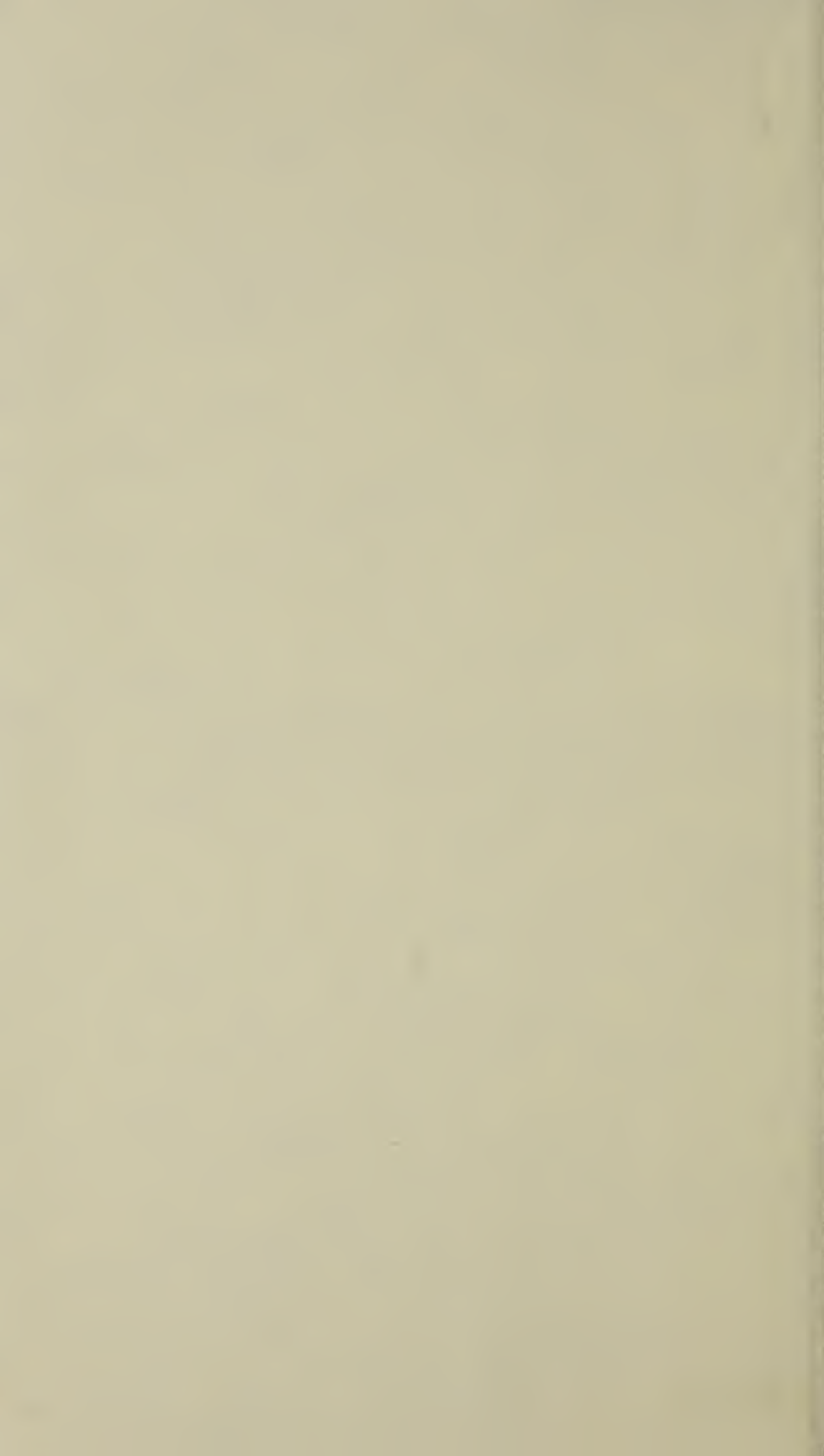






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PREFIX TO STATUTES, 1932

CONTAINING THE STATUTE OF WESTMINSTER, 1931, THE BRITISH
COMMONWEALTH MERCHANT SHIPPING AGREEMENT, THE
COMMISSION OF HIS EXCELLENCY THE GOVERNOR
GENERAL, AND CERTAIN DESPATCHES, PROCLAMA-
TIONS, ORDERS IN COUNCIL AND THE MIGRATORY
BIRDS REGULATIONS



276549
25.7.32

OTTAWA
PRINTED BY FREDERICK ALBERT ACLAND
LAW PRINTER (FOR CANADA) TO THE KING'S MOST EXCELLENT MAJESTY
ANNO DOMINI 1932

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PREFIX

Statute of Westminster, 1931

[22 GEO. 5. CH. 4.]

A.D. 1931.

ARRANGEMENT OF SECTIONS

Section.

1. Meaning of "Dominion" in this Act.
2. Validity of laws made by Parliament of a Dominion.
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9. Saving with respect to States of Australia.
10. Certain sections of Act not to apply to Australia, New Zealand or Newfoundland unless adopted.
11. Meaning of "Colony" in future Acts.
12. Short title.



CHAPTER 4

An Act to give effect to certain resolutions passed by Imperial Conferences held in the years 1926 and 1930. A.D. 1931.

[11th December, 1931.]

WHEREAS the delegates of His Majesty's Governments in the United Kingdom, the Dominion of Canada, the Commonwealth of Australia, the Dominion of New Zealand, the Union of South Africa, the Irish Free State and Newfoundland, at Imperial Conferences holden at Westminster in the years of our Lord nineteen hundred and twenty-six and nineteen hundred and thirty did concur in making the declarations and resolutions set forth in the Reports of the said Conferences:

And whereas it is meet and proper to set out by way of preamble to this Act that, inasmuch as the Crown is the symbol of the free association of the members of the British Commonwealth of Nations, and as they are united by a common allegiance to the Crown, it would be in accord with the established constitutional position of all the members of the Commonwealth in relation to one another that any alteration in the law touching the Succession to the Throne or the Royal Style and Titles shall hereafter require the assent as well of the Parliaments of all the Dominions as of the Parliament of the United Kingdom:

And whereas it is in accord with the established constitutional position that no law hereafter made by the Parliament of the United Kingdom shall extend to any of the said Dominions as part of the law of that Dominion otherwise than at the request and with the consent of that Dominion:

And whereas it is necessary for the ratifying, confirming and establishing of certain of the said declarations and resolutions of the said Conferences that a law be made and

A.D. 1931.

enacted in due form by authority of the Parliament of the United Kingdom:

And whereas the Dominion of Canada, the Commonwealth of Australia, the Dominion of New Zealand, the Union of South Africa, the Irish Free State and Newfoundland have severally requested and consented to the submission of a measure to the Parliament of the United Kingdom for making such provision with regard to the matters aforesaid as is hereafter in this Act contained:

Now, therefore, be it enacted by the King's most Excellent Majesty by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

Meaning of
"Dominion"
in this Act.

1. In this Act the expression "Dominion" means any of the following Dominions, that is to say, the Dominion of Canada, the Commonwealth of Australia, the Dominion of New Zealand, the Union of South Africa, the Irish Free State and Newfoundland.

Validity of
laws made by
Parliament of
a Dominion.
28 & 29 Vict.
c. 63.

2. (1) The Colonial Laws Validity Act, 1865, shall not apply to any law made after the commencement of this Act by the Parliament of a Dominion.

(2) No law and no provision of any law made after the commencement of this Act by the Parliament of a Dominion shall be void or inoperative on the ground that it is repugnant to the law of England, or to the provisions of any existing or future Act of Parliament of the United Kingdom, or to any order, rule or regulation made under any such Act, and the powers of the Parliament of a Dominion shall include the power to repeal or amend any such Act, order, rule or regulation in so far as the same is part of the law of the Dominion.

Power of
Parliament
of Dominion
to legislate
extra-
territorially.

3. It is hereby declared and enacted that the Parliament of a Dominion has full power to make laws having extra-territorial operation.

Parliament
of United
Kingdom not
to legislate for
Dominion
except by
consent.

4. No Act of Parliament of the United Kingdom passed after the commencement of this Act shall extend, or be deemed to extend, to a Dominion as part of the law of that Dominion, unless it is expressly declared in that Act that that Dominion has requested, and consented to the enactment thereof.

Powers of
Dominion
Parliaments
in relation
to merchant
shipping.
57 & 58 Vict.
c. 60.

5. Without prejudice to the generality of the foregoing provisions of this Act, sections seven hundred and thirty-five and seven hundred and thirty-six of the Merchant Shipping Act, 1894, shall be construed as though reference therein to the Legislature of a British possession did not include reference to the Parliament of a Dominion.

6. Without prejudice to the generality of the foregoing provisions of this Act, section four of the Colonial Courts of Admiralty Act, 1890 (which requires certain laws to be reserved for the signification of His Majesty's pleasure or to contain a suspending clause), and so much of section seven of that Act as requires the approval of His Majesty in Council to any rules of Court for regulating the practice and procedure of a Colonial Court of Admiralty, shall cease to have effect in any Dominion as from the commencement of this Act.

A.D. 1931.
Powers of Dominion Parliaments in relation to Courts of Admiralty. 53 & 54 Vict. c. 27.

7. (1) Nothing in this Act shall be deemed to apply to the repeal, amendment or alteration of the British North America Acts, 1867 to 1930, or any order, rule or regulation made thereunder.

Saving for British North America Acts and application of the Act to Canada.

(2) The provisions of section two of this Act shall extend to laws made by any of the Provinces of Canada and to the powers of the legislatures of such Provinces.

(3) The powers conferred by this Act upon the Parliament of Canada or upon the legislatures of the Provinces shall be restricted to the enactment of laws in relation to matters within the competence of the Parliament of Canada or of any of the legislatures of the Provinces respectively.

8. Nothing in this Act shall be deemed to confer any power to repeal or alter the Constitution or the Constitution Act of the Commonwealth of Australia or the Constitution Act of the Dominion of New Zealand otherwise than in accordance with the law existing before the commencement of this Act.

Saving for Constitution Acts of Australia and New Zealand

9. (1) Nothing in this Act shall be deemed to authorize the Parliament of the Commonwealth of Australia to make laws on any matter within the authority of the States of Australia, not being a matter within the authority of the Parliament or Government of the Commonwealth of Australia.

Saving with respect to States of Australia.

(2) Nothing in this Act shall be deemed to require the concurrence of the Parliament or Government of the Commonwealth of Australia in any law made by the Parliament of the United Kingdom with respect to any matter within the authority of the States of Australia, not being a matter within the authority of the Parliament or Government of the Commonwealth of Australia, in any case where it would have been in accordance with the constitutional practice existing before the commencement of this Act that the Parliament of the United Kingdom should make that law without such concurrence.

(3) In the application of this Act to the Commonwealth of Australia the request and consent referred to in section

A.D. 1931. four shall mean the request and consent of the Parliament and Government of the Commonwealth.

Certain sections of Act not to apply to Australia, New Zealand or Newfoundland unless adopted.

10. (1) None of the following sections of this Act, that is to say, sections two, three, four, five and six, shall extend to a Dominion to which this section applies as part of the law of that Dominion unless that section is adopted by the Parliament of the Dominion, and any Act of that Parliament adopting any section of this Act may provide that the adoption shall have effect either from the commencement of this Act or from such later date as is specified in the adopting Act.

(2) The Parliament of any such Dominion as aforesaid may at any time revoke the adoption of any section referred to in subsection (1) of this section.

(3) The Dominions to which this section applies are the Commonwealth of Australia, the Dominion of New Zealand and Newfoundland.

Meaning of "Colony" in future Acts. 52 & 53 Vict. c. 63.

11. Notwithstanding anything in the Interpretation Act, 1889, the expression "Colony" shall not, in any Act of the Parliament of the United Kingdom passed after the commencement of this Act, include a Dominion or any Province or State forming part of a Dominion.

Short title.

12. This Act may be cited as the Statute of Westminster, 1931.

BRITISH COMMONWEALTH MERCHANT SHIPPING AGREEMENT

Signed at London on 10th December, 1931

His Majesty's Governments in the United Kingdom of Great Britain and Northern Ireland, Canada, the Commonwealth of Australia, New Zealand, the Union of South Africa, the Irish Free State and Newfoundland, having considered the report of the Conference on the Operation of Dominion Legislation and Merchant Shipping Legislation, 1929, undertake to propose any necessary legislation and take such other steps as may be required for the purpose of giving full effect to the provisions of the present Agreement with regard to Merchant Shipping.

- Part I.—Common Status.
- Part II.—Standards of Safety.
- Part III.—Extra-territorial Operation of Laws.
- Part IV.—Equal Treatment.
- Part V.—Ships' Articles, Internal Discipline, and Engagement and Discharge of Seamen.
- Part VI.—Certificates of Officers.
- Part VII.—Shipping Enquiries.
- Part VIII.—Relief and Repatriation of Seamen; Wages and Effects of deceased Seamen.
- Part IX.—Offences on Board Ship.
- Part X.—General.

Article 1.—In this agreement, unless the context otherwise requires, the following expression has the meaning hereby assigned to it, that is to say:—

“Part of the Commonwealth” means any Part of the British Commonwealth of Nations the Government of which is a party to this Agreement.

PART I

COMMON STATUS

Common Qualifications

Article 2.—(1) No ship shall be registered in any port within the British Commonwealth so as to acquire the status and recognition mentioned in paragraph (2) of this Article unless it is owned wholly by persons of the following description, namely:—

- (a) Persons recognized by law throughout the British Commonwealth of Nations as having the status of natural born British subjects;
- (b) Persons naturalized by or in pursuance of the law of some part of the British Commonwealth;
- (c) Persons made denizens by letters of denization; and
- (d) Bodies corporate established under and subject to the law of some part of the British Commonwealth and having their principal place of business within the British Commonwealth.

(2) Every ship so owned and duly registered within the British Commonwealth shall possess a common status for all purposes and shall be entitled to the recognition usually accorded to British ships.

Registry

Article 3.—The laws, regulations, forms and procedure relating to the matters following, that is to say:—

Obligation to Register;
 Certificate of Registry;
 Transfer and Transmissions;
 Mortgages;
 Certificates of Mortgage and Sale;
 Name of Ship;
 Registry of Alterations, Registry Anew, and Transfer of Registry;
 Incapacitated Persons;
 Trusts and Equitable Rights;
 Liability of Beneficial Owner;
 Managing Owner;
 Declarations, Inspection of Register and Fees;
 Returns, Evidence and Forms;
 Forgery and False Declarations;
 Measurement of Ship and Tonnage;

shall be substantially the same throughout the British Commonwealth and so far as possible be based on Part I of the Merchant Shipping Act, 1894.

Article 4.—In order that there may be a complete list of ships registered in all parts of the British Commonwealth for statistical purposes, particulars (such as the name of the ship, the registered number, the port to which she belongs, the name of the registered owner, and the tonnage) relating to all ships registered at their ports, will be forwarded by the Administration of each Part of the Commonwealth at convenient intervals to the Registrar General of Shipping and Seamen in London. Copies of the complete list shall be forwarded annually to the Administration of each Part of the Commonwealth.

National Colours

Article 5.—It being recognized that the proper national colours for all ships registered in any Part of the Commonwealth shall be such as may be determined by the Government of that Part, each Part of the Commonwealth undertakes to prohibit under penalty (*a*) the use by ships registered in that Part of any national colours other than those determined for those ships; (*b*) the hoisting on board any ship registered in that Part of colours proper to a ship of war or resembling any of those colours, without proper warrant.

PART II

STANDARDS OF SAFETY

Article 6.—While each Part of the Commonwealth will from time to time determine the standards with which its ships shall be required to comply in all matters relating to safety, every endeavour will be made to preserve uniformity and to maintain the standards at present in force.

Article 7.—Each Government which proposes to make an alteration of substance in these standards will give as long notice as practicable to the other Governments of the proposed alteration and of the reasons for it.

Article 8.—Subject to the provisions of Part IV, nothing in this Agreement affects the right of each Part to apply to any ship trading to its ports its regulations regarding the safety of ships, their crews and passengers, except in so far as the ship complies with regulations accepted by the Part as equivalent to its own regulations.

PART III

EXTRA-TERRITORIAL OPERATION OF LAWS

Article 9.—Save as otherwise specially provided in this Agreement, the laws relating to merchant shipping in force in one Part of the Commonwealth shall not be made to apply with extra-territorial effect to ships registered in another Part unless the consent of that other Part of the Commonwealth has been previously obtained:—

Provided that nothing contained in this Article shall be deemed to restrict the power of each Part of the Commonwealth to regulate the coasting trade, sea fisheries and fishing industry of that Part.

PART IV

EQUAL TREATMENT

Article 10.—Each Part of the British Commonwealth agrees to grant access to its ports to all ships registered in the British Commonwealth on equal terms and undertakes that no laws or regulations relating to seagoing ships at any time in force in that Part shall apply more favourably to ships registered in that Part, or to the ships of any foreign country, than they apply to any ship registered in any other Part of the Commonwealth.

Article 11.—While each Part of the British Commonwealth may regulate its own coasting trade, it is agreed that any laws or regulations from time to time in force for that purpose shall treat all ships registered in the British Commonwealth in exactly the same manner as ships registered in that Part, and not less favourably in any respect than ships of any foreign country.

Article 12.—Nothing in the present Agreement shall be deemed—

(i) to derogate from the right of every Part of the Commonwealth to impose customs tariff duties on ships built outside that Part: or

(ii) to restrict the right of the Government of each Part of the Commonwealth to give financial assistance to ships registered in that Part or its right to regulate the sea fisheries of that Part.

PART V

SHIPS' ARTICLES

Internal Discipline and Engagement and Discharge of Seamen.

Article 13.—The form and contents of ships' articles if first opened in a Part of the Commonwealth, shall be those prescribed by the law of that Part, and if first opened elsewhere than within the British Commonwealth, shall be those prescribed by the law of the Part in which the ship is registered.

Article 14.—The powers and duties with respect to discipline on board a ship registered within the British Commonwealth shall, in so far as they are not

derived from the ship's articles, be those made and provided by the laws and regulations in force in the Part of the Commonwealth in which the ship is registered.

Provided that if and so long as a ship, registered in one Part of the Commonwealth, is engaged wholly or mainly in the coasting trade of another Part, the powers and duties with respect to such discipline may be those made and provided by the laws and regulations in force in that other Part.

Provided also that in the case of a ship which is trading from a Part of the Commonwealth in which the principal place of business of her owners is situated, and not trading to the Part of the Commonwealth in which she is registered, the powers and duties with respect to such discipline may be those made and provided by the laws and regulations in force in the former Part.

Article 15.—Provision shall be made by law in each Part of the Commonwealth that whenever a seaman or apprentice deserts in that Part from a ship registered in another Part, any Court exercising summary jurisdiction in the Part in which the seamen or apprentice has deserted, and any Justice or Officer of such Court shall, on the application of the master of the ship, aid in apprehending the deserter, and, for that purpose may, on information given on oath, issue a warrant for his apprehension, and on proof of the desertion, order him to be conveyed on board his ship or delivered to the master or mate of his ship, or to the owner of the ship or his agent, to be so conveyed.

PART VI

CERTIFICATES OF OFFICERS

Article 16.—The standards of qualification to be required of applicants for certificates of competency and of service shall so far as possible be equal and alike throughout the British Commonwealth, and shall not be lower than those at present established.

Article 17.—Subject to any special provisions that may be made by any Part of the Commonwealth as to the qualifications to be required of officers on ships engaged in its coasting trade, a valid certificate of competency or service granted by one Part of the Commonwealth will be recognised throughout the British Commonwealth as indicating that the holder is duly qualified accordingly when serving on board any ship registered in that Part.

PART VII

SHIPPING ENQUIRIES

Article 18.—The Government of each Part of the Commonwealth agrees to assist the Governments of the other Parts by providing for officers to hold preliminary enquiries (including the taking of depositions) into casualties to ships registered in such other Parts.

Article 19.—No Government of any Part of the Commonwealth will cause a formal investigation to be held into a casualty occurring to a ship registered in another Part save at the request or with the consent of the Government of that Part in which the ship is registered.

Provided that this restriction shall not apply when a casualty occurs on or near the coasts of a Part of the Commonwealth or whilst the ship is wholly engaged in the coasting trade of a Part of the Commonwealth.

Article 20.—In all Parts of the Commonwealth the laws and regulations relating to the matters following, namely:—

- Constitution of Courts having jurisdiction to hold formal investigations;
- Holding of such Courts with the assistance of Assessors;
- Classification of Assessors according to their qualifications;
- Selection of Assessors according to the nature of the questions to be raised;
- Notice of investigation and the service thereof;
- Opportunity to be given to any person whose conduct may be impugned of making a defence;
- Procedure on the hearing;
- Rehearings and Appeals;

shall be, so far as possible, alike, and shall be based upon the provisions relating to formal investigations contained in Part VI of the Merchant Shipping Act, 1894, and the Shipping Casualties and Appeals and Rehearings Rules, 1923, made pursuant thereto.

Provided that

(1) the Administration of that Part of the Commonwealth in which a formal investigation is held shall alone be competent to order a rehearing thereof;

(2) an appeal from a decision of a Court of formal investigation shall lie to a Court in the Part of the Commonwealth in which the formal investigation was held and that Court shall be similar in its constitution and jurisdiction to a Divisional Court of Admiralty in England;

(3) a Court of formal investigation shall be empowered to cancel or suspend a certificate of competency or service granted by the Administration of another Part of the Commonwealth so only as to effect its validity within the jurisdiction of the Part in which the investigation is held, but the Administration by which the certificate was granted may adopt such cancellation or suspension.

Article 21.—Provisions shall be in force in each Part of the Commonwealth similar, so far as possible, to those contained in Part VI of the Merchant Shipping Act, 1894, relating to the special enquiry that may be held when there is reason to believe that any master, mate, or certificated engineer is from incompetency or misconduct unfit to discharge his duties.

Provided that the power of a Court holding such enquiry to cancel or suspend a certificate of competency or service granted by a Part of the Commonwealth other than that in which the enquiry is held shall be similar to the power of a Court of formal investigation under the last preceding Article.

PART VIII

RELIEF AND REPATRIATION OF SEAMEN

WAGES AND EFFECTS OF DECEASED SEAMEN

Article 22.—A scheme shall be drawn up to which each Part of the Commonwealth shall give legislative effect, under which provision shall be made:—

(a) for the relief and repatriation of seamen belonging to any Part of the Commonwealth who may be found in distress or left behind in any other Part or in places abroad, and for defraying the expenses;

(b) for payment of the expenses of medical attendance, maintenance, burial and repatriation in case of injury or illness of seamen;

(c) for dealing with the effects and wages of seamen who are left behind or die in a port outside the Part of the Commonwealth to which they belong;

(d) for the recovery from the owner of the ship in proper cases of any expenses incurred by the Administration of any Part of the Commonwealth in the matters referred to in paragraphs (a) and (b).

PART IX

OFFENCES ON BOARD SHIP

Article 23.—Reciprocal arrangements shall be made for conferring jurisdiction on the lines of Section 686 of the Merchant Shipping Act, 1894, with respect to offences committed on board ships registered in any Part of the Commonwealth.

PART X

GENERAL

Article 24.—The present Agreement shall come into operation on the tenth day of December, 1931, and shall continue in full force for a period of five years and thereafter until the Government of any Part of the Commonwealth gives notice of intention to withdraw therefrom or from any Article thereof. A notice of withdrawal, if sent to the Governments of every other Part of the Commonwealth, shall take effect as regards the Part giving the notice to the extent therein specified at the expiration of twelve months from the date of its despatch, but shall not otherwise affect the continuance in full force of the present Agreement.

Article 25.—The present Agreement may be varied at any time during the continuance thereof by common accord. Proposals for variation shall be sent by the Government of the Part proposing the variation, to the Government of the United Kingdom, to be circulated to the Governments of the other Parts of the Commonwealth, who will consider the proposals and endeavour to agree upon the acceptance of the variation with or without amendment. If a common accord is reached with respect to any proposed variation the present Agreement shall be varied accordingly.

Article 26.—A conference to consider any matter the subject of the present Agreement or any other matter relating to Merchant Shipping which the Government of any Part of the Commonwealth considers to be of common interest, may be called at any time at the instance of the Governments of any three Parts of the Commonwealth.

Article 27.—This Agreement shall apply to all territories administered under the authority of the Government of any Part of the Commonwealth and to ships registered there, or in any foreign port of registry, and fulfilling the requirements as to ownership set out in Article 2 (1).

Signed at London this tenth day of December,
1931.

On behalf of

His Majesty's Government in the United
Kingdom of Great Britain and Northern
Ireland—

J. H. THOMAS.

His Majesty's Government in Canada—

G. H. FERGUSON.

His Majesty's Government in the Common-
wealth of Australia—

GRANVILLE RYRIE.

His Majesty's Government in New Zealand—

T. M. WILFORD.

His Majesty's Government in the Union of
South Africa—

C. T. TE WATER.

His Majesty's Government in the Irish Free
State—

JOHN W. DULANTY.

His Majesty's Government in Newfound-
land—

MORRIS.

PROCLAMATION

COMMISSION

appointing

CAPTAIN THE RIGHT HONOURABLE THE EARL OF BESSBOROUGH, G.C.M.G.,
to be
Governor General and Commander-in-Chief, Dominion of Canada.

Dated March 20th, 1931.

GEORGE R.I.
(L.S.)

CANADA

GEORGE THE FIFTH, by the Grace of God of Great Britain, Ireland and the British Dominions beyond the Seas, King, Defender of the Faith, Emperor of India.

To Our Right Trusty and Right Well-beloved Cousin and Counsellor, Vere Brabazon, Earl of Bessborough, Knight Grand Cross of Our Most Distinguished Order of Saint Michael and Saint George, formerly Captain in Our Territorial Army, Greeting.

We do, by this our Commission under Our Sign Manual and Signet, appoint you, the said Vere Brabazon, Earl of Bessborough, to be, during Our pleasure, Our Governor General and Commander-in-Chief in and over Our Dominion of Canada, with all the powers, rights, privileges and advantages to the said Office belonging or appertaining.

Powers and Authorities

II. And we do hereby authorize, empower, and command you to exercise and perform all and singular the powers and directions contained in certain Letters Patent under the Great Seal, bearing date at Westminster the Fifteenth day of June, 1905, constituting the said Office of Governor General and Commander-in-Chief, or in any other Letters Patent adding to, amending, or substituted for the same, according to such Orders and Instructions as Our Governor General and Commander-in-Chief for the time being hath already received, or as you may hereafter receive from Us.

Commission dated 5th August, 1926, superseded

III. And further We do hereby appoint that, so soon as you shall have taken the prescribed oaths and have entered upon the duties of your Office, this Our present Commission shall supersede Our Commission under Our Sign Manual and Signet bearing date the Fifth day of August, 1926, appointing Our Right Trusty and Well-beloved Cousin, Freeman, Viscount Willingdon (now the Earl of Willingdon), Knight Grand Commander of Our Most Exalted Order of the Star of India, Knight Grand Cross of Our Most Distinguished Order of Saint Michael and Saint George, Knight Grand Commander of Our Most Eminent Order of the Indian Empire, Knight Grand Cross of Our Most Excellent Order of the British Empire, to be Our Governor General and Commander-in-Chief in and over Our Dominion of Canada.

Officers, etc., to give obedience

IV. And We do hereby command all and singular Our Officers, Ministers, and loving subjects in Our said Dominion, and all others whom it may concern, to take due notice hereof, and to give their ready obedience accordingly.

GIVEN at Our Court at Saint James's this 20th day of March, 1931, in the Twenty-first year of Our Reign.

By His Majesty's Command,

R. B. BENNETT.

Canada Gazette, Vol. 65, p. 607.

DESPATCHES

NOBEL PEACE PRIZE

CANADA

Circular despatch G. No. 345.

DOWNING STREET,

16th September, 1931.

SIR,—With reference to my despatch Dominions No. 534 of the 7th October, 1930, I have the honour to transmit, for the information of His Majesty's Government in Canada, the accompanying copies of a circular issued by the Nobel Committee of the Norwegian Parliament regarding nominations for the Nobel Peace Prize for 1932.

2. I should be glad if the conditions of the prize could be made known to those bodies and persons who are qualified to nominate candidates.

I have the honour to be, Sir,

Your most obedient, humble servant,

(Signed) J. H. THOMAS.

The Secretary of State
for External Affairs, Canada.

NOBEL COMMITTEE OF THE NORWEGIAN PARLIAMENT

NOBEL PEACE PRIZE

All proposals of candidates for the Nobel Peace Prize, which is to be distributed December 10, 1932, must, in order to be taken into consideration, be laid before the Nobel Committee of the Norwegian Parliament by a duly qualified person *before the first of February of the same year*.

Any one of the following persons is held to be duly qualified: (a) Members and late members of the Nobel Committee of the Norwegian Parliament, as well as the advisers appointed at the Norwegian Nobel Institute; (b) Members

of Parliament and Members of Government of the different States, as well as Members of the Interparliamentary Union; (c) Members of the International Arbitration Court at the Hague; (d) Members of the Council of the International Peace Bureau; (e) Members and Associates of the Institute of International Law; (f) University professors of Political Science and of Law, of History and of Philosophy; and (g) Persons who have received the Nobel Peace Prize.

The Nobel Peace Prize may also be accorded to institutions or associations.

According to the Code of Statutes, § 8, the grounds upon which any proposal is made must be stated, and handed in along with such papers and other documents as may therein be referred to.

According to § 3, every written work, to qualify for a prize, must have appeared in print.

For particulars, *qualified persons* are requested to apply to the office of the Nobel Committee of the Norwegian Parliament, Drammensvei, 19, Oslo.

Canada Gazette, Vol. 65, p. 823.

MOURNING FOR LATE PRESIDENT OF FRANCE

HIS EXCELLENCY THE GOVERNOR GENERAL has received the following cable message from the Lord Chamberlain to His Majesty:—

BUCKINGHAM PALACE, LONDON,

May 7th, 1932.

Court Mourning for one week from seventh instant for Late President of French Republic flags including those at flag stations to be half masted on day of funeral twelfth instant.

LORD CHAMBERLAIN.

Canada Gazette, Vol. 65, p. 3088.

EXPORT OF GOLD

(*Order in Council, P.C. 1150, dated 17th May, 1932*)

WHEREAS the Gold Export Act provides that the Governor in Council may prohibit from time to time and for any period or periods the export of gold, whether in the form of coin or bullion, from the Dominion of Canada, except in such cases as may be deemed desirable by the Minister of Finance and under licences to be issued by him;

And whereas the said Act provides that no such licence shall be issued to other than a Canadian chartered bank;

Therefore, His Excellency the Governor General in Council, on the recommendation of the Minister of Finance and under the provisions of the said Act, is pleased to make the following regulations and they are hereby made and established accordingly:—

1. The export of gold, whether in the form of coin or bullion, from the Dominion of Canada, is hereby prohibited, except in such cases as may be deemed desirable by the Minister of Finance, and under licences to be issued by him. No such licence shall be issued to other than a Canadian chartered bank.

2. Licences issued by the Minister of Finance shall be in the following form:—

No.....

OTTAWA,.....193....

LICENCE TO EXPORT GOLD

Permission is hereby granted

.....
to export.....valued at...
.....Dollars (\$....) consigned to.....
.....on behalf of

Countersigned

.....
Comptroller of Currency.

.....
Deputy Minister of Finance.

This licence is to be presented to the Collector of National Revenue at the port of exit with the Export Entry and is to be endorsed by the Collector at that port indicating date of actual exportation and then be forwarded by the Collector, under separate cover, to the Commissioner of Customs, Ottawa, after noting the licence number on the port and departmental copies of the Export Entry.

3. In order to ensure the carrying out of the provisions and intent of the said Act and effective administration of these regulations, the Minister of Finance may from time to time issue instructions for the guidance of the Customs Branch of the Department of National Revenue, the Commissioner of the Royal Canadian Mounted Police, and officers of the Post Office Department.

4. These regulations shall remain in force until December 31, 1932, unless sooner rescinded by Order in Council.

Canada Gazette, Vol. 65, p. 3201.

DEPRECIATED FOREIGN CURRENCIES

(Order in Council, P.C. 2549, dated 10th October, 1931.)

THE deputy of His Excellency the Governor General in Council, on the recommendation of the Acting Minister of National Revenue, and having regard to the disturbed condition of exchange between foreign countries and Canada, is pleased to order and it is hereby ordered that in computing the value for duty of goods imported into Canada from any foreign country whose currency has become depreciated, the rate of exchange of such currency shall be fixed at the rate which is ordered and proclaimed by the Governor in Council as authorized by section 55 of the Customs Act; and in case a sum less than the proclaimed value of such foreign currency in Canadian currency for each unit of such foreign currency of the invoice be paid for the said goods, the actual selling price of the goods to the importer shall be regarded as less than the fair market value of the goods when sold for home consumption and the provisions of section 6 of the Customs Tariff shall apply.

Canada Gazette, Vol. 65, p. 959.

INSURANCE ACT OF CANADA

(Order in Council, P.C., 3187, dated 31st December, 1931)

WHEREAS there has been laid before His Excellency the Governor General in Council a report from the Minister of Finance submitting that, for some years, litigation has been carried on to determine the validity, in whole or in part, of the Insurance Act of Canada, being Chapter 101 of the Revised Statutes of Canada (1927):

That on the 26th day of January, 1931, the Honourable Mr. Justice Garrow, of the Supreme Court of Ontario, in an action brought by the Attorney-General of Ontario, as Plaintiff, against the Attorney-General of Canada, the Minister of Finance and George D. Finlayson, as Defendants, declared that Sections 4, 11, 12, 65, 66, 91, 123 and 135 of the said Insurance Act of Canada, are *ultra vires* of the Parliament of Canada, and that the Minister of Finance and George D. Finlayson are not, nor is either of them, entitled to act under or enforce any of the said Sections of the said Act;

That on the 22nd day of October, 1931, the Judicial Committee of the Privy Council, in Consolidated Appeals No. 36 of 1931, between the Attorney-General of Quebec as Appellant and the Attorney-General of Canada as Respondent and others, as Interveners, advised His Majesty that the said Insurance Act was in respect of certain provisions thereof not properly framed;

That the life insurance business of Canada has assumed very large proportions, there being outstanding policies issued by companies licensed under the provisions of the said Insurance Act providing for the payment of approximately six and one-half billions of dollars, and that policies have been issued against the destruction of property by fire providing for the payment of upwards of ten billions of dollars, and that policies have been issued providing for the payment of large sums in the event of other casualties;

That heretofore companies licensed under the Insurance Act of Canada have been subject to inspection and supervision by the Superintendent of Insurance, and a uniform system of inspection has prevailed throughout Canada with respect to such licensed companies;

That the Law Officers of the Crown advise that the aforesaid decision of the Judicial Committee of the Privy Council does not settle or determine the extent to which the legislative jurisdiction of the Parliament of Canada may validly be exercised with respect to insurance companies incorporated under the laws of the Dominion of Canada or of any other country;

That it is the purpose of the Government to submit to the Parliament of Canada at the approaching Session thereof an Insurance Bill, which, in the opinion of the Law Officers of the Crown will be within the legislative competence of such Parliament;

That Chapter 58 of the Statutes of Canada, 1931, conferred upon the Governor General in Council full power to make all such orders and regulations as may be deemed necessary or desirable for relieving distress, providing employment, and, within the competence of Parliament, maintaining peace, order and good government throughout Canada;

That the Parliament of Canada has exclusive legislative jurisdiction with regard to bankruptcy and insolvency, and that as the preservation of solvency of such insurance companies is of the utmost public importance calling for continuous and uniform supervision and for proper actuarial valuations of their future obligations under their policies, it is desirable in the interests of good government throughout Canada that an Order should be made under the authority of the said Statute providing that a valuation be placed upon the assets of insurance companies that have heretofore been licensed under the provisions of the Insurance Act;

That it has been the custom to appraise the values of common and preferred stocks carried as assets by insurance companies and included in the annual financial statements of such companies at the values prevailing on the 31st day of December in each year as reflected by the stock exchanges or as may be otherwise ascertained by the Superintendent of Insurance;

That under ordinary business conditions this has been found sufficiently accurate for the purposes of such statements but valuations ascertained as of the 31st December, 1931, under the disturbed financial conditions now prevailing, would be unfair to companies licensed under the said Act, and it is therefore desirable to depart, for the time being, from the practice of taking the market quotations on the last day of the year as the fair market values;

That in the United States of America this has been recognized, and the Commissioners of Insurance throughout the States have generally substituted for the market quotations of stocks for a particular day the average prices of stocks as reflected by the exchanges for a range of five quarterly periods ending September 30, 1931, which average prices have been found to approximate the prices prevailing on the 30th June, 1931; and

That, in view of the fact that many companies heretofore licensed under the Insurance Act of Canada are transacting business in various States of the United States of America, as well as in other foreign countries, it is desirable that an approximately uniform practice should be observed.

Therefore, His Excellency the Governor General in Council, on the recommendation of the Minister of Finance, and under and in virtue of the powers conferred by Chapter 58 of the Statutes of Canada 1931, is pleased to order and it is hereby ordered as follows:

(1) The Superintendent of Insurance, for the purposes of the returns to be made by insurance companies heretofore licensed under the provisions of the Insurance Act, being Chapter 101 of the Revised Statutes of Canada (1927), and to enable such Superintendent of Insurance to determine the solvency of such companies, is hereby authorized and empowered to accept such returns as sufficient evidence of such solvency when it appears that the common and preferred stocks included therein are valued at not more than the book values if purchased since June 30, 1931, or if purchased on or before the said date, at prices not exceeding the market prices of such stocks prevailing on the 30th day of June, 1931, which prices have been found to approximate the average prices of stocks as reflected by the exchanges for a range of five quarterly periods ending September 30, 1931; that the other assets of the companies have been valued on the basis prescribed by or authorized under the provisions of the said Insurance Act, and that the stocks and other assets when valued as aforesaid are not less than the liabilities of such companies to the public;

(2) For the purpose of enabling the Superintendent of Insurance to satisfy himself that the companies heretofore licensed under the provisions of the Insurance Act continued to be solvent, he shall require such companies to file with him statements as at December 31, 1931, in such form as may be prescribed by him, and upon his being so satisfied he shall issue to such companies, respectively, certificates of their solvency.

(3) Any insurance company incorporated under the laws of the Dominion of Canada or any other country may file with the Superintendent of Insurance a statement made out in accordance with the provisions of the two preceding paragraphs and obtain a certificate of solvency in the manner therein provided. Any such company which commences to carry on insurance business in Canada without such a certificate shall be guilty of an offence and liable upon summary conviction to a penalty of not less than \$500 and not more than \$1,000.

CIVIL SERVANTS AS CANDIDATES IN MUNICIPAL AND CIVIC ELECTIONS

(Order in Council, P.C. 95, dated 16th January, 1932)

WHEREAS section 2 of the Civil Service Superannuation Act, chapter 24 of Revised Statutes of Canada, 1927, provides that:

“Civil Servant” means and includes any permanent officer, clerk or employee in the Civil Service as herein defined,

(i) who is in receipt of a stated annual salary of at least six hundred dollars; and

(ii) who is required, during the hours or period of his active employment, to devote his constant attention to the performance of the duties of his position and the conditions of whose employment for the period or periods of the year over which such employment extends precludes his engaging in any other substantially gainful service or occupation.

And whereas the Secretary of State of Canada reports that “civil servants” within the meaning of the said Act have heretofore been accustomed to become candidates in municipal and civic elections, and thereafter, if elected, to accept municipal and civic offices, or to engage in other substantially gainful services and occupations, which preclude such civil servants from devoting their constant attention to the performance of the duties of their respective positions in the Civil Service of Canada;

Now therefore, His Excellency the Governor General in Council, on the recommendation of the Secretary of State of Canada, is pleased to order and it is hereby ordered that any one, who may now be or hereafter may become a civil servant within the meaning and intent of said Act, shall hereafter be precluded from becoming a candidate at any municipal or civic election, or from engaging in any other substantially gainful service or occupation, without first having obtained leave of absence, without pay, from his duties as such civil servant for the term of the municipal or civic office which he proposes to accept, or for the period or periods of the year over which it is proposed that such other gainful service or occupation shall extend.

Canada Gazette, Vol. 65, p. 2009.

BRITISH PREFERENTIAL TARIFF

Extended to Channel Islands, Kenya, Nigeria, Camerouns, New Guinea, Cyprus, etc.

(Order in Council, P.C. 2326, dated 24th September, 1931)

WHEREAS Section 4 of the Customs Tariff, Chapter 44, R.S.C. 1927, as amended by chapter 13 of the Statutes of 1930 (first session), chapter 3 of the Statutes of 1930 (second session) and chapter 30 of the Statutes of 1931, empowers the Governor in Council to extend the benefit of the British Preferential Tariff to any British country not named in paragraph (a) of section 3, and also to any territory administered under a mandate of the League of Nations by any British country to which British country the benefit of the British Preferential Tariff has been extended, and to which such benefit is not expressly given by paragraph (a) of section 3 of that Act;

And whereas it has been brought to the attention of the Acting Minister of National Revenue that it would result in advantage to Canadian trade if the benefit of the British Preferential Tariff were extended to the following countries and territories, viz: Channel Islands, Isle of Man, Kenya Colony and Protectorate (formerly East Africa Protectorate, to which the British Preferential Tariff was extended by Order in Council dated 25th January, 1913), Colony and Protectorate of Nigeria (formerly Protectorate of Northern Nigeria and Colony and Protectorate of Southern Nigeria, to which the British Preferential Tariff was extended by Order in Council dated 25th January, 1913), British Sphere of the Cameroons and British Sphere of Togoland, both of which territories are under mandate of the League of Nations to His Majesty's Imperial Government, New Guinea, under mandate of the League of Nations to His Majesty's Government in the Commonwealth of Australia, and Cyprus;

Therefore His Excellency the Governor General in Council, on the recommendation of the Acting Minister of National Revenue and under and in virtue of the provisions of the said Act, is pleased to extend and doth hereby extend the benefit of the British Preferential Tariff to the Channel Islands, Isle of Man, Kenya Colony and Protectorate, Colony and Protectorate of Nigeria, British Sphere of the Cameroons, British Sphere of Togoland, New Guinea and Cyprus.

Canada Gazette, Vol. 65, p. 823.

INTERMEDIATE TARIFF

Extended to Republic of Brazil

(Order in Council, P.C. 3071, dated 10th December, 1931)

WHEREAS under authority of Section 4 of the Customs Tariff the Governor in Council is empowered to extend the benefit of the Intermediate Tariff to goods, the produce or manufacture of any British or foreign country, which have previously been subject to the rates of customs duties set forth in the General Tariff, when imported direct from such foreign country or from a British country;

And whereas the Acting Secretary of State for External Affairs reports, with the concurrence of the Minister of Trade and Commerce, that negotiations have been carried on with the Brazilian Government for several months past with a view to the conclusion of a Trade Agreement based on the exchange of the Canadian Intermediate Tariff for most-favoured-nation treatment under the Tariff of Brazil, and that on this basis an Exchange of Notes was effected December 4, 1931, between His Majesty's Chargé d'Affaires at Rio de Janeiro, in respect of the Government of Canada, and the Brazilian Minister for Foreign Affairs;

Therefore, His Excellency the Governor General in Council, on the recommendation of the Acting Secretary of State for External Affairs, is pleased to order as follows:

1. The benefit of the intermediate tariff is hereby extended to products originating in and coming from the Republic of Brazil, provided that such products are imported direct.
2. In order to secure the advantages aforesaid such products shall be deemed to be imported direct only when conveyed without transshipment from a port of Brazil or from a port of a country enjoying the benefit of the preferential or intermediate tariff, into a sea, lake or river port of Canada.

Canada Gazette, Vol. 65, p. 1539.

MIGRATORY BIRD REGULATIONS

(Orders in Council, P.C. 1899, 14th August, 1931, and P.C. 2265, 14th September, 1931)

ORDERED, that the Regulations under the Migratory Birds Convention Act, established by Order in Council of June 14, 1930, P.C. 1401, and as amended by Order in Council of August 23, 1930, P.C. 2013, be further amended as shown in the attached schedule.

SCHEDULE

1. Section 2 of Order in Council of June 14, 1930, P.C. 1401, as amended by Order in Council of August 23, 1930, P.C. 2013, is rescinded and the following substituted therefor,—

CLOSE SEASONS

Open and close Season

2. No person shall kill, hunt, capture, injure, take or molest any migratory game birds except in the case of the birds hereinafter specified in this section, and during the period specified for each province. The presence of persons with fire-arms, with or without decoys, lying in wait for migratory birds, shall be considered *prima facie* evidence of hunting. No person shall kill, hunt, capture, injure, take or molest any geese or brant in Shelburne, Queens and Halifax Counties of Nova Scotia during the period specified in this section unless he has secured a licence from the Minister or some one authorized by the Minister to issue such licences. Such licensee shall, upon the expiration of his licence, make such returns as the Minister may require.

DUCKS, GEESE, BRANT, RAILS, COOTS

In Prince Edward Island: September 1 to December 14, both dates inclusive.

In New Brunswick, except the islands in the Grand Manan Group in the Province of New Brunswick: September 15 to December 31, both dates inclusive.

In the Islands in the Grand Manan Group, in the Province of New Brunswick: October 15 to January 31, both date inclusive.

In Quebec: September 1 to December 15, both dates inclusive.

In that part of Ontario lying north and west of the French and Mattawa Rivers and also including all Georgian Bay waters: September 1 to December 15, both dates inclusive.

In that part of Ontario lying south of the French and Mattawa Rivers (but not including any portion of the Georgian Bay waters): September 15 to December 15, both dates inclusive.

In the Northwest Territories and Yukon Territory: September 1 to December 14, both dates inclusive.

DUCKS, GEESE, BRANT, COOTS

In British Columbia (Eastern District, except the Provincial Electoral Districts of Creston, Skeena, Atlin, Omineca and Fort George): September 15, to December 31, both dates inclusive.

In the Provincial Electoral District of Creston, in the Province of British Columbia: September 15 to November 30, both dates inclusive.

In the Provincial Electoral Districts of Atlin, Omineca and Fort George, and that portion of the Skeena Provincial Electoral District situate and lying in the Eastern District, in the Province of British Columbia: September 1 to December 15, both dates inclusive.

DUCKS, GEESE, COOTS.

In British Columbia (Western District): October 17 to January 31, both dates inclusive.

BLACK BRANT

In British Columbia (Western District): November 15 to February 28, both dates inclusive.

BAND-TAILED PIGEONS

In British Columbia: September 15 to October 15, both dates inclusive.

DUCKS, RAILS

In Nova Scotia, except in the Counties of Cumberland and Colchester: October 1 to January 15, both dates inclusive.

In Cumberland and Colchester Counties, in the Province of Nova Scotia: September 15 to December 31, both dates inclusive.

GEESE, BRANT

In Nova Scotia, except Shelburne, Queens and Halifax Counties: October 1 to January 15, both dates inclusive.

In Shelburne, Queens and Halifax Counties, in the Province of Nova Scotia: December 1 to February 14, both dates inclusive.

DUCKS, GEESE, COOTS

In Manitoba: September 15 to November 30, except that in that portion of the Province lying to the north of the 53rd parallel of north latitude the open season on ducks shall be from September 1 to November 30, both dates inclusive.

DUCKS, GEESE

In that part of Saskatchewan lying north of township 54: September 1 to November 14, both dates inclusive.

In that part of Saskatchewan lying south of township 55: September 15 to November 29, both dates inclusive.

COOTS

In Saskatchewan: September 15 to December 31, both dates inclusive.

DUCKS, GEESE, COOTS, RAILS

In that part of Alberta lying north of the Clearwater and Athabaska Rivers: from noon on September 1 to and including November 14.

In that part of Alberta lying south of the Clearwater and Athabaska Rivers: from noon on September 15 to and including November 14.

SHORE BIRDS OR WADERS

Including only the following: Woodcock, and Wilson's or Jack-snipe.

In Prince Edward Island: September 15 to November 30, both dates inclusive.

In Nova Scotia and New Brunswick, except the Islands in the Grand Manan Group in the Province of New Brunswick: October 1 to November 30, both dates inclusive.

In the Islands in the Grand Manan Group, in the Province of New Brunswick: October 15 to November 30, both dates inclusive.

In Quebec: September 1 to December 15, both dates inclusive.

In that part of Ontario lying north and west of the French and Mattawa Rivers and also including all Georgian Bay waters: September 1 to December 15, both dates inclusive, except that on Woodcock the open season shall be from September 15 to November 30, both dates inclusive.

In that part of Ontario lying south of the French and Mattawa Rivers but not including any portion of the Georgian Bay Waters: September 15 to December 15, both dates inclusive, except that on Woodcock the open season shall be from September 15 to November 30, both dates inclusive.

SHORE BIRDS OR WADERS

Including only the following: Wilson's or Jack-snipe.

In Manitoba: September 15 to November 30, both dates inclusive.

In Saskatchewan: September 15 to December 31, both dates inclusive.

In that part of Alberta lying north of the Clearwater and Athabaska Rivers: from noon on September 1 to and including November 14.

In that part of Alberta lying south of the Clearwater and Athabaska Rivers: From noon on September 15 to and including November 14.

In British Columbia, (Western District): October 17 to January 31, both dates inclusive.

In British Columbia (Eastern District, except the Provincial Electoral Districts of Creston, Skeena, Atlin, Omineca and Fort George): September 15 to December 31, both dates inclusive.

In the Provincial Electoral District of Creston, in the Province of British Columbia: September 15 to November 30, both dates inclusive.

In the Provincial Electoral Districts of Atlin, Omineca and Fort George and that portion of the Skeena Provincial Electoral District situate and lying in the Eastern District, in the Province of British Columbia: September 1 to December 15, both dates inclusive.

In the Northwest Territories and Yukon Territory: September 1 to December 14, both dates inclusive.

INDIANS AND ESKIMOS MAY TAKE SCOTERS

A general proviso respecting Indians and Eskimos

Provided, however, that Indians and Eskimos may take Scoters or "Siwash Ducks" for food at any time of the year, but Scoters so taken shall not be sold.

BRITISH COLUMBIA DISTRICTS

Definition of districts in B.C.

For the purpose of this or any other Regulations, the Province of British Columbia shall be divided into two districts, to be known as the Western and Eastern Districts.

Western District shall mean and include all that portion of the Province situate and lying to the west of the summit of the Cascade Mountains and south of the Provincial Electoral District of Atlin excluding that portion of the Provincial Electoral District of Lillooet situate and lying to the east of a line drawn

north and south (astronomic) of the easterly Railway Yard Limit of Alta Lake Railway Station on the Pacific Great Eastern Railway, and that portion of the Provincial Electoral District of Skeena lying to the east of a line drawn north and south (astronomic) of the easterly Railway Yard Limit of Shames on the Canadian National Railway, bounded by the southern boundary of the Provincial Electoral District of Atlin on the north and by Maitland Island on the south.

Eastern District shall mean and include all of the remainder of the Province.

Close season on Wood and Eider Ducks

2. Section 6 of Order in Council of June 14, 1930, P.C. 1401, is rescinded and the following substituted therefor,—

6. A close season shall continue on Wood Duck until the 31st day of January, 1932.

A close season shall continue on Eider Ducks, until the 31st day of January, 1932, except that in the Provinces of Nova Scotia, New Brunswick Prince Edward Island, Yukon Territory, Northwest Territories and that part of the Province of Ontario lying north of the Quebec, Cochrane, Winnipeg line of the Canadian National Railway they may be taken in the open season allowed under these Regulations.

3. The following part of Section 10 of Order in Council of June 14, 1930,

In Nova Scotia, Prince Edward Island, Quebec, Northwest Territories and Yukon Territory, in any day:

Ducks: Twenty-five in the aggregate of all kinds.

Geese: Fifteen in the aggregate of all kinds.

Brant: Fifteen.

Rails, Coots and Gallinules: Twenty-five in the aggregate of all kinds.

Wilson's snipe or jack-snipe: Twenty-five.

Woodcock: Eight.

And in the above provinces in any one season in excess of one hundred and twenty-five Woodcock.

In Saskatchewan in any day:

Ducks and Geese: Thirty in the aggregate of all kinds, not more than ten of which shall be geese.

Coots: Twenty-five.

Wilson's snipe or jack-snipe: Fifteen.

And in Saskatchewan in any open season in excess of one hundred and fifty birds of the family *Anatidae* including ducks and geese, not more than thirty of which shall be geese.

And in Saskatchewan in any open season in excess of one hundred and fifty Wilson's or jack-snipe.

And in Saskatchewan in any open season in excess of one hundred and fifty coots.

In Alberta in any day:

Ducks: Thirty in the aggregate of all kinds.

Geese: Fifteen in the aggregate of all kinds.

Coots: Twenty-five.

Wilson's snipe or jack-snipe: Twenty-five.

And in Alberta in any open season in excess of two hundred Ducks.

Is rescinded, and the following substituted therefor,—

In Quebec, Northwest Territories and Yukon Territory, in any day:

Ducks: Twenty-five in the aggregate of all kinds.

Geese: Fifteen in the aggregate of all kinds.

Brant: Fifteen.

Rails, coots and gallinules: Twenty-five in the aggregate of all kinds.

Wilson's snipe or jack-snipe: Twenty-five.

Woodcock: Eight.

And in the above Provinces in any one season in excess of one hundred and twenty-five Woodcock.

In Nova Scotia and Prince Edward Island, in any day:

Ducks: Fifteen in the aggregate of all kinds.

Geese: Fifteen in the aggregate of all kinds.

Brant: Fifteen.

Rails, coots and gallinules: Twenty-five in the aggregate of all kinds.

Wilson's snipe or jack-snipe: Twenty-five.

Woodcock: Eight.

And in the above Provinces in any one season in excess of one hundred and twenty-five Woodcock.

In Saskatchewan in any day during the first two weeks of the open season:

Ducks: Fifteen.

Geese: Five.

In any day after the first two weeks of the open season:

Ducks: Thirty.

Geese: Five.

Provided, further, that no one shall have in his possession at any time a greater number of any kind of ducks and geese than he may legally kill in two days.

Coots: Twenty-five.

Wilson's Snipe or jack-snipe: Fifteen.

And in Saskatchewan in any open season in excess of one hundred and fifteen Wilson's or jack-snipe.

And in Saskatchewan in any open season in excess of one hundred and fifty coots.

In Alberta in any day:

Ducks: Fifteen in the aggregate of all kinds in any day during September and in any day during the balance of the open season ducks: Twenty-five.

Geese: Ten in the aggregate of all kinds.

Coots and Rails: 25 in the aggregate of all kinds.

Wilson's snipe or jack-snipe: Twenty-five.

And in Alberta in any open season in excess of one hundred ducks.

And in Alberta in any open season in excess of twenty-five geese.

4. Subsection (c) of section 11 of Order in Council of June 14, 1930, P.C. 1401, is amended by substituting a comma for the period at the end of the subsection and adding the following—

or by the use of wounded live birds as decoys.

5. Section 15 of Order in Council of June 14, 1930, P.C. 1401, is rescinded and the following substituted therefor,—

TERMINATION OF PERMITS AND LICENCES

15. All permits and licences shall terminate at the end of the calendar year in which they shall have been issued, or upon the expiration date specified in the permit or licence itself. They shall not be transferable, and shall be renewable or revocable at the discretion of the Minister.

(P.C. 2265, 14 September, 1931)

Ordered, that the regulations under the Migratory Birds Convention Act, established by Order in Council of June 14, 1930 (P.C. 1401), as amended by Orders in Council of 23rd August, 1930 (P.C. 2013) and 14th August, 1931 (P.C. 1899) be further amended as shown in the attached schedule.

SCHEDULE

1. Section 2 of Order in Council of August 14, 1931, P.C. 1899, is amended by fixing the following periods in the provinces specified as being the periods during which the birds specified may be killed, hunted, captured, injured, taken or molested, and existing regulations in so far as they conflict with the periods herein established are rescinded for the year 1931 but shall come into effect again in 1932.

DUCKS

IN MANITOBA: In that portion of the Province lying south of the 53rd parallel of latitude: October 1 to November 14, both dates inclusive.

In that portion of the Province lying north of the 53rd parallel of latitude: September 1 to November 30, both dates inclusive.

DUCKS, GEESE, COOTS, WILSON'S SNIPE

In that part of Saskatchewan lying north of township 54: September 15 to October 14, both dates inclusive.

In that part of Saskatchewan lying south of township 55: October 1 to October 31, both dates inclusive.

2. The provisions of the Regulations providing that no person shall kill during any day, or during any season, ducks and geese in Saskatchewan in excess of the numbers set forth in the Regulations are rescinded for 1931, but shall come into effect again in 1932, and the following Regulations are established in lieu thereof for 1931:

No person shall kill during any day, or during any season the following migratory game birds in Saskatchewan in excess of the numbers set forth as follows:

In Saskatchewan in any day:

Ducks: Fifteen.

Geese: Five.

Provided, further, that no one shall have in his possession at any time more than thirty ducks, nor more than ten geese.

Canada Gazette, Vol. 65, pages 710, 712.

ESQUIMALT LAGOON BIRD SANCTUARY

By Order in Council, P.C. 3067, dated 12th December, 1931, certain lands in Vancouver Island, Esquimalt District, B.C., were created a bird sanctuary.

Canada Gazette, Vol. 65, p. 1641.

MYSTERY ISLAND BIRD SANCTUARY

By Order in Council, P.C. 325, dated 15th February, 1932, Mystery Island, in Lac Poisson Blanc, County of Papineau, Quebec, was created a bird sanctuary.

Canada Gazette, Vol. 65, p. 2327.

THE WHITLOCK BIRD SANCTUARY

By Order in Council, P.C., 955, dated 27th April, 1932, certain lands at Hudson Heights, Quebec, the property of the Whitlock Golf Club, were created a bird sanctuary.

Canada Gazette, Vol. 65, p. 3024.

INGLEWOOD BIRD SANCTUARY

By Order in Council, P.C., 396, dated 19th April, 1932, the old rifle range at Calgary, Alberta, and certain irrigation property of the Canadian Pacific Railway Company, were, subject to certain conditions, created a bird sanctuary. The private property adjoining this land was established as a bird sanctuary by Order in Council, 6th June, 1929, P.C. 962.

Canada Gazette, Vol. 65, p. 2966.

QUEBEC GAME AND FISHERY OFFICERS

By Order in Council, P.C. 966, dated 28th April, 1932, the Game and Fisheries Officers of the province of Quebec were made *ex officio* Game officers under the Migratory Birds Convention Act.

Canada Gazette, Vol. 65, p. 3025.

PROCLAMATIONS OF CANADA, AUGUST 1931 TO MAY 1932

	DATE IN FORCE	CANADA GAZETTE
Acts proclaimed—		
Australian Trade Agreement Act.....	3 Aug., 1931	Vol. 65, p. 343.
Beauharnois Light, Heat and Power Company, Ltd., Act respecting.....	1 Mar., 1932	Vol. 65, p. 2416.
Consolidated Revenue and Audit Act.....	1 April 1932	Vol. 65, p. 2716.
Naturalization Act.....	15 Jan., 1932	Vol. 65, p. 1809.
New Zealand Trade Agreement.....	24 May 1932	Vol. 65, p. 3227.
Royal Canadian Mint, Act respecting the establishment of...	1 Dec., 1931	Vol. 65, p. 1371.
Animal Contagious Diseases, restricted areas in:—		
New Brunswick, Parishes of St. Marys, etc.....	14 Sept., 1931	Vol. 65, p. 772.
Quebec, Counties of Terrebonne and Two Mountains.....	20 Oct., 1931	Vol. 65, p. 1117.
Bessborough, The Earl of, Governor-General and Commander-in- Chief (Commission appointing).....	20 Mar., 1931	Vol. 65, p. 607.
Fire Prevention Week, Oct. 4-10, 1931.....	12 Sept., 1931	Vol. 65, p. 723.
Parliament—		
Prorogued.....	3 Aug., 1931	Vol. 65, p. 379.
Summoned for 4th February, 1932.....	17 Dec., 1931	Vol. 65, p. 1643.
Prorogued.....	26 May, 1932	Vol. 65, p. 3250.
Thanksgiving Day, Oct. 12, 1931.....	12 Sept., 1931	Vol. 65, p. 656.

ACTS
OF THE
PARLIAMENT
OF THE
DOMINION OF CANADA

PASSED IN THE SESSION HELD IN THE
TWENTY-SECOND AND TWENTY-THIRD YEARS OF THE REIGN OF HIS MAJESTY

KING GEORGE V

BEING THE
THIRD SESSION OF THE SEVENTEENTH PARLIAMENT

Begun and holden at Ottawa, on the Fourth day of February, 1932, and closed by
Prorogation on the Twenty-sixth day of May, 1932



HIS EXCELLENCY THE RIGHT HONOURABLE
THE EARL OF BESSBOROUGH
GOVERNOR GENERAL

PART I
PUBLIC GENERAL ACTS

OTTAWA
PRINTED BY FREDERICK ALBERT ACLAND
LAW PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
ANNO DOMINI 1932

22-23 GEORGE V.

CHAP. 1.

An Act for granting to His Majesty certain sums of money for the public service of the financial year ending the 31st March, 1932.

[Assented to 4th April, 1932.]

MOST GRACIOUS SOVEREIGN,

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

Preamble.

1. This Act may be cited as *The Appropriation Act, No. 1, 1932.* Short title.

2. From and out of the Consolidated Revenue Fund there may be paid and applied a sum not exceeding in the whole one million, fifty-nine thousand, four hundred and seventy-four dollars, and thirty-three cents towards defraying the several charges and expenses of the public service, from the first day of April, one thousand nine hundred and thirty-one, to the thirty-first day of March, one thousand nine hundred and thirty-two, not otherwise provided for, set forth in the Schedule to this Act.

\$1,059,474.33
granted for
1931-32
on certain
items.

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

Account to
be rendered
in detail.

SCHEDULE

Based on Further Supplementary Estimates, 1931-32. The amount hereby granted is \$1,059,474.33.

SUMS granted to His Majesty by this Act for the financial year ending 31st March, 1932, and the purposes for which they are granted.

No. of vote	Service	Amount	Total
	ADMINISTRATION OF JUSTICE	\$ cts.	\$ cts.
299	Yukon Territory— Miscellaneous expenditure, including salaries and allowances of court officers, etc.—Further amount required.....		1,000 00
	LEGISLATION		
	THE SENATE		
300	Salaries and contingent expenses—Further amount required....	12,000 00	
	HOUSE OF COMMONS		
301	Expenses of committees, clerical assistance, etc.—Further amount required.....	25,900 00	
302	Contingencies—Further amount required.....	674 33	
303	Publishing Debates—Further amount required.....	15,200 00	
304	Estimates of the Sergeant-at-Arms—Further amount required.	21,350 00	
	GENERAL		
305	Printing, printing paper and binding—Further amount required.	8,700 00	83,824 33
	PUBLIC PRINTING AND STATIONERY		
306	Printing and binding official publications for sale and distribu- tion to departments and the public—Further amount required.....		7,250 00
	PENSIONS AND NATIONAL HEALTH		
307	Aid to necessitous pensioners—Further amount required.....		875,000 00
	EXTERNAL AFFAIRS		
	PARIS		
308	Representation, including salaries and allowances for Minister Plenipotentiary, Secretaries and Staff, notwithstanding anything to the contrary in the Civil Service Act, or any of its amendments—Further amount required on account of loss in exchange.....	3,000 00	
	GENEVA		
309	Canada's contribution to the expenses of the League of Nations for 1931, including Secretariat, International Labour Organ- ization and Permanent Court of International Justice—Fur- ther amount required on account of loss on exchange.....	32,000 00	35,000 00

SCHEDULE—*Concluded*

No. of Vote	Service	Amount	Total
		\$ cts.	\$ cts.
	MISCELLANEOUS		
310	Loan to Harbour Commissioners of Montreal, with interest at a rate to be fixed by the Governor in Council for such period and upon such terms and conditions as the Governor in Council may determine, and to be applied in payment of deficits resulting from the operations of the Montreal Harbour Bridge—Further amount required.....		22,400 00
			1,024,474 33
	GOVERNOR GENERAL'S WARRANTS, 1931-32		
311	Expenses of the Royal Commission on Transportation (Governor General's Warrants of December 9, 1931, and February 4, 1932).....		35,000 00
			1,059,474 33

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King's Most Excellent Majesty.

22-23 GEORGE V.

CHAP. 2.

An Act for granting to His Majesty certain sums of money for the public service of the financial year ending the 31st March, 1933.

[Assented to 14th April, 1932.]

MOST GRACIOUS SOVEREIGN,

WHEREAS it appears by messages from His Excellency Preamble.
the Right Honourable the Earl of Bessborough, etc.,
etc., Governor General of Canada, and the estimates accom-
panying the said messages that the sums hereinafter men-
tioned are required to defray certain expenses of the public
service of Canada, not otherwise provided for, for the finan-
cial year ending the thirty-first day of March, one thousand
nine hundred and thirty-three, and for other purposes
connected with the public service: May it therefore please
Your Majesty, that it may be enacted and be it enacted
by the King's Most Excellent Majesty, by and with the
advice and consent of the Senate and House of Commons
of Canada, that:—

1. This Act may be cited as *The Appropriation Act*, Short title.
No. 2, 1932.

2. From and out of the Consolidated Revenue Fund \$33,108,718.84
granted for
1932-33.
there may be paid and applied a sum not exceeding in the
whole thirty-three million, one hundred and eighty thousand,
seven hundred and eighteen dollars and eighty-four cents
towards defraying the several charges and expenses of the
public service, from the first day of April, one thousand
nine hundred and thirty-two, to the thirty-first day of
March, one thousand nine hundred and thirty-three, not
otherwise provided for, and being one-sixth of the amount
of each of the several items to be voted, set forth in the
Estimates for the fiscal year ending the thirty-first day of
March, one thousand nine hundred and thirty-three, as
laid before the House of Commons at the present session
of Parliament.

Additional
interim
vote of
\$2,236,407.85
granted for
1932-33
on certain
items.

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

Account to
be rendered
in detail.

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

SCHEDULE

Based on the Main Estimates, 1932-33. The amount hereby granted is \$2,236,407.85, being one-fourth of the amount of each item in the said Estimates as contained in this Schedule.

SUMS granted to His Majesty by this Act for the financial year ending 31st March, 1933, and the purposes for which they are granted.

No. of Vote	Service	Amount	Total
		\$ cts.	\$ cts.
	LEGISLATION		
	SENATE		
35	Salaries and contingent expenses.....	161,939 40	
	HOUSE OF COMMONS		
36	Salaries.....	218,034 00	
	Expenses of committees, clerical assistance, etc.	103,468 00	
	Contingencies.....	43,695 00	
	Publishing debates.....	53,200 00	
	Estimates of the Sergeant-at-Arms.....	179,100 00	
	AGRICULTURE		
45	Experimental Farms.....	1,492,000 00	
	MINES AND GEOLOGICAL SURVEY		
	<i>Geological Survey</i>		
186	For explorations, surveys and investigations, wages of explorers, topographers and others.....	142,500 00	
	For publication of English and French editions of reports, maps, illustrations, etc.....	42,000 00	
	For maintenance of Offices and Museum, expenses of special exhibitions pertaining to natural resources, purchase of instruments, chemicals, books of reference, miscellaneous assistance and contingencies.....	42,500 00	
	For Museum equipment.....	8,000 00	
	For purchase of specimens.....	1,000 00	
	PENSIONS AND NATIONAL HEALTH		
207	Care of patients and medical examination respecting pension....	2,200,000 00	
209	Compensation (Pay and Allowances).....	1,950,000 00	
210	Unemployment relief.....	1,250,000 00	
211	Operating expenses and working capital.....	400,000 00	
	TRADE AND COMMERCE		
286	Commercial Intelligence Service, including miscellaneous expenditure in connection with Canada's Trade.....	658,195 00	
	Total.....	8,945,631 40	

22-23 GEORGE V.

CHAP. 3.

An Act for granting to His Majesty certain sums of money for the public service of the financial year ending the 31st March, 1933.

[Assented to 13th May, 1932.]

MOST GRACIOUS SOVEREIGN,

WHEREAS it appears by messages from His Excellency Preamble.
the Right Honourable the Earl of Bessborough, etc.,
etc., Governor General of Canada, and the estimates accom-
panying the said messages, that the sums hereinafter men-
tioned are required to defray certain expenses of the public
service of Canada, not otherwise provided for, for the finan-
cial year ending the thirty-first day of March, one thousand
nine hundred and thirty-three, and for other purposes
connected with the public service: May it therefore please
Your Majesty, that it may be enacted and be it enacted
by the King's Most Excellent Majesty, by and with the
advice and consent of the Senate and House of Commons
of Canada, that:—

1. This Act may be cited as *The Appropriation Act*, Short title.
No. 3, 1932.

2. From and out of the Consolidated Revenue Fund \$16,554,359.42
granted for
1932-33.
there may be paid and applied a sum not exceeding in the
whole sixteen million, five hundred and fifty-four thousand,
three hundred and fifty-nine dollars and forty-two cents to-
wards defraying the several charges and expenses of the
public service, from the first day of April, one thousand
nine hundred and thirty-two, to the thirty-first day of
March, one thousand nine hundred and thirty-three, not
otherwise provided for, and being one-twelfth of the amount
of each of the several items to be voted, set forth in the
Estimates for the fiscal year ending the thirty-first day of
March, one thousand nine hundred and thirty-three, as
laid before the House of Commons at the present session
of Parliament.

\$1,688,000.00
granted for
1932-33
on certain
items.

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

Account to
be rendered
in detail.

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

SCHEDULE.

Based on Estimates, 1932-33. The amount hereby granted is \$1,688,000.00, being one-sixth of the amount of each item in the said Estimates as contained in this Schedule.

SUMS granted to His Majesty by this Act for the financial year ending 31st March, 1933, and the purposes for which they are granted.

No. of Vote	Service	Amount	Total
		\$ cts.	\$ cts.
	CANADIAN NATIONAL STEAMSHIPS AND MARITIME FREIGHT RATES ACT		
	LOAN TO CANADIAN GOVERNMENT MERCHANT MARINE, LTD.		
314	Loan to the Canadian National Steamships (Canadian Government Merchant Marine, Limited), repayable on demand with interest at a rate to be fixed by the Governor in Council upon such terms and conditions as the Governor in Council may determine, and to be applied in payment of:— Deficits in operation of the Company and of the vessels under the Company's control during the year ending December 31st, 1932.....	440,000 00	
	LOAN TO CANADIAN NATIONAL (WEST INDIES) STEAMSHIPS, LTD.		
315	Loan to the Canadian National (West Indies) Steamships, Limited, repayable on demand with interest at a rate to be fixed by the Governor in Council, upon such terms and conditions as the Governor in Council may determine, and to be applied in payment of:— Deficits in operation of the Company and of the vessels under the Company's control, during the year ending December 31st, 1932, and Interest Requirements....	820,600 00	1,260,600 00
	MARITIME FREIGHT RATES ACT		
316	Amount required to provide for payment from time to time during the fiscal year 1932-33 of the difference, estimated by the Board of Railway Commissioners and certified by the said Board to the Minister of Railways and Canals, as and when required by him, occurring on account of the application of the Maritime Freight Rates Act, between the tariff tolls and the normal tolls (referred to in Section 9 of the said Act) on all traffic moved during 1932, under the tariffs, approved by the following companies:— Canada & Gulf Terminal Railway. Canadian Pacific Railway including: Fredericton & Grand Lake Coal and Railway Co. New Brunswick Coal and Railway Company. Cumberland Railway and Coal Co. Dominion Atlantic Railway. Maritime Coal Railway & Power Co. Sydney & Louisburg Railway. Temiscouata Railway.....	900,000 00	
317	Amount required to provide for the payment from time to time to the Canadian National Railway Company of the deficit in receipts and revenues, occurring in the year 1932, of the Eastern Lines, as provided by the Maritime Freight Rates Act:— (a) Amount of the deficit (less that amount thereof as in the next following paragraph specifically provided for) in the receipts and revenues..... (b) Amount of the deficit in receipts and revenues occurring on account of the reduction in tolls under the application of the Maritime Freight Rates Act.....	6,217,400 00 1,750,000 00	8,867,400 00
	Total.....		10,128,000 00

22-23 GEORGE V.

CHAP. 4.

An Act to amend the Admiralty Act.

[Assented to 4th April, 1932.]

HIS Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:— R.S., c. 33.

1. Section twenty-three of the *Admiralty Act*, chapter thirty-three of the Revised Statutes of Canada, 1927, is repealed, and the following is substituted therefor:—

“23. (1) The President of the Exchequer Court of Canada may from time to time make general rules and orders, Rules of Court.

(a) for regulating the practice and procedure in causes or matters falling within the Admiralty jurisdiction of the Court either at first instance or on appeal;

(b) for fixing the scale of costs and regulating the taxation thereof where costs are awarded for or against a party in any of such causes or matters;

(c) for fixing the fees payable to the Court or its officers in respect of anything done or any proceedings taken in such causes or matters;

(d) for prescribing the rights and duties of the officers of the said Court charged with the administration of business in such causes or matters arising either at first instance or on appeal.

(2) (a) Such rules and orders may extend to any matter of procedure or practice not provided for by any Act, but for which it is found necessary to provide in order to ensure their proper working and the better attainment of the objects thereof; Extent and effect thereof.

(b) Rules and orders so made as aforesaid shall not become effective until approved by the Governor in Council, nor until such rules and orders and the Order in Council approving of the same are published in the *Canada Gazette*.

Copies of all such rules and orders shall be laid before both Houses of Parliament within ten days after the opening of the session next after the making thereof;

(c) All such rules and orders and every portion of the same not inconsistent with the express provisions of any Act shall have and continue to have force and effect as if herein enacted, unless during such session an address of either the Senate or House of Commons shall be passed for the repeal of the same or of any portion thereof, in which case the same or such portion shall be and become repealed: Provided that either House of Parliament may, by any resolution passed at any time within thirty days after such rules and orders have been laid before Parliament, suspend any rule or order made under this Act; and such rule or order shall, thereupon, cease to have force and effect until the end of the then next session of Parliament."

OTTAWA: Printed by FREDERICK ALBERT ACLAND, Law Printer to the King's Most Excellent Majesty.

22-23 GEORGE V.

CHAP. 5.

An Act respecting the Boundary between the Provinces of
Alberta and British Columbia.

[Assented to 4th April, 1932.]

WHEREAS by Order in Council P.C. 337, approved on the eighteenth day of February, 1913, an invitation was extended by the Government of the Dominion of Canada to the Governments of the Provinces of Alberta and British Columbia to participate in the joint survey of the boundary line between the Province of Alberta and the Province of British Columbia; And whereas the said invitation was accepted by the Government of the Province of Alberta by Order in Council No. 534-13, approved on the sixteenth day of June, 1913, and by the Government of the Province of British Columbia by Order in Council No. 812, approved on the second day of June, 1913; And whereas by Order in Council approved on the eleventh day of July, 1913, J. N. Wallace, D.L.S., was appointed Boundary Commissioner to represent the Dominion on the joint survey of the boundary line, and whereas by Order in Council, approved on the twentieth day of September, 1915, R. W. Cautley, D.L.S., was appointed Boundary Commissioner to represent the Dominion in the place of the said J. N. Wallace; And whereas A. O. Wheeler, B.C.L.S., as Commissioner for the Province of British Columbia, with the said J. N. Wallace, as Commissioner for the Dominion up to the twentieth day of September, 1915, and the said R. W. Cautley, as Commissioner for the Province of Alberta and, after the twentieth day of September, 1915, for the Dominion as well, did subsequently enter upon the work of the joint survey of the said boundary line and did complete the same in or about the year 1924 from the International Boundary on the forty-ninth parallel of north latitude, northerly to a point on the one hundred and twentieth meridian of west longitude in or about latitude north fifty-seven degrees, twenty-six minutes, and forty and twenty-five one hundredths seconds; And whereas the said Commissioners have made due report of their

Preamble.
B.C., 1931,
c. 8; Alberta,
1931, c. 6.

said survey, and have caused the line indicating the boundary between the said Provinces to the extent aforesaid to be surveyed and marked upon the ground and to be duly laid down upon maps signed by them as such Commissioners, which said reports and maps have been printed and copies thereof deposited in the office of the Surveyor-General of the Dominion in the Department of the Interior; And whereas by section three of *The British North America Act, 1871*, it was enacted that the Parliament of the Dominion of Canada may from time to time, with the consent of the Legislature of any Province of the Dominion, increase, diminish or otherwise alter the limits of the Province, upon such terms and conditions as may be agreed upon by the said Legislature, and may, with the like consent, make provision respecting the effect and operation of any such increase or diminution or alteration of territory in relation to any Province affected thereby; And whereas the said Provinces have given their consent, by Acts of their respective Legislatures passed in the year nineteen hundred and thirty-one, to the establishment of the above mentioned boundary line, and it is expedient that the said line so surveyed, marked and laid down should be established to the extent aforesaid as the boundary line between the Province of Alberta and the Province of British Columbia: 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 Alberta-British Columbia Boundary Act, 1932*.

Boundary line.

2. The line so surveyed, marked and laid down in the manner referred to in the preamble to this Act, to the extent thereof, is hereby declared to be the boundary line between the Province of Alberta and the Province of British Columbia, whether or not the same increases, diminishes, or otherwise alters the territory of either Province.

OTTAWA: Printed by FREDERICK ALBERT AGLAND, Law Printer to the King's Most Excellent Majesty.

22-23 GEORGE V.

CHAP. 6.

An Act respecting the Canadian National Railways and to authorize additional provision of moneys to meet expenditures made and indebtedness incurred during the calendar year 1931.

[Assented to 4th April, 1932.]

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

1. This Act may be cited as *Canadian National Railways Financing Act, 1931, No. 2.* Short title.

2. Subject to the provisions of this Act and the approval of the Governor in Council, the Canadian National Railway Company (hereinafter called "the Company") may issue notes, obligations, bonds, debentures or other securities (hereinafter called "securities") to provide the amounts necessary to meet expenditures made or indebtedness incurred during the calendar year 1931 in excess of those expenditures authorized under *Canadian National Railways Financing Act, 1931*, chapter twenty-two of the Statutes of Canada, 1931, (where amounts available from net operating income or investments were insufficient) by or on behalf of the Company or any company comprised in the Canadian National Railways (as defined in chapter ten of the Statutes of Canada, 1929), or any company controlled by stock ownership or otherwise by any company comprised in the Canadian National Railways, or by the Company in respect of any of the Canadian Government Railways entrusted to the Company, or any one or more of such companies, on any or all of the following accounts, such expenditures or indebtedness being herein called "authorized expenditures,"

(a) Net additional income deficits including profit and loss but not including interest on Dominion Government advances (being \$20,887,793.48 against which has been applied an amount of \$13,690,385.96 under authority

ity of the proviso contained in section two, chapter twenty-two of the Statutes of Canada, 1931).....

- \$ 7,197,407.52
- (b) Equipment principal payments, sinking funds, miscellaneous maturing or matured notes and other obligations secured or unsecured, not exceeding..... \$ 492,077.30
- (c) Purchase of new equipment.....\$11,014,284.11

Provided, however, that for such purposes the aggregate principal amount at any one time outstanding of the securities which the Company is hereby authorized to make and issue from time to time shall not exceed the sum of \$11,372,-498.86, being the total of the items hereinabove set out less \$7,331,270.07, the unexpended balance as of December the thirty-first, 1931, of the proceeds of an issue of \$70,-000,000.00 of securities made on the first day of February, 1931, authority being hereby granted to apply the said balance towards the payment of the amount specified in paragraph (c) hereinabove set out.

Approval by Governor in Council.

3. The Company may, subject to the approval of the Governor in Council, from time to time approve or decide:—

- (a) The kind of securities to be issued and the form and terms thereof;
- (b) The currency or currencies in which any issue or parts thereof may be made;
- (c) The times, manner and amount of the issue or issues;
- (d) The terms and conditions of any sale, pledge or other disposition of the securities;
- (e) The securing, if deemed desirable, of the securities by mortgage, deed of trust or other instrument and the manner thereof, and the form and terms of any such indenture and the trustee or trustees thereof;
- (f) The manner, terms and conditions of any temporary financing and the expediency thereof and the form and terms of temporary securities.

Competitive bids.

Proviso.

4. (1) The Company shall adopt the principle of competitive bids or tenders in respect of any sale of the securities, but, subject to the provisions of paragraph (d) of section three of this Act, shall not be bound to accept either the highest or lowest or any bid or tender made or obtained, nor be precluded from negotiating for better prices or terms.

Temporary financing.

(2) This section shall not apply to temporary financing in whole or in part by way of pledge or otherwise of the securities either in permanent or temporary form, where the Governor in Council approves such temporary financing and the terms thereof.

5.

5. Should temporary loans be made or negotiated within the limits aforesaid, securities may subsequently be issued under the provisions of this Act to renew, refund or adjust such loans or any part thereof. Refunding
of temporary
loans.

6. The Company may aid and assist, in any manner, any other or others of the said companies, which expression as used here and hereinafter shall include the Canadian Government Railways entrusted as aforesaid, and, without limiting the generality of the foregoing, may for its own requirements and also for the requirements of any or all of such other companies from time to time:— Power to
aid other
companies.

- (a) Apply the proceeds of any issue of securities, or the amount of loans received by virtue of this Act, in meeting authorized expenditures on its own account or on account of any or all of such other companies;
- (b) Make advances for the purpose of meeting authorized expenditures to any or all of such other companies, upon or without any security, at discretion.

22-23 GEORGE V.

CHAP. 7.

An Act to amend the Criminal Code (Cheques without Funds and Grand Juries).

[Assented to 4th April, 1932.]

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

R.S., c. 36;
1930, c. 11;
1931, c. 28.

1. Section four hundred and five of the *Criminal Code*, chapter thirty-six of the Revised Statutes of Canada, 1927, is amended by adding thereto the following subsection:

Obtaining
by false
pretence.

“(3) In any prosecution under this section, if it be shewn that any thing capable of being stolen was obtained by the accused by means of a cheque which, when presented for payment within a reasonable time, was dishonoured on the ground that there were no funds or not sufficient funds on deposit in the bank to the credit of the accused, it shall be presumed that such thing was obtained with fraudulent intent by a false pretence, unless it be established to the satisfaction of the Court that when the accused issued such cheque he had reasonable grounds for believing that it would be honoured if presented for payment within a reasonable time after it was issued.”

Cheque
without
funds.

2. Subsection five of section eight hundred and seventy-three of the said Act is repealed and the following is substituted therefor:—

Preferring
indictment.

“(5) In the provinces of Manitoba, Saskatchewan, Alberta and British Columbia, it shall not be necessary to prefer any bill of indictment before a grand jury, but it shall be sufficient that the trial of any person charged with a criminal offence be commenced by a formal charge in writing setting forth as an indictment the offence with which he is charged.”

Procedure
in Manitoba
Saskatch-
ewan, Alberta
and British
Columbia

22-23 GEORGE V.

CHAP. 8.

An Act to amend the Criminal Code (Conveyance of prohibited articles).

[Assented to 4th April, 1932.]

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

R.S., c. 36;
1930, c. 11;
1931, c. 28.

1. Section two hundred and thirty-six of the *Criminal Code*, chapter thirty-six of the Revised Statutes of Canada, 1927, is amended by inserting after paragraph (b) of subsection one thereof, the following paragraph:—

Lotteries,
etc.

“(bb) knowingly sends, transmits, mails, ships, delivers or allows to be sent, transmitted, mailed, shipped or delivered, or knowingly accepts for carriage or transport or conveys any article which is used or intended for use in the carrying out of any device, proposal, scheme or plan for advancing, lending, giving, selling or otherwise disposing of any property by any mode of chance whatsoever; or”

Conveyance
of prohibited
articles

OTTAWA: Printed by FREDERICK ALBERT ACLAND, Law Printer to the King's Most Excellent Majesty.

22-23 GEORGE V.

CHAP. 9.

An Act to amend the Criminal Code (Summary trials).

[Assented to 4th April, 1932.]

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

R.S., c. 36;
1930, c. 11;
1931, c. 28.

