any of the following purposes:

(i) the purchase of a business,

(ii) the purchase or repair of machinery, tools, instruments or other equipment for his business,

(iii) the construction, repair or alteration of or making of additions to any building or structure used or to be used in the carrying on of his business,

(iv) any purpose as prescribed that may be deemed to benefit his business, or

(v) for the making of a payment by a veteran into the funds of a partnership of which he is a partner to enable the partnership to undertake the purchase or repair of machinery, tools, instruments, or other equipment.

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equipment, for use in the partnership business, or the construction, repair, or alteration of or making of additions to any building or structure used or to be used in carrying on the partnership business or for any other purpose as prescribed that may be deemed to benefit the partnership business;

(b) the application was in the form prescribed;

(c) a responsible officer of the bank certified that he had scrutinized and checked the application for the loan with the care required of him by the bank in the conduct of its ordinary business;

(d) the sum of the principal amount of loan, the amount of any loan applied for by the veteran and concurred in by the Minister of Veterans Affairs or his authorized representative, and the amount of any guaranteed loan previously made to the veteran as disclosed in the application of the veteran or of which the bank had other knowledge, did not exceed the sum of three thousand dollars;

(e) the principal amount of the loan did not exceed two-thirds of the proposed total expenditure by the veteran for the purpose stated in the application;

(f) the loan was repayable in full by the terms thereof in not more than ten years;

(g) the rate of interest charged by the bank on the loan did not exceed five per cent per annum simple interest so long as the veteran was not in default on the loan;

(h) no fee, service charge or charge of any kind other than interest, except such charge for insurance as may be authorized by the regulations, was, by the terms of the loan, payable to the bank in respect of the loan so long as the veteran was not in default on the loan;

(i) the application for the loan was concurred in before the loan was made, by the Minister of Veterans Affairs or his authorized representative as defined by the regulations;

(j) repayment of the loan was secured in such manner as may be prescribed;

(k) the loan was made on such terms and in accordance with such provisions in addition to those specified in the preceding paragraphs as may be prescribed;

(l) the loan was made within a period of ten years from the 1st day of January, 1945, or the date that is the date of his discharge within the meaning of subsection (1) of section 12 of the War Service Grants Act, whichever date is the later; and

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(m) the loan was made on a date prior to the termination of the liability of the Minister in the manner set out in subsections (1) and (2) of section 6.

(2) Concurrence in the application by the Minister of Veterans Affairs or his authorized representative as defined by the regulations is conclusive evidence that the applicant for the guaranteed loan is a veteran.

(3) Where a veteran establishes in the manner prescribed by the regulations, that, between the 1st day of January, 1946, and the 15th day of January, 1947, inclusive, he made an expenditure for any purpose specified in paragraph (a) of subsection (1) the amount so expended shall, if the veteran makes application for a loan to which this Act applies, be deemed for the purposes of paragraph (e) of subsection (1) to be part of the total expenditure proposed by the veteran for the purpose stated in the application. 1946, c. 69, s. 3; 1947, c. 76, s. 2; 1951, c. 63, s. 2.

5. Her Majesty is bound by this Act. 1946, c. 69, s. 4.

6. (1) The Minister may, by notice in writing to the head office, of a bank, terminate his liability to such bank under this Act with respect to loans made by such bank after a date not less than fourteen days following the date of dispatch of such notice in any case where

(a) the aggregate principal amount of guaranteed loans made by all banks has reached twenty-five million dollars, or

(b) the prior approval of the Governor in Council has been obtained.

(2) The notice in writing referred to in subsection (1) shall take the form either of a telegram or a registered letter and shall contain

(a) the authority for terminating the Minister's liability with respect to loans made by the bank receiving such notice in writing, and

(b) the date on which the termination of the Minister's liability with respect to loans made by such bank is to take effect.

(3) This section does not relieve the Minister of any liability imposed on him under this Act in respect of any guaranteed loan made by a bank before the Minister has terminated his liability with respect to loans made by such bank in the manner set out in subsections (1) and (2). 1946, c. 69, s. 5.
7. (1) Where the aggregate principal amount of guaranteed loans made by a bank does not exceed one million dollars the Minister is not liable to pay to such bank a total amount in excess of twenty-five per cent of such aggregate principal amount of guaranteed loans regardless of whether or not any portion of such aggregate principal amount of guaranteed loans has been recovered.

(2) Where the aggregate principal amount of guaranteed loans made by a bank exceeds one million dollars the Minister is not liable to pay to such bank

(a) an amount in excess of twenty-five per cent of the portion of such aggregate principal amount of guaranteed loans that does not exceed one million dollars regardless of whether or not any portion of such aggregate principal amount of guaranteed loans has been recovered, and

(b) an amount in excess of fifteen per cent of the amount by which such aggregate principal amount of guaranteed loans exceeds one million dollars regardless of whether or not any portion of such aggregate principal amount of guaranteed loans has been recovered. 1946, c. 69, s. 6.

REGULATIONS.

8. (1) The Governor in Council may on the recommendation of the Minister and the Minister of Veterans Affairs make regulations for any purpose for which regulations are contemplated by this Act and generally for carrying the purposes and provisions of this Act into effect and without restricting the generality of the foregoing may make regulations

(a) to define for the purposes of this Act the following expressions:
   (i) "responsible officer of the bank", and
   (ii) "authorized representative of the Minister of Veterans Affairs";

(b) to prescribe a form of application;

(c) to prescribe any purpose in addition to the purposes mentioned in subparagraphs (i), (ii) and (iii) of paragraph (a) of subsection (1) of section 4 that may be deemed to benefit a veteran’s business or any purpose in addition to those specified in subparagraph (v) of the said paragraph (a) that may be deemed to benefit the business of a partnership in which a veteran is a partner;

(d) to prescribe the security, if any, to be taken by the bank for the repayment of any guaranteed loan;

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(e) to prescribe the terms of repayment and other terms not inconsistent with this Act upon which guaranteed loans are to be made;

(f) to prescribe the amount of the fee which may be charged for insurance;

(g) to prescribe the forms of receipts, notes and documents to be used in connection with the guaranteed loans or for the effective operation of this Act;

(h) to provide, notwithstanding anything to the contrary in this Act, that in the event of an impending default in the repayment of a guaranteed loan, the bank may, with the approval of the borrower, alter or revise any of the terms of the guaranteed loan or any document connected therewith, so long as any such alteration or revision does not increase the rate of interest as specified in paragraph (g) of subsection (1) of section 4;

(i) to provide, notwithstanding anything to the contrary in this Act, that in the event of an actual default in the repayment of a guaranteed loan the bank may with the approval of the borrower revise any of the terms of the guaranteed loan or any document connected therewith;

(j) to prescribe in the event of default in the repayment of a guaranteed loan, the legal or other measures to be taken by the bank 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 and the rate of interest to be charged on overdue payments;

(k) to prescribe the method of determination of the amount of loss sustained by a bank as a result of a guaranteed loan and the procedure to be followed by a bank in making a claim for loss sustained by it in respect of a guaranteed loan;

(l) to prescribe the steps to be taken by a bank to effect on behalf of the Minister collection of any guaranteed loan in respect of which payment has been made by the Minister to the bank under this Act, and to provide that on failure by the said bank to take such steps the amount of such payment may be recovered by the Minister; and

(m) to require reports to be made periodically to the Minister by a bank in respect of guaranteed loans.

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(2) Where any of the terms of a guaranteed loan or any document connected therewith have been altered or revised under paragraphs (h) and (i) of subsection (1) such alteration or revision does not discharge the liability of the Minister in respect of such guaranteed loan, 1946, c. 69, s. 7; 1947, c. 76, s. 3.

SPECIAL POWERS OF BANK.

9. (1) Notwithstanding anything in the Bank Act or any other statute, if a bank makes a guaranteed loan in respect of which it is required by regulation to take security on real or personal, immovable or movable property, the bank may at the time of making the loan take as security for the repayment thereof and the payment of interest thereon,

(a) a mortgage or hypothec upon real or personal, immovable or movable property in respect of which all or part of the proceeds of the guaranteed loan are to be expended; or
(b) an assignment of the rights and interest of a purchaser under
   (i) agreement for sale of real or personal, immovable or movable property, or
   (ii) lien or conditional sale contract for personal, or movable property
   in respect of which all or part of the proceeds of the guaranteed loan are to be expended.

(2) A bank has and may exercise, in respect of any mortgage, hypothec, or assignment taken under this Act and the real or personal, immovable or movable property affected thereby, all rights and powers that it would have or might exercise if the mortgage, hypothec, or assignment had been taken by the bank by way of additional security under the Bank Act. 1947, c. 76, s. 4.

OFFENCES.

10. (1) Every person who

(a) makes in an application a statement that is false in any material respect,
(b) uses the proceeds of a guaranteed loan for a purpose other than that stated in his application, or
(c) while indebted to a bank under a guaranteed loan, encumbers or disposes of any property purchased with the proceeds of the loan without the consent in writing of the bank,

is guilty of an offence and is liable on summary conviction or on conviction under indictment to a fine not exceeding five hundred dollars.
(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 guaranteed 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 of such penalty, and such penalty shall be paid to the bank by which the guaranteed loan was made, or if payment has been made by the Minister to the said bank in respect of the guaranteed loan, the said penalty shall be paid to the Receiver General of Canada and such payment to the bank or the Receiver General discharges the liability of such person to repay the loan. 1946, c. 69, s. 9; 1951, c. 63, s. 3.

GENERAL.

11. (1) Where payment is made by the Minister to a bank under this Act in respect of any loss sustained by the bank as a result of a guaranteed loan, the bank shall execute a receipt in favour of the Minister in such form as may be prescribed and the Minister is thereupon subrogated in and to all rights of the bank in respect of the guaranteed loan and, without limiting the generality of the foregoing, all rights and powers of the bank in respect of the guaranteed loan, and in respect of any judgment in respect thereof obtained by the bank, and in respect of any security taken by the bank for the repayment thereof, is thereupon vested in the Minister, and the Minister is entitled to exercise all the rights, powers and privileges that the bank had or might exercise in respect of such loan, judgment or security, and to commence or continue any action or proceeding in respect thereof, and to execute any documents necessary by way of release, transfer, sale or assignment thereof, or in any way to realize thereon.

(2) Any document purporting to be a receipt in the prescribed form and purporting to be signed on behalf of the bank is evidence of the payment by the Minister to the bank under this Act in respect of the guaranteed loan therein mentioned and of the execution of such document on behalf of the bank. 1946, c. 69, s. 10.

12. The Minister may pay any amount payable to a bank under this Act out of unappropriated moneys in the Consolidated Revenue Fund and the Minister and the Minister of Veterans Affairs may pay any amount necessary to meet the expenses incurred in the administration of this Act out of moneys appropriated by Parliament for the purpose. 1946, c. 69, s. 11.

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13. The Minister shall, as soon as possible after the 31st day of March in each year, and in any event within three months thereof prepare a report with regard to the administration of this Act during the twelve-month period ending on the 31st day of March and the Minister shall lay the said report, together with any regulations made pursuant to this Act during the past fiscal year, before Parliament, if Parliament is then in session, or within fifteen days of the next session of Parliament. 1946, c. 69, s. 12.
CHAPTER 279.

An Act to provide for the Insurance of Veterans by the Dominion of Canada.

SHORT TITLE.

1. This Act may be cited as the Veterans Insurance Act. Short title. 1944-45, c. 49, s. 1.

INTERPRETATION.

2. (1) In this Act

(a) "amount of insurance" means the amount stated as "Amount of insurance." such in the contract of insurance;

(b) "brother" includes a half-brother and "sister" "Brother." "Sister." includes a half-sister;

(c) "child" includes,

(i) a legally adopted child;

(ii) a stepchild who is designated by the insured as a beneficiary and in such designation is described either by name or as a stepchild; and

(iii) an illegitimate child acknowledged or maintained by the insured or for whom he has been judicially ordered to provide support;

(d) "discharge from service" includes any termination "Discharge from service." of service;

(e) "grandchild" includes a child as above defined of a "Grandchild." child as above defined;

(f) "insured" means any person with whom the Minister "Insured." enters into a contract of insurance under this Act;

(g) "Minister" means the Minister of Veterans Affairs or "Minister." such other Minister as the Governor in Council may from time to time determine;

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(h)

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"Parent."

(h) "parent" includes a father, mother, grandfather, grandmother, stepfather, stepmother, foster-father, foster-mother, of either the insured or the spouse of the insured;

"Regulation."

(i) "regulation" means a regulation made under the provisions of this Act;

"Service."

(j) "service" means

(i) service in the naval, army or air forces of Canada by any person while in receipt of either active service rates of pay or of Permanent Force rates of pay, or

(ii) active service in the naval, army or air forces of His Majesty by any person domiciled in Canada at the commencement thereof;

"Veteran."

(k) "veteran" means any person, male or female, who was engaged in service during the war and who has been granted discharge from such service;

"War."

(l) "war" means the war that commenced in September, 1939, and which, for the purposes of this Act, shall be deemed to have terminated on the 30th day of September, 1947.

(2) For the purposes of subparagraph (i) of paragraph (j) of subsection (1), service by a person in the naval or army forces of Newfoundland and service by a person recruited in Newfoundland in any naval, army or air forces raised in Newfoundland by or on behalf of the United Kingdom, shall be deemed to be service in the naval, army or air forces of Canada and, for the purposes of subparagraph (ii) of that paragraph, domicile in Newfoundland shall be deemed to be domicile in Canada. 1944-45, c. 49, s. 2; 1951, c. 64, s. 1; 1951 (2nd Sess.), c. 7, s. 24.

3. (1) The Minister may, without requiring medical examination or other evidence of insurability, enter into a contract of insurance that provides for the payment in the event of the death of the insured of five hundred dollars or any multiple thereof not exceeding ten thousand dollars.

(a) with a veteran, at any time on or before the 31st day of December, 1954, or within ten years after the date of his discharge from service, whichever is the later; or

(b) with any of the following persons, at any time on or before the 31st day of December, 1954,

(i) the widow or widower of a veteran, if the Minister has not entered into a contract of insurance with the veteran,

(ii) the widow or widower of a person who died on service during the war,

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(iii) a person who is an officer or man in any of the components of the Canadian Forces that are referred to in the National Defence Act as the regular forces, who has not been released from such forces and who was engaged in service during the war,
(iv) a merchant seaman who received or was eligible to receive a bonus pursuant to The Merchant Seamen Special Bonus Order, or a seaman who received or was eligible to receive a War Service Bonus pursuant to The Merchant Seamen War Service Bonus Order, 1944, and
(v) any other person who is, under the Pension Act, in receipt of a disability pension relating to the war.

(2) Where a contract of insurance is entered into under this Act with a person whose life is insured under The Returned Soldiers’ Insurance Act, the amount of insurance under such contract shall be limited so that the aggregate amount of insurance in force on his life under The Returned Soldiers’ Insurance Act and this Act does not exceed ten thousand dollars.

(3) Payment under a contract of insurance shall be made on the death of the insured in an amount not exceeding two thousand dollars and the remainder, if any, or the portion thereof to which any beneficiary is entitled, shall, at the option of the insured, be payable as:
   (a) an annuity certain for five, ten, fifteen or twenty years;
   (b) a life annuity; or
   (c) an annuity guaranteed for five, ten, fifteen or twenty years and payable thereafter as long as the beneficiary may live.

(4) Any option as to the mode of payment, chosen by the insured in his application for insurance, may subsequently be varied by declaration of the insured.

(5) The said option, as to mode of payment chosen by the insured, may after the death of the insured be varied by the beneficiary with the consent of the Minister.

4. Where, at the death of the insured, the insurance money remaining to be paid as an annuity to any beneficiary is less than five hundred dollars, the Minister may, upon the request of the said beneficiary, if he is satisfied that it would be in the best interests of the beneficiary so to do, direct that such money shall be paid in such manner and in such amounts, including payment in a lump sum, as the Minister may consider appropriate.
5. (1) The contract may provide that if, before attaining the age of sixty years, the insured becomes totally and permanently disabled so that he is thereby rendered incapable of pursuing continuously any substantially gainful occupation, and if such disability is not deemed to be attributable to his service to such an extent as to entitle him to pension on the grounds of total disability under the Pension Act, the premiums thereafter falling due under the contract, during the continuance of such disability, shall be waived.

(2) The insured shall, for the purposes of this section, be deemed to be totally and permanently disabled where his total disability has existed continuously for a period of at least one year. 1944-45, c. 49, s. 5; 1951, c. 64, s. 3.

6. (1) Where the insured is married, or is a widow or a widower or divorced or unmarried and with children, the beneficiary shall be the spouse, or children of the insured, or some one or more of such persons.

(2) Where the insured is unmarried, or is a widow or a widower or divorced, and without children, the beneficiary shall be the future spouse or future children of the insured, or some one or more of such persons.

(3) Where the insured designates more than one beneficiary, the insured may apportion, and may at any time re-apportion, the insurance money between or among them as he sees fit, and in default of any such apportionment the insurance money shall be paid to the designated beneficiaries surviving the insured in equal shares.

(4) Where a designated beneficiary dies in the lifetime of the insured, the insured may, subject to the provisions of subsections (1) and (2), designate a beneficiary or beneficiaries to whom the share formerly apportioned to the deceased beneficiary shall be paid, and in default of any such designation, the said share shall be divided equally among the surviving designated beneficiaries, if any.

(5) Where the insured does not designate a beneficiary, or where all of the beneficiaries designated by him die within his lifetime, the insurance money shall be paid to the spouse and the children of the insured in equal shares, and if the insured survives the spouse and all the children of the insured, and there is no contingent beneficiary within the meaning of section 7 surviving the insured, the insurance money shall be paid, as it falls due or otherwise as the Minister may determine, to the estate of the insured. 1944-45, c. 49, s. 6; 1951, c. 64, s. 4.

7. (1) The insured may designate as a contingent beneficiary a grandchild, parent, brother, or sister of the insured, or such other person as may by regulation be prescribed for 5266 the
the purposes of this section, to whom the insurance money or any portion thereof shall be paid in the event that the insured at the time of his death is unmarried or is a widow or a widower or divorced, and without children.

(2) Where the insured survives the spouse and all the children of the insured, the insurance money shall be paid to the contingent beneficiary or beneficiaries, if any, but in default of the designation of a contingent beneficiary, or in the event of the death of all the contingent beneficiaries within the lifetime of the insured, the insurance money shall be paid, as it falls due or otherwise as the Minister may determine, to the estate of the insured.

(3) Where the insured designates more than one contingent beneficiary, the insured may apportion, and may at any time re-apportion, the insurance money among them as he sees fit, and in default of any such apportionment the insurance money shall be paid to the contingent beneficiaries surviving the insured in equal shares.

(4) Where a contingent beneficiary dies in the lifetime of the insured, the insured may, subject to the provisions of subsection (1), designate a contingent beneficiary or beneficiaries to whom the share formerly apportioned to the deceased contingent beneficiary shall be paid, and in default of any such designation, the said share shall be divided equally among the contingent beneficiaries, if any, surviving the insured. 1944-45, c. 49, s. 7; 1951, c. 64, s. 5.

8. Subject to the provisions of this Act, the insured may at any time change the beneficiary or beneficiaries, or the contingent beneficiary or contingent beneficiaries, theretofore designated by the insured. 1944-45, c. 49, s. 8.

9. Any designation of a beneficiary or of a contingent beneficiary, or any variation in the option as to the mode of payment or any apportionment of insurance money, other than is made by the insured in the application for the insurance, may be made in accordance with the provisions of the contract of insurance in that behalf. 1944-45, c. 49, s. 9.

10. (1) Subject to subsections (2), (3) and (4), where on the death of the insured a pension becomes payable under the Pension Act or any pension law of the United Kingdom or of any of Her Majesty's Dominions, to any person mentioned in subsection (1) or (2) of section 6 or in subsection (1) of section 7, there shall be deducted from the amount of insurance the aggregate present value of the pension or pensions so payable computed on such basis as the Governor in Council may prescribe, and in lieu of the said deduction there shall be paid to the beneficiary or beneficiaries, in proportion

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portion to their interests under the contract, the amount of the paid-up insurance, that would have been available under the contract in the event of the grant of paid-up insurance within the lifetime of the insured as at the end of the period for which premiums were paid, reduced in the ratio of the amount of the said deduction to the amount of insurance.

(2) Where premiums were not paid for the minimum period required for the grant of paid-up insurance, then for the purposes of this section paid-up insurance values shall be computed in accordance with the same basis and principles as are used in computing paid-up values where premiums have been paid for the said period or longer.

(3) Where the contract is for the benefit of the spouse or children of the insured or of some one or more of such persons, and the insured dies after six months from the effective date of the contract, no deduction shall be made under subsection (1) where the amount of insurance does not exceed five hundred dollars, and where the said amount does exceed five hundred dollars the deduction shall not be greater than such excess, and in lieu of the said deduction there shall be paid to the beneficiary or beneficiaries, in proportion to their interests under the contract, the amount of the paid-up insurance that would have been available under the contract in the event of the grant of paid-up insurance within the lifetime of the insured as at the end of the period for which premiums were paid, reduced in the ratio of the amount of the said deduction to the amount of insurance.

(4) Subsections (1) to (3) are inoperative where the beneficiary is the spouse of the insured and the pension is awarded under the Pension Act to some person or persons other than the spouse. 1944-45, c. 49, s. 10.

11. (1) Where, under this Act, the insurance money falls into and becomes part of the estate of the insured, such estate is entitled to receive only the reserve under the contract at the time of the death of the insured.

(2) In this section the word “reserve” means the net premium value of the contract on the basis of the British Offices Life Tables, Om (5), with interest at the rate of three and one-half per cent per annum. 1944-45, c. 49, s. 11.

12. (1) The contract of insurance may provide for payment of premiums during the lifetime of the insured for a period of ten, fifteen or twenty years or until the anniversary of the policy nearest the sixty-fifth or eighty-fifth birthday of the insured.
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(2) The premiums payable under the various plans of contract shall be as provided for in Schedule A. 1944-45, c. 49, s. 12.

13. The Minister may refuse to enter into a contract of insurance in any case where there are in his opinion sufficient grounds for so doing but, in the exercise of the powers conferred upon him by this section, the Minister shall be governed by the provisions of Schedule B and he may require for this purpose that the applicant shall submit himself to medical examination or shall furnish such other information as the Minister may require. 1948, c. 72, s. 2.

14. The insurance money payable under the contract of insurance is unassignable and is not subject to the claims of creditors of the insured or of the beneficiary. 1944-45, c. 49, s. 14.

15. Where an application for insurance is made and the applicant dies before the contract of insurance is entered into, the contract shall be deemed to have been entered into if the initial premium is paid and the application is one that would have been approved if the applicant had not died. 1951, c. 64, s. 6.

16. Where a beneficiary or contingent beneficiary survives the insured but dies before receiving all of the insurance money to which under the contract of insurance such beneficiary or contingent beneficiary is entitled, the remaining unpaid money shall be paid, as it falls due or otherwise as the Minister may determine, to the estate of the deceased beneficiary or deceased contingent beneficiary. 1951, c. 64, s. 6.

17. Notwithstanding the Senate and House of Commons Act, or any other law, no person, by reason only of his entering into a contract of insurance or receiving a benefit under this Act, is liable to any forfeiture or penalty imposed by the Senate and House of Commons Act or disqualified as a member of the House of Commons or incapable of being elected to, or of sitting or voting in the House of Commons. 1951, c. 64, s. 6.

18. The Governor in Council may make regulations,

(a) prescribing the form of contracts and such other forms as he may consider necessary under this Act;
(b) prescribing the mode of proving the age, identity and existence or death of persons;
(c) prescribing the mode of paying money under contracts of insurance;
(d) for dispensing with the production of letters probate or letters of administration, either generally or in any particular case or class of cases;

(e) R.S., 1952.
(e) prescribing the accounts to be kept and their management;

(f) respecting the cases or classes of cases in which a contract of insurance may be surrendered and a cash surrender value paid therefor, or a paid-up contract of insurance issued instead thereof, and for prescribing the manner in which such cash surrender value or amount of paid-up insurance shall be determined;

(g) prescribing the cases, not otherwise provided for in this Act, in which a person not originally named as, but who is eligible under this Act to be a beneficiary, may be made a beneficiary;

(h) prescribing the cases, not otherwise provided for in this Act, in which an apportionment of the insurance money may be made or varied;

(i) prescribing the class or classes of persons other than those mentioned in sections 6 and 7 who are entitled to be beneficiaries;

(j) prescribing the cases in which a dependant, other than the husband, wife or child of the insured, may be named as a beneficiary under the contract;

(k) prescribing, in cases not otherwise provided for by the contract of insurance or by declaration or by this Act, the person or persons entitled to whom the instalments, if any, of insurance money remaining unpaid at the death of a beneficiary shall be paid; and

(l) for any other purpose for which it is deemed expedient to make regulations in order to carry this Act into effect. 1944-45, c. 49, s. 16.

19. The moneys received under the provisions of this Act form part of the Consolidated Revenue Fund, and the moneys payable under the said provisions are payable out of the said Fund. 1944-45, c. 49, s. 17.

20. (1) The Minister shall cause a statement to be prepared within three months after the end of each fiscal year showing

(a) the premiums received during the fiscal year;

(b) the insurance moneys paid during the fiscal year;

(c) the number and amount of contracts entered into during the fiscal year;

(d) the number and amount of contracts in force at the end of the fiscal year; and

(e) such further information as the Minister deems advisable.

(2) Every such statement shall be laid before Parliament as soon as may be after it is prepared. 1944-45, c. 49, s. 18.
### SCHEDULE A.

**MONTHLY PREMIUMS FOR $1,000 INSURANCE PAYABLE AT DEATH**

<table>
<thead>
<tr>
<th>Age</th>
<th>Payable for</th>
<th>Payable till age 65</th>
<th>Payable till age 85</th>
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**Note.**—Rates for ages above 65 will be computed on the same basis as those shown above. 1944-45, c. 49, Sch. A.

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SCHEDULE

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SCHEDULE B.

CLASS I—Applicants who are not seriously ill.

(a) An applicant with dependants, ill with a pensionable disability.
Application is to be accepted.

(b) An applicant with dependants, ill with a disability that is not pensionable.
Application is to be accepted.

(c) An applicant without dependants, ill with a pensionable disability.
Application is to be accepted.

(d) An applicant without dependants, ill with a disability that is not pensionable.
Application is to be accepted.

CLASS II—Applicants who are seriously ill.

(a) An applicant with dependants, seriously ill with a pensionable disability.
Application is to be accepted.

(b) An applicant with dependants, seriously ill with a disability that is not pensionable.
Application is to be refused.

(c) An applicant without dependants, seriously ill with a pensionable disability.
Application is to be refused.

(d) An applicant without dependants, seriously ill with a disability that is not pensionable.
Application is to be refused.

CLASS III—Applications from persons in so serious a condition of health that they have no reasonable expectation of life.
Applications are to be refused.

CLASS IV—General.

In cases where an applicant with or without dependants whose health has become impaired as a result of immoral conduct prior to enlistment, or as a result of refusal of treatment for such condition during service or after discharge from service.

Applications are to be refused.

1944-45, c. 49, Sch. B.
CHAPTER 280.

An Act to assist War Veterans to Settle upon the Land.

WHEREAS many men now serving in the Active Forces of Canada have recorded their desire to settle on land or engage in farming when hostilities cease, and it is desirable that suitably qualified veterans be encouraged to seek rehabilitation in the agricultural industry; And whereas part-time farming coupled with other employment is an increasingly important aspect of rural and semi-rural life in Canada; And whereas it is in the public interest as a measure of rehabilitation to assist the acquiring of ownership of farm homes by qualified veterans including certain of those persons who have had service upon ships comparable to active service of a member of the forces in a theatre of war, in particular such of those persons who because of disability or because service upon a ship is not their usual or natural occupation find it impossible or not in their interests to continue in such service; And whereas the great majority of prospective veteran settlers have limited financial assets and the lack of such assets has proved to be the main obstacle in the fulfilment of settlement contracts and to the acquirement of farm home ownership; and it is the purpose of the Dominion Government to provide a measure of financial assistance to veterans on their performance of prescribed settlement conditions in order to promote their engaging in agricultural pursuits either as a full-time occupation or as a part-time occupation coupled with some other employment; And whereas in respect of persons who have had service upon ships, because of the undesirability during the continuation of hostilities of placing upon the land persons whose service upon ships may be essential to the war effort, and because of the impossibility of presently determining what forms of service and length of service should be defined as comparable to active service in a theatre of war, it is deemed advisable that provision be presently made hereunder only respecting such of those persons as are in receipt of a disability pension R.S., 1952.
pension; Therefore His Majesty, by and with the advice and consent of the Senate and the House of Commons of Canada, enacts as follows:

**SHORT TITLE.**

1. This Act may be cited as the *Veterans' Land Act*. 1942-43, c. 33, s. 1.

**INTERPRETATION.**

2. In this Act,

(a) "Minister" means the Minister of Veterans Affairs;

(b) "land" includes granted or ungranted Dominion, provincial or private lands, and real or immovable property, messuages, lands, tenements and hereditaments of any tenure, and real rights, easements and servitudes, streams, watercourses, waters, roads and ways, and all rights or interests in, or over, or arising out of, and all charges upon, land;

(c) "property" includes land and goods, chattels, real and personal, and personal or movable property, and all rights or interests in, or over, or arising out of, and all charges upon, property;

(d) "veteran" means a person who at any time during the war declared by His Majesty on the 10th day of September, 1939, against the German Reich and subsequently against other powers, has been therein engaged on active service in a naval, army or air force of Canada, or of any of His Majesty's forces if at the time of his enlistment he was ordinarily domiciled or resident in Canada; and

(i) whose service has involved duties required to be performed outside of the Western Hemisphere,

(ii) who has served only in the Western Hemisphere for a period of at least twelve months, not including any period of absence without leave or leave of absence without pay, time served while undergoing sentence of penal servitude, imprisonment or detention, or service in respect of which pay is forfeited, or

(iii) who, wherever he may have served, is by reason of disability attributable to or incurred during such service in receipt of a pension,

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and has been honourably discharged from such naval, army, air force, or other of His Majesty's forces, or has been permitted honourably to resign or retire therefrom;

and "veteran" also means a British subject who was ordinarily domiciled or resident in Canada at the beginning of the said war and who is in receipt of a pension in respect of a disability incurred while serving upon a ship during the said war; and

(e) "Western Hemisphere" means the continents of North and South America, the islands adjacent thereto, and the territorial waters thereof, including Newfoundland, Bermuda, and the West Indies but excluding Greenland, Iceland and the Aleutian Islands. 1942-43, c. 33, s. 2; 1945, c. 34, ss. 1, 2; 1951 (2nd Sess.), c. 7, s. 16.

DIRECTOR AND EMPLOYEES.

3. (1) The Governor in Council may appoint an officer Appointment to be known as "The Director, The Veterans' Land Act" (in this Act referred to as "the Director") who shall be responsible to the Minister and be paid such salary as may be fixed by the Governor in Council.

(2) This Act shall be administered by the Minister and Administration the powers and duties conferred or imposed by this Act on the Director shall be exercised or performed subject to the direction of the Minister. 1946, c. 70, s. 1.

4. (1) Such officers, instructors, clerks, stenographers Officers, and other employees as may be required for the purposes and other employees of this Act shall be appointed or employed in the manner authorized by law.

(2) All such appointees shall perform such duties and Duties and functions as the Director may prescribe.

(3) Notwithstanding anything in the Civil Service Act, the Civil Service Superannuation Act, or any other Act, a Civil Service Superannuation Act 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, shall continue to be a contributor under the said Act; his service under this Act shall be counted as service in the civil service for the purpose 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
Veterans' Land.

than that of misconduct, he is eligible, in accordance with the regulations made under section 54 of the Civil Service Act, 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. 1942-43, c. 33, s. 4.

CORPORATE POWERS OF THE DIRECTOR.

5. (1) For the purposes of acquiring, holding, conveying and transferring and of agreeing to convey, acquire or transfer any of the property that he is by this Act authorized to acquire, hold, convey, transfer, agree to convey or agree to transfer, but for such purposes only, the Director is a corporation sole and he and his successors have perpetual succession, and as such is the agent of Her Majesty in right of Canada.

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

(3) All conveyances from the Director constitute new titles to the land conveyed and have the same and as full effect as grants from the Crown of previously ungranted Crown lands.

(4) All property acquired for any of the purposes of this Act shall vest in the Director as such corporation sole; but the provisions of this section do not in anywise restrict, impair or affect the powers conferred upon the Director generally by this Act nor subject him to the provisions of any enactment of the Dominion or of any province respecting corporations.

(5) The Director in his corporate capacity shall have an impress seal inscribed with the words "The Director, The Veterans' Land Act" and showing the coat of arms of Canada.

(6) All documents that require execution by the Director in his corporate capacity shall be deemed validly executed if the said seal is affixed and the name of the Director is signed thereto, the whole in the presence of one other person who has subscribed his name as witness; and every document that purports to be impressed with the seal of the Director and to be sealed and signed in the presence of

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a witness by the Director is admissible in evidence in all courts in Canada without proof of any such seal or of such sealing or signing.

(7) Any land vested in the Director in respect of which an assessment has been duly made by a taxing authority is hereby declared for the purpose of recourse to the land itself for realization of taxes based upon such assessment and for such purpose only, to be held by the said Director as such corporation sole and not as an agent of Her Majesty in right of Canada. 1942-43, c. 33, s. 5; 1950, c. 51, s. 6.

AGRICULTURAL TRAINING.

6. (1) The Director may make provision for

(a) placing veterans with selected farmers for practical instruction in farming, and

(b) supplying instructors and inspectors to assist veterans with information on and instruction in farming.

(2) The Director may make such arrangements as he may deem advisable with the Dominion and provincial departments of government, the extension departments of Canadian universities and recognized agricultural schools and colleges, for carrying out the purposes of paragraph (b) of subsection (1). 1942-43, c. 33, s. 6.

ACQUISITION OF LANDS AND OTHER PROPERTY.

7. The Director may, for the purposes of this Act,

(a) purchase by agreement, at prices which to him shall seem reasonable, or

(b) in any other manner acquire by consent or agreement from Her Majesty in right of Canada or from any province or municipal authority, or from any person, firm or corporation, such lands and buildings situate in any part of Canada and such other property including building materials, livestock, farm equipment and commercial fishing equipment as the Director may deem necessary. 1942-43, c. 33, s. 7.

BUILDINGS AND IMPROVEMENTS.

8. (1) The Director may for the purposes of this Act erect on land acquired by him such buildings or effect such other improvements as he may deem necessary; and

(b) enter into a contract with a person, firm or corporation, or with a province, city, town or municipal authority, for the erection of such buildings and for effecting such other improvements as he may deem necessary; and

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(c) R.S., 1952.
(c) grant a roadway, right of way, easement or other right or interest in, over, through or upon such land.

(2) For the purposes of this section the expression "improvements" includes works for sewage disposal, works for the supply of water, gas, electricity or other services, roads, drainage and the cost of preparing plans of subdivisions and any other plans required for such improvements. 1945, c. 34, s. 3.

SALES OF LAND AND OTHER PROPERTY TO VETERANS.

9. The Director shall for the purposes of this Act determine the cost to the Director of the land and improvements thereon, building materials, livestock and farm equipment to be sold to a veteran under this Act, which shall not be less than the amount actually expended therefor. 1949 (2nd Sess.), c. 41, s. 2.

10. (1) Subject to the provisions of this Act and the regulations, the Director may contract with a veteran certified by him to be qualified to participate in the benefits of this Act for the sale to such veteran of land and improvements thereon, building materials, livestock and farm equipment up to a total cost to the Director of six thousand dollars, but subject to the following conditions:

(a) that the cost to the Director of the land, improvements and building materials shall not exceed six thousand dollars;

(b) that the veteran has paid to the Director ten per cent of such cost and the entire cost price of land, improvements and building materials in excess of six thousand dollars;

(c) that the cost to the Director of the livestock and farm equipment shall not exceed twelve hundred dollars or the amount by which six thousand dollars exceeds the cost to the Director of the land, improvements and building materials, whichever is less;

(d) that the sale price to a veteran of land, improvements, building materials, livestock and farm equipment shall be, in addition to any sum paid by the veteran before contract made, a sum equal to two-thirds of the cost to the Director of the land, improvements and building materials;

(e) that the interest rate payable by a veteran shall be three and one-half per cent per annum;

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(f) that the balance of the purchase price payable by a veteran may be extended over a term not in excess of twenty-five years with interest at the rate aforesaid on the amortization plan; and

(g) that at the discretion of the Director terms of payment by a veteran may be varied to provide for payment of interest charges only for a period of five years, first following the date of sale or for annual or semi-annual or monthly payments of principal and interest provided that a maximum repayment period of twenty-five years is not exceeded.

(2) Subject to the provisions of this Act and the regulations, the Director may contract with a veteran certified by him to be qualified to participate in the benefits of this Act for the sale to such veteran of land and improvements thereon, building materials and commercial fishing equipment up to a total cost to the Director of six thousand dollars subject to the same conditions set forth in subsection (1) with the words “commercial fishing equipment” substituted for the words “livestock and farm equipment” wherever they occur therein.

(3) In lieu of the contract for sale described in subsection (1) and subject to the provisions of this Act and the regulations, the Director may contract with a veteran certified by him to be qualified to participate in the benefits of this Act for the sale to such veteran of land and improvements thereon, building materials, livestock and farm equipment, up to a total cost to the Director of five thousand eight hundred dollars, but subject to the following conditions:

(a) that the cost to the Director of livestock and farm equipment shall not exceed the sum of three thousand dollars;

(b) that the cost to the Director of land and improvements and building materials shall not exceed an amount by which the sum of five thousand eight hundred dollars exceeds the cost to the Director of livestock and farm equipment;

(c) that the veteran has paid to the Director twenty per cent of the cost to the Director of the livestock and farm equipment and ten per cent of the cost to the Director of the land, improvements thereon and building materials;

(d) that the sale price to a veteran of land, improvements and building materials and livestock and farm equipment, shall be, in addition to any sum paid by the veteran before contract made, a sum equal to forty 5279 per R.S., 1952.
per cent of the cost to the Director of the livestock and farm equipment and fifty per cent of the cost to the Director of land, improvements thereon and building materials;

(e) that the interest rate payable by a veteran shall be three and one-half per cent per annum;

(f) that the balance of the purchase price payable by a veteran may be extended over a term not in excess of ten years for the payment of livestock and farm equipment and not in excess of twenty-five years for the payment of land and improvements thereon and building material; and

(g) that livestock and farm equipment shall be sold under this subsection only to a veteran who at the time of such sale buys land from the Director or who occupies land under a rental or purchase agreement satisfactory to the Director, and the cost to the Director of such livestock and equipment shall not exceed forty per cent of

(i) the cost to the Director of the land, improvements and building materials sold to the said veteran, or

(ii) the value of the land occupied by a veteran under a rental or purchase agreement as estimated by the Director.

(4) In the case of any contract made between the Director and a veteran under subsections (1) and (3), save upon payment in full to the Director of the total outstanding cost to the Director of the land, improvements, livestock and farm equipment together with interest at the said rate on the said outstanding cost and all other charges owing by the veteran in respect thereof, no sale, assignment, or other disposition of the subject-matter of a contract between a veteran and the Director shall be made by the veteran, nor shall a conveyance or transfer be given by the Director to a veteran during a period of ten years following the date of the relative contract and thereafter only if the veteran has complied with the terms of his agreement for the said ten-year period.

(5) Notwithstanding the provisions of subsection (4), in the case of any contract for the sale of livestock and equipment made between the Director and a veteran who occupies land under a rental or purchase agreement and who subsequently enters into a contract to buy land from the Director before the terms of the contract for the sale of livestock and equipment have been completely fulfilled, the Director shall not give a conveyance or transfer in respect of the said livestock and equipment.

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said land or improvements thereon or building materials until the terms of the contract for the sale of the said livestock and equipment have been completely fulfilled.

(6) The Director shall not enter into a contract for the sale of land, improvements, building materials, livestock, farm equipment or commercial fishing equipment with a veteran who is in default in respect of any contract previously entered into under this Act. 1946, c. 70, s. 2.

11. (1) Notwithstanding anything in this Act, where the Director has by a contract made under this Act sold property to a veteran certified by the Director to be qualified to participate in the benefits of this Act, the Director, with the consent of the veteran, may in accordance with section 10 or 23 sell to another veteran certified by the Director to be qualified to participate in the benefits of this Act or may sell or otherwise dispose of to any other person, all or any part of the land, improvements, building materials, livestock or farm equipment that was sold by such contract to the first-mentioned veteran.

(2) Where the property sold pursuant to subsection (1) consists of land, improvements or building materials, the Director shall use the proceeds for one or more of the following purposes:
   
   (a) to purchase for the veteran other or additional lands, which shall for the purposes of the contract be substituted for any lands so sold;
   
   (b) to effect improvements to the land retained by the veteran or to such other or additional lands; or
   
   (c) to reduce the amount owing under the contract or to reduce the cost to the Director as provided in this section.

(3) Where a surplus remains after the expenditures, if any, have been made under paragraphs (a) and (b) of subsection (2), (hereinafter called the "surplus"),

   (a) if the ten-year period mentioned in subsection (4) of section 10 has expired, the surplus shall be applied in reduction of the amount owing under the contract, and

   (b) if the ten-year period mentioned in subsection (4) of section 10 has not expired, the Director shall determine what portion, if any, of the surplus shall be applied in reduction of the amount owing under the contract, and the remainder of the surplus shall be applied in reduction of the cost to the Director.

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(4) Where under this section the surplus or any portion thereof is applied in reduction of the cost to the Director,

(a) an amount that bears the same proportion to such surplus or portion as the contract sale price bears to the cost to the Director of the land, improvements and building materials, or

(b) seventy-six and two-thirds per cent of such surplus or portion

whichever is the lesser, shall be applied in reduction of the amount owing under the contract, and for the purposes of subsection (4) of section 10 the total outstanding cost to the Director shall be reduced by the amount of such surplus or portion.

(5) Where by the application of the surplus in accordance with subsections (3) and (4) the amount owing under the contract is paid in full and a balance of the surplus remains, such balance shall be paid to the veteran.

(6) Where the property sold pursuant to subsection (1) consists of livestock or farm equipment, the Director may use the proceeds to purchase for the veteran other or additional livestock or farm equipment, which shall for the purposes of the contract be substituted for the livestock or farm equipment so sold.

(7) Where all or any part of the land sold by the Director to a veteran by a contract made under this Act is acquired by Her Majesty in right of Canada for public purposes, the compensation money or purchase price shall be ascertained as though the Director were not an agent of Her Majesty and shall for the purposes of this section be deemed to be proceeds of the sale of the land.

(8) For the purposes of this section

(a) "land" includes mines, minerals and timber and any rights in respect thereof;

(b) "proceeds" in the case of a contract for the sale of land, improvements or building materials to a veteran certified by the Director to be qualified to participate in the benefits of this Act, means an amount equal to the cost to the Director of such land, improvements or building materials determined for the purposes of such contract under section 9 plus any amount, other than the ten per cent of such cost, paid by the veteran under paragraph (b) of subsection (1) or paragraph (c) of subsection (3) of section 10; in the case of a contract for the sale of livestock or farm equipment to such a veteran, means an amount equal to the amount that the veteran would be required to pay under subsection (4) of section 10 for an immediate transfer.

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transfer thereof; and in the case of a sale or other disposition of property to any other person means the amount received;

(c) any money received by the Director under a contract of insurance on property sold to a veteran shall be deemed to be proceeds of the sale of the property; and

(d) where the contract with a veteran was made under subsection (2) of section 10 the words "commercial fishing equipment" shall be substituted for the words "livestock or farm equipment".

(9) Where a contract made between the Director and a veteran under section 10 or 23 was rescinded or otherwise terminated before the 10th day of December, 1949, and the veteran repays to the Director all moneys received under section 21 plus the amount of other benefits received under this Act, as determined pursuant to section 13 of the War Service Grants Act, re-pays the re-establishment credit, if any, made available to him under that Act, and is otherwise qualified to participate in the benefits of this Act, the Director may contract with the veteran for the sale to him of land and improvements thereon, building materials, livestock and farm equipment for such sale price and upon such terms as the Governor in Council may approve.

(10) Where the Director before the 10th day of December, 1949, with the consent of the veteran, sold or otherwise disposed of part only of the property that was sold by the Director to the veteran by a contract made under this Act and the contract was not rescinded or otherwise terminated, the proceeds may, at the request of the veteran, be applied as prescribed in this section.

(11) Where substantially all the land that was sold to a veteran by a contract made under this Act is sold or otherwise disposed of under this section and other lands are substituted therefor, no sale or other disposition under this section of the substituted lands shall be made if the sale or other disposition would substantially dispose of the substituted lands. 1949 (2nd Sess.), c. 41, s. 3.

12. Every veteran holding or occupying land sold by the Director shall until the Director grants or conveys the land to him be deemed a tenant at will. 1942-43, c. 33, s. 10.

13. (1) The title, ownership and right of possession of all property sold to a veteran shall, save as hereinafter provided, remain in the Director until the sale price and other charges duly made in respect thereof are fully paid.

Veteran deemed a tenant at will.

Title, etc., to remain in the Director.
(2) The Director may at any time transfer to the veteran the title to any such livestock and farm equipment as he may deem advisable but such release does not relieve the veteran from making the payment therefor as provided under this Act. 1942-43, c. 33, s. 11.

14. All sales of property made pursuant to the provisions of this Act and whereon any balance of the sale price remains payable by instalments or otherwise, shall be evidenced by agreement of sale, which shall fully set forth the terms of sale. 1942-43, c. 33, s. 12.

ADVANCES ON THE SECURITY OF LAND OWNED BY A VETERAN.

15. The Director may make advances to a veteran certified by him to be qualified to participate in the benefits of this Act to enable the discharge of encumbrances on farm land that is owned and used by the veteran as such, for the purchase of livestock and farm equipment and for the effecting of permanent improvements, of amounts not exceeding in the aggregate the sum of four thousand four hundred dollars, but subject to the following conditions:

(a) advances for all purposes shall not exceed sixty per cent of the value of the land as established by the Director;
(b) advances for the purchase of livestock and farm equipment shall not exceed fifty per cent of the value of the land, and shall not exceed a total of two thousand five hundred dollars, and all such purchases may be subject to the approval of the Director;
(c) such advances shall constitute a first charge on the land of the veteran with respect to which the advance is made and repayment thereof shall be secured by a first mortgage or hypothec upon such land;
(d) the terms of repayment may be extended over a period of twenty-five years with interest at the rate of three and one-half per cent per annum on the amortization plan;
(e) at the discretion of the Director terms of repayment may be varied to provide for payment of interest charges only for a period not in excess of five years first following the date the advances are made, or for annual or semi-annual or monthly instalments of principal and interest provided the maximum repayment period of twenty-five years is not exceeded; and
(f) repayment in full of advances made under this section may be made at any time without notice or payment of bonus. 1945, c. 34, s. 5.
INSURANCE AND TAXES.

16. While a veteran is indebted to the Director in connection with the sale of land or other property to him, or in connection with any mortgage or hypothec taken under section 15, the Director may require that the veteran shall insure in favour of the Director any property to the extent of its insurable value and shall assign and deliver over unto the Director, as the interest of the Director may appear, the policy or policies of insurance; if the veteran fails or neglects to keep such property insured then it is lawful for the Director to insure such property and all moneys so expended by the Director shall be repaid by the veteran on demand with interest at the rate of three and one-half per cent per annum computed from the time of advancing the same, and in the meantime the amount of such payment shall be added to the sale price of such property, or to the amount of the mortgage or hypothec, as the case may be, and shall become a part of the principal. 

1942-43, c. 33, s. 14.

17. If the veteran fails or neglects to pay any lawful rates, taxes or assessments due in respect of property in which the Director has under this Act any interest the Director may pay such rates, taxes or assessments and all moneys so expended by the Director shall be repaid by the veteran on demand with interest at the rate of three and one-half per cent per annum computed from the time of such payment by the Director and until so repaid the amount of such payment shall be added to the sale price of such property or shall become a part of the principal secured by any charge, mortgage or hypothec in favour of the Director, as the case may be; failure of the veteran to repay the amount of such payment on demand constitutes a default warranting rescission under section 19. 

1942-43, c. 33, s. 15.

ADVISORY BOARDS.

18. (1) There shall be a provincial advisory board in each province appointed by the Governor in Council, comprised of three members; the chairman shall be a judge of a county or district court of the province in which such board operates, or in the Province of Quebec a judge of sessions of the peace, and one member shall be nominated by the Canadian Legion.

(2) The Director, before taking any action or proceedings under subsection (1) of section 19, shall, upon due notice to the veteran concerned, refer the question of rescission in 

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in any case to the advisory board of the province in which the land concerned is situated, for its consent as to whether the default in performance of the agreement warrants the Director in exercising the powers given him under the said subsection or as to the remedial conditions to be fulfilled by the veteran, in default of compliance with which rescission of the agreement may ensue. 1942-43, c. 33, s. 16; 1949 (2nd Sess.), c. 41, s. 4.

RESCISSION AND RESALE UPON DEFAULT.

19. (1) If any instalment mentioned in any agreement of sale under this Act is not punctually paid or if the veteran makes any other default in performance of the terms of such agreement, the Director may, subject to the provisions of section 18, without any formal re-entry or retaking and without resort to proceedings in equity or at law, rescind such agreement, repossess and resell or otherwise deal with the property as authorized by this Act.

(2) The Director may by agreement with the veteran and without giving the notice required by subsection (4) rescind any contract made with a veteran under this Act.

(3) The effect of such rescission is to vest such property in the Director absolutely free and discharged of all rights and claims of the veteran and of all persons claiming or entitled to claim through or under him, for any estate in, or lien, charge or encumbrance upon or against such property.

(4) Before exercising as against land the rights by this section given, the Director shall give to the veteran notice of his intention so to do, which notice shall be deemed duly given if mailed in any post office by registered letter addressed to the veteran at his last address known to the Director thirty clear days before the Director acts hereunder. 1942-43, c. 33, s. 17; 1949 (2nd Sess.), c. 41, s. 5.

20. The Director may dispose of any property to a veteran, or with the approval of the Minister to any other person, for cash at a price not less than the cost to the Director of that property. 1949 (2nd Sess.), c. 41, s. 6.

21. (1) Where a contract made by the Director with a veteran is rescinded or otherwise terminated and any property that was sold by the contract is re-sold by the Director for more than the amount owing under the contract, the surplus shall be paid by the Director to the veteran.

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(2) For the purposes of subsection (1) the amount owing under the contract is the aggregate of
(a) the amount that the veteran would have been required to pay for a transfer or conveyance at the date of the rescission or other termination of the contract;
(b) the amount of any refund made to the veteran pursuant to subsection (3);
(c) taxes and costs of insurance and repairs paid or incurred with respect to such property by the Director since the date of rescission or other termination;
(d) costs incurred by the Director since the date of the rescission or other termination in taking over, maintaining and reselling the property; and
(e) interest at the rate of three and one-half per cent per annum on so much of the amounts set out in paragraphs (a) to (d) as consist of principal;
minus any income derived by the Director from the property since the date of the rescission or other termination.

(3) Where the contract between the Director and a veteran was rescinded or otherwise terminated and it is established to the satisfaction of the Director that
(a) the property described therein did not deteriorate in value owing to wilful neglect by the veteran during his occupancy, and
(b) failure of the veteran to observe the terms of his contract was due to his physical disability, or ill-health of his family, or his general unfitness to farm, or the unsuitability of the property, and that as a consequence thereof the veteran is in necessitous circumstances, the Director may, with the approval of the Governor in Council, refund to the veteran his initial down payment in whole or in part. 1949 (2nd Sess.), c. 41, s. 7.

LEASING AND OTHER DISPOSITION OF PROPERTY.

22. Any land or other property purchased or held by the Director may, pending sale, or re-sale, as the case may be, be leased by the Director or otherwise dealt with upon terms satisfactory to the Minister. 1942-43, c. 33, s. 20.

AMENDED SALE PRICE.

23. (1) If the Director deems that any property acquired by him cannot or ought not to be sold subject, whether as to sale price or otherwise, to the provisions of section 10, 11 or 20, he shall report to the Minister the circumstances, with a statement of the cost of such property, and shall recommend another sale price or other terms of sale, whereafter any sale of such property may be made at price approved by G. in C. 1952, c. 33, s. 20.

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be made for such sale price, or upon such terms, as the Governor in Council may approve, and for the purposes of sections 10, 11 and 21 the "cost to the Director" shall be deemed to be the sale price so approved.

(2) Any contract for the sale of land made by the Director in accordance with an Order of the Governor in Council prior to the 10th day of December, 1949, is hereby ratified, and for the purposes of sections 10 and 21 the "cost to the Director" of the land shall be deemed to be the cost price to the Director of the land as stated in the contract. 1949 (2nd Sess.), c. 41, s. 8.

SALES FOR SPECIAL PURPOSES.

24. The Director may sell any land that is at his disposal for sale,

(a) as a site for a dairy factory, cheese factory, fruit preserving factory, or creamery, or for any educational, religious or charitable purpose, or for any other purpose in the public interest, or

(b) to any provincial or municipal authority for any purpose. 1942-43, c. 33, s. 22.

GENERAL PROVISIONS.

25. Except with the approval of the Minister, sales, advances or grants authorized by this Act shall not be made to persons indebted to the Director of Soldier Settlement. 1949 (2nd Sess.), c. 41, s. 9.

26. Notwithstanding anything in this Act, the Director may transfer or convey to a veteran any part of the property sold to a veteran by a contract made under this Act if, at the date of the contract, the remainder of the property could have been sold to the veteran under section 10 for the sale price stated in the contract, and the value of the property so transferred or conveyed, as of the date of the contract, does not exceed the greater of the following amounts, namely,

(a) the entire cost price of the land, improvements and building materials in excess of six thousand dollars paid by the veteran pursuant to paragraph (b) of subsection (1) of section 10, or

(b) the value of the entire property sold by the contract, as of the date it was acquired by the Director, minus the cost to the Director of such property. 1949 (2nd Sess.), c. 41, s. 9.

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27. The Director may decline to purchase land for or resell land to a veteran who, for the purpose of qualifying for assistance under this Act, has made a voluntary sale or transfer of land or property suitable for his re-establishment under the provisions of section 10. 1942-43, c. 33, s. 24.

28. The Director, with the approval of the regional or provincial advisory committee where the land is situate, may decline to sell land to a veteran whose parents or other immediate relative is the occupant and vendor of the land to the Director and is not incapacitated by reason of age or other disability or if for any other reason the Director, with such approval, considers such transaction not in the public interest. 1942-43, c. 33, s. 25.

29. All agreements of sale and all other documents authorized or required by this Act shall be made in such form and contain such provisions as the Director shall prescribe and every such document has effect as if the form thereof were statutory and were provided by and as part of this Act. 1942-43, c. 33, s. 26.

30. The wife of any veteran shall not, for so long as the sale price, or any part thereof or any interest thereon, or any charge in favour of the Director remains unpaid upon any lands that were sold by the Director to a veteran, or upon the security of which the Director has made any advance of money, have in priority or in prejudice of any claim or charge of the Director against or upon such lands any estate of dower therein nor, during the same period, shall the husband of any veteran have, in priority or prejudice as aforesaid, any estate of curtesy in such lands, nor shall the Mechanics’ Lien laws or other lien laws or the dower or homestead laws of any province extend or apply in priority or prejudice as aforesaid to said lands. 1942-43, c. 33, s. 27.

31. When a veteran dies indebted to the Director under an agreement of sale or otherwise with respect to any property, his rights acquired under this Act devolve upon his heirs, devisees or personal representative, pursuant to the law of the province in which at the time of his death the property is situated, but subject to all rights, claims and charges of the Director respecting or affecting such property, and to performance by such heirs, devisees or personal representatives of all the obligations of his testate or intestate with respect to such property and default on the part of such heir, devisee or personal representative with respect to any such heir, devisee or personal representative with respect to

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Franking privileges.

32. All mail matter deposited in any post office in Canada addressed to the Director or any officer attached to his service at the offices of the Director at Ottawa and all mail matter addressed by the Director or any officer attached to his service at the offices of the Director at Ottawa to any place in Canada and bearing thereon by imprint or writing the words "The Director, Veterans' Land Act" shall be carried free, registered or otherwise, in the Canadian mails other than air mail. 1942-43, c. 33, s. 29.

Affidavits, oaths and declarations.

33. Affidavits, oaths, statutory declarations or solemn affirmations required to be taken or made for the purposes of this Act, may be taken or made before the judge or clerk of any court, any justice of the peace, commissioner for taking affidavits, notary public, or any person specially authorized by the Governor in Council to take or administer the same. 1942-43, c. 33, s. 30.

Persons may be appointed to hold inquiries.

34. The Governor in Council may appoint a person or persons to hold inquiries in aid of the execution of any of the purposes of this Act, and every person so appointed has all the powers of a commissioner appointed under Part I of the Inquiries Act. 1942-43, c. 33, s. 31.

Resisting or obstructing Director or employees.

35. Any person who resists or obstructs the Director or any officer or employee of the Director in the execution of his duties under this Act is guilty of an offence punishable on summary conviction by a fine not exceeding two hundred dollars, or by imprisonment for a term not exceeding six months. 1942-43, c. 33, s. 32.

Certain fees not allowed.

36. (1) No person, firm or corporation is entitled to charge or to collect as against or from any other person, firm or corporation any fee or commission or advance of price for services rendered in the sale of any land made to the Director, whether for the finding or introducing of a buyer or otherwise.

(2) No person, firm or corporation shall pay to any other person, firm or corporation any such fee or commission or advance of price for any such services.

(3) The Director may decline to purchase land for the purposes of this Act where it appears that the owner acquired the land for speculative purposes subsequent to the 10th day of September, 1939.

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(4) The Director may require of any person, firm or corporation from whom he proposes to purchase land or who is in any manner interested in land that he proposes to purchase for the purposes of this Act, the execution of an affidavit in the form in the Schedule.

(5) If any such fee or commission or advance of price is paid by or to any such person, firm or corporation for any such services the following consequences ensue:

(a) any person who in any affidavit made as required under subsection (4) wilfully and knowingly states an untruth or suppresses the truth with respect to any matter that, pursuant to such subsection, he is required by way of such affidavit to make disclosure, is guilty of an indictable offence and liable to a fine not exceeding five thousand dollars or to imprisonment for a term not exceeding five years, or to both such fine and such imprisonment;

(b) any fee or commission or advance in price paid may be recovered by the Director, by suit instituted in the name of the Director as agent of Her Majesty, in any court having jurisdiction in debt to the amount involved, whether the transaction was one with respect to a sale or projected sale to the Director, as if such amount were a debt due to the Director, and every person who participated in the receipt of any part of such amount is liable to pay to the Director the part of such amount actually received by him; and

(c) all such consequences shall apply and have operation cumulatively.

(6) No officer, agent or employee of or under the Director shall directly or indirectly, in his own name or in that of any other person, except by or under the authority of the Director, purchase, acquire or sell any land or other property of such character as the Director is authorized to purchase, acquire or sell under this Act from or to any veteran who is indebted to the Director or whose application for an advance or to purchase any property from the Director is pending, nor shall such officer, agent or employee act as an agent or otherwise of any person in purchasing, acquiring or selling or otherwise as aforesaid, nor receive any commission or compensation in connection therewith, and any officer, agent, or employee violating the provisions of this subsection is, in addition to any criminal liability incurred pursuant to the provisions of this Act, liable to summary dismissal on the order of the Director and the liability to or imposition of such penalty does not affect the R.S., 1952.
the right that any person may have to bring against him any civil action. 1942-43, c. 33, s. 33; 1949 (2nd Sess.), c. 41, s. 10.

**ADVISORY COMMITTEES.**

37. The Governor in Council may appoint regional or provincial advisory committees to advise the Director in respect to the qualifications of veterans, the selection of lands and generally in respect to such other matters as may be referred to any such committee by the Director; and the Director with the approval of the Governor in Council, may make regulations prescribing the number of members and the composition of each committee, the tenure of office of such members, the remuneration and expenses to be paid or allowed such members and generally the conduct and performance of such committees and the members thereof in the execution of their duties. 1942-43, c. 33, s. 34.

38. (1) The Minister may, with the approval of the Governor in Council, enter into an agreement with (a) the government of any province for the settlement of veterans on any provincial lands that the provincial government may recommend as being specially suitable for settlement by veterans, and (b) the Minister of Resources and Development of Canada for the settlement of veterans on any Dominion lands that the Minister of Resources and Development may recommend as being specially suitable for the settlement by veterans.

(2) An agreement entered into pursuant to subsection (1) shall contain such terms, conditions and limitations with reference to settlement of veterans as the Governor in Council may approve.

(3) Subject to the regulations made under this Act the Director may grant an amount not exceeding two thousand three hundred and twenty dollars to a veteran who settles on provincial or Dominion lands pursuant to an agreement entered into under subsection (1).

(4) A grant made pursuant to subsection (3) shall be used only for one or more of the following purposes: (a) the purchase of essential building materials and other costs of construction; (b) the clearing and other preparation of land for cultivation; (c) the purchase of essential farm livestock and machinery; (d) the purchase of machinery and equipment essential to forestry;
(e) the purchase of commercial fishing equipment;
(f) the purchase of trapping or fur farming equipment but not breeding stock; and
(g) the purchase of essential household equipment.

(5) A veteran who has received a grant under this section is not entitled to enter into a contract with the Director under section 10 or section 15 and a veteran who has entered into a contract with the Director under section 10 or section 15 is not entitled to a grant under this section unless, in either case, all disbursements made under this Act on behalf or in respect of the veteran together with interest thereon at the rate of three and one-half per cent per annum are repaid to the Director. 1945, c. 34, s. 6; 1949 (2nd Sess.), c. 18, s. 6; 1949 (2nd Sess.), c. 41, s. 11.

39. (1) The Director may grant an amount not exceeding two thousand three hundred and twenty dollars to an Indian veteran who settles on Indian Reserve lands, the said grant to be paid to the Minister of Citizenship and Immigration who shall have the control and management thereof on behalf of the Indian veteran.

(2) A grant made pursuant to subsection (1) shall be disbursed by the Minister of Citizenship and Immigration on behalf of the Indian veteran only for one or more of the following purposes:

(a) the purchase of essential building materials and other costs of construction;
(b) the clearing and other preparation of land for cultivation;
(c) the purchase of essential farm livestock and machinery;
(d) the purchase of machinery or equipment essential to forestry;
(e) the purchase of commercial fishing equipment;
(f) the purchase of trapping or fur farming equipment but not breeding stock;
(g) the purchase of essential household equipment; and
(h) the acquisition of occupational rights to lands, vacant or improved, located within the boundaries of any Indian reserve.

(3) An Indian veteran on whose behalf a grant has been made under this section is not entitled to enter into a contract with the Director under section 10 or section 15, and an Indian veteran who has entered into a contract with the Director under section 10 or section 15 is not entitled to a grant under this section unless, in either case, all disbursements made under this Act on behalf or in respect of the veteran together with interest thereon at the rate of three and one-half per cent per annum are repaid to the Director. 1945, c. 34, s. 6; 1949 (2nd Sess.), c. 18, s. 6; 1949 (2nd Sess.), c. 41, s. 11.
tract with the Director under section 10 or section 15 is not eligible for a grant under this section. 1945, c. 34, s. 7; 1949 (2nd Sess.), c. 16, s. 5.

OFFENCES AND PENALTIES.

40. (1) Any person who is guilty of any wilful breach or non-observance of any provision of this Act for which no penalty is specially provided is liable on summary conviction to a fine not exceeding one thousand dollars, or to imprisonment for a term not exceeding one year, or to both such fine and imprisonment.

(2) Where any offence under this Act, whether by way of breach or of non-observance of any provision of this Act, is committed by a corporation, every officer or employee of the corporation, who has in any manner aided or participated in the commission of the offence, is personally liable as for the commission of such offence by him, and prosecution or conviction of any one officer or employee of the corporation is not a bar to prosecution or conviction of any other of them.

(3) Every land inspector, field supervisor, official, employee or servant of the Director, and every agent engaged by the Director or acting for him or on his behalf, who knowingly or negligently makes any false or deceptive statement in any report, return, appraisal, statement or other document respecting or referring to any real or personal property, the subject-matter of any inspection, appraisal or examination made for or on behalf of the Director or on the direction, instructions or request of the Director or of any of his officials, is guilty of an offence and liable on summary conviction to a fine not exceeding one thousand dollars, or to imprisonment for a term not exceeding one year, or to both such fine and imprisonment. 1942-43, c. 33, s. 36.

REGULATIONS.

41. (1) The Governor in Council may, subject to the provisions of this Act, make regulations prescribing

(a) qualifications necessary in order to entitle veterans to the benefits or assistance or to any particular benefit or assistance under this Act;

(b) the manner in which applications for purchase and sale may be made;

(c) the manner in and the dates at which amortized or other payments shall commence, be repaid, be consolidated or be changed;

(d)
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(d) the manner in and conditions upon which veterans may transfer their rights;
(e) the conditions subject to which land may be acquired for the purposes of this Act;
(f) the manner in which lands acquired by the Director may be sold to veterans and others and the conditions as to occupation or otherwise upon which such lands may be sold;
(g) forms of agreements, notices and other documents necessary to the effective operation of this Act;
(h) the circumstances and procedure under which and whereby the Director may take over or repossess property in case of default made by veterans in the observance of the provisions of this Act or of any other covenant or agreement made by veterans with the Director;
(i) authority and procedure for the inclusion within the expression "veteran" of persons, who being otherwise qualified to be veterans are not yet discharged from military or other service; and
(j) with respect to any other matter concerning which the Minister deems regulations necessary for the execution of the purposes of this Act.

(2) The Director may with the approval of the Minister make regulations authorizing persons named therein to exercise or perform with respect to such matters as may be specified therein, any of the powers or duties conferred or imposed by this Act on the Director. 1942-43, c. 33, s. 37; 1946, c. 70, s. 4.

42. At the end of each fiscal year a detailed account of the financial commitments entered into and the expenditures made under the authority of this Act shall be laid before Parliament within fifteen days after the commencement of the next ensuing session. 1942-43, c. 33, s. 38.

43. Notwithstanding the Senate and House of Commons Act or any other law, no veteran by reason only of his entering into a contract or receiving a benefit under this Act, is liable for any forfeiture or penalty imposed by the Senate and House of Commons Act or disqualified as a member of the House of Commons or incapable of being elected to, or of sitting or voting in the House of Commons. 1945, c. 34, s. 9.

44. For the purposes of this Act, the expression "naval, army or air force of Canada" includes any of the naval or army forces of Newfoundland, and domicile or residence. 5295 R.S., 1952.
dence in Newfoundland shall be deemed to be domicile or residence in Canada, but any benefits that would otherwise be available to a member of the forces of Newfoundland under section 10 or section 38 shall be reduced by the amount of similar benefits that he may have received from a government other than that of Canada. 1951 (2nd Sess.), c. 7, s. 24.

SCHEDULE

AFFIDAVIT OF VENDOR OF LAND
TO THE DIRECTOR
IN THE MATTER OF THE VETERANS’ LAND

Act

I, of in the of Province of
(occupation) make oath and say as follows:

1. Produced herewith and shown to me and marked Exhibit A by the functionary before whom this affidavit is sworn is a certain conveyance of land to the Director of the Veterans’ Land Act.

2. I have personal knowledge of the matters hereinafter deposed to.

3. No person, firm or corporation has collected or attempted to collect from me, nor been paid by me, nor, so far as I am aware, has any person collected or attempted to collect from any other person, whether interested in the land to which such conveyance relates or otherwise, or charged as against any person, or been paid by any person any fee or commission or advance of price for services rendered in the sale of such land to the Director, whether for the finding of a buyer or otherwise.

4. The last sale of said land (or part thereof) previously to the said conveyance to the Director was made on or about the day of 19 .
The grantors were of and the grantees were . There was paid for said land on that occasion the sum of dollars which is an average of dollars per acre. The improvements made upon said land since said sale have been as follows:

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5. The consideration mentioned in said Exhibit is dollars and the persons who are to receive the same and the amounts that each is entitled to receive, and to whom the Director may make payment direct, are now truly stated, to wit:

(a) (name, post office address and amount receivable)
(b) (name, post office address and amount receivable)
(c) (name, post office address and amount receivable)

Sworn before me at in the Province of this day of 1942-43, c. 33, 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 281.

An Act to provide Rehabilitation Allowances for Veterans.

SHORT TITLE.

1. This Act may be cited as the Veterans Rehabilitation Act. 1945, c. 35, s. 1.

INTERPRETATION.

2. In this Act,

(a) "child" means a child who, if a boy, is under the age of sixteen years or, if a girl, is under the age of seventeen years;

(b) "Department" means the Department of Veterans Affairs;

(c) "dependant" means the wife, child or parent of a veteran maintained by him or for whose maintenance he is legally responsible and a daughter of the veteran, seventeen years or over, or other person, who, being competent to do so, has assumed conduct of the veteran's household and care of his children, and includes,

(i) a child legally adopted or in process of being legally adopted by the veteran and maintained by him,

(ii) a stepchild of the veteran maintained by him,

(iii) an illegitimate child of the veteran acknowledged or maintained by him, and where the veteran is a woman, having been born during service or within nine months thereafter and being maintained by her, and an illegitimate child of the veteran's wife maintained by him, and

(iv) a woman who, although not legally married to the veteran was living with him at the time of his enlistment and on whose account dependants' allowance was being paid by the Department of National Defence;

(d) R.S., 1952.
“Discharge.” (d) “discharge” means any honourable termination of service from the forces since the 10th day of September, 1939;

“Forces.” (e) “forces” means the naval, army or air forces of His Majesty;

“Rehabilitation grant.” (f) “rehabilitation grant” means “The Rehabilitation Grant” designated by the Orders in Council of December 19, 1940 (P.C. 7521), February 5, 1941 (P.C. 890), May 19, 1941 (P.C. 3544), April 4, 1944 (P.C. 2349), and October 2, 1941 (P.C. 6358);

“Minister.” (g) “Minister” means the Minister of Veterans Affairs;

“Pensioner.” (h) “pensioner” means a veteran who is in receipt of a disability pension under the provisions of the Pension Act;

“Period of service.” (i) “period of service” means time served on active service in the forces, excluding therefrom any period of absence without leave or leave of absence without pay, or time served while undergoing sentence of penal servitude, imprisonment or detention, or period of service in respect of which pay is forfeited;

“Regulation.” (j) “regulation” means a regulation made under this Act;

Unemployment Insurance Commission” and “Unemployment Insurance Fund.”

“University.”

“Veteran.” (m) “veteran” means

(i) a person who has been on active service in the Canadian forces or in receipt of active service rates of pay from such forces during the war, including a person who has served in the Canadian Women’s Army Corps since the 13th day of August, 1941, and

(ii) a person domiciled in Canada who served in the forces of His Majesty other than Canadian forces and was so domiciled at the time he joined any such forces for the purpose of the war, and who has been discharged from such forces; and

“War.” (n) “war” means the war that commenced on the 10th day of September, 1939. 1945, c. 35, s. 2; 1948, c. 73, s. 1; 1951 (2nd Sess.), c. 7, s. 20.

