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# PREFIX TO STATUTES, 1935

CONTAINING CERTAIN DESPATCHES, APPOINTMENTS,  
PROCLAMATIONS, AND ORDERS IN COUNCIL



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OTTAWA  
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ANNO DOMINI 1935



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# PREFIX

## DESPATCHES

DEPARTMENT OF EXTERNAL AFFAIRS, CANADA

OTTAWA, 15th January, 1935.

[*Extract from the LONDON GAZETTE.*]

CENTRAL CHANCERY OF THE ORDERS OF KNIGHTHOOD.

ST. JAMES'S PALACE, S.W. 1,

1st January, 1935.

The King has been graciously pleased to signify His Majesty's intention of conferring the Honour of Knighthood on the following:—

The Honourable Joseph Andrew Chisholm, Chief Justice of Nova Scotia, Dominion of Canada.

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CENTRAL CHANCERY OF THE ORDERS OF KNIGHTHOOD.

ST. JAMES'S PALACE, S.W. 1,

1st January, 1935.

The King has been graciously pleased to give Orders for the following appointment to the Most Honourable Order of the Bath:—

*To be an Ordinary Member of the Military Division of the Third Class, or Companion, of the said Most Honourable Order:—*

Major-General Andrew George Latta McNaughton, C.M.G., D.S.O., Chief of the General Staff of the Dominion of Canada.

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CHANCERY OF THE ORDER OF ST. MICHAEL AND SAINT GEORGE.

1st January, 1935.

The King has been graciously pleased to give directions for the following appointments to the Most Distinguished Order of Saint Michael and Saint George:—

*To be an Ordinary Member of the Second Class, or Knight Commander, of the said Most Distinguished Order:—*

Colonel Albert Edward Gooderham. For patriotic and philanthropic services in the Dominion of Canada.

*To be Ordinary Members of the Third Class, or Companions, of the said Most Distinguished Order:—*

John Clarence Webster, Esquire, M.D., C.M., D.Sc., LL.D., F.R.C.P., F.A.C.S., F.R.S., Author, Archivist and member of the Historic Sites and Monuments Board of the Dominion of Canada.

Henry Wise Wood, Esquire, LL.D., For services to agriculture in Western Canada.

## CENTRAL CHANCERY OF THE ORDERS OF KNIGHTHOOD.

ST. JAMES'S PALACE, S.W. 1,

1st January, 1935.

The King has been graciously pleased to give orders for the following appointments to the Most Excellent Order of the British Empire:—

*To be Commander of the Military Division of the said Most Excellent Order:—*

Colonel (temporary Brigadier) William Henry Pferinger Elkins, D.S.O.,  
The Royal Canadian Artillery, Commandant, Royal Military College  
of Canada.

*To be Member of the Military Division of the said Most Excellent Order:—*

Warrant Officer Class I, Regimental Sergeant-Major Wenceslas Bioldeau,  
Royal 22e Regiment, Permanent Forces of the Dominion of Canada.

## CENTRAL CHANCERY OF THE ORDERS OF KNIGHTHOOD.

ST. JAMES'S PALACE, S.W. 1,

1st January, 1935.

The King has been graciously pleased to give orders for the following appointment to the Most Excellent Order of the British Empire:—

*To be an Officer of the Military Division of the said Most Excellent Order:—*

Squadron-Leader Roy Stanley Grandy, Royal Canadian Air Force. For  
outstanding services in pioneering air mail routes.

## CENTRAL CHANCERY OF THE ORDERS OF KNIGHTHOOD.

ST. JAMES'S PALACE, S.W. 1,

1st January, 1935.

The King has been graciously pleased to give orders for the following appointments to the Most Excellent Order of the British Empire:—

*To be Knight Commander of the Civil Division of the said Most Excellent Order:—*

Charles William Lindsay, Esquire. For Philanthropic and charitable services in the Dominion of Canada.

*To be Commanders of the Civil Division of the said Most Excellent Order:—*

Henry Black, Esquire, Chairman, Saskatchewan Relief Commission,  
Dominion of Canada.

Joseph Ernest Gregoire, Esquire, Mayor, City of Quebec, Dominion of  
Canada.

Camillien Houde, Esquire, Mayor, City of Montreal, Dominion of Canada.

John Stanley Plaskett, Esquire, D.Sc., LL.D., F.R.S., Director of Astro-  
physical Observatory, Dominion of Canada.

William James Stewart, Esquire, Mayor, City of Toronto, Dominion of  
Canada.



*To be Officers of the Civil Division of the said Most Excellent Order:—*

Edwin Albert Baker, Esquire, M.C., managing Director of the Institute for the Blind, Dominion of Canada. For services to blind ex-servicemen and their dependents.

William Caven, Esquire, lately Inspector of Excise, Dominion of Canada.

Flying Officer Clennell Haggerton Dickins. For services in the development of civil aviation in the Dominion of Canada.

Miss Edna Mary Guest, M.B., Chief of Department of Surgery, Women's College Hospital, Toronto, Dominion of Canada. For voluntary services as Medical Adviser, Women's Organizations.

Miss Jean Isabel Gunn, Superintendent of Nurses, Toronto General Hospital, Dominion of Canada.

Miss Mabel Frances Hersey, Superintendent of Nurses, Royal Victoria Hospital, Dominion of Canada.

The Reverend Sidney Elijah Lambert, President, Amputations Association of the Great War, Dominion of Canada. For services to ex-servicemen and their dependents.

Flight-Lieutenant Wilfred Reid May, D.F.C., Royal Canadian Air Force (Reserve of Officers). For numerous mercy flights to outlying points in North Western Canada.

Daniel McIntyre, Esquire, LL.D., lately Superintendent of Winnipeg Public Schools, Dominion of Canada.

Frederick Linwood Clinton Pereira, Esquire, Assistant Secretary to the Governor-General of the Dominion of Canada.

Georges Henri Robichon, Esquire, Mayor, City of Three Rivers, Dominion of Canada.

John Thomas Ross, Esquire, LL.D., lately Deputy Minister of Education, Dominion of Canada.

James William Somers, Esquire, Clerk of the City of Toronto, Dominion of Canada.

Miss Jennie Webster, lately Superintendent, Montreal General Hospital, Dominion of Canada.

*To be Members of the Civil Division of the said Most Excellent Order:—*

Sergeant-Major Frederick Anderton, Royal Canadian Mounted Police. For distinguished service in Arctic, Sub-Arctic and Northern Canada.

Robert Atkinson, Esquire. For protecting and delivering mail under conditions of extreme hardship in the Dominion of Canada.

Louis Bourassa, Esquire. For protecting and delivering mail under conditions of extreme hardship in North Western Canada.

Thomas Tofield Bower, Esquire, lately Postmaster of Winnipeg, Dominion of Canada.

James Reginald Bowler, Esquire, General Secretary, the Canadian Legion of the British Empire Service League.

Charles Davis, Esquire, Mayor of Gaspe, Dominion of Canada.

Miss Sarah Feeney. For services with the Grand Trunk and Canadian National Railways, Dominion of Canada.

Alexander Jardine Hunter, Esquire, M.D. For services as missionary-physician in pioneer settlements of Manitoba, Dominion of Canada.

Miss Frances Hatton Eva Hassell, Honorary Organizer of Caravan work in Western Canada.

Samuel Kennedy, Esquire, Mayor of Charlottetown, Dominion of Canada.

George Cliff King, Esquire, lately Postmaster of Calgary, Dominion of Canada.

William Allan McKnight, Esquire, Sub-Office Postmaster, Winnipeg, Dominion of Canada. For successfully withstanding at great personal risk, the attack of armed bandits on Post Office property.

Miss Helen Marion O'Donahoe, lately Chief Clerk, Department of Indian Affairs, Dominion of Canada.

Amédée Robitaille, Esquire. For protecting, at great personal risk, Post Office property in the Dominion of Canada.

Sveinn Thorvaldson, Esquire. For services to Icelandic settlers in Manitoba, Dominion of Canada.

Miss Alice Evelyn Wilson, Ph.D., Assistant Invertebrate Palæontologist, Department of Mines, Dominion of Canada.

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CENTRAL CHANCERY OF THE ORDERS OF KNIGHTHOOD.

ST. JAMES'S PALACE, S.W. 1,  
1st January, 1935.

The King has been graciously pleased to approve of the Award of the Medal of the Military Division of the Most Excellent Order of the British Empire to the undermentioned:—

*For Meritorious Service*

Chief Petty Officer Charles James Thurgill Hill, Royal Canadian Navy.

Flight Sergeant Harry Johnson Winny, Royal Canadian Air Force.

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CENTRAL CHANCERY OF THE ORDERS OF KNIGHTHOOD.

ST. JAMES'S PALACE, S.W. 1,  
1st January, 1935.

The King has been graciously pleased to approve of the Award of the Medal of the Civil Division of the Most Excellent Order of the British Empire to the undermentioned:—

*For Meritorious Service:—*

Roméo Girard, Penitentiary Guard, St. Vincent de Paul, Quebec, Canada.  
*Canada Gazette*, Vol. 68, p. 1571.

(Extracts from the supplement to the LONDON GAZETTE of Friday, the 31st May, 1935.)

CENTRAL CHANCERY OF THE ORDERS OF KNIGHTHOOD.

ST. JAMES'S PALACE. S.W. 1,  
3rd June, 1935.

The King has been graciously pleased, on the occasion of His Majesty's Birthday, and in commemoration of the completion of the twenty-fifth year of His Majesty's Reign, to signify his intention of conferring the Honour of Knighthood upon the following:—

The Honourable Joseph Amable Thomas Chapais, LL.D., F.R.S.C. For contributions to literature and culture in the Dominion of Canada.

Edmund Wyly Grier, Esq., R.C.A., President, Royal Academy of Arts, Dominion of Canada.

Ernest Campbell MacMillan, Esq., Mus. Doc., F.R.C.M., F.R.C.O., Principal, Toronto Conservatory of Music, Dominion of Canada.

Charles George Douglas Roberts, Esq., M.A., LL.D., F.R.S.C., poet, author and historian. For contributions to literature in the Dominion of Canada.

CENTRAL CHANCERY OF THE ORDERS OF KNIGHTHOOD.

ST. JAMES'S PALACE, S.W. 1,  
3rd June, 1935.

The King has been graciously pleased, on the occasion of His Majesty's Birthday, and in commemoration of the completion of the twenty-fifth year of His Majesty's Reign, to give orders for the following promotion in, and appointment to, the Most Honourable Order of the Bath:—

*To be an Additional Member of the Military Division of the Second Class, or Knight Commander of the said Most Honourable Order:—*

Major-General James Howden MacBrien, C.B., C.M.G., D.S.O., Commissioner, Royal Canadian Mounted Police, formerly Chief of Staff, Canadian Militia.

*To be an Additional Member of the Military Division of the Third Class, or Companion of the said Most Honourable Order:—*

Major-General Ernest Charles Ashton, C.M.G., V.D., District Officer Commanding Military District Number Eleven, Dominion of Canada.

CHANCERY OF THE ORDER OF SAINT MICHAEL AND SAINT GEORGE.

3rd June, 1935.

The King has been graciously pleased, on the occasion of His Majesty's Birthday, and in commemoration of the completion of the twenty-fifth year of His Majesty's Reign, to give directions for the following promotion in, and appointments to, the Most Distinguished Order of Saint Michael and Saint George:—

*To be an Additional Member of the First Class, or Knight Grand Cross, of the said Most Distinguished Order:—*

The Right Honourable Sir William Thomas White, K.C.M.G. For public services in the Dominion of Canada.



*To be an Additional Member of the Second Class, or Knight Commander, of the said Most Distinguished Order:—*

The Honourable Herbert Meredith Marler, His Majesty's Envoy Extraordinary and Minister Plenipotentiary in Japan for the Dominion of Canada.

*To be Additional Members of the Third Class, or Companions, of the said Most Distinguished Order:—*

George Samuel Horace Barton, Esq., D.ScA., Deputy Minister of Agriculture, Dominion of Canada.

Charles Camsell, Esq., LL.D., F.R.S.C., Deputy Minister of Mines, Dominion of Canada.

William Clifford Clark, Esq., Deputy Minister of Finance, Dominion of Canada.

Cyrille Fraser Delage, Esq., Litt.D., LL.D., F.R.S.C., Superintendent of Education, Province of Quebec, Dominion of Canada.

William Stuart Edwards, Esq., K.C., Deputy Minister of Justice, Dominion of Canada.

Charles William Gordon, Esq., D.D., LL.D., F.R.C.S., President, Authors' Association, Dominion of Canada.

Lieutenant-Colonel Eric Dighton Mackenzie, D.S.O., Comptroller of the Household at Government House, Ottawa, Dominion of Canada.

Simon James McLean, Esq., Assistant Chief Commissioner (Acting Chairman), Board of Railway Commissioners, Dominion of Canada.

The Honourable George Herbert Sedgewick, K.C., Chairman, Tariff Board, Dominion of Canada.

Harry Stevenson Southam, Esq., Chairman, Board of Trustees, National Gallery, Dominion of Canada.

James Hossack Woods, Esq. For public services in the Dominion of Canada.

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CENTRAL CHANCERY OF THE ORDERS OF KNIGHTHOOD.

ST. JAMES'S PALACE, S.W. 1,

3rd June, 1935.

The King has been graciously pleased, on the occasion of His Majesty's Birthday, and in commemoration of the completion of the twenty-fifth year of His Majesty's Reign to give orders for the following appointments to the Most Excellent Order of the British Empire:—

*To be an Additional Commander of the Military Division of the said Most Excellent Order:—*

Major and Brevet Lieutenant-Colonel (temporary Lieutenant-Colonel) Henry Willis O'Connor, D.S.O., Princess Patricia's Canadian Light Infantry, Aide-de-Camp to the Governor-General of the Dominion of Canada.

*To be an Additional Officer of the Military Division of the said Most Excellent Order:—*

Major Edson Louis Millard Burns, M.C., Royal Canadian Engineers.

*To be Additional Members of the Military Division of the said Most Excellent Order:—*

First Class Master Gunner (W.O. 1) Herbert Collings, Royal Canadian Artillery.

Regimental Sergeant-Major (W.O. 1) George Rolffe, Royal Canadian Engineers.

Regimental Sergeant-Major (W.O. 1) John Wyatt, D.C.M., The Royal Canadian Regiment, attached Royal Military College of Canada.

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CENTRAL CHANCERY OF THE ORDERS OF KNIGHTHOOD.

ST. JAMES'S PALACE, S.W. 1,

3rd June, 1935.

The King has been graciously pleased, on the occasion of His Majesty's Birthday, and in commemoration of the completion of the twenty-fifth year of His Majesty's Reign, to give orders for the following appointments to the Most Excellent Order of the British Empire:—

*To be an Additional Member of the Military Division of the said Most Excellent Order:—*

Squadron-Leader George Eric Brookes, Royal Canadian Air Force.

*To be an Additional Officer of the Military Division of the said Most Excellent Order:—*

Warrant Officer (Class 1) Anthony Augustine Rabnett, Royal Canadian Air Force.

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CENTRAL CHANCERY OF THE ORDERS OF KNIGHTHOOD.

ST. JAMES'S PALACE, S.W. 1,

3rd June, 1935.

The King has been graciously pleased, on the occasion of His Majesty's Birthday, and in commemoration of the completion of the twenty-fifth year of His Majesty's Reign, to give orders for the following promotions in, and appointments to, the Most Excellent Order of the British Empire:—

*To be an Additional Knight Grand Cross of the Civil Division of the said Most Excellent Order:—*

Edward Wentworth Beatty, Esq., K.C., LL.D., Chancellor, McGill University, and President of the Boy Scouts Association, Dominion of Canada.

*To be Additional Knights Commanders of the Civil Division of the said Most Excellent Order:—*

Arthur George Doughty, Esq., C.M.G., Litt.D., LL.D., F.R.S.C., Archivist Emeritus, and Chairman, Public Records Commission, Dominion of Canada.

John Cunningham M'Lennan, Esq., O.B.E., F.R.S., Ph.D., D.Sc., LL.D., F.R.S.C., Professor Emeritus and Visiting Professor of Physics, University of Toronto, Dominion of Canada. For fundamental discoveries in physics and scientific services.

*To be Additional Commanders of the Civil Division of the said Most Excellent Order:—*

- Edward Johnson, Esq., LL.D., Mus. Doc. For services to music in the Dominion of Canada.
- Robert Edward McKechnie, Esq., M.D., C.M., LL.D., F.A.C.S., F.R.C.S., Chancellor, University of British Columbia. For public services to medicine and education in the Dominion of Canada.
- Merchant Mahoney, Esq., Commercial Secretary at the Legation at Washington of the Dominion of Canada.
- William Ezra Matthews, Esq., Chairman, Federal District Commission, Dominion of Canada.
- William Losh Miller, Esq., D.Ph. President of the Royal Society of Canada.
- Colonel Henry Campbell Osborne, C.M.G., V.D., Honorary Aide-de-Camp to the Governor-General of the Dominion of Canada. For services to dramatic art in the Dominion of Canada.
- Miss Helen Richmond Young Reid, B.A., LL.D. For philanthropic services in the Dominion of Canada.
- Frank Thomas Shutt, Esq., D.S.C., F.I.C., F.C.S., F.R.S.C., lately Dominion Chemist, Dominion of Canada.
- Sarah Trumbull, Mrs. Warren, Chief Commissioner, Girl Guides Association, Dominion of Canada.

*To be Additional Officers of the Civil Division of the said Most Excellent Order:—*

- Miss Mary Ellen Birtles, formerly Superintendent of several hospitals in the Dominion of Canada.
- Miss Mary Vivienne Burnham, Supervisor, Women's Division, Department of Immigration and Colonization, Dominion of Canada.
- Minnie Julia Beatrice, Mrs. Campbell. For public services in the Dominion of Canada.
- John Honeyford Campbell, Esq., I.S.O., M.B.E., Master, Royal Canadian Mint.
- Albert Chevalier, Esq. For welfare and other public services in the Dominion of Canada.
- Miss Rebecca Mary Church. For public services in the Dominion of Canada.
- Allan Roy Dafoe, Esq., M.D. For devoted public services as a practising physician in the Dominion of Canada.
- Frederick William Davey, Esq. For services in Customs and Excise Departments of the Dominion of Canada.
- David Merritt Duncan, Esq., LL.D., lately Superintendent of Public Schools, Winnipeg, Dominion of Canada.
- Alfred Fitzpatrick, Esq., M.A., Principal Emeritus, The Frontier College, Dominion of Canada.
- Charles Sanderson Fosbery, Esq., M.A., LL.D. For services to education and music in the Dominion of Canada.
- L'Abbe Victorin Germain. For services on behalf of needy and homeless children in the Dominion of Canada.
- John Eckford Gow, Esq., lately Inspector of Customs and Excise, Dominion of Canada.
- Edwin Austin Hardy, Esq., B.A. For services to education in the Dominion of Canada.



- Lucy Maude Montgomery, Mrs. MacDonald. For contributions to literature in the Dominion of Canada.
- George McKee, Esq., B.A., Superintendent of Public Schools, Edmonton, Dominion of Canada.
- Miss Sarah Emily Maxwell. For nursing services in the Dominion of Canada.
- Lester Bowles Pearson, Esq., M.A. For advisory services to International and Inter-Imperial Conferences, and Royal Commissions in the Dominion of Canada.
- Miss Mary Pinkham. For public welfare services in the Dominion of Canada.
- Arthur Melville Scott, Esq., Ph.D., Superintendent of Public Schools, Dominion of Canada.
- Jessie Mabel, Mrs. Stewart. For public services in the Dominion of Canada.
- John Alexander Stiles, Esq., B.A.Sc., M.E.I.C., Chief Executive Commissioner, Boy Scouts' Association, Dominion of Canada.
- Ella Westley, Mrs. Thorburn. For public welfare services in the Dominion of Canada.

*To be Additional Members of the Civil Division of the said Most Excellent Order:—*

- Albert Martin Belding, Esq. For public welfare services in the Dominion of Canada.
- Edward Percy Brown, Esq. For public services in the Dominion of Canada.
- Ray Brown, Esq., President, Parliamentary Press Gallery, Dominion of Canada.
- Mary Tupper, Mrs. Chapman. For public welfare services in Okanagan Valley, Dominion of Canada.
- Agnes, Mrs. Condie. For public services in the Dominion of Canada.
- William Johnstone Cook, Esq., lately Collector of Customs and Excise, Dominion of Canada.
- Elizabeth Jane Pendleton, Mrs. Crombie. For public services in the Dominion of Canada.
- Annie Charlotte, Mrs. Dalton. For literary services in the Dominion of Canada.
- Miss Euphemia Luella Denton. For outpost nursing services in the Dominion of Canada.
- George Ferguson, Esq., M.D. For services in connection with the prevention and treatment of tuberculosis in the Dominion of Canada.
- Marcel Gabard, Esq., Editor, House of Commons Debates (French), Dominion of Canada.
- Harold Stacey Graham, Esq., Confidential Clerk to the Governor General of the Dominion of Canada.
- George Thomas Hann, Esq. For civil administrative services with the Royal Canadian Mounted Police.
- William Ide, Esq., General Executive Assistant, Department of National Revenue, Dominion of Canada.
- Joseph Adelard Lavoie, Esq., lately Customs Divisional Appraiser, Dominion of Canada.
- George Frederick Lewis, Esq., President, Association of Fire Marshals, Dominion of Canada.
- Michael Connolly MacCormac, Esq., Assistant Librarian in the Library of Parliament, Dominion of Canada.

- Hannah Glen, Mrs. MacDonald. For public welfare services in the Dominion of Canada.
- Alexander McKay, Esq. For services in connection with the Training School for the Feeble Minded, Dominion of Canada.
- Ethel Alberta, Mrs. McKillop, Superintendent, Board of Public Welfare, Dominion of Canada.
- Miss Jean Ethel MacLachlan, Judge of the Juvenile Court, Regina, Dominion of Canada.
- Daisy, Mrs. Marshall. For public services in the Dominion of Canada.
- Margaret Alice, Mrs. Marshall. For public services in the Dominion of Canada.
- Clement Peter Moore, Esq. For services in connection with child welfare in the Dominion of Canada.
- Miss Kathleen O'Brien. For services amongst Indians on coastal islands, Dominion of Canada.
- Harriet, Mrs. Osborne. For philanthropic and public welfare services in the Dominion of Canada.
- May, Mrs. Paul. For social services amongst Indians in the Dominion of Canada.
- Bessie Walden Maclean, Mrs. Reynolds. For social services in the Dominion of Canada.
- Jane, Mrs. Rose. For social and nursing services in the Dominion of Canada.
- Miss Elsie Saunders, M.A., Supervisor of Personal Services, Civil Service Commission, Dominion of Canada.
- Elijah Silverstone, Esq. For public services in the Dominion of Canada.
- George Simpson, Esq., Editor, House of Commons Debates (English), Dominion of Canada.
- Harry Slater, Esq. For welfare services in the Dominion of Canada.
- Lilian Carter, Mrs. Stephens. For public welfare services in the Dominion of Canada.
- John Stevens, Esq. For civil administrative services with the Royal Canadian Mounted Police.
- Helen, Mrs. Wallis. For services in connection with hospitality for Dominion students in London.
- Miss Mona Wilson, Chief Public Health Nurse, Department of Public Health, Dominion of Canada.
- Hannah Zelda, Mrs. Woods. For services in connection with Women's Institutes of the Province of New Brunswick, Dominion of Canada.
- George Washington Yates, Esq., Assistant Deputy Minister, Department of Railways and Canals, Dominion of Canada.
- Canada Gazette*, Vol. 69, p. 2825.

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HIS EXCELLENCY THE GOVERNOR GENERAL has received instructions from His Majesty the King that Court Mourning in Canada for the late King Alexander of Yugoslavia will be for a period up to and including the day of the funeral, with flags half-masted on that day.

W. P. J. O'MEARA,  
*Acting Under Secretary of State.*

## THE BANK OF CANADA.

(1934, c. 43).

### GOVERNMENT NOTICE.

DEPARTMENT OF FINANCE.

I, the undersigned, Minister of Finance, pursuant to the provisions of section three of the Bank of Canada Act, being chapter forty-three of the Statutes of 1934, hereby give public notice that the capital stock of the Bank of Canada has been subscribed and allotted as provided in the said Act.