1. Subsection one of section seven hundred and seventy-four of the *Criminal Code*, chapter thirty-six of the Revised Statutes of Canada, 1927, as enacted by section thirteen of chapter twenty-eight of the statutes of 1931, is repealed, and the following is substituted therefor:—

“774. (1) When any person is charged,

(a) in the province of Ontario before a police magistrate, or before a stipendiary magistrate in any county, district or provisional county in such province;

Summary trial in certain cases.

(b) in the province of Manitoba before a police magistrate;

(c) in the province of Saskatchewan before a police magistrate;

(d) in any city or incorporated town, having a population of not less than 2,500, according to the last decennial or other census taken under the authority of an Act of Parliament of Canada, before any police or stipendiary magistrate or before any recorder of any such city or town, if he exercises judicial functions;

(e) in the Yukon Territory before any judge of the Territorial Court or a police magistrate; or

(f) in the province of Quebec before any district magistrate or judge of the sessions,

with having committed any offence (except culpable homicide or any of the offences mentioned in section five hundred and eighty-three), or has been committed to a gaol in any county, district or provisional county under the warrant of any justice for trial on a charge of being guilty of any such offence, such person may, with his own consent, be tried before such recorder, judge or magistrate, as the case may be, and may, if found guilty, be sentenced to the punishment provided for such offence.”

22-23 GEORGE V.

CHAP. 10.

An Act to amend the Marriage and Divorce Act.

[Assented to 4th April, 1932.]

HIS Majesty, by and with the advice and consent of R.S., c. 127.
the Senate and House of Commons of Canada, enacts
as follows:—

1. Sections two and three of the *Marriage and Divorce Act*, chapter one hundred and twenty-seven of the Revised Statutes of Canada, 1927, are repealed, and the following are substituted therefor:—

“2. A marriage is not invalid merely because the woman is a sister of a deceased wife of the man, or a daughter of a sister or brother of a deceased wife of the man. Certain marriages not invalid.

“3. A marriage is not invalid merely because the man is a brother of a deceased husband of the woman or a son of a brother or sister of a deceased husband of the woman.” Certain marriages not invalid.

OTTAWA: Printed by FREDERICK ALBERT ACLAND, Law Printer to the King's Most Excellent Majesty.

22-23 GEORGE V.

CHAP. 11.

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

[Assented to 4th April, 1932.]

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

1920, c. 15;
1924, c. 59;
1925, c. 21;
1931, c. 43.

1. The Minister of Public Works may on behalf of His Majesty the King enter into an agreement with the Corporation of the City of Ottawa, hereinafter called "the Corporation", extending for a period of one year from the first day of July, 1931, the provisions of the existing agreement between His Majesty the King and the Corporation, dated the thirtieth day of March, 1920, which last mentioned agreement as amended was extended to the first day of July, 1930, under the authority of chapter fifty-nine of the statutes of 1924 and chapter twenty-one of the statutes of 1925, and to the first day of July, 1931, under the authority of chapter forty-three of the statutes of 1931.

Agreement
with City of
Ottawa
extended
for one year.

OTTAWA: Printed by FREDERICK ALBERT ACLAND, Law Printer to the King's Most Excellent Majesty.

22-23 GEORGE V.

CHAP. 12.

An Act relating to the submission to Parliament of certain Regulations and Orders in Council.

[Assented to 4th April, 1932.]

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

1. Orders in Council or Regulations heretofore made by the Governor in Council under authority of the *Dominion Forest Reserves and Parks Act*, chapter seventy-eight of the Revised Statutes of Canada, 1927, and the *Dominion Lands Act*, chapter one hundred and thirteen of the Revised Statutes of Canada, 1927, are hereby declared to have the same force and effect as if they had been approved by both Houses of Parliament as required by said Acts respectively.

Certain
Orders in
Council and
Regulations
to be valid.

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22-23 GEORGE V.

CHAP. 13.

An Act respecting Unemployment and Farm Relief.

[Assented to 4th April, 1932.]

HIS Majesty, by and with the advice and consent of 1931, c. 58.
the Senate and House of Commons of Canada, enacts
as follows:—

1. Notwithstanding the expiration of *The Unemployment and Farm Relief Act, 1931*, chapter fifty-eight of the Statutes of 1931, by lapse of time, the provisions of the said Act, and all orders in council and regulations made thereunder, shall not be deemed to have expired on and to have ceased to be in force on and after the first day of March, 1932, but to have continued and to be in full force for all purposes thereof whatsoever until the first day of May, 1932, and all undischarged obligations created under the authority of the said Act may be paid out of the Consolidated Revenue Fund as therein provided notwithstanding the expiration of the said Act on the first day of May, 1932.

Validity of Act and proceedings thereunder notwithstanding date of expiration.

2. All orders in council and regulations made under the provisions of this Act shall be laid before the House of Commons forthwith after the making thereof, if Parliament is then sitting, or if not, within the first fifteen days of the next ensuing session.

Laid before Parliament

3. *The Unemployment and Farm Relief Act, 1931*, and this Act, shall be read and construed as one Act, and this Act may be cited as *The Unemployment and Farm Relief Continuance Act, 1932*.

Construction.
Short title.

22-23 GEORGE V.

CHAP. 14.

An Act to amend the Boards of Trade Act.

[Assented to 14th April, 1932.]

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

R.S.; c. 19.

1. Section three of the *Boards of Trade Act*, chapter nineteen of the Revised Statutes of Canada, 1927, is amended by adding thereto the following subsections:—

“(2) No persons shall within any district in which there is a Board of Trade which is registered under the provisions of this Act, use the words ‘Board of Trade’ or ‘Chamber of Commerce’ as part of the name under which they are incorporated or doing business, or any other words so similar as to be liable to be confused therewith, unless they are incorporated as a body corporate and politic under this Act or under a special or general Act of the Parliament of Canada.

Use of names restricted.

(3) Any person violating the provisions of the preceding subsection shall be guilty of an offence, and shall be liable on summary conviction to a fine not exceeding five hundred dollars and costs, and not less than one hundred dollars and costs, or to imprisonment for a term not exceeding six months, or to both fine and imprisonment.”

Penalty.

2. The provisions of subsection two of section six of the said Act shall apply to any application for incorporation under any special or general Act of Parliament of Canada, with the right to use the names “Board of Trade” or “Chamber of Commerce” or any other name so similar as to be liable to be confused therewith.

Objections to other boards being formed where there are existing boards.

3. Section thirty-nine of the said Act is repealed, and the following is substituted therefor:—

“39. (1) Any Board of Trade duly registered as aforesaid under the provisions of this Act, may become affiliated with the Canadian Chamber of Commerce, on duly complying with all the terms and requirements of that organization, and may be represented at its annual meeting.

Board may affiliate with Canadian Chamber of Commerce.

Election of
delegates.

(2) The delegates or representatives to the annual meeting of the Canadian Chamber of Commerce shall be elected at a general meeting, duly convened, or by the Council of the board of trade desiring such representation as aforesaid."

4. Subsection three of section forty-three of the said Act is repealed, and the following is substituted therefor:—

Duplicates
of annual
summary.

"(3) Each of the said duplicates shall be signed by the secretary of the board of trade."

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King's Most Excellent Majesty.

22-23 GEORGE V.

CHAP. 15.

An Act respecting the Canadian National Railways and to authorize the guarantee by His Majesty of securities to be issued under the Canadian National Railways Financing Act, 1931, No. 2.

[Assented to 14th April, 1932.]

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

1. This Act may be cited as *The Canadian National Railways Guarantee Act, 1931, No. 2.* Short title

2. (1) The Governor in Council may authorize the guarantee of the principal, interest and sinking funds (if any) of the securities (hereinafter called "guaranteed securities") which the Canadian National Railway Company may make or issue from time to time under the provisions of *The Canadian National Railways Financing Act, 1931, No. 2*, such guaranteed securities being limited to an aggregate principal amount at any one time outstanding of \$11,372,498.86. Guarantee.

(2) The guarantee or guarantees may be in such form and on such terms and conditions as the Governor in Council may determine to be appropriate and applicable thereto, and may be signed on behalf of His Majesty by the Minister of Finance or the Acting Minister of Finance, or by such other person as the Governor in Council may from time to time designate, and such signature shall be conclusive evidence for all purposes of the validity of the guarantee and that the provisions of this Act have been complied with. How signed.

(3) Any such guarantee may be either a general guarantee covering the total amount of the issue, or a separate guarantee endorsed on each obligation. Method of guarantee.

(4) With the approval of the Governor in Council, temporary guarantees may be made, to be subsequently replaced by permanent guarantees. Temporary guarantee.

Proceeds
paid to
credit of
Minister of
Finance in
trust.

3. (1) The proceeds of the sale, pledge or other disposition of any guaranteed securities shall be deposited in a bank or banks in a fund to the credit of the Minister of Finance in trust for the Company. The Board of Directors or the Executive Committee of the Company may from time to time authorize application to be made to the Minister of Railways and Canals for the release to the Company of any part of the proceeds so deposited for the purpose of meeting specified authorized expenditures within the respective limits mentioned in section two of *The Canadian National Railways Financing Act, 1931, No. 2*, and the said Minister may in his discretion approve the said application and may request the Minister of Finance to release to the Company the amount or amounts covered by such application or parts thereof for the purposes therein specified.

Immunity of
purchaser.

(2) No purchaser of such guaranteed securities shall be under any obligation to inquire into the application of the proceeds of any issue of guaranteed securities, nor into the observance of any provision of subsection one of this section.

Temporary
advances
by His
Majesty.

4. Pending the issue and disposal of such guaranteed securities, the Governor in Council may from time to time authorize advances to be made to the Company from the Consolidated Revenue Fund, or to be obtained by the Company from persons other than His Majesty, on such terms and conditions as the Governor in Council may approve, such advances to be reimbursed by the Company from the proceeds of the sale, pledge or other disposition of such guaranteed securities.

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22-23 GEORGE V.

CHAP. 16.

An Act to amend the Judges Act

[Assented to 14th April, 1932.]

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

R.S.; c. 105;
1930, c. 27;
1931, c. 37

1. Subsection six of section twenty-one of the *Judges Act*, chapter one hundred and five of the Revised Statutes of Canada, 1927, is hereby amended by striking out the words "requested to sit in review or" in the second and third lines of said subsection and also by striking out the words "except within the limits of the district to which he is assigned" in the third and fourth lines of the said subsection.

Travelling allowances.

2. Paragraph (*d*) of subsection one of section twenty-one of the said Act is amended by adding thereto the following:—

Outside of district.

"and unless the holding of such court is approved by the Attorney General of the province."

Approval by Attorney General.

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22-23 GEORGE V.

CHAP. 17.

An Act to amend The Juvenile Delinquents Act

[Assented to 14th April, 1932.]

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

1. *The Juvenile Delinquents Act*, chapter forty-six of the statutes of 1929, is amended by adding to section thirty-three thereof the following subsection:—

“(4) It shall not be a valid defence to a prosecution under this section that notwithstanding the conduct of the accused the child did not in fact become a juvenile delinquent.”

2. The said Act is further amended by adding to section thirty-seven thereof the following subsection:—

“(3) Application for leave to appeal under this section shall be made within ten days of the making of the conviction or order complained of, or within such further time, not exceeding an additional twenty days, as a Supreme Court judge may see fit to fix, either before or after the expiration of the said ten days.”

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22-23 GEORGE V.

CHAP. 18.

An Act respecting debts due to the Crown.

[Assented to 3rd May, 1932.]

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

1. In any case where, in the opinion of the Minister of Justice, any municipality or corporation, or any public officer or functionary, or any private person or company, is indebted to His Majesty in the right of Canada in any specific sum of money, the Governor in Council may authorize the Minister of Finance to retain by way of deduction or set off the amount of any such indebtedness out of any sum or sums of money which may be due or payable by His Majesty in the right of Canada to any such persons or bodies respectively.

Deduction
of sums
due the
Crown out
of moneys
due or
payable
by the
Crown.

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22-23 GEORGE V.

CHAP. 19.

An Act to amend the Destructive Insect and Pest Act.

[Assented to 3rd May, 1932.]

HIS Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:— R.S., c. 47.

1. Section three of the *Destructive Insect and Pest Act*, chapter forty-seven of the Revised Statutes of Canada, 1927, is repealed, and the following is substituted therefor:—

“3. The Governor in Council may make such regulations as are deemed expedient to prevent the introduction or admission into Canada, or the spreading therein, or the shipment beyond her borders, of any insect, pest, or disease destructive to vegetation.” Regulations.

2. Paragraph (a) of section four of the said Act is repealed and the following is substituted therefor:—

“(a) for the prohibition generally, or from any particular country or place, of the introduction or admission into Canada, or the shipment beyond her borders, of any vegetable or other matter likely to introduce any such insect, pest, or disease;” Scope of regulations.

3. Section four of the said Act is amended by inserting the following as paragraph (i) and by re-lettering present paragraph (i) as paragraph (j):—

“(i) for the inspection of, or the granting of health certificates, or both, for any vegetable or other matter, before export to any foreign country, or for domestic purposes.” Inspection and granting of health certificates

4. The said Act is further amended by adding thereto the following section:—

“11. Notwithstanding the generality of the terms of this Act, the foregoing provisions shall be construed as extending only to such insects, pests, or diseases destructive to Rights of provinces or of Governor in Council not affected.

vegetation, as are dealt with, from time to time, by the Governor in Council by regulation, and nothing herein contained shall be construed to prevent the legislature of any province from making laws in relation to any such insect, pest, or disease not so dealt with by the Governor in Council, or to render repugnant to this Act any law made by the Legislature of a province in relation to any such insect, pest, or disease not so dealt with by the Governor in Council; but the power of the Governor in Council shall nevertheless be construed as ample from time to time to extend the application of this Act and regulations made thereunder, to any insect, pest or disease aforesaid, notwithstanding the existence of any provincial law relating thereto."

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22-23 GEORGE V.

CHAP. 20.

An Act to amend The Opium and Narcotic Drug Act, 1929.

[Assented to 3rd May, 1932.]

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

1. Paragraph (d) of section two of *The Opium and Narcotic Drug Act, 1929*, chapter forty-nine of the Statutes of 1929, is repealed, and the following is substituted therefor:—

“(d) ‘drug’ means and includes any substance mentioned in the schedule to this Act whether or not the same be produced in whole or in part by a synthetic process, and whether it be alone or in conjunction with any other substance mentioned in the schedule to this Act, or which may be added to such schedule under the authority of this Act;”

“Drug”
defined.

2. Paragraph (i) of section two of the said Act is repealed, and the following is substituted therefor:—

“(i) ‘opium’ means and includes crude opium, powdered opium and opium wholly or partially prepared for any use or purpose, whatever its content of morphine may be;”

“Opium”
defined.

3. Paragraph (a) of subsection one of section eight of the said Act is repealed, and the following is substituted therefor:—

“(a) Any retail druggist may have in possession or may sell or distribute preparations and remedies which do not contain more than two grains of opium or more than one-fourth of a grain of morphine, or any salt or derivative of them, or more than two grains of soft extract of cannabis sativa or its equivalent, in one fluid ounce, or, of a solid or semi-solid preparation, in one avoirdupois ounce, or liniments, ointments, or other preparations which are prepared for external

Liniments,
ointments
and other
preparations
excepted.

skin use only and do not contain cocaine or any of its salts or preparations, if any such remedy or preparation contains active medicinal drugs other than narcotic in sufficient proportion to confer upon the preparation or remedy valuable medicinal qualities, other than those possessed by the narcotic drugs alone;"

4. Paragraph (a) of subsection one of section nine of the said Act is repealed, and the following is substituted therefor:—

Neglect to
keep records.

"9. (1) any person who
(a) manufactures, imports or exports any drug mentioned in the schedule to this Act or sells or distributes any drug mentioned in Part I thereof, and neglects or refuses to keep the record required by any regulation made under this Act; or"

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

Drugs seized
forfeited
unless it is
established
that no
offence was
committed
in connection
therewith.

"20. Any opium pipe or other article referred to in section nineteen and any drug seized under the provisions of this Act, or found, shall, at the expiration of three months from such seizure or finding, be forfeited to His Majesty and delivered to the Minister to be disposed of as he may direct, unless within the said period of three months it is established to the satisfaction of the court that no offence has been committed in connection therewith, provided, however, that the provisions of the *Customs Act* shall apply to any drug unlawfully imported into Canada."

6. The said Act is further amended by inserting the following section immediately after section twenty-seven thereof:—

Application
of certain
sections of
the Act.

"27A. The provisions of paragraph (a) of section four, except so far as they relate to importation or exportation, and of paragraphs (d) and (e) of the said section four, and sections five, six, seven, eight, ten, eleven, twelve, thirteen, sixteen and seventeen, of this Act, do not apply to the drugs mentioned in Part II of the schedule to this Act."

7. The schedule to the said Act is repealed, and the following is substituted therefor:—

"SCHEDULE.

PART I.

Schedule
amended

(1) Opium or its preparations, or any opium alkaloids, or their derivatives, or salts or preparations of opium alkaloids or their derivatives, but not including codeine or apomorphine,

(2) Coca leaf, crude cocaine, or their preparations, or any coca alkaloids or their derivatives, or salts or preparations of coca alkaloids or their derivatives,

(3) Cannabis Sativa and its preparations,

(4) Eucaine or any salts or compounds thereof, and, without in any way limiting the generality of (1), (2), (3) and (4) above,

(5) Morphine, its derivatives, or any salts or compounds thereof, but not including codeine or apomorphine,

(6) Diacetylmorphine and the other esters of morphine and their salts,

(7) Dihydrohydroxycodone (of which the substance registered under the name of eucodal is a salt),

Dihydrocodeinone (of which the substance registered under the name of dicodide is a salt),

Dihydromorphinone (of which the substance registered under the name of dilaudide is a salt),

Acetyldihydrocodeinone or acetyldemethylodihydrothebaine (of which the substance registered under the name of acedicone is a salt),

Dihydromorphine (of which the substance registered under the name of paramorfan is a salt),

Their esters and the salts of any of these substances and of their esters;

Morphine-N-oxide (registered trade name genomorphine), the morphine-N-oxide derivatives, and the other pentavalent nitrogen morphine derivatives.

(8) Ecgonine, thebaine and their salts, benzylmorphine and the other ethers of morphine, and their salts, except methylmorphine (codeine) and its salts.

PART II.

Methylmorphine (codeine) and its salts."

8. This Act shall come into force upon a date to be fixed by proclamation of the Governor in Council.

Date of coming into force.

22-23 GEORGE V.

CHAP. 21.

An Act to amend the Patent Act.

[Assented to 3rd May, 1932.]

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

R.S., c. 150;
1923, c. 4;
1930, c. 34.

1. Section twenty-two of the *Patent Act*, chapter one hundred and fifty of the Revised Statutes of Canada, 1927, is repealed and the following is substituted therefor:—

“22. (1) Where the Commissioner has before him two or more applications, each of which he considers would be allowable if each did not contain one or more claims describing as new and claiming an exclusive property or privilege in things or combinations so nearly identical that separate patents to different patentees should not be granted on such applications, he shall forthwith notify each of the applicants of the apparent conflict and transmit to each a copy of all the conflicting claims, together with a copy of this section.

Conflicting
applications:
notice to
applicants.

(2) Each of the applicants, within a time to be fixed by the Commissioner, shall either avoid the conflict by the amendment or cancellation of his claims or deposit with the Commissioner in a sealed envelope duly endorsed an affidavit setting out the date at which he conceived the idea of the invention described in the claims in conflict, the date and mode in which the idea was first formulated and/or disclosed by him in writing or verbally and the dates and nature of the successive steps subsequently taken by him to develop and perfect the said invention from time to time up to the date of the filing of his application for patent.

Statements
of date of
invention to
be filed.

(3) No envelope containing any such affidavit as aforesaid shall be opened nor shall the affidavit be permitted to be inspected unless there continues to be a conflict between two or more applicants, in which event all the envelopes shall be opened contemporaneously and the Commissioner

Opening
envelopes
containing
statements.

shall transmit copies of the affidavits to the several applicants, at the same time stating to which of them he would, on the facts stated in the several affidavits, allow the claims in conflict.

Disposition of applications unless proceedings taken in Exchequer Court.

(4) The claims in conflict shall be rejected or allowed accordingly unless within a time to be fixed by the Commissioner and notified to the several applicants one of them commences proceedings in the Exchequer Court of Canada for the determination of their respective rights, in which event the Commissioner shall suspend further action on the applications in conflict until in such action it has been determined either

(i) that there is in fact no conflict between the claims in question, or

(ii) that none of the applicants is entitled to the issue of a patent containing the claims in conflict as applied for by him, or

(iii) that a patent or patents, including substitute claims approved by the Court, may issue to one or more of the applicants, or

(iv) that one of the applicants is entitled as against the others to the issue of a patent including the claims in conflict as applied for by him.

Sending files to Court.

(5) The Commissioner shall, upon the request of any of the parties to a proceeding under this section transmit to the Exchequer Court of Canada the papers on file in his office relating to the applications in conflict."

2. Section thirty-five of the said Act is repealed and the following is substituted therefor:

Invalid claims not to affect valid claims.

"**35.** When in any action or proceeding respecting a patent which contains two or more claims, one or more of such claims are held to be valid but another or others invalid and void, effect shall be given to the patent as if it contained only the valid claim or claims."

3. Section thirty-seven of the said Act is repealed and the following is substituted therefor:

Impeachment of patents or patent claims.

"**37.** (1) A patent or any claim in a patent may be declared invalid or void by the Exchequer Court of Canada at the instance of the Attorney General of Canada or at the instance of any interested person.

Declaration as to infringement.

(2) If any person has reasonable cause to believe that any process used or proposed to be used, or any article made, used or sold or proposed to be made, used or sold by him might be alleged by any patentee to constitute an infringement of an exclusive property or privilege granted thereby, he may bring an action in the Exchequer Court of Canada against the patentee for a declaration that such process or article does not or would not constitute an infringement of such exclusive property or privilege.

(3) Except the Attorney General of Canada or of a province, the plaintiff in any action under this section shall, before proceeding therein, give security for the costs of the patentee in such sum as the Court may direct, but a defendant in any action for the infringement of a patent shall be entitled to obtain a declaration under this section without being required to furnish any security."

Security for costs.

4. The following section is inserted in the said Act as section thirty-seven A:—

"37A. (1) No patent or claim in a patent shall be declared invalid or void on the ground that, before the invention therein defined was made by the inventor by whom the patent was applied for, it had already been known or used by some other inventor, unless it is established either that, before the date of the application for the patent such other inventor had disclosed or used the invention in such manner that it had become available to the public, or that, before the issue of the patent, such other inventor had made an application for a patent by virtue of which he is entitled to priority or upon which conflict proceedings should have been directed.

Prior inventor must disclose his invention to establish priority.

(2) Notwithstanding the provisions of section nineteen of this Act, an application for a patent on an invention for which a patent has already issued under this Act shall be rejected unless the applicant or his assignee within a time to be fixed by the Commissioner commences an action to set aside the prior patent, so far as it covers the invention in question, but if such action is so commenced and diligently prosecuted, the application shall not be deemed to have been abandoned unless the applicant fails to proceed upon it within a reasonable time after the action has been finally disposed of, and if the application was filed within one year from the date of the filing of the application for the prior patent, the provisions of subsection one of this section shall not apply to the determination of the respective rights of the parties to such action."

Two patents for same invention prohibited.

5. This Act shall come into force on the first day of September, 1932.

Date of coming into force.

22-23 GEORGE V.

CHAP. 22.

An Act to amend the Petroleum and Naphtha Inspection Act.

[Assented to 3rd May, 1932.]

HIS Majesty, by and with the advice and consent of R.S., c. 159.
the Senate and House of Commons of Canada, enacts
as follows:—

1. Paragraph (b) of section ten of the *Petroleum and Naphtha Inspection Act*, chapter one hundred and fifty-nine of the Revised Statutes of Canada, 1927, is repealed, and the following is substituted therefor:—

“(b) if it weighs more than eight pounds and four-tenths of a pound per gallon; or”

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22-23 GEORGE V.

CHAP. 23.

An Act to amend the Yukon Quartz Mining Act.

[Assented to 3rd May, 1932.]

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

R.S., c. 217;
1928, c. 53;
1929, c. 63.

1. Section fifty-four of the *Yukon Quartz Mining Act*, chapter two hundred and seventeen of the Revised Statutes of Canada, 1927, is amended by adding thereto the following subsection:—

“(3) 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 which 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. All regulations made under this section shall be laid before both Houses of Parliament within the first fifteen days of the session next after the date thereof.”

Moratorium
on annual
representa-
tion work.

2. The said section fifty-four is further amended by adding thereto the following subsections:—

“(4) Should it be proved to the satisfaction of the mining recorder that any person has,

Misrepresenta-
tion, or
removing, or
destroying
posts or
marks.

(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

Order of
mining
recorder.

for, or a certificate of work in connection with, any mineral claim for any length of time the mining recorder deems advisable.

Appeal.

“(5) An appeal shall lie from any such decision of the mining recorder to the Gold Commissioner.”

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22-23 GEORGE V.

CHAP. 24.

An Act respecting the Canadian National Railways and to provide for an extension of the time for the construction or completion of certain lines of railway.

[Assented to 13th May, 1932.]

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

1. The time for the construction or completion of each line of railway mentioned or described in the schedule to this Act, as fixed in the Act authorizing such construction or completion, is hereby extended until the thirty-first day of August, one thousand nine hundred and thirty-four. Extension of time for construction.

SCHEDULE.

Line of Railway.	Act authorizing construction or completion.
(a) From a point at or near Bulwark to a point in Township 38 or 39, Range 8, West of the Fourth Meridian, in the Province of Alberta.	Statutes of Canada, 1929, Chapter 19, Section 1.
(b) From a point near Central Butte or Mawer to a point in Township 18 or 19, Range 10, 11 or 12, West of the Third Meridian in the Province of Saskatchewan.	Statutes of Canada, 1929, Chapter 20, Section 1.
(c) From a point on the Dundas Subdivision near Brantford to a point on the Dunnville Subdivision near Cainsville, in the Province of Ontario.	Statutes of Canada, 1929, Chapter 21, Section 1.
(d) From Hemaruka to Scapa, in the Province of Alberta.	Statutes of Canada, 1929, Chapter 25, Section 1.
(e) From Neidpath to a point on the Canadian Pacific Railway near Swift Current, in the Province of Saskatchewan.	Statutes of Canada, 1929, Chapter 28, Section 1.
(f) From New Westminster to a point on Lulu Island, in the Province of British Columbia, with Branches therefrom.	Statutes of Canada, 1929, Chapter 29, Section 1.
(g) From Ridgedale, in the Province of Saskatchewan, thirty miles toward The Pas, in the Province of Manitoba.	Statutes of Canada, 1929, Chapter 30, Section 1.

SCHEDULE—*Concluded*

Line of Railway.	Act authorizing construction or completion.
<i>(h)</i> From St. Walburg, in the Province of Saskatchewan, to Bonnyville, in the Province of Alberta.	Statutes of Canada, 1929, Chapter 32, Section 1.
<i>(i)</i> From a point on the Sudbury Branch to a point in the Township of Fairbank, in the Province of Ontario.	Statutes of Canada, 1929, Chapter 33, Section 1.
<i>(j)</i> From Sunnybrae to Guysborough, in the Province of Nova Scotia.	Statutes of Canada, 1929, Chapter 34, Section 1.
<i>(k)</i> From a point near Swift Creek to a point near Tête Jaune, in the Province of British Columbia.	Statutes of Canada, 1929, Chapter 35, Section 1.
<i>(l)</i> From a point near Unity to a point near the Provincial Boundary in Township 36 or 37, in the Province of Saskatchewan.	Statutes of Canada, 1929, Chapter 36, Section 1.

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22-23 GEORGE V.

CHAP. 25.

An Act respecting the Canadian National Railways and to authorize the provision of moneys to meet expenditures made and indebtedness incurred during the calendar year 1932.

[Assented to 13th May, 1932.]

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

1. This Act may be cited as *Canadian National Railways Financing Act, 1932.* Short title.

2. Subject to the provisions of this Act and the approval of the Governor in Council, the Canadian National Railway Company (hereinafter called "the Company") may issue notes, obligations, bonds, debentures or other securities (hereinafter called "securities") to provide the amounts necessary to meet expenditures made or indebtedness incurred during the calendar year 1932 (where amounts available from net operating income or investments may be insufficient) by or on behalf of the Company or any Company comprised in the Canadian National Railways (as defined in chapter ten of the Statutes of Canada, 1929), or any company controlled by stock ownership or otherwise by any company comprised in the Canadian National Railways, or by the Company in respect of any of the Canadian Government Railways entrusted to the Company, or any one or more of such companies, on any or all of the following accounts, such expenditures or indebtedness being herein called "authorized expenditures",—

Power to borrow.

(a) Net income deficits, including profit and loss, but not including interest on Dominion Government advances, not exceeding \$42,784,610.13;

(b) Equipment principal payments, sinking funds, miscellaneous maturing or matured notes and other obligations secured or unsecured, not exceeding \$11,681,651.87;

(c) Construction and betterments, including coordinations; acquisition of real or personal property, and working capital, not exceeding \$7,033,738.00.

Provided, however, that for such purposes the aggregate principal amount at any one time outstanding of the securities which the Company is hereby authorized to make and issue from time to time shall not exceed the sum of \$61,500,000.00; and provided also that should the net income deficit mentioned in paragraph (a) of this section exceed the amount therein mentioned any such deficiency may be met from the amount mentioned in paragraph (c) which latter amount shall be reduced accordingly.

Approval by
Governor in
Council.

3. The Company may, subject to the approval of the Governor in Council, from time to time approve or decide:

- (a) The kind of securities to be issued and the form and terms thereof;
- (b) The currency or currencies in which any issue or parts thereof may be made;
- (c) The times, manner and amount of the issue or issues;
- (d) The terms and conditions of any sale, pledge or other disposition of the securities;
- (e) The securing, if deemed desirable, of the securities by mortgage, deed of trust or other instrument and the manner thereof, and the form and terms of any such indenture and the trustee or trustees thereof;
- (f) The manner, terms and conditions of any temporary financing and the expediency thereof and the form and terms of temporary securities.

Competitive
bids.

4. (1) The Company shall adopt the principle of competitive bids or tenders in respect of any sale of the securities, but, subject to the provisions of paragraph (d) of section three of this Act, shall not be bound to accept either the highest or lowest or any bid or tender made or obtained, nor be precluded from negotiating for better prices or terms.

Proviso.

Temporary
financing.

(2) This section shall not apply to temporary financing in whole or in part by way of pledge or otherwise of the securities either in permanent or temporary form, where the Governor in Council approves such temporary financing and the terms thereof.

Refunding
of temporary
loans.

5. Should temporary loans be made or negotiated within the limits aforesaid, securities may subsequently be issued under the provisions of this Act to renew, refund or adjust such loans or any part thereof.

6. The Company may aid and assist, in any manner, any other or others of the said companies, which expression as used here and hereinafter shall include the Canadian Government Railways entrusted as aforesaid, and, without limiting the generality of the foregoing, may for its own requirements and also for the requirements of any or all of such other companies from time to time:—

Power to
aid other
companies.

- (a) Apply the proceeds of any issue of securities, or the amount of loans received by virtue of this Act, in meeting authorized expenditures on its own account or on account of any or all of such other companies;
- (b) Make advances for the purpose of meeting authorized expenditures to any or all of such other companies, upon or without any security, at discretion.

OTTAWA: Printed by FREDERICK ALBERT ACLAND, Law Printer to the
King's Most Excellent Majesty.

22-23 GEORGE V.

CHAP. 26.

An Act respecting the Canadian National Railways and to authorize the guarantee by His Majesty of securities to be issued under the Canadian National Railways Financing Act, 1932.

[Assented to 13th May, 1932.]

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

1. This Act may be cited as *The Canadian National Railways Guarantee Act, 1932.* Short title.

2. (1) The Governor in Council may authorize the guarantee of the principal, interest and sinking funds (if any) of the securities (hereinafter called "guaranteed securities") which the Canadian National Railway Company may make or issue from time to time under the provisions of *The Canadian National Railways Financing Act, 1932*, such guaranteed securities being limited to an aggregate principal amount at any one time outstanding of \$61,500,000.00. Guarantee.

(2) The guarantee or guarantees may be in such form and on such terms and conditions as the Governor in Council may determine to be appropriate and applicable thereto, and may be signed on behalf of His Majesty by the Minister of Finance or the Acting Minister of Finance, or by such other person as the Governor in Council may from time to time designate, and such signature shall be conclusive evidence for all purposes of the validity of the guarantee and that the provisions of this Act have been complied with. How signed.

(3) Any such guarantee may be either a general guarantee covering the total amount of the issue, or by a separate guarantee endorsed on each obligation. Method of guarantee.

Temporary
Guarantee.

(4) With the approval of the Governor in Council, temporary guarantees may be made, to be subsequently replaced by permanent guarantees.

Proceeds paid
to credit of
Minister of
Finance in
trust.

3. (1) The proceeds of the sale, pledge or other disposition of any guaranteed securities shall be deposited in a bank or banks in a fund to the credit of the Minister of Finance in trust for the Company. The Board of Directors or the Executive Committee of the Company may from time to time authorize application to be made to the Minister of Railways and Canals for the release to the Company of any part of the proceeds so deposited for the purpose of meeting specified authorized expenditures within the respective limits mentioned in section two of *The Canadian National Railways Financing Act, 1932*, and the said Minister may in his discretion approve the said application and may request the Minister of Finance to release to the Company the amount or amounts covered by such application or parts thereof for the purposes therein specified.

Immunity of
purchaser

(2) No purchaser of such guaranteed securities shall be under any obligation to inquire into the application of the proceeds of any issue of guaranteed securities, nor into the observance of any provision of subsection one of this section.

Temporary
advances by
His Majesty.

4. Pending the issue and disposal of such guaranteed securities, the Governor in Council may from time to time authorize advances to be made to the Company from the Consolidated Revenue Fund, or to be obtained by the Company from persons other than His Majesty, on such terms and conditions as the Governor in Council may approve, such advances to be reimbursed by the Company from the proceeds of the sale, pledge or other disposition of such guaranteed securities.

22-23 GEORGE V.

CHAP. 27.

An Act to amend the Companies Act.

[Assented to 13th May, 1932.]

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

R.S., c. 27;
1930, c. 9;
1931, c. 26.

1. This Act may be cited as *The Companies Act Amendment Act, 1932*.

Short title.

2. In this Act the expression "the principal Act" means the *Companies Act*, chapter twenty-seven of the Revised Statutes of Canada, 1927, as amended by chapter nine of the Statutes of 1930, and by chapter twenty-six of the Statutes of 1931.

Definition.

3. Subsection one of section eighty-five of the principal Act, as enacted by section twenty-five of chapter nine of the Statutes of 1930, is repealed and the following is substituted therefor:—

"§5. (1) Every mortgage or charge created after the first day of January, one thousand nine hundred and eighteen, by a company, and being either

- (a) a mortgage or charge for the purpose of securing any issue of debentures;
- (b) a mortgage or charge on uncalled share capital of the company;
- (c) a floating charge on the undertaking or property of the company save as hereinafter provided in this subsection;
- (d) a mortgage or charge on calls made but not paid;
- (e) a mortgage or charge on goodwill, on any patent or licence under a patent, on any trade-mark or on any copyright or licence under a copyright;

Registration
of mortgages
and charges.

shall, so far as any security on the company's property or undertaking is thereby conferred, be void against the liquidator and any creditor of the company, unless the prescribed particulars of the mortgage or charge, together with an original of the instrument, if any, by which the

Exception.

mortgage or charge is created or evidenced, are delivered to or received by the Secretary of State, for registration in manner required by this Act, within thirty days after the date of its creation, but without prejudice to any contract or obligation for repayment of the money thereby secured: Provided that this subsection shall not apply to a floating charge created by a company on its accounts receivable or any of them after the date hereinbefore in this subsection mentioned. In this subsection the words 'accounts receivable' shall extend to and include existing or future book debts, accounts, claims, moneys and choses in action or any class or part thereof and all contracts, securities, bills, notes, books, instruments and other documents securing, evidencing or in any way relating to the same or any of them, but shall not include uncalled share capital of the company or calls made but not paid."

4. The principal Act is further amended by adding thereto the following Part:—

"PART V.

REGISTRATION AND TRANSFER OFFICES.

"Company".

"213. In this part, unless the context otherwise requires, 'company' means any company incorporated by or under the authority of any Act of the Parliament of Canada or of the Legislature of the late Province of Canada.

Registration and transfer offices within and without Canada.

"214. (1) It is hereby declared and enacted that every company has, and always has had, the capacity to maintain offices for the registration and transfer of shares of its capital stock and/or of the bonds, debentures, debenture stock and other securities issued by the company at any place within or beyond the limits of Canada.

Books for entry of copy of particulars of registrations and transfers.

(2) Unless the books for the registration and transfer of the shares of the capital stock and of the bonds, debentures, debenture stock and other securities of any company are kept at the chief place of business of the company in Canada, a book or books shall be kept at such chief place of business of the company or at the place in Canada where one of its branch registration and transfer offices is maintained, in which shall be entered a copy of the particulars of every registration and transfer of shares of its capital stock and/or of the bonds, debentures, debenture stock and other securities issued by the company; but entry of the particulars of every such registration and transfer in a register or branch register kept elsewhere than at such chief place of business of the company shall, for all purposes, be a complete and valid registration and transfer."

22-23 GEORGE V.

CHAP. 28.

An Act to amend the Criminal Code (Trustees defined).

[Assented to 13th May, 1932.]

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

R.S., c. 36;
1930, c. 11;
1931, c. 28.

1. Paragraph forty-two of section two of the *Criminal Code*, chapter thirty-six of the Revised Statutes of Canada, 1927, is repealed and the following is substituted therefor:—

“(42) ‘trustee’ means a trustee on some express trust created by some deed, will or instrument in writing, or by parole, or by any Act, or otherwise, and includes the heir or personal representative of any such trustee, and every other person upon or to whom the duty of such trust has devolved or come, whether by appointment of a court or otherwise, and also an executor or administrator, and an official manager, assignee, liquidator or other like officer acting under any Act relating to joint stock companies, bankruptcy or insolvency, and any person who is, by the law of the province of Quebec, an *administrateur* or *fidéicommissaire*; and ‘trust’ includes whatever is by that law an *administration* or *fidéicommis*.”

‘Trustee’
defined.

22-23 GEORGE V.

CHAP. 29.

An Act respecting the Eastern Bank of Canada.

[Assented to 13th May, 1932.]

WHEREAS the Eastern Bank of Canada, (hereinafter called "the Bank"), was incorporated by chapter seventy-eight of the Statutes of 1928; and whereas the Bank did not commence business; and whereas the subscribers to the capital stock of the Bank, other than the late Angus McLean, deceased, of Bathurst, New Brunswick, have been refunded the amount paid by them on their respective subscriptions; and whereas the affairs of the Bank have been wound up and the executors of the estate of the said Angus McLean, deceased, have made application to the Minister of Finance for the payment out of the Bank Circulation Redemption Fund of the amount at the credit of the Bank; and whereas the sum of five thousand dollars deposited by the Bank under the provisions of the *Bank Act* in the Bank Circulation Redemption Fund represents moneys subscribed and paid for shares in the capital stock of the Bank by the said Angus McLean, deceased; and whereas it is expedient to obtain the authority of Parliament for the payment of the amount of the Bank Circulation Redemption Fund at the credit of the Bank to the executors of the said Angus McLean, deceased: Therefore His Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Preamble.
1928, c. 78.

R.S., c. 12,
s. 64.

1. The Minister of Finance may pay to the executors of the estate of the late Angus McLean, of Bathurst, New Brunswick, the amount of the Bank Circulation Redemption Fund at the credit of the Eastern Bank of Canada.

Payment
authorized.

2. The Minister of Finance shall be under no obligation to see to the proper application in any way of the amount so returned.

Minister
not bound
to see to
application

22-23 GEORGE V.

CHAP. 30.

An Act to amend the Excise Act.

[Assented to 13th May, 1932.]

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

R.S., c. 60;
1928, c. 24;
1929, c. 41;
1930, c. 18.

1. Paragraph (h) of section two of the *Excise Act*, chapter sixty of the Revised Statutes of Canada, 1927, is repealed and the following is substituted therefor:—

“(h) ‘provincial analyst’ means any analyst appointed by the Government of any province and having authority to make any analysis for any public purpose.”

“Provincial analyst.”

2. Section ten of the said Act, as enacted by section two of chapter twenty-four of the statutes of 1928, is amended by adding thereto the following subsection:—

Power to refuse or suspend licence.

“(2) The Minister may authorize the Commissioner of Excise to exercise on his behalf the powers, or any of them, conferred on him by this section.”

Commissioner may act.

3. Subsection one of section one hundred and twenty-seven of the said Act, as enacted by section four of chapter twenty-four of the statutes of 1928, is repealed and the following is substituted therefor:—

“127. (1) Every penalty or forfeiture incurred and any punishment for any offence against the provisions of this Act, or any other law relating to excise, may be sued for and recovered, or may be imposed (a) before the Exchequer Court of Canada or any court of record having jurisdiction in the premises; or (b) if the amount or value of such penalty or forfeiture does not exceed five thousand dollars, and such punishment does not exceed twelve months imprisonment with hard labour, whether the offence in respect of which it has been incurred is declared by this

Recovery of penalties.

In Exchequer Court.

By summary conviction.

Act to be an indictable offence or not, by summary conviction, under the provisions of the *Criminal Code* relating thereto, before 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 or before any functionary, tribunal or person empowered by the proper legislative authority to perform acts usually required to be done by two or more justices of the peace and acting within the local limits of his or its jurisdiction." 1928, c. 24, s. 4 am.

Procedure.

4. (1) Paragraph (b) of section one hundred and twenty-eight of the said Act is repealed and the following is substituted therefor:—

Imprisonment adjudged on summary conviction.

"(b) if such term of imprisonment does not exceed twelve months, exclusive of any term of imprisonment which may be 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, by summary conviction under the provisions of the *Criminal Code*, relating thereto, 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, or by any functionary, tribunal or person empowered by the proper legislative authority to perform acts usually required to be done by two or more justices of the peace and acting within the local limits of his or its jurisdiction."

Procedure.

Who may try offence.

5. Section one hundred and twenty-nine of the said Act is repealed and the following is substituted therefor:—

"129. If any prosecution in respect of an offence against any provisions of this Act is brought before a police or stipendiary magistrate, or before any two justices of the peace, no other justice of the peace shall sit or take part therein: Provided, however, that in any city or district in which there are more than one police or stipendiary magistrate such prosecution may be tried before any one of such police or stipendiary magistrates."

6. Subsection one of section one hundred and thirty-three of the said Act is repealed and the following is substituted therefor:—

Penalties belong to Crown.

"133. (1) All forfeitures and penalties under this Act, after deducting the expenses in connection therewith, shall belong to His Majesty for the public uses of Canada; Provided that (a) the net proceeds of any penalty or forfeiture imposed or made in respect of persons licensed under this Act, or any portion thereof, may be divided between and

Division among persons seizing.

paid to any officer holding a rank not higher than that of special exciseman, and any person having given information or otherwise aided in effecting the condemnation of the goods or things seized or the recovery of the penalty; and

(b) the net proceeds of any penalty or forfeiture imposed or made in respect of persons not licensed under this Act, or any portion thereof may be divided between and paid to any officer by whom the seizure was made or the information given on which the prosecution was founded, and any person having given information or otherwise aided in effecting the condemnation of the goods or things seized or the recovery of the penalty; and such division and payment may in such cases be made in such proportions as the Governor in Council in any case or class of cases directs and appoints.”

Idem.

7. Subsection four of section one hundred and sixty-seven of the said Act, as enacted by section eight of chapter eighteen of the statutes of 1930, is repealed and the following is substituted therefor:—

“(4) No spirits subject to excise, which have not been warehoused for at least two years, except that class of spirits commonly known as gin, shall be entered for consumption: Provided, however, that spirits when testing not less than fifty per centum over-proof may be entered ex-warehouse for consumption at any date after manufacture if sold and delivered for scientific purposes only to any university, scientific or research laboratory approved by the Minister, or to druggists as defined in section one hundred and fifty of this Act, for use in preparing, manufacturing, compounding or dispensing medicines and pharmaceutical preparations under regulations to be made by the Minister.”

When spirits may be entered for consumption.

8. Section one hundred and sixty-eight of the said Act is repealed and the following is substituted therefor:—

“168. The Governor in Council may, by regulation, fix the quantity or the mode of determining the quantity of spirits, which shall be held to be equivalent to any assigned weight of molasses.”

Equivalent how determined

9. Section two hundred and nineteen of the said Act, as enacted by chapter eighteen of the statutes of 1930, is repealed and the following is substituted therefor:—

“219. There shall be imposed, levied and collected the following duties of excise on all malt, which shall be paid to the Collector, as by this Act provided, that is to say:—

Duties of excise on every pound of screened malt.

(a) On every pound of screened malt (malt from which the coomings have been removed) manufactured in Canada, subject to excise regulations with respect to

absorption

absorption of moisture in warehouse, three cents: Provided that malt may be removed from a malt-house to a distillery in bond and the duty on such malt may be remitted upon proof satisfactory to the Department that such malt has been used solely for the production of spirits, in which production no other material than malt is used; and provided further that malt used in any licensed bonded manufactory, in the manufacture of malt extract or other similar medicinal preparation approved by the Department or in the preparation of any malt product approved by the Governor in Council may have duty thereon remitted under such regulations as the department establishes.

On every pound of malt imported.

(b) On every pound of malt imported into Canada and warehoused, when taken out of bond for consumption, an excise duty of three cents: Provided that malt imported into Canada, crushed or ground, shall be subject to a duty of five cents per pound."

Removal of tobacco in bond.

10. Section three hundred and ten of the said Act is hereby repealed.

11. Subsection one of section one hundred and seventy-six of the French version of the said Act is amended by repealing the last eleven lines thereof and substituting the following therefor:—

Peine pour distillation sans permis.

«est coupable d'un acte criminel et passible, après déclaration sommaire de culpabilité, pour la première contravention, d'une amende de deux cents dollars au moins et de deux mille dollars au plus, et d'un emprisonnement d'un à douze mois, avec ou sans travaux forcés, et à défaut de paiement de l'amende, d'un autre emprisonnement de six à douze mois, et, pour toute récidive, d'une amende de cinq cents dollars au moins et de deux mille dollars au plus et d'un emprisonnement, avec travaux forcés, de six à douze mois, et, à défaut de paiement de l'amende, d'un autre emprisonnement de même durée que celui déjà imposé par la cour pour la récidive.»

12. Subsection one of section two hundred and four of the French version of the said Act is repealed and the following is substituted therefor:—

Ajouter des matières sans en faire rapport.

"204. (1) Tout brasseur qui ajoute au malt apporté dans sa brasserie, de la farine, des grains bruts ou autres matières, ou qui met dans sa cuve, matière ou mélange avec son moût du sirop, du sucre ou d'autre matière saccharine, sans en faire un rapport fidèle au préposé qu'il appartient, ou sans l'inscrire dans les livres ou dans les comptes tenus ou qu'il est tenu de tenir en vertu des règlements établis en exécution de la présente loi, encourt, pour la

première contravention, une amende de cent dollars, et, ^{Amende.} pour toute récidive, une amende de deux cents dollars au moins et de trois cents dollars au plus.”

13. Section three hundred and forty-eight of the French version of the said Act, is amended by repealing the last five lines thereof and substituting the following therefor:—
“encourt, pour chaque contravention, une amende de deux ^{Peine.} cents dollars au moins et de mille dollars au plus; et tous les articles sujets à l'accise trouvés dans l'établissement où la contravention a été commise sont confisqués au profit de la Couronne et traités en conséquence.”

OTTAWA: Printed by FREDERICK ALBERT ACLAND, Law Printer to the
King's Most Excellent Majesty.

22-23 GEORGE V.

CHAP. 31.

An Act to amend the Fish Inspection Act.

[Assented to 13th May, 1932.]

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

R.S., c. 72.
1929, c. 43;
1930 (1), c. 22.

1. Subsection one of section three of the *Fish Inspection Act*, chapter seventy-two of the Revised Statutes of Canada, 1927, as enacted by chapter twenty-two of the statutes of 1930 (First Session), is repealed, and the following is substituted therefor:—

“3. (1) This Act shall apply to pickled herring, pickled alewives, pickled mackerel and pickled salmon, other than mild cured salmon, and the containers used, or intended to be used, for packing and marketing such fish.”

Application
of Act.

2. Subsection one of section four of the said Act is amended by adding thereto the following paragraphs:—

Regulations.

“(g) to prescribe the size or sizes of containers in which oysters may be shipped or taken from any province in Canada, and how such containers shall be marked;

“(h) to provide for the grading and inspection of oysters;

“(i) to prescribe how incorrectly marked containers of oysters shall be re-marked and dealt with.”

3. Subsections one and two of section eight of the said Act are repealed and the following are substituted therefor:—

“8. (1) All containers used for packing such fish as come under the provisions of this Act and such other fish as may hereafter come under its provisions, shall be made and marked by the maker in accordance with the regulations, and such containers shall not be used, sold, bought or shipped unless they have been inspected and marked by an inspecting officer. Provided that boxes for smoked

Containers
must be
inspected.

herring and boxes for dry salted herring need not be inspected and marked until they have been packed and made ready for shipment.

Fish must
be inspected.

(2) Such fish as come under the provisions of this Act shall be cured, graded and packed, and the containers thereof marked by the packer in accordance with the regulations, and such fish shall not be sold, bought or shipped unless they have been inspected and the containers thereof marked by an inspecting officer."

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

Imported
fish.

"9. (1) All fish imported into Canada from other countries shall be packed in containers of a similar character and equal quality to those required in this Act and shall be clearly marked with the kind, grade and weight of fish they contain, and with the name of the country of origin, including the name and address of the packer, or the licence number of the packer."

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

Penalty for
altering
official marks.

"15. Any person who alters, destroys, erases or falsifies any declaration or other document, or any marks placed on the containers by an inspecting officer, prescribed for use under the provisions of this Act, or under the regulations, shall be liable to a penalty of not less than twenty dollars and costs, and in default of payment to imprisonment for a term of not less than two months, or both, and not more than five hundred dollars or six months' imprisonment or both."

Commence-
ment of Act.

6. This Act shall come into force on the first day of January, 1933.

22-23 GEORGE V.

CHAP. 32.

An Act to amend the Act of Incorporation of The Frontier College.

[Assented to 13th May, 1932.]

HIS Majesty, by and with the advice and consent of 1922, c. 77.
the Senate and House of Commons of Canada, enacts
as follows:—

1. Section ten of the *Act to incorporate The Frontier College*, chapter seventy-seven of the Statutes of 1922, is hereby repealed. Power to confer degrees.

OTTAWA: Printed by FREDERICK ALBERT ACLAND, Law Printer to the
King's Most Excellent Majesty.

22-23 GEORGE V.

CHAP. 33.

An Act respecting the Export of Gold.

[Assented to 13th May, 1932.]

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

1. This Act may be cited as *The Gold Export Act*.

Short title.

2. The Governor in Council may prohibit, from time to time and for any period or periods, the export of gold, whether in the form of coin or bullion, from the Dominion of Canada, except in such cases as may be deemed desirable by the Minister of Finance and under licences to be issued by him: Provided that no such licence shall be issued to other than a Canadian chartered bank.

The export of gold may be prohibited by the Governor in Council.

Proviso.

3. (1) The Governor in Council may make such regulations as he deems necessary or expedient to ensure the carrying out of the provisions and the intent of this Act, and to define from time to time as occasion may require what shall be deemed to be included within the expression "bullion" for the purposes of this Act.

Regulations.

(2) Every regulation made by the Governor in Council in virtue of this Act shall have force and effect only after it has been published in the *Canada Gazette*.

Regulations to be published.

4. Whenever a regulation made under the provisions of section three of this Act is in force any person who, without a licence issued by or on behalf of the Minister of Finance, as aforesaid, exports or attempts to export, carries or attempts to carry out of Canada any gold, whether in the form of coin or bullion, shall be liable upon summary conviction to a penalty not exceeding one thousand dollars or to imprisonment for a term not exceeding two years, or to both fine and imprisonment.

Penalty.

22-23 GEORGE V.

CHAP. 34.

An Act respecting a certain Trade Agreement between
Canada and New Zealand.

[Assented to 13th May, 1932.]

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

1. This Act may be cited as *The New Zealand Trade Agreement Act, 1932.* Short title.

2. The Trade Agreement between Canada and New Zealand, copy of which is set forth in the Schedule to this Act, is hereby approved and declared to have the force of law in Canada. Trade Agreement approved.

3. The Governor in Council may make such orders and regulations as are deemed necessary to carry out the provisions and intent of this Act and of the said Agreement. Orders in Council authorized.

4. In the event of any inconsistency between the provisions of this Act and of the said Agreement, and the operation of any other law, the provisions of this Act and of the said Agreement shall prevail. Suspension of inconsistent laws.

5. This Act shall come into force on a day to be fixed by proclamation of the Governor in Council published in the *Canada Gazette.* Coming into force.

SCHEDULE.

TRADE AGREEMENT BETWEEN CANADA AND
NEW ZEALAND.

His Majesty's Government in the Dominion of Canada and His Majesty's Government in the Dominion of New Zealand, being desirous of improving and extending the commercial relations existing between Canada and New Zealand, and affirming the principle of granting tariff preferences the one to the other on goods of their produce or manufacture, for their mutual advantage, have agreed upon the following Articles:—

ARTICLE I

1. Subject to the provisions of the Customs Tariff of Canada, except as hereinafter provided, Canada grants:—

(a) To the goods enumerated in Schedule A hereto, being the produce or manufacture of New Zealand, when imported into Canada, the tariff rates indicated in the said Schedule A; provided that such rates shall in no case be higher than the rates chargeable on similar goods under the British Preferential Tariff of Canada.

(b) To all other goods being the produce or manufacture of New Zealand, when imported into Canada, the benefits of the British Preferential Tariff.

2. The tariff advantages conceded by Section 1 of this Article shall apply only to goods imported direct into Canada, except in special cases where goods are shipped from New Zealand to Canada on a through bill of lading and the New Zealand Government certifies that direct shipment to Canada of such goods is not reasonably practicable.

3. Goods shall be deemed to be the produce or manufacture of New Zealand if they comply with the laws, regulations and conditions for the time being in force in Canada for the application of its British Preferential Tariff.

ARTICLE II

1. Subject to the provisions of the Customs Acts of New Zealand, except as hereinafter provided, New Zealand grants:—

(a) To the goods enumerated in Schedule B hereto, being the produce or manufacture of Canada, when imported into New Zealand, the tariff rates indicated in the said Schedule B; provided that, except where otherwise indicated in that Schedule, such rates shall in no case be higher than

the rates chargeable on similar goods under the British Preferential Tariff of New Zealand.

(b) To all other goods the produce or manufacture of Canada, when imported into New Zealand, the benefits of the British Preferential Tariff.

2. The tariff advantages conceded by Section 1 of this Article shall apply only to goods which after shipment from Canada have not entered into the commerce of or been subjected to any process of manufacture in any country the produce or manufactures of which are not entitled to be entered for duty under the British Preferential Tariff.

3. Goods shall be deemed to be the produce or manufacture of Canada if they comply with the laws, regulations and conditions for the time being in force in New Zealand for the application of its British Preferential Tariff.

ARTICLE III

1. The terms "British Preferential Tariff" and "General Tariff" as used in this Agreement and the Schedules hereto shall be deemed to mean the British Preferential Tariff and the General Tariff of Canada or of New Zealand in force on the date on which any goods are entered for home consumption in New Zealand or Canada as the case may be.

2. The items in Schedule A or Schedule B hereto shall be interpreted in the same way as they would be interpreted in the tariff from which they are taken.

ARTICLE IV

Goods entitled to entry under Article I hereof shall not be subject to Section 6 of the Customs Tariff of Canada unless previous notice has been given by the Government of Canada to the Government of New Zealand that the importation of such goods would prejudicially or injuriously affect the producers or manufacturers of similar goods in Canada, and if, at the expiration of a period of thirty days from the date of such notice, remedial measures satisfactory to the Government of Canada are not put into effect by the Government of New Zealand, then the provisions of the said Section 6 may be applied to such goods.

At the option of the Government of Canada any importation thus complained of, other than perishable goods, may be held in bond during the said period of thirty days.

ARTICLE V

Goods entitled to entry under Article II hereof shall not be subject to Sections 11 and 12 of the Customs Amendment Act, 1921, of New Zealand, unless previous notice has been

given by the Government of New Zealand to the Government of Canada that importation of such goods would prejudicially or injuriously affect the producers or manufacturers of similar goods in New Zealand, and if, at the expiration of a period of thirty days from the date of such notice, remedial measures satisfactory to the Government of New Zealand are not put into effect by the Government of Canada, then the provisions of the said Sections 11 and 12 or either of them may be applied to such goods.

At the option of the Government of New Zealand any importation thus complained of, other than perishable goods, may be held in bond during the said period of thirty days.

ARTICLE VI

Subject to the provisions of Articles IV and V hereof nothing in this Agreement shall affect the right of either party to this Agreement to impose any special duty or tax on goods imported into Canada or New Zealand, provided that, except where specially arranged between the Governments of Canada and of New Zealand, such special duty or tax does not exceed that imposed on similar goods imported from Great Britain.

ARTICLE VII

1. With respect to the goods enumerated in Schedule A hereto, the Government of Canada shall not impose any Customs duty on any such goods admissible free of duty or increase the rate of any Customs duty on any other such goods entering Canada from New Zealand, except by mutual agreement, until after three months' notice to the Government of New Zealand.

2. With respect to the goods enumerated in Schedule B hereto, the Government of New Zealand shall not impose any Customs duty on any such goods admissible free of duty or increase the rate of any Customs duty on any other such goods entering New Zealand from Canada, except by mutual agreement, until after three months' notice to the Government of Canada.

ARTICLE VIII

The Government of Canada grants the benefits of this Agreement to goods imported into Canada and being the produce or manufacture of the Territory of Western Samoa which is subject to a mandate conferred on His Majesty by

the League of Nations, and the Government of New Zealand grants to goods imported into the said Territory of Western Samoa and being the produce or manufacture of Canada the benefits of the rates of duty for the time being applicable to goods imported from the United Kingdom.

ARTICLE IX

The Government of Canada grants the benefits of this Agreement to goods imported into Canada and being the produce or manufacture of the Cook Islands and, subject to Part XXI of the Customs Act 1913 of New Zealand, the Government of New Zealand grants to goods imported into the Cook Islands and being the produce or manufacture of Canada the benefits of the British Preferential Tariff for the time being in force in the Cook Islands.

ARTICLE X

This Agreement shall be subject to the approval of the Parliaments of Canada and of New Zealand. Upon approval being given it shall be brought into force upon a date to be agreed upon between the Governments of Canada and of New Zealand and shall remain in force for a period of one year.

Signed at Ottawa, Canada, this twenty-third day of April, one thousand nine hundred and thirty-two, on behalf of His Majesty's Government in the Dominion of Canada.

R. B. BENNETT

H. H. STEVENS

Signed at Wellington, New Zealand, this twenty-third day of April, one thousand nine hundred and thirty-two, on behalf of His Majesty's Government in the Dominion of New Zealand.

GEO. W. FORBES

WM. DOWNIE STEWART

SCHEDULE A.

Tariff Item	—	Tariff Rates on Goods the Produce or Manufacture of New Zealand
7	Meats, fresh, n.o.p.:— (a) Beef and veal..... (b) Lamb and mutton..... (c) N.o.p.....	3 cents per pound. 3 cents per pound. 2 cents per pound.
Ex. 8	Canned meats (other than kidneys and tongues), poultry or game; extracts of meat and fluid beef, not medicated.....	15 p.c. ad valorem.
Ex. 8	Canned meats, viz.:— Kidneys and tongues.....	15 p.c., but not more than 3 cents per pound.
Ex. 9	Rabbits, frozen.....	Free.
10	Meats, prepared or preserved, other than canned: (a) Bacon, hams, shoulders and other pork... (b) N.o.p.....	Free. Free.
12	Sausage skins or casings, not cleaned.....	Free.
12a	Sausage skins or casings, cleaned.....	Free.
13	Lard, lard compound and similar substances; cottolene and animal stearine of all kinds, n.o.p.....	Free.
14	Tallow.....	Free.
16	Eggs in the shell.....	Free during the months of December, January and February; British Preferential Tariff during the other months of the year.
16a	Eggs, whole, egg yolk or egg albumen, frozen or otherwise prepared, n.o.p., whether or not sugar or other material be added.....	5 cents per pound.
17	Cheese..... When in packages weighing two pounds each, or less, the weight of such packages to be included in the weight for duty.	1 cent per pound.
18	Butter.....	5 cents per pound.
35	Hops.....	6 cents per pound.
43	Condensed milk, the weight of the package to be included in the weight for duty.....	2½ cents per pound.
43a	Powdered milk, the weight of the package to be included in the weight for duty.....	1 cent per pound.
48	Peas, n.o.p.....	Free.
71a	Timothy seed.....	Free.
71b	Clover seed, including alfalfa seed.....	Free.
72b	(1) Seed peas and seed beans, from New Zealand	Free.
73	Field seeds, n.o.p., when in packages weighing more than one pound each.....	Free.
84	Onions, in their natural state, including onions grown with tops, shallots, and onion sets, the weight of the packages to be included in the weight for duty.....	Free.
Ex. 91	Toheroa soup.....	Free.
92	Fruits, fresh, in their natural state, the weight of the packages to be included in the weight for duty:— (e) Pears.....	Free during the months of February, March, April and May; British Preferential Tariff during the other months of the year.
93	Apples, fresh, in their natural state, the weight of the packages to be included in the weight for duty.....	Free.
95b	Passion fruit (<i>Passiflora edulis</i>).....	Free.
104a	Fruit pulp, other than grape pulp, not sweetened, in airtight cans or other airtight packages....	Free.
Ex. 105	Passion fruit pulp with sugar or not.....	Free.

SCHEDULE A—Continued.

Tariff Item	—	Tariff Rates on Goods the Produce or Manufacture of New Zealand
106	Fruits, prepared, in airtight cans or other airtight containers, the weight of the containers to be included in the weight for duty: (a) Apricots, peaches and pears..... (c) N.o.p.....	1 cent per pound. 1 cent per pound.
108	Honey, in the comb or otherwise, and imitations thereof.....	2 cents per pound.
Ex. 123	Canned whitebait and canned crayfish.....	15 p.c. but not more than 7½ cents per pound.
Ex. 123	Shellfish known as Toheroas, in sealed tin containers, including liquid contents.....	Free.
124	Oysters, shelled, in bulk.....	5 cents per gallon.
125	Oysters, shelled, in cans not over one pint, including the duty on the cans.....	1½ cents per can.
126	Oysters, shelled, in cans over one pint and not over one quart, including the duty on the cans.....	2½ cents per can.
127	Oysters, shelled, in cans exceeding one quart in capacity, including the duty on the cans..... Provided that a fraction over a quart shall be computed as a quart for duty purposes under this item.	2½ cents per quart.
128	Oysters in the shell.....	15 p.c.
142	Tobacco, unmanufactured, for excise purposes under conditions of the Excise Act.....	Free.
Ex. 152	Lemon and passion fruit juices.....	Free.
Ex. 163	Wines of the fresh grape of all kinds, not sparkling, imported in barrels or in bottles, containing more than 23 p.c. proof spirit and less than 35 p.c. proof spirit.....	25 cents per gallon.
Ex. 169	Books, viz.:—Novels or works of fiction, or literature of a similar character, unbound or paper bound or in sheets, when of New Zealand origin, but not to include Christmas annuals, or publications commonly known as juvenile and toy books.....	Free.
Ex. 171	Books, printed, periodicals and pamphlets, or parts thereof, n.o.p., when of New Zealand origin, not to include blank account books, copy books, or books to be written or drawn upon.....	Free.
Ex. 178	Advertising and printed matter, viz.:—Advertising pamphlets, advertising show cards, illustrated advertising periodicals; price books, catalogues and price lists; advertising almanacs and calendars; patent medicine or other advertising circulars, fly sheets or pamphlets, when printed in New Zealand for the purpose of advertising New Zealand products.....	Free.
207	Blood albumen and dried blood.....	Free.
208i	Animal glands, wet or dry, when imported by manufacturers of pharmaceutical and medicinal preparations for use exclusively in the manufacture of such preparations, in their own factories.....	Free.
Ex. 232	Casein.....	12½ p.c.
232c	Gelatine, edible.....	12½ p.c.
Ex. 254	Kauri gum.....	Free.
Ex. 280	Grease, rough, the refuse of animal fat, for the manufacture of soap and oils only.....	Free.
305-306b	Building stone, other than marble or granite....	Free.
Ex. 535	New Zealand hemp (phormium tenax).....	Free.
538	Binder twine or twine for harvest binders.....	Free.
Ex. 549	Wool, not further prepared than combed.....	Free.
Ex. 549	Wool or hair of the Angora rabbit.....	Free.
553	Blankets of any material, not to include automobile rugs, steamer rugs nor similar articles.....	22½ p.c.
Ex. 555	Rugs, travelling, of wool.....	30 p.c.
Ex. 572	Rugs, floor or carpet, of wool.....	25 p.c.

SCHEDULE A—Concluded.

Tariff Item	—	Tariff Rates on Goods the Produce or Manufacture of New Zealand
599	Hides and skins, raw, whether dry, salted or pickled; and raw pelts.....	Free.
601	Fur skins of all kinds, not dressed in any manner	Free.
Ex. 662	Tankage.....	Free.
663	Fertilizers, compounded or manufactured, n.o.p.	Free.

SCHEDULE B.

Tariff Item	—	Tariff Rates on Goods the Produce or Manufacture of Canada
7	Onions.....	£1 per ton.
11	Vegetables, viz.:— (1) Preserved peas in tins or similar containers including the weight of any liquid.....	20 per cent ad val. or 1½d. per lb., whichever rate returns the higher duty.
	The rates of Customs duty set forth in the General Tariff with respect to Tariff item numbered 11-(1) shall be deemed to be repealed and the following shall be substituted therefor, viz.:—“45 per cent ad val. or 2½d. per lb., whichever rate returns the higher duty”.	
35	Fish, viz.:— (3) Fish, potted, and preserved viz., salmon, including any liquor, oil, or sauce..... (4) Fish, potted, and preserved, n.e.i., including any liquor, oil, or sauce..... (Note.—The term “fish” is used in the Tariff in its widest sense, and includes shell-fish, crustaceans, and other foods obtained from the fisheries).	1½d. per lb. 2d. per lb.
37	Fruits, fresh, viz.:— (1) Apples and pears.....	1d. per lb.
Ex. 105	Calcium carbide.....	Free.
Ex. 124	Gypsum, crude.....	Free.
Ex. 137	Hosiery, viz.:—socks or stockings of silk or artificial silk.....	32½ per cent ad val.
160	Furs and other similar skins, and articles made therefrom, viz.:— (1) Fur skins, green or sun-dried..... (2) Furs, and other similar skins, dressed or prepared, but not made up in any way.....	5 per cent ad val. 25 per cent ad val.
196	Boots, shoes, clogs, pattens, slippers, shettes, sandals, goloshes, overshoes, and other footwear, n.e.i.....	25 per cent ad val.
212	Building materials, viz.:— (3) Plaster-pulp sheets, plaster board, and similar materials.....	35 per cent ad val.
228	Plaster of Paris.....	Free.
292	Paper-pulp, for the manufacture of paper.....	Free.
299	Paper of qualities and sizes approved by the Minister, on declaration that it will be used by orchardists only in wrapping fruit.....	Free.
300	Paper, viz.:— (2) N.e.i., including tin-foil paper, and gummed paper n.e.i.:—(b) In sheets of size not less than 20 inches by 15 inches or the equivalent.....	Free.

SCHEDULE B—Continued.

Tariff Item	—	Tariff Rates on Goods the Produce or Manufacture of Canada
333	<p>Agricultural implements and machinery, viz.:—</p> <p>(1) Cultivators; harrows; ploughs; drills; seed and fertilizer sowers or distributors combined or separate; lime sowers; seed or grain cleaners, and cellular seed or grain separators</p> <p>The surtax to be levied, collected and paid under Section five of the Customs Acts Amendment Act, 1930, on the goods included in tariff item numbered 333 (1) shall be an amount equal to one-twentieth of the total duty of Customs otherwise chargeable.</p> <p>(2) N.e.i., including ploughs, cultivators, and seed drills, hand-worked, combined or separate; ploughs, single-furrow mould-board, not exceeding 266 lbs. net weight; also the following parts of ploughs or harrows, viz.:—mouldboard plates unbent, steel share-plates cut to pattern, skeith-plates, plough beam forgings, and discs for harrows or ploughs.....</p>	35 per cent ad val.
353	(4) Electric cooking and electric heating appliances.....	Free.
389	<p>Motor-vehicles, n.e.i.:—</p> <p>When the expenditure in material produced in Canada and/or labour performed within Canada calculated subject to the qualifications set out in clause 6 of "The Customs (Tariff Preference and General) Regulations, 1925", in each and every article is not less than three-fourths of the factory or works cost of such article in its finished state, and if the article otherwise complies with the laws, regulations, and conditions for the time being in force in New Zealand for the application of its British Preferential Tariff.</p> <p>When the expenditure in material produced in Canada and/or labour performed within Canada calculated subject to the qualifications set out in clause 6 of "The Customs (Tariff Preference and General) Regulations, 1925", in each and every article is not less than one-half of the factory or works cost of such article in its finished state, and if the article otherwise complies with the laws, regulations, and conditions for the time being in force in New Zealand for the application of its British Preferential Tariff.</p>	<p>10 per cent ad val.; and in cases where such motor vehicles are imported having bodies suited or designed for carrying passengers, an additional duty (herein referred to as "body duty") of 11½ per cent ad val. on any such vehicle (inclusive of the body); Provided that where the value for duty of any vehicle (inclusive of the body) exceeds £200 the body duty shall be: On £200 of such value, 11½ per cent ad val.; on the remainder of such value, 6½ per cent ad val.</p> <p>20 per cent ad val.; and in cases where such motor vehicles are imported having bodies suited or designed for carrying passengers, an additional duty (herein referred to as "body duty") of 11½ per cent ad val. on any such vehicle (inclusive of the body); Provided that where the value for duty of any vehicle (inclusive of the body) exceeds £200 the body duty shall be: On £200 of such value, 11½ per cent ad val.; on the remainder of such value, 6½ per cent ad val.</p>

SCHEDULE B—Concluded.

Tariff Item	—	Tariff Rates on Goods the Produce or Manufacture of Canada
	<p>When any body of a motor-vehicle suited or designed for carrying passengers is imported by itself or otherwise than as set out above, body duty shall be payable and the Minister shall determine the amount of such body duty. The body duty so payable shall, as nearly as may be, be equal to the amount of body duty that would have been payable if such body had been imported as part of and attached to a motor-vehicle manufactured in the same country as the body.</p> <p>Where the Minister is of the opinion that any duty is being or is likely to be evaded or avoided by the importation of any motor-vehicles without engines, tires, or other component parts which, in the ordinary course of business, are usually imported therewith, the Minister may, at his discretion, require that duty shall be paid as if such engines, tires, or other component parts had been imported with such vehicles.</p>	
403	Laths, and shingles.....	20 per cent ad val.
	<p>The rate of customs duty set forth in the General Tariff with respect to Tariff item numbered 403 shall be deemed to be repealed and the following shall be substituted therefor:—"30 per cent ad val."</p>	
404	Timber, rough sawn or rough hewn, viz.:—	
	<p>(2) Other kinds, in pieces having a length of not less than 25 feet, and having a minimum cross sectional area of not less than 150 square inches.....</p> <p>The rate of customs duty set forth in the General Tariff with respect to Tariff item numbered 404(2) shall be deemed to be repealed and the following shall be substituted therefor:—"9s. 6d. per 100 sup. ft."</p>	7s. 6d. per 100 sup. ft
	<p>(3) N.e.i.....</p> <p>The rate of customs duty set forth in the General Tariff with respect to Tariff item numbered 404(3) shall be deemed to be repealed and the following shall be substituted therefor:—"11s. 6d. per 100 sup. ft."</p>	9s. 6d. per 100 sup. ft.
405	Timber sawn dressed.....	19s. per 100 sup. ft.
	<p>The rate of customs duty set forth in the General Tariff with respect to Tariff item numbered 405 shall be deemed to be repealed and the following shall be substituted therefor:—"£1 1s. per 100 sup. ft."</p>	

22-23 GEORGE V.

CHAP. 35.

An Act to authorize the Refund of Moneys received in connection with the administration of the Natural Resources.

[Assented to 13th May, 1932.]

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

1. This Act may be cited as *The Refunds (Natural Resources) Act*. Short title.

2. The Governor in Council upon the recommendation of the Minister of the Interior may authorize the payment out of the Consolidated Revenue Fund of any sums of money representing dues, fees, guarantee deposits, credit balances, moneys paid for settlers' improvements, moneys held in trust, and other sums of money received in connection with the administration of the natural resources prior to the transfer thereof to the Provinces of Manitoba, British Columbia, Saskatchewan and Alberta, respectively, which His Majesty is under any legal obligation, or, in the opinion of the Minister, concurred in by the Governor in Council, is under any equitable obligation, to refund to any person in connection with any transactions relating to the said natural resources. Authority to make refunds.

3. Within fifteen days after the commencement of each session of Parliament, the Minister of the Interior shall cause to be laid before both Houses of Parliament a statement of all moneys refunded under the authority of this Act since the last preceding session of Parliament, showing the name of each person to whom any sum of money has been so refunded, the amount of money refunded, the date of each such refund and the reason therefor. Statement to be laid before Parliament.

22-23 GEORGE V.

CHAP. 36.

An Act respecting Relief Measures.

[Assented to 13th May, 1932.]

WHEREAS by reason of the prolonged world wide economic depression, recovery to a more normal economic condition has been retarded in the Dominion of Canada; and whereas the Provinces require assistance in carrying out necessary relief measures and to meet financial conditions as the same may arise; and whereas it is in the national interest that Parliament should support and supplement the relief measures of the Provinces and grant them financial assistance in such manner and to such extent as the Governor in Council may deem expedient; and whereas it is necessary to make special provisions to deal with the situation in the National Parks of Canada and in the drought stricken areas of the Province of Saskatchewan: and whereas for these and similar purposes the powers necessary to insure the speedy and unhampered prosecution of such relief measures and the maintenance of the credit of the Dominion and the Provinces thereof should be vested in the Governor in Council: Now, therefore, His Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Preamble.

1. This Act may be cited as *The Relief Act, 1932.*

Short title.

2. The Governor in Council may, on such terms and conditions as may be agreed upon, and notwithstanding the provisions of any statute or law,—

Agreements with provinces authorized.

- (a) Enter into agreements with any of the Provinces respecting relief measures therein;
- (b) Grant financial assistance to any Province by way of loan, advance, guarantee or otherwise;
- (c) Take all such measures as in his discretion may be deemed necessary or advisable to protect the credit and financial position of the Dominion or any Province thereof;

(d) Loan or advance money to, or guarantee the payment of money by any public body, corporation or undertaking.

Powers
of Governor
in Council.

3. Without restricting the generality of the terms of the next preceding section hereof and notwithstanding the provisions of any statute or law, the Governor in Council may

(a) Provide for special relief, works and undertakings, in the National Parks of Canada, and for the continuance during such period as may be necessary and advisable of the relief measures heretofore undertaken and now being carried on at the cost of Canada in the drought stricken areas of Saskatchewan by the Saskatchewan Relief Commission;

(b) Assist in defraying the cost of the sale and distribution of the products of field, farm, forest, sea, river and mine;

(c) Take all such other measures as may be deemed necessary or advisable for carrying out the provisions of this Act.

Payments out
of Consoli-
dated
Revenue
Fund

4. The Governor in Council may pay out of the Consolidated Revenue Fund such moneys as may be necessary for all or any of the purposes of this Act.

Orders and
regulations.

5. The Governor in Council shall have full power to make all such orders and regulations as may be deemed necessary or desirable to carry out the purposes and intention of this Act.

Enforcement
of orders and
regulations.

6. All orders and regulations of the Governor in Council made hereunder shall have the force of law and may be varied, extended or revoked by any subsequent order or regulation; but if any order or regulation is varied, extended or revoked, neither the previous operation thereof nor anything duly done thereunder shall be affected thereby, nor shall any right, privilege, obligation or liability acquired, accrued, accruing or incurred thereunder be affected by any such variation, extension or revocation.

Orders and
regulations
laid before
Parliament.

7. All orders in council and regulations made under the provisions of this Act shall be laid before the House of Commons forthwith after the making thereof if Parliament is then sitting, or if not, said orders in council or regulations or an abstract thereof disclosing their essential provisions shall be published in the next following issue of the *Canada Gazette*.

Report to
Parliament.

8. A report shall be laid before Parliament within fifteen days after the expiration of this Act, or if Parliament is not then in session, shall be published and made available

for distribution by the Department of Labour, containing a full and correct statement of the moneys expended, guarantees given and obligations contracted under this Act.

9. This Act shall expire on the thirty-first day of March, 1933, and any obligation or liability incurred or created under the authority of this Act prior to the thirty-first day of March, 1933, may be paid and discharged out of the Consolidated Revenue Fund notwithstanding the expiration of this Act on the said date. Duration
of Act.

OTTAWA: Printed by FREDERICK ALBERT ACLAND, Law Printer to the
King's Most Excellent Majesty.

22-23 GEORGE V.

CHAP. 37.

An Act to amend the Royal Canadian Mounted Police Act.

[Assented to 13th May, 1932.]

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

R.S., c. 160;
1930, c. 39;
1931, c. 11.

1. Subsection two of section six of the *Royal Canadian Mounted Police Act*, chapter one hundred and sixty of the Revised Statutes of Canada, 1927, is repealed and the following is substituted therefor:—

“(2) The Governor General may by commission appoint a deputy Commissioner and one or more assistant commissioners of police, and one or more staff and other superintendents, and inspectors, surgeons, assistant surgeons and veterinary surgeons of the Force, and the Governor General may in any commission issued under the authority of this subsection limit the time during which the same shall continue in force.”

Appointment
of deputy
commissioner.

2. Section eight of the said Act is repealed and the following is substituted therefor:—

“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.

Appointment
of constables,
trumpeters
and buglers.

(2) The Commissioner may delegate such authority to any commissioned officer of the Force.

Delegation.

(3) Such number of non-commissioned officers and constables shall be mounted as the Governor in Council directs.

Mounted.

(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

Employees
for emergen-
cies.

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.

May be appointed as special constables.

(5) Persons employed in accordance with the provisions of the last preceding subsection 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 in the public interest: Provided that such persons appointed on and after the first day of April, 1932, after qualifying in length of service, shall not be eligible for pension under the provisions of this Act, except in cases of special merit on the recommendation of the Commissioner.

Proviso.

Supernumerary special constables.

(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: Provided that such special constables shall not be entitled to any pecuniary privilege or benefit under this Act and such appointment may be revoked by the Commissioner at any time."

Proviso.

3. Section eleven of the said Act is repealed and the following is substituted therefor:—

Deputy commissioner may act.

"11. In the absence of the Commissioner, the Deputy Commissioner or the senior assistant Commissioner at headquarters may exercise all the powers which by this or any other Act are conferred upon the Commissioner."

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

Powers of officers.

"12. (1) The Commissioner, the Deputy Commissioner and the assistant commissioners shall, respectively, have all the powers of two justices of the peace under this or any Act in force in any province of Canada."

5. Subsection two of section thirteen of the said Act is repealed and the following are substituted therefor:—

Qualifications as to age.

"(2) The provision in this section as to age shall not apply to any officer appointed before the twenty-third day of July, one thousand eight hundred and ninety-four or to the Commissioner, Deputy Commissioner, assistant commissioners, or surgeons.

Exceptions as to age of new personnel.

(3) The Governor in Council may exempt from the provision of this section as to age, new personnel taken into the Force by reason of any arrangement entered into with

a province under the provisions of section five hereof and the personnel of the Customs-Excise Preventive Service of the Department of National Revenue absorbed into the Force."

6. Subsection two of section fifteen of the said Act is repealed and the following is substituted therefor:— Oaths.

"(2) Such oaths may be taken by the Commissioner before any judge, stipendiary magistrate or justice of the peace, having jurisdiction in any part of Canada, and by any other member of the Force, before the Commissioner of Police or before any commissioned officer of the Force or any person having jurisdiction as aforesaid."

7. Paragraph (a) of section seventeen of the said Act is repealed and the following is substituted therefor:—

"(a) to perform all duties which now are or hereafter shall be 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." Duties of Force.

8. Section nineteen of the said Act is amended by adding thereto the following subsection:—

"(3) Members of the Force shall 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." Powers to prevent offences against revenue laws.

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

"31. (1) The Commissioner, the Deputy Commissioner, and assistant Commissioner, or the superintendent or other commissioned officer commanding at any post or in any district, may, forthwith, on a charge in writing of any one or more of the offences mentioned in the last preceding section 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." Trial and punishment.

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

Evidence.

“(2) Upon the trial of any offender under this section, it shall not be necessary to produce or give in evidence the original engagement or agreement to serve in the Force signed by such offender, but such engagement may be proved by parole evidence or by a certificate purporting to be signed by the Commissioner, the Deputy Commissioner, an assistant commissioner or any superintendent or inspector of the Force, giving the date and term of such engagement; and such certificate shall be prima facie evidence of such engagement.”

Report to
Commissioner.

11. Section forty-three of the said Act is repealed and the following is substituted therefor:—

“**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.”

12. Section forty-eight of the said Act is amended by adding thereto the following subsections:—

Time on
active service
in great War
included for
pension pur-
poses.

“(5) Time served on active service during the war between Great Britain and Germany which commenced on the fourth day of August, one thousand nine hundred and fourteen, may be included in the term of service for the purpose of pension under this Part.

Time in
Civil Service
and Customs-
Excise
Preventive
Service.

(6) Time served in the Civil Service of Canada which 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.”

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

Allowance
to children.

“(a) in the case of the Commissioner, Deputy Commissioner, or an assistant Commissioner, eighty dollars.”

14. Section sixty-seven of the said Act is amended by adding thereto the following subsections:—

Constables
pensions,
Great War.

“(2) Time served on active service during the war between Great Britain and Germany which commenced on the fourth day of August, one thousand nine hundred and fourteen, 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 which 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.”

Civil Service.
Customs-
Excise
Preventive
Service.

15. This Act shall be deemed to have come into operation on the first day of April, one thousand nine hundred and thirty-two.

Commence-
ment of Act.

OTTAWA: Printed by FREDERICK ALBERT ACLAND, Law Printer to the
King's Most Excellent Majesty.

22-23 GEORGE V.

CHAP. 38.

An Act respecting Unfair Competition in Trade and Commerce.

[Assented to 13th May, 1932.]

HIS Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:— R.S., c. 201.

1. This Act may be cited as *The Unfair Competition Act*, Short title.
1932.

PRELIMINARY

2. In this Act, unless the context otherwise requires:—
- (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 His Majesty on behalf of the Dominion of Canada; Interpretation
"Convention".
 - (b) "Country of the Union" means any country which has acceded to the Union for the Protection of Industrial Property as the same is now constituted under the Convention hereinbefore defined; "Country of
the Union".
 - (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 and/or numerals, if any, forming part, thereof, or by their separation into groups, and includes any distinguishing guise capable of constituting a trade mark; "Design
mark".

"Distinguishing guise".

(d) "Distinguishing guise" means a mode of shaping, moulding, wrapping or packing wares entering into trade or commerce which, 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 and/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 and/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, provided that 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 to or affecting any right vested in any trade union or commercial association or in the administrative authority of any country, state, province, municipality or other organized administrative area, includes 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" shall mean the Commissioner of Patents "Registrar".
or 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 and/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 which, by reason of their common characteristics 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 and/or users of them as to cause such dealers and/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 which has become "Trade
mark".
adapted to distinguish particular wares falling within a general category from other wares falling within the same category, and is used by any person in association with wares entering into trade or commerce for the purpose of indicating to dealers in, and/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 "Trade
name".
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 "Word
mark".
a series of letters and/or numerals and depending for its distinctiveness upon the idea or sound suggested by the sequence of the letters and/or numerals and

their separation into groups, independently of the form of the letters or numerals severally or as a series.