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Veterans Rehabilitation. Chap. 281. 3

REHABILITATION ALLOWANCES.

3. Subject to the provisions of this Act, the Minister may promote the rehabilitation of veterans, (a) by making allowances to or in respect of veterans who (i) are temporarily incapacitated from performing work, (ii) are out of work, (iii) are awaiting returns from a business, or (iv) are pursuing courses of training; and (b) by paying the costs of such courses of training. 1945, c. 35, s. 3.

4. (1) Subject to subsection (2), where a veteran is temporarily incapacitated from performing work or from taking training pursuant to the provisions of this Act by reason of a disability, and is not eligible to care in respect thereof under any other Act or regulation administered by the Minister, the Minister may on application of the veteran pay to him while he is so incapacitated an allowance for a period not exceeding the veteran’s period of service or twelve months, whichever is the less. (2) No allowance may be paid to a veteran under this section (a) for the first thirty days immediately following his discharge if he has received or is eligible to receive a rehabilitation grant, or (b) for any period during which he is incapacitated more than eighteen months after his discharge. 1945, c. 35, s. 4.

5. (1) Subject to the provisions of this section, where a veteran, who is capable of performing and is available for work and is unable to obtain suitable employment, the Minister may on application of the veteran pay to him an out-of-work allowance while he is so unemployed. (2) An out-of-work allowance may not be paid to a veteran (a) for the first nine days of his unemployment whether continuous or not; (b) in respect of any period during which he is unemployed more than eighteen months after his discharge, except that, where a veteran was a patient in or receiving any treatment from a hospital or health institution, or was in receipt of an allowance in respect of temporary incapacity under this Act, during any time R.S., 1952.
time within the said eighteen months, the Minister may, in his discretion, extend the period during which he may be paid an out-of-work allowance after the said eighteen months for a further period not exceeding the said time;

(c) for a time of unemployment exceeding twelve months accumulated within the period prescribed in paragraph (b);

(d) who would, if his application were a claim for benefit under the Unemployment Insurance Act, be disqualified for benefit thereunder by reason of sections 41, 42, 43 and 44 thereof;

(e) except as prescribed by regulation, to a veteran who is a married woman; or

(f) for the first thirty days immediately following his discharge if he has received or is eligible to receive a rehabilitation grant.

(3) Where a veteran has been paid allowances under this section while waiting for training facilities to be available for him, the period during which such allowances are so paid shall not be included in any computation of time so as to limit or affect training benefits available to him under section 8. 1945, c. 35, s. 5; 1946, c. 71, s. 1.

6. (1) For the purposes of sections 7, 8, 9 and 11, a Newfoundland veteran who has been discharged shall be deemed to be a veteran as defined in section 2.

(2) In this section the expression “Newfoundland veteran” means 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; or

(c) in any of the naval, army or air forces of the nations allied with His Majesty in active operations against the enemy in World War II, if he was domiciled in Newfoundland at the time of his enlistment therein and was domiciled and resident in Newfoundland within two years from the date of his discharge therefrom or the 8th day of May, 1945, whichever is the later. 1949, c. 6, s. 45; 1951 (2nd Sess.), c. 7, s. 24.
7. (1) Subject to the provisions of this section, where a veteran engages on his own account in any business and is awaiting returns therefrom, the Minister may pay to him an allowance for a period not exceeding the veteran's period of service or twelve months, whichever is the less.

(2) No allowance may be paid to a veteran under this section in respect of the first thirty days immediately following his discharge if he has received or is eligible to receive a rehabilitation grant.

(3) Except as hereinafter otherwise provided, no allowance may be paid under this section unless application therefor is made by the veteran within twelve months after the date of termination of the war or the date of his discharge, whichever is the later date.

(4) Where a veteran

(a) was a patient or receiving any treatment from a hospital or health institution,
(b) was in receipt of an allowance for temporary incapacity under section 4, or
(c) has been delayed in entering business by reason of licensing or rationing laws or by reason of scarcity of the commodities or equipment required by him,

he shall have such additional time for applying for benefits under this section as is involved in the circumstances described in paragraph (a), (b) or (c). 1945, c. 35, s. 6.

8. (1) Subject to the provisions of this section, where a veteran takes a course of vocational or technical training which has been approved by the Minister as likely to fit him for employment or re-employment or to enable him to obtain better or more suitable employment, the Minister may pay him an allowance for the period during which he takes the said course.

(2) No allowance may be paid under this section unless application therefor is made by the veteran within twelve months after the date of termination of the war or the date of his discharge, whichever is the later date, but where a veteran was a patient in or receiving any treatment from a hospital or health institution, or was in receipt of an allowance for incapacity under section 4, during any time within the said twelve months, the period during which he may make application is extended by the said time.

(3) No allowance may be paid to a veteran under this section for a total period of more than twelve months except that, in special cases prescribed by regulation, the allowance may be paid for a period not exceeding the period of service of the veteran. 1945, c. 35, s. 7; 1946, c. 71, s. 2.

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9. (1) Subject to the provisions of this section, where a veteran,
   
   (a) resumes or commences, within one year and three months after discharge, a course for the purpose of qualifying for admission to a university,
   
   (b) resumes or commences, within one year and three months after discharge, a university course, academic or professional, to which he is regularly admitted, or
   
   (c) because of ill health, or for any other good reason shown to the satisfaction of the Minister, delays resumption or commencement of such course beyond such periods,

   the Minister may pay him an allowance for the period during which he takes the said course.

   (2) The total period for which an allowance may be paid to a veteran under this section shall not exceed his period of service, except that, if the Minister is of opinion that a veteran’s progress and achievements in the course he is taking are such that it is in the interest of the veteran and in the public interest that payment of the allowance be continued during a longer period, the Minister may, pursuant to regulations made in that behalf, extend the period during which it may be paid.

   (3) No allowance under this section shall be paid to a veteran who, having failed in one or more classes or subjects in any academic year, fails in more than one of the supplementary examinations next offered by the university in any of such classes or subjects. 1945, c. 35, s. 8; 1946, c. 71, s. 3.

10. (1) Where a veteran
   
   (a) has been paid, prior to the 30th day of June, 1948, an allowance under section 9 and he makes application within six months after that date for an allowance under section 8, or
   
   (b) is being paid an allowance under section 9 and he makes application, before the termination of his course or within six months thereafter, for an allowance under section 8,

   the Minister may, notwithstanding that the application has not been made within the period specified in subsection (2) of section 8, pay to the veteran an allowance under subsection (1) of section 8, but subject to subsection (3) of section 5 no such allowance may be paid for a period that is greater

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greater than the period of service of the veteran less the periods with respect to which he has been paid any allowance under this Act.

(2) Where a veteran

(a) has been paid, prior to the 30th day of June, 1948, an allowance under section 8 and he makes application within six months after that date for an allowance under section 9, or

(b) is being paid an allowance under section 8 and he makes application, before the termination of his course or within six months thereafter, for an allowance under section 9;

the Minister may, notwithstanding that the veteran has delayed resumption or commencement of a course beyond the period specified in paragraph (a) or (b) of subsection (1) of section 9, pay to the veteran an allowance under subsection (1) of section 9, but no such allowance may be paid for a period that is greater than the period of service of the veteran less the periods with respect to which he has been paid any allowance under this Act, except that the period may be extended as provided in subsection (2) of section 9.

(3) Where, prior to the 30th day of June, 1948, a veteran has been paid an allowance under section 9 and has commenced at his own expense a course of training in respect of which an allowance might have been paid to him by virtue of subsection (1) if that subsection had been in force at the date he commenced that course, and he makes application within six months after the 30th day of June, 1948, for reimbursement of the costs of the course of training so commenced, the Minister may pay to the veteran an amount not exceeding the amount of allowance that might have been paid to him by virtue of subsection (1) if that subsection had been in force at the date he commenced the course of training, and such payment shall for the purposes of section 14 be deemed to be payment of an allowance under section 8.

(4) Where, prior to the 30th day of June, 1948, a veteran has been paid an allowance under section 8 and has commenced at his own expense a course in respect of which an allowance might have been paid to him by virtue of subsection (2) if that subsection had been in force at the date he commenced that course, and he makes application within six months after the 30th day of June, 1948, for reimbursement of the costs of the course so commenced, the Minister may pay to the veteran an amount not exceeding the amount of allowance that might have been Substitution of allowances under section 9 for allowances under section 8.

Reimbursement of costs of training taken at veteran's expense.
been paid to him by virtue of subsection (2) if that subsection had been in force at the date he commenced the course, and such payment shall for the purposes of section 14 be deemed to be payment of an allowance under section 9.

(5) No allowance shall be paid by virtue of this section unless the Minister is of the opinion that it is in the interest of the veteran and in the public interest to do so.

(6) No allowance shall be paid by virtue of this section to a veteran who has received an allowance for more than twelve months under section 8 or section 9, but the Minister may make regulations prescribing circumstances in which this subsection shall not apply. 1948, c. 73, s. 2.

11. (1) Subject to the provisions of this section, where a veteran resumes or commences a post-graduate course, either academic or professional, in a university within one year and three months after his discharge, or commences such a course as soon as may be after completing an undergraduate course, or where a veteran resumes or commences such a course more than one year and three months after his discharge by reason only of delay caused by ill health or any other cause satisfactory to the Minister and the Minister deems it in the public interest that the veteran should resume or commence such course, the Minister may pay him an allowance for the period during which he takes the said course.

(2) The total period for which an allowance may be paid to a veteran under this section, together with any period for which he is paid an allowance for undergraduate education under section 9 shall not exceed his period of service except that if the Minister is of opinion that a veteran's progress and achievements are so outstanding that it is in the public interest that payment of the allowance be continued during a longer period, the Minister may extend the period during which it may be paid. 1945, c. 35, s. 9.

12. (1) Except as otherwise provided in this Act and notwithstanding any other Act or law, no allowance may be paid under section 9 or 11 to a veteran who has received benefits under the Veterans' Land Act, and no benefits may be provided under the Veterans' Land Act for a veteran who has received allowances under either of the two sections aforesaid.

(2) This section does not apply to a veteran to whom an allowance is paid under this Act

(a) for the purpose of taking a diploma course in agriculture or other vocational training in agriculture;

(b)
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(b) for the purpose of taking a course in order to qualify for admission to a university; or

(c) for a period not exceeding nine months, for the purpose of taking an undergraduate or post-graduate course at a university, if the veteran repays to the Minister the amount of allowance so paid, together with all other costs incurred by the Minister in respect of the course so taken.

(3) This section is effective as at the 1st day of June, 1946, but in the case of a veteran who, prior to such date, commenced a course in agriculture and received allowances under section 9 or 11 the Minister may, by regulation, on the application of such veteran and on being satisfied that the veteran commenced such course in the belief that he would be eligible for benefits under the Veterans' Land Act, give such veteran the option of continuing such course or receiving benefits under the said Act. 1946, c. 71, s. 4; 1948, c. 73, s. 3.

13. (1) The Minister may on application of a veteran who is employed pay the cost of a correspondence course of training for the veteran if, in the opinion of the Minister, the course is necessary for the complete rehabilitation of the veteran and is directly related to the occupation in which he is employed, or expects to be employed, but the total amount paid under this subsection shall not exceed the amount of the allowance that might have been paid to such veteran under section 8 for his period of service or twelve months, whichever is less.

(2) The Minister may pay the cost of a correspondence course for a veteran receiving treatment in a hospital or similar institution under authority contained in the Department of Veterans Affairs Act if, in the opinion of the Minister, the course is necessary for the complete rehabilitation of the veteran. 1945, c. 35, s. 10.

14. (1) Where an allowance is being paid to a veteran under section 8, 9 or 11, or where such an allowance might be paid but for the provisions of section 17, the Minister may, in accordance with regulations, pay to any university, school or other similar institution, tuition fees, student fees and athletic fees or other necessary charges and costs of courses of training approved under this Act for, and taken by such veteran, and pay costs of special tuition and training of such veteran received while under treatment in hospitals and similar institutions under authority contained in the Department of Veterans Affairs Act.

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(2) The Minister may, in accordance with regulations, pay for the provision of training of a technical, vocational or educational nature, where such training is given for therapeutic and pre-vocational purposes within hospitals and similar institutions under authority contained in the Department of Veterans Affairs Act.

(3) The Minister may, in accordance with regulations, pay to any university, school or other similar institution, such costs as are described in subsection (1), and pay allowances to any veteran undergoing technical, vocational or educational training therein, in accordance with the provisions of sections 8, 9 and 11, where the Minister determines such training is given towards the restoration of the physical or mental condition of the veteran, or in the use by him of devices or appliances which may compensate for loss of physical or mental capacity.

(4) The Minister may, with the approval of the Governor in Council and subject to regulations, make a supplementary grant to any university for the purpose of assisting such university to meet expenses incurred in the training of veterans in respect of whom tuition fees are payable under this Act; but the amount of such grant to any one university shall not exceed one hundred and fifty dollars in respect of any one veteran within a twelve month period, and where tuition fees are payable under this Act in respect of a veteran for only part of an academic year, the amount of this supplementary grant in respect of that veteran shall not exceed a sum that bears the same relation to the sum of one hundred and fifty dollars as such period bears to the whole academic year.

(5) The Minister may, with the approval of the Governor in Council and subject to regulations,

(a) provide any university in Canada with moneys, whereby and wherefrom the university may make small loans to meet emergency conditions among veterans who are being paid allowances pursuant to sections 9 and 11, and

(b) pay expenses of repatriation of a veteran described in subparagraph (i) of paragraph (m) of section 2 who was discharged in the United Kingdom in order to take a course of training outside Canada approved by the Minister and the expenses of transportation of the wife and child of any such veteran from the United Kingdom to Canada or to any place designated by such veteran outside of Canada in which he was resident immediately prior to joining the forces.

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(6) A payment pursuant to subsection (5) does not affect the amount of benefit to which a veteran would otherwise be entitled under the War Service Grants Act. 1945, c. 35, s. 11; 1946, c. 71, s. 5; 1948, c. 73, s. 4.

15. Where, in the opinion of the Minister, a pensioner requires training or re-training by reason of an increase in his pensionable or non-pensionable disabilities, the Minister may, pursuant to regulations made in that behalf, provide such training or re-training and pay allowances, and the provisions of section 13 of the War Service Grants Act do not apply to such pensioner. 1946, c. 71, s. 6.

16. Where an allowance is being paid to any veteran pursuant to the provisions of section 4, 5, 7, 8, 9 or 11, the Minister may in accordance with regulations, pay contemporaneous allowances with respect to any dependant of the veteran. 1945, c. 35, s. 12.

17. In determining the amount of an allowance to be paid to a veteran under this Act, the Minister may take into account any prospective wages, salary, pension or other income of the veteran and his dependants, if any, for the period with respect to which the allowance is or may be paid. 1945, c. 35, s. 13.

18. No allowances paid to or on behalf of a veteran under section 8, 9 or 11 are subject to taxation. 1945, c. 35, s. 14.

19. Except as provided by regulation, no allowance may be paid under this Act to or on behalf of any veteran who resides out of Canada. 1945, c. 35, s. 15.

20. (1) Not more than one allowance may be paid to a veteran under this Act at any time, nor may any allowance under this Act be paid to a veteran while he is in receipt of unemployment insurance benefit.

(2) Except as otherwise specially provided in this Act, the total period for which a veteran may be paid allowances under this Act shall not exceed his period of service or twelve months, whichever is the shorter period. 1945, c. 35, s. 16.

21. Notwithstanding sections 7 and 8, a veteran may apply for an allowance under those sections at any time within one year after the date of his establishment under the Veterans' Land Act, either in full-time farming or commercial fishing. 1945, c. 35, s. 17.

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22. (1) No member or former member of the naval, army or air forces of His Majesty is entitled to allowances or benefits under this Act in respect of service in such forces subsequent to

(a) the day of his acceptance as a member of the permanent naval or army forces or the regular air force of Canada if he is so accepted after the 31st day of March, 1946;

(b) the 31st day of March, 1946, if on that day he is a member of the permanent naval or army forces or the regular air force of Canada serving on active service; or

(c) the 31st day of March, 1946, if he volunteers and is accepted for service in the naval, army or air forces of Canada for a special period terminating on or after the 30th day of September, 1947, unless he was serving on overseas service on the 31st day of August, 1945, and remains continuously on the strength of an establishment, unit or ship on overseas service, in which case he is entitled to allowances and benefits in respect of all such service.

(2) A member or former member of the naval, army or air forces of Canada entitled to allowances or benefits under this Act is entitled to such allowances or benefits in respect of all of his full-time service as such, if he is not accepted as a member of the permanent naval or army forces or the regular air force of Canada, or is not accepted for service in the naval, army or air forces of Canada for a special period terminating on or after the 30th day of September, 1947.

(3) For the purposes of subsection (1), the expression "overseas service" has the same meaning as that expression has in the War Service Grants Act.

(4) The Governor in Council may make such regulations as he may deem advisable to provide for the termination of entitlement under this Act of persons not mentioned in subsection (1) or subsection (2). 1946, c. 71, s. 7; 1951 (2nd Sess.), c. 7, s. 20.

23. Any veteran who

(a) prior to the 14th day of May, 1947, was caused personal injury by accident arising out of or in the course of training with respect to which he was paid allowances under section 6 of the Post-Discharge Re-establishment Order, or under section 8 of this Act and who at the time of the accident was not eligible for compensation under the workmen's compensation laws of the province in which the accident occurred, shall, while

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pursuing such training, be deemed to have been an employee in the service of His Majesty within the meaning and for the purposes of the Government Employees Compensation Act, or

(b) on or after the 14th day of May, 1947, is caused personal injury by accident arising out of or in the course of training with respect to which he is paid allowances under section 8 and who at the time of the accident is not eligible for compensation under the workmen’s compensation laws of the province in which the accident occurred, shall, while pursuing such training, be deemed to be an employee within the meaning and for the purposes of the Government Employees Compensation Act;

and the Minister, with the approval of the Governor in Council may, for the purpose of computing compensation, determine the amount of direct monthly wage that the veteran shall be deemed to have been receiving at the time of the accident. 1948, c. 73, s. 5.

24. (1) Notwithstanding section 20, moneys paid pursuant to subsection (2) of section 13, or subsection (2) or subsection (3) of section 14, do not preclude the veteran from taking any other benefit under this Act or diminish any other benefit to which the veteran may be entitled under this or any other Act.

(2) Notwithstanding the War Service Grants Act, no money paid pursuant to the Vocational Training Co-ordination Act shall be regarded as money paid to or on behalf or in respect of a veteran under this Act so as to affect the amount of benefit to which a veteran would otherwise be entitled under the War Service Grants Act. 1945, c. 35, s. 18.

25. The Governor in Council may define the expression “termination of the war” for the purposes of this Act. 1946, c. 71, s. 8.

26. A person who

(a) is an officer or man in any of the regular forces and was on active service in the Canadian forces or in receipt of active service rates of pay from the Canadian forces during the war and has not been discharged from such last-mentioned Canadian forces;

(b) Persons deemed to be discharged as of June 30, 1948.

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(b) is domiciled in Canada, is serving in the forces of His Majesty other than Canadian forces, was so domiciled at the time he joined any such forces for the purpose of the war and has not been discharged from such forces; or

(c) subsequent to the 10th day of September, 1939, served in the armed forces of any of the nations allied with His Majesty in active operations against the enemy in the war and at the time he joined such forces was domiciled in Canada, and has not been discharged from such forces;

shall be deemed for the purposes of this Act to have been discharged from such forces on the 30th day of June, 1948.

1948, c. 73, s. 6; 1951 (2nd Sess.), c. 7, s. 20.

REGULATIONS.

Regulations. 27. The Minister may with the approval of the Governor in Council make regulations not inconsistent with this Act

(a) to prescribe conditions, additional to those provided in this Act, extending the eligibility of veterans for the payment of any allowance or other benefit under this Act;

(b) to prescribe the conditions on which allowances may in special cases be paid for periods longer than those specified in this Act, where by this Act it is provided that payment during longer periods may be made in accordance with regulations;

(c) to prescribe the conditions on which allowances payable under this Act may be paid to persons not resident in Canada;

(d) to prescribe the amount and manner of payment of any allowances or benefits under this Act to veterans or to or in respect of their dependants, and the manner of computing the amount of any such allowance or benefit payable for any period;

(e) to prescribe conditions upon which any allowance or other benefit that may be paid under this Act, may be terminated;

(f) to prescribe the conditions upon which payments may be made to universities, schools or other similar institutions under section 14;

(g) subject to the appropriation of moneys by Parliament

(i) to authorize and prescribe the conditions on which allowances or benefits in addition to those for which provision is made in this Act may be paid to veterans or their dependants,

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(ii) to provide for the payment of travelling expenses, including living allowance of any veteran to assist in the rehabilitation of such veteran, and
(iii) to prescribe special allowances in the case of pensioners or particular classes of pensioners;
(h) to prescribe conditions upon which allowances may be paid to or in respect of pensioners and the costs of training of such pensioners where they are found to require training or re-training after the expiration of the time limits imposed by this Act; and
(i) to provide for any other matters necessary or advisable to carry into effect the purposes and provisions of this Act. 1945, c. 35, s. 19.

28. All expenditures made under this Act shall be paid out of moneys appropriated by Parliament for the purpose. 1945, c. 35, s. 20.
CHAPTER 282.
An Act respecting Victoria Day.

SHORT TITLE.

1. This Act may be cited as the Victoria Day Act. R.S., Short title c. 204, s. 1.

2. Throughout Canada, in each and every year, the Victoria Day a Victoria 24th day of May, being the birthday of Her late Majesty holiday. Queen Victoria, shall, when not a Sunday, be a legal holiday and shall be kept and observed as such under the name of Victoria Day. R.S., c. 204, s. 2.

3. When the 24th day of May is a Sunday, the 25th day a legal holiday throughout Canada, and shall be kept and observed as such under the same name. R.S., c. 204, s. 3.

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

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CHAPTER 283.

An Act to make provision with respect to Forces of Her Majesty from other parts of the British Commonwealth or from a colony when visiting Canada; and with respect to the exercise of command and discipline when forces of Her Majesty from different parts of the Commonwealth are serving together; and with respect to the attachment of members of one such force to another such force, and with respect to deserters from such forces.

SHORT TITLE.

1. This Act may be cited as the Visiting Forces (British Commonwealth) Act. 1932-33, c. 21, s. 1.

INTERPRETATION.

2. (1) In this Act

(a) "the Commonwealth" means the British Commonwealth of Nations;

(b) "colony" includes Aden and any territory that is under Her Majesty’s protection;

(c) "court" includes a service Court of Inquiry, and any officer of a visiting force who is empowered by the law of that part of the Commonwealth to which the force belongs to review the proceedings of a service court, or to investigate charges, or himself to dispose of charges, and the expression "sentence" shall be construed accordingly;

(d) "forces" includes reserve and auxiliary forces;

(e) "home force" includes any body, contingent, or detachment of any of the home forces, wherever serving;

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“Home forces.”

(f) “home forces” mean the naval, army and air forces of Her Majesty raised in Canada;

“Internal administration.”

(g) “internal administration” in relation to any visiting force includes the administration of the property of a deceased member of the force;

“Member.”

(h) “member” in relation to a visiting force includes any person who is by the law of that part of the Commonwealth to which the force belongs subject to the naval, army or air force law thereof, and who, being a member of another force, is attached to the visiting force, or, being a civilian employed in connection with the visiting force, entered into his engagement outside of Canada; and

“Visiting force.”

(i) “visiting force” means any body, contingent or detachment of the naval, army and air forces of Her Majesty raised in the United Kingdom, the Commonwealth of Australia, the Dominion of New Zealand or the Union of South Africa, that, with the consent of Her Majesty’s Government in Canada, is lawfully present in Canada.

Order in council.

(2) An order in council under this Act may be revoked or varied by a subsequent order in council. 1932-33, c. 21, s. 2; 1951 (2nd Sess.), c. 7, s. 14.

Discipline and internal administration of visiting forces.

3. (1) When a visiting force is present in Canada it shall be lawful for the naval, army and air force courts and authorities (in this Act referred to as the “service courts” and “service authorities”) of that part of the Commonwealth to which the force belongs, to exercise within Canada in relation to members of such force in matters concerning discipline and in matters concerning the internal administration of such force all such powers as are conferred upon them by the law of that part of the Commonwealth.

(2) The members of any such service court as aforesaid exercising jurisdiction by virtue of this Act, and witnesses appearing before any such court, shall enjoy the like immunities and privileges as are enjoyed by a service court exercising jurisdiction by virtue of the laws of Canada and by witnesses appearing before such a court.

(3) Where any sentence has, whether within or without Canada, been passed upon a member of a visiting force by a service court of that part of the Commonwealth to which the force belongs, then for the purposes of any legal proceedings within Canada the court shall be deemed to have been properly constituted, and its proceedings shall be deemed to have been regularly conducted, and the sentence shall

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shall be deemed to be within the jurisdiction of the court and in accordance with the law of that part of the Commonwealth, and if executed according to the tenor thereof shall be deemed to have been lawfully executed, and any member of a visiting force who is detained in custody in pursuance of any such sentence, or pending the determination by such a service court as aforesaid of a charge brought against him, shall for the purposes of any such proceedings as aforesaid be deemed to be in lawful custody.

(4) For the purposes of any such proceedings as aforesaid a certificate under the hand of the officer commanding a visiting force that a member of that force is being detained for either of the causes aforesaid is conclusive evidence of the cause of his detention, but not of his being such a member, and a certificate under the hand of such an officer that the persons specified in the certificate sat as a service court of that part of the Commonwealth to which the force belongs is conclusive evidence of that fact.

(5) No proceedings in respect of the pay, terms of service or discharge of a member of a visiting force shall be entertained by any court of Canada.

(6) For the purpose of enabling such service courts and such service authorities as aforesaid to exercise more effectively the powers conferred upon them by this section, the Minister of National Defence, if so requested by the officer commanding a visiting force or by the Government of that part of the Commonwealth to which the force belongs, may from time to time by general or special orders to any home force direct the members thereof to arrest members of the visiting force alleged to have been guilty of offences against the law of that part of the Commonwealth and to hand over any person so arrested to the appropriate authorities of the visiting force.

4. (1) The Governor in Council may authorize any Government department, minister of the Crown, or other person in Canada, to perform, at the request of such authority or officer as may be specified in the order, but subject to such limitations as may be so specified, any function in relation to a visiting force and members thereof which that department, minister or person performs or could perform in relation to a home force of like nature to the visiting force, or in relation to members of such a force and, for the purpose of the exercise of any such function, any power exercisable by virtue of any enactment by the minister, department or person in relation to a home force or members thereof is exercisable by him or them in relation to the visiting forces and members thereof.

4. (2) The Governor in Council may authorize any Government department, minister of the Crown, or other person in Canada, to perform, at the request of such authority or officer as may be specified in the order, but subject to such limitations as may be so specified, any function in relation to a visiting force and members thereof which that department, minister or person performs or could perform in relation to a home force of like nature to the visiting force, or in relation to members of such a force and, for the purpose of the exercise of any such function, any power exercisable by virtue of any enactment by the minister, department or person in relation to a home force or members thereof is exercisable by him or them in relation to the visiting forces and members thereof.

powers as to home forces may upon request be exercised as to visiting force.
(2) Nothing in subsection (1) authorizes any interference in matters relating to discipline or to the internal administration of the force.

(3) If the Governor in Council so provides, members of a visiting force if sentenced by a service court of that part of the Commonwealth to which the force belongs to penal servitude, imprisonment or detention may, under the authority of the Minister of National Defence, given at the request of the officer commanding the visiting force, be temporarily detained in custody in prisons or detention barracks in Canada, and if so sentenced to imprisonment may, under the like authority, be imprisoned during the whole or any part of the term of their sentences in prisons in Canada, and the Governor in Council may by the same or a subsequent order make provision with respect to any of the following matters, that is to say, the reception of such persons from, and their return to, the service authorities concerned, their treatment while in such custody, or while so imprisoned, the circumstances under which they are to be released, and the manner in which they are to be dealt with in the event of their unsoundness of mind while in such custody, or while so imprisoned.

(4) Any costs incurred in the maintenance and return of, or otherwise in connection with, any person dealt with in accordance with the provisions of subsection (3) shall be defrayed in such manner as may, with the consent of the Minister of Finance, be agreed between the Minister of National Defence and the Government of that part of the Commonwealth which is concerned.

(5) Subject as hereinafter provided, any enactment (whether contained in the National Defence Act, or any other statute) that

(a) exempts, or provides for the exemption of, any vessel, vehicle, aircraft, machine or apparatus of, or employed for the purposes of the home forces or any of them from the operation of any enactment;

(b) in virtue of a connection with the home forces or any of them, confers a privilege or immunity on any persons;

(c) in virtue of such a connection, excepts any property, trade or business, in whole or in part, from the operation of any enactment, or from any tax, rate, imposition, toll or charge;

(d) imposes upon any person or undertaking obligations in relation to the home forces, or any of them, or any member or service court thereof; or

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(e) penalizes misconduct by any person in relation to the home forces or any of them, or any member or service court thereof, applies, with any necessary modifications, in relation to a visiting force as it would apply in relation to a home force of a like nature to the visiting force.

(6) The Governor in Council may direct that any such enactment either shall not apply, or shall apply with such exceptions and subject to such adaptations or modifications as may be specified.

(7) An order in council under this section may apply either generally, or in relation to visiting forces from any particular part of the Commonwealth, or in relation to any particular visiting force, or in relation to any particular place. 1932-33, c. 21, s. 4; 1951 (2nd Sess.), c. 7, s. 14.

5. (1) The forces to which this section applies are such of the naval, army and air forces of Her Majesty raised in the United Kingdom, the Commonwealth of Australia, the Dominion of New Zealand or the Union of South Africa, as the Governor in Council may direct.

(2) Subject to this section, subsections (1) to (5) of section 202 of the National Defence Act apply in relation to a deserter or absentee without leave from any force to which this section applies (including any member of a reserve or auxiliary force who, having failed to obey a notice calling upon him to appear at any place for service, is by the law of that part of the Commonwealth to which the force belongs liable to the same punishment as a deserter, or to the same punishment as an absentee without leave), as they apply in relation to a deserter or absentee without leave from a home force.

(3) No person who is alleged to be a deserter from any such force as aforesaid shall be apprehended or dealt with under this section except in compliance with a specific request from the Government of that part of the Commonwealth to which the force belongs, and a person so dealt with shall be handed over to the authorities of that part of the Commonwealth at such place on the coast or frontier of Canada as may be agreed.

(4) A person who is alleged to be a deserter or absentee without leave from a visiting force may also be apprehended and dealt with under this section in compliance with a request, whether specific or general, from the officer commanding that force, and shall, if that force is R.S., 1952.
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is still present in Canada, be handed over to the officer commanding that force at the place where the force is stationed.

(5) For the purposes of any proceedings under this section

(a) a document purporting to be a certificate under the hand of the Secretary of State for External Affairs or the Minister of National Defence, that a request has been made under subsection (3), is admissible without proof as evidence of such a request; and

(b) a document purporting to be a certificate under the hand of the officer commanding a unit or detachment of any force to which this section applies that a named and described person was at the date of the certificate a deserter, or absentee without leave, from that force is admissible without proof as evidence of the facts so certified. 1932-33, c. 21, s. 5; 1951 (2nd Sess.), c. 7, s. 14.

6. (1) The forces, other than home forces, to which this section applies are the naval, army and air forces of Her Majesty raised in the United Kingdom, the Commonwealth of Australia, the Dominion of New Zealand or the Union of South Africa.

(2) The Governor in Council

(a) may attach temporarily to a home force any member of another force to which this section applies who is placed at his disposal for the purpose by the service authorities of that part of the Commonwealth to which the other force belongs; and

(b) subject to anything to the contrary in the conditions applicable to his service, may place any member of a home force at the disposal of the service authorities of another part of the Commonwealth for the purpose of being attached temporarily by those authorities to a force to which this section applies belonging to that part of the Commonwealth.

(3) Whilst a member of another force is by virtue of this section attached temporarily to a home force, he is subject to the law relating to the Royal Canadian Navy, Canadian Army or Royal Canadian Air Force, as the case may be, in like manner as if he were a member of the home force, and shall be treated and have the like powers of command and punishment over members of the home force to which he is attached as if he were a member of that force of relative rank.

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(4) The Governor in Council may direct that in relation to members of a force of any part of the Commonwealth specified the statutes relating to the home forces shall apply with such exceptions and subject to such adaptations and modifications as may be so specified.

(5) When a home force and another force to which this section applies are serving together, whether alone or not,

(a) any member of the other force shall be treated and shall have over members of the home force the like powers of command as if he were a member of the home force of relative rank, and

(b) if the forces are acting in combination, any officer of the other force appointed by Her Majesty, or in accordance with regulations made by or by authority of Her Majesty, to command the combined force, or any part thereof, shall be treated and shall have over members of the home force the like powers of command and punishment, and may be invested with the like authority to convene, and confirm the findings and sentences of, courts martial as if he were an officer of the home force of relative rank and holding the same command.

(6) For the purposes of this section, forces shall be deemed to be serving together or acting in combination if and only if they are declared to be so serving or so acting by order of the Governor in Council, and the relative rank of members of the home forces and of other forces shall be such as may be prescribed by regulations made by Her Majesty.

1932-33, c. 21, s. 6; 1951 (2nd Sess.), c. 7, s. 14.

7. Subject to such exceptions, adaptations and modifications as the Governor in Council may direct, this Act applies

(a) in relation to any forces and to the officers and members of such forces raised in any territory in respect to which a mandate on behalf of the League of Nations is being exercised by Her Majesty's Government in the United Kingdom;

(b) in relation to any forces and to the officers and members of such forces raised in any territory in respect to which such a mandate is being exercised by Her Majesty's Government in a Dominion;

(c) in relation to any forces and to the officers and members of such forces raised in a colony; and

(d) in relation to any forces and to the officers and members of such forces raised in any territory which is mandated territories, colonies, and other territories.

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is being administered by Her Majesty's Government in the United Kingdom or by Her Majesty's Government in a Dominion. 1932-33, c. 21, s. 7.

8. So far as regards any naval force and the members of any such force, the provisions of this Act shall be deemed to be in addition to and not in derogation of such of the provisions of any Act of the Parliament of the United Kingdom or of the Parliament of any other part of the Commonwealth as are for the time being applicable to that force and the members thereof. 1932-33, c. 21, s. 8.

EDMOND CLOUTIER, C.M.G., O.A., D.S.P.
QUEEN'S PRINTER AND CONTROLLER OF STATIONERY
OTTAWA, 1953

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CHAPTER 284.

An Act to implement the Agreement between the Parties to the North Atlantic Treaty regarding the Status of their Forces, signed on the 19th day of June, 1951.

SHORT TITLE.

1. This Act may be cited as the Visiting Forces (North Atlantic Treaty) Act. 1951 (2nd Sess.), c. 28, s. 1.

INTERPRETATION.

2. In this Act

(a) "Agreement" means the Agreement between the Parties to the North Atlantic Treaty regarding the Status of their Forces, set out in the Schedule;

(b) "associated state" means a state, other than Canada, that is a party to the Agreement, or
   (i) that is designated as an associated state under section 5;

(c) "Canadian Forces" means the naval, army or air forces of Her Majesty raised by Canada;

(d) "civil court" means a court of ordinary criminal jurisdiction in Canada and includes a court of summary jurisdiction;

(e) "civil prison" means any prison, gaol or other place in Canada in which offenders sentenced by a civil court in Canada to imprisonment for less than two years can be confined;

(f) "detention barrack" means a place designated as such under the National Defence Act;

(g) "penitentiary" means a penitentiary within the meaning of the Penitentiary Act, and includes 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;

(h) R.S., 1952.
"Regulations."
(h) "regulations" means regulations made by the Governor in Council under this Act;

"Service court."
(i) "service court" means a naval, army or air force court martial and includes the service authorities of an associated state who are empowered by the laws of that state to deal with charges;

"Service prison."
(j) "service prison" means a place designated as such under the National Defence Act;

"Visiting force."
(k) "visiting force" means any naval, army or air forces of an associated state present in Canada in connection with official duties; and in the case of an associated state that is a party to the Agreement, includes civilian personnel accompanying such forces who are in the employ of any such forces, and who are not stateless persons, nor nationals of any state that is not a party to the Agreement, nor nationals of, nor ordinarily resident in, Canada; and in the case of any other associated state includes civilian personnel designated by the Governor in Council under section 5 as a civilian component of a visiting force. 1951 (2nd Sess.), c. 28, s. 2.

PART I.

APPROVAL OF AGREEMENT AND APPLICATION OF ACT.

3. The Agreement between the Parties to the North Atlantic Treaty regarding the Status of their Forces, set out in the Schedule, is approved. 1951 (2nd Sess.), c. 28, s. 3.

4. This Act applies in respect of an associated state only when the Governor in Council has pursuant to section 5 declared it to be applicable in respect of that state, and it applies in respect of that state only to the extent declared by the Governor in Council pursuant to that section. 1951 (2nd Sess.), c. 28, s. 4.

5. The Governor in Council may by proclamation
(a) designate any country as an associated state for the purposes of this Act;
(b) declare the extent to which this Act is applicable in respect of any associated state;
(c) declare any of the provisions of the Visiting Forces (British Commonwealth) Act, the Visiting Forces (United States of America) Act or The American Bases Act, 5326 R.S., 1952.

Act, 1941, being No. 12 of the Acts of Newfoundland, 1941, to be inapplicable in respect of any associated state;

(d) designate civilian personnel as a civilian component of a visiting force belonging to an associated state that is not a party to the Agreement; and

(e) revoke or amend any designation or declaration made under paragraph (a), (b), (c) or (d). 1951 (2nd Sess.), c. 28, s. 5.

PART II.

DISCIPLINARY JURISDICTION OF VISITING FORCES.

6. (1) Except in respect of offences mentioned in subsection (2) of section 7, the civil courts have the primary right to exercise jurisdiction in respect of any act or omission constituting an offence against any law in force in Canada alleged to have been committed by a member of a visiting force.

(2) Where a member of a visiting force has been tried by a service court of that visiting force and has been convicted or acquitted, he may not be tried again by a civil court for the same offence. 1951 (2nd Sess.), c. 28, s. 6.

7. (1) Subject to the provisions of this Part, the service authorities and service courts of a visiting force may exercise within Canada in relation to members of that force all the criminal and disciplinary jurisdiction that is conferred upon them by the law of the associated state to which they belong.

(2) With respect to the alleged commission by a member of a visiting force of an offence respecting

(a) the property or security of the associated state;
(b) the person or property of another member of the visiting force;
(c) the person or property of a dependant of another member of the visiting force; or
(d) an act done or anything omitted in the performance of official duty,
the service courts of the visiting force have the primary right to exercise jurisdiction.

(3) Where a member of a visiting force has been tried by a civil court and has been convicted or acquitted, he may not be tried again within Canada for the same offence 5327 by civil courts. R.S., 1952.
by a service court of that visiting force, but nothing in this subsection prevents that service court from trying within Canada a member of the visiting force for any violation of rules of discipline arising from an act or omission that constituted an offence for which he was tried by a civil court. 1951 (2nd Sess.), c. 28, s. 7.

8. (1) Where under sections 6 and 7 a civil court or a service court of a visiting force has the primary right to exercise jurisdiction, the court having such primary right has the right to deal with charges against alleged offenders in the first instance, but such right may be waived in accordance with regulations.

(2) A certificate of the service authorities of an associated state stating that anything alleged to have been done or omitted by a member of a visiting force of that state was or was not done or omitted in the performance of official duty, is receivable in evidence in any civil court and for the purposes of this Part is prima facie evidence of that fact. 1951 (2nd Sess.), c. 28, s. 8.

9. The members of a service court of a visiting force, exercising jurisdiction by virtue of this Act, and witnesses appearing before such a service court, have the like immunities and privileges as a service tribunal exercising jurisdiction under the National Defence Act and witnesses appearing before any such service tribunal. 1951 (2nd Sess.), c. 28, s. 9.

10. (1) Where any sentence has been passed by a service court within or without Canada upon a member of the navy, army or air force of an associated state, for the purposes of any legal proceedings within Canada

(a) the service court shall be deemed to have been properly constituted;
(b) its proceedings shall be deemed to have been regularly conducted;
(c) the sentence shall be deemed to have been within the jurisdiction of the service court and in accordance with the law of the associated state; and
(d) if the sentence has been executed according to the tenor thereof, it shall be deemed to have been lawfully executed.

(2) Any member of a visiting force who is detained in custody

(a) in pursuance of a sentence mentioned in subsection (1); or

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(b) pending the determination by a service court of a charge brought against him, shall, for the purposes of any legal proceedings within Canada, be deemed to be in lawful custody.

(3) For the purposes of any legal proceedings within Canada, a certificate under the hand of the officer in command of a visiting force stating that the persons specified in the certificate sat as a service court, is receivable in evidence and is conclusive evidence of that fact, and a certificate under the hand of such an officer stating that a member of that force is being detained in either of the circumstances described in subsection (2), is receivable in evidence and is conclusive evidence of the cause of his detention, but not of his being a member of the visiting force. 1951 (2nd Sess.), c. 28, s. 10.

11. For the purpose of enabling the service authorities and service courts of a visiting force to exercise more effectively the powers conferred upon them by this Act, the Minister of National Defence, if so requested by the officer in command of the visiting force or by the associated state, may from time to time by general or special orders to the Canadian Forces, or any part thereof, direct the officers and men thereof to arrest members of the visiting force alleged to have been guilty of offences against the law of the associated state and to hand over any person so arrested to the appropriate authorities of the visiting force. 1951 (2nd Sess.), c. 28, s. 11.

12. (1) Where a member of the navy, army or air force of an associated state has been sentenced by a service court to undergo a punishment involving incarceration, the incarceration may, at the request of the officer in command of the visiting force of that associated state and in accordance with the regulations, be served wholly or partly in a penitentiary, civil prison, service prison or detention barrack, and the provisions of the National Defence Act respecting the carrying out of punishments of incarceration imposed upon officers and men of the Canadian Forces mutatis mutandis apply.

(2) The Minister of National Defence shall, in accordance with the regulations, and having regard to the nature of the place of incarceration to which the offender would have been committed under the law of the associated state, determine whether the offender’s punishment is to be served in whole or part in a penitentiary, civil prison, service prison or detention barrack. 1951 (2nd Sess.), c. 28, s. 12.

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13. The authority of members of a visiting force to exercise police functions, including the power of arrest, shall be as prescribed in the regulations, but no such regulation shall empower a member of a visiting force to exercise police functions in respect of any person who is not a member of the visiting force. 1951 (2nd Sess.), c. 28, s. 13.

14. (1) Subject to such limitations as may be prescribed in the regulations, subsections (2), (3) and (4) of section 200 of the National Defence Act apply in relation to courts martial of a visiting force, except that a person required to give evidence before a court martial of a visiting force may be summoned only by a magistrate or justice of the peace whose authority in that respect shall be exercised in accordance with the regulations.

(2) Section 244 of the National Defence Act applies to any person duly summoned under subsection (1) as though the court martial before which he is summoned to appear were a court martial within the Canadian Forces. 1951 (2nd Sess.), c. 28, s. 14.

15. Members of a visiting force acting in the course of their duties, except civilian personnel,

(a) may, if authorized to do so by orders of service authorities of the visiting force, possess and carry explosives, ammunition and firearms; and

(b) are not subject to the provisions of the Criminal Code relating to unlawful drilling or the making or possessing of explosives. 1951 (2nd Sess.), c. 28, s. 15.

PART III.

CLAIMS FOR PERSONAL INJURIES AND PROPERTY DAMAGE.

16. For the purposes of paragraph (c) of subsection (1) of section 18 of the Exchequer Court Act, negligence in Canada of a member of a visiting force while acting within the scope of his duties or employment shall be deemed to be negligence of an officer or servant of the Crown while acting within the scope of his duties or employment. 1951 (2nd Sess.), c. 28, s. 16.

17. A member of a visiting force is not subject to any proceedings for the enforcement of any judgment given against him in Canada in respect of a matter that arose while he was acting within the scope of his duties or employment. 1951 (2nd Sess.), c. 28, s. 17.

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18. Section 16 does not apply to a claim arising out of Ships. or in connection with the navigation or operation of a ship or the loading, carriage or discharge of a cargo, unless the claim is for death or injury to the person. 1951 (2nd Sess.), c. 28, s. 18.

19. Where a question arises under section 16, 17 or 18 Official duty. as to whether

(a) a member of a visiting force was acting within the scope of his duties or employment; or

(b) a matter in respect of which judgment was given against a member of a visiting force arose while he was acting within the scope of his duties or employment,

the question shall be submitted to an arbitrator appointed in accordance with subparagraph (b) of paragraph 2 of Article VIII of the Agreement, and for the purposes of those sections the decision of the arbitrator is final and conclusive. 1951 (2nd Sess.), c. 28, s. 19.

PART IV.

SECURITY PROVISIONS.

20. Subject to section 21, the Official Secrets Act applies Official and shall be construed as applying in respect of an associated state as though

(a) a reference in that Act to “office under Her Majesty” included any office or employment in or under any department or branch of the government of an associated state;

(b) a reference in that Act to “prohibited place” included

(i) any work of defence belonging to or occupied or used by or on behalf of an associated state including arsenals, naval, army or air force establishments or stations, factories, dockyards, mines, minefields, camps, ships, aircraft, telegraph, telephone, wireless or signal stations or offices, and places, other than diplomatic premises of associated states, used for the purpose of building, repairing, making or storing any munitions of war or any sketches, plans, models, or documents relating thereto, or for the purpose of getting any metals, oil or minerals of use in time of war; and

(ii) any place, not belonging to an associated state, where any munitions of war or any sketches, models, plans or documents relating thereto, are being

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being made, repaired, gotten or stored under contract with, or with any person on behalf of an associated state, or otherwise on behalf of an associated state;

(c) a reference in that Act to "safety or interests of the state" or to "interest of the state" or to "public interest" included the safety and security interests of an associated state;

(d) a reference in that Act to "contract made on behalf of Her Majesty" included a contract made on behalf of an associated state;

(e) the expression "appointed by or acting under the authority of Her Majesty" in that Act included the expression "appointed by or acting under the authority of the government of an associated state"; and

(f) a reference in that Act to "any member of Her Majesty's forces" included a member of the visiting forces of an associated state.

Exception. 21. Section 13 of the Official Secrets Act does not apply in respect of an associated state. 1951 (2nd Sess.), c. 28, s. 21.

PART V.

TAXATION.

Residence or domicile. 22. (1) Where the liability for any form of taxation in Canada depends upon residence or domicile, a period during which a member of a visiting force is in Canada by reason of his being a member of such visiting force shall, for the purpose of such taxation, be deemed not to be a period of residence in Canada and not to create a change of residence or domicile.

(2) A member of a visiting force is exempt from taxation in Canada on the salary and emoluments paid to him as such member by an associated state and in respect of any tangible movable property that is in Canada temporarily by reason of his presence in Canada as such member.

(3) For the purposes of this section, the term "member of a visiting force" does not include a Canadian citizen resident or ordinarily resident in Canada. 1951 (2nd Sess.), c. 28, s. 22.

Service vehicles. 23. No tax or fee is payable in respect of the licensing or registration of service vehicles of a visiting force or in respect of the use of such vehicles on any road in Canada. 1951 (2nd Sess.), c. 28, s. 23.

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24. (1) Subject to the regulations, a visiting force may import into Canada, free of duty and tax, equipment for the visiting force and such quantities of provisions, supplies and other goods for the exclusive use of the visiting force as in the opinion of the Minister of National Revenue are reasonable.

(2) The Minister of National Revenue may authorize the import into Canada, free of duty and tax, of goods for use by dependants of members of a visiting force. 1951 (2nd Sess.), c. 28, s. 24.

25. A member of a visiting force may, in accordance with the regulations,

(a) at the time of his first arrival to take up service in Canada and at the time of the first arrival of any dependant to join him, import his personal effects and furniture free of duty and tax; and

(b) import, free of duty and tax, his private motor vehicle for the personal use of himself and his dependants temporarily, but this paragraph shall not be construed as granting or authorizing the granting of any exemption from taxes or fees in respect of the licensing or the registration of private vehicles or the use of the roads by private vehicles in Canada. 1951 (2nd Sess.), c. 28, s. 25.

26. Subject to compliance with such conditions as are prescribed by the regulations, no duty or tax is payable on any fuel, oil or lubricants intended for use exclusively in the service vehicles, aircraft or vessels of a visiting force. 1951 (2nd Sess.), c. 28, s. 26.

PART VI.

GENERAL.

27. The Governor in Council may make regulations, not inconsistent with the provisions of this Act,

(a) for carrying out the Agreement and giving effect to its provisions; and

(b) for carrying out the purposes and provisions of this Act. 1951 (2nd Sess.), c. 28, s. 27.

28. This Act or any portion thereof shall come into force on a day or days to be fixed by proclamation of the Governor in Council. 1951 (2nd Sess.), c. 28, s. 28.
AGREEMENT BETWEEN THE PARTIES TO THE NORTH ATLANTIC TREATY REGARDING THE STATUS OF THEIR FORCES

The Parties to the North Atlantic Treaty signed in Washington on 4th April, 1949,

Considering that the forces of one Party may be sent, by arrangement, to serve in the territory of another Party;

Bearing in mind that the decision to send them and the conditions under which they will be sent, in so far as such conditions are not laid down by the present Agreement, will continue to be the subject of separate arrangements between the Parties concerned;

Desiring, however, to define the status of such forces while in the territory of another Party;

Have agreed as follows:

ARTICLE I

1. In this Agreement the expression—

(a) "force" means the personnel belonging to the land, sea or air armed services of one Contracting Party when in the territory of another Contracting Party in the North Atlantic Treaty area in connexion with their official duties, provided that the two Contracting Parties concerned may agree that certain individuals, units or formations shall not be regarded as constituting or included in a "force" for the purposes of the present Agreement;

(b) "civilian component" means the civilian personnel accompanying a force of a Contracting Party who are in the employ of an armed service of that Contracting Party, and who are not stateless persons, nor nationals of any State which is not a Party to the North Atlantic Treaty, nor nationals of, nor ordinarily resident in, the State in which the force is located;

(c) "dependent" means the spouse of a member of a force or of a civilian component, or a child of such member depending on him or her for support;

(d) "sending State" means the Contracting Party to which the force belongs;

(e) "receiving State" means the Contracting Party in the territory of which the force or civilian component is located, whether it be stationed there or passing in transit;

(f) "military authorities of the sending State" means those authorities of a sending State who are empowered by its law to enforce the military law of that State with respect to members of its forces or civilian components;

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(g) "North Atlantic Council" means the Council established by Article 9 of the North Atlantic Treaty or any of its subsidiary bodies authorized to act on its behalf.

2. This Agreement shall apply to the authorities of political subdivisions of the Contracting Parties, within their territories to which the Agreement applies or extends in accordance with Article XX, as it applies to the central authorities of those Contracting Parties, provided, however, that property owned by political subdivisions shall not be considered to be property owned by a Contracting Party within the meaning of Article VIII.

ARTICLE II

It is the duty of a force and its civilian component and the members thereof as well as their dependents to respect the law of the receiving State, and to abstain from any activity inconsistent with the spirit of the present Agreement, and, in particular, from any political activity in the receiving State. It is also the duty of the sending State to take necessary measures to that end.

ARTICLE III

1. On the conditions specified in paragraph 2 of this Article and subject to compliance with the formalities established by the receiving State relating to entry and departure of a force or the members thereof, such members shall be exempt from passport and visa regulations and immigration inspection on entering or leaving the territory of a receiving State. They shall also be exempt from the regulations of the receiving State on the registration and control of aliens, but shall not be considered as acquiring any right to permanent residence or domicile in the territories of the receiving State.

2. The following documents only will be required in respect of members of a force. They must be presented on demand:

(a) Personal identity card issued by the sending State showing names, date of birth, rank and number (if any), service, and photograph;

(b) Individual or collective movement order, in the language of the sending State and in the English and French languages, issued by an appropriate agency of the sending State or of the North Atlantic Treaty Organisation and certifying to the status of the individual or group as a member or members of a force and to the movement ordered. The receiving State may require a movement order to be countersigned by its appropriate representative.

3. Members of a civilian component and dependents shall be so described in their passports.

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4. If a member of a force or of a civilian component leaves the employ of the sending State and is not repatriated, the authorities of the sending State shall immediately inform the authorities of the receiving State, giving such particulars as may be required. The authorities of the sending State shall similarly inform the authorities of the receiving State of any member who has absented himself for more than 21 days.

5. If the receiving State has requested the removal from its territory of a member of a force or civilian component or has made an expulsion order against an ex-member of a force or of a civilian component or against a dependent of a member or ex-member, the authorities of the sending State shall be responsible for receiving the person concerned within their own territory or otherwise disposing of him outside the receiving State. This paragraph shall apply only to persons who are not nationals of the receiving State and have entered the receiving State as members of a force or civilian component or for the purpose of becoming such members, and to the dependents of such persons.

ARTICLE IV

The receiving State shall either

(a) accept as valid, without a driving test or fee, the driving permit or licence or military driving permit issued by the sending State or a sub-division thereof to a member of a force or of a civilian component; or

(b) issue its own driving permit or licence to any member of a force or civilian component who holds a driving permit or licence or military driving permit issued by the sending State or a sub-division thereof, provided that no driving test shall be required.

ARTICLE V

1. Members of a force shall normally wear uniform. Subject to any arrangement to the contrary between the authorities of the sending and receiving States, the wearing of civilian dress shall be on the same conditions as for members of the forces of the receiving State. Regularly constituted units or formations of a force shall be in uniform when crossing a frontier.

2. Service vehicles of a force or civilian component shall carry, in addition to their registration number, a distinctive nationality mark.

ARTICLE VI

Members of a force may possess and carry arms, on condition that they are authorised to do so by their orders. The authorities of the sending State shall give sympathetic consideration to requests from the receiving State concerning this matter.

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ARTICLE VII

1. Subject to the provisions of this Article,

(a) the military authorities of the sending State shall have the right to exercise within the receiving State all criminal and disciplinary jurisdiction conferred on them by the law of the sending State over all persons subject to the military law of that State;

(b) the authorities of the receiving State shall have jurisdiction over the members of a force or civilian component and their dependents with respect to offences committed within the territory of the receiving State and punishable by the law of that State.

2. — (a) The military authorities of the sending State shall have the right to exercise exclusive jurisdiction over persons subject to the military law of that State with respect to offences, including offences relating to its security, punishable by the law of the sending State, but not by the law of the receiving State.

(b) The authorities of the receiving State shall have the right to exercise exclusive jurisdiction over members of a force or civilian component and their dependents with respect to offences, including offences relating to the security of that State, punishable by its law but not by the law of the sending State.

(c) For the purposes of this paragraph and of paragraph 3 of this Article a security offence against a State shall include

   (i) treason against the State;
   (ii) sabotage, espionage or violation of any law relating to official secrets of that State, or secrets relating to the national defence of that State.

3. In cases where the right to exercise jurisdiction is concurrent the following rules shall apply:

(a) The military authorities of the sending State shall have the primary right to exercise jurisdiction over a member of a force or of a civilian component in relation to

   (i) offences solely against the property or security of that State, or offences solely against the person or property of another member of the force or civilian component of that State or of a dependent;
   (ii) offences arising out of any act or omission done in the performance of official duty.

(b) In the case of any other offence the authorities of the receiving state shall have the primary right to exercise jurisdiction.

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R.S., 1952.
(c) If the State having the primary right decides not to exercise jurisdiction, it shall notify the authorities of the other State as soon as practicable. The authorities of the State having the primary right shall give sympathetic consideration to a request from the authorities of the other State for a waiver of its right in cases where that other State considers such waiver to be of particular importance.

4. The foregoing provisions of this Article shall not imply any right for the military authorities of the sending State to exercise jurisdiction over persons who are nationals of or ordinarily resident in the receiving State, unless they are members of the force of the sending State.

5. (a) The authorities of the receiving and sending States shall assist each other in the arrest of members of a force or civilian component or their dependents in the territory of the receiving State and in handing them over to the authority which is to exercise jurisdiction in accordance with the above provisions.

(b) The authorities of the receiving State shall notify promptly the military authorities of the sending State of the arrest of any member of a force or civilian component or a dependent.

(c) The custody of an accused member of a force or civilian component over whom the receiving State is to exercise jurisdiction shall, if he is in the hands of the sending State, remain with that State until he is charged by the receiving State.

6. (a) The authorities of the receiving and sending States shall assist each other in the carrying out of all necessary investigations into offences, and in the collection and production of evidence, including the seizure and, in proper cases, the handing over of objects connected with an offence. The handing over of such objects may, however, be made subject to their return within the time specified by the authority delivering them.

(b) The authorities of the Contracting Parties shall notify one another of the disposition of all cases in which there are concurrent rights to exercise jurisdiction.

7. (a) A death sentence shall not be carried out in the receiving State by the authorities of the sending State if the legislation of the receiving State does not provide for such punishment in a similar case.

(b) The authorities of the receiving State shall give sympathetic consideration to a request from the authorities of the sending State for assistance in carrying out a sentence of imprisonment.

R.S., 1952.
ment pronounced by the authorities of the sending State under the provision of this Article within the territory of the receiving State.

8. Where an accused has been tried in accordance with the provisions of this Article by the authorities of one Contracting Party and has been acquitted, or has been convicted and is serving, or has served, his sentence or has been pardoned, he may not be tried again for the same offence within the same territory by the authorities of another Contracting Party. However, nothing in this paragraph shall prevent the military authorities of the sending State from trying a member of its force for any violation of rules of discipline arising from an act or omission which constituted an offence for which he was tried by the authorities of another Contracting Party.

9. Whenever a member of a force or civilian component or a dependent is prosecuted under the jurisdiction of a receiving State he shall be entitled—

(a) to a prompt and speedy trial;
(b) to be informed, in advance of trial, of the specific charge or charges made against him;
(c) to be confronted with the witnesses against him;
(d) to have compulsory process for obtaining witnesses in his favour, if they are within the jurisdiction of the receiving State;
(e) to have legal representation of his own choice for his defence or to have free or assisted legal representation under the conditions prevailing for the time being in the receiving State;
(f) if he considers it necessary, to have the services of a competent interpreter; and
(g) to communicate with a representative of the Government of the sending State and, when the rules of the court permit, to have such a representative present at his trial.

10.—(a) Regularly constituted military units or formations of a force shall have the right to police any camps, establishments or other premises which they occupy as the result of an agreement with the receiving State. The military police of the force may take all appropriate measures to ensure the maintenance of order and security on such premises.

(b) Outside these premises, such military police shall be employed only subject to arrangements with the authorities of the receiving State and in liaison with those authorities, and in so far as such employment is necessary to maintain discipline and order among the members of the force.

R.S., 1952.
11. Each Contracting Party shall seek such legislation as it deems necessary to ensure the adequate security and protection within its territory of installations, equipment, property, records and official information of other Contracting Parties, and the punishment of persons who may contravene laws enacted for that purpose.

**ARTICLE VIII**

1. Each Contracting Party waives all its claims against any other Contracting Party for damage to any property owned by it and used by its land, sea or air armed services, if such damage—

(i) was caused by a member or an employee of the armed services of the other Contracting Party in the execution of his duties in connexion with the operation of the North Atlantic Treaty; or

(ii) arose from the use of any vehicle, vessel or aircraft owned by the other Contracting Party and used by its armed services, provided either that the vehicle, vessel or aircraft causing the damage was being used in connexion with the operation of the North Atlantic Treaty, or that the damage was caused to property being so used.

Claims for maritime salvage by one Contracting Party against any other Contracting Party shall be waived, provided that the vessel or cargo salved was owned by a Contracting Party and being used by its armed services in connexion with the operation of the North Atlantic Treaty.

2.—(a) In the case of damage caused or arising as stated in paragraph 1 to other property owned by a Contracting Party and located in its territory, the issue of the liability of any other Contracting Party shall be determined and the amount of damage shall be assessed, unless the Contracting Parties concerned agree otherwise, by a sole arbitrator selected in accordance with sub-paragraph (b) of this paragraph. The arbitrator shall also decide any counter-claims arising out of the same incident.

(b) The arbitrator referred to in sub-paragraph (a) above shall be selected by agreement between the Contracting Parties concerned from amongst the nationals of the receiving State who hold or have held high judicial office. If the Contracting Parties concerned are unable, within two months, to agree upon the arbitrator, either may request the Chairman of the North Atlantic Council Deputies to select a person with the aforesaid qualifications.

(c) Any decision taken by the arbitrator shall be binding and conclusive upon the Contracting Parties.

R.S., 1952.
(d) The amount of any compensation awarded by the arbitrator shall be distributed in accordance with the provisions of paragraph 5(e)(i), (ii) and (iii) of this Article.

(e) The compensation of the arbitrator shall be fixed by agreement between the Contracting Parties concerned and shall, together with the necessary expenses incidental to the performance of his duties, be defrayed in equal proportions by them.

(f) Nevertheless, each Contracting Party waives its claim in any such case where the damage is less than:

<table>
<thead>
<tr>
<th>Country</th>
<th>Compensation Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Belgium</td>
<td>B.fr. 70,000</td>
</tr>
<tr>
<td>Canada</td>
<td>$ 1,460</td>
</tr>
<tr>
<td>Denmark</td>
<td>Kr. 9,670</td>
</tr>
<tr>
<td>France</td>
<td>F.fr. 490,000</td>
</tr>
<tr>
<td>Iceland</td>
<td>Kr. 22,800</td>
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<tr>
<td>Italy</td>
<td>Li. 850,000</td>
</tr>
<tr>
<td>Luxembourg</td>
<td>L. fr. 70,000</td>
</tr>
<tr>
<td>Netherlands</td>
<td>Fl. 5,320</td>
</tr>
<tr>
<td>Norway</td>
<td>Kr. 10,000</td>
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<tr>
<td>Portugal</td>
<td>Es. 40,250</td>
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<tr>
<td>United Kingdom</td>
<td>£ 500</td>
</tr>
<tr>
<td>United States</td>
<td>$ 1,400</td>
</tr>
</tbody>
</table>

Any other Contracting Party whose property has been damaged in the same incident shall also waive its claim up to the above amount. In the case of considerable variation in the rates of exchange between these currencies the Contracting Parties shall agree on the appropriate adjustments of these amounts.

3. For the purposes of paragraphs 1 and 2 of this Article the expression "owned by a Contracting Party" in the case of a vessel includes a vessel on bare boat charter to that Contracting Party or requisitioned by it on bare boat terms or seized by it in prize (except to the extent that the risk of loss or liability is borne by some person other than such Contracting Party).

4. Each Contracting Party waives all its claims against any other Contracting Party for injury or death suffered by any member of its armed services while such member was engaged in the performance of his official duties.

5. Claims (other than contractual claims and those to which paragraphs 6 or 7 of this Article apply) arising out of acts or omissions of members of a force or civilian component done in the performance of official duty, or out of any other act, omission or occurrence for which a force or civilian component is legally responsible, and causing damage in the territory of the receiving State to third parties, other than any of the Contracting Parties, shall be dealt with by the receiving State in accordance with the following provisions:

(a) Claims shall be filed, considered and settled or adjudicated in accordance with the laws and regulations of the receiving State with respect to claims arising from the activities of its own armed forces.

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(b)

R.S., 1952.
(b) The receiving State may settle any such claims, and payment of the amount agreed upon or determined by adjudication shall be made by the receiving State in its currency.

(c) Such payment, whether made pursuant to a settlement or to adjudication of the case by a competent tribunal of the receiving State, or the final adjudication by such a tribunal denying payment, shall be binding and conclusive upon the Contracting Parties.

(d) Every claim paid by the receiving State shall be communicated to the sending States concerned together with full particulars and a proposed distribution in conformity with sub-paragraphs (e)(i), (ii) and (iii) below. In default of a reply within two months, the proposed distribution shall be regarded as accepted.

(e) The cost incurred in satisfying claims pursuant to the preceding sub-paragraphs and paragraph 2 of this Article shall be distributed between the Contracting Parties, as follows:

(i) Where one sending State alone is responsible, the amount awarded or adjudged shall be distributed in the proportion of 25 per cent. chargeable to the receiving State and 75 per cent. chargeable to the sending State.

(ii) Where more than one State is responsible for the damage, the amount awarded or adjudged shall be distributed equally among them: however, if the receiving State is not one of the States responsible, its contribution shall be half that of each of the sending States.

(iii) Where the damage was caused by the armed services of the Contracting Parties and it is not possible to attribute it specifically to one or more of those armed services, the amount awarded or adjudged shall be distributed equally among the Contracting Parties concerned: however, if the receiving State is not one of the States by whose armed services the damage was caused, its contribution shall be half that of each of the sending States concerned.

(iv) Every half-year, a statement of the sums paid by the receiving State in the course of the half-yearly period in respect of every case regarding which the proposed distribution on a percentage basis has been accepted, shall be sent to the sending States concerned, together with a request for reimbursement. Such reimbursement shall be made within the shortest possible time, in the currency of the receiving State.

R.S., 1952.
(f) In cases where the application of the provisions of sub-
paragraphs (b) and (e) of this paragraph would cause a
Contracting Party serious hardship, it may request the North
Atlantic Council to arrange a settlement of a different nature.

(g) A member of a force or civilian component shall not be
subject to any proceedings for the enforcement of any judg-
ment given against him in the receiving State in a matter
arising from the performance of his official duties.

(h) Except in so far as sub-paragraph (e) of this paragraph
applies to claims covered by paragraph 2 of this Article, the
provisions of this paragraph shall not apply to any claim
arising out of or in connection with the navigation or opera-
tion of a ship or the loading, carriage, or discharge of a cargo,
other than claims for death or personal injury to which para-
graph 4 of this Article does not apply.

6. Claims against members of a force or civilian component
arising out of tortious acts or omissions in the receiving State not done
in the performance of official duty shall be dealt with in the following
manner:

(a) The authorities of the receiving State shall consider the claim
and assess compensation to the claimant in a fair and just
manner, taking into account all the circumstances of the case,
including the conduct of the injured person, and shall pre-
pare a report on the matter.

(b) The report shall be delivered to the authorities of the send-
ing State, who shall then decide without delay whether they
will offer an *ex gratia* payment, and if so, of what amount.

(c) If an offer of *ex gratia* payment is made, and accepted by
the claimant in full satisfaction of his claim, the authorities
of the sending State shall make the payment themselves and
inform the authorities of the receiving State of their decision
and of the sum paid.

(d) Nothing in this paragraph shall affect the jurisdiction of the
courts of the receiving State to entertain an action against
a member of a force or of a civilian component unless and
until there has been payment in full satisfaction of the claim.

7. Claims arising out of the unauthorized use of any vehicle of
the armed services of a sending State shall be dealt with in accordance
with paragraph 6 of this Article, except in so far as the force or civilian
component is legally responsible.

8. If a dispute arises as to whether a tortious act or omission of a
member of a force or civilian component was done in the performance
of official duty or as to whether the use of any vehicle of the armed
services of a sending State was unauthorized, the question shall be
submitted 5343  

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submitted to an arbitrator appointed in accordance with paragraph 2(b) of this Article, whose decision on this point shall be final and conclusive.

9. The sending State shall not claim immunity from the jurisdiction of the courts of the receiving State for members of a force or civilian component in respect of the civil jurisdiction of the courts of the receiving State except to the extent provided in paragraph 5(g) of this Article.

10. The authorities of the sending State and of the receiving State shall co-operate in the procurement of evidence for a fair hearing and disposal of claims in regard to which the Contracting Parties are concerned.

**ARTICLE IX**

1. Members of a force or of a civilian component and their dependents may purchase locally goods necessary for their own consumption, and such services as they need, under the same conditions as the nationals of the receiving State.

2. Goods which are required from local sources for the subsistence of a force or civilian component shall normally be purchased through the authorities which purchase such goods for the armed services of the receiving State. In order to avoid such purchases having any adverse effect on the economy of the receiving State, the competent authorities of that State shall indicate, when necessary, any articles the purchase of which should be restricted or forbidden.

3. Subject to agreements already in force or which may hereafter be made between the authorized representatives of the sending and receiving States, the authorities of the receiving State shall assume sole responsibility for making suitable arrangements to make available to a force or a civilian component the buildings and grounds which it requires, as well as facilities and services connected therewith. These agreements and arrangements shall be, as far as possible, in accordance with the regulations governing the accommodation and billeting of similar personnel of the receiving State. In the absence of a specific contract to the contrary, the laws of the receiving State shall determine the rights and obligations arising out of the occupation or use of the buildings, grounds, facilities or services.

4. Local civilian labour requirements of a force or civilian component shall be satisfied in the same way as the comparable requirements of the receiving State and with the assistance of the authorities of the receiving State through the employment exchanges. The conditions of employment and work, in particular wages, supplementary payments and conditions for the protection of workers, shall be those laid down by the legislation of the receiving State. Such civilian workers...
workers employed by a force or civilian component shall not be regarded for any purpose as being members of that force or civilian component.

5. When a force or a civilian component has at the place where it is stationed inadequate medical or dental facilities, its members and their dependents may receive medical and dental care, including hospitalization, under the same conditions as comparable personnel of the receiving State.

6. The receiving State shall give the most favourable consideration to requests for the grant to members of a force or of a civilian component of travelling facilities and concessions with regard to fares. These facilities and concessions will be the subject of special arrangements to be made between the Governments concerned.

7. Subject to any general or particular financial arrangements between the Contracting Parties, payment in local currency for goods, accommodation and services furnished under paragraphs 2, 3, 4 and, if necessary, 5 and 6, of this Article shall be made promptly by the authorities of the force.

8. Neither a force, nor a civilian component, nor the members thereof, nor their dependents, shall by reason of this Article enjoy any exemption from taxes or duties relating to purchases and services chargeable under the fiscal regulations of the receiving State.

**ARTICLE X**

1. Where the legal incidence of any form of taxation in the receiving State depends upon residence or domicile, periods during which a member of a force or civilian component is in the territory of that State by reason solely of his being a member of such force or civilian component shall not be considered as periods of residence therein, or as creating a change of residence or domicile, for the purposes of such taxation. Members of a force or civilian component shall be exempt from taxation in the receiving State on the salary and emoluments paid to them as such members by the sending State or on any tangible movable property the presence of which in the receiving State is due solely to their temporary presence there.

2. Nothing in this Article shall prevent taxation of a member of a force or civilian component with respect to any profitable enterprise, other than his employment as such member, in which he may engage in the receiving State, and, except as regards his salary and emoluments and the tangible movable property referred to in paragraph 1, nothing in this Article shall prevent taxation to which, even if regarded as having his residence or domicile outside the territory of the receiving State, such a member is liable under the law of that State.