This notice is given and published in order that the shareholders of the said Bank shall become a body corporate under the provisions of the said Act.

EDGAR N. RHODES,  
*Minister of Finance.*

23rd October, 1934.

*Canada Gazette*, 23rd October, 1934, Extra.

### COMMENCEMENT OF BUSINESS.

(*Order in Council, P.C. 573, dated 6th March, 1935.*)

WHEREAS subsection one of section twenty of the Bank of Canada Act, chapter forty-three of the Statutes of Canada, 1934, provides that whenever the capital stock of the Bank has been subscribed and payment made to the amount set out in said section, the Minister of Finance, when authorized by the Governor in Council, may issue a certificate authorizing the Bank to commence business on a date to be fixed therein;

AND WHEREAS the Minister of Finance reports that the said provisions as to subscription and initial payment have been met;

THEREFORE His Excellency the Governor General in Council, on the recommendation of the Minister of Finance and under the authority of said section twenty of the Bank of Canada Act, is pleased to authorize and doth hereby authorize the Minister of Finance to issue a certificate authorizing the Bank of Canada to commence business on a date to be fixed therein.

#### CERTIFICATE AUTHORIZING THE BANK OF CANADA TO COMMENCE BUSINESS.

WHEREAS subsection one of section twenty of the Bank of Canada Act, chapter forty-three of the Statutes of Canada, 1934, provides as follows:

“(1) Whenever the capital stock of the Bank has been subscribed and payment in money made to the amount of twelve dollars and fifty cents per share, or such larger amount as the Minister determines, the Minister, when authorized by the Governor in Council, may issue a certificate authorizing the Bank to commence business on a date to be fixed therein.”

WHEREAS the conditions as to subscription and payment for said stock contained in said subsection one of section twenty have been complied with; and

WHEREAS the Minister of Finance has been authorized by an Order of the Governor in Council, dated March 6, 1935, P.C. 573, to issue a certificate authorizing the Bank to commence business on a date to be fixed therein;

I HEREBY, under the authority of said subsection one of section twenty of the Bank of Canada Act and of the said Order of the Governor in Council, dated March 6, 1935, P.C. 573, by this certificate authorize the Bank of Canada to commence business on the eleventh day of March, 1935.

EDGAR N. RHODES,  
*Minister of Finance.*

Ottawa, March, 7, 1935.

*Canada Gazette*, 11th March, 1935, Extra.



## SALE OF GOLD.

(*Order in Council, P.C. 574, dated 6 March, 1935.*)

WHEREAS subsection one of section twenty-five of the Bank of Canada Act, Chapter forty-three of the Statutes of Canada, 1934, provides that the Bank shall sell gold to any person who makes demand therefor at the head office of the Bank and tenders the purchase price in legal tender, but only in the form of bars containing approximately four hundred ounces of fine gold;

AND WHEREAS subsection two of said section twenty-five provides that the Governor in Council may, from time to time and for such period as he may deem desirable suspend the operation of said subsection one of section twenty-five and remove such suspension;

THEREFORE His Excellency the Governor General in Council, on the recommendation of the Minister of Finance and under the authority of subsection two of section twenty-five of the Bank of Canada Act, is pleased to order that the operation of said subsection one of section twenty-five of the Bank of Canada Act be and it is hereby suspended for a period of one year from and after the tenth day of March, 1935.

*Canada Gazette, 11th March, 1935, Extra.*

## DENOMINATION OF NOTES.

(*Order in Council, P.C. 578, dated 6th March, 1935.*)

WHEREAS subsection 3 of section 24 of the Bank of Canada Act, chapter 43 of the Statutes of Canada, 1934, provides that notes of the Bank of Canada shall be in such denominations as the Governor in Council from time to time determines.

NOW THEREFORE, His Excellency the Governor General in Council, on the recommendation of the Minister of Finance, and under the authority above cited, is pleased to order and doth hereby order and determine that the following shall be the denominations of notes of the Bank of Canada:

\$ 1.00	\$ 20.00
2.00	50.00
5.00	100.00
10.00	500.00
	\$1,000.00

and that there shall be a note of the denomination of \$25.00, to be issued in commemoration of the twenty-fifth anniversary of the Accession to the Throne of His Gracious Majesty King George V.

*Canada Gazette, 11th March, 1935, Extra.*

## NOTICE OF INTENTION UNDER SECTION 88 OF THE BANK ACT.

UNDER the authority of subsection nineteen of section eighty-eight of the Bank Act, chapter twenty-four of the Statutes of Canada, 1934, I hereby prescribe that on and after the eleventh day of March, 1935, the following shall be the offices at which notices of intention to give a bank security under the authority of said section eight-eight shall be registered, in the manner provided by the said section namely:—

The branch or agency of the Bank of Canada at the following places, namely:—

Halifax—in and for the Province of Nova Scotia;  
 Charlottetown—in and for the Province of Prince Edward Island;  
 Saint John—in and for the Province of New Brunswick;  
 Montreal—in and for the Province of Quebec;  
 Toronto—in and for the Province of Ontario;  
 Winnipeg—in and for the Province of Manitoba;  
 Regina—in and for the Province of Saskatchewan;  
 Calgary—in and for the Province of Alberta;  
 Vancouver—in and for the Province of British Columbia.

EDGAR N. RHODES,  
*Minister of Finance.*

Ottawa, March 7, 1935.

*Canada Gazette*, 11th March, 1935, Extra.

## APPOINTMENTS.

### DEPARTMENT OF THE SECRETARY OF STATE OF CANADA.

HIS EXCELLENCY THE GOVERNOR GENERAL IN COUNCIL has been pleased to make the following appointments:—

6th August, 1934.

The Honourable Mr. Justice FAWCETT GOWLER TAYLOR, D.S.O., Judge of the King's Bench Division of the Province of Manitoba; to be Acting Chairman of the Canadian Pension Commission for one year from August 6, 1934.

*Canada Gazette*, Vol. 68, p. 327.

11th August, 1934.

Dr. GEORGE SAMUEL HORACE BARTON, Deputy Minister of Agriculture; Dr. JOHN FRANKLIN BOOTH, Commissioner of Agricultural Economics; CLIVE DAVIDSON, Esquire, Dominion Bureau of Statistics; ALBERT GOSSELIN, Esquire, Agricultural Economics Branch; and Dr. ALBERT KENNETH EATON, Department of Finance: to constitute the initial Dominion Marketing Board. Dr. BARTON to be Chairman.

*Canada Gazette*, Vol. 68, p. 348.

14th September, 1934.

The Right Honourable SIR THOMAS WHITE, K.C.M.G., P.C., of the City of Toronto, Ontario; The Honourable JOHN ALEXANDER MATHIESON, of Charlottetown, Chief Justice of the Supreme Court of Prince Edward Island, and EDWARD WALTER NESBITT, Esquire, of Woodstock, Ontario; to be a Royal Commission to take into consideration and deal with the recommendation of the "Duncan Commission," 1926, that there be a revision of the financial arrangements between the Dominion Government and the Governments of the Maritime Provinces, the said Commission to have the special authority specified under Part 3 of the Inquiries Act. SIR THOMAS WHITE to be Chairman.

*Canada Gazette*, Vol. 68, p. 655.

29th October, 1934.

WILLIAM WALKER KENNEDY, Esquire, K.C., M.P., Winnipeg: to be Chairman of the Commission constituted by Order in Council, P.C. 1461, 7th July, 1934, to continue the inquiry into the spread of prices etc., *vice* Honourable H. H. STEVENS, resigned.

*Canada Gazette*, Vol. 68, p. 1021.

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8th November, 1934.

J. E. READ, Esquire, one of His Majesty's counsel learned in the law, legal adviser to the Department of External Affairs, and R. B. VEITS, Esquire, Solicitor to the Treasury, Department of Finance: to be Commissioners under Section 6, part 11 of the Inquiries Act, to investigate certain cases of alleged over-payments contrary to the Militia Pension Act.

*Canada Gazette*, Vol. 68, p. 1108.

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5th February, 1935.

Colonel the Honourable MURRAY MACLAREN, C.A.M.C., C.M.G., LL.D., M.D., C.M., M.R.C.S., F.A.C.S., F.R.C.S., of the City of Saint John, Province of New Brunswick, a Member of the King's Privy Council for Canada: to be Lieutenant Governor of the Province of New Brunswick.

*Canada Gazette*, Vol. 68, p. 1699.

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22nd March, 1935.

His Honour Judge JAMES PARKER, Senior Judge of the County Court of York in the Province of Ontario: to be a Commissioner under Part I of the Inquiries Act, pursuant to the provisions of Section 10 of the Copyright Amendment Act, to investigate and report whether the Canadian Performing Right Society Limited, or any other society, association or company, unduly withholds the issue or grant of licences for or in respect of the performance of dramatic-musical or musical works in Canada; also to investigate and report as to whether fees, royalties, etc., are excessive and whether any such company conducts its operations in Canada detrimental to the interests of the public.

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25th March, 1935.

The Honourable JOHN B. M. BAXTER, Chief Justice of the Province of New Brunswick: to be a Commissioner under Part I of the Inquiries Act, to inquire into and report upon certain allegations made by the Honourable Peter Veniot, Member of the House of Commons for Gloucester, New Brunswick, as to the administration of the patrol system under the Royal Canadian Mounted Police, in the waters of Baie des Chaleurs in the said Province.

*Canada Gazette*, Vol. 68, p. 2105.

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30th April, 1935.

Dr. EDGAR SPINNEY ARCHIBALD and Dr. EDWARD STANLEY HOPKINS, both of the Department of Agriculture, Ottawa; JAMES R. GIRVIN, Mendora, Manitoba; OLAF NYLUND, Shaunavon, Saskatchewan, and LEONARD KOOLE, of Monarch, Alberta, Grain Growing Farmers; P. CHESTER COLQUHOUN, Maple Creek, Saskatchewan, Live Stock Farmer; REUBEN P. GILCHRIST, of Wild Horse, Alberta, Range Farmer; FREDERICK JAMES FREER, Winnipeg, Manitoba, Mortgage Companies of Canada; BRENTON PASCOE ALLEY, Toronto, Ontario, Canadian Bankers' Association; Dr. WILLIAM JOHN BLACK, Montreal, Quebec, Canadian National Railways; EDGAR WARD JONES, Calgary, Alberta, Canadian



Pacific Railway Company; JOSEPH HENRY ELLIS, Winnipeg, Manitoba, Government of Manitoba; and OLIVER STANLEY LONGMAN, of Edmonton, Government of Alberta; ALEXANDER MALCOLM SHAW, of Saskatoon, Saskatchewan, Government of Saskatchewan; to be the Prairie Farm Rehabilitation Advisory Committee, pursuant to Section 3 of the Prairie Farm Rehabilitation Act, with Dr. E. S. ARCHIBALD, as Chairman.

3rd May, 1935.

His Honour Judge E. J. DALY, of the County Court for the County of Carleton, Ontario; to be a Commissioner, under Part I of the Inquiries Act, to investigate certain allegations made in the House of Commons by Miss Agnes Macphail, M.P., in reference to derogatory remarks alleged to have been made by Inspector Dawson of the Penitentiary Branch.

*Canada Gazette*, Vol. 68, p. 2428.

Colonel GORDON SIDNEY HARRINGTON, LL.B., of the City of Halifax, Province of Nova Scotia, one of His Majesty's Counsel learned in the law: to be Chief Commissioner of the Employment and Social Insurance Commission; TOM MOORE, Esquire, of the City of Ottawa, Province of Ontario, President of the Trades and Labour Congress of Canada, and NAZAIRE ROMBO BEAUDET, of the City of Montreal, Province of Quebec, Civil Engineer and Insurance Manager: to be Members of the said Commission, the appointments effective for a period of ten years from July 20, 1935.

*Canada Gazette*, Vol. 69, p. 216.

## FAIR WAGES POLICY.

(*Order in Council, P.C. 3271, dated 31 December, 1934.*)

THE Committee of the Privy Council have had before them a report, dated 22nd December, 1934, from the Minister of Labour, referring to the Order in Council of June 7, 1922 (P.C. 1206), as amended by Order in Council of April 9, 1924 (P.C. 605), setting forth the Fair Wages Policy of the Government of Canada.

The Minister recommends that the labour conditions therein marked "B" be hereby rescinded and the conditions which are hereto attached substituted therefor.

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

## LABOUR CONDITIONS.

### FAIR WAGES CLAUSE.

1. All workmen, labourers, or other persons who perform labour in the construction of the work hereby contracted for, shall be paid such wages as are generally accepted as current from time to time during the continuance of the contract for competent workmen in the district in which the work is being performed for the character or class of work in which they are respectively engaged, and if there be no current rate in such district, then a fair and reasonable rate. In no event shall the wages be less than those set out in the schedule of minimum rates hereunder. The working hours shall be those fixed by the custom of the trade as respects hours in the district where the work is carried on, or if there be no custom of the rate as respects hours in the district, then fair and

reasonable hours, except for the protection of life and property, or on due cause shown to the satisfaction of the Minister of Labour. Where there are special circumstances which in the judgment of the Minister of Labour make it expedient that he should do so, he may decide what are the current or fair and reasonable rates of wages for overtime, and what is the proper classification of any work for the purposes of wages and hours. Immediately upon receipt of notice of any decision of the Minister of Labour hereunder the contractor shall adjust the wages and hours and classification of work so as to give effect to such decision. In the event of a dispute arising as to what is the current or a fair and reasonable rate of wages, or what are the current hours fixed by the custom of the trade or fair and reasonable hours, or as to rates for overtime, it shall be determined by the Minister of Labour, whose decision shall be final; payment may also be withheld of any moneys which would otherwise be payable to the contractor until the Minister of Labour's decision has been complied with. By the term "current wages" and the term "hours of labour fixed by the custom of the trade" in the foregoing are meant respectively the standard rates of wages and hours of labour either recognized by signed agreements between employers and workmen in the district from which the labour required is necessarily drawn or actually prevailing, although not necessarily recognized by signed agreements.

SCHEDULE OF MINIMUM WAGE RATES.

	an hour minimum
Males (18 years of age or over).....	30c.
Females (18 years of age or over).....	20c.

Males and Females under 18 years of age shall not receive less wages than those provided for women and girls in the Minimum Wage Scale of the Province in which this work is performed.

In certain of the Maritime Provinces where no minimum wage legislation is in effect, the contractors shall pay to males and females under 18 years of age wages not less than those provided for women and girls in the Minimum Wage Act of the Province of Nova Scotia.

In any province where the Minimum Wage legislation requires payment of wages in excess of these above set out, such higher rates shall apply on this work.

FAIR WAGES CLAUSE TO BE POSTED.

2. The Contractor shall post and keep posted in a conspicuous place on the premises where the contract is being executed, occupied or frequented by the workpeople, the foregoing fair wages provisions for the protection of the workpeople employed.

BOOKS, ETC., OF CONTRACTOR OPEN FOR INSPECTION.

3. The Contractor shall keep proper books and records showing the names, ages, trades and addresses of all workmen in his employ and the wages paid to and time worked by each workman and the books and documents containing such records shall be open for inspection by a Fair Wages Officer of the Government at any time it may be expedient to the Minister of Labour to have the same inspected.

PREMISES AND WORK OPEN FOR INSPECTION.

4. The Contractor's premises and the work being performed under this contract shall be open for inspection at all reasonable times by any officer authorized by the Minister of Labour for this purpose; all such premises shall be kept by the Contractor in sanitary condition.

## SUBLETTING, ETC.

5. With a view to avoidance of any abuses which might arise from the subletting of contracts it shall be understood that subletting is prohibited unless the approval of the Minister is obtained; sub-contractors shall be bound in all cases to conform to the conditions of the main contract, and the main contractor shall be held responsible for strict adherence to all contract conditions on the part of contractors; the contract shall not, nor shall any portion thereof be transferred without the written permission of the Minister; no portion of the work to be performed shall be done at the homes of the workpeople, or, except as specially provided for under legislative authority, by inmates of penal institutions.

## WORKMEN TO BE RESIDENTS OF CANADA.

6. All workmen employed upon the work comprehended in and to be executed pursuant to this contract shall be residents of Canada, unless the Minister is of opinion that Canadian labour is not available or that special circumstances exist which would render it contrary to the public interest to enforce this provision.

7. The Contractor shall not be entitled to payment of any money which would otherwise be payable under the terms of the contract in respect of work and labour performed in the execution of the contract unless and until he shall have filed in the office of the Minister in support of his claim for payment a statement attested by statutory declaration showing: (1) the rates of wages and hours of labour of the various classes of workmen employed in the execution of the contract; (2) whether any wages in respect of the said work and labour remain in arrears; (3) that all the labour conditions of the contract have been duly complied with; or, in the event of notice from the Minister of Labour of claims for wages, until the same are adjusted. The contractor shall also from time to time furnish to the Minister such further detailed information and evidence as the Minister may deem necessary in order to satisfy him that the conditions herein contained to secure the payment of fair wages have been complied with, and that the workmen so employed as aforesaid upon the portion of the work in respect of which payment is demanded have been paid in full.

## POWER TO PAY WAGES IN DEFAULT OF PAYMENT BY CONTRACTOR.

8. In the event of default being made in payment of any money owing in respect of wages of any workman employed on the said work, and if a claim therefor is filed in the office of the Minister and proof thereof satisfactory to the Minister is furnished, the said Minister may pay such claim out of the money at any time payable by His Majesty under said contract and the amount so paid shall be deemed payments to the Contractor.

*Canada Gazette*, Vol. 68, p. 1490.

## AUSTRIA.

## INTERMEDIATE TARIFF EXTENDED TO

*(Order in Council, P.C. 88, dated 14th January, 1935.)*

WHEREAS, under the authority of Section 4 of the Customs Tariff, the Governor in Council is empowered, from time to time, to extend the benefit of the Intermediate Tariff, in whole or in part, to any country the produce or manufactures of which have previously been subject to the rates of the Customs duties set forth in the General Tariff;



AND WHEREAS, by an exchange of Notes of the 6/8 July, 1933, between the Austrian Minister in London and the Secretary of State for External Affairs, the Austrian Government agreed to accord most-favoured nation treatment to Canadian goods imported into Austria in return for the grant of the Canadian Intermediate Tariff to Austrian goods imported into Canada for the period from the 10th July, 1933, until the 31st December, 1933;

AND WHEREAS the foregoing arrangement was extended by agreement between the two Governments until the 31st December, 1934;

AND WHEREAS it has been ascertained that the Federal Government of Austria is prepared to continue to accord most-favoured-nation treatment to Canadian goods imported into Austria in return for the grant of the Canadian Intermediate Tariff to Austrian goods imported into Canada, provided that this arrangement is subject to termination by either Party at any time, and that on its termination natural or manufactured products of either country would continue to enjoy, on importation into the other, the benefits of the arrangement for a period of three months from the date of notice of termination;

NOW, THEREFORE, His Excellency the Governor General in Council, on the recommendation of the Secretary of State for External affairs, with the concurrence of the Minister of Finance, the Minister of Trade, and Commerce and the Minister of National Revenue, is pleased to order and it is hereby ordered as follows:

- (1) The natural or manufactured products originating in and coming from Austria shall enjoy, on their importation into Canada, the rates of the Intermediate Tariff;
- (2) In order to secure the advantages aforesaid such products shall be conveyed without trans-shipment from Austria or from a port of a country enjoying the benefit of the British Preferential or Intermediate Tariff into a sea, lake or river port of Canada;
- (3) This arrangement shall enter into force on January 1, 1935, and the effect of its provisions shall continue in force until three months after either Party shall have given notice to the other of its intention to terminate it.

*Canada Gazette*, Vol. 68, p. 1597.

## TRANSIT OF CANADIAN GOODS THROUGH UNITED STATES.

*(Order in Council, P.C. 175, dated 31 st January, 1935.)*

His Excellency the Governor General in Council, on the recommendation of the Minister of National Revenue, is pleased to cancel Order in Council P.C. 291, dated 27th February, 1924, passed under the authority of subsection (g) of Section 286 of the Customs Act (now Section 284, Chapter 42, R.S.C. 1927), prescribing rules and conditions under which goods, the produce or manufacture of Canada, may, without the payment of Customs duties, be transported from one port or place in Canada to another port or place therein, in transit through the United States, wholly or partly by water carriage, and it is hereby cancelled accordingly.

*Canada Gazette*, Vol. 68, p. 1703.

## NEW ZEALAND

## TRADE AGREEMENT EXTENDED

(*Order in Council, P.C. 1234, dated 10 May, 1935.*)

THE Committee of the Privy Council have had before them a report, dated 9th May, 1935, from the Acting Secretary of State for External Affairs, representing, with the concurrence of the Minister of Trade and Commerce and the Minister of National Revenue, that it has been arranged with the Government of New Zealand that the Trade Agreement between Canada and New Zealand, which entered into force, for a period of one year, on the 24th of May, 1932, and which was subsequently extended by the Governor in Council, under authority of Section 1 of "an Act to authorize the Governor in Council to agree to extend by proclamation the duration of the Trade Agreement made between Canada and New Zealand, dated the 23rd day of April, 1932, as approved by Chapter 34 of the Statutes of 1932, entitled an Act respecting a certain Trade Agreement between Canada and New Zealand" till May 24, 1935, be extended for a further period of six months.

The Acting Secretary of State for External Affairs, therefore, with the concurrence of the Minister of Trade and Commerce and the Minister of National Revenue, recommends that under and in pursuance of the provisions of the said Act, the said Trade Agreement between Canada and New Zealand be extended for a further period of six months from the 24th day of May, 1935.

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

*Canada Gazette, Vol. 68, p. 2485.*

## UNITED KINGDOM AND NORTHERN IRELAND

## TARIFF TREATMENT ON GOODS THEREFROM

(*Order in Council, P.C. 2058, dated 19th July, 1935.*)

THE Deputy of His Excellency the Governor General in Council, on the recommendation of the Minister of Finance and under authority of Section 4, paragraph (*i*) of the Customs Tariff, is pleased to order and it is hereby ordered as follows:—

1. On and after July 1, 1935, goods the produce or manufacture of the United Kingdom of Great Britain and Northern Ireland shall enjoy, on importation into Canada, tariff treatment not less favourable than that accorded to like goods the produce or manufacture of any foreign country.

2. In order to secure the benefits aforesaid, such goods shall be conveyed without trans-shipment from a port of the United Kingdom of Great Britain and Northern Ireland, or from a port of a country enjoying the benefits of the British Preferential or the Intermediate Tariff, into a sea, lake or river port of Canada.

*Canada Gazette, Vol. 69, p. 223.*

**SOUTH AFRICA AND SOUTH WEST AFRICA**  
**TARIFF TREATMENT ON GOODS FROM**  
*(Order in Council, P.C. 2059, dated 19th July, 1935.)*

THE Deputy of His Excellency the Governor General in Council, on the recommendation of the Minister of Finance and under authority of Section 4, paragraph (i) of the Customs Tariff, is pleased to order and it is hereby ordered as follows:—

1. On and after July 1, 1935, goods the produce or manufacture of the Union of South Africa or the Mandated Territory of South West Africa shall enjoy, on importation into Canada, tariff treatment not less favourable than that accorded to like goods the produce or manufacture of any foreign country.

2. In order to enjoy the benefits aforesaid, such goods shall be conveyed without trans-shipment from a port of the Union of South Africa or the Mandated Territory of South West Africa, or from a port of a country entitled to the benefits of the British Preferential or the Intermediate Tariff, into a sea, lake or river port of Canada.

*Canada Gazette*, Vol. 69, p. 223.

**JAPAN**

**TARIFF TREATMENT ON GOODS IMPORTED THEREFROM**  
*(Order in Council, P.C., 2108, dated 22nd July, 1935.)*

WHEREAS the Government of Japan, contrary to the provisions of Article VII of the Treaty of Commerce and Navigation, of the 3rd April, 1911, between His Majesty the King and the Emperor of Japan, which has been in force between Canada and Japan since the 1st May, 1913, has seen fit to impose upon certain commodities composing the principal exports of Canada to Japan a discriminatory surtax of 50 p.c. ad valorem, effective July 20, 1935;

AND WHEREAS Section 7 of the Customs Tariff provides, inter alia:

“(1) Goods imported into Canada the product or manufacture of any foreign country which treats imports from Canada less favourably than those from other countries, may be made subject by order of the Governor in Council in the case of goods already dutiable to a surtax over and above the duties specified in Schedule A to this Act, and in the case of goods not dutiable to a rate of duty, not exceeding, in either case, thirty-three and one-third per centum ad valorem.”