UNFAIR COMPETITION

Deliberate adoption of trade mark known in Canada forbidden.

3. No person shall knowingly adopt for use in Canada in connection with any wares any trade mark or any distinguishing guise which

(a) is already in use in Canada by any other person and which 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 and/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.

Exclusive use of registered trade mark.

4. (1) The person who, in association with wares, first uses or makes known in Canada, as provided in the last preceding section, a trade mark or a distinguishing guise capable of constituting a trade mark, shall be entitled to the exclusive use in Canada of such trade mark or distinguishing guise in association with such wares, provided that such trade mark is recorded in the register existing under the *Trade Mark and Design Act* at the date of the coming into force of this Act, or provided that in compliance with the provisions of this Act he makes application for the registration of such trade mark within six months of the date on which this Act comes into force, or of the date of his first 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 the last preceding section, and thereafter obtains and maintains registration thereof under the provisions of this Act.

R.S., c. 201.

Use of trade mark by other than owner.

(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 shall 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.

Times within which applications for registration may be made.

(3) Notwithstanding the provisions of subsection one of this section, 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 one, provided 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.

No suit unless Trade Mark registered.

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 which, 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.

Distribution or advertisement of wrongly trademarked wares forbidden.

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.

What constitutes "use" of trade mark.

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 which 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 and/or users of similar wares in Canada.

Knowing adoption of trade name known in Canada forbidden.

8. No person shall be entitled to continue to use in Canada any trade name which 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.

Continued use of trade name known therein forbidden.

Certain rights of individuals saved.

9. Nothing in the last two preceding sections shall affect 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.

Burden of proof of having knowingly adopted a trade mark or trade name.

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 which 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; or
- (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
- (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.

Acts of unfair competition forbidden.

- 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;
 - (c) adopt any other business practice contrary to honest industrial and commercial usage.

SPECIAL PROVISIONS.

Rights of owners of association and territorial trade marks defined.

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 shall be 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.

Owner may
license use.

(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.

Action to
prevent use.

13. If 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.

Use as trade
marks of
certain
commercial
symbols
forbidden.

14. (1) No person shall be 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,

Use as trade
marks of
certain
emblems,
etc.,
forbidden.

- (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;

(k) the portrait or signature of any person who is living or has died within thirty years.

Except by permission.

(2) Nothing in this section shall prevent 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 His Majesty or such other person as may be deemed to have been intended to be protected by the provisions hereof.

Rights of purchasers of trademarked articles.

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.

LEGAL PROCEEDINGS

Special proceedings to restrain proposed distribution of falsely trademarked wares.

16. (1) If it is made to appear to the Exchequer Court of Canada or to any superior court that any trade mark which 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 which have been imported into Canada or are about to be distributed in Canada, or that the use in Canada of such trade mark 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.

Order of court.

(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 His Majesty or any public officer or other person who does not assert any interest in them other than a lien for charges thereon.

Security.

(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 which may, by reason of the order, be sustained by the owner or consignee of the wares and for any sums which 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.

Operation of order on *ex parte* petition.

(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 which arose prior to the execution of an order made under this section shall have effect only so far as may be consistent with the due execution of the judgment.

Lien for charges.

17. If 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 and/or packages improperly marked, order the delivery up for destruction of all infringing labels and/or dies used for the purpose of the marking of the said wares or packages.

Orders for destruction of labels and dies for unlawful trade marks.

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 shall be *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.

Effect of certificates of registration of a trade mark.

(2) Such a certified copy shall also, subject only to proof of clerical error therein, be 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.

Certified copy as evidence.

19. If 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 shall not be 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.

Defences in actions in which registration certificates relied upon.

Jurisdiction of
Exchequer
Court.

20. The Exchequer Court of Canada shall have jurisdiction to entertain any action or proceeding for the enforcement of any of the rights conferred or defined by this Act.

Powers
of Court
in case of
conflicting
claims
to use a
trade mark.

21. Notwithstanding any other provision of this Act, if in any action or proceeding in the Exchequer Court of Canada it appears that prior to the date of the coming into force of this Act 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 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.

REGISTER OF TRADE MARKS

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.

Particulars
therein.

(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.

Present
register of
Trade Marks
continued.
R.S., c. 201.

23. (1) The register now existing under the *Trade Mark and Design Act* 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.

Notice
to owners.

(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 at the date of the coming into force of this Act to furnish to him within four months from the date of the notice the information which 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 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.

Further
notice
on default

(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.

Service.

(5) Marks registered before the coming into force of this Act shall be treated as word marks or as design marks according to the following rules:—

Word or
design
marks.

- (a) Any mark consisting of words and/or numerals only without any indication of a special form or appearance shall be deemed to be a word mark;
- (b) Any other mark consisting of words and/or numerals only shall be deemed to be a word mark if at the date of its registration the words and/or numerals 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 and/or numerals 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;
- (d) Any other mark shall be deemed to be a design mark having the features described in the application therefor.

No trust to be registered.

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.

Register to be open to inspection.

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.

REGISTRABLE TRADE MARKS

What word marks are registrable.

26. (1) Subject as otherwise provided in this Act, a word mark shall be registrable if it

- (a) does not contain more than thirty letters and/or numerals 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.

Exception.

(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 which also constitute or form part of the name of the firm or corporation by which the application for registration is made.

What design marks are registrable.

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) is not such as to be likely to mislead dealers in and/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;

(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.

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, shall be 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;

Special provisions as to registration of certain marks.

Territorial marks.

(b) Similar marks shall be 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;

Similar marks.

(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 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

Combination of association mark with private mark.

and the former owner of the last mentioned mark shall thereafter have no right to continue to use it;

Marks
already
registered
abroad.

(d) A word or group of words, which 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, shall, although otherwise unregistrable by reason of its or their form, sound or meaning, be registrable under this Act provided (i) that its use as a trade mark is not prohibited by this Act; (ii) that it is not calculated to deceive nor otherwise contrary to some law or regulation directly concerned with the maintenance of public order; (iii) that it is not in conflict with any mark already registered for similar wares; (iv) that 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; (v) that it does not include the personal or trade name of any person domiciled or carrying on business in Canada.

"Country
of origin"
defined.

(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.

Power of
Court to
permit
registration
of certain
marks.

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 and/or users of the class of wares in association with which it has been used, as indicating that such 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.

What
declaration
shall
specify.

(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. Limitation.

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 Contents of application for registration of any mark.

(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 Additional information in application for association mark.

(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;

(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 Additional information in application for standardization mark.

(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;

(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.

Application to distinguish between word mark and design mark.

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 and/or numerals 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 and/or of a described general appearance, 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.

Application based on foreign registration.

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 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.

Application based on judgment of court.

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 thirty and thirty-one as is not contained in such judgment.

Evidence of legal existence of commercial association.

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 headquarters are situate.

Registration applies to whole of Canada.

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.

36. (1) There shall be kept under the supervision of the Registrar three indexes of applications for the registration or extension of trade marks which have been received by the Registrar but are still pending and undisposed of; such indexes shall respectively contain

Indexes of pending applications.

- (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 which 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.

Entries.

(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.

Open to public inspection.

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.

Refusal to register.

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.

Reference to owners of previously registered marks.

(2) If any of them object for reasons which 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

Refusal of application.

applications on which the objections are based, and the reasons adduced in support of such objections.

Registration.

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.

Priority by foreign registration.

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 shall be entitled to such priority in Canada notwithstanding any intervening use or registration, provided

- (a) that the application in Canada is made within six months from the date of the earliest application in any country of the Union; and
- (b) that 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.

How right of priority obtained.

(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.

How right of priority preserved.

(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.

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.

Record of associated marks.

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.

Amendment of record of registration.

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.

Condition of certain amendments.

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.

Recording changes of ownership.

(2) A registered trade mark shall not be assigned or transmitted except in connection and concurrently with an assignment or transmission of the good will 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; provided however that 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, provided

Assignments and licences.

that the grant of such right is forthwith recorded by the grantor of such right in the register maintained pursuant to this Act.

Recording transfer of ownership of associated marks.

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.

Notice of change of address of owner of registered mark.

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 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.

Owner of design mark to supply representation on request.

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.

Cancellation of registration on request.

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.

Notices of proposed amendment or cancellation of registration.

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.

Amendment or cancellation after notice.

(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.

Effect of objection.

(4) Except as in the next following section provided, 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.

No amendment.

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 the last preceding section on the ground that the person appearing from the register to be the owner thereof has ceased to use the same.

Renewal of registration of trade mark.

(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.

Prescribed fee to be paid.

(3) The period specified in subsection one of this section shall be as follows:—

Periods of registration.

(a) In the case of any specific trade mark on the register maintained under the *Trade Mark and Design Act* at the date of the coming into force of this Act, 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* at the date of the coming into force of this Act, 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.

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.

Appeal. Jurisdiction of Exchequer Court.

Notice of
appeal.

(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 which have been referred to by the Registrar in the decision complained of.

When
advertis-
ment
required.

(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 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.

Abandon-
ment of
appeal.

(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.

Jurisdiction
of
Exchequer
Court to
amend
register.

52. (1) The Exchequer Court of Canada shall have 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.

Decisions of
Registrar.

(2) No person shall be 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.

Summary
disposition of
proceedings.

53. Every application under the next preceding section 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.

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.

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.

APPEAL.

56. An appeal shall lie 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. Appeal.

GENERAL PROVISIONS.

57. The following fees shall be payable on applications to the Registrar under this Act:— Fees.

On every application to register a trade mark..	\$25 00
On every application for the renewal of an expiring registration.....	15 00
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
On every application to amend the record of a registration in respect of any such address...	1 00
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
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
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
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

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. Periodical publication.

59. (1) Until otherwise ordered by the Governor in Council the administration of this Act shall be vested in the Department of the Secretary of State of Canada, of which the Secretary of State has the management and direction, and the officers charged with duties or functions in connection Act to be administered under Secretary of State.

therewith shall be officers of said Department and subject to the supervision of the Under Secretary of State.

Commissioner
of Patents.

(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.

Adminis-
tration.

(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*.

R.S., c. 165.

Regulations.

60. (1) 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.

Effect.

(2) Any regulation made by the Governor in Council in pursuance of this Act shall be of the same force and effect as if it had been enacted herein.

REPEAL.

Repeal.

61. (1) Any application for the registration of a trade mark received by the Registrar at any time before the expiration of a month from the day upon which this Act comes into force 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 at the date upon which this Act comes into force.

R.S., c. 201.

Sections
amended.

(2) Subject as aforesaid, sections three, four to twenty-one inclusive, twenty-three and fifty-three of the said Act are repealed and sections forty-two to fifty-two inclusive are amended by striking therefrom the words "trade mark" and "trade marks" and any other words exclusively relating to the said words.

(3) For the purpose of sections twenty-two, twenty-four and twenty-five of the said Act the expression "union label" shall mean a registered trade mark adopted for the purpose of indicating that the wares bearing it have been produced under defined working conditions or by a defined class of persons.

62. This Act shall come into force on the first day of September, 1932. Date of coming into force.

OTTAWA: Printed by **FREDERICK ALBERT ACLAND**, Law Printer to the King's Most Excellent Majesty.

22-23 GEORGE V.

CHAP. 39.

An Act to amend the Bankruptcy Act.

[Assented to 26th May, 1932.]

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

R.S., c. 11;
1931, cc. 17,
18.

1. This Act may be cited as *The Bankruptcy Act Amendment Act, 1932*. Short title.

2. (1) Paragraph (ii) of section two of the *Bankruptcy Act*, chapter eleven of the Revised Statutes of Canada, 1927, is repealed and the following is substituted therefor: Definitions.

“(ii) ‘Secured creditor’ means a person holding a mortgage, hypothec, pledge, charge, lien or privilege on or against the property of the debtor, or any part thereof, as security for a debt due or accruing due to him from the debtor, or a person whose claim is based upon, or secured by, a negotiable instrument held as collateral security and upon which the debtor is only indirectly or secondarily liable.” ‘Secured creditor.’

(2) Paragraph (kk) of section two of the said Act is repealed and the following substituted therefor:

“(kk) ‘trustee’ or ‘licensed trustee’ means any person, including a trust company, who is licensed or appointed pursuant to the provisions of this Act as a trustee in bankruptcy or under an authorized assignment or in connection with a proposal by a debtor for a composition, extension or scheme of arrangement.” ‘Trustee.’
‘Licensed trustee.’

(3) Section two is further amended by adding thereto the following paragraphs:

“(mm) ‘Minister’ means the Minister of Finance; ‘Minister.’

“(nn) ‘Superintendent’ means the Superintendent of Bankruptcy. ‘Superintendent.’

(4) The said Act is further amended by striking out the word “authorized” wherever it is used therein to qualify the word “trustee”. “Authorized”
deleted.

Bankruptcy
petition.

3. Subsection six of section four of the said Act is repealed and the following is substituted therefor:

Proof of
debt, etc.

“(6) At the hearing the court shall require proof of the debt of the petitioning creditor, of the service of the petition, and of the act of bankruptcy, or, if more than one act of bankruptcy is alleged in the petition, of some one of the alleged acts of bankruptcy, and, if satisfied with the proof, may adjudge the debtor a bankrupt and in pursuance of the petition, make an order, in this Act called a receiving order, for the protection of the estate, and appoint as custodian a licensed trustee, having regard, as far as the court deems just, to the wishes of the creditors.”

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

Appointment
of interim
receiver.

“(5. (1) The court may, if no custodian has been appointed and if it is shown to be necessary for the protection of the estate, at any time after the presentation of a bankruptcy petition, and before a receiving order is made, appoint a licensed trustee as interim receiver of the property of the debtor, or of any part thereof, and direct him to take immediate possession thereof or of any part thereof.

Powers of
interim
receiver.

“(2) The interim receiver may, under the direction of the court, take conservatory measures and summarily dispose of goods which are perishable or likely to depreciate rapidly in value, or carry on the business of the debtor for such period as the court deems advisable.”

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

Vesting of
property in
trustee.

“(6. (1) On a receiving order being made against a debtor, such debtor shall cease to have any capacity to dispose of or otherwise deal with his property affected by the receiving order, which shall be deemed to be in the custody of the court, and upon the appointment of a trustee as hereinafter provided, such property shall, subject to the provisions of this Act, and subject to the rights of secured creditors forthwith pass to and vest in such trustee, and in any case of change of trustee, the property shall pass from trustee to trustee without any conveyance, assignment or transfer whatever.”

6. (1) Subsection one of section nine of the said Act is repealed and the following is substituted therefor:—

Where
liabilities
exceed \$500.

“(9. (1) Any insolvent debtor (other than a resident in the province of Quebec engaged solely in farming or the tilling of the soil) whose liabilities to creditors, provable as debts under this Act, exceed five hundred dollars, may, at any time prior to the making of a receiving order against him, make an assignment of all his property for the general benefit of his creditors.”

(2) Subsections five and six of section nine of the said Act are repealed and the following are substituted therefor:

“(5) Immediately after the acceptance of the authorized assignment the Official Receiver shall appoint as custodian a licensed trustee whom he shall, as far as possible, select by reference to the wishes of the most interested creditors, if ascertainable at the time. Appointment of custodian.

“(6) Upon the appointment of the trustee by the creditors, the Official Receiver shall complete the authorized assignment by inserting therein as grantee the name of such trustee, and such assignment shall thereupon, subject to the provisions of this Act, and subject to the rights of secured creditors vest, as of the date of the acceptance and filing of the said assignment, in the trustee, all the property of the debtor, and in any case of change of trustee, the property shall pass from trustee to trustee without any conveyance, assignment or transfer whatever.” Procedure to vest property in trustee.

(3) Section nine is further amended by adding thereto the following subsection:—

“(8) If the Official Receiver is unable to find any person who is willing to act as custodian, he may, after thirty days have elapsed from the date of the filing of the assignment and after giving the debtor seven days’ notice of his intention, cancel the assignment, whereupon the said assignment shall cease to have any effect under this Act.” If unable to find a custodian.

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

“12. (1) As soon as possible after a trustee has been required to convene a meeting of creditors to consider a proposal of a composition, extension or scheme of arrangement, he shall submit the proposal to the inspectors and if authorized by a majority of them shall forthwith fix a date for such meeting and send by registered mail to every known creditor Proceedings by trustee.

(a) at least ten days’ notice of the time and place of meeting, the day of mailing to count as the first day’s notice;

(b) a condensed statement of the assets and liabilities of the debtor;

(c) a list of his creditors; and

(d) a copy of his proposal.”

8. Section thirteen of the said Act is amended by adding thereto the following subsection:— When scheme deemed to be accepted.

“(4) No such proposal or any security or guarantee tendered therewith may be withdrawn pending the decision of the creditors and the court with respect thereto.” Proposal etc., not to be withdrawn.

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

Costs.

“(2) Notwithstanding the provisions of subsection one of this section, one bill of costs, including sheriff’s fees, shall be payable to the garnishing, attaching or execution creditor who has first attached by way of garnishment or lodged with the sheriff an attachment, execution or other process against property.”

10. Subsection two of section twenty-six of the said Act is repealed and the following is substituted therefor:—

Sheriff to deliver property of debtor to trustee.

“(2) If an authorized assignment or a receiving order has been made, the sheriff or other officer of any court having seized property of the debtor under execution or attachment or any other process, shall, upon receiving a copy of the assignment certified by the trustee named therein or of the receiving order certified by the registrar or other officer of the court which made it, forthwith deliver to the trustee all the property of the execution debtor in his hands.”

11. (1) Subsection two of section twenty-eight of the said Act is repealed and the following is substituted therefor:—

Canada Gazette to be kept on file by registrars, recorders, or clerks, and notices indexed.

“(2) The registrars of the courts of bankruptcy, and Official Receivers shall keep on file for public reference a copy of each issue of the *Canada Gazette* which contains any notice or notices of, incident to or resulting from receiving orders or authorized assignments referring to bankrupts or assignors who resided or carried on business in the province wherein the said courts are situated.”

(2) Subsection four of section twenty-eight is repealed, and the following is substituted therefor:—

Fees.

“(4) A fee not exceeding twenty-five cents for each search and fifty cents for each certificate may be charged by such registrar or Official Receiver.”

12. Subsections one and two of section twenty-nine of the said Act are repealed and the following are substituted therefor:—

Assignment to be registered in proper registry.

“**29.** (1) Every receiving order and every authorized assignment (or a true copy certified as to such order by the registrar or other officer of the court which has made it, and as to such assignment certified by the Official Receiver therein named) may be registered or filed by or on behalf of the custodian or trustee in the proper office in every district, county or territory in which the whole or any part of any real or immoveable property which the bankrupt or assignor owns or in which he has any interest or estate is situate.

“(2) The proper office in this section referred to shall be the land registration office, registry office or other office wherein, according to the law of the province, deeds or other documents of title to real or immoveable property may or ought to be deposited, registered or filed.”

Proper
registry.

13. The said Act is further amended by inserting the following section immediately after section twenty-nine thereof:—

“**29A.** (1) Whenever any land or charge, of which the debtor is owner, is registered under a Land Titles Act, a caution, in the form to be prescribed by General Rules, may be lodged with the proper master or registrar by the custodian or trustee, as the case may be, as soon as practicable after his appointment. No registration shall thereafter be made in respect of such land or charge on behalf of the said registered owner unless such caution be removed. Upon the caution being removed the land or charge shall be dealt with in the same manner as if no caution had been lodged.

Land
registered
under a
Land Titles
Act.

(2) Whenever the debtor is the owner of any land or charge registered under a Land Titles Act, the trustee shall, on production of evidence that the land or charge is part of the property of the debtor, be entitled to be registered as owner free of all certificates of judgment, judgments operating as hypothecs, executions and attachments against land (except such thereof as have been completely executed by payment) within the office of such master or registrar or within the district, county or territory which is served by his office, but subject to a claim for the costs of registration and sheriff's fees, of such judgment, execution or attaching creditors as have registered or filed in such office their judgments, executions or attachments.

Trustee to
be registered
as owner.

(3) ‘Proper master or registrar’ shall mean the master, local master or registrar under a Land Titles Act in whose office the land or charge of the debtor is registered.”

‘Proper
master or
registrar.’

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

“**32.** Notwithstanding anything contained in this Act, any deed, conveyance, transfer, agreement for sale, mortgage, charge or hypothec made to or in favour of a *bona fide* purchaser or mortgagee for good and valuable consideration and covering any real or immoveable property affected by a receiving order or an authorized assignment under this Act, shall be valid and effectual according to the tenor thereof and according to the laws of the province in which the said property is situate as fully and effectually and to all intents and purposes as if no receiving order or authorized assignment had been made under this Act, unless such receiving order or authorized assignment or notice thereof, or caution, has

Law of
province to
apply in
favour of
purchaser
for value.

has been registered against the said property in the proper office as required and defined by sections 29 and 29A of this Act, prior to the registration of any such deed, conveyance, transfer, agreement for sale, mortgage, charge or hypothec in accordance with the laws of the province in which the said property is situate."

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

On application of trustee or creditor.

"(2) Such amendment may be made on application of the trustee or of any creditor on such notice being given to other parties concerned as the court shall think reasonable; and the amendment when made shall have relation back to the date of the assignment or petition in bankruptcy, but not so as to prejudice the rights of innocent purchasers for value."

16. Subsections one and two of section thirty-four of the said Act are repealed and the following are substituted therefor:—

When possession to be taken by custodian.

"**34.** (1) The custodian whether appointed by the court pursuant to a receiving order, or by the Official Receiver pursuant to an authorized assignment, shall take immediate possession of the books and all the property of the debtor liable to seizure, and for the purpose of making an inventory thereof shall be entitled to enter upon any premises where the books or property of the debtor are, notwithstanding that such books or property are in the possession of a sheriff or secured creditor or other claimant thereto.

May take conservatory measures.

"(2) The custodian may under the direction of the Official Receiver take conservatory measures and summarily dispose of goods which are perishable or likely to depreciate rapidly in value, or may carry on the business of the debtor for such period as the court deems advisable."

The Trustee.

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

Minister may appoint trustees.

"**36.** (1) The Minister may issue a licence to any qualified person who has complied with the requirements of this Act and such person so licensed shall be a licensed trustee under this Act.

Application for licence.

(2) Any person desiring to obtain a licence to act as a trustee shall file with the Superintendent an application for licence in such form as may be prescribed, and shall deposit security for the due and faithful performance of his duties, in such form and amount as shall be prescribed. Such security may be enforced by the Superintendent for the benefit of the creditors.

(3) The Superintendent shall make such investigation into the character, business experience, and efficiency of any applicant for licence as the Superintendent deems advisable or expedient, and shall report to the Minister the result of such investigation, together with his recommendation for or against the granting of the application and giving his reasons therefor.

Investigation
and report.

(4) The Minister, as soon as he has received a report from the Superintendent as to the qualifications of any applicant for licence, and that proper security has been duly deposited and that the applicant has conformed to the requirements of this Act may, if he considers it will be of public advantage so to do, issue the licence, and may in and by the licence restrict the powers and duties of the licensee to any bankruptcy district or any part thereof.

Licence.

(5) The licence shall be in the prescribed form and shall expire on the thirty-first of December in each year but may be renewed from year to year subject, however, to any qualification or limitation which may seem expedient. The fee payable for such licence and any renewal thereof shall be such as is prescribed.

Form of
licence.

(6) The validity of any licence purporting to be issued by the Minister under this Act shall not be called in question on behalf or at the instance of any person other than the Minister.

Validity
of licence.

(7) Every licensed trustee shall for the purpose of obtaining possession of and realizing upon the assets of the bankrupt or authorized assignor have power to act as such anywhere.

Power to act
anywhere.

(8) Notwithstanding the provisions of this Act, when the debtor resides or carries on business at a distance far removed from the nearest licensed trustee, the Court or the Official Receiver may, having regard as far as the Court or Official Receiver deems just to the wishes of the creditors, appoint a responsible person residing in the locality of the debtor as custodian, and such person shall be eligible to be appointed by the creditors as trustee and shall, for the purposes of the administration of the estate of such debtor, have all the powers of a licensed trustee under this Act and thereupon the provisions of this Act shall apply to such person as if he had been duly licensed hereunder.

When debtor
at a distance
from nearest
licensed
trustee.

(9) The word 'prescribed' when used in this section means prescribed by the Minister."

'Prescribed.'

18. The said Act is further amended by inserting immediately after section thirty-six thereof the following section:—

Superintendent
of Bankruptcy.

"**36A.** (1) The Governor in Council may appoint an officer to be called the Superintendent of Bankruptcy who shall hold office during pleasure and who shall be paid such salary as may be authorized.

Appointment.

To supervise
bankrupt
estates.

(2) The Superintendent shall supervise, as herein provided, the administration of all bankrupt or insolvent estates to which this Act applies, except estates administered under section thirty-five hereof.

Duties of
Superin-
tendent.

(3) The Superintendent shall

- (a) keep a record of every application for licence received by him in cases where licences have been granted, and of the appointment of custodians and trustees pursuant to subsection eight of section thirty-six, and shall
- (b) enter in a book under the name of the person licensed: the name of every insolvent debtor in respect of whose estate such licensee is appointed as trustee, the value from time to time of the assets in the hands of the licensee, and particulars of the security deposited by such licensee;
- (c) in each case before the renewal of any licence, make a report to the Minister that the application should or should not in his opinion be granted, giving his reasons therefor;
- (d) keep a record of the licences as they are issued;
- (e) from time to time make or cause to be made such inspection of the administration of estates as he deems expedient;
- (f) require each licensee under this Act from time to time either to increase or decrease the security deposited with the Superintendent to such extent as the Superintendent may from time to time determine;
- (g) receive and keep a record of all complaints from any creditor or other person interested in any bankrupt or insolvent estate coming under the jurisdiction of the Superintendent, and make such specific investigations with regard to such complaints as the Superintendent may determine, and report to the Minister thereon;
- (h) make a report to the Minister after any investigation by the Superintendent or any one on his behalf, if it should appear that any licensee under this Act has not fully complied with the law with regard to the proper administration of any bankrupt or insolvent estate together with such recommendations to the Minister as the Superintendent may deem advisable or expedient;
- (i) make such report to the court in connection with any application by a debtor or a trustee for his discharge as the Superintendent sees fit.

Suspension or
cancellation
of licence by
Minister.

(4) The Minister, after consideration of any report received by him from the Superintendent and after a reasonable time has been given to the licensee to be heard by him, and upon such further enquiry and investigation as he deems proper to make, may suspend or cancel the licence of any licensee, and in such case shall direct that

such licensee be removed as trustee of all bankrupt or insolvent estates being administered by such licensee, and may appoint some other licensee to act as trustee in the place or stead of the trustee whose licence has been suspended or cancelled. The trustee so appointed by the Minister shall continue to act as trustee until removed or replaced by the Court or the creditors under this Act.

(5) Such employees as are required to assist the Superintendent to perform his functions under this Act shall be appointed according to the provisions of the *Civil Service Act*.” Appointment of employees.

19. (1) Subsections one and two of section thirty-seven of the said Act are repealed and the following are substituted therefor:—

“**37.** (1) The creditors shall at their first meeting appoint by ordinary resolution a trustee for the administration of the estate. Appointment of trustee.”

“(2) The creditors may, by ordinary resolution, at any meeting, and the court may for cause appoint a new trustee and remove a trustee who is in office.” Removal of trustee.”

(2) Section thirty-seven is further amended by adding thereto the following subsections:—

“(7) The court, upon being satisfied that there are assets which have not been realized or distributed under this Act may, on the application of any person interested, at any time after the discharge of the trustee as herein-after provided for, appoint a trustee to complete the administration of the estate. Such trustee shall be governed by the provisions of this Act as if appointed trustee in the first instance. If assets have not been got in.”

“(8) Every trustee duly appointed shall, in addition to the security required by section 36A of this Act, forthwith give security in cash or by bond of an approved guarantee company, satisfactory to the Official Receiver, for the due accounting for, the payment and the transfer of all moneys and property received by him as trustee. Such security shall be deposited with the Official Receiver and shall be given in favour of the creditors generally and may be enforced by one of them on behalf of all by direction of the Court. The amount of the said security may be reduced by the Official Receiver at any time or from time to time during the administration of the estate on resolution of the Inspectors.” Additional security.”

20. Subsection two of section thirty-eight of the said Act is repealed. In composition or extension proceedings.

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

Trustee to insure property of debtor.

“40. (1) The trustee shall forthwith insure and keep insured in his official name until sold or disposed of, all the insurable property of the debtor, to the fair realizable value thereof or to such other insurable amount as may be approved by the inspectors or by the court, in insurance companies authorized to carry on business in the province wherein the insured property is situate.”

Powers exercisable by trustee.

22. Section forty-three of the said Act is amended by inserting the following paragraph immediately after paragraph (a) of subsection one:—

“(aa) lease any real or immovable property for such period and on such terms as the court may direct.”

23. Subsections one, two and three of section fifty-one of the said Act are repealed and the following are substituted therefor:—

Trustee may incur obligations, etc.

“51. (1) Subject to the provisions of subsection two a trustee with the permission in writing of the inspectors, an interim receiver or custodian may incur obligations, borrow money and give security on any property of the estate by mortgage, hypothec, charge, assignment, pledge or otherwise including security under the provisions of the *Bank Act*, and make necessary or advisable advances, which obligations and advances so incurred or made, and moneys so borrowed, shall be discharged or repaid to the lender or to the trustee, interim receiver, or custodian out of the assets of the debtor in priority to the claims of the creditors.

Power to borrow money.

“(2) The powers of a trustee, interim receiver or custodian to borrow money and give security therefor shall be limited to the borrowing of money in such amounts and on such terms and to the giving of security to such amount and upon such property of the estate and in such manner as may be authorized by the court, and for the purpose of giving security under section eighty-eight of the *Bank Act* the trustee, interim receiver or custodian, if authorized to carry on the business of the debtor, shall be deemed to be a person engaged in the class of business previously carried on by the debtor.

Limit of advances.

“(3) The creditors or inspectors may by resolution limit the amount of the obligations which may be incurred, the advances which may be made or moneys which may be borrowed by the trustee and may limit the period of time during which the business of the debtor may be continued by the trustee.

Trustee not obliged to continue.

“(3A) The trustee shall not be under obligation to continue the business of the debtor if in his opinion the realizable value of the assets of the debtor is insufficient to protect

him fully against possible loss occasioned by so doing, and if the creditors, upon demand made by the trustee, neglect or refuse to secure him against such possible loss."

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

"**56.** (1) The trustee of a bankrupt or assignor shall from time to time report,

Report to creditors and superintendent by trustee.

(a) when required by the inspectors, to every creditor; and

(b) when required by any specific creditor, to such creditor, and

(c) when required by the Superintendent to such Superintendent,

showing the condition of the debtor's estate, the moneys on hand, if any, and particulars of any property remaining unsold."

25. Subsection one of section fifty-seven of the said Act is repealed and the following is substituted therefor:—

"**57.** (1) The trustee of a bankrupt or assignor shall promptly after their receipt or preparation mail to the Superintendent and to the Dominion Statistician, Department of Trade and Commerce, Ottawa, a true copy of

Documents to be forwarded to Superintendent and to Statistician.

(a) the notice referred to in section twenty-eight of this Act;

(b) the statement referred to in section one hundred and twenty-nine of this Act;

(c) the abstract of receipts and disbursements and the dividend sheet referred to in section seventy-eight of this Act;

(d) every order made by the court upon the application for discharge of any bankrupt or authorized assignor;

(e) the statement prepared by the trustee upon which a final dividend is declared; and

(f) any order made under subsection five of section nineteen of this Act annulling any adjudication of bankruptcy."

26. Section fifty-nine of the said Act is amended by striking out the word "directors" from the seventh line thereof and substituting the word "creditors".

How claims are to rank.

27. Subsection two of section sixty-three of the said Act is repealed and the following is substituted therefor:—

"(2) This section shall not apply if, in the province where the assignor has his principal place of business, there

Provisions not to apply in certain cases.

is a statute providing for the registration of such assignment, and if the assignment is registered in compliance therewith."

28. Subsection one of section seventy-eight of the said Act is repealed and the following is substituted therefor:—

"**78.** (1) So soon as a final dividend sheet is prepared, the trustee shall send by registered mail to every creditor, to the Registrar and to the Superintendent

(a) a notice of the fact,

(b) an abstract of his receipts and expenditures as trustee which abstract shall indicate what amount of interest has been received by the trustee for moneys in his hands, and

(c) a copy of the dividend sheet with notice thereon

(i) of the claims objected to and

(ii) whether any reservation has been made therefor and

(d) notice that he will apply to the court on a day named therein for his discharge."

Abstract of receipts and disbursements.

Remuneration of trustee. Disbursements to be taxed.

29. (1) Subsection five of section eighty-five of the said Act is repealed and the following is substituted therefor:—

"(5) The disbursements of a trustee shall in all cases be taxed by the prescribed officer."

(2) Section eighty-five is further amended by adding thereto the following subsections:—

"(6) In fixing the remuneration of the trustee, only that part of the sale price of real or immovable property which is available for distribution amongst creditors other than secured creditors claiming as such against the property shall be taken into account. Provided that this subsection shall not affect the application of subsection four of this section.

"(7) If in any case after the trustee has paid all expenses of administration and has realized all available assets, the commissions allowable under subsection three of this section do not amount to one hundred dollars, the inspectors may grant the trustee a fee which with the commissions, if any, already paid or to be paid to him, shall not exceed one hundred dollars."

Only part available to be taken into account.

Inspectors may allow a fee of \$100.

Special security released.

30. Subsection five of section eighty-six of the said Act is amended by striking out the words "subsection one of section thirty-six" and substituting therefor the words "subsection eight of section thirty-seven."

31. Subsection seven of section eighty-six of the said Act is hereby repealed and the following substituted therefor:—

"(7) Upon the discharge of the trustee, assets, if any, not realized or distributed shall vest in the Receiver General for the benefit of the creditors."

Assets not realized, etc., to vest in Rec. Gen. for creditors.

32. Subsection one of section eighty-eight of the said Act is repealed and the following is substituted therefor:—

Meetings of creditors.

88. (1) It shall be the duty of the custodian to inform himself by reference to the debtor and his records and otherwise, of the names and addresses of the creditors and within five days from the date of his appointment, to mail prepaid and registered to every creditor known to him a circular calling the first meeting of creditors at the office of the Official Receiver in the locality of the debtor to be named in the notice."

First meeting of creditors.

33. Section ninety-eight of the said Act is amended by adding thereto the following subsection:—

Procedure at meetings.

"(3) The following persons shall not be entitled to vote on the appointment of a trustee, namely:

Persons not entitled to vote.

(i) the father, mother, son, daughter, sister, brother, uncle or aunt by blood or marriage, wife or husband of the bankrupt or authorized assignor;

(ii) if the bankrupt or authorized assignor is an incorporated company, any officer, director or employee thereof."

34. Section one hundred and three of the said Act is amended by adding thereto the following subsection:—

Inspectors.

"(7) No person shall be eligible to be appointed or to act as an inspector who is a party to any action or proceedings by or against the estate."

Certain persons not eligible as inspectors.

35. Section one hundred and five of the said Act is repealed and the following is substituted therefor:—

"**105.** (1) Every creditor shall prove his debt as soon as may be after the making of a receiving order or after the date of an authorized assignment or as soon as possible after such creditor has received notice of a meeting for the consideration of a composition, extension or scheme of arrangement.

Proof of debts.

(2) A debt may be proved by delivering or sending through the post in a prepaid and registered letter to the custodian or trustee, an affidavit verifying the debt.

Proof by post.

(3) The affidavit may be made by the creditor himself or by some person authorized by him on behalf of the creditor, and if made by a person so authorized, it shall state his authority and means of knowledge.

Affidavit.

(4) The affidavit shall contain or refer to a statement of account showing the particulars of the debt and shall specify the vouchers, if any, by which the same can be substantiated, and the trustee may at any time call for the production of invoices, acceptances, bills of lading, receipts, cheques, notes, bank passbooks, or books of accounts, or

Shall refer to account.

such further or other evidence as the trustee or inspectors may require in order to deal with the claim."

Shall state whether secured.

(5) The affidavit shall state whether the creditor is or is not a secured creditor.

Who may examine proofs.

(6) Every creditor who has lodged a proof shall be entitled to see and examine the proofs of other creditors before the first meeting, and at all reasonable times."

36. Subsection one of section one hundred and seven of the said Act is repealed and the following is substituted therefor:—

Secured creditor to value securities.

"**107.** (1) If a secured creditor does not either realize or surrender his security he may if he wishes to rank for dividend and he shall within thirty days after demand in writing made upon him by the trustee or within such further time as may be allowed by the inspectors or the court, file with the trustee an affidavit stating therein full particulars of his security, or securities, the date when each security was given and the value at which he assesses each thereof."

Postponement of husband's claim.

37. Section one hundred and fifteen of the said Act is amended by striking out the words "after the thirtieth day of June one thousand nine hundred and twenty" where they occur in the fifth and sixth lines thereof.

Restricted creditors.

38: Section one hundred and sixteen of the said Act is repealed and the following is substituted therefor:—

Postponement of wife's claim.

"**116.** Where a married man has been adjudged bankrupt or has made an authorized assignment his wife shall not be entitled to claim any dividend as a creditor in respect of any money or other estate lent or entrusted by her to her husband for the purpose of his trade or business, or claim any wages, salary or compensation for work done or services rendered in connection with his trade or business, until all claims of the other creditors of her husband for valuable consideration in money or money's worth have been satisfied."

39. Section one hundred and seventeen of the said Act is repealed and the following is substituted therefor:—

Postponement of wage claims of relatives.

"**117.** Where any person or firm has been adjudged bankrupt or has made an authorized assignment, a father, son, daughter, mother, brother, sister, uncle or aunt by blood or marriage of any such person or of any member of the said firm shall not be entitled to have his claim preferred as provided by section one hundred and twenty-one of this Act, in respect of any wages, salary or compensation for work done or services rendered to the said person or firm."

40. Section one hundred and eighteen of the said Act is repealed and the following is substituted therefor:—

“**118.** Where any corporation has been adjudged bankrupt or has made an authorized assignment, no officer or director thereof shall be entitled to have his claim preferred as provided by section one hundred and twenty-one of this Act, in respect of any wages, salary or compensation for work done or services rendered to the said corporation.”

No preferential claims for officers or directors.

41. Subsection one of section one hundred and twenty-one of the said Act is amended by adding at the end of the paragraph commencing “secondly” the following words “and subsection two of section 29A.”

Priority of claims.

42. The said Act is further amended by inserting immediately after section 125A thereof, as enacted by section one of chapter seventeen of the statutes of 1931, the following section:—

“**125B.** In the administration of the property of a deceased insolvent debtor, the trustee shall have regard to any claim by the legal personal representative of the deceased debtor to payment of the proper funeral and testamentary expenses incurred by him in or about the estate and such claim shall be preferred and shall notwithstanding anything to the contrary in this Act, be payable out of the debtor’s estate in priority to all other debts.”

Funeral and testamentary expenses.

43. The said Act is further amended by inserting immediately after section one hundred and twenty-six thereof the following section:—

“**126A.** Notwithstanding anything contained in sections one hundred and twenty-one to one hundred and twenty-six, both inclusive, there shall be payable to the Receiver General, for the purpose of defraying the expenses of the supervision by the Superintendent, a levy on all payments made by the trustee, excepting the costs and expenses of the custodian or interim receiver, and the fees and expenses of the trustee, and the costs of the garnishing, attaching, execution or judgment creditor mentioned in section one hundred and twenty-one, and excepting payments made on account of liabilities incurred after the receiving order or assignment. The payments subject to the said levy shall include all payments made by way of dividend or otherwise on account of the claims of creditors, whether ordinary, preferred or secured creditors, and including His Majesty in the right of the Dominion or of any province, claiming in respect of taxes or otherwise. Such levy shall be at a rate to be fixed by the Governor in Council from time to time and shall be charged proportionately against all such payments and deducted therefrom by the trustee before payment is made.”

Levy to be paid to the Receiver General.

When
bankrupt
or assignor
is a
corporation.

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

“**133.** Whenever the bankrupt or authorized assignor is a corporation, the officer executing the assignment or such other officer or officers as the Official Receiver shall direct, shall present himself before the Official Receiver for examination under section one hundred and twenty-eight, and, in case of failure to perform such duty, such officer shall be punishable as if he were the debtor.”

Examination
of debtors
and others.

45. Section one hundred and thirty-four of the said Act is amended by adding thereto the following subsection:—

Examination
of trustee,
debtor, etc.

“(2) Upon application of any creditor to the court, at any time, upon sufficient cause being shown, an order may be made for the examination under oath before the registrar or other prescribed person, of the trustee or the debtor or of any inspector or creditor, or any other person named in the order for the purpose of investigating the administration of the estate of any bankrupt or authorized assignor, and the court may further order any person liable to be so examined to produce any books, documents, correspondence or papers in his possession or power relating in all or in part to the debtor, the trustee or any creditor, the costs of such examination and investigation to be in the discretion of the court or judge.”

Application
for discharge
of bankrupt.

46. (1) Subsections three and four of section one hundred and forty-one of the said Act are repealed and the following are substituted therefor:—

Registrar to
notify
trustee,
superinten-
dent and
creditors.

“(3) The registrar shall, not less than twenty-eight days before the day appointed for hearing the application, give to the trustee notice of the application and of the time and place of hearing of it, and the trustee shall not less than fourteen days before the day appointed for hearing the application give to the Superintendent and to each creditor who has proved his debt like notice.

Trustee to
file report
with
registrar.

“(4) The trustee shall file with the registrar, at least three days before the day appointed for hearing the application, his report as to the conduct and affairs of the bankrupt or assignor (including a report as to the conduct of the bankrupt or assignor during the proceedings under his bankruptcy or assignment). In cases where the final dividend has not been paid, this report shall be accompanied by a resolution of inspectors declaring whether they approve or disapprove the said report, and in the latter case the reasons of this disapproval must be given.”

(2) Section one hundred and forty-one is further amended by adding thereto the following subsection:—

“(9) The duties imposed upon the trustee under this section shall be carried out by him notwithstanding that he may have been discharged as trustee by the court.”

Duties to be carried on.

47. Subsection one of section one hundred and forty-two of the said Act is repealed and the following is substituted therefor:—

“142. (1) On the hearing of the application, the court shall take into consideration the report of the trustee, and the resolution of the inspectors, and may either grant or refuse an absolute order of discharge or suspend the operation of the order for a specified time, or grant an order of discharge subject to any conditions with respect to any earnings or income which may afterwards become due to the bankrupt or authorized assignor, or with respect to his after-acquired property.”

Court may grant or refuse discharge.

48. Section one hundred and fifty-six of the said Act is repealed and the following substituted therefor:—

“156. The Chief Justice of the court, and in the province of Ontario the Chief Justice of Ontario, and in the province of Quebec the Chief Justice or the Acting Chief Justice in the district of appeal in which he has been appointed, may, if in his opinion it be advisable or necessary for the good administration of this Act, nominate or assign one or more of the judges of the court ordinarily to exercise the judicial powers and jurisdiction conferred by this Act, which may be exercised by a single judge, and the judgment, decision or order of any such judge so nominated or assigned shall be deemed to be the judgment, decision or order of the court, and reference in this act to the court shall apply to any such judge exercising the powers and jurisdiction of the court: Provided that nothing in this subsection shall diminish or affect the powers or jurisdiction of the court or of any of the judges thereof not so specially nominated or assigned.”

Single judges to be assigned to bankruptcy work by Chief Justice.

Proviso.

49. Section one hundred and fifty-seven of the said Act is repealed and the following is substituted therefor:—

“157. (1) The Chief Justice of each Court upon which the powers and jurisdiction are conferred by this Act shall from time to time appoint and assign such registrars, clerks and other officers in bankruptcy as he deems necessary or expedient for the transaction or disposal of matters in respect of which power or jurisdiction is given by this Act and may prescribe or limit the territorial jurisdiction of any such registrar, clerk or other officer.

Registrars, clerks or other officers.

(2) The Superintendent or any person appointed by him for such purpose shall have access to all books, records, documents and papers connected with the estate of any

Access to books and records.

bankrupt or authorized assignor, kept by any registrar, clerk or officer in bankruptcy."

Bankruptcy offences.

50. Paragraphs (a), (b) and (c) of section one hundred and ninety-one of the said Act are repealed and the following are substituted therefor:—

Fraudulent debtors.

"(a) If he does not, to the best of his knowledge and belief, fully and truly discover to the trustee, custodian or interim receiver, all his property, real and personal, and how and to whom and for what consideration and when he disposed of any part thereof, except such part as has been disposed of in the ordinary way of his trade (if any) or laid out in the ordinary expense of his family, unless he proves that he had no intent to defraud;

"(b) If he does not deliver up to the trustee, custodian or interim receiver, or as he directs, all such part of his real and personal property as is in his custody or under his control, and which he is required by law to deliver up, unless he proves that he had no intent to defraud;

"(c) If he does not deliver up to the trustee, custodian or interim receiver, or as he directs, all books, documents, papers and writings in his custody, or under his control, relating to his property or affairs, unless he proves that he had no intent to defraud."

51. Section one hundred and ninety-four of the said Act is amended by adding thereto the following subsection:—

Inspector accepting other fees.

"(2) If any inspector accepts from the bankrupt or authorized assignor or from any person, firm, or corporation on his behalf or from the trustee, any fee, commission or emolument of any kind other than, or in addition to the regular fees provided for by this Act, he shall be guilty of an indictable offence and shall on conviction be liable to a fine, not exceeding one thousand dollars, or to imprisonment for a term not exceeding one year, or to both said fine and imprisonment."

52. Section one hundred and ninety-five of the said Act is repealed and the following is substituted therefor:—

Order by Court for prosecution on report of superintendent, etc.

"**195.** (1) Whenever the Court is satisfied, upon the representation of the Superintendent or any one on his behalf, or of the trustee, or of any creditor, inspector, or other interested person, that there is ground to believe that any person has been guilty of an offence under this Act or under any statute, whether Dominion or Provincial, in connection with the estate of the debtor, his dealings or property, the Court may order that such person be prosecuted for such offence.

Report by Official Receiver, etc., if has grounds for believing that any offence suspected.

(2) Whenever any Official Receiver, custodian or trustee has grounds for believing that any offence under this Act

or under any other statute, whether Dominion or Provincial, has been committed with respect to any insolvent estate in connection with which he has been acting under this Act, or that for some special reason an investigation should be had in connection with such estate, it shall be the duty of such Official Receiver, custodian or trustee to report such matter to the Court, including in such report a statement of all the facts or circumstances of the case within his knowledge, and the names of the witnesses who should in his opinion be examined, and a statement as to the offence or offences believed to have been committed, and to forward a copy of such report forthwith to the Superintendent.

(3) Except by leave of the Court no action shall lie against the Superintendent or any other person with respect to any representation or report made under, or any action taken pursuant to the provisions of this Act.” No action except by leave of the Court.

53. (1) Section one hundred and ninety-nine of the said Act is amended by repealing paragraph (a) thereof and substituting the following:—

“(a) not being a licensed trustee, does any act as, or represents himself to be a licensed trustee; or” Pretending to be trustee.

(2) Section one hundred and ninety-nine is further amended by striking out from paragraph (b) thereof the words “subsection one of section thirty-six” and substituting the words “subsection eight of section thirty-seven.” Trustee acting without bond.

(3) Section one hundred and ninety-nine is further amended by inserting after paragraph (d) the following:—
“(e) solicits or canvasses any person to make an assignment under this Act.” Soliciting a person to make an assignment.

54. Section two hundred and two of the said Act is repealed. Administration.

55. This Act shall come into force on a date to be fixed by proclamation of the Governor in Council, but shall not operate to disqualify any trustee appointed before that date. Coming into force.

22-23 GEORGE V.

CHAP. 40.

An Act to amend the Civil Service Act.

[Assented to 26th May, 1932.]

HIS Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:— R.S., c. 22;
1929, c. 38.

1. Section thirteen of the *Civil Service Act*, chapter twenty-two of the Revised Statutes of Canada, 1927, is repealed and the following is substituted therefor:—

“**13.** The rate of compensation of an employee upon appointment to a position in any class in the civil service shall be at the minimum rate prescribed for the class; provided, however, that when the appointee is already in the civil service in another position, the rate of compensation upon appointment to the new position through promotion shall be the same as that received before such new appointment, or, if there be no such rate for the new class, then at the next higher rate, but no appointment shall in any case be made at less than the minimum nor at more than the maximum rate prescribed for a class.” No change
of compensation
on
promotion.

2. The said Act is further amended by repealing subsections one and two of section fourteen and substituting therefor the following subsections:—

“**14.** (1) The rate of compensation of an employee who has not reached the maximum rate of compensation of the class in which he is serving may, subject to the regulations of the Commission, be increased by the deputy head, if he is satisfied that the employee has rendered meritorious service and has increased his usefulness in the service. Increases to
be granted
by deputy.

(2) Such increase shall be to the next higher rate for the class, and the new rate shall become effective at the next quarterly date after the increase is granted by the deputy head, that is to say, either the first day of January, April, July or October in any year.” Effective
date of
increase.

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

Pay of temporary employees outside of Ottawa.

“(2) In the case of temporary employees required in Canada outside the city of Ottawa, if such minimum rate be less than the prevailing rate of pay for the work incident to the position in the place or locality where the work is required to be performed, the Commission may engage a temporary employee at such prevailing rate instead of the minimum rate, if the said prevailing rate does not exceed the maximum rate of the class in which the position is classified.”

Residence for local appointments.

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

“(3) Except as to appointments to positions in the headquarters of the several departments and other portions of the civil service at Ottawa, the appointments to any local positions in any province shall, so far as practicable, be made from persons having resided in such locality for a period of at least one year immediately preceding the date last fixed for receiving applications for such local positions.”

Rejection only for cause.

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

“24. (1) The deputy head may, at any time before the expiration of six months, reject for cause any person assigned or appointed to any position under his control or direction, or he may extend the period of probation within which such person may be rejected for another six months; and the cause of rejection with full particulars, or the reason for extending the period of probation, shall be reported by the deputy head to the Commission.”

Five years' residence in Canada required.

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

“33. (1) No person shall, without the authority of the Governor in Council, be admitted to any examination unless he is a natural born or naturalized British subject, and also has been a resident of Canada for at least five years.”

Vacation leave.

7. Section forty-six of the said Act is repealed and the following is substituted therefor:—

“46. (1) The deputy head may grant to each officer, clerk or other employee leave of absence for the purposes of vacation for a period not exceeding one and one-half days for each month of completed service, and not exceeding eighteen days in any one fiscal year, exclusive of Sundays and holidays; but if any such officer, clerk or employee be stationed in a tropical country (as defined by the regulations of the Commission) such leave of absence may be granted for a period not exceeding one calendar month in any one fiscal year.

(2) Every such officer, clerk or employee shall take the leave so granted at such time during each year as the deputy head determines."

8. Section forty-seven of the said Act is amended by adding thereto the following subsection:—

"(2) The Commission, with the approval of the Governor in Council, may make regulations providing that whenever any officer, clerk or other employee may be granted a period of leave of absence with pay on his retirement from the service, he shall, in lieu of such leave of absence with pay, be paid out of the Consolidated Revenue Fund a gratuity equal to the amount of his salary for the period of such leave of absence; and in such case the position occupied by him shall become vacant as from the date of payment of such gratuity."

Gratuity in lieu of retiring leave.

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

"51. (1) The head of a department, and in his absence the deputy head, or in respect of officers, clerks or employees employed in any remote district, any officer of the department authorized in that behalf by the head of the department, may

Suspension of employees in remote districts.

(a) suspend from the performance of his duty any officer, clerk or employee guilty of misconduct or negligence in the performance of his duties;

(b) remove such suspension;

but no person shall receive any salary or pay for the time or any part of the time during which he was under suspension unless the Commission is of opinion that such suspension was unjust or made in error or that the punishment inflicted was too severe."

10. The said Act is amended by inserting therein immediately after section fifty-seven the following section:—

"REVENUE POST OFFICES.

"57A. The provisions of this Act shall not apply to the position of postmaster of any revenue post office the revenue of which does not exceed three thousand dollars per annum; but the preference provided by section twenty-nine of this Act, in favour of the persons mentioned therein, shall be applied in respect of appointments to such positions."

Act not to apply to postmasters of certain revenue post offices.

11. Subsection two of section sixty of the said Act, as enacted by chapter thirty-eight of the statutes of 1929, is amended by striking out the words "one year" in the last line of the said subsection and inserting the words "three years" in place thereof.

Salaries and permanency of private secretaries.

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

Officers of
Parliament,
what part
of Act to
apply to.

“**61.** (1) The provisions of this Act relating to appointment, transfer, promotion, salaries, increases thereof, classification, political partisanship and payment of gratuity on death shall apply to the permanent officers, clerks, and employees of both Houses of Parliament and of the Library of Parliament, and wherever any action is authorized or directed to be taken by the Governor in Council or by order in council, such action, with respect to the officers, clerks and employees of the Senate or the House of Commons, shall be taken by the Senate or the House of Commons, as the case may be, by resolution; or, if such action is required during the recess of Parliament, by the Governor in Council, subject to ratification by the Senate or the House of Commons, as the case may be, at the next ensuing session.

Library of
Parliament

(2) With respect to the officers, clerks and employees of the Library of Parliament, and to such other officers, clerks and employees as are under the joint control of both Houses of Parliament, such action shall be taken by both Houses of Parliament by resolution, or, if such action is required during the recess of Parliament, by the Governor in Council, subject to ratification by both Houses of Parliament at the next ensuing session.”

Retirement
from office
of present
Civil Service
Commissioners.

13. (1) Notwithstanding any provision of the said Act, the members of the Civil Service Commission now in office shall be retired from office by order of the Governor in Council on such date as he shall determine, and each member so retired may be granted such gratuity on retirement as the Governor in Council may authorize to be paid out of the Consolidated Revenue Fund.

(2) Subsection three of section three of the said Act is repealed and the following is substituted therefor:—

Tenure of
office of
Commissioners.

“(3) Each commissioner shall hold office during good behaviour for a period of ten years from the date of his appointment, save that his tenure of office shall cease upon his attaining the age of sixty-five years. Provided that if a civil servant, who is a contributor under the provisions of the *Civil Service Superannuation Act*, be appointed to be a Commissioner, he shall be eligible, notwithstanding the provisions of the *Civil Service Superannuation Act*, to continue to be a contributor under the said Act; his tenure of office as Commissioner shall be counted as service in the Civil Service for the purposes of the said Act and he, his widow and children, or other dependents, if any, shall be eligible to receive the respective allowances or gratuities provided by the said Act; and, in case his tenure of office shall cease as in this subsection provided, or in the event

R.S., c. 24.

of his being retired from the said office of Commissioner for any reason other than that of misconduct, he shall be eligible to receive the same benefits under the said Act as if his office as Commissioner had been abolished.

OTTAWA: Printed by FREDERICK ALBERT ACLAND, Law Printer to the
King's Most Excellent Majesty.

22-23 GEORGE V.

CHAP. 41.

An Act to amend the Customs Tariff.

[Assented to May 26th, 1932.]

R.S., c. 44;
1928, c. 17;
1929, c. 39;
1930 (1st
Sess.), c. 13;
1930 (2nd
Sess.), c. 3;
1931, c. 30.

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

1. Schedule A to the *Customs Tariff*, chapter forty-four of the Revised Statutes of Canada, 1927, as amended by chapter seventeen of the Acts of 1928, chapter thirty-nine of the Acts of 1929, chapter thirteen of the Acts of 1930 (first session), chapter three of the Acts of 1930 (second session) and chapter thirty of the Acts of 1931, is further amended by striking thereout tariff item 409q, the several enumerations of goods, respectively, and the several rates of duties of customs, if any, set opposite thereto, and by inserting the following item, enumerations and rates of duty in said Schedule A:—

Schedule A
amended.

Tariff Item	—	British Preferen- tial Tariff	Inter- mediate Tariff	General Tariff
409q	Complete parts for repairs, if imported on or before the thirty-first day of March, 1933, under regulations prescribed by the Minister:—			
	(i) For the implements or machinery enumerated in tariff items 409c, 409e, 409i, 409g, 409j, 409o, 409p and 439c . . .	Free	10 p.c.	10 p.c.
	(ii) For the implements or machinery enumerated in tariff item 409b	Free	7½ p.c.	7½ p.c.
	(iii) For the implements or machinery enumerated in tariff item 409d	Free	6 p.c.	6 p.c.
	(iv) For the implements or machinery enumerated in tariff items 409h and 409n	Free	10 p.c.	15 p.c.
	(v) For the implements or machinery enumerated in tariff item 409k	Free	17½ p.c.	17½ p.c.

When section 1 comes into force.

2. Section one of this Act shall be deemed to have come into force on the seventh day of April, one thousand nine hundred and thirty-two, and to have applied to all goods mentioned in the said section imported or taken out of warehouse for consumption on and after that date, and to have applied to goods previously imported for consumption for which no entry for consumption was made before that date.

Schedule A further amended.

3. Schedule A to the *Customs Tariff*, amended as hereinbefore provided, is further amended by striking thereout tariff items 549 and 599, the several enumerations of goods, respectively, and the several rates of duties of customs, if any, set opposite thereto, and by inserting the following items, enumerations and rates of duty in said Schedule A:—

Tariff Item	—	British Preferential Tariff	Intermediate Tariff	General Tariff
549	Wool, the hair of the camel, alpaca, goat or other like animal, not further prepared than combed. . . . per pound Provided that importations under this Item, wholly the product of any British country, when imported direct from the United Kingdom into a sea, lake or river port of Canada, shall be entitled to the benefits of the British Preferential Tariff.	Free	10 cts.	15 cts.
599	Hides and skins, raw, whether dry, salted or pickled; and raw pelts. . . . Provided, that importations under this Item, wholly the product of any British country, when imported direct from the United Kingdom into a sea, lake or river port of Canada, shall be entitled to the benefits of the British Preferential Tariff.	Free.	10 p.c.	15 p.c.

When section 3 comes into force

1932, c. 34.

4. Section three of this Act shall come into force on the date on which *The New Zealand Trade Agreement Act, 1932*, comes into force, and shall be deemed to apply to all goods mentioned in the said section imported or taken out of warehouse for consumption on and after that date, and to have applied to goods previously imported for consumption for which no entry for consumption was made before that date.

22-23 GEORGE V.

CHAP. 42.

An Act to amend and consolidate the Fisheries Act.

[Assented to 26th May, 1932.]

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

R.S., c. 73;
1929, c. 42.

SHORT TITLE.

1. This Act may be cited as *The Fisheries Act, 1932*. Short title. R.S., c. 73, s. 1.

INTERPRETATION.

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

Interpre-
tation.

(a) "fish" includes shell fish, crustaceans and marine animals; "Fish."

(b) "fishery" means and includes the area, locality, place or station in or on which a pound, seine, net, weir or other fishing appliance is used, set, placed or located, and the area, tract or stretch of water in or from which fish may be taken by the said pound, seine, net, weir or other fishing appliance, and also the pound, seine, net, weir, or other fishing appliance used in connection therewith; "Fishery."

(c) "fishing" shall mean fishing for or catching fish by any method; "Fishing."

(d) "Minister" means the Minister of Fisheries; "Minister."

(e) "fishing vessel" includes any ship or boat, or any other description of vessel used in fishing; 1929, c. 42, s. 1. "Fishing vessel."

(f) "Canadian" means a British subject resident in Canada; 1929, c. 42, s. 1. "Canadian."

(g) "lawful excuse" means,—

"Lawful
excuse."

(i) ability to prove that fish in possession during the close time therefor at the place of possession, were legally caught; or

(ii) the unintentional or incidental catching of any fish that may not then be taken, when legally fishing for other fish;

“Close time.”

(h) “close time” means a specified period during which fish to which it applies, may not be fished. R.S., c. 73, s. 2, am.

APPLICATION.

Provincial rights not affected.

3. Nothing in this Act contained shall be taken to authorize the granting of fishery leases conferring an exclusive right to fish in property belonging not to the Dominion but to some province thereof. R.S., c. 73, s. 3.

Licences to take spawn.

4. Nothing in this Act contained shall preclude the granting by the Minister of written permission to obtain fish and fish spawn for purposes of stocking or artificial breeding or for scientific purposes. R.S., c. 73, s. 4.

Appointment of Fishery Officers.

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

Fishery Officers are justices of the peace.

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

Fishery guardians.

(3) The Minister may appoint fit and proper persons to act as fishery guardians, who shall hold office during the pleasure of the Minister, and who shall have for the purposes of this Act and the regulations made under it the powers of a police constable. R.S., c. 73, s. 5, am.

Oath of office.

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

“I, A.B., a fishery officer (or guardian) in and for the district of.....do solemnly swear, that to the best of my judgment, I will faithfully, honestly, and impartially fulfil, execute and perform the office and duty of such officer (or guardian) according to the true intent and meaning of the *Fisheries Act* and regulations and in accordance with my instructions. So help me God.” R.S., c. 73, s. 6.

FISHERY LEASES AND LICENCES.

Fishery leases and licences.

7. The Minister may, in his absolute discretion, wherever the exclusive right of fishing does not already exist by law, issue or authorize to be issued, leases and licences

for fisheries and/or fishing, wheresoever situate or carried on; but except as hereinafter provided, leases or licences for any term exceeding nine years shall be issued only under authority of the Governor General in Council. R.S., c. 73, s. 7; 1929, c. 42, s. 2.

If for more than nine years.

8. The Minister may cancel any lease or licence issued under the authority of this Act, if he has ascertained that the operations under such licence were not conducted in conformity with its provisions. 1929, c. 42, s. 3, am.

Minister may cancel licence.

WHALE FISHING.

9. (1) No vessel or boat shall be employed in the whale fishery, except under license from the Minister. R.S., c. 73, s. 9 (1), am.

Licences for whale fishery.

(2) No one shall pursue, capture, shoot or kill any whale within the distance of one-half nautical mile of any vessel or boat not at anchor or within one nautical mile of any vessel or boat at anchor or engaged in any kind of fishing. R.S., c. 73, s. 9 (8).

Protection of other vessels.

(3) No one shall have in his possession for the purpose of catching or killing whales, or use in the catching or killing of whales any contrivance which does not include a harpoon, with a whaling line attached thereto, fixed or fastened to the boat or vessel from which the whale is captured or killed. R.S., c. 73, s. 9 (9).

Prohibited contrivances.

(4) The licence fee payable for any vessel or boat engaged in the whale industry or hunting whales within the waters of Hudson bay, or the territorial waters of Canada north of the fifty-fifth parallel of north latitude, if not so engaged or hunting in connection with a factory established in Canada, shall be fifty dollars for each year; and, inasmuch as Hudson bay is wholly territorial water of Canada the requirements of this section as to licensing, and as to the fee payable therefor, shall apply to every vessel or boat engaged in the whale fishery or hunting whales in any part of the waters of Hudson bay, whether such vessel or boat belongs to Canada, or is registered and outfitted in, or commences her voyage from any other British country or from any foreign country. R.S., c. 73, s. 9 (10).

Licences for whaling in Hudson Bay and northern waters.

SEAL FISHING.

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

Sedentary seal fisheries not to be disturbed.

Disputes as to seal fisheries how settled.

(2) Disputes between occupiers of seal fisheries concerning limits and the mode of fishing or setting nets, shall be decided summarily by any fishery officer or justice of the peace, by whom arbitrators may be appointed to assess damages; and any damages assessed or which arises out of a repetition or continuance of the difficulty ordered to be remedied, may be levied under the warrant of any fishery officer or justice of the peace. R.S., c. 73, s. 12.

SALMON FISHING.

Fry, parr or smolt, not to be killed.

11. Salmon fry, parr and smolt shall not at any time be fished for, caught or killed, and no salmon or grilse of less weight than three pounds shall be caught or killed, otherwise than by angling with hook and line. R.S., c. 73, s. 13, am.

Use of nets regulated.

12. The use of nets, weirs or other apparatus of a like nature for the capture of salmon shall be confined to tidal waters except where otherwise provided by regulation and, where not otherwise specified by law, any fishery officer may determine the length and place of each net or other apparatus used in any of the waters of Canada. R.S., c. 73, s. 14, am.

Distance of nets apart.

13. All stationary nets, or other stationary appliances for the capture of salmon, shall be placed at distances of not less than two hundred and fifty yards apart, without intermediate fishing nets or appliances of any kind being set or used. R.S., c. 73, s. 15, am.

Space between nets and dimensions of nets.

14. Any fishery officer may direct, either in writing or orally on sight, that a greater space than two hundred and fifty yards shall be left between stationary salmon nets or other stationary fishing apparatus. R.S., c. 73, s. 17, am.

As to spawning rivers.

15. In the provinces of Nova Scotia, New Brunswick, Prince Edward Island and Quebec no salmon shall be fished for, caught or killed otherwise than by angling with hook and line, within two hundred yards of the mouth of any tributary of any creek or stream which salmon frequent to spawn. R.S., c. 73, s. 18, am.

LOBSTER FISHERIES.

Annual returns to Minister by owner or manager of lobster factory.

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

- (a) the number of fishermen employed, and of the lobster traps used in connection with his factory or canning establishment;
- (b) the number of persons employed in such factory or canning establishment, distinguishing the sexes;
- (c) the number of cases of lobsters, and the weights thereof, packed during the legal lobster fishing season last concluded and ended;
- (d) such other details and particulars as are required by the Minister. R.S., c. 73, s. 25.

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

Licences
for lobster
pounds.

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

Marking of
pounds.

(3) The annual fee for such licence shall be seventy-five dollars. 1929, c. 42, s. 4, am.

Fee.

POSSESSION OF FISH.

18. No one, without lawful excuse, the proof whereof shall lie on him, shall fish for, buy, sell or have in his possession any fish, or portion of any fish, at a place where at that time fishing for such fish is prohibited by law. R.S., c. 73, s. 29, am.

Possession
or sale of fish
prohibited.

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

Seizure and
confiscation
of fish.

(2) Every such seizure and confiscation, with the date, place and circumstance thereof, shall together with the name, residence and calling of the person in whose possession such fish was found, be duly reported to the nearest fishery officer. R.S., c. 73, s. 30, am.

Report of
seizures
with partic-
ulars to
fishery
officer.

CONSTRUCTION OF FISHWAYS.

Fishways
to be
made as
fishery
officer
directs.

20. (1) Every slide, dam or other obstruction across or in any stream where the Minister determines it to be necessary for the public interest that a fish-pass should exist, shall be provided by the owner or occupier with a durable and efficient fishway, or canal around the slide, dam or other obstruction, which shall be maintained in a good and effective condition by said owner or occupier, in such place and of such form and capacity as will in the opinion of the Minister satisfactorily permit the free passage of fish through the same. If it be determined by the Minister in any case that the provision of an efficient fishway or canal around the slide, dam or other obstruction is not feasible, or that the spawning areas above such slide, dam or other obstruction are destroyed, the Minister may require the owner or occupier of such slide, dam or other obstruction to pay to him from time to time such sum or sums of money as he may require to construct, operate and maintain such complete fish hatchery establishment as will in his opinion meet the requirements for maintaining the annual return of migratory fish. R.S., c. 73, s. 31 (1), am.

Place, form,
etc.

(2) The place, form and capacity of the fishway or canal to be constructed must be approved by the Minister before construction thereof is begun. Provided, however, that immediately after the fishway is completed and in operation the owner or occupier of any dam or obstruction shall make such changes and adjustments at his own cost as will in the opinion of the Minister be necessary for its efficient operation under actual working conditions, if such are found to be needed. R.S., c. 73, s. 31 (2), am.

To be kept
open.

(3) The owner or occupier of every fishway or canal shall keep it open and unobstructed and shall keep it supplied with such sufficient quantity of water as the Minister considers necessary to enable the fish frequenting the waters in which such fishway or canal is placed to pass through the same during such times as are specified by any fishery officer. Also, where leaks in a dam cause a fishway therein to be inefficient, the Minister may require the owner or occupier of such dam to prevent such leaks therein. R.S., c. 73, s. 31 (3), am.

Minister may
pay one-half
of cost.

(4) The Minister may authorize the payment of one-half of the expense incurred by such owner or occupier in constructing and maintaining any fishway or canal; and after a fishway or canal which has been duly approved by the Minister has been built at the cost of the owner or occupier of any slide, dam or other obstruction, or after such owner or occupier has paid one-half the cost thereof and such fishway or canal thereafter proves to be ineffective, except as provided in subsection two of this section, the total

cost of any change in such fishway or canal or any new fishway or canal required to enable the fish to pass by such slide, dam or other obstruction, shall be paid by His Majesty. R.S., c. 73, s. 31 (4), am.

(5) The Minister, in order to procure the construction of any fishway or canal, pending proceedings against any owner or occupier for the penalty imposed by this Act, may make and complete the same forthwith, and may authorize any person to enter upon the premises with the necessary workmen, means and materials for such purpose and may recover from the owner or occupier the whole expense so incurred by action in the name of His Majesty. R.S., c. 73, s. 31 (5).

May construct and recover the cost in certain cases.

(6) Where unused slides, dams, obstructions, or anything detrimental to fish exist, and the owner or occupier thereof does not after notice given by the Minister remove the same, or if the owner is not resident in Canada, or his exact place of residence is unknown to the Minister, the Minister may, without being liable to damages, or in any way to indemnify the said owner or occupier, cause said slide, dam, obstruction, or thing detrimental to fish life to be removed or destroyed and in cases where notice has been given to the owner or occupier, may recover from said owner or occupier the expense of so removing or destroying the same. R.S., c. 73, s. 31 (6).

May remove or destroy after notice.

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

Minister may require fish stops or diverters.

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

To provide water for the descent of fish.

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

To provide protection during construction.

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

Minister may require water for river bed below dam.

GENERAL PROHIBITIONS.

Fishing
in limits
leased to
another
prohibited.

21. No one shall fish for, take, catch or kill fish in any water, or along any beach, or within any fishery described in any lease or licence, or place, use, draw or set therein any fishing gear or apparatus, except by permission of the occupant under such lease or licence for the time being, or shall disturb or injure any such fishery. R.S., c. 31, s. 32, am.

Seines,
nets, etc.,
not to
obstruct
navigation.

22. Seines, nets or other fishing apparatus shall not be set or used in such manner or in such place as to obstruct the navigation of boats and vessels, and, no boats or vessels shall destroy or wantonly injure in any way seines, nets or other fishing apparatus lawfully set. R.S., c. 31, s. 33.

Stakes to be
removed.

23. Every person using stakes, posts, buoys or other materials placed for fishing purposes in any water shall remove the same within forty-eight hours after ceasing to use them, and in all cases at the expiry of the fishing season. R.S., c. 73, s. 34.

Main
channel
not to be
obstructed.

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

Use of weirs
for eel-
catching
prevented in
certain cases.

(2) The use of weirs for catching eels exclusively, and the use of dams for catching eels, shall be prevented only in cases where, and at times when they injure other fisheries or, by completely barring any passage, they deprive other weirs of a share in the run of eels; and such place, time and circumstances may be determined by any fishery officer.

No net or
device to
prevent
passage
of fish.

(3) The Minister may authorize the placing and maintaining of barriers, screens, or other obstructions, in streams to prevent the escape of fish held for fish breeding purposes, or any other purpose which he deems in the public interest, and no person shall injure any such barrier, screen or other obstruction. R.S., c. 73, s. 35.

Killing
fish when
passing
through
fishways,
etc.,
prohibited.

25. No one shall injure or obstruct any fishway or canal built, constructed or used to enable fish to pass over or around any slide, dam or other obstruction or do anything to stop, impede or hinder fish from entering or passing the same or to stop, impede or hinder fish from surmounting any obstacle or leap, nor shall any one fish in any manner within twenty-five yards downstream from the lower entrance to any fishway or canal, obstacle or leap. R.S., c. 73, s. 36, am.

26. No one shall hunt or kill fish or marine animals of any kind, other than porpoises, whales, walruses, sea lions and hair seals, by means of rockets, explosive materials, or explosive projectiles or shells. R.S., c. 73, s. 38.

Use of explosives prohibited.

27. No one shall erect, use or maintain in any of the waters of Canada whether subject to any exclusive right of fishery or not, any net, weir, or other device which unduly obstructs the passage of fish; and the Minister or any fishery officer may order the removal of or remove any net, weir, or other device which, in the opinion of the Minister or any fishery officer, unduly obstructs the passage of fish. R.S., c. 73, s. 41.

Nets, weirs, etc., not to obstruct passage of fish.

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

Fish guards only where Minister deems it necessary.

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

Structure of fish guards.

(3) The owner or occupier of such ditch, channel or canal shall maintain such fish guard in a good and efficient state of repair, and shall not permit its removal except for renewal or repair, and during the time such renewal or repair is being effected the sluice or gate at the intake or entrance shall be closed, and the passage of fish into the ditch, channel or canal prevented. R.S., c. 73, s. 42, am.

Duty of owner to keep in repair.

29. No one shall catch, fish for, take, buy, sell, possess or export any fish for the purposes of converting it into fish meal, manure, guano, or fertilizer, or for the manufacture or conversion of such fish into oil, fish meal or manure or other fertilizing product, except under authority of the Minister; but the Minister may by notice published in the *Canada Gazette*, except any kind or kinds of fish from the operation of this section or any part of this section, and may at any time by a notice similarly published, withdraw such exception. R.S., c. 73, s. 43.

Permit required to catch, trade in or export fish for manure.

30. The eggs or fry of fish on the spawning grounds, shall not at any time be destroyed. R.S., c. 73, s. 39, am.

Eggs and fry not to be destroyed.

Fish not to be caught outside territorial waters when catching is forbidden in such waters.

31. No one shall leave any port or place in Canada to fish outside the territorial waters of Canada for fish the catching of which is at such time prohibited in the territorial waters of Canada opposite to or nearest the place where such person proposes to fish, and no one shall bring into Canada any fish caught outside the territorial waters of Canada when fishing for such fish is prohibited inside the territorial waters of Canada opposite or nearest to the place where such fish was caught, or shall bring into Canada any vessels, boats, nets, fishing gear, implements or appliances used in such fishing. R.S., c. 73, ss. 44, 69, am.

Purse seine not to be used except under licence.

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

INJURY TO FISHING GROUNDS AND POLLUTION OF WATERS.

Throwing overboard of certain substances prohibited.

33. (1) No one shall throw overboard ballast, coal ashes, stones, or other prejudicial or deleterious substances in any river, harbour or roadstead, or in any water where fishing is carried on, or leave or deposit or cause to be thrown, left or deposited, upon the shore, beach or bank of any water or upon the beach between high and low water mark, remains or offal of fish, or of marine animals, or leave decayed or decaying fish in any net or other fishing apparatus. Such remains or offal may be buried ashore, above high water mark. R.S., c. 73, s. 45 (1), am.

Offal may be buried ashore, etc.
Lime, etc., prohibited.

(2) No person shall cause or knowingly permit to pass into, or put or knowingly permit to be put, lime, chemical substances or drugs, poisonous matter, dead or decaying fish, or remnants thereof, mill rubbish or sawdust or any other deleterious substance or thing, whether the same is of a like character to the substances named in this section or not, in any water frequented by fish, or that flows into such water, nor on ice over either such waters. R.S., c. 73, s. 45 (2), am.

Slash, stumps, etc., prohibited.

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

REGULATIONS.

Governor in Council may make fishery regulations.

34. (1) The Governor in Council may make regulations,—
(a) to prevent or remedy the obstruction and pollution of streams;
(b) to regulate and prevent fishing;

- (c) to prohibit the destruction of fish or eggs of fish;
- (d) to forbid fishing except under authority of leases or licences;
- (e) prescribing the time when and the manner in which fish may be fished for and caught;
- (f) to prohibit the export of any fish or any portion of any fish from Canada or the taking or carrying of fish or any portion of any fish from any one province of Canada to any other province thereof;

And without restricting the foregoing provisions of this section,—

- (g) generally as may be necessary for the proper management and regulation of the sea-coast and inland fisheries.

(2) Such regulations shall take effect from the date of the publication thereof in the *Canada Gazette* or from the date specified for such purpose in such regulations, and such regulations shall have the same force and effect as if enacted herein. Publication.

(3) Every offence against any regulation made under this Act may be stated as in violation of this Act. R.S., c. 73, s. 46, am.; 1929, c. 42, ss. 5 and 6. Offences against regulations.

POWERS OF FISHERY OFFICERS AND OTHER JUSTICES.

35. Any fishery officer or justice of the peace may, on view, convict any person committing any of the offences punishable under the provisions of this Act, or under any regulations made hereunder, and may remove and detain any fish unlawfully caught and any boat, vessel, fishing apparatus or other materials used in committing any offence or in connection therewith, or which such fishery officer or justice of the peace has reason to believe was so used. R.S., c. 73, s. 47. Fishery officer may convict on view.

36. Any fishery officer or justice of the peace may search, break open and search, or grant a warrant to search, any house, vessel or place where he has reason to believe that any fish taken in violation of this Act, or of any regulation made hereunder, or anything used in violation thereof, is concealed. R.S., c. 73, s. 48. Search may be made or authorized under warrant.

37. Any fishery officer, fishery guardian or peace officer may arrest without warrant a person whom he, on reasonable and probable grounds, believes to have committed an offence against this Act, or any regulation made thereunder or whom he finds committing or preparing to commit an offence against this Act or any such regulation. R.S., c. 73, s. 49. Arrest.

In what locality offence may be prosecuted.

38. If any offence under this Act is committed in, upon or near any waters forming the boundary between different counties or districts, or fishery districts, such offence may be prosecuted before any justice of the peace in either of such counties or districts, or before any fishery officer for either fishery district. R.S., c. 73, s. 50.

Interfering with officer in discharge of his duty.

39. Every one who resists or wilfully obstructs any fishery officer or fishery guardian in the execution of his duty, or any person acting in aid of such officer or guardian, is guilty of an offence punishable on indictment, or on summary conviction, and liable if convicted on indictment to a term not exceeding two years' imprisonment, and on summary conviction to a term not exceeding six months' imprisonment with hard labour or to a fine of one hundred dollars. R.S., c. 73, s. 51.

Entry by fishery officer.

40. In the discharge of his duties any fishery officer, fishery guardian or other person or persons accompanying him or authorized to such effect by the fishery officer, may enter upon and pass through or over private property without being liable for trespass. R.S., c. 73, s. 52.

Disputes how settled.

41. Disputes between persons relative to fishing limits or claims to fishery stations, or relative to the position and use of nets and other fishing apparatus, shall be settled by the local fishery officer. R.S., c. 73, s. 53.

Distances between fisheries.

42. Fishery officers may determine or prescribe the distance between each and every fishery and shall forthwith remove any fishing apparatus or materials which the owner neglects or refuses to remove; and such owner shall be moreover liable for a violation of this Act, and for the cost of removing such apparatus and materials and any damages that may result therefrom. R.S., c. 73, s. 54.

Boundaries of estuary fishing.

43. The Minister, or any fishery officer duly authorized by the Minister, shall have power to define the boundaries of tidal waters and estuaries and to designate what is the mouth of any river, stream or other water for the purposes of this Act. R.S., c. 73, s. 55.

Gurry grounds.

44. Gurry grounds may be designated or defined by any fishery officer. R.S., c. 73, s. 56.

Certain officers to have powers of a justice of the peace.

45. Any fishery officer, stipendiary magistrate, or commissioned officer of His Majesty's navy, on board of any vessel belonging to or chartered by the Government of Canada, employed in the service of protecting the fisheries, and every commissioned officer of His Majesty's navy serving on board of any vessel cruising and being in the

waters, harbours or ports of Canada, shall, for the purpose of affording protection to His Majesty's subjects engaged in the fisheries, and of enforcing any laws relating to such fisheries, have and exercise the powers of a justice of the peace, without property qualification, and without taking any oath of office, in all the waters, where for the time being and for the purposes above described, they are so engaged. R.S., c. 73, s. 57.

46. Property seized by any fishery officer, stipendiary magistrate, or naval officer, acting as aforesaid, may be removed for disposal to the nearest or most convenient port or place where any revenue officer or other public officer empowered to deal with the matter resides. R.S., c. 73, s. 58.

Property seized, how dealt with.

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

Powers of officers, etc., as to detention of prisoners.

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

Conveyance of prisoners.

(3) Every such offence shall be deemed to have been committed in the county or district to the common gaol of which the commitment has been actually made. R.S., c. 73, s. 59.

Where the offence shall be held to have been committed.

GENERAL.

48. The Minister may authorize to be set apart any river or other water for the natural or artificial propagation of fish. R.S., c. 73, s. 60.

Lease of waters for propagation of fish.

49. Special licences and leases for any term of years may be granted to any person who wishes to plant or form oyster beds in any of the bays, inlets, harbours, creeks or rivers, or between any of the islands on the coast of Canada; and the holder of any such lease or licence shall have the

Special licences for oyster beds.

exclusive right to the oysters produced or found on the beds within the limits of such lease or licence. R.S., c. 73, s. 61.

Authority to provinces to grant leases for oyster cultivation.

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

Dominion rights preserved.

(2) In the event of such areas, or any part thereof, being in a public harbour, nothing in this section shall prejudice the right or title of the Dominion to the enjoyment and use of such harbour for every purpose other than the cultivation and production of oysters. R.S., c. 73, s. 62.

As to right to use vacant public property for fishing purposes.

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

(2) No property leased or licensed shall be deemed vacant. R.S., c. 73, s. 63, am.

Returns of quantity of fish caught, etc., etc.

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

- (a) All fish caught;
- (b) All fish bought;
- (c) All fish packed or canned;
- (d) The value of the fish caught, bought, packed or canned;
- (e) The number of fishermen employed and their nationality;
- (f) The number of shore workers employed;

- (g) The number and value of the fishing vessels and boats employed;
- (h) The quantity and value of fishing gear used;
- (i) The number and value of buildings and fixtures used;
- (j) Such other details and particulars as may be required by the Minister or such fishery officer. R.S., c. 73, s. 65.

PROTECTION OF FISHERMEN.

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

Boats to be provided with necessaries for their crew, when on fishing cruises.

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

Compass, fog-horn, etc.

(3) No collector or other customs officer shall grant a clearance to such vessel or allow her to go to sea unless the master thereof has a certificate from a fishery officer or other person authorized by the Minister to give such certificates that the vessel is properly equipped with a mariner's compass and suitable utensils for holding water for each boat carried by her and with a serviceable fog-horn or trumpet. R.S., c. 73, s. 66.

No clearance without certificate of equipment.

OFFENCES AND PENALTIES.

54. Every one shall incur a penalty of not less than three hundred dollars and costs, and not more than one thousand dollars and costs, who at any time, except under licence from the Minister employs any vessel or boat in the whale fishery. R.S., c. 73, s. 67, am.

Whaling without licence.

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

Failure to send returns to Minister.

- (a) the number of fishermen employed, and of the lobster traps used in connection with his factory or canning establishment;
- (b) the number of persons employed in such factory or canning establishment, distinguishing the sexes;
- (c) the number of cases of lobsters, and the weights thereof, packed during the legal lobster fishing season last concluded and ended; and
- (d) such other details and particulars as are required by the Minister;

Penalty. shall be liable to a penalty of not less than one hundred dollars and costs, and not more than four hundred dollars and costs. R.S., c. 73, s. 68.

Penalty for using trawls.

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

Departure from Canadian port.

(a) with intent to fish or to cause any other person to fish with a vessel that uses an “otter” or other trawl of a similar nature for catching fish in the sea, leaves or departs from any port or place in Canada for the purpose of such fishing; or

Bringing in fish caught beyond territorial waters.

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

Vessels to be registered.

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

Fishing restricted to 12 mile limit.

(3) No such vessel shall carry on fishing operations from or to any Canadian port or ports, unless it restricts its fishing operations to waters that are at least twelve miles distant from the nearest shore on the Atlantic sea coast of Canada. The proof that such fishing operations are so restricted shall at all times lie on the captain of the vessel: Provided that this subsection shall not apply to small druggers operated by inshore fishermen if exempted from

Exception.

the provisions of this subsection by special permit which the Minister is hereby authorized to issue for that purpose.

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

(5) Regulations may be made under the provisions of section thirty-three of this Act,— Regulations.