3. Nothing in this Article shall apply to "duty" as defined in paragraph 12 of Article XI.
4. For the purposes of this Article the term “member of a force” shall not include any person who is a national of the receiving State.

**ARTICLE XI**

1. Save as provided expressly to the contrary in this Agreement, members of a force and of a civilian component as well as their dependents shall be subject to the laws and regulations administered by the customs authorities of the receiving State. In particular the customs authorities of the receiving State shall have the right, under the general conditions laid down by the laws and regulations of the receiving State, to search members of a force or civilian component and their dependents and to examine their luggage and vehicles, and to seize articles pursuant to such laws and regulations.

2. (a) The temporary importation and the re-exportation of service vehicles of a force or civilian component under their own power shall be authorized free of duty on presentation of a triptyque in the form shown in the Appendix to this Agreement.

   (b) The temporary importation of such vehicles not under their own power shall be governed by paragraph 4 of this Article and the re-exportation thereof by paragraph 8.

   (c) Service vehicles of a force or civilian component shall be exempt from any tax payable in respect of the use of vehicles on the roads.

3. Official documents under official seal shall not be subject to customs inspection. Couriers, whatever their status, carrying these documents must be in possession of an individual movement order, issued in accordance with paragraph 2(b) of Article III. This movement order shall show the number of despatches carried and certify that they contain only official documents.

4. A force may import free of duty the equipment for the force and reasonable quantities of provisions, supplies and other goods for the exclusive use of the force and, in cases where such use is permitted by the receiving State, its civilian component and dependents. This duty-free importation shall be subject to the deposit, at the customs office for the place of entry, together with such customs documents as shall be agreed, of a certificate in a form agreed between the receiving State and the sending State signed by a person authorized by the sending State for that purpose. The designation of the person authorized to sign the certificates as well as specimens of the signatures and stamps to be used, shall be sent to the customs administration of the receiving State.

5. A member of a force or civilian component may, at the time of his first arrival to take up service in the receiving State or at the time of the first arrival of any dependent to join him, import his personal effects and furniture free of duty for the term of such service.

R.S., 1952.
6. Members of a force or civilian component may import temporarily free of duty their private motor vehicles for the personal use of themselves and their dependents. There is no obligation under this Article to grant exemption from taxes payable in respect of the use of roads by private vehicles.

7. Imports made by the authorities of a force other than for the exclusive use of that force and its civilian component, and imports, other than those dealt with in paragraphs 5 and 6 of this Article, effected by members of a force or civilian component are not, by reason of this Article, entitled to any exemption from duty or other conditions.

8. Goods which have been imported duty-free under paragraphs 2(b), 4, 5 or 6 above—
   
   (a) may be re-exported freely, provided that, in the case of goods imported under paragraph 4, a certificate, issued in accordance with that paragraph, is presented to the customs office: the customs authorities, however, may verify that goods re-exported are as described in the certificate, if any, and have in fact been imported under the conditions of paragraphs 2(b), 4, 5 or 6 as the case may be;

   (b) shall not normally be disposed of in the receiving State by way of either sale or gift: however, in particular cases such disposal may be authorized on conditions imposed by the authorities concerned of the receiving State (for instance, on payment of duty and tax and compliance with the requirements of the controls of trade and exchange).

9. Goods purchased in the receiving State shall be exported therefrom only in accordance with the regulations in force in the receiving State.

10. Special arrangements for crossing frontiers shall be granted by the customs authorities to regularly constituted units or formations, provided that the customs authorities concerned have been duly notified in advance.

11. Special arrangements shall be made by the receiving State so that fuel, oil and lubricants for use in service vehicles, aircraft and vessels of a force or civilian component, may be delivered free of all duties and taxes.

12. In paragraphs 1-10 of this Article—
   
   "duty" means customs duties and all other duties and taxes payable on importation or exportation, as the case may be, except dues and taxes which are no more than charges for services rendered;

   "importation" includes withdrawal from customs warehouses or continuous customs custody, provided that the goods concerned have not been grown, produced or manufactured in the receiving State.

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13. The provisions of this Article shall apply to the goods concerned not only when they are imported into or exported from the receiving State, but also when they are in transit through the territory of a Contracting Party, and for this purpose the expression "receiving State" in this Article shall be regarded as including any Contracting Party through whose territory the goods are passing in transit.

ARTICLE XII

1. The customs or fiscal authorities of the receiving State may, as a condition of the grant of any customs or fiscal exemption or concession provided for in this Agreement, require such conditions to be observed as they may deem necessary to prevent abuse.

2. These authorities may refuse any exemption provided for by this Agreement in respect of the importation into the receiving State of articles grown, produced or manufactured in that State which have been exported therefrom without payment of, or upon repayment of, taxes or duties which would have been chargeable but for such exportation. Goods removed from a customs warehouse shall be deemed to be imported if they were regarded as having been exported by reason of being deposited in the warehouse.

ARTICLE XIII

1. In order to prevent offences against customs and fiscal laws and regulations, the authorities of the receiving and of the sending States shall assist each other in the conduct of enquiries and the collection of evidence.

2. The authorities of a force shall render all assistance within their power to ensure that articles liable to seizure by, or on behalf of, the customs or fiscal authorities of the receiving State are handed to those authorities.

3. The authorities of a force shall render all assistance within their power to ensure the payment of duties, taxes and penalties payable by members of the force or civilian component or their dependents.

4. Service vehicles and articles belonging to a force or to its civilian component, and not to a member of such force or civilian component, seized by the authorities of the receiving State in connection with an offence against its customs or fiscal laws or regulations shall be handed over to the appropriate authorities of the force concerned.

ARTICLE XIV

1. A force, a civilian component and the members thereof, as well as their dependents, shall remain subject to the foreign exchange regulations of the sending State and shall also be subject to the regulations of the receiving State.

R.S., 1952.
2. The foreign exchange authorities of the sending and the receiving States may issue special regulations applicable to a force or civilian component or the members thereof as well as to their dependents.

**ARTICLE XV**

1. Subject to paragraph 2 of this Article, this Agreement shall remain in force in the event of hostilities to which the North Atlantic Treaty applies, except that the provisions for settling claims in paragraphs 2 and 5 of Article VIII shall not apply to war damage, and that the provisions of the Agreement, and, in particular of Articles III and VII, shall immediately be reviewed by the Contracting Parties concerned, who may agree to such modifications as they may consider desirable regarding the application of the Agreement between them.

2. In the event of such hostilities, each of the Contracting Parties shall have the right, by giving 60 days' notice to the other Contracting Parties, to suspend the application of any of the provisions of this Agreement so far as it is concerned. If this right is exercised, the Contracting Parties shall immediately consult with a view to agreeing on suitable provisions to replace the provisions suspended.

**ARTICLE XVI**

All differences between the Contracting Parties relating to the interpretation or application of this Agreement shall be settled by negotiation between them without recourse to any outside jurisdiction. Except where express provision is made to the contrary in this Agreement, differences which cannot be settled by direct negotiation shall be referred to the North Atlantic Council.

**ARTICLE XVII**

Any Contracting Party may at any time request the revision of any Article of this Agreement. The request shall be addressed to the North Atlantic Council.

**ARTICLE XVIII**

1. The present Agreement shall be ratified and the instruments of ratification shall be deposited as soon as possible with the Government of the United States of America, which shall notify each signatory State of the date of deposit thereof.

2. Thirty days after four signatory States have deposited their instruments of ratification the present Agreement shall come into force between them. It shall come into force for each other signatory State thirty days after the deposit of its instrument of ratification.

3. After it has come into force, the present Agreement shall, subject to the approval of the North Atlantic Council and to such conditions as it may decide, be open to accession on behalf of any State.

R.S., 1952.
State which accedes to the North Atlantic Treaty. Accession shall be effected by the deposit of an instrument of accession with the Government of the United States of America, which shall notify each signatory and acceding State of the date of deposit thereof. In respect of any State on behalf of which an instrument of accession is deposited, the present Agreement shall come into force thirty days after the date of the deposit of such instrument.

**ARTICLE XIX**

1. The present Agreement may be denounced by any Contracting Party after the expiration of a period of four years from the date on which the Agreement comes into force.

2. The denunciation of the Agreement by any Contracting Party shall be effected by a written notification addressed by that Contracting Party to the Government of the United States of America which shall notify all the other Contracting Parties of each such notification and the date of receipt thereof.

3. The denunciation shall take effect one year after the receipt of the notification by the Government of the United States of America. After the expiration of this period of one year, the Agreement shall cease to be in force as regards the Contracting Party which denounces it, but shall continue in force for the remaining Contracting Parties.

**ARTICLE XX**

1. Subject to the provisions of paragraphs 2 and 3 of this Article, the present Agreement shall apply only to the metropolitan territory of a Contracting Party.

2. Any State may, however, at the time of the deposit of its instrument of ratification or accession or at any time thereafter, declare by notification given to the Government of the United States of America that the present Agreement shall extend (subject, if the State making the declaration considers it to be necessary, to the conclusion of a special agreement between that State and each of the sending States concerned), to all or any of the territories for whose international relations it is responsible in the North Atlantic Treaty area. The present Agreement shall then extend to the territory or territories named therein thirty days after the receipt by the Government of the United States of America of the notification, or thirty days after the conclusion of the special agreements if required, or when it has come into force under Article XVIII, whichever is the later.

3. A State which has made a declaration under paragraph 2 of this Article extending the present Agreement to any territory for whose international relations it is responsible may denounce the Agreement separately in respect of that territory in accordance with the provisions of Article XIX.
In witness whereof the undersigned Plenipotentiaries have signed the present Agreement.

Done in London this nineteenth day of June, 1951, in the English and French languages, both texts being equally authoritative, in a single original which shall be deposited in the archives of the Government of the United States of America. The Government of the United States of America shall transmit certified copies thereof to all the signatory and acceding States.

For the Kingdom of Belgium:
OBERT DE THIEUSIES.

For Canada:
L. D. WILGRESS.

For the Kingdom of Denmark:
STEENSEN-LETH.

For France:
HERVÉ ALPHAND.

For Iceland:
GUNNLAUGER PÉTURSSON.

For Italy:
A. ROSSI-LONGHI.

For the Grand Duchy of Luxembourg:
A. CLASEN.

For the Kingdom of the Netherlands:
A. W. L. TJARDA VAN STARKENBORGH-STACHOUWER.

For the Kingdom of Norway:
DAG BRYN.

For Portugal:
R. ENNES ULRICH.

The Agreement is only applicable to the territory of Continental Portugal, with the exclusion of the Adjacent Islands and the Overseas Provinces.

For the United Kingdom of Great Britain and Northern Ireland:
HERBERT MORRISON.

For the United States of America:
CHARLES M. SPOFFORD.

APPENDIX
R.S., 1952.
### Visiting Forces (N.A.T.) - Sch. 284

**APPENDIX**

<table>
<thead>
<tr>
<th>Country</th>
<th>Ministry or Service</th>
</tr>
</thead>
<tbody>
<tr>
<td>TRIPTYQUE*</td>
<td></td>
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Valid from ___________________________ for temporary importation to ___________________________

Type

<table>
<thead>
<tr>
<th>Registration Number</th>
<th>Engine Number</th>
</tr>
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<tbody>
<tr>
<td></td>
<td></td>
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</table>

Spare tyres

Fixed Communication Equipment

Name and signature of the holder of the triptyque

Date of issue ___________________________ By order of ___________________________

TEMPORARY EXITS AND ENTRIES

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*This document shall be in the language of the sending State and in the English and French languages.

1951 (2nd Sess.), c. 28, Sch.

EDMOND CLOUTIER, C.M.G., O.A., D.S.P.
QUEEN'S PRINTER AND CONTROLLER OF STATIONERY
OTTAWA, 1953

R.S., 1952.
CHAPTER 285.

An Act to make provision with respect to Forces of the United States of America when visiting Canada and with respect to the exercise of discipline and to the internal administration of such Forces.

SHORT TITLE.

1. This Act may be cited as the Visiting Forces (United States of America) Act. 1947, c. 47, s. 1.

INTERPRETATION.

2. In this Act,

(a) "home forces" means the naval, army or air forces of Her Majesty raised in Canada;

(b) "home force" includes any body, contingent or detachment of any of the home forces;

(c) "service authorities" means naval, army or air force authorities;

(d) "service court" means a naval, army or air force court and includes a service court of inquiry, and any officer of a United States force who is empowered by the law of the United States of America to review the proceedings of a service court of the United States of America, or to investigate charges, or himself to dispose of charges, and the expression "sentence" shall be construed accordingly;

(e) "United States force" means any body, contingent or detachment of the naval, army or air forces of the United States of America that, with the consent of the Government of Canada, is lawfully present in Canada or on board any of Her Majesty's Canadian ships or aircraft. 1951 (2nd Sess.), c. 7, s. 22.

3. Subject to the provisions of this Act, when a United States force is present in Canada or on board any of Her Majesty's Canadian ships or aircraft, the service courts and internal administration of United States force.

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and service authorities of the United States of America may exercise within Canada or on board any such ship or aircraft in relation to members of that force all such powers as are conferred upon them by the law of the United States of America. 1947, c. 47, s. 3.

4. (1) Nothing in section 3 affects the jurisdiction of any civil court in Canada to try a member of a United States force for any act or omission constituting an offence against any law in force in Canada whether or not proceedings with respect to such act or omission have been instituted by a United States service authority or before a United States service court.

(2) If a person sentenced by a service court exercising jurisdiction by virtue of section 3 to punishment for an offence is afterwards tried by any civil court in Canada in respect of any act or omission that constituted that offence, the civil court shall, in awarding punishment in respect of that act or omission, have regard to any punishment imposed on him by the said sentence.

(3) A service court does not have jurisdiction by virtue of section 3 to try any person for any act or omission constituting an offence for which he has been acquitted or convicted by any civil court in Canada. 1947, c. 47, s. 4.

5. (1) Subsections (2), (3) and (4) of section 200 of the National Defence Act apply in relation to United States courts martial, except that

(a) a person required to give evidence before a United States court martial may be summoned only by a magistrate or justice of the peace; and

(b) a magistrate or justice of the peace shall summon, in the manner prescribed by the Governor in Council, a witness to appear before a United States court martial when requested so to do by

(i) the authority by whom the court martial was convened,

(ii) the officer presiding at the court martial, or

(iii) an officer designated to take a deposition to be read in evidence before the court martial.

(2) Section 244 of the National Defence Act applies to any person duly summoned pursuant to subsection (1) as though the court martial before which he is summoned to appear were a court martial within the Canadian Forces.

(3) For the purposes of this section, "United States court martial" means a general court martial, a special court martial or a summary court martial within a United States force.

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force or any military or civil officer designated to take a deposition to be read in evidence before such a court martial. 1951 (2nd Sess.), c. 7, s. 22.

6. The members of any service court of the United States of America exercising jurisdiction by virtue of this Act, and witnesses appearing before any such court, enjoy the like immunities and privileges as are enjoyed by a service court exercising jurisdiction by virtue of the laws of Canada, and by witnesses appearing before such a court. 1947, c. 47, s. 5.

7. (1) Where any sentence has, whether within or without Canada, been passed upon a member of a United States force by a service court of the United States of America, then for the purposes of any legal proceedings within Canada the court shall be deemed to have been properly constituted, and its proceedings shall be deemed to have been regularly conducted, and the sentence shall be deemed to be within the jurisdiction of the court and in accordance with the law of the United States of America, and if executed according to the tenor thereof shall be deemed to have been lawfully executed, and any member of a United States force who is detained in custody in pursuance of any such sentence, or pending the determination by such a service court as aforesaid of a charge brought against him, shall for the purposes of any such legal proceedings be deemed to be in lawful custody.

(2) For the purposes of any legal proceedings within Canada a certificate under the hand of the officer commanding a United States force that a member of that force is being detained in either of the circumstances described in subsection (1) is conclusive evidence of the cause of his detention, but not of his being such a member, and a certificate under the hand of such an officer that the persons specified in the certificate sat as a service court of the United States of America is conclusive evidence of that fact. 1947, c. 47, s. 6.

8. For the purpose of enabling the service courts and service authorities of the United States of America to exercise more effectively the powers conferred upon them by this Act, the Minister of National Defence, if so requested by the officer commanding a United States force or by the Government of the United States of America, may from time to time by general or special orders to any home force direct the members thereof to arrest members of the United States force alleged to have been guilty of

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offences against the law of the United States of America and to hand over any person so arrested to the appropriate authorities of the United States force. 1947, c. 47, s. 7.

9. (1) Any member of a United States force, if sentenced by a service court of the United States of America to penal servitude, imprisonment or detention may, under the authority of the Minister of National Defence, given at the request of the officer commanding the United States force, be temporarily detained in custody in a detention barracks in Canada.

(2) Where a member of a United States force is subject to detention in a detention barracks in Canada, pursuant to subsection (1), the provisions of any enactment in relation to the reception of prisoners from and their return to the service authorities of the home forces, their treatment while in custody in such detention barracks, and the circumstances in which they are to be released, shall, with any necessary modification, apply in relation to the member of the United States force in like manner as they apply in relation to members of a home force.

(3) In subsection (2) the expression "enactment" includes the Queen's Regulations and Orders for the Royal Canadian Navy, the Queen's Regulations and Orders for the Canadian Army, the Queen's Regulations and Orders for the Royal Canadian Air Force, and any rules, regulations and orders made under any enactment. 1947, c. 47, s. 8.

10. The provisions of the Criminal Code relating to unlawful drilling, the making or possessing of explosives or the possessing or carrying weapons do not apply to a member of a United States force acting in the course of his duty; and it is lawful for a member of a United States force, acting in the course of his duty, to possess and carry explosives, ammunition and firearms. 1947, c. 47, s. 9.
CHAPTER 286.

An Act respecting the carrying on and co-ordination of Vocational Training.

SHORT TITLE.

1. This Act may be cited as the Vocational Training Short title. Co-ordination Act. 1942-43, c. 34, s. 1.

INTERPRETATION.

2. In this Act,

(a) "Council" means the Vocational Training Advisory Council appointed under this Act;
(b) "Minister" means the Minister of Labour; and
(c) "vocational training" means any form of instruction the purpose of which is to fit any person for gainful employment or to increase his skill or efficiency therein, and, without restricting the generality of the foregoing, includes instruction to fit any person for employment in agriculture, forestry, mining, fishing, construction, manufacturing, commerce or in any other primary or secondary industry in Canada. 1942-43, c. 34, s. 2.

3. (1) The Minister may undertake projects to provide vocational training

(a) to fit persons for employment for any purpose contributing to the efficient prosecution of the war whether in industry or in the armed forces;
(b) to fit for any gainful employment former members of His Majesty's Canadian Forces or former members of any of His Majesty's Forces who were at the time of enlistment domiciled in Canada or any other persons with respect to whom authority for the granting of vocational training is vested in the Minister of National Health and Welfare, if such former members or other persons are approved for such training by such Minister;
(c) to fit unemployed persons for gainful employment;

and

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(d) to fit persons for employment for any purpose contributing to the conservation or development of the natural resources vested in the Crown in the right of Canada.

(2) The Minister may undertake and direct research work pertaining to vocational training and may undertake the dissemination of information relating to such training.

1942-43, c. 34, s. 3; 1945, c. 7, s. 1; 1948, c. 30, s. 1.

4. (1) The Minister may, with the approval of the Governor in Council, enter into an agreement covering any period with any province to provide financial assistance for

(a) any project, undertaken in the province, to provide vocational training for any of the purposes set out in section 3;

(b) the continuation after March 31st, 1942, of any project for training heretofore carried on in the province under the Youth Training Act;

(c) any vocational training project for the conservation or development of the natural resources vested in the Crown in the right of the province;

(d) the development and carrying on by the province of any project recommended by the Council to provide vocational training for apprentices or supervisors in any industry; and

(e) the development and carrying on after the present war of vocational training on a level equivalent to secondary school level.

(2) No agreement made in respect of any of the matters set out in paragraphs (b) to (e) of subsection (1) shall provide for payment to the province of a percentage of the cost of any vocational training project, including the cost of the training facilities, in excess of the percentage of such cost contributed by the province. 1942-43, c. 34, s. 4.

THE VOCATIONAL TRAINING ADVISORY COUNCIL.

5. There shall be appointed by the Governor in Council a council to be called “The Vocational Training Advisory Council.” 1942-43, c. 34, s. 5.

6. (1) The Council shall consist of a Chairman and not more than sixteen members.

(2) The Chairman and other members of the Council hold office for a period of three years except in the case of the members first appointed and of any member

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appointed to a casual vacancy, who hold office for such period, not exceeding three years, as may be determined by the Governor in Council.

(3) There shall be equal numbers of members on the Composition of Council. Council specially representative of employers and of employees, and the remainder of the members may be representative of such other groups of persons or interests as the Governor in Council may determine.

(4) A majority of the members constitutes a quorum for Quorum. any meeting of the Council.

(5) The Council may act notwithstanding any vacancy in its membership, if the membership is not fewer than ten members.

(6) The Council may make rules for regulating its Procedure. proceedings and the performance of its functions and may provide therein for the delegation of any of its duties to any special or standing committees of its members.

(7) The Minister may provide the Council with such Assistance professional, technical, secretarial and other assistance as the Council may require but the provision of such assistance otherwise than from the public service of Canada is subject to authorization by the Governor in Council.

(8) The Minister shall make available to the Council Information such information as the Council may reasonably require required. for the proper discharge of its functions under this Act.

(9) The members of the Council shall serve without Travelling salary but each member shall receive his actual travelling expenses and expenses and per diem allowance. allowances that have been incurred with the approval of the Minister in connection with the work of the Council and a per diem allowance of ten dollars for each day he is necessarily absent from his home in connection with such work. 1942-43, c. 34, s. 6.

7. The Minister may from time to time refer to the Council for consideration and advice such questions relating to the operation of this Act as he thinks fit and the Council shall investigate and report thereon to the Minister, and shall make such recommendations as the Council sees fit in connection therewith. 1942-43, c. 34, s. 7.

GENERAL.

8. This Act shall be administered by the Minister of Administration. Labour. 1942-43, c. 34, s. 8.

9. A supervisor of training and such officers, clerks and other employees necessary for the administration of this Act shall be appointed in the manner authorized by law. 1942-43, c. 34, s. 9.
10. The Governor in Council may make regulations for the purpose of giving effect to this Act. 1942-43, c. 34, s. 10.

11. The Minister shall as soon as possible, but in any case within sixty days after the termination of each fiscal year, prepare an annual report on the work done, moneys expended and obligations contracted under this Act and shall upon completion thereof lay such report before Parliament if Parliament is then sitting or if Parliament is not then sitting, within fifteen days after Parliament is next assembled. 1942-43, c. 34, s. 11.

12. Expenditures incurred under this Act shall be paid out of moneys appropriated by Parliament for carrying out the purposes of this Act. 1942-43, c. 34, s. 12.

EDMOND CLOUTIER, C.M.G., O.A., D.S.P.
QUEEN'S PRINTER AND CONTROLLER OF STATIONERY
OTTAWA, 1952
CHAPTER 287.

An Act respecting the liability of Her Majesty and public companies for labour used in the construction of works.

SHORT TITLE.

1. This Act may be cited as the Wages Liability Act. Short title. R.S., c. 205, s. 1.

PUBLIC WORKS.

2. If any contractor with Her Majesty, or any sub-contractor in the construction of any public work let under contract by Her Majesty, makes default in the payment of the wages of any foreman, workman or labourer, employed on such work, or in the payment of any sum due by him for the labour of any such foreman, workman or labourer, or of any team employed on such work, and if a claim therefor is filed in the office of the minister entering into such contract on behalf of Her Majesty, not later than two months after the same becomes due, and satisfactory proof thereof is furnished, Her Majesty may pay such claim to the extent of the amount of all moneys or securities in the hands of Her Majesty for securing the performance of the contract at the time of the filing of the said claim. R.S., c. 205, s. 2.

3. Her Majesty may demand in writing that each contractor or sub-contractor shall, not later than the 10th day of each month, or at any other time within ten days after receiving such demand, file in the office of the said Minister a list showing the names, rate of wages, amounts paid and amounts due and unpaid for wages or labour done by every foreman, workman, labourer and team employed by him during the previous month, or up to the time of the service of such demand, and attested upon the oath or statutory declaration of such contractor or sub-contractor, or his authorized agent. R.S., c. 205, s. 3.
SUBSIDIZED WORKS.

4. (1) Whenever any subsidy, advance, loan or bonus of money is authorized by Parliament to be granted to any company or person towards the construction of any railway or other work, it shall, in the absence of special provision by Parliament to the contrary, be a condition of such grant that Her Majesty may retain so much of such money as the Governor in Council thinks proper, to secure the payment of claims for wages of persons employed on such railway or work, either by such company or person or by any contractor or sub-contractor, or for sums due or to become due for labour of persons or teams so employed.

(2) If any such claim for wages, or for any such sum remains unpaid for thirty days after notice thereof has been served upon the Minister of Transport, or such other Minister as is charged with the supervision of such railway or work, the Governor in Council may, on being satisfied that such claim is due and unpaid, direct that it be paid, together with all proper costs and charges in connection therewith, out of any moneys so retained. R.S., c. 205, s. 4; 1936, c. 34, s. 3.

WORKS BY CHARTERED COMPANIES.

5. (1) Every company hereafter incorporated by, or receiving a renewal or extension of its charter from the Parliament of Canada for the construction of railways, canals, telegraph lines and other works, shall, by virtue of accepting such incorporation, renewal or extension of charter, become and be liable for the payment of wages, for a period not exceeding three months, of every foreman, workman, labourer or team employed in the construction of any work in Canada done by or for the said company, whether directly under the company or through the intervention of any contractor or sub-contractor.

(2) Nothing in this section shall be construed in any way to prejudice or affect the right of any such foreman, workman or labourer against any contractor or sub-contractor with whom he has contracted. R.S., c. 205, s. 5.

6. In case any such foreman, workman or labourer is not paid his wages for himself or his team by any contractor or sub-contractor by whom he has been employed, a notice stating the name of the claimant and the amount of wages claimed, the rate of such wages, the nature and amount of work done, the time when, the place where, and the name of the contractor or sub-contractor, super-intendent
intendent or foreman for whom such work was done, shall be served upon the company not later than two months after such wages are earned; and such notice shall be followed up by the commencement of a suit in a court of competent jurisdiction for the collection of such wages, within thirty days after the service of such notice; otherwise the liability mentioned in section 5 shall cease. R.S., c. 205, s. 6.

7. The notice mentioned in section 6, and any summons, notice, order or other process required to be served upon the company for the prosecution of such claim, may be served upon the president, vice-president, secretary, managing director, superintendent, or engineer, or any recognized officer representing the company, or by leaving it with any adult person at the office or residence of any of them. R.S., c. 205, s. 7.

OFFENCES AND PENALTIES.

8. (1) Every contractor or sub-contractor who, having Refusing to furnish such statement. received the demand from Her Majesty hereinbefore referred to makes default in forwarding the list required, shall incur a penalty not exceeding one hundred dollars and not less than ten dollars, for every day during which such default continues.

(2) The amount of such penalty, within the said limits, shall be determined by the Minister under whom the work is being executed, and may be deducted out of the moneys in the hands of Her Majesty, deposited by or owing to such contractor, and shall become vested in Her Majesty. R.S., c. 205, s. 8.
CHAPTER 288.

An Act to confer certain powers upon the Governor in Council in the event of War, Invasion, or Insurrection.

SHORT TITLE.

1. This Act may be cited as the War Measures Act. Short title. R.S., c. 206, s. 1.

EVIDENCE OF WAR.

2. The issue of a proclamation by Her Majesty, or under the authority of the Governor in Council shall be conclusive evidence that war, invasion, or insurrection, real or apprehended, exists and has existed for any period of time therein stated, and of its continuance, until by the issue of a further proclamation it is declared that the war, invasion or insurrection no longer exists. R.S., c. 206, s. 2.

POWERS OF THE GOVERNOR IN COUNCIL.

3. (1) The Governor in Council may do and authorize such acts and things, and make from time to time such orders and regulations, as he may by reason of the existence of real or apprehended war, invasion or insurrection deem necessary or advisable for the security, defence, peace, order and welfare of Canada; and for greater certainty, but not so as to restrict the generality of the foregoing terms, it is hereby declared that the powers of the Governor in Council shall extend to all matters coming within the classes of subjects hereinafter enumerated, that is to say:

(a) censorship and the control and suppression of publications, writings, maps, plans, photographs, communications and means of communication;

(b) arrest, detention, exclusion and deportation;

(c) control of the harbours, ports and territorial waters of Canada and the movements of vessels;

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(d) transportation by land, air, or water and the control of the transport of persons and things;
(e) trading, exportation, importation, production and manufacture;
(f) appropriation, control, forfeiture and disposition of property and of the use thereof.

(2) All orders and regulations made under this section shall have the force of law, and shall be enforced in such manner and by such courts, officers and authorities as the Governor in Council may prescribe, and may be varied, extended or revoked by any subsequent order or regulation; but if any order or regulation is varied, extended or revoked, neither the previous operation thereof nor anything duly done thereunder, shall be affected thereby, nor shall any right, privilege, obligation or liability acquired, accrued, accruing or incurred thereunder be affected by such variation, extension or revocation. R.S., c. 206, s. 3.

4. The Governor in Council may prescribe the penalties that may be imposed for violations of orders and regulations made under this Act, and may also prescribe whether such penalties shall be imposed upon summary conviction or upon indictment, but no such penalty shall exceed a fine of five thousand dollars or imprisonment for any term not exceeding five years, or both fine and imprisonment. R.S., c. 206, s. 4.

5. No person who is held for deportation under this Act or under any regulation made thereunder, or is under arrest or detention as an alien enemy, or upon suspicion that he is an alien enemy, or to prevent his departure from Canada, shall be released upon bail or otherwise discharged or tried, without the consent of the Minister of Justice. R.S., c. 206, s. 5.

6. The provisions of the three sections last preceding shall only be in force during war, invasion, or insurrection, real or apprehended. R.S., c. 206, s. 6.

PROCEDURE.

7. Whenever any property or the use thereof has been appropriated by Her Majesty under the provisions of this Act, or any order in council, order or regulation made thereunder, and compensation is to be made therefor and has not been agreed upon, the claim shall be referred by the Minister of Justice to the Exchequer Court, or to a superior or county court of the province within which the claim arises, or to a judge of any such court. R.S., c. 206, s. 7.

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8. Any ship or vessel used or moved, or any goods, wares or merchandise dealt with, contrary to any order or regulation made under this Act, may be seized and detained and shall be liable to forfeiture, at the instance of the Minister of Justice, upon proceedings in the Exchequer Court of Canada or in any superior court. R.S., c. 206, s. 8.

9. Every court mentioned in the two sections last preceding may make rules governing the procedure upon any reference made to, or proceedings taken before, such court or a judge thereof under the said sections. R.S., c. 206, 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 289.

An Act to provide for the payment of War Service
Gratuities and for the grant of Re-establishment
Credits of Members of His Majesty's Forces in
respect of Service during the War.

SHORT TITLE.

1. This Act may be cited as the War Service Grants Act. Short title.
1944-45, c. 51, s. 1.

INTERPRETATION.

2. In this Act, Definitions.
(a) "Board" means the Board of Review established by this Act;
(b) "business" includes trade, industry or profession;
(c) "credit" and "re-establishment credit" mean the credit provided for under Part II;
(d) "dependants' allowance" means the marriage allowance and dependants' allowances prescribed by regulations made by the Governor in Council pursuant to the National Defence Act, the Naval Service Act, The Naval Service Act, 1944, the Militia Act or The Royal Canadian Air Force Act, as the case may be;
(e) "discharge" means ceasing to serve on active service in the forces since the 10th day of September, 1939;
(f) "deceased member" includes a member of the forces who for the purposes of the force in which he served is officially presumed to have died;
(g) "forces" means the naval, army or air forces of His Majesty raised in Canada;
(h) "gratuity" and "war service gratuity" mean the gratuity payable under Part I;
(i) "home" means a house or building intended for human habitation and owned solely by the member or his spouse or jointly by him and his spouse and used or to be used as such.

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be used by the member as his dwelling, together with the land upon which it is situated, including, in the case of a farm, land used therewith for the purpose of farming;

(j) "member" and "member of the forces" mean any person who was on service in the forces during the war that commenced in September, 1939, and include any person who served in the Canadian Women's Army Corps since the 13th day of August, 1941;

(k) "Minister" means the Minister of Veterans Affairs;

(l) "misconduct" includes

(i) the commission of an offence under the National Defence Act, the Naval Discipline Act, the Army Act or the Air Force Act, of which the member was convicted by a court-martial, including in the case of naval forces, a disciplinary court or of which he was found guilty upon summary disposition of the charge,

(ii) the commission of an offence of which the member was convicted by a court of competent jurisdiction, and

(iii) such misconduct as might, in the case of an officer, result in his removal from the forces;

(m) "overseas service" means any service involving duties required to be performed outside of the Western Hemisphere, and includes service involving duties required to be performed outside of Canada and the United States of America and the territorial waters thereof in aircraft or anywhere in a ship or other vessel, service in which is classed as "sea time" for the purpose of advancement of naval ratings, or which would be so classed were the ship or other vessel in the service of the naval forces of Canada;

(n) "pay and allowances" includes dependants' allowance together with all other allowances calculable and payable on a daily basis except

(i) kit upkeep allowances,

(ii) underclothing allowances,

(iii) travelling allowances,

(iv) lodging and provisional allowance or subsistence allowance as the case may be in excess of the standard rates payable in Canada at the date of discharge,

(v) any special allowance payable overseas but not payable in respect of service in Canada;

(o) "purchase of a business" includes the purchase of an interest in an existing partnership and the advance

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of capital for a new partnership, if the partnership business is to be the main occupation of the member and he intends to participate actively in that business;

(p) “service” means time served on active service in “Service.”

(i) while enlisted or obligated to serve without territorial limitation,

(ii) in the Aleutian Islands, the United Kingdom or the European or the Mediterranean operational theatres, or

(iii) while proceeding from Canada to any of the places mentioned in subparagraph (ii) or returning from any of the said places to Canada; and

(q) “Western Hemisphere” means the continents of North and South America, the islands adjacent thereto and the territorial waters thereof, including Newfoundland, Bermuda and the West Indies, but excluding Greenland, Iceland and the Aleutian Islands. 1945, c. 38, s. 1; 1951 (2nd Sess.), c. 7, s. 19.

PART I.

WAR SERVICE GRATUITY.

3. (1) Subject to the provisions of this Act, every member of the forces is, upon discharge, entitled to be paid a war service gratuity at the rate of seven dollars and fifty cents for every completed period of thirty days of service, and an additional sum of twenty-five cents for every day of overseas service that falls within such periods.

(2) In addition to the amounts mentioned in subsection (1), every member of the forces whose service includes overseas service is, upon discharge, entitled to be paid for each period of one hundred and eighty-three days of overseas service and proportionately for any less period, an amount computed on the basis of seven days' pay and allowances that were payable to or in respect of him at the date of discharge.

(3) Where a member joined the permanent naval or army forces or the regular air forces of Canada on or before the 31st day of March, 1946, or volunteers and is accepted for service in the naval, army or air forces of Canada for a special period terminating on or after the 30th day of September, 1947, the amount payable to such member under subsection (2) shall be computed on the basis of the rates of pay and allowances payable to him or on his behalf at the commencement of his service excluded by section 4.
Part I.


(4) Where a member has been required, prior to the date on which he ceases to be entitled to gratuity, to accept pay and allowances at lower rates, by reason of reversion in rank or appointment, or otherwise as a condition of acceptance for service in the permanent naval or army forces or regular air force of Canada, or in the naval, army or air forces of Canada for a special period terminating on or after the 30th day of September, 1947, the rates of pay and allowances payable to him or on his behalf immediately prior to the date of his joining the permanent naval or army forces or the regular air force of Canada, or his acceptance for service in the naval, army or air forces of Canada for a special period terminating on or after the 30th day of September, 1947, may be used for the purpose of computing the amount paid to him under subsection (2).

(5) Where a member is posted from an establishment, unit or ship for discharge purposes and his pay and allowances are reduced as a result of such posting the pay and allowances received by him immediately prior to such posting shall be used for the purpose of computing the amount paid to him under subsection (2).

(6) For the purposes of this section the expression "pay and allowances" includes

(a) in the case of a member of the naval forces, lodging and provision allowance, and

(b) in the case of a member of the army or air forces, subsistence allowance at the standard rates payable in Canada,

notwithstanding that at the date of his discharge he was not receiving such allowances.

(7) A period of overseas service shall be deemed to commence on the day the member is posted to the strength of an overseas unit, establishment, or ship and to conclude on the day he is taken on strength from overseas.

(8) A period of temporary duty overseas shall be deemed to be a period of overseas service and to commence on the day of proceeding from the parent unit, establishment or ship and to conclude on the day of the return thereto.

(9) In the case of naval forces the date shown on the certificate of service and on the list of official appointments shall be used for the purpose of this section in determining the dates of posting to and from His Majesty's Canadian ships and establishments with respect to any former member. 1945, c. 38, s. 2; 1946, c. 74, s. 1; 1951 (2nd Sess.), c. 7, s. 19.
4. (1) No member or former member of the naval, army or air forces of His Majesty is entitled to any gratuity or credit under this Act in respect of service in such forces subsequent to

(a) the day of his acceptance as a member of the permanent naval or army forces or the regular air force of Canada if he is so accepted after the 31st day of March, 1946;
(b) the 31st day of March, 1946, if on that day he is a member of the permanent naval or army forces or the regular air force of Canada serving on active service; or
(c) the 31st day of March, 1946, if he volunteers and is accepted for service in the naval, army or air forces of Canada for a special period terminating on or after the 30th day of September, 1947, unless he was serving on overseas service on the 31st day of August, 1945, and remains continuously on the strength of an establishment or unit or ship on overseas service, in which case he is entitled to such gratuity and credit in respect of all such service.

(2) A member or former member of the naval, army or air forces of Canada entitled to a gratuity or credit under this Act is entitled to such gratuity and credit in respect of all his full-time service as such, if he is not accepted as a member of the permanent naval or army forces or the regular air force of Canada or is not accepted for service in the naval, army or air forces of Canada for a special period terminating on or after the 30th day of September, 1947.

(3) The Governor in Council may make such regulations as may be advisable to provide for the termination of entitlement under this Act of persons not mentioned in subsection (1) or (2). 1946, c. 74, s. 2; 1951 (2nd Sess.), c. 7, s. 19.

5. (1) Where a member of the forces dies on service or after discharge but before he has been paid gratuity in full, payment of the gratuity or the unpaid balance thereof shall be made

(a) to a person who was in receipt of or who, in the opinion of the Dependants' Allowance Board, was eligible for dependants' allowance on behalf of the deceased member immediately prior to the member's death or discharge;

(b) to a person, who, in the opinion of the Dependants' Allowance Board, would have been eligible for dependants'

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(c) to a person who, in the opinion of the Minister or such authority as he may designate, was dependent in whole or in part upon a deceased member and to whom pay was assigned by such member immediately prior to the member's death or discharge.

(2) Where more than one person is entitled to payment of the gratuity under this section the Minister may direct that the gratuity be paid to any one of such persons or divided among them in such manner as he may determine.

(3) The Minister may authorize any person to receive payment of the gratuity on behalf of the person entitled thereto under subsection (1) or subsection (2) and to utilize the gratuity for the benefit of the person entitled thereto in such manner as the authorized person in his discretion may determine.

(4) Where no person qualifies to receive payment of the gratuity or any unpaid balance thereof under this section in respect of a deceased member, the gratuity or the unpaid balance thereof shall form part of and be comprised in the deceased member's "service estate" as that expression is defined in subsection (2) of section 40 of the National Defence Act.

(5) Where a person who was qualified to receive payment of a gratuity or any part thereof under this section dies before payment thereof or before payment thereof in full the gratuity or that part thereof payable to him or any unpaid balance thereof shall not be paid to the estate of such person but shall be paid to such other person as may be entitled thereto in accordance with the provisions of this Act and if no other person is so entitled, shall form part of and be comprised in the deceased member's service estate in accordance with the provisions of subsection (4). 1945, c. 38, s. 3; 1951 (2nd Sess.), c. 7, s. 19.

6. (1) Pursuant to regulations of the Governor in Council in that behalf there may be deducted from the war service gratuity

(a) overpayments of pay and allowances, other than dependants' allowance but including assigned pay, as follows:

(i) pay and allowances issued to or on account of a member at rates in excess of those authorized by the appropriate naval, army or air force financial regulations,
(ii) pay or allowances issued to or on account of a member that, having regard to his naval, army or air force status at the date of issue, were not authorized by the appropriate naval, army or air force financial regulations, and

(iii) advances of travel allowances not accounted for by a member at the time of payment of the gratuity, or any portion thereof, to or in respect of such member;

(b) overpayments of dependants' allowances as follows:

(i) any overpayment which the Dependents' Allowance Board has ordered to be recovered from a member upon a finding, concurred in by the Judge Advocate General, that such member was guilty of wilful misrepresentation or fraud, and

(ii) where the gratuity, by reason of the death of the member to whom it was payable, becomes payable in whole or in part to a dependant, any overpayment that the Dependents' Allowance Board has found, with the concurrence of the Judge Advocate General, to have been made to such dependant as a result of wilful misrepresentation or fraud by the member or the dependant; and

(c) such other payments of pay and allowances made to or on account of a member, or to his dependants, as the Governor in Council may authorize.

(2) Any amount deducted from the gratuity pursuant to subsection (1) shall, to the extent that His Majesty has previously been reimbursed in respect of the overpayment by any person other than the member to or on account of whom the overpayment was made, be paid over to that person.

(3) Section 95 of the Financial Administration Act does not apply to a gratuity. 1945, c. 38, s. 4; 1951 (2nd Sess.), c. 7, s. 19.

7. (1) Payment of war service gratuity to a member of the forces shall be made in monthly instalments payable in arrear not exceeding the amount of pay and allowances, including dependants' allowance, paid to or in respect of such member for the thirty days immediately preceding his discharge, unless as a result of a posting from an establishment, unit or ship for discharge purposes, his pay and allowances are reduced, in which case no instalment shall exceed the pay and allowances including dependants' allowance in issue to such member for the thirty days immediately preceding such posting and including also, in the case of

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of a member of the naval forces, lodging and provision allowance, and in the case of a member of the army or air force, subsistence allowance at the standard rates payable in Canada, notwithstanding that at the date of discharge he was not receiving such allowances.

(2) For the purposes of this section the pay and allowances, including dependants' allowance, in issue for the thirty days immediately preceding discharge or for the thirty days immediately preceding the posting of the member from an establishment, unit, or ship for discharge purposes, as the case may be, shall be deemed to be the equivalent of the daily rate in issue for the last day of either of such thirty day periods multiplied by thirty.

1945, c. 38, s. 6; 1951 (2nd Sess.), c. 7, s. 19.

PART II.

RE-ESTABLISHMENT CREDIT.

8. Subject to the provisions of this Act, every member of the forces who does not elect to take benefits under the Veterans' Land Act, except section 15 thereof, or any educational, vocational or technical training benefits under the provisions of the Veterans Rehabilitation Act is, in order to assist in his re-establishment, eligible, in addition to the war service gratuity, for a re-establishment credit in an amount equal to the total amount payable to him under subsection (1) of section 3. 1946, c. 74, s. 3.

9. (1) Where a male member who has deferred his application for re-establishment credit dies after discharge, but before he has used his re-establishment credit in full, his widow, or, in case he leaves no widow, his mother, if the mother in the opinion of the Minister or such person as the Minister may designate, was wholly dependent on the member immediately prior to his death, is eligible for the unused credit, unless, in the opinion of the Minister, the delay in the use of such credit was not due to advice given by, or on behalf of, the Minister.

(2) Where a female member who has deferred her application for re-establishment credit dies after discharge, but before she has used her re-establishment credit in full, her mother, if the mother, in the opinion of the Minister or such person as the Minister may designate, was wholly dependent on the member immediately prior to her death, is eligible for the unused credit, unless, in the opinion of the Minister, the delay in the use of such credit was not due to advice given by, or on behalf of, the Minister.

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(3) No credit shall be made available under this section to a widow or mother unless she is resident in Canada and the Minister is satisfied that the credit will be used for one or more of the purposes specified in section 12.

(4) With the consent of the Minister the credit for which a widow or mother is eligible under this section may be made available to such person as the Minister may designate, to be used for the benefit of the widow or mother, as the case may be, for such of the purposes authorized by or under this Act as the person so designated may in his discretion determine.

(5) Where no widow or mother is eligible for the credit under this section the credit shall cease to exist.

(6) Where, before using the credit for which she is eligible under this section, a widow or mother dies or a widow remARRies the credit shall cease to exist. 1946, c. 74, s. 4.

10. Sections 12, 13, 19, and 26 to 31 mutatis mutandis apply to and in respect of the credit provided for by section 9. 1946, c. 74, s. 4.

11. (1) No credit shall be made available to a member unless the member is resident in Canada and the Minister is satisfied that the credit will be used for one or more of the purposes specified in section 12 and for the re-establishment of the member in Canada.

(2) This section does not apply in the case of a member who desires to use re-establishment credit for the payment of premiums under the Veterans Insurance Act or the Returned Soldiers’ Insurance Act, or for the payment of the purchase price of an annuity purchased by him under the Government Annuities Act, and the Governor in Council may by regulation order such further exceptions to this section as may be deemed advisable. 1945, c. 38, s. 8.

12. (1) All or any part of the re-establishment credit may, within a period of ten years from the 1st day of January, 1945, or the date of his discharge, whichever is the later, be made available to or for the member of the forces eligible therefor when it is shown to the satisfaction of the Minister that such credit is to be used for

(a) the acquisition of a home
(i) under the National Housing Act, in an amount not exceeding two-thirds of the difference between the total cost of the home and the amount of the loan made under that Act, or

(ii) Amounts available for re-establishment credit.

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(ii) not under the *National Housing Act*, in an amount not exceeding two-thirds of the difference between the appraised value of the house as approved by the Minister or the purchase price, whichever is the lower, and the amount of the encumbrance thereon, assumed or created by the member;

(b) the repair or modernization of his home;

(c) the reduction or discharge of indebtedness under any agreement for sale, mortgage or other encumbrance on his home, in an amount not exceeding twice the amount that the member himself contributes or has contributed to such purpose;

(d) the purchase of furniture and household equipment for his domestic use in an amount not exceeding ninety per cent of the purchase price of the furniture or household equipment or the payment of the full cost of repair of such articles;

(e) the provision of working capital for his business;

(f) the purchase of tools, instruments or equipment for his business or the cost of repair of such articles;

(g) the purchase of a business by him in an amount not exceeding two-thirds of the difference between the purchase price and any indebtedness incurred for the purpose of the purchase of such business, if the payment of such difference entitles the purchaser to immediate possession;

(h) the payment of premiums under any insurance scheme established by the Government of Canada, including

(i) payment of premiums pursuant to any contract of insurance to which he is a party under the *Returned Soldiers' Insurance Act*, the *Veterans Insurance Act* or the *Civil Service Insurance Act*,

(ii) payment under subsection (2) of section 49 of the *Royal Canadian Mounted Police Act* of a deficiency in deduction from his pay as an officer of the Royal Canadian Mounted Police,

(iii) payment of contributions in respect of his service as a constable of the Royal Canadian Mounted Police under section 69, 80, 83 or 84 of the *Royal Canadian Mounted Police Act*,

(iv) payment of contributions under section 5 of the *Civil Service Superannuation Act* in respect of his service in the Civil Service prior to becoming a contributor under that Act,

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(v) payment under subsection (2) of section 9 of the Defence Services Pension Act of a deficiency in deduction from his pay as an officer as defined in that Act, and

(vi) payment of the purchase price of an annuity purchased by him under the Government Annuities Act;

(i) payment of fees and the purchase of special equipment including instruments, books, tools and other equipment required for educational and vocational training other than educational and vocational training provided by the laws of Canada for members of the forces; and

(j) any other purpose authorized by the Governor in Council.

(2) No credit shall be made available for the purchase of furniture or household equipment or for the payment of any debts incurred by the purchase of furniture or household equipment if the actual possession of the furniture or household equipment does not pass to the buyer when the contract is made or if it is agreed, provided or conditioned in the contract that the right of property in or right of possession to the furniture or household equipment in whole or in part shall remain in the seller notwithstanding that the actual possession of the furniture or household equipment passes to the buyer. 1945, c. 38, s. 9; 1946, c. 74, s. 5.

13. Where there has been made available to or on behalf of a member of the forces all or any part of the re-establishment credit under the provisions of section 8, he is not eligible for a grant of any of the benefits under the Veterans' Land Act, or any educational, vocational or technical training benefits provided under the Veterans Rehabilitation Act, except subject to a compensating adjustment in an amount which, in the opinion of the Minister, is equivalent to the re-establishment credit already made available to him or on his behalf; if a member has been granted any of the aforesaid benefits, the amount of which as determined by the Minister is less than the amount of any re-establishment credit that would otherwise be available to him, the difference between the amount of such re-establishment credit and such amount of any of the aforesaid benefits may be made available to him under section 12. 1946, c. 74, s. 6.
PART III.

GENERAL.

14. No officer of the naval, army or air forces is entitled to any benefits under this Act if, since the 10th day of September, 1939,

(a) by sentence of a court martial, he is cashiered or dismissed with disgrace from His Majesty's service or dismissed from His Majesty's service;

(b) he is deprived of his commission or warrant by reason of misconduct;

(c) he is called upon to retire or to resign his commission or warrant by reason of misconduct; or

(d) his resignation is accepted by reason of misconduct.

1945, c. 38, s. 10; 1951 (2nd Sess.), c. 7, s. 19.

15. (1) No man of the naval, army or air forces is entitled to any benefits under this Act if he has been discharged since the 10th day of September, 1939,

(a) having been sentenced to be discharged with ignominy or dismissed with disgrace from His Majesty's service or dismissed from His Majesty's service;

(b) by reason of his having been convicted by a civil court or by court martial during his service; or

(c) for misconduct.

(2) A man of the naval forces who was discharged for the stated reason of "services no longer required" and a man of the army or air forces who was discharged for the stated reason of "misconduct" shall be deemed to have been discharged for misconduct for the purposes of this section. 1951 (2nd Sess.), c. 7, s. 19.

16. Where a member is discharged for any of the reasons or in any of the circumstances set forth in section 14 or section 15 and subsequently rejoins the forces he is not disqualified under the said sections from receiving benefits under this Act in respect of his services after he so rejoins, by reason only of his conduct prior to such discharge. 1945, c. 38, s. 11.

17. (1) The application for gratuity of every member who is discharged for any of the reasons or in any of the circumstances set forth in section 14 or 15 shall forthwith, together with all documents relating to the member's service, be referred to the Board of Review as constituted by subsection (2).

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(2) There shall be a Board to be called the “Board of Review”, which shall consist of not less than three and not more than five members who shall be appointed by the Minister with the approval of the Governor in Council.

(3) At least one of such members shall be a person who, in the opinion of the Minister, is representative of organized veterans; one of such members shall be designated to be chairman of the Board and such number of members as the Governor in Council may determine constitute a quorum.

(4) The members of the Board shall receive such remuneration as the Governor in Council may determine.

(5) All officers, clerks or other employees required by the Board for the performance of its functions shall be appointed according to law.

(6) A civil servant who prior to or at the time of his appointment as a member of the Board was or is a contributor under the provisions of the Civil Service Superannuation Act may elect, within three months of his appointment, and is eligible, notwithstanding the provisions of the Civil Service Superannuation Act, to continue to be a contributor under the said Act and in such event his tenure of office as a member of the Board shall be counted as service in the Civil Service for the purposes of the said 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 the office as a member of the Board for any reason other than misconduct, he is eligible to receive the same benefits under the said Act as if his office as member of the Board had been abolished.

(7) The Board may, with the approval of the Governor in Council, make rules for regulating its proceedings and the performance of its functions.

(8) It shall be the duty of the Board and it is hereby empowered to examine every application referred to it pursuant to the provisions of subsection (1) and to consider the nature and extent of the services rendered by the member in the armed forces and to investigate the circumstances under which the member was discharged, and for that purpose the Board is authorized to make such enquiries, hear such witnesses, and take such evidence as it may deem necessary.

(9) Where, on such examination and investigation, the Board is of the opinion that it would be inconsistent with the true spirit and intent of this Act to deprive the member of R.S., 1952.
of benefits under the Act by reason of section 14 or 15, the Board shall by order direct that the member shall receive the benefits of this Act as completely as if said sections 14 and 15 were not part of this Act.

(10) When the Minister is satisfied that the purposes for which the Board of Review was established have been substantially fulfilled, he may, with the approval of the Governor in Council, abolish the Board of Review and transfer its powers, duties and functions to a Committee of at least three officers of the Department of Veterans Affairs who shall exercise and perform such powers, duties and functions in accordance with rules of procedure to be made by the Governor in Council. 1945, c. 38, s. 11; 1948, c. 31, s. 1.

18. For the purposes of computing benefits under this Act, no period of absence without leave or leave of absence without pay, or time served while undergoing sentence of penal servitude, imprisonment or detention, or period of service in respect of which pay is forfeited shall be included in the service of a member of the forces. 1944-45, c. 51, s. 13.

19. Payment of any gratuity or grant of any credit authorized by this Act shall only be made upon application therefor by or on behalf of the member of the forces claiming such gratuity or credit; such application shall be made at such times and in such manner as the Minister may from time to time prescribe. 1944-45, c. 51, s. 14.

20. Where a member of the forces is granted any pecuniary benefit of the same nature as the gratuity or credit payable or which is granted under this Act from the government of any of His Majesty's dominions other than Canada or from the government of any power allied or associated with His Majesty, in respect of service performed with the naval, army or air forces of any such dominion or power, one-half of the amount of such benefits shall be deducted from the gratuity and one-half from the credit. 1951 (2nd Sess.), c. 7, s. 19.

21. (1) Where a member of the forces, before he has been paid or granted all or any part of the gratuity or credit, is re-appointed to or re-enlists in the forces, the balance of such gratuity or credit remaining unpaid or not granted shall not be paid or granted, unless the Minister otherwise directs, to such member until his subsequent discharge, at which time he is entitled to be paid or granted

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Part III.  

**War Service Grants.**  

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granted such gratuity or credit or the balance thereof in addition to any further gratuity or credit to which he may be entitled under this Act by reason of his subsequent period of service.

(2) The benefits provided by subsection (1) of section 3 and section 8 payable to or in respect of a member who has had service in more than one force, shall be calculated as if his total service had been uninterrupted service in any one of such forces, and the benefits provided by subsection (2) of section 3, payable to or in respect of a member who has had service in more than one force and overseas service in at least one force, shall be calculated separately for each force in which he had overseas service on the basis of the pay and allowances payable to or in respect of him at the date of discharge from each such force.

(3) A member who joined the permanent naval or army forces or the regular air force on or before the 31st day of March, 1946, shall be paid his gratuity and may be granted his credit in the manner provided in this Act on that date; a member who joins the permanent naval or army forces or the regular air force subsequent to the 31st day of March, 1946, shall be paid his gratuity and may be granted his credit in the manner provided in this Act on the date of his acceptance for service in one of such forces.

(4) Unless the Minister otherwise directs, a member who was serving with the naval, army or air forces other than the permanent naval or army forces or the regular air force on the 31st day of March, 1946, shall not be paid his gratuity or granted his credit until he resumes his civilian status. 1945, c. 38, s. 12; 1951 (2nd Sess.), c. 7, s. 19.

22. (1) Subject to subsection (2), a person who, subsequent to the 10th day of September, 1939, served on active service in any of the naval, army or air forces of His Majesty other than those raised in Canada, and at the time he joined the said force was domiciled in Canada, is entitled to be paid a gratuity and granted a credit equal to those that might have been paid or granted to him under this Act had such service been service in the forces, if he makes application therefor and if at the time of his application he is domiciled and resident in Canada.

(2) There shall be deducted from the gratuity or credit authorized by subsection (1) the amount of any pecuniary benefit, of the same nature as a gratuity or credit authorized to be paid or granted to members of the forces under this Act, R.S., 1952.
Gratuity forms part of service estate of deceased member.

Act, that the person has received or is entitled to receive in respect of his service from any government other than that of Canada.

(3) The provisions of section 5 except subsection (4) apply to and in respect of any such person as if such person had been a member of the forces at the time of his death or discharge from the forces of His Majesty other than those raised in Canada, but where no person qualifies to receive payment of the gratuity or any unpaid balance thereof under this section in respect of any such deceased person, the gratuity or the unpaid balance thereof shall be paid to the Director of Estates for distribution to the person or persons to whom the service estate of the deceased was or will be paid by a government other than that of Canada in respect of his service. 1945, c. 38, s. 13; 1951 (2nd Sess.), c. 7, s. 19.

Minister to determine nature of benefits granted by other governments.

23. Any question arising under section 20 or section 22 as to whether any pecuniary benefit granted by any government other than that of Canada is of the same nature as a gratuity or credit authorized to be paid or granted to members of the forces under this Act shall be referred to the Minister or to such authority as the Minister may designate and the decision of the Minister or that authority, as the case may be, is final. 1945, c. 38, s. 13.

Members of the forces receiving treatment.

24. Where any member of the forces is, subsequent to his discharge, receiving treatment by or through the Department of Pensions and National Health or the Department of Veterans Affairs, the gratuity or credit or any part thereof remaining unpaid or not granted shall be made available to such person as the Minister may designate, to be applied in the discretion of that person for the benefit of such member or his dependants. 1944-45, c. 51, s. 18.

Gratuities and credits to be additional to certain other benefits.

25. Subject to the provisions of section 13, the benefits granted herein are in addition to such benefits or grants as are or may hereafter be provided by the Government of Canada for members of the forces, including rehabilitation grant and clothing allowance on discharge. 1944-45, c. 51, s. 19.

Immunity of gratuity or credit.

26. (1) No gratuity payable or credit available to a member of the forces or his dependants is subject to attachment, levy, seizure or assignment under any legal process or to taxation.

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(2) No such gratuity or credit or any part of either may be assigned, charged, anticipated, commuted, given as security or otherwise dealt with, and any purported assignment, charge, anticipation, commutation, or other transaction relating to the gratuity or credit made, entered into, or completed contrary to the provisions of this section, is wholly void and of no effect. 1945, c. 38, s. 14.

27. It is an offence for any person to charge or collect or to attempt to charge or collect, either directly or indirectly, any fee or other compensation for assisting in any manner a member of the forces or his dependant in obtaining any of the benefits to which he is entitled under this Act, punishable upon summary conviction by a fine not exceeding five hundred dollars or imprisonment not exceeding one year, or by both such fine and such imprisonment. 1944-45, c. 51, s. 21.

28. If any member uses a credit for any purpose not authorized under this Act or the regulations made thereunder, he shall be 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 two months or to both such fine and such imprisonment. 1945, c. 38, s. 15.

29. Any person who

(a) knowingly assists any member in using or attempting to use a credit for any purpose not authorized under this Act or the regulations;

(b) counsels or abets any member in the use or the attempted use of a credit for any purpose not authorized under this Act or the regulations; or

(c) knowingly makes any statement or gives any information which is false in any material particular for the purpose of having made available any credit to him or on his behalf;

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 three months or both such fine and such imprisonment. 1945, c. 38, s. 15.

30. Notwithstanding any law to the contrary, any complaint or information with respect to any violation of the provisions of this Act may be made or laid within one year from the time when the matter of complaint or information arose. 1945, c. 38, s. 15.

31. Any moneys necessary for the payment of gratuities or for credits granted under this Act may be paid out of unappropriated moneys in the Consolidated Revenue Fund. 1944-45, c. 51, s. 22.

32. The expenses necessary for the administration of this Act are payable out of moneys appropriated by Parliament for the purpose. 1944-45, c. 51, s. 23.

33. The Governor in Council may make regulations governing all matters relative to the manner of payment of gratuities or the making of re-establishment credits available and the evidence to be required in support of applications therefor, to prescribe penalties for breaches of the said regulations and generally to give effect to and carry out the objects of this Act. 1944-45, c. 51, s. 24.

34. (1) Subject to the provisions of this Act, every Newfoundland veteran who does not elect to take benefits under the Veterans’ Land Act, except section 15 thereof, or any educational, vocational or technical training benefits under the provisions of the Veterans Rehabilitation Act is, in order to assist in his re-establishment, eligible for a re-establishment credit equal to the re-establishment credit that might have been made available to him under this Act if he had been a member of the forces as therein defined, less the amount of any pecuniary benefits of the same nature granted or paid by the government of any country other than that of Canada.

(2) In this section the expression “Newfoundland veteran” means 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;
(b) in any other naval, army or air forces of His Majesty and at the time of his enlistment therein was domiciled in Newfoundland; or
(c) in any of the naval, army or air forces of the nations allied with His Majesty in active operations against the enemy in World War II, if he was domiciled in Newfoundland at the time of his enlistment therein and was domiciled and resident in Newfoundland within two years from the date of his discharge therefrom or the 8th day of May, 1945, whichever is the later. 1949, c. 6, s. 45; 1951 (2nd Sess.), c. 7, s. 24.

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

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CHAPTER 290.

An Act respecting Allowances for War Veterans and Dependents.

SHORT TITLE.

1. This Act may be cited as the War Veterans' Allowance Act. 1946, c. 75, s. 1.

INTERPRETATION.

2. (1) In this Act,

(a) "allowance" means an allowance under this Act;

(b) "applicant" means any person who has made application for an allowance or any person on whose behalf application for an allowance has been made;

(c) "Board" means the War Veterans' Allowance Board constituted by this Act;

(d) "child" includes a step-child, an adopted child or a foster child of a veteran;

(e) "Department" means the Department of Veterans Affairs;

(f) "Minister" means the Minister of Veterans Affairs;

(g) "orphan" means

(i) a child of a veteran who is bereft by death of both father and mother, or

(ii) a child of a deceased veteran whose surviving parent has, in the opinion of the Board, abandoned or deserted the child;

(h) "recipient" means any person to whom or on whose behalf payment of an allowance is authorized by the Board;

(i) "the war" means

(i) the North West Rebellion of the year 1885,

(ii) the South African War, which for the purposes of this Act shall be deemed to have commenced on the 11th day of October, 1899, and to have concluded on the 31st day of May, 1902,

(ii) R.S., 1952.
World War I. (iii) World War I, which for the purposes of this Act shall be deemed to have commenced on the 4th day of August, 1914, and to have concluded on the 31st day of August, 1921; or

Termination date of World War II. (iv) World War II which commenced in September 1939, and which for the purposes of this Act shall be deemed to have terminated,

(A) in respect of service in connection with operations in the European and Mediterranean theatres of war, on the 8th day of May, 1945, and

(B) in respect of service in connection with operations in the Pacific theatre of war on the 15th day of August, 1945;

"Theatre of actual war." (j) "theatre of actual war" means

(i) in the case of the North West Rebellion, wherever the veteran served,

(ii) in the case of the South African War, the zone of the military operations in South Africa in which the forces of the United Kingdom of Great Britain and Ireland were engaged prior to the 1st day of June, 1902,

(iii) in the case of World War I

(A) as applied to the military or air forces, the zone of the allied armies on the continents of Europe, of Asia, or of Africa, or wherever the veteran has sustained injury or contracted disease directly by a hostile act of the enemy, and

(B) as applied to the naval forces, the high seas or wherever contact has been made with hostile forces of the enemy, or wherever the veteran has sustained injury or contracted disease directly by a hostile act of the enemy; and

(iv) in the case of World War II, any place outside of the Western Hemisphere, any place in a seagoing ship of war, or any place in an aircraft outside of Canada and the United States of America and the territorial waters thereof; for the purposes of this subparagraph the expression "Western Hemisphere" means the continents of North and South America, the islands adjacent thereto and the territorial waters thereof, including Newfoundland, Bermuda and the West Indies, but excluding Greenland, Iceland and the Aleutian Islands; and

"Widow."

(k) "widow" means the widow of a veteran.

Newfoundland veterans. (2) For the purposes of paragraphs (b) and (c) of section 4 and section 9, His Majesty's Canadian forces include His Majesty's forces raised in Newfoundland, for the

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the purposes of paragraph (d) of section 4 and paragraph (b) of section 9, domicile in Newfoundland shall be deemed to be domicile in Canada and for the purposes of paragraph (e) of section 4 and paragraph (c) of section 9, residence in Newfoundland shall be deemed to be residence in Canada. 1946, c. 75, s. 2; 1948, c. 74, s. 1; 1950, c. 54, s. 1.

3. (1) There shall be a Board to be known as the War Veterans' Allowance Board, which, subject to subsection (4), shall consist of not less than three nor more than five members to be appointed by the Governor in Council; but the Governor in Council may appoint to be additional members of the Board without remuneration as such, the Deputy Minister and as his alternate the Assistant Deputy Minister and one other person who is not on the staff of the Department.

(2) One of the members shall be appointed by the Governor in Council to be Chairman of the Board.

(3) The person now holding the office of Chairman of the Board and each person now holding office as a member of the Board shall continue to hold such office during pleasure.

(4) The Governor in Council may from time to time appoint not more than three additional temporary members.

(5) Every temporary member shall be appointed for a period not exceeding one year but on the expiration of his term of office is eligible for re-appointment.

(6) The Chairman of the Board has control and direction over the disposition of and duties to be performed by the other members and has control over the duties to be performed by such staff as may be assigned to the Board by the Department.

(7) The Chairman shall be paid a salary of nine thousand dollars per annum and each of the other members, including temporary members, shall be paid at the rate of seven thousand five hundred dollars per annum.

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

(9) Each member shall devote the whole of his time to the performance of his duties under this Act, and shall not accept or hold any office or employment that the Governor in Council may declare to be inconsistent with the performance of his duties under this Act.

(10) The Governor in Council, upon the retirement of any member of the Board who has served upon the Board (a) at least twenty years, or
(b) at least ten years, and
(i) has reached the age of sixty-five years, or
(ii) is physically or mentally incapacitated

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and is not entitled to superannuation under the *Civil Service Superannuation Act*, may grant to him a pension for his life not exceeding one-third of the salary to which he was entitled as such member.

(11) On the advice of the Board and with the approval of the Governor in Council the Minister may make regulations relating to the manner of payment of allowances and the procedure to be followed in matters coming before the Board for adjudication.

(12) Subject to the provisions of this Act, the Board has full and unrestricted power and authority and exclusive jurisdiction to deal with and adjudicate upon all matters and questions relating to the award, increase, decrease, suspension or cancellation of any allowance under this Act, and to the recovery of any overpayment which may have been made. 1946, c. 75, s. 3; 1948, c. 74, s. 3.

**PART I.**

**ALLOWANCES PAYABLE TO A VETERAN.**

**"Veteran" defined.**

4. In this Part, "veteran" means

(a) any former member of the North West Field Force who served in a theatre of actual war in the North West Rebellion;

(b) any former member of a Canadian contingent who served in a theatre of actual war during the South African War, or any former member of His Majesty's forces, other than Canadian forces, who served in a theatre of actual war during the South African War and was domiciled in Canada immediately prior to the 11th day of October, 1899, if in either case the former member landed in South Africa prior to the 1st day of June, 1902;

(c) any former member of His Majesty's Canadian forces who served during World War I or World War II, in a theatre of actual war, or who is in receipt of a pension for injury or disease incurred or aggravated during his service in such forces, or who, pursuant to the provisions of the *Pension Act* has accepted a final payment in lieu of annual pension in respect of a disability rated at five per cent or more of total disability;

(d) any former member of any of His Majesty's forces, other than Canadian forces, or of any of the forces of any of His Majesty's allies or powers associated with His Majesty in World War I who was domiciled in Canada at the time he joined any such force for the purpose

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purpose of the war and who served during such war in a theatre of actual war, or is in receipt of a pension for an injury or disease incurred or aggravated during his service in such force, or has, in respect of a disability rated at more than five per cent of total disability, received, pursuant to the laws affecting the members of the forces with which he served, a final payment similar or analogous to the final payment authorized by the Pension Act;

(e) any former member of His Majesty's forces, other than Canadian forces, or of any of the forces of any of His Majesty's allies or powers associated with His Majesty in any war concluded on or before the 31st day of August, 1921, which forces participated with Canadian forces in any such war, who

(i) served during any such war in a theatre of actual war, or is in receipt of a pension for an injury or disease incurred or aggravated during his service in any such force during such war, or has, in respect of a disability rated at more than five per cent of total disability, received, pursuant to the laws affecting the members of the forces with which he served, a final payment similar or analogous to the final payment authorized by the Pension Act, and

(ii) has resided in Canada for a total period of at least twenty years. 1946, c. 75, s. 4; 1948, c. 74, s. 2; 1950, c. 54, s. 2.

5. Subject to the provisions of this Act allowances under this Part are on application payable with the approval of the Board to

(a) any male veteran who has attained the age of sixty years;

(b) any female veteran who has attained the age of fifty-five years; and

(c) any veteran who, in the opinion of the Board,

(i) is permanently unemployable because of physical or mental disability, or

(ii) is incapable and unlikely to become capable of maintaining himself or herself because of economic handicaps combined with mental or physical disability or insufficiency.

1946, c. 75, s. 5.

6. (1) The maximum allowance payable in any year to an unmarried veteran or a veteran bereft by death of his or her spouse, without child or children, shall be four hundred.

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Maximum allowance.

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hundred and eighty-five dollars less the amount of any income of the recipient in excess of one hundred and twenty-five dollars per annum.

(2) The maximum allowance payable in any year to

(a) a married veteran shall be eight hundred and fifty dollars less the total amount of any incomes of such veteran and his or her spouse in excess of two hundred and fifty dollars per annum;

(b) a veteran bereft by death of his or her spouse with a child or children shall be eight hundred and fifty dollars less the amount of any income of such veteran in excess of two hundred and fifty dollars per annum; and

(c) a veteran, deserted by his or her spouse or divorced with a child or children shall be eight hundred and fifty dollars less the amount of any income of such veteran in excess of two hundred and fifty dollars per annum.

1948, c. 74, s. 4.

PART II.

ALLOWANCES PAYABLE TO WIDOWS AND ORPHANS.

Application of Part II.

7. (1) This Part applies to widows of veterans as defined in section 4 and to orphans who are children of veterans so defined.

(2) Subject to the provisions of this Act, allowances are on application payable with the approval of the Board to

(a) a widow who

(i) has attained the age of fifty-five years,

(ii) is, in the opinion of the Board, permanently unemployable because of physical or mental disability, or

(iii) is, in the opinion of the Board, incapable and unlikely to become capable of maintaining herself because of economic handicaps combined with physical or mental disability or insufficiency; and

(b) an orphan. 1946, c. 75, s. 7.

Maximum allowance in certain cases.

8. (1) The maximum allowance payable in any year to a widow without child or children shall be four hundred and eighty-five dollars less the amount of any income of the recipient in excess of one hundred and twenty-five dollars per annum.

(2) The maximum allowance payable in any year to a widow with a child or children shall be eight hundred and fifty dollars less the amount of any income of the recipient in excess of two hundred and fifty dollars per annum.