AND WHEREAS it is deemed desirable that the date of the entry in force of an order made pursuant to the provision of the said Section 7 of the Customs Tariff should be fixed to exempt from the operation of the order goods presently in transit from Japan to Canada;

NOW, THEREFORE, the Deputy of His Excellency the Governor General in Council, on the recommendation of the Secretary of State for External Affairs, with the concurrence of the Acting Minister of National Revenue, and under the authority of the aforesaid Section 7 of the Customs Tariff, is pleased to order and it is hereby ordered that all goods the produce or manufacture of Japan shall, on importation into Canada on and after August 5, 1935, be subject to the following Tariff treatment:—

- (a) goods dutiable as of August 3, 1935 at the rates specified in Schedule A to the Customs Tariff:—to be subject to a surtax of 33½ per cent, ad valorem, over and above the duties specified in said Schedule A;
- (b) goods duty-free as of August 3, 1935:—to be subject to a duty of 33½ per cent ad valorem.

*Canada Gazette*, Vol. 69, p. 249.



JAPAN

SURTAX ON GOODS FROM

(Order in Council, P.C. 2317, dated 3rd August, 1935.)

WHEREAS the Governor General in Council has been pleased to order, under the authority of Section 7 of the Customs Tariff, that all goods the product or manufacture of Japan shall, on importation into Canada on and after August 5, 1935, be subject to the following Tariff treatment:—

- (a) goods dutiable as of August 3, 1935, at the rates specified in Schedule A to the Customs Tariff: to be subject to a surtax of 33½ per cent ad valorem, over and above the duties specified in said Schedule A;
- (b) goods, duty-free as of August 3, 1935: to be subject to a duty of 33½ per cent ad valorem;

AND WHEREAS Section 7 of the Customs Tariff provides, “inter alia”;

“(4) The Governor in Council may make regulations for carrying out the purpose of this section and may by Order in Council suspend the surtax or rate in whole or in part from application to the goods of such foreign country or any class of such goods”;

AND WHEREAS it appears desirable that regulations be established thereunder;

NOW THEREFORE, His Excellency the Governor General in Council, on the recommendation of the Secretary of State for External Affairs, with the concurrence of the Minister of National Revenue, and under the above cited authority, is pleased to make the following regulations and they are hereby made and established accordingly.

1. Goods, the product or manufacture of Japan, bona fide contracted for and purchased, and sold by the importer for future delivery either in their imported condition or as goods further processed in Canada, prior to the 22nd July, 1935, shall not, if imported into Canada before the 5th November, 1935, be subject to the surtax prescribed by Order in Council (P.C. 2108); provided that the importer produces satisfactory evidence establishing such purchase and sale prior to the 22nd July, 1935.

2. The surtax shall apply to any article imported into Canada which has been improved or advanced in value by labour in any other country if materials the product or manufacture of Japan constitute more than 50 per cent of the cost of production of the imported article.

3. Invoices of goods manufactured wholly or in part from materials the product or manufacture of Japan, imported into Canada, shall be further certified and signed by the exporters in the following form, namely:

(J)

“Whereas Japanese goods are subject to surtax in Canada, I certify that not over 50 per cent of the cost of production of articles included in this invoice is the product or manufacture of Japan—except articles opposite which the word “Japan” is written on this invoice.”

(Signature) . . . . . Exporter.

## HAYTI, GUATEMALA, BOLIVIA, COSTA RICA, AND PANAMA

## INTERMEDIATE TARIFF EXTENDED TO

(Orders in Council, P.C. 2084, 2085, 2086, 2087 and 2088, dated 20th July, 1935.)

These orders provide that—

- (1) The natural and manufactured products originating in and coming from these respective countries shall enjoy on their importation into Canada the rates of the Intermediate Tariff, provided, however, that such products shall not be subjected to higher duties or charges than those paid on the like articles, the produce or manufacture of any other foreign country;
- (2) In order to secure the advantages aforesaid such products shall be conveyed without trans-shipment from such countries or from a port of a country enjoying the benefit of the British Preferential or Intermediate Tariff into a sea, lake or river port of Canada.

In the case of Hayti, the provision covers a period of nine months from July 15, 1935, and thereafter until withdrawn by Order in Council.

*Canada Gazette*, Vol. 69, pp. 246, 247, 248.

## RATE OF EXCHANGE ON DEPRECIATED FOREIGN CURRENCIES

(Order in Council, P.C. 2083, dated 20th July, 1935.)

WHEREAS under authority of Section 6, subsection 9, of the Customs Tariff, the Governor in Council may, from time to time and as occasion requires, order and direct what shall be the rate of exchange fixed for any currency in computing the value for duty of goods imported into Canada from any place or country the currency of which is depreciated;

AND WHEREAS it is represented that in declaring what shall be the rate of exchange fixed for purposes of ordinary and special duty for the currency of such countries, it appears expedient that the Governor in Council should take into consideration the extent to which a rise in the general level of prices in the country whose currency is depreciated may have tended to offset the export advantage resulting from exchange depreciation, as well as the desirability of maintaining the normal relationship which has existed between the currencies of such countries and the currency of Canada; and

That, in applying the rates of exchange for purposes of ordinary and special duty fixed in accordance with the considerations aforesaid, countries whose currencies at prevailing commercial rates of exchange are not depreciated in terms of the Canadian dollar by more than five per centum should not be included within the scope of any Order in Council issued under authority of Section 6, subsection 9, of the Customs Tariff;

Now THEREFORE, The Deputy of His Excellency the Governor General in Council, on the recommendation of the Right Honourable the Prime Minister for the Minister of National Revenue, is pleased to order and it is hereby ordered that the rate of exchange for computing the value for ordinary and special duty of goods imported into Canada from the undermentioned countries during the

period of six months from the date of publication of this Order in Council, shall be fixed, under authority of the provisions of Section 6, subsection 9 of the Customs Tariff, as hereunder indicated:—

Denmark—Krone.....	\$	0.2312
Finland—Mark.....	\$	0.0234
Japan—Yen.....	\$	0.4151
Norway—Krone.....	\$	0.2592
Sweden—Krone.....	\$	0.2584

*Canada Gazette*, Vol. 69, p. 2046.

**EXTRADITION OF CRIMINALS FROM CZECHOSLOVAKIA.**

*(Order in Council, P.C. 1369, dated 1st August, 1928.)*

THE Committee of the Privy Council have had before them a report, dated 26th July, 1928, from the Secretary of State for External Affairs, representing that a Treaty was signed at London, on November 11, 1924, between Great Britain and the Czechoslovak Republic, for the extradition of criminals, which treaty provides by article 17 that:

“The stipulations of the present treaty shall be applicable so far as the laws permit, to all His Britannic Majesty’s Dominions, except to the self-governing Dominions hereinafter named—that is to say, the Dominion of Canada, the Commonwealth of Australia (including for this purpose Papua and Norfolk Island), the Dominion of New Zealand, the Union of South Africa, the Irish Free State, and Newfoundland—and India provided always that the said stipulations shall be applicable to any of the above-named Dominions or India in respect of which notice to that effect shall have been given on behalf of the Government of such Dominions or India by His Britannic Majesty’s Representative in the Czechoslovak Republic and provided also that it shall be competent for either of the Contracting Parties to terminate separately the application of this treaty to any of the above-named Dominions or India by a notice to that effect not exceeding one year and not less than six months.”

The Secretary of State for External Affairs, with the concurrence of the Minister of Justice, submits that it is desirable that this treaty should be made applicable to the Dominion of Canada.

The Committee, therefore, advise that in view of the recent application for extradition of criminals, addressed to the Canadian Government by the Czechoslovak Government, notice of accession of Canada to the said treaty be given by telegram to the Czechoslovak Government, under the above quoted article 17.

The Treaty between the United Kingdom and the Czechoslovak Republic and the Protocol thereto follow *in extenso*.

*Canada Gazette*, Extra, 29th July, 1935.

**FERME YAMASKA BIRD SANCTUARY**

By Order in Council, P.C. 2634, dated 8th November, 1934, certain lands within the Parish of St. Romuald of Farnham, County of Missisquoi, Province of Quebec, were created a bird sanctuary.

*Canada Gazette*, Vol. 68, p. 1150.





PROCLAMATIONS OF CANADA, JULY, 1934, TO JULY, 1935

	DATE IN FORCE	CANADA GAZETTE
Acts proclaimed—		
Admiralty Act, 1934, c. 31, in force.....	1 March, 1935	Vol. 68, p. 1700.
Companies Act, 1934, to amend.....	15 Sept., 1935	Extra, July 22, 1935.
Criminal Code, 1934, c. 47, sec. 3, in force.....	1 Jan., 1935	Vol. 68, p. 656.
Criminal Code, Part III, not in force in certain portions of Hudson Bay Railway line.....	18 Aug., 1934	Vol. 68, p. 349.
Currency Act, section 4, coming of silver dollar.....	1 May, 1935	Vol. 68, p. 2276.
Dairy Industry Act, Regulation 28, Part II, in force in Alberta, Sask. and B.C.....	1 May, 1935	Vol. 68, p. 2219.
Dominion Notes Act, repealed.....	11 Mar., 1935	Extra, Mar. 11, 1935.
Elections of Members, House of Commons.....	18 Aug., 1934	Extra, Aug. 17, 1934.
Farmers' Creditors Arrangement Act in force in Man., Sask. and Alberta.....	1 Sept., 1934	Vol. 68, p. 388.
Farmers' Creditors Arrangement Act in force in Ontario and Quebec.....	1 Oct., 1934	Vol. 68, p. 656.
Farmers' Creditors Arrangement Act in force in B.C., N.S., N.B. and P.E.I.....	1 Nov., 1934	Vol. 68, p. 850.
Juvenile Delinquents Act, 1929, meaning of "child" in Alberta.....	9 May, 1935	Vol. 68, p. 2485.
New Zealand Trade Agreement, extended for six months from May 24, 1935.....	10 May, 1935	Vol. 68, p. 2486.
Patents Act, 1935.....	1 Aug., 1935	Extra, July 22, 1935.
Royal Canadian Mounted Police Act, in force.....	1 Oct., 1934	Vol. 68, p. 471.
Animal Contagious Diseases Act, restricted areas in—		
New Brunswick, Madawaska, County of.....	16 Aug., 1934	Vol. 68, p. 471.
Quebec, parts of Counties of Stanstead, Sherbrooke and Compton.....	7 Feb., 1935	Vol. 68, p. 1765.
Saskatchewan, Morris and Lost River.....	9 Mar., 1935	Vol. 68, p. 2048.
Manitoba, rural municipalities of Roblin, Cartier, Arthur, Macdonald.....	13 June, 1935	Vol. 68, p. 2794.
Ontario, townships of Marlborough and Goulbourne.....	18 June, 1935	Vol. 68, p. 2839.
Bolivia and Paraguay, supply of arms to.....	13 July, 1934	Vol. 68, p. 296.
Fire Prevention Week, Oct. 7-13, 1934.....	12 Sept., 1934	Vol. 68, p. 656. Extra, 13 Sept., 1934.
King's Silver Jubilee—		
Clemency to prisoners.....	3 May, 1935	Vol. 68, p. 2277.
Public holiday, May 6, 1935.....	27 Feb., 1935	Vol. 68, p. 1909. Extra, 28 Feb., 1935.
Parliament summoned for 17th Jan., 1935.....	13 Dec., 1934	Vol. 68, p. 1341. Extra, 13 Dec., 1934.
Prorogued.....	5 July, 1935	Vol. 69, p. 67. Extra, 5 July, 1935.
Dissolved.....	15 Aug., 1935	Extra, 15 Aug., 1935.
Thanksgiving Day, Oct. 14, 1935.....	9 July, 1935	Vol. 69, p. 168.





ACTS  
OF THE  
PARLIAMENT  
OF THE  
DOMINION OF CANADA

PASSED IN THE SESSION HELD IN THE  
TWENTY-FIFTH AND TWENTY-SIXTH YEARS OF THE REIGN OF HIS MAJESTY

KING GEORGE V

BEING THE  
SIXTH SESSION OF THE SEVENTEENTH PARLIAMENT

Begun and holden at Ottawa, on the Seventeenth day of January, 1935, and closed by  
Prorogation on the Fifth day of July, 1935



HIS EXCELLENCY THE RIGHT HONOURABLE  
THE EARL OF BESSBOROUGH  
GOVERNOR GENERAL

PART I  
PUBLIC GENERAL ACTS

OTTAWA  
PRINTED BY JOSEPH OSCAR PATENAUDE, I.S.O.  
LAW PRINTER TO THE KING'S MOST EXCELLENT MAJESTY  
ANNO DOMINI 1935



# 25-26 GEORGE V.

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## CHAP. 1.

An Act respecting the appointment of Auditors for  
National Railways.

[Assented to 21st March, 1935.]

WHEREAS by section thirteen of *The Canadian National-Canadian Pacific Act, 1933*, it is provided that a continuous audit of the accounts of National Railways shall be made by independent auditors appointed annually by a Resolution of Parliament; Preamble.  
1932-33, c. 33;  
1934, c. 3.

And whereas it is expedient that auditors should be appointed by an Act of Parliament: Therefore His Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

I. Clarkson, Gordon, Dilworth, Guilfoyle and Nash, Auditors  
appointed. of the city of Toronto, chartered accountants, are appointed as independent auditors for the year 1935, to make a continuous audit under the provisions of section thirteen of *The Canadian National-Canadian Pacific Act, 1933*, of the accounts of National Railways as defined in the said Act.

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King's Most Excellent Majesty.



# 25-26 GEORGE V.

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## CHAP. 2.

An Act respecting the Additional Protocol of 1935 to The  
Canada-France Trade Agreement of 1933.

[Assented to 21st March, 1935.]

**H**IS Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:— 1932-33, c. 31.

**1.** This Act may be cited as *The Supplementary Canada-France Trade Agreement Act, 1935.* Short title.

**2.** The Additional Protocol to the Trade Agreement between Canada and France set out in the Schedule to this Act, is hereby approved and shall have the force of law notwithstanding the provisions of any law in force in Canada. Additional Protocol approved.

**3.** After the said Additional Protocol is brought into force and so long as it remains in force, the natural and manufactured products mentioned in the said Additional Protocol, originating in and coming from the French customs territory, the French colonies and countries under French protectorates and territories under French mandate, imported into the Dominion of Canada in the manner provided in the said Additional Protocol, shall be admitted to the Dominion of Canada at the rates of duties provided in the said Additional Protocol. Rates of duty on natural and manufactured products.

**4.** The Governor in Council, may, notwithstanding the provisions of any law in force in Canada, make such orders and regulations and do such acts and things as are deemed necessary to carry out the provisions and intent of the said Additional Protocol. Orders in Council authorized.

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

SCHEDULE.



## SCHEDULE.

ADDITIONAL PROTOCOL TO THE TRADE AGREEMENT  
BETWEEN CANADA AND FRANCE.

His Majesty the King of Great Britain, Ireland and the British dominions beyond the Seas, Emperor of India, in respect of the Dominion of Canada, and the President of the French Republic, desiring to develop commercial relations between Canada and France on the basis of the Trade Agreement signed May 12th, 1933, have resolved to conclude an Additional Protocol to this Agreement and, for that purpose, have appointed as their respective plenipotentiaries:

His Majesty the King of Great Britain, Ireland and the British dominions beyond the Seas, Emperor of India, for the Dominion of Canada:

The Right Honourable RICHARD BEDFORD BENNETT, Prime Minister, President of the Privy Council and Secretary of State for External Affairs;

The President of the French Republic:

Monsieur RAYMOND BRUGÈRE, Envoy Extraordinary and Minister Plenipotentiary of the French Republic in Canada, Officer of the National Order of the Legion of Honour;

Who, after having communicated to each other their respective full powers, found to be in good and due form, have agreed upon the following provisions:

## ARTICLE 1.

The natural or manufactured products, originating in and coming from Canada, enumerated in supplementary Schedule A to this additional Protocol, shall enjoy, on their importation into French Customs Territory, the French Minimum Tariff, that is to say the most favoured foreign nation treatment.

The natural or manufactured products, originating in and coming from Canada, enumerated in supplementary Schedule A to this additional Protocol, enjoying the French Minimum Tariff, are entitled to the lowest rates which France accords or may accord to the same or similar products of any other foreign country.

## ARTICLE 2.

The natural or manufactured products, originating in and coming from French Customs Territory, enumerated in supplementary Schedule C to this additional Protocol, shall enjoy, on their importation into Canada, the rates of the Canadian Intermediate Tariff, it being understood, however, that of the amount of duty to be paid, under the said tariff, the importer shall have the benefit of the percentages of discount indicated in the said supplementary Schedule.

The natural or manufactured products, originating in and coming from French Customs Territory, enumerated in supplementary Schedule C to this additional Protocol, shall enjoy any other more favourable tariff rates which Canada may accord to the same or similar products of any other foreign country.

## ARTICLE 3.

The natural or manufactured products, originating in and coming from Canada, enumerated in supplementary Schedule A to this additional Protocol, and the natural or manufactured products, originating in and coming from French Customs Territory, enumerated in supplementary Schedule C to this additional Protocol shall, on their importation into the territory of the other Party, enjoy the most favourable rates accorded to any foreign country, that may arise from modifications made in the tariff classification as a result of administrative or legislative action or of conventions entered into with other countries.

## ARTICLE 4.

The natural or manufactured products, originating in and coming from Canada, enumerated in supplementary Schedule A to this additional Protocol, on their importation into French colonies, which are called "assimilées," that is, which have in principle the same customs tariff as France, shall enjoy the minimum tariff whether this tariff is the French tariff or a special tariff.

In French colonies described as "non assimilées," that is, which have a special customs tariff, as well as in countries under French protectorate, the natural or manufactured products, originating in and coming from Canada, enumerated in supplementary Schedule A to this additional Protocol, shall enjoy the lowest customs tariff.

The natural or manufactured products, originating in and coming from French colonies "assimilées" and "non assimilées," countries under French protectorate and territories under French mandate, enumerated in supplementary Schedule C to this additional Protocol, on their

importation into Canada, shall be subject to the duties of the Canadian Intermediate Tariff, provided, however, that on the amount of the duty computed under the said tariff, the importer shall be entitled to the percentages of discount enumerated in the said Schedule.

The natural or manufactured products, originating in and coming from French colonies, "assimilées" and "non assimilées," countries under French protectorate and territories under French mandate, enumerated in supplementary Schedule C to this additional Protocol, shall enjoy any other more favourable tariff rate which Canada may accord to the same or similar products of any other foreign country.

#### ARTICLE 5.

With regard to the quantitative restrictions on imports into France, the French Government undertake to grant to Canada for each of the products enumerated in Schedule E to this additional Protocol, a share of the global basic quota corresponding to the percentage indicated for each product in Schedule E. These percentages shall not be reduced whether the global quotas be increased or reduced. This undertaking shall not be interpreted as preventing the abolition of existing quotas.

Moreover, with respect to any quota which may be imposed in the future on any commodity, the French Government undertake to accord to Canada the full share mathematically attributable on the basis of the proportion of imports from Canada of that commodity compared with the total French imports of that commodity in the base period.

With regard to the administration of quotas, Canada shall, in any case when a request to this effect is made by the Canadian Government, be granted, under the same conditions and reservations, the most favourable treatment accorded to any other country in respect of like products.

The administration of quotas on frozen salmon (Ex. No. 45 of the French Customs Tariff) and on preserved or prepared lobster (Ex. No. 49 of the French Customs Tariff) shall be carried out in Canada under the conditions provided in the Note annexed to Schedule A of the Agreement of May 12, 1933 (*re* Nos. 47 and 49 of the French Customs Tariff). In the event that the importation of preserved crustaceans is controlled by a system of import licences, the French Government shall take over the administration of the quotas.

#### ARTICLE 6.

The products, originating in and coming from Canada, enumerated in Schedule F to this additional Protocol, shall



be entitled, on their importation into French Customs Territory during the fourth quarter of 1934, to the quotas indicated in the said Schedule.

With regard to the products enumerated in the said Schedule F the French Government shall give sympathetic consideration to the possibility of granting quotas to Canada for subsequent quarterly periods.

The import licences for the products originating in and coming from Canada enumerated in Schedule F to this additional Protocol, shall bear the visa of the Canadian officials in Paris duly authorized for this purpose by their Government.

#### ARTICLE 7.

In the event that the system of temporary admission of wheat into France is modified or abandoned, and that suitable facilities are not provided whereby wheat, the produce of Canada, would retain marketing opportunities in France equivalent to those now enjoyed, the French Government recognize the right of the Canadian Government, with regard to the advantages conceded by the present additional Protocol in respect of wines, liqueurs, Cognac and Armagnac, specified in supplementary Schedule C to this additional Protocol, to take whatever measures they may consider advisable, provided that these measures shall not constitute a discrimination against France as compared with any other foreign country.

#### ARTICLE 8.

The increase in the rate of the import tax provided by Article 32 of the Law of March 31, 1932, shall not apply, as long as the present additional Protocol remains in force, to products originating in Canada, in accordance with the terms of the decree of September 29, 1934.

#### ARTICLE 9.

Maple sugar and maple syrup (Ex 91 and Ex 93 French Customs Tariff) imported into France by the French Tobacco Monopoly for use in the preparation of tobaccos shall be exempt from internal taxes in accordance with the provisions of the Law of April 8, 1910. Maple sugar and maple syrup imported under these conditions shall not be subject to the provisions of the decree of December 5, 1931, nor to the regulations introduced under this decree in particular that of October 8, 1934, concerning the importation of sugar.



Maple sugar and maple syrup imported into France under other conditions than those set forth in the preceding paragraph, shall remain subject to internal taxes and such importations shall be limited to an annual quota of 1,000 kilograms.

#### ARTICLE 10.

The value for duty of layettes and clothing for children up to and including the age of 4 years, fixed under authority of Order in Council No. 2838 of November 12, 1931, shall be reduced to \$4.50 per dozen.

The value for duty of cherries "glacé" fixed at 8 francs per kilogram, shall be reduced by 20 per cent.

These provisions concerning value for duty shall be applied in accordance with the general provisions of the Canadian Customs Tariff and shall be extended to the above mentioned products originating in and coming from French Customs Territory on their importation into Canada.

#### ARTICLE 11.

The Canadian Government renew the undertakings under Article 11 of the Trade Agreement of May 12, 1933, with regard to the protection of appellations of origin of agricultural and wine or other products which have been or may be registered in conformity with the provisions of the said Article.

#### ARTICLE 12.

The provisions of the Trade Agreement of May 12, 1933, in so far as they are not modified, amended or replaced by the provisions of the present additional Protocol, shall remain in force.

#### ARTICLE 13.

The present additional Protocol shall come into force on the date which the High Contracting Parties shall fix by joint agreement and shall remain in force as long as the Trade Agreement of May 12, 1933, of which it forms an integral part, remains in effect.

It shall be ratified and the ratifications shall be exchanged at Ottawa as soon as possible.

It may be terminated in the manner provided for in Article 17 of the above mentioned Agreement.

IN WITNESS WHEREOF the respective plenipotentiaries, duly authorized, have signed the present additional Protocol and have affixed thereto their seals.

Done, in duplicate, in English and in French, at Ottawa on the twenty-sixth day of February, in the year of Our Lord one thousand nine hundred and thirty-five.

(L.S.) R. B. BENNETT.

(L.S.) R. BRUGÈRE.