(a) prescribing the form of licence;

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

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

(d) making any other provisions respecting licences.

(6) The burden of proving absence of intent or knowledge, when intent or knowledge is necessary to constitute an offence under this section, shall lie upon the person accused, and intent or knowledge shall be presumed unless negatived by proof. 1929, c. 42, s. 7, am. Burden of proof.

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

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

(b) Where the Minister determines that the provision of an efficient fishway or canal around the slide, dam or other obstruction is not feasible, or that the spawning areas above such slide, dam or other obstruction are destroyed, who after thirty days' notice in writing, neglects or refuses to pay the Minister such sum or sums of money as he may require to construct, operate and maintain such complete hatchery establishment as will in the opinion of the Minister meet the requirements for maintaining the annual return of migratory fish;

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

(d) Where the Minister determines it to be necessary to provide a sufficient flow of water over the spillway or crest, with connecting sluices into the river below,

to permit the safe and unimpeded descent of fish, who after three days' notice in writing, neglects or refuses to provide such

Penalty.

shall be liable to a penalty of not less than four dollars and not more than twenty dollars for each day or part of a day during which such notice is not complied with. R.S., c. 73, s. 73, am.

Use of rockets or explosives.

58. Every person who hunts or kills fish or marine animals of any kind, other than porpoises, whales, walruses, sea lions and hair seals, by means of rockets, explosive materials or explosive projectiles or shells, shall be liable to a penalty of not less than one hundred dollars and costs, or to imprisonment for not less than three months, or both, and not more than five hundred dollars and costs or to imprisonment for six months or both. R.S., c. 73, s. 75.

Penalty.

Neglect or refusal to provide and maintain fishguards.

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

- (a) neglects or refuses to provide and maintain in a good and sufficient state of repair at its entrance or intake a fishguard or a metal or wire grating, covering or netting with meshes of such dimensions as the Minister may prescribe, approved by the Minister or such officer as he from time to time appoints to examine it, and so fixed as to prevent the passage of fish from any lake, river or stream into such ditch, channel or canal; or
- (b) permits the removal of such fishguard, grating or netting, except for renewal or repair; or
- (c) during the time such renewal or repair is being effected, neglects or refuses to close the sluice or gate at the intake or entrance of such ditch, channel or canal, so as to prevent the passage of fish into such ditch, channel or canal;

Penalty.

shall, after three days' notice in writing from the Minister, or from a fishery officer, be liable to a penalty of not less than four dollars and not more than twenty dollars for each day or part of a day during which such ditch, channel or canal remains unprovided with such duly approved, and properly maintained netting, grating or fishguard or closed as the case may be. R.S., c. 73, s. 76.

Throwing overboard prohibited substances.

60. Every one who, contrary to the provisions of this Act throws overboard ballast, coal ashes, stones or other prejudicial or deleterious substances in any river, harbour or roadstead or any water where fishing is carried on, or

leaves or deposits or causes to be thrown, left or deposited, upon the shore, beach or bank of any water, or upon the beach between high and low water mark, remains or offal of fish or of marine animals, or leaves decayed or decaying fish in any net or other fishing apparatus, shall be liable, for each offence, to a penalty not less than twenty dollars and costs and not more than one hundred dollars and costs, or to imprisonment for a term not exceeding two months; and every one so offending, whether master or servant, and the master or owner of any vessel or boat from which such ballast or offal, or other prejudicial substance is thrown, shall be liable to penalty and imprisonment as aforesaid for each offence. R.S., c. 73, s. 77.

Penalty.

61. Every person who causes or knowingly permits to pass into, or puts or knowingly permits to be put, lime, chemical substances or drugs, poisonous matter, dead or decaying fish, or remnants thereof, mill rubbish or sawdust or any other deleterious substance or thing, whether the same is of the like character to the substances named in this section or not, in any water frequented by fish, shall be liable, for the first offence, to a penalty of twenty dollars and costs, for the second offence, to a penalty of not less than forty dollars and costs, and not more than eighty dollars and costs, and also in addition thereto a further penalty of not less than ten dollars and not more than twenty dollars for every day during which such offence is continued; and for the third or any subsequent offence, to a penalty of not less than one hundred dollars and costs, and not more than two hundred dollars and costs, and also in addition thereto a further penalty not exceeding twenty dollars for every day during which such offence is continued. R.S., c. 73, s. 78.

Depositing lime, etc., in water frequented by fish.

62. Every person who wilfully destroys or injures any place set apart under the authority of the Minister for the propagation of fish, or who fishes therein without written permission from a fishery officer, or uses therein any fishing light or other implement for fishing during the period for which such waters are so set apart, shall be liable to a penalty of not less than fifty dollars and costs and not more than two hundred dollars and costs, and, in default of payment, to imprisonment for a term not less than six months, and not more than twelve months or both. R.S., c. 73, s. 79.

Injuring or fishing in place leased for the propagation of fish.

Penalty.

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

Not providing compasses, etc., for boats.

appliances, or with intent that the same shall be used in so fishing, or for the purpose of examining trawls, set lines or other similar appliances for fishing without there being placed in such boat to be retained therein during absence from such vessel, a mariner's compass, and at least two quarts of drinking water and two pounds of solid food for each man of the crew of such boat; or

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

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

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

Vessel going to sea without certificate of equipment. (3) The owner and master of any such vessel which goes to sea or attempts to go to sea without first obtaining and exhibiting to the collector or other proper customs officer a certificate from a fishery officer or other person authorized by the Minister to grant such certificates that the vessel is properly equipped with a mariner's compass and suitable utensils for holding water for each boat carried by her and with a serviceable fog-horn or trumpet, shall each be guilty of an offence against this Act and shall each be liable therefor to a penalty of not less than one hundred dollars and costs and not more than two hundred dollars and costs or to imprisonment for a term not exceeding six months. R.S., c. 73, s. 81.

Penalty against owner and master.

Confiscation of all fishing property used, and all fish taken, bought, or sold in violation of Act.

64. All vessels, boats, canoes, rafts, vehicles of any description, nets, fishing gear, materials, implements or appliances used in violation of this Act or any regulation made hereunder, or in connection with which a violation of this Act or any regulation hereunder, is committed and any fish, taken, caught, killed, conveyed, bought, sold or had in possession in violation of this Act or any regulation hereunder, and all other fish, otherwise legally taken, caught, killed, conveyed, bought, sold or had in possession and of whatever size and description, which are intermixed

therewith, shall be confiscated to His Majesty and may be seized and confiscated, on view, by any fishery officer, or taken and removed by any person for delivery to any fishery officer or justice of the peace. R.S., c. 73, s. 82, am.

65. Should any nets, seines, or other fishing apparatus be set or used in violation of this Act or any regulation hereunder for more than one day, then each day during which such seines, nets, or other fishing apparatus shall remain so set or used shall constitute a separate offence, and may be punished accordingly; and should any other violation of this Act, or of any regulation hereunder, continue for more than one day, then each day during which such violation continues shall constitute a separate offence, and may be punished as such. R.S., c. 73, s. 83.

Successive
days
separate
offences.

66. Except as herein otherwise provided, every one who violates or prepares to violate any provision of this Act, or any regulation made hereunder, shall be liable to a penalty of not more than one thousand dollars and costs, and, in default of payment, to imprisonment for a term not exceeding twelve months, or to both. R.S., c. 73, s. 84, am.

Penalties
not otherwise
provided for.

67. When not otherwise specified every proprietor, owner, agent, tenant, occupier, partner or person actually in charge, either as occupant or servant, shall be deemed to be jointly and severally liable for any penalties or moneys recovered under any of the provisions of this Act, or of any regulation made hereunder. R.S., c. 73, s. 85.

Who shall
be liable.

68. Any fishery officer or fishery guardian, who violates this Act or any regulation made hereunder, or who aids, abets or connives at any violation of this Act or of any regulation made hereunder, shall be liable upon summary conviction before any recorder, commissioner of police, judge of the sessions of the peace, police, stipendiary or district magistrate or any two justices of the peace, to a penalty not exceeding five hundred dollars and costs or six months' imprisonment and not less than one hundred dollars and costs or three months' imprisonment. R.S., c. 73, s. 86.

Offences by
fishery
officers.

Penalty.

MODE OF RECOVERY.

69. (1) Every penalty or forfeiture imposed by this Act or by any regulation made hereunder, may be recovered or enforced on parole complaint, before any fishery officer, stipendiary magistrate or justice of the peace, in a summary manner. 1929, c. 42, s. 8.

Before whom
to be sued for.

Service of
summons.

(2) Three days shall elapse between the service and the return day of the summons to any defendant served within fifteen miles, and one day more for each additional fifteen miles of the distance between the place at which the summons is issued and the place of service. Provided, that if it is expedient to proceed against a defendant without delay, any fishery officer or justice of the peace may issue a summons, returnable immediately, to compel the defendant to appear before him forthwith or may issue a warrant for the apprehension of such defendant simultaneously with the summons. R.S., c. 73, s. 87 (2).

Limitation
of suits.

70. Penalties incurred under this Act, or any regulation made hereunder, shall be sued for within two years from the commission of the offence. R.S., c. 73, s. 88.

Distress of
defendant's
goods if any.

71. If any defendant has goods and chattels whereon the costs may be levied, the complainant may, under the warrant of any fishery officer or other justice of the peace, distrain for the amount thereof, notwithstanding the imprisonment of the person convicted. R.S., c. 73, s. 89.

FORM OF PROCEDURE.

Form of
procedure.

72. Except in so far as in this Act is otherwise specially provided all penalties and forfeitures incurred under this Act or under any regulation made hereunder shall be recoverable and enforceable by summary proceedings taken under the provisions of the *Criminal Code* relating to summary convictions. R.S., c. 73, s. 91.

No quashing
for want of
form.

73. No proceeding or conviction under this Act or under any regulation under it shall be set aside or quashed on certiorari or otherwise for irregularity or defect in form, and no warrant of arrest or commitment shall be held void by reason of any defect therein, if it is therein alleged that the defendant has been convicted, and there is a good and valid conviction to sustain the same. R.S., c. 73, s. 92.

APPLICATIONS OF FINES AND FORFEITURES.

Fines and
forfeitures.

74. The Governor General in Council may prescribe the manner in which the proceeds of penalties and the proceeds of the sale of confiscated articles shall be distributed. R.S., c. 73, s. 93.

Appeal in
case of
grievance by
conviction.

75. Persons aggrieved by any conviction for any offence under this Act may appeal by petition to the Minister, who may remit penalties and restore forfeitures under this

Act: Provided that when a conviction takes place or an order is made by a justice of the peace or fishery officer for the payment of money or dismissing and information or complaint under this Act, nothing in this section contained shall prevent any person who thinks himself aggrieved by any such conviction or order or dismissal, the prosecutor or complainant, as well as the defendant, from the right of appeal that he has under the provisions of the *Criminal Code* relating to summary convictions. R.S., c. 73, s. 94.

76. Chapter seventy-three of the Revised Statutes of Repeal. Canada, 1927, entitled the *Fisheries Act*, and all amendments thereto, are repealed.

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22-23 GEORGE V.

CHAP. 43.

An Act to amend the Income War Tax Act.

[Assented to 26th May, 1932.]

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

R.S., c. 97;
1928, cc. 12, 30
1930, c. 24;
1931, c. 35.

1. The first schedule of the *Income War Tax Act*, chapter ninety-seven of the Revised Statutes of Canada, 1927, as amended by section one of chapter twelve of the statutes of 1928, is further amended by striking out the following proviso:—

“Provided, however, that the above mentioned rates shall, in each case, be reduced by twenty per centum thereof”.

Twenty per centum reduction abolished.

2. The first schedule of the said Act, as amended by section one of chapter thirty-five of the statutes of 1931, is further amended by striking out the words—

“Rate of tax applicable to corporations and joint stock companies,
On the amount in excess of \$2,000.....ten per centum.”

Company rate of tax increased.

and by inserting the words—

“Rate of tax applicable to corporations and joint stock companies,
On the amount in excess of \$2,000.....eleven per centum.”

3. The first schedule of the said Act is further amended by adding thereto the following:—

“Additional rate of tax applicable to all persons including corporations and joint stock companies in receipt of income in excess of five thousand dollars:

Additional rate of tax.

In respect of incomes in excess of five thousand dollars (excluding incomes exempt under section four)five per centum of the amount of the tax as hereinbefore provided for.”

4. Paragraph (c) of section five of the said Act is repealed and the following paragraph is substituted therefor:—

Married persons exemption reduced.

Married
persons, etc.

“(c) Twenty-four hundred dollars in the case of a married person or householder or any other person who has dependent upon him any of the following persons:—

- (i) A parent or grandparent,
- (ii) A daughter or sister,
- (iii) A son or brother under twenty-one years of age or incapable of self-support on account of mental or physical infirmity;”

Exemption
reduced.

5. Paragraph (d) of section five of the said Act, and paragraph (i) of said section as enacted by section three of chapter twenty-four of the statutes of 1930, are repealed and the following are substituted therefor:—

“(d) Twelve hundred dollars in the case of other persons, and”

Dependent
relatives.

“(i) for each parent, grandparent, brother or sister, incapable of self-support on account of mental or physical infirmity, who is dependent upon the tax-payer for support, a further exemption of five hundred dollars except in cases wherein exemption (whether of five hundred dollars or twelve hundred dollars) in respect of such persons is already provided for in the Act.”

6. Paragraph (k) and the two paragraphs immediately following, of subsection one of section five of the said Act, as enacted by section three of chapter twenty-four of the statutes of 1930, are repealed and the following are substituted therefor:—

\$1,200.00
of annuity
exempt.

“(k) twelve hundred dollars only, being income derived from annuity contracts with the Dominion Government or like annuity contracts issued by any Provincial Government or any company incorporated or licensed to do business in Canada:

Provided that, in the case of a husband and wife each having annuity income, the exemption herein provided shall not exceed twelve hundred dollars between them in respect of such annuity income and the exemption may be taken by either the husband or the wife or apportioned between them by agreement or by the Minister;

And provided further that the income arising out of annuity contracts entered into prior to the coming into force of this paragraph (k) shall continue to be exempt as heretofore provided by section three of chapter twenty-four of the statutes of 1930;

And provided further that where a husband purchases an annuity for his wife or a wife for her husband, the income therefrom shall be taxed as income of the purchaser;

And provided further that annuity income shall not be excluded for purposes of determining the exemptions provided for in subsection two of section five of the Act."

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

"(2) Where a husband and wife have each a separate income in excess of twelve hundred dollars, each shall receive an exemption of twelve hundred dollars in lieu of the exemption set forth in paragraph (c) of the immediately preceding subsection."

Husband and wife, separate income, reduced exemption.

8. (1) Section twenty-two of the said Act, as amended by section five of chapter twenty-four of the statutes of 1930, is repealed:

Provided, however, that the shareholders of a family corporation may elect that the income of the corporation for fiscal periods ending in the calendar years 1931 and 1932 be dealt with as provided for in the said section twenty-two and in any such case the said section shall continue to apply in respect of such fiscal periods.

Family corporation abolished.

(2) Income of a corporation which, following upon election, was dealt with as provided for in the said section twenty-two shall not, on distribution by way of dividends, be subject to tax in the hands of the shareholders.

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

"(2) Notwithstanding the provisions of section thirty-three of this Act, any corporation the fiscal year of which does not coincide with the calendar year, shall make a return within four months from the close of its fiscal year and the tax shall be computed as if the said fiscal year coincided with the calendar year within which the said fiscal year ends, and the provisions of this Act shall *mutatis mutandis* apply."

Corporation returns due and tax payable four months after close of fiscal period.

10. The said Act is amended by adding thereto the following section:—

"83. (1) If any person omits to declare any dividends, rentals, interest, royalties or other like income which, on any inquiry by the Department of National Revenue or on information obtained from any person other than the taxpayer, is subsequently duly ascertained to have been received, such person may be assessed as if double the income so omitted from his return had been received.

Omitted income doubled.

(2) The estate of a deceased taxpayer shall be liable in respect of any tax arising by reason of any omission so ascertained whether the omission was discovered prior or subsequent to the decease of the taxpayer.

(3) This section shall not be construed as providing for a penalty in substitution for any penalties otherwise provided for in this Act."

Application
of sections
1 to 5 and
7 and 10.

11. Sections one, two, three, four, five, seven and ten of this Act shall be applicable to income of the 1931 taxation period and fiscal periods ending therein and of all subsequent periods.

Application
of section 9.

12. Section nine of this Act shall be applicable to income of the 1932 taxation period and fiscal periods ending therein and of all subsequent periods.

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22-23 GEORGE V.

CHAP. 44.

An Act to amend the Income War Tax Act.

[Assented to 26th May, 1932.]

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

R.S., c. 97;
1928, cc. 12,
30;
1930, c. 24;
1931, c. 35.

1. The *Income War Tax Act*, chapter ninety-seven of the Revised Statutes of Canada, 1927, is amended by inserting immediately after section nine thereof the following section:—

“9A. (1) Notwithstanding anything contained in this Act or in any other statute or law, the members of the judiciary and commissioned officers of the military, naval and air forces of Canada and of the Royal Canadian Mounted Police, shall be liable to pay a special income tax of ten per centum upon the salaries or pay paid to them by the Dominion of Canada.

Special
income tax
on certain
salaries.

(2) The special tax imposed hereby shall apply only to the said salaries or pay received during or in respect of the fiscal year commencing April first, 1932, and ending March thirty-first, 1933, and shall be payable by the tax-payer in eleven equal monthly instalments on the last day of each month, commencing in May, 1932: Provided that in the case of persons appointed during the fiscal year, the tax shall be payable in equal monthly instalments on the last day of each month.

Payable on
salaries for
1932-33.

(3) In case default is made in the payment of any instalment, the tax-payer shall thereafter be liable to pay interest at the rate of six per centum per annum upon such instalment to the time payment is made.

Interest on
default.

(4) The special tax imposed hereby shall be in addition to any other tax payable under this Act.

Special tax
additional.

(5) Every payment made on account of the said special tax shall be deductible from income of the year in which the payment is made, for the purpose of determining income liable to income tax other than the special tax imposed by this section.”

Deductions.

22-23 GEORGE V.

CHAP. 45.

An Act respecting the Department of Insurance.

[Assented to 26th May, 1932.]

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

1. This Act may be cited as *The Department of Insurance Act*. Short title.

INTERPRETATION.

2. In this Act, unless the context otherwise requires,— Definitions.
(a) "Department" means the Department of Insurance; "Department."
(b) "Minister" means the Minister of Finance. "Minister."

3. There shall be a Department of the Government of Canada to be called the Department of Insurance over which the Minister shall preside. Constitution of Department.

(2) The Minister shall have the management and direction of the Department. Minister.

4. The Governor in Council may appoint an officer to be called the Superintendent of Insurance, (hereinafter referred to as the Superintendent), who shall be the deputy head of the Department and who shall hold office during pleasure. Superintendent of Insurance, his rank and salary.

(2) Such officer shall be paid such salary as may be authorized by law.

(3) The person now holding the office of Superintendent shall continue to hold office during pleasure and to be paid the salary authorized by law for such office. Continuance in office of present incumbent.

5. 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. Appointment of officers and clerks.

(2) The several officers, clerks and servants now employed in the Department shall continue to hold their respective offices during pleasure. Continuance in office of present officers.

Duties of
Minister.

6. The Minister shall have the administration of the Acts specified in the schedule to this Act and also of all orders or regulations passed or made under any of the said Acts.

Superintendent to
act under
Minister.

(2) The Superintendent shall act under the instructions of the Minister and shall examine into, and report to the Minister from time to time upon, all matters connected with the administration of each of the said Acts and of the orders or regulations passed or made thereunder.

Superintendent
or officers
not to be
interested
in any
company.

7. The Superintendent or any officer or clerk under him shall not, directly or indirectly, be interested as a shareholder in any insurance company, trust company or loan company doing business in Canada or in any province of Canada, or registered or licensed under any of the Acts respecting companies specified in the schedule to this Act.

Superintendent to
ascertain
expenditure
under Acts
during last
preceding
year.

8. The Superintendent shall annually, as soon as may be after the close of each fiscal year, by reference to the public accounts, and by such further inquiry or investigation as he may deem necessary, ascertain and certify the total amount of the expenditure incurred by the Government for or in connection with the administration of the Acts respecting insurance companies specified in the said schedule, the *Loan Companies Act*, and the *Trust Companies Act*, respectively, during the last preceding fiscal year, and the amount of the expenditure so ascertained and certified by the Superintendent shall be final and conclusive for all purposes of this section.

R.S., c. 28;
R.S., c. 29.

(2) The Superintendent shall also before the thirty-first day of December in each fiscal year ascertain from the annual statements filed under the requirements of the said acts and from such other information as may be necessary or available,

Amount
of net
premiums
received
by each
insurance
company.

(a) The total amount of net premiums received in Canada during the last preceding calendar year by each company registered under the said acts respecting insurance companies, or any of them, and by each company not so registered but transacting the business of life insurance thereunder and deduct therefrom the amount of the dividends paid or allowed by each such company to its policyholders in Canada during the said calendar year; and

Amount of
income
of each
loan
company.

(b) The total amount of income received during the last preceding calendar year by each loan company licensed under the *Loan Companies Act*; and

Amount of
income of
each trust
company.

(c) The total amount of income received during the last preceding calendar year by each trust company licensed under the *Trust Companies Act*;

and the finding of the Superintendent as to the amount of the net receipts resulting from the said deduction and as to

the amounts of income received as aforesaid, when certified by his hand, shall be final and conclusive.

(3) Thereupon the Superintendent shall ascertain the ratio or percentage which the total expenditure incurred in the administration of the said Acts respecting insurance companies, of the *Loan Companies Act*, and of the *Trust Companies Act*, respectively, so found and certified is of the total net receipts of the said insurance companies, the total income of the said loan companies and the total income of the said trust companies, respectively, and he shall cause an assessment to be prepared against each of the aforesaid companies as follows, that is to say:—

Basis of assessments against companies.

- (a) Against each of the said insurance companies of an amount equivalent to such percentage of the said net receipts of each company as the total expenditure incurred in the administration of the said Acts respecting insurance companies is of the total net receipts of all such companies; and
- (b) Against each of the said loan companies of an amount equivalent to such percentage of the said income of each company as the total expenditure incurred in the administration of the *Loan Companies Act* is of the total income of all such companies; and
- (c) Against each of the said trust companies of an amount equivalent to such percentage of the said income of each company as the total expenditure incurred in the administration of the *Trust Companies Act* is of the total income of all such companies;

and such assessment, when certified by the Superintendent, shall be binding upon the said companies, and each of them, and shall be final and conclusive.

(4) The amount so assessed against each company shall constitute a debt payable to His Majesty, and shall be payable upon demand of the Superintendent, and may be recovered as a debt in any court of competent jurisdiction.

Amount assessed to be a debt payable to His Majesty.

9. The Minister shall lay before Parliament within thirty days after the commencement of each session thereof the annual report of the Superintendent made to the Minister under the provisions of each of the acts specified in the schedule to this Act.

Annual report.

10. Section seventy-five of the *Loan Companies Act*, chapter twenty-eight of the *Revised Statutes, 1927*, and section seventy-eight of the *Trust Companies Act*, chapter twenty-nine of the *Revised Statutes, 1927*, are repealed.

Repeal.

Schedule.

SCHEDULE.

Revised Statutes of Canada, 1927.

	Chapter
The Civil Service Insurance Act.....	23
The Loan Companies Act.....	28
The Trust Companies Act	29

Statutes of Canada, 1932.

The Canadian and British Insurance Companies Act, 1932.

The Foreign Insurance Companies Act, 1932.

The Acts in amendment of any of the aforementioned Acts.

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King's Most Excellent Majesty.

22-23 GEORGE V.

CHAP. 46.

An Act respecting Canadian and British Insurance Companies.

[Assented to 26th May, 1932.]

WHEREAS it is desirable to define the status and powers Preamble.
of insurance companies incorporated by the Parlia-
ment of Canada, and by the Legislature of the late Prov-
ince of Canada, and to prescribe the limitations to be
placed on the exercise of such powers; and

WHEREAS it is desirable to provide for the registration of
such companies and of British insurance companies and
associations which may desire to carry on the business of
insurance in Canada, and for the voluntary registration of
provincial companies; and

WHEREAS the said companies incorporated by the Par-
liament of Canada and by the Legislature of the late
Province of Canada, carry on business in more than one
Province of Canada and many of them carry on business
in Great Britain, the other Dominions and foreign countries;
and

WHEREAS the said British insurance companies, when
permitted to carry on business in Canada, carry on business
in more than one province; and

WHEREAS the insurance business transacted within and
outside of Canada by companies incorporated by the Par-
liament of Canada, and by the Legislature of the late
Province of Canada, and within Canada by British insur-
ance companies, constitutes an important factor in the
international and interprovincial trade and commercial
relations of Canada; and

WHEREAS it is contrary to the public interest that insur-
ance companies or associations which are unable to dis-
charge their liabilities to policyholders in Canada as they
become due, or are otherwise insolvent, should be per-
mitted to carry on the business of insurance in Canada; and

WHEREAS it is desirable to provide by a system of returns
and inspection against such companies or associations
engaging in, or continuing to carry on, business in Canada

while unable to discharge their liabilities to such policy-holders as they become due or while otherwise insolvent, and to declare the conditions upon which such companies shall be deemed to be insolvent and be subject to be wound up under the provisions of the *Winding-up Act*: Therefore His Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

- Short title. **1.** This Act may be cited as *The Canadian and British Insurance Companies Act, 1932*.
- Definitions.
"Agent."
"Association."
"British company."
"Business of insurance."
"Company."
"Department."
"Fraternal benefit society."
- 2.** In this Act, unless the context otherwise requires,—
- (a) "agent" means an acknowledged agent or other person who in any manner with the authority of the company aids in transacting the insurance business of the company, and includes an insurance broker;
- (b) "association" means any association of persons formed in the United Kingdom of Great Britain and Northern Ireland or in any British Dominion or possession other than Canada or a province of Canada upon the plan known as Lloyds whereby each associate underwriter becomes liable for a stated, limited or proportionate part of the whole amount insured by a policy;
- (c) "British company" means any corporation incorporated under the laws of the United Kingdom of Great Britain and Northern Ireland or any British Dominion or possession other than Canada or a province of Canada for the purpose of carrying on the business of insurance and includes "association" as defined by this Act;
- (d) "business of insurance" means the making of any contract of insurance, and includes any act or acts of inducement to enter into such a contract, and any act or acts relating to the performance thereof, or the rendering of any service in connection therewith;
- (e) "company" means any corporation incorporated under the laws of the Dominion of Canada or of the late Province of Canada, for the purpose of carrying on the business of insurance, and includes "fraternal benefit society" as defined by this Act;
- (f) "Department" means the Department of Insurance constituted by *The Department of Insurance Act*;
- (g) "fraternal benefit society" means a corporation having representative form of government, and incorporated under the laws of the Dominion of Canada for fraternal, benevolent or religious purposes among which purposes is the insuring of the members, or the dependent children of the members thereof, exclu-

sively, against accident, sickness, disability or death, and includes a corporation incorporated, as aforesaid, on the mutual plan for the purpose of so insuring the members, or the dependent children of the members, of such a corporation exclusively;

- (h) "inland marine insurance" means marine insurance in respect to subjects of insurance at risk upon the waters of Canada, above the harbour of Montreal; "Inland marine insurance."
- (i) "Minister" means the Minister of Finance; "Minister."
- (j) "officer" includes the manager, secretary, treasurer, actuary and any other person designated as "officer" by the by-laws of the company; "Officer."
- (k) "policy" means any written contract of insurance whether contained in one or more documents, and in the case of insurance in a fraternal benefit society, any contract of insurance whether evidenced by a written document or not and any certificate of membership relating in any way to insurance; and includes any annuity contract; "Policy."
- (l) "policyholder in Canada" means the legal holder for the time being of a "policy in Canada"; "Policyholder in Canada."
- (m) "policy in Canada" as regards life insurance, means any policy issued or effected by a company registered under this Act upon the life of any person resident in Canada at the time such policy was issued or effected; and, as regards fire insurance, means any policy issued or effected by such a company upon any property within Canada; and, as regards any other class of insurance, means any policy issued or effected by such a company in the transaction of its business of insurance in Canada; "Policy in Canada."
- (n) "provincial company" means a company incorporated under the laws of any province of Canada or of any former province of British North America now forming part of Canada other than the late Province of Canada for the purpose of carrying on the business of insurance; "Provincial company."
- (o) "secretary" includes the officer by whom the usual duties of a secretary are performed; "Secretary."
- (p) "Superintendent" means the Superintendent of Insurance. "Superintendent."

(2) The Governor in Council may on the recommendation of the Minister make regulations determining and defining, for the purposes of this Act, and of any certificate of registry granted thereunder, what shall be deemed to be a distinct class of insurance, and the nature of each such class of insurance. Regulations.

(3) Any regulations so made shall be published in the succeeding issue of the *Canada Gazette*. Publication.

PART I.

APPLICATION.

Application to companies incorporated after 4th May, 1910.

Companies incorporated but not licensed before 4th May, 1910.

Provisions applicable to all companies.

Form of Act of incorporation.

Charter expires unless certificate of registry obtained.

Substitution of this Act for former general Acts in charters.

3. The provisions of Part II of this Act shall apply to every company incorporated by a special Act of the Parliament of Canada after the fourth day of May, one thousand nine hundred and ten.

(2) The provisions of Part II, other than the provisions of section five, shall also apply to every company incorporated by a special Act of the said Parliament on or before the said date, but not licensed by the Minister on or before the said date, and in any respect in which the provisions of said Part II are inconsistent with the provisions of the special Act so passed on or before the said date, the provisions of Part II shall prevail.

(3) The provisions of sections twenty-six, forty-one, forty-two, forty-three, forty-four, and the provisions of Parts III to VII inclusive of this Act shall apply to every company irrespective of the date of incorporation.

4. Every company incorporated by Act in the form set forth in the first schedule to this Act shall be invested with all the powers, privileges and immunities and shall be subject to all the liabilities and provisions set forth in this Act, applicable thereto.

(2) Unless otherwise therein provided, every special Act heretofore or hereafter passed by the Parliament of Canada incorporating any company, and all Acts amending it shall expire and cease to be in force, except for the sole purpose of winding-up such company's affairs, at the expiration of two years from the passing thereof, unless within such two years the company thereby incorporated is registered and obtains a certificate of registry under the provisions of this Act.

(3) Where in any act of incorporation of a company or in any act amending the same, the provisions of any general Act of the Parliament of Canada relating to insurance companies or of any amendments thereto are in whole or in part rendered applicable to the company, the corresponding or analogous provisions of this Act and of any amendments thereto shall be read in substitution therefor and the said act of incorporation and any amendments thereto shall be construed accordingly.

PART II.

COMPANY CLAUSES.

5. Every special Act of the Parliament of Canada passed after the fourth day of May, one thousand nine hundred and ten, for the incorporation of a company in the form in

Special clauses applicable to companies incorporated after 4th May, 1910.

the first schedule to this Act shall be read as if it contained the provisions hereinafter in this section set forth, and shall be construed having regard thereto.

(2) The persons named as provisional directors in the special Act shall be the provisional directors of the company, a majority of whom shall be a quorum for the transaction of business. They shall remain in office until replaced by directors duly elected in their stead, and they may forthwith open stock books, procure subscriptions of stock for the undertaking, make calls on stock subscribed and secure payments thereon. They shall deposit in a chartered bank in Canada all moneys received by them on account of stock subscribed or otherwise received on account of the company and may withdraw the same for the purposes of the company only and may do generally what is necessary to organize the company.

Provisional directors.

(3) The directors may establish local advisory boards or agencies either within Canada or elsewhere at such times and in such manner as they deem expedient.

Local boards and agencies.

(4) The capital stock of the company shall be divided into shares of one hundred dollars each, or if the special Act so provides, into shares of five dollars each or any multiple thereof, but not exceeding one hundred dollars each.

Shares.

(5) 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 special Act; but 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 two-thirds in value of the shareholders present or represented by proxy at a special general meeting of the members of the company duly called for that purpose.

Increase of capital stock.

(6) As soon as the amount for that purpose mentioned in the special Act has been subscribed and ten per cent of the said amount has been paid into some chartered bank in Canada the provisional directors shall call a general meeting of the shareholders at some place to be named in the municipality where the head office of the company is situated; at which meeting the shareholders present or represented by proxy who have paid not less than ten per cent on the amount of shares subscribed for by them shall elect the shareholders' directors in the case of a life company, and the ordinary directors in the case of a company other than a life company, as set forth in the next following section.

First meeting of shareholders.

(7) The shares of the capital stock subscribed for shall be paid by such instalments and at such times and places as the directors appoint; the first instalment shall not exceed twenty-five per cent and no subsequent instalment shall

Calls on shares.

exceed ten per cent, and not less than thirty days' notice of any call shall be given.

Commence-
ment of
business.

(8) The company shall not commence business until at least the amount of stock mentioned for that purpose in the special Act has been subscribed for nor until at least the sum named for that purpose in the said special Act has been paid in cash into the funds of the company to be appropriated only for the purposes of the company under the said special Act: Provided that stock upon which less than ten per cent has been paid in cash by the subscriber shall not be reckoned as part of the stock mentioned in the special Act as 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 required to be paid thereon as in such special Act provided.

Proviso.

Annual
meeting.

(9) A general meeting of the company shall be called 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, and special general or extraordinary meetings may at any time be called by any three of the directors or by requisition of any twenty-five shareholders, specifying in the notice the object of the meeting.

Reinsurance.

(10) The company may cause itself to be reinsured against any risk undertaken by it, and may reinsure any other company carrying on the same class of business against any risk undertaken by such other company.

Two classes
of directors.

6. In this section the expression "life company" shall mean a company authorized to transact the business of life insurance.

(2) (a) There shall be in the case of a life company having a capital stock, whether called by the name of capital stock, guarantee fund or any other name, two classes of directors, namely, directors elected by the shareholders, hereinafter called shareholders' directors, and directors elected by the policyholders, hereinafter called policyholders' directors; but in the case of companies other than life companies having a capital stock, there shall be only one class of directors, namely, directors elected by the shareholders, hereinafter called ordinary directors;

Share-
holders'
directors.

(b) No person shall be eligible to become, or shall be elected, a shareholders' director of a life company or an ordinary director of a company other than a life company, unless he is a shareholder holding in his own name and for his own use and absolutely in his own right shares in the capital stock or guarantee capital, as the case may be, of the company to the amount of at

least two thousand five hundred dollars and has paid in cash all calls due thereon and all liabilities incurred by him to the company; and the majority of directors so elected shall at all times be persons resident in Canada and subjects of His Majesty by birth or naturalization;

- (c) In the case of a company other than a life company there shall be elected at the first annual meeting and at each subsequent annual meeting a board of not less than nine nor more than twenty-one directors, who shall hold office for one year but shall be eligible for re-election; Directors of other than life company.
- (d) In the case of a life company there shall be elected at the first and second annual meetings not less than five nor more than nine shareholders' directors, who shall hold office for one year but shall be eligible for re-election; Directors of life company.
- (e) Every life company shall, by by-law passed not less than three months prior to the holding of its third annual meeting after the granting of a certificate of registry to it under this Act, determine the number of directors to be elected at said annual meeting by the shareholders and participating policyholders respectively, as herein provided, and the number of policyholders' directors so determined shall be at least one-third of the total number to be so elected. The company may, by the said by-law, provide that all the directors, of both classes, shall be elected for one, two or three years. If the by-law provides for a two years' or three years' term of office, it may also provide either, (a) that the term of office shall be continuous for all directors of both classes, or, (b) that a certain proportion, not less than one-third, of each class, shall retire annually. At the said annual meeting and each subsequent annual meeting there shall be elected a board as determined by by-law as aforesaid, but such board shall consist of not less than nine nor more than twenty-one directors, all of whom shall be eligible for re-election. The shareholders' directors shall be elected by the shareholders and the policyholders' directors by the participating policyholders; Number of composition of board of directors.
- (f) The manager of a company may be a director, but no agent or paid officer, other than the manager, shall be eligible to be elected as a director. The words "paid officer" in this paragraph shall not include the chairman of the board of directors or the president and vice-president, or the president and first vice-president if there is more than one vice-president elected under the provisions of paragraph (j) of this section; Manager may be a director.
- (g) At all general meetings of a company each shareholder present in person or represented by proxy who One vote for each share held.

has paid in cash all calls due upon his shares and all liability incurred by him to the company shall have one vote for each share held by him;

Every holder of a participating policy for \$2,000 a member.

(h) In the case of a life company every person whose life is insured under a participating policy or participating policies of the company for two thousand dollars or upwards upon which no premiums are due, whether such person is a shareholder of the company or not, herein called a participating policyholder, shall be a member of the company and be entitled to attend and vote at all general meetings of the company; but participating policyholders, as such, shall not be entitled to vote for the election of shareholders' directors: Provided, however, that in case of liquidation of the company, the policyholder as such member shall not be entitled to share in the distribution of the assets or be liable to be placed on the list of contributories. Every holder of a participating policy or policies of the company for four thousand dollars or upwards, exclusive of bonus additions, upon which no premiums are due, who is not a shareholder, and who has paid premiums on such policy or policies for at least three full years shall be eligible for election as a policyholders' director. The policyholders' directors shall meet with the shareholders' directors and shall have a vote on all business matters;

Proviso.

Elections.

(i) The election of directors shall be by ballot;

President.

(j) The directors shall from among themselves elect a president, and one vice-president or more; and may elect a chairman of the board of directors;

Quorum.

(k) At all meetings of directors for the transaction of business a majority of the board shall be a quorum when the number of directors does not exceed thirteen; when the number exceeds thirteen a quorum shall be seven;

Notice of meetings.

(l) The company shall have a fixed time in each year for its annual meeting and due notice of such time shall be given at least fifteen days before in two or more daily newspapers published at or near the head office of the company, and if the company is a life company, such time shall be printed in prominent type on each renewal receipt issued by the company;

Voting.

(m) At the annual meeting no shareholder of a company other than a life company shall vote for more than the number of ordinary directors to be elected, and in the case of a life company no shareholder shall vote for more than the number of shareholders' directors to be elected, and no participating policyholder shall vote for more than the number of policyholders' directors to be elected;

- (n) Every proxy representing a shareholder must be himself a shareholder and entitled to vote, and an instrument of proxy shall not be valid unless executed within three months of the date of the meeting at which it is to be used, and unless filed with the secretary of the company at least ten days before such meeting, and shall be used only at such meeting or any adjournment thereof, and may be revoked at any time prior to such meetings; Proxies.
Instrument of proxy.
- (o) Vacancies occurring in the board of directors may be filled for the remainder of the term by the directors from among the qualified shareholders or policyholders as the case may be; Vacancies in board of directors.
- (p) If 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. Failure to elect directors.
7. 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 which the company may, by law, enter into. Powers of directors.
8. The directors may make by-laws not contrary to law, or to the special Act, or to this Act, for By-laws.
- (a) the regulating of the allotment of stock, the making of calls thereon, the payment thereof, the issue and registration of certificates of stock, the forfeiture of stock for non-payment, the disposal of forfeited stock and of the proceeds thereof, and the transfer of stock; Stock.
- (b) the declaration and payment of dividends; Dividends.
- (c) the appointment, functions, duties and removal of all agents, officers and servants of the company, the security to be given by them to the company and their remuneration; Officers.
- (d) the time and place for the holding of the annual meeting of the company, the calling of meetings, regular and special of the directors and of the company, the requirements as to proxies, and the procedure in all things at such meetings; Meetings.
- (e) the imposition and recovery of all penalties and forfeitures admitting of regulation by by-law; and Penalties.
- (f) the conduct, in all other particulars, of the affairs of the company. Generally.
9. The directors may, from time to time, repeal, amend or re-enact any such by-law: Provided that every such by-law, repeal, amendment or re-enactment unless in the Changing by-laws.
Proviso.

- Confirmation necessary. meantime confirmed at a general meeting of the company duly called for that purpose shall only have force until the next annual meeting of the company and in default of confirmation thereat shall from the time of such default cease to have force or effect.
- Stock transferable. **10.** The stock of the company shall be transferable in such manner only, and subject to such conditions and restrictions as are prescribed by this Part, or by the special Act or the by-laws of the company.
- Allotment of stock. **11.** If the special Act makes no other definite provision, the stock of the company shall be allotted at such times and in such manner as the directors, by by-law or otherwise, prescribe.
- Calls on stock. **12.** The directors of the company may call in 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 special Act or this Act requires or allows.
- Interest on amount unpaid. (2) 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.
- Forfeiture of shares for defaults in paying calls. **13.** If, after such demand or notice as by the special Act or the by-laws of the company is prescribed, any call made upon any share or shares is not paid within such time as by such special Act or by-laws is limited in that behalf, the directors, in their discretion, by resolution to that effect, reciting the facts and duly recorded in their minutes, may summarily declare forfeited any shares whereon such payment is not made.
- Forfeited shares go to company. (2) Such shares shall thereupon become the property of the company, and shall be disposed of as the directors by by-law or otherwise prescribe.
- Restriction as to transfer. **14.** No share shall be transferable, until all previous calls thereon have been fully paid, or until it is declared forfeited for non-payment of a call or calls thereon.
- Stock book to be kept containing: **15.** 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
- Names of shareholders; (a) the names, alphabetically arranged, of all persons who are or have been shareholders;
- Address and calling; (b) the address and calling of every such person, while such shareholder;
- Number of shares; (c) the number of shares of stock held by each shareholder;
- Amount paid in; (d) the amounts paid in, and remaining unpaid, respectively, on the 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 Transfers of stock;
- (f) the names, addresses and calling 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, and distinguishing in the case of a life company between shareholders' directors and policyholders' directors. Names, addresses and calling of directors.
- 16.** The directors may allow or refuse to allow the entry in any such book or books, of any transfer of stock whereof the whole amount has not been paid. Powers of directors as to entries of transfers.
- 17.** No transfer of stock, unless made by sale under execution or under the decree, order or judgment of a court of competent jurisdiction, shall be valid for any purpose whatsoever until entry thereof has been duly made in such book or books, 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. Transfer valid only after entry. Exception.
- 18.** Such books shall, during reasonable business hours of every day, except Sundays and holidays, be kept open for the inspection of shareholders and creditors of the company, and their personal representatives, and in the case of life companies of the participating policyholders, at the head office or chief place of business of the company, and every shareholder, creditor or personal representative and participating policyholder may make extracts therefrom. Stock books to be open for inspection.
- 19.** Every director, officer or servant of the company who knowingly makes or assists in making any untrue entry in any book required by this Part to be kept by such company, or who refuses or wilfully neglects to make any proper entry therein, or to exhibit the same, or to allow the same to be inspected and extracts to be taken therefrom, is guilty of an indictable offence, and liable to imprisonment for any term not exceeding two years. Entries falsely made or neglected. Penalty.
- 20.** Every company which neglects to keep open for inspection, as required by this Part, any book or books required by this Part to be kept by such company shall incur a penalty not exceeding fifty dollars for each day during which such neglect continues. Neglect to permit inspection. Penalty.
- 21.** Every shareholder shall, until the whole amount of his stock has been paid up, be individually liable to the Liability of shareholder to creditors.

creditors of the company to an amount equal to that not paid up thereon; but shall not be liable to an action therefor by any creditor until an execution against the company at the suit of such creditor has been returned unsatisfied in whole or in part.

Limit of liability.

(2) The amount due on such execution, not exceeding the amount unpaid by the shareholder on his stock, shall be the amount recoverable with costs from such shareholder.

Limitation of liability of shareholders.

22. 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 of their respective shares in the capital stock thereof.

Trustees not personally liable.

23. No person holding stock in the company as an executor, administrator, tutor, curator, guardian or trustee shall be personally subject to liability as a shareholder; but the estate and funds in the hands of such person shall be liable in like manner and to the same extent as the testator, or intestate if living, or the minor, ward or interdicted person or the person interested in such trust fund if competent to act and holding such stock in his own name, would be liable.

Estate liable.

(2) No person holding stock in the company as collateral security shall be personally subject to liability as a shareholder, but the person pledging such stock shall be considered as holding the same and shall be liable as a shareholder accordingly.

Pledgor only liable.

Notice.

24. In the absence of other provisions in that behalf in the special Act or in the by-laws of the company or in this Act, notice of the time and place for holding general meetings of the company shall be given at least ten days previously thereto, in some newspaper published at the place in which the head office or chief place of business of the company is situated, or if there is no newspaper there published, then in the newspaper published nearest thereto.

Arrears prevent voting.

25. No shareholder who is in arrear in respect of any call shall vote at any meeting of the company.

One vote for each share.

(2) In the absence of other provisions, in manner aforesaid, every shareholder shall be entitled to as many votes at all general meetings of the company as he owns shares in the company, and may vote by proxy.

Proxies.

Voting by proxy.

26. The provisions of this section shall extend and apply to every company other than a company authorized to transact life insurance, having a capital stock, whether

called by the name of capital stock, guarantee fund, or any other name, and also to every mutual company, notwithstanding anything to the contrary in any special Act relating to any such company or in any by-law or by-laws thereof.

Application.

(2) At all meetings at which holders of shares in the capital stock or guarantee capital, policyholders, or members are entitled to vote, they may respectively vote by proxy and every proxy must be himself a shareholder, policyholder or member and entitled to vote.

Proxy must be shareholder.

27. Every executor, administrator, tutor, curator, guardian or trustee shall represent the stock in his possession in his fiduciary capacity at all meetings of the company, and may vote as a shareholder; and every person who pledges his stock may, notwithstanding such pledge, represent the said stock at all such meetings, and vote as a shareholder.

Trustees and pledgors may vote as shareholders.

28. Shareholders who hold one-fourth part in value of the subscribed stock of the company may at any time by written requisition signed by them call a special general meeting of the company for the transaction of any business specified in such requisition, and in the notice made and given for the purpose of calling such meeting.

Special meetings may be called by shareholders.

29. 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 under the by-laws of the company, shall be binding upon the company.

Contracts by agents and officers.

(2) In no case shall it be 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.

Affixing seal unnecessary.

(3) The person so acting as agent, officer or servant of the company, shall not be thereby subjected individually to any liability whatsoever to any third person therefor.

Agent or officer not liable.

30. The company shall not be bound to see to the execution of any trust, whether express, implied or constructive, in respect of any share.

Company not liable as to execution of trusts.

(2) The receipt of the shareholder in whose name any share stands in the books of the company, shall be 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.

Receipt of shareholders a discharge.

Application
of money.

(3) The company shall not be bound to see to the application of the money paid upon such receipt.

Liability of
directors
declaring
and paying
dividends
when
company is
insolvent.

31. If the directors of the company declare and pay any dividend when the company is insolvent, or any dividend, the payment of which renders the company insolvent, or diminishes the capital stock thereof, they shall be jointly and severally liable, as well to the company as to the individual shareholders and creditors thereof, and, in the case of a life company, to the participating policyholders, for all the debts of the company then existing, and for all thereafter contracted during their continuance in office respectively.

Exoneration
from
liability.

(2) If any director present when such dividend is declared does forthwith, or if any director then absent does, within five days after he becomes aware of such dividend being declared and is able so to do, enter on the minutes of the board of directors his protest against the same, and within eight days thereafter publishes such protest in at least one newspaper published at the place in which the head office or chief place of business of the company is situated, or if there is no newspaper there published, in the newspaper published nearest thereto, such director may thereby and not otherwise, exonerate himself from such liability.

Liability of
directors
for transfer
of shares.

32. Whenever entry is made in the company's book of any transfer of stock not fully paid up, to a person who is not apparently of sufficient means, the directors shall be jointly and severally liable to the shareholders and creditors of the company, and, in the case of a life company, to the participating policyholders thereof, in the same manner and to the same extent as the transferring shareholder, except for such entry, would have been liable.

Exoneration
from
liability.

(2) If any director present when such entry is allowed does forthwith, or if any director then absent does within five days after he becomes aware of such entry, and is able so to do, enter on the minute book of the board of directors, his protest against such transfer, and within eight days thereafter publishes such protest in at least one newspaper published at the place in which the head office or chief place of business of the company is situated, or if there is no newspaper there published, then in the newspaper published nearest thereto, such director may thereby, and not otherwise, exonerate himself from such liability.

No loan to
directors
or officers.

33. The company shall not loan any of its funds to any director or officer thereof, or to the wife or child of any such director or officer, except that a company authorized to transact life insurance may lend to any director or officer thereof on the security of the company's own policies.

34. If any loan is made by the company to any director or officer of the company in violation of the provisions of this Part, all directors and other officers of the company who make the same or assent thereto shall be jointly and severally liable to the company for the amount of such loan, and also to third persons to the extent of such loan, with lawful interest, for all debts of the company contracted from the time of the making of such loan to that of the repayment thereof.

Liability in case of loans by company to directors or officers.

35. The directors of the company shall be jointly and severally liable to the clerks and servants thereof, for all debts, not exceeding one year's wages, due for services performed for the company whilst they are such directors respectively.

Liability of directors for wages unpaid.

(2) No director shall be liable to an action therefor, unless the company is sued therefor within one year after the debt became due, nor unless such director is sued therefor within one year from the time when he ceased to be such director, nor unless an execution against the company at the suit of such clerk or servant is returned unsatisfied in whole or in part.

Limitation as to time.

(3) The amount unsatisfied on such execution shall be the amount recoverable with costs from the directors.

Amount recoverable.

36. The company may enforce payment of all calls and interest thereon, by action in any court of competent jurisdiction.

Enforcement of payments of calls.

37. The company shall be subject to the provisions of any general Act for the winding-up of joint stock companies.

Winding-up Act to apply.

38. 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.

Evidence of by-laws.

39. All books required by this Part to be kept by the secretary or by any other officer of the company charged with that duty shall, in any suit or proceeding be, as against the company or against any shareholder, *prima facie* evidence of all facts purporting to be therein stated.

Books of company *prima facie* evidence.

40. 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

Proof of being a shareholder.

unpaid thereon, shall be received in all courts as *prima facie* evidence.

Company may; by by-law of shareholders;

41. Notwithstanding anything contained in its Act of incorporation, any company may,

(a) if the company has no members other than shareholders entitled to vote, by by-law passed and approved of by the votes of shareholders, representing at least two-thirds in value of the subscribed capital of the company, present or represented at a special general meeting duly called for considering the by-law; or

By by-law of members;

(b) if the company has no shareholders, by by-law passed and approved of by the votes of at least two-thirds of the members present or represented at a special general meeting duly called for considering the by-law; or

By by-law of shareholders and members;

(c) if the company has both shareholders and members entitled to vote, by by-law passed and approved of by at least two-thirds of the votes cast by such shareholders and members at a special general meeting duly called for considering the by-law,

Change head office and date of annual meeting.

(i) change the head office of such company from any place in Canada to any other place in Canada, or
(ii) change the date for holding its annual general meeting.

Reduction of capital by by-law.

42. The directors of any company may, subject to the proviso hereinafter contained, in the event of its paid-up capital being impaired, at any time and from time to time, after being duly authorized and empowered by a resolution approved by the votes of shareholders representing at least two-thirds of all the subscribed stock of the company at a special general meeting duly called for considering such resolution, pass a by-law for writing off the said paid-up capital any amount which they have been so authorized and empowered by the shareholders as aforesaid to write off such paid-up capital, but no part of its assets shall be distributed to its shareholders: Provided, however, that the paid-up capital shall not be reduced

Proviso.

(a) below the minimum amount fixed by the company's Act of incorporation as necessary to be paid up before the company can commence business; or

(b) in case no such amount is fixed by such Act of incorporation, then below the amount fixed by this Act or by the Treasury Board in pursuance of subsection three of section fifty-three of this Act as the company's deposit on obtaining a certificate of registry.

When capital is deemed impaired.

(2) The capital of a company shall be deemed to be impaired when its assets, exclusive of its paid-up capital,

are less than its liabilities calculated according to the requirements of this Act.

(3) Such by-laws shall declare the par value of the shares of the stock so reduced and the capital stock of the company shall be reduced by the amount of the reduction in the paid-up portion thereof.

Declaration
in by-law.

(4) The liability of the shareholders shall remain the same as if no reduction had been made in the paid-up capital stock of the company.

Liability of
shareholders.

43. The directors may,

(a) from time to time, out of that portion of the profits of the company which belongs to the shareholders, by declaring a stock dividend or bonus or otherwise, increase the paid-up capital thereof to an amount not exceeding the amount or amounts by which the same may have been reduced under the provisions of the last preceding section, and thereafter the paid-up capital and the capital stock and each share shall represent the aggregate of the amount to which it has been reduced and the amount of such increase so declared as aforesaid; or

Subsequent
increase of
capital.

(b) issue new stock to an amount not exceeding the amount of such reduction, which stock shall be first offered at not less than par to the shareholders in proportion to the existing shares held by them; and such offer shall be made by notice specifying the number of shares of new stock to which each shareholder is entitled and limiting a time within which the offer, if not accepted, will be deemed to be declined, and after the expiration of such time, or on the receipt of an intimation from any shareholder to whom such notice is given that he declines to accept the shares offered, the directors may dispose of the same, at not less than par, in such manner as they think most beneficial to the company. The nominal value of the shares of new stock so issued shall be the same as the nominal value of the shares of the reduced paid-up capital stock.

Issue of new
stock.

SEPARATE INSURANCE FUNDS.

44. Any company may upon being authorized by a by-law made by the directors and confirmed at a general meeting of the company duly called for that purpose and upon making such deposit in excess of the amount otherwise required to be made under the provisions of Part III of this Act, and on complying with such terms and conditions as may be fixed and prescribed by the Treasury Board, upon the report of the Superintendent, transact such class or classes of insurance as may be specified in the

Approval of
by-laws
by Treasury
Board.

Proviso. certificate of registry to be from time to time granted to the company pursuant to the provisions hereinafter in this Act contained: Provided that the company shall maintain such separate and distinct accounts, funds and securities as required by section eighty-one of this Act.

Amount of separate fund fixed by Board. (2) The amount of the said separate and distinct fund to be maintained in respect of any class or classes of insurance business other than life insurance shall be fixed by the Treasury Board and shall depend on the number and nature of the additional class or classes of business so authorized but shall in no case be less than fifty thousand dollars.

How separate fund may be created. (3) In the case of a company registered to transact only the business of life insurance, the company may, for the purpose of creating the said separate and distinct fund by by-law transfer as such fund or as part of such fund the whole or any portion of the balance standing to the credit of the shareholders' surplus account, or if duly authorized by by-law passed by the directors and approved by at least a two-thirds vote of the members present or represented at a special general meeting of the company duly called for that purpose, transfer as the said fund or as any part thereof an amount not exceeding twenty-five per cent of the surplus of the company or the sum of one hundred thousand dollars, whichever be the less.

"Surplus" defined. (4) For the purpose of the last preceding subsection the word "surplus" shall mean the excess of assets over the aggregate of the company's liabilities to its policyholders, the amount of the paid or guarantee capital, if any, the contingent apportionment of surplus to deferred dividend policies, the provision for dividends accrued on quinquennial participating policies on the same scale as that used in the apportionment of surplus to deferred dividend policies of the same duration, and all its other liabilities of every kind.

Provisions of by-law when fund is created from surplus. (5) If any portion of the said separate and distinct fund is created by a transfer from the surplus of the life insurance fund of the company, the by-law shall provide that a proportion of the profits of the said fund equal to the proportion which the amount so transferred from the said surplus is of the total amount so transferred or credited to the said fund, shall thereafter be credited to the life insurance fund of the company.

Transfer of surplus available for dividends. (6) In the case of a company other than a company registered to transact only the business of life insurance, the company may, for the purpose of creating the said separate and distinct fund, by by-law transfer as such fund the whole or any portion of the surplus of the company which under the provisions of this Act is available for the payment of dividends to its shareholders, and the

amount of such separate and distinct fund shall not be less than one hundred thousand dollars.

(7) Any separate and distinct fund referred to in this section may in the case of any company be liquidated and wound up independently of the other business of the company, and the provisions of the *Winding-up Act* shall apply to such funds as fully as if the company transacted only the class or classes of business in respect of which such funds are maintained.

Separate funds may be liquidated separately.

(8) In the winding-up of the company or of any fund thereof, the capital stock, if any, subscribed before the date of the separation of the funds herein referred to shall be liable, both as to the amount paid and the amount unpaid thereon, only for claims or losses arising from the class or classes of business transacted prior to the said date.

Liability of capital stock to separate funds.

45. The entire cost of procuring the incorporation and subscriptions for stock shall be charged directly to the account of the shareholders and the amount thereof fixed by percentage on the capital stock or fixed in bulk and shown on the face of the form of the stock subscription contract, and shall not form a charge upon or be paid out of the paid-up capital nor from the insurance funds, nor be in any way chargeable directly or indirectly against the policyholders.

Cost of incorporation chargeable to shareholders.

46. At the time application is made for a certificate of registry under this Act by a company there shall be submitted to the Minister a sworn statement setting forth the several sums of money paid in connection with the incorporation and organization of the company, and such statement shall, in addition, include a list of all the unpaid liabilities, if any, in connection with or arising out of such incorporation and organization.

Statement of expenses of organization.

(2) Until the certificate of registry is granted, no payments on account of incorporation and organization expenses shall be made out of the moneys paid in by shareholders, except reasonable sums for the payment of clerical assistance, legal services, office rental, advertising, stationery, postage and expenses of travel, if any.

To what limited.

(3) The Minister shall not grant the certificate of registry until he is satisfied that all the requirements of this Act and of the special Act incorporating the company, as to the subscriptions to the capital stock, the payment of money by shareholders on account of their subscriptions, the election of directors and other preliminaries have been complied with, and unless he is satisfied that the expenses of incorporation and organization, including the commission payable for the sale of the company's stock, are reasonable.

Conditions precedent to the granting of certificate of registry.

If certificate of registry not obtained shareholders to control payments.

47. If the company does not obtain a certificate of registry before the expiry of its Act of incorporation, and if stock books have been opened and subscriptions in whole or in part paid, no part of the money so paid, whether on account of capital or of premium on capital or accrued interest thereon, shall be disbursed for commissions, salaries, charges for services or for other purposes, except a reasonable amount for payment of clerical assistance, legal services, office rental, advertising, stationery, postage and expenses of travel, if any, unless it is so provided by resolution of the subscribers at a meeting convened after notice, at which the greater part of the money so paid is represented by subscribers or by proxies of subscribers; and each subscriber shall be entitled at such meeting to one vote for each ten dollars paid, either as capital or as premium on capital, on account of his subscription.

Meeting and application to court to fix amount of payments.

(2) If the amount allowed by such resolution for commission, salaries or charges for services be deemed insufficient by the provisional directors or directors, as the case may be, or if no resolution for such purpose be passed after a meeting has been duly called, then the provisional directors or directors may apply to a judge of any superior or county court having jurisdiction where the head office of the company is situated, to settle and determine all charges and the reasonableness of the amount of the disbursements already made, to which such money and interest, if any, shall be subject, before distribution of the balance to the subscribers.

Notice of meeting.

(3) Notice of the meeting and notice of the application respectively referred to in the last preceding subsections shall be given by mailing the notice in the post office, registered and post paid, at least twenty-one days prior to the date fixed for such meeting or the hearing of such application, to the several subscribers at their respective post office addresses as shown by the stock books; and each of such notices shall contain a statement, in summary form, of the several amounts for commissions, salaries, charges for services and disbursements which it is proposed shall be provided by resolution for payment, or settled and determined by a judge, as the case may be.

Voting.

(4) Votes of subscribers may be given at such meeting by proxy, but the holder of such proxy must be himself a subscriber, and subscribers may be heard either in person or by counsel on such application.

Payments by subscribers.

(5) In order that the sums paid and payable under the provisions of this section may be equitably borne by the subscribers, the provisional directors or the directors, as

the case may be, shall, after the amount of such sums is ascertained as herein provided, fix the proportionate part thereof chargeable to each subscriber in the ratio of the number of shares in respect of which he is a subscriber to the total number of shares *bona fide* subscribed.

(6) The respective amounts so fixed shall, before return to the subscribers of the sums paid in by them, be deducted therefrom, and if the respective sums paid in are less than the amounts so fixed, then the deficiency in each case shall be payable forthwith by the subscriber to the provisional directors or the directors, as the case may be. Making good of deficiency.

(7) The total of the amounts of deficiency mentioned in the last preceding subsection which the provisional directors or the directors are unable to get in or collect in what seems to them a reasonable time, shall, with any legal cost incurred, be deducted by them from the sums then remaining in their hands to the credit of the several subscribers in the ratio hereinbefore mentioned, the shares in respect of which no such collections have been made being eliminated from the basis of calculation. How provided for.

(8) The provisional directors or the directors, after payment by them of the sums payable under this section, shall return to the subscribers, with any interest accretions, the respective balances of the moneys paid in by the subscribers. Return to subscribers.

PART III.

Certificates of Registry.

48. There shall be established and maintained in the Department of Insurance a register in which shall be entered the names of all companies registered under this Part and to which certificates of registry are granted. Register of companies.

49. The powers of any company shall not be exercised to transact the business of insurance in Canada, unless the company is registered and holds a certificate of registry from the Minister. Registration and certificate of registry required.

50. Every company shall, as a condition of being registered, file in the Department,— Filing of documents.

(a) a copy of the charter, Act of incorporation, or articles of association of the company, certified by the proper officer in charge of the original thereof; Copy of charter.

(b) a power of attorney from the company to its chief agent or attorney in Canada, in such form as may be required by the Minister; Power of attorney.

(c) a statement, in such form as may be required by the Minister, of the condition and affairs of the company on the thirty-first day of December next preceding, Statement of condition and affairs.

or up to the usual balancing day of the company, if such day is not more than twelve months before the filing of the statement, and such additional statements or information as the Minister may require as to its solvency and as to its ability to meet all its obligations.

Contents of
power of
attorney.

51. The power of attorney shall

- (a) declare at what place in Canada the head office of the company is or is to be established; and
- (b) expressly authorize such attorney to receive from the Minister and the Superintendent all notices which the law requires to be given, or which it is thought advisable to give; and
- (c) declare that receipt of such notices, at such head office, or personally by such attorney, shall be legal and binding on the company, to all intents and purposes whatsoever.

Change of
chief agent.

52. Whenever any company registered under this Act changes its chief agent or head office in Canada, the company shall file a further power of attorney appointing the new chief agent or designating the new head office, as the case may be.

Deposit with
the Minister.

53. Every company shall, as a further condition of being registered, make a deposit with the Minister in any of the securities hereinafter specified in that behalf.

(2) The deposit in the case of a fraternal benefit society shall be the sum of ten thousand dollars.

(3) The deposit in the case of a company other than a fraternal benefit society shall be,—

(a) for a certificate of registry to transact life insurance, or fire insurance, the sum of fifty thousand dollars, and

(b) for a certificate of registry to transact any other class of insurance, such sum as the Treasury Board may determine.

Companies
licensed under
Insurance Act
deemed
registered.

54. Every company which on the date of the coming into force of this Act holds a licence from the Minister, shall be deemed to have complied with the provisions of this Act precedent to the granting of a certificate of registry and to be registered hereunder, and the company shall be subject to the provisions hereof.

Form of
certificate
of registry.

55. The certificate of registry shall be in such form or forms, as may be from time to time determined by the Minister, and shall specify the business to be carried on by the company.

Contents of
certificate.

(2) The certificate of registry and any renewal thereof shall certify that the company has complied with the provisions

visions and conditions of its Act of incorporation or other constating instrument and with the provisions and conditions of this Act precedent to the granting of a certificate of registry.

(3) The certificate of registry shall expire on the thirty-first day of March in each year, but may be renewed from year to year or for any term less than a year. Duration.

(4) Any certificate of registry or renewal thereof may contain any limitations or conditions which the Minister may deem necessary to give effect to the provisions of this Act. Limitations.

56. The certificate of registry may specify such class or classes of insurance as the Minister may deem proper. Classes of insurance authorized.

(2) No company shall issue policies relating to any class of insurance not specified in the certificate of registry from time to time in force, and a copy of every form of policy issued by the company shall be mailed by prepaid registered letter to the Superintendent. Policy forms to be deposited.

57. Every company on first obtaining such certificate shall forthwith give due notice thereof in the *Canada Gazette*, and in at least one newspaper in the county, city or place where the head office is established, and shall continue the publication thereof for the space of four weeks. Notice of having obtained a certificate of registry.

(2) The Minister shall cause to be published quarterly in the *Canada Gazette* a list of the companies registered under this Act, with the amount of deposit made by each company. Publication of list of registered companies.

(3) Upon any company being first registered, or upon the certificate of registry of any company being withdrawn, in the interval between the publication of two such quarterly lists, the Minister shall cause to be published a notice thereof in the *Canada Gazette* for the space of four weeks. New companies.

58. All deposits with the Minister required under this Act may be made by any company, in securities of or guaranteed by the Dominion of Canada, or in securities of or guaranteed by any province of Canada; or in securities of or guaranteed by the United Kingdom of Great Britain and Northern Ireland or any British Dominion or colony. Securities permissible.

(2) The value of such securities shall be computed at their market value at the time when they are deposited. Valuation.

(3) If any other than the aforesaid securities are offered as a deposit, they may be accepted at such valuation and on such conditions as the Treasury Board may direct. Accepting other securities.

59. If the market value of any of the securities deposited by any company declines below that at which they were deposited, the Minister may notify the company to make such further deposit as will ensure the Further deposit if value declines.

accepted value of all the securities deposited by the company being equal to the sum which it is required by this Act to deposit.

Failure to make.

(2) On failure by the company to make such further deposit within sixty days after being called upon so to do, the Minister may withdraw its certificate of registry.

Further deposit at option of company.

60. Any company registered under this Act may, at any time, deposit with the Minister, any further securities beyond the sum herein required to be deposited.

How dealt with.

(2) Any securities so deposited with the Minister shall be held by him and dealt with as if the same had been part of the sum required to be deposited with the Minister.

Withdrawal of excess deposit.

61. If at any time the deposit of any company with the Minister exceeds the sum required under the provisions of this Act, the Treasury Board may, upon being satisfied that the interests of the company's policyholders will not be prejudiced thereby, authorize the withdrawal of the amount of such excess or any portion thereof.

Handing over interest on securities.

62. So long as the requirements of this Act are complied with by any company, and no notice of any final judgment against the company, or order made by the proper court in that behalf for the winding-up of the company or the distribution of its assets, is served upon the Minister, the interest upon the securities forming the deposit shall be handed over to the company as it falls due.

Investments.

Investment of company's funds.

63. Save as hereinafter provided, any company registered under this Act may invest its funds, or any portion thereof, in the purchase of

In government securities.

(a) the debentures, bonds, stocks or other securities of or guaranteed by the Government of the Dominion of Canada or of or guaranteed by the Government of any province of Canada; or of or guaranteed by the Government of the United Kingdom of Great Britain and Northern Ireland, or of any Dominion, colony or dependency thereof; or of or guaranteed by the Government of any foreign country, or state forming a portion of such foreign country; or of any municipal or school corporation in Canada, or elsewhere where the company is carrying on business; or guaranteed by any municipal corporation in Canada; or secured by rates or taxes, levied under the authority of the Government of any province of Canada on property situate in such province and collectible by the municipalities in which such property is situate; or

(b) (i) the bonds of any corporation which bonds are fully secured by a mortgage or hypothec to a trustee upon real estate or upon the plant and equipment of such corporation used in the transaction of its business; or upon bonds, debentures or other evidences of indebtedness or stocks owned by such corporation of a class or classes authorized by this section as investments of any company, and the inclusion as additional security in such mortgage or hypothec of any other assets not of a class authorized by this Act as investments of any company shall not be deemed to render ineligible such bonds as an investment, or

Bonds
secured by
mortgage.

(ii) the debentures or other evidences of indebtedness of any corporation which has paid regular dividends on its preferred or on its common stocks for a term of at least five years immediately preceding the date of investment in such debentures or other evidences of indebtedness, or

Debentures.

(iii) the preferred stocks of any corporation which has paid regular dividends upon such stocks, or upon its other preferred stocks ranking equally therewith or upon its common stocks, for not less than five years preceding the purchase of such preferred stocks, or

Preferred
stocks.

(iv) the stocks of any corporation which are guaranteed by a corporation which has paid regular dividends upon its preferred or common stocks for not less than five years preceding the purchase of such guaranteed stocks: Provided that 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, or

Guaranteed
stocks.

(v) the common stocks of any corporation upon which regular dividends of at least four per cent per annum or, in the case of stocks of no par value, of at least four dollars per share per annum have been paid for the seven years next preceding the purchase of such stocks: Provided that 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 any company, and that no company shall be permitted to invest in its own shares nor shall any company registered to transact the business of life insurance be permitted to invest its life insurance funds in the shares of any company which transacts the business of life insurance:

Proviso.

Common
stocks.

Proviso.

Provided further that if any such corporation has, pursuant to a voluntary reorganization of its capital account and without affecting the status or diminishing the value of its outstanding securities including the capital stock, substituted common shares of no par value for shares of par value, then dividends declared

Proviso.

on the said no par value stock shall be deemed to be dividends of at least four dollars per share per annum if the sum thereof is equivalent to at least four per cent of the said common stock of par value and the proceeds of any additional issue of common stock made at the time of, or subsequent to, the aforesaid substitution of shares; and in such circumstances dividends of at least four per cent per annum on the common stock of par value immediately preceding the substitution shall be regarded as dividends on the no par value stock; or

Real estate mortgages.

(c) ground rents, mortgages or hypothecs on real estate in Canada, or elsewhere where such company is carrying on its business, provided that the amount paid for any such mortgage or hypothec shall in no case exceed sixty per cent of the value of the real estate covered thereby; or

Life policies.

(d) life insurance policies issued by the company or by any other company registered to transact the business of life insurance in Canada subject to the provisions of subsection nine of this section.

Lending funds.

(2) Any such company may lend its funds or any portion thereof on the security of

Proviso.

(a) any of the bonds, debentures, stocks or other securities in which any company may invest its funds under the provisions of the next preceding subsection: Provided, however, that the amount loaned on the security thereof shall not exceed the amount which might be invested therein under the provisions of the said subsection; or

Proviso.

(b) real estate or leaseholds for a term or terms of years or other estate or interest therein in Canada or elsewhere where the company is carrying on business: Provided, however, that no such loan shall exceed sixty per cent of the value of the real estate or interest therein which forms the security for such loan, but this proviso shall not be deemed to prohibit a company from accepting as part payment for real estate sold by it, a mortgage or hypothec thereon for more than sixty per cent of the sale price of such real estate.

Other securities authorized by Treasury Board.

(3) The Treasury Board may authorize the acceptance by any 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.

(4) For the purpose of determining the eligibility as investments under this section of the preferred or common stocks of any 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.

Dividend record in case of reorganization of capital account.

(5) No such company shall loan any of its funds to any director or officer thereof or to the wife or any child of such director or officer except on the security of the company's own policies.

No loan to director or officer.

(6) Except as hereinafter provided, the total book value of the investments of any such company in common stock shall not exceed fifteen per centum of the book value of the total ledger assets of the company.

Limitation on investment in common stocks.

(7) If any such company has on hand, at the date of the coming into force of this subsection, investments in common stocks of a total book value in excess of fifteen per centum of the book value of the total ledger assets of such company at the said date, the provisions of the last preceding subsection shall not apply to such company until the first day of January following the year in which the amount of the said investments is first reduced to fifteen per centum or less of the total ledger assets of such company, and on and after the said date the said provisions shall apply, but until the said date no investment in common stocks shall be made by such company.

Exception.

(8) The amount or value of shares of common stock acquired after the coming into force of this and the two next preceding subsections of this section by any such company as bonuses or dividends on preferred or common stocks or acquired in the exercise of rights or privileges arising from investments of such company in preferred or commons stocks shall not be deemed to be an investment in common stocks for the purposes of the two next preceding subsections.

Shares acquired as dividends or rights not deemed an investment.

(9) Notwithstanding the foregoing provisions of this section, no company other than a company registered to transact the business of life insurance, may invest or lend its funds or any portion thereof in the purchase of, or on the security of policies of life insurance.

Restriction of investments by companies other than life companies.

Power to invest in stock of other insurance companies.

64. Notwithstanding anything contained in the next preceding section any company may invest its funds, other than its life insurance funds, if the company is registered to transact the business of life insurance, in the fully paid shares of any other company transacting the business of insurance or of any corporation incorporated outside of Canada and registered under the laws of the Dominion of Canada to transact such business in Canada, but the sum total of money invested in such shares shall not exceed fifteen per cent of the value of the assets of such company; and except as provided in this section no such company shall invest in shares of any other company or corporation transacting the business of insurance.

Additional security may be taken.

65. Any company may take any additional securities of any nature further to secure the repayment to the company of any loan or investment, or further to secure the sufficiency of any of the securities in or upon which such company is by this Act authorized to invest or lend any of its funds.

Investments in corporate name only.

66. All investments and deposits of the funds of any company shall be made in its corporate name, and no director or other officer thereof, and no member of a committee having any authority in the investment or disposition of its funds shall accept or be the beneficiary of, either directly or indirectly, any fee, brokerage, commission, gift or other considerations for or on account of any loan, deposit, purchase, sale, payment or exchange made by or in behalf of the company, or be pecuniarily interested in any such purchase, sale or loan, either as borrower, principal, co-principal, agent or beneficiary, except that if he is a policyholder he shall be entitled to all the benefits accruing under the terms of his contract.

Exception.

(2) If the laws of any state or country in which any company transacts, or is about to transact, business, require that the deposits made or to be made by such company in such state or country shall be made in the name of, or transferred or assigned to, any person or corporation other than the company, this section shall not prohibit such company from making in the name of, or transferring or assigning to, such other person or corporation, the investments and deposits necessary to comply with the said laws.

Terms, manner of making and amount of loans.

67. Any loan by this Act authorized to be made may be made on such terms and conditions, and in such manner and at such times, and for such sums, as the directors from time to time determine.

68. Notwithstanding anything contained in its Act of incorporation, or in any Act amending it, every company shall have power to hold such real estate as is required for its actual use or occupation, or as may reasonably be required for the natural expansion of its business (including such, as having been lawfully acquired, is vested in it at the time of the passing of this Act) or such as is *bona fide* mortgaged or hypothecated to it by way of security or conveyed to it in satisfaction of debts or judgments, recovered.

Power to hold real estate.

(2) No parcel of land, or interest therein, acquired by any company and not required for its actual use and occupation, present or prospective, as hereinbefore in this section provided, and not held by way of security, or acquired to protect the company's security, or acquired in payment or in part payment of an indebtedness to the company, shall be held by the company, or any trustee on its behalf, for a longer period than twelve years after the acquisition thereof, unless the Treasury Board extends the period during which such parcel of land may be so held, but shall, at or before the expiration of such period, or extended period, be absolutely sold and disposed of, so that the company shall no longer retain any interest therein except by way of security.

Period of holding.

(3) Nothing herein contained shall be deemed to exempt any company from its obligation to comply with the laws of the province in which any such real estate is situate with respect to mortmain.

Saving of Provincial mortmain laws.

Statements and Returns.

69. The president, vice-president or managing director or other director appointed for the purpose by by-law or by the board of directors, and the secretary, actuary or manager of every company registered under this Act, shall prepare annually under their oaths, a statement of the condition and affairs of the company on the thirty-first day of December in each year, which shall exhibit the assets and liabilities of the company, and its income and expenditure during the year then ended, and such other information as is deemed necessary by the Minister from time to time.

Annual statement.

(2) Every company shall, at the time of making the said annual statement, declare that no change or amendment has been made in the charter, Act of incorporation or articles of association of the company, and that no change has been made in the head office or chief agent, without the Superintendent having been duly notified thereof.

Declaration in annual statement.

(3) The annual statements shall be in such form or forms as may, from time to time, be determined by the Minister for the purposes of this Act.

Forms of annual statements.

Life
company.

70. In the case of any company registered to transact the business of life insurance, the annual statement, in respect of the life insurance business of the company, shall be deposited in the Department within two months after the first day of January in each year.

Half-yearly
statement.

(2) There shall also be prepared half yearly, as of the last days of June and December in each year, by the same officers, under their oaths, and deposited in the Department within fifteen days after the said last days of June and December in each year respectively, a statement in such form as the Minister may determine for the purposes of this Act, showing in detail all bonds, stocks, debentures and other securities bought and all loans made, except on mortgages and policies, during the half year terminating on the date as of which such statement is made, specifying the amounts, dates of issue and maturity and par value thereof, the rate of interest payable thereon and the price paid therefor, and in the case of loans made, except on mortgages of real estate or insurance policies, particulars in detail of the security therefor, and showing also in detail all such securities sold or disposed of during the said half year, specifying similarly the amounts, dates of issue and maturity and par value thereof, the value in account thereof, the rate of interest payable thereon and the price or consideration received therefor.

To be
included in
Superintendent's
report.

(3) The half yearly statement mentioned in the preceding subsection, shall be embodied by the Superintendent by way of appendix or otherwise in the annual report prepared by him for the Minister.

Affidavits
accompanying
statements.

(4) With each annual statement and with each half-yearly statement there shall be deposited in the Department an affidavit of the officers by whom the statement is prepared as aforesaid in such form or forms as the Minister may determine.

Minister may
change forms.

Forms to be
supplied.

(5) The Superintendent shall supply the forms of annual statements and half-yearly statements required to be deposited under the provisions of this Act.

Valuation
of securities
for annual
statement.

71. In every annual statement required to be deposited by this Act, the bonds, debentures, stocks and other securities shall be taken into account at the market values applicable to the said securities at the date of the statement or, in the discretion of the Superintendent, at a date not more than sixty days before the date of the statement.

Variation
when values
unduly
depressed.

(2) When the said market values are, in the opinion of the Minister unduly depressed, the Minister may, on the report of the Superintendent, authorize the use of values in excess

of the said market values, not, however, exceeding the values at which the said securities were shown in the next preceding annual statement, or, if acquired since the date of the next preceding annual statement, then not exceeding the book values at the date of the annual statement to be filed.

INSPECTION AND REPORT BY SUPERINTENDENT.

72. The Superintendent shall

(a) enter in a book, under the heading of each company, the securities deposited on its account with the Minister naming in detail the several securities, their par value, their date of maturity, and value at which they are received as deposit; and such book shall be open to public inspection;

Duties of Superintendent.
Securities.

(b) in each case, before the granting of any certificate of registry, or the renewal of any such certificate, make a report to the Minister that the requirements of this Act have been complied with, and that from the statement of the affairs of the company it is in a condition to meet its liabilities;

Report as to being eligible for registration.

(c) keep a record of the certificates of registry as they are granted;

Record of certificates.

(d) visit personally, or cause a duly qualified member of his staff to visit, the head office of each company in Canada, at least once in every year, and examine 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;

Visit head office.

(e) prepare for the Minister, from the said statements, an annual report, giving full particulars of the condition and affairs of each company.

Annual report.

73. If the Superintendent, after an examination into the condition and affairs of any company registered to transact business in Canada, as disclosed by the annual or other statements furnished by the company to the Minister or for any other reason, deems it necessary or expedient to make a further examination into the affairs of the company and so reports to the Minister, the Minister may, in his discretion, instruct the Superintendent to visit the head office of the company, thoroughly to inspect and examine into all its affairs and to make all such further inquiries

Inspection of companies.

as are necessary to ascertain its condition and ability to meet its obligations, and whether it has complied with the provisions of this Act.

Officers to open books for inspection.

(2) The officers or agents of such company shall cause the books of the company to be open for the inspection of the Superintendent, and shall otherwise facilitate such examination so far as it is in their power.

Examination under oath.

(3) For the purpose of such inquiry, the Superintendent may examine under oath the officers or agents of the company.

Report on inspections.

74. A report of all companies so visited by the Superintendent shall be entered in a book kept for that purpose, with notes and memoranda showing the condition of each company.

Special report to Minister.

(2) The Superintendent shall make a special report in writing to the Minister, stating his opinion as to the standing and financial position of every company so visited, and any other matters which he thinks desirable to be made known to the Minister.

Appraisalment of real estate held.

75. If upon an examination of the assets of any company, it appears to the Superintendent that the value placed by the company upon the real estate owned by it or any parcel thereof is too great, he may either request the company to procure an appraisalment of such real estate by one or more competent valuers, or may himself procure an appraisalment at the company's expense, and the appraised value, if it is materially less than that shown in the return made by the company, may be substituted for the latter in the annual report prepared for the Minister by the Superintendent.

Appraisalment of real estate securing mortgage.

(2) If it appears to the Superintendent that the amount of any loan secured by mortgage or hypothec upon any parcel of real estate, together with the interest due and accrued thereon, is greater than the value of the parcel, or that the parcel is not sufficient security for the loan and interest, he may in like manner request the company to procure an appraisalment thereof, or may himself at the company's expense procure an appraisalment, and if from the appraised value it appears that the parcel of real estate is not adequate security for the loan and interest, he may write off from the loan and interest a sum sufficient to reduce the same to such an amount as may fairly be realizable from such real estate, in no case to exceed the appraised value thereof, and may insert the reduced amount in his said annual report.

Special audit of company.

(3) If it appears to the Superintendent that a complete and thorough audit of the books of the company should be made or if a company makes a written request for such audit, the Superintendent may nominate a competent

accountant who shall, under the direction of the Superintendent, make a special audit of the company's books, accounts and securities and report thereon to the Superintendent in writing verified by the oath of such accountant.

(4) The expenses of such special audit shall be borne by the company and the auditor's account therefor when approved in writing by the Superintendent shall be payable by the company forthwith.

Expense borne by company.

76. The Superintendent may address any inquiries to any company registered under this Act, or to the president, manager, actuary or secretary thereof, for the purpose of ascertaining its condition and ability to meet its obligations, and it shall be the duty of any company so addressed promptly to reply in writing to any such inquiries.

Inquiries to companies and replies.

(2) The Superintendent may, in his discretion, embody in his annual report to the Minister the inquiries made by him under this section and the answers thereto.

May be printed in report.

77. In the annual report prepared for the Minister, the Superintendent shall allow as assets only such of the investments of the several companies as are authorized by this Act, or as were authorized by law at the time of their acquisition.

Permissible investments only to be allowed as assets.

(2) In the said report the Superintendent shall make all necessary corrections in the annual statements made by the companies as herein provided and may increase or diminish the liabilities of such companies to the true and correct amounts as ascertained by him in the examination of their affairs at the head office thereof in Canada, or otherwise.

Correction of annual statements.

78. An appeal shall lie 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 shall have power to make all necessary rules for the conduct of appeals under this section.

Appeal to Exchequer Court.

(2) For the purposes of any appeal the Superintendent shall at the request of the company concerned give a certificate in writing setting forth the ruling appealed from and the reasons therefor, which ruling shall, however, be binding upon the company unless the company shall within fifteen days after notice of the ruling serve upon the Superintendent notice of its intention to appeal therefrom, setting forth the grounds of appeal, and within fifteen days thereafter file its appeal with the registrar of the said court and with due diligence prosecute the same, in which case

Procedure on appeal.

action on such ruling shall be suspended until the court has rendered judgment thereon.

PART IV.

COMPANIES TRANSACTING LIFE INSURANCE.

Life insurance companies.

79. This Part applies to companies registered under this Act to transact only the business of life insurance and to companies so registered to transact the business of life and other insurance, in respect of the life insurance business of such companies.

Two classes of directors.

80. The provisions of section six of this Act, in so far as they are applicable to a company authorized to transact the business of life insurance, shall apply to every company registered under this Act to transact such business.

Maintenance of separate funds.

81. If any company, in the exercise of its powers, combines such business with other classes of insurance business, it shall maintain separate and distinct accounts, funds and securities in respect of its life insurance business, and such funds and securities shall be available only for the protection of the holders of its policies of life insurance, and shall not be liable for the payment of claims arising from the other class or classes of business which the company transacts: Provided that the maintenance of separate and distinct accounts, funds and securities in respect of any such company's life insurance business shall not be required by reason only that it combines with its life insurance business any of the following classes of insurance, namely:—

Proviso.

Insurance against disability.