1948, c. 74, s. 4.

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(3) The maximum allowance payable in any year to or on behalf of an orphan or orphans shall be three hundred and sixty dollars in the case of one child of a veteran, six hundred and forty-eight dollars in the case of two children of the veteran and seven hundred and thirty dollars in the case of more than two children of the veteran, less the amount of any income of the orphan or orphans. 1946, c. 75, s. 8; 1948, c. 74, s. 5.

PART III.

ALLOWANCES PAYABLE IN RESPECT OF CERTAIN OTHER EX-SERVICE PERSONS.

9. In this Part, "veteran" means  

(a) a person who served during World War I and World War II as a member of His Majesty's Canadian forces and was enlisted or obligated to serve in such forces without territorial limitation;

(b) a person who served during World War I as a member of His Majesty's forces other than Canadian forces, was domiciled in Canada when he became a member of the said forces, and was a member of His Majesty's Canadian forces during World War II, enlisted or obligated to serve without territorial limitation; or

(c) a person who served during World War I as a member of His Majesty's forces, other than Canadian forces, or of any of the forces of any of His Majesty's allies or powers associated with His Majesty, and who was a member of His Majesty's Canadian forces during World War II, enlisted or obligated to serve without territorial limitation, and who has resided in Canada for a total period of at least twenty years, and who has been honourably discharged or has been permitted honourably to resign or retire from such forces. 1948, c. 74, s. 6; 1950, c. 54, s. 3.

10. Subject to the provisions of this Act, allowances under this Part are on application payable with the approval of the Board to

(a) any male veteran who has attained the age of sixty years;

(b) any female veteran who has attained the age of fifty-five years;  

(c)  

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(c) any veteran who, in the opinion of the Board,
   (i) is permanently unemployable because of physical or mental disability, or
   (ii) is incapable and unlikely to become capable of maintaining himself or herself because of economic handicaps combined with physical or mental disability or insufficiency;

(d) a widow who
   (i) has attained the age of fifty-five years, or
   (ii) is, in the opinion of the Board, permanently unemployable because of physical or mental disability, or
   (iii) is, in the opinion of the Board, incapable and unlikely to become capable of maintaining herself because of economic handicaps combined with physical or mental disability or insufficiency; and

(e) an orphan. 1946, c. 75, s. 10.

11. (1) The maximum allowance payable in any year to an unmarried veteran or a veteran bereft by death of his or her spouse or a widow, without child or children, shall be four hundred and eighty-five dollars less the amount of any income of the recipient in excess of one hundred and twenty-five dollars per annum.

(2) The maximum allowance payable in any year to a married veteran shall be eight hundred and fifty dollars less the total amount of any incomes of such veteran and his or her spouse in excess of two hundred and fifty dollars per annum;

(b) a veteran with a child or children and bereft by death of his or her spouse, or a widow with a child or children, shall be eight hundred and fifty dollars less the amount of any income of such recipient in excess of two hundred and fifty dollars per annum; and

(c) a veteran deserted by his or her spouse or divorced with a child or children shall be eight hundred and fifty dollars less the amount of any income of such veteran in excess of two hundred and fifty dollars per annum.

(3) The maximum allowance payable in any year to or on behalf of an orphan or orphans shall be three hundred and sixty dollars in the case of one child of a veteran, six hundred and forty-eight dollars in the case of two children of the veteran and seven hundred and thirty dollars in the case of more than two children of the veteran, less the amount of any income of the orphan or orphans. 1946, c. 75, s. 11; 1948, c. 74, s. 7.

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12. No allowance shall be awarded or continued while the applicant or recipient is in receipt of an old age pension under the laws of any province. 1946, c. 75, s. 12.

13. No allowance shall be paid to any person described in paragraph (d) or (e) of section 4 who served in enemy forces in World War II. 1950, c. 54, s. 4.

14. Notwithstanding anything in this Act no deduction shall be made from any allowance by reason of,
   (a) any sum payable under section 30 of the Pension Act or under the same or equivalent laws of the country in whose forces the recipient served;
   (b) any additional allowance payable under the Pension Act on account of any children or under the same or equivalent laws of the country in whose forces the recipient served;
   (c) any pension or grant received by reason of a military decoration;
   (d) any casual earnings of the recipient;
   (e) any interest in premises in which the recipient resides unless the value of such interest exceeds four thousand dollars in which case there shall be deducted from the allowance the annual value of such interest in excess of four thousand dollars;
   (f) any gratuity paid or credit granted under the War Service Grants Act;
   (g) receipt of money or assistance from any province or municipality by way of Mothers' Allowance or by way of relief to dependent children;
   (h) any allowance paid under the Family Allowances Act;
   (i) receipt of moneys of the class specifically excepted from the meaning of “income” as defined in the Regulations under the Old Age Pensions Act; or
   (j) the receipt of unearned income to the extent of twenty-five dollars per annum. 1946, c. 75, s. 13; 1948, c. 74, s. 9; 1950, c. 54, s. 5.

15. When it appears to the Board that any applicant or recipient has made a voluntary assignment or transfer of property for the purpose of qualifying for an allowance or for a larger allowance than he might otherwise have been entitled to, the income derivable from such property shall, in R.S., 1952.

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in determining the amount of allowance, if any, which such person should receive, be taken into account as if the assignment or transfer had not been made. 1946, c. 75, s. 14.

16. Where in any case the Board is of opinion that the recipient would be likely to apply the amount of any allowance otherwise than to the best advantage, it may direct the payments to be made to and administered by such person as it selects. 1946, c. 75, s. 15.

17. For the purpose of ensuring continued occupancy by a recipient of a home acquired by him under the Soldier Settlement Act or the Veterans' Land Act, the Board may, with the consent in writing of the recipient, enter into an arrangement with the Director of Soldier Settlement, or The Director, The Veterans' Land Act, as the case may be, to pay to him out of the recipient's allowance an amount not exceeding fifteen dollars per month to be applied against the indebtedness of the recipient under the Soldier Settlement Act or the Veterans' Land Act. 1946, c. 75, s. 16.

18. (1) After the death of any recipient an amount not exceeding the sum of twelve monthly instalments of the allowance that the recipient was receiving at the time of his death may, at the discretion of the Board, be paid to his widow or for the benefit of any child of the recipient.

(2) After the death of the wife or child of a recipient the allowance which the recipient was receiving by reason of the wife or child, may at the discretion of the Board, be continued to be paid thereafter for a period of one month. 1946, c. 75, s. 17.

19. (1) No allowance shall be paid to or on behalf of a child unless such child is

(a) a male child under the age of sixteen years;
(b) a female child under the age of seventeen years;
(c) under the age of twenty-one years and is following and making satisfactory progress in a course of instruction approved by the Board; or
(d) under the age of twenty-one years and is prevented by physical or mental incapacity from earning a livelihood.

(2) Notwithstanding anything in subsection (1), allowance may be paid under this Act on behalf of a child over the age of twenty-one years who is prevented by physical or mental incapacity from earning a livelihood where such child is residing with his or her surviving parent, but no allowance may be paid to or on behalf of a child who is living with a surviving parent.

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allowance shall be paid unless such incapacity occurred before such child attained the age of twenty-one years. 1946, c. 75, s. 18.

20. (1) No allowance in excess of four hundred and eighty-five dollars in any one year shall be paid to a married person without a child or children unless such person resides with his or her spouse.

(2) No allowance in excess of four hundred and eighty-five dollars in any one year shall be paid to a person bereft by death of his or her spouse but having a child or children, unless the child or children reside with such person.

(3) Subject to subsection (4), no allowance shall be paid to a widow unless she was living with or being maintained by her husband at the time of his death.

(4) The Board may exempt any widow from the operation of subsection (3) in any case where it deems it just and reasonable so to do. 1946, c. 75, s. 19; 1948, c. 74, s. 10.

21. Notwithstanding anything in this Act, no allowance shall be paid to a widow of a veteran who died within one year from the date of his marriage unless such veteran was at the time of his marriage, in the opinion of the Board, in such a condition of health as would justify him having a reasonable expectation of life for at least a year. 1946, c. 75, s. 20.

22. (1) Every allowance is subject to review from time to time and the Board may, for the purpose of any such review, require the recipient to submit a statement of such facts as it may consider relevant to determine his right to have any allowance continued.

(2) Such statement shall be verified in such manner as the Board may direct and in the event the recipient fails to furnish a statement as required, the Board may reduce or suspend payment of the allowance. 1946, c. 75, s. 21.

23. (1) Subject to subsections (2) and (3), payment of an allowance shall be suspended while the recipient is

(a) a prisoner undergoing punishment for an offence;
(b) resident out of Canada; or
(c) being maintained at the expense of the Department as an inmate of any institution.

(2) The Board may, in its discretion, continue payment of part of the allowance to the dependants of any recipient

(a) for a period not exceeding twelve months, when such recipient is a prisoner undergoing punishment; or

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(b) during such time as any recipient is maintained at the expense of the Department as an inmate of any institution.

(3) The Board may in its discretion continue payment for a period not exceeding three months of part of the allowance to a recipient without dependants when such recipient is maintained at the expense of the Department as an inmate of any institution, and who would otherwise suffer hardship if no part of the allowance were paid. 1946, c. 75, s. 22.

24. The Board, and any person acting under its authority in that behalf, has all the powers of a commissioner under Part II of the Inquiries Act for the purpose of any investigation required to be made in order to determine whether any allowance should be made, suspended or revoked, what should be the amount of any allowance, or whether payment of any allowance should be made to the recipient or to some other person for administration on his behalf. 1946, c. 75, s. 23.

25. The Board has the right, for the purpose of ascertaining the age of any applicant, to obtain any information from the Dominion Bureau of Statistics on the subject of the age of such applicant that may be contained in the returns of any census taken more than twenty years before the date of the application for such information. 1946, c. 75, s. 24.

26. (1) Any person who knowingly makes any statement or gives any information that is false in any material particular for the purpose of obtaining an allowance for himself or for another 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, or to both fine and imprisonment.

(2) In any trial or proceeding under subsection (1) or under the Criminal Code the production of a document that purports to be an adjudication of the Board is prima facie evidence of the facts stated in such adjudication and is receivable in evidence without proof of the official character of any person appearing to have signed the adjudication and without further proof thereof.

(3) The amount of any payments of allowance made by reason of wilful non-disclosure of facts or of fraudulent misrepresentations is recoverable from the recipient as a debt due to the Crown. 1948, c. 74, s. 11.

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27. Except as provided in section 17, no allowance shall be subject to alienation or transfer by the recipient, or to seizure in satisfaction of any claim against him. 1946, c. 75, s. 26.

28. Except as to the power, authority, and jurisdiction of the Board to deal with and adjudicate upon applications for allowances under this Act, the Minister shall be charged with administration of this Act. 1946, c. 75, s. 27.

29. The right of any veteran to receive a pension under the Pension Act is not affected by anything in this Act or by the receipt of any allowance thereunder. 1946, c. 75, s. 28.

PART V.

30. (1) The Minister may establish regional districts of the Department and, with the approval of the Governor in Council, for each district establish a District Authority consisting of such number of persons employed in the Department as the Minister may prescribe.

(2) When authorized by the Minister each District Authority may, with respect to all matters arising under this Act in the district for which the District Authority was established, exercise all the powers, duties and functions of the Board under Parts I, II, III and IV.

(3) Where a District Authority has been authorized under subsection (2), all applications under this Act shall in the first instance be made to the District Authority. 1950, c. 54, s. 6.

31. (1) Subject to subsections (2) and (3), a District Authority has full and unrestricted power and authority and exclusive jurisdiction to deal with and adjudicate upon all matters and questions arising under this Act in the district for which the District Authority was established and relating to the award, increase, decrease, suspension or cancellation of any allowance under this Act, and to the recovery of any overpayment which may have been made.

(2) An appeal may be taken from an adjudication of the District Authority to the Board by the applicant or recipient aggrieved by the adjudication.

(3) The Board may on its own motion review any adjudication of a District Authority and shall deal with it as though an appeal from the adjudication had been taken pursuant to subsection (2). 1950, c. 54, s. 6.

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32. The Minister may, with the approval of the Governor in Council, make regulations relating to the quorum of a District Authority, the procedure to be followed in matters coming before District Authorities for adjudication, and the procedure to be followed in appeals from adjudications of District Authorities. 1950, c. 54, s. 6.

33. For the purposes of subsection (2) of section 26, an adjudication of a District Authority shall be deemed to be an adjudication of the Board. 1950, c. 54, s. 6.

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

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CHAPTER 291.

An Act respecting the Carriage of Goods by Water.

SHORT TITLE.

1. This Act may be cited as the Water Carriage of Goods Act. 1936, c. 49, s. 1.

2. Subject to the provisions of this Act, the Rules relating to bills of lading as contained in the Schedule (hereinafter referred to as "the Rules") have effect in relation to and in connection with the carriage of goods by water in ships carrying goods from any port in Canada to any other port whether in or outside Canada. 1936, c. 49, s. 2.

3. There shall not be implied in any contract for the carriage of goods by water to which the Rules apply any absolute undertaking by the carrier of the goods to provide a seaworthy ship. 1936, c. 49, s. 3.

4. Every bill of lading, or similar document of title issued in Canada that contains or is evidence of any contract to which the Rules apply shall contain an express statement that it is to have effect subject to the provisions of the Rules as applied by this Act. 1936, c. 49, s. 4.

5. Article VI of the Rules, in relation to the carriage of goods by water in ships carrying goods from any port or place in Canada to any other port or place in Canada, has effect as though the said Article referred to goods of any class instead of to particular goods and as though the proviso to the second paragraph of the said Article were omitted. 1936, c. 49, s. 5.

6. Where under the custom of any trade the weight of any bulk cargo inserted in the bill of lading is a weight ascertained or accepted by a third party other than the carrier or the shipper, and the fact that the weight is so ascertained R.S., 1952.
ascertained or accepted is stated in the bill of lading, then, notwithstanding anything in the Rules, the bill of lading shall not be deemed to be *prima facie* evidence against the carrier of the receipt of goods of the weight so inserted in the bill of lading, and the accuracy thereof at the time of shipment shall not be deemed to have been guaranteed by the shipper. 1936, c. 49, s. 6.

7. (1) Nothing in this Act affects the operation of sections 461 and 462, and sections 657 to 666, both inclusive, of the *Canada Shipping Act*, or the operation of any other enactment for the time being in force limiting the liability of the owners of vessels.

(2) The Rules shall not by virtue of this Act apply to any contract for the carriage of goods by water made before such day, not being earlier than the 1st day of August, 1936, as the Governor General may by Order in Council direct, nor to any bill of lading or similar document of title issued, whether before or after such day as aforesaid, in pursuance of any such contract as aforesaid. 1936, c. 49, s. 7.

SCHEDULE

RULES RELATING TO BILLS OF LADING

ARTICLE I.

DEFINITIONS.

Definitions. In these Rules the following expressions have the meanings hereby assigned to them respectively, that is to say,

"Carrier." (a) "carrier" includes the owner or the charterer who enters into a contract of carriage with a shipper;

"Contract of carriage." (b) "contract of carriage" applies only to contracts of carriage covered by a bill of lading or any similar document of title, in so far as such document relates to the carriage of goods by water, including any bill of lading or any similar document as aforesaid issued under or pursuant to a charterparty from the moment at which such bill of lading or similar document of title regulates the relations between a carrier and a holder of the same;

"Goods." (c) "goods" includes goods, wares, merchandise, and articles of every kind whatsoever, except live animals and cargo which by the contract of carriage is stated as being carried on deck and is so carried;

(d)
(d) "ship" means any vessel used for the carriage of "goods by water;  
(e) "carriage of goods" covers the period from the time when the goods are loaded on to the time when they are discharged from the ship.

**ARTICLE II.**

**RISKS.**

Subject to the provisions of Article VI, under every contract of carriage of goods by water the carrier, in relation to the loading, handling, stowage, carriage, custody, care, and discharge of such goods, shall be subject to the responsibilities and liabilities and entitled to the rights and immunities hereinafter set forth.

**ARTICLE III.**

**RESPONSIBILITIES AND LIABILITIES.**

1. The carrier shall be bound, before and at the beginning of the voyage, to exercise due diligence to,  
(a) make the ship seaworthy;  
(b) properly man, equip, and supply the ship;  
(c) make the holds, refrigerating and cool chambers, and all other parts of the ship in which goods are carried, fit and safe for their reception, carriage and preservation.

2. Subject to the provisions of Article IV, the carrier shall properly and carefully load, handle, stow, carry, keep, care for and discharge the goods carried.

3. After receiving the goods into his charge, the carrier, or the master or agent of the carrier, shall, on demand of the shipper, issue to the shipper a bill of lading showing among other things,  
(a) the leading marks necessary for identification of the goods as the same are furnished in writing by the shipper before the loading of such goods starts, provided such marks are stamped or otherwise shown clearly upon the goods if uncovered, or on the cases or coverings in which such goods are contained, in such a manner as should ordinarily remain legible until the end of the voyage;  
(b) either the number of packages or pieces, or the quantity, or weight, as the case may be, as furnished in writing by the shipper;  
(c) R.S., 1952.
(c) the apparent order and condition of the goods:

Provided that no carrier, master or agent of the carrier, shall be bound to state or show in the bill of lading any marks, number, quantity, or weight which he has reasonable ground for suspecting not accurately to represent the goods actually received or which he has had no reasonable means of checking.

4. Such a bill of lading shall be prima facie evidence of the receipt by the carrier of the goods as therein described in accordance with paragraph 3 (a), (b), and (c).

5. The shipper shall be deemed to have guaranteed to the carrier the accuracy at the time of shipment of the marks, number, quantity, and weight, as furnished by him, and the shipper shall indemnify the carrier against all loss, damages, and expenses arising or resulting from inaccuracies in such particulars. The right of the carrier to such indemnity, shall in no way limit his responsibility and liability under the contract of carriage to any person other than the shipper.

6. Unless notice of loss or damage and the general nature of such loss or damage be given in writing to the carrier or his agent at the port of discharge before or at the time of the removal of the goods into the custody of the person entitled to delivery thereof under the contract of carriage, or, if the loss or damage be not apparent within three days, such removal shall be prima facie evidence of the delivery by the carrier of the goods as described in the bill of lading.

The notice in writing need not be given if the state of the goods has at the time of their receipt been the subject of joint survey or inspection.

In any event the carrier and the ship shall be discharged from all liability in respect of loss or damage unless suit is brought within one year after delivery of the goods or the date when the goods should have been delivered.

In the case of any actual or apprehended loss or damage the carrier and the receiver shall give all reasonable facilities to each other for inspecting and tallying the goods.

7. After the goods are loaded the bill of lading to be issued by the carrier, master or agent of the carrier, to the shipper shall, if the shipper so demands, be a “shipped” bill of lading, provided that if the shipper shall have previously taken up any document of title to such goods, he shall surrender the same as against the issue of the “shipped” bill of lading, but at the option of the carrier such document of title may be noted at the port of shipment by

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by the carrier, master, or agent with the name or names of
the ship or ships upon which the goods have been shipped
and the date or dates of shipment, and when so noted the
same shall for the purpose of this Article be deemed to
count as a "shipped" bill of lading.

8. Any clause, covenant or agreement in a contract of
 carriage relieving the carrier or the ship from liability for
loss or damage to or in connection with goods arising from
negligence, fault or failure in the duties and obligations
provided in this Article or lessening such liability other-
wise than as provided in these Rules, shall be null and void
and of no effect.
A benefit of insurance or similar clause shall be deemed
to be a clause relieving the carrier from liability.

ARTICLE IV.

RIGHTS AND IMMUNITIES.

1. Neither the carrier nor the ship shall be liable for loss
or damage arising or resulting from unseaworthiness unless
caused by want of due diligence on the part of the carrier
to make the ship seaworthy, and to secure that the ship
is properly manned, equipped and supplied, and to make
the holds, refrigerating and cool chambers and all other
parts of the ship in which goods are carried fit and safe
for their reception, carriage and preservation in accordance
with the provisions of paragraph 1 of Article III.
Whenever loss or damage has resulted from unseaworthi-
ness, the burden of proving the exercise of due diligence
shall be on the carrier or other person claiming exemption
under this section.

2. Neither the carrier nor the ship shall be responsible
for loss or damage arising or resulting from,
(a) act, neglect, or default of the master, mariner, pilot
or the servants of the carrier in the navigation or in
the management of the ship;
(b) fire, unless caused by the actual fault or privity
of the carrier;
(c) perils, danger, and accidents of the sea or other
navigable waters;
(d) act of God;
(e) act of war;
(f) act of public enemies;
(g) arrest or restraint of princes, rulers or people, or
seizure under legal process;

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(h) R.S., 1952.
(h) quarantine restrictions;
(i) act or omission of the shipper or owner of the goods, his agent or representative;
(j) strikes or lock-outs or stoppage or restraint of labour from whatever cause, whether partial or general;
(k) riots and civil commotions;
(l) saving or attempting to save life or property at sea;
(m) wastage in bulk or weight or any other loss or damage arising from inherent defect, quality or vice of the goods;
(n) insufficiency of packing;
(o) insufficiency or inadequacy of marks;
(p) latent defects not discoverable by due diligence;
(q) any other cause arising without the actual fault and privity of the carrier, or without the fault or neglect of the agents or servants of the carrier, but the burden of proof shall be on the person claiming the benefit of this exception to show that neither the actual fault or privity of the carrier nor the fault or neglect of the agents or servants of the carrier contributed to the loss or damage.

3. The shipper shall not be responsible for loss or damage sustained by the carrier or the ship arising or resulting from any cause without the act, fault or neglect of the shipper, his agents or his servants.

4. Any deviation in saving or attempting to save life or property at sea, or any reasonable deviation shall not be deemed to be an infringement or breach of these Rules or of the contract of carriage, and the carrier shall not be liable for any loss or damage resulting therefrom.

5. Neither the carrier nor the ship shall in any event be or become liable for any loss or damage to or in connection with goods in an amount exceeding five hundred dollars per package or unit, or the equivalent of that sum in other currency, unless the nature and value of such goods have been declared by the shipper before shipment and inserted in the bill of lading.

This declaration if embodied in the bill of lading shall be *prima facie* evidence, but shall not be binding or conclusive on the carrier.

By agreement between the carrier, master or agent of the carrier and the shipper another maximum amount than that mentioned in this paragraph may be fixed, provided that such maximum shall not be less than the figure above named.
Neither the carrier nor the ship shall be responsible in any event for loss or damage to or in connection with goods if the nature or value thereof has been knowingly misstated by the shipper in the bill of lading.

6. Goods of an inflammable, explosive or dangerous nature to the shipment whereof the carrier, master or agent of the carrier, has not consented, with knowledge of their nature and character, may at any time before discharge be landed at any place or destroyed or rendered innocuous by the carrier without compensation, and the shipper of such goods shall be liable for all damages and expenses directly or indirectly arising out of or resulting from such shipment.

If any such goods shipped with such knowledge and consent shall become a danger to the ship or cargo, they may in like manner be landed at any place or destroyed or rendered innocuous by the carrier without liability on the part of the carrier except to general average, if any.

ARTICLE V.

SURRENDER OF RIGHTS AND IMMUNITIES, AND INCREASE OF RESPONSIBILITIES AND LIABILITIES.

A carrier shall be at liberty to surrender in whole or in part all or any of his rights and immunities or to increase any of his responsibilities and liabilities under the Rules contained in any of these Articles, provided such surrender or increase shall be embodied in the bill of lading issued to the shipper.

The provisions of these Rules shall not be applicable to charterparties, but if bills of lading are issued in the case of a ship under a charterparty they shall comply with the terms of these Rules. Nothing in these Rules shall be held to prevent the insertion in a bill of lading of any lawful provision regarding general average.

ARTICLE VI.

SPECIAL CONDITIONS.

Notwithstanding the provisions of the preceding Articles, a carrier, master or agent of the carrier, and a shipper shall in regard to any particular goods be at liberty to enter into any agreement in any terms as to the responsibility and liability of the carrier for such goods, and as to the rights and immunities of the carrier in respect of such goods, or
his obligation as to seaworthiness, so far as this stipulation is not contrary to public policy, or the care or diligence of his servants or agents in regard to the loading, handling, stowage, carriage, custody, care, and discharge of the goods carried by water, provided that in this case no bill of lading has been or shall be issued and that the terms agreed shall be embodied in a receipt which shall be a non-negotiable document and shall be marked as such.

Any agreement so entered into shall have full legal effect:
Provided that this Article shall not apply to ordinary commercial shipments made in the ordinary course of trade, but only to other shipments where the character or condition of the property to be carried or the circumstances, terms and conditions under which the carriage is to be performed, are such as reasonably to justify a special agreement.

ARTICLE VII.

LIMITATIONS ON THE APPLICATION OF THE RULES.

Nothing herein contained shall prevent a carrier or a shipper from entering into any agreement, stipulation, condition, reservation or exemption as to the responsibility and liability of the carrier or the ship for the loss or damage to or in connection with the custody and care and handling of goods prior to the loading on and subsequent to the discharge from the ship on which the goods are carried by water.

ARTICLE VIII.

LIMITATION OF LIABILITY.

The provisions of these Rules shall not affect the rights and obligations of the carrier under any statute for the time being in force relating to the limitation of the liability of owners of vessels.

ARTICLE IX.

The monetary units mentioned in these Rules are to be taken to be lawful money of Canada.
1936, c. 49, Sch.

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

R.S., 1952.
CHAPTER 292.

An Act respecting Weights and Measures.

SHORT TITLE.

1. This Act may be cited as the Weights and Measures Short title. Act. 1951, c. 36, s. 1.

INTERPRETATION.

2. In this Act,

(a) "inspector" means an inspector of weights and measures appointed under this Act, and includes any person authorized by the Minister to perform the duties of an inspector;

(b) "manufacturer" includes a person who assembles component parts whether manufactured by him or not;

(c) "measure", with respect to a linear or volume measuring device, means a static measure having no moving parts incorporated therein, but includes a roller tape-measure of any material;

(d) "measuring machine" means a measuring device having any moving part incorporated therein or associated therewith, and includes a tank or other receptacle having a tap or other mechanical means of discharge;

(e) "Minister" means the Minister of Trade and Com- merce;

(f) "pound" means the Canadian standard pound defined in the Length and Mass Units Act and set forth in Schedule II;

(g) "pre-packaged goods" means goods packaged in a wrapper or container ready for retail sale; and, if goods packaged in a wrapper or container are found in premises where such goods are packaged or kept for sale, they shall prima facie be deemed to be packaged ready for retail sale;

(h) R.S., 1952.
"Trade." (h) "trade" means dealing in goods, wares or merchandise sold by weight or measure, or performing the service of weighing or measuring, or performing a service for which payment is determined by weight or measure;

"Trader." (i) "trader" means any person engaged in trade; and

"Yard." (j) "yard" means the Canadian standard yard defined in the Length and Mass Units Act and set forth in Schedule II. 1951, c. 36, s. 2.

STANDARDS OF WEIGHTS AND MEASURES.

Uniformity. 3. Except as otherwise provided in this Act, the weights and measures used throughout Canada shall be uniform. 1951, c. 36, s. 3.

Reference standards. 4. The standards of measure and weight, more particularly described in Schedule I, that by the Weights and Measures Act, chapter 212 of the Revised Statutes of Canada, 1927, were designated as departmental standards and have been calibrated and certified by the National Research Council under the Length and Mass Units Act, shall remain in the custody of the Minister and shall be known as reference standards of weight and measure. 1951, c. 36, s. 4.

Local standards. 5. Local standards derived from the reference standards and compared and verified under the direction of the Minister in accordance with this Act shall be used by inspectors for the purpose of inspection and verification of weights and measures and for any other purpose prescribed or authorized by this Act. 1951, c. 36, s. 5.

Former Dominion standards. 6. The bronze bar and platinum-iridium weights, more particularly described in Schedule IV, that were placed in the custody of the Minister of Inland Revenue as provided in An Act respecting Weights and Measures, chapter 47 of the statutes of 1873, and at the coming into force of this Act were in the custody of the Minister, and the Parliamentary copies thereof, more particularly described in Schedule IV, that were placed in the custody of the Speaker of the Senate as provided in that Act and at the coming into force of this Act were in the custody of the Speaker of the Senate, shall, subject to any order of the Governor in Council as to the custody thereof, be preserved in the custody of the National Research Council. 1951, c. 36, s. 6.

New denominations. 7. The Minister shall, from time to time, cause to be made such new denominations of reference standards as are required in addition to those mentioned in Schedule I and

shall cause them to be calibrated and certified by the National Research Council, and may cause local standards derived therefrom to be made for use by inspectors. 1951, c. 36, s. 7.

8. The Governor in Council may declare that a reference standard of any denomination shall cease to be a reference standard. 1951, c. 36, s. 8.

CANADIAN MEASURES OF LENGTH.

9. (1) The yard is the only unit or standard measure of extension from which all other Canadian measures of extension, whether of length, of surface or of volume, are derived.

(2) One-third of the yard is a foot and the twelfth part of a foot is an inch.

(3) The rod, pole or perch, in length, contains five and one-half yards.

(4) The chain contains twenty-two yards, and the link is the one-hundredth part of the chain.

(5) The furlong contains two hundred and twenty yards.

(6) The mile contains one thousand seven hundred and sixty yards. 1951, c. 36, s. 9.

10. (1) The rood of land contains one thousand two hundred and ten square yards.

(2) The acre of land contains four thousand eight hundred and forty square yards.

(3) The cord contains one hundred and twenty-eight cubic feet. 1951, c. 36, s. 10.

11. (1) In the Province of Quebec, the measures of length and superificies for all land comprised in those parts of the Province originally granted under the seigniorial tenure, are French measure, the ratio and proportion of which to the Canadian standard measures are as follows, that is to say:

(a) the foot, French measure or Paris foot, contains twelve inches and seven hundred and eighty-nine thousandths of an inch;

(b) the arpent, when used as a measure of length, is one hundred and eighty French feet and, when used as a measure of superificies, is thirty-two thousand four hundred square French feet;

(c) the perch, as a measure of length, contains eighteen French feet; and, as a measure of superificies, contains three hundred and twenty-four square French feet.

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Application. (2) The provisions of this section apply only to territorial measurement.

Toise and aune. (3) The French measure toise and aune shall not be used. 1951, c. 36, s. 11.

Canadian Measures of Weight and Capacity.

12. (1) The pound is the only unit or standard measure of weight from which all other Canadian weights and measures having reference to weight are derived.

Ounce. (2) One-sixteenth part of the pound is an ounce.

Dram. (3) One-sixteenth part of an ounce is a dram.

Grain. (4) One seven-thousandth part of a pound is a grain.

Cental or cwt. (5) A cental or hundred weight is one hundred pounds.

Ton. (6) A ton is twenty centals or two thousand pounds.

Ounce troy. (7) An ounce troy is four hundred and eighty grains.

Avoirdupois weights. (8) All weights mentioned in this section, except the ounce troy, shall be deemed to be avoirdupois weights. 1951, c. 36, s. 12.

13. (1) The unit or standard measure of capacity from which all other Canadian measures of capacity, whether of liquids or otherwise, is the gallon, which contains ten Canadian standard pounds weight of distilled water weighed in dry air against brass weights of density 0.30346 of a pound per cubic inch with the water and air at sixty-two degrees of Fahrenheit's thermometer and the barometer at thirty inches.

Quart. (2) The quart contains one-fourth of the gallon.

Pint. (3) The pint contains one-eighth of the gallon.

Peck. (4) A peck contains two gallons.

Bushel. (5) A bushel contains eight gallons.

Fluid ounce. (6) The one hundred and sixtieth part of the gallon by volume is a fluid ounce. 1951, c. 36, s. 13.

Metric equivalents of Canadian weights and measures.

14. (1) The tables in Schedule III shall be deemed to set forth the equivalents in Canadian weights and measures of the weights and measures therein expressed in terms of the metric system.

(2) The tables in Schedule III may be used for computing and expressing weights and measures in the terms of the metric system of weights and measures. 1951, c. 36, s. 14.

Newfoundland.

15. Such weights and measures as the Governor in Council may designate may be used in the Province of Newfoundland for such period as the Governor in Council may prescribe. 1951, c. 36, s. 15.

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ADMINISTRATION.

ADMINISTRATION.

16. Once at least in every five years, the Minister shall cause the reference standards to be calibrated and certified by the National Research Council. 1951, c. 36, s. 16.

17. When a reference standard or a local standard becomes lost or destroyed or defaced or otherwise injured, the Minister shall cause the standard to be restored. 1951, c. 36, s. 17.

18. The Minister shall have the custody of all balances, apparatus, books, documents and things used by the department in connection with the reference standards or local standards or relating thereto. 1951, c. 36, s. 18.

19. (1) A Director of Standards, hereinafter called the Director, may be appointed in the manner authorized by law, who shall, under direction of the Minister, have the general supervision and direction throughout Canada of the work and inspection necessary to give effect to this Act. (2) From time to time, the Director shall cause the local standards to be calibrated, adjusted if necessary, and certified. (3) A certificate purporting to be signed by the Director or by any person authorized by the Director is prima facie evidence of the facts stated therein and that the calibration therein described has been performed. 1951, c. 36, s. 19.

20. A record shall be kept under direction of the Minister showing the particulars of all calibrations of reference standards and local standards. 1951, c. 36, s. 20.

MARKING OF WEIGHTS AND MEASURES.

21. (1) Every weight used in trade or held in possession for use in trade, except when the small size of the weight renders it impracticable, shall have the denomination thereof marked on the top or side thereof in legible figures and letters by stamping or engraving. (2) Every measure of capacity used in trade or held in possession for use in trade shall have the denomination thereof marked on the outside of such measure in legible figures and letters by stamping or engraving. (3) Every weighing machine and measuring machine used in trade or held in possession for use in trade, and the weights or poises or other things used therewith, shall be marked in such place and in such manner as may be prescribed by regulation.

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(4) A weight, measure, weighing machine or measuring machine not marked in conformity with this section shall not be stamped with a stamp of verification under this Act. 1951, c. 36, s. 21.

USE OF WEIGHTS AND MEASURES.

22. (1) Every transaction, that is to say, every contract, sale, dealing, service rendered or act performed in Canada, in respect of any work, goods, wares or merchandise in terms of weight or measure, shall be made or performed in terms of Canadian standard weight or measure or the metric equivalent thereof, and every such transaction that is not so made or performed is void.

(2) Every person who certifies or designates the weight or measure of anything weighed or measured by him shall express such weight or measure in terms of Canadian standard weights or measures or the metric equivalent thereof.

(3) Every such transaction by weight, except transactions in precious metals or precious stones and such other transactions as may be designated by regulation, shall be by avoirdupois weight or the metric equivalent thereof. 1951, c. 36, s. 22.

23. All tolls and duties charged or collected according to weight or measure shall be charged and collected according to one of the Canadian weights or measures or the metric equivalent thereof, or to some multiple or fraction thereof. 1951, c. 36, s. 23.

24. Regional or customary standards of weights or measures shall not be used. 1951, c. 36, s. 24.

25. When a static measure of capacity is used in trade to measure a commodity, it shall be completely filled and stricken with a straight, round stick or roller of the same diameter from end to end, or, if the commodity cannot be stricken by reason of its shape or size, the measure shall be filled in all parts as nearly to the level of the brim as possible. 1951, c. 36, s. 25.

26. (1) Except as may be provided by regulation, where pre-packaged goods are sold or displayed for sale by weight or measure, the net quantity in the wrapper or container shall be correctly indicated on the wrapper or container or on a ticket, card or label displayed or associated therewith.

(2) For the purpose of subsection (1), goods that were packaged by weight or measure shall, if sold or displayed for sale, be deemed to have been sold or displayed for sale by weight or measure. 1951, c. 36, s. 26.

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27. (1) Inspectors of weights and measures and such other officers as are required for the enforcement and administration of this Act may be appointed in the manner authorized by law.

(2) No person appointed or employed in the administration or enforcement of this Act shall make or sell weights, measures, weighing machines, measuring machines or parts thereof but, under special instructions from the Minister in that behalf, an inspector may adjust or alter any weight verified by him or submitted to him for verification, and collect therefor such fee as is authorized by the Governor in Council. 1951, c. 36, s. 27.

28. Each inspector shall, on appointment, take an oath for the faithful discharge of his duties, and shall be bonded, in a sum fixed by the Governor in Council, for the safe custody and preservation of the standard weights and measures and other apparatus entrusted to him, for their delivery over to his successor in case of his resignation or removal from office, and for duly accounting for all moneys collected by him. 1951, c. 36, s. 28.

29. The standards and other apparatus in the custody of an inspector shall be used solely for the purpose of comparing and verifying weights, measures, weighing machines and measuring machines, or otherwise in the administration and enforcement of this Act. 1951, c. 36, s. 29.

30. Unless otherwise provided by regulation, all weights, measures, weighing machines and measuring machines authorized by or under this Act for use in trade shall be inspected, verified and stamped at least once every year. 1951, c. 36, s. 30.

31. (1) Within his division, the inspector shall, at all proper times, carefully examine and compare all weights, measures, weighing machines and measuring machines authorized by or under this Act for use in trade.

(2) An inspector may also, at any time, inspect, verify, stamp and certify any weights, measures, weighing machines and measuring machines at any place in his division.

(3) When an inspector finds a weight, measure, weighing machine or measuring machine to be correct and just, he shall stamp the same in such manner as is, from time to time, directed by the Minister, who shall furnish such stamps, brands and implements as he thinks proper for that purpose. 1951, c. 36, s. 31.
32. An inspector may, at all reasonable times, without notice, enter any shop, store, warehouse, stall, yard or place whatsoever, within his division, where any commodity is bought, sold, exposed or kept for sale, or where a charge is made for the service of weighing or measuring or for the carriage or conveyance of any thing by weight or measure, and

(a) there examine all weights, measures, weighing machines and measuring machines, and compare them and try them with the local standards of weight and measure in his possession; and

(b) inspect and check any pre-packaged goods for the purpose of ascertaining the weight or measure thereof or whether the contents thereof correctly correspond to the weight or measure indicated on the container or otherwise. 1951, c. 36, s. 32.

33. (1) An inspector shall keep a book in which he shall enter a record of all inspections and verifications made by him.

(2) At the time of inspection of any weight, measure, weighing machine or measuring machine, an inspector shall deliver to the owner thereof, or to the person apparently in charge of it, a certificate under his hand setting forth the fact and date of such inspection and specifying every weight, measure, weighing machine or measuring machine that was verified or inspected.

(3) A certificate issued under subsection (2) is prima facie evidence that the inspection and verification have been performed as described in such certificate. 1951, c. 36, s. 33.

34. No weight, measure, weighing machine or measuring machine duly stamped by any inspector is required to be re-stamped by reason only that it is used beyond the limits of the inspection division within which it was originally stamped. 1951, c. 36, s. 34.

REGULATIONS.

35. (1) 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 respecting

(a) the duties of inspectors and their assistants;

(b) the replacement and use of standards of weights and measure;

(c) R.S., 1952.
(c) the methods of inspecting, verifying and stamping weights, measures, weighing machines, measuring machines and local standards and of certifying such verification;

(d) the amount of error that may be tolerated in weights, measures, weighing machines and measuring machines;

(e) the shapes, dimensions and proportions to be required in weights, measures, weighing machines and measuring machines and the materials of which they are made;

(f) the marking of denominations on weights, measures, weighing machines and measuring machines;

(g) the weights, measures, weighing machines or measuring machines that shall or shall not be legal for use in trade and how they shall be marked to so indicate;

(h) the frequency with which weights, measures, weighing machines and measuring machines shall be inspected, verified or stamped;

(i) the requirements to be observed, the facilities, apparatus and assistance to be provided and the proper storage of testing equipment to be furnished by owners of weights, measures, weighing machines and measuring machines for the purpose of the inspection and verification thereof;

(j) the form of receipts, certificates or other documents to be given by inspectors upon inspection and verification and their production at the request of an inspector;

(k) the fees to be paid to inspectors for inspecting and verifying weights, measures, weighing machines and measuring machines or for weighing or measuring goods under this Act and the time, manner and evidence of payment thereof; and, in such cases as he deems proper, prescribing the fees that may be paid during a specified period, not exceeding one year, instead of upon each inspection and verification, and the time, manner and evidence of payment thereof;

(l) the measurement of wood;

(m) the weight of wrappers or containers of commodities sold by weight;

(n) the marking of wrappers or containers of pre-packaged goods sold by weight or measure, or on tickets, cards or labels displayed or associated therewith, to indicate the contents of the wrapper or container;

(o) the amount of error that may be tolerated in pre-packaged goods; and

(p) the exemption of any pre-packaged goods from the operation of any provision of this Act.

(2) For the purposes of this Act the Governor in Council may divide the whole or any part of Canada into inspection divisions or districts and fix the boundaries thereof. 1951, c. 36, s. 35.

INSPECTION FEES.

36. All fees collected under this Act shall form part of the Consolidated Revenue Fund, and, unless otherwise provided by regulation, all fees prescribed for any services performed under this Act shall be paid at the time the service is performed. 1951, c. 36, s. 36.

37. In case of dispute between a trader and another person as to the correctness of a weight, measure, weighing machine or measuring machine that an inspector is requested to inspect, the fees for such inspection shall be paid by the trader if the weight, measure or machine is found to be incorrect and by the other person if it is found to be correct. 1951, c. 36, s. 37.

38. (1) When any person refuses to pay the inspection fees payable by him, on demand of an inspector, the inspector may seize sufficient of the weights, measures, weighing machines or measuring machines for the inspection of which the fees are due, and retain them until the fees and all expenses incurred are paid.

(2) All fees payable under this Act are recoverable in any court of competent jurisdiction as a debt due to the Crown. 1951, c. 36, s. 38.

ACCOUNTS.

39. Separate accounts shall be kept of all expenditures incurred and of all fees and other moneys collected or received under this Act and a statement of such accounts shall be included in the annual report of the Minister under the Department of Trade and Commerce Act. 1951, c. 36, s. 39.

OFFENCES AND PENALTIES.

40. Every person who violates subsection (1), subsection (2) or subsection (3) of section 22 is guilty of an offence. 1951, c. 36, s. 40.

41. Every trader who uses a weighing machine to weigh beyond its capacity certified under this Act is guilty of an offence. 1951, c. 36, s. 41.

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42. Any inspector who stamps any weight, measure, weighing machine or measuring machine without having duly compared and verified it with the standard or other instrument provided for the purpose is guilty of an offence. 1951, c. 36, s. 42.

43. (1) Except as provided in subsection (2), every person who sells, delivers or causes to be sold or delivered anything by weight, measure or number short of the quantity purchased is guilty of an offence.

(2) When goods that are not pre-packaged goods are sold by weight and wrapped, the weight of the wrapper may be included in the weight purported to be sold if it does not exceed the tolerance that may be prescribed by regulation. 1951, c. 36, s. 43.

44. When goods that are not pre-packaged goods are sold by measure in a container, the container shall not be used as a measure unless it has been approved as a measure and is marked in accordance with this Act. 1951, c. 36, s. 44.

45. (1) Every trader who uses in trade or who has in his possession for use in trade any weight, measure, weighing machine or measuring machine that is false or unjust is guilty of an offence.

(2) For the purposes of this Act possession of any weight, measure, weighing machine or measuring machine by a trader shall be deemed prima facie to be possession by him for use in trade.

(3) Every trader who uses in trade or has in his possession, and every dealer in weights, measures, weighing machines or measuring machines not manufactured by him who has in his possession,

(a) any weight or measure that is required by section 21 or the regulations to be marked and is not so marked, or

(b) any weighing machine or measuring machine that is required by section 21 or the regulations to be marked and is not so marked and that is required by section 31 or the regulations to be stamped by an inspector and is not so stamped, is guilty of an offence.

(4) An inspector may seize and confiscate every weight or measure that is not marked as required by section 21 and the regulations and is in the possession of a trader or dealer described in subsection (3), and every weight and measure so seized and confiscated may be disposed of as the Minister may direct. 1951, c. 36, s. 45.

46. R.S., 1952.
46. When any fraud is wilfully committed in the use of any weight, measure, weighing machine or measuring machine, the person who committed the fraud and every person who was a party to the fraud is guilty of an offence. 1951, c. 36, s. 46.

47. (1) Every manufacturer or importer who, in accordance with the regulations, submits a weight, measure, weighing machine or measuring machine for inspection prior to its use and sells or otherwise disposes of it without having marked it as required by section 21 and the regulations is guilty of an offence.

(2) Every manufacturer or importer who has the prototype of a measure approved under the regulations and sells or otherwise disposes of to a trader or dealer a measure that does not conform to such approved prototype is guilty of an offence. 1951, c. 36, s. 47.

48. (1) Every manufacturer or importer of any weight, weighing machine or measuring machine who

(a) disposes of it before it is marked as required by this Act or the regulations, or

(b) if it is required by this Act or the regulations to be inspected and stamped, disposes of it before it has been so inspected and stamped, is guilty of an offence.

(2) Subsection (1) does not apply to dormant scales that cannot be properly verified until they have been set upon a fixed foundation.

(3) Every manufacturer or importer of any measure required by this Act or the regulations to be marked or stamped who disposes of it before it is so marked or stamped is guilty of an offence.

(4) Every person to whom a weight, measure, weighing machine or measuring machine has been delivered by a trader for the purpose of repair who, after repairing it, releases possession of it before it has been inspected and stamped by an inspector under this Act, is guilty of an offence. 1951, c. 36, s. 48.

49. Every person who forges or counterfeits any mark or stamp used for marking or stamping under this Act or who wilfully alters any weight, measure, weighing machine or measuring machine so that it weighs or measures unjustly is guilty of an offence. 1951, c. 36, s. 49.
50. Every person who knowingly uses, sells, utters or offers for sale any weight, measure, weighing machine or measuring machine that has been altered so that it weighs or measures unjustly or who wilfully breaks or removes the official seal or mark of rejection from any such weight, measure or machine sealed against use, except for the purpose of repairing or adjusting it for presentation for inspection and stamping, is guilty of an offence. 1951, c. 36, s. 50.

51. Every person who wilfully obstructs or impedes an inspector in the performance of his duty under this Act or the regulations and every person who aids or assists him in so doing, is guilty of an offence. 1951, c. 36, s. 51.

52. Every manufacturer, importer or trader who, upon the demand of the inspector, refuses or fails to produce for inspection all weights, measures, weighing machines and measuring machines in his possession and to permit such inspection, is guilty of an offence. 1951, c. 36, s. 52.

53. (1) Every person who is guilty of an offence under section 43, 45, 46, 47, 48, 49, 50, 51 or 52 is liable, for the first 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, and, in the case of every subsequent offence, to a fine not exceeding two hundred and fifty dollars or to imprisonment for a term not exceeding six months or to both fine and imprisonment.

(2) Every person who is guilty of an offence under section 40, 41 or 42 is liable on summary conviction to a fine not exceeding one hundred dollars.

(3) Every person who violates any provision of this Act or any regulation for 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 one hundred dollars. 1951, c. 36, s. 53.

FORFEITURE.

54. (1) Whenever an inspector believes on reasonable grounds that an offence under this Act has been committed he may seize all weights, measures, weighing machines and measuring machines by means of or in relation to which he reasonably believes the offence was committed.

(2) All things 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 Act

1951, c. 36, s. 54.

R.S., 1952.
Act in respect of those things are undertaken, in which case those things may be further detained until such proceedings are finally concluded.

Forfeiture. (3) Where a person is convicted of an offence under this Act, the court or judge may order that any weights, measures, weighing machines or measuring machines by means of or in relation to which the offence was committed shall be forfeited to Her Majesty, and anything so forfeited may be disposed of as the Minister may direct. 1951, c. 36, s. 54.

SCHEDULE I

REFERENCE STANDARDS

<table>
<thead>
<tr>
<th>Number of each</th>
<th>Denomination of Standard</th>
<th>Measures of Length</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>100 feet</td>
<td></td>
</tr>
<tr>
<td>1</td>
<td>66 feet or chain of 100 links</td>
<td></td>
</tr>
<tr>
<td>1</td>
<td>10 feet end measures, with bed</td>
<td></td>
</tr>
<tr>
<td>1</td>
<td>6 feet end measure, with bed</td>
<td></td>
</tr>
<tr>
<td>1</td>
<td>3 feet or 1 yard</td>
<td></td>
</tr>
<tr>
<td>1</td>
<td>1 inch divided into 10 decimal parts, one of which is again divided into ten subdivisions of one-hundredth of an inch each</td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Denomination of Standard</th>
<th>Measures of capacity</th>
</tr>
</thead>
<tbody>
<tr>
<td>Set marked 'a'</td>
<td></td>
</tr>
<tr>
<td>Bushel</td>
<td></td>
</tr>
<tr>
<td>Half-bushel</td>
<td></td>
</tr>
<tr>
<td>Peck</td>
<td></td>
</tr>
<tr>
<td>Gallon</td>
<td></td>
</tr>
<tr>
<td>Half-gallon</td>
<td></td>
</tr>
<tr>
<td>Quart</td>
<td></td>
</tr>
<tr>
<td>Pint</td>
<td></td>
</tr>
<tr>
<td>Half-pint</td>
<td></td>
</tr>
<tr>
<td>Gill</td>
<td></td>
</tr>
<tr>
<td>Half-gill</td>
<td></td>
</tr>
<tr>
<td>Set marked 'b'</td>
<td></td>
</tr>
<tr>
<td>Bushel</td>
<td></td>
</tr>
<tr>
<td>Half-bushel</td>
<td></td>
</tr>
<tr>
<td>Peck</td>
<td></td>
</tr>
<tr>
<td>Gallon</td>
<td></td>
</tr>
<tr>
<td>Half-gallon</td>
<td></td>
</tr>
<tr>
<td>Quart</td>
<td></td>
</tr>
<tr>
<td>Pint</td>
<td></td>
</tr>
<tr>
<td>Half-pint</td>
<td></td>
</tr>
<tr>
<td>Gill</td>
<td></td>
</tr>
<tr>
<td>Half-gill</td>
<td></td>
</tr>
</tbody>
</table>
## SCHEDULE I—Continued
### REFERENCE STANDARDS—Continued

<table>
<thead>
<tr>
<th>Denomination of Standards</th>
<th>Avoirdupois Weights</th>
<th>Troy Bullion Weights</th>
<th>Decimal Grain Weights</th>
</tr>
</thead>
<tbody>
<tr>
<td>Set marked 'C'</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>50 pounds</td>
<td>500 ounces</td>
<td>1,000 grains</td>
<td></td>
</tr>
<tr>
<td>30 &quot;</td>
<td>300 &quot;</td>
<td>300 &quot;</td>
<td></td>
</tr>
<tr>
<td>20 &quot;</td>
<td>200 &quot;</td>
<td>200 &quot;</td>
<td></td>
</tr>
<tr>
<td>10 &quot;</td>
<td>100 &quot;</td>
<td>100 &quot;</td>
<td></td>
</tr>
<tr>
<td>5 &quot;</td>
<td>50 &quot;</td>
<td>50 &quot;</td>
<td></td>
</tr>
<tr>
<td>3 &quot;</td>
<td>30 &quot;</td>
<td>30 &quot;</td>
<td></td>
</tr>
<tr>
<td>2 &quot;</td>
<td>20 &quot;</td>
<td>20 &quot;</td>
<td></td>
</tr>
<tr>
<td>1 pound</td>
<td>10 &quot;</td>
<td>10 &quot;</td>
<td></td>
</tr>
<tr>
<td>8 ounces</td>
<td>5 &quot;</td>
<td>5 &quot;</td>
<td></td>
</tr>
<tr>
<td>4 &quot;</td>
<td>3 &quot;</td>
<td>3 &quot;</td>
<td></td>
</tr>
<tr>
<td>2 &quot;</td>
<td>2 &quot;</td>
<td>2 &quot;</td>
<td></td>
</tr>
<tr>
<td>1 ounce</td>
<td>1 &quot;</td>
<td>1 &quot;</td>
<td></td>
</tr>
<tr>
<td>8 drams</td>
<td>.5 &quot;</td>
<td>.5 &quot;</td>
<td></td>
</tr>
<tr>
<td>4 &quot;</td>
<td>.3 &quot;</td>
<td>.3 &quot;</td>
<td></td>
</tr>
<tr>
<td>2 &quot;</td>
<td>.2 &quot;</td>
<td>.2 &quot;</td>
<td></td>
</tr>
<tr>
<td>1 dram</td>
<td>.1 &quot;</td>
<td>.1 &quot;</td>
<td></td>
</tr>
<tr>
<td>½ &quot;</td>
<td>.05 &quot;</td>
<td>.05 &quot;</td>
<td></td>
</tr>
<tr>
<td>¼ &quot;</td>
<td>.03 &quot;</td>
<td>.03 &quot;</td>
<td></td>
</tr>
<tr>
<td>⅛ &quot;</td>
<td>.02 &quot;</td>
<td>.02 &quot;</td>
<td></td>
</tr>
<tr>
<td>⅛ &quot;</td>
<td>.01 &quot;</td>
<td>.01 &quot;</td>
<td></td>
</tr>
<tr>
<td>¼ &quot;</td>
<td>.005 &quot;</td>
<td>.005 &quot;</td>
<td></td>
</tr>
<tr>
<td>⅛ &quot;</td>
<td>.002 &quot;</td>
<td>.002 &quot;</td>
<td></td>
</tr>
<tr>
<td>⅛ &quot;</td>
<td>.001 &quot;</td>
<td>.001 &quot;</td>
<td></td>
</tr>
<tr>
<td>Set marked 'b'</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>.5 pound</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>.3 &quot;</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>.2 &quot;</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>.1 &quot;</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>.05 &quot;</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>.03 &quot;</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>.02 &quot;</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>.01 &quot;</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>.005 &quot;</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>.003 &quot;</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>.002 &quot;</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>.001 &quot;</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
### SCHEDULE I—Concluded

**REFERENCE STANDARDS—Concluded**

<table>
<thead>
<tr>
<th>Metric Weights</th>
<th>Metric Volume Measures</th>
</tr>
</thead>
<tbody>
<tr>
<td>Set marked &quot;C&quot;</td>
<td>Set marked &quot;C, F&quot;</td>
</tr>
<tr>
<td>20 Kilograms</td>
<td>Double Decalitre</td>
</tr>
<tr>
<td>10</td>
<td>Decalitre</td>
</tr>
<tr>
<td>5</td>
<td>Demi Decalitre</td>
</tr>
<tr>
<td>2</td>
<td>Litre</td>
</tr>
<tr>
<td>1</td>
<td>Demi Litre</td>
</tr>
<tr>
<td>500 grammes</td>
<td>Double Decilitre</td>
</tr>
<tr>
<td>200</td>
<td>Litre</td>
</tr>
<tr>
<td>100</td>
<td>Demi Litre</td>
</tr>
<tr>
<td>100</td>
<td>Double Centilitre</td>
</tr>
<tr>
<td>50</td>
<td>Centilitre</td>
</tr>
<tr>
<td>20</td>
<td></td>
</tr>
<tr>
<td>10</td>
<td></td>
</tr>
<tr>
<td>5</td>
<td></td>
</tr>
<tr>
<td>2</td>
<td></td>
</tr>
<tr>
<td>1</td>
<td></td>
</tr>
<tr>
<td>.5</td>
<td></td>
</tr>
<tr>
<td>.2</td>
<td></td>
</tr>
<tr>
<td>.1</td>
<td></td>
</tr>
<tr>
<td>.05</td>
<td></td>
</tr>
<tr>
<td>.02</td>
<td></td>
</tr>
<tr>
<td>.01</td>
<td></td>
</tr>
<tr>
<td>.005</td>
<td></td>
</tr>
<tr>
<td>.002</td>
<td></td>
</tr>
<tr>
<td>.001</td>
<td></td>
</tr>
<tr>
<td>.001</td>
<td></td>
</tr>
</tbody>
</table>

**Metric Measure of Length**

| 1 Standard Meter marked No. 2605 |

1951, c. 36, Sch. I.

### SCHEDULE II

**CANADIAN STANDARDS**

1. The standard unit of length for Canada is the yard, which is nine thousand, one hundred and forty-four ten-thousandths \( \frac{9,144}{10,000} \) of the International metre.

2. The standard unit of weight for Canada is the pound, which is forty-five million, three hundred and fifty-nine thousand, two hundred and forty-three one-hundred-millionths \( \frac{45,359,243}{100,000,000} \) of the International kilogramme.

1951, c. 36, Sch. II.


SCHEDULE III

Table of the Values of the principal denominations of Measures of length of the Metric System expressed in terms of the standard measures of Canada.

(1) MEASURES OF LENGTH

<table>
<thead>
<tr>
<th>Metric denominations and values</th>
<th>In metres</th>
<th>Equivalents expressed in terms of the Standards of Canada</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td>In yards and decimal parts of a yard</td>
</tr>
<tr>
<td>Myriametre</td>
<td>10000</td>
<td>10936.133</td>
</tr>
<tr>
<td>Kilometre</td>
<td>1000</td>
<td>1093.6133</td>
</tr>
<tr>
<td>Hectometre</td>
<td>100</td>
<td>109.36133</td>
</tr>
<tr>
<td>Decametre</td>
<td>10</td>
<td>10.936133</td>
</tr>
<tr>
<td>Metre</td>
<td>1</td>
<td>1.093613</td>
</tr>
<tr>
<td>Decimetre</td>
<td>1/10</td>
<td>0.109361</td>
</tr>
<tr>
<td>Centimetre</td>
<td>1/100</td>
<td>0.010936</td>
</tr>
<tr>
<td>Millimetre</td>
<td>1/1000</td>
<td>0.001094</td>
</tr>
</tbody>
</table>

Table of Values of the principal denominations of Measures of length of Canada expressed in terms of the standard measures of the Metric System.

<table>
<thead>
<tr>
<th>Canadian denominations and values</th>
<th>In metres and decimal parts of a metre</th>
<th>Equivalents expressed in terms of Metric Standards</th>
</tr>
</thead>
<tbody>
<tr>
<td>Mile</td>
<td>1609.344</td>
<td></td>
</tr>
<tr>
<td>Furlong</td>
<td>201.1680</td>
<td></td>
</tr>
<tr>
<td>Chain</td>
<td>20.11890</td>
<td></td>
</tr>
<tr>
<td>Rod, pole or perch</td>
<td>5.029200</td>
<td></td>
</tr>
<tr>
<td>Yard</td>
<td>0.914400</td>
<td></td>
</tr>
<tr>
<td>Foot</td>
<td>0.304800</td>
<td></td>
</tr>
<tr>
<td>Link</td>
<td>0.2011890</td>
<td></td>
</tr>
<tr>
<td>Inch</td>
<td>0.025400</td>
<td></td>
</tr>
</tbody>
</table>

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SCHEDULE

R.S., 1952.
SCHEDULE III—Continued

Table of the Values of the principal denominations of the measures of surface of the Metric system expressed in terms of the Standard measures of Canada.

(2) MEASURES OF SURFACE

<table>
<thead>
<tr>
<th>Metric Denominations and Values</th>
<th>In Ares</th>
<th>In Square Metres</th>
<th>In square yards and decimal parts of a square yard</th>
<th>In square links and decimal parts of a square link</th>
</tr>
</thead>
<tbody>
<tr>
<td>Hectare</td>
<td>100</td>
<td>10000</td>
<td>11959.900</td>
<td>247105.4</td>
</tr>
<tr>
<td>Decare</td>
<td>10</td>
<td>1000</td>
<td>1195.9900</td>
<td>24710.54</td>
</tr>
<tr>
<td>Are</td>
<td>1</td>
<td>100</td>
<td>119.59900</td>
<td>2471.054</td>
</tr>
<tr>
<td>Centiare</td>
<td>1/100</td>
<td>1</td>
<td>1.1959900</td>
<td>24.71054</td>
</tr>
</tbody>
</table>

Table of the Values of the principal denominations of the measures of surface of Canada expressed in terms of the measures of surface of the Metric system.

<table>
<thead>
<tr>
<th>Canadian Denominations and Values</th>
<th>In square metres and decimal parts of a square metre</th>
<th>In are and decimal parts of an are</th>
</tr>
</thead>
<tbody>
<tr>
<td>Square mile</td>
<td>25899.88</td>
<td>25899.88</td>
</tr>
<tr>
<td>Square furlong</td>
<td>40468.56</td>
<td>404.6856</td>
</tr>
<tr>
<td>Acre</td>
<td>4046.856</td>
<td>40.46856</td>
</tr>
<tr>
<td>Rood</td>
<td>1011.7140</td>
<td>10.117140</td>
</tr>
<tr>
<td>Square chain</td>
<td>404.6856</td>
<td>404.6856</td>
</tr>
<tr>
<td>Square rod, pole or perch</td>
<td>25.29285</td>
<td>0.2529285</td>
</tr>
<tr>
<td>Square yard</td>
<td>0.8361274</td>
<td>0.008361274</td>
</tr>
<tr>
<td>Square foot</td>
<td>0.09290304</td>
<td>0.0009290304</td>
</tr>
<tr>
<td>Square link</td>
<td>0.04046856</td>
<td>0.0004046856</td>
</tr>
<tr>
<td>Square inch</td>
<td>0.000645160</td>
<td>0.00000645160</td>
</tr>
</tbody>
</table>

R.S., 1952.
Table of the values of the principal denominations of weights of the Metric system expressed in terms of the standard weights of Canada.

(3) **WEIGHTS**

<table>
<thead>
<tr>
<th>Metric denominations and values</th>
<th>Equivalents expressed in terms of the Standards of Canada</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>In Grammes</td>
</tr>
<tr>
<td>Millier</td>
<td>1000000</td>
</tr>
<tr>
<td>Quintal</td>
<td>100000</td>
</tr>
<tr>
<td>Myriagramme</td>
<td>10000</td>
</tr>
<tr>
<td>Kilogramme</td>
<td>1000</td>
</tr>
<tr>
<td>Hectogramme</td>
<td>10</td>
</tr>
<tr>
<td>Decagramme</td>
<td>1</td>
</tr>
<tr>
<td>Gramme</td>
<td>1/10</td>
</tr>
<tr>
<td>Decigramme</td>
<td>1/100</td>
</tr>
</tbody>
</table>

Table of values of the principal denominations of the standard weights of Canada expressed in terms of the weights of the Metric system.

<table>
<thead>
<tr>
<th>Canadian Denominations and Values</th>
<th>Equivalents expressed in terms of the Metric Standards</th>
</tr>
</thead>
<tbody>
<tr>
<td>Ton</td>
<td>907.1849</td>
</tr>
<tr>
<td>Central or hundredweight</td>
<td>45.359243</td>
</tr>
<tr>
<td>Pound</td>
<td>0.45359243</td>
</tr>
<tr>
<td>Ounce (Troy)</td>
<td>0.03110348</td>
</tr>
<tr>
<td>Ounce</td>
<td>0.02834953</td>
</tr>
<tr>
<td>Dram</td>
<td>0.00177188</td>
</tr>
<tr>
<td>Grain</td>
<td>0.000006480</td>
</tr>
</tbody>
</table>

All weights in Table (3) are avoirdupois with exception of Troy ounce.
Table of the values of the principal denominations of measures of capacity of the Metric system expressed in terms of the standard measures of Canada.

(4) MEASURES OF CAPACITY

<table>
<thead>
<tr>
<th>Metric Denominations and Values</th>
<th>Equivalents expressed in terms of the Standards of Canada</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>In Litres</td>
</tr>
<tr>
<td>Kilolitre</td>
<td>1000</td>
</tr>
<tr>
<td>Hectolitre</td>
<td>100</td>
</tr>
<tr>
<td>Decalitre</td>
<td>10</td>
</tr>
<tr>
<td>Litre</td>
<td>1</td>
</tr>
<tr>
<td>Decilitre</td>
<td>1/10</td>
</tr>
<tr>
<td>Centilitre</td>
<td>1/100</td>
</tr>
<tr>
<td>Millilitre</td>
<td>1/1000</td>
</tr>
</tbody>
</table>

Table of the values of the principal denominations of the measures of capacity of Canada expressed in terms of the measures of capacity of the Metric system.

<table>
<thead>
<tr>
<th>Canadian Denominations and Values</th>
<th>Equivalents expressed in terms of the Metric Standards</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>In litres and decimal parts of a litre</td>
</tr>
<tr>
<td>Bushel</td>
<td>36.3680</td>
</tr>
<tr>
<td>Peck</td>
<td>9.09200</td>
</tr>
<tr>
<td>Gallon</td>
<td>4.54600</td>
</tr>
<tr>
<td>Quart</td>
<td>1.13650</td>
</tr>
<tr>
<td>Pint</td>
<td>0.56825</td>
</tr>
<tr>
<td>Fluid Ounce</td>
<td>0.02841</td>
</tr>
</tbody>
</table>

1951, c. 36, Sch. III.
SCHEDULE IV.

PART I.

FORMER DOMINION STANDARDS.

The following standards were constructed under the direction of the Commissioner of Inland Revenue for the purposes of the Act respecting Weights and Measures, chapter 47 of the statutes of 1873:

The standard for determining the length of the Dominion standard yard prior to the Weights and Measures Act of 1951 was a solid square bar, thirty-eight inches long and one inch square in transverse section, the bar being of bronze or gun metal (known as Baily's metal); near to each end a cylindrical hole is sunk (the distance between the centres of the two holes being thirty-six inches) to the depth of half an inch; at the bottom of each hole is inserted in a smaller hole a gold plug or pin, about one-tenth of an inch in diameter, and upon the surface of each pin is cut a fine line transverse to the axis of the bar and two lines at an interval of about one-hundredth of an inch parallel to the axis of the bar; the measure of length of the Dominion standard yard was given by the interval between the transverse line at one end and the transverse line at the other end, the part of each line which is employed being the point midway between the longitudinal lines; and the said points are referred to as the centres of the said gold plugs or pins, and such bar is marked "Mr. Baily's metal", "Standard Yard", "A", "Troughton and Simms, London". There are also, on the upper side of the bar, two holes for the insertion of the bulbs of suitable thermometers for the determination of the temperature.

The standard for determining the weight of the Dominion standard pound prior to the Weights and Measures Act of 1951 was of platinum-iridium, the form being that of a cylinder nearly 1.35 inches in height and 1.15 inches in diameter, with a groove or channel round it, the middle of which is about 0.34 inch below the top of the cylinder, for insertion of the points of the ivory fork by which it is to be lifted; the edges are carefully rounded off, and such standard is marked "A". The weight of this standard in terms of the Imperial standard is 6999.97694 grains when both are weighed in vacuo and 6999.98387 grains when both are weighed in air at the temperature of 62° of Fahrenheit's thermometer, the barometer being at 30 inches, and for which due allowance is required to be made when comparing other standards.

The standard for determining the weight of the Dominion standard Troy ounce prior to the Weights and Measures Act of 1951 was of platinum-iridium, the form being that of a truncated cone, with a knob, nearly 12/10 of an inch in height, including the knob, the

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the knob being nearly one-quarter of an inch and the base of the cone half an inch in diameter respectively, and such standard is marked "A". The weight of this standard in terms of the Imperial standard is 479.99197 grains when both are weighed in vacuo, and 480.03648 grains when both are weighed in air at the temperature of 62° of Fahrenheit's thermometer, the barometer being at 30 inches, for which due allowance is required to be made when comparing with other standards.

PART II.

PARLIAMENTARY COPIES OF CANADIAN STANDARDS.

The following copies of the former standards were constructed at the same time as the standards set forth in Part I. They are of the same construction and form as those standards, and they are respectively marked and deposited as follows:

(a) A copy of the standard for determining the Dominion standard yard, being a bronze bar marked "Mr. Baily's metal", "Standard Yard", "B", "Troughton and Simms, London",

(b) A copy of the standard for determining the Dominion standard pound, marked "B", and

(c) A copy of the standard for determining the Dominion standard Troy ounce marked "B",

were deposited with the Speaker of the Senate. Such copy of the standard yard is standard at temperature of 62.16° of Fahrenheit's thermometer, and the weight of the copy of the standard pound, in terms of the Imperial standard, when both are weighed in vacuo, is 6999.98312 grains. 1951, c. 36, Sch. IV.
CHAPTER 293.

An Act to implement the International Convention for the Regulation of Whaling.

SHORT TITLE.

1. This Act may be cited as the Whaling Convention Act. 1951 (2nd Sess.), c. 29, s. 1.

INTERPRETATION.

2. In this Act

(a) "Convention" means the International Convention for the Regulation of Whaling, set out in the Schedule;

(b) "factory ship" means a ship in or on which whales are treated whether wholly or in part;

(c) "land station" means a place on land at which whales are treated whether wholly or in part;

(d) "ship" means a ship registered in Canada or any ship within the territorial waters of Canada;

(e) "whale catcher" means a ship used for the purpose of hunting, taking, towing, holding onto or scouting for whales;

(f) "whale products" means any part of a whale and blubber, meat, bones, whale oil, sperm oil, spermaceti, meal and baleen;

(g) "whale treating" means the possession, treatment or processing of whales or of whale products; and

(h) "whaling" means scouting for, hunting, killing, taking, towing or holding onto whales. 1951 (2nd Sess.), c. 29, s. 2.

3. Every person is guilty of an offence who

(a) engages in whaling on, from or by means of a ship, the owner or charterer of which does not hold a licence issued under this Act authorizing that ship to be used as a whale catcher, or

(b) engages in whale treating on, from or by means of a ship, the owner or charterer of which does not hold a licence issued under this Act authorizing that ship to be used as a factory ship. 1951 (2nd Sess.), c. 29, s. 3.

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Liability of owner and charterer.

4. (1) The owner and charterer of a ship that is used as a whale catcher are each guilty of an offence unless the owner or charterer holds a licence issued under this Act authorizing that ship to be used as a whale catcher.

(2) The owner and charterer of a ship that is used as a factory ship are each guilty of an offence unless the owner or charterer holds a licence issued under this Act authorizing that ship to be used as a factory ship. 1951 (2nd Sess.), c. 29, s. 4.

Unlawful possession of whales.

5. Every person who has in his possession any whale, knowing it to have been taken in contravention of the provisions of this Act or the regulations, or the products of any whale, knowing the whale to have been taken in contravention of the provisions of this Act or the regulations, is guilty of an offence. 1951 (2nd Sess.), c. 29, s. 5.

Regulations.

6. The Governor in Council may make regulations for carrying out and giving effect to the provisions of the Convention and any regulations and recommendations of the International Whaling Commission, and without restricting the generality of the foregoing, may make regulations

(a) providing for the issue, suspension and cancellation of licences, prescribing their terms, conditions and forms and the fees for the issue of licences;

(b) respecting the operation of whale catchers, factory ships and land stations;

(c) for the seizure, forfeiture and disposition of any whales or whale products by means of or in relation to which any of the provisions of this Act or the regulations have been contravened;

(d) prescribing the powers and duties of persons engaged or employed in the administration or enforcement of this Act;

(e) for the conservation and protection of whale resources;

(f) exempting any whales or species of whales from the application of the whole or any part of this Act;

(g) permitting Indians and Eskimos to engage in whaling or whale treating notwithstanding anything in this Act or the regulations, under such conditions and at such times and places as the regulations may prescribe; and

(h) prescribing the penalties that may be imposed, either on summary conviction or on conviction on indictment, not exceeding a fine of ten thousand dollars or imprisonment.