## SUPPLEMENTARY SCHEDULE A

CANADIAN PRODUCTS SUBJECT, ON THEIR IMPORTATION INTO THE FRENCH CUSTOMS TERRITORY, TO THE DUTIES OF THE FRENCH MINIMUM TARIFF

Number of French Customs Tariff	—	—
Ex 16B	Frozen pig livers.....	Minimum tariff
Ex 49	Lobsters, preserved or prepared (within the limits of the annual quota).....	Minimum tariff
68	Wheat, spelt, meslin in grain or in flour.....	Minimum tariff
69	Oats.....	Minimum tariff
70	Barley.....	Minimum tariff
71	Rye.....	Minimum tariff
Ex 76	Groats and rolled oats.....	Minimum tariff
83	Potatoes destined to the French West Indies.....	Minimum tariff
Ex 115	Resinous products artificially prepared, except synthetic resins listed under item 0376 bis.....	Minimum tariff
Ex 168	Wood-pulp, chemical, dry, bleached, treated with bi-sulphite, sulphate or soda.....	Minimum tariff
Ex 174	Whisky.....	Minimum tariff
222	Lead.....	Minimum tariff
224	Zinc.....	Minimum tariff
Ex 0376 bis	Synthetic resins produced by the condensation of aldehydes with vinyl alcohol.....	Minimum tariff
Ex 0381	Vinyl acetate.....	Minimum tariff
Ex 0381 bis	Derivatives of glycol, glycol ethylene (irgasol).....	Minimum tariff
Ex 462	Insulating board of vegetable fibre of a thickness exceeding 10 m/m.....	Minimum tariff
Ex 495 C	Pen nibs of gold, including pen nibs for fountain pens.....	Minimum tariff
595	Casks, empty, serviceable, staves fitted together or not, hooped with wood or metal.....	Minimum tariff
597	Builders' and cartwrights' wood, shaped.....	Minimum tariff
600	Wood planed, grooved and/or tongued, etc.....	Minimum tariff
Ex 602 bis	Canoe paddles.....	Minimum tariff
603 quater A	Veneer sheets and leaves, etc.....	Minimum tariff
603 quater B	Veneers and counterveneers.....	Minimum tariff
603 quater C	Other wares of wood.....	Minimum tariff
617	River boats.....	Minimum tariff
617 bis	Collapsible canoes with hull of rubberized tissues.....	Minimum tariff
620 N, 1	Footwear of all kinds with uppers of rubber or other material, single or double, rubberized and soles of rubber or other material glued or attached in any other manner.....	Minimum tariff

## SUPPLEMENTARY SCHEDULE C

FRENCH PRODUCTS SUBJECT, ON THEIR IMPORTATION INTO CANADA, TO THE INTERMEDIATE TARIFF RATES LESS DISCOUNTS AS HEREINAFTER INDICATED BASED UPON PERCENTAGES OF THE RATES PAYABLE BY VIRTUE OF SAID INTERMEDIATE TARIFF OR SUBJECT TO THE SAME RATE AS THE BRITISH PREFERENTIAL TARIFF.

Number of Canadian Customs Tariff	—	—
Ex 17	Cheese: Roquefort, Camembert, Pont-l'Eveque, Bleu d'Auvergne, Munster.....	Intermediate tariff less a discount of 15 p.c.
Ex 30	Pepper, unground.....	Intermediate tariff less a discount of 20 p.c.
Ex 85	Mushrooms, canned, the weight of the packages to be included in the weight for duty.....	Intermediate tariff less a discount of 25 p.c.
Ex 141	Candied chestnuts.....	Intermediate tariff less a discount of 10 p.c. of the ad valorem rate.
Ex 156	Liqueurs.....	Intermediate tariff less a discount of 10 p.c.
Ex 156	Cognac brandy and Armagnac brandy.....	Intermediate tariff less a discount of 20 p.c.
Ex 160	Alcoholic perfumes and perfumed spirits:— (a) when in bottles or flasks containing not more than four ounces each.....	Intermediate tariff less a discount of 33-33 p.c.
Ex 163	Wines of the fresh grape of all kinds, not sparkling, imported in barrels or in bottles:— (a) containing not more than 23 p.c. proof spirit.....  (b) for sacramental purposes, containing not more than 26 p.c. proof spirit.....	Intermediate tariff less a discount of 63-63 p.c.  Intermediate tariff less a discount of 63-63 p.c.
	Champagne and all other sparkling wines:— (a) in bottles containing each not more than a quart but more than a pint (old wine measure).....  (b) in bottles containing not more than a pint each, but more than one-half pint (old wine measure).....  (c) in bottles containing one-half pint each or less (old wine measure).....  (d) in bottles containing over one quart each (old wine measure).....	Intermediate tariff less a discount of 20 p.c.  Intermediate tariff less a discount of 20 p.c.  Intermediate tariff less a discount of 20 p.c.  Intermediate tariff less a discount of 20 p.c.
Ex 178	Advertising and printed matter, on paper or cardboard, printed in France, in the French language, describing and accompanying French products.....	Same rate as British preferential tariff.
Ex 197	Cigarette paper, gummed or not, in rolls.....	Intermediate tariff of Item 197 less a discount of 10 p.c.
Ex 199	Cigarette papers, gummed or not, in tubes, booklets or packets.....	Intermediate tariff less a discount of 15 p.c.



SUPPLEMENTARY SCHEDULE C—*Concluded*

FRENCH PRODUCTS SUBJECT ON THEIR IMPORTATION INTO CANADA TO THE INTERMEDIATE TARIFF RATES LESS DISCOUNTS AS HEREINAFTER INDICATED BASED UPON PERCENTAGES OF THE RATES PAYABLE BY VIRTUE OF SAID INTERMEDIATE TARIFF OR SUBJECT TO THE SAME RATE AS THE BRITISH PREFERENTIAL TARIFF.

Number of Canadian Customs Tariff	—	—
Ex 529	Lace, nettings and bobinet, n.o.p., wholly of cotton.....	Intermediate tariff less a discount of 20 p.c.
Ex 529	Lace and embroideries, wholly of cotton, coloured, imported by manufacturers for use exclusively in the manufacture of clothing in their own factories.....	Intermediate tariff: 17½ p.c.
529 a	Lace and embroideries, wholly of cotton, not coloured, imported by manufacturers for use exclusively in the manufacture of clothing in their own factories.....	Intermediate tariff less a discount of 15 p.c.
Ex 535 a	Fibres of raffia or of sisal, n.o.p.....	Intermediate tariff less a discount of 20 p.c.
545	Lace and embroideries, wholly of flax, or of hemp, or of flax, hemp and cotton, not coloured, imported by manufacturers for use exclusively in the manufacture of clothing in their own factories.....	Intermediate tariff less a discount of 20 p.c.
Ex 565	Embroideries and lace, whether containing tinsel or not, nettings and bobinet, n.o.p.....	Intermediate tariff less a discount of 15 p.c.
Ex 568 c	Women's dress gloves of kid, elbow length.....	Intermediate tariff less a discount of 35 p.c.

## SCHEDULE E.

## PERCENTAGES OF THE BASIC GLOBAL QUOTAS ACCORDED TO CANADIAN PRODUCTS

Number of French Customs Tariff	—	Percentages
Ex 36	Cheese.....	1.2 p.c.
Ex 45	Salmonoids other than trout.....	15 p.c.
Ex 49	Lobsters, preserved or prepared.....	9.82 p.c.
70	Barley.....	1 p.c.
Ex 84	Fresh apples and pears.....	3.3 p.c. in 4th quarter.
		4.7 p.c. in 1st quarter.
94	Sugared biscuits.....	0.80 p.c.
128, 128 bis and 133	Common wood.....	0.12 p.c.
Ex 158 C	Tomatoes preserved.....	1.72 p.c.
222	Lead.....	3.25 p.c.
Ex 462	Insulating board of vegetable fibre of a thickness exceeding 10 m/m.....	5 p.c.
Ex 476 bis	Patent leather.....	5.42 p.c.
Ex 476 ter	Calf and other small skins.....	1.80 p.c.
Ex 522	Agricultural machinery:	
	cultivators, spring harrows, horse rakes, etc.....	11.58 p.c.
	harvesters, binders, reapers.....	8.28 p.c.
	other agricultural machinery.....	3.86 p.c.
597 and 600	Builders' and cartwrights' wood, shaped, wood planed, grooved and/or tongued, boards, flooring strips.....	9 p.c.
603 quater A	Veneer sheets and leaves.....	4.27 p.c.
603 quater B	Veneers and counterveneers.....	1.60 p.c.
Ex 614 ter	Passenger automobiles.....	12.55 p.c.
Ex 646 2 E	Ice skates.....	5.68 p.c. of the total quarterly quotas for the 3rd and 4th quarters of each year.

## SCHEDULE F

## ADDITIONAL QUOTAS

Number of French Customs Tariff	—	—
Ex 347 bis A	Porcelain insulators without parts of metal.....	30 quintals
Ex 347 bis B	Porcelain insulators with parts of metal.....	50 quintals
524 bis K	Electric heating apparatus including electric stoves.....	100 quintals
Ex 524 bis M	Vacuum cleaners and parts thereof.....	10 quintals

## PROTOCOL OF SIGNATURE

At the time of signing the present additional Protocol, the undersigned plenipotentiaries declare that its provisions entirely replace the provisions of the exchange of Notes of September 29, 1934.

IN WITNESS WHEREOF the respective plenipotentiaries, duly authorized, have signed the present additional Protocol.

R. B. BENNETT.

R. BRUGÈRE.

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## 25-26 GEORGE V.

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### CHAP. 3.

An Act respecting the Canadian National Railways and to provide for the refunding of maturing and callable financial obligations.

[Assented to 21st March, 1935.]

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

1929, c. 11;  
1930, c. 8.

**1.** This Act may be cited as *Canadian National Railways Refunding Act, 1935*.

Short title.

**2.** The Governor in Council may provide for the refunding of maturing and/or callable stocks, notes, obligations, bonds, debentures and other securities (hereinafter called "original securities") of the Canadian National Railway Company (hereinafter called "the National Company") and/or of the Canadian Northern Railway Company and/or of any one or more of the other Companies comprised in the Canadian National Railways, as defined in chapter ten of the statutes of Canada, 1929.

Power for  
refunding.

**3.** Subject to the provisions of this Act the National Company may issue notes, obligations, bonds, debentures, or other securities (hereinafter called "substituted securities") in respect of such refunding and the Governor in Council may authorize the guarantee by His Majesty, in the right of the Dominion of Canada, of the principal and interest of the substituted securities.

Issue of  
substituted  
securities.

**4.** The substituted securities may be in such amount as to enable the National Company to raise sufficient moneys to provide for the refunding of the original securities, such amount not to exceed two hundred million dollars.

Amount of  
substituted  
securities.

**5.**



Approval of  
Governor in  
Council.

5. (1) With respect to such refunding, the Governor in Council may, subject to the provisions of this Act, from time to time approve or decide—

- (a) the kind or kinds of substituted securities to be issued and guaranteed, and the form or forms and terms thereof;
- (b) the currency or currencies in which any issue or parts thereof may be made;
- (c) the form and manner of the guarantee or guarantees;
- (d) the times, manner and amount of the issue or issues;
- (e) the method or manner of refunding, whether by exchange or substitution of the substituted securities for the original securities, or by payment of the original securities at maturity or when callable by means of the proceeds of the sale, pledge or other disposition of the substituted securities;
- (f) the terms and conditions of any such exchange or substitution, or of any such sale, pledge, or other disposition of the substituted securities;
- (g) the securing, if deemed desirable, of the substituted 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;
- (h) the manner, terms and conditions of any temporary financing and the expediency thereof, and the form and terms of temporary substituted securities and temporary guarantees.

Guarantees.

(2) The guarantee or guarantees 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 relative provisions of this Act have been complied with.

Deposit and  
release of  
proceeds.

6. The proceeds of any sale, pledge or other disposition of the substituted securities shall be deposited in the first place either in the Consolidated Revenue Fund or to the credit of the Minister of Finance and Receiver General of Canada, in trust for the National Company, in one or more banks designated by him, and shall from time to time be released by the Minister of Finance to the National Company upon applications, approved by the minister of Railways and Canals, made from time to time by the National Company to the Minister of Finance for the release of such proceeds, deposited as aforesaid.

Cancellation  
and  
cremation of  
original  
securities.

7. Original securities coming into the possession of the National Company by means of such refunding may be cancelled and cremated in the presence of a representative

or representatives of the Minister of Finance and of the National Company, and (if desired by them) of any Trustees affected, and certificates of such cremation, signed by such representatives, shall be filed with the Minister, the National Company, and with the Trustees (if desired by them) and any such certificate shall be conclusive evidence for all purposes of the cancellation and cremation of the original securities covered thereby.

8. The Minister of Finance, with the approval of the Governor in Council, may make loans to the National Company out of the Consolidated Revenue Fund of Canada, for the purpose of such refunding, repayable on such terms and at such rates of interest as the Governor in Council may determine and secured by the substituted securities which the National Company is authorized to issue from time to time under the provisions of section three of this Act, upon applications, approved by the Minister of Railways and Canals, made from time to time by the National Company to the Minister of Finance, for such loans: Provided, however, that the aggregate principal amount at any one time outstanding of the loans which the Minister of Finance is hereby authorized to make from time to time to the National Company shall not exceed the sum of two hundred million dollars.

Loans  
authorized  
to National  
Company  
not  
exceeding  
aggregate  
amount of  
\$200,000,000

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## 25-26 GEORGE V.

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### CHAP. 4.

An Act to amend The Electricity Inspection Act, 1928,  
(French Version).

[Assented to 21st March, 1935.]

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

1. The French version of *The Electricity Inspection Act, 1928*, chapter twenty-two of the statutes of 1928, is amended by striking out section twelve thereof and substituting the following therefor:—

«12. Personne, sauf le propriétaire ou un inspecteur, pour un motif valable, ne doit briser les scellés d'un compteur vérifié, et personne ne doit briser les scellés d'un compteur dont l'exactitude est contestée, si ce n'est suivant les prescriptions de la présente loi et des règlements établis sous son empire. Nul compteur dont les scellés ont été brisés ne doit être maintenu en usage, sauf les dispositions que peut prescrire un règlement du ministère.»





## 25-26 GEORGE V.

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### CHAP. 5.

An Act to amend The Fisheries Act, 1932.

[Assented to 21st March, 1935.]

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

1932, c. 42;  
1934, c. 6.

1. Section seven of *The Fisheries Act, 1932*, chapter forty-two of the statutes of 1932, is amended by adding thereto the following as subsection two:—

“(2) Except where licence fees are prescribed in this Act, the Governor in Council may from time to time prescribe the fees that shall be charged for fishery licences.”

Power to  
prescribe  
fees for  
fishery  
licences.

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## 25-26 GEORGE V.

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### CHAP. 6.

An Act to amend the Interpretation Act.

[Assented to 21st March, 1935.]

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

R.S., c. 1;  
1931, c. 36.

1. Paragraph eleven of section thirty-seven of the *Interpretation Act*, chapter one of the Revised Statutes of Canada, 1927, is repealed, and the following is substituted therefor:—

Definitions.

“(11) ‘holiday’ includes Sundays, New Year’s Day, the Epiphany, Good Friday, the Ascension, All Saints’ Day, Conception Day, Easter Monday, Ash Wednesday, Christmas Day, the birthday or the day fixed by proclamation for the celebration of the birthday of the reigning sovereign, Victoria Day, Dominion Day, the first Monday in September, designated Labour Day, Remembrance Day, and any day appointed by proclamation for a general fast or thanksgiving;”

“Holiday.”

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## 25-26 GEORGE V.

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### CHAP. 7.

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

[Assented to 21st March, 1935.]

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;  
1932, c. 11;  
1932-33, c. 17;  
1934, c. 7.

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, 1934, 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, 1934, under the authority of chapter seven of the statutes of 1934.

Agreement  
with City of  
Ottawa  
extended  
for one year.

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## 25-26 GEORGE V.

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### CHAP. 8.

An Act to amend the Pension Act.

[Assented to 21st March, 1935.]

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

R.S., c. 157;  
1928, c. 33;  
1930, (1st s.)  
c. 35;  
1931, c. 44;  
1932-33, c. 45.

1. Subsection four of section three of the *Pension Act*, chapter one hundred and fifty-seven of the Revised Statutes of Canada, 1927, as enacted by chapter forty-five of the Statutes of 1932-33, is repealed and the following is substituted therefor:—

“(4) Each Commissioner shall hold office during good behaviour for a period of seven years from the date of his appointment or for such lesser period as may be specified by the Governor in Council in the instrument of his appointment or reappointment, and shall be removable at any time for cause by the Governor in Council.”

Tenure  
of office.





## 25-26 GEORGE V.

### CHAP. 9.

An Act to amend The Precious Metals Marking Act, 1928.

[Assented to 21st March, 1935.]

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

R.S., c. 84;  
1928, c. 40;  
1929, c. 53;  
1934, c. 14.

1. *The Precious Metals Marking Act, 1928*, chapter eighty-four of the Revised Statutes of Canada, 1927, as amended by chapter forty of the statutes of 1928, chapter fifty-three of the statutes of 1929, and by chapter fourteen of the statutes of 1934, is further amended by repealing paragraph (*i*) of section two of the said Act, as enacted by section two of chapter fourteen of the statutes of 1934, and substituting the following therefor:—

“(i) ‘mount’ means any part, other than the plating of silver, of an article of silver plated ware attached to the body of the article.”

2. Paragraph (*d*) of subsection four of section ten of the said Act, as enacted by section six of chapter fourteen of the statutes of 1934, is repealed, and the following is substituted therefor:—

“(d) The words ‘Sheffield Reproduction’ to any articles silver plated on a nickel or pure copper base having a soldered-on decorative or plain border, such border and any mounts being of silver, nickel or copper, solid, or filled.”

3. Subsection three of section twelve of the said Act, as enacted by section ten of chapter fourteen of the statutes of 1934, is repealed, and the following is substituted therefor:—

“(3) The letters ‘B.M.’ or ‘W.M.’ shall not be applied to any article within the purview of section eleven or section 11A of this Act of the relative material of which tin does not comprise ninety per cent. When the base of inferior

Marks  
“B.M.” and  
“W.M.”

metal upon which a plating of silver is deposited contains less than ninety per cent of pure tin, then the predominating metal with no abbreviation must be legibly and conspicuously stamped on the article, in conjunction with the registered trade mark."

4. The said Act is amended by inserting the following section immediately after section fifteen thereof:—

Limitation  
of time for  
complaint.

"15A. Section eleven hundred and forty-two of the *Criminal Code* shall not apply to any proceedings in respect of any offence under this Act."

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

Certificate  
of Master or  
assayer of  
Royal Mint  
to be  
evidence  
of facts  
stated in  
certificate.

"18. In any prosecution under this Act, a certificate signed or purporting to be signed by the Master or any assayer of the Royal Canadian Mint of assay of any article, shall be *prima facie* evidence in any court of the facts stated in such certificate and shall be conclusive evidence in any court of the authority of the person making the same without any proof of appointment or signature."

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## 25-26 GEORGE V.

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### CHAP. 10.

#### An Act to amend The Representation Act, 1933.

[Assented to 21st March, 1935.]

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

1932-33, c. 54.

1. Paragraphs twenty-two and twenty-three of that Part of the Schedule to *The Representation Act, 1933*, chapter fifty-four of the statutes of Canada, 1932-33, dealing with the description of the electoral districts in the province of Ontario, which describe the Electoral Districts of Hamilton East and Hamilton West, are repealed and the following are substituted therefor:—

“22. HAMILTON EAST consisting of that part of the city of Hamilton lying east of Wellington street and west of Ottawa street, but excluding that part lying to the south of a line which may be described as commencing at the centre line of the westerly jog of Wellington street where it intersects the centre line of Concession street, thence easterly along the centre line of Concession street to its intersection with the centre line of the easterly jog of Sherman avenue, thence northerly along the centre line of the easterly jog of Sherman avenue to its intersection with the line of the brow of the mountain, thence easterly following the line of the brow of the mountain until it joins the city limit near the end of Kerr avenue.”

Hamilton East.

“23. HAMILTON WEST consisting of that part of the city of Hamilton lying west of Wellington street, east of Paradise road, and north of Cootes Paradise but excluding that part lying to the south of a line which may be described as commencing at the centre line of the westerly jog of Wellington street where it intersects the centre line of Concession street, thence westerly along the centre line of Concession street and its extension westerly to its intersection with the centre line of Claremont drive, thence westerly along the centre line of Claremont drive and across West Fifth street to its intersection with the city limit.”

Hamilton West.





## 25-26 GEORGE V.

### CHAP. 11.

An Act for granting to His Majesty certain sums of money for the public service of the financial year ending the 31st March, 1936.

[Assented to 4th April, 1935.]

MOST GRACIOUS SOVEREIGN,

**W**HEREAS it appears by messages from His Excellency Preamble.  
the Right Honourable the Earl of Bessborough, etc., etc., Governor General of Canada, and the estimates accompanying the said messages that the sums hereinafter mentioned are required to defray certain expenses of the public service of Canada, not otherwise provided for, for the financial year ending the thirty-first day of March, one thousand nine hundred and thirty-six, 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, No. 1, 1935.* Short title.

**2.** From and out of the Consolidated Revenue Fund there may be paid and applied a sum not exceeding in the whole sixteen million, fifty-eight thousand one hundred and forty-four dollars and 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-five, to the thirty-first day of March, one thousand nine hundred and thirty-six, 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-six, as laid before the House of Commons at the present session of Parliament. \$16,058,144.05 granted for 1935-36.

**3.**

Additional  
interim  
vote of  
\$3,914,063.00  
granted for  
1935-36  
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 three million, nine hundred and fourteen thousand and sixty-three dollars towards defraying the several charges and expenses of the public service, from the first day of April, one thousand nine hundred and thirty-five, to the thirty-first day of March, one thousand nine hundred and thirty-six, not otherwise provided for, and being one-sixth of the amount of each of the several items to be voted set forth in Schedule A to this Act.

\$278,083.33  
granted for  
1935-36  
on certain  
items.

**4.** From and out of the Consolidated Revenue Fund there may be paid and applied a sum not exceeding in the whole two hundred and seventy-eight thousand, eighty-three 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-five, to the thirty-first day of March, one thousand nine hundred and thirty-six, not otherwise provided for, and being one-twelfth of the amount of each of the several items to be voted set forth in Schedule B to this Act.

Account to  
be rendered  
in detail.

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

**SCHEDULE A.**

Based on the Main Estimates, 1935-36. The amount hereby granted is \$3,914,063.00, 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, 1936, and the purposes for which they are granted.