- (a) insurance against disability caused by accident or sickness, if included in a policy of life insurance and if the disability benefits do not exceed the following, namely, the waiver of premiums falling due during the continuance of such disability and a disability indemnity payable for a period or periods not exceeding one hundred weeks at a weekly rate not exceeding one-half of one per centum of the sum assured on the date of the occurrence of such disability payable in event of death, and thereafter an indemnity not exceeding one-half of the said rate, ceasing upon the termination of the life insurance risks insured against under the policy, or a lump sum disability indemnity in respect of total and permanent disability which, together with any other disability indemnity otherwise at any time paid under the policy, shall not exceed the said sum assured. and in a deferred annuity contract a

disability indemnity not exceeding the rate of annuity provided by the contract;

(b) insurance against death as a result of accident, if included in a policy of life insurance and if the additional benefit payable in event of accidental death does not exceed the sum assured on the date of death payable in event of death from any cause;

Insurance against accidental death.

(c) annuities of all kinds;

Annuities.

(d) insurance providing for the establishment, accumulation and payment of sinking, redemption, accumulation, renewal or endowment funds.

Sinking fund and other insurance.

(2) In this section the words "sum assured" wherever they appear, shall mean the principal sum which is payable in event of death where the life insurance money is payable in one sum, or the commuted value of the income or instalments provided upon death where the life insurance money is payable otherwise than in one sum, but not including any additional sum payable under the policy on death as a result of accident.

"Sum assured" defined.

(3) The Act of incorporation of any such company incorporated by the Parliament of Canada or by the Legislature of the late Province of Canada is hereby amended to empower the company to transact, in addition to the business of life insurance, the classes of insurance in this section enumerated within the limitations therein prescribed.

Charter powers deemed amended.

(4) Any company holding a certificate of registry to transact the business of life insurance may, subject to the provisions of this section, transact under the said certificate the classes of insurance enumerated in paragraphs (a), (b), (c), and (d) of subsection one of this section.

Authority to transact enumerated classes of insurance.

82. The liabilities in the annual statement, required to be filed under this Act, of every company shall include a reserve for all unmatured obligations guaranteed under the terms of its policies dependent on life, disability, sickness, accident, or on any other contingency, or on a term certain, and shall also include a reserve for profits ascertained and apportioned for future distribution.

Annual statement to show reserve.

(2) In computing the reserve for all unmatured obligations guaranteed under the terms of the policies dependent on life contingencies only, the valuation shall be made in accordance with the following prescriptions, namely:—

Method of computation.

(a) The rate of interest assumed shall not exceed the rate prescribed in the third schedule to this Act;

Rate of interest.

(b) The tables of mortality used shall be the tables prescribed in said schedule: Provided that if it appears to any company that the reserves for any particular class of policies cannot be appropriately computed by any table of mortality prescribed in the said schedule

Tables of mortality. Proviso.

for the computation, then the company shall apply to the Superintendent for approval of the table the company deems most appropriate for the computation;

Method of valuation.

(c) The method of valuation shall be that specified in the said schedule or any adaptation thereof approved by the Superintendent, or any other method the company deems appropriate: Provided that the method used shall be such that the reserve calculated in accordance therewith shall not be less at any duration than the reserve computed in accordance with the valuation provisions in the said schedule, and that the method used shall make adequate provision for the guaranteed values at the subsequent durations of the policy according to the rate of interest and the table of mortality used in the valuation;

Proviso.

First year reserve.

(d) The reserve in the first policy year need not in any event exceed the reserve computed in accordance with the rate of interest and table of mortality used in the valuation and the method of valuation described in the said schedule.

Valuation by company.

(3) In computing the reserve for all unmatured obligations, guaranteed under the terms of or arising out of policies, dependent on contingencies other than life contingencies only, the bases and methods of valuation employed by the company shall be such as to place an adequate value on the liabilities thereunder, and shall be such that the value of the benefits under each and every policy shall in no case be less than the value placed upon the future premiums.

Actuary to certify to sufficiency of reserves.

(4) There shall be included in the annual statement a certificate by the actuary of the company, or by the actuary responsible for the valuation if the company has no actuary, to the effect that the reserves shown in the valuation summary are not less than the reserves required by the provisions of this section, and in addition that in his opinion the reserves make a good and sufficient provision for all unmatured obligations of the company guaranteed under the terms of its policies.

Computation by Superintendent.

(5) If it appears to the Superintendent that the reserve included in the liabilities in the annual statement of any company has not been computed in accordance with the provisions of the preceding subsections in this section, he shall make known to the company in what respects in his opinion the valuation does not comply with the said provisions with a view to having such alterations made in the valuation as may be necessary to secure compliance with those provisions, and on failure of the company to have such alterations made the company shall furnish to the Superintendent, on request, the full particulars of its policies necessary for computation of the reserve required

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in accordance with the provisions of the preceding subsections of this section, and the reserve so computed by the Superintendent shall be substituted in the liabilities in the annual statement for the reserve computed by the company.

(6) Once in every five years or oftener at the discretion of the Minister, the Superintendent shall himself value or cause to be valued under his supervision all the policies of every company, and any such valuation shall be made on the bases and in accordance with the methods the company purports to use in computing the reserve included in the liabilities in the annual statement of the company made as of the valuation date, or if the valuation is made as of a date other than the annual statement date, then in the annual statement of the company last made preceding the date of valuation, subject to such alterations as may be made in the reserve under the provisions of subsection five of this section.

Valuation every five years.

(7) Instead of making a valuation as provided under subsection six of this section, the Superintendent may satisfy himself by an examination of the valuation made by the company whether the company is maintaining the reserve it purports to maintain and whether the reserve maintained complies with the provisions of this Act.

Examination of valuation.

(8) Any company, instead of itself computing the reserve to be included in the liabilities in its annual statement, may require the valuation to be made by the Superintendent, in accordance with the provisions of this section, on payment to him of three cents for each policy or bonus addition so valued, which amount the Superintendent shall pay over to the Minister: Provided that the company in preparing the data for valuation may group any number of policies in a manner satisfactory to the Superintendent so that they may be valued as one policy and the charge for the valuation of each group shall be three cents; and a like charge shall be made and paid over to the Minister in respect of any valuations made by the Superintendent under the provisions of subsection five of this section.

Company may require valuation to be made by Superintendent.

Proviso.

(9) In any case where the Superintendent approves of a table of mortality under the provisions of this section he shall include in his annual report to the Minister such information concerning the origin and characteristics of the table and the circumstances in which it may be used as the Superintendent deems necessary and appropriate; and approval of any such table may in like manner be withdrawn by the Superintendent.

Tables of mortality approved to be described in Superintendent's report.

(10) In computing the reserve to be included in the said annual statement for profits ascertained and apportioned for future distribution in respect of policies providing for distribution of surplus or profits at intervals less frequent than quinquennial,

Surplus under deferred dividend policies and quinquennial apportionment of profits.

quinquennial, and known as deferred dividend policies, the profits or surplus to which each class of such policyholders may be equitably entitled shall be ascertained and apportioned at least once in every five years, reckoning from the date of the policies, and the total sum of the shares so ascertained and apportioned shall be a liability of the company and shall be so shown in its accounts until actually distributed and paid to the policyholders entitled thereto: Provided that in respect of deferred dividend policies issued before January 1, 1911, the amount of profits or surplus so ascertained and apportioned may be shown in the accounts as a contingent apportionment and not as a liability.

Proviso.

Separate accounts of participating and non-participating business.

83. Every company, notwithstanding anything to the contrary in any special Act or elsewhere, shall keep separate and distinct accounts of participating and non-participating business.

Ascertainment of profit from participating policies.

84. In the case of companies which have a capital stock, the directors may, from time to time, set apart such portion of the net profits as they deem safe and proper for distribution as dividends or bonuses to shareholders and holders of participating policies, ascertaining the part thereof which has been derived from participating policies and distinguishing such part from the profits derived from other sources; and the holders of participating policies shall be entitled to share in that portion of the profits so set apart which have been distinguished as having been derived from participating policies (including a share of the profits arising from the sale of securities in the proportion of the mean participating fund to the mean total funds), to the extent of not less than ninety per cent thereof; and before fixing or arriving at the amount of divisible profits, interest on the amount of unimpaired paid-up capital stock, but not including any premiums or bonuses paid thereon or in respect thereof, which have been expended in the establishment, prosecution or extension of the company's business or applied to making good any impairment of capital, and on any other sum or sums from time to time standing at the credit of the shareholders may be allowed or credited to such shareholders at the average net rate of interest earned in the preceding year, or other period under consideration, upon the mean invested funds of the company; such shareholders to be, however, charged with a fair proportion of all losses incurred upon investments or other losses of a similar character in proportion of the mean shareholders' fund to the mean total funds.

Right of participating policyholders to profit.

(2) The provisions of subsection one of this section shall not interfere with the right of the participating policyholders

holders of any such company to share in the profits realized from the non-participating branch of its business in any case in which such policyholders are so entitled under the Acts relating to such company in force on the fourth day of May, one thousand nine hundred and ten.

85. Every company shall at all times retain in Canada and under its own control assets of a value at least equal to the amount of its total liabilities to its policyholders in Canada and of such assets an amount at least equal to two-thirds of its said total liabilities in Canada shall consist of investments in or loans upon Canadian securities: Provided, however, that in the event of its being necessary to remove from Canada any portion of the securities held in Canada for the purpose of exchanging the same for other securities authorized under this Act, or for any similar purpose, they may be entrusted for the purpose intended to a responsible bank, trust corporation or other corporation carrying on business outside of Canada.

Securities to be held in Canada.

Proviso.

(2) Any company may deposit in any country outside of Canada such portion of its funds and securities as may be necessary or desirable for the protection of the reserves on, or for the purpose of paying claims under, the company's policies issued in such country, but the amount so deposited in any such country shall not exceed the reserves on the company's policies in such country or the amount required to be so deposited by the laws of such country whichever is the greater, together with a proportion of the combined paid capital, contingency reserves and unappropriated surplus of the company equal to the proportion which the reserves in such country are of the company's reserve on all its policies.

Deposit outside Canada.

(3) Funds and securities for the protection of, or for the purpose of paying claims under policies issued in one country outside of Canada and payable in the currency of another such country, may be deposited in the country in the currency of which the policies are payable, and the securities so deposited shall not be deemed to be funds and securities deposited in such country within the meaning of subsection two of this section; and funds and securities held in Canada in trust for policyholders outside of Canada in pursuance of a reinsurance agreement between such company and any other company shall not be deemed to be funds and securities retained in Canada.

Funds in foreign country.

(4) Save as in this section provided all the securities of every company shall be held at the head office of the company or elsewhere in Canada.

Saving.

Deposit of rates and policy forms.

86. For the purpose of enabling the Superintendent to determine the liabilities of companies registered under the provisions of this Act, every company shall deposit and keep deposited with the Superintendent a copy of its established premium rates for all plans of insurance, together with particulars concerning the several equities, if any, guaranteed under each plan of insurance, in event of surrender or termination of premium payment at any time, and in respect of special plans of insurance the company shall deposit like information on request by the Superintendent; and also copies of all forms of policy contracts issued in Canada.

Salaries of officers and agents.

87. No salary, compensation or emolument shall be paid to any director of any company for his services as director unless authorized by a vote of the members in the case of a mutual company, and by a vote of the shareholders and other members, if any, in the case of a company having capital stock.

Approval of Board of Directors required.

(2) No salary, compensation or emolument shall be paid to any officer or trustee of any company unless authorized by a vote of the directors, nor shall any salary, compensation or emolument amounting in any year to more than five thousand dollars be paid to any agent or employee unless the contract under which such amount becomes payable, if made after the fourth day of May, one thousand nine hundred and ten, has been approved by the board of directors.

Staff Pension and Insurance Fund.

88. The company shall have power by by-law of the directors to provide for the creation of a staff pension and insurance fund, but such by-law shall before becoming effective be submitted to and be approved of at an annual meeting of the company or at a special general meeting of the members thereof, notice of the intention to consider such by-law having been in either case duly given.

Amalgamation, transfer and reinsurance.

89. Every company registered to transact the business of life insurance shall have power, with the permission of the Minister, to make an agreement to amalgamate its property and business with the property and business of any other such company, which has power to make such an agreement or to transfer all or any portion of its policies to or reinsure the same in any other such company, or to transfer its property and business or any part thereof to any other such company, or to reinsure the policies or any portion thereof of any other such company, or to purchase

and

and take over the business and property or any portion thereof of any other such company, and to enter into all contracts and agreements necessary to such amalgamation, transfer or reinsurance upon compliance with the conditions hereinafter in this section set forth.

(2) When an agreement for any such amalgamation, transfer or reinsurance has been entered into, the directors of the companies which are parties to such agreement may apply to the Treasury Board to sanction and confirm the same, and the Treasury Board, after hearing the directors and other persons whom it considers entitled to be heard upon the petition, or giving them an opportunity to be so heard, may confirm the same.

Sanction of
Treasury
Board.

(3) Before any such application is made to the Treasury Board notice thereof together with

Notice of
application
to Board.

(a) a statement of the nature and terms of the amalgamation, transfer or reinsurance as the case may be; and

(b) an abstract containing the material facts embodied in the agreement under which such amalgamation, transfer or reinsurance is proposed to be effected; and

(c) copies of the actuarial or other reports upon which such agreement is founded, including a report by an independent actuary;

shall be served on the shareholders and on the holders of all policies in Canada other than industrial policies of each company: Provided, however, that the Superintendent may dispense with the services of such documents on the policyholders of the reinsuring company and on the policyholders of the reinsured company not included in the reinsurance.

Proviso.

(4) Such notice and documents shall be served by being transmitted through the post office directed to the registered or other known address of each such shareholder and policyholder, and within such period that they may be delivered in due course of delivery thirty days at least before the day appointed for the hearing of the application.

Service on
policyholder.

(5) The agreement under which such amalgamation, transfer or reinsurance is proposed to be effected shall be open to the inspection of the policyholders and shareholders at the principal office of the company or companies for a period of thirty days after the issue of the abstract herein provided for.

Agreement
open to
inspection.

(6) A copy of such notice shall also be published in the *Canada Gazette* at least thirty days before the application is made; but this subsection shall not apply to any company which issues industrial insurance.

Publication
of notice.

(7) The Treasury Board shall not sanction any amalgamation, transfer or reinsurance in any case in which it appears to the Board that the policyholders representing one-fifth or more of the total amount assured in any company

Opposition
by policy-
holders.

pany which it is proposed to amalgamate, or in any company the business of which it is proposed to transfer or reinsure, dissent from such amalgamation, transfer or reinsurance.

Capital to be unimpaired after amalgamation.

(8) No company shall be permitted to amalgamate its business with, transfer its business to, or reinsure its business in any other company, if the capital of the combined company after such amalgamation, or of the continuing company after such transfer or reinsurance, shall be impaired, the policy and annuity liabilities of the combined or continuing company being calculated in accordance with the provisions of this Act.

Deposit of documents.

(9) When an amalgamation takes place between any companies, or when the business of one company is transferred to or reinsured in another company, the combined company, or the continuing company, as the case may be, shall, within ten days from the date of the completion of the amalgamation, transfer or reinsurance, deposit with the Superintendent the following documents, that is to say:—

- (a) certified copies of the statement of the assets and liabilities of the companies concerned in such amalgamation, transfer or reinsurance; and
- (b) a statement of the nature and terms of the amalgamation, transfer or reinsurance; and
- (c) a certified copy of the agreement under which such amalgamation, transfer or reinsurance is effected; and
- (d) certified copies of the actuarial or other reports upon which such agreement is founded; and
- (e) a declaration under the hands of the president and manager of each company that to the best of their knowledge and belief every payment made or to be made to any person whatsoever on account of the said amalgamation, transfer or reinsurance is therein fully set forth, and that no other payments beyond those set forth have been made or are to be made either in money, policies, bonds, valuable securities or other property, by or with the knowledge of any of the parties to the amalgamation, transfer or reinsurance.

Sanction of Treasury Board essential.

(10) No company shall amalgamate with another company, transfer its business to or reinsure its business in another company, unless such amalgamation, transfer or reinsurance is sanctioned by the Treasury Board in accordance with this section: Provided, however, that this section shall not apply to the contracts of reinsurance made by companies in the ordinary course of their business.

Proviso.

Exemption

(11) Subsections three to seven, both inclusive, of this section shall not apply to the reinsurance by any company of the business of a company which is not registered and never has been registered or licensed to transact business in Canada.

(12) Subsections two to seven, both inclusive, and subsection ten of this section shall not apply to the reinsurance by a company of any of the policies other than policies in Canada of any company incorporated outside of Canada. Exemption.

(13) The word "company", when used in this section with reference to another party with which a company is authorized to make an agreement, shall extend to and include any corporation transacting the business of life insurance and incorporated under the laws of any country other than Canada or under the laws of any province of Canada. Definition of "Company" extended.

PART V.

FRATERNAL BENEFIT SOCIETIES.

90. This Part applies only to fraternal benefit societies registered under this Act. Fraternal benefit societies.

(2) Every society registered under the provisions of this Act, shall, when so registered, be exempt from the provisions of Part II of this Act with the exception of sections twenty-six, forty-one and forty-four thereof and from the provisions of sections eighty-two, eighty-three and eighty-four. Exemptions.

91. No fraternal benefit society shall be registered under this Act if it is in effect the property of its officers or collectors or belongs to any private proprietary, or if it is conducted as a trading or mercantile venture, or for purposes of commercial gain. When certificate is not to be granted.

92. It shall be a condition of the granting of a certificate of registry or any renewal thereof to a fraternal benefit society that no by-law of the society shall empower or purport to empower any subordinate branch of the society to grant sickness benefits to any member of the branch unless the by-law makes adequate provision to secure upon an actuarial basis the solvency of the sick benefit fund of the branch. Granting of sickness benefits by subordinate branch.

(2) Any provision of the charter, act of incorporation or articles or memorandum of association of any such society, which prohibits branches of the society from so granting sickness benefits, is hereby repealed. Repeal of charter prohibitions.

93. Every fraternal benefit society shall before a certificate of registry is granted to it under this Act, file with the Superintendent, in addition to the other statements and documents required by this Act to be filed, a report made by an actuary, appointed by the society, including therein, in such detail as the Superintendent may re-

Actuarial valuation before certificate granted.

quire, the results of an actuarial valuation made by the said actuary as at the next preceding thirty-first day of December or such later date as the Superintendent may specify, of each of the benefit funds maintained by the society having regard to the prospective liabilities of, and contributions to, each fund.

Declaration
of actuary.

(2) Such report shall include a declaration by the said actuary that in his opinion the assets of the society applicable to each fund, taken at the value accepted by the Superintendent, together with the premiums, dues and other contributions to be thereafter received from the members according to the scale in force at the date of the said valuation, are sufficient to provide for the payment at maturity of all the obligations of the fund without deduction or abatement.

Statement
of condition
and affairs.

(3) The society shall also file with the Superintendent a statement of its condition and affairs in such detail as the Superintendent may require, as at the date of the said valuation.

Form of
annual
statements.

94. The annual statements deposited in the Department under the provisions of this Act, by every fraternal benefit society registered under this Act, shall be in such form as the Superintendent may from time to time deem necessary to exhibit the condition and affairs of the society and the state of its various funds.

Computation
of reserve—
mortality
fund.

(2) There shall be included in the said annual statement a report made by an actuary appointed by the society, including therein, in such detail as the Superintendent may from time to time require, the results of an actuarial valuation, as at the date of the statement, of each of the benefit funds maintained by the society, having regard to the prospective liabilities of, and contributions to each fund, and the actuary shall certify as to each fund that, in his opinion, the reserve shown by such valuation, together with the premiums, dues and other contributions to be thereafter received from the members according to the scale in force at the date of valuation, is sufficient to provide for the payment at maturity of all the obligations of the fund without deduction or abatement.

Other fund.

(3) The reserve shown by such valuation, in respect of each fund, or at the option of the society any higher reserve, shall be entered as liabilities of the fund, but the reserve so entered shall not be less than the reserve, if any, which the society is required to maintain by its act of incorporation or by the general laws to which it is subject.

Special
valuation
if assets
deficient.

95. If it appears to the Superintendent, from the annual statement filed with him or from any examination or valuation made in pursuance of this Act, that the assets

of

of any fraternal benefit society registered under this Act, or of any benefit fund thereof, are insufficient to provide for the maturity of its policies without deduction or abatement or without increase of premiums or additional premiums, he shall make a special report to the Minister on the condition of the society and shall in such report state the amount of the deficiency in the society's assets, shown by the annual statement or by any examination or valuation made as aforesaid; provided that, before so reporting to the Minister, the Superintendent may make a special valuation of the liabilities of the society under the said policies.

(2) If the Minister after consideration of the said report concurs in the opinion of the Superintendent, he shall request the society within such time, not exceeding four years, as he may prescribe, to make good the deficiency.

Minister to request that deficiency be made good.

(3) If the society does not within the time so prescribed comply with the request of the Minister, the certificate of registry of the society may be withdrawn.

Certificate withdrawn for non-compliance.

96. Every fraternal benefit society registered under this Act shall, not later than the first day of June in each year, mail to each policyholder in Canada a copy of the valuation balance sheet on the basis used for the purpose of the annual statement mentioned in subsection two of section ninety-four of this Act, and an explanation of the facts concerning the condition of the society thereby disclosed; or in lieu thereof, shall publish in its official paper such balance sheet and explanation and mail a copy of the issue of said paper containing the same to each of the society's policyholders in Canada.

Valuation balance sheet to be sent to policyholders.

97. Every fraternal benefit society which on the thirty-first day of December one thousand nine hundred and nineteen held a licence from the Minister, shall continue to maintain such separate funds as it was required by its charter or by its constitution and laws to maintain at the said date.

Separate funds.

98. Any fraternal benefit society registered under this Act, if duly authorized by by-law of the society passed on the recommendations of its actuary, shall have power to,—

Society may insure.

(a) insure the dependent children of the members of the society;

Dependent children.

(b) issue to its members endowment assurance contracts maturing at the age of sixty-five years, or at any higher age, or at the end of a term of not less than twenty years;

Endowment contracts.

(c) issue life or endowment assurance policies in any amount not exceeding ten thousand dollars on the life of any one member;

Maximum policy \$10,000.

Paid-up policies and other equities.

(d) grant loans to its members on the security of their policies, grant paid-up policies or other equities in lieu thereof to members desiring to be relieved of payment of future premiums or any part thereof, or pay cash surrender values for policies and purchase the interest of members in the said policies;

Maintain separate funds.

(e) maintain such separate funds as may from time to time be authorized by by-law, validly enacted by the society and approved by the Superintendent.

Additional separate fund.

(2) A by-law authorizing the insurance of dependent children shall establish a separate fund to which the receipts and payments in respect of any contracts issued under the by-law shall be credited and charged respectively.

Corporate powers amended.

(3) The powers enumerated in this section may be exercised by any such society as if conferred upon the said society by its Act of incorporation and the said Act of incorporation of every such society is hereby amended accordingly.

"Actuary" defined.

99. The term "Actuary" in this Part means a Fellow by examination of the Institute of Actuaries of Great Britain, the Faculty of Actuaries in Scotland, the Actuarial Society of America, or of the American Institute of Actuaries: Provided that anyone admitted to fellowship otherwise than by examination and who prior to the fourteenth day of April, one thousand nine hundred and twenty-seven, had made an actuarial report in accordance with the provisions of subsection two of section one hundred and twelve of the *Insurance Act, 1917*, as enacted by chapter fifty-seven of the statutes of 1919, shall for the purposes of this section be deemed to be a Fellow by examination.

Proviso.

PART VI.

COMPANIES OTHER THAN FRATERNAL BENEFIT SOCIETIES TRANSACTIONING INSURANCE OTHER THAN LIFE INSURANCE.

Insurance companies other than life.

100. This Part applies to all companies, other than fraternal benefit societies, registered under this Act to transact the business of insurance, in respect of any class of such business other than life insurance, marine, or inland marine insurance.

Marine and inland marine exempted.

(2) No company shall be required to be registered under this Act in respect of the business of marine or inland marine insurance.

Computation of reserve liability.

101. For the purposes of the annual statement required to be deposited in the Department under the provisions of this Act, the liability of every company in respect of all its outstanding unmatured policies shall, except as hereinafter

in this section provided, be eighty per cent of the unearned premiums computed *pro rata* as at the date of such statement.

(2) Where any company which transacts a non-hazardous three year business on the premium note system or partly on the cash system and partly on the premium note system, the liability of such company, for the purposes of such statement, in respect of its premium note business shall be eighty per cent of the unearned portion of the assessments which have been levied in respect of all outstanding premium notes held by the company computed *pro rata* as at the date of such statement and the unassessed portion of such premium notes shall be treated as a contingent asset. Premium note business.

(3) Every company which transacts the business of non-cancellable sickness and accident insurance shall compute the liability in respect of its outstanding unmatured non-cancellable sickness and accident policies in accordance with such bases and methods as the Superintendent may prescribe in respect of each such company. Non-cancellable sickness and accident business.

(4) The provisions of this section shall not apply to the business of title insurance. Title insurance.

102. Every company shall at all times maintain assets, allowable as such under the provisions of this Act or which were authorized by law at the time of their acquisition, to a value at least fifteen per cent in excess of the total of the unearned premiums upon all its outstanding unmatured policies, calculated *pro rata* for the time unexpired, together with the amount of matured claims and all its other liabilities of every kind, and in computing such excess there shall be deducted from the assets of the company the amount of any investment in the shares of any other company transacting the business of insurance made under the authority of section sixty-four of this Act: Provided that in respect of any outstanding unmatured non-cancellable sickness and accident policies, the company shall maintain assets at least equal to the liability therefor included in the annual statement of the company in accordance with the provisions of the last preceding section. Assets minimum amount of. Proviso.

(2) Every company registered to transact the business of hail insurance shall, in each year, set aside as a hail insurance surplus fund at least fifty per cent of the profit realized from such business during the said year, until or so that the said surplus fund shall in any year be not less than fifty per cent of the net premiums received by it in respect of its business of hail insurance during the preceding calendar year. Hail surplus fund.

(3) Subject to the provisions of subsection four of this section, no dividend shall be paid by any company while its capital is impaired or while its assets are less than the Dividend not to impair capital.

amount required by subsections one and two of this section nor shall any dividend be paid which would reduce its assets below the said amount or impair its capital.

Preferential
dividends.

(4) Where any company has, prior to the fourth day of May, one thousand nine hundred and ten, under the provisions of its Act of incorporation or any amendments thereto, created and issued part of its capital stock as preference stock, giving such preference stock the right to a fixed preferential dividend, the word "capital" in subsection three of this section shall be read and construed as meaning as to such company its preferred capital exclusively in so far as regards the payment of such preferential dividends.

Contra-
vention.

(5) If it appears to the Superintendent that the assets of any company fall below the requirements of subsections one and two of this section, he shall report the fact to the Treasury Board and shall in said report state whether or not the company appears to him to have failed to comply with the requirements of subsection three, and if the Treasury Board after a full consideration of the matter and after a reasonable time has been given to the company to be heard by them, so directs the Minister shall,

Penalty.

(a) forthwith withdraw the company's certificate of registry; or

(b) upon such terms and conditions as the Board deems proper, limit a time within which the company shall make good the deficiency (the company's certificate of registry being continued in the meantime) and upon the company's failure to make good such deficiency within the time so limited, its certificate of registry shall be withdrawn:

Proviso.

Provided, however, that if the company's assets are less than the total liabilities including the unearned premiums calculated as provided in subsection one of this section, and the liability in respect of non-cancellable sickness and accident policies, or if the company has violated the requirements of subsection three of this section, its certificate of registry shall be withdrawn.

To retain
assets in
Canada.

103. Every company shall at all times retain in Canada and under its own control assets of a value at least equal to its total liabilities to its policyholders in Canada including among such liabilities the full unearned premiums computed *pro rata* in respect of the unexpired periods of the policies except in respect of outstanding unmatured non-cancellable sickness and accident policies, for which policies the liability computed in accordance with section one hundred and one of this Act shall be so included in the said liabilities: Provided, however, that in the event of it being necessary to remove from Canada any portion of the securities held in Canada for the purpose of exchanging the same for other securities authorized under this Act. or for

Proviso.

any similar purpose, they may be entrusted to a responsible bank, trust corporation or other corporation carrying on business outside of Canada.

(2) Any such company may deposit outside of Canada such portion of its funds and securities as is necessary to the maintenance of any foreign branch or branches, but all other securities of such company shall be held at the head office of the company or elsewhere in Canada.

Deposit
outside of
Canada.

104. Every company shall deposit and keep deposited with the Superintendent copies of all forms of policy contracts issued by the company.

Policy
forms to be
deposited.

105. In this section the word "surplus" means the excess of assets over the paid-up capital of the company and all the liabilities of the company, including the liability in respect of outstanding unmatured policies required to be included in the annual statement in accordance with section one hundred and one of this Act.

"Surplus"
defined.

(2) Subject to the payment of preferential dividends in accordance with subsection four of section one hundred and two of this Act, until the surplus of the company shall equal or exceed the said liabilities in respect of all outstanding unmatured policies not reinsured, the company shall at the end of each year appropriate towards the surplus of such company at least twenty-five per cent of the profits of the company for the year last past.

Appropriation
of profits
for surplus.

(3) This section shall not apply to any company which has a paid capital of not less than one million dollars, a surplus of not less than five hundred thousand dollars and a combined paid capital and surplus of not less than the amount of the reserve of unearned premiums computed as provided in the last preceding subsection.

Exemption.

106. Notwithstanding anything contained in its Act of incorporation or in this Act any company having a capital stock may by by-law passed by the directors and approved by votes of the shareholders, representing at least two-thirds in value of the subscribed capital of the company, present or represented at a special general meeting duly called to consider such by-law, decrease the par value of the shares of the capital stock of the company unissued at the date of the passing of such by-law to the amount of five dollars per share or any multiple thereof and the number of unissued shares shall be increased so that the par value of the total unissued capital after the date of the passing of the by-law shall be the same as before the said date.

Par value
of shares
reduced
by by-law.

(2) The said by-law may also provide that any part of the said unissued capital stock shall be issued as shares without voting rights or with such limitations or restrictions

Non-voting
shares
created by
by-law.

as respects voting rights and control over the affairs of the company as may be deemed desirable, in which event the by-law shall provide that any such limitation or restriction shall be fully set out or clearly indicated in the certificates of such shares, and in the event of such limitations or restrictions not being so set out or clearly indicated they shall not be deemed to qualify the rights of the holders of such shares.

Voting rights of reduced shares.

(3) Subject to the provisions of the last preceding subsection any by-law passed under the provisions of this section by which the par value of the shares of the unissued capital is decreased shall provide that any holder of the shares of decreased par value shall have as a shareholder of the company a number of votes determined by dividing the total par value of his shares in the capital stock of the company by the par value of each share before the date of the passing of the said by-law.

Classes of hazards covered by fire certificate.

107. Any company registered under this Act to transact the business of fire insurance shall, subject to the provisions of its Act of incorporation and upon compliance with the conditions of this Act other than in respect of an increase in deposit with the Minister, be entitled to receive a certificate of registry for any one or more of the following classes of insurance limited to the insurance of the same property as is insured under a policy of fire insurance of such company, namely: falling aircraft, earthquake, tornado, hail, sprinkler leakage, limited or inherent explosion and civil commotion.

Delivery of securities.

108. When any company has ceased to transact business, and has given written notice to that effect to the Minister, the securities of such company in the hands of the Minister shall not be delivered to the company until all its outstanding risks are insured or until surrenders thereof are obtained to the satisfaction of the Minister.

Application for securities.

(2) Upon making application for its securities the company shall file with the Minister a list of all policyholders who have not been so reinsured, or who have not surrendered their policies; and it shall at the same time publish, and continue the publication for three calendar months, in the *Canada Gazette* and in at least one newspaper in the county, city or place in which the head office is established, a notice that it will apply to the Minister for the release of its securities on a certain day not less than three months after the date of the notice, and calling upon its policyholders opposing such release to file their opposition with the Minister on or before the day so named.

Partial release.

(3) After the day so named in the said notice, if the Minister be satisfied that the deposit of the company with him is substantially

substantially in excess of the requirements of this Act in respect of the continuing policyholders, he may with the concurrence of the Treasury Board from time to time release to the company such portion of the excess as he deems proper in the circumstances, and shall continue to hold the remainder of the deposit for the protection of the continuing policyholders as by this Act provided.

(4) Thereafter from time to time as such policies lapse, or proof is adduced that they have been satisfied, further amounts may be released on the authority aforesaid. Further releases.

(5) Notwithstanding the provisions of this and the last preceding section, if the company is in liquidation the securities of the company may, on the order of any court having jurisdiction under the *Winding-up Act*, be released by the Minister to the liquidator. Release to liquidator.

PART VII.

WITHDRAWAL OF CERTIFICATES OF REGISTRY AND PENALTIES.

Withdrawal of certificates of registry.

109. If it appears from the annual statements or from an examination made of the condition and affairs of any company registered to transact the business of life insurance, or of any fraternal benefit society registered to transact any class or classes of insurance, that its liabilities to its policyholders in Canada, in respect of the class or classes of insurance business for which the company or society is so registered, including matured claims and the reserve for outstanding policies in Canada required under this Act to be included in the liabilities in the annual statement, after deducting any claim the company has against such policies, together with its other liabilities in Canada exceed its assets in Canada, including the deposit with the Minister, the Minister shall notify the company or society and request it to make good the deficiency, and in the event of its failure to make the same good within sixty days after being so requested, he may withdraw its certificate of registry. Life companies and fraternal benefit societies.

110. If it appears from the annual statements or from an examination of the condition and affairs of any company, other than a fraternal benefit society, registered to transact any class of business other than life insurance, that its liabilities in respect of all its outstanding policies in Canada, issued in the transaction of any such class of business, computed in accordance with the provisions of section one hundred and one of this Act, together with other liabilities in Canada, exceed its assets in Canada, including the deposit with the Minister, or if in the case of a company registered to transact the business of hail insurance Companies other than life.

insurance its hail insurance surplus fund in respect of its business of hail insurance in Canada falls below the amount required by subsection two of section one hundred and two of this Act, the Minister shall notify the company and request it to make good the deficiency; and, on its failure to make the same good within sixty days after being so requested, he may withdraw its certificate of registry.

Withdrawal
of certificate
for non-
payment
of claims.

111. When satisfactory proof has been furnished to the Minister of any undisputed claim upon the company arising under any policy of insurance in Canada, remaining unpaid for the space of sixty days after becoming due, or of a disputed claim remaining unpaid after final judgment in regular course of law and tender of a legally valid discharge to the company, the Minister may withdraw the certificate of registry of the company.

Report when
assets
insufficient.

112. If it appears to the Superintendent that the liabilities of any company in relation to its assets are such as to render the company incapable of complying with the requirements of this Act, he shall make a special report on the affairs of such company to the Minister.

Withdrawal
of certificate.

(2) If the Minister, after consideration of the report, and after a reasonable time has been given to the company to be heard by him, and upon such further inquiry and investigation as he deems proper, reports to the Governor-in-Council that he agrees with the Superintendent in the opinion so expressed in his report, and the Governor-in-Council also concurs in such opinion, he may withdraw the certificate of registry of such company.

Modified or
conditional
certificate.

(3) Notwithstanding such withdrawal, the Minister may grant such modified or conditional certificate of registry as may be necessary for the protection of its policyholders, but the granting of such modified or conditional certificate shall not, in the case of a life insurance company, be deemed to be a renewal of the company's certificate of registry, within the meaning of Part III of the *Winding-up Act*, or of section one hundred and fifteen of this Act.

Report to
Treasury
Board.

113. If it appears to the Superintendent that the liabilities of any company registered to transact the business of life insurance, including matured claims and the reserve for outstanding policies computed in accordance with the provisions of section eighty-two of this Act, exceed its assets, he shall report the fact to the Treasury Board; and if the Treasury Board, after full consideration of the matter and after a reasonable time has been given to the company to be heard by the Board so directs, the Minister shall

(a) forthwith withdraw the company's certificate of registry; or

(b)

(b) upon such terms and conditions as the Board deems proper, limit a time, not exceeding three years, within which such company shall make good the deficiency, during which term the company's certificate of registry shall be continued.

(2) Upon the company's failure to make good such deficiency within the time so limited, its certificate of registry shall be withdrawn: Provided that if the company's liabilities exceed its assets by twenty per cent or upwards, its certificate of registry shall be forthwith withdrawn.

Failure to
comply with
terms.

Proviso.

(3) For the purpose of carrying out the provisions of this section, the Treasury Board may, upon the recommendation of the Minister, appoint such actuaries, valuers, or other persons as the Board deems proper, to value and appraise the company's liabilities and assets, and report upon its condition and its ability, or otherwise, to meet its engagements.

Valuers
may be
appointed.

114. If any company registered under this Act violates any of the provisions of this Act, or fails to comply with any of the provisions of its charter or Act of incorporation, it shall be the duty of the Superintendent to report the same to the Minister, and thereupon the Minister, may, in his discretion, after a reasonable time has been given to the company to be heard, withdraw the company's certificate of registry.

Withdrawal
of certificate
for violation
of Act.

115. Every company shall cease to be registered and its name shall be removed from the register if the certificate of registry granted to it has been withdrawn or if on expiry such certificate has not been renewed.

Removal
from register.

(2) When the certificate of registry of any company has been withdrawn by the Minister under any of the provisions of this Act, such certificate may be renewed if, within thirty days after withdrawal, the company complies with the requirements of this Act to the satisfaction of the Minister, and thereupon its name shall be restored to the register.

Renewal of
certificate
of registry.

(3) If the certificate of registry of any company has not been renewed on the expiry thereof by reason of the Superintendent having made a report to the Minister that, from the statement of affairs of the company, the company is not in a condition to meet its liabilities, or if the certificate of registry of any company has been withdrawn under section one hundred and nine, section one hundred and ten, section one hundred and eleven, section one hundred and twelve or section one hundred and thirteen of this Act, and has not been renewed within thirty days after such expiry or withdrawal, the company shall be deemed to be insolvent, and be subject to be wound up under the provisions of the *Winding-up Act*.

Company
deemed
insolvent
when
certificate
withdrawn
and not
renewed.

PENALTIES.

Penalty for transacting business without registration.

116. Any company which, not being duly registered under the provisions of this Act, and any person who, acting on behalf of any such company, transacts the business of insurance in Canada, shall be guilty of an offence and liable upon indictment or upon summary conviction to a penalty not exceeding one hundred dollars; and in the case of a natural person, to imprisonment for any term not exceeding six months.

Default in filing annual or other statements.

117. Every company which makes default in depositing in the Department the annual or other statements herein required to be deposited, shall incur a penalty of ten dollars for each day during which such default continues.

Recovery of penalty.

(2) All such penalties shall be recoverable and enforceable with costs at the suit of His Majesty, instituted by the Attorney General of Canada, and, shall, when recovered, be applied towards payment of the expenses of the Department.

Withdrawal of certificate of registry if not paid.

(3) If such penalties are not paid, the Minister, with the concurrence of the Treasury Board, may order the certificate of registry of the company to be withdrawn, and until the penalties are paid, the certificate of registry of the company shall not on expiry be renewed.

Penalties for offences not otherwise provided for.

118. Any company which, or person who, does, causes or permits to be done any matter, act or thing contrary to any provision of this Act, or to the regulations of the Governor in Council, or to the orders or directions 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, shall, if no other pecuniary penalty for such act or omission is provided in this Act, be 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.

Recovery and application.

(2) All such penalties shall be recoverable and enforceable with costs at the suit of His Majesty, instituted by the Attorney General of Canada, and shall when recovered be applied towards payment of the expenses of the Department.

PART VIII.

BRITISH COMPANIES.

Annual statement.

119. In this Part, unless the context otherwise requires,—
(a) “annual statement” includes both the statement of the Canadian business and of the general business of the British company required by this Act to be made;

- (b) "assets in Canada" means all deposits which a British company has made with the Minister and all assets which have been vested in trust for the British company under, and for the purposes of, this Act; "Assets in Canada."
- (c) "chief agency" means the principal office or place of business of the British company in Canada; "Chief agency."
- (d) "chief agent" means the chief agent of the British company in Canada, named as such in the power of attorney hereinafter referred to by whatever name he may be designated; "Chief agent."
- (e) "president" includes the chairman, governor, manager or other principal officer of the British company. "President."

CERTIFICATES OF REGISTRY AND DEPOSITS.

120. There shall be established and maintained in the Department of Insurance a register in which shall be entered the names of all British companies registered under this Part and to which certificates of registry are granted. Register of British companies.

121. No British company shall transact the business of insurance in Canada, save as hereinafter expressly provided, unless it is registered and holds a certificate of registry from the Minister. Certificates of registry required.

122. Every British company shall, as a condition of being registered,— Conditions of registration.

(a) file in the Department

(i) in the case of a British company other than an association, the several documents required to be so filed by a company under section fifty of this Act, and in the case of an association such document or documents relating to its constitution as the Minister may require; Documents.

(ii) an undertaking by it in such form as may be required by the Minister that it will at all times while registered under this Part comply with the provisions of this Act applicable to it; Undertaking.

(iii) evidence satisfactory to the Minister that the British company is authorized under the laws of the country in which its head office is situate to transact in such country the class of insurance for which the company desires to be registered in Canada; and Evidence of authorization in home jurisdiction.

(b) make a deposit with the Minister in any of the securities specified in section fifty-eight of this Act, in the following sum or sums, namely:— Deposit.

(i) for the transaction of the business of life or fire insurance, the sum of one hundred thousand dollars, and

(ii) for the transaction of any other class of insurance business, such sum as may be determined by the Treasury Board.

123. If the name of any British company applying to be registered is that of any corporation registered under Name of company.

the laws of the Dominion of Canada to transact the business of insurance or in the opinion of the Superintendent any name liable to be confounded therewith or otherwise on public grounds objectionable, the Superintendent shall so report to the Minister and the Minister may refuse to register the company.

Appeal from superintendent's ruling.

(2) Such report, if based upon the objection that the name of the company applying to be registered is that of any corporation registered under the laws of the Dominion of Canada to transact the business of insurance or any name liable to be confounded therewith, shall be deemed to be a ruling of the Superintendent from which an appeal shall lie under and subject to the provisions of section seventy-eight of this Act.

Form of certificate of registry.

124. The certificate of registry shall be in such form or forms as may be from time to time determined by the Minister, and shall specify the business to be carried on by the British company: Provided that the business of life insurance shall not be specified in the certificate of registry granted to any association.

Proviso: Restriction as to life insurance. Duration.

(2) The certificate of registry shall expire on the thirty-first day of March in each year, but may be renewed from year to year, or for any term less than a year.

Limitations.

(3) Any certificate of registry or renewal thereof may contain any limitation or condition which the Minister may deem necessary to give effect to the provisions of this Act.

Assets to be maintained in Canada by life companies.

125. Every British company registered under this Act to transact the business of life insurance shall, in respect of its life insurance business, at all times maintain assets in Canada of an amount at least equal to its liabilities to policyholders in Canada, including matured claims and the reserve for outstanding policies in Canada required under this Act to be included in the annual statement after deducting any claim such company has against such policies, together with its other liabilities in Canada.

Assets to be maintained in Canada by other companies.

126. Every British company registered under this Act to transact any class of insurance business, other than life insurance, shall at all times maintain assets in Canada in respect of any such class of business of an amount at least equal to the liabilities of the company in Canada including the liabilities of the company in respect of its outstanding unmatured policies in Canada computed in accordance with the provisions of section one hundred and forty of this Act:

Proviso: Special position of assets in Canada of a mutual fire insurance company.

Provided, however, that the assets in Canada of a British company which is a purely mutual fire insurance company shall continue to form part of the general assets of such company, available *pari passu* to all its policyholders in or out of Canada in the same manner as its other funds;

and provided further that such company shall cause to be printed in conspicuous type, in vertical lines in red ink, on the first page of every policy, issued by it in Canada a notification in the following words: "This company being strictly mutual maintains by law all of its assets wherever situated for the benefit of all its policyholders generally, without any portion of its assets being maintained for any particular class exclusively," but no such company shall, except with the consent of the Treasury Board, and upon such terms and conditions as the Treasury Board may determine, reduce the amount of its assets in Canada below the amount otherwise required by this Act to be maintained in Canada.

Proviso.
Notification
to be
printed in
policies.

(2) The provisos to subsection one of this section shall not apply to any such company which files with the Minister in a form approved by him, a declaration that the assets in Canada of such company are held for the protection of the policyholders in Canada, exclusively, of such company.

Method of
obtaining
exemption
from
provisoes.

127. Any British company may vest in Canada assets in trust for the company for the purposes of this Act in a trust corporation incorporated by or under the authority of an Act of the Parliament of Canada or of the Legislature of one of the provinces of Canada appointed by the company and approved by the Minister.

Assets vested
in trustees.

(2) The assets which may be so vested in trust for the purposes of this Act shall be bonds, debentures, stocks and secured loans of the classes authorized in that behalf in the Second Schedule to this Act, having regard to the class or classes of insurance business in respect of which the assets are so vested in trust.

Nature
thereof.

(3) The trust deed shall first be approved by the Minister, who with the approval of the Treasury Board shall determine from time to time the value at which such assets shall be accepted for the purposes of this Act, and the trustees may deal with such assets in any manner provided by the deed of trust appointing them, but so that the accepted value of the assets held by them shall not fall below the value required by this Act.

Trust deed.

STATEMENTS AND RETURNS.

128. Every British company registered under or subject to the provisions of this Act, shall make annual statements of its condition and affairs, at the balancing day of the company in each year, and the form and manner of making such statement shall, as to the Canadian business of such company, be the same, so far as applicable, as is required of companies registered under this Act; and, as to its general business, shall be in the same form as such British company

Annual
statements.

is required by law to furnish to the government of the country in which its head office is situate.

Form thereof.

(2) Where such British company is not required by law to furnish a statement to the government of the country in which its head office is situate, then the statement, as to its general business, shall be in the same form as such company usually submits to its members or shareholders.

Form in certain cases.

(3) In the event of no statement of its general business being submitted to its members or shareholders, then the company shall file a statement showing in concise form the assets and liabilities of the company at such balancing day, and the income and expenditure of such company for the year ending on such balancing day.

Date of filing.

(4) The annual statements of Canadian business required to be made under the provisions of this section, shall be deposited in the Department on the first day of January next following the date at which the condition and affairs of such company are thereby shown, or within two months thereafter.

Declaration in annual statement.

(5) Every such company shall, at the time of making its annual statement of Canadian business declare that no change or amendment has been made in the charter, Act of incorporation or articles of association of the company, and that no change has been made in the chief agency or chief agent, without the Superintendent having been duly notified thereof.

Forms supplied.

(6) The blank forms of the statements of the Canadian business shall be supplied by the Superintendent.

Time for filing general statements.

129. The statement of general business required to be made under the provisions of the next preceding section shall be deposited in the Department within thirty days after it is required by law to be made to the government of the country in which the head office of the British company is situate, or within thirty days after the submission of the same at the annual meeting of the shareholders or members of the company, whichever date first occurs: Provided that no such statement of general business need be so deposited earlier than the first day of June, nor shall it be so deposited later than the thirtieth day of June next following the date at which the condition and affairs of the company are thereby shown.

Proviso.

Statements to be verified by oath.

(2) The statements of Canadian business shall be verified by the oath of the company's chief agent in Canada and the statement of general business shall be verified by the oath of the president, vice-president or managing director, and the secretary, manager or actuary of the company, provided that in the case of any association registered under this Act, the said statements shall be verified in such manner as the Superintendent may direct and prescribe.

130. Every British company registered under this Part shall keep at its chief agency in Canada records and documents sufficient to enable the chief agent to prepare and furnish the required statement of Canadian business, and such that the said statement may be readily verified therefrom: Provided that in the case of any such company which does not issue policies signed or countersigned by a resident agent or an official of a branch office in Canada, such records and documents shall be sufficient if they exhibit, in respect of its Canadian business: (a) insurance written and in force, including cancellations, and gross premium deposits thereon; (b) dividends or refunds of unabsorbed premium deposits paid or credited to policyholders in Canada; (c) losses incurred and losses paid to policyholders in Canada; and (d) all assets in Canada.

Records to be kept by chief agent.

Proviso.

(2) It shall be sufficient for any such company having in Canada, in addition to a chief agent, one or more general agents reporting to the head office, and not to the chief agent, to keep on file at the chief agency, in addition to the necessary records and documents relating to the business transacted by or through the chief agent, annual statements of the business transacted by each general agent, duly verified by his oath, and such additional records and documents, transmitted through the company's head office as shall, taken together, show the company's entire Canadian business.

Additional records required in some cases.

(3) The said annual statements of the business of such general agents shall, when kept on file as aforesaid, be made up to the thirty-first day of December in each year, and blank forms for such statements shall, on application, be furnished by the Superintendent.

Date of statements.

(4) The Superintendent may examine the books, records, vouchers, receipts and other documents of such company relating to its business in Canada, for the purpose of checking and verifying the said statement of such business and the schedules or other documents relating to or forming part thereof, and shall have power to make all necessary corrections in said statement, in accordance with the information obtained from the said books, records and documents.

Examination of books and records by superintendent.

131. The trust corporation in which assets are vested in trust, for the purposes of this Act, for any British company registered under this Part to transact the business of life insurance, shall prepare a half-yearly statement, as of the last days of June and December in each year, showing in detail,

Half-yearly statements by life companies' trustees.

(a) all bonds, stocks, debentures and other securities bought and all loans made, except on mortgages and policies,

policies, during the half year terminating on the date as of which such statement is made, specifying the amounts, dates of issue and maturity and par value thereof, the rate of interest payable thereon and the price paid therefor, and in the case of loans made, except on mortgages of real estate or insurance policies, particulars in detail of securities therefor; and

(b) all such securities sold or disposed of during the said half year, specifying similarly the amounts, dates of issue and maturity and par value thereof, the value in account thereof, the rate of interest payable thereon and the price or consideration received therefor.

Deposit and verification of statement.

(2) Such statement, on a form to be supplied by the Superintendent, shall be deposited in the Department within fifteen days after each of the said dates, and shall be verified by the manager and secretary or other principal officers of such trust corporation.

To be included in Superintendent's report.

(3) The statements so deposited shall be embodied by the Superintendent by way of appendix or otherwise in the annual report prepared by him for the Minister.

Report to include list of assets.

132. In his annual report prepared for the Minister, the Superintendent shall include a list of the assets in Canada of each British company registered under this Act.

Correction of annual statements.

(2) In his said report the Superintendent shall make all necessary corrections in the annual statements made by the British companies as herein provided and may increase or diminish the liabilities of such companies to the true and correct amounts as ascertained by him in the examination of their affairs at the chief agencies thereof in Canada, or otherwise.

Examination at head office of British company.

133. The Minister may, from time to time, instruct the Superintendent to examine at the head office into the general condition and affairs of any British company registered under this Act.

RELEASE OF ASSETS IN CANADA.

Release of assets on discontinuance of business.

134. Any British company registered under this Part which desires to obtain the release of its assets in Canada by reason of having decided to discontinue business in Canada may make application in writing to the Minister for the release of its assets in Canada.

Condition of release.

(2) The assets in Canada of any such company shall not, except as herein otherwise provided, be released, unless,—

(a) the company has obtained the surrender of its outstanding policies in Canada, or has transferred such policies to some company or companies registered under this Act; and

(b) the company files with the Minister a list of all policyholders in Canada, if any, whose policies have

not been so surrendered or transferred together with a financial statement of the condition and affairs of the company, and if the company is registered to transact the business of life insurance, a list of all policyholders in Canada whose policies have been so surrendered or transferred; and

(c) the company furnishes proof of the publication, for three calendar months in the *Canada Gazette*, and in at least one newspaper in the county, city or place in which the chief agency is established, of a notice that it will apply to the Minister for the release of its assets in Canada on a certain day, which shall be not less than three months after the date of the notice, and calling upon its policyholders in Canada opposing such release to file their opposition with the Minister on or before the day so named.

(3) After the day so named in the said notice, if the Minister be satisfied that the company is not liable under any policies of insurance, and has discharged all its obligations in Canada, he may, with the concurrence of the Treasury Board, release to the company its assets in Canada. Minister may release.

(4) The Minister, with the concurrence of the Treasury Board, may authorize the trustee in which assets are vested in trust for any such company, to employ any portion of such assets for the purpose of effecting the surrender or transfer of outstanding policies in Canada as aforesaid, but not so as to reduce the assets in Canada of such company below the requirements of this Act in respect of continuing policyholders. Employment of assets for surrender or release.

(5) If it appears that any such company has not obtained the surrender of, or transfer as aforesaid, of its outstanding policies in Canada, but that the deposit of the company with the Minister is substantially in excess of the requirements of this Act in respect of the continuing policyholders, the Minister, after the day so named in the notice aforesaid, may, from time to time, release to the company such portion of the excess as he deems proper in the circumstances, and shall continue to hold the remainder of the deposit for the protection of the continuing policyholders as by this Act provided. Partial release.

(6) Notwithstanding the provisions of this section, if such company is in liquidation the securities of the company may, on the order of any court having jurisdiction under the *Winding-up Act*, be released by the Minister to the liquidator. Release to liquidator.

135. In the case of any British company which gave written notice to the Minister before the thirty-first day of March, one thousand eight hundred and seventy-eight, of Retired companies.

its intention to avail itself of the proviso contained in section seven of the *Consolidated Insurance Act, 1877*, the deposit which was in the hands of the Minister on the twenty-eighth day of April, one thousand eight hundred and seventy-seven, shall be dealt with in regard to policies, issued prior to the thirty-first day of March, one thousand eight hundred and seventy-eight, in conformity with sections four and five of chapter nine of the statutes of 1871, intituled: "*An Act to amend the Act respecting Insurance Companies*"; and whenever the full liability under such policies falls below the amount so held by the Minister, he may, with the concurrence of the Treasury Board, direct that the whole or any portion of the difference as he deems advisable shall be released and handed over to the company, and so on, from time to time, until the total deposit with the Minister is reduced to the amount of fifty thousand dollars.

Application
of sections
of this Act.

136. The provisions of sections fifty-one, fifty-two, fifty-four, fifty-six to sixty-two inclusive, seventy-one to seventy-four inclusive, subsections one and two of seventy-five, seventy-six, and section seventy-eight shall apply *mutatis mutandis*, to or in respect of every British company registered to transact any class or classes of insurance business under this Part to the same extent as the said provisions are applicable to or in respect of a company registered to transact the same class or classes of insurance business under Part III of this Act.

Chief
agency.

(2) In any provision so made applicable to a British company registered under this Part, the words "head office" wherever they appear, shall in respect of the application of any such provision to a British company, be read as if the words "chief agency" were substituted therefor.

LIFE INSURANCE COMPANIES.

Application
of sections
of this Act.

137. The provisions of subsections one, two and four of section eighty-one, sections eighty-two and eighty-six shall apply, *mutatis mutandis*, to every British company registered under this Part to transact only the business of life insurance and to every British company so registered to transact the business of life and other insurance, in respect only of the life insurance business of every British company: Provided that the said subsections of section eighty-one shall apply only to the life insurance business of such company in Canada and that the said section eighty-two shall apply to every such company only in respect of the annual statement of its Canadian business required to be filed under section one hundred and twenty-eight of this Act.

Proviso.

BRITISH COMPANIES TRANSACTING INSURANCE OTHER
THAN LIFE INSURANCE.

138. The provisions of sections one hundred and four and one hundred and thirty-nine to one hundred and forty-one inclusive of this Act shall apply to all British companies registered under this Act to transact the business of insurance in respect of any class of such business other than life insurance.

Special application of sections of this Part.

139. For the purposes of the annual statement required to be deposited in the Department under this Act, the liability of every British company in respect of its outstanding unmatured policies in Canada, shall except as hereinafter in this section provided be eighty per cent of the unearned premiums computed *pro rata* as at the date of such statement.

Reserve liability for annual statement.

(2) Where any British company transacts a non-hazardous three year business on the premium note system or partly on the cash system and partly on the premium note system, the liability of the company in respect of its premium note business shall be eighty per cent of the unearned portion of the assessments which have been levied in respect of all outstanding premium notes held by the company computed *pro rata* as at the date of such statement, and the un-assessed portion of such premium notes shall be treated as a contingent asset.

Premium note business.

(3) Every British company which transacts the business of non-cancellable sickness and accident insurance in Canada shall enter in the liabilities in the said annual statement in respect of its outstanding unmatured non-cancellable sickness and accident policies in Canada a reserve computed in accordance with the bases and methods used by the company in computing the reserve for such policies of the several classes thereof in its statement of general business or such higher reserve as the Superintendent may deem necessary to make adequate provision for the obligations of the company under such policies.

Non-cancel-able sickness and accident insurance.

140. For the purposes of determining the amount of assets in Canada required to be maintained by every British company in accordance with the provisions of section one hundred and twenty-six of this Act the liability of every company in respect of its outstanding policies in Canada shall be,

Reserve liability for determining assets in Canada.

- (a) the full unearned premiums computed *pro rata* in respect of the unexpired periods of the policies; or
(b) twice the net annual cost to the insured of insurance in force in Canada on the date of the annual statement ascertained by deducting from the annual premiums charged to such insured a credit allowance computed at the rate of the weighted average dividend or refund

paid

paid or credited by the British company to its policy-holders during the preceding five years;
 whichever be the less: Provided that the liability in respect of outstanding non-cancellable sickness and accident policies in Canada shall be computed in accordance with the provisions of the last preceding section of this Act.

Proviso:
 Non-cancellable sickness and accident insurance.

Addition to reserve for hail insurance.

(2) An addition shall be made to the said liability so computed in respect of every British company which transacts the business of hail insurance in Canada in an amount at least equal to fifty per cent of the total net premiums received by the company in respect of its business of hail insurance in Canada during the preceding calendar year.

Classes of hazards covered by certificate.

141. Any British company registered under this Act to transact the business of fire insurance shall, upon compliance with the conditions of this Act other than in respect of an increase in deposit with the Minister, be entitled to receive a certificate of registry for any one or more of the following classes of insurance limited to the insurance of the same property as is insured under a policy of fire insurance of such company, namely,—falling aircraft, earthquake, tornado, hail, sprinkler leakage, limited or inherent explosion and civil commotion: Provided that in the case of a British company which is not an association such class or classes of insurance are authorized by its Act of incorporation or charter.

Proviso.

Saving.

(2) Any such company, if a purely mutual company, shall be entitled to the benefit of the provisoes of subsection one of section one hundred and twenty-six of this Act in respect of the transaction of such additional classes of insurance as well as its fire insurance business.

Title insurance.

142. The provisions of sections one hundred and thirty-nine and one hundred and forty of this Act shall not apply to the business of title insurance transacted in Canada by any British company registered under this Act.

WITHDRAWAL OF CERTIFICATES.

Special application of sections of this Act.

143. The provisions of sections one hundred and nine, one hundred and ten, one hundred and eleven, one hundred and twelve and one hundred and fifteen of this Act shall apply, *mutatis mutandis*, to every British company registered under this Act to the same extent as such provisions are applicable to a company registered to transact the same class or classes of insurance under Part III of this Act.

144. If any British company registered under this Act violates any of the provisions of this Act applicable thereto, it shall be the duty of the Superintendent to report the same to the Minister, and thereupon the Minister may, in his discretion, after a reasonable time has been given to the company to be heard, withdraw the company's certificate of registry.

Withdrawal
of certificate
for violation
of Act.

145. If any British company registered under this Act declines to permit the examination authorized by section one hundred and thirty or by section one hundred and thirty-three of this Act, or refuses to give any information desired for such purpose in its possession or control, its certificate of registry may be withdrawn by the Minister.

Withdrawal
for refusing
information.

PENALTIES.

146. Any British company which, not being duly registered under the provisions of this Act, transacts the business of insurance in Canada, or does or performs in Canada any one or more of the acts constituting the business of insurance (save as provided in section one hundred and forty-eight of this Act) and any person who, acting on behalf of any such company transacts such business or does or performs in Canada any such act or acts, shall be guilty of an offence and liable upon indictment or upon summary conviction, to a penalty, for each and every such offence, not exceeding five thousand dollars in the case of a company and not exceeding one thousand dollars in the case of a person acting on behalf of any such company; and, in addition, in the case of a natural person, to imprisonment for any term not exceeding six months.

Penalty for
carrying on
business
without
registration.

(2) Any British company which, being duly registered under the provisions of this Act to transact one or more specified classes of insurance, and any person who, acting on behalf of any company so registered, transacts in Canada any class of insurance in respect of which the company is not so registered or does or performs in Canada any one or more of the acts constituting the business of insurance in relation to any such class of insurance (save as provided in section one hundred and forty-eight of this Act) shall be guilty of an offence and liable upon indictment or upon summary conviction, to a penalty, for each and every such offence, not exceeding five thousand dollars in the case of a company and not exceeding one thousand dollars in the case of a person acting on behalf of any such company; and, in addition, in the case of a natural person, to imprisonment for any term not exceeding six months.

147.

Other penalty provisions applicable.

147. The provisions of sections one hundred and seventeen and one hundred and eighteen of this Act shall apply *mutatis mutandis* to every British company registered under this Part.

EXEMPTIONS.

Application of Act. Marine and inland marine insurance.

Fire insurance.

Retired British life insurance companies in respect of collection of premiums and payment of claims.

Policies prior to 22nd May, 1868.

Policies issued by unregistered British companies to non-residents of Canada.

148. The provisions of this Part shall not apply (a) to any British company in respect of its business of marine or inland marine insurance carried on in Canada nor,

(b) to any British company in respect of fire insurance on property situate in Canada, if such insurance is effected outside of Canada and without any solicitation whatsoever directly or indirectly on the part of such company, and further if such company does not within Canada advertise its business in any newspaper or other publication or by circular mailed in Canada or elsewhere, and does not maintain an office or agency therein for the receipt of applications or the transaction of any act, matter or thing relating in any way to its said business; and, subject to the foregoing provisions, such company may inspect the property insured or to be insured under this section and may adjust any loss incurred in respect thereof, nor

(c) to any British company which, previously to the twenty-eighth day of April, one thousand eight hundred and seventy-seven, was licensed to transact the business of life insurance in Canada, and which ceased to transact such business before the thirty-first day of March, one thousand eight hundred and seventy-eight, having before that date given written notice to that effect to the Minister in respect of the collection and receipt of premiums due or to become due on policies in Canada issued before the last mentioned date or in respect of the payment of claims arising thereon or the transaction of any business appertaining thereto, nor

(d) except as hereinbefore provided, shall its provisions apply

(i) to any British company which has not, on or since the twenty-second day of May one thousand eight hundred and sixty-eight, been licensed to carry on business in Canada, in respect of any life insurance policy in Canada issued before the said date;

(ii) to any British company not registered under this Act, in respect of the collection or receipt of premiums on, or other business relating to any life insurance policy issued to a person not resident in Canada at the time of the issue of such policy.

(2) Every person insuring his property, or any property in which he has an insurable interest, situated in Canada, against loss by fire, with any British company not registered under this Act shall make a return to the Minister, on or before the first day of March in each year, reporting the location and a brief description of all property so insured during the preceding calendar year, the amount of the insurance and the name of the British company in which such insurance was effected.

Annual return of insurance with unregistered British companies.

(3) Every person making default in complying with the provisions of the next preceding subsection shall be liable to a penalty of ten dollars for each day during which such default continues, recoverable and enforceable with costs at the suit of His Majesty, instituted by the Attorney General of Canada.

Penalty for default in making return.

(4) The Minister shall cause to be kept a statistical record of all insurance reported to him by the returns hereinbefore in this section provided for.

Statistical record of such insurance.

PART IX.

PROVINCIAL COMPANIES.

149. There shall be established and maintained in the Department of Insurance a register in which shall be entered the names of all provincial companies registered under this Part and to which certificates of registry are granted.

Register of provincial companies.

150. Every provincial company shall, as a condition of being registered, file in the Department with its application for registration under the provisions of this Part the documents required to be filed by a company under the provisions of section fifty of this Act, and an undertaking in such form as may be required by the Minister that it will, if granted registration, and so long as registered, submit to and comply with all the provisions of this Act applicable to it in respect of the class or classes of insurance specified in the certificate of registry granted to it and the terms of such certificate.

Conditions of registration.

151. If the name of any provincial company applying to be registered is that of any corporation registered under the laws of the Dominion of Canada to transact the business of insurance, or in the opinion of the Superintendent any name liable to be confounded therewith or otherwise on public grounds objectionable, the Superintendent shall so report to the Minister and the Minister may refuse to register the provincial company.

Name of provincial company.

Appeal from
ruling of
Superin-
tendent.

(2) Such report, if based upon the objection that the name of the provincial company applying to be registered is that of any corporation registered under the laws of the Dominion of Canada to transact the business of insurance or any name liable to be confounded therewith, shall be deemed to be a ruling of the Superintendent from which an appeal shall lie under and subject to the provisions of section seventy-eight of this Act.

Registration
of
provincial
companies.

152. The Minister may, on the application of any provincial company and as soon as it has filed in the Department the documents hereinbefore provided for and has made the deposit which would be required of a company applying to be registered in respect of the same class or classes of insurance, register such provincial company under the provisions of this Part and grant it a certificate of registry.

Withdrawal
of certificate
of registry.

153. If any provincial company registered under this Part violates any of the provisions of this Act applicable thereto it shall be the duty of the Superintendent to report the same to the Minister and thereupon the Minister may in his discretion, after a reasonable time has been given to the company to be heard, withdraw the company's certificate of registry.

Application
of provisions
of Act.

154. The provisions of sections fifty to fifty-four, inclusive, subsections one, three and four of section fifty-five, sections fifty-six to sixty-four, inclusive, sections sixty-nine to seventy-eight, inclusive, section eighty-one, section eighty-two, section eighty-five, section eighty-six, section one hundred, section one hundred and one, subsections one, two and five of section one hundred and two, section one hundred and three, section one hundred and four, sections one hundred and seven to one hundred and thirteen, inclusive, and section one hundred and fifteen shall apply *mutatis mutandis* to every provincial company registered under this Part to transact any class or classes of insurance business to the same extent as the said provisions are applicable to or in respect of a company registered to transact the same class or classes of insurance business under Part III of this Act: Provided that to the extent to which any provision of the said sections would have effect to enlarge in any respect the corporate powers or rights of any provincial company under its constating instrument such provision shall not be applicable to a provincial company.

Proviso.

PART

PART X.

DECLARATION.

155. It is hereby declared that this Act has been passed with the object and intent of prescribing the status and powers of insurance companies incorporated by the Parliament of Canada or by the Legislature of the late Province of Canada, limitations thereof and the conditions on which such companies and British insurance companies and associations may be registered for the purpose of transacting the business of insurance in Canada; of providing for the voluntary registration of provincial companies; of determining the conditions upon which all such companies shall be deemed to be insolvent, and of preventing any such companies which are insolvent, from commencing or continuing to transact the business of insurance in Canada; and if any provision of this Act should hereafter be determined to have any operation or effect beyond the legislative competence of the Parliament of Canada to authorize and sanction, and to be in that respect void and inoperative, it shall, in such respect, be treated as severable from the other provisions of this Act, and such other provisions shall continue to have full force and effect according to their tenor.

Declaration
of intent.

156. The Governor in Council shall have power to make such orders or regulations as he may deem necessary or advisable for amending, suspending, repealing or adding to any of the provisions of this Act to give effect to any arrangement which may be arrived at between the Government of Canada and the governments of the provinces or any of them for co-operation in respect of insurance legislation or administration.

Orders or
regulations.

(2) All orders and regulations made by the Governor in Council under this section shall have the force of law and shall continue in force until the next session of Parliament is prorogued, but no longer, unless Parliament otherwise enacts.

Duration.

157. The *Insurance Act*, chapter one hundred and one of the *Revised Statutes, 1927*, is hereby repealed.

C. 101,
R.S., 1927,
repealed.

FIRST

FIRST SCHEDULE.

MODEL BILL.

FOR INCORPORATION OF INSURANCE 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 His 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 one of this Act (*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 amount to be subscribed before the general meeting for the election of directors is called shall bedollars.

5. The Company shall not commence business untildollars of the capital stock have been subscribed and.....dollars paid thereon.

6. The head office of the Company shall be in theof....., in the province of.....

7. The Company may make contracts of insurance (*state particulars of the kinds of insurance intended to be carried on*).

8. *The Canadian and British Insurance Companies Act, 1932*, shall apply to the Company.

FORM
R.S., 1927

SECOND SCHEDULE.

ASSETS WHICH MAY BE VESTED IN TRUST BY ANY BRITISH COMPANY FOR THE PURPOSES OF THIS ACT.

1. Assets of the following classes in which the company has invested its funds,—

Assets in which the company has invested its funds.

(a) the debentures, bonds, stocks or other securities of or guaranteed by the Government of the Dominion of Canada or of or guaranteed by the Government of any province of Canada; or of or guaranteed by the Government of the United Kingdom of Great Britain and Northern Ireland, or of any Dominion, colony or dependency, thereof; or of or guaranteed by the Government of any foreign country, or state forming a portion of such foreign country; or of any municipal or school corporation in Canada, or elsewhere where the company is carrying on business; or guaranteed by any municipal corporation in Canada; or secured by rates or taxes, levied under the authority of the Government of any province of Canada on property situate in such province and collectible by the municipalities in which such property is situate; or

Government securities.

(b) (i) the bonds of any corporation which bonds are fully secured by a mortgage or hypothec to a trustee upon real estate or upon the plant and equipment of such corporation used in the transaction of its business, or upon bonds, debentures or other evidences of indebtedness or stocks owned by such corporation of a class or classes specified in this schedule as assets which may be vested in trust by any company, and the inclusion as additional security in such mortgage or hypothec of any other assets not of a class so specified shall not be deemed to render such bonds ineligible as assets which may be so vested in trust, or

Bonds secured by mortgage.

(ii) the debentures or other evidences of indebtedness of any corporation which has paid regular dividends on its preferred or on its common stocks for a term of at least five years immediately preceding the vesting thereof in trust, or

Debentures.

(iii) the preferred stocks of any corporation which has paid regular dividends upon such stocks or upon its common stocks for not less than five years preceding the vesting thereof in trust, or the stocks of any corporation which are guaranteed by a corporation which has paid regular dividends upon its preferred or common stocks for not less than five years preceding the vesting thereof in trust: Provided that 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, or

Preferred stocks.

Proviso.

Common
stocks.

(iv) the common stocks of any corporation upon which regular dividends of at least four per cent per annum or, in the case of stocks of no par value, of at least four dollars per share per annum have been paid for the seven years next preceding the vesting thereof in trust: Provided that 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 so vested in trust by any company, and that no company shall vest in trust its own shares and no company registered under this Act to transact the business of life insurance shall vest in trust, in respect of its life insurance funds, shares of any other company which transacts the business of life insurance:

Proviso.

Provided further that if any such corporation has, pursuant to a voluntary reorganization of its capital account and without affecting the status or diminishing the value of its outstanding securities including the capital stock, substituted common shares of no par value for shares of par value, then dividends declared on the said no par value stock shall be deemed to be dividends of at least four dollars per share per annum if the sum thereof is equivalent to at least four per cent of the said common stock of par value and the proceeds of any additional issue of common stock made at the time of, or subsequent to, the aforesaid substitution of shares; and in such circumstances dividends of at least four per cent per annum on the common stock of par value immediately preceding the substitution shall be regarded as dividends on the no par value stock; or

Real estate
mortgages.

(c) ground rents, mortgages or hypothecs on real estate in Canada, provided that no such mortgage or hypothec may be vested in trust for any amount in excess of sixty per cent of the value of the real estate upon which it is secured.

2. Mortgages and other titles for repayment of loans secured by,—

Mortgages
and other
securities.

(a) any of the bonds, debentures, stocks or other securities which may be vested in trust by the company under the provisions of paragraph one of this Schedule: Provided, however, that the amount at which any mortgages or other title so secured may be vested in trust shall not exceed the amount at which such bonds, debentures, stocks and other securities might be vested in trust under the provisions of the said paragraph; or

Proviso.

(b) real estate or leaseholds for a term or terms of years or other estate or interest therein in Canada:

Provided,

Provided, however, that no such mortgage or other title shall be vested in trust for any amount in excess of sixty per cent of the value of the real estate or interest therein upon which such mortgage or other title is secured, but notwithstanding the foregoing terms of this proviso, any company may vest in trust a mortgage or hypothec, accepted as part payment for real estate sold by it and secured thereon, for more than sixty per cent of the sale price of such real estate.

Proviso.

3. Bonds, stocks and debentures not fulfilling the requirements of paragraph one of this Schedule,—

Other investments.

(a) if received in payment or part payment for securities sold by such company; or

(b) if 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;

and if the inclusion of such bonds, stocks and debentures in the assets vested in trust be approved by the Treasury Board, but such bonds, stocks and debentures shall not be included in such assets for a longer period than five years after the acquisition thereof, or such further time as the Governor in Council may, 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 are not inferior in status or value to the securities for which they have been substituted.

Limitation.

4. For the purpose of determining the eligibility, as assets vested in trust for the purposes of this Act, of the preferred or common stocks of any corporation, the capital account of which has been voluntarily reorganized without impairment of the status or value of its outstanding securities, including its 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.

Dividend record in case of reorganization of capital account.

5. The total book value of the assets vested in trust of any company in common stocks shall not exceed fifteen per centum of the book value of the assets of the company vested in trust, but not withstanding the foregoing provision of this paragraph any shares of preferred or common stocks acquired after the coming into force of this Act by any such company as bonuses or dividends on preferred or common stocks or acquired in the exercise of rights or privileges arising from investments of such company in preferred or common stocks may be included in the assets of the company vested in trust for the purposes of this Act.

Limitation on common stocks.

Stock of
other
insurance
companies.

6. Notwithstanding anything contained in this Schedule, any company may include in its assets vested in trust, except in respect of the life insurance funds of the company, if the company is registered to transact life insurance, the fully paid shares of any other company or corporation transacting the business of insurance and registered under the laws of the Dominion of Canada to transact such business in Canada but the value of such shares vested in trust shall not exceed fifteen per cent of the value of the assets of the company so vested in trust; and except as provided in this paragraph no company shall vest in trust shares of any other company or corporation transacting the business of insurance.

THIRD SCHEDULE.

BASES AND METHODS TO BE USED IN COMPUTING THE MINIMUM RESERVE WHICH MAY BE INCLUDED IN THE LIABILITIES IN THE ANNUAL STATEMENT, APART FROM THE BENEFITS GUARANTEED ON DISCONTINUANCE OF PREMIUM PAYMENT WITHOUT SURRENDER.

(A)—As respects benefits depending upon life contingencies only in or arising out of life insurance policies (other than industrial policies) and excluding life annuity settlements.

1. Policies at uniform annual premiums for a uniform amount of insurance throughout.

The bases of valuation for any particular class or group of policies shall be an assumed rate of interest not exceeding three and a half per cent per annum and one of the tables of mortality specified below or any other table which may be approved by the Superintendent.

Tables of Mortality.

- (a) Canadian Men Table, C^M (5)
- (b) British Offices Life Tables, 1893, O^m (5)
- (c) British Offices Life Tables, 1893 O^m
- (d) British Offices Life Tables, 1893, O^{l^m}
- (e) Institute of Actuaries of Great Britain, H^m
- (f) American Men Table, AM (5)
- (g) American Experience Table, Am Exp.

The value of the policy as of any date after issue shall be the difference between the then value of the sum assured thereunder (including the then value of any bonus or addition thereto, or reduction in future premiums, made after the date of issue of the policy and subsisting as at the date of valuation), and the then value of the valuation premium (as hereinafter defined) assumed to be payable on each anniversary of the policy following the date of valuation during the term for which premiums are required to be paid in accordance with the terms of the policy to be valued.

If the net level premium for the life insurance risks incurred by the company in issuing the policy does not exceed the whole life net level premium for a like amount of whole life insurance, the valuation premium shall be the net level premium for a like policy as of an age one year greater than the age at entry assumed to be payable at the beginning of the second and each subsequent policy year for which premiums are payable under the terms of the policy to be valued.

If the net level premium for the life insurance risks incurred by the company in issuing the policy exceeds the net level premium payable throughout life for a like amount of whole life insurance, the valuation premium shall be obtained by adding to each net level annual premium, excluding the first, such an amount, assumed to be payable at the beginning of the second and each subsequent policy year for which premiums are payable under the terms of the policy to be valued, as is equal in value as of the date of issue of the policy to the difference between the net level premiums payable throughout life for a whole life policy and the one year term premium for, in each case, a policy of like amount and of the same age at entry as the policy to be valued.

2. Policies other than those at uniform annual premiums for a uniform amount of insurance throughout shall be valued on bases determined in accordance with the foregoing provisions of this Schedule with such adaptations in the valuation methods as seem to the Superintendent appropriate in the circumstances.

(B)—As respects benefits depending upon life contingencies only in or arising out of industrial life insurance policies, excluding life annuity settlements.

The bases of valuation for any particular class or group of policies shall be an assumed rate of interest not exceeding $3\frac{1}{2}$ per cent per annum and one of the tables of mortality specified below or any other table which may be approved by the Superintendent.

Tables of Mortality.

- (a) Any of the tables named under (A) (1) above.
- (b) The Standard Industrial Table.

No reserve shall be held at any valuation within the first year after issue of any policy. In valuations thereafter the insurance risks of the first policy year shall be ignored, and, for valuation purposes, the date of issue of the policy shall be assumed to be one year after the actual date of issue, the age at issue shall be assumed to be one year greater than the actual age at issue and the premium term shall be assumed to commence as of the assumed date of issue and to be conterminous with the premium term stated in the policy to be valued.

The valuation premium shall be such a level premium as of the assumed age at issue, payable for the assumed premium term, as is equal in then present value to the insurance risks incurred by the company as from the attainment of the assumed age at issue.

In valuations made as of any date after the attainment of the assumed age at issue the value of the policy shall be the difference between the then value of the sums assured (including the then value of any bonus or addition thereto, or reduction in future premiums, made after the date of issue of the policy and subsisting as of the date of valuation), and the then value of the valuation premium assumed to be payable following the date of valuation during the term for which premiums are required to be paid in accordance with the terms of the policy.

If the terms of any particular class or group of policies are such that the above method of valuation appears to be inapplicable or inappropriate, adaptations in the above method may be made subject to the approval of the Superintendent.

(C)—As respects Life Annuities (Immediate or Deferred) including life annuity settlements (other than disability annuities), arising out of life insurance contracts.

The bases of valuation shall be tables of mortality approved by the Superintendent, deduced from the actual mortality experience covering the period 1900-1920, published on behalf of the Institute of Actuaries and the Faculty of Actuaries in Scotland, male or female, according to the sex of the nominee, with a rate of interest not exceeding four per cent per annum.

In the valuation of Deferred Annuities the method of valuation shall be the net level premium method subject to such adaptations as the Superintendent may deem appropriate in any case where the premium for the policy may not be uniform throughout the premium paying period.

(D)—As respects future payments dependent on a term certain only, including term certain annuities arising out of life insurance contracts.

The valuation shall be made at a rate of interest not exceeding four per cent per annum, and the method of valuation shall be the net level premium method subject to such adaptations as the Superintendent may deem appropriate in any case where the premium for the policy may not be uniform throughout the premium paying period.

22-23 GEORGE V.

CHAP. 47.

An Act respecting Foreign Insurance Companies in Canada.

[Assented to 26th May, 1932.]

WHEREAS the Parliament of Canada has jurisdiction, Preamble.
by properly framed legislation, to prohibit aliens, whether natural persons or foreign companies, from carrying on the business of insurance in Canada without a licence; and

WHEREAS certain sections of the *Insurance Act*, chapter one hundred and one of the Revised Statutes of Canada, 1927, requiring foreign insurance companies to obtain a licence as a condition of carrying on business in Canada, have been declared, in view of their relation to other provisions of the said Act, to be not properly framed and, therefore, unconstitutional; and

WHEREAS foreign insurance companies are soliciting applications for and issuing life insurance policies as protection and long term investments of the savings of their policyholders in Canada, and such companies now have outstanding more than four million four hundred thousand policies in Canada to an aggregate amount of more than two billions of dollars; and

WHEREAS foreign insurance companies, associations and exchanges now have insurance in force against the destruction of property in Canada by fire to an amount of more than four and a quarter billions of dollars, and insurance providing for the payment of large sums dependent on other contingencies; and

WHEREAS such insurance constitutes an important factor in the international trade and commercial relations of Canada; and

WHEREAS certain foreign insurance companies and exchanges have in times past become insolvent while carrying on business in Canada, and the policyholders in Canada thereof would have sustained serious losses but for provisions in the then existing legislation which required such companies and exchanges to deposit assets in Canada as security for their liabilities in Canada, and to make returns

as to their business and financial standing, and to submit to inspection by representatives of the Government; and

WHEREAS foreign insurance companies, associations and exchanges, transacting the business of insurance throughout Canada, receive each year from policyholders in Canada many millions of dollars in premiums, and incur liabilities to such policyholders requiring involved actuarial and other computations for their determination, and the ability or inability of such companies, associations and exchanges to discharge such liabilities, as they become due, is dependent upon the character and value of their assets available for such purpose; and

WHEREAS it is contrary to the public interest that such foreign insurance companies, associations and exchanges which are unable to discharge their liabilities to policyholders in Canada as they become due, or are otherwise insolvent, should be permitted to carry on the business of insurance in Canada; and

WHEREAS it is desirable to provide, by a system of registration, deposit of securities, inspection and returns, against such foreign companies, associations or exchanges engaging in or continuing to carry on business in Canada while unable to discharge their liabilities to such policyholders as they become due or while otherwise insolvent and to declare the conditions upon which such companies, associations and exchanges shall be deemed to be insolvent and be subject to be wound up under the provisions of the

R.S., c. 213. *Winding-up Act.*

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

SHORT TITLE.

Short title.

1. This Act may be cited as *The Foreign Insurance Companies Act, 1932.*

INTERPRETATION.

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

“Annual statement.”

(a) “annual statement”, includes both the statement of the Canadian business and of the general business of the company required by this Act to be made;

“Assets in Canada.”

(b) “assets in Canada”, means all deposits which a company has made with the Minister and all assets which have been vested in trust for the company under, and for the purposes of, this Act;

“Association.”

(c) “association” means any association of persons formed in any foreign country upon the plan known

as Lloyds whereby each associate underwriter becomes liable for a stated, limited or proportionate part of the whole amount insured by a policy;

- (d) "business of insurance" means the making of any contract of insurance, and includes any act or acts of inducement to enter into such a contract, and any act or acts relating to the performance thereof, or the rendering of any service in connection therewith; "Business of Insurance."
- (e) "chief agency" means the principal office or place of business of the company in Canada; "Chief agency."
- (f) "chief agent" means the chief agent of the company in Canada, named as such in the power of attorney hereinafter referred to by whatever name he may be designated; "Chief agent."
- (g) "company" means any corporation incorporated under the laws of any foreign country for the purpose of carrying on the business of insurance, and includes "association," "exchange" and "fraternal benefit society" as respectively defined by this Act; "Company."
- (h) "Department" means the Department of Insurance constituted by *The Department of Insurance Act*; "Department." 1932, c. 45.
- (i) "exchange" means a group of persons formed in any foreign country for the purpose of exchanging reciprocal contracts of indemnity or inter-insurance with each other through the same attorney, where the principal office of the exchange is in a foreign country; "Exchange."
- (j) "fraternal benefit society" means a corporation having representative form of government and incorporated under the laws of any foreign country, for fraternal, benevolent or religious purposes among which purposes is the insuring of the members, or the dependent children of the members, thereof, exclusively, against accident, sickness, disability or death, and includes a corporation so incorporated on the mutual plan for the purpose of so insuring the members, or the dependent children of the members, of such a corporation exclusively; "Fraternal benefit society."
- (k) "inland marine insurance" means marine insurance in respect to subjects of insurance at risk upon the waters of Canada, above the harbour of Montreal; "Inland marine insurance."
- (l) "Minister" means the Minister of Finance; "Minister."
- (m) "officer" includes the manager, secretary, treasurer, actuary and any other person designated as "officer" by the by-laws of the company; "Officer."
- (n) "policy" means any written contract of insurance whether contained in one or more documents, and in the case of insurance in a fraternal benefit society, any contract of insurance whether evidenced by a written document or not and any certificate of membership relating in any way to insurance; and includes any annuity contract; "Policy".

“Policyholder in Canada.”