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ment for a term of two years or both such fine and such imprisonment, for violation of any regulation by any person in Canada or on, from or by means of any ship. 1951 (2nd Sess.), c. 29, s. 6.

7. (1) Every person who is guilty of an offence under section 3 or 5 is liable on summary conviction to a fine of five thousand dollars or to imprisonment for a term of one year or to both fine and imprisonment.

(2) Every person who is guilty of an offence under section 4 is liable on summary conviction or on conviction on indictment to a fine of ten thousand dollars or to imprisonment for a term of two years or to both fine and imprisonment. 1951 (2nd Sess.), c. 29, s. 7.

8. All courts, justices of the peace and magistrates in Canada have the same jurisdiction with respect to offences under this Act as they have under sections 689 to 692 of the Canada Shipping Act with respect to offences under that Act, and the provisions of those sections apply to offences under this Act in the same manner and to the same extent as they apply to offences under the Canada Shipping Act. 1951 (2nd Sess.), c. 29, s. 8.

9. This Act shall be administered by the Minister of Administration of Fisheries. 1951 (2nd Sess.), c. 29, s. 9.

10. This Act shall continue in force until a day to be fixed by further proclamation of the Governor in Council and no longer. 1951 (2nd Sess.), c. 29, s. 11.

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The Governments whose duly authorized representatives have subscribed hereto,

Recognizing the interest of the nations of the world in safeguarding for future generations the great natural resources represented by the whale stocks;

Considering that the history of whaling has seen over-fishing of one area after another and of one species of whale after another to such a degree that it is essential to protect all species of whales from further overfishing;

Recognizing that the whale stocks are susceptible of natural increases if whaling is properly regulated, and that increases in the size of whale stocks will permit increases in the numbers of whales which may be captured without endangering these natural resources;

Recognizing that it is in the common interest to achieve the optimum level of whale stocks as rapidly as possible without causing wide-spread economic and nutritional distress;

Recognizing that in the course of achieving these objectives, whaling operations should be confined to those species best able to sustain exploitation in order to give an interval for recovery to certain species of whales now depleted in numbers;

Desiring to establish a system of international regulation for the whale fisheries to ensure proper and effective conservation and development of whale stocks on the basis of the principles embodied in the provisions of the International Agreement for the Regulation of Whalings signed in London on June 8, 1937, and the protocols to that Agreement signed in London on June 24, 1938, and November 26, 1945; and

Having decided to conclude a convention to provide for the proper conservation of whale stocks and thus make possible the orderly development of the whaling industry;

Have agreed as follows:

ARTICLE I

1. This Convention includes the Schedule attached thereto which forms an integral part thereof. All references to “Convention” shall be understood as including the said Schedule either in its present terms or as amended in accordance with the provisions of Article V.

2. This Convention applies to factory ships, land stations, and whale catchers under the jurisdiction of the Contracting Governments, and to all waters in which whaling is prosecuted by such factory ships, land stations, and whale catchers.

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ARTICLE II

As used in this Convention

1. "factory ship" means a ship in which or on which whales are treated whether wholly or in part;

2. "land station" means a factory on the land at which whales are treated whether wholly or in part;

3. "whale catcher" means a ship used for the purpose of hunting, taking, towing, holding on to, or scouting for whales;

4. "Contracting Government" means any Government which has deposited an instrument of ratification or has given notice of adherence to this Convention.

ARTICLE III

1. The Contracting Governments agree to establish an International Whaling Commission, hereinafter referred to as the Commission, to be composed of one member from each Contracting Government. Each member shall have one vote and may be accompanied by one or more experts and advisers.

2. The Commission shall elect from its own members a Chairman and Vice-Chairman and shall determine its own Rules of Procedure. Decisions of the Commission shall be taken by a simple majority of those members voting except that a three-fourths majority of those members voting shall be required for action in pursuance of Article V. The Rules of Procedure may provide for decisions otherwise than at meetings of the Commission.

3. The Commission may appoint its own Secretary and staff.

4. The Commission may set up, from among its own members and experts or advisers, such committees as it considers desirable to perform such functions as it may authorize.

5. The expenses of each member of the Commission and of his experts and advisers shall be determined and paid by his own Government.

6. Recognizing that specialized agencies related to the United Nations will be concerned with the conservation and development of whale fisheries and the products arising therefrom and desiring to avoid duplication of functions, the Contracting Governments will consult among themselves within two years after the coming into force of this Convention to decide whether the Commission shall be brought within the framework of a specialized agency related to the United Nations.

7. In the meantime the Government of the United Kingdom of Great Britain and Northern Ireland shall arrange, in consultation with the R.S., 1952. 5435
the other Contracting Governments, to convene the first meeting of the Commission, and shall initiate the consultation referred to in paragraph 6 above.

8. Subsequent meetings of the Commission shall be convened as the Commission may determine.

ARTICLE IV

1. The Commission may either in collaboration with or through independent agencies of the Contracting Governments or other public or private agencies, establishments, or organizations, or independently
   (a) encourage, recommend, or if necessary, organize studies and investigations relating to whales and whaling;
   (b) collect and analyse statistical information concerning the current condition and trend of the whale stocks and the effects of whaling activities thereon;
   (c) study, appraise, and disseminate information concerning methods of maintaining and increasing the populations of whale stocks.

2. The Commission shall arrange for the publication of reports of its activities, and it may publish independently or in collaboration with the International Bureau for Whaling Statistics at Sandefjord in Norway and other organizations and agencies such reports as it deems appropriate, as well as statistical, scientific, and other pertinent information relating to whales and whaling.

ARTICLE V

1. The Commission may amend from time to time the provisions of the Schedule by adopting regulations with respect to the conservation and utilization of whale resources, fixing (a) protected and unprotected species; (b) open and closed seasons; (c) open and closed waters, including the designation of sanctuary areas; (d) size limits for each species; (e) time, methods, and intensity of whaling (including the maximum catch of whales to be taken in any one season); (f) types and specifications of gear and apparatus and appliances which may be used; (g) methods of measurement; and (h) catch returns and other statistical and biological records.

2. These amendments of the Schedule (a) shall be such as are necessary to carry out the objectives and purposes of this Convention and to provide for the conservation, development, and optimum utilization of the whale resources; (b) shall be based on scientific findings; (c) shall not involve restrictions on the number or nationality of factory ships or land stations, nor allocate specific quotas to any factory ship or land station or to any group of factory ships or land stations; and (d) shall take into consideration the interests of the consumers of whale products and the whaling industry.
3. Each of such amendments shall become effective with respect to the Contracting Governments ninety days following notification of the amendment by the Commission to each of the Contracting Governments, except that (a) if any Government presents to the Commission objection to any amendment prior to the expiration of this ninety-day period, the amendment shall not become effective with respect to any of the Governments for an additional ninety days; (b) thereupon, any other Contracting Government may present objection to the amendment at any time prior to the expiration of the additional ninety-day period, or before the expiration of thirty days from the date of receipt of the last objection received during such additional ninety-day period, whichever date shall be the later; and (c) thereafter, the amendment shall become effective with respect to all Contracting Governments which have not presented objection but shall not become effective with respect to any Government which has so objected until such date as the objection is withdrawn. The Commission shall notify each Contracting Government immediately upon receipt of each objection and withdrawal and each Contracting Government shall acknowledge receipt of all notifications of amendments, objections, and withdrawals.

4. No amendments shall become effective before July 1, 1949.

**ARTICLE VI**

The Commission may from time to time make recommendations to any or all Contracting Governments on any matters which relate to whales or whaling and to the objectives and purposes of this Convention.

**ARTICLE VII**

The Contracting Governments shall ensure prompt transmission to the International Bureau for Whaling Statistics at Sandefjord in Norway, or to such other body as the Commission may designate, of notifications and statistical and other information required by this Convention in such form and manner as may be prescribed by the Commission.

**ARTICLE VIII**

1. Notwithstanding anything contained in this Convention, any Contracting Government may grant to any of its nationals a special permit authorizing that national to kill, take, and treat whales for purposes of scientific research subject to such restrictions as to number and subject to such other conditions as the Contracting Government thinks fit, and the killing, taking, and treating of whales in accordance with the provisions of this Article shall be exempt from the operation of this Convention. Each Contracting Government shall report at once to the Commission all such authorizations which it has granted. Each Contracting Government may at any time revoke any such special permit which it has granted.

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2.

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2. Any whales taken under these special permits shall so far as practicable be processed and the proceeds shall be dealt with in accordance with directions issued by the Government by which the permit was granted.

3. Each Contracting Government shall transmit to such body as may be designated by the Commission, insofar as practicable, and at intervals of not more than one year, scientific information available to that Government with respect to whales and whaling, including the results of research conducted pursuant to paragraph 1 of this Article and to Article IV.

4. Recognizing that continuous collection and analysis of biological data in connection with the operations of factory ships and land stations are indispensable to sound and constructive management of the whale fisheries, the Contracting Governments will take all practicable measures to obtain such data.

ARTICLE IX

1. Each Contracting Government shall take appropriate measures to ensure the application of the provisions of this Convention and the punishment of infractions against the said provisions in operations carried out by persons or by vessels under its jurisdiction.

2. No bonus or other remuneration calculated with relation to the results of their work shall be paid to the gunners and crews of whale catchers in respect of any whales the taking of which is forbidden by this Convention.

3. Prosecution for infractions against or contraventions of this Convention shall be instituted by the Government having jurisdiction over the offence.

4. Each Contracting Government shall transmit to the Commission full details of each infraction of the provisions of this Convention by persons or vessels under the jurisdiction of that Government as reported by its inspectors. This information shall include a statement of measures taken for dealing with the infraction and of penalties imposed.

ARTICLE X

1. This Convention shall be ratified and the instruments of ratification shall be deposited with the Government of the United States of America.

2. Any Government which has not signed this Convention may adhere thereto after it enters into force by a notification in writing to the Government of the United States of America.

3. The Government of the United States of America shall inform all other signatory Governments and all adhering Governments of all ratifications deposited and adherences received.

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4. This Convention shall, when instruments of ratification have been deposited by at least six signatory Governments, which shall include the Governments of the Netherlands, Norway, the Union of Soviet Socialist Republics, the United Kingdom of Great Britain and Northern Ireland, and the United States of America, enter into force with respect to those Governments and shall enter into force with respect to each Government which subsequently ratifies or adheres on the date of the deposit of its instrument of ratification or the receipt of its notification of adherence.

5. The provisions of the Schedule shall not apply prior to July 1, 1948. Amendments to the Schedule adopted pursuant to Article V shall not apply prior to July 1, 1949.

**ARTICLE XI**

Any Contracting Government may withdraw from this Convention on June thirtieth of any year by giving notice on or before January first of the same year to the depositary Government, which upon receipt of such a notice shall at once communicate it to the other Contracting Governments. Any other Contracting Government may, in like manner, within one month of the receipt of a copy of such a notice from the depositary Government, give notice of withdrawal, so that the Convention shall cease to be in force on June thirtieth of the same year with respect to the Government giving such notice of withdrawal.

This Convention shall bear the date on which it is opened for signature and shall remain open for signature for a period of fourteen days thereafter.

In WITNESS WHEREOF the undersigned, being duly authorized, have signed this Convention.

Done in Washington this second day of December, 1946, in the English language, the original of which shall be deposited in the archives of the Government of the United States of America. The Government of the United States of America shall transmit certified copies thereof to all the other signatory and adhering Governments.

(Here follow the names of the representatives of Argentina, Australia, Brazil, Canada, Chile, Denmark, France, the Netherlands, New Zealand, Norway, Peru, the Union of Soviet Socialist Republics, the United Kingdom of Great Britain and Northern Ireland, the United States of America, the Union of South Africa.)

**SCHEDULE**

1. (a) There shall be maintained on each factory ship at least two inspectors of whaling for the purpose of maintaining twenty-four hour inspection. These inspectors shall be appointed and paid by the Government having jurisdiction over the factory ship.

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(b)

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(b) Adequate inspection shall be maintained at each land station. The inspectors serving at each land station shall be appointed and paid by the Government having jurisdiction over the land station.

2. It is forbidden to take or kill gray whales or right whales, except when the meat and products of such whales are to be used exclusively for local consumption by the aborigines.

3. It is forbidden to take or kill calves or suckling whales or female whales which are accompanied by calves or suckling whales.

4. It is forbidden to use a factory ship or a whale catcher attached thereto for the purpose of taking or treating baleen whales in any of the following areas:

(a) in the waters north of 66° North Latitude except that from 150° East Longitude eastward as far as 140° West Longitude the taking or killing of baleen whales by a factory ship or whale catcher shall be permitted between 66° North Latitude and 72° North Latitude;

(b) in the Atlantic Ocean and its dependent waters north of 40° South Latitude;

(c) in the Pacific Ocean and its dependent waters east of 150° West Longitude between 40° South Latitude and 35° North Latitude;

(d) in the Pacific Ocean and its dependent waters west of 150° West Longitude between 40° South Latitude and 20° North Latitude;

(e) in the Indian Ocean and its dependent waters north of 40° South Latitude.

5. It is forbidden to use a factory ship or a whale catcher attached thereto for the purpose of taking or treating baleen whales in the waters south of 40° South Latitude from 70° West Longitude westward as far as 160° West Longitude.

6. It is forbidden to use a factory ship or a whale catcher attached thereto for the purpose of taking or treating humpback whales in any waters south of 40° South Latitude.

7. (a) It is forbidden to use a factory ship or a whale catcher attached thereto for the purpose of taking or treating baleen whales in any waters south of 40° South Latitude, except during the period from December 15 to April 1 following, both days inclusive.

(b) Notwithstanding the above prohibition of treatment during a closed season, the treatment of whales which have been taken during the open season may be completed after the end of the open season.

8. (a) The number of baleen whales taken during the open season caught in any waters south of 40° South Latitude by
by whale catchers attached to factory ships under the jurisdiction of the Contracting Governments shall not exceed sixteen thousand blue-whale units.

(b) For the purposes of subparagraph (a) of this paragraph, blue-whale units shall be calculated on the basis that one blue whale equals:

1. two fin whales or
2. two and a half humpback whales or
3. six sei whales.

(c) Notification shall be given in accordance with the provisions of Article VII of the Convention, within two days after the end of each calendar week, of data on the number of blue-whale units taken in any waters south of 40° South Latitude by all whale catchers attached to factory ships under the jurisdiction of each Contracting Government.

(d) If it should appear that the maximum catch of whales permitted by sub-paragraph (a) of this paragraph may be reached before April 1 of any year, the Commission, or such other body as the Commission may designate, shall determine, on the basis of the data provided, the date on which the maximum catch of whales shall be deemed to have been reached and shall notify each Contracting Government of that date not less than two weeks in advance thereof. The taking of baleen whales by whale catchers attached to factory ships shall be illegal in any waters south of 40° South Latitude after the date so determined.

(e) Notification shall be given in accordance with the provisions of Article VII of the Convention of each factory ship intending to engage in whaling operations in any waters south of 40° South Latitude.

9. It is forbidden to take or kill any blue, fin, sei, humpback, or sperm whales below the following lengths:

(a) blue whales .................. 70 feet (21.3 meters)
(b) fin whales .................... 55 feet (16.8 meters)
(c) sei whales .................... 40 feet (12.2 meters)
(d) humpback whales ............ 35 feet (10.7 meters)
(e) sperm whales .................. 35 feet (10.7 meters)

except that blue whales of not less than 65 feet (19.8 meters), fin whales of not less than 50 feet (15.2 meters), and sei whales of not less than 35 feet (10.7 meters) in length may be taken for delivery to land stations provided that the meat of such whales is to be used for local consumption as human or animal food.

Whales must be measured when at rest on deck or platform, as accurately as possible by means of a steel tape measure fitted at the zero end with a spiked handle which can be stuck into the deck planking abreast of one end of the whale. The tape measure shall be 5441 stretched R.S., 1952.
stretched in a straight line parallel with the whale's body and read abreast the other end of the whale. The ends of the whale, for measurement purposes, shall be the point of the upper jaw and the notch between the tail flukes. Measurements, after being accurately read on the tape measure shall be logged to the nearest foot: that is to say, any whale between 75' 6" and 76' 6" shall be logged as 76', and any whale between 76' 6" and 77' 6" shall be logged as 77'. The measurement of any whale which falls on an exact half foot shall be logged at the next half foot, e.g. 76' 6" precisely, shall be logged as 77'.

10. It is forbidden to use a land station or a whale catcher attached thereto for the purpose of taking or treating baleen whales in any area or in any waters for more than six months in any period of twelve months, such period of six months to be continuous.

11. It is forbidden to use a factory ship, which has been used during a season in any waters south of 40° South Latitude for the purpose of treating baleen whales, in any other area for the same purpose within a period of one year from the termination of that season.

12. (a) All whales taken shall be delivered at the factory ship or land station and all parts of such whales shall be processed by boiling or otherwise, except the internal organs, whale bone and flippers of all whales, the meat of sperm whales and of parts of whales intended for human food or feeding animals.

(b) Complete treatment of the carcasses of "Dauhval" and of whales used as fenders will not be required in cases where the meat or bone of such whales is in bad condition.

13. The taking of whales for delivery to a factory ship shall be so regulated or restricted by the master or person in charge of the factory ship that no whale carcass (except of a whale used as a fender) shall remain in the sea for a longer period than thirty-three hours from the time of killing to the time when it is taken up on to the deck of the factory ship for treatment. All whale catchers engaged in taking whales must report by radio to the factory ship the time when each whale is caught.

14. Gunners and crews of factory ships, land stations, and whale catchers shall be engaged on such terms that their remuneration shall depend to a considerable extent upon such factors as the species, size, and yield of whales taken, and not merely upon the number of the whales taken. No bonus or other remuneration shall be paid to the gunners or crews of whale catchers in respect of the taking of milk-filled or lactating whales.

15. Copies of all official laws and regulations relating to whales and whaling and changes in such laws and regulations shall be transmitted to the Commission.

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16. Notification shall be given in accordance with the provisions of Article VII of the Convention with regard to all factory ships and land stations of statistical information (a) concerning the number of whales of each species taken, the number thereof lost, and the number treated at each factory ship or land station, and (b) as to the aggregate amounts of oil of each grade and quantities of meal, fertilizer (guano), and other products derived from them, together with (c) particulars with respect to each whale treated in the factory ship or land station as to the date and approximate latitude and longitude of taking, the species and sex of the whale, its length and, if it contains a foetus, the length and sex, if ascertainable, of the foetus. The data referred to in (a) and (c) above shall be verified at the time of the tally and there shall also be notification to the Commission of any information which may be collected or obtained concerning the calving grounds and migration routes of whales.

In communicating this information there shall be specified:
(a) the name and gross tonnage of each factory ship;
(b) the number and aggregate gross tonnage of the whale catchers;
(c) a list of the land stations which were in operation during the period concerned.

17. Notwithstanding the definition of land station contained in Article II of the Convention, a factory ship operating under the jurisdiction of a Contracting Government, and the movements of which are confined solely to the territorial waters of that Government, shall be subject to the regulations governing the operation of land stations within the following areas:

(a) on the coast of Madagascar and its dependencies, and on the west coasts of French Africa;
(b) on the west coast of Australia in the area known as Shark Bay and northward to Northwest Cape and including Exmouth Gulf and King George's Sound, including the port of Albany; and on the east coast of Australia, in Twofold Bay and Jervis Bay.

18. The following expressions have the meanings respectively assigned to them, that is to say:
“baleen whale” means any whale other than a toothed whale;
“blue whale” means any whale known by the name of blue whale, Sibbald’s rorqual, or sulphur bottom;
“fin whale” means any whale known by the name of common finback, common rorqual, finback, finner, fin whale, herring whale, razorback, or true fin whale;
“sei whale” means any whale known by the name of Balaenoptera borealis, sei whale, Rudolphi’s rorqual, pollack whale, or coalfish whale, and shall be taken to include Balaenoptera brydei, Bryde's whale;

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“gray whale”
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"gray whale" means any whale known by the name of gray whale, California gray, devil fish, hard head, mussel digger, gray back, rip sack;

"humpback whale" means any whale known by the name of bunch, humpback, humpback whale, humpbacked whale, hump whale, or hunchbacked whale;

"right whale" means any whale known by the name of Atlantic right whale, Arctic right whale, Biscayan right whale, bowhead, great polar whale, Greenland rightwhale, Greenland whale, Nordkaper, North Atlantic right whale, North Cape whale, Pacific right whale, pigmy right whale, Southern pigmy right whale, or Southern right whale;

"sperm whale" means any whale known by the name of sperm whale, spermacet whale, cachalot, or pot whale;

"Dauhval" means any unclaimed dead whale found floating.

1951 (2nd Sess.), c. 29, Sch.
CHAPTER 294.

An Act to Encourage the Co-operative Marketing of Wheat.

SHORT TITLE.

1. This Act may be cited as the Wheat Co-operative Marketing Act. 1939, c. 34, s. 1.

INTERPRETATION.

2. (1) In this Act

(a) "co-operative association" means an association of primary producers having for its object the marketing under a co-operative plan, of wheat grown by the aforesaid primary producers;

(b) "co-operative plan" means an agreement entered into by primary producers for the marketing, on a collective basis, of the whole or any part of the wheat grown by such producers in any crop year;

(c) "crop year" means the period of twelve months commencing on the 16th day of July in any year and ending on the 15th day of July in the next following year;

(d) "elevator company" means an incorporated company or association of incorporated companies that operates or controls one hundred or more country elevators in the Provinces of Manitoba, Saskatchewan, Alberta or British Columbia;

(e) "initial payment" means the sum paid by a selling agency to primary producers at the time of delivery by them of wheat pursuant to a co-operative plan;

(f) "Minister" means the Minister of Agriculture;

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

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“Regulation.”

(h) “regulation” means a regulation made pursuant to this Act;

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

(j) “wheat” means spring wheat grown in any of the Provinces of Manitoba, Saskatchewan, Alberta or British Columbia.

Interpretation of expressions in this Act.

(2) Unless it is otherwise provided or the context otherwise requires, expressions in this Act have the same meaning as in the Canada Grain Act. 1939, c. 34, s. 2; 1940, c. 18, s. 1.

Initial payments paid to selling agencies.

3. (1) The Minister may, with the approval of the Governor in Council, by agreement with any selling agency, undertake that if the average sale price of all wheat of any grade grown in a crop year delivered to the selling agency under one only co-operative plan is less than a sum certain per bushel to be fixed by the agreement in the case of each grade of wheat, but which sum certain shall, in the case of wheat of the grade No. 1 Manitoba Northern, in store at Fort William, be sixty cents, there shall be paid to such selling agency the amount, if any, by which the initial payment together with storage, carrying and transportation charges and operating expenses exceeds the average sale price aforesaid computed on the number of bushels so delivered.

(2) The initial payment shall not, in the case of wheat of any grade, exceed the sum certain per bushel aforesaid, fixed by the agreement for such grades of wheat.

(3) The maximum that may be paid hereunder shall not exceed the difference between the average sale price aforesaid and said sum certain per bushel fixed by the agreement for such grade of wheat computed as aforesaid.

(4) The average sale price shall, for the purposes of this section, be computed after the sale prices realized by the selling agency have been adjusted, in a manner to be prescribed by regulation, as if the wheat had been sold in store at Fort William.

(5) No payment shall be made to primary producers by a selling agency subsequent to the initial payment unless such subsequent payment is first approved by the Governor in Council.
(6) In the event of any difference arising as to the average sale price under any agreement hereunder, the decision of the Minister is final. 1939, c. 34, s. 3; 1940, c. 18, s. 2.

4. The Governor in Council may, on the recommendation of the Minister, make regulations

(a) prescribing, with respect to any agreement made pursuant to section 3,

(i) the sums certain per bushel to be fixed by the agreement in the case of the several grades of wheat;
(ii) the variations from the initial payment to be made in the case of wheat of the grade No. 1 Manitoba Northern applicable to the several other grades of wheat;
(iii) the terms and conditions incidental to the establishment and maintenance by the selling agency of a reserve fund as may be agreed upon;
(iv) the manner of adjusting sale prices as if wheat had been sold in store at Fort William; and
(v) any other term or condition of the agreement deemed advisable or expedient for the purposes of this Act; and

(b) providing for such other matters as may be deemed necessary for the efficient administration 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. 1939, c. 34, s. 4.

5. The Governor in Council may appoint such officers, clerks and employees as may be deemed necessary for the efficient administration of this Act and such officers, clerks and employees hold office during pleasure and shall receive such salary or other remuneration as may be fixed by the Governor in Council. 1939, c. 34, s. 5.

6. In the case of any agreement made pursuant to the provisions of section 3, the books and accounts of the selling agency and of every co-operative association or elevator company associated with such selling agency under a co-operative plan shall be inspected and audited by a chartered accountant approved by the Governor in Council, and the reports of such accountant shall be submitted to the Minister as required. 1939, c. 34, s. 6.

7. The Minister shall at the end of the fiscal year prepare a report of all things approved by the Governor in Council under this Act and shall lay it before Parliament forthwith, or R.S., 1952.

or if Parliament be not then sitting, within fifteen days after the commencement of the next ensuing session. 1940, c. 18, s. 3.

8. If at any time the Minister becomes liable under any approved agreement under this Act, the Minister of Finance may, out of unappropriated moneys forming part of the Consolidated Revenue Fund and with the approval of the Governor in Council, pay the amount for which the Minister may be liable under such agreement. 1940, c. 18, s. 4.

9. All administrative, including travelling and other expenses, incurred under this Act shall be paid out of the money provided by Parliament for the purpose. 1940, c. 18, s. 4.

EDMOND CLOUTIER, C.M.G., O.A., D.S.P.
QUEEN'S PRINTER AND CONTROLLER OF STATIONERY
OTTAWA, 1952
CHAPTER 295.

An Act to prohibit the Manufacture, Importation and Sale of Matches made with White Phosphorus.

SHORT TITLE.

1. This Act may be cited as the White Phosphorus Matches Act. R.S., c. 128, s. 1.

INTERPRETATION.

2. In this Act, Definitions.
   (a) "inspector" means any person authorized by regulation or appointed by the Minister to perform any duties under this Act or under any regulation made hereunder;
   (b) "Minister" means the Minister of Labour;
   (c) "regulation" means any order or regulation made by the Governor in Council under the authority of this Act; and
   (d) "white phosphorus" means the substance usually known as white or yellow phosphorus. R.S., c. 128, s. 2.

3. (1) No person shall use white phosphorus in the manufacture of matches. Manufacture unlawful.
   (2) The owner or operator of any factory in which the manufacture of matches is carried on shall allow any officer of the Department of Labour, authorized by the Minister, at any time to take therefrom for analysis sufficient samples of any material in use or mixed for use. Samples for analysis may be taken.
   (3) The owner or operator may, at any time when the sample is taken, and on providing the necessary appliances, require the said officer to divide the sample so taken into two parts and to mark, seal and deliver to him one part. R.S., c. 128, s. 3.

4. No person shall import into Canada matches made with white phosphorus, and matches so made shall be included amongst the goods enumerated and described in Schedule C to the Customs Tariff. R.S., c. 128, s. 4.

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5. No person shall use, sell, or offer or expose for sale, or have in his possession for the purposes of sale, any matches made with white phosphorus. R.S., c. 128, s. 5.

6. (1) Any person who is manufacturing or proposing to manufacture matches by way of trade may present a petition to the Commissioner of Patents, praying for the grant of a compulsory licence to use any process patented at the time of the passing of this Act for the manufacture of matches without white phosphorus.

(2) The Commissioner of Patents, after considering any representations that may be made by the patentee, or his legal representatives, or any person claiming an interest in the patent, may order the patentee or other interested party to grant a licence to such petitioner on such terms as he may consider just.

(3) The Commissioner may, if he thinks fit, and shall on the request of any one of the parties to the proceedings, call in the aid of an assessor, specially qualified, and hear the case wholly or partially with his assistance.

(4) An order of the Commissioner of Patents directing the grant of licence under this section, without prejudice to any other method of enforcement, operates as if it were embodied in a deed granting a licence and made between the petitioner and patentee and such other persons claiming an interest in the patent as aforesaid. R.S., c. 128, s. 6.

7. The Governor in Council may make such orders and regulations, as to him seem necessary for the carrying out of the provisions of this Act. R.S., c. 128, s. 7.

8. The certificate of an inspector is, for the purposes of this Act, *prima facie* evidence in all courts of justice and elsewhere of the matter certified. R.S., c. 128, s. 8.

9. Any inspector may, at any time, for the purpose of carrying into effect any of the provisions of this Act or any regulation, enter any place or premises, or any steamer, vessel or boat, or any carriage, car, truck or other vehicle used or that the inspector or other person suspects is being used for the storage or carriage of matches made with white phosphorus, and may also open any package or store containing matches made with white phosphorus or that he suspects to contain such matches. R.S., c. 128, s. 9.

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10. Every person who refuses to admit, or who obstructs or impedes an inspector, and every person who aids and assists him therein, is liable on summary conviction to a penalty not exceeding five hundred dollars and costs. R.S., c. 128, s. 10.

11. Every person who violates any provision of this Act, or of any regulation, in respect of which no penalty is hereinbefore provided, is liable on summary conviction to a penalty not exceeding five hundred dollars and costs. R.S., c. 128, s. 11.

12. Every offence against this Act, or against any regulation, shall, for the purposes of proceedings under this Act, or of any such regulation, be deemed to have been committed, and every cause of complaint under this Act, or any such 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. 128, s. 12.
CHAPTER 296.

An Act respecting the Winding-up of Insolvent Companies.

SHORT TITLE.

1. This Act may be cited as the Winding-up Act. R.S., Short title. c. 213, s. 1.

INTERPRETATION.

2. In this Act,

(a) "capital stock" includes a capital stock de jure or de facto;

(b) "company" includes any corporation subject to the provisions of this Act;

(c) "contributory" means a person liable to contribute to the assets of a company under this Act; and, in all proceedings for determining the persons who are to be deemed contributories and in all proceedings prior to the final determination of such persons, it includes any person alleged to be a contributory;

(d) "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, the Supreme Court,
(iv) in the Province of New Brunswick, the Supreme Court,
(v) in the Province of Manitoba, the Court of Queen's Bench,
(vi) in the Province of British Columbia, the Supreme Court,
(vii) in the Province of Prince Edward Island, the Supreme Court,
(viii) in the Province of Saskatchewan, the Court of Queen's Bench,
(ix) in the Province of Alberta, the Supreme Court,

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(x) in the Province of Newfoundland, the Supreme Court,

(xi) in the Northwest Territories, such court or magistrate or other judicial authority as is designated, from time to time, by proclamation of the Governor in Council, published in the Canada Gazette, and

(xii) in the Yukon Territory, the Territorial Court;

(e) "creditor" includes all persons having any claim against the company present or future, certain, ascertained, or contingent, for liquidated or unliquidated damages; and in all proceedings for determining the persons who are to be deemed creditors it includes any person making any such claim;

(f) "insurance company" means a company transacting the business of insurance and includes any unincorporated association or reciprocal exchange transacting such business;

(g) "Minister" means the Minister of Finance;

(h) "official gazette" means the Canada Gazette and the gazette published under the authority of the government of the province where the proceedings for the winding-up of the business of the company are carried on, or used as the official means of communication between the lieutenant-governor and the people, and if no such gazette is published, then it means any newspaper published in the province, which is designated by the court for publishing the notices required by this Act;

(i) "trading company" means any company, except a railway or telegraph company, carrying on business similar to that carried on by apothecaries, auctioneers, bankers, brokers, brickmakers, builders, carpenters, carriers, cattle or sheep salesmen, coach proprietors, dyers, fullers, keepers of inns, taverns, hotels, saloons or coffee houses, lime burners, livery stable keepers, market gardeners, millers, miners, packers, printers, quarrymen, sharebrokers, ship-owners, shipwrights, stockbrokers, stock-jobbers, victuallers, warehousemen, wharfingers, persons using the trade of merchandise by way of bargaining, exchange, bartering, commission, consignment or otherwise, in gross or by retail, or by persons who, either for themselves, or as agents or factors for others, seek their living by buying and selling or buying and letting for hire goods or commodities, or by the manufacture, workmanship or the conversion of goods or commodities or trees; and

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(i) "winding-up order" means an order granted by the court under this Act to wind up the business of the company, and includes any order granted by the court to bring within the provisions of this Act any company in liquidation or in process of being wound up. R.S., c. 213, s. 2; 1932, c. 56, s. 1; 1949, c. 6, s. 24.

3. A company is deemed insolvent

(a) if it is unable to pay its debts as they become due;
(b) if it calls a meeting of its creditors for the purpose of compounding with them;
(c) if it exhibits a statement showing its inability to meet its liabilities;
(d) if it has otherwise acknowledged its insolvency;
(e) if it assigns, removes or disposes of, or attempts or is about to assign, remove or dispose of, any of its property, with intent to defraud, defeat or delay its creditors, or any of them;
(f) if, with such intent, it has procured its money, goods, chattels, land or property to be seized, levied on or taken, under or by any process of execution;
(g) if it has made any general conveyance or assignment of its property for the benefit of its creditors, or if, being unable to meet its liabilities in full, it makes any sale or conveyance of the whole or the main part of its stock in trade or assets, without the consent of its creditors, or without satisfying their claims; or
(h) if it permits any execution issued against it, under which any of its goods, chattels, land or property are seized, levied upon or taken in execution, to remain unsatisfied till within four days of the time fixed by the sheriff or proper officer for the sale thereof, or for fifteen days after such seizure. R.S., c. 213, s. 3.

4. A company is deemed to be unable to pay its debts as they become due, whenever a creditor, to whom the company is indebted in a sum exceeding two hundred dollars then due has served on the company, in the manner in which process may legally be served on it in the place where service is made, a demand in writing, requiring the company to pay the sum so due, and the company has, for ninety days, in the case of a bank, and for sixty days in all other cases, next succeeding the service of the demand, neglected to pay such sum, or to secure or compound for the same to the satisfaction of the creditor. R.S., c. 213, s. 4.

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5. The winding-up of the business of a company shall be deemed to commence at the time of the service of the notice of presentation of the petition for winding up. R.S., c. 213, s. 5.

APPLICATION.

6. This Act applies to all corporations incorporated by or under the authority of an Act of the Parliament of Canada, or by or under the authority of any Act of the late Province of Canada, or of the Province of Nova Scotia, New Brunswick, British Columbia, Prince Edward Island or Newfoundland, and whose incorporation and the affairs whereof are subject to the legislative authority of the Parliament of Canada; and also to incorporated banks, savings banks, incorporated insurance companies, loan companies having borrowing powers, building societies having a capital stock, and incorporated trading companies doing business in Canada wheresoever incorporated and,

(a) which are insolvent; or
(b) which are in liquidation or in process of being wound up, and, on petition by any of their shareholders or creditors, assignees or liquidators ask to be brought under the provisions of this Act. 1949, c. 6, s. 24.

7. This Act does not apply to building societies that have not a capital stock or to railway or telegraph companies. R.S., c. 213, s. 7.

PART I.

GENERAL.

8. In the case of a bank other than a savings bank the provisions of this Part are subject to the provisions of Part II. R.S., c. 213, s. 8.

9. In the case of insurance companies the provisions of this Part are subject to the provisions of Part III. R.S., c. 213, s. 9.

WINDING-UP ORDER.

10. The court may make a winding-up order,

(a) where the period, if any, fixed for the duration of the company by the Act, charter or instrument of incorporation has expired; or where the event, if any, has occurred, upon the occurrence of which it is provided by the Act or charter or instrument of incorporation that the company is to be dissolved;

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(b) where the company at a special meeting of shareholders called for the purpose has passed a resolution requiring the company to be wound up;

(c) when the company is insolvent;

(d) when the capital stock of the company is impaired to the extent of twenty-five per cent thereof, and when it is shown to the satisfaction of the court that the lost capital will not likely be restored within one year; or

(e) when the court is of opinion that for any other reason it is just and equitable that the company should be wound up. R.S., c. 213, s. 10.

Application for Order.

11. The application for such winding-up order may, in the cases mentioned in paragraphs (a) and (b) of section 10, be made by the company or by a shareholder; and in the case mentioned in paragraph (c) of section 10, by the company or by a creditor for the sum of at least two hundred dollars, or, except in the case of banks and insurance corporations, by a shareholder holding shares in the capital stock of the company to the amount of at least five hundred dollars par value, or holding five shares without nominal or par value in the capital stock of the company, and, in the other cases mentioned in section 10, by a shareholder holding shares in the capital stock of the company to the amount of at least five hundred dollars par value, or holding five shares without nominal or par value in the capital stock of the company. 1930, c. 49, s. 1.

12. (1) Such application may be made by petition to the court in the province where the head office of the company is situated, or, if there is no head office in Canada, then in the province where its chief place, or one of its chief places of business is situated.

(2) Except in cases where such application is made by the company, four days' notice of the application shall be given to the company before the making of the same. R.S., c. 213, s. 12.

13. The court may, on application for a winding-up order, make the order applied for, dismiss the petition with or without costs, adjourn the hearing conditionally or unconditionally, or make any interim or other order that it deems just. R.S., c. 213, s. 13.

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14. If the company opposes the application on the ground that it has not become insolvent, or that its suspension or default was only temporary, and was not caused by a deficiency in its assets, or that the capital stock is not impaired to the extent aforesaid, or that such impairment does not endanger the capacity of the company to pay its debts in full, or that there is a probability that the lost capital will be restored within a year or within a reasonable time thereafter, and shows reasonable cause for believing that such opposition is well founded, the court, in its discretion, may, from time to time, adjourn proceedings upon such application, for a time not exceeding six months from the date of the application, and may order an accountant or other person to inquire into the affairs of the company, and to report thereon within a period not exceeding thirty days from the date of such order. R.S., c. 213, s. 14.

15. Upon the service on the company of an order made under section 14, for an inquiry into the affairs of the company, the president, directors, officers and employees of the company and every other person, shall respectively exhibit to the accountant or other person named for the purpose of making such inquiry, the books of account of the company and all inventories, papers and vouchers referring to the business of the company or of any person therewith, which are in his or their possession, custody or control, respectively; and they shall also respectively give all such information as is required by such accountant or other person as aforesaid, in order to form a just estimate of the affairs of the company. R.S., c. 213, s. 15.

16. Upon receiving the report of the accountant or person ordered to inquire into the affairs of the company, and after hearing such shareholders or creditors of the company as desire to be heard thereon, the court may either refuse the application or make the winding-up order. R.S., c. 213, s. 16.

Staying Proceedings.

17. The court may, upon the application of the company, or of any creditor or contributory, at any time after the presentation of a petition for a winding-up order and before making the order, restrain further proceedings in any action, suit or proceeding against the company, upon such terms as the court thinks fit. R.S., c. 213, s. 17.

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18. The court may, upon the application of any creditor or contributory, at any time after the winding-up order is made, and upon proof, to the satisfaction of the court, that all proceedings in relation to the winding-up ought to be stayed, make an order staying the same, either altogether or for a limited time, on such terms and subject to such conditions as the court thinks fit. R.S., c. 213, s. 18.

**Effect of Winding-up Order.**

19. The company, from the time of the making of the winding-up order, shall cease to carry on its business, except in so far as is, in the opinion of the liquidator, required for the beneficial winding-up thereof; but the corporate state and all the corporate powers of the company, notwithstanding it is otherwise provided by the Act, charter or instrument of incorporation, continue until the affairs of the company are wound up. R.S., c. 213, s. 19.

20. All transfers of shares, except transfers made to or with the sanction of the liquidator, under the authority of the court, and every alteration in the status of the members of the company, after the commencement of such winding-up, shall be void. R.S., c. 213, s. 20.

21. After the winding-up order is made, no suit, action or other proceeding shall be proceeded with or commenced against the company, except with the leave of the court and subject to such terms as the court imposes. R.S., c. 213, s. 21.

22. Every attachment, sequestration, distress or execution put in force against the estate or effects of the company after the making of the winding-up order is void. R.S., c. 213, s. 22.

**Appointment of Liquidators.**

23. (1) The court in making the winding-up order, may appoint a liquidator or more than one liquidator of the estate and effects of the company.

(2) In the case of any company except building societies incorporated, banks, savings banks, insurance companies, trust companies, loan companies and railway companies, the court shall not appoint as liquidator any person who is not licensed as a trustee under the Bankruptcy Act. R.S., c. 213, s. 23; 1932, c. 56, s. 3.

24. If more than one liquidator is appointed, the court may declare whether any act to be done by a liquidator is to be done by all or any one or more of the liquidators. R.S., c. 213, s. 24.

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25. The court may, if it thinks fit, after the appointment of one or more liquidators, appoint an additional liquidator or liquidators. R.S., c. 213, s. 25.

26. No liquidator aforesaid shall be appointed unless a previous notice is given to the creditors, contributories and shareholders or members; and the court shall by order direct the manner and form in which such notice shall be given and the length of such notice. R.S., c. 213, s. 26.

27. The court shall also determine what security shall be given by a liquidator on his appointment. R.S., c. 213, s. 27.

28. The court may on the presentation of the petition for a winding-up order or at any time thereafter and before the first appointment of a liquidator appoint provisionally a liquidator of the estate and effects of the company and may limit and restrict his powers by the order appointing him. R.S., c. 213, s. 28.

29. An incorporated company may be appointed liquidator to the goods and effects of a company under this Act; and if an incorporated company is so appointed, it may act through one or more of its principal officers designated by the court. R.S., c. 213, s. 29.

30. Where under the laws of any province a trust company is accepted by the courts of such province, and is permitted to act, as administrator, assignee or curator without giving security, such trust company may be appointed liquidator of a company under this Act, without giving security. R.S., c. 213, s. 30.

31. Upon the appointment of the liquidator all the powers of the directors shall cease, except in so far as the court or the liquidator sanctions the continuance of such powers. R.S., c. 213, s. 31.

32. A liquidator may resign or may be removed by the court on due cause shown, and every vacancy in the office of liquidator shall be filled by the court. R.S., c. 213, s. 32.

33. The liquidator, upon his appointment, shall take into his custody or under his control, all the property, effects and choses in action to which the company is or appears to be entitled, and he shall perform such duties in reference to winding up the business of the company as are imposed by the court or by this Act. R.S., c. 213, s. 33.

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34. The liquidator shall, within sixty days after his appointment, prepare a statement of the assets, debts and liabilities of the company and of the value of such assets as shown by his books and records. R.S., c. 213, s. 34.

35. (1) The liquidator may, with the approval of the court, and upon such previous notice to the creditors, contributories, shareholders or members as the court orders,

(a) bring or defend any action, suit or prosecution or other legal proceeding, civil or criminal, in his own name as liquidator or in the name or on behalf of the company, as the case may be;

(b) carry on the business of the company so far as is necessary to the beneficial winding-up of the same;

(c) sell the real and personal and heritable and movable property, effects and choses in action of the company, by public auction or private contract, and transfer the whole thereof to any person or company, or sell the same in parcels for such consideration as may be approved by the court;

(d) do all acts, and execute, in the name and on behalf of the company, all deeds, receipts and other documents, and for that purpose use, when necessary, the seal of the company;

(e) prove, rank, claim and draw dividends in the matter of the bankruptcy, insolvency or sequestration of any contributory, for any sum due the company from such contributory, and take and receive dividends in respect of such sum in the matter of the bankruptcy, insolvency or sequestration, as a separate debt due from such contributory and ratably with the other separate creditors;

(f) draw, accept, make and endorse any bill of exchange or promissory note in the name and on behalf of the company;

(g) raise upon the security of the assets of the company, from time to time, any requisite sum or sums of money; and

(h) do and execute all such other things as are necessary for winding up the affairs of the company and distributing its assets.

(2) The drawing, accepting, making or endorsing of every such bill of exchange or promissory note, as aforesaid, on behalf of the company, has the same effect, with respect to the liability of such company, as if such bill or note had been drawn, accepted, made or endorsed by or on behalf of such company in the course of the carrying on of its business.
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No delivery of assets needed.

(3) No delivery of the whole or of any part of the assets of the company is necessary to give a lien to any person taking security as aforesaid upon the assets of the company. R.S., c. 213, s. 35.

36. The liquidator may, with the approval of the court, appoint a solicitor or law agent to assist him in the performance of his duties. R.S., c. 213, s. 36.

Debts due to the company may be compromised.

37. (1) The liquidator may, with the approval of the court, compromise all calls and liabilities to calls, debts and liabilities capable of resulting in debts, and all claims, demands and matters in dispute in any way relating to or affecting the assets of the company or the winding up of the company, upon the receipt of such sums, payable at such times, and generally upon such terms, as are agreed upon.

(2) The liquidator may take any security for the discharge of such calls, debts, liabilities, claims, demands, or disputed matters, and give a complete discharge in respect of all or any such calls, debts, liabilities, claims, demands, or matters. R.S., c. 213, s. 37.

Creditors may be compromised.

38. The liquidator may, with the approval of the court, make such compromise or other arrangements with creditors or persons claiming to be creditors of the company as he shall deem expedient. R.S., c. 213, s. 38.

Court may provide as to powers of liquidator.

39. The court may provide, by any order subsequent to the winding-up order, that the liquidator may exercise any of the powers conferred upon him by this Act, without the sanction or intervention of the court. R.S., c. 213, s. 39.

Documents to be forwarded to Dominion Statistician.

40. The liquidator shall promptly after their receipt or preparation, mail to the Dominion Statistician, Dominion Bureau of Statistics, Ottawa, a true copy of

(a) the winding-up order referred to in section 10;
(b) the petition referred to in section 12;
(c) the statement of the debts, liabilities and assets of the company and statements of the value of such assets referred to in section 34; and
(d) the dividend sheets referred to in section 85.
R.S., c. 213, s. 40.

Appointment of Inspectors.

41. The court may appoint, at any time when found advisable, one or more inspectors, whose duty it is to assist and advise the liquidator in the liquidation of the company. R.S., c. 213, s. 41.

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42. (1) The liquidator shall be paid such salary or remuneration, by way of percentage or otherwise, as the court directs, upon such notice to the creditors, contributiors, shareholders or members, as the court orders.

(2) If there is more than one liquidator, the remuneration shall be distributed amongst them in such proportions as the court directs. R.S., c. 213, s. 42.

43. The court shall determine the remuneration, if any is deemed just, of the inspector or inspectors. R.S., c. 213, s. 43.

Depositing in Bank.

44. The liquidator shall deposit at interest in some chartered bank or post office savings bank, or other Government savings bank designated by the court, all sums of money which he has in his hands belonging to the company, whenever and so often as such sums amount to one hundred dollars. R.S., c. 213, s. 44.

45. Such deposits shall not be made in the name of the liquidator individually, on pain of dismissal; but a separate account shall be kept for the company of the moneys belonging to the company in the name of the liquidator as such. R.S., c. 213, s. 45.

46. The liquidator shall, within three days after the date of the final winding up of the business of the company, deposit at interest in the bank appointed or designated, as hereinbefore provided, any money belonging to the estate then in his hands not required for any other purpose authorized by this Act, with a sworn statement and account of such money, and that the same is all that he has in his hands. R.S., c. 213, s. 46.

47. In case any liquidator does not, within three days after the date of the final winding up of the business of the company, deposit in the bank, appointed or designated as hereinbefore provided, any money belonging to the estate of which he is such liquidator, then in his hands, he shall be deemed a debtor to Her Majesty for such money, and may be compelled as such to account for and pay over the same. R.S., c. 213, s. 47.

Court Discharging Functions of Liquidator.

48. If at any time there is no liquidator, all the property of the company shall be deemed to be in the custody of the court. R.S., c. 213, s. 48.

49. R.S., 1952.
49. (1) Whenever a company is being wound up, and the realization and distribution of its assets has proceeded so far that in the opinion of the court it becomes expedient that the liquidator should be discharged, and that the balance remaining in his hands of the moneys and assets of the company can be better realized and distributed by the court, the court may make an order discharging the liquidator, and for payment, delivery and transfer into court, or to such officer or person as the court may direct, of such moneys and assets, and the same shall be realized and distributed, by or under the direction of the court, among the persons entitled thereto, in the same way, as nearly as may be, as if the distribution were being made by the liquidator.

(2) In such case the court may make an order directing how the books, accounts and documents of the company and of the liquidator may be disposed of, and may order that they be deposited in court or otherwise dealt with as may be thought fit. R.S., c. 213, s. 49.

Contributories.

50. As soon as may be after the commencement of the winding up of a company the court shall settle a list of contributories. R.S., c. 213, s. 50.

51. In the list of contributories, persons who are contributories in their own right shall be distinguished from persons who are contributories as representatives of or liable for the debts of others. R.S., c. 213, s. 51.

52. It is not necessary, where the personal representative of any deceased contributory is placed on the list, to add the heirs or devisees of such contributory, but such heirs or devisees may be added as and when the court thinks fit. R.S., c. 213, s. 52.

53. (1) Every shareholder or member of the company or his representative, is liable to contribute the amount unpaid on his shares of the capital, or on his liability to the company, or to its members or creditors, as the case may be, under the Act, charter or instrument of incorporation of the company, or otherwise.

(2) The amount that he is liable to contribute shall be deemed an asset of the company, and a debt due to the company, payable as directed or appointed under this Act. R.S., c. 213, s. 53.
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54. (1) Where a shareholder has transferred his shares under circumstances that do not, by law, free him from liability in respect thereof, or where he is by law liable to the company or its members or creditors, as the case may be, to an amount beyond the amount unpaid on his shares, he shall be deemed a member of the company for the purposes of this Act, and is liable to contribute, as aforesaid, to the extent of his liabilities to the company or its members or creditors, independently of this Act.

(2) The amount that he is so liable to contribute shall be deemed an asset and a debt as aforesaid. R.S., c. 213, s. 54.

55. The liability of any person to contribute to the assets of a company under this Act, in the event of the business of the same being wound up, creates a debt accruing due from such person at the time when his liability commenced, but payable at the time or respective times when calls are made, as hereinafter mentioned, for enforcing such liability. R.S., c. 213, s. 55.

56. In the case of the bankruptcy or insolvency of any contributory, the estimated value of his liability to future calls, as well as calls already made, may be proved against his estate. R.S., c. 213, s. 56.

57. The court may, at any time, after making a winding-up order, require any contributory for the time being settled on the list of contributories as trustee, receiver, banker, agent or officer of the company, to pay, deliver, convey, surrender or transfer forthwith, or within such time as the court directs, to or into the hands of the liquidator, any sum or balance, books, papers, estate or effects that are in his hands for the time being, and to which the company is prima facie entitled. R.S., c. 213, s. 57.

58. The court may, at any time after making a winding-up order, make an order on any contributory for the time being settled on the list of contributories, directing payment to be made, in manner in the said order mentioned, of any moneys due from him or from the estate of the person whom he represents, to the company, exclusive of any moneys which he or the estate of the person whom he represents is liable to contribute by virtue of any call made in pursuance of this Act. R.S., c. 213, s. 58.

59. The court may, at any time after making a winding-up order, and either before or after it has ascertained the sufficiency of the assets of the company, make calls on and order payment thereof by all or any of the contributories. R.S., 1952.
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Contributories for the time being settled on the list of contributories, to the extent of their liability, for payment of all or any sums it deems necessary to satisfy the debts and liabilities of the company, and the costs, charges and expenses of winding up, and for the adjustment of the rights of the contributories among themselves. R.S., c. 213, s. 59.

60. (1) The court may, in making a call, take into consideration the probability that some of the contributories upon whom the same is made may partly or wholly fail to pay their respective portions of the same.

(2) No call compels payment of a debt before the maturity thereof, and the extent of the liability of any contributory is not increased by anything in this section. R.S., c. 213, s. 60.

61. (1) The court may order any contributory, purchaser or other person from whom money is due to the company, to pay the same into some chartered bank or post office savings bank, or other bank or Government savings bank, to the account of the court, instead of the liquidator.

(2) Such order may be enforced in the same manner as if it had directed payment to the liquidator. R.S., c. 213, s. 61.

62. The court shall adjust the rights of the contributories among themselves. R.S., c. 213, s. 62.

Meetings of Creditors.

63. The court may, if it thinks expedient, direct meetings of the creditors, contributories, shareholders or members to be summoned, held and conducted in such manner as the court directs, for the purpose of ascertaining their wishes, and may appoint a person to act as chairman of any such meeting, and to report the result of such meeting to the court. R.S., c. 213, s. 63.

64. (1) In such case regard shall, as to creditors, be had to the amount of the debt due to each creditor and as to shareholders or members, to the number of votes conferred on each shareholder or member by law or by the regulations of the company.

(2) The court may prescribe the mode of preliminary proof of creditors' claims for the purpose of the meeting. R.S., c. 213, s. 64.

R.S., 1952.
65. Where any compromise or arrangement is proposed between a company in course of being wound up under this Act and the creditors of the company, or by and between any such creditors or any class or classes of such creditors and the company, the court, in addition to any other of its powers, may, on the application, in a summary way, of any creditor, or of the liquidator, order that a meeting of such creditors or class or classes of creditors shall be summoned in such manner as the court shall direct. R.S., c. 213, s. 65.

66. If a majority in number, representing three-fourths in value, of such creditors, or class or classes of creditors, present either in person or by proxy at such meeting, agree to any arrangement or compromise, such arrangement or compromise may be sanctioned by an order of the court, and in such case is binding on all such creditors, or on such class or classes of creditors, as the case may be, and also on the liquidator and contributories of the company. R.S., c. 213, s. 66.

67. In directing meetings of creditors, contributories, shareholders or members of the company to be held as provided in this Act, the court may either appoint a person to act as chairman of such meeting, or direct that a chairman be appointed by the persons entitled to be present at such meeting; and, in case the appointed chairman fails to attend the said meeting, the persons present at the meeting may elect a chairman qualified who shall perform the duties prescribed by this Act. R.S., c. 213, s. 67.

68. No contributory, creditor, shareholder, or member shall vote at any meeting unless present personally or represented by some person acting under a written authority, filed with the chairman or liquidator, to act as such representative at the meeting, or generally. R.S., c. 213, s. 68.

Production of Pass-books.

69. At every meeting of the contributories, creditors, shareholders or members, the liquidator shall produce a bank pass-book, showing the amount of the deposits made for the company, the dates at which such deposits were made, the amount withdrawn and dates of such withdrawal. R.S., c. 213, s. 69.

70. The liquidator shall also produce such pass-book whenever ordered so to do by the court. R.S., c. 213, s. 70.

R.S., 1952.
71. (1) When the business of a company is being wound up under this Act, all debts payable on a contingency, and all claims against the company, present or future, certain or contingent, and for liquidated or unliquidated damages, are admissible to proof against the company.

(2) In case of any claim subject to any contingency or for unliquidated damages or which for any other reason does not bear a certain value, the court shall determine the value of the same and the amount for which it shall rank. R.S., c. 213, s. 71.

72. Clerks or other persons in, or having been in the employment of the company, in or about its business or trade, shall be collocated in the dividend sheet by special privilege over other creditors, for any arrears of salary or wages due and unpaid to them at the time of the making of the winding-up order, not exceeding the arrears that have accrued to them during the three months immediately preceding the date of such order. R.S., c. 213, s. 72.

73. The law of set-off, as administered by the courts, whether of law or equity, applies to all claims upon the estate of the company, and to all proceedings for the recovery of debts due or accruing due to the company at the commencement of the winding up, in the same manner and to the same extent as if the business of the company was not being wound up under this Act. R.S., c. 213, s. 73.

74. The court may fix a certain day or certain days on or within which creditors of the company may send in their claims, and may direct notice thereof to be given by the liquidator, and determine the manner in which notice of the day or days so fixed shall be given by the liquidator to the creditors. R.S., c. 213, s. 74.

75. (1) The liquidator may give notice in writing to creditors who have sent in their claims to him, or of whose claims he has notice, and whose claims he considers should not be allowed without proof, requiring such creditors to attend before the court on a day to be named in such notice and prove their claims to the satisfaction of the court.

(2) In case any creditor does not attend in pursuance of such notice his claim shall be disallowed, unless the court sees fit to grant further time for the proof thereof.

(3) If any creditor attends in pursuance of such notice, the court may on hearing the matter allow or disallow the claim of such creditor in whole or in part. R.S., c. 213, s. 75.

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76. (1) After the notices required by sections 74 and 75 have been given, and the respective times therein specified have expired, and all claims of which proof has been required by due notice in writing by the liquidator in that behalf have been allowed or disallowed by the court in whole or in part, the liquidator may distribute the assets of the company or any part thereof among the persons entitled thereto and without reference to any claim against the company that has not then been sent to the liquidator.

(2) The liquidator is not liable to any person whose claim has not been sent in at the time of distributing such assets or part thereof for the assets or part thereof so distributed. R.S., c. 213, s. 76.

77. In case any claim or claims are sent in to the liquidator after any partial distribution of the assets of the company, such claim or claims, subject to proof and allowance as required by this Act, shall rank with other claims of creditors in any future distribution of assets of the company. R.S., c. 213, s. 77.

Secured Claims.

78. If a creditor holds security upon the estate of the company, he shall specify the nature and amount of such security in his claim, and shall therein, on his oath, put a specified value thereon. R.S., c. 213, s. 78.

79. The liquidator, under the authority of the court, may either consent to the retention by the creditor of the property and effects constituting such security or on which it attaches, at such specified value, or he may require from such creditor an assignment and delivery of such security, property and effects, at such specified value, to be paid by him out of the estate so soon as he has realized such security, together with interest on such value from the date of filing the claim till payment. R.S., c. 213, s. 79.

80. In case of such retention, the difference between the value at which the security is retained and the amount of the claim of such creditor shall be the amount for which he may rank as aforesaid. R.S., c. 213, s. 80.

81. (1) If a creditor holds a claim based upon negotiable instruments upon which the company is only indirectly or secondarily liable, and which is not mature or exigible, such creditor shall be considered to hold security within the meaning of sections 78, 79 and 80, and shall put a value on the liability of the person primarily liable thereon as being his security for the payment thereof.

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(2) After the maturity of such liability and its non-payment, he is entitled to amend and revalue his claim. R.S., c. 213, s. 81.

Security by mortgage on real property or a ship.

82. Where the security consists of a mortgage upon ships or shipping, or upon real property, or of a registered judgment, or an execution binding real property that is not by some other provision of this Act invalid for any purpose of creating a lien, claim or privilege upon the real or personal property of the company, the property mortgaged or bound by such security shall only be assigned and delivered to the creditors,

Assignment with defective title.

(a) subject to all previous mortgages, judgments, executions, hypothecs and liens thereon, holding rank and priority before his claim;

(b) upon his assuming and binding himself to pay all such previous mortgages, judgments, executions, hypothecs and liens; and

(c) upon his securing the estate of the company to the satisfaction of the liquidator against any claim by reason of such previous mortgages, judgments, executions, hypothecs and liens. R.S., c. 213, s. 82.

Under obligation.

83. Where there are mortgages, judgments, executions, hypothecs, or liens upon such ships or shipping or real property subsequent to those of such creditor, he shall only obtain the property

(a) by consent of the subsequently secured creditors;

(b) upon their filing their claims specifying their security thereon as of no value;

(c) upon his paying them the value by them placed thereon; or

(d) upon his securing the estate of the company to the satisfaction of the liquidator against any claim by reason of such subsequent mortgages, judgments, executions, hypothecs and liens. R.S., c. 213, s. 83.

Subject to indemnity.

84. Upon a secured claim being filed, with a valuation of the security, the liquidator shall procure the authority of the court to consent to the retention of the security by the creditor, or shall require from him an assignment and delivery thereof. R.S., c. 213, s. 84.

Dividend Sheet.

85. In the preparation of the dividend sheet, due regard shall be had to the rank and privilege of every creditor, but no dividend shall be allotted or paid to any creditor holding security upon the estate of the company for his claim until the

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the amount for which he may rank as a creditor upon the estate, as to dividends therefrom, is established as herein provided. R.S., c. 213, s. 85.

Liens.

86. (1) No lien or privilege shall be created

(a) upon the real or personal property of the company, for the amount of any judgment debt, or of the interest thereon, by the issue or delivery to the sheriff of any writ of execution, or by levying upon or seizing under such writ the effects or estate of the company; or

(b) upon the real or personal property of the company, or upon any debts due or accruing or becoming due to the company, by the filing or registering of any memorial or minute of judgment, or by the issue or taking out of any attachment or garnishee order or other process or proceeding;

if, before the payment over to the plaintiff of the moneys actually levied, paid or received under such writ, memorial, minute, attachment, garnishee order or other process or proceeding, the winding up of the business of the company has commenced.

(2) This section does not affect any lien or privilege for costs that the plaintiff possesses under the law of the province in which such writ, attachment, garnishee order or other process or proceeding was issued or taken out. R.S., c. 213, s. 86.

Contestation of Claims.

87. Any liquidator, creditor or contributory, or shareholder or member may object to any claim filed with the liquidator, or to any dividend declared. R.S., c. 213, s. 87.

88. (1) Where a claim or dividend is objected to, the objections shall be filed in writing with the liquidator, together with the evidence of the previous service of a copy thereof on the claimant.

(2) The claimant shall have six days to answer the objections, or such further time as the court allows, and the contestant shall have three days to reply, or such further time as the court allows. R.S., c. 213, s. 88.

89. Upon the completion of the issues upon the objections, the liquidator shall transmit to the court all necessary papers relating to the contestation, and the court shall then, on the application of either party, fix a day for taking evidence upon the contestation, and hearing and determining the same. R.S., c. 213, s. 89.

90. R.S., 1952.
90. The court may make such order as seems proper in respect to the payment of the costs of the contestation by either party or out of the estate of the company. R.S., c. 213, s. 90.

Default in answer by claimant.

91. Where, after a claim or dividend has been duly objected to, the claimant does not answer the objections, the court may, on the application of the contestant, make an order barring the claim or correcting the dividend, or may make such other order in reference thereto as appears right. R.S., c. 213, s. 91.

92. The court may order the person objecting to a claim or dividend to give security for the costs of the contestation within a limited time, and may, in default, dismiss the contestation or stay proceedings thereon, upon such terms as the court thinks just. R.S., c. 213, s. 92.

Distribution of Assets.

93. The property of the company shall be applied in satisfaction of its debts and liabilities, and the charges, costs and expenses incurred in winding up its affairs. R.S., c. 213, s. 93.

94. All costs, charges and expenses properly incurred in the winding up of a company, including the remuneration of the liquidator, are payable out of the assets of the company, in priority to all other claims. R.S., c. 213, s. 94.

95. The court shall distribute among the persons entitled thereto any surplus that remains after satisfaction of the debts and liabilities of the company, and the winding-up charges, costs and expenses, and unless otherwise provided by law or by the Act, charter or instrument of incorporation, any property or assets remaining after such satisfaction shall be distributed among the members or shareholders according to their rights and interests in the company. R.S., c. 213, s. 95.

Fraudulent Preferences.

96. All gratuitous contracts, or conveyances or contracts without consideration, or with a merely nominal consideration, respecting either real or personal property, made by a company in respect to which a winding-up order under this Act is afterwards made, with or to any person whatsoever, whether creditor of the company or not, within three months immediately preceding the commence ment of the winding-up, are void as against the company and its creditors, whether they have notice or not of the acts, and the consideration is presumed to have been given with intent to defraud creditors. R.S., 1952.
mencement of the winding up, or at any time afterwards, shall be presumed to have been made with intent to defraud the creditors of such company. R.S., c. 213, s. 96.

97. All contracts by which creditors are injured, obstructed or delayed, made by a company unable to meet its engagements, and in respect to which a winding-up order under this Act is afterwards made, with a person whether a creditor of the company or not, who knows such inability or has probable cause for believing such inability to exist, or after such inability is public and notorious, shall be presumed to be made with intent to defraud the creditors of such company. R.S., c. 213, s. 97.

98. A contract or conveyance for consideration, respecting either real or personal property, by which creditors are injured or obstructed, made by a company unable to meet its engagements with a person ignorant of such inability, whether a creditor of the company or not, and before such inability has become public and notorious, but within thirty days next before the commencement of the winding up of the business of such company under this Act, or at any time afterwards, is voidable, and may be set aside by any court of competent jurisdiction, upon such terms as to the protection of such person from actual loss or liability by reason of such contract as the court orders. R.S., c. 213, s. 98.

99. All contracts or conveyances made and acts done by a company respecting either real or personal property, with intent fraudulently to impede, obstruct or delay the creditors of the company in their remedies against the company, or with intent to defraud the creditors of the company or any of them, and so made, done and intended with the knowledge of the person contracting or acting with the company, whether a creditor of the company or not, and which have the effect of impeding, obstructing or delaying the creditors in their remedies, or of injuring them, or any of them, are null and void. R.S., c. 213, s. 99.

100. (1) Where any sale, deposit, pledge or transfer is made of any property, real or personal, by a company in contemplation of insolvency under this Act, by way of security for payment to any creditor, or any property real or personal, movable or immovable, goods, effects or valuable security, are given by way of payment by such company to any creditor, whereby such creditor obtains or will obtain an unjust preference over the other creditors, such sale, deposit, pledge, transfer or payment is null and void; R.S., 1952.
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void; and the subject thereof may be recovered back for the benefit of the estate by the liquidator, in any court of competent jurisdiction.

(2) Where such sale, deposit, pledge or transfer is made within thirty days next before the commencement of the winding up under this Act, or at any time afterwards, it shall be presumed to have been so made in contemplation of insolvency. R.S., c. 213, s. 100.

101. (1) Every payment made within thirty days next before the commencement of the winding up under this Act by a company unable to meet its engagements in full, to a person knowing such inability, or having probable cause for believing the same to exist, is void, and the amount paid may be recovered back by the liquidator by suit or action in any court of competent jurisdiction.

(2) Where any valuable security is given up in consideration of such payment, such security or the value thereof shall be restored to the creditor upon the return of such payment. R.S., c. 213, s. 101.

102. When a debt due or owing by the company has been transferred within the time and under the circumstances mentioned in section 101, or at any time afterwards, to a contributory, or to any person indebted or liable in any way to the company, who knows or has probable cause for believing the company to be unable to meet its engagements, or in contemplation of its insolvency under this Act, for the purpose of enabling such contributory, or such person so indebted or liable to the company, to set up, by way of compensation or set-off, the debt so transferred, such debt shall not be set up by way of compensation or set-off against the claim upon such contributory or person. R.S., c. 213, s. 102.

Appeals.

103. Except in the Northwest Territories, any person dissatisfied with an order or decision of the court or a single judge in any proceeding under this Act may,

(a) if the question to be raised on the appeal involves future rights,

(b) if the order or decision is likely to affect other cases of a similar nature in the winding-up proceedings, or

(c) if the amount involved in the appeal exceeds five hundred dollars,

by leave of a judge of the court, or by leave of the court or a judge of the court to which the appeal lies, appeal therefrom. R.S., c. 213, s. 103.

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104. Such appeal lies to the highest court of final resort in or for the province or territory in which the proceeding originated. R.S., c. 213, s. 104.

105. In the Northwest Territories, any person dissatisfied with an order or decision of the court or a single judge, in any proceeding under this Act may, by leave of a judge of the Supreme Court of Canada, appeal therefrom to the Supreme Court of Canada. R.S., c. 213, s. 105.

106. All appeals shall be regulated, as far as possible, according to the practice in other cases of the court appealed to, but no appeal hereinbefore authorized shall be entertained unless the appellant has, within fourteen days from the rendering of the order or decision, or within such further time as the court or judge appealed from, or, in the Northwest Territories, a judge of the Supreme Court of Canada, allows, taken proceedings therein to perfect his appeal, nor unless, within the said time, he has made a deposit or given sufficient security according to the practice of the court appealed to, that he will duly prosecute the said appeal and pay such damages and costs as may be awarded to the respondent. R.S., c. 213, s. 106.

107. Where the party appellant does not proceed with his appeal, according to this Act and the rules of practice applicable, the court appealed to, on the application of the respondent, may dismiss the appeal with or without costs. R.S., c. 213, s. 107.

108. An appeal, if the amount involved therein exceeds two thousand dollars, lies by leave of a judge of the Supreme Court of Canada to that Court from the highest court of final resort in or for the province or territory in which the proceeding originated. R.S., c. 213, s. 108.

**Procedure.**

109. In all proceedings connected with the company, a liquidator shall be described as the liquidator of the (name of company), and not by his individual name only. R.S., c. 213, s. 109.

110. The proceedings under a winding-up order shall be carried on as nearly as may be in the same manner as an ordinary suit, action or proceeding within the jurisdiction of the court. R.S., c. 213, s. 110.

111. R.S., 1952.
The powers conferred by this Act upon the court may, subject to the appeal in this Act provided for, be exercised by a single judge thereof; and such powers may be exercised in chambers, either during term or in vacation. R.S., c. 213, s. 111.

After a winding-up order is made the court may, subject to an appeal according to the practice of the court in like cases, from time to time as to the court may seem meet, by order of reference, refer and delegate, according to the practice and procedure of the court, to any officer of the court any of the powers conferred upon the court by this Act. R.S., c. 213, s. 112.

The court has the power and jurisdiction to cause or allow the service of process or proceedings under this Act to be made on persons out of the jurisdiction of the court, in the same manner, and with the like effect, as in ordinary actions or suits within the ordinary jurisdiction of the court. R.S., c. 213, s. 113.

Every order of the court or judge for the payment of money or costs, charges or expenses made under this Act shall be deemed a judgment of the court, and may be enforced against the person or goods and chattels, lands and tenements of the person ordered to pay, in the manner in which judgments or decrees of any superior court obtained in any suit may bind lands or be enforced in the province where the court making the same is situate. R.S., c. 213, s. 114.

The practice with respect to the discovery of assets of judgment debtors, from time to time in force in the superior courts or in any superior court in the province where any such order is made, is applicable to and may be availed of in like manner for the discovery of the assets of any person who by such order is ordered to pay any money or costs, charges or expenses. R.S., c. 213, s. 115.

Debts due to any person against whom such order for the payment of money, costs or expenses has been obtained, may, in any province where the attachment and garnishment of debts is allowed by law, be attached and garnished in the same manner as debts in such province due to a judgment debtor may be attached and garnished by a judgment creditor. R.S., c. 213, s. 116.

In any action, suit, proceeding or contestation under this Act, the court may order the issue of a writ of subpœna ad testificandum or of subpœna ducès tecum, commanding the attendance, as a witness, of any person who is within Canada. R.S., c. 213, s. 117.
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118. The court may, at any time before or after it has made a winding-up order, upon proof being given that there is reasonable cause for believing that any contributory or any past or present director, manager, officer or employee of the company is about to quit Canada or otherwise abscond, or to remove or conceal any of his goods or chattels, for the purpose of evading payment of calls, or for avoiding examination in respect of the affairs of the company, cause such person to be arrested, and his books, papers, moneys, securities for money, goods and chattels to be seized, and him and them to be safely kept until such time as the court orders. R.S., c. 213, s. 118.