No. of Vote	Service	Amount		Total	
		\$	cts.	\$	cts.
<b>LEGISLATION</b>					
<b>SENATE</b>					
35	Salaries and contingent expenses.....	162,241	50		
<b>HOUSE OF COMMONS</b>					
36	Salaries.....	116,246	00		
	Expenses of committees, etc.....	15,000	00		
	Clerical assistance, etc.....	107,203	50		
	Contingencies.....	44,099	00		
	Publishing Debates, including salaries of amanuenses, etc.....	63,000	00		
	Estimates of the Sergeant-at-Arms.....	195,635	25		
<b>LIBRARY OF PARLIAMENT</b>					
37	Salaries, and to authorize payment of M. C. MacCormac from April 1, 1935.....	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		
<b>GENERAL</b>					
38	Printing, printing paper and binding, including salaries of staff in joint distribution office.....	75,000	00		
				849,923	25
<b>AGRICULTURE</b>					
44	Experimental Farms, including investigations concerning plant diseases.....			1,937,898	00
<b>PENSIONS</b>					
65	Pensions payable to men on active service, Northwest Rebellion, 1885, and general pensions, and Civil Flying.....			21,000	00
<b>SCIENTIFIC INSTITUTIONS</b>					
<b>DEPARTMENT OF THE INTERIOR</b>					
<i>Geodetic Survey of Canada</i>					
155	Control Operations—Precise levelling based on sea level, triangulation, geodetic astronomy and investigations—all basic for correlation of water areas, power developments, charts and maps and for the scientific study of the earth's crust, curvature, figure and dimensions. The above is the recognized basis of operations for federal and provincial departments, municipal authorities and engineering projects over the whole country.....			130,000	00
<b>FISHERIES</b>					
159	Salaries and Disbursements of Fishery Officers and Guardians, Fisheries Patrol and Fisheries Protection Services.....	985,328	00		
163	Fish Culture.....	240,000	00		
164	Oyster Culture.....	10,000	00		
				1,235,328	00



## SCHEDULE A—Concluded

No. of Vote	Service	Amount	Total
		\$ cts.	\$ cts.
	MINES		
	<i>Geological Survey</i>		
170	For explorations, surveys, and investigations; for publication of English and French editions of reports, maps, illustrations, etc., relating thereto; and for salaries and wages of explorers, topographers and others.....		190,000 00
	ROYAL CANADIAN MOUNTED POLICE		
185	Pay of Force and Allowances: (including salaries of two Constables, Ellesmere Island District at \$2.25 per diem to assure Department against loss through death) arms and ammunition, barrack buildings, repairs and renewals and furnishings, clothing and equipment, communication services, court and legal expenses, criminal investigation branch, enforcement of federal statutes, fuel and light, transport horses and dogs, transport mechanical, dental, medical and hospital, miscellaneous (including grants to Royal Canadian Mounted Police messes and publication of Royal Canadian Mounted Police Quarterly for instructional purposes) special services Opium and Narcotic Drug Act, printing and stationery, transport railway, rations, rents, travelling expenses, transport water.....		5,893,595 75
	PENSIONS AND NATIONAL HEALTH		
193	Unemployment relief.....	2,100,000 00	
196	Sheltered Employment.....	50,000 00	
			2,150,000 00
	MISCELLANEOUS		
226	Unforeseen expenses, expenditure thereof to be subject to the approval of the Treasury Board, and a detailed statement to be laid before Parliament within fifteen days of next Session.....	80,000 00	
235	Chief Electoral Officer—Salaries and contingencies of office....	28,724 00	
236	Dominion Franchise Commissioner—Salaries and contingencies of office, etc.....	600,000 00	
			708,724 00
	NATIONAL REVENUE		
	Salaries and contingent expenses of the several Ports of the Dominion, including pay for overtime of officers, notwithstanding anything in the Civil Service Act, and temporary buildings and rentals.....	6,150,000 00	
	Salaries and travelling expenses of officers of the Inspection, Investigation, Audit and the Preventive Service Under-valuation Services.....	971,708 00	
267	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 \$9,000, (less statutory deduction) for the Commissioner of Income Tax.....	2,025,000 00	
			9,146,708 00
	TRADE AND COMMERCE		
275	An Act to place Canadian coal used in the manufacture of iron or steel on a basis of equality with imported coal, Administration of.....	600 00	
277	Commercial Intelligence Service, including miscellaneous expenditure in connection with Canada's trade.....	696,251 00	
280	Electricity and Gas Inspection Service.....	209,954 00	
288	Weights and Measures Inspection Service, including the International Bureau of Weights and Measures.....	314,396 00	
			1,221,201 00
	Total.....		*23,484,378 00

\*Net total \$3,914,063.00.

**SCHEDULE B.**

Based on Estimates, 1935-36. The amount hereby granted is \$278,083.33, being one-twelfth of the amount of each item in the said Estimates as contained in this Schedule.

SUMS granted to His Majesty by this Act for the financial year ending 31st March, 1936, and the purposes for which they are granted.

No. of Vote	Service	Amount	Total
		\$ cts.	\$ cts.
	<b>DEFICIT OF CANADIAN NATIONAL STEAMSHIPS</b>		
	<b>CANADIAN NATIONAL (WEST INDIES) STEAMSHIPS, LIMITED</b>		
293	Amount to provide for the payment from time to time to The Canadian National (West Indies) Steamships, Limited, (hereinafter called "the Company"), of the amounts of the deficits including profits and loss but not including non-cash items and interest on Dominion Government advances, occurring during the year ending December 31st, 1935, in the operations of the company and of the vessels under the control of the company, as certified to by the auditors of the company, and upon applications made by the company to the Minister of Finance and approved by the Minister of Railways and Canals, not exceeding.....	316,000 00	
	<b>CANADIAN GOVERNMENT MERCHANT MARINE, LIMITED</b>		
294	Amount to provide for the payment from time to time to The Canadian Government Merchant Marine, Limited (hereinafter called "the Company"), of the amounts of the deficits including profit and loss but not including non-cash items and interest on Dominion Government advances, occurring during the year ending December 31st, 1935, in the operations of the company and of the vessels under the control of the company, as certified to by the auditors of the company and upon applications made by the company to the Minister of Finance and approved by the Minister of Railways and Canals, not exceeding.....	45,000 00	361,000 00
	<b>LOAN TO CANADIAN NATIONAL (WEST INDIES) STEAMSHIPS, LIMITED</b>		
295	Loan to Canadian National (West Indies) Steamships, Limited, repayable on demand with interest at a rate to be fixed by the Governor in Council, upon such terms and conditions as the Governor in Council may determine and to be applied in payment of Capital expenditure in connection with vessels under the Company's control during the year ending December 31st, 1935 (revote \$178,500).....		196,000 00
	<b>MARITIME FREIGHT RATES ACT</b>		
296	Amount required to provide for payment from time to time during the fiscal year 1935-36 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 1935, under the tariffs approved, by the following companies:		

SCHEDULE B—Concluded

No. of Vote	Service	Amount	Total
	<b>MARITIME FREIGHT RATES ACT—Concluded</b>	\$ cts.	\$ cts.
	Canada and Gulf Terminal Railway.		
	Canadian Pacific Railway, including Fredericton & Grand Lake Coal & Railway Com- pany,		
	New Brunswick Coal & Railway Company.		
	Cumberland Railway & Coal Company.		
	Dominion Atlantic Railway.		
	Maritime Coal, Railway & Power Company.		
	Sydney & Louisburg Railway.		
	Temiscouata Railway Company.....	900,000 00	
297	To hereby authorize and provide for the payment from time to time during the fiscal year 1935-36 to the Canadian National Railway Company of the difference (estimated by the Auditors of the said Company and certified by the said Auditors to the Minister of Railways and Canals as and when required by the said Minister) occurring on account of the application of the Maritime Freight Rates Act, between the tariff tolls and the normal tolls (upon the same basis as set out in section 9 of the said Act with respect to companies therein referred to) on all traffic moved during the year 1935, under the tariffs approved, on the Eastern Lines (as referred to in section 1 of the said Act) of the Canadian National Railways.....	1,880,000 00	
	Total.....		2,780,000 00
			*3,337,000 00

\*Net total \$278,083.33.

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## 25-26 GEORGE V.

### CHAP. 12.

An Act for granting to His Majesty certain sums of money for the public service of the financial year ending the 31st March, 1935.

[Assented to 4th April, 1935.]

MOST GRACIOUS SOVEREIGN,

**W**HEREAS it appears by message from His Excellency Preamble.  
The Right Honourable the Earl of Bessborough, etc.,  
etc., Governor General of Canada, and the estimates  
accompanying the said message, that the sums hereinafter  
mentioned are required to defray certain expenses of the  
public service of Canada, not otherwise provided for, for the  
financial year ending the thirty-first day of March, one  
thousand nine hundred and thirty-five, and for other pur-  
poses 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, 1935.*

**2.** From and out of the Consolidated Revenue Fund \$49,285,095.37  
granted for  
1934-35.  
there may be paid and applied a sum not exceeding in the  
whole forty-nine million, two hundred and eight-five  
thousand, ninety-five dollars and thirty-seven cents towards  
defraying the several charges and expenses of the public  
service, from the first day of April, one thousand nine  
hundred and thirty-four, to the thirty-first day of March,  
one thousand nine hundred and thirty-five, not otherwise  
provided for, set forth in the Schedule to this Act.

**3.** A detailed account of the sums expended under the Account to  
be rendered  
in detail.  
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 Further Supplementary Estimates, 1934-35. The amount hereby granted is \$49,285,095.37.

SUMS granted to His Majesty by this Act for the financial year ending 31st March, 1935, and the purposes for which they are granted.

No. of Vote	Service	Amount	Total
		\$ cts.	\$ cts.
	LEGISLATION		
	HOUSE OF COMMONS		
298	Clerical Assistance, etc.—Further amount required.....	23,500 00	
	Contingencies—Further amount required.....	1,487 26	
	Expenses of Committees, Witnesses, etc.—Further amount required.....	8,000 00	
	Sergeant-at-Arms—Further amount required.....	11,000 00	
			43,987 26
	RAILWAYS AND CANALS		
	MARITIME FREIGHT RATES ACT		
299	Additional amount, in excess of the sum of \$1,440,000 already appropriated, required to provide for the payment from time to time during the fiscal year 1934-35 to the Canadian National Railway Company of the difference (estimated by the Auditors of the said Company and certified by the said Auditors to the Minister of Railways and Canals as and when required by the said Minister), occurring on account of the application of the Maritime Freight Rates Act, between the tariff tolls and the normal tolls (upon the same basis as set out in section 9 of the said Act with respect to companies therein referred to) on all traffic moved during the year 1934, under the tariffs approved, on the Eastern Lines (as referred to in Section 1 of the said Act) of the Canadian National Railways.....	338,239 21	
300	Additional amount in excess of the sum of \$700,000 already appropriated, required to provide for the payment from time to time during the fiscal year 1934-35 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 1934, under the tariffs approved, by the following companies: Canada & Gulf Terminal Railway; Canadian Pacific Railway, including Fredericton & Grand Lake Coal & Railway Company; New Brunswick Coal & Railway Company; Cumberland Railway & Coal Company; Dominion Atlantic Railway; Maritime Coal Railway & Power Company; Sydney & Louisburg Railway; Temiscouata Railway Company....	51,154 56	

SCHEDULE—Continued

No. of Vote	Service	Amount	Total
		\$ cts.	\$ cts.
	RAILWAYS AND CANALS— <i>Concluded</i>		
	DEFICIT OF CANADIAN NATIONAL RAILWAYS		
301	Amount required to provide for payment to the Canadian National Railway Company of the net income deficit including profit and loss, incurred by the system during the year 1934, as certified to by the Auditors in the annual report of the Company for the year 1934, but exclusive of all non-cash items, including interest on Dominion Government advances, as further certified to by the Auditors and approved by the Minister of Railways and Canals; this payment to be applied in reduction of accountable advances made to the Company from the Consolidated Revenue Fund under authority of the Canadian National Railways Financing Act, 1934:		
	Canadian National Railways, excluding Eastern Lines	42,589,824 96	
	Eastern Lines, excluding Prince Edward Island Car Ferry and Terminals.....	5,434,133 74	
	Prince Edward Island Car Ferry and Terminals.....	383,942 00	
			48,797,294 47
	PUBLIC WORKS		
	<i>(Chargeable to Income)</i>		
	PUBLIC BUILDINGS		
	RENTS, REPAIRS, FURNITURE, HEATING, ETC.		
302	Ottawa Public Buildings and Grounds—Telephone Service—Further amount required.....		3,000 00
	MAIL SUBSIDIES AND STEAMSHIP SUBVENTIONS		
303	Pictou, Mulgrave and Cheticamp, service between—Further amount required.....		2,000 00
	OCEAN AND RIVER SERVICE		
304	Miscellaneous and unforeseen expenses—Further amount required.....		6,100 00
	LABOUR		
305	Annuities Act—Further amount required.....		50,000 00
	PUBLIC PRINTING AND STATIONERY		
306	Printing, binding, etc., the Annual Statutes—Further amount required.....		10,713 64
	PENSIONS AND NATIONAL HEALTH		
307	War Veterans Allowances—Further amount required.....		20,000 00

SCHEDULE—*Concluded*

No. of Vote	Service	Amount	Total
		\$ cts.	\$ cts.
	MISCELLANEOUS		
308	Compassionate Grant to Miss Jeanne Toman.....	2,000 00	
309	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.....	3,000 00	
310	Grant to the Chief Constables' Association of Canada.....	500 00	
311	Loan to the Chicoutimi Harbour Commissioners for the construction of harbour improvements and facilities, additional to the amount authorized by the Chicoutimi Harbour Loan Act, 1931, and to be subject to the provision of the said Act..	256,500 00	
312	Chief Electoral Officer—Salaries and Contingencies of Office—Further amount required.....	15,000 00	
313	Royal Commission on Price Spreads and Mass Buying.....	75,000 00	
			352,000 00
			49,285,095 37

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## 25-26 GEORGE V.

### CHAP. 13.

#### An Act respecting Relief Measures.

[Assented to 4th April, 1935.]

WHEREAS the Provinces may require further assistance in carrying out necessary relief measures and in meeting financial conditions as the same may arise; and whereas in such event 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 provision for further expenditure for relief purposes under the Department of National Defence and the Department of the Interior; 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.

1932, c. 36.

1932-33, c. 18.

1934, c. 15.

1. This Act may be cited as *The Relief Act, 1935*.

Short title.

2. Notwithstanding the provisions of any statute or law the Governor in Council may, upon such terms and conditions as may be agreed upon,—enter into agreements with any of the provinces respecting relief measures therein; grant financial assistance to any province and to Canadian Co-operative Wheat Producers Limited by way of loan, advance, guarantee or otherwise; and in respect of such loans, advances and guarantees, may accept such security, enter into such agreements and generally do all such acts and things as the Governor in Council may deem necessary and expedient in the public interest.

Agreements with provinces.

Loans to provinces, and Canadian Co-operative Wheat Producers Limited.

3.



Maintain  
peace, order  
and good  
government.

**3.** In addition to the powers conferred under the provisions of any statute or law the Governor in Council may, when Parliament is not in session, take all such measures as in his discretion may be deemed necessary or advisable to maintain, within the competence of Parliament, peace, order and good government throughout Canada; and at all times take all such measures as in his discretion may be deemed necessary or advisable to protect and maintain the credit and financial position of the Dominion or any Province thereof.

Protect  
financial  
credit.

Further  
powers of  
Governor in  
Council.

**4.** 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 under control and direction of the Department of National Defence and the Department of the Interior;
- (b) Take all such other measures as may be deemed necessary or advisable for carrying out the provisions of this Act.

Payments  
out of the  
Consolidated  
Revenue  
Fund.

**5.** 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.

**6.** 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.

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

Orders and  
regulations  
laid before  
Parliament.

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

**9.** 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.

Report to  
Parliament.

**10.** Notwithstanding the expiration of *The Relief Act, 1934*, chapter fifteen of the statutes of 1934, on the thirty-first day of March, 1935, and the provisions of the said Act, all undischarged obligations created under the authority of the said Act may be paid and discharged out of the Consolidated Revenue Fund.

Payment of  
undischarged  
obligations  
under  
*Relief Act,*  
1934.

**11.** This Act shall expire on the thirty-first day of March, 1936, but any obligation or liability incurred or created under the authority of this Act may be paid and discharged out of the Consolidated Revenue Fund notwithstanding the expiration of this Act on the said date.

Duration  
of Act.

Payment of  
obligations  
incurred after  
expiration.



## 25-26 GEORGE V.

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### CHAP. 14.

An Act to provide for a weekly day of rest in accordance with the Convention concerning the application of the Weekly Rest in Industrial Undertakings adopted by the General Conference of the International Labour Organization of the League of Nations, in accordance with the Labour Part of the Treaty of Versailles of 28th June, 1919.

*[Assented to 4th April, 1935.]*

**W**HEREAS the Dominion of Canada is a signatory, as Preamble.  
Part of the British Empire, to the Treaty of Peace made between the Allied and Associated Powers and Germany, signed at Versailles, on the 28th day of June, 1919; and whereas the said Treaty of Peace was confirmed by the Treaty of Peace Act 1919; and whereas by Article 23 of the said Treaty the signatories thereto each agreed that they would endeavour to secure and maintain fair and humane conditions of labour for men, women and children, both in their own countries and in all countries to which their commercial and industrial relations extend, and by Article 427 of the said Treaty it was declared that the well-being, physical, moral and intellectual, of industrial wage-earners is of supreme importance; and whereas a Draft Convention respecting the application of the weekly rest in industrial undertakings was agreed upon at a General Conference of the International Labour Organization of the League of Nations, in accordance with the relevant Articles of the said Treaty, which said Convention has been ratified by Canada; and whereas it is advisable to enact the necessary legislation to enable Canada to discharge the obligations assumed under the provisions of the said Treaty and the said Convention, and to provide for the application of the weekly rest in industrial undertakings, in accordance with the general provisions of the said Convention, and to assist in the maintenance on equitable terms of interprovincial and international trade: 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 Weekly Rest in Industrial Undertakings Act*.

“Industrial undertaking.”

Mines, quarries, etc.

Industries, shipbuilding, electricity or motive power.

Works of construction, maintenance, repair, etc.

Transport of passengers or goods, and handling of goods.

Period of rest of 24 hours in each seven days.

For whole staff simultaneously.

To be on Lord's Day wherever possible.

Persons to whom this section does not apply.

Regulations for total or partial exceptions.

**2.** In this Act, unless the context otherwise requires, the term “industrial undertaking” includes:—

(a) Mines, quarries, and other works for the extraction of minerals from the earth;

(b) Industries in which articles are manufactured, altered, cleaned, repaired, ornamented, finished, adapted for sale, broken up or demolished, or in which materials are transformed; including shipbuilding and the generation, transformation, and transmission of electricity or motive power of any kind;

(c) Construction, reconstruction, maintenance, repair, alteration, or demolition of any building, railway, road, tunnel, bridge, viaduct, sewer, drain, well, telegraphic or telephonic installation, electrical undertaking, gas work, waterwork, or other work of construction as well as the preparation for or laying the foundation of any such work or structure;

(d) Transport of passengers or goods by road or rail including the handling of goods at docks, quays, wharves or warehouses, but excluding transport by hand.

**3.** (1) The whole of the staff employed in any industrial undertaking, public or private, or in any branch thereof, shall except as otherwise provided for herein be granted by the employer in every period of seven days a period of rest comprising at least twenty-four consecutive hours.

(2) This period of rest shall wherever possible be granted simultaneously to the whole of the staff of each undertaking.

(3) This period of rest shall wherever possible be the Lord's Day as defined in the *Lord's Day Act*, chapter one hundred and twenty-three of the Revised Statutes of Canada, 1927.

(4) The provisions of this section shall not apply in the case of persons holding positions of supervision or management, nor to persons employed in a confidential capacity.

**4.** (1) The Governor in Council may make regulations authorizing total or partial exceptions including suspensions or diminutions from the provisions of the next preceding section, and in making such regulations shall have special regard to all proper humanitarian and economic consideration, and shall consult with responsible associations of employers or workers whenever such exist.

(2) By such regulations it shall be provided that as far as possible there shall be compensatory periods of rest for the suspensions or diminutions made, except in cases where agreements or customs already provide for such periods.

For compensatory periods of rest.

(3) The regulations shall provide for the communication of the said regulations and amendments thereof to the International Labour Office at Geneva.

To be sent to International Labour Office.

5. Where the weekly rest given does not coincide with the Lord's Day as defined in the *Lord's Day Act*, the employer shall make known the days and hours of rest by means of notices posted conspicuously in the establishment or any other convenient place, or in any other manner determined by the Governor in Council by regulation.

When notice of days and hours of rest to be posted.

6. Subsection two of section five of the *Lord's Day Act* is repealed.

R.S., c. 123, sec. 5, ss. 2 repealed.

7. Every employer who violates, or fails or omits to comply with any provision of this Act shall for each offence be liable on summary conviction to a fine not exceeding one hundred dollars and not less than twenty dollars in addition to any other penalty prescribed by law for the same offence.

Penalty for violation.

8. Nothing in this Act contained except section six thereof shall be construed as amending, repealing, or otherwise affecting the operation of any provision of the *Lord's Day Act*.

Lord's Day Act not affected except by section six hereof.

9. This Act shall come into force three months after the date on which it is assented to.

Commencement of Act.

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## 25-26 GEORGE V.

### CHAP. 15.

An Act for granting to His Majesty certain sums of money for the public service of the financial year ending the 31st March, 1936.

[Assented to 17th April, 1935.]

MOST GRACIOUS SOVEREIGN,

**W**HEREAS 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 year ending the thirty-first day of March, one thousand nine hundred and thirty-six, 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. 3, 1935.* Short title.

**2.** From and out of the Consolidated Revenue Fund there may be paid and applied a sum not exceeding in the whole sixteen million, fifty-eight thousand one hundred and forty-four dollars and 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-five, to the thirty-first day of March, one thousand nine hundred and thirty-six, 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-six, as laid before the House of Commons at the present session of Parliament.

\$16,058,144.05  
granted for  
1935-36.

**3.**



Additional  
interim  
vote of  
\$820,889.37  
granted for  
1935-36  
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 eight hundred and twenty thousand, eight hundred and eighty-nine dollars and thirty-seven cents towards defraying the several charges and expenses of the public service, from the first day of April, one thousand nine hundred and thirty-five, to the thirty-first day of March, one thousand nine hundred and thirty-six, not otherwise provided for, and being one-sixth of the amount of each of the several items to be voted set forth in Schedule A to this Act.

\$278,083.33  
granted for  
1935-36  
on certain  
items.

4. From and out of the Consolidated Revenue Fund there may be paid and applied a sum not exceeding in the whole two hundred and seventy-eight thousand, eighty-three 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-five, to the thirty-first day of March, one thousand nine hundred and thirty-six, not otherwise provided for, and being one-twelfth of the amount of each of the several items to be voted set forth in Schedule B to this Act.

Account to  
be rendered  
in detail.

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

**SCHEDULE A.**

Based on the Main Estimates, 1935-36. The amount hereby granted is \$820,889.37, 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, 1936, and the purposes for which they are granted.

No. of Vote	Service	Amount	Total
	<b>ADMINISTRATION OF JUSTICE</b>	\$ cts.	\$ cts.
	<i>Yukon Territory</i>		
33	Miscellaneous expenditure, including salaries and allowances of court officers, etc.....		9,500 00
	<b>LEGISLATION</b>		
	<b>SENATE</b>		
35	Salaries and contingent expenses.....	162,241 50	
	<b>HOUSE OF COMMONS</b>		
	Salaries.....	116,246 00	
	Expenses of committees, etc.....	15,000 00	
	Clerical assistance, etc.....	107,203 50	
36	Contingencies.....	44,099 00	
	Publishing Debates, including salaries of amanuenses, etc.....	63,000 00	
	Estimates of the Sergeant-at-Arms.....	195,635 25	703,425 25
	<b>PENSIONS</b>		
67	Salaries and contingent expenses of the Canadian Pension Commission.....		446,023 00
	<b>SCIENTIFIC INSTITUTIONS</b>		
	<b>DEPARTMENT OF THE INTERIOR</b>		
	<i>Topographical and Air Service Bureau</i>		
154	From topographical and air surveys, compiling, drawing, printing and distributing geographical base maps for all purposes, issuing technical instructions for air photography and reconnaissance, under supervision of Committee on Air Surveys and Base Maps; land and mining claim surveys of all remaining Dominion Lands (Northwest Territories, Dominion Parks, Ordnance Lands); preparing electoral district maps; maintaining central office for indexing, filing and recording of survey notes and plans, and the distribution of maps, etc.....		110,000 00
	<b>GOVERNMENT OF THE YUKON TERRITORY</b>		
189	Grant to Yukon Council for local purposes, the construction and maintenance of roads and such other expenditures as the Commissioner is authorized to expend by and with the advice and consent of the Council or any Committee thereof; and the accounts with respect to such expenditure shall be subject to examination and audit by the Auditor General as provided by Section 22, Chapter 215, Revised Statutes 1927.....		60,000 00

SCHEDULE A—*Concluded*

No. of Vote	Service	Amount	Total
	DOMINION LANDS AND PARKS	\$ cts.	\$ cts.
190	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.....	1,105,188 00	
		35,500 00	1,140,688 00
	ADMINISTRATION OF THE MIGRATORY BIRDS CONVENTION ACT.....		
	PENSIONS AND NATIONAL HEALTH		
196	Sheltered Employment.....	50,000 00	
200	War Veterans' Allowances.....	2,250,000 00	2,300,000 00
	EXTERNAL AFFAIRS		
	PARIS		
205	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
	MISCELLANEOUS		
226	Unforeseen expenses, expenditure thereof to be subject to the approval of the Treasury Board, and a detailed statement to be laid before Parliament within fifteen days of next Session.....		80,000 00
	Total.....		*\$4,925,336 25

\*Net total \$820,889.37.

## SCHEDULE B.

Based on Estimates, 1935-36. The amount hereby granted is \$278,083.33, being one-twelfth of the amount of each item in the said Estimates as contained in this Schedule.

Sums granted to His Majesty by this Act for the financial year ending 31st March, 1936, and the purposes for which they are granted.