(o) “policyholder in Canada” means the person who for the time being is the legal holder of a “policy in Canada”;

“Policy in Canada.”

(p) “policy in Canada,” as regards life insurance, means any policy issued or effected by a company registered under this Act upon the life of any person resident in Canada at the time such policy was issued or effected; and, as regards fire insurance, means any policy issued or effected by such a company upon any property within Canada; and, as regards any other class of insurance, means any policy issued or effected by such a company in the transaction of its business of insurance in Canada;

“President.”

(q) “president” includes the chairman, governor, manager or other principal officer of the company;

“Secretary.”

(r) “secretary” means and includes the officer by whom the usual duties of a secretary are performed;

“Superintendent.”

(s) “Superintendent” means the Superintendent of Insurance.

Regulations.

(2) The Governor in Council may, on the recommendation of the Minister, make regulations determining and defining, for the purposes of this Act and of any certificate of registry granted thereunder, what shall be deemed to be a distinct class of insurance, and the nature of each such class of insurance.

Publication.

(3) Any regulations so made shall be published in the next succeeding issue of the *Canada Gazette*.

PART I.

CERTIFICATES OF REGISTRATION AND DEPOSITS.

Register of companies.

3. There shall be established and maintained in the Department of Insurance a register in which shall be entered the names of all companies registered under this Act and to which certificates of registry are granted.

Registration required.

4. No company shall transact the business of insurance in Canada (save as hereinafter expressly provided) unless it is registered and holds a certificate of registry from the Minister.

Filing of documents.

5. Every company shall, as a condition of being registered, file in the Department,—

Copy of charter.

(a) in the case of a company, other than an association or exchange, a copy of the charter, act of incorporation, or articles of association of the company, certified by the proper officer in charge of the original thereof; and in the case of an association or exchange, such document or documents relating to its constitution as the Minister may require;

- (b) a power of attorney from the company to its chief agent or attorney in Canada, in such form as may be required by the Minister; Power of attorney.
- (c) a statement in such form as may be required by the Minister of the condition and affairs of the company on the 31st day of December next preceding, or up to the usual balancing day of the company, if such day is not more than twelve months before the filing of the statement, and such additional statements or information as the Minister may require as to its solvency and as to its ability to meet all its obligations; Statement of condition and affairs.
- (d) an undertaking by the company, in such form as may be required by the Minister, that it will at all times while registered under this Act, comply with the provisions of this Act applicable to it; and Undertaking to comply with Act.
- (e) evidence satisfactory to the Minister that the company is authorized under the laws of the country in which its head office is situate to transact in such country the class of insurance business for which the company desires to be registered in Canada. Evidence of authorization in home jurisdiction.

6. The power of attorney shall

- (a) declare at what place in Canada the chief agency of the company is or is to be established; and Contents of power of attorney.
- (b) expressly authorize such attorney to receive from the Minister and the Superintendent all notices which the law requires to be given, or which it is thought advisable to give; and
- (c) declare that receipt of the notices at the chief agency or personally by the attorney shall be legal and binding on the company, to all intents and purposes whatsoever.

(2) Whenever any company registered under this Act changes its chief agent or chief agency in Canada the company shall file a further power of attorney appointing the new chief agent or designating the new chief agency, as the case may be. Change of chief agent.

7. Every company shall, as a further condition of being registered, make a deposit with the Minister in any of the securities hereinafter specified in that behalf. Deposit with Minister.

(2) The deposit in the case of a fraternal benefit society shall be the sum of ten thousand dollars. Societies.

(3) The deposit in the case of a company other than a fraternal benefit society shall be,— Companies.

(a) for a certificate of registry to transact life insurance, or fire insurance, the sum of one hundred thousand dollars; and For life or fire insurance.

(b) for a certificate of registry to transact any other class of insurance, such sum as the Treasury Board may determine. For other classes.

Companies licensed under Insurance Act deemed registered.

8. Every company which on the date of the coming into force of this Act holds a licence from the Minister shall be deemed to have complied with the provisions of this Act precedent to the granting of a certificate of registry, and to be registered hereunder, and every such company shall be subject to the provisions hereof.

Companies licensed in provinces: initial deposit not required.

(2) Any company which, at the date of the coming into force of this Act, does not hold such a licence but holds a licence under the laws of any province and is transacting the business of insurance therein, shall not be required to make the deposit required to be made under the provisions of the next preceding section in respect of a certificate of registry limited to such province for fire insurance or for such other classes of insurance as on the first day of January, 1932, were permitted by the laws of the province to be transacted under a licence for fire insurance: provided that, before the granting of a certificate of registry to it hereunder, such company shall have assets in Canada, for the purposes of this Act, in excess of its liabilities in Canada, as of the thirty-first day of December, 1931, as determined in accordance with the provisions of this Act.

Name of company.

9. If the name of any company applying to be registered is that of any company registered under this Act, or, in the opinion of the Superintendent, any name liable to be confounded therewith, or otherwise on public grounds objectionable, the Superintendent shall so report to the Minister, and the Minister may refuse to register the company.

Appeal from Superintendent's Report.

(2) Such report, if based upon the objection that the name of the company applying to be registered is that of any company registered under this Act or any name liable to be confounded therewith, shall be deemed to be a ruling of the Superintendent from which an appeal shall lie under and subject to the provisions of section thirty-four of this Act.

Form of certificate.

10. The certificate of registry shall be in such form or forms for the different classes of companies as may be from time to time determined by the Minister, and shall specify the business to be carried on by the company:

Proviso: restriction as to life insurance.

Provided that the business of life insurance shall not be specified in the certificate of registry granted to any association or exchange.

Duration.

(2) The certificate of registry shall expire on the thirty-first day of March in each year, but may be renewed from year to year, or for any term less than a year.

Limitations.

(3) Any certificate of registry or renewal thereof may contain any limitations or conditions which the Minister may deem necessary to give effect to the provisions of this Act.

11. Every company on first obtaining a certificate of registry shall forthwith give due notice thereof in the *Canada Gazette*, and in at least one newspaper in the county, city or place where the chief agency is established, and shall continue the publication thereof for the space of four weeks.

Notice of having obtained a certificate of registry.

(2) The Minister shall cause to be published quarterly in the *Canada Gazette* a list of the companies registered under this Act with the amount of deposit made by each company.

Publication of list of registered companies.

(3) Upon any company being first registered, or upon the certificate of registry of any company being withdrawn, in the interval between the publication of two such quarterly lists, the Minister shall cause to be published a notice thereof in the *Canada Gazette* for the space of four weeks.

Notice of first registration or withdrawal.

12. Every company registered under this Act to transact the business of life insurance, other than a fraternal benefit society, shall, in respect of its life insurance business in Canada, at all times maintain assets in Canada of an amount at least equal to its liabilities to policyholders in Canada, including matured claims and the reserve for outstanding policies in Canada required under this Act to be included in the annual statement, after deducting any claim the company has against such policies, together with its other liabilities in Canada.

Assets to be maintained in Canada by life companies.

13. Every fraternal benefit society registered under this Act to transact any class of insurance business shall at all times maintain assets in Canada of an amount at least equal to its liabilities to policyholders in Canada under policies in Canada issued on or after the first day of January, 1920, computed in accordance with the provisions of subsection two of section forty-five of this Act.

Assets to be maintained in Canada by fraternal benefit societies.

14. Every company, other than a fraternal benefit society, registered under this Act to transact any class of insurance business, other than life insurance, shall at all times maintain assets in Canada in respect of any such class of business of an amount at least equal to the liabilities of the company in Canada, including the liabilities of the company in respect of its outstanding unmatured policies in Canada computed in accordance with the provisions of section fifty of this Act: Provided, however, that the assets in Canada of a purely mutual fire insurance company or of an exchange shall continue to form a part of the general assets of the company or exchange, available *pari passu* to all its policyholders or subscribers in or out of Canada in the same manner as its other funds; and provided further that such

Assets to be maintained in Canada by other companies.

Proviso: assets in Canada not solely for protection of policyholders in Canada.

Notification to be printed on policies.

company or exchange shall cause to be printed in conspicuous type, in vertical lines in red ink, on the first page of every policy, issued by it in Canada a notification in the following words: "This company (or exchange) being strictly mutual (or reciprocal) maintains by law all of its assets wherever situated for the benefit of all its policyholders (or subscribers) generally, without any portion of its assets being maintained for any particular class exclusively."; but no such company or exchange shall, except with the consent of the Treasury Board, and upon such terms and conditions as the Treasury Board may determine, reduce the amount of its assets in Canada below the amount otherwise required by this Act to be maintained in Canada.

Notice of obtaining exemption from provisoes.

(2) The provisoes to subsection one of this section shall not apply to any such company or exchange which files with the Minister, in a form approved by him, a declaration that the assets in Canada of such company or exchange are held for the protection of the policyholders in Canada, exclusively, of such company or exchange.

Securities permissible.

15. All deposits required under the provisions of this Act may be made by any company in securities of or guaranteed by the Dominion of Canada, or in securities of or guaranteed by any province of Canada; or in securities of or guaranteed by the United Kingdom of Great Britain and Northern Ireland or any British Dominion or colony; or in securities of or guaranteed by the government of the country in which the company is incorporated or formed.

Valuation.

(2) The value of such securities shall be computed at their market value at the time when they are deposited.

Accepting other securities.

(3) If any other than the aforesaid securities are offered as a deposit, they may be accepted at such valuation and on such conditions as the Treasury Board may direct.

Further deposit if value declines.

16. If the market value of any of the securities deposited by any company declines below that at which they were deposited, the Minister may notify the Company to make such further deposit as will ensure the accepted value of all the securities deposited by the company being equal to the sum which it is required by this Act to deposit.

Failure to make further deposit.

(2) On failure by the company to make such further deposit within sixty days after being called upon so to do, the Minister may withdraw its certificate of registry.

Further deposit at option of company.

17. Any company registered under this Act may, at any time, deposit with the Minister any further securities beyond the sum herein required to be deposited.

(2) Any securities so deposited with the Minister shall be held by him and be dealt with as if the same had been part of the sum so required to be deposited. How dealt with.

18. If at any time the deposit of any company with the Minister exceeds the sum required under the provisions of this Act, the Treasury Board may, upon being satisfied that the interests of the company's policyholders in Canada will not be prejudiced thereby, authorize the withdrawal of the amount of such excess or any portion thereof. Withdrawal of excess deposit.

19. So long as the requirements of this Act are complied with by any company and no notice of any final judgment against the company or order made by the proper court in that behalf for the winding-up of the company or the distribution of its assets is served upon the Minister, the interest upon the securities forming the deposit shall be handed over to the company as it falls due. Handing over interest on securities.

20. Any company may vest in Canada assets in trust for the company for the purposes of this Act in a trust corporation incorporated by or under the authority of an Act of the Parliament of Canada or of the Legislature of one of the provinces of Canada appointed by the Company and approved by the Minister. Assets vested in trust.

(2) The assets which may be so vested in trust for the purposes of this Act shall be bonds, debentures, stocks and secured loans of the classes authorized in that behalf in Schedule I to this Act, having regard to the class or classes of insurance business in respect of which the assets are so vested in trust. Nature thereof.

(3) The trust deed shall first be approved by the Minister, who with the approval of the Treasury Board shall determine from time to time the value at which such assets shall be accepted for the purposes of this Act, and the trustees may deal with such assets in any manner provided by the deed of trust appointing them, but so that the accepted value of the assets held by them shall not fall below the value required by this Act. Trust deed.

STATEMENTS AND RETURNS.

21. Every company registered under or subject to this Act shall make annual statements of its condition and affairs, at the balancing day of the company in each year, and the form and manner of making such statement shall, as to the Canadian business of the company, be the same, so far as applicable, as is required by the laws of the Dominion of Canada of companies incorporated under the said laws with power to transact the business of insurance; and, as to its general business, shall be in the same form as Annual statements.

the company is required by law to furnish to the government of the country in which its head office is situate.

Form thereof.

(2) Where the company is not required by law to furnish a statement to the government of the country in which its head office is situate, then such statement, as to its general business, shall be in such form as the company usually submits to its members or shareholders.

Form in certain cases.

(3) In the event of no statement of its general business being submitted to the members or shareholders, then the statement shall show in concise form the assets and liabilities of the company at such balancing day, and the income and expenditure of the company for the year ending on such balancing day.

Date of filing.

(4) The annual statements of Canadian business required to be made under the provisions of this section, shall be deposited in the Department on the first day of January next following the date at which the condition and affairs of the company are thereby shown, or within two months thereafter.

Declaration in annual statement.

(5) Every company shall, at the time of making its annual statement of Canadian business, declare that no change or amendment has been made in the charter, Act of incorporation or articles of association of the company, and that no change has been made in the chief agency or chief agent, or the attorney, as the case may be, without the Superintendent having been duly notified thereof.

Forms supplied.

(6) The blank forms of the statements of the Canadian business shall be supplied by the Superintendent.

Time for filing general statements.

22. The statement of general business required to be made under the provisions of the next preceding section shall be deposited in the Department within thirty days after it is required by law to be made to the government of the country in which the head office of the company is situate, or within thirty days after the submission of the same at the annual meeting of the shareholders or members of the company, whichever date first occurs: Provided that no such statement of general business need be so deposited earlier than the first day of June, nor shall it be so deposited later than the thirtieth day of June next following the date at which the condition and affairs of the company are thereby shown.

Proviso.

Statements to be verified by oath.

23. The statement of Canadian business of every company shall be verified by the oath of the company's chief agent in Canada; and the statement of general business shall be verified by the oath of the president, vice president, or managing director, and the secretary, manager or actuary of the company; provided that in the case of an association or exchange registered under this Act the said statements shall be verified in such manner as the Superintendent may direct and prescribe.

24. Every company shall keep at the chief agency in Canada original records and documents sufficient to enable the chief agent to prepare and furnish the required statement of Canadian business, and such that the said statement may be readily verified therefrom: Provided that in the case of any company which does not issue policies signed or counter-signed by a resident agent or an official of a branch office in Canada, such records and documents shall be sufficient if they exhibit, in respect of its Canadian business: (a) insurance written and in force, including cancellations, and gross premium deposits thereon; (b) dividends or refunds of unabsorbed premium deposits paid or credited to policyholders in Canada; (c) losses incurred and losses paid to policyholders in Canada; and (d) all assets in Canada.

Records to be kept by chief agent.

Proviso.

(2) It shall be sufficient for any company having in Canada, in addition to the chief agent, one or more general agents reporting to the head office, and not to the chief agent, to keep on file at the chief agency, in addition to the necessary records and documents relating to the business transacted by or through the chief agent, annual statements of the business transacted by each general agent, duly verified by his oath, and such additional records and documents, transmitted through the company's head office as shall, taken together, show the company's entire Canadian business.

Additional records required in some cases.

(3) The said annual statements of the business of such general agents shall, when kept on file as aforesaid, be made up to the thirty-first day of December in each year, and blank forms for such statements shall, on application, be furnished by the Superintendent.

Date of statements.

(4) The Superintendent may examine the books, records, vouchers, receipts and other documents of the company relating to its business in Canada, for the purpose of checking and verifying the said statement of such business and the schedules or other documents relating to or forming part thereof, and shall have power to make all necessary corrections in said statement, in accordance with the information obtained from the said books, records and documents.

Examination of books and records.

25. In every annual statement of Canadian business required to be filed by section twenty-one of this Act, the bonds, debentures, stocks and other securities shall be taken into account at the market values applicable to the said securities at the date of the statement or, in the discretion of the Superintendent, at a date not more than sixty days before the date of the statement.

Valuation of securities.

(2) When the said market values are, in the opinion of the Minister unduly depressed, the Minister may, on the

Variation when values unduly depressed.

report of the Superintendent, authorize the use of values in excess of the said market values, not, however, exceeding the values at which the said securities were shown in the next preceding annual statement, or, if acquired since the date of the next preceding annual statement, then not exceeding the book values at the date of the annual statement to be filed.

Half-yearly statements by life companies' trustees.

26. The trust corporation in which assets are vested in trust, for the purposes of this Act, for any company registered under this Act to transact the business of life insurance, shall prepare a half-yearly statement, as of the last days of June and December in each year, showing in detail,

(a) all bonds, stocks, debentures and other securities bought and all loans made, except on mortgages and policies, during the half year terminating on the date as of which such statement is made, specifying the amounts, dates of issue and maturity and par value thereof, the rate of interest payable thereon and the price paid therefor, and in the case of loans made, except on mortgages of real estate or insurance policies, particulars in detail of securities therefor, and

(b) all such securities sold or disposed of during the said half year, specifying similarly the amounts, dates of issue and maturity and par value thereof, the value in account thereof, the rate of interest payable thereon and the price or consideration received therefor.

Deposit and verification of statement.

(2) Such statement, on a form to be supplied by the Superintendent, shall be deposited in the Department within fifteen days after each of the said dates, and shall be verified by the manager and secretary or other principal officers of such trust corporation.

To be included in Superintendent's report.

(3) The statements so deposited shall be embodied by the Superintendent by way of appendix or otherwise in the annual report prepared by him for the Minister.

INSPECTION AND REPORT BY SUPERINTENDENT.

Duties of Superintendent.

27. The Superintendent shall—

Securities.

(a) enter in a book, under the heading of each company, the securities deposited on its account with the Minister naming in detail the several securities, their par value, their date of maturity, and value at which they are received as deposit; and such book shall be open to public inspection;

Report as to being eligible for registration.

(b) in each case, before the granting of any certificate of registry or the renewal of any such certificate, make a report to the Minister that the requirements of this Act have been complied with, and that from the statement of the affairs of the company it is in a condition to meet its liabilities;

- (c) keep a record of the certificates of registry as they are issued; Record of.
- (d) visit personally, or cause a duly qualified member of his staff to visit, the chief agency in Canada of each company registered under this Act, at least once in every year, and examine the statements of the condition and affairs of each company, as required under this Act, and report thereon to the Minister as to all matters requiring his attention and decision; Visit head office.
- (e) prepare for the Minister, from the said statements, an annual report, giving full particulars of the condition and affairs of each company. Annual report.

28. If the Superintendent, after an examination into the condition and affairs of any company registered to transact business in Canada, as disclosed by the annual or other statements furnished by the company to the Minister or for any other reason, deems it necessary or expedient to make a further examination into the affairs of the company, and so reports to the Minister, the Minister may, in his discretion, instruct the Superintendent to visit the chief agency of the company, thoroughly to inspect and examine into all its affairs, and to make all such further inquiries as are necessary to ascertain its condition and ability to meet its obligations, and whether it has complied with all the provisions of this Act. Inspection of companies.

(2) The officers or agents of the company shall cause the books of the company to be open for the inspection of the Superintendent, and shall otherwise facilitate such examination so far as it is in their power. Officers to open books for inspection.

(3) For the purpose of such inquiry, the Superintendent may examine under oath the officers or agents of the company. Examination under oath.

29. A report of all companies so visited by the Superintendent shall be entered in a book kept for that purpose, with notes and memoranda showing the condition of each company. Report on inspections.

(2) The Superintendent shall make a special report in writing to the Minister, stating his opinion as to the standing and financial position of every company so visited, and any other matters which he thinks desirable to be made known to the Minister. Special report to Minister.

30. The Superintendent may address any inquiries to any company registered under this Act, or to the president, manager, actuary or secretary thereof, for the purpose of ascertaining its condition and ability to meet its obligations, and it shall be the duty of any company or officer so addressed promptly to reply in writing to any such inquiries. Inquiries to company and replies.

May be
printed
in report.

(2) The Superintendent may, in his discretion, embody in his annual report to the Minister the inquiries made by him under this section and the answers thereto.

Examination
at head office
of foreign
company.

31. The Minister may, from time to time, instruct the Superintendent to examine at the head office thereof into the general condition and affairs of any company registered under this Act.

Appraisal-
ment of real
estate.

32. If upon an examination of the assets of any company it appears to the Superintendent that the value placed by the company upon the real estate owned by it in Canada or any parcel thereof is too great, he may either request the company to procure an appraisalment of such real estate by one or more competent valuator, or may himself procure an appraisalment at the company's expense, and the appraised value, if it is materially less than that shown in the return made by the company, may be substituted for the latter in the annual report prepared for the Minister by the Superintendent.

Appraisalment
of real estate
securing
mortgage.

(2) If it appears to the Superintendent that the amount of any loan secured by mortgage or hypothec upon any parcel of real estate in Canada, together with the interest due and accrued thereon, is greater than the value of such parcel, or that such parcel is not sufficient security for the loan and interest, he may in like manner request the company to procure an appraisalment of the parcel of real estate, or may himself at the company's expense procure an appraisalment and if from the appraised value it appears that the parcel of real estate is not adequate security for the loan and interest, he may write off from the loan and interest a sum sufficient to reduce the same to such an amount as may fairly be realizable from such real estate, in no case to exceed the appraised value thereof, and may insert such reduced value in his said annual report.

Report to
include list
of assets.

33. In his annual report prepared for the Minister, the Superintendent shall include a list of the assets in Canada of each company registered under this Act.

Correction
of annual
statements.

(2) In his said report the Superintendent shall make all necessary corrections in the annual statements made by the companies as herein provided and may increase or diminish the liabilities of such companies to the true and correct amounts as ascertained by him in the examination of their affairs at the chief agencies thereof in Canada, or otherwise.

Appeal to
Exchequer
Court.

34. An appeal shall lie 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 shall have power to make all necessary rules for the conduct of appeals under this section.

(2) For the purposes of such appeal the Superintendent shall at the request of the company concerned give a certificate in writing setting forth the ruling appealed from and the reasons therefor, which ruling shall, however, be binding upon the company unless the company shall within fifteen days after notice of such ruling serve upon the Superintendent notice of its intention to appeal therefrom, setting forth the grounds of appeal, and within fifteen days thereafter file its appeal with the registrar of the said court and with due diligence prosecute the same, in which case action on such ruling shall be suspended until the court has rendered judgment thereon.

Procedure
on appeal.

RELEASE OF ASSETS IN CANADA.

35. Any company registered under this Act which desires to obtain the release of its assets in Canada by reason of having decided to discontinue business in Canada may make application in writing to the Minister for the release of its assets in Canada.

Release of
assets in
Canada.

(2) The assets in Canada of any such company shall not, except as herein otherwise provided, be released, unless

Conditions
of release.

- (a) the company has obtained the surrender of its outstanding policies in Canada, or has transferred such policies to some company or companies registered under this Act; and
- (b) the company files with the Minister a list of all policyholders in Canada, if any, whose policies have not been so surrendered or transferred together with a financial statement of the condition and affairs of the company, and if the company is registered to transact the business of life insurance, a list of all policyholders in Canada whose policies have been so surrendered or transferred; and
- (c) the company furnishes proof of the publication, for three calendar months in the *Canada Gazette*, and in at least one newspaper in the county, city or place in which the chief agency is established, of a notice that it will apply to the Minister for the release of its assets in Canada on a certain day, which shall be not less than three months after the date of the notice, and calling upon its policyholders in Canada opposing such release to file their opposition with the Minister on or before the day so named.

(3)

Minister
may release.

(3) After the day so named in the said notice, if the Minister, be satisfied that the company is not liable under any policies of insurance, and has discharged all its obligations in Canada, he may, with the concurrence of the Treasury Board, release to the company its assets in Canada.

Assets in
trust may be
employed in
obtaining
surrender
or transfer.

(4) The Minister, with the concurrence of the Treasury Board, may authorize the trustee in which assets are vested in trust for any such company, to employ any portion of such assets for the purpose of effecting the surrender or transfer of outstanding policies in Canada as aforesaid, but not so as to reduce the assets in Canada of the company below the requirements of this Act in respect of continuing policyholders.

Release of
portions of
deposit.

(5) If it appears that any such company has not obtained the surrender, or transfer, as aforesaid, of its outstanding policies in Canada, but that the deposit of the company with the Minister is substantially in excess of the requirements of this Act in respect of the continuing policyholders the Minister, after the day so named in the notice aforesaid, may, from time to time, release to the company such portion of the excess as he deems proper in the circumstances, and shall continue to hold the remainder of the deposit for the protection of the continuing policyholders as by this Act provided.

Release of
deposit to
liquidator.

(6) Notwithstanding the provisions of this section, if the company is in liquidation the assets in Canada of the company may, on the order of any court having jurisdiction under the *Winding-up Act*, be released by the Minister to the liquidator.

R. S., c. 213.

Retired
companies.

36. In the case of any company which gave written notice to the Minister before the thirty-first day of March, one thousand eight hundred and seventy-eight, of its intention to avail itself of the proviso contained in section seven of *The Consolidated Insurance Act, 1877*, the deposit of such company which was in the hands of the Minister on the twenty-eighth day of April, one thousand eight hundred and seventy-seven, shall be dealt with, in regard to policies in Canada issued prior to the thirty-first day of March, one thousand eight hundred and seventy-eight, in conformity with sections four and five of chapter nine of the statutes of 1871, intituled: "An Act to amend the Act respecting Insurance Companies", and whenever the full liability under such policies falls below the amount so held by the Minister, he may, with the concurrence of the Treasury Board, direct that the whole or any portion of the difference as he deems advisable shall be released and handed over to the company, and so on, from time to time, until the total deposit with the Minister is reduced to the amount of fifty thousand dollars.

1877, c. 42.

PART II.

COMPANIES TRANSACTING LIFE INSURANCE.

37. This Part applies to companies registered under this Act to transact only the business of life insurance, and to other companies so registered to transact the business of life and other insurance, in respect of the life insurance business of such companies. —

Life insurance companies

38. If any company, in the exercise of its powers, combines such business with other classes of insurance business, it shall maintain separate and distinct accounts, funds and securities in respect of its life insurance business in Canada, and such funds and securities shall be available only for the protection of life insurance policyholders in Canada, and shall not be liable for the payment of claims arising from the other class or classes of business which the company transacts; provided that the maintenance of separate and distinct accounts, funds and securities in respect of any such company's life insurance business shall not be required by reason only that it combines with its life insurance business any of the following classes of insurance, namely:—

Maintenance of separate funds.

Proviso.

(a) insurance against disability caused by accident or sickness, if included in a policy of life insurance and if the disability benefits do not exceed the following, namely, the waiver of premiums falling due during the continuance of such disability and a disability indemnity payable for a period or periods not exceeding one hundred weeks at a weekly rate not exceeding one-half of one per centum of the sum assured on the date of the occurrence of such disability payable in the event of death, and thereafter an indemnity not exceeding one-half of the said rate, ceasing upon the termination of the life insurance risks insured against under the policy, or a lump sum disability indemnity in respect of total and permanent disability which, together with any other disability indemnity otherwise at any time paid under the policy, shall not exceed the said sum assured, and in a deferred annuity contract a disability indemnity not exceeding the rate of annuity provided by the contract;

Insurance against disability.

(b) insurance against death as a result of accident if included in a policy of life insurance and if the additional benefit payable in event of accidental death does not exceed the sum assured on the date of death payable in event of death from any cause;

Insurance against accidental death.

(c) annuities of all kinds;

Annuities.

Sinking fund and other insurance.

(*d*) insurance providing for the establishment, accumulation and payment of sinking, redemption, accumulation, renewal or endowment funds.

"Sum assured" defined.

(2) In this section, the words "sum assured" wherever they appear, shall mean the principal sum which is payable in event of death where the life insurance money is payable in one sum, or the commuted value of the income or instalments provided upon death where the life insurance money is payable otherwise than in one sum, but not including any additional sum payable under the policy on death as a result of accident.

Authority to transact enumerated classes of insurance.

(3) Any company registered under this Act to transact the business of life insurance may, if its charter empowers it so to do, and subject to the provisions of this section, transact the classes of insurance enumerated in sub-paragraphs (*a*), (*b*), (*c*) and (*d*) of subsection one of this section.

Computation of reserve for annual statement.

39. The liabilities in the annual statement required to be filed under the provisions of this Act in respect of the Canadian business of every company shall include a reserve for all unmatured obligations guaranteed under the terms of its policies, which reserve shall be computed in accordance with the provisions of Schedule II to this Act and the provisions of the said Schedule shall have force and effect according to the tenor thereof.

Rates and policy forms to be filed with Superintendent.

40. For the purpose of enabling the Superintendent to determine the liabilities of companies registered under the provisions of this Act, each such company shall deposit and keep deposited with the Superintendent a copy of its established premium rates for all plans of insurance, together with particulars concerning the several equities, if any, guaranteed under each plan of insurance, in event of surrender or termination of premium payment at any time, and in respect of special plans of insurance the company shall deposit like information on request by the Superintendent; and also copies of all forms of policy contracts issued in Canada.

PART III.

FRATERNAL BENEFIT SOCIETIES.

Fraternal benefit societies.
Exemption

41. This Part applies only to fraternal benefit societies registered under this Act.

(2) Every fraternal benefit society registered under the provisions of this Act shall, when so registered, be exempt from the provisions of section thirty-nine of this Act.

42. No fraternal benefit society shall be registered under this Act if it is in effect the property of its officers or collectors or belongs to any private proprietary, or if it is conducted as a trading or mercantile venture, or for purposes of commercial gain.

When certificate is not to be granted.

43. It shall be a condition of the granting of a certificate of registry or any renewal thereof to a fraternal benefit society that no by-law of the society shall empower or purport to empower any subordinate branch of the society in Canada to grant sickness benefits to any member of the branch unless the by-law makes adequate provision to secure upon an actuarial basis the solvency of the sick benefit fund of the branch.

Sickness benefits by branches of a Society.

44. Every fraternal benefit society shall, before a certificate of registry is granted to it under this Act, file with the Superintendent, in addition to the other statements and documents required by this Act to be filed, a report made by an actuary, appointed by the society, including therein, in such detail as the Superintendent may require, the results of an actuarial valuation made by the said actuary as at the next preceding thirty-first day of December or such later date as the Superintendent may specify, of each of the benefit funds maintained by the society having regard to the prospective liabilities of, and contributions to, each fund.

Actuarial valuation before certificate issued.

(2) Such report shall include a declaration by the said actuary that in his opinion the assets of the society applicable to each fund, taken at the value accepted by the Superintendent, together with the premiums, dues and other contributions to be thereafter received from the members according to the scale in force at the date of the said valuation, are sufficient to provide for the payment at maturity of all the obligations of the fund without deduction or abatement.

Declaration by actuary.

(3) The society shall also file with the Superintendent a statement of its condition and affairs in such detail as the Superintendent may require, as at the date of the said valuation.

Statement of condition and affairs.

45. The annual statement of Canadian business required to be deposited in the Department under the provisions of this Act by every fraternal benefit society shall, to the extent that the Superintendent may require, show separately the business in respect of policies in Canada issued on or after the first day of January, 1920, together with the liabilities in respect of such business; and, for the purposes of Part III of the *Winding-up Act*, the society's policies in Canada and policyholders in Canada shall be deemed to be the policies in Canada issued on or after the said date, and the holders thereof respectively.

Annual statement of Canadian business.

R. S., c. 213.

Computation
of liabilities

(2) For the purposes of sections thirteen and fifty-five of this Act, the liabilities of any such society to its policyholders in Canada of any class of insurance shall be deemed to be its liabilities in respect of its policies in Canada of such class issued on or after the said date, including in the said liabilities a reserve based on such mortality and other tables as are, in the opinion of the Superintendent, appropriate, and a rate of interest not exceeding four per centum per annum.

Valuation
report.

(3) The annual statement of Canadian business required to be deposited by every fraternal benefit society under the provisions of this Act shall include a valuation report, made by an actuary appointed by the society, including therein, in such detail as the Superintendent may from time to time require, the results of an actuarial valuation, as at the date of the statement, of each of the benefit funds maintained by the society, having regard to the prospective liabilities of, and contributions to each fund, and the actuary shall certify as to each fund that, in his opinion, the reserve shown by such valuation, together with the premiums, dues and other contributions to be thereafter received from the members according to the scale in force at the date of valuation, is sufficient to provide for the payment at maturity of all the obligations of the fund without deduction or abatement.

Reserves
for each
benefit fund
included in
liabilities.

(4) The reserves shown for each benefit fund in the said report, in respect of the whole business of the society and in respect of the whole Canadian business of the society, shall be included, respectively, in the liabilities of the society in its annual statement of general business and in its annual statement of Canadian business, but the reserves so entered shall not be less than the reserves, if any, which the society is required to maintain by its act of incorporation or by the general laws to which it is subject.

Special
valuation
if assets
deficient.

46. If it appears to the Superintendent, from the annual statement filed with him or from any examination or valuation made in pursuance of this Act, that the assets of any fraternal benefit society registered under this Act, or of any benefit fund thereof, are insufficient to provide for the maturity of its policies without deduction or abatement or without increase of premiums or additional premiums, he shall make a special report to the Minister on the condition of the society and shall in such report show the amount of the deficiency in the society's assets, shown by the annual statement or by any examination or valuation made as aforesaid: Provided that before so reporting to the Minister, the Superintendent may make a special valuation of the liabilities of the society under the said policies.

To make
good
deficiency

(2) If the Minister after consideration of the said report concurs in the opinion of the Superintendent, he shall

request the society within such time, not exceeding four years, as he may prescribe, to make good such deficiency.

(3) If the society does not within the time so prescribed comply with the request of the Minister, the certificate of registry of the society may be withdrawn.

Withdrawal of certificate if deficiency not made good.

47. The term "Actuary" in this Part means a Fellow by examination of the Institute of Actuaries of Great Britain, the Faculty of Actuaries in Scotland, the Actuarial Society of America, or of the American Institute of Actuaries: Provided that anyone admitted to fellowship otherwise than by examination and who prior to the fourteenth day of April, one thousand nine hundred and twenty-seven, had made an actuarial report in accordance with the provisions of subsection two of section one hundred and twelve of *The Insurance Act, 1917*, as enacted by chapter fifty-seven of the statutes of 1919, shall for the purposes of this section be deemed to be a Fellow by examination.

"Actuary" defined.

Proviso.

PART IV

COMPANIES, OTHER THAN FRATERNAL BENEFIT SOCIETIES, TRANSACTING INSURANCE OTHER THAN LIFE INSURANCE

48. This Part applies to all companies, other than fraternal benefit societies, registered under this Act to transact the business of insurance, in respect of any class of such business other than life insurance.

Business other than life insurance.

49. For the purposes of the annual statement required to be deposited in the Department under the provisions of this Act, the liability of every company in respect of its outstanding unmaturing policies in Canada, shall, except as hereinafter in this section provided, be eighty per cent of the unearned premiums computed *pro rata* as of the date of such statement.

Reserve liability for annual statement.

(2) Where any company transacts a non-hazardous three year business on the premium note system or partly on the cash system and partly on the premium note system, the liability of the company in respect of its premium note business shall be eighty per cent of the unearned portion of the assessments which have been levied in respect of all outstanding premium notes held by the company computed *pro rata* as at the date of such statement, and the unassessed portion of such premium notes shall be treated as a contingent asset.

Premium note business.

(3) Every company which transacts the business of non-cancellable sickness and accident insurance in Canada shall enter in the liabilities in the said annual statement in respect of its outstanding unmaturing non-cancellable sickness and

Non-cancellable sickness and accident insurance.

accident policies in Canada a reserve computed in accordance with the bases and methods used by the company in computing the reserve for such policies, of the several classes thereof, in its statement of general business, or such higher reserve as the Superintendent may deem necessary to make adequate provision for the obligations of the company under such policies.

Reserve liability for determining assets in Canada.

50. For the purposes of determining the amount of assets in Canada required to be maintained by every company in accordance with the provisions of subsection two of section eight and of section fourteen of this Act, the liability of every company in respect of its outstanding policies in Canada shall be,

(a) the full unearned premiums computed *pro rata* for the unexpired periods of the policies; or

(b) twice the net annual cost to the insured of insurance in force in Canada on the date of the annual statement ascertained by deducting from the annual premiums charged to such insured a credit allowance computed at the rate of the weighted average dividend or refund paid or credited by the company to its policyholders during the preceding five years;

Proviso:

Reserve for non-cancellable sickness and accident policies.

whichever be the less: Provided that the liability in respect of any outstanding non-cancellable sickness and accident policies in Canada shall include a reserve computed in accordance with the bases and methods used by the company in computing the reserve for such policies, of the several classes thereof, in its statement of general business, or such higher reserve as the Superintendent may deem necessary to make adequate provision for the obligations of the company under such policies.

Addition to reserve for hail insurance.

(2) An addition shall be made to the said liability so computed in respect of every company which transacts the business of hail insurance in Canada in an amount at least equal to fifty per cent of the total net premiums received by the company in respect of its business of hail insurance in Canada during the preceding calendar year.

Title insurance.

51. The provisions of sections forty-nine and fifty of this Act shall not apply to the business of title insurance transacted in Canada by any company registered under this Act.

Classes of hazards covered by fire certificate.

52. Subject to the provisions of subsection two of section eight of this Act, any company registered under this Act to transact the business of fire insurance shall, upon compliance with the conditions of this Act other than in respect of an increase in deposit with the Minister, be entitled to receive a certificate of registry for any one or more of the following classes of insurance limited to the insurance of the same property as is insured under a

policy of fire insurance of such company, namely,—falling air-craft, earthquake, tornado, hail, sprinkler leakage, limited or inherent explosion and civil commotion: Provided that in the case of a company which is not an exchange such class or classes of insurance are authorized by its Act of incorporation or charter.

(2) Any such company, if a purely mutual company, shall be entitled to the benefit of the provisoes of subsection one of section fourteen of this Act in respect of the transaction of such additional classes of insurance as well as its fire insurance business. Saving.

53. Each company shall deposit and keep deposited with the Superintendent copies of all forms of policy contracts issued in Canada. Policy forms to be deposited with Superintendent.

PART V.

WITHDRAWAL OF CERTIFICATES AND PENALTIES.

Withdrawal of Certificates.

54. If it appears from the annual statements or from an examination, made as provided by this Act, of the condition and affairs of any company registered under this Act to transact the business of life insurance, other than a fraternal benefit society, that its liabilities to policyholders in Canada in respect of its life insurance business, including matured claims and the reserve for outstanding policies required under this Act to be included in the liabilities in the annual statement, after deducting any claim the company has against such policies, together with its other liabilities in Canada exceed its assets in Canada, the Minister shall notify the company and request it to make good the deficiency, and in the event of its failure to make the same good within sixty days after being so requested, the Minister may withdraw its certificate of registry. Withdrawal of certificate for deficiency of assets—Life companies.

55. If it appears from the annual statements or from an examination, made as provided by this Act, of the condition and affairs of any fraternal benefit society registered under this Act to transact any class or classes of insurance business, that its liabilities in respect of outstanding policies in Canada issued on or after the first day of January, 1920, including matured claims and a reserve computed in accordance with the provisions of section forty-five of this Act, after deducting any claim the society has against such policies, exceed its assets in Canada, the Minister shall notify the society, and request it to make good the deficiency, and in the event of its failure to make the same good within sixty days after being so requested, the Minister may withdraw its certificate of registry. Withdrawal of certificate for deficiency of assets—fraternal benefit societies.

Withdrawal
of certificate
for deficiency
of assets—
other
companies.

56. If it appears from the annual statements or from an examination, made as provided by this Act, of the condition and affairs of any company, other than a fraternal benefit society, registered under this Act, to transact any class of business, other than life insurance, that its liabilities in respect of all its outstanding policies in Canada, issued in the transaction of any such class of business, computed in accordance with the provisions of section fifty of this Act, together with other liabilities in Canada, exceed its assets in Canada, the Minister shall notify the company and request it to make good the deficiency, and, in the event of its failure to make the same good within sixty days after being so requested, the Minister may withdraw its certificate of registry.

Withdrawal
of certificate
for
non-payment
of claims.

57. Whenever satisfactory proof has been furnished to the Minister of any undisputed claim upon any company registered under this Act arising under any policy in Canada, remaining unpaid for the space of sixty days after becoming due, or of a disputed claim remaining unpaid after final judgment in regular course of law and tender of a legally valid discharge to such company, the Minister may withdraw the certificate of registry of the company.

Special
report.

58. If it appears to the Superintendent that the liabilities in Canada of any company in relation to its assets in Canada are such as to render the company incapable of complying with the requirements of this Act, he shall make a special report on the affairs of such company to the Minister.

Withdrawal
of certificate.

(2) If the Minister, after consideration of the report, and after a reasonable time has been given to the company to be heard by him, and upon such further inquiry and investigation as he deems proper, reports to the Governor in Council that he agrees with the Superintendent in the opinion so expressed in his report, and the Governor in Council also concurs in such opinion, he may withdraw the certificate of registry of such company.

Modified or
conditional
certificate.

(3) Notwithstanding such withdrawal the Minister may grant such modified or conditional certificate of registry as may be necessary for the protection of policyholders in Canada, but the granting of such modified or conditional certificate shall not, in the case of a life insurance company, be deemed to be a renewal of the company's certificate of registry, within the meaning of Part III of the *Winding-up Act*, or of section sixty-one of this Act.

R. S., c. 213.

Withdrawal
of certificate
for violation
of Act.

59. If any company registered under this Act violates any of the provisions of this Act, it shall be the duty of the Superintendent to report such violation to the Minister, and thereupon, the Minister may, in his discretion, after a reasonable time has been given to the company to be heard, withdraw the company's certificate of registry.

60. If any company registered under this Act declines to permit the examination authorized by subsection four of section twenty-four or by section thirty-one of this Act, or refuses to give any information desired for such purpose in its possession or control, its certificate of registry may be withdrawn by the Minister.

Withdrawal of certificate for refusing information.

61. Every company shall cease to be registered and its name shall be removed from the register if the certificate of registry granted to it is withdrawn or if on expiry the certificate has not been renewed.

Remova from register.

(2) When the certificate of registry of any company has been withdrawn by the Minister under any of the provisions of this Act, such certificate may be renewed if, within thirty days after withdrawal, the company complies with the requirements of this Act to the satisfaction of the Minister, and thereupon its name shall be restored to the register.

Renewal of certificate.

(3) If the certificate of registry of any company has not been renewed on the expiry thereof by reason of the Superintendent having made a report to the Minister that, from the statement of affairs of the company, the company is not in a condition to meet its liabilities, or if the certificate of registry of any company has been withdrawn under section fifty-four, section fifty-five, section fifty-six, section fifty-seven or section fifty-eight of this Act, and has not been renewed within thirty days after such expiry or withdrawal, such company shall be deemed to be insolvent, and be subject to be wound up under the provisions of the *Winding-up Act*.

Companies subject to be wound up.

R. S., c. 213.

PENALTIES.

62. Any company which, not being duly registered under the provisions of this Act, transacts the business of insurance in Canada, or does or performs in Canada any one or more of the acts constituting the business of insurance (save as provided in section sixty-five of this Act) and any person who, acting on behalf of any such company transacts such business or does or performs in Canada any such act or acts, shall be guilty of an offence and liable upon indictment or upon summary conviction, to a penalty, for each and every such offence, not exceeding five thousand dollars in the case of a company and not exceeding one thousand dollars in the case of a person acting on behalf of any such company; and, in addition, in the case of a natural person, to imprisonment for any term not exceeding six months.

Penalty for carrying on business without certificate of registry.

(2) Any company which, being duly registered under the provisions of this Act to transact one or more specified classes of insurance, and any person who, acting on behalf of any company so registered, transacts in Canada any

Penalty for transacting any class of insurance for which company is not registered

class of insurance in respect of which the company is not so registered or does or performs in Canada any one or more of the acts constituting the business of insurance in relation to any such class of insurance (save as provided in section sixty-five of this Act) shall be guilty of an offence and liable upon indictment or upon summary conviction, to a penalty, for each and every such offence, not exceeding five thousand dollars in the case of a company and not exceeding one thousand dollars in the case of a person acting on behalf of any such company; and, in addition, in the case of a natural person, to imprisonment for any term not exceeding six months.

Default in depositing annual statement.

63. Any company which makes default in depositing in the Department the annual or other statements required to be so deposited, shall incur a penalty of ten dollars, for each day during which such default continues.

Recovery of penalty.

(2) All such penalties shall be recoverable and enforceable with costs at the suit of His Majesty, instituted by the Attorney General of Canada, and shall when recovered be applied towards payment of the expenses of the Department.

Suspension of certificate of registry if not paid.

(3) If such penalties are not paid, the Minister, with the concurrence of the Treasury Board, may order the certificate of registry of the company to be withdrawn, and until such penalties are paid, the certificate of registry of the company shall not on expiry be renewed.

Penalties for offences not otherwise provided for.

64. Any company which, or person who, does, causes or permits to be done any matter, act or thing contrary to any provision of this Act, or to the regulations of the Governor in Council, or to the orders or direction 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, shall, if no other pecuniary penalty for such act or omission is provided in this Act, be 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.

Recovery and application.

(2) All such penalties shall be recoverable and enforceable with costs at the suit of His Majesty, instituted by the Attorney General of Canada, and shall, when recovered, be applied towards payment of the expenses of the Department.

PART VI.

EXEMPTIONS.

- 65.** The provisions of this Act shall not apply
- (a) to any company in respect of its business of marine or inland marine insurance carried on in Canada, nor,
- (b) to any company in respect of fire insurance on property situate in Canada, if such insurance is effected outside of Canada and without any solicitation whatsoever directly or indirectly on the part of such company, and further if such company does not within Canada advertise its business in any newspaper or other publication or by circular mailed in Canada or elsewhere, and does not maintain an office or agency therein for the receipt of applications or the transaction of any act, matter or thing relating in any way to its said business; and, subject to the foregoing provisions such company may inspect the property so insured or to be so insured under this section and may adjust any loss incurred in respect thereof, nor
- (c) to any company which, previously to the twenty-eighth day of April one thousand eight hundred and seventy seven, was licensed to transact the business of life insurance in Canada, and which ceased to transact such business before the thirty-first day of March one thousand eight hundred and seventy eight, having before that date given written notice to that effect to the Minister in respect of the collection and receipt of premiums due or to become due on policies in Canada issued before the last mentioned date or in respect of the payment of claims arising thereon or the transaction of any business appertaining thereto, nor
- (d) except as hereinbefore provided, shall its provisions apply
- (i) to any company which has not, on or since the twenty-second day of May one thousand eight hundred and sixty-eight, been licensed to carry on business in Canada, in respect of any life insurance policy in Canada, issued before the said date;
- (ii) to any company not registered under this Act, in respect of the collection or receipt of premiums on, or other business relating to any policy of life insurance issued to a person not resident in Canada at the time of the issue of such policy;
- (iii) to any fraternal benefit society which prior to the first day of January one thousand nine hundred and twenty, was not required to obtain a licence from the Minister and which has not on or after the said date obtained such a licence, in respect of any policy or certificate issued in Canada before the said date;

Application of Act. Marine and inland marine insurance.

Fire insurance.

Retired life insurance companies in respect of collection of premiums and payment of claims.

Policies prior to 22nd May, 1868.

Policies issued by unregistered company to non-residents of Canada.

Fraternal benefit society not required to be licensed before 1920.

Societies exempted under R.S. 1927, c. 101, s. 3 (2).

(iv) to any society or organization of persons which, under the provisions of subsection two of section three of the *Insurance Act*, chapter one hundred and one of the Revised Statutes, 1927, was exempted from the provisions of the said Act, unless and until the period of exemption, if the exemption was for a limited period, has expired.

Annual return of insurance with unregistered companies.

(2) Every person insuring his property, or any property in which he has an insurable interest, situate in Canada, against loss by fire, with any company not registered under this Act shall make a return to the Minister, on or before the first day of March in each year, reporting the location and a brief description of all property so insured during the preceding calendar year, the amount of the insurance and the name of the company in which such insurance was effected.

Penalty for default in making return.

(3) Every person making default in complying with the provisions of the next preceding subsection shall be liable to a penalty of ten dollars for each day during which such default continues, recoverable and enforceable with costs at the suit of His Majesty, instituted by the Attorney General of Canada.

Statistical record of such insurance.

(4) The Minister shall cause to be kept a statistical record of all insurance reported to him by the returns hereinbefore in this section provided for.

Declaration

Declaration of intent.

66. It is hereby declared that this Act has been passed with the object and intent of prescribing the conditions on which foreign insurance companies may be registered for the purpose of transacting the business of insurance in Canada, of determining the conditions upon which such companies shall be deemed to be insolvent and of preventing any such companies which are insolvent from commencing, or continuing, to transact the business of insurance in Canada; and if any provision of this Act should hereafter be determined to have any operation or effect beyond the legislative competence of the Parliament of Canada to authorize and sanction, and to be, in that respect, void and inoperative, it shall, in such respect, be treated as severable from the other provisions of this Act, and such other provisions shall continue to have full force and effect according to their tenor.

Orders or regulations.

67. The Governor in Council shall have power to make such orders or regulations as he may deem necessary or advisable for amending, suspending, repealing or adding to any of the provisions of this Act to give effect to any arrangement which may be arrived at between the Government of Canada and the Governments of the provinces or

any of them for co-operation in respect of insurance legislation or administration.

(2) All orders and regulations made by the Governor in Council under this section shall have force of law and shall continue in force until the next session of Parliament is prorogued, but no longer, unless Parliament otherwise enacts. Duration.

SCHEDULE I.

Assets which may be vested in trust for the purposes of this Act.

1. Assets of the following classes in which the company has invested its funds,—

(a) the debentures, bonds, stocks or other securities of or guaranteed by the Government of the Dominion of Canada or of or guaranteed by the Government of any province of Canada; or of or guaranteed by the Government of the United Kingdom of Great Britain and Northern Ireland, or of any Dominion, colony or dependency thereof; or of or guaranteed by the Government of any foreign country, or state forming a portion of such foreign country; or of any municipal or school corporation in Canada, or elsewhere where the company is carrying on business; or guaranteed by any municipal corporation in Canada; or secured by rates or taxes, levied under the authority of the Government of any province of Canada on property situate in such province and collectible by the municipalities in which such property is situate; or

(b) (i) the bonds of any corporation which bonds are fully secured by a mortgage or hypothec to a trustee upon real estate or upon the plant and equipment of such corporation used in the transaction of its business, or upon bonds, debentures or other evidences of indebtedness or stocks owned by such corporation of a class or classes specified in this schedule as assets which may be vested in trust by any company, and the inclusion as additional security in such mortgage or hypothec of any other assets not of a class so specified shall not be deemed to render such bonds ineligible as assets which may be so vested in trust, or

(ii) the debentures or other evidences of indebtedness of any corporation which has paid regular dividends on its preferred or on its common stocks for a term of at least five years immediately preceding the vesting thereof in trust, or

(iii) the preferred stocks of any corporation which has paid regular dividends upon such stocks or upon its common stocks for not less than five years preceding

Assets in which the company has invested its funds.

Government securities.

Bonds secured by mortgage.

Debentures.

Preferred stocks.

the vesting thereof in trust, or the stocks of any corporation which are guaranteed by a corporation which has paid regular dividends upon its preferred or common stocks for not less than five years preceding the vesting thereof in trust: Provided that 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, or

Proviso.

Common
stocks.

(iv) the common stocks of any corporation upon which regular dividends of at least four per cent per annum or, in the case of stocks of no par value, of at least four dollars per share per annum have been paid for the seven years next preceding the vesting thereof in trust: Provided that 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 so vested in trust by any company, and that no company shall vest in trust its own shares and no company registered under this Act to transact the business of life insurance shall vest in trust, in respect of its life insurance funds, shares of any other company which transacts the business of life insurance:

Proviso.

Provided further that if any such corporation has, pursuant to a voluntary reorganization of its capital account and without affecting the status or diminishing the value of its outstanding securities including the capital stock, substituted common shares of no par value for shares of par value, then dividends declared on the said no par value stock shall be deemed to be dividends of at least four dollars per share per annum if the sum thereof is equivalent to at least four per cent of the said common stock of par value and the proceeds of any additional issue of common stock made at the time of, or subsequent to, the aforesaid substitution of shares; and in such circumstances dividends of at least four per cent per annum on the common stock of par value immediately preceding the substitution shall be regarded as dividends on the no par value stock; or

Real estate
mortgages.

(c) ground rents, mortgages or hypothecs on real estate in Canada, provided that no such mortgage or hypothec may be vested in trust for any amount in excess of sixty per cent of the value of the real estate upon which it is secured.

2. Mortgages and other titles for repayment of loans secured by,—

Mortgages
and other
securities.

(a) any of the bonds, debentures, stocks or other securities which may be vested in trust by the company under the provisions of paragraph one of this Schedule: Provided, however, that the amount at which any mortgages or other title so secured may be vested in trust shall not exceed the amount at which such bonds,

Proviso.

debentures, stocks and other securities might be vested in trust under the provisions of the said paragraph; or (b) real estate or leaseholds for a term or terms of years or other estate or interest therein in Canada:

Provided, however, that no such mortgage or other title shall be vested in trust for any amount in excess of sixty per cent of the value of the real estate or interest therein upon which such mortgage or other title is secured, but notwithstanding the foregoing terms of this proviso, any company may vest in trust a mortgage or hypothec, accepted as part payment for real estate sold by it and secured thereon, for more than sixty per cent of the sale price of such real estate.

Proviso.

3. Bonds, stocks and debentures not fulfilling the requirements of paragraph one of this Schedule, —

Other investments.

- (a) if received in payment or part payment for securities which were vested in trust and sold by such company; or
(b) if obtained under a *bona fide* arrangement for the reorganization of a corporation whose securities were previously vested in trust by the company, or for the amalgamation with another corporation of the corporation whose securities were so vested in trust;

and if the inclusion of such bonds, stocks and debentures in the assets vested in trust be approved by the Treasury Board, but such bonds, stocks and debentures shall not be included in such assets for a longer period than five years after the acquisition thereof, or such further time as the Governor in Council may, 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 are not inferior in status or value to the securities for which they have been substituted.

Limitation.

4. For the purpose of determining the eligibility, as assets vested in trust for the purposes of this Act, of the preferred or common stocks of any corporation, the capital account of which has been voluntarily reorganized without impairment of the status or value of its outstanding securities, including its 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.

Dividend record in case of reorganization of capital account.

5. The total book value of the assets vested in trust of any company in common stocks shall not exceed fifteen per centum of the book value of the assets of the company vested in trust, but notwithstanding the foregoing provision of this paragraph any shares of preferred or common stocks acquired after the coming into force of this Act by

Limitation on common stocks.

any such company as bonuses or dividends on preferred or common stocks or acquired in the exercise of rights or privileges arising from investments of such company in preferred or common stocks may be included in the assets of the company vested in trust for the purposes of this Act.

Stock
of other
insurance
companies.

6. Notwithstanding anything contained in this Schedule, any company may include in its assets vested in trust, except in respect of the life insurance funds of the company, if the company is registered to transact life insurance, the fully paid shares of any other company or corporation transacting the business of insurance and registered under the laws of the Dominion of Canada to transact such business in Canada, but the value of such shares vested in trust shall not exceed fifteen per cent of the value of the assets of the company so vested in trust; and except as provided in this paragraph no company shall vest in trust shares of any other company or corporation transacting the business of insurance.

SCHEDULE II.

Reserve for all unmatured obligations.

Computation
of reserve.

1. In computing the reserve for all unmatured obligations guaranteed under the terms of the policies dependent on life contingencies only, the valuation shall be made in accordance with the following prescriptions, namely:—

Rate of
interest.

(a) The rate of interest assumed shall not exceed the rate prescribed in the Annex to this Schedule;

Tables of
mortality.

(b) The tables of mortality used shall be the tables prescribed in the said Annex: Provided that if it appears to any company that the reserves for any particular class of policies cannot be appropriately computed by any table of mortality prescribed in the said Annex for the computation, then the company shall apply to the Superintendent for approval of the table the company deems most appropriate for the computation;

Method of
valuation.

(c) The method of valuation shall be that specified in the said Annex or any adaptation thereof approved by the Superintendent under the provisions of this Schedule, or any other method the Company deems appropriate: Provided that the method used shall be such that the reserve calculated in accordance there-

Proviso.

with

with shall not be less at any duration than the reserve computed in accordance with the valuation provisions in the said Annex, and that the method shall make adequate provision for the guaranteed values at the subsequent durations of the policy according to the rate of interest and the table of mortality used in the valuation;

(d) The reserve in the first policy year need not in any event exceed the reserve computed in accordance with the rate of interest and table of mortality used in the valuation and the method of valuation described in the said Annex.

First year
reserve.

2. In computing the reserve for all unmatured obligations, guaranteed under the terms of or arising out of policies, dependent on contingencies other than life contingencies only, the bases and methods of valuation employed by the company shall be such as to place an adequate value on the liabilities thereunder, and shall be such that the value of the benefits under each and every policy shall in no case be less than the value placed upon the future premiums.

Valuation
by company.

3. There shall be included in the annual statement a certificate by the actuary of the company, or by the actuary responsible for the valuation if the company has no actuary, to the effect that the reserves shown in the valuation summary are not less than the reserves required by the provisions of this Schedule, and in addition that in his opinion the reserves make a good and sufficient provision for all unmatured obligations of the company guaranteed under the terms of its policies.

Actuary to
certify to
sufficiency
of assets.

4. If it appears to the Superintendent that the reserve included in the liabilities in the annual statement of any company has not been computed in accordance with the provisions of the preceding paragraphs of this Schedule, he shall make known to the company in what respects in his opinion the valuation does not comply with the said provisions with a view to having such alterations made in the valuation as may be necessary to secure compliance with those provisions, and on failure of the company to have such alterations made the company shall furnish to the Superintendent on request, the full particulars of its policies necessary for computation of the reserve required in accordance with the provisions of the preceding paragraphs of this Schedule, and the reserve so computed by the Superintendent shall be substituted in the liabilities in the annual statement for the reserve computed by the company.

Computation
by Superin-
tendent.

5.

Valuation
every five
years.

5. Once in every five years or oftener at the discretion of the Minister, the Superintendent shall himself value or cause to be valued under his supervision all the policies in Canada of every company, and any such valuation shall be made on the bases and in accordance with the methods the company purports to use in computing the reserve included in the liabilities in the annual statement of the company made as of the valuation date, or if the valuation is made as of a date other than the annual statement date, then in the annual statement of the company last made preceding the date of valuation, subject to such alterations as may be made in the reserve under the provisions of paragraph four of this Schedule.

Examination
of company's
valuation.

6. Instead of making a valuation as provided under paragraph five of this Schedule, the Superintendent may satisfy himself by an examination of the valuation made by the company whether the company is maintaining the reserve it purports to maintain and whether the reserve maintained complies with the provisions of this Schedule.

Company
may
require
valuation
to be made
by Super-
intendent.

7. Any company, instead of itself computing the reserve to be included in the liabilities in its annual statement, may require the valuation to be made by the Superintendent, in accordance with the provisions of this Schedule, on payment to him of three cents for each policy or bonus addition so valued, which amount the Superintendent shall pay over to the Minister: Provided that the company in preparing the data for valuation may group any number of policies in a manner satisfactory to the Superintendent so that they may be valued as one policy and the charge for the valuation of each group shall be three cents; and a like charge shall be made and paid over to the Minister in respect of any valuations made by the Superintendent under the provisions of paragraph four of this Schedule.

Proviso.

Tables of
mortality.

8. In any case where the Superintendent approves of a table of mortality under the provisions of this Schedule he shall include in his annual report to the Minister such information concerning the origin and characteristics of the table and the circumstances in which it may be used as the Superintendent deems necessary and appropriate; and approval of any such table may in like manner be withdrawn by the Superintendent.

ANNEX TO SCHEDULE II.

BASES AND METHODS TO BE USED IN COMPUTING THE MINIMUM RESERVE WHICH MAY BE INCLUDED IN THE LIABILITIES IN THE ANNUAL STATEMENT, APART FROM THE BENEFITS GUARANTEED ON DISCONTINUANCE OF PREMIUM PAYMENT WITHOUT SURRENDER.

(A)—As respects benefits depending upon life contingencies only in or arising out of life insurance policies (other than industrial policies) and excluding life annuity settlements.

1. Policies at uniform annual premiums for a uniform amount of insurance throughout.

The bases of valuation for any particular class or group of policies shall be an assumed rate of interest not exceeding three and a half per cent per annum and one of the tables of mortality specified below or any other table which may be approved by the Superintendent.

Tables of Mortality.

- (a) Canadian Men Table, C^m (5)
- (b) British Offices Life Tables, 1893, O^m (5)
- (c) British Offices Life Tables, 1893, O^m
- (d) British Offices Life Tables, 1893, O^[m]
- (e) Institute of Actuaries of Great Britain, H^m
- (f) American Men Table, AM (5)
- (g) American Experience Table, Am Exp.

The value of the policy as of any date after issue shall be the difference between the then value of the sum assured thereunder (including the then value of any bonus or addition thereto, or reduction in future premiums, made after the date of issue of the policy and subsisting as at the date of valuation), and the then value of the valuation premium (as hereinafter defined) assumed to be payable on each anniversary of the policy following the date of valuation during the term for which premiums are required to be paid in accordance with the terms of the policy to be valued.

If the net level premium for the life insurance risks incurred by the company in issuing the policy does not exceed the whole life net level premium for a like amount of whole life insurance, the valuation premium shall be the net level premium for a like policy as of an age one year greater than the age at entry assumed to be payable at the beginning of the second and each subsequent policy year for which premiums are payable under the terms of the policy to be valued.

If the net level premium for the life insurance risks incurred by the company in issuing the policy exceeds the net level premium payable throughout life for a like amount of whole life insurance, the valuation premium shall be obtained by adding to each net level annual premium, excluding the first, such an amount, assumed to be payable at the beginning of the second and each subsequent policy year for which premiums are payable under the terms of the policy to be valued, as is equal in value as of the date of issue of the policy to the difference between the net level premiums payable throughout life for a whole life policy and the one year term premium for, in each case, a policy of like amount, and of the same age at entry as the policy to be valued.

2. Policies other than those at uniform annual premiums for a uniform amount of insurance throughout shall be valued on bases determined in accordance with the foregoing provisions of this Schedule with such adaptations in the valuation methods as seem to the Superintendent appropriate in the circumstances.

(B)—As respects benefits depending upon life contingencies only in or arising out of industrial life insurance policies, excluding life annuity settlements.

The bases of valuation for any particular class or group of policies shall be an assumed rate of interest not exceeding $3\frac{1}{2}$ per cent per annum and one of the tables of mortality specified below or any other table which may be approved by the Superintendent.

Tables of Mortality.

(a) Any of the tables named under (A) (1) above.

(b) The Standard Industrial Table.

No reserve shall be held at any valuation within the first year after issue of any policy. In valuations thereafter the insurance risks of the first policy year shall be ignored, and, for valuation purposes, the date of issue of the policy shall be assumed to be one year after the actual date of issue, the age at issue shall be assumed to be one year greater than the actual age at issue and the premium term shall be assumed to commence as of the assumed date of issue and to be conterminous with the premium term stated in the policy to be valued.

The valuation premium shall be such a level premium as of the assumed age at issue, payable for the assumed premium term, as is equal in then present value to the insurance risk incurred by the company as from the attainment of the assumed age at issue.

In valuations made as of any date after the attainment of the assumed age at issue the value of the policy shall be the difference between the then value of the sums assured (including the then value of any bonus or addition thereto, or reduction in future premiums, made after the date of issue of the policy and subsisting as of the date of valuation), and the then value of the valuation premium assumed to be payable following the date of valuation during the term for which premiums are required to be paid in accordance with the terms of the policy.

If the terms of any particular class or group of policies are such that the above method of valuation appears to be inapplicable or inappropriate, adaptations in the above method may be made subject to the approval of the Superintendent.

(C)—As respects Life Annuities (Immediate or Deferred) including life annuity settlements (other than disability annuities), arising out of life insurance contracts.

The bases of valuation shall be tables of mortality approved by the Superintendent, deduced from the actual mortality experience covering the period 1900-1920, published on behalf of the Institute of Actuaries and the Faculty of Actuaries in Scotland, male or female, according to the sex of the nominee, with a rate of interest not exceeding four per cent per annum.

In the valuation of Deferred Annuities the method of valuation shall be the net level premium method subject to such adaptations as the Superintendent may deem appropriate in any case where the premium for the policy may not be uniform throughout the premium paying period.

(D)—As respects future payments dependent on a term certain only, including term certain annuities arising out of life insurance contracts.

The valuation shall be made at a rate of interest not exceeding four per cent per annum, and the method of valuation shall be the net level premium method subject to such adaptations as the Superintendent may deem appropriate in any case where the premium for the policy may not be uniform throughout the premium paying period.

22-23 GEORGE V.

CHAP. 48.

An Act to amend the Judges Act

[Assented to 26th May, 1932.]

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

R.S., c. 105;
1930, c. 27;
1931, c. 37.

1. Subsection five of section thirty-one of the *Judges Act*, chapter one hundred and five of the Revised Statutes of Canada, 1927, is repealed and the following is substituted therefor:—

“(5) The provisions of this section shall apply and extend to the several judges of the Circuit Court of the district of Montreal in the same way that they apply and extend to a judge of a County Court.”

Removal of
judges of
Circuit
Court, dis-
trict of
Montreal.

2. This Act shall be deemed to have come into force and to have had effect as law on, from and after the first day of February, 1928.

Retroactive
effect.

OTTAWA: Printed by FREDERICK ALBERT ACLAND, Law Printer to the King's Most Excellent Majesty.

22-23 GEORGE V.

CHAP. 49.

An Act respecting the Incorporation of Live Stock Record Associations.

[Assented to 26th May, 1932.]

HIS Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:— R. S., c. 121.

SHORT TITLE.

1. This Act may be cited as *The Live Stock Pedigree Act*, Short title.
1932.

INTERPRETATION.

2. In this Act unless the context otherwise requires,

(a) "association" means an association incorporated under this Act; "Association."

(b) "Minister" means the Minister of Agriculture; "Minister."

(c) "pure-bred" means registered in or eligible for registration in the records of any association incorporated under this Act according to the rules of such association. "Pure-bred."

ASSOCIATIONS.

3. (1) The Minister, upon the application of any number of persons, not less than five, being British subjects, of the age of twenty-one years or over, who desire to form an association for the purpose of keeping a record of pure-bred domestic live stock of a distinct breed, or several records, each of a distinct breed of the same species of animals, may approve of the application and grant the certificates hereinafter mentioned. Application for association.

(2) The application shall be in the form or to the effect set out in form A in the schedule to this Act, and shall be in triplicate. Form of application.

- Attestation.** (3) Each triplicate shall be signed by each of the applicants, and the signatures shall be verified by the affidavit of a subscribing witness, which affidavit may be taken before a notary public or a commissioner authorized to take affidavits to be used either in the provincial or Dominion courts.
- Documents annexed.** (4) The application shall be accompanied by three copies of the constitution, by-laws and rules proposed for the regulation of the affairs of the association.
- Certificate of approval.** (5) Upon approving the application, constitution, by-laws and rules the Minister shall endorse all copies with his certificate in Form B in the schedule to this Act, and cause one copy thereof to be registered in the Department of Agriculture, another to be transmitted to the Director of the Canadian National Live Stock Records and the other to be returned to the applicants, or some one of them.
- Incorporation.** (6) From the date of such certificate, the applicants and such other persons, partnerships and bodies corporate as become members of the association shall be a body corporate and politic under the name approved by the Minister.
- Limitation.** 4. (1) Not more than one association for each distinct breed or a number of breeds of the same species shall be incorporated under this Act.
- No other person to keep record or issue certificate.** (2) Save as provided by this Act when an association for a distinct breed is incorporated under this Act it shall be unlawful for any other person, in respect of such breed, to conduct a book of record or to issue a certificate of registration or any document purporting to be a certificate of breeding.
- Constitution.** 5. (1) The constitution, by-laws or rules in section three of this Act mentioned shall set forth or provide for
- Name.** (a) the name of the association;
- Objects.** (b) the objects for which the association is to be incorporated;
- Membership.** (c) the admission, resignation, suspension and expulsion of members, ordinary or life and the annual fee to be paid by ordinary members and the fee, if any, to be paid by life members;
- Head office.** (d) the place within Canada where the head office of the association and of the branch offices, if any, are to be situated;
- Officers.** (e) the officers of the association, their election, the duties of each and the filling of vacancies;
- Meetings.** (f) the convening of general, annual and special meetings of the association;
- Audit.** (g) the audit of the accounts of the association;

- (h) the registration of pedigrees of the particular breeds of the species of live stock the recording of which is within the powers of the association; and the rules shall clearly define what live stock shall be eligible for registration in the records of the association; Registration of pedigrees.
- (i) the annual report of the officers, and a detailed statement, duly audited, of receipts and expenditures for the preceding year of and the assets and liabilities; Annual report.
- (j) the keeping of a book by the secretary at the head office of the association, and by the proper officer at each branch office, wherein shall be written or printed a copy of the constitution, by-laws and rules of the association, with all amendments thereof; which books shall, at all reasonable times, be open to the inspection of members of the association, who shall have the right freely to make copies thereof; Books.
- (k) a corporate seal; Seal.
- (l) the governing of the affairs of the association generally; General.
- (m) the keeping by its members of private breeding records and the manner in which these shall be kept; Private breeding records.
- (n) a practical and effective system of identification; Identification.
- (o) authority to conduct an inspection on behalf of the Minister, of the association or of the Canadian National Live Stock Record Committee in a manner therein defined of private herd records and of the manner in which the system of identification as required by the constitution is being practised; Inspection of records and system of identification.
- (p) the manner in which unsatisfactory practises in respect of identification shall be dealt with; Unsatisfactory practices.
- (q) if and when the principle of individual inspection to determine eligibility by inspection is approved by the association, the standard which shall apply in connection with such inspection and the manner in which such inspection shall be carried on; Standard of individual inspection.
- (r) if and when the principle of applying performance to determine eligibility for advanced registration is approved by the association, the standards of performance which shall apply and the manner in which inspection of the application of such standards shall be carried on; Standards of performance.
- (s) the fee to be charged for registration made by members and by non-members. Fees.
- (2) When any system of inspection involving the inspection of animals for individuality, character, performance or other quality is maintained by an association incorporated under this Act, it shall be unlawful for any person or persons to conduct any inspection of animals of the particular breed Unlawful inspections.

concerned which is not provided for in the constitution of such association, and any inspection carried on contrary to the intent of this section shall be deemed to be an infraction of this Act and subject to the penalties imposed thereunder.

Joint operation with other associations.

(3) The constitution, by-laws or rules may provide for the exercise, in conjunction with any other association, of any of the powers or functions of the association through a common officer or officers appointed under the constitution and rules of the Canadian National Live Stock Record Board.

Amendment of constitution and by-laws.

6. (1) No amendment or repeal of any constitution, by-law or rule of an association shall have any force or effect until it has been approved by the Minister and registered in the Department of Agriculture.

Application and copies.

(2) An application for approval of any amendment shall be accompanied by triplicate copies of each proposed amendment.

Evidence required.

(3) The Minister before approving of any such amendment or repeal may require evidence by affidavit or statutory declaration that all formalities and requirements under the constitution, by-laws and rules have been complied with.

Certificate of approval.

(4) Upon approving any such amendment or repeal the Minister shall endorse all copies with a certificate of approval.

Binding effect of constitution.

7. The constitution, by-laws and rules of an association shall bind each member thereof as fully as though he had subscribed his name and affixed his seal to the same.

Powers.

8. An association may

Property.

(a) acquire, hold and dispose of any real or personal property necessary for the carrying out of the objects of the association;

Notes and bills.

(b) draw, make, accept, endorse and execute promissory notes, bills of exchange and other negotiable instruments necessary for the carrying out of the objects of the association: Provided that nothing herein shall authorize an association to issue any note payable to the bearer thereof, or intended to be circulated as money, or to engage in the business of banking;

Funds.

(c) use the funds of the association for any purpose calculated to benefit the particular breed or species of live stock mentioned in the application, including grants to exhibitions.

9. The financial liability of a member to the creditors of the association shall be limited to the amount due from him in respect to his membership and any registration fees. Limited liability.

10. (1) The Minister may examine and, when satisfied that the same is in accord with the fact, may approve under the seal of the department any certificate duly issued by an association affiliated under section thirteen of this Act. Approval of certificates.

(2) In the event of any certificate approved by the Minister as by this section provided later proving incorrect in any particular, notice thereof shall forthwith be given to the Minister by the association which issued such certificate. Notice of errors.

11. (1) There shall be forwarded to the Minister and to the Director, Canadian National Live Stock Records, in the same manner as to members, notice of any meeting of an association setting out proposed amendment or amendments to the constitution, by-laws or rules. Notice of meeting to amend constitution or by-laws.

(2) There shall be forwarded to the Minister and to the Director, Canadian National Live Stock Records, immediately after each annual meeting of any association affiliated under section thirteen of this Act, by the secretary thereof, a copy of the annual report including a statement of receipts and expenditures and of the assets and liabilities together with a list of the officers of the association and of its representatives elected to the Canadian National Live Stock Record Board at the said meeting. Reports to Minister and Director.

12. (1) The Minister shall have power to appoint a person or persons to hold inquiries into the conduct of its business by any association incorporated under this Act, and every person so appointed shall have for the purposes of his appointment all the powers of a commissioner under the *Inquiries Act*. Inquiries.

(2) Upon the conclusion of any inquiry held under the provisions of this section the Minister may require the association to take or he may take such action as he considers necessary to provide for the proper conduct of the business of the association. R.S., c. 99.
Powers of Minister.

(3) The Minister at any time upon being satisfied that an association has failed for a period of twelve months to carry on business or for any period has failed to conduct its business in accordance with the provisions of its constitution, by-laws and rules, may make such direction to the association as to him seems proper in the interest of the purposes for which the association was incorporated. Directions to association in default.

When
association
fails to
comply.

(4) If the association fail within the period set thereby to carry out any direction by him to it given in accord with the last preceding subsection the Minister may

Business
taken over.

(a) authorize the Canadian National Live Stock Record committee to take over and carry on the property and business of the association, and the committee shall in such event and for such purposes have all the powers by this Act howsoever given to the association, or

Corporate
powers
cancelled.

(b) may declare the corporate powers of the association at an end.

Property and
business
may be
returned
and rights
resumed.

(5) The Canadian National Live Stock Record Committee shall at any time when it is thereunto directed by the Minister hand over to the association the property and business of the association taken over by the Committee under the provisions of this section, together with a statement of receipts and expenditures covering the period during which the committee had control of the same, and in such case the association shall fully resume the powers given it by this Act.

Winding-up.

(6) In the event of the Minister declaring the corporate powers of an association to be at an end the affairs of the association shall be wound up in accordance with such regulations as may from time to time in that behalf be made by the Governor in Council.

CANADIAN NATIONAL LIVE STOCK RECORDS.

Affiliated
association.

13. (1) Any associations incorporated in accordance with the provisions of section three of this Act, the constitutions whereof as approved provide for joint action, may affiliate for keeping live stock records, issuing and recording certificates of registration and performing such services as from time to time may appear to be in the interest of breeds for which no record association has been formed in Canada.

Name.

(2) Such affiliation shall be known as Canadian National Live Stock Records.

Articles.

(3) The terms or articles of affiliation shall

Governing
body.

(a) provide for a governing body to be known as the Canadian National Live Stock Record Board and representative of the affiliated associations.

Administra-
tive
committee.

(b) provide for an administrative committee to be known as the Canadian National Live Stock Record Committee;

Director.

(c) provide for appointment of an officer to be known as Director of Canadian National Live Stock Records who shall be the secretary of the Board and of the Committee respectively and accountant and treasurer of Canadian National Live Stock Records;

- (d) provide the basis of representation upon and set out the method of appointment of representatives from the various affiliated breed associations to the Canadian National Live Stock Record Board; Basis of representation.
- (e) provide for election of a chairman and a vice-chairman; Chairman.
- (f) describe the manner in which the business of the Board shall be conducted; Business.
- (g) set forth the method of election of members of the Committee. Elections.

14. (1) Canadian National Live Stock Records shall become established upon the registration with the Department of Agriculture of the articles of affiliation duly subscribed to by the proper officers of the associations originally seeking affiliation and bearing an endorsement of his approval of the said articles by the Minister. Registration of articles.

(2) Any repeal or amendment of the articles of affiliation shall be effective only upon its approval by the Minister. Changes to be approved.

(3) After the establishment of Canadian National Live Stock Records any qualified association may affiliate by filing with the Director of Canadian National Live Stock Records a copy of the registered articles of affiliation duly subscribed to by its proper officers. Procedure to acquire affiliation.

GENERAL.

15. (1) The Governor in Council may make such orders and regulations, not inconsistent with this Act, as to him seems necessary for carrying out the provisions of this Act. Regulations.

(2) Such orders and regulations shall have the same force and effect as if embodied in this Act. Effect.

(3) Every such order or regulation shall be published in two issues of the *Canada Gazette*. Publication.

(4) Any such order or regulation may be proved by the production of a copy thereof certified under the hand of the Minister and shall, until the contrary is proved, be deemed to have been duly made, published and issued on the date thereof. Proof.

16. There may be appointed in the manner authorized by law such officers as are necessary for carrying out the provisions of this Act. Officers.

OFFENCES AND PENALTIES.

17. Every person who

- (a) knowingly and with intent to deceive, signs or presents or causes or procures to be signed or presented to the recording officer of an association, or to the False statements or representations.

person in charge of the Canadian National Live Stock Records, any declaration or any application for registration or any transfer of ownership respecting any animal or bird containing any material false statement or representation, or

False
pretense
as to
certificate.

(b) falsely holds out any certificate of registration as applying to an animal or bird other than the one in respect of which it was issued, or

Contra-
vention of
rules.

(c) wilfully commits any act in contravention of the rules promulgated by any association or Canadian National Live Stock Records,

Penalty.

is guilty of an offence and liable to a fine not exceeding five hundred dollars and costs and not less than one hundred dollars and costs, and in default of payment to imprisonment for any term not exceeding two months.

Export,
transport
or sale of
pure-bred
without
certificate.

18. (1) When by the constitution, by-laws or rules of an association incorporated in accordance with this Act, provision has been made for the registration of any class or breed, and export from Canada, or transport from province to province within Canada, or the sale or contract to sell of any animal or bird of such class or breed as pure-bred without furnishing the actual buyer a certificate of pedigree registration issued by such association, is prohibited, every person who

Export or
transport.

(a) exports from Canada or transports from one province in Canada to another province in Canada any animal or bird of such class or breed as pure-bred without furnishing to the actual buyer in connection therewith a certificate of pedigree registration as issued by such association, or

Sale.

(b) as owner sells or contracts to sell any animal or bird of such class or breed as pure-bred without furnishing or agreeing as an integral part of the contract of sale to furnish the certificate of pedigree registration together with the duly recorded transfer of ownership thereof to the actual buyer,

Penalty.

is guilty of an offence and liable to a fine not exceeding five hundred dollars and costs and not less than one hundred dollars and costs, and in default of payment to imprisonment for any term not exceeding two months.

Animal
or bird
deemed to be
pure bred.

(2) Any animal or bird owned in Canada of a class or breed for which no record exists in Canada and duly registered in a foreign book of record recognized as authentic by the Canadian National Live Stock Records' Committee shall for the purposes of this section be deemed to be pure bred.

Using names
without
authority.

19. It is an offence to use without authority the name of Canadian National Live Stock Records, Canadian National Live Stock Record Board, Canadian National

Live Stock Record Committee or of any association incorporated under this Act, or any name or colourable imitation of or so nearly resembling any of the said names as to deceive the public.

20. Every offence against this Act or against any order or regulation of the Governor in Council shall, for the purpose of proceedings under this Act or under such order or regulation, be deemed to have been committed, and every cause of complaint thereunder 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. Venue.

21. Every penalty imposed by this Act shall be recoverable with costs before any two justices of the peace, or any magistrate having the powers of two justices of the peace under the provisions of the *Criminal Code* relating to summary convictions. Recovery of penalties.
R.S., c. 36.

22. Section eleven hundred and forty-two of the *Criminal Code* shall not apply to any proceedings in respect of any offence under this Act. Time for complaint.

REPEAL.

23. The *Live Stock Pedigree Act*, chapter one hundred and twenty-one of the Revised Statutes of Canada, 1927, is repealed. Repeal.

SCHEDULE.

FORM A.

APPLICATION FOR INCORPORATION.

We, the undersigned [*set out the names in full, places of residence and occupations*] hereby apply for incorporation as an association under "The Live Stock Pedigree Act."

The name of the association is to be, [*name of association*].

The objects for which the association is to be formed are:—

1. To keep a record of the pedigrees of pure bred [*name of breed and species of animals*].

2. The objects set out in the constitution and by-laws accompanying this application.

[*If any special powers are asked, set them out clearly in the objects in the constitution.*]

The names, in full, places of residence and occupations of the officers of the association are:—[Set out in full, no initials].

The constitution, by-laws and rules of the association are as follows:—[Set out in full].

Dated at.....this.....day of..... 19....

WITNESS

[Signatures of witnesses.]

[Signatures of applicants.]

Affidavit of Execution.

I, [name in full, place of residence and occupation] make oath and say:—

1. That I know [name of applicants in full] named in the foregoing [or annexed] application.

2. That I was personally present and did see the said application, and duplicate thereof, executed by each of the said applicants.

3. That I am a subscribing witness to the said application and duplicate.

SWORN before me at..... } [Signature of witness.] this.....day of.....19.. }

A notary public, [or a commissioner, etc.].

[Note.—If all the applicants do not sign before the one witness, insert in the affidavit the names only of those whom the witness saw sign, and so on for each witness.]

FORM B.

CERTIFICATE.

By virtue of the power vested in me by "The Live Stock Pedigree Act," I certify that the within application and the constitution, by-laws and rules incorporated therein, are hereby approved this.....day of.....19....

Minister of Agriculture.

22-23 GEORGE V.

CHAP. 50.

An Act to amend The Montreal Harbour Commissioners' Act, 1894.

[Assented to 26th May, 1932.]

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

1. Section one of chapter forty-two of the Statutes of 1914 (First Session), *An Act to amend The Montreal Harbour Commissioners' Act, 1894*, is repealed and the following is substituted therefor:—

“1. Notwithstanding anything contained in *The Montreal Harbour Commissioners' Act, 1894*, or in any Act respecting the Harbour Commissioners of Montreal, or in any other Act, the Harbour of Montreal and all wharves, warehouses, buildings and other works and improvements or appurtenances, in, upon or belonging or appertaining to the said harbour, and, generally, all property, movable or immovable, land, buildings, works or improvements, within or outside the limits of the said harbour, and heretofore acquired or held, or which shall hereafter be acquired or held, by the Harbour Commissioners of Montreal, shall, subject to the jurisdiction and powers of management and control by law vested in the Corporation, be vested in His Majesty, in the right of His Majesty's Government of Canada, and shall be deemed to have always been so vested, since the first day of July, 1867, or, for all property to be hereafter acquired or held, since the day of its acquisition or holding, and for the further assurance of the said property to His Majesty, in the right aforesaid, the Corporation of the Harbour Commissioners of Montreal is hereby empowered to surrender, transfer and convey to His Majesty, in the right of His Majesty's Government of Canada, the Harbour of Montreal, as vested in the Corporation by section nineteen of the Act hereby amended,

1894, c. 48;
1909, c. 24;
1914, c. 42.

Harbour
property
vested in
Crown.

Further
assurance
by surrender.

as enacted by section four of chapter twenty-four of the statutes of 1909, entitled *An Act respecting the Harbour Commissioners of Montreal*, as well as all property, movable or immovable as above described: Provided that such surrender, transfer or conveyance shall not be deemed to affect the jurisdiction or powers of control and management of the Corporation.”

Jurisdiction and powers of commissioners not affected.

OTTAWA: Printed by FREDERICK ALBERT ACLAND, Law Printer to the King's Most Excellent Majesty.

22-23 GEORGE V.

CHAP. 51.

An Act respecting Radio Broadcasting.

[Assented to 26th May, 1932.]

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

- 1.** This Act may be cited as *The Canadian Radio Broadcasting Act, 1932.* Short title.
- 2.** In this Act, unless the context otherwise requires, Definitions.
- (a) "broadcasting" means the dissemination of radio-electric communications intended to be received by the public, either directly or through the medium of relay stations; "Broadcasting."
- (b) "channel" means a wave length or frequency in the broadcast band authorized to be used for broadcasting; "Channel."
- (c) "Commission" means the Canadian Radio Broadcasting Commission; "Commission."
- (d) "local programme" means a programme organized for the purpose of local broadcast; "Local program."
- (e) "Minister" means the Minister of Marine; "Minister."
- (f) "national programme" means a programme organized by the Commission for the purpose of general broadcast in Canada; "National program."
- (g) "private station" means any station licensed to a person other than the Commission; "Private station."
- (h) "radio" means and includes 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; "Radio."
- (i) "station" means a station licensed under the *Radio-telegraph Act* and regulations as a private commercial broadcasting station or as an amateur broadcasting station. "Station."