119. The court may, after it has made a winding-up order, summon before it or before any person named by it, any officer of the company or person known or suspected to have in his possession any of the estate or effects of the company, or supposed to be indebted to the company, or any person whom the court deems capable of giving information concerning the trade, dealings, estate or effects of the company. R.S., c. 213, s. 119.

120. If any person so summoned, after being tendered a reasonable sum for his expenses, refuses, without a lawful excuse, to attend at the time appointed, the court may cause such person to be apprehended and brought up for examination. R.S., c. 213, s. 120.

121. The court may require any such officer or person to produce before the court, any book, paper, deed, writing or other document in his custody or power relating to the company. R.S., c. 213, s. 121.

122. If any person claims any lien on papers, deeds, writings or documents produced by him, such production is without prejudice to such lien, and the court has jurisdiction in the winding up to determine all questions relating to such lien. R.S., c. 213, s. 122.

123. The court or person so named may examine, upon oath, either by word of mouth or upon written interrogatories, any person appearing or brought up in manner aforesaid, concerning the affairs, dealings, estate, or effects of the company, and may reduce to writing the answers of any such person, and require him to subscribe the same. R.S., c. 213, s. 123.

124. (1) After a winding-up order has been made, the court may make such order for the inspection, by the creditors, shareholders, members or contributories of the company, of its books and papers, as the court thinks just. R.S., 1952.
(2) Any books and papers in the possession of the company may be inspected in conformity with the order of the court, but not further or otherwise. R.S., c. 213, s. 124.

125. When in the course of the winding up of the business of a company under this Act, it appears that any past or present director, manager, liquidator, receiver, employee or officer of such company has misapplied or retained in his own hands, or become liable or accountable for any moneys of the company, or been guilty of any misfeasance or breach of trust in relation to the company, the court may, on the application of any liquidator, or of any creditor or contributory of the company, notwithstanding that the offence is one for which the offender is criminally liable, examine into the conduct of such director, manager, liquidator, receiver, officer or employee, and, upon such examination, may make an order requiring him to repay any moneys so misapplied or retained, or for which he has become liable or accountable, together with interest, at such rate as the court thinks just, or to contribute such sums of money to the assets of the company, by way of compensation in respect of such misapplication, retention, misfeasance or breach of trust, as the court thinks fit. R.S., c. 213, s. 125.

126. The court may, by any order made after the winding-up order and the appointment of a liquidator, dispense with notice to creditors, contributories, shareholders or members of the company required by this Act, where in its discretion such notice may properly be dispensed with. R.S., c. 213, s. 126.

127. The courts of the various provinces, and the judges of the said courts respectively, are auxiliary to one another for the purposes of this Act; and the winding up of the business of the company or any matter or proceeding relating thereto may be transferred from one court to another with the concurrence, or by the order or orders of the two courts, or by an order of the Supreme Court of Canada. R.S., c. 213, s. 127.

128. When any order made by one court is required to be enforced by another court, an office copy of the order so made, certified by the clerk or other proper officer of the court which made the same, under the seal of such court shall be produced to the proper officer of the court required to enforce the same. R.S., c. 213, s. 128.

129. Such last mentioned court shall, upon such production of the said certified copy of such order, take the same proceedings thereon for enforcing the order as if it was the order of the court required to enforce it. R.S., c. 213, s. 129.

130. (1) The rules of procedure, for the time being, as to amendments of pleadings and proceedings in the court, apply, as far as practicable, to all pleadings and proceedings under this Act.

(2) Any court before which such proceedings are being carried on has full power and authority to apply to such proceedings the appropriate rules of such court as to amendments. R.S., c. 213, s. 130.

131. No pleading or proceeding is void by reason of any irregularity or default which may be amended or disregarded; but the same may be dealt with according to the rules and practice of the court in cases of irregularity or default. R.S., c. 213, s. 131.

132. Any powers by this Act conferred on the court are in addition to, and not in restriction of any other powers at law or in equity of instituting proceedings against any contributory, or the estate of any contributory, or against any debtor of the company, or his estate, for the recovery of any call or other sum due from such contributory, debtor, or estate; and such proceedings may be instituted accordingly. R.S., c. 213, s. 132.

133. The court may, as to all matters relating to the winding up, have regard, so far as it deems just, to the wishes of the creditors, contributories, shareholders or members, as proved to it by any sufficient evidence. R.S., c. 213, s. 133.

134. (1) The court if satisfied that, with respect to the whole or any portion of the proceedings, the interests of creditors, claimants or shareholders can be classified, may, after notice by advertisement or otherwise, nominate and appoint a solicitor and counsel to represent each or any class for the purpose of the proceedings, and all the persons composing any such class are bound by the acts of the solicitor and counsel so appointed, and service upon such solicitor of notices, orders, or other proceedings of which service is required, shall for all purposes be, and be deemed to be, good and sufficient service thereof upon all the persons composing the class represented by him.

(2) R.S., 1952.
(2) The court may, by the order appointing a solicitor and counsel for any class, or by subsequent order, provide for the payment of the costs of such solicitor and counsel by the liquidator of the company out of the assets of the company, or out of such portion thereof as to the court seems just and proper. R.S., c. 213, s. 134.

135. The liquidator is subject to the summary jurisdiction of the court in the same manner and to the same extent as the ordinary officers of the court are subject to its jurisdiction; and the performance of his duties may be compelled by order of the court. R.S., c. 213, s. 135.

136. All remedies sought or demanded for enforcing any claim for a debt, privilege, mortgage, lien or right of property upon, in or to any effects or property in the hands, possession or custody of a liquidator, may be obtained by an order of the court on summary petition, and not by any action, suit, attachment, seizure or other proceeding of any kind whatsoever. R.S., c. 213, s. 136.

Rules, Regulations and Forms.

137. (1) A majority of the judges of the court, of which the chief justice shall be one, may, from time to time, make and frame and settle the forms, rules and regulations to be followed and observed in proceedings under this Act, and make rules as to the costs, fees and charges which shall or may be had, taken or paid in all such cases by or to attorneys, solicitors or counsel, and by or to officers of courts, whether for the officers or for the Crown, and by or to sheriffs, or other persons, or for any service performed or work done under this Act.

(2) In Ontario the judges of the Supreme Court of Ontario, and in Quebec the judges of the Court of Queen's Bench, or a majority of such judges of which the chief justice shall be one, shall make and settle such forms, rules and regulations. R.S., c. 213, s. 137.

138. Until such forms, rules and regulations are made, the various forms and procedures, including the tariff of costs, fees and charges in cases under this Act, shall, unless otherwise specially provided, be the same as nearly as may be as those of the court in other cases. R.S., c. 213, s. 138.
Unclaimed Deposits.

139. (1) All dividends deposited in a bank and remaining unclaimed at the time of the final winding up of the business of the company shall be left for three years in the bank where they are deposited, subject to the claim of the persons entitled thereto. Unclaimed dividends to remain in bank.

(2) If such dividends are unclaimed at the expiration of three years aforesaid they shall be paid over by such bank, with interest accrued thereon, to the Minister. And paid to Minister after three years.

(3) If such dividends are afterwards duly claimed they shall, with such interest, be paid over to the persons entitled thereto. If afterwards claimed.

140. The money deposited in the bank by the liquidator after the final winding up of the business of a company shall be left for three years in the bank, subject to be claimed by the persons entitled thereto, and if not then paid out to such persons, shall be then paid over, with the interest accrued thereon, to the Minister, and if afterwards claimed shall be paid, with such interest, to the persons entitled to the same. R.S., c. 213, s. 139.

Money deposited not paid after three years to be paid to Minister of Finance.

Offences and Penalties.

141. When a winding-up order is made, if it appears in the course of such winding up that any past or present director, manager, officer or member of the company is guilty of an offence in relation to the company for which he is criminally liable, the court may, on the application of any person interested in such winding up, or of its own motion, direct the liquidator to institute and conduct a prosecution or prosecutions for such offence, and may order the costs and expenses to be paid out of the assets of the company. R.S., c. 213, s. 141.

Court may direct criminal proceedings.

142. Every person who, with intent to defraud or deceive any person, destroys, mutilates, alters or falsifies any book, paper, writing or security, or makes or is privy to the making of any false or fraudulent entry in any register, book of account or other document belonging to the company, the business of which is being wound up under this Act, is guilty of an indictable offence and liable to imprisonment in the penitentiary for any term not less than two years, or to imprisonment in any gaol or in any place of confinement other than a penitentiary for any term less than two years, with or without hard labour. R.S., c. 213, s. 142.

Destruction of books or false entry therein. Penalty.

5481 143.

R.S., 1952.
143. (1) Any liquidator, director, manager, receiver, officer or employee of a company, failing to comply with the requirements or directions of any order made by the court under this Act, is guilty of contempt of court and is subject to all process and punishments of such court for contempt.

(2) Any liquidator so failing may in the discretion of the court be removed from office as such liquidator. R.S., c. 213, s. 143.

144. Any refusal on the part of the president, directors, officers or employees of a company to give all information possessed by them respectively as to the affairs of the company required by the accountant or other person ordered by the court under this Part to inquire into the affairs of the company and to report thereon, is a contempt of court, and such president, directors, officers or employees are subject to all process and punishments of such court for contempt. R.S., c. 213, s. 144.

145. Every liquidator who does not within three days after the date of the final winding up of the business of the company, deposit in the bank appointed or designated as hereinbefore provided, any money belonging to the estate of which he is such liquidator, then in his hands and not required for any other purpose authorized by this Act, with an account of such money, and a sworn statement that the same is all that he has in his hands, shall incur a penalty not exceeding ten dollars, and not less than ten per cent per annum interest upon the sums in his hands for every day after the expiration of the said three days on which he neglects or delays such payment. R.S., c. 213, s. 145.

146. Every person being brought up for examination before the court after the court has made a winding-up order, or appearing before the court for such examination, who refuses without lawful excuse to answer any question put to him or to subscribe any answer made by him on such examination, is guilty of contempt of court, and is subject to all process and punishments of such court for contempt. R.S., c. 213, s. 146.

Evidence.

147. Where the business of a company is being wound up under this Act, all books of the company and of the liquidators are, as between the contributories of the company, prima facie evidence of the truth of all matters purporting to be therein recorded. R.S., c. 213, s. 147.

R.S., 1952.
148. Every affidavit, affirmation or declaration required to be sworn or made under the provisions or for the purposes of this Act, or to be used in the court in any proceeding under this Act, may be sworn or made in Canada before a liquidator, judge, notary public, commissioner for taking affidavits or justice of the peace; and out of Canada, before any judge of a court of record, any commissioner for taking affidavits to be used in any court in Canada, any notary public, the chief municipal officer of any town or city, any British consul or vice-consul, or any person authorized by or under any statute of Canada, or of any province, to take affidavits. R.S., c. 213, s. 148.

149. All courts, judges, justices, commissioners and persons acting judicially shall take judicial notice of the seal, or stamp or signature, as the case may be, of any such court, liquidator, judge, notary public, commissioner, justice, chief municipal officer, consul, vice-consul, or other person, attached, appended or subscribed to any such affidavit, affirmation or declaration or to any other document to be used for the purposes of this Act. R.S., c. 213, s. 149.

150. When any order made by one court is required to be enforced by another court, the production of an office copy of the order so made certified by the clerk or other proper officer of the court that made the same, under the seal of such court, is sufficient evidence of such order having been made. R.S., c. 213, s. 150.

151. The absence of mention in the minutes of any meeting of contributories, creditors, shareholders or members under this Act, of the production of the liquidator's bank pass-book, is prima facie evidence that such pass-book was not produced at such meeting. R.S., c. 213, s. 151.

PART II.

BANKS.

152. The provisions of this Part apply to banks only, not including savings banks. R.S., c. 213, s. 152.

153. (1) The application for a winding-up order shall be made by a creditor for a sum of not less than one thousand dollars.

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(2) R.S., 1952.
(2) The court shall, before making the order, direct a meeting of the shareholders of the bank and a meeting of the creditors of the bank to be summoned, held, and conducted as the court directs, for the purpose of ascertaining their respective wishes as to the appointment of liquidators. R.S., c. 213, s. 153.

154. (1) The court may appoint a person to act as chairman of the meeting of shareholders, and in default of such appointment, the president of the bank, or other person who usually presides at a meeting of shareholders, shall be chairman.

(2) The court may also appoint a person to act as chairman of the meeting of creditors, and in default of such appointment, the creditors at the meeting shall appoint a chairman. R.S., c. 213, s. 154.

155. (1) In taking a vote at the meeting of shareholders, regard shall be had to the number of votes conferred by law, or by the regulations of the bank, on each shareholder present or represented at such meeting.

(2) In taking a vote at the meeting of creditors, regard shall be had to the amount of the debt due to each creditor. R.S., c. 213, s. 155.

156. The chairman of each meeting shall report the proceedings of the meeting to the court, and, if a winding-up order is made, the court shall appoint one or more liquidators not exceeding three to be selected, in its discretion, after such hearing of the parties as it deems expedient, from among the persons nominated by the majorities and minorities of the shareholders and creditors at such meetings respectively. R.S., c. 213, s. 156.

157. If no one has been so nominated, the liquidator or liquidators shall be chosen by the court. R.S., c. 213, s. 157.

158. (1) The liquidators shall ascertain as nearly as possible the amount of notes of the bank intended for circulation and actually outstanding, and shall reserve dividends on any part of the said amount in respect of which claims are not filed, until the expiration of at least two years after the date of the winding-up order, or until the last dividend, if such last dividend is not made until after the expiration of the said time.

R.S., 1952.
(2) If claims are not filed and dividends applied for in respect of any part of the said amount before the period by this section limited, the dividends so reserved shall form the last or part of the last dividend. R.S., c. 213, s. 158.

159. (1) Publication in the Canada Gazette and in the official gazette of each province, and in two newspapers issued at or nearest to the place where the head office of a bank is situate, of notice of any proceeding of which, under this Act, creditors should be notified, is sufficient notice to holders of bank notes in circulation.

(2) If the head office is situated in the Province of Quebec, one of the newspapers in which publication is to be made shall be a newspaper published in English and the other a newspaper published in French. R.S., c. 213, s. 159.

PART III.

INSURANCE COMPANIES.

160. (1) This Part applies only to insurance companies, and the word “company” means an insurance company.

(2) If any company, in respect of the business of life insurance and any other class or classes of insurance transacted by the company in combination therewith, maintains funds and securities separate and distinct from the funds and securities maintained by the company in respect of any other class or classes of insurance business transacted by the company, then for the purposes of this Part “assets” means, as the circumstances may require, either the funds and securities maintained in respect of the life insurance business of the company and any other business transacted in combination therewith or the funds and securities maintained in respect of the other class or classes of insurance business transacted by the company.

(3) Without limiting the generality of its meaning “policy” in this Part includes “policy” as defined in the Canadian and British Insurance Companies Act and in the Foreign Insurance Companies Act.

(4) “Superintendent” means the Superintendent of Insurance within the meaning of the Department of Insurance Act. 1932, c. 56, s. 2.

161. (1) A company shall be deemed to be insolvent if, being any company whatsoever to which this Part applies, it has failed to pay any undisputed claim arising under any policy of the company, or a disputed claim after final judgment in regular course of law, for a space of ninety days after tender of a legally valid discharge and after notice of failure to pay has been given to the Minister;

(b) being any company registered under the provisions of the Canadian and British Insurance Companies Act or under the provisions of the Foreign Insurance Companies Act, its certificate of registry on the expiry thereof has not been renewed within thirty days after such expiry by reason of the Superintendent having made a report to the Minister that, from a statement of the affairs of the company, such company is not in a condition to meet its liabilities; or

(c) being any company so registered, the certificate of registry has been withdrawn and has not been renewed within thirty days thereafter and it is expressly provided in the Act under which the company is registered that in such case the company shall be deemed to be insolvent and be subject to be wound up under the provisions of this Act.

(2) When any company is deemed to be insolvent under the provisions of this Act, or of any other Act of the Parliament of Canada, the Attorney General of Canada, on the request of the Minister, may apply to the court for an order that the company be wound up. 1932, c. 56, s. 2.

162. (1) Subject to the provisions of this Act, claims shall be paid in the following order of priority:

(a) first—costs of liquidation;

(b) secondly—claims of preferred creditors, specified in section 72;

(c) thirdly—claims of policyholders of the company ranking as follows:

(i) if reinsurance is not effected as hereinafter provided, claims that have arisen under the policies of the company, in accordance with the terms thereof, prior to the date of the filing of the statement of the liquidator in the Department of Insurance as hereinafter provided, less any amount previously advanced by the company on the security of the policies, and the claims of policyholders to the value of their policies computed as hereinafter provided; or

(ii)
(ii) if reinsurance is effected, first, claims that have arisen under the policies of the company, in accordance with the terms thereof, of which notice is received by the company prior to the date the reinsurance is effected, less any amount previously advanced by the company on the security of the policies; secondly, the consideration payable for the reinsurance of policies under which no claims have arisen.

(2) Creditors of the company, other than policyholders, reinsurers if any, and the aforementioned preferred creditors, are entitled to receive a dividend on their claims only if the assets are more than sufficient to pay the claims specified in subsection (1).

(3) Notwithstanding anything in this Part, if the company is a British company registered under the Canadian and British Insurance Companies Act, or a foreign company registered under the Foreign Insurance Companies Act, no claim, after the payment of costs of liquidation, other than claims of the preferred creditors hereinbefore specified, holders of policies of a class of insurance for which the company was so registered, and reinsurers of such policies, if any, shall rank against the assets in Canada maintained by the company under and for the purposes of the said Acts, if such assets are maintained solely for the protection of policyholders in Canada; and the balance, if any, of the said assets, remaining after the said claims are paid, shall be applied by the liquidator in satisfaction of the claims of any other creditors of the company in Canada, but not including policyholders of any such company in respect of a class of insurance for which the company was not registered under either of the Acts aforesaid.

(4) The liquidator may, with the approval of the court and the Treasury Board, release to the company any balance of the assets in Canada remaining after payment of claims in the order of priority prescribed by subsection (3). 1932, c. 56, s. 2.

163. (1) The liquidator may, without the consent of the policyholders, arrange for the reinsurance of the policies of the company, in the case of a company other than a British or foreign company, and of its policies in Canada in the case of a British or foreign company, in some company or companies registered under the Canadian and British Insurance Companies Act or the Foreign Insurance Companies Act, and in such case the reinsurance shall be in lieu of the claim for the value of their policies computed as hereinafter provided.

R.S., 1952.
(2) Where the assets of the company are insufficient to provide for the preferred claims specified in section 72 and for claims under the policies of the company of which notice has been received by the company prior to the date of reinsurance, and for the reinsurance in full of the policies of the company, the reinsurance may be effected for such a percentage of the full amount of the policies as the said assets will secure.

(3) No contract of reinsurance made in pursuance of this section becomes effective until approved by the court and by the Treasury Board. 1932, c. 56, s. 2.

164. (1) Where the reinsurance is not effected, holders of policies of all classes of insurance on which no claims have arisen in accordance with the terms of the policies prior to the date of the winding-up order are entitled to claim against the assets of the company for the value of their respective policies computed as of the date of the winding-up order in accordance with such bases, methods and rules of computation as the Treasury Board may deem just and equitable, less any amount previously advanced by the company on the security of the policies.

(2) In prescribing bases, methods and rules of computation, the Treasury Board shall take into consideration the prospective indemnities, benefits and equities guaranteed under the terms of the policies of the several classes thereof (including any bonus or other additional indemnity or benefit granted after date of issue of the policy and subsisting at the date of the winding-up order and profits apportioned to policies but not distributed), the prospective premium payments, if any, the contingencies on which the payment of indemnities, benefits and premiums may depend, and such rate or rates of interest as may be deemed appropriate, but in no case shall the value for which a policyholder may claim be less than the value for which he might have claimed under the terms of his policy on cancellation thereof as of the date of the winding-up order.

(3) The bases, methods and rules of computation so prescribed by the Treasury Board are binding on all concerned, subject only to revocation or amendment by the Treasury Board.

(4) The liquidator may require the Superintendent to compute the values of policies in respect of which claims are made and the expense of such valuation at the rate of three cents for each policy valued shall be paid by the liquidator.

R.S., 1952.

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The funds and securities of the company in Canada that may be on deposit with any government in Canada or with trustees or otherwise held for the company or for the protection of the policyholders of the company of the class or classes that are affected by the winding-up order shall, on order of the court having jurisdiction, be transferred to the liquidator.

(2) Where the company is a Canadian company that has deposited with the government of any state or country outside of Canada, or with any trustee or other person in such state or country, any of its funds or securities for the protection of the company’s policyholders in such state or country, the liquidator may request such government, trustee or other person to transfer to him the said funds and securities and on such transfer being made, the said funds and securities shall be used for the benefit of all the company’s policyholders in the same manner as any other assets of the company.

(3) Where the said government, trustee or other person does not transfer the said funds and securities within such period commencing with the date of the liquidator’s request therefor as the Court may fix, the policyholders of the company, for whose protection the said deposit was made, shall be deemed to have refused the reinsurance, if any, arranged by the liquidator, and, whether reinsurance has been arranged or not, to have forfeited all right and claim to any share of the assets of the company other than the funds or securities so deposited for their protection outside of Canada. 1932, c. 56, s. 2.

166. Where a British company registered under the Canadian and British Insurance Companies Act, or a foreign company registered under the Foreign Insurance Companies Act, is in liquidation in the country in which its head office is situate, the Treasury Board may, if they deem it advisable and in the interests of the policyholders in Canada, authorize the liquidator, subject to the approval of the court, to transfer the assets in Canada of the company to the liquidator in such country. 1932, c. 56, s. 2.

167. (1) The liquidator shall, without the filing of any claim, notice or evidence, or the taking of any action by any person, prepare a statement of all the persons appearing by the books and records of the company to be creditors. 1989, c. 56, s. 2.

R.S., 1952.
creditors of the company or to be claimants under any policy including any matured, valued or cancelled policy, taking cognizance in this connection of all claims that have arisen in accordance with the terms of the policies of which he has notice, and such statement shall show the amount, determined as hereinbefore provided in respect of policyholders, for which each such person is to rank as a claimant or a creditor and every such person shall be collocated and ranked as, and shall be entitled to the right of, a claimant or a creditor for the amount so ascertained by the liquidator, without filing any claim, notice or evidence, or taking any action; but any such collocation may be contested by any person interested, and any person who is not collocated, or who is dissatisfied with the amount for which he is collocated, may file his own claim.

(2) The liquidator or the court may rectify any such statement on account of omissions or errors therein notified to the liquidator or discovered by him at any time before the completion of the liquidation, and only the claims appearing in such statement or amended statement shall be regarded in the distribution of the assets. 1932, c. 56, s. 2.

168. Where the assets are not sufficient to cover in full all claims appearing in the statement or amended statement, the policyholders are not barred from any recourse they have, either in law or equity, against the company issuing the policy or against any shareholder or director thereof, except in respect of the share, if any, received in the distribution of the assets aforesaid. 1932, c. 56, s. 2.

169. (1) A copy of the above mentioned statement, certified by the liquidator, shall be filed in the Department of Insurance, after not less than thirty days' notice of his intention so to do has been given by the liquidator by notice in the Canada Gazette and in the official gazette of each province, and in two newspapers issued at or nearest to the place where the head office of the company or the chief agency of the company in Canada, as the case may be, is situate.

(2) Any claim that has arisen under the terms of a policy of which notice is received by the liquidator after the date of the filing of the said statement, shall rank upon the assets only for the value entered in the said statement, unless the assets are sufficient to pay all claimants in full, and in such case, the policyholder shall rank as a creditor for the balance of his claim. 1932, c. 56, s. 2.
170. The liquidator shall also forthwith send by mail prepaid, a notice of such filing to each claimant or creditor named in the said statement, addressed to the latest address on record with the company, stating therein the amount for which the creditor or claimant is entitled to rank against the assets of the company. 1932, c. 56, s. 2.

171. Where the company is registered under the Canadian and British Insurance Companies Act or under the Foreign Insurance Companies Act, the liquidator shall report to the Superintendent once in every six months, or oftener, as the Superintendent may require, on the condition of the affairs of the company, with such particulars as the Superintendent may require. 1932, c. 56, s. 2.

172. Publication in the Canada Gazette, and in the official gazette of each province, and in two newspapers published at or nearest to the place where the head office or chief agency in Canada, as the case may be, of the company is situate, of notice of any proceedings of which, under this Act, creditors should be notified, is sufficient notice to holders of policies in respect of which no notice of claim has been received. 1932, c. 56, s. 2.

173. Nothing in this Part prejudices or affects the priority of any mortgage, lien or charge upon the property of the company. 1932, c. 56, 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 297.

An Act respecting benefits for persons who served in the Women's Royal Naval Services and the South African Military Nursing Service.

SHORT TITLE.

1. This Act may be cited as the Women’s Royal Naval Services and the South African Military Nursing Service (Benefits) Act. 1946, c. 34, s. 1.

INTERPRETATION.

2. In this Act, “member” in relation to the Women’s Royal Naval Services means a person who

(a) enrolled in the Women’s Royal Naval Service,

(b) enrolled in Queen Alexandra’s Royal Naval Nursing Service or the reserve therefor, or

(c) enrolled as a medical or dental practitioner employed with the Medical Branch or Dental Branch of The Royal Navy with naval status for general service. 1946, c. 34, s. 2.

3. Every person domiciled and resident in Canada who since the 10th day of September, 1939, served as a member of the Women’s Royal Naval Services or as a member of the South African Military Nursing Service outside Canada and who, at the time that such person became a member of either of such services was domiciled in Canada, shall on termination of such service be deemed to be

(a) a “veteran” as defined in

(i) paragraph (d) of section 2 of the Veterans’ Land Act,

(ii) paragraph (k) of subsection (1) of section 2 of the Veterans Insurance Act,

(iii) subparagraph (ii) of paragraph (m) of section 2 of the Veterans Rehabilitation Act, and

(iv) paragraph (d) of section 4 of the War Veterans’ Allowance Act,

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and

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and as such entitled to all rights, privileges and benefits under those Acts respectively, subject to all conditions as are in such Acts respectively contained;

(b) a person who

(i) "served in the naval, army or air forces of His Majesty" as that expression is used in section 5 of the Department of Veterans Affairs Act,

(ii) served "on active service in any of the naval, army or air forces of His Majesty other than those raised in Canada" as that expression is used in section 22 of the War Service Grants Act,

(iii) has "served in the naval, army or air forces of the United Kingdom" as that expression is used in section 51 of the Pensions Act or has "served in the naval, army or air forces of any of the said members of the British Commonwealth of Nations" as that expression is used in section 52 of the Pension Act,

(iv) is a veteran within the meaning of paragraph (b) of subsection (2) of section 28 of the Civil Service Act,

(v) had "service in His Majesty's forces" as that expression is used in subparagraph (i) of paragraph (i) of section 2 of the Reinstatement in Civil Employment Act,

(vi) falls within the class described as "members of the Canadian naval, military and air forces while in the Canadian Active Service Forces" as that expression is used in paragraph (t) of section 4 of the Income War Tax Act,

and as such entitled to all rights, privileges and benefits under those Acts respectively, subject to all conditions as are in such Acts respectively contained. 1946, c. 34, s. 3.

4. The Governor in Council may make such rules and regulations as may be necessary or advisable to give effect to the provisions of this Act. 1946, c. 34, s. 4.
CHAPTER 298.

An Act to provide for the Government of the Yukon Territory.

SHORT TITLE.

1. This Act may be cited as the Yukon Act. R.S., c. 215, s. 1.

INTERPRETATION.

2. In this Act, (a) "Commissioner" means the Commissioner of the Yukon Territory; (b) "Commissioner in Council" means the Commissioner by and with the advice and consent of the Council; (c) "Council" means the Council of the Yukon Territory; (d) "Court" means the Territorial Court for the Yukon Territory; (e) "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; (f) "intoxicating liquor" means and includes all spirits, strong waters, spirituous liquors, wines, fermented or compounded liquors or intoxicating fluids; and (g) "Territory" means the Yukon Territory. R.S., c. 215, s. 2.

3. The territory described in the Schedule shall continue to be a separate territory under the name of the Yukon Territory. R.S., c. 215, s. 3.
4. The Governor in Council may appoint for the Territory a chief executive officer to be styled and known as the Commissioner of the Yukon Territory. 1948, c. 75, s. 1.

5. The Commissioner shall administer the government of the Territory under instructions from time to time given him by the Governor in Council or the Minister of Resources and Development. R.S., c. 215, s. 5; 1949 (2nd Sess.), c. 18, s. 9.

6. The Governor in Council may from time to time appoint an Administrator to execute the office and functions of the Commissioner during his absence or illness or other inability. 1948, c. 75, s. 2.

7. The Commissioner and every Administrator appointed under this Act shall, before assuming the duties of his office, take and subscribe before the Governor General, or before some person duly authorized to administer such oaths, an oath of allegiance and an oath of office similar to those required to be taken by a Lieutenant-Governor under the British North America Act 1867. R.S., c. 215, s. 7.

8. The salary of the Commissioner and of the Administrator shall be fixed by the Governor in Council and is payable out of the Consolidated Revenue Fund of Canada. R.S., c. 215, s. 8.

COUNCIL.

9. (1) There shall be a Council of the Yukon Territory, which shall be composed of five members elected to represent the electoral districts to be named and described by the Commissioner in Council.

(2) Any person is eligible for election as a member of the Council who is qualified to vote at an election of such member. R.S., c. 215, s. 9; 1951, c. 23, s. 1.

10. The members of the Council shall, before entering upon the duties of their office, take and subscribe before the Commissioner such oaths of allegiance and office as the Governor in Council may prescribe. R.S., c. 215, s. 10.

11. The Commissioner in Council may prescribe the qualifications of those entitled to vote at an election of members to the Council, but only those persons are entitled to vote.
to vote who are natural born or naturalized male or female British subjects of the full age of twenty-one years, and who have resided in the Territory for a period of twelve months prior to the date of the election. R.S., c. 215, s. 11.

COMMISSIONER IN COUNCIL.

12. Until the Commissioner in Council otherwise provides, the laws in force in the Territory immediately before the coming into force of this Act relating to the Council and to the election of representative members of the Council, shall, subject to the provisions of this Act, apply to the Council as constituted under this Act and to the election of members of the Council. R.S., c. 215, s. 12.

13. Every Council shall continue for three years from the date of the return of the writs for the general election, and no longer; but the Commissioner may, at any time, dissolve the Council and cause a new one to be elected. R.S., c. 215, s. 13.

14. There shall be a session of the Council convened by the Commissioner at least once in every year after the first session thereof, 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. R.S., c. 215, s. 14.

15. The Council shall sit separately from the Commissioner and shall present bills passed by it to the Commissioner for his assent, and he may approve or disapprove of any of such bills or reserve them for the assent of the Governor in Council. R.S., c. 215, s. 15.

16. A majority of the Council, including the Speaker, constitutes a quorum. R.S., c. 215, s. 16.

17. All public moneys and revenue over which the Commissioner in Council has the power of appropriation shall form a fund to be known as the Yukon Consolidated Revenue Fund. R.S., c. 215, s. 17.

18. Bills for appropriating any part of the public revenue of the Territory, or for imposing any tax or impost, shall originate in the Council. R.S., c. 215, s. 18.

19. It shall not be lawful for the Council to adopt or pass any vote, resolution, address, or bill for the appropriation of any part of the public revenue of the Territory, or

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of any tax or impost, to any purpose that has not been first recommended to Council by message of the Commissioner, in the session in which such vote, resolution, address, or bill is proposed. R.S., c. 215, s. 19.

20. (1) The Commissioner in Council may provide for payment out of the Yukon Consolidated Revenue Fund to each member of the Council of

(a) an amount not exceeding one thousand dollars in respect of each session of the Council at which that member is in attendance;

(b) the actual travelling expenses incurred by that member in travelling from his place of residence to the place where the Council holds its session and returning therefrom, but no such payment shall be made in respect of more than one return trip for each session of the Council; and

(c) an allowance for living expenses, not exceeding ten dollars for each day in which the Council is in session, but the amount that is paid to any member of the Council pursuant to this paragraph shall not exceed two hundred dollars in respect of any one session.

(2) An allowance that is paid to a member of the Council pursuant to paragraph (c) of subsection (1) is not income of that member for the purposes of the Income War Tax Act. 1948, c. 75, s. 3.

21. When any sum of money is granted to Her Majesty by Parliament to defray expenses for any specified public service in the Yukon Territory, the power of appropriation by the Commissioner in Council over that sum is subject to the specified purpose for which it is granted. R.S., c. 215, s. 21.

22. (1) The receipt and expenditure of territorial funds and of such portion of any moneys appropriated by Parliament for the Territory as the Commissioner is authorized to expend by and with the advice and consent of the Council or any committee thereof, and the accounts with respect to such receipt and expenditure, are subject to examination and audit by the Auditor General in the same manner and to the same extent as are the receipt and expenditure of public moneys of Canada and the accounts with respect thereto under the Financial Administration Act.

(2) The Auditor General shall, whenever he deems it necessary or desirable, send an officer of his office to the Territory.

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Territory for the purpose of examining and auditing such receipt, expenditure and accounts, and reporting thereon to him.

(3) The public accounts of the Territory shall include the period from the 1st day of April in one year to the 31st day of March in the next year, both inclusive, which period shall constitute the fiscal year. R.S., c. 215, s. 22.

23. (1) The Governor in Council may appoint a fit person, being a barrister or advocate at the bar of any of the provinces of Canada, to be public administrator and official guardian in and for the Territory, under the name of "Public Administrator", to hold office during pleasure.

(2) The Public Administrator shall perform such duties as are imposed upon him, and be invested with such powers as are bestowed upon him by or under any Act of the Parliament of Canada or any ordinance of the Governor in Council or the Commissioner in Council, and shall be otherwise subject to the provisions of any such Act or ordinance with respect to the said office of public administrator, but no such ordinance of the Commissioner in Council has force or effect except in so far as it is not inconsistent with any ordinance of the Governor in Council or any Act of the Parliament of Canada.

(3) With respect to such services or duties as he is required to render or perform by order of the Governor in Council or under any ordinance of the Governor in Council or of the Commissioner in Council, the Public Administrator shall receive and be paid such fees or other remuneration as is prescribed by the Commissioner in Council.

(4) Before entering upon his duties the Public Administrator shall take such oath of office and furnish such security for the faithful and proper performance of the duties of his office as are from time to time prescribed by the Governor in Council.

(5) The work and operation of the office of Public Administrator and his dealings and accounts in connection with estates or property coming into his hands by virtue of his office shall be subject to inspection, examination and audit by the Auditor General of Canada or by any officer deputed by him for that purpose. R.S., c. 215, s. 23; 1948, c. 75, s. 4.

24. The Auditor General and, while he is engaged in any inspection, examination and audit under the provisions of sections 22 and 23, the officer so deputed by him, has, in connection R.S., 1952.
connection with such inspection, examination and audit, all
the powers which the Auditor General has under the
Financial Administration Act in connection with the exam-
ination and audit of the receipt and expenditure of public
moneys of Canada and the accounts with respect thereto.
R.S., c. 215, s. 24.

25. The Commissioner in Council may make ordi-

dances

(a) imposing taxes for any purpose within his jurisdict-

(b) respecting the summoning of juries and the enforce-

(c) for the control and regulation of the sale of and traffic

(d) for the preservation of game in the Territory. R.S.,
c. 215, s. 25.

26. (1) The Commissioner in Council may also, sub-

ject to the provisions of this Act, and of any other Act
of the Parliament of Canada applying to the Territory, and
of any ordinances of the Governor in Council, make ordi-

cances for the government of the Territory in relation to
the classes of subjects next hereinafter mentioned, that
is to say:

(a) the establishment and tenure of territorial offices
and the appointment and payment of territorial officers
out of territorial revenues;

(b) the establishment, maintenance and management
of prisons in and for the Territory, the expense thereof
being payable out of territorial revenues;

(c) municipal institutions in the Territory;

(d) shop, saloon, tavern, auctioneer and other licences
in order to raise a revenue for territorial or municipal
purposes;

(e) the incorporation of companies with territorial
objects, including tramways and street railway com-
panies, but excluding railway companies and steam-
boat, canal, telegraph and irrigation companies;

(f) the solemnization of marriage in the Territory;

(g) property and civil rights in the Territory;

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(h) the administration of justice in the Territory, including the constitution, organization and maintenance of territorial courts of civil jurisdiction, including procedure therein, but not including the appointment of judicial officers, or the constitution, organization and maintenance of courts of criminal jurisdiction, or procedure in criminal matters;

(i) the defining of the powers, duties and obligations of sheriffs and clerks of the courts and their respective deputies;

(j) the conferring on territorial courts of jurisdiction in matters of alimony;

(k) the imposition of punishment by fine, penalty or imprisonment, for enforcing any territorial ordinances;

(l) the expenditure of territorial funds and such portion of any moneys appropriated by Parliament for the Territory as the Commissioner is authorized to expend by and with the advice of the Council or of any committee thereof;

(m) the levying of a tax upon furs to be shipped or carried from the Territory to any other part of Canada or to any other country; and

(n) generally, all matter of a merely local or private nature in the Territory.

(2) The provisions of paragraph (m) of subsection (1) shall be deemed to have come into operation on the 19th day of May, 1919, but so that they shall apply and have effect as follows, and not otherwise: they shall apply and have full effect in relation to all matters and things arising after the enactment of the said paragraph and, as well, to prevent the defeat, disturbance, avoidance or reopening of any civil or criminal proceeding, payment, adjustment, settlement or other matter or thing which, before such paragraph was enacted, was fully ended, made or done; and in any civil or criminal proceeding either

(a) pending at the time when such paragraph was enacted, or

(b) instituted after such enactment with relation to any liability incurred or existent before such enactment, any party to such proceeding may plead or defend with effect as if such paragraph had not been enacted.

(3) The Commissioner in Council continues to have all the power and authority to make ordinances that he had at the time of the coming into force of this Act, and any power to repeal, re-enact or substitute provisions that, upon the coming into force of this Act, the Commissioner in Council had with respect to the provisions of the

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Northwest Territories Act, the Revised Statutes of Canada, 1886, chapter 50, and the Acts in amendment thereof as applying to the Territory, is hereby preserved and shall continue with respect to the corresponding provisions of this Act, if any. R.S., c. 215, s. 26; 1940, c. 45, ss. 1, 2.

27. Nothing in section 26 shall be construed to give to the Commissioner in Council any greater powers with respect to the subjects therein mentioned 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. 215, s. 27.

28. The Commissioner in Council shall pass all necessary ordinances in respect to education; but it shall therein always be provided that a majority of the ratepayers of any district or portion of the Territory 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. 215, s. 28.

29. (1) A copy of every ordinance made by the Commissioner in Council shall be despatched by mail to the Secretary of State of Canada within ten days after the passing thereof, and shall be laid before both Houses of Parliament as soon as conveniently may be thereafter.

(2) Any such ordinance may be disallowed by the Governor in Council at any time within two years after its passage. R.S., c. 215, s. 29.

ORDINANCES BY GOVERNOR IN COUNCIL.

30. (1) Subject to the provisions of this Act, the Governor in Council may make ordinances for the peace, order, and good government of the Territory, and of Her Majesty's subjects and others therein, but no such ordinance shall

(a) impose any penalty exceeding five hundred dollars, for the enforcement of any ordinance;

(b) alter or repeal the punishment provided in any Act of the Parliament of Canada in force in the Territory for any offence; or

(c)
(c) appropriate any public land or other property of Canada without authority of Parliament, or impose any duty of customs or excise.

(2) Without limiting the generality of the powers so conferred the Governor in Council may make ordinances

(a) imposing a tax or royalty, not exceeding five per cent thereof, upon gold or silver the output of mines in the Territory, to be levied from and after the date of the ordinance imposing it;

(b) prescribing and regulating the place and manner of collection of such tax or royalty, and the methods of securing and enforcing the payment thereof;

(c) providing for the confiscation and forfeiture of gold and silver upon which such tax or royalty has not been duly paid, as well as for the confiscation and forfeiture of any vessel, vehicle, cart or other receptacle containing it, or used or intended to be used for the transportation thereof; and

(d) giving to any officer of the Crown, in respect of searches, examinations, and other proceedings for the enforcement of the provisions of any such ordinance, all such powers, rights, privileges, and protection as officers of Customs have under the provisions of the Customs Act.

(3) No tax shall be imposed by ordinance except as in this Act provided. R.S., c. 215, s. 30.

31. Every ordinance made under the authority of section 30 remains in force until the day immediately succeeding the day of prorogation of the then next session of Parliament, and no longer, unless during such session of Parliament such ordinance is approved by resolution of both Houses of Parliament. R.S., c. 215, s. 31.

32. (1) Every ordinance made by the Governor in Council under the provisions of this Act has force and effect only after it has been published for four successive weeks in the Canada Gazette.

(2) All such ordinances shall be laid before both Houses of Parliament within the first fifteen days of the session next after the date thereof. R.S., c. 215, s. 32.

LAWS APPLICABLE TO TERRITORY.

33. Subject to the provisions of this Act, the laws relating to civil and criminal matters and the ordinances in force in the Northwest Territories on the 13th day of June, 1898, continued.
1898, shall be and remain in force in the Territory, in so far as the same are applicable thereto, and in so far as the same have not been or are not hereafter repealed, abolished or altered by the Parliament of Canada, or by any ordinance of the Governor in Council or the Commissioner in Council made under the provisions of this Act. R.S., c. 215, s. 33.

34. 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 Territory, shall, subject to the provisions of this Act, apply to and be in force in the Territory. R.S., c. 215, s. 34.

35. 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 such Act not then in force in the Territory, shall be in force in the Territory generally, or in any part or parts thereof mentioned in such proclamation. R.S., c. 215, s. 35.

Wills.

36. Every person of the full age of twenty-one years 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, would devolve upon his heir-at-law, or upon his executor or administrator. R.S., c. 215, s. 36.

37. (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. 215, s. 37.

38. 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. 215, s. 38.

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39. 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 prove the validity or invalidity thereof. R.S., c. 215, s. 39.

40. 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. 215, s. 40.

41. No will or codicil, or any part thereof, is revoked otherwise than by

(a) marriage;
(b) another will or codicil executed in manner hereinbefore 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. 215, s. 41.

42. 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. 215, s. 42.

43. 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 that the testator had power to dispose of by will, in such real property, unless a contrary intention appears by the will. R.S., c. 215, s. 43.

44. A holograph will written and signed by the testator himself, though not witnessed, is valid. 1948, c. 75, s. 5.

Married Women.

45. (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 R.S., 1952.
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.

(2) No order for protection is necessary in respect of any such earnings or acquisitions.

(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. 215, s. 44.

46. 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. 215, s. 45.

47. 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. 215, s. 46.

48. (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 is liable to satisfy such debts as if she had continued unmarried. R.S., c. 215, s. 47.

49. 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. 215, s. 48.
50. 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. 215, s. 49.

TERRITORIAL COURT.

51. (1) There shall continue to be a superior court of record in and for the Territory, called the Territorial Court, consisting of one or more judges appointed by the Governor in Council by letters patent under the Great Seal.

(2) All references in this Act to the judges of the Territorial Court shall be construed as referring to the judge of the Territorial Court and, except as otherwise provided in the case of appeals, the judge of the Territorial Court has all the powers and authority vested in any or all the said judges. R.S., c. 215, s. 50.

52. Any person may be appointed a judge of the Court who is or has been a judge of a superior or a county court of any province of Canada or of the Northwest Territories, or a barrister or advocate of at least ten years' standing at the bar of any such province or of the Northwest Territories, or of the Yukon Territory. R.S., c. 215, s. 51.

53. A judge of the Court shall not hold any other office of emolument under the Government of Canada, or of any province of Canada or of the Territory, except that a judge of the Court is eligible for appointment as a member of the Council of the Territory. R.S., c. 215, s. 52.

54. The law governing the rights, privileges, power, authority and jurisdiction of the Court and the judge or judges thereof, shall be the same, mutatis mutandis, as the law governing the rights, privileges, power, authority and jurisdiction of the Supreme Court of the Northwest Territories and of the judges of that Court, except as the same are expressly varied by this Act. R.S., c. 215, s. 53.

55. Each judge of the Court shall reside at such place in the Territory as the Governor in Council, in the commission to such judge, or by the order in council, directs. R.S., c. 215, s. 54.

56. The judges of the Court hold office during good behaviour, but are removable by the Governor General, on address of the Senate and House of Commons of Canada. R.S., c. 215, s. 55.

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57. (1) Every judge shall, previously to entering upon the duties of his office as such judge, 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 one of the judges of the Territorial Court. So help me God.

(2) Such oath shall be administered by the Commissioner or by a judge of the court. R.S., c. 215, s. 56.

58. The Governor in Council may appoint such officers of the Court and such other officers for the due administration of justice in the Territory, as are deemed necessary, and may define and specify the duties of such officers, and fix the fees or emoluments of such officers, and of witnesses and other persons attending or performing duties in relation to the administration of criminal justice, and provide the manner in which such fees and emoluments shall be paid. R.S., c. 215, s. 57.

59. The Court shall, within the Territory, and for the administration of the laws for the time being in force within the Territory, possess all such powers and authorities as by the law of England are incident to a superior court of civil and criminal jurisdiction; and shall have, use and exercise all the rights, incidents and privileges of a court of record, and all other rights, incidents and privileges, as fully to all intents and purposes as the same were on the 15th day of July, 1870, used, exercised and enjoyed in England by any superior court of common law, or by the Court of Chancery, or by the Court of Probate. R.S., c. 215, s. 58.

60. The Court has jurisdiction in all and all manner of actions, causes and suits as well criminal as civil, real, personal, and mixed, and shall proceed in such actions, causes and suits by such process and course as are provided by law, and as tend with justice and despatch to determine the same, and shall hear and determine all issues of law, and shall also hear, and with or without a jury, as provided by law, determine all issues of fact joined in any such action, cause or suit, and give judgment thereon and award execution thereof, in as full and as ample a manner as might at the said date be done in England in the Court of Queen's Bench, or the Court of Common Bench, or the Court of Probate.
Court of Chancery, or the Court of Probate, or in matters regarding the public revenue, including the condemnation of contraband or smuggled goods, in the Court of Exchequer. R.S., c. 215, s. 59.

61. Sittings of the Court presided over by a judge or judges shall be held at such times and places as the Governor in Council or the Commissioner appoints, and such sittings shall be public. R.S., c. 215, s. 60.

62. The Governor in Council may, at any time, by proclamation divide the Territory into judicial districts, and give to each such district an appropriate name, and, in like manner, from time to time, alter the limits and extent of such districts. R.S., c. 215, s. 61.

63. Every judge of the Court shall have jurisdiction throughout the Territory, but shall usually exercise the same within the judicial district, if any, to which he is assigned by the Governor in Council, and in all causes, matters and proceedings, other than such as are usually cognizable by a court sitting in banc, and not by a single judge thereof, shall have and exercise all the powers, authorities and jurisdiction of the Court. R.S., c. 215, s. 62.

64. Subject to any statute prohibiting or restricting proceedings by way of certiorari, a single judge in addition to his other powers, has all the powers of the Court as to proceedings by way of certiorari over the proceedings, orders, convictions, and adjudications had, taken and made by justices of the peace, and, in addition thereto, has the power of revising, amending, modifying or otherwise dealing with the same; and writs of certiorari may, upon the order of a judge, be issued by the clerk of the court mentioned in such order returnable as therein directed. R.S., c. 215, s. 63.

65. Whenever, under any Act in force in the Territory, any power or authority is to be exercised, or anything is to be done, by a judge of a court, such power or authority shall, in the Territory, be exercised or such thing shall be done by a judge of the Territorial Court, unless some other provision is made in that behalf by such Act. R.S., c. 215, s. 64.

66. Subject to the provisions of any Act or ordinance relating to the Territorial Court, the judges of the said Court may make general rules and orders prescribing and regulating the procedure and practice of the Court in civil matters. R.S., c. 215, s. 65.

67. In case of the illness of the judge of the Court, or if the judge is absent, the Governor in Council may specially appoint any barrister or advocate of at least ten years standing to discharge the duties of the judge during his illness or absence, and the person so appointed during the period aforesaid, has all the powers incident to the office of the judge of the Court. R.S., c. 215, s. 66.

68. Where the judge of the Court
(a) is interested in any cause or matter, or is disqualified by kinship to any party, or
(b) has been professionally engaged in any cause or matter as counsel or solicitor for any party previously to his appointment to the office of judge, and considers himself thereby incapacitated from sitting or adjudicating therein,

the Governor in Council may, upon the written application of the judge, setting out such impediment, appoint any other person having the qualifications hereinbefore mentioned to act as judge pro hac vice in relation to any such cause or matter. R.S., c. 215, s. 67.

69. Every such temporary judge, or judge pro hac vice, shall be sworn to the faithful performance of the duties of his office. R.S., c. 215, s. 68.

70. Any judge temporarily appointed to discharge the duties of the judge may, notwithstanding the expiry of the term of his appointment, or the happening of any event upon which his appointment terminates, proceed with and conclude the trial or hearing at that time actually pending before him of any cause, matter or proceeding, and pronounce judgment therein, and may likewise pronounce judgment in any cause, matter or proceeding previously heard by him and then under consideration or reserved; and any such trial, hearing or judgment has the same validity and effect as if heard or pronounced during the said term or previously to the happening of the said event. R.S., c. 215, s. 69.

71. (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 now vested in the judge of the Court.

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(3) Every stipendiary magistrate shall, previously to entering upon the duties of his office as such stipendiary magistrate 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 trust reposed in me as a stipendiary magistrate. So help me God.

(4) Such oath shall be administered by the Commissioner. 1940-41, c. 30, s. 1; 1948, c. 75, s. 6.

SPECIAL PROVISIONS AS TO JURISDICTION IN CIVIL MATTERS.

72. (1) Every judge of the Court has jurisdiction, power and authority to hold courts, whether established by ordinance 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 provided, which 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 case 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 exceed one thousand dollars, or for the recovery of real property, or for the recovery of a claim, mining property, mineral claim or location, as defined by the Yukon Placer Mining Act, or by the regulations for the disposal of quartz mining claims on territorial lands in the Yukon Territory, 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 is for divorce or judicial separation, and if either party signifies his desire to have the issues 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. 215, s. 70.

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R.S., 1952.
73. In cases of disputed accounts, the judge may, in place of a trial by jury, direct the evidence to be taken by any clerk of the Court, or by any other competent person; which clerk or other person shall be sworn to take the same truly, and to reduce it to writing. R.S., c. 215, s. 71.

74. The judge 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. 215, s. 72.

75. In all cases a judge 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. 215, s. 73.

76. No court or judge in the Territory 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. 215, s. 74.

77. Every judgment of the judge shall be pronounced in open court as soon as may be after the hearing of the case; except that, in any case where the judge 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. 215, s. 75.

78. The proceedings to carry into effect any judgment, order or decree of the Court whether interlocutory or final, shall be as prescribed by ordinance of the Commissioner in Council; or, if no such ordinance is in force when the judgment, order or decree is rendered, then in such manner as the judge who pronounced the same directs. R.S., c. 215, s. 76.

79. The Governor in Council may, from time to time, by proclamation repeal the provisions of sections 72 to 78, or any of them, from and after a day to be named in such proclamation. R.S., c. 215, s. 77.

APPEAL IN CIVIL CASES.

80. (1) The Court of Appeal of British Columbia is hereby constituted a court of appeal for the Territory. R.S., 1952.
(2) An appeal lies from any final judgment of the Territorial Court to the judges of the said Court of Appeal sitting together as a full court where the matter in controversy amounts to the sum or value of five hundred dollars or upwards, or where the title to real estate 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 is for the recovery of a claim, mining property, mineral claim or location, as defined by the Yukon Placer Mining Act, or by the regulations for the disposal of quartz mining claims on territorial lands in the Yukon Territory, 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 is for divorce or judicial separation.

(3) The said Court of Appeal and the judges thereof have the same powers, jurisdiction and authority with reference to any such appeal and the proceedings thereon as if it were an appeal duly authorized from a like judgment, order or decree made by the Supreme Court of British Columbia, or a judge thereof, in the exercise of its ordinary jurisdiction.

(4) 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 Territorial Court may allow.

(5) Execution of the judgment appealed from shall not be stayed except upon application to the Territorial Court or to the said Court of Appeal or a judge thereof, and upon such terms as may be just.

(6) Three judges of the said Court of Appeal constitute a quorum for the hearing of appeals from the Territorial Court.

(7) The procedure upon such appeals shall be regulated by the ordinary practice and procedure upon similar appeals coming before the said Court of Appeal, so far as such practice and procedure are applicable and are not inconsistent with anything in this Act, and except in so far as is otherwise provided by general rules made in pursuance of this Act.
(8) The judges of the said Court of Appeal, or any three of them, may make general rules not inconsistent with this Act for regulating the practice and procedure upon appeals from the Territorial Court.

(9) An appeal lies to the Supreme Court of Canada from the judgment upon any appeal authorized by this Act of the Court of Appeal of British Columbia, wherever such an appeal to the Supreme Court of Canada would have been authorized had the judgment appealed from been delivered by the Court of Appeal of British Columbia in a like case in the exercise of its ordinary jurisdiction upon appeal in respect of cases originating in the courts of the said province. R.S., c. 215, s. 78.

ADMINISTRATION OF CRIMINAL LAW.

81. (1) The procedure in criminal cases in the Territorial Court shall, subject to any Act of the Parliament of Canada, conform as nearly as may be to the procedure existing in like cases in the Northwest Territories on the 13th day of June, 1898.

(2) No grand jury shall be summoned or sit in the Territory. R.S., c. 215, s. 79.

82. Every judge of the Court 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 Territory. R.S., c. 215, s. 80.

83. Every such judge 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 Yukon Territory the offence of

(a) theft or attempt to steal, or obtaining money or property by false pretences, 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 judge, 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

R.S., 1952.
(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. 215, s. 81.

84. When any person is charged with a criminal offence
not within section 83, and which is not otherwise by any
law made summarily triable without the consent of the
accused, the charge shall be heard, tried, and determined
by the judge with the intervention of a jury; but in any
case the accused may, with his own consent, be tried by a
judge in a summary way and without the intervention of a
jury. R.S., c. 215, s. 82.

85. In any case of trial with the intervention of a jury,
the jury shall be composed of six jurors. R.S., c. 215, s. 83.

86. (1) Whenever upon a trial before a judge in a sum-
mary way such judge 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 judge has
the same power as to findings as a jury would have in the
like circumstances under the Criminal Code, and may con-
vict 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 punish-
ment by the Criminal Code or otherwise by law prescribed
for the offence of which he is so found guilty. R.S., c. 215,
s. 84.

87. The judge 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 afore-
said 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. 215, s. 85.

88. When any person is convicted of a capital offence
and is sentenced to death, the judge shall forward to the
Minister of Justice full notes of the evidence, with his re-
port upon the case; and the execution shall be postponed,
from time to time, by the judge, if found necessary, until
such report is received and the pleasure of the Governor
General thereon is communicated to the Commissioner.
R.S., c. 215, s. 86.

89. R.S., 1952.
89. Subject to the provisions of any ordinance of the Commissioner in Council, persons required as jurors for a trial shall be summoned by a judge 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 judge who presides at the trial. R.S., c. 215, s. 87.

90. (1) Any person 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 shall be void.

(2) The Crown may peremptorily challenge any number of jurors not exceeding four.

(3) Challenges for cause shall be the same as are provided for in the Criminal Code. R.S., c. 215, s. 88.

91. Subject to the provisions of any ordinance of the Commissioner in Council, if by reason of challenges or otherwise, the number of jurors summoned for the trial is exhausted, the judge 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 shall be subject to challenge as if summoned by the judge 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. 215, s. 89.

92. Subject to the provisions of any ordinance of the Commissioner in Council, any person so summoned to serve as juror who makes default or refuses to serve as such juror, without lawful excuse to the satisfaction of the judge, may be fined by him in a sum not exceeding ten dollars, and committed to prison until such fine is paid. R.S., c. 215, s. 90.

93. 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. 215, s. 91.

94. Upon proof to the satisfaction of the judge of the summoning of any witness who fails to attend, and upon such
such judge 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. R.S., c. 215, s. 92.

95. The judge 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. 215, s. 93.

96. Returns of all trials and proceedings, civil and criminal, shall be made to the Commissioner in such form and at such times as he directs. R.S., c. 215, s. 94.

97. The Governor in Council may at any time by proclamations declare that sections 84 to 96 shall be repealed from and after the date named in such proclamation. R.S., c. 215, s. 95.

98. No person shall be summoned or sworn as a juryman on any trial in the Territorial Court, unless he is a British subject. R.S., c. 215, s. 96.

99. 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. 215, s. 97.

100. 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 clerk of the court, or the clerk of the court for the judicial district in which the charge was made, all informations, examinations, depositions, recognizances, inquisitions and papers connected with such charge, and such clerk shall notify the judge of the court of such investigation and the result thereof. R.S., c. 215, s. 98.

101. Whenever any person charged is committed to gaol for trial, the sheriff or other person in charge of such gaol shall, within twenty-four hours, notify a judge of the court, 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, one of the judges of the court shall cause the prisoner to be brought before him for trial, either with or without a jury, as the case requires. R.S., c. 215, s. 99.

102. 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 Territory, 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. 215, s. 100.

103. 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. 215, s. 101.

104. 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 in force in the Territory, 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 102 and 103; 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. 215, s. 102.

105. 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 Territory, shall be a penitentiary, gaol, and place of confinement for all persons sentenced to imprisonment in the Territory, and the Commissioner shall direct in which such penitentiary, gaol or place of confinement any person sentenced to imprisonment shall be imprisoned. R.S., c. 215, s. 103.

R.S., 1952.
106. The Governor in Council may make rules and regulations respecting the management, discipline and policy of every penitentiary, gaol or place of confinement used as such in the Territory. R.S., c. 215, s. 104.

POLICE MAGISTRATES AND THEIR SPECIAL JURISDICTION.

107. The Governor in Council may appoint police magistrates for Dawson and Whitehorse in the Territory, who shall reside at those places, respectively, and shall ordinarily exercise their functions there, but who shall have jurisdiction respectively in such portions of the Territory as are defined in their commissions. R.S., c. 215, s. 105.

108. Such police magistrates hold office during pleasure and are debarred from practising professionally while holding office. R.S., c. 215, s. 106.

109. (1) The annual salary of each of such police magistrates is four thousand dollars, and such salaries may be paid out of any unappropriated moneys forming part of the Consolidated Revenue Fund of Canada.

(2) Such magistrates may be paid in addition to the said salaries such living allowances as may be fixed by the Governor in Council. R.S., c. 215, s. 107.

110. No person shall be appointed a police magistrate hereunder unless he has been admitted and has practised as an advocate, barrister or solicitor in one of the provinces of Canada for a period of not less than three years. R.S., c. 215, s. 108.

111. Each of the police magistrates so appointed is ex officio, within the territorial limits of his jurisdiction, a justice of the peace and shall have and exercise the authority and jurisdiction of two or more justices of the peace sitting or acting together. R.S., c. 215, s. 109.

112. Each such police magistrate is also, within such limits, a magistrate for the purposes of the provisions of the Criminal Code relating to the summary trial of indictable offences, and shall have and exercise all the jurisdiction of such magistrate including that vested in police magistrates of cities and incorporated towns by the said provisions; and his jurisdiction is absolute without the consent of the person charged, except in cases where such jurisdiction is dependent upon the said provisions with respect to police magistrates of cities and incorporated towns.
Civil jurisdiction

113. The Governor in Council may, subject to the limitations hereinafter mentioned, if he thinks proper, vest any police magistrate so appointed with civil jurisdiction

(a) in cases of claims and demands of debt, or account, or breach of contract or covenant, or money demand, whether payable in money or otherwise, where the amount does not exceed five hundred dollars;

(b) in other personal actions where the amount claimed does not exceed three hundred dollars, or, if the parties consent in writing, does not exceed five hundred dollars; and

(c) in all cases of claims for the recovery of a debt or money demand where the amount of balance of the claim does not exceed one thousand dollars exclusive of interest as hereinafter mentioned, and such amount or balance is ascertained by the signature of the defendant or of the person whom as executor or administrator the defendant represents, notwithstanding that the claim with the interest accruing or accumulated since such ascertainment exceeds the sum of one thousand dollars. R.S., c. 215, s. 111.

114. Such police magistrates, if given civil jurisdiction, also have jurisdiction in cases of replevin where the value of the goods or other property or effects distrained, taken or detained, does not exceed three hundred dollars. R.S., c. 215, s. 112.

115. Such police magistrates do not have jurisdiction in respect of actions,

(a) for gambling debts;

(b) for spirituous or malt liquors drunk in a hotel, tavern, or house of public entertainment;

(c) on notes of hand given wholly or partly in consideration of a gambling debt or for such liquors;

(d) for the recovery of land or in which the right or title to any corporeal or incorporeal hereditament, or to any toll, custom or franchise, comes in question;

(e) R.S., 1952.
(e) in which the validity of any devise, bequest or limitation under a will or settlement is disputed;

(f) for malicious prosecution, libel, slander, criminal conversation, seduction, or breach of promise of marriage;
or

(g) against a justice of the peace for anything done by him in the execution of his office, if he objects to such jurisdiction. R.S., c. 215, s. 113.

116. Each of the judges of the Territorial Court has, and may exercise in any part of the Territory, the criminal jurisdiction vested by this Act in police magistrates, and, in the exercise of such jurisdiction, has all the powers of a police magistrate. R.S., c. 215, s. 114.

117. The Governor in Council may, from time to time, assign to one of the judges of the said Court the duty of ordinarily exercising such jurisdiction. R.S., c. 215, s. 115.

118. (1) There shall be an appeal to the Court from the final judgment of a police magistrate in any civil case where the amount in dispute, exclusive of costs, exceeds one hundred dollars.

(2) The appeal in such case shall be heard upon the evidence taken before the police magistrate, and the judgment of the Court is final. R.S., c. 215, s. 116.

119. The Commissioner in Council has full power, from time to time, to make ordinances

(a) prescribing and regulating the procedure and practice to be observed in connection with the exercise of the civil jurisdiction of police magistrates under this Act, or

(b) empowering the judges of the Court to make general rules and orders prescribing and regulating such procedure and practice. R.S., c. 215, s. 117.

APPEAL IN CRIMINAL CASES.

120. For the purpose of the provisions of the Criminal Code relating to procedure by indictment the court of appeal from the judgment of a police magistrate in a case where his jurisdiction is dependent upon the said provisions with respect to police magistrates of cities and incorporated towns shall be the Court, and there shall be an appeal from the Court to the Court of Appeal of British Columbia. R.S., c. 215, s. 119.

121. In the Territory the appeal from a summary conviction or order under the provisions of the Criminal Code relating to summary convictions. R.S., 1952.
relating to summary conviction shall be to a judge of the Court sitting without a jury at the place where the cause of the information or complaint arose, or the nearest place thereto where a court is appointed to be held. R.S., c. 215, s. 120.

**JUSTICES OF THE PEACE.**

**122.** While in the Territory, the Commissioner, each member of the Council, every judge of the Court, and every commissioned officer of the Royal Canadian Mounted Police, shall ex officio have, possess and exercise all the powers of a justice of the peace, or of two justices of the peace, under any laws or ordinances, civil or criminal, in force in the Territory, and the Governor in Council may, by commission, appoint such other persons justices of the peace or police commissioners, having each the power of two justices of the peace within the Territory, as may be deemed desirable. R.S., c. 215, s. 121.

**CORONERS.**

**123.** All persons possessing the powers of two justices of the peace in the Territory are also coroners in and for the Territory. R.S., c. 215, s. 122.

**124.** 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. 215, s. 123.

**125.** 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. 215, s. 124.

**126.** It is not necessary in any case that a coroner’s jury shall exceed six persons, but in every case of an inquest six jurors must agree in order to render the verdict valid. R.S., c. 215, s. 125.

**127.** 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 possessed by justices of the peace. R.S., c. 215, s. 126.

R.S., 1952.
128. The fees of coroners, jurors and witnesses attending inquests may be fixed, from time to time, by the Governor in Council, and paid in such manner as he directs. R.S., c. 215, s. 127.

ENFORCEMENT OF TERRITORIAL ORDINANCES.

129. Unless otherwise therein specially provided, proceedings for the imposition of punishment by fine, penalty or imprisonment for enforcing any ordinance in force in the Territory may be brought summarily before a justice of the peace under the provisions of the Criminal Code relating to summary conviction. R.S., c. 215, s. 128.

PROHIBITION OF INTOXICANTS.

130. No intoxicating liquor or other intoxicant shall be manufactured, compounded, or made in the Territory, except by permission of the Commissioner in Council; and no intoxicating liquor or other intoxicant shall be imported or brought into the Territory from any province or territory in Canada or elsewhere, except by permission of the Commissioner. 1951, c. 23, s. 2.

131. All intoxicating liquors or intoxicants imported or brought from any place out of Canada, into the Territory, are subject to the customs and excise laws of Canada. R.S., c. 215, s. 130.

ABOLITION OF COUNCIL, ETC.

132. The Governor in Council may at any time abolish the Council hereinbefore mentioned, and may substitute therefor a Council composed of two or more members, appointed by warrant of the Governor General under his Privy Seal, and to the Council so appointed may transfer any or all of the duties and powers of the Council so abolished. R.S., c. 215, s. 131.

133. The Governor in Council may abolish any position or office authorized or created under the provisions of this Act, and may transfer to any officer of the Crown any or all of the duties or functions of the position or office so abolished, whether any of such duties or functions are defined in this Act, or in any other Act, or in any regulations made under the authority of this Act or any other Act applying to the Yukon Territory. R.S., c. 215, s. 132.

SCHEDULE.

The Yukon Territory shall be bounded as follows: On the south, by the Province of British Columbia and the United States Territory of Alaska; on the west by the said United States of America. R.S., 1952.
United States Territory of Alaska; on the north, by that part of the Arctic Ocean called Beaufort Sea; and on the east, by a line beginning at the point of intersection of the left bank of the Liard River, by the northern boundary of the Province of British Columbia in approximate longitude 124° 16′ west of Greenwich; thence northwesterly along the line of the watershed separating the streams flowing into the Liard River below the point of beginning, or into the Mackenzie River, from those flowing into the Liard River above the point of beginning, or into the Yukon River, to the line of watershed of the basin of Peel River; thence northerly along the line of watershed between the Peel and Mackenzie Rivers to the sixty-seventh degree of north latitude; thence westerly along the parallel of the sixty-seventh degree of north latitude to the line of watershed between the Peel and Yukon Rivers; thence northerly along the said line of watershed to the trail across the portage in McDougall Pass between Rat and Bell Rivers; thence due north to the northern limit of the Yukon Territory; the said Territory to include the islands within twenty statute miles from the shores of the Beaufort Sea as far as the aforesaid due north line from McDougall Pass. R.S., c. 215, Sch.

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CHAPTER 299.

An Act respecting the Administration of Justice in the Yukon Territory.

SHORT TITLE.

1. This Act may be cited as the Yukon Administration of Justice Act.

2. Whenever it appears to the satisfaction of the Minister of Justice that it is expedient to the ends of justice that the trial of any person charged with an indictable offence alleged to have been committed north of the 65th parallel of latitude, in the Yukon Territory, should be held in some district or place other than that in which the offence is alleged to have been committed or would otherwise be triable, the Minister of Justice may order that the trial shall be proceeded with in the Northwest Territories before the court or judge named in such order, and thereupon the court or judge so named has jurisdiction to try such person. 1929, c. 62, s. 1.

3. The provisions of the Northwest Territories Act apply to such trial. 1929, c. 62, s. 2.

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CHAPTER 300.

An Act respecting Placer Mining in the Yukon Territory.

SHORT TITLE.

1. This Act may be cited as the Yukon Placer Mining Act. R.S., c. 216, s. 1.

INTERPRETATION.

2. (1) In this Act,

(a) "base line" of a creek or river means a traverse following the general direction of the centre bottom lands of the valley of the creek or river, surveyed and established under the direction and with the approval of the Commissioner;

(b) "claim" means any parcel of land located or granted for placer mining, and "mining property" includes besides claims, any ditches or water rights used for mining thereon, and all other things belonging thereto or used in the working thereof for mining purposes;

(c) "Commissioner," "Council" and "Commissioner in Council," respectively, have the same meaning as they have in the Yukon Act;

(d) "creek" means all natural watercourses, whether usually containing water or not; and that portion of any stream below the point where the same enters the valley of the parent stream; but does not include streams that may be considered rivers under the provisions of the dredging regulations, that is, streams having an average width of one hundred and fifty feet;

(e) "ditch" includes a flume, pipe, race or other artificial means for conducting water by its own weight, to be used for mining purposes;

(f) R.S., 1952.
"Legal post." (f) "legal post" means a stake having a diameter throughout of not less than five inches, standing not less than four feet above the ground and flatted on two sides for at least one foot from the top, each of the sides so flatted measuring at least four inches across the face, and includes also any stump or tree cut off and flatted or faced to the aforesaid height and size;

"Mine." (g) "mine" means any natural stratum or bed of earth, soil, gravel or cement, mined for gold or other precious minerals or stones;

"Mining" and "placer mining." (h) "mining" or "placer mining" includes every mode and method of working whatsoever whereby earth, soil, gravel or cement may be removed, washed, shifted or refined or otherwise dealt with, for the purpose of obtaining gold or such other minerals or stones, but does not include the working of rock in situ;

"Mining inspector." (i) "mining inspector" means a mining inspector appointed under this Act and acting within the limits of his jurisdiction;

"Mining recorder." (j) "mining recorder" means a mining recorder appointed under this Act and acting within the limits of his jurisdiction;

"Minister." (k) "Minister" means the Minister of Resources and Development; and

"Territory." (l) "Territory" means the Yukon Territory.

Right of Commissioner to construct roads. (2) Nothing herein contained shall be construed to limit the right of the Commissioner, from time to time, to lay out public roads across, through, along or under any ditch, water privilege or claim, without compensation.

Application of Act to hydraulic mining lands. (3) Notwithstanding anything in this Act, its provisions do not apply to any lands demised or leased for hydraulic mining purposes by any lease granted before the 1st day of August, 1906, which has been heretofore or which may be hereafter cancelled by direction of the Minister or under an order of the Governor in Council, until such lands have been brought under such provisions by order of the Governor in Council.

Regulations as to dredging leases. (4) Nothing in this Act prevents the enactment by the Governor in Council of regulations under which dredging leases may be issued of the whole of the bed of any river in the Territory. R.S., c. 216, s. 2; 1948, c. 76, ss. 1, 2; 1949 (2nd Sess.), c. 18, s. 9.

R.S., 1952.
3. Mining recorders, mining inspectors, deputy mining officials, deputy mining recorders and deputy mining inspectors shall be appointed, in the manner authorized by law, for the purpose of carrying out the provisions of this Act. 1948, c. 76, s. 3.