No. of Vote	Service	Amount	Total
		\$    cts.	\$    cts.
	DEFICIT OF CANADIAN NATIONAL STEAMSHIPS		
	CANADIAN NATIONAL (WEST INDIES) STEAMSHIPS, LIMITED		
293	Amount to provide for the payment from time to time to The Canadian National (West Indies) Steamships, Limited, (hereinafter called "the Company"), of the amounts of the deficits including profit and loss but not including non-cash items and interest on Dominion Government advances, occurring during the year ending December 31st, 1935, in the operations of the company and of the vessels under the control of the company, as certified to by the auditors of the company, and upon applications made by the company to the Minister of Finance and approved by the Minister of Railways and Canals, not exceeding.....	316,000 00	
	CANADIAN GOVERNMENT MERCHANT MARINE, LIMITED		
294	Amount to provide for the payment from time to time to The Canadian Government Merchant Marine, Limited (hereinafter called "the Company"), of the amounts of the deficits including profit and loss but not including non-cash items and interest on Dominion Government advances, occurring during the year ending December 31st, 1935, in the operations of the company and of the vessels under the control of the company, as certified to by the auditors of the company and upon applications made by the company to the Minister of Finance and approved by the Minister of Railways and Canals, not exceeding.....	45,000 00	361,000 00
	LOAN TO CANADIAN NATIONAL (WEST INDIES) STEAMSHIPS, LIMITED		
295	Loan to Canadian National (West Indies) Steamships, Limited, repayable on demand with interest at a rate to be fixed by the Governor in Council, upon such terms and conditions as the Governor in Council may determine and to be applied in payment of Capital expenditure in connection with vessels under the Company's control during the year ending December 31st, 1935 (revote \$178,500).....		196,000 00
	MARITIME FREIGHT RATES ACT		
296	Amount required to provide for payment from time to time during the fiscal year 1935-36 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 1935, under the tariffs approved, by the following companies:		



SCHEDULE B—*Concluded*

No. of Vote	Service	Amount	Total
	<i>MARITIME FREIGHT RATES ACT—Concluded</i>	\$    cts.	\$    cts.
	Canada and Gulf Terminal Railway.		
	Canadian Pacific Railway, including Fredericton & Grand Lake Coal & Railway Com- pany.		
	New Brunswick Coal & Railway Company.		
	Cumberland Railway & Coal Company.		
	Dominion Atlantic Railway.		
	Maritime Coal, Railway & Power Company.		
	Sydney & Louisburg Railway.		
	Temiscouata Railway Company.....	900,000 00	
297	To hereby authorize and provide for the payment from time to time during the fiscal year 1935-36 to the Canadian National Railway Company of the difference (estimated by the Auditors of the said Company and certified by the said Auditors to the Minister of Railways and Canals as and when required by the said Minister) occurring on account of the application of the Maritime Freight Rates Act, between the tariff tolls and the normal tolls (upon the same basis as set out in section 9 of the said Act with respect to companies therein referred to) on all traffic moved during the year 1935, under the tariffs approved, on the Eastern Lines (as referred to in section 1 of the said Act) of the Canadian National Railways.....	1,880,000 00	2,780,000 00
	Total.....		*3,337,000 00

\*Net total \$278,083.33.

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King's Most Excellent Majesty.

# 25-26 GEORGE V.

## CHAP. 16.

An Act to amend the Canadian Farm Loan Act.

[Assented to 17th April, 1935.]

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

R.S., c. 66;  
1934, c. 46.

**1.** This Act may be cited as *The Canadian Farm Loan Act Amendment Act, 1935.* Short title.

**2.** (1) Section two of the *Canadian Farm Loan Act*, chapter sixty-six of the Revised Statutes of Canada, 1927, is amended by striking out paragraph (d) thereof and substituting therefor the following:—

“(d) ‘farmer’ means a person whose principal occupation consists in farming;” “Farmer” defined.

(2) Section two of the said Act is further amended by adding thereto as paragraph (j) the following:—

“(j) ‘Mortgage’ and ‘First Mortgage’ include, with relation to loans made in the province of Quebec under this Act, hypothecs and vente à réméré, whether, with relation to the latter, the Board has or has not expressly accorded to the borrower, at the time of making the loan, an additional right to redeem notwithstanding elapse of the time for repayment, and ‘mortgagor’ and ‘mortgagee’ shall be construed accordingly.” “Mortgage”;  
“First mortgage”.

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

“**3.** (1) There shall be a board, known as the Canadian Farm Loan Board, which shall consist of not less than three nor more than five members who shall be appointed by the Governor in Council, on such terms and conditions as the Governor in Council may prescribe. One of such members shall be the Deputy Minister of Finance or the Comptroller, Government Guarantee Branch of the Department of Finance. Canadian Farm Loan Board.

Farm Loan  
Commissioner.

(2) One of the members so appointed shall be designated the 'Canadian Farm Loan Commissioner', and shall be the chairman of the Board.

Tenure  
of office.

(3) The Commissioner shall be appointed for such a period of years as the Governor in Council may designate.

Compensation.

(4) The Commissioner shall be paid such salary and the other members such fees as the Governor in Council may prescribe, such salary and fees to be a charge against the revenues of the Board.

Board to be  
the agent of  
His Majesty.

(5) The Board shall be a body corporate and politic and be and be deemed to be for all the purposes of this Act, except contractual dealings between the Government of Canada and the Board relating to the purchase by that Government of the capital stock or bonds of the Board or the repurchase by the Board of those bonds, the agent of His Majesty the King in his right of the Dominion of Canada and to take security, receive, lend, pay, agree, acquire, hold, convey, transfer and otherwise do as this Act directs or authorizes as such agent and not otherwise."

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

Real estate.

"(c) hold real estate which, having been mortgaged or otherwise secured to it, is acquired by it for the protection of any loan, sell, mortgage, lease or otherwise dispose thereof and, if the Board in its discretion shall decide so to do, but not as an obligation, pay yearly to local taxing authorities amounts to the extent of the taxes that would have been owing on such real estate had the same been assessed and a levy made thereon in that year: Provided, however, that any such real estate shall be disposed of within three years from the date on which it is acquired or within such additional period, not exceeding two years, as the Governor in Council may fix and determine."

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

Capital  
requirements.

"5. The capital requirements of the Board shall be provided as follows:—

Initial  
capital.

(1) The Government of Canada may subscribe to an initial capital to an amount not exceeding five million dollars and may pay the amount of any such subscription at such times and in such amounts as in the judgment of the Board are necessary for the purposes of the Board; and the amounts provided from time to time under this subsection shall be free from interest charges for a period of three years, after which time interest shall be paid at such



rate as the Governor in Council shall direct, repayment of the amounts so provided shall be made from time to time out of the earnings of the Board: Provided that before any such proposed repayment is made, the reserve fund of the Board provided for by section nine of this Act, shall be at least equal to the total repayments, including the repayment then proposed to be made.

(2) In addition to the initial capital provided for in the next preceding subsection the Board shall issue capital stock in shares of one dollar each, which shares shall be subscribed for by the Government of Canada from time to time as loans are made under this Act to an amount equal to five per cent of the said loans, so that the total amount subscribed under this subsection shall equal at any time as nearly as may be, five per cent of the total amount of principal outstanding on loans theretofore made, the same to be called for by the Board as required.

Capital stock.

(3) The Minister may purchase at a price not exceeding the par value thereof, the capital stock issued by the Board to any province and for the purpose of such purchase the Minister may make the necessary expenditure out of any unappropriated moneys in the Consolidated Revenue Fund.

Purchase of capital stock.

(4) The Board may retire the outstanding capital stock subscribed by borrowers under the Act, by crediting the amount of the par value of the stock subscribed by the borrower as a payment upon the borrower's indebtedness under his loan from the Board, and when so credited, the borrower shall thereupon cease to be a stockholder of the Board."

Retirement of outstanding capital stock.

6. Section six of the said Act is amended by striking out subsection one thereof and by substituting therefor the following:—

"6. (1) The outstanding Farm Loan bonds shall not exceed at any time twenty times the paid up capital stock subscribed for by the Government of Canada in the manner provided in the next preceding section."

Limit of outstanding bonds.

7. (1) Section seven of the said Act, as amended by chapter forty-six of the statutes of 1934, is further amended by striking out paragraph (a) thereof and substituting the following therefor:—

"(a) Loans shall be made only on the security of first mortgages on farm lands not exceeding fifty per cent of the actual value of such lands and the buildings thereon as appraised by the Board: Provided that in arriving at such actual value, the value of the buildings shall be considered only to the extent to which the same add to the actual value of the land as farm land and no one person and no two or more persons having joint or several ownership of the land to be

First mortgages.



mortgaged shall have by way of loan in the aggregate at any one time more than five thousand dollars."

(2) The said section seven is further amended by striking out paragraph (f) thereof and substituting the following therefor:—

Repayment.

"(f) Every loan made under this section shall be repayable upon such terms and within such periods not in excess of twenty-five years as the Board may prescribe: Provided, however, that all loans repayable over a period in excess of five years shall be repayable in equal annual or semi-annual instalments of principal and interest."

(3) The said section seven is further amended by striking out paragraph (h) and substituting the following:—

Payments by borrower.

"(h) Except as provided in, and subject to, such regulations, not inconsistent with the provisions of the *Interest Act*, as the Board may prescribe, any borrower may at any time repay the whole or part of his loan on any date on which an instalment becomes due. When the payment is part of the loan only it shall be credited to the borrower in such manner as the Board may by regulation prescribe, but so that no such payment shall relieve the borrower from liability to pay or from continuing to pay, at the times agreed upon, the various instalments next ensuing due after such partial payment is made, and until the loan and interest is repaid in full."

(4) The said section seven is further amended by striking out paragraph (j) and substituting the following therefor:—

In case of sale.

"(j) It shall be a term of any mortgage taken as security for a loan that upon the sale or lease of the farm land mortgaged the loan shall, at the option of the Board, immediately become due and payable."

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

Privilege of His Majesty as to loans.

"**S.** (1) All monies lent under this Act after the thirtieth day of June, 1935, by the Board upon mortgage or other security, and, as well, all monies thereafter owing to the Board by reason of the terms of such mortgage or other security, and secured thereby or pursuant to the provisions of this Act, shall be deemed, for so long as any part of any of such monies remains unpaid to the Board, to be monies of His Majesty the King in his right of the Dominion of Canada, secured by a first and paramount right, privilege, lien and charge upon and against the land or other property to which such mortgage or other security relates.

And as to lands transferred to Board.

(2) When the effect at law of any mortgage or other security made or given under this Act after the thirtieth day of June, 1935, to the Board is to convey or transfer

to the Board the legal title to the land or other property to which such mortgage or other security relates, such land or other property shall, for so long as any part of any monies lent upon such mortgage or other security or owing to the Board by reason of the terms of such mortgage or other security, and secured thereby or pursuant to the provisions of this Act, remains unpaid, be deemed to be the land or property of His Majesty the King in his right of the Dominion of Canada.

(3) Notwithstanding any law, whether statute or other, now in force or which hereafter may be in force in any province, no mechanic's lien law, taxation lien law or other law or privilege of any species whatever whereunder liens, charges or privileges upon or against land or other property of any species whatever are created, arise or exist shall, without the consent in writing of the Board, which consent shall be revocable, affect or apply to any land or other property of any species whatever or any part thereof or interest therein, to which any mortgage or other security, lien, charge or privilege made or given to the Board under this Act after the thirtieth day of June, 1935, shall relate, in prejudice of the Board as the holder of any such mortgage or other security, lien, charge or privilege so made or given, but every such mortgage or other security, lien, charge or privilege thereafter made or given to the Board shall, for so long as it shall remain wholly or partially unpaid, rank upon such land or other property or part thereof or interest therein, as the case may be, in priority to all other securities, liens, charges or privileges, whatsoever.

Priority of  
liens, etc.,  
made or  
given to  
Board.

(4) Notwithstanding the provisions of the next preceding subsection, if any mortgagor or other person who shall give or make to the Board under this Act after the thirtieth day of June, 1935, any mortgage or other security, lien, charge or privilege shall fail or neglect to pay any lawful rates, taxes or assessments, which, under the law of the province concerned, are claimed to be liens or charges upon or against any land or any such other property, or part thereof or interest therein, to which any mortgage or other security, lien, charge or privilege so thereafter made or given to the Board relates, or if the mortgagor of such mortgage, or other person who has made or given such security, lien, charge or privilege, having agreed with the Board to insure the property to which such mortgage, security, lien, charge or privilege relates and to pay the premiums of insurance, shall fail or neglect to pay such premiums of insurance, as agreed with the Board, and at the times, agreed, it shall be lawful, but not obligatory, for the Board to pay—

Power of  
Board to  
pay rates,  
taxes, etc.,  
and  
premiums  
of insurance.

(a) such rates, taxes or assessments, if any, as the Board by regulation approved by the Governor in Council

on the recommendation of the Minister, shall determine to be of a species of taxation which, in general, is of benefit to farm lands;

(b) such premiums of insurance, if any, as such mortgagor or other person shall have so failed or neglected to pay: Provided, that in any case where the Board shall be advised in advance by the insurer that the latter has reason to believe that the mortgagor or other person concerned will fail or neglect to pay any such premium of insurance, as and when due, the Board may, in order to prevent the lapse of such insurance, pay or contract to pay such premium before failure or neglect as aforesaid has actually occurred.

Repayment  
by mortgagor.

(5) Whenever, pursuant to the two next preceding subsections, the Board shall have paid any such rates, taxes, assessments or insurance premiums all monies so expended by it, with interest thereon not exceeding eight per centum per annum, computed from the time of payment, shall be repaid by such mortgagor or such other person, as the case may be, to the Board on demand, and until wholly repaid such payments shall be and be deemed to have been added to the principal sum secured by the mortgage or other security, lien or charge, as the case may be, and failure or neglect fully to repay such payments or any of them on demand shall constitute default on the part of such mortgagor or such other person, as the case may be, entitling the Board to proceed at once to realize by suit or, lawfully, otherwise, upon the mortgage, lien, charge, privilege or other security concerned."

9. Section nine of the said Act, as amended by section seven of chapter forty-six of the statutes of 1934, is further amended by striking out subsections three, four and five thereof and by substituting the following as subsection three:—

Where title  
transferred  
to Board.

"(3) Whenever, whether as the result of proceedings taken to realize upon a mortgage or other security or as the result of compromise or agreement, the right or interest in the land and/or other property concerned which by law remained in the mortgagor or other person after the making or giving of the mortgage or other security becomes vested in the Board so that it holds, as against such mortgagor or other person, title, ownership and right to possession, or whenever, as the result of such proceedings, an amount is realized which is not sufficient to discharge in full the amount of the loan, interest, costs and charges, the capital stock of the Board subscribed for by the Government of Canada shall be cancelled to an amount equivalent to that so subscribed for with relation to loans of the like amount and the amount paid upon capital stock in respect of such loan shall be transferred to reserve account."



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

“10. (1) The Board may appoint, for any province or provinces in which it operates or is about to operate, such chief executive officer as, on the nomination of the Board and the recommendation of the Minister, the Governor in Council may approve. Chief executive officer in provinces.

(2) Such officer shall, in the province or provinces for which he is appointed have charge of the operations of the Board and exercise and perform such powers and duties as it may confer and impose upon him.” Powers and duties.

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

“11. The Board may appoint for any province or for any two or more provinces in which the Board is authorized to make loans, a local loan advisory board of not more than three members. The chief executive officer appointed by the Board for such province or provinces shall, *ex officio*, be a member of such local loan advisory board and the chairman thereof. The associate members of such local board shall hold office at the pleasure of the Board, and shall be paid such fees as the Board may by regulation prescribe.” Local loan advisory board.

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

“12. In the event of legislation being passed by the legislature of any province after loans have been made available in that province which, in the opinion of the Board, would prejudicially affect the security of existing or future loans, the Board, by notice to be published in the *Canada Gazette*, may cease to make further loans in that province.” Legislation prejudicially affecting security.

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

“13. An audit of the books of the Board shall be made in accordance with regulations made under the provisions of section seventeen of this Act by a firm of chartered accountants appointed for that purpose by the Governor in Council, and a copy of the report of the said accountants on the annual statement of the Board shall be laid before Parliament by the Minister within the first fifteen days of the first session thereof following the date of the said report.” Audit. Report.

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

“14. Except as may be otherwise decided from time to time by the Governor in Council, all actions and decisions Action of Board conclusive.



of the Board shall be deemed within its powers and shall be conclusive against all interested parties."

Sections  
repealed.

**15.** Sections fifteen and sixteen of the said Act are repealed and section seventeen is renumbered as section fifteen.

**16.** Section eighteen of the said Act, as enacted by section eight of chapter forty-six of the statutes of 1934, is renumbered as section sixteen and subsections one and two of said section are repealed and the following are substituted therefor:—

Purchase  
of bonds by  
Minister.

"**16.** (1) The Minister may purchase from time to time, on behalf of the Dominion of Canada, from the Board, bonds issued by the Board, which bonds shall on the request of the Minister be repurchased by the Board at the price originally paid therefor when funds for that purpose become available through the public sale of Farm Loan bonds: Provided that the amount of such bonds held at any one time by the Minister on behalf of the Dominion of Canada shall not exceed fifty million dollars.

Guarantee.

(2) The Governor in Council may authorize the guarantee of the principal and interest of Farm Loan bonds to the amount of forty million dollars."

**17.** Section nineteen of the said Act is repealed and the following is substituted therefor as section seventeen:—

Regulations.

"**17.** The Board may, subject to the approval of the Governor in Council, make regulations not inconsistent with the provisions of this Act for the conduct of the business of the Board, and without limiting the generality of the foregoing provision the Board shall have power to provide by regulation for

- (a) the employment of officers, appraisers, inspectors, attorneys, clerks and other employees, their remuneration and their duties;
- (b) the charges to be made against borrowers for the expenses of appraisal, determination of title and recording;
- (c) the bases of valuation of farm land;
- (d) the form of application for loans, farm loan bonds, mortgages, books of account and annual statements of the Board;
- (e) the manner of crediting advance payments by borrowers under the mortgages;
- (f) the auditing and inspection of the accounts and assets of the Board;
- (g) the bonding of agents, officers and employees of the Board;

- (h) the signing of cheques, transfers, assignments, discharges, deeds, bonds and other instruments of the Board;
- (i) the duties and salaries of the chief executive officers appointed under section ten;
- (j) the duties, fees and scale of expenses of the local advisory loan committees appointed under section eleven."

**18.** Section twenty of the said Act is renumbered as section eighteen. Section renumbered.

**19.** Sections nine, ten, eleven and twelve of *The Canadian Farm Loan Act Amendment Act, 1934*, comprising Part II of the said *Canadian Farm Loan Act Amendment Act*, as subsequently amended by this Act, are hereby incorporated into the *Canadian Farm Loan Act* as Part II thereof, and numbered sections nineteen, twenty, twenty-one and twenty-two thereof, and may be cited hereafter as Part II of the *Canadian Farm Loan Act*. Sections incorporated in Canadian Farm Loan Act.

**20.** (1) Subsections one and two of section nine of *The Canadian Farm Loan Act Amendment Act, 1934*, renumbered as section nineteen of the *Canadian Farm Loan Act*, are repealed and the following are substituted therefor:— Supplementary advances.

"(1) Notwithstanding anything contained in Part I of this Act, the Board may in any case where it lends on the security of a first mortgage, make a further loan for a period of not more than six years, repayable on such terms as the Board may determine, on the security of a second mortgage on the farm lands and in those provinces of Canada where chattel security may be taken by the Board, of a charge on live stock and other personal property. Further loan may be made.

"(2) The aggregate of loans made to any one borrower under the provisions of Parts I and II of this Act shall not exceed, in those provinces of Canada where chattel security may be taken by the Board, two-thirds of the appraised value of the land and buildings in respect of which security is taken, and in any province where chattel security may not be taken sixty per cent of the said value and shall not exceed at any one time the sum of six thousand dollars. The amount advanced under this section shall not exceed one-half the amount advanced on the security of the first mortgage." Aggregate of loans.

(2) The said section nine, so renumbered, is further amended by striking out subsection three thereof and substituting the following:—

"(3) Loans made under this Part of this Act shall be used for the following and no other purposes:— Purposes for which loan is to be used.

- (a) to enable the debtor to pay existing liabilities;

- (b) to purchase live stock, tools, machinery implements and equipment necessary for the proper operation of the farm mortgaged;
- (c) to erect farm buildings or to clear, drain, fence or make any other permanent improvement tending to increase the productive value of the land;
- (d) for such other purposes relating to the development and operation of the farm as the Board approves."

**21.** Section ten of the *Canadian Farm Loan Act Amendment Act, 1934*, renumbered as section twenty of the *Canadian Farm Loan Act*, is amended by striking out subsections one, four, eight and ten and substituting therefor the following:—

Loans to mortgagee.

"(1) In addition the Board may, subject to the conditions hereinafter provided, lend to a mortgagee on the security of the assignment or hypothecation of a first mortgage on farm lands situate in any province in which the Board is empowered to make loans under this Act."

Rate of interest.

"(4) Each loan shall bear interest at the rate charged by the Board on loans made under Part I of this Act and shall be for a period not exceeding one year, but in any event shall be repayable with interest out of the first moneys received by the mortgagee or the Board on account of the mortgage assigned or hypothecated."

Certain provisions not to apply.

"(8) The provisions of subsection two of section five of Part I of this Act shall not apply with respect to loans made under this section."

Definitions.

"(10) In this section unless the context otherwise requires or implies, the expression,—

"First mortgage."  
"Mortgage."

(a) 'first mortgage' and 'mortgage' includes an agreement for sale securing the purchase price of farm lands to which the mortgagee has title;

"Mortgagee."

(b) 'mortgagee' means any loan, trust or insurance company incorporated under Dominion or provincial laws and such other corporations or persons or classes of corporations or persons as may be designated by the Governor in Council."

**22.** Subsection three of section eleven of *The Canadian Farm Loan Act Amendment Act, 1934*, renumbered as section twenty-one of the *Canadian Farm Loan Act*, is repealed and the following is substituted therefor:—

Provisions applicable to loans.

"(3) The provisions of subsection three of section nine of this Act shall apply to loans made under section nineteen of this Act."



**23.** Section twelve of *The Canadian Farm Loan Act Amendment Act, 1934*, renumbered as section twenty-two of the *Canadian Farm Loan Act*, is repealed and the following is substituted therefor:—

“**22.** The provisions of Part I of this Act shall apply <sup>Application of Part I.</sup> *mutatis mutandis* in the case of loans made under this Part, except in so far as the provisions of this Part are inconsistent therewith.”

**24.** Subsection nine of section ten of the *Canadian Farm Loan Amendment Act, 1934*, renumbered as section twenty of the *Canadian Farm Loan Act*, is repealed and the following substituted therefor:—

“(9) The Governor in Council may make advances to <sup>Advances.</sup> the Board out of any unappropriated moneys in the Consolidated Revenue Fund for the purposes of this section.”

**25.** The said *Canadian Farm Loan Act* is further amended <sup>Part I.</sup> by adding immediately before section three thereof, as a heading, the words “Part I” and sections three to eighteen, inclusive, of such Act shall hereafter constitute Part I of that Act.”





## 25-26 GEORGE V.

### CHAP. 17.

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 1935.

[Assented to 17th April, 1935.]

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

1931, c. 22;  
1932, c. 25;  
1932-33, c. 34;  
1934, c. 28.

1. This Act may be cited as *Canadian National Railways Financing Act, 1935*. 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 National Company") may issue notes (hereinafter called "notes"), payable on such terms and at such rates of interest as the Governor in Council may approve, to provide the amounts necessary to meet expenditures made or indebtedness incurred during the calendar year 1935 (where amounts available from net operating income or investments may be insufficient) by or on behalf of the National 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 National Company in respect of any of the Canadian Government Railways entrusted to the National Company, or any one or more of such companies, or any or all of the following accounts, such expenditures or indebtedness being hereinafter called "authorized expenditures",—

Power to  
issue notes  
for  
refunding and  
capital  
expenditures.

(a) Equipment principal payments, sinking funds, miscellaneous maturing or matured notes and other obligations secured or unsecured, not exceeding \$8,700,000;

(b) Construction and betterments, including co-ordinations; acquisition of real or personal property, and working capital, not exceeding \$5,500,000.