THE COMMISSION.

Canadian
Radio
Broad-
casting
Commis-
sion.

3. (1) A commission to be known as the Canadian Radio Broadcasting Commission is hereby constituted and shall consist of a chairman, a vice-chairman and a third commissioner who shall be appointed by the Governor in Council and who shall hold office for periods of ten, nine and eight years respectively.

Salaries of
Commis-
sioners.

(2) The Chief Commissioner shall be paid an annual salary of ten thousand dollars, and each of the other commissioners an annual salary of eight thousand dollars.

Quorum.

(3) Two members of the Commission shall constitute a quorum.

Majority
to govern.

(4) In any proceedings of the Commission the votes of the majority shall govern, but in case there are only two members present the chairman or vice-chairman may cast an additional vote.

Head-
quarters.

(5) The headquarters of the Commission shall be at Ottawa and the Commission may establish branch offices elsewhere.

Officers
and
employees.

4. The Commission may employ such technical, professional and other officers, and clerks and employees as may be necessary. Such officers, clerks and employees shall be appointed pursuant to the *Civil Service Act*.

R.S., c. 22.

The
Commission
to be a
body
corporate.

5. (1) The Commission shall be a body corporate having capacity to contract and to sue and be sued in the name of the Commission.

Real and
personal
property.

(2) The Commission shall have power, for the purposes of this Act, to acquire, hold and dispose of real and personal property.

Provided, however, that the Commission shall not dispose of any real property without the approval of the Governor in Council.

Banking
arrange-
ments.

(3) The Commission shall have power to enter into all ordinary commercial banking arrangements on its own credit but shall not be entitled to borrow either on its own credit or otherwise by issuing debentures or any other type of long term securities.

ASSISTANT COMMISSIONERS.

Assistant
Commis-
sioners.

6. (1) The Governor in Council may appoint not more than nine Assistant Commissioners who shall hold office during pleasure, and who shall not receive any salary but may be paid an annual amount by way of honorarium, to be fixed by the Governor in Council. There shall not be more than one Assistant Commissioner appointed in any province and the appointment shall be made after consultation with the Government of the province in which the Assistant Commissioner resides.

(2) It shall be the duty of the Assistant Commissioner to organize and to act as chairman of provincial or local advisory committees, and, at the request of any private station, to organize an Advisory Committee or Sub-Committee, for the purpose of co-operation with such station.

Duty of assistant commissioner.

(3) The members of the advisory committee shall act without remuneration and shall be selected by the Assistant Commissioner after consultation with the Government of the Province so as to represent the respective provincial or local communities.

Advisory committee.

GENERAL COUNCIL.

7. (1) The Commission shall from time to time convene meetings of a General Council which shall consist of the Commissioners and the Assistant Commissioners, and which may include representatives of the local advisory committees and of private stations.

General Council.

(2) The functions of the General Council shall be to advise with regard to the general policy of the Commission, including the general composition, character and co-ordination of national and local programmes, the apportionment of time and any other matters which the Commission or the Minister may refer to the General Council.

Functions.

POWERS OF THE COMMISSION.

8. The Commission shall, notwithstanding anything contained in the *Radiotelegraph Act*, chapter one hundred and ninety-five of the Revised Statutes of Canada, 1927, and in the regulations made thereunder, but subject to the power of the Minister to license stations, have power to regulate and control broadcasting in Canada carried on by any person whatever, including His Majesty in the right of the province or of the Dominion, and without restricting the generality of the foregoing, these powers shall extend to the following matters:

Powers of the Commission.

- (a) The Commission shall determine the number, location and power of stations required in Canada;
- (b) the Commission shall determine the proportion of time that is to be devoted by any station to national and local programmes respectively and the proportion of advertising that is to be authorized, which shall not unless by permission of the Commission, exceed five per cent of any programme period, and may prescribe the character of such advertising;
- (c) the Commission may make recommendations to the Minister with regard to the issue, suspension or cancellation of private broadcasting licences, and notwithstanding anything contained in the *Radiotelegraph Act* or regulations, the Minister may issue, suspend or cancel such licences;

R.S., c. 195.

- (d) notwithstanding anything contained in the *Radio-telegraph Act* or regulations, or in any licence heretofore issued thereunder, the Commission shall have power to allot channels to be used by stations in Canada and may cancel any allotment and substitute any other therefor;
- (e) the Commission may prescribe the periods to be reserved periodically by any station for national programmes;
- (f) the Commission may prohibit the organization or operation of chains of privately operated stations in Canada;
- (g) the Commission may, subject to the approval of the Minister, assist and encourage the construction of small private stations.

BROADCASTING BY THE COMMISSION.

Additional
powers of
Commission.

9. The Commission shall have power to carry on the business of broadcasting in Canada and, without restricting the generality of the foregoing, may:

- (a) make operating agreements with private stations for the broadcasting of national programmes;
- (b) acquire existing private stations either by lease or, subject to the approval of Parliament, by purchase;
- (c) subject to the approval of Parliament, construct such new stations as may be required;
- (d) operate any station constructed or acquired under the provisions of paragraphs (b) and (c) of this section; provided that the time allotted to local programmes by the Commission in respect to any such station shall be subject to the management of the station director, or other officer in charge of such station, who shall, in respect to the local programmes, act in consultation with and in accordance with the policy formulated by the local Advisory Committee, or Sub-Committee thereof assigned to such station;
- (e) originate programmes and secure programmes from within or outside Canada, by purchase or exchange, and make the arrangements necessary for their transmission;
- (f) make contracts with any person (or persons) in Canada or outside for the purpose of securing artists to perform in connection with programmes originated by the Commission;

- (g) subject to the approval of Parliament, take over all broadcasting in Canada;
- (h) do any other thing reasonably necessary for the performance of its functions and powers hereunder.

10. The Commission may, with the approval of the Governor in Council, make by-laws or regulations respecting any of the matters mentioned in the last two preceding sections and generally for the fulfilment of the purposes of the Commission.

By-laws
and
regulations.

EXPROPRIATION AND COMPENSATION.

11. (1) If the Commission is unable to agree with the owner of any property, which it is authorized to acquire, as to the price to be paid therefor, the Commission shall have the right to acquire the same without the consent of the owner and the provisions of the *Expropriation Act*, chapter sixty-four of the Revised Statutes of Canada, 1927, shall, *mutatis mutandis*, be applicable to the acquisition of such property by the Commission.

Expropria-
tion.

R.S., c. 64.

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

Plans and
descriptions.

12. The compensation payable in respect of the taking of any property so vested in the Commission or of any interest therein or of lands injuriously affected by the construction of the undertakings or works shall be ascertained in accordance with the provisions of the *Expropriation Act*, and for that purpose the Attorney-General of Canada may file an information in the Exchequer Court on behalf of the Commission to all intents and purposes as if such property had been expropriated by and vested in His Majesty under the provisions of the said Act. The amount of any judgment upon such proceedings shall be payable exclusively out of the funds of the Commission.

Compensa-
tion.

R.S., c. 64.

13. (1) In determining the compensation to be paid no allowance shall be made for the value of a licence terminated by the taking of any private station and no person shall be deemed to have any proprietary right in any channel

No
allowance
for licence,
and no
proprietary
right in
channel.

channel heretofore or hereafter allotted, and no person shall be entitled to any compensation by reason of the cancellation of the allotment of a channel or by reason of the allotment of a new channel in substitution therefor.

Cancellation of licence.

(2) If the Commission recommends the cancellation of or refusal to renew any licence in the interest of broadcasting generally in Canada and certifies that such cancellation or refusal is not on account of any failure to comply with this Act or the *Radiotelegraph Act* or regulations thereunder, compensation may be paid to the extent of the depreciated value of radio equipment, together with an allowance for the cost of restoring the premises to a tenable condition for ordinary purposes.

R.S., c. 195.

EXPENDITURE OF THE COMMISSION.

Expenditure of moneys.

14. (1) The Commission may expend for the purposes of this Act the moneys appropriated by Parliament for such purposes.

Limitation of appropriation.

(2) The moneys appropriated for such purposes shall not exceed the estimated revenue from receiving licences, private commercial broadcasting licences and amateur broadcasting licences and from the business of the Commission under this Act.

Provided that if at the end of any fiscal year there is a balance of appropriated moneys unexpended or if the revenue from the sources mentioned in the preceding subsection exceeds the amount appropriated, Parliament may appropriate any such balance or excess in addition to any appropriation permitted hereunder.

Moneys appropriated to be paid into a chartered bank.

(3) The Minister of Finance shall from time to time pay into a chartered bank to the credit of the Commission moneys appropriated by Parliament for the purposes of the Commission.

Revenue to be paid into bank.

15. All revenue received by the Commission arising out of its business under this Act shall be paid into a chartered bank to the credit of the Receiver General of Canada.

Audit.

16. All revenue of and expenditures by the Commission shall be subject to the audit of the Auditor General in the same manner as other public moneys.

Commission subject to 1931, c. 27.

17. The Commission shall be subject to the provisions of *The Consolidated Revenue and Audit Act, 1931*.

Annual report.

18. The Commission shall, through the Minister, submit an annual report to Parliament in such form as the Minister may prescribe.

19.

19. 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 other office or employment or have any pecuniary interest, direct or indirect, individually or as a shareholder or partner or otherwise, in broadcasting or in the manufacture or distribution of radio apparatus.

Commissioners to devote whole time and to have no pecuniary interest, etc.

20. Each Assistant Commissioner shall devote such time as may be necessary to the performance of his duties under this Act and shall not (except in respect of the compensation received by him as an officer or employee under the Commission) have any pecuniary interest, either direct or indirect, individually or as a shareholder, partner, officer or employee, in broadcasting or in the manufacture or distribution of radio apparatus.

As to Assistant Commissioners.

21. Each Commissioner, Assistant Commissioner and Provincial Director shall, before acting as such, take and subscribe before a Superior or County Court judge, and cause to be filed with the Minister, an oath of office in the following form:

Oath of office.

"I DO SOLEMNLY SWEAR that I will faithfully, truly and impartially, to the best of my judgment, skill and ability, execute and perform the office of Chief Commissioner (or as the case may be) of the Canadian Radio Broadcasting Commission, and that, while I continue to hold such office, I will not accept or hold any other office or employment, (add in the case of an Assistant Commissioner, except as an officer or employees under the Commission) or have any pecuniary interest, direct or indirect, individually or as a shareholder or partner, or otherwise, in broadcasting or, in the manufacture or distribution of radio apparatus."

22. Every person who commits a breach of any provision of this Act or of any regulation made thereunder shall be guilty of an offence punishable on summary conviction by a fine not exceeding two hundred dollars or by imprisonment for a period not exceeding six months or by both fine and imprisonment.

Offences and penalties.

22-23 GEORGE V.

CHAP. 52.

An Act to provide for the deduction from compensation in the Public Service.

[Assented to 26th May, 1932.]

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

1. This Act may be cited as *The Salary Deduction Act*, Short title, 1932.
2. In this Act, unless the context otherwise requires,—
 - (a) “compensation” means the salaries, wages, commissions, fees, or other remuneration, authorized to be paid by statute, or regulation, or other authority, and includes sessional indemnities, and allowances, in cash or in kind, forming part of the remuneration attached to an office; Definitions.
“Compensation”.
 - (b) “member of the public service of Canada” means every officer, clerk and employee in any branch or portion of the public service of Canada, to whom any compensation is paid, either directly or indirectly, out of the revenue of His Majesty in respect of his Government of Canada, other than the Governor General of Canada, the Lieutenant-Governors of the several Provinces of Canada, the members of the Judiciary, and the members of the military, naval and air forces of Canada, and the Royal Canadian Mounted Police, and includes members of the Senate and House of Commons of Canada, and members, officers, clerks and employees of every commission, board or corporate body, being an agent or trustee of His Majesty in respect of his Government of Canada, created or established under the authority of an Act of the Parliament of Canada, other than the Canadian National Railway Company. “Member of the public service of Canada”.

Ten per cent deduction.

3. (1) Notwithstanding the provisions of any statute or law, there shall, during the fiscal year ending the thirty-first day of March, 1933, be deducted from the compensation of every member of the public service of Canada ten per centum of the amount thereof.

Apportionment of deduction.

(2) The deduction at the rate aforesaid shall be made from the instalments of compensation as the same become payable.

Indemnities.

(3) Notwithstanding the provisions of subsections one and two of this section, the said deduction from the indemnity of members of the Senate and House of Commons of Canada shall apply to such indemnity only for the session of Parliament which commenced on the fourth day of February, one thousand nine hundred and thirty-two.

No duplication of deductions.

4. Where provision has been made by any Appropriation Act for the fiscal year ending the thirty-first day of March, 1933, for the reduced amount of the compensation of any member of the public service of Canada, after deducting ten per centum of the amount of the compensation, no further deduction by reason of the operation of this Act shall be made from such reduced amount of compensation.

Basis of superannuation benefits not reduced.

R.S., 1927, c. 24.

R.S., 1906, c. 17.

Penitentiary employees. R.S. 1927, c. 154.

5. (1) Deductions made under the provisions of this Act from the compensation of a contributor under the provisions of the *Civil Service Superannuation Act*, or Part I of the *Civil Service Superannuation and Retirement Act*, or from the compensation of any officer, clerk or employee employed in a penitentiary who may be eligible on retirement to receive a gratuity or retiring allowance under the provisions of the *Penitentiary Act*, shall not be taken to have reduced the amount of compensation on which the superannuation or retirement benefits of any such contributor would, but for the said deduction, have been based under any of the said Acts.

Paid where compensation not more than \$1,200.

(2) The current contributions under the provisions of the *Civil Service Superannuation Act*, or under the provisions of Part II of the *Civil Service Superannuation and Retirement Act*, of any contributor whose compensation does not exceed one thousand two hundred dollars per annum, shall be paid out of any unappropriated moneys in the Consolidated Revenue Fund.

Regulations by Treasury Board.

6. The Treasury Board may make regulations,—

(a) prescribing and determining, in any case of doubt respecting the application of the definition of "member of the public service of Canada", to what persons or class of persons the provisions of this Act do or do not apply;

(b) determining in any case of doubt the amount to be treated as the amount of compensation of any member of the public service of Canada for the purposes of this Act;

(c) for any other purpose deemed necessary to give effect to this Act.

7. This Act shall expire on the thirty-first day of March, ^{Duration of}
1933. _{Act.}

OTTAWA: Printed by FREDERICK ALBERT ACLAND, Law Printer to the
King's Most Excellent Majesty.

22-23 GEORGE V.

CHAP. 53.

An Act to amend the Soldier Settlement Act.

[Assented to 26th May, 1932.]

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

R.S.; c. 188;
1928, c. 48;
1930, c. 42;
1931, c. 53.

1. The *Soldier Settlement Act*, chapter one hundred and eighty-eight of the Revised Statutes of Canada, 1927, is amended by inserting the following section immediately after section twenty-one thereof:—

“21A. The Governor in Council may transfer to the province, or the Director of Soldier Settlement with the approval of the Governor in Council may transfer to the municipality in which such land is situate, the interest of the Director of Soldier Settlement in any land which for a period of two years immediately preceding such transfer has not been the subject of a contract of sale.”

Transfer
of lands to
province or
municipality

2. Section twenty-nine of the said Act is repealed, and the following is substituted therefor:—

“29. Notwithstanding anything in this Act, the Board, with the consent of the Governor in Council, may sell any land which is at its disposal for sale, in the cases and subject to the conditions following, that is to say:—

Sale of
lands for
dairy,
educational
and other
purposes,
and to
provincial
authorities:
price to be
not less
than
estimated
cost to a
settler.

(a) As a site for a dairy factory, cheese factory, fruit preserving factory or creamery, or for any educational, religious, charitable or public purpose, or for any other purpose which, in the opinion of the Board, renders such a sale in the public interest;

(b) To any provincial or municipal authority for any purpose;

(c) The price shall in each case be fixed by the Governor in Council and shall be not less than the cost of the land as it would be estimated by the Board on a sale to a settler of lands acquired by purchase under this Act.”

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

Power to
pay rates
and taxes.

“66A. Notwithstanding anything to the contrary in this Act the Director of Soldier Settlement may pay any lawful rates, taxes or assessments imposed in respect of any land held by the Director of Soldier Settlement not the subject of a contract of sale at the date of such imposition.”

OTTAWA: Printed by FREDERICK ALBERT ACLAND, Law Printer to the
King's Most Excellent Majesty.

22-23 GEORGE V.

CHAP. 54.

An Act to amend the Special War Revenue Act.

[Assented to 26th May, 1932.]

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

R.S., c. 179;
1928, c. 50;
1929, c. 57;
1930, c. 43;
1931, c. 54.

1. Part III of the *Special War Revenue Act*, chapter one hundred and seventy-nine of the Revised Statutes of Canada, 1927, as amended by section one of chapter fifty-seven of the statutes of 1929, is repealed as of and from the first day of January, 1932, and the following is substituted therefor:—

Part III
repealed and
re-enacted.

“PART III.

INSURANCE PREMIUMS OTHER THAN LIFE AND MARINE.

- “13. In this Part, unless the context otherwise requires,
- (a) ‘British company’ means any corporation incorporated under the laws of the United Kingdom of Great Britain and Northern Ireland or any British Dominion or possession other than Canada or a province of Canada, for the purpose of carrying on the business of insurance, and includes any association of persons formed in the said Kingdom or in any such Dominion or possession on the plan known as Lloyds whereby each associate underwriter becomes liable for a stated, limited or proportionate part of the whole amount insured by a policy;
- (b) ‘company’ includes any corporation or any society or association, incorporated or unincorporated, or any partnership, or any ‘exchange’, or any underwriter, carrying on the business of insurance, other than a

Definitions
‘British
company’.

‘Company’.

corporation transacting life insurance, a corporation transacting marine insurance, or a purely mutual corporation in respect of any year in which the net premium income in Canada of such mutual corporation is to the extent of not less than fifty per centum thereof derived from the insurance of farm property against fire, or a fraternal benefit society;

'Canadian company'.

(c) 'Canadian company' means a company incorporated or legally formed in Canada for the purpose of carrying on the business of insurance, and having its head office in Canada;

'Exchange'.

(d) 'Exchange' means a group of persons formed for the purpose of exchanging reciprocal contracts of indemnity or inter-insurance with each other through the same attorney;

'Foreign company'.

(e) 'foreign company' means any corporation incorporated under the laws of any foreign country, for the purpose of carrying on the business of insurance, and includes any association of persons formed in any such country upon the plan known as Lloyds whereby each associate underwriter becomes liable for a stated, limited or proportionate part of the whole amount insured by a policy and any 'exchange';

'Net premiums'.

(f) 'net premiums' means the gross premiums received or receivable by the company or paid or payable by the insured less the rebates and return premiums paid on the cancellation of policies: Provided that in the case of a mutual company which carries on business on the premium deposit plan and in the case of an exchange 'net premiums' means the actual net cost of the insurance to the insured during the taxation period together with interest on the excess of the premium deposit over such net cost at the average rate earned by the company on its funds during the said period;

'Superintendent'.

(g) 'Superintendent' means the Superintendent of Insurance.

Tax on certain insurance companies upon net premiums.

"14. (1) Every company authorized under the laws of the Dominion of Canada, or of any province thereof to transact the business of insurance, other than a mutual company carrying on business on the premium deposit plan and an exchange, shall pay to the Minister a tax of one per centum upon the net premiums received by it in Canada, less net premiums paid for reinsurance to companies to which this subsection applies, during the year 1932 and each calendar year thereafter.

(2) Every mutual company authorized under the laws of the Dominion of Canada or of any province thereof to transact the business of insurance and which carries on business on the premium deposit plan and every exchange so authorized shall pay to the Minister a tax of two per centum upon the net premiums received by it in Canada during the calendar year 1932, and each calendar year thereafter.

Other
companies.

(3) Premiums received in respect of policies insuring persons resident, or property situate, in Canada at the time such insurance was effected or renewed, whether or not payment was made in Canada, shall be deemed to be premiums received in Canada for the purpose of this section.

Premiums
deemed
premiums
received
in Canada.

“15. Every company, being a corporation transacting life insurance, or a corporation, underwriter or association transacting marine insurance, which transacts in Canada, in addition to its business of life insurance or of marine insurance, a class of insurance other than life or marine insurance, shall be subject to the provisions of this Part in respect of such other business as fully as if it were not authorized to transact the business of life insurance or of marine insurance.

Tax on life
and marine
insurance
companies,
etc., for
other class of
insurance.

“16. (1) Every person resident in Canada who, after the thirty-first day of December, 1931, insures or has insured his property situate in Canada in which he has an insurable interest, other than that of an insurer of such property, or renews or has renewed any such insurance, against risks other than marine risks,

Tax on
insurance
with
British or
foreign
company or
exchanges.

(a) with any British or foreign company; or

(b) with any exchange, the chief place of business of which exchange or of its principal attorney-in-fact is situate outside of Canada,

which, on or before the first day of July, 1932, or at the time such insurance is effected or renewed if after the last mentioned date, is not authorized under the laws of the Dominion of Canada or of any province thereof to transact the business of insurance, shall, on or before the first day of March, 1933, and on or before the first day of March in each year thereafter, pay to the Minister, in addition to any other tax payable under any other existing law or statute, a tax of ten per centum of the net premiums paid or payable by such person in respect of such insurance for the next preceding calendar year.

(2) For the purpose of this section, every corporation carrying on business in Canada, shall be deemed to be a person resident in Canada.

Residence of
corporation.

Return to be made by certain companies.

“17. (1) Every company to which subsection one of section fourteen of this Act applies shall, on or before the last day of July, 1932, make a return to the Superintendent on a form to be furnished by him showing the gross premiums received by it, and the rebates, return premiums on cancellation of policies and reinsurance premiums paid by it, during the six months ending on the last day of the month preceding the date on which such return is filed, and quarterly thereafter a return in the same form and with the same information covering the three months ending on the last day of the month preceding the date on which such return is filed.

Return to be made by other companies.

(2) Every company to which subsection two of section fourteen applies shall, on or before the first day of March, 1933 and on or before the first day of March in each year thereafter make a return to the Superintendent on a form to be furnished by him showing the amount of all insurance on property effected or renewed by such company in Canada and the net premiums in respect of such insurance received by the company, in each case, during the preceding calendar year.

How signed.

(3) Such return shall, in the case of a Canadian company, be signed by the president, vice-president, managing director or secretary; in the case of a company other than a Canadian company, by the chief agent of the company in Canada, or in the case of a company not having a chief agent in Canada, in such manner as the Minister may prescribe.

Amount of tax to be remitted with return.

(4) Every such company shall at the time of making such return remit to the Superintendent the amount of the tax payable under the provisions of this Part in respect of the net premiums received by it during the period covered by the return.

Return to the Minister.

“18. (1) Every person to whom section sixteen of this Act applies shall, on or before the first day of March in each year, make a return in writing to the Minister stating the names of the companies and exchanges with which the insurance was effected by him or on his behalf, during the preceding calendar year the amount of such insurance and the net premiums paid or payable in each case.

Return by broker or agent.

(2) Any person who, on or after the first day of January, 1931, acting as a broker or agent, obtained, effected, placed or assisted, or obtains, effects, places or assists in obtaining, effecting or placing insurance with companies or exchanges, the net premiums on which are taxable under the provisions of section sixteen of this Act, shall, on or before the tenth day of January in each year, make a return to the Minister

showing the name and address of each person on whose behalf such insurance was, or has been, so effected during the preceding calendar year.

“19. The Superintendent or any officer of his Department appointed by him may visit the head office of the company in the case of a Canadian company, or the chief agency or principal place of business in Canada, or other place in Canada where the records respecting the Canadian business are maintained, in the case of a company other than a Canadian company, and examine the books and records of the company for the purpose of verifying any return required by this Part, and the Superintendent and such officer shall have the right of access to such books and records at all reasonable hours.

Examination
of books
and records.

“20. (1) Every company to which section fourteen or section fifteen of this Act applies which refuses or neglects or whose chief agent or attorney, as the case may be, refuses or neglects to make any return as required by this Part shall be liable to a penalty not exceeding fifty dollars for each and every day during which such refusal or neglect continues.

Penalty for
refusal or
neglect to
make
returns.

(2) Every president, vice-president, managing director, secretary, officer, clerk or servant, agent or attorney of such company, who wilfully makes a false or deceptive statement in the return aforesaid or in any of the books and records of the company from which such return is compiled, shall be 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.

Penalty for
false or
deceptive
statements.

(3) Every president, vice-president, managing director, secretary, officer, clerk or servant, agent or attorney of such company, who negligently prepares or signs a return or record of the company containing a false or deceptive statement or who negligently makes an untrue entry in the books of the company affecting the correctness of the return shall be 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 for
negligent
returns or
making
untrue
entries.

“21. Every person who fails or neglects to make the return required by section eighteen of this Act, or to pay to the Minister within the time limited by section sixteen of this Act, the tax thereby imposed, shall incur a penalty of fifty dollars for each and every day during which such default continues.

Penalty for
default.

Certain amounts not deductible.

“22. Notwithstanding anything contained in section seven of the *Income War Tax Act*, a taxpayer shall not be entitled to deduct from the tax payable by him under the said Act the amount paid for corresponding periods under the provisions of section sixteen of this Act.”

Sections repealed.

2. Sections one and twenty-four of *An Act to amend the Special War Revenue Act*, chapter fifty-four of the statutes of 1931, are repealed.

Part IV.

3. The said Act is further amended by inserting the following sections as Part IV thereof:—

“PART IV.

TAX ON CABLE, TELEGRAPH AND TELEPHONE MESSAGES.

Definitions. ‘Telegraph operator’.

“24. In this Part, unless the context otherwise requires, (a) ‘telegraph operator’ means any person who undertakes for a payment in money to transmit messages from a place in Canada to any place within or without Canada by cable or telegraph or by any system of radio telegraphy, and includes the officers, servants, agents or employees of the Government of Canada or of any province of Canada or of any Commission or Board established by or under the authority of the Government of Canada or of any province;

‘Telephone operator’.

(b) ‘telephone operator’ means any person who undertakes to transmit the human voice by telephone, whether by the use of cables, wires or otherwise from any place in Canada to any place within or without Canada, and includes the officers, servants, agents or employees of the Government of Canada or of any province of Canada or of any Commission or Board established by or under the authority of the Government of Canada or of any province;

‘Despatch’.

(c) ‘despatch’ means any despatch or message, other than press despatches or commercial news despatches, received for transmission at any of a telegraph operator’s offices in Canada for transmission, and includes a message to be transmitted by any form of radio telegraphy;

‘Long distance telephone call’.

(d) ‘long distance telephone call’ includes a call by radio telephone;

‘Operator’.

(e) ‘operator’ includes telegraph operator and telephone operator.

“25. (1) Every telegraph operator shall pay to the Minister, on the first day of February, May, August and November in each year, a sum equal to five cents upon each despatch transmitted during the three months ending respectively on the last day of December, March, June and September preceding. Tax on despatches.

(2) Every telephone operator shall pay to the Minister, on the first day of February, May, August and November in each year, a sum equal to six per cent of the charge made to the person paying or liable to pay the same in respect of every long distance telephone call costing more than fifteen cents made during the three months ending respectively on the last day of December, March, June and September preceding: Provided that upon long distance telephone calls made from any public pay station, whether operated by means of automatic slot machines or otherwise, there shall be paid in lieu of the tax otherwise imposed by this subsection, the sum of five cents for each such call for which a charge of more than twenty-five cents and not more than eighty cents is made, and five cents for each additional charge of eighty cents or any fraction of eighty cents: Provided further that the tax imposed by this subsection shall in no case be greater than twenty-five cents on any one call. Tax on long distance telephone calls.

(3) It shall be lawful for the operator to add to the regular charge for every such despatch or call the amount of the tax imposed by this section and to collect the same from the person paying or liable to pay for the transmission of the despatch or call. This subsection shall apply to the Crown as well in the right of the Dominion as in the right of any province. Collection of tax.

(4) No tax shall be imposed upon any despatch or telephone call for which no charge is made by the operator. Exception.

“26. (1) Every operator shall make quarterly to the Commissioner of Excise or officer of the Department of National Revenue authorized by the Commissioner to receive the same, a return in accordance with a form approved by the Commissioner, setting forth the number of despatches or long distance telephone calls taxable under this Part, and the amount payable in respect thereof. Returns.

(2) Such return shall be prepared and forwarded by post or delivered on or before the first day of February, May, August and November in each year and shall be for the three months ending respectively on the last day of December, March, June and September preceding. Delivery and period of returns.

One return from company as a whole.

(3) If the operator is an incorporated company, it shall make one return for the company as a whole unless the Minister by regulation prescribes that the return shall be confined to the business of the company within a particular area or district.

Signatures.

(4) If the operator is an incorporated company the return shall be signed by

(a) the general manager, manager or other chief executive officer of the company; or

(b) the chief executive officer of the company for the area or district in respect of which the return is made in case the Minister shall have made a regulation prescribing an area or district under subsection three of this section; or

(c) the chief executive officer or agent in Canada or in the area or district in Canada prescribed under subsection three of this section in case of a company incorporated outside of Canada.

If operator is a department, a province, etc.

(5) If the operator is a department of the Government of Canada or of any province, or a commission or board established by or under Governmental authority, the return shall be made by such person or persons as the Minister may by regulation prescribe.

Proof of date of posting.

(6) If any return required by this Part is sent by post, the date appearing by the stamp or mark of the post office upon the envelope or wrapper enclosing the return shall be taken *prima facie* to be the date upon which the same was sent.

Record of despatches or calls.

“27. The operator shall make and keep a record of all taxable despatches or long distance telephone calls in books prepared in such form as will enable an audit to be made thereof to the satisfaction of the Minister.

Inspection of books, etc.

“28. The records, books, accounts and vouchers of the operator shall be open at all reasonable hours to the inspection of any officer or other person authorized by the Minister to inspect the same.

Penalty for neglect to keep a record.

“29. (1) Every operator who refuses or neglects to make and keep a record, in such form as is prescribed, of all despatches or long distance telephone calls, shall be liable to a penalty not exceeding one thousand dollars.

Penalty for neglect to send return.

(2) Every operator who refuses or neglects to send or deliver the return prescribed shall be liable to a penalty of twenty-five dollars for each and every day during which such refusal or neglect continues.

“30. (1) Everyone who wilfully makes a false or deceptive statement in the return or in any record, book, account or report of the operator from which the return is compiled, shall be 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. Penalty for false or deceptive statements.

(2) Everyone who negligently prepares or signs any such return, record, account or report, or who negligently makes an untrue entry in any book of the operator affecting the correctness of the return shall be 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 for negligent returns or making untrue entries.

4. The said Act is further amended by inserting the following sections as Part V thereof:— Part V.

“PART V.

TAX ON SEATS, BERTHS AND OTHER SLEEPING ACCOMMODATION.

“31. In this Part, unless the context otherwise requires, ‘person’, in addition to including any body corporate or politic, shall be deemed to include: Definition. ‘Person’.

(i) the officers, clerks and servants of railways subject to the *Government Railways Act*. R.S., c. 173.

(ii) the officers, clerks and servants of any railway operated by or under the authority of the Lieutenant Governor in Council of any province.

“32. (1) Every purchaser of a seat in a pullman or parlour car shall, in addition to the price paid for such seat, pay to the person selling such seat, for the Consolidated Revenue Fund, ten cents. Tax on pullman seats.

(2) Every purchaser of a berth in a sleeping car or of other sleeping accommodation on a railway train shall pay to the person selling the berth or other sleeping accommodation, for the Consolidated Revenue Fund, in addition to the price paid therefor, a sum equal to ten per cent of the said price, provided that in no case shall the tax imposed by this subsection be less than twenty-five cents. Tax on sleeping accommodation.

(3) This section shall apply to the Crown as well in the right of the Dominion as in the right of any Province and to any officer, servant, agent or employee thereof. Crown taxable.

“33. It shall be the duty of the person selling such seat, berth or other sleeping accommodation, to collect from the purchaser thereof, for the Consolidated Revenue Fund, the sum payable under this Part. Collection of tax.

Quarterly
returns.

“34. (1) The person selling shall make quarterly to the Commissioner of Excise, or officer authorized by the Commissioner to receive the same, a return in such form as may be approved by the Minister setting forth the seats, berths or other sleeping accommodation so sold and the sum received in respect thereof for the Consolidated Revenue Fund.

Delivery
and period
of returns.

(2) Such return shall be prepared and forwarded by post or delivered on or before the first day of February, May, August and November in each year, and shall be for the three months ending respectively on the last day of December, March, June and September preceding.

Tax remitted
with returns.

(3) At the time of the transmission or delivery of the return the sum so received during the three months shall be paid to the Minister.

One return
from com-
pany as a
whole.

(4) Where the person selling is a body corporate (in this subsection and in subsection five of this section called ‘the company’) it shall make one return for the company as a whole, unless the Minister by regulation prescribes that the return shall be confined to the business of the company within a particular area or district.

Signatures.

(5) The return shall be signed by

(a) the person selling;

(b) in the case of a company, the general manager, manager, or other chief executive officer of the company;

(c) the chief executive officer of the company for the area or district in respect to which the return is made in case the Minister shall have made a regulation prescribing an area or district under subsection four of this section;

(d) the chief executive officer or agent in Canada or in the area or district in Canada prescribed under subsection four of this section in the case of a company incorporated outside of Canada.

Proof of
date of
posting.

(6) If any return required by this Part is sent by post, the date appearing by the post office stamp or mark upon the envelope or wrapper enclosing the return shall be taken *prima facie* to be the date upon which the return was sent.

Record and
account by
Government
officials.

R.S., c. 173.

“35. The last preceding section shall apply to officers, clerks and servants of railways subject to the *Government Railways Act* and of any railway operated by or under the authority of the Lieutenant Governor in Council of any province.

Record
and audit.

“36. The person selling any seat, berth or other sleeping accommodation shall make and keep a record of the seats, berths or other sleeping accommodation sold to which this Part applies and of the sums received for the Consolidated Revenue Fund in respect thereof in such form as will

enable an audit to be made to the satisfaction of the Minister, of the seats, berths and other sleeping accommodation sold.

“37. For the purpose of verifying the return or of ascertaining the amount payable to the Minister, the records, books, accounts and vouchers of the person selling shall be open at all reasonable hours to the inspection of any officer or other person authorized by the Minister to inspect the same. Books, etc., open to inspection.

“38. Every person selling any seat, berth or other sleeping accommodation who neglects to make and keep a record thereof in such form as is prescribed shall be liable to a penalty not exceeding one thousand dollars. Penalty for neglecting to keep record.

“39. Everyone who neglects to send or deliver the return prescribed shall be liable to a penalty not exceeding twenty-five dollars for each and every day during which such neglect continues. Penalty for neglecting to send returns.

“40. Everyone who wilfully makes a false or deceptive statement in the return or in the records, accounts or books from which the return is compiled shall be 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. Penalty for false or deceptive statements.

“41. If, by reason of non-compliance with any of the requirements of this Part, any sum of money required by its provisions to be collected and paid is not so collected and paid, the person selling the seat, berth or other sleeping accommodation shall nevertheless be liable to pay such sum.” Liability of seller of ticket, etc., upon non-compliance with Act.

5. Section forty-four of the said Act, as enacted by section two of chapter fifty-four of the statutes of 1931, is repealed and the following is substituted therefor:— Cheques.

“CHEQUES.

“44. No person shall

(a) issue a cheque payable at or by a Bank or drawn upon or addressed to a Bank and requiring or directing payment of a sum of money; or

(b) present to a bank for payment a cheque as defined in paragraph (c) (ii) of the last preceding section; unless there is affixed thereto an adhesive excise or postage stamp of the value hereinafter specified, or unless there is impressed thereon by means of a die an excise stamp of the value of:

(i) three cents, if the amount of money for which the cheque is drawn exceeds five dollars but does not exceed one hundred dollars;

Stamp tax on cheques.

(ii) six cents if the amount of money for which the cheque is drawn exceeds one hundred dollars.”

Bills of exchange, etc.

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

“BILLS OF EXCHANGE AND PROMISSORY NOTES.

Stamp tax on bills and notes.

“45. (1) Subject to the provisions hereinafter set out, no person shall

(a) transfer a bill of exchange or promissory note to a bank in such manner as to constitute the Bank the holder thereof; or

(b) deliver a bill of exchange or promissory note to a bank for collection; or

(c) when selling foreign exchange, issue for the purpose a bill of exchange drawn upon a person outside of Canada according to the tenor of the bill;

unless there is affixed thereto an adhesive excise or postage stamp of the value hereinafter specified, or unless there is impressed thereon by means of a die an excise stamp of the value of:

(i) three cents if the amount of money for which the bill or note is drawn does not exceed one hundred dollars;

(ii) six cents if the amount of money for which the bill or note is drawn exceeds one hundred dollars.”

Receipts to Banks.

7. Section forty-seven of the said Act, as enacted by section four of chapter fifty-four of the statutes of 1931, is repealed and the following is substituted therefor:—

“RECEIPTS TO BANKS.

Stamp tax on receipts for money paid by Bank.

“47. No person shall sign a receipt for money paid to him by a bank chargeable against a deposit of money to his credit, unless there is affixed thereto an adhesive excise or postage stamp of the value hereinafter specified, or unless there is impressed thereon by means of a die an excise stamp of the value of:

(i) three cents if the amount of money for which the receipt is given exceeds five dollars and does not exceed one hundred dollars;

(ii) six cents if the amount of money for which the receipt is given exceeds one hundred dollars.”

Exemption from tax repealed.

8. Paragraph (e) of section sixty-one of the said Act, as enacted by section five of chapter fifty-four of the statutes of 1931, is repealed.

9. Subsection one of section sixty-five of the said Act, as enacted by section six of chapter fifty-four of the statutes of 1931, is repealed and the following is substituted therefor:—

“65. (1) No money order or traveller’s cheque shall be issued by an express company, bank or other person unless there is affixed thereto an adhesive excise or postage stamp of the value hereinafter specified, or unless there is impressed thereon by means of a die an excise stamp of the value of:

Stamp tax on money orders, etc.

(i) three cents if the amount of money for which the money order or traveller’s cheque is drawn exceeds five dollars but does not exceed one hundred dollars;

(ii) six cents if the amount of money for which the money order or traveller’s cheque is drawn exceeds one hundred dollars.”

10. Section sixty-nine of the said Act, as enacted by section seven of chapter fifty-four of the statutes of 1931, is repealed and the following is substituted therefor:—

Money orders.

“MONEY ORDERS.

“69. No money order for an amount exceeding five dollars shall be issued under the provisions of the *Post Office Act* unless there is affixed thereto or to the relative advice a postage stamp of the value of:

Stamp tax on money orders of Post Office.

(i) three cents, if the amount of money for which the order is drawn exceeds five dollars but does not exceed one hundred dollars;

(ii) six cents if the amount of money for which the order is drawn exceeds one hundred dollars.”

11. (1) Subsection one of section eighty-six of the said Act, as enacted by section eleven of chapter fifty-four of the statutes of 1931, is repealed and the following is substituted therefor:—

“86. (1) There shall be imposed, levied and collected a consumption or sales tax of six per cent on the sale price of all goods,—

Consumption or sales tax of six per cent.

(a) produced or manufactured in Canada, payable by the producer or manufacturer at the time of the delivery of such goods to the purchaser thereof. Provided that in the case of any contract for the sale of goods wherein it is provided that the sale price shall be paid to the manufacturer or producer by instalments as the work progresses, or under any form of conditional sales agreement, contract of hire-purchase or any form of contract whereby the property in the goods sold does not pass to the purchaser thereof until a future date, notwithstanding partial payment by instalments, the said tax shall be payable *pro tanto* at the time each

Goods produced or manufactured in Canada.

of such instalments falls due and becomes payable in accordance with the terms of the contract, and all such transactions shall for the purposes of this section, be regarded as sales and deliveries. Provided further that in any case where there is no physical delivery of the goods by the manufacturer or producer, the said tax shall be payable when the property in the said goods passes to the purchaser thereof;

Goods
imported.

(b) imported into Canada, payable by the importer or transferee who takes the goods out of bond for consumption at the time when the goods are imported or taken out of warehouse for consumption; or

Goods sold
by licensed
wholesalers.

(c) sold by a licensed wholesaler, payable by the vendor at the time of delivery by him, and the said tax shall be computed on the duty paid value of goods imported or if the goods were manufactured or produced in Canada, on the price for which the goods sold were purchased by the said licensed wholesaler and the said price shall include the amount of the excise duties on goods sold in bond."

(2) Subsection four of section eighty-six of the said Act, as enacted by subsection three of section eleven of chapter fifty-four of the statutes of 1931, is repealed and the following is substituted therefor:—

Tax on
raw furs.

"(4) There shall be imposed, levied and collected a like tax of six per cent upon the current market value of all raw furs, dressed and/or dyed in Canada, payable by the dresser or dyer at the time of delivery by him."

12. Section eighty-eight of the said Act, as enacted by section fourteen of chapter fifty-four of the statutes of 1931, is repealed and the following is substituted therefor:—

Excise tax of
three per cent
on duty paid
value.

"**88.** (1) In addition to any duty or tax that may be payable under this Part, or any other statute, there shall be imposed, levied and collected a special excise tax of three per cent on the duty paid value of all goods imported into Canada payable by the importer or transferee who takes the goods out of bond for consumption at the time when the goods are imported or taken out of warehouse for consumption. Provided that the said tax shall not apply to goods, the duty paid value of which does not exceed twenty-five dollars, when imported by mail or express, or by the owner thereof when entering Canada unless more than one entry of such goods be made by one importer during one day from one country, in which case the tax shall be applicable: Provided also that when raw furs imported into Canada are exported therefrom, a drawback of the tax paid may be granted under regulations to be made by the Minister.

(2) The tax imposed by this section shall not apply to the articles enumerated in Schedule V of this Act."

13. Section one hundred and six of the said Act, as amended by section three of chapter forty-three of the statutes of 1930, and by section twenty of chapter fifty-four of the statutes of 1931, is repealed and the following is substituted therefor:—

"**106.** (1) Every person liable for taxes under Parts XI, XII, and XIII of this Act and every manufacturer or producer licensed under section ninety-five thereof, and every wholesaler or jobber licensed under section ninety-six thereof, shall file each month a true return of his taxable sales for the last preceding month in accordance with regulations made by the Minister. The said return shall be verified by statutory declaration made by the person liable to pay the tax, his attorney or agent. The declaration required under this section may be made before any person designated by the Minister to receive the same and every such person shall, for the purposes of this section, have the powers of a commissioner for taking affidavits. Monthly returns of taxable sales.

(2) If no taxable sales have been made during the last preceding month, a return verified as hereinbefore provided, shall be filed, stating that no such taxable sales have been made. No taxable sales.

(3) The penalty for failure to file the return required by subsections one and two of this section, within the time required by subsection four hereof, shall be a sum not less than ten dollars and not exceeding one hundred dollars. Penalty for not filing returns.

(4) The said return shall be filed and the tax paid not later than the last day of the first month succeeding that in which the sales were made. Date of filing and payment.

(5) In default of payment of the said tax or any portion thereof within the time prescribed by this Act or by regulations established thereunder, there shall be paid in addition to the amount in default, a penalty of two-thirds of one per centum of the amount in default, in respect of each month or fraction thereof, during which such default continues." Additional penalties on default.

14. Schedule III to the said Act, as amended by section twenty-two of chapter fifty-four of the statutes of 1931, is repealed and the following is substituted therefor:— Schedule repealed and re-enacted.

"SCHEDULE III

Bread, not to include rolls, buns or similar goods, whether sweetened or not; flour, including self-raising flour; oat-meal, rolled oats, cornmeal and rolled wheat, when in packages exceeding five pounds each in weight; buckwheat

meal and pea meal; pearl barley; split peas; barley meal; pot barley; animals living; live poultry; meats and poultry, fresh; milk, including buttermilk, condensed milk, evaporated milk and powdered milk; cream; butter; cheese; lard, when produced in Canada; eggs; vegetables, fruits, grains and seeds in their natural state; shorts; bran and middlings when for use as cattle, hog, poultry or other stock feed, or when sold for human consumption in packages exceeding five pounds each in weight; alfalfa meal; oil cake, oil cake meal; grains mixed or crushed for cattle or poultry feed; hay; straw; hops, when produced in Canada; nursery stock; vegetable plants; other farm produce sold by the individual farmer of his own production; bees; honey; sugar; molasses; corn syrup; maple syrup and sugar cane syrup; salt, when manufactured or produced in Canada; ice; fish and products thereof; ores of metals of all kinds; fuel of all kinds; gold and silver in ingots, blocks, bars, drops, sheets or plates unmanufactured; British and Canadian coin and foreign gold coin; logs and round unmanufactured timber; split fence posts; fence posts, railroad ties, pulpwood, tan bark, and other articles the product of the forest, when produced and sold by the individual settler or farmer; newspapers and quarterly, monthly, bimonthly and semi-monthly magazines and weekly literary papers unbound; materials for use only in the construction, equipment and repair of ships; ships licensed to engage in the Canadian coasting trade; calcium carbide; radium; electricity; gas manufactured from coal, calcium carbide or oil for illuminating or heating purposes; artificial limbs, and parts thereof; artificial eyes; donations of clothing and books for charitable purposes; settlers' effects; War Veterans' badges; memorials or monuments erected in memory of soldiers who fell in the Great War; articles for the use of the Governor General; articles imported for the personal or official use of the British High Commissioner, Ministers of Foreign Countries, Consuls General who are natives or citizens of the country they represent and who are not engaged in any other business or profession; bibles, missals, prayer books, psalm and hymn books, religious tracts, and Sunday school lesson pictures; manila fibre for use only in the manufacture of rope not exceeding one and one-half inches in circumference for the fisheries; boats *bona fide* purchased by individual fishermen for their own personal use in the fisheries; articles and materials used in the manufacture of boats *bona fide* built for individual fishermen for their own personal use in the fisheries; sinkers, and floats including trawl kegs, when for use exclusively in the fisheries, not including these articles for sportsmen's purposes; fibre for use only in the manufacture of binder twine; fertilizers; dried beet pulp; manuscript; raw furs;

wool not further prepared than washed; drain tiles for agricultural purposes; printed text-books authorized by the Department of Education of any province in Canada and phonograph records so authorized for instruction in the English and the French language, and materials used exclusively in the manufacture or production thereof; insulin; calf, cattle, hog, fox or poultry feed; rice, cleaned; macaroni and vermicelli; meats, salted or smoked; carbolic or heavy oil, to be used only in creosoting logs and round unmanufactured timber; cream separators and parts thereof; cars and other similar appliances for use exclusively at a mine or a quarry for mining or quarrying; articles and materials to be used exclusively in the manufacture of cars and other similar appliances for use exclusively at a mine or a quarry for mining or quarrying; articles and materials to be used exclusively in the manufacture of cream separators and parts thereof; materials, not to include plant equipment, consumed in process of manufacture or production, which enter directly into the cost of goods subject to the consumption or sales tax, manufactured or produced by a licensed manufacturer or producer; articles and materials, not to include permanent equipment, which enter into the cost of manufacture or production of goods manufactured or produced by a licensed manufacturer or producer; wrought, seamless, or lap-welded iron or steel tubing, less than four inches in diameter, threaded and coupled, or not, when used only in oil wells, and materials used in the manufacture of such tubing; machinery and apparatus used only in the pumping of crude oil out of wells, and articles and materials used in the manufacture of such machinery or apparatus. Usual coverings to be used exclusively for covering goods not subject to the consumption or sales tax; materials to be used exclusively in the manufacture of usual coverings to be used for covering goods not subject to the consumption or sales tax.

Woollen rolls or wool yarn milled for a producer of wool from such wool supplied by him for his own use; cotton duck and cotton sail twine to be used only in the manufacture of equipment for ships or vessels; official stationery imported by His Majesty's Trade Commissioners in Canada from His Majesty's Stationery Office in England; crushed stone, produced or manufactured by any municipality exclusively for use in building or maintaining its roads or sidewalks, and not for sale, and sand, gravel, rubble and field stone; lasts for boots and shoes including rubber foot-wear and patterns and dies for boots and shoes including rubber foot-wear; apples, dried, desiccated or evaporated; articles and materials for the sole use of any *bona fide* public hospital certified to be such by the Department of National Health, when purchased in good faith for

use exclusively by the said hospital and not for resale; preparations for use exclusively as gopher poison; bakers' cake and pies when produced by any one manufacturer or producer to the value of not more than five thousand dollars in any one calendar year.

GOODS ENUMERATED IN CUSTOMS TARIFF ITEMS:

40. Salt for use of the sea or gulf fisheries;

64. Sago and tapioca;

173. Books, embossed, and grooved cards for the blind; and books for the instruction of the deaf and dumb and blind; maps and charts for the use of schools for the blind;

175. Books not printed or reprinted in Canada, which are included and used as text books in the curriculum of any university, college or school in Canada; books specially imported for the *bona fide* use of incorporated mechanics' institutes, public libraries, libraries of universities, colleges and schools, or for the library of any incorporated medical, law, literary, scientific, or art association or society, and being the property of the organized authorities of such library, and not in any case the property of individuals—the whole under regulations prescribed by the Minister,—provided that importers of books who have sold the same for the purpose mentioned in this item, shall, upon proof of sale and delivery for such purpose, be entitled to a refund of any duty paid thereon;

209b. Nicotine sulphate;

219a. Non-alcoholic preparations or chemicals for disinfecting, dipping or spraying, n.o.p.;

219c. Non-alcoholic preparations or chemicals, such as are used for disinfecting, dipping, or spraying, when in packages not exceeding three pounds each, in weight;

Dry preparations used for the same purposes as goods enumerated in Items 219a and 219c;

281. Fire brick, containing not less than ninety per cent of silica; magnesite fire brick or chrome fire brick; other fire brick valued at not less than one hundred dollars per one thousand, rectangular shaped, the dimensions of each not to exceed one hundred and twenty-five cubic inches, for use exclusively in the construction or repair of a furnace, kiln or other equipment of a manufacturing establishment;

281a. Fire brick, n.o.p., for use exclusively in the construction or repair of a furnace, kiln, or other equipment of a manufacturing establishment;

352a. Bells, when imported for use in churches only;

391a. Castings, of iron or steel: being ingot moulds for use in the production of steel;

406. Coil chain, coil chain links, including repair links, and chain shackles of iron or steel;

409a. Milking machines and attachments therefor; centrifugal machines for testing butterfat, milk or cream; complete parts of all the foregoing;

409b. Cultivators, harrows, seed-drills, horse-rakes, horse-hoes, scufflers, manure spreaders, garden seeders, weeders, and complete parts of all the foregoing;

409c. Ploughs; farm, field, lawn or garden rollers; soil packers; complete parts of all the foregoing;

409d. Mowing machines, harvesters, either self-binding or without binders, binding attachments, reapers, harvesters in combination with threshing machine separators including the motive power incorporated therein, and complete parts of all the foregoing;

409e. (i) Spraying and dusting machines and attachments therefor, including hand sprayers; apparatus specially designed for sterilizing bulbs; pressure testing apparatus for determining maturity of fruit; pruning hooks; pruning shears; animal dehorning instruments; and complete parts of all the foregoing;

(ii) Fruit and vegetable grading, washing and wiping machines and complete parts therefor;

409f. Hay loaders, hay tedders, potato planters, potato diggers, fodder or feed cutters, ensilage cutters, grain crushers and grain or hay grinders for farm purposes only, post hole diggers, snaths, stumping machines and all other agricultural implements or agricultural machinery, n.o.p., and complete parts of all the foregoing;

409g. Incubators for hatching eggs, brooders for rearing young fowl, and complete parts of all the foregoing;

409i. Scythes, sickles or reaping hooks, hay or straw knives, edging knives, hoes, pronged forks, rakes, n.o.p.;

409j. Fanning mills; peaviners; corn husking machines; threshing machine separators, including wind stackers, baggers, weighers and self-feeders therefor; complete parts of all the foregoing;

409k. Windmills and complete parts thereof, not including shafting;

409n. Portable engines with boilers, in combination, for farm purposes; horse powers and traction engines for farm purposes, n.o.p.; and complete parts of all the foregoing;

409o. Equipment for generating electric power for farm purposes only, viz.: engine, gas tank, generator, storage battery, and switchboard; and complete parts of all the foregoing;

410b. Machinery and apparatus for use exclusively in washing or dry cleaning coal at coal mines or coke plants; machinery and apparatus for use exclusively in producing coke and gas; machinery and apparatus for use exclusively in the distillation or recovery of products from coal tar or gas; and complete parts of all the foregoing, not to include motive power, tanks for gas, nor pipes and valves 10½ inches or less in diameter:

410c. Machinery and apparatus and complete parts thereof for use exclusively in producing unrefined oil from shales, not to include motive power, of a class or kind not made in Canada;

410d. Well-drilling machinery and apparatus, and complete parts thereof, of a class or kind not made in Canada, and seamless iron or steel tubing over eight inches in diameter, for use exclusively in drilling for water, natural gas or oil, and in prospecting for minerals, but not to include motive power; including goods enumerated in this item of a class or kind made in Canada;

410e. Well-drilling machinery and apparatus and complete parts thereof, and rope twenty-one hundred feet and over in length, capable of drilling wells of two thousand feet and over in depth, of four inches and over in diameter, and of raising and lowering casing over four inches in diameter for such wells, for use exclusively in drilling for water, natural gas and oil, and in prospecting for minerals, not to include motive power;

410f. Machinery and appliances of iron or steel, of a class or kind not made in Canada, and elevators, and machinery of floating dredges, for use exclusively in alluvial gold mining;

410g. Articles for use exclusively in the metallurgy or smelting of iron, viz.: machinery and apparatus for sintering or nodulizing iron ore, concentrated or not, or flue dust; machinery and apparatus for use exclusively in the construction, equipment and repairs of blast furnaces for smelting iron ore, such machinery and apparatus to include hot blast stoves and burners, blast piping and valves connecting the blowing engines with the furnace, scale cars, charging and hoisting apparatus, blast furnace gas piping, cleaners and washers; and integral parts of all the foregoing, but not to include wrought iron pipe or valves 10½ inches and under in diameter, nor structural iron work;

410k. Machinery and apparatus, of a class or kind not made in Canada, for use exclusively in handling ore and other materials to be charged into the blast furnace, from the dock, car or stock pile, at the smelting works;

410l. Ore crushers, rock crushers, stamp mills, grinding mills, rock drills, percussion coal cutters, coal augers, rotary coal drills, n.o.p., and complete parts of all the foregoing, for use exclusively in mining, metallurgical or quarrying operations;

410m. Diamond drills and core drills, not including motive power, and electrically operated rotary coal drills, of a class or kind not made in Canada, and integral parts of the foregoing, for use exclusively in mining operations;

410n. Diamond drills and core drills, not including motive power, and electrically operated rotary coal drills, n.o.p., and integral parts of the foregoing, for use exclusively in mining operations;

410o. Coal cutting machines, n.o.p.; coal heading machines; electric or magnetic machines for concentrating or separating iron ores; automatic scales for use with conveyors; and integral parts of all the foregoing, for use exclusively in mining or metallurgical operations;

410p. Sundry articles of metal as follows, for use exclusively in mining and metallurgical operations, viz.: furnaces for the smelting of ores; converting apparatus for metallurgical processes in metals; machinery for the extraction of precious metals by the chlorination or cyanide processes, not to include pumps, vacuum pumps or compressors; blast furnace blowing engines for the production of pig iron; and integral parts of all the foregoing;

410q. Pumps and vacuum pumps, and complete parts thereof, for use exclusively in the extraction of precious metals by the chlorination or cyanide processes;

410s. Amalgam safes; automatic ore samplers; automatic feeders; retorts; mercury pumps; pyrometers; bullion furnaces; amalgam cleaners; and integral parts of all the foregoing, for use exclusively in mining or metallurgical operations;

410z. Machinery and apparatus, n.o.p., and complete parts thereof, for the recovery of solid or liquid particles from flue or other waste gases at metallurgical or industrial plants, not to include motive power, tanks for gas, nor pipes and valves $10\frac{1}{2}$ inches or less in diameter;

411. Machinery for use in sawing lumber, up to but not including the operation of planing, and complete parts thereof, not to include motive power, when for use exclusively in saw mills (for the purpose of this item motive power is defined as equipment for driving the machinery of the saw mill);

411a. Machinery, logging cars, cranes, blocks and tackle, wire rope, but not including wire rope to be used for guy ropes or in braking logs going down grade, and complete parts of all the foregoing, for use exclusively in the operation of logging, such operation to include the removal of the log from stump to skidway, log dump or common or other carrier;

411b. Cylinder stave saws, wheel type stave jointers, crozing and champhering machinery, when for use exclusively in making staves;

431. Shovels and spades, of iron or steel, n.o.p.;

431a. Axes;

439c. Farm wagons, farm sleds, logging wagons, logging sleds, and complete parts thereof;

439d. Freight wagons, drays, sleighs, n.o.p., and complete parts thereof;

440k. Engines and complete parts thereof, to be used exclusively in the propulsion of boats or in hoisting nets and lines used in such boats *bona fide* owned by individual

fishermen for their own use in the fisheries, under regulations prescribed by the Minister;

442. Articles which enter into the cost of manufacture of the goods enumerated in Tariff Items 409a, 409b, 409c, 409d, 409e, 409f, 409g, 409j, 409o, and 439c, when imported by manufacturers for use exclusively in the manufacture in their own factories of the goods enumerated in tariff items 409a, 409b, 409c, 409d, 409e, 409f, 409g, 409j, 409o, and 439c, under regulations prescribed by the Minister;

442a. Notwithstanding the provisions of tariff item 442, materials or commodities as hereunder defined or described, when imported by manufacturers for use exclusively in the manufacture, in their own factories, of the goods enumerated in tariff items 409a, 409b, 409c, 409d, 409e, 409f, 409g, 409j, 409o, and 439c, under regulations prescribed by the Minister:—

(1) Pig iron;

(2) Bars or rods, of iron or steel, hot rolled;

464. Steel dies, of a class or kind not made in Canada, valued at not less than one thousand dollars each, for use exclusively in stamping metal sheets or metal plates: Provided that such dies shall be exported from Canada under Customs supervision within three months from the date of import entry;

476. Surgical and dental instruments of any material; surgical needles; X-ray apparatus; surgical operating tables for use in hospitals; microscopes valued at not less than \$50 each by retail; and complete parts of all the foregoing:

476a. Glassware and other scientific apparatus for laboratory work in public hospitals; apparatus for sterilizing purposes, including bedpan washers and sterilizers but not including washing or laundry machines; all for the use of any public hospital, under regulations prescribed by the Minister;

480. Crutches or specially constructed staffs for cripples;

538. Binder twine or twine for harvest binders;

663b. Articles which enter into the cost of the manufacture of fertilizers, when imported for use exclusively in the manufacture of fertilizers;

666. Nitro-glycerine, giant powder, nitro and other explosives;

667. Blasting and mining powder;

682. Fish hooks, for deep-sea or lake fishing, not smaller in size than number 2·0; bank, cod, pollock and mackerel fish lines; and mackerel, herring, salmon, seal, seine, mullet, net and trawl twine in hanks or coil, barked or not—in variety of sizes and threads—including gilling thread in balls, and head ropes for fishing nets; marline, and net norsels of cotton, hemp or flax; and fishing nets or seines, and manila rope, not exceeding one and one-half inches in circumference, when used exclusively for the fisheries, not

to include hooks, lines, nets or ropes commonly used for sportsmen's purposes;

692. Coins, cabinets of; collections of medals and collections of postage stamps; medals of gold, silver or copper, and other metallic articles actually bestowed as trophies or prizes and received and accepted as honorary distinctions, and cups or other metallic prizes (not usual merchantable commodities), won in *bona fide* competitions;

695a. Paintings in oil or water colours, and pastels, valued at not less than twenty dollars each; paintings and sculptures by artists domiciled in Canada but residing temporarily abroad for purposes of study, under regulations by the Minister;

696. Philosophical and scientific apparatus, utensils, instruments, and preparations, including boxes and bottles containing the same; maps, photographic reproductions, casts as models, etchings, lithographic prints or charts; mechanical equipment of a class or kind not made in Canada. All articles in this item, when specially imported in good faith for the use and by order of any society or institution incorporated or established solely for religious, philosophical, educational, scientific or literary purposes, or for the encouragement of the fine arts, or for the use and by order of any public hospital, college, academy, school, or seminary of learning in Canada, and not for sale, under regulations prescribed by the Minister;

700. Animals and articles brought into Canada temporarily and for a period not exceeding three months, for the purpose of exhibition or of competition for prizes offered by any agricultural or other association: Provided a bond shall be first given in accordance with regulations prescribed by the Minister, with the condition that the full duty to which such animals or articles would otherwise be liable shall be paid in case of their sale in Canada, or if not re-exported within the time specified in such bond;

701. Menageries, horses, cattle, carriages and harness of, under regulations prescribed by the Minister;

702. Carriages for travellers, and carriages laden with merchandise, not to include circus troupes or hawkers, under regulations prescribed by the Minister;

703. Travellers' baggage, under regulations prescribed by the Minister;

704. Apparel, wearing and other personal and household effects, not merchandise, of British subjects dying abroad, but domiciled in Canada; books, pictures, family plate or furniture, personal effects and heirlooms left by bequest;

1017. Lap-welded tubing of iron or steel, not less than four inches in diameter threaded and coupled or not, when used in casing water, oil and natural gas wells, or for the transmission of natural gas under high pressure from gas wells to points of distribution;

UNENUMERATED:

Iron or steel pipe, not butt or lap-welded, and wirebound wooden pipe, not less than thirty inches in internal diameter, for use in alluvial gold mining; including articles and materials used exclusively or consumed in the manufacture of the said pipe.

ARTICLES AND MATERIALS TO BE USED EXCLUSIVELY IN THE
MANUFACTURE OF GOODS ENUMERATED IN CUSTOMS
TARIFF ITEMS:

219a, 219c,—Dry preparations used for the same purposes as goods enumerated in Items 219a and 219c, 281, 281a, 391a, 406a, 406b, 409a, 409b, 409c, 409d, 409e, 409f, 409g, 409i, 409j, 409k, 409n, 409o, 410b, 410d, including goods enumerated in this item of a class or kind made in Canada; 410e, 410f, 410g, 410k, 410l, 410m, 410n, 410o, 410p, 410q, 410s, 410z, 411, 411a, 411b, 431, 431a, 439c, 439d, 440k, 442, 442a, 476, 476a, 480, 538, 663, 663a, 663b, 666, 667, 696, tubing enumerated in Customs Tariff Item 1017;

MATERIALS, NOT TO INCLUDE PLANT EQUIPMENT, CONSUMED
IN PROCESS OF MANUFACTURE OR PRODUCTION, WHICH
ENTER DIRECTLY INTO THE COST OF GOODS
ENUMERATED IN CUSTOMS TARIFF ITEMS:

281, 281a, 391a, 406a, 406b, 409a, 409b, 409c, 409d, 409e, 409f, 409g, 409i, 409j, 409k, 409n, 409o, 410b, 410d, including goods enumerated in this item of a class or kind made in Canada; 410e, 410f, 410g, 410k, 410l, 410m, 410n, 410o, 410p, 410q, 410s, 410z, 411, 411a, 411b, 431, 431a, 439c, 439d, 440k, 442a, 476, 476a, 480, 538, 663, 663a, 666, 667, 696, tubing enumerated in Customs Tariff Item 1017."

New
Schedule IV.

15. Schedule IV to the said Act, as enacted by section twenty-three of chapter fifty-four of the statutes of 1931, is repealed and the following is substituted therefor:—

"SCHEDULE IV

Boots and shoes, including rubber footwear;

Creosoted railroad ties;

Printing paper for use exclusively in producing newspapers and quarterly, monthly, bimonthly and semi-monthly magazines, weekly literary papers unbound, bibles, missals, prayer books, psalm and hymn books, religious tracts and Sunday school lesson pictures;

All articles manufactured or produced by the labour of the blind in institutions in Canada established for their care or under the control or direction of such institutions;

Moist mince meat;

Yeast.

THE GOODS ENUMERATED IN CUSTOMS TARIFF ITEMS AS FOLLOWS WHEN PRODUCED OR MANUFACTURED IN CANADA:

89. Vegetables, prepared, in air-tight cans or other air-tight containers;

(a) Beans, baked or otherwise prepared;

(b) Corn and tomatoes;

(c) Peas;

(d) N.O.P.;

90. Vegetables, prepared or preserved:

(d) Pastes, hash and all similar products, composed of vegetables and meat or fish, or both, n.o.p.;

105. Fruit pulp, with sugar or not, n.o.p., and fruits, crushed or frozen;

105d. Jellies, jams, marmalades, preserves, fruit butters and condensed mince meats;

106. Fruits, prepared, in air-tight cans or other air-tight containers:

(a) Apricots, peaches and pears;

(b) Pineapples;

(c) N.O.P."

16. The said Act is further amended by adding the following Schedule thereto as Schedule V:— Schedule V added.

"SCHEDULE V.

Articles on which other excise taxes are imposed on importation by Part XI of this Act; raw leaf tobacco when imported by licensed tobacco or cigar manufacturers; material for the manufacture of binder twine for export, when imported by the manufacturers thereof; British and Canadian coin and foreign gold coin, bullion and unmanufactured gold; fish and other products of the fisheries of Newfoundland; fish caught by fishermen in vessels registered in Canada or owned by any person domiciled in Canada, and the products thereof carried from the fisheries in such vessels; donations of clothing for charitable purposes; animals for the improvement of stock; boards, planks and deals of fir, spruce, pine, hemlock or larch, in the rough, or not further manufactured than planed or dressed on one side, when imported from a country which admits free of duty similar lumber imported from Canada; goods enumerated in Customs Tariff Items 700, 702, 703, 704, 705, 705a, 706, 707, 708 and 709."

When sections 3 to 7, and 9 and 10 come into force.

17. Sections three to seven inclusive, nine and ten of this Act shall be deemed to have come into force on the second day of May, 1932.

When sections 11, 12, 14, 15 and 16 come into force.

18. Sections eleven, twelve, fourteen, fifteen and sixteen of this Act shall be deemed to have come into force on the seventh day of April, 1932, and to have applied to all goods imported and taken out of warehouse for consumption on and after that day and to have applied to goods previously imported for which no entry for consumption was made before that date, and the rate of consumption or sales tax imposed by section eleven of this Act shall apply to any stocks of goods, wares and merchandise in the hands of licensed wholesalers on that date: Provided, however, that in respect of the following goods specified in Schedule III, as enacted by section fourteen of this Act, namely, "oatmeal, rolled oats, cornmeal and rolled wheat, when in packages exceeding five pounds each in weight" and "bran and middlings when for use as cattle, hog, poultry or other stock feed, or when sold for human consumption in packages exceeding five pounds each in weight", this section shall be deemed to have come into force on the 24th day of May, 1932; and provided further that the following goods enumerated in Schedule IV, as enacted by section fifteen to this Act, namely, "all articles manufactured or produced by the labour of the blind in institutions in Canada established for their care or under the control or direction of such institutions" shall be deemed to have been included in Schedule III to the Act from the seventh day of April, 1932, to the 23rd day of May, 1932, inclusive.

French version amended.

1931, c. 54, s. 5.

1931, c. 54, s. 9.

"19. (1) Paragraph (b) of section sixty-one of the French version of the said Act, as enacted by section five of chapter fifty-four of the statutes of 1931, is amended by striking out the word 'émises' in the fourth line of said paragraph and substituting therefor the word 'réparties.'

(2) Subsection one of section seventy-one of the French version of the said Act, as enacted by section nine of chapter fifty-four of the statutes of 1931, is amended by repealing the last four lines thereof and substituting the following therefor:

'une taxe d'un cent en sus du port payable par l'expéditeur lequel doit apposer sur cette lettre ou carte postale un timbre-poste ou des timbres-poste d'une valeur qui suffise à la fois le port et ladite taxe.'

R.S., c. 179, s. 72.

(3) Section seventy-two of the French version of the said Act is amended by inserting the words 'ou le bon de poste' after the word 'mandat' in the fifth line of said section.

R.S., c. 179, s. 91.

(4) Paragraph (a) of section ninety-one of the French version of the said Act is amended by striking out the words "en gros" in the second line of said paragraph."

22-23 GEORGE V.

CHAP. 55.

An Act respecting the Waterton Glacier International Peace Park.

[Assented to 26th May, 1932.]

WHEREAS it is desirable for the purpose of permanently Preamble.
commemorating the long existing relationship of peace
and good will existing between the peoples and Govern-
ments of the United States of America and the Dominion of
Canada to create and establish memorials thereof: Therefore
His Majesty, by and with the advice and consent of the
Senate and House of Commons of Canada, enacts as
follows:—

1. Upon proclamation of the Governor in Council, Proclamation.
Waterton Lakes National Park shall be deemed to be a part
of the Waterton Glacier International Peace Park.

2. The Canadian section of the Waterton Glacier Canadian
section.
International Peace Park shall continue to be one of the
National Parks of Canada set apart by chapter thirty-
three of the statutes of Canada, 1930.

OTTAWA: Printed by FREDERICK ALBERT ACLAND, Law Printer to the
King's Most Excellent Majesty.

22-23 GEORGE V.

CHAP. 56.

An Act to amend the Winding-up Act.

[Assented to 26th May, 1932.]

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

1. Section two of the *Winding-up Act*, chapter two hundred and thirteen of the Revised Statutes of Canada, 1927, is hereby amended by repealing paragraph (f) thereof and substituting therefor the following:—

“(f) ‘insurance company’ means a company transacting the business of insurance and includes any unincorporated association or reciprocal exchange transacting such business;”

2. The said Act is further amended by repealing sections one hundred and sixty to one hundred and seventy-four, both inclusive, and substituting therefor the following:—

“PART III.

INSURANCE COMPANIES.

“160. This Part shall apply only to insurance companies, and the word ‘company’ shall mean 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’ shall mean, as the circumstance 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.

'Policy.'

1932, c. 46;
1932, c. 47.

(3) Without limiting the generality of its meaning 'policy' in this Part includes 'policy' as defined in *The Canadian and British Insurance Companies Act, 1932*, and in *The Foreign Insurance Companies Act, 1932*.

'Superintendent.'

(4) 'Superintendent' shall mean the Superintendent of Insurance within the meaning of *The Department of Insurance Act*.

When company deemed insolvent.

Non-payment of claim by any company.

161. A company shall be deemed to be insolvent if,—

(a) 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; or

Non-renewal of expired certificate of registry on account of inability to meet liabilities.

(b) being any company registered under the provisions of *The Canadian and British Insurance Companies Act, 1932*, or under the provisions of *The Foreign Insurance Companies Act, 1932*, 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

Non-renewal of withdrawn certificate of registry.

(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.

Application for a winding-up order.

(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.

Order of priority for payment of claims.

162. Subject to the provisions of this Act, claims shall be paid in the following order of priority:—

First.—Costs of liquidation.

Secondly.—Claims of preferred creditors, specified in section seventy-two of this Act.

Thirdly.—Claims of policyholders of the company ranking as follows:—

(A) If reinsurance is not effected as hereinafter provided, claims which 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

(B) If reinsurance is effected, first, claims which 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, shall be entitled to receive a dividend on their claims only if the assets are more than sufficient to pay the claims specified in the next preceding subsection of this section.

Other
creditors.

(3) Notwithstanding anything contained in this Part, if the company is a British company registered under *The Canadian and British Insurance Companies Act, 1932*, or a foreign company registered under *The Foreign Insurance Companies Act, 1932*, 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.

Priority of
claims of
policyholders
in British
or foreign
companies.

(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 the next preceding subsection.

Release of
balance of
assets to
company.

163. 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, 1932*, or *The Foreign Insurance*

Reinsurance
of contracts
by liquidator.

Companies Act, 1932, and in such case the reinsurance shall be in lieu of the claim for the value of their policies computed as hereinafter provided.

Reinsurance may be for a percentage of sum assured.

(2) If the assets of the company are insufficient to provide for the preferred claims specified in section seventy-two of this Act 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.

Approval of contracts of reinsurance.

(3) No contract of reinsurance made in pursuance of this section shall become effective until approved by the court and by the Treasury Board.

Holders of unmatured policies to claim for value computed.

164. If 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 shall be 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.

Bases and methods of valuation.

(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.

Amendment thereof.

(3) The bases, methods and rules of computation so prescribed by the Treasury Board shall be binding on all concerned, subject only to revocation or amendment by the Treasury Board.

Computation by Superintendent.

(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 to the Minister and applied toward payment of the expenses of the Department of Insurance.

165. The funds and securities of the company in Canada which 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 which are affected by the winding-up order shall, on order of the court having jurisdiction, be transferred to the liquidator.

Transfer of funds and securities to the liquidator.

Assets in Canada.

(2) If the company is a Canadian company which 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.

Assets on deposit outside of Canada.

(3) If 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.

Consequence of non-transfer of assets.

166. If a British company registered under *The Canadian and British Insurance Companies Act, 1932*, or a foreign company registered under *The Foreign Insurance Companies Act, 1932*, 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.

Transfer of assets in Canada to British or foreign liquidator.

167. 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 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 which 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

Liquidator to prepare statement of claimants and creditors.

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: Provided that 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.

Proviso.

Amendment of statement.

(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.

Right of action not debarred if assets insufficient to pay claims.

168. If the assets are not sufficient to cover in full all claims appearing in the statement or amended statement, the policyholders shall not be 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.

Copy of statement to be filed in Department of Insurance.

169. 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.

When policyholder to rank as creditor.

(2) Any claim which 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.

Notice of filing sent to claimants and creditors.

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.

Report by the liquidator to the Superintendent of Insurance.

171. If the company is registered under *The Canadian and British Insurance Companies Act, 1932*, or under *The Foreign Insurance Companies Act, 1932*, 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.

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, shall be sufficient notice to holders of policies in respect of which no notice of claim has been received.

Publication of notice of proceedings to be notice to policy-holders.

173. Nothing in this Part shall prejudice or affect the priority of any mortgage, lien or charge upon the property of the company."

Priority of certain claims not affected.

3. Section twenty-three of the said Act is amended by adding thereto the following subsection:—

Trustee only to be appointed as liquidator.
R. S., c. 11.

"(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*."

22-23 GEORGE V.

CHAP. 57.

An Act for granting to His Majesty certain sums of money for the public service of the financial years ending respectively the 31st March, 1932, and the 31st March, 1933.

[Assented to 26th May, 1932.]

MOST GRACIOUS SOVEREIGN,

WHEREAS it appears by messages from His Excellency the Right Honourable the Earl of Bessborough, etc., Governor General of Canada, and the estimates accompanying the said messages, that the sums hereinafter mentioned are required to defray certain expenses of the public service of Canada, not otherwise provided for, for the financial years ending respectively the thirty-first day of March, one thousand nine hundred and thirty-two, and the thirty-first day of March, one thousand nine hundred and thirty-three, and for other purposes connected with the public service: May it therefore please Your Majesty that it may be enacted, and be it enacted by the King's Most Excellent Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, that:—

Preamble.

1. This Act may be cited as *The Appropriation Act, No. 4, 1932.* Short title.

2. From and out of the Consolidated Revenue Fund there may be paid and applied a sum not exceeding in the whole one hundred and forty-six million, seven hundred and seven thousand, eight hundred and twenty-six dollars and ninety-two cents towards defraying the several charges and expenses of the public service, from the first day of April, one thousand nine hundred and thirty-two to the thirty-first day of March, one thousand nine hundred and thirty-three, not otherwise provided for, and being one-half of votes Nos. 35, 36, 45, 186, 207, 209, 210, 211 and 286, and three-fourths of the amount of each of the other items, less deductions, set forth in Schedule A to this Act.

\$146,707,826.92
granted for
1932-33.

\$2,242,474.83
granted for
1931-32.

3. From and out of the Consolidated Revenue Fund there may be paid and applied a sum not exceeding in the whole two million, two hundred and forty-two thousand, four hundred and seventy-four dollars and eighty-three cents towards defraying the several charges and expenses of the public service, from the first day of April, one thousand nine hundred and thirty-one, to the thirty-first day of March, one thousand nine hundred and thirty-two, not otherwise provided for, set forth in Schedule B to this Act.

\$8,440,000.00
granted for
1932-33.

4. From and out of the Consolidated Revenue Fund there may be paid and applied a sum not exceeding in the whole eight million, four hundred and forty thousand dollars towards defraying the several charges and expenses of the public service, from the first day of April, one thousand nine hundred and thirty-two, to the thirty-first day of March, one thousand nine hundred and thirty-three, not otherwise provided for, and being five-sixths of the amount of each of the several items to be voted set forth in Schedule C to this Act.

\$6,020,472.95
granted for
1932-33.

5. From and out of the Consolidated Revenue Fund there may be paid and applied a sum not exceeding in the whole six million, six hundred and twenty thousand, four hundred and seventy-two dollars and ninety-five cents towards defraying the several charges and expenses of the public service, from the first day of April, one thousand nine hundred and thirty-two, to the thirty-first day of March, one thousand nine hundred and thirty-three, not otherwise provided for, set forth in Schedule D to this Act.

Power to
raise loan of
\$200,000,000
for public
works and
general
purposes.
1931, c. 27

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

Chargeable
to
Consolidated
Revenue
Fund.

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

Lapse of
prior
borrowing
powers.

(3) All borrowing powers authorized by section five of chapter sixty-one of the Statutes of 1931 which are outstanding and unused shall expire on the date of the coming into force of this Act.

Account to
be rendered
in detail.

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

SCHEDULE A.

Based on the Main Estimates, 1932-33. The amount hereby granted is \$146,707,826.92, being one-half of votes Nos. 35, 36, 45, 186, 207, 209, 210, 211 and 286, and three-fourths of the amount of each of the other items in the Estimates as contained in this Schedule, less deduction of \$45,000 in Resolution No. 56, Empire Settlement Scheme.

SUMS granted to His Majesty by this Act for the financial year ending 31st March, 1933, and the purposes for which they are granted.