4. The Commissioner may, by proclamation published in the Yukon official gazette, divide the territory into districts to be known as mining districts, and may, as occasion requires, change the boundaries of such districts. R.S., c. 216, s. 4.

5. The Commissioner possesses all the powers and authority of a mining recorder and a mining inspector. 1948, c. 76, s. 4.

6. A mining recorder shall be appointed in each mining district, and within such district possesses also all the powers and authority of a mining inspector. R.S., c. 216, s. 6.

7. (1) Every mining recorder shall keep the following books, to be used for placer mining entries:

(a) record of applications;  
(b) record of refused applications;  
(c) record book;  
(d) record of abandonments; and  
(e) record of documents received;  

and shall record all documents relating to mining property that are brought to him for record, and file all documents relating to such claims that are brought to him to be filed.

(2) Where a caveat is filed against any claim, such caveat shall lapse unless before the expiration of one month from the receipt thereof by the mining recorder proper proceedings in a court of competent jurisdiction have been taken to establish the caveator's title to the interests specified in the caveat.

(3) A caveat is any instrument claiming any interest in the claim with reference to which it is filed, but does not include any instrument creating any sale, mortgage, or other disposition of the property. R.S., c. 216, s. 7.

8. Every entry made in any of the mining recorder's books shall show the date upon which such entry is made. R.S., c. 216, s. 8.

Books open to public.

9. All books of record and documents filed shall, during office hours, be open to public inspection free of charge. R.S., c. 216, s. 9.

Certified copies as evidence.

10. Every copy of, or extract from, any entry in any of the said books, or of any document filed in the mining recorder's office, certified by the mining recorder to be a true copy or extract, shall be received in any court as evidence of the matters therein contained. R.S., c. 216, s. 10.

Fees.

11. Before issuing any grant, or making any entry in any book of record, or filing any document, or making any copy or extract therefrom, the mining recorder shall collect the fees payable in respect thereof, as set out in Schedule D. R.S., c. 216, s. 11.

Money deposits.

12. The mining recorder shall receive all deposits of money by this Act directed to be made with him. R.S., c. 216, s. 12.

Monthly statement.

13. A statement of the grants issued and fees collected shall be rendered by the mining recorder to the Commissioner at least every month, and such statement shall be accompanied by the amount collected, or if the money has been deposited to the credit of the Receiver General, by the deposit receipts. R.S., c. 216, s. 13; 1948, c. 76, s. 1.

Jurisdiction of mining inspector.

14. A mining inspector has jurisdiction within such mining districts as the Commissioner directs. R.S., c. 216, s. 14.

Summary powers of inspector.

15. (1) The mining inspector may summarily order any mining works to be so carried on as not to interfere with or endanger the safety of the public or any employees of such mining works, or any public work or highway, or any mining property, mineral claim, bed-rock drain or bed-rock flume; and any abandoned works may, by his order, be either filled up or guarded to his satisfaction.

(2) Any person affected by an order of the mining inspector under this section may, within ten days, appeal therefrom to the Commissioner. R.S., c. 216, s. 15; 1948, c. 76, s. 1.

Examination of claims.

16. The Commissioner, mining recorder or mining inspector, or the deputy of any such officer, or any judge of the Territorial Court, or any one deputed by any of them, may enter into or upon and examine any claim or mine. R.S., c. 216, s. 16; 1948, c. 76, s. 1.
RIGHT TO ACQUIRE CLAIMS.

17. Any person over, but not under, eighteen years of age may enter for mining purposes, locate, prospect and mine for gold and other precious minerals or stones upon any lands in the Territory, whether vested in the Crown or otherwise, except lands within the boundaries of a city, town or village as defined by any ordinance of the Commissioner in Council, unless under regulations approved by the Governor in Council, or lands occupied by a building, or within the curtilage of a dwelling house, or lawfully occupied for placer mining purposes, or which form part of an Indian reserve. R.S., c. 216, s. 17.

18. No person shall enter for mining purposes, locate, prospect or mine upon lands owned or lawfully occupied by another until he has given adequate security, to the satisfaction of the mining recorder, for any loss or damage that may be thereby caused, and persons so entering, locating, prospecting or mining upon any such lands shall make full compensation to the owner or occupant of such lands for any loss or damage so caused, such compensation, in case of dispute, to be determined by a court having jurisdiction in mining disputes. R.S., c. 216, s. 18.

19. The surface rights to any claim shall not be granted to any person other than the owner of the claim until the owner is given an opportunity to acquire the said rights by notice in writing from the Crown timber and land agent, served personally on the said owner or his agent. R.S., c. 216, s. 19.

SIZE, FORM, ETC., OF CLAIMS.

20. (1) A claim on a creek shall not exceed five hundred feet in length, measured along the base line of the creek, established or to be established by a Government survey, as hereinafter provided.

(2) The side boundaries of a claim shall be lines on either side of the base line, parallel thereto and one thousand feet distant therefrom.

(3) The end boundaries of the claim shall be lines drawn at each end of the claim, at right angles to the base line, and extending not more than one thousand feet on either side thereof.

(4) In the event of the base line not being established, the claim may be staked along the general direction of the valley of the creek, but in such case, when the base line is established, the boundaries thereby defined shall be conformed to. R.S., c. 216, s. 20.

21. A claim situate elsewhere than on a creek shall not exceed five hundred feet in length parallel to the base line of the creek towards which it fronts, by one thousand feet. R.S., c. 216, s. 21.

22. A claim fronting on a creek or river shall be staked as nearly as possible parallel to the general direction of the valley of the said creek or river, and shall conform to the boundaries which the base line, when established, shall define. R.S., c. 216, s. 22.

23. Claims shall be measured horizontally irrespective of inequalities on the surface of the ground. R.S., c. 216, s. 23.

24. (1) Every creek claim shall be as nearly as possible rectangular in form, and shall be marked by two legal posts firmly fixed in the ground on the base line at each end of the claim.

(2) A claim situate elsewhere than on a creek shall be as nearly as possible rectangular in form, and shall be marked by two legal posts firmly fixed in the ground in a line parallel to the base line and on the side nearest the creek or river towards which it fronts.

(3) The line between the two posts shall be well cut out so that one post may, if the nature of the surface will permit, be seen from the other.

(4) One of the flatted sides of each post shall face the claim, and on each post shall be written on the side facing the claim, a legible notice stating the name or number of the claim, or both if possible, its length in feet, the date when staked, and the full Christian and surname of the locator.

(5) The posts shall be numbered 1 and 2 respectively, and it is not lawful to move them except that No. 2 may be moved by a Dominion land surveyor, if the distance between the posts exceeds the length prescribed by this Act, but not otherwise.

(6) Notwithstanding anything herein contained failure on the part of a locator of a claim to comply with any of the foregoing provisions of this section shall not be deemed to invalidate his location, if, upon the facts, it appears to the satisfaction of the mining recorder that there has been on the part of the locator a bona fide attempt to comply with the provisions of this Act, and that the non-observance of the formalities hereinbefore referred to is not of a character calculated to mislead other persons desiring to locate claims in the vicinity. R.S., c. 216, s. 24.
25. Any person or party of persons locating the first claim on any creek, hill, bench, bar or plain, or locating a claim on any creek, hill, bench, bar or plain upon which there is no recorded claim, is entitled to a claim or claims respectively of the following size, namely,

(a) one locator, one claim, fifteen hundred feet in length; and

(b) a party of two or more locators, two claims, each one thousand two hundred and fifty feet in length; and for each member of the party beyond two a claim of the ordinary size only. R.S., c. 216, s. 25.

26. The boundaries of any claim may, by order of the Commissioner or mining recorder, upon application by the owner thereof, be enlarged to the size of a claim allowed by this Act, if such an enlargement will not interfere with any mining property that is owned by any other person or is subject to the terms of an agreement with the Crown. R.S., c. 216, s. 26; 1948, c. 76, s. 1.

LOCATING AND RECORDING.

27. The forms of application for grant, of application for renewal of grant, and of grant of a claim shall be those contained respectively in Schedules A, B and C. 1948, c. 76, s. 5.

28. (1) An application in duplicate for a grant of a claim shall be filed with the mining recorder within ten days after the location thereof, if it is located within ten miles of the mining recorder’s office.

(2) One extra day shall be allowed for every additional ten miles or fraction thereof. R.S., c. 216, s. 28; 1948, c. 76, s. 6.

29. No grant shall be issued by a mining recorder for a part of a claim that is already recorded. R.S., c. 216, s. 29.

30. The location of a claim on Sunday or any public holiday is not for that reason invalid. R.S., c. 216, s. 30.

31. (1) Where a claim is more than one hundred miles from a recorder’s office, and situated where other claims are being located, the locators, not less than five in number, are authorized to meet and appoint one of their number an emergency recorder, who may receive applications for grants of claims located in accordance with the provisions of this Act.

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Record of application.

(2) The emergency recorder shall note on each application the day upon which such application was received by him and the amount of fees paid in respect thereto. 1948, c. 76, s. 7.

Notification of applications.

32. (1) The emergency recorder shall, as soon as possible after his appointment, notify the mining recorder for the district in which the claims are situate of his appointment, and he shall deliver personally or otherwise to such mining recorder the applications and fees received by him in respect of such claims.

(2) Where the emergency recorder has accepted from any person an application made in accordance with this Act and on the form set out in Schedule A and the fee therefor, the mining recorder may issue to such person a grant in the form set out in Schedule C.

Date of grant in such cases.

(3) The grant mentioned in subsection (2) shall date from the time the emergency recorder accepted the application and fees.

Failure of emergency recorder to notify mining recorder.

(4) Where the emergency recorder fails, within four months, to notify the mining recorder of his appointment and to deliver to him the applications for claims received and the fees collected, the mining recorder may refuse to issue grants for such claims. 1948, c. 76, s. 7.

Permits to bona fide prospectors.

33. Any person, upon satisfying a mining recorder that he is about to undertake a bona fide prospecting trip, may, upon payment of a fee of two dollars, receive written permission from the mining recorder, allowing him to record a claim within his mining district at any time within a period not exceeding six months from the date of his staking such claim. R.S., c. 216, s. 33.

Claim to be staked by applicant in person.

34. No application shall be received for a claim that has not been staked by the applicant in person in the manner specified in this Act, except that if any person files with the mining recorder powers of attorney from not more than two persons he may stake subsequent to such filing not more than three claims in the name of each such person during any year the power of attorney is in force. 1948, c. 76, s. 8.

Abandonment and surrender of claim.

35. (1) A person holding a grant of a claim may, at any time, abandon the claim, by giving notice in writing of his intention to do so to the mining recorder and surrendering his grant to the mining recorder.

R.S., 1952.
(2) No claim shall be relocated within thirty days of its being so abandoned, nor until after notice of such abandonment has been posted up for at least a week in a conspicuous place on the claim and in the office of the mining recorder, nor until a statutory declaration has been filed with the mining recorder that the notices have been so posted.

(3) Persons holding an interest in a claim at the time of its forfeiture or abandonment do not have the right to relocate the same, or any part thereof, within one year after the date of such forfeiture or abandonment. R.S., c. 216, s. 35.

36. Any person who records a claim in his own name or who has a claim recorded in his name by power of attorney does not have the right to locate or have located for him another claim within the valley or basin of the same creek or river within sixty days of the date on which the said claim was located. 1948, c. 76, s. 9.

37. During the absence of the mining recorder from his office, an application for a claim may be received by any person whom he may appoint to perform his duties in his absence. R.S., c. 216, s. 37.

38. (1) As soon as reasonably possible after a grant of a claim the holder of the claim shall affix or cause to be affixed securely to each of the posts of the said claim a metal tag plainly marked or impressed with the number and letter or letters, if any, of the grant of the claim, and in default the claim may be cancelled by the mining recorder on the application of anyone who, in the opinion of the mining recorder, has been misled by the lack of such tags.

(2) The mining recorder on application shall supply the numbered tags, mentioned in subsection (1), free of charge.

(3) This section applies in respect of all claims granted after the 1st day of June, 1948. 1948, c. 76, s. 10.

SURVEYS.

39. (1) Surveys of claims made under instructions issued by direction of the Commissioner to a duly qualified Dominion land surveyor named by him shall be accepted as defining absolutely the boundaries of the claims surveyed, if the returns of the survey are approved by the Commissioner or an official appointed by him for that purpose, and notice of such survey has been published in the Yukon Official Gazette for twelve successive issues thereof, and remains unprotested during that period.

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(2) R.S., 1952.
(2) The owner of a claim so surveyed shall, prior to the first appearance of the advertisement in the Yukon Official Gazette, cause to be posted in a conspicuous spot on the claim a notice of his intention to advertise the survey of the claim, and also a plan of the survey of the claim prepared by the surveyor.

(3) If, within the time during which such notice is published, the survey is protested, the protest shall be heard and decided upon by the Commissioner, and the costs of the hearing are in the discretion of the Commissioner, who may direct that the same or any portion thereof shall be paid by any party to the proceedings.

(4) If a decision is rendered varying the boundaries of the claim from those defined by the advertised survey, the owner of the claim may have the claim re-surveyed and fresh returns prepared embodying the changes involved by such decision, and such re-survey being approved by the Commissioner, or the official appointed by him for that purpose, may without advertisement be accepted by the Commissioner in lieu of the survey that has been protested.

(5) The expenses in connection with the survey and advertisement of claims shall be defrayed by the owners of the claims, but no fees will be charged by the Government for filing plans or other documents in connection therewith.

(6) An appeal may be taken at any time within twenty days from the decision of the Commissioner to the territorial court of the Yukon Territory.

(7) The procedure in all cases before the Commissioner under this section, and on appeal therefrom, shall be in accordance with rules prepared by the Commissioner. R.S., c. 216, s. 38; 1948, c. 76, ss. 1, 11.

40. The Commissioner on behalf of the Government of Canada may authorize and direct the survey of the base line of any creek or river to be made in accordance with such general instructions as may be issued by the Surveyor General, and such survey is, subject to the provisions of this Act with respect to advertisement and protest, a final determination of the location of such base line. R.S., c. 216, s. 39; 1948, c. 76, s. 1.

**TITLE.**

41. (1) Any person having duly located a claim may obtain a grant thereof for one or five years by paying to the mining recorder, in advance, the fees prescribed in Schedule D.

R.S., 1952.
(2) Such person is, upon receiving such grant, entitled to hold the claim for the period mentioned therein, with the absolute right of renewal from year to year thereafter upon payment of the renewal fee prescribed in said Schedule, if such person, during each year of the said period, and during each year for which such renewal is granted, does, or causes to be done, work on the claim to the value of two hundred dollars, in accordance with a schedule to be prepared by the Commissioner, and files, within fourteen days after the date of the expiration of the said period or renewal thereof, with the mining recorder or his agent, an affidavit made by him or his agent, stating that such work has been done, and setting out a detailed statement thereof.

(3) Any such work done outside of a claim with intent to work the claim shall be deemed, if it has direct relation to the claim, and if it is to the satisfaction of the mining recorder, to be work done on the claim for the purposes of this section.

(4) Where more work is performed by or on behalf of the recorded owner of a claim than is required by this Act during any year to be performed the excess work up to a value of eight hundred dollars upon proof of the same having been performed in accordance with the provisions of this Act shall be applied by the mining recorder upon work required to be done during the subsequent year or years; excess work may only be recorded during the year in which it was performed or within fourteen days of the expiry of such year. R.S., c. 216, s. 40; 1948, c. 76, s. 12.

42. (1) In the event of the work referred to in section 41 not being done as therein provided, the title of the owner to the claim thereupon becomes absolutely forfeited and the claim is forthwith open for relocation without any declaration of cancellation or forfeiture on the part of the Crown, and the claim shall not be reserved from entry and relocation during the fourteen days of grace mentioned in the said section.

(2) This section does not affect any rights granted by the terms of any existing agreement with the Crown. R.S., c. 216, s. 41.

43. (1) Where the owner of a claim has done the required work thereon, but has failed to renew his grant thereof, the mining recorder may issue a grant to any person relocating such claim.

(2) The owner may, within six months after the date at which his grant came due for renewal, apply for a renewal grant, and for the cancellation of any grant so issued R.S., 1952.
issued, and the latter grant shall be cancelled, or in the event of a grant not having been issued for said claim, any pending application for same shall be refused, upon it being proved to the satisfaction of the mining recorder that the required work was done by the said owner, and upon the said owner paying the expenses to which the relocator may have been put in locating and applying for the said claim, and in the event of a grant having been issued therefor, paying also all the expenses to which said relocator may have been put in obtaining the same, and also compensation for any bona fide work that he has performed thereon.

(3) Where the owner of a claim fails to renew his grant within the time provided by this Act, the renewal fee, if paid within three months after the date of expiry, is thirty dollars, and after three months and within six months from such date of expiry is forty-five dollars. R.S., c. 216, s. 42.

44. (1) No title shall be contested by any one who does not claim an adverse right except by leave of the Commissioner, and upon such leave being given it is not necessary to have any other authority on behalf of the Crown.

(2) In the event of a claim reverting to the Crown as a consequence of litigation undertaken pursuant to such leave, the plaintiff has the first right to locate the said claim. R.S., c. 216, s. 43.

45. Where two or more persons are co-owners in a claim, each such person shall contribute, proportionately to his interest, to the work required to be done thereon and to the payment of renewal fees, and in the event of its being proved to the mining recorder, after notice of hearing has been served on all parties interested in the manner directed by him, that any co-owner has not done so, his interest may, by order of the mining recorder, become vested in the other co-owners, who have performed the work and paid the fees in proportion to their interests. 1948, c. 76, s. 13.

46. (1) The owner of a claim may sell, mortgage or dispose of it, provided the instrument showing such disposal is deposited in duplicate with the mining recorder.

(2) The mining recorder shall, upon such deposit, register the instrument and return to the assignee one of the duplicates with a certificate endorsed thereon that the instrument has been recorded in his office, and retain the other. R.S., c. 216, s. 45.
47. No agreement affecting the title to any claim, or to any interest therein, is enforceable against any person without notice, unless such agreement or some memorandum thereof is in writing, duly signed, and is recorded in the office of the mining recorder. R.S., c. 216, s. 46.

48. (1) Every person receiving a grant of a claim, or the permission to record a claim within the period not exceeding six months hereinbefore authorized, may, during the continuance of his grant or permission, fish and shoot for his own use, subject to the provisions of any law for the protection of fish and game, and may also cut timber, not otherwise acquired, for his own use and for any purpose incidental and necessary to the operation of his claim; and also has the exclusive right to enter upon his claim for the miner-like working thereof and the construction of a residence thereon, and is entitled exclusively to all the proceeds realized therefrom, upon which, however, the royalty prescribed by this Act is payable; but the mining recorder may grant to the holders of other claims such rights of entry thereon as may be absolutely necessary for the working of their claims, upon such terms as to him seem reasonable, and may also grant permits to other claim owners to cut timber thereon for their own use.

(2) The Commissioner may, on application, grant any person operating a dredge the right to take such dredge through a mining claim owned by any other person to adjoining property that he may desire to work with the same dredge, and for the purpose referred to may grant the right to thaw, disturb, or remove such portion of the said claim as in the opinion of the Commissioner is necessary for such operation; but before such permission is granted the applicant shall deposit with the Commissioner a sufficient sum of money to secure payment to the owner of the claim for all damage which may be caused by the passage of the dredge through such claim; and all damage caused by the said passage through the claim shall be assessed by the Commissioner and from the moneys deposited with him by the applicant the damage as assessed shall be paid, and the balance, if any, refunded.

(3) Where, in the operation necessary to the passage of the dredge, any pay gravels are removed, the gold that may be contained therein shall be recovered by such operator, and all such gold is the property of the owner of the claim.

R.S., 1952.
(4) An appeal may be taken at any time within ten days from the decision of the Commissioner to the territorial court of the Yukon Territory with respect to the amount of the assessment. R.S., c. 216, s. 47; 1948, c. 76, s. 1.

49. No rights of any person owning or applying for a claim shall suffer from any acts of omission or commission, or delays, on the part of any official appointed under this Act. R.S., c. 216, s. 48.

50. Whenever, through the acts or defaults of any person other than the recorded owner of a claim, or his agent by him duly authorized, the evidence of the location or record on the ground or the situation of the claim has been destroyed, lost or effaced, or is difficult of ascertainment, effect shall nevertheless be given to the location as far as possible; and the Commissioner may make all necessary inquiries, directions and references in the premises for the purpose of carrying out the object of such location, and vesting title in such owner. R.S., c. 216, s. 49; 1948, c. 76, s. 1.

51. The Governor in Council may make regulations exempting members of the naval, army or air forces of Her Majesty or any of Her Majesty's allies, during the period of their service as such and one year thereafter, from the provisions of this Act respecting forfeiture of mineral claims held by them at the time of their enlistment, for non-performance of work or non-payment of assessments or rentals. 1951 (2nd Sess.), c. 7, s. 12.

GROUPING.

52. (1) Adjoining claims, not exceeding ten in number, may be grouped together for the performance of work by the owner or owners thereof upon filing with the mining recorder a notice of his or their intention so to group such claims and obtaining a grouping certificate in the form set out in Schedule H.

(2) Adjoining claims exceeding ten in number and any number of claims some of which do not adjoin may be grouped together for the performance of work by the owner or owners thereof if such owner or owners show to the satisfaction of the Commissioner that said claims are to be operated by a system of mining which has a direct bearing upon all other claims affected and renders a considerable area necessary to successful operation by the system proposed, and the Commissioner may, in such cases, issue a grouping certificate in the form set out in Schedule H.
(3) The holder or holders of a grouping certificate in the form set out in Schedule H may perform on any one or more of the claims in respect of which the grouping certificate was issued, all or any part of the work required to entitle him or them to a certificate of work for each claim so held by him or them, but if such work is not done the claims shall be deemed to be vacant and abandoned without any declaration of cancellation or forfeiture on the part of the Crown.

(4) Any grouping certificate issued by the Commissioner may be cancelled by him upon the expiry of sixty days from the mailing of a notice by registered mail to the owners of the claims in the group, in case it appears from the report of a mining inspector or otherwise that the system of mining contemplated when such grouping certificate was issued is not being installed or operated with reasonable diligence. 1948, c. 76, s. 14.

53. (1) Grants of claims in respect of which a grouping certificate has been issued, and grants of any claims within a mining district, owned by one person, may be made renewable by the mining recorder on the same day.

(2) In granting the privilege allowed under this section the mining recorder shall charge the applicant two dollars and fifty cents for every three months or portion thereof for each claim during that portion of the year it is necessary to renew it to make all the claims renewable on the same day; and the representation work required for the fractional portion of the year for which each claim is renewed shall be allowed at the rate of fifty dollars for each three months or fraction thereof, and the said representation work shall be performed and recorded on or before the date from which all the claims are first made renewable. R.S., c. 216, s. 51; 1948, c. 76, s. 15.

WATER RIGHTS.

54. Every person owning a claim is entitled to the seepage water on his claim and to the use of so much of the water naturally flowing through or past his claim, and not already lawfully appropriated, as, in the opinion of the mining inspector, is necessary for the due working thereof; and is entitled to drain his own claim free of charge. R.S., c. 216, s. 52.

55. (1) A mining recorder may, with the approval of the Commissioner, upon application being made as hereinafter mentioned, grant to any person or persons for any mining purpose or any purpose incidental thereto, for any term R.S., 1952.

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term not exceeding five years, or in special cases for such longer term as may be determined, the right to divert or take, and use or sell the water from any stream or lake, at any particular part thereof, and the right of way through and entry upon any mining property, for the purpose of constructing and repairing ditches and flumes to convey such water.

(2) Before entering upon or constructing or repairing works upon the mining property of any other person, such applicant shall give adequate security, by bond or otherwise, to the satisfaction of the mining recorder to secure payment to the owner of such mining property of all damage caused by such entry or construction or repairing. R.S., c. 216, s. 53.

56. (1) Every applicant for a water grant shall post for twenty days previous to the making of the application a notice in writing of his intention to apply to the mining recorder for such grant

(a) at the point of proposed diversion or taking;
(b) on the claim on which such water is intended to be used;
(c) on each claim or person's land to be crossed by the water in course of transit to the place of user; and
(d) in the office of the mining recorder;
and shall forward a copy of such notice to the Commissioner.

(2) Such notice shall state
(a) the name of the applicant;
(b) the name, or if unnamed, a sufficient description of the stream, lake or other source from which water is intended to be diverted or taken;
(c) the point of diversion or taking or intended ditch-head, and the point where the water is to be returned to the stream;
(d) the means by which it is intended to divert or take, or to store the water;
(e) the number of inches of water to be applied for;
(f) the purposes for which it is required, stated with reasonable particularity;
(g) the claim upon which the water is to be used, or, if the right to sell water is asked, the locality within which the right is to be exercised; and
(h) the date of the posting of the notice, and the date on which application will be made to the mining recorder for the granting of the record. R.S., c. 216, s. 54; 1948, c. 76, s. 1.

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57. On the day mentioned in the notice of application or at a subsequent day and time to be fixed by the mining recorder, as the case may be, application shall be made by or on behalf of the applicant, either by attendance in person or by agent, or in writing, for a grant in accordance with the terms of the notice. R.S., c. 216, s. 55.

58. The mining recorder shall, at such day and time, proceed to adjudicate upon the application, and may, with the approval of the Commissioner, upon proof to his satisfaction of the publication of notice in manner aforesaid, of the ability of the applicant to construct the necessary works, of the right of the applicant to apply for a record under the foregoing provisions of this Act or any of them, and of the volume of unrecorded water available for diversion having regard to existing rights and records, whether held by land owners or mine owners, and to pending applications, which facts shall be reported upon by the Government mining engineer or mining recorder, issue to the applicant a grant, in the Form in Schedule E, of such amount of water and for such purposes as, in the discretion of the mining recorder, are reasonably required by the applicant for the purposes specified in his notice of application. R.S., c. 216, s. 56.

59. The mining recorder may adjourn such adjudication from time to time as circumstances render expedient, and may take evidence by statutory declaration, and summon and examine witnesses upon oath, and hear all parties whose rights are or may be affected by the application. R.S., c. 216, s. 57.

60. (1) Every holder of a water grant shall take all reasonable means for utilizing the water granted to him; and if he wilfully wastes any water or takes a quantity of water in excess of his actual requirements, or has worked out or abandoned the claim or claims with respect to which the water grant was issued, the mining inspector may, upon notice, cancel or reduce the grant, or impose such conditions as he thinks proper.

(2) An appeal may be taken, at any time within ten days from any such action of the mining inspector, to the Commissioner. R.S., c. 216, s. 58; 1948, c. 76, s. 1.

61. Every grant of water on an occupied creek is subject to the rights of such claim owners as shall, at the time of such grant, be working on the stream above or below.
below the ditch-head, and of any other persons lawfully using such water for any purpose whatsoever. R.S., c. 216, s. 59.

62. (1) If, after the grant has been made, any person or persons locate and bona fide work any claim or claims below the ditch-head on any stream so diverted, they are collectively entitled to the continuous flow in the said stream of the water passing such claim or claims to the following extent: if three hundred inches or less are diverted, they are entitled to forty inches and no more; if over three hundred are diverted, they are entitled to sixty inches, and no more, except, in either case, upon paying to the owner of the ditch, and all other persons interested therein, compensation equal to the amount of damage sustained by the continuous flow of such extra quantity of water as is desired; and in computing such damage the loss sustained by the owners of such claims using water from the ditch, and all other reasonable losses, shall be considered.

(2) The right to such continuous flow, and to such extra quantity of water, is subject in all cases to the approval in writing of the Government mining engineer or mining recorder, subject to appeal to the Commissioner within twenty days from the date of the decision rendered. R.S., c. 216, s. 60; 1948, c. 76, s. 1.

63. The holder of a water grant with the privilege of selling water may distribute the water to such persons and on such terms as he deems advisable, within the limits mentioned in his grant, but the price charged for such water is subject to the control of the Commissioner, and the water shall be supplied to all claim owners who make application therefor in a fair proportion, and according to priority of application. R.S., c. 216, s. 61.

64. In measuring water in any ditch or sluice the following rules shall be observed:

(a) the water taken into a ditch or sluice shall be measured at the ditch or sluice head;

(b) no water shall be taken into a ditch or sluice except in a trough placed horizontally at the place at which the water enters it;

(c) one inch of water means half the quantity that will pass through an orifice two inches high by one inch wide with a constant head of seven inches above the upper side of the orifice; and

(d) a sluice head shall consist of fifty such inches of water. R.S., c. 216, s. 62.
65. The owner of any ditch, water privilege or claim shall, at his own expense, construct, secure and maintain all culverts necessary for the passage of waste and superfluos water flowing through or over any such ditch, water privilege or claim. R.S., c. 216, s. 63.

66. The owner of any ditch or water privilege shall construct and secure the same in a proper and substantial manner, and maintain the same in good repair, to the satisfaction of the mining recorder, and so that no damage shall occur to any road or work in its vicinity from any part of the works of such ditch or water privilege. R.S., c. 216, s. 64.

67. (1) The owner of any ditch or water privilege is liable for, and shall make good in such manner as the mining recorder determines, all damages that may be occasioned by or through any part of the works of the said ditch, water privilege or right breaking or being imperfect.

(2) An appeal from the decision of the mining recorder under this section may be taken at any time within ten days to the Commissioner. R.S., c. 216, s. 65; 1948, c. 76, s. 1.

68. Every grant of water obtained by the owner of a claim shall be deemed appurtenant to the claim in respect of which record is obtained; and all assignments, transfers or conveyances permitted by law of any claim, whether such assignments, transfers or conveyances were made before or after the 1st day of August, 1906, shall be construed to have conveyed and transferred, and to convey and transfer; any and all recorded water privileges appurtenant to the claim assigned, transferred or conveyed. R.S., c. 216, s. 66.

69. The commissioner may, upon approval by him of an application for permission to impound the surplus waters of any creek or gulch, withdraw from mining entry any vacant ground required as a reservoir site, or for any other purpose in connection with the storage of water; but only such ground as has been thoroughly prospected and has been found to be worthless for placer mining purposes, or ground that has been worked out and abandoned, may be so withdrawn. R.S., c. 216, s. 67.

DRAINAGE.

70. The mining recorder may grant permission to run a drain or tunnel for drainage purposes through any occupied or unoccupied lands whether mineral or not, and may give exclusive rights of way through and entry upon any mining R.S., 1952.
mining ground for any term not exceeding five years, for the purpose of constructing and maintaining drains for the drainage thereof. R.S., c. 216, s. 68.

71. The grantee shall compensate the owners of lands or of claims entered upon by him for any damage they may sustain by the construction of such tunnel or drain; and such compensation, if not agreed upon, shall be settled by the board of arbitration hereinafter referred to, and be paid before such drain or tunnel is constructed. R.S., c. 216, s. 69.

72. Such drain or tunnel, when constructed, shall be deemed to be the property of the person by whom it has been constructed. R.S., c. 216, s. 70.

73. (1) Every application for a grant shall state the names of the applicants, the nature and extent of the proposed drain or drains, the amount of toll, if any, to be charged, and the privileges sought to be acquired, and shall, save where the drain is intended only for the drainage of the claim of the person constructing it, be accompanied by a deposit of twenty-five dollars, which shall be refunded if the application is refused, but not otherwise.

(2) Ten full days' notice shall be given of any such application to be made in June, July, August, September or October, and one month's notice of an application to be made in any other month, by affixing the notice to a post planted in some conspicuous part of the ground, and by affixing a copy thereof conspicuously upon the inner walls of the office of the mining recorder.

(3) Prior to such application, the ground included therein shall be marked out to the satisfaction of the mining recorder.

(4) Any person may, within the times hereinbefore prescribed for the notice of such application but not afterwards, protest before the Commissioner against such application being granted. R.S., c. 216, s. 71; 1948, c. 76, s. 1.

74. (1) The grant of the right of way to construct drains and tunnels shall be in the Form in Schedule F.

(2) The grant shall be registered by the grantee in the office of the mining recorder, to whom he shall at the time pay a fee of five dollars; or, if the grant gives power to collect tolls, a fee of forty dollars.
(3) An annual rent of ten dollars shall be paid, in advance, by the grantee for each quarter of a mile of right of way legally held by him, save where the drain is for the purpose of draining only the claim of the person constructing it. R.S., c. 216, s. 72.

DISPUTES.

75. In case of any dispute as to the locating of a claim the title to the claim shall depend upon priority of location, subject, however, to any question as to the validity of the record itself, and subject, further, to the claimant having complied with all the terms and conditions of this Act. R.S., c. 216, s. 73.

76. (1) In the event of any dispute between the owners of claims or lessees of locations with respect to the distribution of water, encroachments, or to dumping, or as to the amount of compensation to be paid for any damage caused by any drain or tunnel constructed for drainage purposes under the provisions of this Act, or any other matter referred to in section 77, such dispute may be heard and determined by a board of arbitrators.

(2) The Commissioner, upon the request of any such owner or lessee for the appointment of a board of arbitrators and upon being furnished with a statement of the matter complained of, clearly expressed in writing, shall notify each party to the dispute to appoint an arbitrator, and shall notify all persons holding any interest in the claim or property of the proposed arbitration proceedings, and in case any person who was notified to appoint refuses or neglects to appoint an arbitrator within thirty days of the date of such notification the Commissioner, upon being requested so to do by the arbitrator or arbitrators appointed, or by any interested owner or lessee, shall appoint such arbitrator or arbitrators.

(3) In the event of the total number of arbitrators so appointed being an even number, an additional arbitrator shall be appointed by such arbitrators.

(4) In the event of the arbitrators so appointed being an even number, and being unable to agree upon the additional arbitrator, or failing so to do within five days from the date upon which the last arbitrator was appointed, the Commissioner, upon being requested so to do by the arbitrators so appointed or by any interested owner or lessee, shall appoint the additional arbitrator.

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Costs of arbitration.

(5) The arbitrators are entitled to be paid a per diem allowance of ten dollars, together with necessary travelling and living expenses, while actually engaged in the arbitration, and the costs of such arbitration, including the cost of any examination of the property that may be found necessary, shall be borne by such owners or lessees as are parties to the dispute, and in the proportion set out in the award of the arbitrators.

Rules of procedure.

(6) The procedure in all cases before a board of arbitrators under this Act shall be in accordance with rules prepared by the Commissioner. R.S., c. 216, s. 74; 1948, c. 76, ss. 1, 16.

Damages by dumping, etc.

77. (1) Except as hereinafter provided, no person mining upon any claim shall cause damage or injury to the holder of any claim other than his own by throwing earth, clay, stones or other material upon such other claim, or by causing or allowing water which may be pumped or bailed or may flow from his own claim, to flow into or upon such other claim.

(2) If the owner of a claim wishes to deposit the leavings, deads, waste or tailings therefrom on any adjacent claim, or on any other adjacent mining property, whether the same was acquired under the provisions of this Act or any other Act, order in council or regulation governing mining in the Yukon Territory, which claim or mining property is of not less than five years' standing, or if such owner wishes to cause or allow water that may be pumped or bailed or may flow from his own claim to flow into or upon such other claim or mining property, he may give one month's notice of such desire in writing to the owner or lessee of such adjacent claim or property, and if, at the expiration of the month the owner giving the said notice and the owner or lessee of the said adjacent claim or mining property has not been able to arrive at an agreement as to the price to be paid for the dumping ground or for damages caused by such flow of water, the owner giving notice may apply to the Commissioner to have the value and size of the dumping ground and the amount of such damages determined by the board of arbitrators, and the board has power to permit so much of the said adjacent claim or property to be used for dumping and at such a price as the board of arbitrators deems just. R.S., c. 216, s. 75; 1948, c. 76, s. 1.

Judgment of the board.

78. (1) The judgment of the said board shall be in writing and shall be filed in the office of the mining recorder.

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(2) Any such judgment is final as to facts, but may be appealed from to the territorial court on any question of law. R.S., c. 216, s. 76.

79. The said board may award such costs of and incidental to the inquiry as it deems just. R.S., c. 216, s. 77.

80. Affidavits and declarations required by this Act may be made before the Commissioner or any mining recorder or mining inspector, anywhere within the Territory, or by any person duly authorized to administer an oath or declaration. R.S., c. 216, s. 78; 1948, c. 76, s. 1.

ADMINISTRATION OF ESTATES.

81. Where the owner of a claim or of any interest in a claim dies or is adjudged to be insane, the provisions of this Act as to forfeiture for non-performance of work, payment of fees and renewal do not apply except as hereinafter provided, in the first case, either during his last illness or after his decease, and in the second case, either after he has been so adjudged insane, or where it appears that the neglect or omission on account or by reason of which such claim would otherwise have been deemed to be forfeited was attributable to his insanity, then during such period prior to his having been so adjudged insane as he may be shown to have been insane. R.S., c. 216, s. 79.

82. (1) The Commissioner may by order limit the period during which all or any interest in any mining claim, the property of such deceased or insane person, shall be so exempt from the provisions of this Act that require the annual performance of work and payment of fees and may fix the date upon which the same shall again become subject to all the provisions of this Act, and upon which renewal grants for said property shall be issued upon payment of the prescribed fee.

(2) Upon failure so to renew, the title of the owner of said property shall thereupon become absolutely forfeited and in the event of the estate of such deceased person being the sole owner of any such claim, the same shall forthwith be open for relocation without any declaration of cancellation or forfeiture on the part of the Crown, and in the event of such an estate being a co-owner in any such claim, the interest of the estate thereupon ipso facto becomes vested in the other co-owners in proportion to their interests.

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(3) The Commissioner may, by like order from time to time, extend the period of such exemption as the necessity of the case may in his opinion demand, but in the case of deceased persons the period during which such exemption shall apply shall not extend beyond three years from the date of the death of such person.

(4) If there is no other legal representative of the estate of any such deceased or insane person, the Commissioner may cause the public administrator of the Territory to take possession of such property and administer the same, subject to the provisions of any ordinance respecting the administration of the estates of deceased or insane persons in the Territory, now existing or hereafter to be made or passed.

(5) No exemption of the interest of a deceased or insane owner in any claim applies to or exempts any co-owner's interest from the provisions of this Act as to the annual performance of work and payment of renewal fees.

(6) Where the estate of a deceased or insane person owns an interest in a claim and all the living co-owners have during the period of such exemption failed to perform the required work or to pay renewal fees, the interests of such co-owners may, upon such failure being proved to the Commissioner, after notice of hearing has been served on all parties interested in the manner directed by him, become vested in such estate by order of the Commissioner. R.S., c. 216, s. 80; 1948, c. 76, s. 1.

**83.** All charges and expenses that may be incurred by the Commissioner or the public administrator, or by any person acting under the instructions of either of them, in or about the working of such mining property, or in taking or keeping possession thereof, shall be and remain a first charge against the same, until paid to the Commissioner or public administrator, as the case may be. R.S., c. 216, s. 81.

**84.** (1) Any person receiving, from the public administrator or other legal representative of the estate of a deceased or insane person, an assignment or transfer of a claim or interest in a claim that has been exempted from the provisions of this Act as to performance of work and payment of renewal fees because of the death or insanity of the owner thereof, shall apply to the mining recorder and pay the prescribed fee for a grant thereof within two months from the date of such assignment or transfer.

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(2) If a grant is not so applied for and the recording fee paid, the provisions so exempting such claim or interest shall cease to apply and such claim or interest shall on the expiration of two months become absolutely forfeited and open for location. R.S., c. 216, s. 82.

TAXATION AND FEES.

85. (1) On all gold shipped from the Territory there shall be levied and collected a royalty at the rate of two and one-half per cent of its value, or at such less rate as may be fixed by the Governor in Council.

(2) Gold upon which royalty is payable is gold dust as mined, or gold in the form of bars as presented for export.

(3) Such royalty shall be paid in currency to the Controller of the Territory, or to some person authorized by him in that behalf, and the gold for the purpose of estimating such royalty shall be valued at fifteen dollars per ounce. R.S., c. 216, s. 83.

86. (1) Every person who exports or attempts to export from the Territory any gold with respect to which royalty imposed by section 85 has not been paid, is guilty of an offence and liable on summary conviction to a fine not exceeding one thousand dollars or to imprisonment for a term not exceeding three years or to both fine and imprisonment.

(2) Where a person is convicted under subsection (1) the convicting magistrate or justice may in his discretion order the gold in respect of which the conviction is had to be forfeited and thereupon the gold is forfeited to Her Majesty.

(3) Every person about to export gold from the Territory shall upon demand produce to any peace officer a certificate from the Controller of the Territory or person authorized by the Controller under subsection (3) of section 85 certifying that the royalty imposed by section 85 with respect to such gold has been paid and failure to produce the certificate upon such demand is prima facie evidence that the royalty has not been paid.

(4) Where any peace officer has reasonable and probable grounds for believing that any person has committed or has reason to believe that any person is about to commit an offence described in subsection (1) or has in his possession or in his belongings any gold in respect of which the royalty imposed by section 85 has not been paid, such peace officer may without warrant search such person and his belongings.
belongings and any articles believed to be his belongings and may seize any gold found upon such person or in such belongings.

(5) No female shall be searched pursuant to this section except by a suitable woman who is a peace officer or is authorized by the peace officer to make the search.

(6) Any gold seized pursuant to subsection (4) may be detained for a period of six months, and if before the expiration of such period any proceedings with respect to such gold are taken under this Act may be further detained until such proceedings are finally concluded.

(7) For the purpose of this section the expression "peace officer" means a peace officer as defined in section 2 of the Criminal Code. 1946, c. 35, s. 2.

Fees.

87. The fees to be charged in connection with the administration of this Act shall be those set out in Schedule D. R.S., c. 216, s. 84.

88. All fees, fines, royalties or other moneys collected under this Act shall become part of the Consolidated Revenue Fund of Canada. R.S., c. 216, s. 85.

GENERAL.

89. (1) Should it be proved to the satisfaction of the mining recorder that any person has

(a) been guilty of misrepresentation in the statement sworn to by him in recording any claim, or in any of the statements required, under this Act, to be made by him under oath, or

(b) removed, or disturbed with intent to remove, or defaced any legal post or stake or other mark placed under the provisions of this Act,

the mining recorder may, in his discretion, order that such person be debarred from the right to obtain a grant or renewal of a grant of a claim for any length of time that he deems advisable.

(2) The mining recorder shall, forthwith, upon any such decision by him, notify every other mining recorder of such decision.

(3) An appeal lies from any such decision of the mining recorder to the Commissioner. R.S., c. 216, s. 86; 1948, c. 76, s. 1.

90. Any person wilfully acting in contravention of this Act, or refusing to obey any lawful order of any official, court or board having jurisdiction under this Act in mining disputes is, on summary conviction before any two justices
justices of the peace or a police magistrate, liable to a fine not exceeding two hundred and fifty dollars, or to imprisonment, with or without hard labour, for a term not exceeding three months. R.S., c. 216, s. 87.

91. (1) No person shall be granted or acquire a claim or any right therein, or carry on placer mining in the Territory, except in accordance with the provisions of this Act.
(2) This section does not affect any rights that
(a) have already been acquired under the regulations for the disposal of mining locations in the Territory to be worked by the hydraulic or other mining process, approved by order in council dated the 3rd day of December, 1898, and amendments thereto;
(b) have been or may hereafter be acquired under the regulations governing the issue of leases to dredge for minerals in the beds of rivers in the Territory, approved by order in council dated the 18th day of January, 1898, or of any regulations in amendment thereof;
(c) may have been otherwise lawfully granted before the 1st day of August, 1906; or
(d) may have been acquired under the authority of a lease to prospect. R.S., c. 216, s. 88.

92. (1) The Commissioner may grant a lease to prospect for the purposes of placer mining as defined in this Act on lands that are the property of the Crown, or the mining rights of which are available for disposal under the provisions of this Act, upon receipt of an application accompanied by evidence to his satisfaction of the applicant's financial ability and intention to incur the expenditure necessary to thoroughly prospect the area described in the application.
(2) The location shall be marked in the ground in the manner prescribed by this Act, and application for a lease shall be submitted in the form prescribed in Schedule G.
(3) While the lease remains in force the lessee is not eligible to make application for another lease.
(4) The term of the lease shall be one year, renewable for two additional periods of one year each, if the lessee on or before the termination of the year furnishes the Commissioner with evidence to show that he has incurred the prescribed expenditure in prospecting operations, and has otherwise complied with the provisions of this Act and with the terms and conditions of the lease.

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(5) If the tract included in an application for a lease comprises abandoned ground, that is, if the whole or any portion of the creek or river upon which the tract applied for is situated has previously been staked out and recorded under the provisions of this Act, or the regulations that preceded it, or under the provisions of the hydraulic mining regulations approved by order in council dated the 3rd day of December, 1898, but the grants of which have been permitted to lapse, or have been cancelled or forfeited, it shall not exceed five miles in length, and in the case of a creek shall be measured along the base line in the manner prescribed in this Act, the side and end boundaries of the location being those defined in this Act.

(6) In the case of a river the location shall be on one side thereof only, and shall extend back from the foot of the natural banks a distance of one thousand feet measured from the base line, the end boundaries being lines drawn at each end of the location at right angles to such base line.

(7) Locations other than on a creek or river shall not exceed one thousand feet in width and five miles in length measured along the line parallel to the base line of the creek or river and shall be made only on abandoned ground as defined in subsection (5).

(8) The rental of the tract leased shall be at the rate of twenty-five dollars a mile or fraction of a mile, payable to the Commissioner in advance for each year.

(9) Prior to the termination of the year the lessee shall furnish evidence, supported by affidavit, to the satisfaction of the Commissioner, that he has incurred during the year an expenditure at the rate of at least one thousand dollars for each mile or fraction of a mile leased to him in prospecting operations by recognized methods on the location itself, or for any purpose that to the Commissioner may seem essential or necessary for the economical development of the tract leased; if such evidence is not furnished before the termination of the year, or is not satisfactory, the lessee is not entitled to a renewal of his lease.

(10) Before the termination of the lease the lessee may, if he so desires, personally stake out in the manner prescribed in this Act, placer mining claims comprising the whole or any portion of the tract leased, and upon furnishing the Commissioner with satisfactory evidence to show that he has incurred during the year for which the lease was issued the expenditure already provided for in the development of the leasehold he may submit application.

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in the form prescribed in Schedule A, and obtain a grant in his own name for each of the claims so staked and applied for, in which case the unrecorded portion of the location immediately reverts to the Crown and shall become available for disposal under the provisions of this Act.

(11) If a creek or a river upon which an applicant desires to acquire a lease to prospect has not already been prospected, that is, if mining claims have not previously been staked, recorded, and abandoned along any part of such creek or river, the term of the lease which may be granted shall be for one year only, not subject to renewal, and the tract leased shall not exceed one mile in length, marked out and measured in the manner above prescribed, and subject to all the conditions above set out in so far as the same can be made to apply.

(12) Before the termination of the year the lessee of such a location may, if he so desires, stake out within the limits of the tract leased a claim not exceeding in size a discovery claim as defined in this Act, and upon furnishing the Commissioner with satisfactory evidence to show that he has incurred during the year for which the lease was issued the expenditure already provided for in the development of the leasehold, he may submit application and obtain a grant for the claim so staked and applied for, in which case the unrecorded portion of the location immediately reverts to the Crown and shall become available for disposal under the provisions of this Act, and only one discovery claim shall be allowed on any such creek or river.

(13) The fee for the issue of a lease, or for the renewal thereof, is twenty-five dollars for each mile or fraction of a mile described in the said lease, payable in advance to the mining recorder for the district, or to the Commissioner.

(14) The lessee shall not assign, transfer or sublet the rights described in the lease, or any portion thereof, without the consent in writing of the Minister being first had and obtained. R.S., c. 216, s. 89; 1948, c. 76, ss. 1, 17.
APPLICATION FOR GRANT FOR PLACER MINING AND AFFIDAVIT OF APPLICANT.

No.
I (or, we) hereby apply, under the Yukon Placer Mining Act, for a grant of a claim for placer mining as defined in the said Act, in (here describe locality) and I (or, we) make oath and say:

1. That to the best of my (or, our) knowledge and belief the land is such as can be located under section 17 of the said Act.

2. That I (or, we) did on the day of 19__, mark out on the ground, in accordance in every particular with the provisions of the said Act, the claim for which I (or, we) make this application, and in so doing I (or, we) did not encroach on any other claim or mining location previously laid out by any other person.

3. That the length of the said claim, as nearly as I (or, we) could measure, is __ feet, and that the description of this date hereto attached, signed by me (or, us) sets forth in detail, to the best of my (or, our) knowledge and ability, its position.

4. That I (or, we) staked out the claim by planting two legal posts numbered 1 and 2, respectively, and that No. 1 is __ discovery.

5. That I (or, we) make this application in good faith to acquire the claim for the sole purpose of mining to be prosecuted by myself (or, us) or by myself and associates or by my (or, our) assigns.

Sworn before me at ________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________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in the mining district, which said grant is number , and was issued to on the day of , 19 , and I make oath and say:

1. That I am (or, we are) (the agent of if deponent is an agent of the owner) the owner (or, owners) of placer mining claim in the mining district, and hold (or, that he holds) a grant for the said claim dated the day of , 19 .

2. That work has been done on the said claim to the value of at least two hundred dollars, in accordance with the schedule of representation work prepared by the Commissioner of the Yukon Territory, between the day of , 19 , and the day of , 19 .

The following is a detailed statement of such work:

Sworn before me at in the Yukon Territory, this day of , 19 .

A commissioner for taking affidavits in the Yukon Territory (or as the case may be).

R.S., c. 216, Sch. B.

SCHEDULE C.

GRANT FOR PLACER MINING.

No. Department of Resources and Development Agency, 19 .

In consideration of the payment of dollars, being the fee prescribed by Schedule D to the Yukon Placer Mining Act, by , of accompanying his (or, their) application No. dated , 19 , for a mining claim in (here insert description of locality).

The Minister of Resources and Development hereby grants to the said for a term of years from the date hereof, the exclusive right of entry upon the claim (here describe in detail the claim granted) for the miner-like working thereof, and the construction of a residence thereon, and the exclusive right to all the proceeds realized therefrom, upon which, however, the royalty prescribed by the said Act shall be paid.

The said shall be entitled to the use of so much of the water naturally flowing through or past his (or, their) claim, and not already lawfully appropriated,

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priated, as shall be necessary for the due working thereof, and to drain his (or, their) claim, free of charge.

This grant does not convey to the said any right of ownership in the soil covered by the said claim, and the said grant shall lapse and be forfeited unless the provisions of section 41 of the Yukon Placer Mining Act are strictly complied with.

The rights hereby granted are those laid down in the said Act and no more, and subject to all the provisions of the said Act, whether they are expressed herein or not.

Mining Recorder.
R.S., c. 216, Sch. C; 1948, c. 76, s. 18; 1949 (2nd Sess.), c. 18, s. 9.

SCHEDULE D.
FEES.

1. For grant of a claim for one year. $10.00
2. For grant of a claim for five years. 50.00
3. For renewal of grant of a claim:
   For one year. 10.00
   For two years. 20.00
   For three years. 30.00
   For four years. 40.00
   For five years. 50.00
4. Recording an abandonment. 2.00
5. For a grouping certificate:
   (a) Ten claims or under. 5.00
   (b) Over ten claims. 5.00
     For each claim over ten. 1.00
6. Registration of any document. 2.00
   If it affects more than one claim, for each additional claim. 1.00
7. For filing any document. 1.00
8. Abstract of Title:
   For first entry. 1.00
   For each additional entry. .10
9. For copies of any documents recorded:
   Up to three folios. 3.00
   For each additional folio. .50
10. For grant of water:
    Of 50 inches or less. 10.00
     From 50 to 200 inches. 25.00
     From 200 to 1,000 inches. 50.00
     For each additional 1,000 inches or fraction thereof. 50.00

1948, c. 76, s. 19.

SCHEDULE

R.S., 1952.
GRANT OF RIGHT TO DIVERT WATER AND CONSTRUCT DITCHES.

No.

Agency, 19.

In consideration of the sum of dollars paid on the date application is made for this grant, the Minister of Resources and Development, in accordance with the Yukon Placer Mining Act, hereby grants to

for the term of years from the date hereof, the right to divert, take (sell) and use the water from to the extent of inches, and no more, to be distributed as follows:

and the right of way through and entry upon the following mining grounds:

for the purpose of constructing ditches and flumes to convey such water, provided that at least the sum of dollars, shall be expended on the said ditches and flumes within one year from the date hereof, and provided that such ditches and flumes are constructed and in working order within from the date hereof:

Provided that this grant shall be deemed to be appurtenant to placer claim No.

and shall cease and determine whenever the said claim shall have been worked out or abandoned, or the occasion for the use of such water upon the said claim shall have permanently ceased:

Provided also, that this grant is subject to all the provisions of the said Act in that behalf whether the same are expressed herein or not. It is expressly a condition of this grant that the same is issued subject to all rights subsisting at this date to the water in respect to which this grant is issued. Water to be flumed and tailings to be handled to the satisfaction of the mining inspector.

Mining Recorder.

R.S., c. 216, Sch. E; 1948, c. 76, s. 18; 1949 (2nd Sess.), c. 18, s. 9.

* To be inserted in a grant to sell water.
† If the right to sell water is granted, insert the following:—

"Provided also, that the price charged for the water shall be subject to the control of the Commissioner of the Yukon Territory, and the water shall be supplied to all claim owners who apply therefor in a fair proportion and without any discrimination."
SCHEDULE F.

TUNNEL OR DRAIN LICENCE.

No. To all whom it may concern:

Take notice that

the owner of placer claim in

Mining District, having given security to the amount of for any damage he may do, has this day obtained a licence from me to run a tunnel (or, drain) from

[Name]

to his said claim.

The said licence is granted on these express conditions:— (Set out conditions, if any.)

Dated at the day of [Date] 19 [Name]

Mining Recorder.

R.S., c. 216, Sch. F.

SCHEDULE G.

APPLICATION FOR A LEASE TO PROSPECT AND AFFIDAVIT OF THE APPLICANT.

I, of hereby apply under the provisions of the Yukon Placer Mining Act for a lease to prospect in the manner defined in the said Act on that portion of creek (or river) which may be described as follows:

and I make oath and say:

1. That to the best of my knowledge and belief the land is such as may be located for prospecting purposes under the provisions of the said Act;

2. That I did on the day of [Date] 19 , mark out on the ground in accordance in every particular with the provisions of the said Act the location for which I make this application;

3. That the length of the location, as nearly as I could measure it, is feet, and that the description above given in detail sets forth to the best of my knowledge and ability its position;

4. That I staked out the location by planting two legal posts, numbered 1 and 2, respectively, and that No. 1 is the down stream post of the location;

5. That no placer mining claims are now recorded on the tract applied for, and that no placer mining operations are now being conducted thereon;

R.S., 1952.
6. That I make this application in good faith to acquire a prospecting lease for the sole purpose of prospecting and mining to be prosecuted by myself, or by myself and associates, or by my assigns.

Sworn before me at 

in the Yukon Territory, this day of 19 .

A Commissioner for taking affidavits in the Yukon Territory.

R.S., c. 216, Sch. G.

SCHEDULE H.

GROUPING CERTIFICATE.

Fee Paid $ ............... ............................

Mining District.

In accordance with the provisions of section 52 of the Yukon Placer Mining Act the owners of the following claims are permitted to group such claims together for the performance of work:

Dated at .........................

this ......................... day of

............................ 19....

Mining Recorder (or Commissioner).

1948, c. 76, 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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R.S., 1952.
CHAPTER 301.

An Act respecting Quartz Mining in the Yukon Territory.

SHORT TITLE AND APPLICATION.

1. (1) This Act may be cited as the Yukon Quartz Mining Act.

   (2) This Act is applicable only to minerals defined as such on territorial lands, situate within the Yukon Territory. R.S., c. 217, s. 1.

INTERPRETATION.

2. (1) In this Act,

   (a) "adjoining claims" means those that come into contact one with the other at some point on the boundary lines, or that share a common boundary;

   (b) "cause" includes any suit or action;

   (c) "Commissioner" means the Commissioner of the Yukon Territory or such person as for the time being is invested with and has the powers of the Commissioner of the Yukon Territory;

   (d) "Department" means the Department of Resources and Development;

   (e) "ditch" includes flume, pipe, race, or other artificial means for conducting water by its own weight, to be used for mining purposes;

   (f) "document" means any assignment, transfer bill of sale or other writing, which may in any way affect the title of a mineral claim;

   (g) "entry" means not only the record of a claim in the books of the mining recorder, but also the grant which may be issued for such claim;

   (h) "full claim" means any mineral claim of the full size;

   (i) R.S., 1952.
(i) “judgment” includes “order” or “decree”;

(j) “legal post” means a stake or post of any kind of sound timber of sufficient length so that when firmly planted in the ground in an upright position, not less than four feet of such post is above ground; the post must be of such diameter that when squared or faced for eighteen inches from the top end, each face of the squared or faced portion is not less than four inches in width across the face for the full eighteen inches, or if a tree of suitable size is found in position, it may be made into a post by cutting the tree off not less than four feet from the ground, and squaring and facing the upper eighteen inches, each face of the portion so squared or faced to be not less than four inches in width; whether a post is planted or a stump of a tree made into a post, a mound of stones or earth shall be erected around the base of the post, such mound of earth or stones to be not less than three feet in diameter on the ground, and not less than eighteen inches high, cone-shaped and well constructed;

(k) “limestone, marble, clay, gypsum, or any building stone when mined for building purposes, earth, ash, marl, gravel, sand,” as well as any element that may, in the opinion of the Minister, form a portion of the agricultural surface of the land, shall not be considered as mineral within the meaning of this Act;

(l) “location line” means a straight line opened or indicated throughout between No. 1 and No. 2 location posts of a mineral claim, and joining them;

(m) “mill-site” means a plot of ground located, as defined by this Act, for the purpose of erecting thereon any machinery or other works for transporting, crushing, reducing or sampling ores, or for the transmission of power for working mines;

(n) “mine” means any land in which any vein, lode, or rock in place, is mined for gold or other minerals, precious or base, as defined in this Act;

(o) “mineral” means all deposits of gold, silver, platinum, iridium, or any of the platinum group of metals, mercury, lead, copper, iron, tin, zinc, nickel, aluminum, antimony, arsenic, barium, bismuth, boron, bromide, cadmium, chromium, cobalt, iodine, magnesium, molybdenum, manganese, phosphorus, plumbago, potassium, sodium, strontium, sulphur, or any combination of the aforementioned elements with themselves or with any other elements, quartz, metal-
lic oxides and silicates, and the ores of radium, tungsten, titanium and zirconium, asbestos, emery, mica, mineral pigments, corundum and diamonds;

(p) "mineral claim" or "location" means a plot of ground staked out and acquired under the provisions of this Act, or under the regulations or orders in council in force prior to the 19th day of July, 1924;

(q) "mining district" means the mining districts into which the Yukon Territory is divided under authority of the Yukon Placer Mining Act;

(r) "mining property" includes every mineral claim, ditch, mill-site, or water right used for mining purposes, and all other things belonging to a mine or used in the working thereof;

(s) "mining recorder" and "mining recorder's agent" mean the officer appointed for the particular purpose referred to;

(t) "Minister" means the Minister of Resources and Development;

(u) "record", "register" and "registration" have the same meaning, and mean an entry in some official book kept for that purpose;

(v) "representation" or "assessment" means the work to be done, or the payment to be made each year to entitle the owner of a claim to a certificate of work;

(w) "rock in place" means all rock in place bearing valuable deposits of mineral within the meaning of this Act;

(x) "saline solution" or "brine" for the purpose of this Act means an aqueous solution of mineral salts occurring in a natural state, and containing more than one per cent of mineral salts in solution;

(y) "Territory" means the Yukon Territory; and

(z) "vein" or "lode", whenever either of these terms is used "rock in place" shall be deemed to be included.

(2) All the provisions of this Act apply, and shall be deemed to have applied on and from the 19th day of July, 1924, to all mineral claims or locations whether staked out and acquired prior or subsequent to the said date.

R.S., c. 217, s. 2; 1948, c. 77, s. 2; 1949 (2nd Sess.), c. 18, s. 9.

DUTIES OF MINING RECORDER.

3. Every mining recorder shall keep the following books, to be used for quartz entries:

(a) record of applications;

(b) R.S., 1952.
(b) record of leases issued;
(c) record book; and
(d) record of documents received. R.S., c. 217, s. 3.

4. Every entry made in any of the mining recorder's books shall show the date upon which such entry is made. R.S., c. 217, s. 4.

5. All books of record and documents filed shall, during office hours, be open to public inspection free of charge. R.S., c. 217, s. 5.

6. A statement of the grants issued and fees collected shall be rendered to the Minister by the mining recorder at least every month, and such statement shall be accompanied by the amount collected, or by the deposit receipts, if the money has been deposited to the credit of the Receiver General. R.S., c. 217, s. 6.

7. Where a mineral claim has been abandoned or forfeited by any person, the mining recorder may, in his discretion, permit such person to relocate such mineral claim or any part thereof, but such relocation does not prejudice or interfere with the rights or interests of others. R.S., c. 217, s. 7.

8. No claim shall be so relocated by or on behalf of the former holder thereof within thirty days of its being so abandoned or forfeited, nor until after notice of such abandonment or forfeiture has been posted up for at least a week in a conspicuous place on the claim and in the office of the mining recorder, nor until a statutory declaration has been filed with the mining recorder that the notice has been so posted. R.S., c. 217, s. 8.

9. The mining recorder may mark out a space of ground for deposit of material from any tunnel, claim or mining ground, upon such terms as he may think just. R.S., c. 217, s. 9.

10. The mining recorder may summarily order any mining works to be so carried on as not to interfere with or endanger the safety of the public or any employee of such mining works, any public work, highway, mining property or mineral claim, mining claim, bed-rock drain, or bed-rock flume; and any abandoned works shall by his order be either filled up or guarded to his satisfaction. R.S., c. 217, s. 10.

R.S., 1952.
11. Where a claim has been recorded under any name, and the owner or his agent is desirous of changing the same, the mining recorder may, upon application being made by such owner or agent, and upon payment of a fee of twenty-five dollars, amend the record accordingly, but such change of name does not in any way affect or prejudice any proceedings or execution against the owners of the said claim. R.S., c. 217, s. 11.

WHERE AND BY WHOM CLAIMS MAY BE ACQUIRED.

12. (1) Subject to subsection (2), a person eighteen years of age, or over, may personally or by attorney enter, locate, prospect and mine upon any vacant territorial lands in the Yukon Territory, for the minerals defined in this Act, and upon all lands the right whereon so to enter, prospect and mine such minerals has been, or hereafter is reserved to the Crown.

(2) Subject to section 46, during any period of twelve months no person is entitled to locate, whether personally, as attorney for another or by an attorney, more than seven mineral claims in the aggregate within a distance of ten miles from any other mineral claim (making a total of eight mineral claims) located by him personally, as attorney or by attorney, during that period.

(3) Every power of attorney authorizing a person to enter, locate, prospect or mine pursuant to subsection (1) shall be filed with the mining recorder before the entering, locating, prospecting or mining is undertaken. 1946, c. 13, s. 1.

13. (1) There shall be excepted from the provisions of section 12 any land occupied by any building, and any land falling within the curtilage of any dwelling house, and any land valuable for water-power purposes, or for the time being actually under cultivation, unless with the written consent of the owner, lessee or locatee or of the person in whom the legal estate therein is vested, and any land on which is situated any church or cemetery, and any land lawfully occupied for mining purposes, and also Indian reserves, national parks and defence, quarantine, or other like reservations made by the Government of Canada, except as provided by section 14.

(2) Where two or more claims are contiguous and comprise a group recorded in the name of one person and it was the manifest intention of the locator of such claims as shown by the sketches accompanying the applications for 5567 the

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the same to include as part of such claims all the lands lying within the outside limits of such group and extensions of such outside limits, the vacant lands within such limits and extension, but outside the limits of any claim, shall be open for staking only by the recorded owner of that group; but any such land may upon survey be included in one or more of such claims by a Dominion land surveyor pursuant to this Act.

(3) Any land that is available only to the recorded owner of claims under subsection (2) and is not included in any claim by the Dominion land surveyor is, upon approval of the survey of such claims by the Surveyor General, available for staking by any person under this Act. R.S., c. 217, s. 13; 1948, c. 77, s. 3.

14. No person shall enter upon for mining purposes or shall mine upon lands owned or lawfully occupied by another until he has given adequate security, to the satisfaction of the mining recorder, for any loss or damage that may be thereby caused, and persons so entering, locating, prospecting or mining upon any such lands shall make full compensation to the owner or occupant of such lands for any loss or damage so caused, such compensation, in case of dispute, to be determined by a court having jurisdiction in mining disputes. R.S., c. 217, s. 14.

SIZE OF CLAIMS AND NUMBER THAT MAY BE ACQUIRED.

15. (1) Any person desiring to locate a mineral claim shall, subject to the provisions of this Act with respect to land that may be located for such purpose, enter upon the same and locate a rectangular plot of ground not exceeding one thousand five hundred feet in length by one thousand five hundred feet in breadth.

(2) Priority of location shall be deemed to convey priority of rights to claims located, but no locator has any prior rights unless and until he has located his claim in accordance with the provisions of this Act.

(3) Priority of right is in all cases subject to the claim being recorded within the delays specified in this Act, and subsequently maintained in good standing.

(4) All angles shall be right angles, except in cases where a boundary line of a previously located claim is adopted as common to both locations.

(5) In defining the size of a mineral claim it shall be measured horizontally, irrespective of the inequalities of the surface of the ground. R.S., c. 217, s. 15.

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16. Any person of the prescribed age desiring to locate a fractional mineral claim shall, subject to the provisions of this Act with respect to land that may be located for such purpose, enter upon the same and locate any plot of ground lying between and bounded on opposite sides by previously located mineral claims and measuring less than one thousand five hundred feet in length by one thousand five hundred feet in breadth as a fractional mineral claim; such fractional mineral claim need not be rectangular in form and the angles need not necessarily be right angles, and the lines of the previously located mineral claims, whether surveyed or not, between which the fractional mineral claim is located, may be adopted as the boundaries of the fractional mineral claim. R.S., c. 217, s. 16.

17. (1) The Minister may grant a location for the mining of iron and mica, not exceeding one hundred and sixty acres in area, which shall be bounded by due north and south and east and west lines, and its breadth and length shall be equal.

(2) Should any person making any application purporting to be for the purpose of mining iron or mica thus obtain possession of a valuable mineral deposit other than iron or mica, his right to such deposit shall be restricted to the area hereinbefore prescribed for other minerals, and the rest of the location in so far as such valuable deposit is concerned, shall thereupon remain in the Crown for such disposition as the Minister may direct. R.S., c. 217, s. 18.

18. The grant issued for such a location shall include the right to the iron and mica only, and shall not include the surface. R.S., c. 217, s. 19.

19. All the requirements of this Act as to the location and survey of other claims govern such locations as far as they can be made to apply, and the amount to be expended each year in representation work, or to be paid in lieu thereof, shall be double the amounts prescribed in sections 53 and 54. R.S., c. 217, s. 20.

HOW A CLAIM SHALL BE STAKED.

20. (1) Every claim shall be marked on the ground by two legal posts firmly planted in the ground, one at each extremity of the location line, which shall be known as location post No. 1 and location post No. 2.

(2) The location line may have any bearing or direction, but must be a straight line measured horizontally between the location posts.

(3) R.S., 1952.
The distance between post No. 1 and post No. 2 shall not exceed one thousand five hundred feet, but it may be less. R.S., c. 217, s. 21.

21. The inscriptions to be placed on legal posts shall be and remain clearly and legibly marked by knife, marking iron, crayon or pencil. R.S., c. 217, s. 22.

22. On location post No. 1 on the side facing in the direction of location post No. 2 shall be marked, beginning near the top of the portion faced and extending downward, the following:

(a) No. 1;
(b) the name given to the claim;
(c) the letter indicating the direction of location post No. 2—"N" for north or northerly, "S" for south or southerly, "W" for west or westerly, and "E" for east or easterly;
(d) the number of feet lying to the right and the number of feet lying to the left of the location line—"R" for right and "L" for left;
(e) the month and date of the month upon which the location was made;
(f) the year; and
(g) the name of the person locating the claim. R.S., c. 217, s. 23.

23. On location post No. 2 shall be marked on the side of that post facing in the direction of location post No. 1, beginning near the upper end of the portion faced and extending downward, the following:

(a) No. 2;
(b) the name given to the claim;
(c) the month and date of the month upon which the location was made;
(d) the year; and
(e) the name of the person locating the claim. R.S., c. 217, s. 24.

24. The locator standing at location post No. 1 and facing in the direction of post No. 2 shall have the right and left of the location line to his right and left respectively. R.S., c. 217, s. 25.

R.S., 1952.
25. The markings on the location posts of a fractional claim shall be the same as those upon a claim of the full size, with the addition of the letter "F" for fractional immediately below the name given to the claim, and below this the length of the location line in feet. R.S., c. 217, s. 26.

26. In case it is found impossible, owing to the presence of water or other insurmountable obstacle, to set post No. 2 in its proper position at one end of the location line, the locator may set up a “witness post” on the location line as near as possible to where post No. 2 should have been placed, and upon this witness post he shall place, in addition to that already prescribed in this Act to be placed on post No. 2, the letters “W.P.” and the distance in feet and the direction of the point at which post No. 2 would have been placed had it been possible to do so. R.S., c. 217, s. 27.

27. (1) If a locator marks his location by means of a witness post and it is subsequently ascertained to the satisfaction of the Commissioner that such action was not necessary, and that it was possible at the time to set post No. 2 in its proper place on the location line, then such witness post shall be considered and dealt with as location post No. 2 of the claim and shall be regarded as the termination of the location line.

(2) Location post No. 1, however, shall not under any circumstances be marked with a witness post. R.S., c. 217, s. 28; 1948, c. 77, s. 1.

28. When a claim has been located the locator shall immediately mark the location line between posts No. 1 and No. 2 so that it can be distinctly seen throughout its entire length; in a timbered locality, the marking shall be done by blazing trees and cutting underbrush, and in a locality where there is neither timber nor underbrush the locator shall set legal posts or erect monuments of earth or rock not less than eighteen inches high and three feet in diameter at the base. R.S., c. 217, s. 29.

29. (1) The sides of a mineral claim located as of the full size shall be parallel to the location line of such claim subject, however, to any claims previously located, and the ends of a mineral claim shall be at right angles to the location line, subject, however, to interference with claims already located.

(2) The location line may form one of the sides of a mineral claim, or a portion of the location may lie on either sides of a claim. R.S., 1952.
either side of such line, but the number of feet lying to the right of the location line and the number of feet lying to the left of such location line shall not altogether exceed in all one thousand five hundred feet. R.S., c. 217, s. 30.