Provided, however, that for such purposes the aggregate principal amount at any one time outstanding of the notes which the National Company is hereby authorized to issue from time to time shall not exceed the sum of \$14,200,000, being the total of the items hereinabove set out.

Minister of Finance may make loans for refunding and capital expenditures.

3. The Minister of Finance, with the approval of the Governor in Council, may make loans to the National Company out of the Consolidated Revenue Fund of Canada, for the purpose of meeting authorized expenditures, repayable on such terms and at such rates of interest as the Governor in Council may determine and secured by notes which the National Company is authorized to issue from time to time under the provisions of section two of this Act, upon applications, approved by the Minister of Railways and Canals, made from time to time by the National Company to the Minister of Finance, for such loans: Provided, however, that the aggregate principal amount at any one time outstanding of the loans which the Minister of Finance is hereby authorized to make from time to time to the National Company shall not exceed the sum of \$14,200,000.

Minister of Finance may make advances on account of net income deficits.

4. The Minister of Finance with the approval of the Governor in Council may make from time to time during the fiscal year 1935-36, accountable advances not exceeding in the aggregate \$44,000,000 to the National Company out of any unappropriated moneys in the Consolidated Revenue Fund of Canada to be applied by the National Company on account of the net income deficits, including such supplementary contribution to The Intercolonial and Prince Edward Island Railways Employees' Provident Fund as may be necessary to provide for payment in full of monthly allowances under the provisions of the Intercolonial and Prince Edward Island Railways Employees' Provident Fund Act, notwithstanding the limitation contained in section four of the said Act, and including profit and loss but not including non-cash items and interest on Dominion Government advances, of the National Company or of any other or others of the said companies, which expression as used here and hereinafter shall include the Canadian Government Railways entrusted as aforesaid, from time to time arising within the calendar year 1935, upon applications, approved by the Minister of Railways and Canals, made by the National Company to the Minister of Finance for such advances, and the total amount of the net income deficits for the calendar year 1935, as certified by auditors appointed to audit the accounts of the National Company and of any other or others of the said companies, shall be included in the Estimates submitted to Parliament at its first session following the close of the said calendar year.

5. The National Company may aid and assist, in any manner, any other or others of the said companies and, without limiting the generality of the foregoing, may for its own requirements and also for the requirements of any other or others of the said companies from time to time:—

Power to  
aid other  
companies.

- (a) Apply the proceeds of any issue of notes in meeting authorized expenditures on its own account or on account of any other or others of the said companies;
- (b) Make advances for the purpose of meeting authorized expenditures to any other or others of the said companies, upon or without any security, at discretion;
- (c) Apply any and all accountable advances made by the Minister of Finance to the National Company under the provisions of section four of this Act on account of the net income deficits, in the said section described, of the National Company, or of any other or others of the said companies.

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King's Most Excellent Majesty.





# 25-26 GEORGE V.

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## CHAP. 18.

An Act to amend The Copyright Amendment Act, 1931.

[Assented to 17th April, 1935.]

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

R.S., c. 32,  
1931, c. 8.

1. *The Copyright Amendment Act, 1931*, is amended by inserting the following subsections immediately after subsection three of section ten thereof:—

“(4) No action or other proceeding to enforce any civil or summary remedy for infringement of the performing right in any dramatico-musical or musical work claimed by any association, society or company referred to in subsection one of this section, shall be commenced or continued, and no judgment or sentence shall be rendered in any court against any person who has tendered or paid the fees, charges or royalties which are specified, revised or otherwise prescribed pursuant to the provisions of this section.

Right of  
action barred  
when fees  
paid or  
tendered.

“(5) Unless the consent of the Secretary of State of Canada is given in writing, no action or other proceeding to enforce any civil or summary remedy for infringement of the performing right in any dramatico-musical or musical work claimed by any association, society or company referred to in subsection one of this section, shall be commenced or continued, and no judgment or sentence shall be rendered in any court after notice has been published in the *Canada Gazette* that a Commissioner has been appointed under the *Inquiries Act* to make an investigation and report as provided in subsection two of this section: Provided, however, that the stay of proceedings herein provided shall not be effective for more than six months, unless the Secretary of State in writing extends the time.”

Right of  
action barred  
pending  
enquiry.

R.S., c. 99



# 25-26 GEORGE V.

## CHAP. 19.

An Act to establish an Economic Council.

[Assented to 17th April, 1935.]

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 Economic Council of Canada Act, 1935.* Short title.

### INTERPRETATION.

2. Unless the context otherwise requires, Definitions.
- (a) "Chairman" means the Chairman of the Economic Council of Canada; "Chairman."
- (b) "Council" means the Economic Council established under this Act; "Council."
- (c) "Minister" means the member of the King's Privy Council for Canada, who holds the recognized position of First Minister. "Minister."

3. There shall be an Honorary Advisory Council on social and economic questions which shall be known as The Economic Council of Canada. "Economic Council."

4. (1) The Council shall consist of the Minister, who shall be the Chairman, and fifteen members who shall be appointed by the Governor in Council. Council.

- (2) The members of the Council shall be selected from, Members.
- (a) officers of the public service of Canada, not exceeding seven in number, whose administrative duties require consideration of social or economic problems;
- (b) representatives of organized bodies of a social or economic character, not exceeding five in number;
- (c) other persons having special experience or knowledge in connection with social or economic problems, not exceeding three in number.

(3) No fees or emoluments of any kind shall be payable to or received by any member of the Council in connection with services rendered as such member, but members shall be paid actual travelling and living expenses necessarily incurred in connection with the business of the Council. Actual travelling and living allowances.



Secretary.

**5.** (1) The Dominion Statistician shall be the Secretary of the Council.

Staff,

R.S., c. 22.

(2) The Governor in Council may authorize the appointment, pursuant to the *Civil Service Act*, of such officers and clerks as may be deemed necessary.

Temporary assistants.

(3) The Council may, notwithstanding the provisions of the *Civil Service Act* but subject to the approval of the Governor in Council, temporarily employ such assistants as are necessary in connection with any special work or investigation, and the remuneration or expenses of such assistants may, on the certificate of the Secretary, be paid out of moneys appropriated by Parliament for the work of the Council.

Duties of the Council.

**6.** The duties of the Council shall be to discharge such duties of an advisory character as the Chairman may request them to undertake and particularly, without limiting the generality of the foregoing,

- (a) to study, investigate, report and advise upon questions relating to the general trend of social or economic conditions or to any social or economic problem of Canada, and to authorize the investigations in that behalf as hereinafter provided;
- (b) to make recommendations to promote and co-ordinate social and economic research within Canada;
- (c) to make recommendations to co-ordinate the activities of a social or economic character of the several departments of the Government of Canada;
- (d) to make recommendations as to the organization of statistics as the basic data required for social and economic investigations;
- (e) to publish such reports and findings as may be considered to be in the public interest.

Meetings of Council.

**7.** The Council shall meet at least twice a year or oftener as may be decided by the Chairman.

Special statistical investigations.

R.S., c. 190.

**8.** The Dominion Statistician shall undertake any special statistical investigation under the *Statistics Act* which the Council requires, and the provisions of the *Statistics Act* shall apply in any such case as if the investigations were had under that Act.

Committees of Council.

**9.** The Council may set up committees in connection with any questions referred to it and may add to any such committees persons who are not members of the Council, and persons so added to a committee shall be regarded as associate members of the Council for the purpose of the reference in question.

**10.** The Governor in Council may make regulations Regulations. governing the procedure of the Council and other matters connected with the proper administration of this Act.

**11.** The Secretary shall prepare an annual report to the Annual report. Minister with regard to the work and findings of the Council during the preceding year, which report shall be tabled in the House of Commons.

**12.** Moneys appropriated by Parliament for the purposes Expenditures. of the Council shall be expended under the direction of the Minister and all such expenditure shall be subject to audit Audit. by the Auditor General.

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# 25-26 GEORGE V.

## CHAP. 20.

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

[Assented to 17th April, 1935.]

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 Farmers' Creditors Arrangement Act Amendment Act, 1935*. Short title.

2. *The Farmers' Creditors Arrangement Act, 1934*, is amended by inserting immediately after section five the following section:—

"5A. No proposal under this Act nor the approval or confirmation thereof shall release any person who, under the *Bankruptcy Act*, would not be released by an Order of Discharge if the debtor had been adjudged bankrupt, nor shall the approval or confirmation of a proposal release any security given by any third person." Restriction] as to release.

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

"11. (1) On the filing with the Official Receiver of a proposal, no creditor whether secured or unsecured, shall have any remedy against the property or person of the debtor, or shall commence or continue any proceedings under the *Bankruptcy Act*, or any action, execution or other proceedings for the recovery of a debt provable in bankruptcy, or the realization of any security unless with leave of the court and on such terms as the court may impose: Provided, however, that the stay of proceedings herein provided shall not be effective for more than ninety days from the date of filing of the proposal with the Official Receiver, unless the court makes one or more orders extending the time for the purpose of any proceedings in connection with the proposal." Stay of proceedings R.S., c. 11.



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

Chief  
Commis-  
sioner to be  
a judge.

“(3) The Chief Commissioner shall be a judge of the court of the province invested with original or appellate jurisdiction in bankruptcy by the *Bankruptcy Act*, and one Commissioner shall be appointed as a representative of creditors and one Commissioner shall be appointed as a representative of debtors. In the event of any Commissioner other than the Chief Commissioner being unable to hear and deal with any case for any reason considered sufficient by the remaining Commissioners, then the remaining Commissioners shall name an *ad hoc* Commissioner to hear and deal with such case with all the powers of the Commissioner whose place he takes. In the event of the Chief Commissioner being unable to hear and deal with any case on the request of the other Commissioners the Minister shall name an *ad hoc* Chief Commissioner with all the powers of the Chief Commissioner.”

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

Board may  
confirm  
proposal.

“(6) If the creditors or the debtor decline to approve the proposal so formulated, the Board may nevertheless confirm such proposal, either as formulated or as amended by the Board, in which case it shall be filed in the Court and shall be binding upon all the creditors and the debtor as in the case of a proposal duly accepted by the creditors and approved by the Court.”

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

Requests  
dealt with  
by the  
full Board  
Proviso.

“(7) Every request to formulate a proposal shall be dealt with by the full Board, but a determination of the majority shall be deemed to be the determination of the Board. Provided that the Board may direct any one or more of its members on its behalf to inspect and investigate any or all circumstances of any request for review and report to the Board.”

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

Assignments  
by insolvent  
farmers in  
Quebec.

“(11) Notwithstanding anything contained in the *Bankruptcy Act*, an insolvent debtor resident in the Province of Quebec, engaged solely in farming or the tilling of the soil, whose liabilities to creditors provable as debts under the *Bankruptcy Act* exceed five hundred dollars, may make an assignment for the general benefit of his creditors in any case where the Board declines to formulate a proposal and certifies that in its opinion the debtors' affairs can best be administered under the *Bankruptcy Act*.”

8. The said Act is amended by adding the following section:—

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

When Act shall not apply.

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## 25-26 GEORGE V.

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### CHAP. 21.

An Act to amend The Gold Export Act.

[Assented to 17th April, 1935.]

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 Gold Export Act*, chapter thirty-three of the statutes of 1932, is amended by striking out the proviso at the end of the said section and substituting the following:—

Licences  
for export  
of gold.

“Provided that no such licence shall be issued to other than a Canadian chartered bank or the Bank of Canada.”

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## 25-26 GEORGE V.

### CHAP. 22.

An Act to amend the Income War Tax Act (Special Tax).

[Assented to 17th April, 1935.]

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;  
1932, c. 44;  
1932-33, c. 15;  
1934, c. 19.

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 five 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 the first day of April, 1935, and ending the thirty-first day of March, 1936, and shall be payable by the taxpayer in twelve equal monthly instalments on the last day of each month commencing in April, 1935: 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  
1935-1936.

(3) In case default is made in the payment of any instalment, the taxpayer 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.

Deductions.

(5) Every payment made on account of the said special tax shall be deductible from the income of the year in which payment is made for the purpose of determining income liable to income tax other than the special tax imposed by this section."

Taxpayer may elect to be subject to Salary Deduction Act.

2. (1) Every person liable to pay the special tax imposed by this Act may, in lieu of paying such tax, elect in the manner and within the time hereinafter prescribed, to be subject in respect of the salary or pay paid to him by the Dominion of Canada during or in respect of the fiscal year ending the thirty-first day of March, 1936, to the provisions of *The Salary Deduction (Continuance) Act, 1935*; and every person who so elects shall thereupon cease to be liable to pay the said special tax and shall become subject to the provisions of *The Salary Deduction (Continuance) Act, 1935*, which shall apply, *mutatis mutandis*, to him in respect of the salary or pay so paid to him.

Manner and time of election.

(2) Such election shall be made in writing and transmitted by registered post within thirty days after the coming into force of this Act to the Comptroller of the Treasury, Department of Finance, Ottawa; and upon receipt of every election so made, the Comptroller of the Treasury shall cause a true copy thereof to be transmitted forthwith by registered post to the Commissioner of Income Tax.

When Act comes into force.

3. The provisions of this Act shall come into force on the first day of April, 1935.

## 25-26 GEORGE V.

### CHAP. 23.

An Act to provide for the rehabilitation of drought and soil drifting areas in the Provinces of Manitoba, Saskatchewan and Alberta.

[Assented to 17th April, 1935.]

**H**IS 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 Prairie Farm Rehabilitation Act*. Short title.

**2.** In this Act and in any regulations made hereunder, “Minister.” unless the context otherwise requires, “Minister” means the Minister of Agriculture.

**3.** (1) The Governor in Council may establish a committee to be known as the Prairie Farm Rehabilitation Advisory Committee, hereinafter called “the Committee,” the members of which shall hold office during pleasure. Committee.

(2) One of the members of the Committee shall be appointed Chairman by the Governor in Council. Chairman.

(3) The Committee shall consist of the following:— Membership of Committee.

(a) one representative of the Manitoba Grain Growing Farmers from the drought and soil drifting areas;

(b) one representative of the Saskatchewan Grain Growing Farmers from the drought and soil drifting areas;

(c) one representative of the Alberta Grain Growing Farmers from the drought and soil drifting areas;

(d) one representative of Saskatchewan Live Stock Farmers from the drought areas;

(e) one representative of Alberta Range Farmers from the drought areas;

(f) one representative of Mortgage Companies of Canada;

(g) one representative of the Canadian Bankers' Association;



- (h) one representative each from the Canadian Pacific Railway Company and the Canadian National Railways;
- (i) two representatives from the Dominion Department of Agriculture; and
- (j) one representative of the Government in each of the Provinces of Manitoba, Saskatchewan and Alberta.

Duties of  
Committee.

4. The Committee shall consider and advise the Minister as to the best methods to be adopted to secure the rehabilitation of the drought and soil drifting areas in the Provinces of Manitoba, Saskatchewan and Alberta and to develop and promote within those areas systems of farm practice, tree culture and water supply that will afford greater economic security and to make such representations thereon to the Minister as the Committee may deem expedient.

Payments  
of actual  
expenses.

5. No member of the Committee shall receive any payment or emolument for his services, but he shall be repaid all actual reasonable travelling or other expenses in connection with the work of the Committee.

Assistants.

6. The Minister may appoint such temporary technical, professional and other officers and employees as he may deem necessary and expedient for carrying out the provisions of this Act and the salaries and expenses of such officers shall be fixed by the Governor in Council.

Regulations.

7. The Governor in Council may make such regulations as may be necessary or expedient for the effectual execution and working of this Act and the attainment of the intention and objects thereof.

Appropriations.

8. For the purposes of this Act the sum of seven hundred and fifty thousand dollars shall be appropriated and paid out of the Consolidated Revenue fund of Canada during the fiscal year 1935-36 and for each fiscal year for a further period of four years a sum not exceeding one million dollars per annum as may be necessary to continue and extend the work undertaken under this Act.

Annual  
report.

9. The Minister shall annually lay before Parliament a report of all proceedings under this Act for the preceding fiscal year.

## 25-26 GEORGE V.

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### CHAP. 24.

An Act respecting Radio Broadcasting.

[Assented to 17th April, 1935.]

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

1932, c. 51;  
1932-33, c. 35;  
1934, c. 60.

1. The provisions of the Act to amend *The Canadian Radio Broadcasting Act, 1932*, chapter thirty-five of the statutes of 1932-33, as amended by chapter sixty of the statutes of 1934, are hereby re-enacted, except that in section four thereof the thirtieth day of June, 1935, shall be substituted for the thirtieth day of April, 1935.

Provisions  
of Act  
of 1932-33  
re-enacted,  
for two  
months.

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# 25-26 GEORGE V.

## CHAP. 25.

An Act to amend the Royal Canadian Mounted Police Act.

[Assented to 17th April, 1935.]

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;  
1932, c. 37;  
1932-33, c. 29;  
1934, cc. 8, 40.

1. Section thirty-one of the *Royal Canadian Mounted Police Act*, chapter one hundred and sixty of the Revised Statutes of Canada, 1927, as enacted by section seven of chapter eight of the statutes of 1934, is further amended by adding thereto the following subsection:

Trial and punishment.

“(5) Any such offender on being convicted of an offence contrary to paragraphs (e), (i) or (j) of section thirty of this Act may be required to pay the amount specified in such charge, or any portion thereof, or may be required to pay such amounts or portions thereof by pay stoppages as may be levied against him by the officer trying the case, in addition to any other punishment which may be awarded.”

Payment of amount specified in charge.

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

“33. (1) All pecuniary penalties imposed under the three last preceding sections, and all pay due to deserters at the time of their desertion, with the exception of those penalties referred to in subsections two and three of this section, shall form a fund to be managed by the Commissioner, with the approval of the Minister, and be applicable to the payment of rewards for good conduct, or meritorious service, to the establishment of libraries and recreation rooms and to such other objects, for the benefit of the members of the Force, as the Minister approves.

Application of penalties.

(2) Where pecuniary penalties are imposed for offences under either one or more of paragraphs (e), (i) or (j) of section thirty, or for an offence which comes within the scope of subsection four of section thirty-one, that part

Certain penalties paid to the credit of the Receiver General, etc.



of such penalties imposed which relate to a full or partial re-imbusement for loss, damage or deficiency shall be paid to the credit of the Receiver General of Canada or to the credit of the respective person or organization sustaining the loss, damage or deficiency for which the offender was tried.

How  
stoppage  
of pay  
effected.

(3) When any offender is penalized under subsection three of section thirty-one by a stoppage of pay, the stoppage shall be effected by deducting the number of days without pay from the total he otherwise would have been allowed on the payroll.

Widows and  
orphans  
pensions.

3. Subsection five of section seventy-eight of the said Act, as enacted by section one of chapter forty of the statutes of 1934, is repealed and the following is substituted therefor:—

Election to  
contribute.

“(5) Any constable on the Force at the date this Part comes into force who does not elect within eight months to contribute under the provisions of subsection one of this section shall not thereafter become subject to this Part unless the Commissioner is satisfied that the health of such constable is such as would be satisfactory for enlistment in the Force: Provided that if due to remoteness of location or difficulties of communication any constable may in the opinion of the Commissioner not have had a reasonable opportunity within the said eight months period of electing to so contribute, the Commissioner may extend the period of election of such constable for such period as the Commissioner may deem reasonable.”

Proviso.

Widows and  
orphans  
pensions.

4. Subsection three of section eighty-one of the said Act as enacted by chapter forty of the statutes of 1934, is repealed and the following substituted therefor:—

Benefits  
to be  
determined  
in accordance  
with section  
seventy-nine.

“(3) Instead of contributing the full amount determined in respect of such period of service as hereinbefore in this section provided, any such person may contribute any portion thereof and in event of his death there shall become payable benefits determined in accordance with section seventy-nine of this Act.”

## 25-26 GEORGE V.

### CHAP. 26.

An Act to provide for the deduction from compensation in the Public Service.

[Assented to 17th April, 1935.]

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

1932, c. 52;  
1932-33, c. 19;  
1934, c. 22.

1. This Act may be cited as *The Salary Deduction (Continuance) Act, 1935.* Short title.

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

(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; "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."

Five  
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, 1936, be deducted from the compensation of every member of the public service of Canada five per centum of the amount thereof: Provided that no provision of this Act shall operate to reduce the compensation of any member of the public service of Canada below one thousand two hundred dollars per annum. Provided further that such deduction shall not apply to any member of the public service of Canada whose compensation during such fiscal year is not more than one thousand two hundred dollars, and there may be paid out of any unappropriated moneys in the Consolidated Revenue Fund such sums, not to exceed in the aggregate three million dollars, as are required and not otherwise provided in order to ensure that the compensation of every member of the public service of Canada shall not be less than the full amount thereof reduced only by the deduction provided for by this Act.

Proviso.

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 shall apply to the indemnities of the members of the Senate and House of Commons only for the Session of Parliament which commenced on the seventeenth day of January, 1935.

No duplication of deductions.

4. Where specific provision has been made by any Appropriation Act for the fiscal year ending the thirty-first day of March, 1936, for the reduced amount of the compensation of any member of the public service of Canada, after taking into account the deduction herein provided for, such reduction shall not operate to impose a deduction greater than provided for by the terms of this Act.

Basis of superannuation benefits not reduced. R.S., 1927, c. 24; R.S., 1906, c. 17.

5. 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.

Penitentiary employees. R.S., c. 154.

6. The Treasury Board may make regulations,—

Regulations  
by Treasury  
Board.

(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, and prescribing in such case the method by which deductions shall be made;

(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, 1936. Duration  
of Act.

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## 25-26 GEORGE V.

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### CHAP. 27.

An Act for granting to His Majesty certain sums of money for the public service of the financial year ending the 31st March, 1936.

[Assented to 13th June, 1935.]

MOST GRACIOUS SOVEREIGN,

**W**HEREAS it appears by messages from His Excellency Preamble. the Right Honourable the Earl of Bessborough, etc., etc., Governor General of Canada, and the estimates accompanying the said messages that the sums hereinafter mentioned are required to defray certain expenses of the public service of Canada, not otherwise provided for, for the financial year ending the thirty-first day of March, one thousand nine hundred and thirty-six, 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. 4, 1935.*

**2.** From and out of the Consolidated Revenue Fund \$16,058,144.05 granted for 1935-36. there may be paid and applied a sum not exceeding in the whole sixteen million, fifty-eight thousand, one hundred and forty-four dollars and 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-five, to the thirty-first day of March, one thousand nine hundred and thirty-six, 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-six, as laid before the House of Commons at the present session of Parliament.

**3.**

Additional interim vote of \$1,063,339.90 granted for 1935-36 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 one million, sixty-three thousand, three hundred and thirty-nine dollars and ninety cents towards defraying the several charges and expenses of the public service, from the first day of April, one thousand nine hundred and thirty-five, to the thirty-first day of March, one thousand nine hundred and thirty-six, not otherwise provided for, and being one-twelfth of the amount of each of the several items to be voted set forth in Schedule A to this Act.

Additional interim vote of \$32,633.33 granted for 1935-36 on certain items.

4. From and out of the Consolidated Revenue Fund there may be paid and applied, in addition to the amount granted therefor in section two, a sum not exceeding in the whole eighty-two thousand, six hundred and thirty-three 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-five, to the thirty-first day of March, one thousand nine hundred and thirty-six, not otherwise provided for, and being one-third of the amount of each of the several items to be voted set forth in Schedule B to this Act.

\$278,083.33 granted for 1935-36 on certain items.

5. From and out of the Consolidated Revenue Fund there may be paid and applied a sum not exceeding in the whole two hundred and seventy-eight thousand, eighty-three 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-five, to the thirty-first day of March, one thousand nine hundred and thirty-six, not otherwise provided for, and being one-twelfth of the amount of each of the several items to be voted set forth in Schedule C to this Act.

Account to be rendered in detail.

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

## SCHEDULE A.

Based on the Main Estimates, 1935-36. The amount hereby granted is \$1,063,339.90, being one-twelfth of the amount of each item in the said Estimates as contained in this Schedule.

SUMS granted to His Majesty by this Act for the financial year ending 31st March, 1936, and the purposes for which they are granted.