No. of Vote	Service	Amount	Total
	CHARGES OF MANAGEMENT	\$ cts.	\$ cts.
	Offices of the Assistant Receivers General—		
	Salaries and Contingencies.....	128,722 00	
	Printing, signing, sealing and macerating Dominion Notes.....	458,537 00	
	Printing, advertising, inspection, express, etc.....	119,679 00	
	Commission for payment of interest on public debt, purchase of sinking funds, auditing.....	100,000 00	
1	English bill stamps, postage, etc.....	2,500 00	
	To provide for temporary clerical work in connection with the transfer and registration of bonds, etc., and the flotation of loans, and authority for these purposes to employ a tem- porary staff, fix their rates of remuneration and otherwise wholly regulate their services without reference to and notwithstanding anything in the Civil Service Act.....	17,190 00	
			826,628 00
	CIVIL GOVERNMENT		
2	Office of the Secretary to the Governor General—		
	Salaries.....	29,322 00	
	Contingencies, including house allowance of \$1,500 per annum to the Secretary to the Governor General.....	70,500 00	
3	Agriculture—		
	Salaries.....	771,543 00	
	Contingencies.....	150,000 00	
4	Auditor General's Office—		
	Salaries.....	325,638 00	
	Contingencies.....	60,000 00	
5	Civil Service Commission—		
	Salaries.....	204,930 00	
	Contingencies.....	67,000 00	
6	External Affairs—		
	Salaries.....	87,678 00	
	Contingencies.....	67,000 00	
7	Finance—		
	Salaries, including appointment of Miss M. Guthrie, B.A. as a Secretary to Executive at \$1,980.....	412,542 00	
	Contingencies.....	38,000 00	
	Inspector General of Banks—		
	Salaries and contingencies.....	23,340 00	
8	Fisheries—		
	Salaries.....	139,410 00	
	Contingencies.....	40,000 00	
9	Immigration and Colonization—		
	Salaries.....	260,766 00	
	Contingencies.....	30,000 00	
10	Indian Affairs—		
	Salaries.....	162,454 50	
	Contingencies.....	23,000 00	
11	Insurance—		
	Salaries.....	84,762 00	
	Contingencies.....	69,000 00	
12	Interior—		
	Salaries.....	686,015 00	
	Contingencies.....	40,000 00	

SCHEDULE A—Continued

No. of Vote	Service	Amount		Total	
		\$	cts.	\$	cts.
CIVIL GOVERNMENT— <i>Concluded</i>					
13	Justice—				
	Salaries.....	221,128	00		
	Contingencies, including the Solicitor General's Office.....	40,000	00		
14	Labour—				
	Salaries.....	224,802	00		
	Contingencies.....	30,000	00		
15	Marine—				
	Salaries.....	367,137	00		
	Contingencies.....	70,000	00		
16	Mines—				
	Salaries.....	541,224	00		
	Contingencies.....	15,000	00		
17	National Defence—				
	Salaries.....	667,035	00		
	Contingencies.....	60,000	00		
18	National Revenue—				
	Salaries.....	956,772	00		
	Contingencies.....	50,000	00		
19	Office of the Prime Minister—				
	Salaries.....	24,817	50		
20	Pensions and National Health—				
	Salaries.....	189,468	00		
	Contingencies.....	70,000	00		
21	Post Office—				
	Salaries, including amount required to pay allowances to Office Appliance Operators, Grade 2, operating mechanical audit card punching machines in accordance with the terms of Order in Council P.C. 280/383, dated February 17, 1930; and to pay allowances to Typists, Grade 1, employed cutting stencils in accordance with regulations approved by Order in Council.....	1,272,855	10		
	Contingencies.....	200,000	00		
22	Privy Council—				
	Salaries.....	42,984	00		
	Contingencies.....	7,000	00		
23	Public Archives—				
	Salaries.....	90,630	00		
	Contingencies.....	13,500	00		
24	Public Printing and Stationery—				
	Salaries, including \$450 to Fred. Cook as Secretary to the Government Printing and Stationery Committee, notwithstanding anything to the contrary in the Civil Service Act.....	68,832	00		
	Contingencies.....	15,000	00		
25	Public Works—				
	Salaries.....	601,020	00		
	Contingencies.....	80,000	00		
26	Railways and Canals—				
	Salaries.....	248,220	00		
	Contingencies.....	42,000	00		
27	Royal Canadian Mounted Police—				
	Salaries.....	35,460	00		
	Contingencies.....	16,000	00		
28	Secretary of State—				
	Salaries.....	316,818	00		
	Contingencies.....	68,280	00		
29	Trade and Commerce—				
	Salaries.....	554,310	00		
	Contingencies.....	40,000	00		
				11,083,193	10
ADMINISTRATION OF JUSTICE					
30	Miscellaneous expenditure, including remuneration to members of the Mounted Police Force (to be expended under Order-in-Council, and not to exceed \$1,000) for assistance in the Remission Service of the Department of Justice.....	15,000	00		

SCHEDULE A—Continued

No. of Vote	Service	Amount	Total
	ADMINISTRATION OF JUSTICE—Concluded	\$ cts.	\$ cts.
	<i>Supreme Court of Canada</i>		
31	Contingencies and disbursements, including books, magazines, etc., for judges, not exceeding \$350.....	7,500 00	
	Law Books and books of reference for Library, and binding of same.....	6,000 00	
	Printing, binding and distributing Supreme Court Reports....	8,000 00	
	<i>Exchequer Court of Canada</i>		
32	Contingencies—Judges' and Court officials' travelling expenses, remuneration to sheriffs, etc., printing, stationery, etc., and \$150 for judges' books.....	7,500 00	
	Printing, binding and distributing Court Reports.....	3,000 00	
	<i>Yukon Territory</i>		
33	Miscellaneous expenditure, including salaries and allowances of court officers, etc.....	8,650 00	55,650 00
	PENITENTIARIES		
34	Amount required for cost of administration, construction, purchase of land, supplies and equipment, maintenance and discharge of inmates at Kingston, St. Vincent de Paul, Dorchester, Manitoba, British Columbia, Saskatchewan and Collins Bay penitentiaries.....	2,655,700 00	2,655,700 00
	LEGISLATION		
	SENATE		
35	Salaries and contingent expenses.....	161,939 40	
	HOUSE OF COMMONS		
36	Salaries.....	218,034 00	
	Expenses of committees, clerical assistance, etc.....	103,468 00	
	Contingencies.....	43,695 00	
	Publishing debates.....	53,200 00	
	Estimates of the Sergeant-at-Arms.....	179,100 00	
	LIBRARY OF PARLIAMENT		
37	Salaries, and to authorize payment of M. C. MacCormac from April 1, 1932.....	42,498 00	
	Books for the General Library, including binding.....	15,000 00	
	Books for the Library of American History.....	1,000 00	
	Contingencies.....	12,000 00	
	To provide for the cost of printing reports.....	1,000 00	
	GENERAL		
38	Printing, printing paper and binding.....	67,000 00	897,934 40
	AGRICULTURE		
39	Dairying.....	231,300 00	
40	Cold Storage Warehouses.....	200,000 00	
41	Fruit.....	390,200 00	
42	Seed, feed and fertilizer control, including grants to Seed Fairs, etc., also grant of \$18,900 to the Canadian Seed Growers Association.....	413,200 00	
43	For experiments in dehydration of fruits and vegetables.....	10,000 00	
44	Live Stock.....	1,380,000 00	
45	Experimental Farms.....	1,492,000 00	

SCHEDULE A—Continued

No. of Vote	Service	Amount	Total
		\$ cts.	\$ cts.
AGRICULTURE—Concluded			
46	Assistance to Fairs and Exhibitions, including the Royal Agricultural Winter Fair.....	350,000 00	
47	Health of Animals, administration of the Animal Contagious Diseases Act and the Meat and Canned Foods Act.....	1,654,000 00	
48	Entomology.....	25,000 00	
49	Administration of Destructive Insect and Pest Act.....	328,200 00	
50	Publications.....	7,500 00	
51	International Institute of Agriculture.....	10,000 00	
52	Farm Economics, including agricultural co-operative marketing	8,600 00	
53	Contributions to Empire Bureaux.....	21,000 00	
54	Grant to Executive Committee of the World's Grain Congress..	150,000 00	
			6,671,100 00
IMMIGRATION AND COLONIZATION			
55	Immigration salaries and contingencies, including grants to Immigration Societies, Provinces, etc., as may be authorized by the Governor General in Council.....	1,360,000 00	
56	Empire Settlement Scheme, including grants to Immigration Societies, Women's Hostels, etc., as may be authorized by the Governor General in Council.....	*60,000 00	
57	Chinese Immigration—Salaries and contingencies.....	41,595 00	
58	Relief of distressed Canadians outside of Canada.....	3,000 00	
			1,464,595 00
SOLDIER AND GENERAL LAND SETTLEMENT			
59	Amount required for Soldier Land Settlement Advances, for advances under the British Family Schemes recoverable from the British Government, for the cost of administration of Soldier Settlement and General Land Settlement, and for the cost of administration of Soldier Settlement staff performing investigations for the War Veterans Allowance Committee.....	1,500,000 00	
			1,500,000 00
PENSIONS			
60	Annuity to Dr. F. G. Banting.....	7,500 00	
61	Annuity to Dr. Charles E. Saunders.....	5,000 00	
Pensions to—			
62	The unmarried sister of the late Col. Harry Baker, M.P....	700 00	
63	J. Langlois Bell.....	600 00	
64	Captain J. E. Bernier.....	2,400 00	
65	James Elliott.....	672 00	
66	Mrs. Wm. McDougall.....	1,200 00	
67	Alice Morson Smith.....	600 00	
68	Elizabeth Swinford.....	600 00	
69	J. L. Weller.....	3,500 00	
70	Mounted Police, Prince Albert Volunteers and Police Scouts on account of the Rebellion of 1885.....	806 65	
71	Families of members of the Mounted Police Force who lost their lives while on duty—		
	Mrs. Mary Emma Bossange.....	456 25	
	Mrs. Margaret Johnson Brooke.....	821 25	
	Mrs. Margaret Cox.....	500 63	
	Mrs. Elizabeth Fitzgerald.....	525 00	
	Mrs. Margaret Nicholson.....	607 50	
	Mrs. Myrtle L. Richards.....	900 00	
	Mrs. Amy Lillian Searle.....	406 98	
	Mrs. Nora Jean Massan.....	300 00	
	Mrs. Letitia Kennedy.....	423 50	
72	Pensions payable to Militiamen on active service, Northwest Rebellion, 1885, and general pensions.....	25,000 00	
73	Civil flying.....	1,000 00	
74	European War—Naval, Militia and Air Forces after the War... 48,000,000 00		
75	Salaries and contingent expenses of the Board of Pension Commissioners for Canada.....	451,284 00	
			48,505,803 76

*Deduction \$45,000

SCHEDULE A—Continued

No. of Vote	Service	Amount	Total
		\$ cts.	\$ cts.
	SUPERANNUATION		
76	To provide for retiring allowances to former employees of the Department of Public Printing and Stationery.....	12,100 00	12,100 00
	NATIONAL DEFENCE		
	MILITIA SERVICES		
77	Administration.....	320,000 00	
78	Cadet Services.....	100,000 00	
79	Contingencies.....	35,000 00	
80	Engineer Services and Works.....	327,500 00	
81	General Stores.....	663,500 00	
82	Non-Permanent Active Militia.....	1,837,400 00	
83	Permanent Force.....	4,844,000 00	
84	Royal Military College.....	360,500 00	
85	Topographic Survey.....	20,006 00	
	NAVAL SERVICES		
86	Naval Service—To provide for the maintenance of the ships and establishments of the Naval Service, including the Royal Canadian Navy, and Royal Canadian Naval Reserve and the Royal Canadian Naval Volunteer Reserve..	2,462,000 00	
	GENERAL		
37	<i>Civil Pensions—</i>		
	Life pension to Robert Allen.....	269 52	
	Life pension to Walter Pettipas.....	515 90	
	Life pension to Florence Walker and children.....	517 50	
	Life pension to Arnold Truman Townsend.....	420 00	
	Life pension to Michael Mountain.....	420 00	
88	<i>Miscellaneous—</i>		
	Compassionate grant to Gordon Hymen for injuries sustained while on duty at Wolseley Barrack, London, Ont.....	16 00	
	Compassionate grant to P. Adolph, Winnipeg, Man., for damage to garage and motor car, caused through roof of armoury being blown off by storm.....	175 00	
	Compassionate grant to J. Carrick, Winnipeg, Man., for damage to his residence, caused through roof of armoury being blown off by storm.....	90 00	
	Compassionate grant to E. Minkie, Winnipeg, Man., for damage to his residence, caused through roof of armoury being blown off by storm.....	225 00	
			10,972,548 92
	AVIATION		
89	Training—All expenses in connection with the general maintenance of the Air Force, including training personnel for Civil Air Operations and provision of the necessary facilities therefor Civil Air Operations— Flying operations for Civil Government Departments in connection with aerial photographic surveys, forestry patrols, forestry and grain pests, transportation, etc., control of civil aviation; establishing aerodromes and airship bases; aeronautical engineering, etc Air Mail Routes—To provide for expenses in connection with establishment and maintaining air mail routes; preparation and lighting of intermediate landing fields, etc.	1,750,000 00	
			1,750,000 00
	RAILWAYS AND CANALS		
	<i>(Chargeable to Capital)</i>		
	RAILWAYS		
90	Hudson Bay Railway and Terminals: Construction and betterments, including E. B. Jost at \$2,250 (Revote \$630,000)....	1,937,700 00	
	CANALS		
91	St. Ours Lock Rebuilding (Revote \$50,000).....	50,000 00	
92	Welland Ship Canal: Construction and betterments.....	3,123,400 00	
			5,111,100 00

SCHEDULE A—Continued

No. of Vote	Service	Amount	Total
		\$ cts.	\$ cts.
RAILWAYS AND CANALS			
<i>(Chargeable to Income)</i>			
CANALS			
93	Murray, Improvements	7,000 00	
94	Port Colborne Elevator, Improvements (Revote \$1,180.00)...	1,180 00	
Quebec Canals—			
95	Carillon-Grenville, Improvements.....	10,350 00	
96	Lachine Canal, Improvements.....	20,900 00	
97	St. Anne's Lock, Improvements.....	6,100 00	
98	Rideau Canal, Improvements.....	17,000 00	
99	Trent Canal, Improvements (Revote \$3,500.00).....	133,400 00	
100	Welland Canal, Improvements (Revote \$10,700.00).....	25,900 00	
101	Welland Ship Canal, Improvements.....	125,000 00	
102	Williamsburg Canal, Improvements.....	6,800 00	
MISCELLANEOUS			
103	Board of Railway Commissioners for Canada: Maintenance and operation.....	288,780 45	
104	Governor General's cars.....	7,000 00	
105	Miscellaneous services: Including salaries and expenses of experts employed temporarily (Revote \$5,000.00).....	41,300 00	
106	Printing and Stationery.....	7,000 00	
107	Surveys and Inspections, Canals: Including salaries and expenses of experts employed temporarily.....	10,000 00	
108	Railway Employees' Provident Fund: To supplement pension allowances payable under the provisions of the Intercolonial and Prince Edward Island Railway Employees' Provident Fund Act so as to make the minimum payments during the period 1st January, 1932, to 31st March, 1933, the sum of \$30.00 per month instead of \$20.00 as fixed by the said Act..	29,000 00	
			736,710 45
PUBLIC WORKS			
<i>(Chargeable to Capital)</i>			
PUBLIC BUILDINGS			
<i>Under Contract—</i>			
109	Ottawa—National Research Council Laboratories and Equipment.....	415,000 00	
HARBOURS AND RIVERS			
<i>Under Contract—</i>			
110	St. John—Channel Improvements.....	350,000 00	
	Toronto—Harbour improvements.....	168,000 00	
	Upper St. Lawrence River—Channel improvements.....	45,000 00	
	Burlington Channel—Improvements.....	50,000 00	
<i>Not under Contract—</i>			
	Fort William and Port Arthur Harbours.....	21,000 00	
			1,049,000 00
PUBLIC WORKS			
<i>(Chargeable to Income)</i>			
PUBLIC BUILDINGS			
<i>Nova Scotia</i>			
111	Canso Public Building—Improvements and repairs.....	6,000 00	
	Halifax—Repairs to Buildings and wharfs at R.C.N. Barracks and H.M.C. dockyards.....	25,000 00	

SCHEDULE A—Continued

No. of Vote	Service	Amount	Total
		\$ cts.	\$ cts.
	PUBLIC WORKS—Continued		
	<i>(Chargeable to Income)—Continued</i>		
	PUBLIC BUILDINGS—Continued		
	<i>Nova Scotia—Concluded</i>		
111	Inverness Public Building—Extension of sewer..... New Glasgow Public Building—Addition— Under contract..... Sydney Mines Public Building—Improvements and repairs.....	2,000 00 9,000 00 5,000 00	
		47,000 00	
	<i>New Brunswick</i>		
112	St. John Quarantine Station—Partridge Island—Improvements, alterations and repairs..... St. Stephen—Building for Customs and Immigration purposes.. Tracadie Lazaretto—Improvements and repairs.....	10,000 00 30,000 00 6,600 00	
		46,600 00	
	<i>Maritime Provinces Generally</i>		
113	Dominion Public Buildings.....	50,000 00	
	<i>Quebec</i>		
114	Beebe—Building for Immigration and Customs purposes..... Dominion Public Buildings—Improvements and repairs..... Grosse Isle Quarantine Station—Improvements and repairs..... Huntingdon—Public Building—Under contract..... Montreal Armoury—Payment of instalment on purchase of Armoury..... Montreal—Craig St. Drill Hall—Renewal of roof..... Montreal—Postal terminal building..... Montreal—Stephens Building—Equipment—Under contract... Quebec Citadel—Improvements and maintenance..... Ste. Anne de Bellevue—Public Building—Under contract..... Trout River—Building for immigration and customs purposes.. Westmount—Armoury—Payment of instalment on purchase of Armoury.....	16,000 00 120,000 00 2,500 00 11,000 00 15,140 00 8,000 00 500,000 00 7,500 00 15,000 00 9,000 00 26,000 00 13,000 00	
		743,140 00	
	<i>Ontario</i>		
115	Dominion Public Buildings—Improvements and repairs..... Hamilton—Public Building—Renovation of heating plant..... London Armouries—Government's share of cost of local improvements..... London—Tractor for Postal purposes..... New Liskeard—Public Building—Under contract..... Parry Sound—Public Building—Under contract..... Penetanguishene—Public Building—Under contract..... Perth—Public Building—Under contract..... Toronto—Custom House—Under contract..... Toronto—Payment of instalment on purchase of armoury— Under contract..... Toronto—Postal Station "A"—Mechanical equipment and improvements—Under contract..... Windsor—Public Building—Under construction.....	125,000 00 9,500 00 930 00 1,700 00 9,000 00 49,000 00 10,000 00 47,000 00 60,000 00 29,500 00 20,000 00 500,000 00	
		861,660 00	

SCHEDULE A—Continued

No. of Vote	Service	Amount	Total
		\$ cts.	\$ cts.
	PUBLIC WORKS—Continued (Chargeable to Income)—Continued		
	PUBLIC BUILDINGS—Continued		
	<i>Manitoba</i>		
116	Brandon—New Public Building—Fittings, alterations and improvements.....	3,000 00	
	Dominion Public Buildings—Improvements and repairs.....	30,000 00	
	Portage la Prairie—Public Building—Renovation of heating plant.....	1,700 00	
	The Pas—Public Building—Under contract.....	52,000 00	
		86,700 00	
	<i>Saskatchewan</i>		
117	Dominion Public Buildings—Improvements and repairs.....	25,000 00	
	Regina—Armoury—Payment of instalment on purchase of Armoury.....	31,000 00	
	Regina—Union Station Postal Building—Equipment—Under contract.....	5,000 00	
		61,000 00	
	<i>Alberta</i>		
118	Dominion Public Buildings—Improvements and repairs.....	15,000 00	
	High River—Public Building—Under contract.....	7,000 00	
		22,000 00	
	<i>British Columbia</i>		
119	Atlin Public Building—Renovation of heating plant.....	2,500 00	
	Dominion Public Buildings—Improvements and repairs.....	45,000 00	
	Esquimalt—Repairs and improvements at R.C.N. Barracks and H.M.C. Dockyard.....	10,000 00	
	Kamloops Public Building—Renovation of heating plant.....	1,000 00	
	Vancouver Armoury—Payment of instalment on purchase of Armoury.....	14,000 00	
	Vancouver—Public Building—Repairs to roof.....	7,500 00	
	Vancouver Public Building—to meet one year's interest at 5 p.c. on mortgage of \$400,000.....	20,000 00	
			100,000 00
	<i>Generally</i>		
120	Experimental Farms—Replacements, repairs and improvements.....	22,500 00	
	Flags for Dominion Public Buildings.....	2,500 00	
	Military Buildings—Repairs and fittings.....	25,000 00	
	Military Hospitals—Repairs, improvements and alterations...	60,000 00	
	Public Buildings—Generally.....	35,000 00	
	Ottawa Departmental Buildings, fittings, etc.....	50,000 00	
	Ottawa—Payment of final instalment on purchase of building for Government workshops.....	10,550 00	
	Ottawa—Government's share of cost of local improvements...	18,250 00	
		223,800 00	

SCHEDULE A—Continued

No. of Vote	Service	Amount	Total
		\$ cts.	\$ cts.
	PUBLIC WORKS—Continued		
	<i>(Chargeable to Income)—Continued</i>		
	PUBLIC BUILDINGS—Concluded		
	<i>Rents, Repairs, Furniture, Heating, etc.</i>		
	<i>Ottawa Public Buildings and Grounds—</i>		
	Elevator Attendants.....	108,500 00	
	Departments Generally—Char Service, including \$135 to E. Snowden for firing the noon gun.....	417,000 00	
	Heating, including salaries of engineers, firemen and watch- men.....	441,000 00	
	Light and Power—Including roads and bridges.....	185,000 00	
	Repairs, improvements, additions and maintenance.....	397,300 00	
	Rideau Hall—Allowance for fuel and light.....	19,000 00	
	Rideau Hall, including grounds, improvements, furniture and maintenance.....	40,700 00	
	Telephone Service.....	75,000 00	
	Water.....	61,000 00	
121	<i>Dominion Public Buildings—</i>		
	Dominion Immigration Buildings—Repairs, improvements, additions and furniture.....	25,000 00	
	Dominion Quarantine Stations—Maintenance and repairs... Fittings, General Supplies and Furniture.....	15,000 00	
	Heating.....	80,000 00	
	Light and power.....	449,000 00	
	Rents.....	316,000 00	
	Salaries of Caretakers, Engineers, Firemen, etc.....	1,770,000 00	
	Supplies for Caretakers, Engineers, Firemen, etc.....	1,062,400 00	
	Water.....	60,000 00	
	Yukon Public Buildings—Rents, repairs, fuel, light, water service and caretaker's salaries.....	80,000 00	
	Victoria, B.C.—Astrophysical Observatory (Little Saanich Mountain)—Maintenance, repairs, and improvements..	27,300 00	
		4,000 00	
		5,633,200 00	
	HARBOURS AND RIVERS		
	<i>Nova Scotia</i>		
	<i>Under Contract—</i>		
	Bay St. Lawrence—Breakwater extension.....	3,000 00	
	Broad Cove Marsh—Breakwater-wharf extension.....	5,900 00	
	Cow Bay (Port Morien)—Breakwater extension.....	3,000 00	
	East Ferry—Wharf.....	18,000 00	
	Louisburg—Wharf—To complete.....	1,500 00	
	The Ponds (Pleasant Bay)—Harbour improvements.....	6,400 00	
122	<i>Essential Undertakings—</i>		
	Barrington Passage—Dredging.....	18,800 00	
	Brooklyn—Dredging.....	42,000 00	
	Cheticamp Point—Wharf extension.....	7,000 00	
	Yarmouth Harbour—Dredging.....	125,000 00	
	Harbours and Rivers Generally for maintenance of services; no new works to be undertaken.....	200,000 00	
		430,600 00	
	<i>Prince Edward Island</i>		
	<i>Under Contract—</i>		
123	St. Peter's Harbour—Pier.....	3,900 00	
	Victoria—Wharf enlargement.....	5,400 00	
	Harbours and Rivers Generally for maintenance of services; no new works to be undertaken.....	50,000 00	
		59,300 00	

SCHEDULE A—Continued

No. of Vote	Service	Amount		Total	
		\$	cts.	\$	cts.
	PUBLIC WORKS—Continued				
	(Chargeable to Income)—Continued				
	HARBOURS AND RIVERS—Continued				
	<i>New Brunswick</i>				
	<i>Under Contract—</i>				
	Albert—Wharf extension.....	3,500	00		
	Alma—Breakwater extension and dredging.....	5,000	00		
	Armstrong's Brook—Pier.....	2,200	00		
	Barachois (Abougagan River)—Wharf.....	5,000	00		
124	Burnt Church—Wharf extension.....	5,000	00		
	Negro Point—Breakwater repairs.....	10,000	00		
	Newcastle (Royal Co.)—Wharf improvements.....	5,000	00		
	Tracadie Harbour—Breastworks and breakwaters.....	90,000	00		
	Waweig—Wharf completion.....	3,600	00		
	Harbours and Rivers Generally for maintenance of services; no new works to be undertaken.....	125,000	00		
		254,300	00		
	<i>Quebec</i>				
	<i>Under Contract—</i>				
	Anse au Canard—To complete training piers.....	3,200	00		
	Batiscan River—Dredging.....	10,800	00		
	Cap St. Ignace—Wharf reconstruction.....	4,500	00		
	Grindstone, M.I.—Wharf reconstruction and extension.....	8,300	00		
	Les Eboulements—Wharf repairs.....	6,000	00		
	McInnis Cove—Breakwater completion.....	4,200	00		
	Pointe Claire—Wharf reconstruction—To complete.....	3,500	00		
	Rivière la Guerre—Contribution towards dredging, Province of Quebec to bear a like amount.....	32,000	00		
	Shawinigan Bay—Protection work.....	42,000	00		
	<i>Essential Undertakings—</i>				
125	Anse au Griffons—Wharf improvements.....	4,800	00		
	Anse du Moulin (Aurigny)—Breakwater replacement.....	6,000	00		
	Bonaventure—Extension to wharf protection.....	1,900	00		
	Gascons—Wharf extension.....	3,700	00		
	Lavaltrie—Wharf protection.....	6,500	00		
	Matane—Extension to Western breakwater.....	36,000	00		
	Montmagny—Wharf improvements.....	10,700	00		
	Notre Dame de Pierreville—Ice pier.....	3,200	00		
	Noyan—Replacing shed on wharf.....	1,700	00		
	Petit Saguenay—Wharf improvements.....	2,700	00		
	Rimouski River—Wharf improvements.....	2,800	00		
	Rivière au Tonnerre—Shed on wharf.....	2,000	00		
	Rivière Blanche (St. Ulric)—Wharf improvements.....	3,700	00		
	St. Charles de Caplan—Wharf reconstruction.....	21,000	00		
	Ste. Emelie—Wharf reconstruction.....	35,000	00		
	St. Jacques des Piles—Wharf extension.....	17,000	00		
	St. Siméon—Wharf reconstruction.....	24,000	00		
	Squatteck—Wharf improvements.....	6,500	00		
	Harbours and Rivers Generally for maintenance of services; no new works to be undertaken.....	413,800	00		
		717,500	00		

SCHEDULE A—Continued

No. of Vote	Service	Amount	Total
		\$ cts.	\$ cts.
	PUBLIC WORKS—Continued		
	<i>(Chargeable to Income)—Continued</i>		
	HARBOURS AND RIVERS—Continued		
	<i>Ontario</i>		
	<i>Under Contract—</i>		
	Byng Inlet—Dredging.....	6,000 00	
	Collingwood—Harbour Improvements.....	30,000 00	
	Goderich—Harbour improvements.....	24,000 00	
	Haileybury—Breakwater.....	45,000 00	
	Key Harbour—Dredging.....	40,000 00	
	Kingston—Dredging Little Cataraqui Bay.....	24,500 00	
	Kingston (Little Cataraqui Bay)—Breakwater.....	73,000 00	
	Kingston—Wharf reconstruction.....	15,000 00	
	Michipicoten—Dredging.....	44,000 00	
	Moose Factory—To assist in construction of wharf.....	15,000 00	
	Parry Sound—Wharf reconstruction.....	65,000 00	
	Rockport—Wharf—To complete.....	3,500 00	
126	Silver Creek and Castor River—Balance of contribution towards dredging, the Provincial Government having contributed a like amount—Revote from 1930-31.....	2,500 00	
	<i>Essential Undertakings—</i>		
	Blind River—Dredging.....	20,000 00	
	Leamington—Harbour improvements.....	75,000 00	
	Midland—Harbour improvements.....	40,000 00	
	Oshawa—Harbour improvements.....	12,500 00	
	Penetanguishene—Dredging.....	9,300 00	
	Port Hope—Harbour improvements.....	21,400 00	
	Saugeen River—Harbour improvements.....	5,100 00	
	Sault Ste. Marie—Harbour improvements.....	20,000 00	
	Harbours and rivers generally for maintenance of services; no new works to be undertaken.....	200,000 00	
		790,800 00	
	<i>Manitoba</i>		
	<i>Essential Undertakings—</i>		
127	Kississing River—Improvements.....	4,500 00	
	Harbours and rivers generally for maintenance of service; no new works to be undertaken.....	50,000 00	
		54,500 00	
	<i>Saskatchewan and Alberta</i>		
128	Harbours and rivers generally for maintenance of services; no new works to be undertaken.....	15,000 00	
	<i>British Columbia</i>		
	<i>Under Contract—</i>		
	Fraser River—Improvements.....	160,000 00	
	Fraser River—Contribution towards protection work at Matsqui, the Provincial Government, the Municipality and the C.N.R. each to contribute a like amount.....	3,500 00	
	Sumas—Wharf.....	6,500 00	
	<i>Essential Undertakings—</i>		
129	Columbia River (Below Burton)—Improvements to diversion work.....	5,300 00	
	Fraser River—Contribution towards protection work near Agassiz, B.C., the Provincial Government of B.C., and the Municipality of Kent, B.C., each to contribute a like amount.....	4,000 00	
	Hospital Bay—Wharf extension.....	3,200 00	
	Peace River—Improvements from Hudson's Hope to Canyon Coal Mines.....	12,000 00	

SCHEDULE A—Continued

No. of Vote	Service	Amount	Total
		\$ cts.	\$ cts.
	PUBLIC WORKS—Continued		
	(Chargeable to Income)—Continued		
	HARBOURS AND RIVERS—Concluded		
	British Columbia—Concluded		
	Essential Undertakings—Concluded		
	Port Clements—Wharf extension.....	1,400 00	
	Port Renfrew—Wharf extension.....	9,000 00	
129	Sea Island—Contribution towards protection work at Sea Island, the Municipality of Richmond to contribute a like amount.....	7,500 00	
	Sooke—Dredging.....	9,500 00	
	Harbours and Rivers Generally; for maintenance of services; no new works to be undertaken.....	100,000 00	
		321,900 00	
	Yukon		
130	Essential Undertaking—Stewart and Yukon Rivers—Improvements.....	5,000 00	
	Generally		
131	Harbours and Rivers Generally; for maintenance of services; no new works to be undertaken.....	25,000 00	
	DREDGING		
132	Dredging—Maritime Provinces.....	235,500 00	
	Dredging—Ontario and Quebec.....	315,000 00	
	Dredging—Manitoba, Saskatchewan and Alberta.....	46,800 00	
	Dredging—British Columbia.....	130,000 00	
		727,300 00	
	ROADS AND BRIDGES		
	Bryson—Calumet Bridge—Repairs, etc.....	4,850 00	
	Burlington Channel Bridge—Maintenance and repairs, etc.....	20,000 00	
	Des Joachims Bridges—Repairs, etc.....	8,000 00	
	Dominion Roads and Bridges—Generally.....	7,000 00	
	Great Bear River Rapids—Portage Road.....	12,000 00	
133	Interprovincial Bridge over Ottawa River at Hawkesbury, the Quebec Government to contribute one-third of cost of construction only, the Ontario Government to contribute one-fourth of cost of construction and to pay annually one-fourth the maintenance costs—Under construction.....	24,000 00	
	Kingston—Wharves and Bridges—Maintenance and repairs....	14,000 00	
	Ottawa—Maintenance and repairs to bridges and approaches..	6,500 00	
	Repairs to Interprovincial Bridge over Restigouche River at Matapedia.....	5,500 00	
		101,850 00	

SCHEDULE A—Continued

No. of Vote	Service	Amount	Total
	PUBLIC WORKS— <i>Concluded</i> (Chargeable to Income)— <i>Concluded</i>	\$ cts.	\$ cts
	TELEGRAPH AND TELEPHONE LINES		
	<i>Nova Scotia</i>		
134	Cape Breton Telegraph and Telephone Lines—Repairs and improvements.....	6,400 00	
	<i>Quebec</i>		
135	Magdalen Islands Telephone Service—Repairs and improvements.....	750 00	
	Reconstruction of North Shore St. Lawrence Telegraph System from English Bay eastward—Under construction.....	10,000 00	
	<i>Saskatchewan and Alberta</i>		
136	Saskatchewan and Alberta Telegraph and Telephone Lines—Repairs and improvements.....	7,700 00	
	<i>British Columbia</i>		
137	British Columbia Northern District—Repairs and improvements.....	9,500 00	
	British Columbia Vancouver Island District—Repairs and improvements.....	11,400 00	
	Yukon Telegraph System—Repairs and improvements.....	15,000 00	
		60,750 00	
	MISCELLANEOUS		
	Accounts Branch—Salaries of agents, clerks, travelling and contingent expenses of outside service.....	23,600 00	
	Architectural Branch—Salaries of architects, clerks of works, inspectors, draftsmen, clerks and messengers of outside service.....	63,700 00	
	Engineering Branch—Salaries of engineers, inspectors, superintendents, draftsmen, clerks and messengers of the outside service.....	419,000 00	
138	For operation and maintenance of inspection boats.....	20,000 00	
	Maintenance and operation of water storage dams on Ottawa River and tributaries, surveys and settlement of land damages.....	33,800 00	
	National Gallery of Canada.....	39,000 00	
	National Monument on Connaught Place, including expense of setting up and preliminary exhibition in England.....	30,000 00	
	River gauging and metering.....	25,000 00	
	Surveys and inspections.....	40,000 00	
	Balance of expenditure for works already authorized, provided amount of any one does not exceed \$200.00.....	5,000 00	
		639,100 00	
			12,138,000 00
	MAIL SUBSIDIES AND STEAMSHIP SUBVENTIONS		
	ATLANTIC OCEAN		
139	Canada and the United Kingdom, on the Atlantic, service between.....	535,000 00	
	Canada and South Africa, service between.....	112,500 00	

SCHEDULE A—Continued

No. of Vote	Service	Amount		Total	
		\$	cts.	\$	cts.
MAIL SUBSIDIES AND STEAMSHIP SUBVENTIONS—Concluded					
PACIFIC OCEAN					
	British Columbia and Australia, and/or China, service between	31,000	00		
	Canada, China and Japan, service between.....	659,000	00		
	Canada and New Zealand, on the Pacific, service between...	75,000	00		
	Prince Rupert, B.C. and Queen Charlotte Island, service between.....	15,750	00		
	Vancouver and the British West Indies, service between.....	37,350	00		
	Vancouver and Northern ports of British Columbia, service between.....	18,600	00		
	Victoria, Vancouver, way ports and Skagway, service between	12,500	00		
	Victoria and West Coast Vancouver Island, service between..	11,250	00		
LOCAL SERVICES					
	Charlottetown and Pictou, service between.....	30,000	00		
	Charlottetown, Victoria and Holliday's Wharf, service between	3,500	00		
	Grand Manan and the Mainland, service between.....	24,750	00		
	Halifax and Bay St. Lawrence, service between.....	2,880	00		
	Halifax, Canso and Guysboro, service between.....	6,750	00		
	Halifax and Sherbrooke, service between.....	1,000	00		
	Halifax, South Cape Breton and Bras d'Or Lake Ports, service between.....	3,750	00		
	Halifax, Spry Bay and Cape Breton ports, service between....	4,500	00		
	Halifax and West Coast of Cape Breton, service between.....	4,500	00		
	Ile aux Coudres and Les Eboulements, service between.....	1,875	00		
	Mainland, Miscou and Shippigan, service between.....	1,000	00		
	Mulgrave, Arichat and Petit de Grat, service between.....	11,250	00		
	Mulgrave and Canso, service between.....	20,550	00		
139	Mulgrave and Guysboro, calling at intermediate ports, service between.....	10,500	00		
	Murray Bay and North Shore, winter service between.....	35,000	00		
	Newcastle, Neguac and Escuminac, calling at intermediate ports on the Miramichi River and Bay, service between...	2,250	00		
	Parssboro, Kingsport and Wolfville, service between.....	2,500	00		
	Pelee Island and the Mainland, service between.....	8,250	00		
	Pictou, Mulgrave and Cheticamp, service between.....	8,250	00		
	Pictou, Souris and the Magdalen Islands, service between.....	37,500	00		
	Quebec, Natashquan and Harrington, service between.....	63,750	00		
	Quebec, or Montreal, and Gaspé, calling at way ports, service between.....	45,000	00		
	Rimouski and Matane, and points on the north shore of the Lower St. Lawrence, service between.....	37,500	00		
	Rivière du Loup and Tadoussac, and other North Shore ports, service between.....	6,000	00		
	St. Catherine's Bay and Tadoussac, service between.....	2,500	00		
	St. John and Bear River, and other way ports, service between.	1,000	00		
	St. John and Digby, service between.....	10,000	00		
	St. John, Digby, Annapolis and Granville, service between....	1,000	00		
	St. John and Margaretville, and other ports on the Bay of Fundy, service between.....	3,000	00		
	St. John and Minas Basin ports, service between.....	3,750	00		
	St. John and St. Andrews, calling at way ports, service between	3,000	00		
	St. John, Westport and Yarmouth, and other way ports, service between.....	13,500	00		
	Summersville, Burlington and Windsor, N.S., service between..	750	00		
	Sydney and Bay St. Lawrence, calling at way ports, service between.....	18,750	00		
	Sydney and Bras d'Or Lake ports and ports on the west coast of Cape Breton, service between.....	13,500	00		
	Sydney and Whycocomagh, service between.....	12,000	00		
	Inspection of subsidized steamship services.....	4,700	00		
				1,968,205 00	

SCHEDULE A.—Continued

No. of Vote	Service	Amount		Total	
		\$	cts.	\$	cts.
OCEAN AND RIVER SERVICE					
140	Maintenance and repairs to Dominion steamers and icebreakers.	1,521,000	00		
141	Miscellaneous services relating to Navigation and Shipping....	37,000	00		
142	Amount required to reimburse the British Board of Trade for expenditures incurred in the relief of distressed Canadian seamen not authorized by the Canada Shipping Act.....		300		
143	To provide subsidies for wrecking plants—Quebec and British Columbia.....	40,000	00		
144	Miscellaneous and unforeseen expenses.....	9,000	00		
145	Life Saving Service, including rewards for saving life.....	50,000	00		
146	Hydrographic and Tidal and Current Surveys, and to provide for the maintenance and repair of Hydrographic Steamers..	468,000	00		
147	To provide for the construction of a new steamer for Hydrographic Surveys.....	147,000	00		
148	Radio Service, to provide for the construction and maintenance of radio ship to shore stations and the general administration of the provisions of the Radio Act and Regulations throughout the Dominion.....	716,000	00		
149	Radio Service, to provide for the general improvement of reception conditions to licensed broadcast listeners.....	180,400	00		
150	To provide for compassionate allowance to Lawrence Larson, formerly employed as Caretaker at the Esquimalt Workshop of the Radiotelegraph Service.....		500		
151	To provide for compassionate allowance to Albertine Vincent Bachand, widow of Georges Alphonse Bachand, Officer-in-Charge of C.G.S. <i>Cartier</i> and Gulf of St. Lawrence Hydrographic Survey, who was drowned while on duty on June 8, 1931.....	1,000	00		
152	To provide for compassionate allowance to Chrysologue Carbonneau, father and dependent of Hector Carbonneau, Seaman, who was drowned while on duty on June 8, 1931.....	1,000	00		
153	To provide for compassionate allowance to Madame Honore Landry, widowed mother of Louis Landry, Seaman, who was drowned while on duty on June 8, 1931.....	1,000	00		
154	Amount required to provide for the construction or acquisition of a tug and fire boat for service in the Harbour of Quebec (revote).....	225,000	00		
				3,397,200	00
PUBLIC WORKS					
<i>(Chargeable to Capital)</i>					
MARINE DEPARTMENT					
155	River St. Lawrence Ship Channel, dredging, including the maintenance and operation of Sorel Shipyard.....	3,518,000	00		
				3,518,000	00
LIGHTHOUSE AND COAST SERVICE					
156	Agencies, Rents and Contingencies.....	203,000	00		
157	Construction, maintenance and supervision of aids to navigation, including salaries and allowances to lightkeepers.....	1,860,000	00		
158	Amount required to pay compassionate allowance to John Davidson, formerly lightkeeper at Cape Mudge, B.C.....		500		
159	To provide for compassionate allowance to recoup the Workmen's Compensation Board of British Columbia in continuation of a pension granted and to be paid by that Board up to the 31st March, 1933, in the sum of \$35 per month, to the widow of the late E. J. McCoskrie, who was formerly employed as Port Warden at Prince Rupert, B.C., and who was killed while in the performance of his duties.....		420		

SCHEDULE A—Continued

No. of Vote	Service	Amount	Total
	LIGHTHOUSE AND COAST SERVICE—Concluded	\$ cts.	\$ cts.
160	Marine Signal Service.....	99,000 00	
161	Administration of Pilotage.....	218,000 00	
162	Maintenance and Repairs to Wharves.....	5,000 00	
163	To provide for breaking ice in Thunder Bay, Lake Superior and other points deemed advisable in the interests of navigation as required by contracts.....	44,000 00	
164	Amount required to pay pensions to pilots—Barthelemi Lachance, Alphonse Asselin, Elzear Desrosiers, Joseph Plante, Victor Vezina, Raymond Baquet, Alfred Larochelle, Alphonse Pouliot, Theophile Corriveau, Trefle Delisle, Adjutor Baillergeon, Joseph Pouliot, Arthur Baillergeon, John I. Irvine, Elzear Norman, Phileas Lachance, Arthur Koenig, J. Alphonse Lachance, Raoul Lachance, J. Eugene Lachance, J. H. Talbot, J. B. Bernier, Jules Asselin, Joseph Vezina.....	7,200 00	2,437,120 00
	SCIENTIFIC INSTITUTIONS		
	DEPARTMENT OF THE INTERIOR		
	<i>Scientific Institutions</i>		
165	Expenses connected with the Dominion Observatory at Ottawa	50,000 00	
	Expenses connected with the Dominion Astrophysical Observatory at Victoria, B.C.....	20,600 00	
	<i>Topographical Surveys</i>		
166	Topographical and aerial surveys and maps for the general development and administration of the country, including hydroelectric, forested, mineralized, agricultural and industrial areas; expenses of Geographic Board of Canada; centralization of all aerial photographic operations in co-operation with the Royal Canadian Air Force; traverse of northern rivers and lakes for administration of Northwest Territories; legal surveys of all remaining Dominion Lands; surveys for administration of Dominion Parks; certifying of standard measures; plotting and printing of maps and plans, etc.....	133,500 00	
	Amount required to pay the fees of the Board of Examiners for D.L.S. of the Secretary and of the sub-examiners and for travelling expenses, stationery, printing, rent of room and furniture, etc. (the fees of Messrs. F. H. Peters, W. M. Tobey and Harry Parry, members of the Board, and J. A. Cote, Secretary, are to be paid out of this sum).....	1,800 00	
	<i>Geodetic Survey of Canada</i>		
167	Control operations—triangulation, geodetic astronomy, base lines, precise levelling and investigations—for the charting of sea coasts, water areas, and forming a basis for the production of all survey maps and for pursuing investigations of the earth's crust.....	139,000 00	
	To recoup the Temiskaming and Northern Ontario Railway Commission in connection with their claim for injury to John Hedin.....	240 00	
	<i>International Boundaries</i>		
168	Expenses connected with the survey and demarcation of International Boundaries.....	28,000 00	
	DEPARTMENT OF MARINE		
169	<i>Meteorological Service</i> , including Magnetic Observatory, grants of \$450 each to Kingston and Montreal Observatories, and allowance of \$360 to L. F. Gorman, Observer at Ottawa..	241,000 00	614,140 00

SCHEDULE A—Continued

No. of Vote	Service	Amount	Total	
		\$ cts.	\$ cts.	
STEAMBOAT INSPECTION				
170	Steamboat Inspection.....	121,000 00	121,000 00	
FISHERIES				
171	Salaries and disbursements of Fishery Officers and Guardians, Fisheries Patrol and Fisheries Protection Services.....	1,022,000 00	1,802,756 36	
172	Building fishways and clearing rivers.....	18,900 00		
173	Legal and incidental expenses.....	6,000 00		
174	To assist in the conservation and development of the deep sea fisheries and the demand for fish.....	136,000 00		
175	Fish Culture.....	316,000 00		
176	Oyster Culture.....	11,000 00		
177	To provide for the payment of bounty for the destruction of hair seals in tidal waters.....	40,000 00		
178	To provide for an investigation into the life history of the Pacific halibut by the International Fisheries Commission appointed by the Pacific Halibut Treaty of the 2nd of March, 1923.....	29,500 00		
179	Marine Biological Board of Canada.....	192,000 00		
180	To provide, subject to the approval of the Governor-in-Council, for a grant to the United Maritime Fishermen.....	4,500 00		
181	To provide for an investigation by an International Committee into the probable effect upon the fisheries of the Lower Bay of Fundy Region, of damming Passamaquoddy and Cobscook Bays in New Brunswick, and Maine, U.S.A.....	21,000 00		
182	To provide for the payment to the Leonard Fisheries, Ltd., of trawler licence fees, the collection of which was declared to be <i>ultra vires</i> of Dominion authority by the Exchequer Court of Canada.....	5,856 36		
MINES AND GEOLOGICAL SURVEY				
<i>Departmen.</i>				
183	For organization and equipment of the Explosives Division, under the Explosives Act, (Chap. 62 R.S. 1927).....	10,000 00	525,500 00	
<i>Mines Branch</i>				
184	For investigation of mineral resources and deposits; of the mining and metallurgical industries, and of mineral technology; wages, expenses of testing and research laboratories, investigations by Dominion Fuel Board, including salaries and all other expenses.....	238,500 00		
184	For publications, English and French, purchase of books, instruments, miscellaneous assistance and contingencies...	25,000 00		
<i>Dominion of Canada Assay Office</i>				
185	For maintenance of Assay Office, Vancouver, B.C.....	16,000 00		
<i>Geological Survey</i>				
186	For explorations, surveys and investigations, wages of explorers, topographers and others.....	142,500 00		
186	For publication of English and French editions of reports, maps, illustrations, etc.....	42,000 00		
186	For maintenance of Offices and Museum, expenses of special exhibitions pertaining to natural resources, purchase of instruments, chemicals, books of reference, miscellaneous assistance and contingencies.....	42,500 00		
186	For Museum equipment.....	8,000 00		
186	For purchase of specimens.....	1,000 00		

SCHEDULE A—Continued

No. of Vote	Service	Amount	Total
		\$ cts.	\$ cts.
LABOUR			
187	Annuities Act.....	32,000 00	
188	Combines Investigation Act.....	25,000 00	
189	Conciliation and Labour Act.....	39,000 00	
190	Administration, Employment Offices' Co-ordination Act.....	15,000 00	
191	Fair Wages and Inspection.....	15,000 00	
192	Industrial Disputes Investigation Act.....	15,000 00	
193	International Labour Conference.....	15,000 00	
194	Administration, Old Age Pensions Act.....	7,000 00	
195	Technical Education Act, Miscellaneous and Unforeseen.....	4,000 00	
			167,000 00
PUBLIC PRINTING AND STATIONERY			
196	Printing, binding, etc., the Annual Statutes.....	15,000 00	
197	Canada Gazette.....	35,000 00	
198	Plant—Repairs and renewals.....	30,000 00	
199	Distribution of Parliamentary Documents.....	46,500 00	
200	Printing and binding official publications for sale and distribution to departments and the public.....	40,000 00	
			166,500 00
INDIANS			
201	To provide for expenses connected with the administration of Indian Affairs, including salaries, supplies, relief, medical attendance, hospitalization, dwellings, agricultural activities, surveys, roads, bridges, irrigation, dyking, education, etc., and a grant of \$100,000 approved by Parliament in the session of 1926-27.....	3,873,000 00	
			3,873,000 00
ROYAL CANADIAN MOUNTED POLICE			
	Pay of Force (including salaries of two Constables, Ellesmere Island District, at \$2.25 per diem, to insure Department against loss through death).....	1,740,595 75	
202	Maintenance (including subsistence, billeting, travelling expenses, forage, fuel and light, clothing, repairs and renewals, horses, ammunition, stationery, etc., medical, hospital, etc., transportation and freight, building repairs and renewals, establishment of new detachments, contingencies and criminal investigations).....	1,964,000 00	
	To compensate members of the Royal Canadian Mounted Police for injuries received in the performance of duty.....	10,000 00	
	To assist in the enforcement of federal statutes (expenditure chargeable to this vote shall be in connection with such federal police duties as may be defined by the Governor in Council, upon recommendation of the Minister of Justice)...	75,000 00	
	To provide for special services in connection with the enforcement of the Opium and Narcotic Drug Act.....	50,000 00	
			3,839,595 75

SCHEDULE A—Continued

No. of Vote	Service	Amount	Total
		\$ cts.	\$ cts.
GOVERNMENT OF THE NORTHWEST TERRITORIES			
DEPARTMENT OF THE INTERIOR			
203	Salaries and expenses connected with the administration of the Territories, including investigation work, schools, hospitals, relief to destitute, maintenance of prisoners and insane patients, administration of the North West Game Act and the Wood Buffalo Park, etc..... Arctic Explorations and administration of Eskimo affairs, salaries and contingencies, equipment and supplies; relief to destitute; schools; hospitals and medical services; maintenance of prisoners and insane patients; education; traveling expenses, etc..... Expenses connected with the maintenance of reindeer station at Kittigazuit, N.W.T.....	127,560 00 82,560 00 20,000 00	
DEPARTMENT OF NATIONAL DEFENCE			
204	Radio Services—For the maintenance and operation of the Northwest Territories Radio System.....	167,000 00	397,120 00
GOVERNMENT OF THE YUKON TERRITORY			
205	Salaries and expenses connected with the administration of the Territory, including surveys..... Grant to Yukon Council for local purposes, the construction and maintenance of roads, and to provide for the payment of bounty on wolves and coyotes under the provisions of an ordinance enacted by the Commissioner in Council, the sum to be paid not to exceed \$20 each for wolves and \$10 each for coyotes, the pelts of the animals on which bounty is paid to be surrendered to the Government. The proceeds of the sale of such pelts is to be placed to the credit of the Consolidated Revenue Fund of Canada.....	57,500 00 105,000 00	162,500 00
DOMINION LANDS AND PARKS			
206	Dominion Lands, Seed Grain, Mining Lands and Ordnance, Admiralty and Public Lands, Salaries and Expenses, etc.. To assist in publishing the transactions of the association of Dominion Land Surveyors..... Advancement of forest conservation in Canada..... Administration of the Migratory Birds Convention Act..... Grant to Canadian Forestry Association..... Investigations of water and power resources and of International Waterway problems, the Dominion Hydrometric Survey, and for the administration of the Dominion Water Power and Irrigation Acts, etc..... Amount required to meet expenses of Lake of the Woods Control Board..... To provide for the expenses connected with the National Parks of Canada, historic sites, care of indigents in the Parks, the appointment of Stipendiary Magistrates in the Parks and the payment of their remuneration, etc..... To provide for the construction of the Golden-Revelstoke Highway..... Scientific investigations relating to Canadian development and geography; preparation, printing, engraving and lithographing of economic or geographic reports and maps; salaries, etc..... Costs of litigation and legal expenses.....	90,600 00 125 00 254,000 00 50,000 00 1,800 00 175,000 00 7,500 00 1,100,000 00 271,900 00 75,000 00 12,000 00	

SCHEDULE A—Continued

No. of Vote	Service	Amount	Total
		\$ cts.	\$ cts.
DOMINION LANDS AND PARKS—Concluded			
206	To pay Mrs. E. S. Forbes a compassionate allowance equal to one-half of the salary of her husband, payable monthly....	1,050 00	
	To provide for a refund of amount paid in 1928 on behalf of the Central Manitoba Mines, Limited, being royalty on gold obtained from mineral claims in the Province of Manitoba and acquired under the provisions of the Quartz Mining Regulations.....	1,916 37	
	To provide for expenses in connection with determination of location and boundaries of Ordnance and Admiralty Lands in the Province of British Columbia.....	3,000 00	
	To provide amounts required for expropriation of areas for right-of-way on the Savona-Port Moody section of the main line of the Canadian Pacific Railway, also on the Pembina and Stonewall Branches of the same road.....	2,500 00	2,046,391 37
PENSIONS AND NATIONAL HEALTH			
207	Care of patients and medical examination respecting pension....	2,200,000 00	
208	Salaries—		
	Administrative.....	1,333,000 00	
	Insurance.....	35,000 00	
	Hospitals and clinics.....	1,567,000 00	
209	Compensation (Pay and Allowances).....	1,950,000 00	
210	Unemployment relief.....	1,250,000 00	
211	Operating expenses and working capital.....	400,000 00	
212	Employers' liability compensation.....	50,000 00	
213	Sheltered employment.....	70,000 00	
214	Grant to Canadian Legion, British Empire Service League.....	10,000 00	
215	Grant to Last Post Fund.....	35,000 00	
216	Pension Tribunal.....	65,700 00	
217	Pension Appeal Court.....	19,800 00	
218	War Veterans' allowances.....	1,300,000 00	
219	War Veterans' Allowance Committee.....	14,400 00	
<i>National Health</i>			
220	The administration of the Acts respecting Food and Drugs, Opium and Narcotic Drugs and Proprietary or Patent Medicines, including the Laboratory of Hygiene.....	140,000 00	
221	Public Health Engineering.....	15,000 00	
222	Marine Hospitals, including burial expenses of destitute, deceased mariners and grants to institutions assisting sailors..	208,200 00	
223	Quarantine: salaries and contingencies of organized districts, public health in other districts, Tracadie and Bentinck Island Lazarettos and Leprosy generally.....	192,000 00	
224	Immigration medical inspection.....	163,200 00	11,018,300 00
EXTERNAL AFFAIRS			
LONDON			
225	Salaries and expenses of the Office of the High Commissioner for Canada, including \$1,800 additional salary for the High Commissioner to that authorized by Chap. 15, R.S.C.....	123,660 00	
WASHINGTON			
226	Representation, including salaries and allowances for Minister Plenipotentiary, Secretaries and Staff, notwithstanding anything to the contrary in the Civil Service Act, or any of its amendments.....	92,900 00	

SCHEDULE A—Continued

No. of Vote	Service	Amount	Total
	EXTERNAL AFFAIRS—Concluded	\$ cts.	\$ cts.
	PARIS		
227	Representation, including salaries and allowances for Minister Plenipotentiary, Secretaries and staff, notwithstanding anything to the contrary in the Civil Service Act, or any of its amendments.....	75,700 00	
	TOKYO		
228	Representation, including salaries and allowances for Minister Plenipotentiary, Secretaries and staff, notwithstanding anything to the contrary in the Civil Service Act, or any of its amendments.....	75,900 00	
	GENEVA		
229	Salaries and expenses of the Office of the Canadian Advisory Officer.....	22,000 00	
230	Canada's contribution to the expenses of the League of Nations for 1932, including Secretariat, International Labour Organization, and Permanent Court of International Justice.....	220,613 94	
231	Expenses of Canadian Delegates to the Assembly, Council and Commissions of the League of Nations.....	17,000 00	
232	Publications of League of Nations for distribution to Members of Parliament, and a grant to the League of Nations Society in Canada.....	3,000 00	
			630,773 94
	MISCELLANEOUS		
233	To provide for hospitality in connection with Foreign Visitors.	12,000 00	
234	To provide for the arbitration expenses—"I'm Alone" case (Revote).....	9,000 00	
235	To provide for expenses in connection with the Imperial Economic Conference.....	250,000 00	
236	Grant in aid of the Canadian General Council of the Boy Scouts Association.....	10,000 00	
237	Subscription to publications of the Empire Parliamentary Association to be distributed to members of the House of Commons.....	2,000 00	
238	Grant to the Dominion Council of Girl Guides.....	5,400 00	
239	Expenses in connection with the negotiation of treaties.....	10,000 00	
240	Contribution to aid in carrying on the work of the Royal Astronomical Society.....	1,800 00	
241	Royal Canadian Academy of Arts.....	2,250 00	
242	Grant to the Royal Society of Canada.....	5,000 00	
243	Grant to the Montreal Association for the Blind.....	4,500 00	
244	Grant to l'Institut Nazareth de Montreal to assist in work with the blind.....	4,500 00	
245	Amount required to provide for grants to be made to the Provinces of—		
	Nova Scotia.....	875,000 00	
	New Brunswick.....	600,000 00	
	Prince Edward Island.....	125,000 00	
	pending consideration of Provincial subsidies.		
246	To provide for expenses of the Comptroller of the Treasury's office: also, when approved by Treasury Board, on the recommendation of the Comptroller of the Treasury, for unforeseen expenses and emergency expenditure in connection with the public service, a detailed list of such Treasury Board approvals to be laid before Parliament within fifteen days of the next Session.....	300,000 00	
247	To provide for the administration of the Royal Canadian Mint, including salaries, contingencies, retiring and other allowances, and general expenses.....	182,400 00	

SCHEDULE A—Continued

No. of Vote	Service	Amount		Total	
		\$	cts.	\$	cts.
MISCELLANEOUS—Concluded					
248	To provide for salaries and expenses of the Tariff Board—Payments may be made notwithstanding anything in the Civil Service Act or regulations thereunder.....	120,000	00		
249	To provide for expenses of the Royal Commission on the Public Service (revote).....	19,773	65		
250	To provide for the expenses of work in the interests of fire prevention to be carried on by the Department of Insurance..	9,300	00		
251	To provide for salaries and expenses of the office of the Salvage Officer, including L. H. Beer at \$4,500.....	13,800	00		
252	Chief Electoral Officer—Salaries and contingencies of office....	15,140	00		
253	To pay Mrs. E. B. Hutcheson as Matron, notwithstanding the fact that, owing to advanced age, she may not be able to continue the regular performance of such duties, in recognition of the valuable services rendered by her late husband as Exhibition Commissioner.....	1,200	00		
254	To provide for the Administration of the Bankruptcy Act.....	2,000	00		
255	Expenses of litigated matters—Department of Justice.....	25,000	00		
256	Annual contribution to the Canadian Law Library, London, England.....	500	00		
257	Loan to Harbour Commissioners of Montreal with interest at a rate to be fixed by the Governor in Council, for such period and upon such terms and conditions as the Governor in Council may determine, and to be applied in payment of deficits resulting from the operations of the Montreal Harbour Bridge.....	528,500	00		
258	Grant to the Imperial Institute.....	9,733	33		
259	To provide for payments in connection with movements of coal under conditions prescribed by the Governor in Council and for the cost of administration thereof.....	1,100,000	00		
260	Battlefields Memorials.....	146,800	00		
261	Grant to the Canadian Council on Child and Family Welfare..	9,000	00		
262	Grant to the Canadian National Institute for the Blind.....	18,000	00		
263	Grant to the Canadian Tuberculosis Association.....	22,500	00		
264	Grant to Canadian National Committee for Mental Hygiene..	9,000	00		
265	Grant to the Victorian Order of Nurses.....	9,000	00		
266	Grant to assist the Canadian Branch of the St. John Ambulance Association.....	4,500	00		
267	Grant to the Canadian Red Cross Society.....	9,000	00		
268	Grant to the Interparliamentary Union.....	540	00		
269	To provide for the payment of salaries and expenses in connection with the St. Lawrence Ship Canal Surveys and Investigations, including D. W. McLachlan at \$1,350, and G. W. Yates at \$1,080 as secretary (Revote \$12,000).....	46,500	00		
270	Grant to the Chief Constables' Association of Canada.....	450	00		
271	Patent Record.....	25,000	00		
272	International Office for the protection of Industrial Property, International Copyright Union Office and Union for the Protection of Literary and Artistic Works.....	2,000	00		
273	Public Archives.....	68,500	00		
274	Expenses under the Canada Temperance Act.....	1,000	00		
275	Expenses under the Naturalization Act.....	31,500	00		
276	To provide, subject to the approval of the Treasury Board, for salaries, reclassifications and increases.....	500,000	00		
					5,147,086 98
NATIONAL REVENUE					
	Salaries and contingent expenses of the several Ports in the Dominion, including pay for overtime of officers, notwithstanding anything in the Civil Service Act, and temporary buildings and rentals.....	6,600,000	00		
	Salaries and travelling expenses of officers of the Inspection, Investigation and Audit Services.....	692,000	00		
277	Miscellaneous, including printing and stationery; subscriptions to commercial papers; flags; dating stamps, locks; instruments; express charges on samples; legal forms; legal expenses; premiums on guarantee bonds; uniforms for Customs-Excise Officers; laboratory equipment and supplies, etc.....	625,000	00		

SCHEDULE A—Continued

No. of Vote	Service	Amount	Total
		\$ cts.	\$ cts.
NATIONAL REVENUE—Concluded			
277	To provide for the expenses of the Preventive Service, including maintenance of revenue cruisers, salaries and expenses of officers appointed for the prevention of smuggling and for the investigation of reported frauds against the revenue, the purchase or charter of vessels and the purchase or hire of automobiles to be used in the prevention of smuggling or other offences against the revenue laws.....	1,340,000 00	
	Amount to be paid to the Department of Justice, to be disbursed by and accounted for to it, for Secret Preventive Service: to create positions, make appointments and pay salaries and expenses of officers appointed for the prevention of smuggling and to investigate reported frauds against the revenue, notwithstanding anything contained in the Civil Service Act, and the said positions and staff so appointed to be wholly excluded from said Act.....	55,000 00	
	To provide for the administration of the Income War Tax Act, 1917, and amendments thereof, and authority for this purpose to create positions and make appointments notwithstanding anything contained in the Civil Service Act, and the said positions and staff so appointed are hereby wholly excluded from the operation of the said Act, and salary of \$7,200 for the Commissioner of Income Tax.....	1,915,000 00	
	To pay to Captain S. Dunphy, North Sydney, N.S., the whole or such part of the sum of \$5,000, deposited by him and by decision of the Minister forfeited to the Crown in re seizure No. 50550/13054, as may be necessary to enable him to defray his costs as respondent on an appeal to the Privy Council from a judgment of the Supreme Court of Canada in his favour in an action for damages brought by him claiming legislation under which seizure was made to be ultra vires.....	5,000 00	11,232,000 00
RAILWAYS AND CANALS			
<i>(Chargeable to Collection of Revenue)</i>			
CANALS			
278	Staff and Repairs.....	2,828,525 00	2,828,525 00
PUBLIC WORKS			
<i>(Chargeable to Collection of Revenue)</i>			
GRAVING DOCKS			
279	Champlain Graving Dock.....	83,000 00	
	Esquimalt Graving Docks.....	76,800 00	
	Lorne Graving Dock.....	43,000 00	
	Selkirk—Repair Slip.....	2,800 00	
TELEGRAPH AND TELEPHONE LINES			
280	Prince Edward Island and Mainland.....	7,000 00	
	Land and Cable Telegraph Lines, Lower St. Lawrence and Maritime Provinces.....	143,800 00	
	Alberta and Saskatchewan.....	91,500 00	
	British Columbia, Vancouver Island District.....	95,700 00	
	British Columbia, Northern District.....	69,300 00	
	Yukon System—Main Line.....	120,700 00	
	Telegraph and Telephone Services Generally.....	7,000 00	740,600 00

SCHEDULE A—Concluded

No. of Vote	Service	Amount		Total	
		\$	cts.	\$	cts.
POST OFFICE—OUTSIDE SERVICE					
	Salaries and allowances.....	15,620,000	00		
	Mail service, including mail service by air.....	14,690,000	00		
281	Miscellaneous, including \$5,000 to provide for payment of compassionate allowances to employees injured while in the performance of their duties or to other persons injured while performing duties in any way connected with the Postal Service or in protecting His Majesty's mails, or to the dependents of such employees or other persons who may be killed while so engaged, payments to be made only on the specific authority of the Governor in Council.....	1,000,000	00		
	Yukon Territory.....	141,100	00		
				31,451,100	00
TRADE AND COMMERCE					
282	The Hemp Bounties Act, 1923, Administration of.....	500	00		
283	An Act to place Canadian coal used in the manufacture of iron or steel on a basis of equality with imported coal, Administration of.....	1,000	00		
284	British and Foreign News Service.....	32,000	00		
285	The Canada Grain Act, including management, operation, maintenance and equipment of elevators, Administration of.....	2,400,000	00		
286	Commercial Intelligence Service, including miscellaneous expenditure in connection with Canada's Trade.....	658,195	00		
287	Dominion Bureau of Statistics.....	542,000	00		
288	Electricity and Gas Inspection Service.....	211,000	00		
289	Electricity and Fluid Exportation Act.....	750	00		
290	The Precious Metals Marking Act, Administration of.....	5,640	00		
291	National Research Council.....	410,000	00		
292	International Customs Tariffs Bureau.....	1,800	00		
293	Motion Picture Bureau.....	45,000	00		
294	Printing of Parliamentary and Departmental Publications, including the "Canada Year Book".....	126,750	00		
295	Weights and Measures Inspection Service, including the International Bureau of Weights and Measures.....	310,200	00		
296	Publicity and advertising in Canada and abroad.....	173,500	00		
297	Exhibitions and Fairs, including the sum of \$750, required by the Department of Immigration and Colonization.....	137,000	00		
				5,055,335	00
ADJUSTMENT OF WAR CLAIMS					
298	National Defence—				
	Militia Services.....	82,000	00		
	Naval Services.....	500	00		
				82,500	00
	Total.....			*198,652,313	03

*Net Total, \$146,707,826.92

SCHEDULE B.

Based on Supplementary Estimates, 1931-32. The amount hereby granted is \$2,242,474.83.

SUMS granted to His Majesty by this Act for the financial year ending 31st March, 1932, and the purposes for which they are granted.

No. of Vote	Service	Amount	Total
		\$ cts.	\$ cts.
	CANADIAN NATIONAL STEAMSHIPS AND MARITIME FREIGHT RATES ACT		
	CANADIAN NATIONAL (WEST INDIES) STEAMSHIPS, LTD.		
312	Loan to the Canadian National (West Indies) Steamships, Limited, repayable on demand with interest at a rate to be fixed by the Governor in Council, upon such terms and conditions as the Governor in Council may determine, and to be applied in payment of:— Deficits in operation of the Company and the vessels under the Company's control during the year ended December 31st, 1931 and interest requirements. Additional amount required in excess of the sum of \$755,000.00 already appropriated.....	161,568 53
	MARITIME FREIGHT RATES ACT		
313	Additional amount, in excess of the sum of \$6,631,856 already appropriated, required to provide for the payment from time to time to the Canadian National Railway Company of the deficit in receipts and revenues, occurring during the year 1931, of the Eastern Lines, as provided by the Maritime Freight Rates Act:— (a) Amount of the deficit (less that amount thereof occurring on account of the reduction in tolls under the application of the Maritime Freight Rates Act) in the Receipts and Revenues.....	2,080,906 30
	Total.....	2,242,474 83

SCHEDULE C.

Based on Estimates, 1932-33. The amount hereby granted is \$8,440,000.00, being five-sixths of the amount of each item in the said Estimates as contained in this Schedule.

SUMS granted to His Majesty by this Act for the financial year ending 31st March, 1933, and the purposes for which they are granted.

No. of Vote	Service	Amount	Total
	CANADIAN NATIONAL STEAMSHIPS AND MARITIME FREIGHT RATES ACT	\$ cts.	\$ cts.
	LOAN TO CANADIAN GOVERNMENT MERCHANT MARINE, LTD.		
314	Loan to the Canadian National Steamships (Canadian Government Merchant Marine, Limited), repayable on demand with interest at a rate to be fixed by the Governor in Council upon such terms and conditions as the Governor in Council may determine, and to be applied in payment of:— Deficits in operation of the Company and of the vessels under the Company's control during the year ending December 31st, 1932.....	440,000 00	
	LOAN TO CANADIAN NATIONAL (WEST INDIES) STEAMSHIPS, LTD.		
315	Loan to the Canadian National (West Indies) Steamships, Limited, repayable on demand with interest at a rate to be fixed by the Governor in Council upon such terms and conditions as the Governor in Council may determine, and to be applied in payment of:— Deficits in operation of the Company and of the vessels under the Company's control, during the year ending December 31st, 1932, and Interest Requirements.....	820,600 00	1,260,600 00
	MARITIME FREIGHT RATES ACT		
316	Amount required to provide for payment from time to time during the fiscal year 1932-33 of the difference, estimated by the Board of Railway Commissioners and certified by the said Board to the Minister of Railways and Canals, as and when required by him, occurring on account of the application of the Maritime Freight Rates Act, between the tariff tolls and the normal tolls (referred to in Section 9 of the said Act) on all traffic moved during 1932, under the tariffs, approved by the following companies:— Canada & Gulf Terminal Railway. Canadian Pacific Railway including: Fredericton & Grand Lake Coal and Railway Co. New Brunswick Coal and Railway Company. Cumberland Railway and Coal Co. Dominion Atlantic Railway. Maritime Coal Railway & Power Co. Sydney & Louisburg Railway. Temiscouata Railway.....	900,000 00	
317	Amount required to provide for the payment from time to time to the Canadian National Railway Company of the deficit in receipts and revenues, occurring in the year 1932, of the Eastern Lines, as provided by the Maritime Freight Rates Act:— (a) Amount of the deficit (less that amount thereof as in the next following paragraph specifically provided for) in the receipts and revenues..... (b) Amount of the deficit in receipts and revenues occurring on account of the reduction in tolls under the application of the Maritime Freight Rates Act.....	6,217,400 00 1,750,000 00	8,867,400 00
	Total.....		10,128,000 00

SCHEDULE D.

Based on Supplementary Estimates, 1932-33. The amount hereby granted is \$6,620,472.95.

SUMS granted to His Majesty by this Act for the financial year ending 31st March, 1933, and the purposes for which they are granted.

No. of Vote	Service	Amount	Total
		\$ cts.	\$ cts.
CHARGES OF MANAGEMENT			
318	Printing, advertising, inspection, express, etc.—Further amount required.....		60,000 00
CIVIL GOVERNMENT			
319	<i>Auditor General's Office—</i> Contingencies— Clerical and other assistance—Further amount required	5,000 00	
320	<i>Post Office—</i> Salaries— To provide for the appointment of Arthur Lalonde as Solicitor, Post Office Department, at \$4,320 per annum, effective April 1, 1932..... Less ten per cent.....	4,320 00 432 00	
321	<i>Secretary of State—</i> Contingencies— Printing and Stationery—Further amount required.....	1,592 00	10,480 00
ADMINISTRATION OF JUSTICE			
322	Grant to Charles Morse, K.C., Registrar, Exchequer Court of Canada, of the difference between his superannuation allowance and his salary for a period of six months.....		750 00
PENITENTIARIES			
323	Cost of administration, construction, purchase of land, supplies and equipment, maintenance and discharge of inmates of penitentiaries—Further amount required..... Additional gratuity to J. C. Ponsford, late Warden, Kingston Penitentiary.....	100,000 00	
		1,326 12	101,326 12
LEGISLATION			
THE SENATE			
324	To provide for the payment of the full sessional indemnity for the session of 1932 to members of the Senate for days lost through absence due to public business, by illness, or on account of death. Payment to be made as the Treasury Board may direct..... To provide for further expenses on account of the Beauharnois Special Committee of the Senate..... Salaries and contingent expenses—Further amount required....	10,540 00	
		12,127 15 2,000 00	

SCHEDULE D—Continued

No. of Vote	Service	Amount	Total
		\$ cts.	\$ cts.
LEGISLATION— <i>Concluded</i>			
HOUSE OF COMMONS			
325	Publishing debates—Further amount required..... To provide for the full sessional indemnity to Members of the House of Commons—days lost through absence caused by illness, official public business, or on account of death during the present session—notwithstanding anything to the contrary in Chapter 147 of the Revised Statutes, 1927, An Act respecting the Senate and House of Commons, or any amendments thereto. Payments to be made as the Treasury Board may direct..... To purchase, for the use of Senators and Members of Parliament, 360 copies of the Canadian Annual Review, edition of 1931-32..... Estimates of the Sergeant-at-Arms—Further amount required.	20,000 00 25,000 00 2,340 00 7,574 25	
GENERAL			
326	Printing, printing paper and binding—Further amount required.	20,000 00	99,581 40
AGRICULTURE			
327	For the erection of an onion warehouse at Kclowna, B.C. (Re-vote).....	30,000 00	
328	Experimental Farms—Further amount required.....	50,000 00	
329	Administration of the Destructive Insect and Pest Act—Further amount required.....	315,000 00	
330	Assistance to Fairs and Exhibitions—Further amount required.	90,000 00	
331	Health of Animals, administration of the Animal Contagious Diseases Act and the Meat and Canned Foods Act—Further amount required.....	250,000 00	
332	Fruit—Further amount required.....	31,000 00	
333	Grant to the Canadian Horticultural Council.....	5,000 00	
334	Farm Economics—Further amount required.....	1,000 00	
335	For the payment of grants on account of cold storage warehouses approved for subsidy under the Cold Storage Act, by the Governor General in Council, but afterwards found not to comply with all the provisions of that Act.....	125,000 00	
336	Compensation for animals tested under the Animal Contagious Diseases Act, and dying before it was possible to slaughter them, under the provisions of the Act, as follows:—		
	Carlyle, Walter, Morewood, Ont.....	38 00	
	Beaugard, Emile, St. Christine, Que.....	30 00	
	Gauvin, Mrs. Elisee, St. Edwidge, Que.....	4 00	
	Whattam, Harry, R. 4, Picton, Ont.....	36 00	
	Ladouceur, Jos., St. Edwidge, Que.....	4 00	
	Madore, Georges, St. Edwidge, Que.....	6 00	
	Proulx, Leo., St. Edwidge, Que.....	20 00	
	Chapdelaine, Lionel, St. Edwidge, Que.....	6 00	
	Scalabrini, Jos., St. Edwidge, Que.....	4 00	
	Boisvert, Jos., St. Hermenegilde, Que.....	14 00	
	Gagne, Sylva, St. Edwidge, Que.....	20 00	
	Fecteau, Leandre, St. Edwidge, Que.....	6 00	
	Marquis, Julien, St. Edwidge, Que.....	6 00	
	Gaulin, Edouard, St. Edwidge, Que.....	34 00	
	Chapdelaine, Albert, St. Edwidge, Que.....	18 00	
	Grandbois, Louis, St. Edwidge, Que.....	6 00	
	Lemieux, Jos., Embrun, Ont.....	44 00	
	Lynch, W. J., Chesterville, Ont.....	38 00	
	Kelly, Murray, Chesterville, Ont.....	32 00	
	Eby, Irwin, S. R. 2, Kitchener, Ont.....	76 00	
	Strachan, J. F., Miniota, Man.....	26 00	
	Scalabrini, Alf., St. Edwidge, Que.....	32 00	
	Bell, E. L., Peterboro, Ont.....	94 00	
	Gunter, A. L., White's Cove, N.B.....	20 00	
	Douglas, Jas. & Son, Caledonia, Ont.....	88 00	

SCHEDULE D—Continued

No. of Vote	Service	Amount	Total
	AGRICULTURE—Concluded	\$ cts.	\$ cts.
	Omichinski, J. A., Kawende, Man.....	26 00	
	McMillan, Ford, Finch, Ont.....	38 00	
	Gagnon, Jos., St. Henri de Tailon, Que.....	32 00	
	Lachance, Horace, St. Thomas Didyme, Que.....	32 00	
	Chaloux, Arthur, St. Edwidge, Que.....	18 00	
	Scalabrini, Alf., St. Edwidge, Que.....	28 00	
	Crete, Moise, St. Malo d'Auckland, Que.....	6 00	
	Moreau, Florent, St. Malo d'Auckland, Que.....	20 00	
	Chaloux, Philius, St. Edwidge, Que.....	10 00	
	Crete, Donat, St. Malo d'Auckland, Que.....	40 00	
	Brule, Odilon, Rigaud, Que.....	20 00	
			897,972 00
	IMMIGRATION AND COLONIZATION		
337	Immigration salaries and contingencies—Further amount required.....	48,000 00	
338	Chinese Immigration, salaries and contingencies—Further amount required.....	3,300 00	
339	Relief of distressed Canadians outside of Canada—Further amount required.....	1,000 00	
			52,300 00
	SOLDIER AND GENERAL LAND SETTLEMENT		
340	To provide for such advances as may be approved by the Director of Soldier Settlement for the payment of arrears of 1931 taxes on Soldier Settlement properties occupied by soldier settlers, British family settlers or other settlers and on reverted properties leased during the year 1931, pursuant to agreement with the Unions of Municipalities of Alberta, Saskatchewan and Manitoba dated March 29, 1930.....		394,497 00
	PENSIONS		
341	Salaries and contingent expenses of the Board of Pension Commissioners for Canada—Further amount required.....		40,000 00
	NATIONAL DEFENCE		
342	<i>Militia Services—</i>		
343	<i>Cadet Services—</i> To meet balance of commitments.....	200,000 00	
	<i>Non-Permanent Active Militia—</i> Further amount required.....	50,000 00	
344	<i>General—</i>		
	<i>Miscellaneous:</i>		
	To authorize refund to the widow of the late Sergeant-Major Henry Hinde of his contributions to the militia pension fund.....	919 32	
			310,919 32
	PUBLIC WORKS		
	<i>(Chargeable to Capital)</i>		
	HARBOURS AND RIVERS		
345	Fort William and Port Arthur Harbours—Further amount required.....		11,000 00
	PUBLIC WORKS		
	<i>(Chargeable to Income)</i>		
	PUBLIC BUILDINGS		
	<i>Quebec</i>		
346	Montreal—Postal Station at Rosemount, to purchase site.....	15,000 00	
	Ste. Anne de Bellevue—Public Building—Under Contract—Further amount required—Revote.....	8,000 00	

SCHEDULE D—Continued

No. of Vote	Service	Amount	Total
	PUBLIC WORKS—Continued		
	(Chargeable to Income)—Continued	\$ cts.	\$ cts.
	PUBLIC BUILDINGS—Concluded		
	<i>Ontario</i>		
347	London Armouries—Government's share of cost of local improvements—Further amount required.....	2,600 00	
	<i>Manitoba</i>		
348	Brandon Public Building—Fittings, alterations and improvements—Revote.....	2,000 00	
	<i>Saskatchewan</i>		
349	Qu'Appelle—To purchase Union Bank Building for Postal purposes.....	3,000 00	
	<i>Alberta</i>		
350	Calgary—Public Building—Under Contract—Revote.....	7,000 00	
	<i>British Columbia</i>		
351	Vancouver—Site for public building addition—To provide for payment of \$100,000 of which \$49,484.76 is to be made payable to the Montreal Trust Company and C. M. O'Brien, agent of the Minister of Justice, and the balance payable jointly to Victor Spencer and C. M. O'Brien, agent of the Minister of Justice.....	100,000 00	
	<i>Public Buildings Generally</i>		
	Ottawa—Photographic accommodation for the Royal Canadian Mounted Police.....	1,500 00	
	Ottawa—Paving roadways, etc.....	5,000 00	
	Ottawa—C. Jackson Booth, for restoration of Transportation Building.....	19,925 00	
352	Ottawa—Laboratory for Department of Mines, Booth St. and alterations—Revote.....	4,000 00	
	Ottawa—Central Heating Plant—Improvements and repairs..	7,700 00	
	Ottawa—Connaught Building—Alterations and improvements.	3,000 00	
	<i>Rents, Repairs, Furniture, Heating, Etc.</i>		
	<i>Ottawa Public Buildings and Grounds—</i>		
	Departments Generally—Char Service—Further amount required to provide for taking over Char Service at the Geodetic and Observatory buildings formerly paid by Interior Department.....	3,500 00	
	Telephone Service—Further amount required.....	7,500 00	
353	Heating, including salaries of engineers, firemen and watchmen—Further amount required.....	10,000 00	
	<i>Dominion Public Buildings—</i>		
	Salaries of Caretakers, Engineers, Firemen, etc.—Further amount required.....	40,000 00	
	Light and Power—Further amount required.....	33,500 00	
	HARBOURS AND RIVERS		
	<i>Nova Scotia</i>		
354	Little Anse—Breakwater—Under contract—To complete payments.....	3,200 00	
	Lunenburg—Dredging.....	17,000 00	
	Malagash—Wharf improvements—Revote.....	5,000 00	
	<i>Prince Edward Island</i>		
355	Cardigan—To provide wharf accommodation.....	6,000 00	

SCHEDULE D—Continued

No. of Vote	Service	Amount	Total
		\$ cts.	\$ cts.
	PUBLIC WORKS— <i>Concluded</i>		
	(Chargeable to Income)— <i>Concluded</i>		
	HARBOURS AND RIVERS— <i>Concluded</i>		
	<i>New Brunswick</i>		
356	Dredging Miramichi River.....	12,000 00	
	<i>Quebec</i>		
357	Beauharnois—Wharf reconstruction—Under contract—Revote.	2,000 00	
	Temiskaming Dam—Reconstructing Quebec side.....	70,000 00	
	<i>Ontario</i>		
358	Byng Inlet—Dredging—Further amount required to complete payments on contracts.....	500 00	
	Toronto—Harbour improvements—Revote \$12,000.....	24,000 00	
	<i>British Columbia</i>		
	Arrowhead—Extension of landing slip.....	5,000 00	
359	Fraser River—Repairs to protection work at Rosedale, the Provincial Government and Municipality of Chilliwack each to contribute a like amount.....	800 00	
	Fraser, Skeena and Naas Rivers—Operation and maintenance of snagboats.....	25,000 00	
	Ganges—Wharf improvements.....	1,800 00	
	DREDGING		
360	Dredging—Ontario and Quebec—Further amount required....	50,000 00	
	TELEGRAPH AND TELEPHONE LINES		
	<i>Nova Scotia</i>		
361	Telephone line from Cain Mountain to Estmere.....	860 00	
	Purchase of telegraph pole line between Troy and Seaside....	1,200 00	
	<i>New Brunswick</i>		
362	Telephone line from Middle Caraquet to St. Simon.....	950 00	
	<i>Saskatchewan and Alberta</i>		
363	Pelican—Building for Telegraph Service.....	900 00	
	Building for Telegraph Service on Fort McMurray line.....	900 00	
	<i>British Columbia</i>		
364	Telephone line from Fort St. John to Montney.....	3,500 00	
	MISCELLANEOUS		
365	Surveys and Inspections—Further amount required.....	15,000 00	
			518,835 00
	MAIL SUBSIDIES AND STEAMSHIP SUBVENTIONS		
366	Additional amount required to provide, as authorized by the Governor in Council, for coastal subsidies and to meet obligations under existing contracts.....		82,497 50

SCHEDULE D—Continued

No. of Vote	Service	Amount		Total
		\$	cts.	\$ cts.
OCEAN AND RIVER SERVICE				
367	Hydrographic Survey—To provide for the balance of advance, unaccounted for, to the late G. A. Bachand, Officer-in-Charge of C.G.S. <i>Cartier</i> , and Gulf of St. Lawrence Hydrographic Survey, who was drowned while on duty on June 8, 1931.....	899	61	
368	Radio Service—Further amount required.....	500,000	00	
369	Amount to provide for expenses in connection with the representation of Canada at the International Radio Conference at Madrid, Spain, in September, 1932.....	15,000	00	
				515,899 61
LIGHTHOUSE AND COAST SERVICE				
370	Maintenance and repairs to wharves—Further amount required.....			5,000 00
SCIENTIFIC INSTITUTIONS				
DEPARTMENT OF MARINE				
371	Meteorological Service, including Magnetic Observatory—Further amount required.....			100,000 00
STEAMBOAT INSPECTION				
372	Steamboat Inspection—Further amount required.....			15,080 00
MINES AND GEOLOGICAL SURVEY				
373	Geological Survey— For publications of English and French editions of reports, maps, illustrations, etc.—Further amount required....	10,000	00	
374	Mines Branch— For publications, English and French, purchase of books, instruments, miscellaneous assistance and contingencies—Further amount required.....	10,000	00	
				20,000 00
LABOUR				
375	Annuities Act—Further amount required to provide for commissions for sale of Annuities.....	25,000	00	
376	To reimburse the Dominion Government Annuities Fund to cover amounts misappropriated by Annuity Agent C. G. Beveridge, Vancouver, B.C.....	42,000	00	
				67,000 00
PUBLIC PRINTING AND STATIONERY				
377	Printing and binding official publications for sale and distribution to departments and the public—Further amount required.....			7,500 00
INDIANS				
378	To provide for expenses connected with the administration of Indian Affairs, including salaries, supplies, relief, medical attendance, hospitalization, dwellings, agricultural activities, surveys, roads, bridges, irrigation, dyking, education, etc.—Further amount required.....			219,100 00
ROYAL CANADIAN MOUNTED POLICE				
379	Maintenance—Further amount required.....			200,000 00

SCHEDULE D—Continued

No. of Vote	Service	Amount	Total
		\$ cts.	\$ cts.
	GOVERNMENT OF THE NORTHWEST TERRITORIES		
380	Radio Services—For the maintenance and operation of the Northwest Territories Radio System—Further amount required.....		33,000 00
	DOMINION LANDS, PARKS, ETC.		
	To cover professional assistance engaged by the Governor in Council to assist Departmental officers who are advising re International and Boundary Waterway questions.....	5,000 00	
381	To provide for the expenses incurred under the Lake of the Woods Control Board Act, 1921, and under the agreement between the Dominion, Ontario and Manitoba, confirmed by the Lac Seul Conservation Act, 1928, for the construction of a dam at the outlet of Lac Seul and its operation by the Lake of the Woods Control Board, money expended to be reimbursed to the Dominion by the Province of Manitoba under the terms of paragraph 8 of the Manitoba Transfer Agreement.....	21,000 00	
	Advancement of forest conservation in Canada—Further amount required.....	12,000 00	
	Amount required to cover the payment of retiring leave to officials other than those on Civil Government.....	11,000 00	49,000 00
	PENSIONS AND NATIONAL HEALTH		
382	Grant to Last Post Fund—Further amount required.....	5,000 00	
383	War Veterans' Allowances—Further amount required.....	200,000 00	205,000 00
	MISCELLANEOUS		
384	Grant to Executive of the World's Postal Union towards their expenses when they meet in Canada in 1933.....	25,000 00	
385	To provide for the expenses of the Royal Commission on Transportation.....	50,000 00	
386	To provide for payments in connection with movements of coal under conditions prescribed by the Governor in Council and for the cost of administration thereof—Further amount required.....	650,000 00	
387	To provide for expenses in connection with the Imperial Economic Conference and to authorize employment of staff, notwithstanding anything to the contrary in the Civil Service Act—Further amount required.....	100,000 00	
388	To provide for expenses of representation at the Disarmament Conference.....	30,000 00	
389	To provide for Canada's contribution to the International Wheat Information Service.....	7,300 00	
390	To provide for an honorarium to Chief Justice Brown, notwithstanding anything to the contrary in the Judges Act.....	500 00	
391	To provide for grants to veterans of the North West Mounted Police, who served in the North West Rebellion of 1885, in lieu of scrip, \$300 each, as authorized by the Governor-in-Council.....	37,500 00	
392	Public Archives—Further amount required.....	3,000 00	
393	Federal District Commission—To provide for maintenance and improvement of properties under the control of the Federal District Commission.....	55,000 00	
394	Grant to John Thomas Miner (Jack Miner) to assist him in his wild life conservation work.....	2,500 00	
395	To provide for the Book of Remembrance of members of the Canadian Forces, and Canadians in the Forces of the British Empire, who lost their lives in the Great War.....	10,000 00	
396	Grant to the National Council of Education.....	5,000 00	

SCHEDULE D—Continued

No. of Vote	Service	Amount	Total
MISCELLANEOUS— <i>Concluded</i>		\$ cts.	\$ cts.
397	Pending the establishment of a Trust Fund of \$25,000, as an expression of the friendly interest of Canada in the celebration in 1930 of the 1000th Anniversary of the establishment of the Icelandic Parliament, to pay to the Government of Iceland the sum of \$1,250, being one year's interest at the rate of 5 per cent per annum on the said sum of \$25,000.	1,250 00	
398	To provide for the administration of the Bankruptcy Act—Further amount required.....	25,000 00	1,002,050 00
NATIONAL REVENUE			
399	To provide for Collection of the Revenue—Further amount required to supplement item No. 277 in the Main Estimates.....		789,811 65
POST OFFICE—OUTSIDE SERVICE			
400	Salaries and Allowances—Further amount required.....	200,000 00	
	Miscellaneous Expenditure—For manufacturing postage stamps, post cards, envelopes, post bands, etc.—Further amount required.....	66,000 00	266,000 00
TRADE AND COMMERCE			
401	Commercial Intelligence Service, including miscellaneous expenditure in connection with Canada's trade—Further amount required.....	10,873 35	
402	Dominion Bureau of Statistics—Further amount required for census.....	35,000 00	45,873 35
ADJUSTMENT OF WAR CLAIMS			
403	To provide for the payment of claims for compensation for loss sustained by the civil population and prisoners of war of Canada during the late war, interest thereon and cost of administration.....		500,000 00
Total.....			6,620,472 95

OTTAWA: Printed by FREDERICK ALBERT ACLAND, Law Printer to the King's Most Excellent Majesty.

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