30. The following is an example of inscriptions to be placed on posts:

<table>
<thead>
<tr>
<th>Incription on location post No. 1.</th>
<th>Incription on location post No. 2.</th>
</tr>
</thead>
<tbody>
<tr>
<td>No. 1.</td>
<td>No. 2.</td>
</tr>
<tr>
<td>&quot;Apex&quot;</td>
<td>&quot;Apex&quot;</td>
</tr>
<tr>
<td>800 R.</td>
<td>B. J. Box.</td>
</tr>
<tr>
<td>700 L.</td>
<td></td>
</tr>
<tr>
<td>B. J. Box.</td>
<td></td>
</tr>
</tbody>
</table>

Incription on witness post.

- W.P.
- "Apex"
- B. J. Box.
- 200 feet.
- N.

R.S., c. 217, s. 31.

31. (1) Particulars of all inscriptions put on No. 1 and No. 2 posts shall be furnished by the locator to the mining recorder in writing at the time the claim is recorded, and shall form a part of the record of such claim.

(2) The locator shall submit with his application a plan in duplicate showing as clearly as possible the position of the location applied for in its relation to the prominent topographical features of the district and to the adjoining claims or some other known point and the position of the stakes by which the location is marked on the ground. R.S., c. 217, s. 32; 1948, c. 77, s. 4.

32. Failure on the part of any locator of any mineral claim heretofore located in the Yukon Territory to have substantially complied in every respect with the provisions of the mining regulations or of this Act governing the location of such mineral claims, as to exact size of location posts and discovery posts, the erection of a mound of stones or earth around the base of posts, and failure to have discovered mineral or minerals in place within the area of such claims or on the location, shall be deemed not to invalidate such location.

R.S., 1952.
location, or the record and title of such claims, if there has been an approximate and substantial compliance with the mining regulations or law in force and regulating and governing the location and recording of mineral claims at the time of the location of such claims, and if the non-observance of any of the requirements as to location, application and recording is not of a character calculated to mislead other persons desiring to locate claims in the vicinity. 1929, c. 63, s. 1.

**REMOVING OR DEFACING POSTS.**

33. (1) It shall not be lawful to move post No. 1; post No. 2 may be moved only by a Dominion land surveyor when it is found upon making a survey that the distance between post No. 1 and post No. 2 exceeds one thousand five hundred feet, in order to place post No. 2 at a distance of one thousand five hundred feet from post No. 1 on the line of location.

(2) When the distance between post No. 1 and post No. 2 is less than one thousand five hundred feet the claim shall not extend beyond post No. 2 as originally placed. R.S., c. 217, s. 33.

34. It is not lawful for any person to move any location post or to deface or to alter in any manner the notices on the same except as provided in this Act. R.S., c. 217, s. 34.

35. Any person removing or disturbing with intent to remove any legal post, stake, picket or other mark placed under the provisions of this Act or defacing or altering in any manner the notices on any of the legal posts placed thereon under this Act, is on summary conviction liable to a fine not exceeding one hundred dollars and costs; and in default of payment of the fine and costs to imprisonment for any period not exceeding six months. R.S., c. 217, s. 35.

36. When a fractional mineral claim has been located between previously located and unsurveyed mineral claims, and when any such previously located mineral claims are surveyed, if any of the posts of the fractional mineral claim are found to be on the previously located mineral claims, the location of such fractional mineral claim is not invalid by reason of the location posts of the fractional mineral claim being on such previously located mineral claims, and the owner of such fractional mineral claim may, by obtaining the permission of the mining recorder of the R.S., 1952.
of the district, move the posts of the fractional mineral claim and place them on the surveyed line of the adjoining previously located mineral claims. R.S., c. 217, s. 36.

37. Nothing in this Act shall be construed to prevent Dominion land surveyors in their operations from taking up posts or other boundary marks when necessary. R.S., c. 217, s. 37.

RECORDING.

38. (1) Every person locating a mineral claim shall record the same with the mining recorder of the district within which the same is situated within fifteen days after the location thereof if located within ten miles of the office of the said recorder.

(2) One additional day shall be allowed for such record for every additional ten miles or fraction thereof.

(3) Such record shall be made in a book to be kept for the purpose in the office of the said mining recorder in which shall be inserted the name of the claim, the name of the locator, the locality, the direction and length of the line from post No. 1 to post No. 2, the date of the location, and the date of record.

(4) Such record shall be, as nearly as may be possible, in Form B of Schedule One, which Form, duly completed and signed, shall be given by the mining recorder to the locator or his agent.

(5) A claim that has not been recorded within the prescribed period shall be deemed to have been abandoned and forfeited, without any declaration of cancellation or abandonment on the part of the Crown. R.S., c. 217, s. 38.

39. (1) In the event of the claim being more than one hundred miles from the recorder's office, and situated where other claims are being located, the locators, not less than five in number, are authorized to meet and appoint one of their number an emergency recorder, who may receive applications for claims located in accordance with the provisions of this Act.

(2) The emergency recorder shall note on each application the day upon which such application was received by him and the amount of fees paid in respect thereto. R.S., c. 217, s. 39; 1948, c. 77, s. 5.

40. (1) The emergency recorder shall, at the earliest possible date after his appointment, notify the Government mining recorder for the district in which the claims are that
that such appointment has been made, and he shall deliver to such mining recorder the applications that he may have received for mineral claims and the fees that he may have collected for recording the same.

(2) The Government mining recorder shall then grant to each person from whom the emergency recorder has accepted an application and the fee prescribed by this Act, an entry for his claim in Form B of Schedule One.

(3) Each such entry shall date from the day the emergency recorder accepted the application and fee.

(4) Where the emergency recorder fails, within four months, to notify the mining recorder of his appointment and to deliver to him the applications for claims received and the fees collected, the mining recorder may refuse to grant entry for such claims. R.S., c. 217, s. 40; 1948, c. 77, s. 6.

41. (1) No mineral claim shall be recorded unless the application is accompanied by an affidavit or solemn declaration made by the applicant in the Form A of Schedule One, or, if it be a fractional claim, in the Form A-1.

(2) Each application shall be filed in duplicate with the mining recorder. 1948, c. 77, s. 7.

42. (1) Failure on the part of the locator of a mineral claim to comply in every respect with the foregoing provisions shall not be deemed to invalidate such location, if upon the facts it appears to the satisfaction of the mining recorder that such locator has staked out such location as nearly as possible in the manner prescribed, and that there has been on his part a bona fide attempt to comply with all the provisions of this Act, and that the non-observance of any of the formalities hereinbefore referred to is not of a character calculated to mislead other persons desiring to locate claims in the vicinity.

(2) The mining recorder may, before granting entry, require the locator to immediately remedy any material defaults committed in the observance of the formalities required by this Act in respect of the location of a mineral claim, and if such defaults are not remedied within a period to be fixed by the mining recorder, and to his satisfaction, entry may be refused. R.S., c. 217, s. 42.

43. A locator is not entitled to a record of a mineral claim until he has furnished the mining recorder with all the particulars necessary for such record. R.S., c. 217, s. 43.

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44. (1) The record of a mineral claim shall be made at the office of the mining recorder of the district in which the claim is situated, but the application may be made to a mining recorder's agent to be forwarded to the mining recorder for the district in which the claim is situated.

(2) The date upon which the application and the fee may be received in the office of the mining recorder for the district in which the claim is situated governs, and shall be considered the date of the application. R.S., c. 217, s. 44.

45. (1) As soon as reasonably possible after the recording of the claim the holder of the claim shall affix or cause to be affixed securely to each of the posts of the said claim a metal tag plainly marked or impressed with the recorded number and letter or letters, if any, of the claim and in the event of default, the mining recorder may after a hearing, cancel the entry for the claim upon the application of any person who, in the opinion of the mining recorder, has been misled by the lack of such tags; notice of the hearing together with a copy of the application shall be served on the recorded owner of the claim in the manner directed by the mining recorder at least thirty days before the date fixed for the hearing.

(2) The mining recorder on application shall supply the numbered tags, mentioned in subsection (1), free of charge.

(3) This section applies in respect of all claims recorded after the 1st day of June, 1948. 1948, c. 77, s. 9.

46. (1) Where a tunnel is run for the development of a vein or lode, the owner of such tunnel, in addition to any mineral claim legally held by him, has the right to all veins or lodes discovered in such tunnel, if the ground containing such veins or lodes is marked out by him as a mineral claim, and such veins or lodes are not included in any existing mineral claim.

(2) Any money or labour expended in constructing a tunnel to develop a vein or lode shall be deemed to have been expended on such vein or lode. R.S., c. 217, s. 45.

47. The holder of a mineral claim is entitled to all minerals to which this Act applies that may lie within the boundaries of his claim continued vertically downwards. R.S., c. 217, s. 48.
48. Any location made upon Sunday or any public holiday is not for that reason invalid. R.S., c. 217, s. 49.

49. The interest of the holder of a mineral claim shall, prior to the issue of a lease, be deemed to be a chattel interest, equivalent to a lease of the minerals in or under the land for one year, and thence from year to year, subject to the performance and observance of all the terms and conditions of this Act. R.S., c. 217, s. 50.

ABANDONMENT.

50. (1) The holder of a mineral claim may at any time abandon or relinquish the same provided he has complied in every respect with the provisions of this Act, and that all payments on account of rental or other liability to the Crown due by him in connection with such claim, have been fully made.

(2) Notice in writing of his intention to abandon shall be given to the mining recorder, and from the date of the record of such notice all interest of such holder in such claim ceases. R.S., c. 217, s. 51.

51. When the holder of a mineral claim abandons it he has the right to take from the same any machinery and any personal property that he may have placed on the claim, and any ore that he may have extracted therefrom, within such time as shall be fixed by the mining recorder, if payments due on account of rental or other liability to the Crown in connection with the claim have been fully made. R.S., c. 217, s. 52.

GROUPING.

52. (1) Adjoining claims, not exceeding sixteen in number, may be grouped together for the performance of work by the owner or owners thereof upon filing with the mining recorder at any time before the recording of the work a notice of his or their intention so to group such claims and obtaining a certificate in Form E of Schedule One.

(2) The holder or holders of a certificate in Form E of Schedule One may perform on any one or more of the claims in respect of which the certificate was issued all or any part of the work required to entitle him or them to a certificate of work for each claim so held by him or them, but if such work is not done or if payment in lieu thereof is made. R.S., 1952.
is not made as prescribed in section 54, the claims shall be deemed to be vacant and abandoned without any declaration of cancellation or forfeiture on the part of the Crown.

(3) Claims in respect of which a certificate in Form E of Schedule One has been issued and claims owned by one person within a mining district, may, on application by the owners thereof, be made renewable on any one date.

(4) The mining recorder shall charge, for each claim, one dollar and a quarter for each three months or portion thereof that it is necessary to extend the record to make claims renewable on the same date, and the work, or payment in lieu thereof, required for the fractional part of the year for which each claim is extended shall be allowed at the rate of twenty-five dollars for each three months or fraction thereof, and such payment or work shall be made or performed prior to the date upon which all are so made renewable. 1946, c. 13, s. 3; 1948, c. 77, s. 10.

REPRESENTATION.

53. (1) Any person having duly located and recorded a mineral claim is entitled to hold it for the period of one year from the date of recording the same, and thence from year to year without the necessity for further recording; and during such year and each succeeding year such locator shall do, or cause to be done, work on the claim itself to the value of one hundred dollars, and shall within fourteen days after the expiration of the year, satisfy the mining recorder that such work has been done, by an affidavit in Form C of Schedule One, and setting out a detailed statement of such work, and shall obtain from the mining recorder a certificate in Form D of Schedule One of such work having been done.

(2) All work done outside of a mineral claim with intent to work the same shall, if such work has direct relation and is in direct proximity to the claim, be deemed, if to the satisfaction of the mining recorder, for the purpose of this section, to be work done on the claim.

(3) Where more work is performed by or on behalf of the recorded owner of a claim than is required by this Act during any year to be performed, the excess work up to a value of four hundred dollars, upon proof of the same having been performed in accordance with the provisions of this Act, shall be applied by the mining recorder upon work required.

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required to be done during the subsequent year or years; excess work may only be recorded during the year in which it is performed or within fourteen days of the expiry of such year.

(4) Where it is shown that a recorded owner has done work or has had work performed for him in geological investigations, aerial reconnaissance or other like preliminary operations that appear to be essential to the successful location of commercial ore bodies on a claim or a number of claims grouped together for the performance of work, such work or any portion thereof may be considered by the Commissioner, in his discretion, as representation work if it has been performed in the first three years subsequent to the date of the record of the claim or group of claims affected; but such work shall not be accepted in satisfaction of the requirements for a certificate of improvements nor accepted as excess representation work on any claim beyond the termination of the third year after the date of the record of such claim.

(5) The Governor in Council may, by regulation, upon the report of the Minister that due to the market price of metals and other general conditions over which the owners of mineral claims exercise no control, the margin of profit that might reasonably be derived from the efficient and economical operation of such claims has, in the opinion of the Minister, been practically eliminated or for any other reason which to the Minister may appear to be sufficient, grant such relief as to the annual representation work or payment in lieu thereof as may be necessary under the circumstances.

(6) Should it be proved to the satisfaction of the mining recorder that any person has,

(a) been guilty of misrepresentation in any of the statements required under this Act to be made by him under oath, or

(b) removed or destroyed with intent to remove, or defaced any legal post or stake or other mark placed under the provisions of this Act,

the mining recorder may, in his discretion, order that such person be debarred from the right to obtain entry for, or a certificate of work in connection with, any mineral claim for any length of time the mining recorder deems advisable.

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Appeal.

(7) An appeal lies from any such decision of the mining recorder to the Commissioner. R.S., c. 217, s. 54; 1932, c. 23, ss. 1, 2; 1948, c. 77, ss. 1, 11; 1950, c. 50, s. 10.

54. (1) The holder of a mineral claim may, in lieu of the work required to be done by section 53 on a claim each year, pay to the mining recorder in whose office the claim is recorded the sum of one hundred dollars, and receive from such mining recorder a receipt for such payment.

(2) Such payment and the record thereof in any year relieves the person making it from the necessity of doing any work during the year in and for which and upon the claim in respect of which such payment is recorded, and he is entitled to a certificate from the mining recorder that such payment has been made and entitles him to hold the claim for the ensuing year. R.S., c. 217, s. 55.

When claim expires.

55. (1) If the amount of work or payment in lieu thereof prescribed by this Act is not done or made during the year, the claim shall on the expiry of the year, lapse and forthwith be open for location under this Act without any declaration of cancellation on the part of the Crown.

(2) If the owner of the claim has performed the required work during the year, but has failed to furnish the prescribed evidence of such work having been performed, the mining recorder may issue a grant to another person who has duly located, in the manner prescribed in this Act, the area embraced in such claim, or any portion thereof; but the said owner may, within six months after the expiration of such year, apply for a renewal grant and for the cancellation of any other grant issued in respect of the said claim, or for any portion thereof, and the latter grant shall be cancelled by the mining recorder, or in the event of a grant not having been issued for the said claim, any pending application for the same shall be refused, upon it being proved to the satisfaction of the mining recorder that the required work was performed by or on behalf of the said owner, and upon the said owner paying the expenses to which the person locating the claim may have been put in locating and applying for the said claim, and in the event of a grant having been issued therefore, paying also all expenses to which such person may have been put in obtaining the same, and also compensation for any bona fide work that he may have performed thereon by reason of such grant.

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(3) Where the owner of a claim fails to obtain the required certificate of work within the time specified in section 53, the fee for such certificate, if paid within three months after the year has expired, is fifteen dollars, and after three months and within six months from such date is twenty-five dollars.

(4) If the owner of a claim fails within a period of six months after the expiration of the year to satisfy the mining recorder that the prescribed work has been done and to obtain a certificate in Form D of Schedule One, his interest or right in, to, or in respect of, the said claim shall, at the expiration of such period of six months, _ipso facto_, be and become absolutely and utterly null and void, without any notice or declaration of cancellation by or on behalf of the Crown, and without judicial inquiry, notwithstanding the fact that the prescribed work may have been duly performed on the claim within the year as required by this Act, but not proved as aforesaid. R.S., c. 217, s. 56.

56. The Governor in Council may make regulations exempting members of the naval, army or air forces of Her Majesty or any of Her Majesty's allies, during the period of their service as such and one year thereafter, from the provisions of this Act respecting forfeiture, for non-performance of work or non-payment of assessments, or rentals, of mineral claims held by them at the time of their enlistment. 1951 (2nd Sess.), c. 7, s. 13.

57. (1) If the recorded owner of a fractional mineral claim furnishes evidence, to the satisfaction of the mining recorder, that the area of such claim is less than twenty-five acres, the expenditure required to be incurred each year in mining operations on such fractional claim, or the payment to be made in lieu thereof, to entitle the recorded owner to a certificate of work shall be one-half that required under this Act, in respect of a full claim.

(2) Where, upon survey, a fractional claim in connection with which such representations have been made is found to contain twenty-five acres, or more, the recorded owner thereof shall pay to the mining recorder whatever additional amount may be necessary to represent a full claim, with interest, before he is entitled to receive a certificate of improvements in connection with such claim. R.S., c. 217, s. 57.

58. Where two or more persons own a claim each such person shall contribute, proportionately to his interest, to the work required to be done by section 53 and to the payment R.S., 1952.
ment of renewal fees, and in the event of it being proven to the mining recorder after a notice of hearing has been served on all parties interested, in the manner directed by such mining recorder, that any co-owner has not so contributed, his interest shall become vested by order of the mining recorder in the other co-owners in proportion to their respective interests. 1946, c. 13, s. 5.

**DISPUTES.**

**59.** In case of any dispute as to the location of a mineral claim the title to the claim shall be recognized according to the priority of such location, subject to any question as to the validity of the record itself, and subject further, to the locator having complied with all the terms and conditions of this Act. R.S., c. 217, s. 59.

**60.** Upon any dispute as to the title to any mineral claim, no irregularity happening previous to the date of the record of the last certificate of work affects the title thereto, and it shall be assumed that up to that date the title to such claim was perfect, except upon suit by the Attorney General of Canada based upon fraud. R.S., c. 217, s. 60.

**61.** Whenever through the acts or default of any person other than the recorded owner of a mineral claim or his agent by him duly authorized, the evidence of the location or record on the ground, or the situation of a mineral claim has been destroyed, lost or effaced, or is difficult of ascertainment, effect shall be given to same as far as possible, and the court has power to make all necessary enquiries, directions and references in the premises, for the purpose of carrying out the object hereof, and vesting title in the first bona fide acquirer of the claim. R.S., c. 217, s. 61.

**62.** No person shall suffer from any acts of omission or commission, or delays on the part of any Government official, if such can be proven. R.S., c. 217, s. 62.

**TITLE.**

**63.** (1) Payment may be made to the mining recorder of the sum of five hundred dollars in lieu of representation on a claim of the ordinary size, and in the case of a claim acquired under the provisions of section 17 payment may be made of one thousand dollars in lieu of such representation.

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(2) In case payment in lieu of representation is made, the recorded owner of the claim shall comply with all other provisions of this Act, except such as have respect solely to the work required to be done on the claim. R.S., c. 217, s. 63.

64. (1) Whenever the lawful holder of a mineral claim has complied with the following requirements, to the satisfaction of the mining recorder, he is entitled to receive from the recorder a certificate of improvements, in Form F of Schedule One, in respect of such claim, unless proceedings by a person claiming an adverse right under section 69 have been taken:

(a) done or caused to be done work on the claim in developing a mine to the value of five hundred dollars, exclusive of the cost of all houses, buildings and other like improvements, or made payment in lieu of work as provided in section 54; the value of the work done, as assessed by the mining recorder, and the amount paid and accepted in lieu of work shall together be equal to at least five hundred dollars; in the case of a fractional claim, however, the work to be done or the payment to be made in lieu thereof shall be that specified in section 57; for the purposes of this section, work done on a claim by a predecessor or predecessors in title shall be deemed to have been done by the person who received a transfer of such claim; the cost of the survey not to exceed one hundred dollars, may be counted as work done on the claim, if it has been accepted in lieu of representation work;

(b) found a vein or lode within the limits of such claim;

(c) had the claim surveyed at his own expense in accordance with instructions from the Surveyor General, by an authorized Dominion land surveyor, and had the survey thereof duly approved;

(d) has posted in some conspicuous part of the land embraced in the survey a copy of the plan of the claim signed and certified as accurate under oath by the surveyor, and a legible notice in writing in Form G of Schedule One, of his intention to apply for a certificate of improvements, and shall also have posted a similar notice in the mining recorder's office; such notice shall contain

(i) the name of the claim,
(ii) the name of the lawful holder thereof,
(iii) his intention to apply for a certificate of improvements at the end of sixty days for the purposes of obtaining a lease, and

(iv) the date of the notice;

(e) inserted a copy of such notice in a Canadian newspaper published in and circulating in the district in which the claim is situated (such paper to be approved by the mining recorder) for at least sixty days prior to such application, which insertion can be made at any time after the posting of the notice on the claim; if no newspaper is published in the district, then the notice shall appear in the Canadian newspaper published nearest to the district;

(f) has filed with the mining recorder a copy of the surveyor's original plan of the claim, signed and certified as accurate under oath by the surveyor, immediately after posting the notice on the claim of his intention to apply for a certificate of improvements; and

(g) filed with the mining recorder an affidavit of the holder of the claim, or his duly authorized agent, in Form H of Schedule One.

(2) At the expiration of the term of the said publication, if no action has been commenced and notice thereof filed with the mining recorder, he shall forward to the owner or agent the certificate of improvements issued, and to the Department a copy thereof, together with the several documents referred to above, and a certificate in Form I of Schedule One showing that the notice provided by paragraph (d) of subsection (1), or by section 80 has been posted in his office, and the plan deposited for reference therein from the date of the first appearance of the said notice in the nearest local newspaper and continuously therefrom for a period of at least sixty days, and containing the full christian and surname of the recorded owner, or of each of the recorded owners, as well as their occupations and respective interests.

(3) A certificate of improvements shall not be issued until a report has been furnished by an officer of the Department, or some person satisfactory to the mining recorder, to the effect that upon inspection he was satisfied that the required expenditure in developing a mine had been actually incurred, and that a vein or lode had been found within the limits of the claim.

(4) Delay in having an inspection made after the recorded owner of a mineral claim has fully complied with the

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the above requirements does not render it necessary for such owner to perform further representation work, or make payment in lieu of work because of such delay. R.S., c. 217, s. 64.

65. In case a claim is situated in a remote part of the country, very difficult of access, where other claims have not been recorded, and where other persons are not engaged in prospecting, and where no newspaper is published within a distance of one hundred miles, the Commissioner may, in his discretion, waive posting of notice on the claim and publication of the same in a newspaper as provided in paragraphs (d) and (e) of subsection (1) of section 64. R.S., c. 217, s. 65; 1948, c. 77, s. 1.

66. A certificate of improvements when issued as afore-said shall not be impeached in any court on any ground except that of fraud. R.S., c. 217, s. 66.

67. After the issue and recording of such certificate of improvements, and while such certificate is in force but a lease not yet issued, it is not necessary to do any work on such claim. R.S., c. 217, s. 67.

68. The holder of a mineral claim for which a certificate of improvements has been granted and recorded is entitled to a lease of such claim upon payment being made within three months of the rental and fee prescribed by Schedule Two. R.S., c. 217, s. 68.

ADVERSE RIGHT.

69. (1) Where any person claims an adverse right of any kind, either to possession of the mineral claim referred to in the application for certificate of improvements, or any part thereof, or to the minerals contained therein, he shall, within sixty days after the first publication in a newspaper, as provided by this Act, of the notice referred to in paragraph (e) of subsection (1) of section 64 or in section 80, but not later, unless such time is extended by special order of the court upon cause being shown, commence legal action to determine the question of the right of possession or otherwise enforce his said claim and shall file a copy of the writ, information, bill of complaint, or other initiatory proceeding in said action with the mining recorder of the district or mining division in which the said claim is situated within twenty days from the commencement of said action, and shall prosecute the said action with reasonable diligence to final judgment, and failure so to commence or so to prosecute shall be deemed to be a waiver of the plaintiff's claim.

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(2) After final judgment has been rendered in the said action, the person, or any one of the persons entitled to possession of the claim or any part thereof, may file a certified copy of the same in the office of the mining recorder.

(3) After the filing of the said judgment, and upon compliance with all the requirements of section 64, such person or persons are entitled to the issue to him or to them of a certificate of improvements in respect of the claim or the portion thereof that he or they appear from the decision of the court rightly to possess. R.S., c. 217, s. 69.

70. (1) Where an adverse claim affects only a portion of the ground for which application is made for a certificate of improvements, the applicant may relinquish the portion covered by the adverse claim, and still be entitled to a certificate of improvements for the undisputed remainder of his claim, upon complying with the requirements of this Act.

(2) When judgment in such a case is rendered by the court a memorandum of such judgment shall be entered in the "record book" by the mining recorder; and if by any judgment the original boundaries of any claim are changed, a plan made by a Dominion land surveyor, and signed by the judge by whom the judgment has been given, shall be filed with the mining recorder, who shall forward it to the Department. R.S., c. 217, s. 70.

ADDRESS FOR SERVICE.

71. Every application for a mineral claim and every other application, and every transfer or assignment of a mineral claim, or of an interest therein, acquired under the provisions of this Act, shall contain, or shall have endorsed thereon, the place of residence and the post office address of the applicant, transferee or assignee, and his occupation; and no application, transfer or assignment shall be accepted or recorded unless it conforms with this provision. R.S., c. 217, s. 71.

WHAT ENTRY OR LEASE CONVEYS.

72. (1) The holder of a mineral claim, by entry or by lease, located on vacant territorial lands is entitled to all minerals within the meaning of this Act found in veins, lodes or rock in place, and whether such minerals are found separate or in combination with each other in, upon or under the lands included in such entry or lease; together

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together with the right to enter upon and use and occupy the surface of the claim, or such portion thereof and to such extent as the Minister may consider necessary, for the efficient and miner-like operation of the mines and minerals contained in the claim, but for no other purpose; including the right to cut free of dues such of the timber on the claim or such portion thereof as may be necessary for the working of the same, but not for sale or traffic except where such timber has been granted or disposed of prior to the date of entry.

(2) The timber agent, however, may permit any person to cut and remove from the claim, timber for his own use for mining purposes, when such timber cannot otherwise be had within a reasonable distance, but no such permit conveys the right to cut or remove timber required by the holder of the claim for his mining operations actually in progress.

(3) The Minister may, upon application, grant to the holder of a mineral claim, in good standing, located on vacant territorial lands, and acquired by entry or by lease, a lease of the whole or any portion of the available surface rights of such mineral claim at a rental of one dollar an acre per annum, payable yearly in advance.

(4) The term of such surface lease shall not exceed the term of the record grant or lease issued for the minerals under this Act or former mining regulations, and shall be appurtenant to such grant.

(5) The Minister may at any time, by giving the lessee three months' notice in writing of his intention, terminate such surface lease, without compensation to the lessee for such termination or for any buildings or other improvements that he may have placed upon the location, but the lessee may be given the privilege of removing from the location any such buildings and improvements that may have been placed thereon by him.

(6) The lessee shall not assign, transfer or sublet the rights described in such surface lease, or any portion thereof, without the consent in writing of the Minister being first had and obtained. R.S., c. 217, s. 72.

73. (1) The timber on a mineral claim shall, subject to the rights existing at the time of the application therefor, be reserved until the mining recorder certifies that the same is required for use in connection with mining operations actually in progress on such mineral claim, when the

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right to use such timber, or any portion thereof, free of dues, may be given the holder of such mineral claim by the Crown timber and land agent with the approval of the Commissioner.

(2) The Commissioner, however, may authorize the timber agent to issue a permit to any person to cut and remove from such mineral claim timber required by him for his own use in mining operations when such timber cannot otherwise be obtained within a reasonable distance of the place of his mining operations. R.S., c. 217, s. 73.

74. A lease of a mineral claim located on lands the surface rights of which have been disposed of but the right whereon to enter, prospect and mine for minerals has been reserved to the Crown, shall convey to the lessee the minerals within the meaning of this Act found in veins or lodes, or rock in place, and whether such minerals are found separately or in combination with each other, which may be in, upon, or under the land described in the lease, but shall convey no right of entry upon such surface. R.S., c. 217, s. 74.

75. Where the mineral claim is located on land lawfully occupied under a timber licence the lease shall convey the minerals within the meaning of this Act found in veins or lodes, or rock in place, subject to the provisions of section 14, but shall reserve the timber. R.S., c. 217, s. 75.

76. A lease of a mineral claim located on lands the surface rights of which have been disposed of, but the right whereon to enter and mine gold and silver has been reserved to the Crown, shall convey to the lessee the right to the gold and silver found in veins or lodes, or rock in place, which may be in, upon, or under the land described in the lease, but shall convey no right of entry upon the surface. R.S., c. 217, s. 76.

77. A lease of a mineral claim issued under the provisions of this Act shall reserve to the Crown such right or rights of way and of entry as may be required under any law or regulation in that behalf now or hereafter in force in connection with the construction, maintenance and use of works for the conveyance of water for mining operations. R.S., c. 217, s. 77.

78. Where two or more persons have the right of renewing a lease from the Crown, each such person shall proportionately to his interest contribute to the payment 5588 of
of rental and fees for the renewal of such lease, and in the event of it being proved to the Commissioner after a notice of hearing has been served on all parties interested, in the manner directed by the Commissioner, that one of such persons has not contributed and that the other person or persons have paid the full rental and fees for the renewal of such lease, the Minister may issue the lease to the person or persons who have paid the rental and fees. 1948, c. 77, s. 12.

SURVEYS.

79. (1) The recorded owner of a mineral claim shall have a survey thereof made at his own expense by a duly qualified Dominion lands surveyor under instructions from the Surveyor General within one year from the date upon which notification by the Minister to do so may be sent to him.

(2) Such notification shall not be given until the expiration of at least one year from the date upon which the claim was recorded.

(3) If the survey is not made, and if the returns of such survey are not received and approved by the Surveyor General within one year from the date of notification, the entry granted for the mineral claim is subject to immediate cancellation in the discretion of the Minister.

(4) The owner of a claim may, however, have such survey made at any time after obtaining record without any notification having been sent to him to do so. R.S., c. 217, s. 78.

80. (1) The cost of a survey of a mineral claim, made in accordance with the provisions of paragraph (c) of subsection (1) of section 64, may be accepted in lieu of representation work on the claim for the year in which the survey is made; and the survey so made shall be accepted as definitely establishing the boundaries of the claim, if notice of such survey in Form J of Schedule One is immediately inserted, for a period of not less than sixty days, in a newspaper published in or circulating in the district in which the claim is situated, such paper to be approved by the mining recorder, and the owner of the claim prior to the first appearance of this advertisement causes to be posted in a conspicuous spot on the claim, and in the office of the mining recorder for the district, a notice in the same form of his intention to advertise the survey of the claim, and also a copy of the plan of the survey prepared and certified correct, under oath, by a Dominion land surveyor.

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(2) The survey shall be accepted as defining absolutely the boundaries of the claim surveyed, if it remains unprotested during the period of publication, and if it has been duly approved by the Surveyor General.

(3) If within the time specified the survey is protested the protest shall be heard and decided upon by procedure similar to that provided for in section 69. R.S., c. 217, s. 79.

81. (1) The surveyor shall accurately define and mark the boundaries of such claim on the ground in full compliance with the instructions issued to him, and shall, in addition to other inscriptions placed on each of the posts marking the angles or corners of the claim, inscribe thereon clearly and legibly, by means of a cutting instrument, the name of the claim so surveyed, and shall, on completion of survey, forward to the Surveyor General at Ottawa the original field notes and plan signed and certified as accurate under oath.

(2) After a certificate of improvements has issued in respect of any claim so surveyed, prima facie evidence of its location upon the ground may be given by any person who has seen and who can describe the position of such posts purporting to be marked as aforesaid. R.S., c. 217, s. 80.

82. Where either post No. 1 or post No. 2 of a mineral claim is on the boundary line of a previously located claim, which boundary line is not at right angles to said location line, the Dominion land surveyor when making the survey may include the fraction so created within the claim that is being surveyed, if such fraction is available and open to disposal and the claim including the fraction does not exceed in area sixty acres. 1948, c. 77, s. 13.

83. A Dominion land surveyor when surveying a fractional mineral claim may survey such claim so that it contains as nearly as possible all the unoccupied ground lying between the previously located mineral claims as described in the affidavit and sketch furnished by the locator when the claim was recorded, if the area of the claim as surveyed is less than sixty acres. 1948, c. 77, s. 13.

84. Where a Dominion land surveyor pursuant to section 82 or 83 includes in a claim more than fifty-one and sixty-five one-hundredths acres before the survey is approved

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approved by the Surveyor General, the recorded owner shall pay to the mining recorder as a penalty the sum of five dollars for each acre or fraction thereof included in the claim in excess of fifty-one and sixty-five one-hundredths acres. 1948, c. 77, s. 13.

85. The surveyor shall, in the discretion of the Surveyor General, connect the survey of the claim with some known point in a previous survey, or with some other known point or boundary, so that the position of the claim may be definitely fixed on the plans of the Department. R.S., c. 217, s. 83.

86. It is the duty of the surveyor, before proceeding with the survey, to examine the application made for the claim and the plan that accompanied such application, and before completing the survey to ascertain by careful examination of the ground, or by all other reasonable means in his power, whether or not any other subsisting claim conflicts with the claim he is surveying, and he shall furnish with his returns of survey a certificate, duly signed by him, in the following form:

I hereby certify that I have carefully examined the ground included in ......................... mineral claim surveyed by me, and have otherwise made all reasonable investigations in my power to ascertain if there was any other existing claim conflicting therewith, and I certify that I have found no trace or indication and have no knowledge or information of any such claim except as follows: (if none, so state; if any, give particulars.) R.S., c. 217, s. 84.

87. Should the survey of a claim be made and advertised in the manner specified herein before the recorded owner of the claim has sufficiently complied with the regulations to admit of his applying for a certificate of improvements, then the posting and publication of notice of the survey of the claim in the manner indicated shall be accepted as satisfaction of the posting and advertising requirements of section 64, but before a certificate of improvements is issued in connection with such a claim all the other requirements of section 64 shall be fully complied with. R.S., c. 217, s. 85.

TRANSFER OF A MINERAL CLAIM.

88. (1) No transfer of an entry for any mineral claim or of any interest therein, is effectual unless the same is in writing, signed by the transferor, or by his agent authorized
ized in writing, and recorded by the mining recorder; and, if signed by an agent, the authority of such agent shall be recorded before the record of such transfer.

(2) The assignment shall be in duplicate, signed by the assignor in the presence of a witness, who shall furnish proof of execution by affidavit, and when recorded the mining recorder shall return to the assignee one copy thereof with a certificate endorsed thereon that it has been recorded in his office, and retain the other copy. R.S., c. 217, s. 86.
92. Where the holder of a mineral claim, after applying for a certificate of improvements, sells and transfers such claim, upon satisfactory proof of such sale and transfer being made to the mining recorder, the transferee of the claim is entitled to a certificate of improvements in his own name. R.S., c. 217, s. 90.

93. Where a transfer is made to any person or company after a certificate of improvements has been issued, but before a lease has been prepared, upon proper proof of such transfer being made to the satisfaction of the Minister, and upon receipt of a new certificate in Form I of Schedule One, the lease may issue to the new holder of the claim. R.S., c. 217, s. 91.

94. The issue of the lease does not invalidate any lien that may have attached to any mineral claim previous to the issuance of such lease. R.S., c. 217, s. 92.

ROYALTY.

95. (1) There shall be paid to the Crown on every mine in the Yukon Territory, acquired under the provisions of this Act or under the provisions of the Quartz Mining Regulations preceding the said Act, an annual royalty on any profits of such mine that exceed the sum of $10,000 during any calendar year, and the owner, manager, holder, tenant, lessee, occupier or operator of the mine is liable for and shall pay the Crown an annual royalty as follows:

(a) upon annual profits in excess of $10,000.00 and up to $1,000,000.00 .......................... 3 per cent;
(b) on the excess above $1,000,000.00 up to $5,000,000.00 .......................... 5 per cent;
(c) on the excess above $5,000,000.00 up to $10,000,000.00 .......................... 6 per cent;
(d) on the excess above $10,000,000.00 a proportional increase of one per cent for each additional $5,000,000.00.

(2) For the purpose of this section, all mines and mineral workings in the said Territory, occupied, worked or operated by the same person, or under the same general management or control, or the profits of which accrue to the same person, shall, for the purpose of determining whether there is liability for royalty hereunder, be deemed to be and be dealt with as one and the same mine, and not as separate mines.

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(3) The royalty imposed by this section shall be deemed to accrue on the 1st day of January of the year in which the same is payable, and shall become payable on the 1st day of October, following in each year, and shall be paid to the Commissioner or other officer named by the Minister.

(4) In order to ascertain and fix the annual profits, the gross receipts from the year's output of the mine, or in case the ore, mineral, or mineral-bearing substance, or any part thereof, is not sold, but is treated by or for the owner, tenant, holder, lessee, occupier or operator of the mine, upon the premises or elsewhere, then the actual market value of the output at the pit's mouth, or if there is no means of ascertaining the market value, or if there is no established market price or value, the value of the same as appraised by a person to be named by the Minister, shall be ascertained, and from the amount so ascertained the following and no other expenses, payments, allowances or deductions shall be deducted and made, that is to say:

(a) the actual cost of transportation of any output sold, if paid or borne by the owner, tenant, holder, lessee, occupier or operator;

(b) the actual and proper working expenses of the mine both underground and above-ground, including salaries and wages of necessary superintendents, foremen, workmen, firemen, enginemen, labourers and employees of all sorts, employed at or about the mine, together with the actual and proper salaries and office expenses for necessary office work done at the mine and in immediate connection with the operation thereof;

(c) the cost of supplying power and light, and of the hire of horses or other means of transportation used in the mining operation, or in handling the ore or mineral;

(d) the actual cost price of food and provisions for all employees aforesaid, whose salaries or wages are made less by reason of being furnished therewith, also the actual cost of fodder for horses used as above mentioned;

(e) the actual cost of explosives, fuel, and any other supplies necessarily used in the mining operations;

(f) any actual and proper outlay incurred in safeguarding and protecting the mine or mineral product;

(g) the cost of proper insurance upon the output, if paid or borne by the owner, tenant, holder, lessee, occupier or operator;

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pier or operator, and upon the mining plant, machinery, equipment and buildings used for or in connection with mining operations, or for storing the ore or mineral;

(h) an allowance of a sum for annual depreciation, by ordinary wear and tear, of the said plant, machinery, equipment and buildings, such sum to be based upon the probable annual average cost of repairs and renewals necessary to maintain the same in a condition of efficiency, and in no case to exceed for any year fifteen per cent of the value at the commencement of such year, such value to be appraised by an officer to be named by the Minister;

(i) the cost of actual work done in sinking new shafts, making new openings, workings, or excavations of any kind, or of stripping, trenching, or diamond drilling in or upon the land upon which the mine is situated, or upon any other land belonging to the same owner, lessee, holder, tenant, occupier or operator in the Yukon Territory, or the cost of any work that, in the opinion of the Minister, has for its object the opening up of mines, or testing for ore or minerals; and

(j) all taxes payable or paid upon the profits of the mine or mining work, or upon the profits made in smelting, refining, or otherwise treating any of the products of the mine or mineral work.

(5) No allowance or deduction shall in any case be made for the cost of plant, machinery, equipment or buildings, nor for capital invested, nor for interest or dividend upon capital, or stock, or investment, nor for depreciation in the value of the mine, mining land, or mining property, by reason of exhaustion or partial exhaustion of the ore or mineral.

(6) For the purposes of this section, unless a contrary intention appears, the operations, business, matters and things carried on, occurring or existing during the preceding calendar year, shall be taken as fixing, assessing and ascertaining the royalty payable thereunder, but the royalty payable shall nevertheless be deemed to be a royalty for the calendar year in which it is payable.

(7) The owner, lessee, tenant, holder, occupier, manager or operator of every mine from which ore, minerals or mineral-bearing substances is or are being taken, shall, within ten days after the commencement of such active operations, notify the Commissioner of the fact that such mine is in active operation, and shall give in such notice the name of the mine and the name and address of the owner,
owner, lessee, tenant, holder, occupier, manager or operator of such mine, and the name and address of the manager or of some other person to whom notice may be sent, (to be known as the name and address for service) and shall forthwith notify the Commissioner of every change in the name and address of such manager or person, and of every change in the ownership, holding, tenancy, management, occupation, or operation of such mine, and of every discontinuance of active operations, and of every resumption thereof after discontinuance.

(8) On or before the 1st day of April in each year, every person liable to pay the royalty imposed by this section shall, without any notice or demand to that effect, in addition to any other statements which may otherwise be required, deliver to the Commissioner a detailed statement, in which shall be set forth

(a) the name and description of the mine;
(b) the name and address of the person or persons owning or operating the mine as lessee, agent, occupant or otherwise;
(c) the quantity of ore, minerals and mineral-bearing substances shipped or sent from or treated on the mining premises during the year ending on the 31st of December last preceding;
(d) the name or names of the smelter or mill, and the locality to which the ore, minerals or mineral-bearing substances, or any part thereof, were sent;
(e) the cost per ton for transportation to the smelter, refinery or mill, and the actual, proper and necessary expenses of making the sale, if any, and by whom paid or borne;
(f) the cost per ton for smelter and mill charges, and by whom paid or borne;
(g) the quantity of ore, minerals and mineral-bearing substances treated on the mining premises during the said year;
(h) the value of the ore, minerals and mineral-bearing substances shipped, after deducting the charges for making sales and for transportation or for treatment; and
(i) the value of the ore, minerals and mineral-bearing substances treated on the mining premises.

(9) Such statement and information shall be made and furnished by and under the oath of the owner, manager, holder, lessee, tenant, occupier or operator of the mine, and shall also show in other columns the various expenses, payments, allowances and deductions that may properly be

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be made under the provisions of subsection (4), and such statement shall also show by way of summary the total receipts or market value at the mine of the year's output, and the total amount of the expenses, payments, allowances, and deductions to be deducted therefrom, and the balance of profits for the year as provided in this section.

(10) In addition to the above-mentioned statement, the Minister may at any time of the year, require from any other person connected with the operation or management of the mine or mill, a statement, under affidavit, containing such information or particulars as the Minister may think proper to exact.

(11) The Minister may enlarge the time for making such return or statement.

(12) Every person liable to pay the royalty imposed by this section, shall keep at or near the mine proper books of account of the ore, minerals or mineral-bearing substances taken from the said mine, containing the quantity, weight and other particulars of the same, and the value thereof, and showing the returns from the smelter, mill or refining works, or other returns of the amounts derived from the sale of such ores, minerals and mineral-bearing substances; and no ore, mineral or mineral-bearing substance taken out of any mine shall be removed therefrom or treated at any smelter, mill or refining works, until the weight thereof has been correctly ascertained and entered in the said books of account; and such person shall also keep proper books showing each of the several expenses, payments, allowances, or deductions mentioned in subsection (4) and showing any other facts and circumstances necessary or proper for ascertaining the amount of the royalty payable hereunder.

(13) If any doubt arises as to where such book or books shall be kept, or as to how many, or what books shall be maintained, the Commissioner shall determine the number and character of the books to be kept, and the place or places at which they shall be kept.

(14) It is at all times lawful for the Commissioner, mining recorder, or mining recorder's agent to enter upon mining property for the purpose of making an inspection and obtaining information as to the amount and value of the output of the mine, and for this purpose such officer may descend all pits and shafts, and use all such tackle, machinery and appliances belonging to the mine as he may deem necessary or expedient, and he shall have free ingress and egress to, from and over all buildings, erections and vessels used in connection with the mine, and he shall be allowed

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allowed to take from the said mining property such samples or specimens as he may desire, for the purpose of determining by assay or otherwise the value of the ore, minerals or mineral-bearing substances being taken therefrom, or any product thereof, and he shall have full and complete access to all books of account, correspondence and documents maintained or used for or in connection with the actual operation and business of such mine, and may examine the same and take copies thereof or extracts therefrom, but any information of a private or confidential nature acquired by such officer shall not be disclosed to anyone, except so far as may be necessary for the purposes of this section.

(15) If the royalty imposed by this section is not paid within the period herein prescribed, ten per cent shall forthwith be added thereto, and ten per cent shall be added at the expiration of each year thereafter that the royalty remains unpaid, and the said increased amounts shall, for all purposes, be and become the royalty due and payable under this section.

(16) It is the duty of the Commissioner, or such other person as may be directed by the Minister, to keep a record of all arrears or royalty due, with the increased amounts from time to time entered thereon.

(17) All royalties, double royalties, percentages, penalties and costs, respectively, payable under this section, shall be a special lien on the mine, mining property, mineral claim, or mining rights, and upon all ore, mineral, or mineral-bearing substances taken therefrom, and upon all machinery upon or connected with the mine, in priority of every claim, privilege, lien, or encumbrances of any person, whether the right or title of such person has accrued before, or accrues after the attaching of such lien, and its priority is not lost or impaired by any neglect, omission or error of any official, officer or person, or by want of registration, and the same may be realized by action for sale of any or all property, leases and rights, subject to such lien.

(18) If the royalty imposed by this section is not paid when due, the same, together with the added percentages, may be recovered from the owner, tenant, lessee, occupier or operator of the mine, by an action at the suit of the Minister in any court of competent jurisdiction, together with the costs of the action.

(19) In addition to any other remedies for the recovery of the royalty imposed by this section an injunction or order in the nature of injunction, or the appointment of a receiver

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receiver with all necessary powers, or such other relief or remedy as may seem necessary or expedient for securing payment of the royalty, may in any case where the royalty is overdue, or where the payment of the royalty seems endangered, be obtained in the Territorial Court at the instance and in the name of the Minister, to prevent the removal, transportation, or transmission of any ore, mineral or mineral-bearing substance, or to prevent or restrict mining operations, or to provide for such operations or production upon such terms and conditions as may seem proper.

(20) Any action that may be brought under this Act may be brought by the Minister as plaintiff, and it is not necessary to name the Minister, and the action does not abate by reason of a change in the name of such Minister, or by reason of the office being vacant at any time, but the action may proceed as though no change had been made or no vacancy existed.

(21) In case of default of payment of the royalty imposed by this section, the same, together with all additions of percentages, double royalties, penalties and costs, may be levied and collected by distress, together with costs of distress, upon the goods and chattels, wherever found, of the person or any person liable therefor, under warrant signed by the Minister, or by the Commissioner, directed to the sheriff of the Territory, and in such case the sheriff shall realize the amount directed to be realized by the warrant, and all costs, by a sale of such goods, or so much thereof as may be necessary to satisfy the amount directed to be levied by such warrant.

(22) Any person who knowingly makes or signs any false statement, or furnishes any false or incorrect information to the Department or any of the officers thereof, or gives any false or incorrect information to any officer or person in respect of any other matter or thing required under this section, or keeps or causes to be kept any false or incorrect book or accounts regarding anything required under this section, with intent to deceive, shall, in addition to any other liability, incur a penalty of two hundred dollars for every such offence, which penalty may be recovered by summary conviction before a justice of the peace having jurisdiction within the district in which such false statement or false information is made or furnished, or before any justice of the peace having jurisdiction within the district in which such false book or account is kept.

(23) Every person who is required under the provisions of this section to make or furnish any statement or information, shall, in addition to any other liability, incur a penalty of two hundred dollars for every such offence, which penalty may be recovered by summary conviction before a justice of the peace having jurisdiction within the district in which such false statement or false information is made or furnished, or before any justice of the peace having jurisdiction within the district in which such false book or account is kept.

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formation, and every mine in respect of which such statement or information is required to be made or furnished, shall, in case of neglect to conform with the provisions of the said section, incur a penalty of twenty dollars per day for each day during which default is made, which penalty or sum shall be added to and become part of the royalty imposed by this section, and such person and such mine are also liable to pay a royalty of double the amount for which it would have been liable, and any such penalty or double royalty may be recovered from any person liable therefor, under an action brought in the name of the Minister, to be tried by a judge of the Territory.

(24) Such regulations as may from time to time appear to be necessary, shall be established under the authority of the Governor in Council for the carrying out of the provisions and purposes of this section, and to deal with cases that may arise, and for which provision is not made in this section. 1928, c. 53, s. 1; 1948, c. 77, s. 1.

TERM OF LEASE AND RENTAL.

96. Leases of mineral claims and of iron and mica claims shall be for a term of twenty-one years, renewable for a further term of twenty-one years if the lessee furnishes evidence to the satisfaction of the Minister that during the term of the lease he has complied in every respect with the conditions of such lease and with the provisions of the law and regulations, and renewable for additional periods of twenty-one years on such terms and conditions as may be prescribed by the Governor in Council. R.S., c. 217, s. 94.

97. The fees and rentals to be charged and paid under this Act are as set out in Schedule Two. R.S., c. 217, s. 95.

98. In case payment of the rental and fee for the first term of twenty-one years is not made within the period of three months from the date of the certificate of improvements, or in case payment is not made of the rental for the renewal term within three months from the date upon which it becomes due, then all right to the claim or to a lease thereof, or to a renewal of such lease, absolutely lapses without any declaration of cancellation or forfeiture on the part of the Crown, and such claim and rights shall immediately be and become revested in the Crown. R.S., c. 217, s. 96.

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99. The lease shall be in such form as may be determined by the Minister, in accordance with the provisions of this Act. R.S., c. 217, s. 97.

ARBITRATION.

100. Where the surface rights of a mineral claim are covered by a timber licence, or by a petroleum, grazing or coal mining lease, or any other form of a terminable grant, the lease shall not authorize entry thereon, without the permission of the Minister being first had and obtained, and such permission shall be given subject to such conditions for the protection of the rights of such lessee or licensee as it may be considered necessary to impose. R.S., c. 217, s. 98.

101. (1) Where the surface rights of a mineral claim have been patented, or have been disposed of by the Crown under any Act or regulation that contemplates the earning of patent for such surface rights, and the holder or lessee of the mineral claim cannot make an arrangement with the owner of such surface rights, or with his agent, or the occupant thereof, for entry upon the location, or for the acquisition of such interest in the surface rights as may be necessary for the efficient and economical operation of the rights acquired under his record or lease, he may, if the mineral rights in the land affected with access thereto and the right to use and occupy such portion of the land as may be necessary for the effectual working of the minerals therein have been reserved to the Crown in the original grant of the surface rights, apply to the Minister for permission to submit the matter in dispute to arbitration.

(2) Upon receiving such permission in writing it is lawful for the holder or lessee to give notice to such owner, or his agent, or the occupant, to appoint an arbitrator, within a period of sixty days from the date of such notice, to act with another arbitrator named by the holder or lessee, in order to determine
(a) what portion of the surface rights the holder or lessee may reasonably acquire for the efficient and economical operation of the rights and privileges granted him under his record or lease;
(b) the exact position thereof; and
(c) the amount of compensation to which the owner or occupant of the surface rights shall be entitled. R.S., c. 217, s. 99.

102. (1) The notice mentioned in this section shall be according to a form prescribed by the Commissioner to be obtained upon application to the mining recorder for

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the district in which the land in question is situated, and shall, when practicable, be personally served on the owner of such land, or his agent, if known, or the occupant thereof, and after reasonable efforts have been made to effect personal service without success, then such notice shall be served by leaving it at or sending it by registered mail to the last-known place of abode or address of the owner, his agent or occupant, and by posting a copy of the same in the office of the mining recorder for the district in which the land in question is situate.

(2) Such notice shall be ten days if the owner or his agent resides in the district in which the land is situate. If out of the district and in the territory, twenty days, and if out of the territory, thirty days, before the expiration of the time limited in such notice.

(3) Where the owner, or his agent, or the occupant of the land refuses or declines to appoint an arbitrator, or where, for any reason, no arbitrator is so appointed in the time limited therefor in the notice provided for by this section, the mining recorder for the district in which the land in question is situate shall forthwith, on being satisfied by affidavit that such notice has come to the knowledge of such owner, agent or occupant, or that such owner, agent or occupant, wilfully evades the service of such notice, or cannot be found, and that reasonable efforts have been made to effect such service, and that the notice was left at the last place of abode or known address of such owner, agent or occupant as above provided, appoint an arbitrator on his behalf. R.S., c. 217, s. 100; 1948, c. 77, s. 1.

103. In case two arbitrators cannot agree upon the award to be made, they may, within a period of ten days from the date of the appointment of the second arbitrator select a third arbitrator, and when two such arbitrators cannot agree upon a third arbitrator, the mining recorder for the district in which the land in question is situate shall forthwith select such third arbitrator. R.S., c. 217, s. 101.

104. All the arbitrators appointed under the authority of this Act shall be sworn before a justice of the peace, or a commissioner for taking affidavits, to the impartial discharge of the duties assigned to them, and after due consideration of the rights of the owner and the needs of the lessee, or holder of the mineral claim, they shall decide as to the particular portion of the surface rights which the latter may reasonably acquire for the efficient and economical

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nomical operation of the rights and privileges granted him under his lease, or entry, the area thereof, and the amount of compensation therefor to which the owner or occupant shall be entitled. R.S., c. 217, s. 102.

105. In making such valuation the arbitrators shall determine the value of the land irrespective of any enhancement thereof from the existence of minerals thereunder. R.S., c. 217, s. 103.

106. (1) The award of any two such arbitrators made in writing is final, and shall be filed with the mining recorder for the district in which the land is situate within twenty days from the date of the appointment of the last arbitrator. Award of arbitrators final.

(2) Upon the order of the Minister the award of the arbitrators shall immediately be carried into effect. R.S., c. 217, s. 104.

107. The arbitrators are entitled to be paid a per diem allowance of five dollars together with their necessary travelling and living expenses while engaged in the arbitration, and the costs of such arbitration shall be in the discretion of the arbitrators. R.S., c. 217, s. 105.

ADMINISTRATION OF THE ESTATES OF DECEASED OR INSANE MINERS.

108. Where the owner of a claim for which a lease has not yet been issued, or the owner of an interest in such a claim, dies, or is adjudged to be insane, the provisions of this Act as to forfeiture for non-performance of work, or non-payment of assessment do not apply except as hereinafter provided, in the first case, either during his last illness or after his decease, and in the second case, either after he has been adjudged so insane, or, if it appears that the neglect or omission on account or by reason of which such claim would otherwise have been deemed to be forfeited was attributable to his insanity, then during such period prior to his having been adjudged insane as he may have been shown to have been insane. R.S., c. 217, s. 106.

109. The Commissioner may limit the period during which all or any interest in any mineral claim, the property of such deceased or insane person, shall be exempt from the provisions of this Act that require annual performance of work and payment of fees, and may fix the date upon which the same shall again become subject to all the provisions of this Act. R.S., c. 217, s. 107.

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110. (1) At the termination of the period fixed, the claim becomes subject to all the provisions of this Act, and if such provisions are not complied with the title thereto shall be absolutely forfeited in the event of the estate of such deceased person being the sole owner of the claim, and the same shall forthwith be open for relocation without any declaration of cancellation or forfeiture on the part of the Crown.

(2) In the event, however, of such an estate being a co-owner, the interest of the estate shall upon the termination of such period of exemption ipso facto become vested in the other co-owners who have complied with the provisions of this Act, in proportion to their respective interests. R.S., c. 217, s. 108.

111. The Commissioner may by order, from time to time, extend the period of such exemption as the necessity of the case may in his opinion demand, but in the case of deceased persons the period during which such exemption shall apply shall not extend beyond three years from the date of the death of the deceased. R.S., c. 217, s. 109.

112. Where there is no other legal representative of the estate of any such deceased or insane person, the Commissioner may cause the public administrator or such responsible officer as he may name, to take possession of such property and administer the same subject to the provisions of any ordinance in force respecting the administration of the estates of deceased or insane persons in the territory. R.S., c. 217, s. 110.

113. No exemption of the interest of a deceased or insane owner in any claim applies to or exempts any co-owner's interest from the provisions of this Act, as to the annual performance of work and payment of fees, and the rights of such co-owners shall be continued, if they do or cause to be done the prescribed representation work and pay the prescribed fees necessary in connection with those interests not exempted from performance of work and payment of fees. R.S., c. 217, s. 111.

114. Where the estate of the deceased or insane person owns an interest in a claim, and the co-owners who are required to perform work and pay fees have, during the period of such exemption, failed to perform the work required to be done thereon, the interest of such co-owners may, upon such failure being proved to the satisfaction of

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of the mining recorder, after notice of hearing has been served upon all persons interested in the manner prescribed by him, be vested by order of the mining recorder in such estate. R.S., c. 217, s. 112.

115. (1) Any person receiving from the public administrator or other legal representative of the estate of a deceased or insane person an assignment of a claim that has been exempted from the provisions of this Act as to performance of work and payment of fees, because of the death or insanity of the owner thereof, shall record such assignment within two months from the date thereof, and after the assignment has been recorded the claim again becomes subject to all the provisions of this Act.

(2) Where the assignment is not so recorded the provisions exempting such claim cease to apply and the claim, at the expiration of the said two months, becomes absolutely forfeited and shall be open to relocation and entry. R.S., c. 217, s. 113.

116. (1) Any person receiving from the public administrator, or other legal representative of the estate of a deceased or insane person, an assignment of an interest in a claim that has been exempted from the provisions of this Act as to performance of work and payment of fees, because of the death or insanity of the owner thereof, and on which the other co-owner or co-owners are required to perform work and pay fees, shall within two months from the date of such assignment, record the same and comply with the provisions of this Act in respect of representation from the day of the recording of such transfer.

(2) If the assignment is not so recorded, and if the Act is not otherwise complied with, the interest in question ipso facto becomes vested in the other co-owner or co-owners in proportion to their respective interests.

(3) If the co-owners who are required to perform work and pay fees have failed to do so, the interest of such co-owner or co-owners may, upon such failure being proved to the satisfaction of the mining recorder after notice of hearing has been served upon all persons interested, become vested in the co-owner who has acquired the interest of the estate in such claim, and who may have complied with the provisions of this Act. R.S., c. 217, s. 114.

MILL-SITES.

117. The Minister may, in his discretion, grant a lease of a tract of available, unoccupied and unreserved Crown land, not known to contain mineral of commercial value and site.

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and not exceeding five acres in area, as a mill-site; lands valuable for water-power purposes shall not be open to lease for this purpose except by authority of the Governor in Council. R.S., c. 217, s. 115.

118. (1) The mill-site shall be marked on the ground and surveyed in the same manner as a mineral claim, and shall be as nearly as possible in the form of a square, the boundaries being due north and south and due east and west lines.

(2) The term of the lease shall be for such period as the Minister may decide, and the rental shall be at the rate of one dollar an acre per annum, payable yearly in advance from the date of application. R.S., c. 217, s. 116.

119. In case the mill-site is not utilized as such to the satisfaction of the Minister, within three years from the date of the lease, such lease shall be subject to cancellation in the discretion of the Minister. R.S., c. 217, s. 117.

TUNNELS AND DRAINS.

120. Any holder of a mineral claim by entry or by lease may, in the discretion of the mining recorder, obtain permission to run a drain or tunnel for drainage or any other purpose connected with the development or working of such claim or mine through any occupied or unoccupied lands, whether mineral or otherwise, upon security being first deposited or given to such mining recorder to his satisfaction for any damage that may be done thereby, and upon such other terms as he thinks expedient. R.S., c. 217, s. 118.

WATER RIGHTS.

121. The holder of a mineral claim or of any mill-site may obtain a grant to a water right of any unappropriated water for any mining or milling purposes under the provisions of the Yukon Placer Mining Act, or under the provisions of the regulations for the disposal of water for power purposes, according to the purpose for which the water is to be used. R.S., c. 217, s. 119.

MISCELLANEOUS.

122. Any person who causes damage or injury to the holder of any claim other than his own by throwing earth, clay, stones or other material upon such other claim, or by causing or allowing water which may be pumped or

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or bailed, or which may flow from his own claim to flow into or upon such other claim is liable to a penalty of not more than fifty dollars and costs, and in default of the payment of the fine and costs he may be imprisoned for any period of not more than one month; this section does not deprive any person of rights to damages. R.S., c. 217, s. 120.

123. Nothing herein contained shall, save where such intention is expressly stated, be so construed as to affect prejudicially any mining rights and interests acquired prior to the 19th day of July, 1924, and all mining rights and privileges heretofore and hereunder acquired shall, without the same being expressly stated, be deemed to be taken and held subject to the rights of Her Majesty, her heirs and successors, and to the public rights of way and water. R.S., c. 217, s. 121.

124. Affidavits and declarations made under the provisions of this Act may be made before any persons duly authorized to administer an oath or declaration. R.S., c. 217, s. 122.

125. The Minister, Commissioner, mining recorder or any one deputed by any of them, has the right to enter into or upon and examine any mineral claim or mine. R.S., c. 217, s. 123; 1948, c. 77, s. 1.

126. Nothing herein contained shall be construed to limit the right of the proper authorities to lay out, from time to time, public roads across, through, along or under any ditch, mill-site, water right or mineral claim. R.S., c. 217, s. 124.

SCHEDULE ONE.

FORMS IN CONNECTION WITH YUKON QUARTZ MINING ACT.

Form A (Section 41).

Application for a Full Claim.

I, ................. of ................., in the ................. Mining District, make oath and say:

1. On the ................. day of ................., 19........, I located the ................. mineral claim situated (here describe the position of the claim as nearly as possible, giving the name or names of any mineral claim or claims it may join).

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2. R.S., 1952.
2. I have placed location posts No. 1 and No. 2 of the legal dimensions on the said claim with the inscription on each post prescribed by the *Yukon Quartz Mining Act*.

3. I have inscribed on location post No. 1 the following words:

4. I have inscribed on location post No. 2 the following words:
   (If a witness post has been used the particulars as to such post should be fully set out).

5. I have marked the line between post No. 1 and post No. 2 as required by section 28.

6. To the best of my knowledge and belief the ground comprised within the boundaries of the said claim is unoccupied and unrecorded by any other person as a mineral claim; it is not occupied by any building or any land falling within the curtilage of any dwelling house, or any land under cultivation, or any land reserved from entry under the *Yukon Quartz Mining Act*.

7. The said claim has not heretofore been staked out by any one in my interest.

8. I attach hereto a plan of the location as required by section 31 of the *Yukon Quartz Mining Act*.

Sworn and subscribed to at..............this ..............day of..............19....

R.S., c. 217, Sch. 1, Form A.

**FORM A-1 (Section 41).**

**Application for Fractional Claim.**

I, .............., of .............. in the .............. Mining District, make oath and say:

1. On the .............. day of .............. 19...., I located the fractional mineral claim .............. situated ..............

2. This is a fractional claim bounded on the north by .............. on the south by .............. on the east by .............. and on the west by .............. and is more particularly described on the sketch plan on the back of (or attached to as the case may be) this declaration.

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3. I have placed posts of the legal dimensions (here enumerate each of the posts placed on the ground in locating the claim) with the prescribed inscription on each post.

4. I have inscribed on location post No. 1 the following words:

5. I have inscribed on location post No. 2 the following words:

6. The length of the location line is approximately _______ feet.

7. I have marked the line between post No. 1 and post No. 2 in the manner prescribed by section 28 of the Yukon Quartz Mining Act.

8. To the best of my knowledge and belief the ground comprised within the boundaries of the said fractional claim is unoccupied and unrecorded by any person as a mineral claim; it is not occupied by any building or any land falling within the curtilage of any dwelling house, or any land under cultivation, or any Indian reserve, or other reservation made in the mining regulations.

9. The said claim has not heretofore been staked out by any one in my interest.

Sworn and subscribed to at _______________ this _______________ day of _______________ 19________.

R.S., c. 217, Sch. 1, Form A-1.

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FORM B (Sections 40, 89).

Record of a Mineral Claim.

Mineral Claim.

Located by ________________________ of ________________________ from whom I have this day received the sum of $10, being the fee prescribed by the Yukon Quartz Mining Act for recording a mineral claim.

The claim is situated ________________________ .

The direction of the line from post No. 1 to post No. 2 is ________________________ .

The distance in feet is ________________________ .

(If a witness post has been used the particulars as to such post to be fully set out.)

The claim was located on the _______________ day of _______________ 19________.

Recorded this _______________ day of _______________ 19________.

Mining Recorder.

R.S., c. 217, Sch. 1, Form B.

Form 5609

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FORM C (Section 53).

Application for a Certificate of Work.

Affidavit.

I, .................................., of. .........................., in the District of .......................... make oath and say:

That I have done or caused to be done work on the .......................mineral claim, situate at ....................... in the ...............Mining District, to the value of at least $100, since the ...............day of .......... 19......

The following is a detailed statement of such work

(Set out full particulars of the work done in the twelve months in which such work is required to be done, as shown by section 53.)

Sworn and subscribed to at ...................this .....................

day of .....................19......

R.S., c. 217, Sch. 1, Form C.

FORM D (Section 53).

Certificate of Work.

.................(Name of Claim) .................Mineral Claim .................

This is to certify that an affidavit setting out a detailed statement of the work done on the above claim since the .................day of .................19......, made by .................has this day been filed in my office, and in pursuance of the provisions of the Yukon Quartz Mining Act I do now issue this certificate of work in respect of the above claim to .................

This certificate entitles .........................to continue in possession of the said claim for one year from .........................

Mining Recorder.

R.S., c. 217, Sch. 1, Form D.

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Certificate that annual expenditure may, after recording claims, be made on any one of not more than eight claims grouped together for the performance of work.

Mining District.

This is to certify that in accordance with the provisions of section 52 of the Yukon Quartz Mining Act, the registered owner(s) or agent(s) of such owner(s) of the following mineral claims have filed a notice of his (their) intention to group such claims together for the performance of work:

Dated at .........., this .... day of .........., 19..........  

Mining Recorder.

1946, c. 13, s. 6.

Certificate of Improvements.

Mineral Claim.

This is to certify that ................., of ............. in the ................. Mining District, has proved to my satisfaction that he has complied with all the provisions of the Yukon Quartz Mining Act, to entitle him to a certificate of improvements in respect of the ................. mineral claim, situate at ................. in the ................. Mining District, and in pursuance of the provisions of the said Act I do now issue this certificate of improvements in respect of the above claim to .................

Dated .................  

Mining Recorder.

This certificate will become void unless the prescribed rental is paid within three months from its date.  

(Form may be altered to suit circumstances.)

R.S., c. 217, Sch. 1, Form F.

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FORM G (Section 64 (d)).

Notice.

Mineral Claim.

Situate in the................. Mining District.

Where located...................

Take notice that I, ......................, intend, sixty days from the date hereof, to apply to the mining recorder for a certificate of improvements, for the purpose of obtaining a lease of the above claim.

And further take notice that action, under section 69 of the Yukon Quartz Mining Act must be commenced before the issuance of such certificate of improvements.

Dated this............... day of ............... , 19...

R.S., c. 217, Sch. 1, Form G.

FORM H (Section 64 (g)).

Application for Certificate of Improvements.

Applicant’s Affidavit.

I, .................., of ................ in the................. Mining District, make oath and say:

1. I, ................. am the recorded holder and am in undisputed possession of the................. mineral claim, situated at ..................... in the................. Mining District.

2. I, ...................... have done or caused to be done work on the said claim in developing a mine to the value of at least $500, full (*) particulars whereof are hereto annexed and marked (A).

3. I, ...................... found mineral in place within the limits of the said claim.

4. I, ...................... had the claim surveyed by ..................... who has made plans of the said claim.

5. I, ...................... placed one plan on a conspicuous part of the land embraced in such plan on the................. day of ................., 19...

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6. I, ................................... posted a copy of the notice hereunto annexed and marked “B” at the same place as said plan is posted on the ................. day of ................. 19..., and another copy in the mining recorder’s office, at ................. on the ................. day of ................. 19..., which said notice and plan have been posted and have remained posted for at least sixty days concurrently with the publication of the said notice in the nearest local newspaper (to be named).

7. I, ................................... inserted a copy of the said notice in the ......................, a Canadian newspaper published in and circulating in the district, or in a Canadian newspaper published nearest to and circulating in the district in which the claim is situated where it first appeared on the ................. day of ................. 19... and was continuously published for sixty days.

8. I, ................................... deposited a copy of the plan in the mining recorder’s office at ................. on the ................. day of ................. 19..., and it remained there for reference for sixty days concurrently with the publication of the said notice in the newspaper.

Sworn and subscribed to at ................. this ................. day of ................. 19...

*Note.—Particulars must be exclusive of all houses and other like improvements.

R.S., c. 217, Sch. 1, Form H.

FORM I (Section 64 (2) and 93).

Mining Recorder’s Certificate.

.................................................. Mining District.
.................................................. Mineral Claim.

Date located ................. Date recorded .................

I hereby certify that ................................... has published a notice of his intention to apply for a certificate of improvements (or that he has published a survey notice, Form J) for sixty days in the ...................... newspaper from the ................. day of ................. 19..., a copy of which notice is attached; that during the above period a notice in accordance with the provisions of the Yukon Quartz Mining Act has been posted and a copy of the plan of the said claim deposited for reference in my office;

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office; and that no notice of any action having been commenced against the issuance of a certificate of improvements, or against the acceptance of the survey as defining absolutely the boundaries of the claim, has been filed in this office.

The recorded owner of the claim at this date is.

Dated 19...

Mining Recorder.

R.S., c. 217, Sch. 1, Form I.

FORM J (Section 80).

Survey Notice.

Mineral Claim.

Mineral District.

Where located.

Take notice that a survey has been made of the above mineral claim under instructions from the Surveyor General, and that at the termination of sixty days from the date of this notice the said survey shall be accepted as defining absolutely the boundaries of the said claim, unless in the meantime it is protested, as provided in section 69 of the Yukon Quartz Mining Act.

Dated this day of 19...

R.S., c. 217, Sch. 1, Form J.

SCHEDULE TWO.

FEES.

1. Recording mineral claim $10.00

2. For a substitutional record 10.00

3. Application for a lease and issue of same 10.00

4. For Certificate of Work—
   For one year 5.00
   For two years 10.00
   For three years 15.00

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For four years ............... 20.00
For five years ............... 25.00

5. For a certificate of improvements .... 5.00
6. For a grouping certificate ............ 5.00

7. Recording assignments, abandonments, affidavits, or any other document
   If document affects more than one claim, for each additional claim 2.50

8. For an abstract of the record of a claim—
   For the first entry ............... 1.00
   For each additional entry ......... 0.10

9. For copies of any documents recorded—
   Up to three folios ............... 3.00
   For each additional folio ........ 0.50

10. For recording a power of attorney to stake from one person ....... 4.00

11. For recording a power of attorney to stake from two persons ....... 8.00

12. For recording an assignment of a quartz mining lease .............. 3.00

13. Rental for whole or fractional mineral claim granted under lease for term of twenty-one years:
   If acreage is 51.65 acres or less . 50.00
   Add for each acre or fraction thereof over 51.65 acres ....... 5.00

14. Rental for renewal term of twenty-one years—
   If acreage is 51.65 acres or less. 200.00
   Add for each acre or fraction thereof over 51.65 acres ....... 20.00

15. Rental iron and mica claim as defined by Section 17 ............... 150.00

16. Rental for renewal term of 21 years iron and mica claim ............ 600.00

1948, c. 77, s. 15.