No. of Vote	Service	Amount	Total
	<b>CIVIL GOVERNMENT</b>	\$ cts.	\$ cts.
4	Auditor General's Office—		
	Contingencies.....	75,950 00	
5	Civil Service Commission—		
	Contingencies.....	27,000 00	
17	National Defence—		
	Contingencies.....	45,948 00	
			148,898 00
	<b>RAILWAYS AND CANALS</b>		
	<i>(Chargeable to Capital)</i>		
	<b>RAILWAYS</b>		
82	Hudson Bay Railway and Terminals: Construction and Betterments (including E. B. Jost at \$2,250).....		302,000 00
	<i>(Chargeable to Income)</i>		
	<b>CANALS</b>		
89	Improvements.....		518,820 00
	<b>PUBLIC WORKS</b>		
	<i>(Chargeable to Income)</i>		
	<i>Alberta</i>		
106	Calgary—Instalment on purchase of property for Ordnance Stores.....		9,000 00
	<b>OCEAN AND RIVER SERVICE</b>		
129	Maintenance and repairs to Dominion steamers and icebreakers.	1,500,000 00	
135	Hydrographic and Tidal and Current Surveys, and to provide for the maintenance and repair of Hydrographic steamers..	400,000 00	
136	Radio Service, to provide for the maintenance and construction of Radio Direction Finding Stations, Radio Beacons and Radiotelegraph Stations and the general administration of the provisions of the Radio Act and Regulations throughout the Dominion.....	590,550 00	
			2,490,550 00
	<b>PUBLIC WORKS</b>		
	<i>(Chargeable to Capital)</i>		
	<b>MARINE DEPARTMENT</b>		
139	River St. Lawrence Ship Channel Dredging— (b) to provide for the maintenance and operation of the Government Ship Channel fleet and the Government Shipyard, including all necessary repairs and reconditioning.....		1,140,000 00



## SCHEDULE A—Concluded

No. of Vote	Service	Amount		Total	
		\$	cts.	\$	cts.
LIGHTHOUSE AND COAST SERVICE					
143	Construction, maintenance and supervision of aids to navigation, including salaries and allowances to lightkeepers.....	1,781,000	00	1,992,750	00
147	Marine Signal Service.....	93,750	00		
148	Administration of Pilotage.....	118,000	00		
STEAMBOAT INSPECTION					
158	Steamboat Inspection.....			133,072	00
ROYAL CANADIAN MOUNTED POLICE					
185	Pay of Force and Allowances: (including salaries of two Constables, Ellesmere Island District at \$2.25 per diem to assure Department against loss through death) arms and ammunition, barrack buildings, repairs and renewals and furnishings, clothing and equipment, communication services, court and legal expenses, criminal investigation branch, enforcement of federal statutes, fuel and light, transport horses and dogs, transport mechanical, dental, medical and hospital, miscellaneous (including grants to Royal Canadian Mounted Police messes and publication of Royal Canadian Mounted Police Quarterly for instructional purposes) special services Opium and Narcotic Drug Act, printing and stationery, transport railway, rations, rents, travelling expenses, transport water.....			5,893,595	75
PENSIONS AND NATIONAL HEALTH					
202	Public Health Engineering.....			15,880	00
MISCELLANEOUS					
235	Chief Electoral Officer—Salaries and contingencies of office.....	28,724	00	115,513	00
246	Battlefields Memorials.....	86,789	00		
	Total.....			*\$12,760,078 75	

\*Net total, \$1,063,339.90.

## SCHEDULE B.

Based on the Main Estimates, 1935-36. The amount hereby granted is \$82,633.33, being one-third 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, 1936, and the purposes for which they are granted.

No. of Vote	Service	Amount	Total
		\$    cts.	\$    cts.
	PUBLIC WORKS <i>(Chargeable to Income)</i> <i>Quebec</i>		
102	Montreal—Instalment on purchase of armoury.....	15,200 00	
	Westmount—Instalment on purchase of armoury.....	12,700 00	
	<i>British Columbia</i>		
107	Vancouver Public Building—To meet one year's interest at 5% on mortgage of \$400,000.....	20,000 00	47,900 00
	MISCELLANEOUS		
264	To assist in promoting tourist business in Canada.....		200,000 00
	Total.....		*247,900 00

\*Net total \$82,633.33.

## SCHEDULE C.

Based on Estimates, 1935-36. The amount hereby granted is \$278,083.33, being one-twelfth of the amount of each item in the said Estimates as contained in this Schedule.

SUMS granted to His Majesty by this Act for the financial year ending 31st March, 1936, and the purposes for which they are granted.

No. of Vote	Service	Amount	Total
		\$ cts.	\$ cts.
	DEFICIT OF CANADIAN NATIONAL STEAMSHIPS		
	CANADIAN NATIONAL (WEST INDIES) STEAMSHIPS, LIMITED		
293	Amount to provide for the payment from time to time to The Canadian National (West Indies) Steamships, Limited, (hereinafter called "the Company"), of the amounts of the deficits including profit and loss but not including non-cash items and interest on Dominion Government advances, occurring during the year ending December 31st, 1935, in the operations of the company and of the vessels under the control of the company, as certified to by the auditors of the company, and upon applications made by the company to the Minister of Finance and approved by the Minister of Railways and Canals, not exceeding.....	316,000 00	
	CANADIAN GOVERNMENT MERCHANT MARINE, LIMITED		
294	Amount to provide for the payment from time to time to The Canadian Government Merchant Marine, Limited (hereinafter called "the Company"), of the amounts of the deficits including profit and loss but not including non-cash items and interest on Dominion Government advances, occurring during the year ending December 31st, 1935, in the operations of the company and of the vessels under the control of the company, as certified to by the auditors of the company and upon applications made by the company to the Minister of Finance and approved by the Minister of Railways and Canals, not exceeding.....	45,000 00	361,000 00
	LOAN TO CANADIAN NATIONAL (WEST INDIES) STEAMSHIPS, LIMITED		
295	Loan to Canadian National (West Indies) Steamships, Limited, repayable on demand with interest at a rate to be fixed by the Governor in Council, upon such terms and conditions as the Governor in Council may determine and to be applied in payment of Capital expenditure in connection with vessels under the Company's control during the year ending December 31st, 1935 (revote \$178,500).....		196,000 00
	MARITIME FREIGHT RATES ACT		
296	Amount required to provide for payment from time to time during the fiscal year 1935-36 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 1935, under the tariffs approved, by the following companies:		

SCHEDULE C—Concluded

No. of Vote	Service	Amount	Total
		\$ cts.	\$ cts.
	<b>MARITIME FREIGHT RATES ACT—Concluded</b>		
	Canada and Gulf Terminal Railway. Canadian Pacific Railway, including Fredericton & Grand Lake Coal & Railway Com- pany. New Brunswick Coal & Railway Company. Cumberland Railway & Coal Company. Dominion Atlantic Railway. Maritime Coal, Railway & Power Company. Sydney & Louisburg Railway. Temiscouata Railway Company.....	900,000 00	
297	To hereby authorize and provide for the payment from time to time during the fiscal year 1935-36 to the Canadian National Railway Company of the difference (estimated by the said Auditors of the said Company and certified by the said Auditors to the Minister of Railways and Canals as and when required by the said Minister) occurring on account of the application of the Maritime Freight Rates Act, between the tariff tolls and the normal tolls (upon the same basis as set out in section 9 of the said Act with respect to companies therein referred to) on all traffic moved during the year 1935, under the tariffs approved, on the Eastern Lines (as referred to in section 1 of the said Act) of the Canadian National Railways.....	1,880,000 00	
	Total.....		2,780,000 00
			*3,337,000 00

\*Net total \$278,083.33.

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# 25-26 GEORGE V.

## CHAP. 28.

An Act to amend the Customs Tariff.

[Assented to 13th June, 1935.]

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

1. The *Customs Tariff*, chapter forty-four of the Revised Statutes of Canada, 1927, as amended by 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), chapter thirty of the Acts of 1931, chapter six and thirty-seven of the Acts of 1932-33, and chapters thirty-two and forty-nine of the Acts of 1934, is further amended by adding to section four thereof the following paragraphs:—

“(i) from time to time grant the most favoured foreign nation treatment to any British country or to any territory administered under a mandate of the League of Nations by any British country; and from and after the date specified in the Order in Council the most favoured foreign nation treatment shall apply to goods the produce or manufacture of such British country or mandated territory, subject to the provisions of this Act;

R.S., c. 44,  
1928, c. 17;  
1929, c. 39;  
1930 (1st  
Sess.) c. 13;  
1930 (2nd  
Sess.), c. 3;  
1931, c. 30;  
1932, c. 41;  
1932-33, cc.  
6, 37;  
1934, cc. 32,  
49.

Extension  
of most  
favoured  
foreign  
nation  
treatment.

(j) from time to time withdraw the most favoured foreign nation treatment from any British country or any territory administered under a mandate of the League of Nations by any British country to which it has been extended; and from and after the date specified in the Order in Council the most favoured foreign nation treatment shall cease to apply to goods the produce or manufacture of such British country or mandated territory, subject to the provisions of this Act.”

Withdrawal  
thereof.

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

“(2) For the purposes of this Act, the Netherlands Indies, Surinam and Curacao shall be regarded as comprising one country with the Netherlands.”

Netherlands.

Reciprocal  
concessions.

3. The said *Customs Tariff* is further amended by repealing section eleven thereof, as enacted by chapter thirty of the statutes of 1931, and substituting the following therefor:—

“11. The Governor in Council may by Order in Council make such reductions of duties on goods imported into Canada from any other country or countries as may be deemed reasonable by way of compensation for concessions granted by any such country or countries.”

4. The said *Customs Tariff* is further amended by adding thereto the following section as section eighteen thereof:—

Power to  
restore  
duties which  
have been  
reduced on  
liquors.

“18. In the event of any duty imposed under this Act upon spirituous or alcoholic liquors having been reduced, if it is made to appear to the Governor in Council that in any province the prices of such goods to the consumer have not been reduced to, or are not being maintained at, levels which will give the consumer the full benefit of any such reduction, the Governor in Council may order that such reduction shall be no longer in effect and, upon publication of such order in the *Canada Gazette*, the full rates of duty theretofore payable on such goods shall again be in force and effect.”

Schedule A  
amended.

5. 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), chapter thirty of the Acts of 1931, chapter forty-one of the Acts of 1932, chapters six and thirty-seven of the Acts of 1932-33, and chapters thirty-two and forty-nine of the Acts of 1934, is further amended by striking thereout tariff items 28, 28a, 39, 99c, 101b, 156, 156a, 159, 164 (a and b), 169, 180c, 187a, 208a (i), 242, 255, 281a, 326, 384, 386 (k), 388, 388b, 401 (d), 407, 407a, 413a, 424, 434, 435, 438f, 440l, 451, 464b, 475b, 522d, 542b, 546, 547, 554b, 554e, 569 (i) and (ii), 569a, 571a, 572, 598, 603, 609, 621, 624a, 650a, 682, 691, 696 and 783, the several enumerations of goods respectively and the several rates of duties of Customs, if any, set opposite each of the said items, and by inserting the following items, enumerations and rates of duty in said Schedule A:—

Tariff Item	—	British Preferential Tariff	Intermediate Tariff	General Tariff
28	Coffee, green, imported direct from the country of growth and production, or purchased in bond in the United Kingdom..... per pound Provided, that coffee, green, shall be entitled to entry under the British Preferential Tariff upon evidence satisfactory to the Minister that such coffee has been produced wholly in the British dominions, colonies or possessions, and not otherwise.	Free	3 cts.	3 cts.
28a	Tea, imported direct from the country of growth and production, or purchased in bond in the United Kingdom..... per pound When in packages weighing five pounds, each, or less, the weight of such packages to be included in the weight for duty. Provided, that tea shall be entitled to entry under the British Preferential Tariff upon evidence satisfactory to the Minister that such tea has been produced wholly in the British dominions, colonies or possessions, and not otherwise.	4 cts.	8 cts.	8 cts.
39	Starch, including corn starch, potato starch, potato flour and all preparations having the quality of starch, the weight of the package to be included in the weight for duty..... per pound.. Provided that the Governor in Council may by Order in Council direct that there be substituted for Tariff Items 39 and 255 in Schedule A of the Customs Tariff, and the several rates of duties of Customs set opposite said Items in Schedule A, the following: Starch, n.o.p.; British gum, and dextrine, dry; dextrine substitutes and soluble or chemically treated starch..... per pound When in packages weighing two pounds each, or less, the weight of the package to be included in the weight for duty. From and after the publication of such Order in Council in the Canada Gazette, Tariff Items 39 and 255 as they respectively appear in the said Schedule at the time of the passing of this Act shall be repealed and the provisions of the said Tariff Item as it appears in the last preceding subsection of this section shall be substituted therefor. The Governor in Council shall not direct that such provisions shall be substituted as aforesaid unless and until the Governor in Council is satisfied that dextrine is manufactured in substantial quantities in Canada from potato starch made in Canada.	1 ct.	2 cts.	2 cts.
	Starch, n.o.p.; British gum, and dextrine, dry; dextrine substitutes and soluble or chemically treated starch..... per pound When in packages weighing two pounds each, or less, the weight of the package to be included in the weight for duty.	$\frac{3}{4}$ ct.	1 $\frac{1}{2}$ cts.	2 cts.
39d	Rosin sizing.....	5 p.c.	7 $\frac{1}{2}$ p.c.	10 p.c.
65a	Diabetic breads and biscuits, under regulations of the Department of Health.....	Free	7 $\frac{1}{2}$ p.c.	10 p.c.
66a	Biscuits, sweetened or unsweetened, valued at not less than 20 cents per pound wholesale, f.o.b. any port in the United Kingdom, said value to be based on the net weight and to include the value of the usual retail package.	Free	30 p.c.	30 p.c.
99c	Raisins and dried currants— (i) Until March 31, 1936..... per pound (ii) Thereafter..... per pound when in packages weighing two pounds each, or less, the weight of such packages to be included in the weight for duty.	Free Free	4 cts. 3 cts.	4 cts. 3 cts.



Tariff Item	—	British Preferential Tariff	Inter-mediate Tariff	General Tariff
101b	Oranges, the produce of Palestine (when imported direct from the country of growth and production or from a country entitled to the benefits of the British Preferential Tariff) during the months of January, February, March and April.....			Free
156	Ethyl alcohol, or the substance commonly known as alcohol, hydrated oxide of ethyl or spirits of wine, n.o.p.; gin of all kinds, n.o.p.; whisky and all spirituous or alcoholic liquors, n.o.p.; amyl alcohol or fusel oil, or any substance known as potato spirits or potato oil; methyl alcohol, wood alcohol, wood naphtha, pyroxylic spirit or any substance known as wood spirit or methylated spirits, absinthe, arrack or palm spirit, brandy, including artificial brandy and imitations of brandy, n.o.p.; cordials and liquors of all kinds, n.o.p.; mescal, pulque, rum shrub, schiedam and other schnapps; tafia, angostura and similar alcoholic bitters or beverages; and wines, n.o.p., containing more than forty per cent of proof spirit, per gallon of the strength of proof..... Provided, as to all goods specified in item No. 156 when of less strength than the strength of proof, that no reduction or allowance shall be made in the measurement thereof for duty purposes, below the strength of 15 per cent under proof.	\$5.00	\$10.00	\$10.00
156a	Rum, per gallon of the strength of proof..... Provided, (1) as to all goods specified in items No. 156 and No. 156a when of less strength than the strength of proof, that no reduction or allowance shall be made in the measurement thereof for duty purposes, below the strength of fifteen per cent under proof. Provided, (2) that when the goods specified in these two items are of greater strength than the strength of proof, the measurement thereof and the amount of duty payable thereon shall be increased in proportion for any greater strength than the strength of proof. Provided, (3) that bottles and flasks and packages of gin, rum, whisky and brandy of all kinds, and imitations thereof, shall be held to contain the following quantities (subject to the provisions for addition or deduction in respect of the degree of strength) viz.:— Bottles, flasks and packages, containing not more than three-fourths of a gallon per dozen, as three-fourths of a gallon per dozen; Bottles, flasks and packages, containing more than three-fourths of a gallon but not more than one gallon per dozen, as one gallon per dozen; Bottles, flasks and packages, containing more than one gallon but not more than one and one-half gallon per dozen, as one and one-half gallon per dozen; Bottles, flasks and packages, containing more than one and one-half gallon but not more than two gallons per dozen, as two gallons per dozen; Bottles, flasks and packages, containing more than two gallons but not more than two and four-fifths gallons per dozen, as two and four-fifths gallons per dozen;	\$5.00	\$10.00	\$10.00

Tariff Item	British Preferential Tariff	Intermediate Tariff	General Tariff
159	\$5.00 30 p.c.	\$10.00 30 p.c.	\$10.00 30 p.c.
164	20 cents	.....	.....
169	40 cents	.....	.....
178c	Free	22½ p.c.	25 p.c.
180c	Free	10 p.c.	12½ p.c.
187a	Free	10 p.c.	15 p.c.
197c	10 p.c.	22½ p.c.	25 p.c.
198b	10 p.c.	32½ p.c.	35 p.c.
199d	17½ p.c.	32½ p.c.	35 p.c.
199e	Free	Free	Free
208a	Free	15 cts.	15 cts.
232e	3/5 ct.	1½ cts.	2 cts.

Tariff Item	—	British Preferential Tariff	Intermediate Tariff	General Tariff
243	Dry red lead; orange mineral; antimony oxide, titanium oxide, and zinc oxide such as zinc white and lithopone; white pigments containing not less than 14 per cent by weight of titanium.....	Free	15 p.c.	15 p.c.
247a	Artists' and school children's colours, n.o.p., in tubes, cakes, pans, and vials, and fitted boxes containing the same; artists' brushes; pastels, of a value of one cent per stick, or over; all the foregoing for painting in oils, water colours or pastels; artists' canvas, coated and prepared for oil painting.....	Free	27½ p.c.	30 p.c.
255	British gum, and dextrine, dry.....	5 p.c.	7½ p.c.	10 p.c.
281a	Fire brick, n.o.p., of a class or kind not made in Canada, for use exclusively in the construction or repair of a furnace, kiln, or other equipment of a manufacturing establishment	Free	12½ p.c.	15 p.c.
326	Glass demijohns or carboys, bottles, n.o.p., decanters, flasks, phials, glass jars and glass balls, lamp chimneys, glass shades or globes; cut, pressed, moulded or crystal glass table-ware, decorated or not; blown glass table-ware and other cut glass ware.....	15 p.c.	30 p.c.	32½ p.c.
362b	Toilet articles of all kinds, including atomizers, brushes, buffers, button hooks, combs, cuticle knives, hair receivers, hand-mirrors, jewel boxes, manicure scissors, nail files, perfume bottles, puff jars, shoe horns, trays and tweezers, of which the manufactured component material of chief value is sterling silver.....	17½ p.c.	37½ p.c.	45 p.c.
380	(d) With chequer, diamond or other raised pattern on contact surface.....	Free	\$8.00	\$8.00
384	Skelp of iron or steel, hot rolled, when imported by manufacturers of pipes and tubes for use exclusively in the manufacture of pipes and tubes, in their own factories, under regulations prescribed by the Minister: (a) Not more than 14 inches in width.... (b) More than 14 inches in width..... The Governor in Council may by Order-in-Council direct that there be substituted for tariff item 384 in Schedule A of the Customs Tariff, and the several rates of duties of Customs set opposite said item in Schedule A, the following: Skelp of iron or steel, hot rolled, when imported by manufacturers of pipes and tubes for use exclusively in the manufacture of pipes and tubes in their own factories, under regulations prescribed by the Minister: (a) Not more than 14 inches in width... (b) More than 14 inches in width..... From and after the publication of such Order-in-Council in the Canada Gazette, tariff item 384 as it appears in said Schedule at the time of the passing of this Act shall be repealed and the provisions of the said tariff item as it appears in the last preceding sub-section of this section shall be substituted therefor. The Governor in Council shall not direct that such provisions be substituted as aforesaid unless and until the Governor in Council is satisfied that skelp of iron or steel, hot rolled, is manufactured in substantial quantities in Canada from iron or steel made in Canada.	Free Free	5 p.c. 5 p.c.	5 p.c. 5 p.c.
		5 p.c. 5 p.c.	10 p.c. 10 p.c.	12½ p.c. 12½ p.c.



Tariff Item	—	British Preferential Tariff	Inter-mediate Tariff	General Tariff
386	(k) Sheets, hot or cold rolled, when imported by manufacturers of hollow-ware coated with vitreous enamel or of apparatus designed for cooking or for heating buildings, for use exclusively in the manufacture of hollow-ware coated with vitreous enamel or of vitreous-enamelled sheets for apparatus designed for cooking or for heating buildings.....	Free	10 p.c.	12½ p.c.
386	(r) Sheets or strip, cold rolled, when imported by manufacturers of pipes and tubes for use exclusively in the manufacture of pipes and tubes in their own factories, under regulations prescribed by the Minister....	Free	5 p.c.	5 p.c.
388	Iron or steel angles, beams, channels, columns, girders, joists, tees, zeos and other shapes or sections, not punched, drilled or further manufactured than hot rolled, weighing not less than 35 pounds per lineal yard, n.o.p.; piling of iron or steel, not punched or drilled, weighing not less than 35 pounds per lineal yard, including interlocking sections, if any, used therewith, n.o.p..... per ton	Free	\$3.00	\$3.00
388b	Iron or steel angles, beams, channels, columns, girders, joists, tees, zeos and other shapes or sections, not punched, drilled or further manufactured than hot rolled, n.o.p.; piling of iron or steel, not punched or drilled, including interlocking sections, if any, used therewith, n.o.p..... per ton	\$4.00	\$7.00	\$7.00
390c	Piston ring castings of steel, in the rough as from the moulds.....	Free	25 p.c.	27½ p.c.
401	(d) Coated with zinc or spelter, curved or not, in coils, .144, .104, or .092 inch in diameter, with tolerance not to exceed .004 inch, and not for use in telegraph or telephone lines, n.o.p.....	Free	10 p.c.	10 p.c.
402c	Wire of iron or steel, coated with zinc or spelter, curved or not, in coils, not more than .144 inch and not less than .080 inch in diameter, with tolerance not to exceed .004 inch, when imported by manufacturers of barbed fencing wire or of wire fencing for use exclusively in the manufacture of barbed fencing wire or of wire fencing, in their own factories.....	Free	10 p.c.	10 p.c.
407	Silent chain and finished roller chain, of iron or steel, and complete parts thereof, of a class or kind not made in Canada, n.o.p., either chain of the type which operates over gears or sprockets with machine cut teeth.....	Free	20 p.c.	25 p.c.
407a	Chains, of iron or steel, n.o.p., and complete parts thereof.....	20 p.c.	30 p.c.	35 p.c.
410o	(ii) Chock release apparatus, for use in coal mines to facilitate the safe removal of chocks forming the roof support.....	Free	10 p.c.	10 p.c.
413a	Machinery, of a class or kind not manufactured in Canada, and complete parts thereof, for use in the manufacture of nets or netting for the fisheries, when imported by manufacturers for use exclusively in the making of such nets or netting, in their own factories, but not for use in making nets or netting commonly used for sportsmen's purposes....	Free	5 p.c.	10 p.c.
424	Fire engines and other fire extinguishing machines and chassis for same; complete parts of the foregoing, n.o.p.....	10 p.c.	30 p.c.	35 p.c.
424a	Hand fire extinguishers and sprinkler heads for automatic sprinkler systems for fire protection.....	22½ p.c.	30 p.c.	35 p.c.
427d	Machines designed for making rigid composite box-ends of wood—consisting of a centre with separate nailing edges attached—from scrap or waste mill stock, and complete parts thereof, not to include motive power.....	Free	27½ p.c.	35 p.c.



Tariff Item		British Preferential Tariff	Intermediate Tariff	General Tariff
428e	Diesel and semi-diesel engines, and complete parts thereof, n.o.p.....	Free	25 p.c.	30 p.c.
428f	Air-cooled internal combustion engines of not greater than 1½ h.p. rating, and complete parts thereof.....	Free	25 p.c.	30 p.c.
434	Locomotives and motor cars for use on railways, and tops, wheels and bodies for the same, n.o.p.; chassis for locomotives, n.o.p.....	15 p.c.	30 p.c.	35 p.c.
434a	Chassis for motor cars for use on railways, and complete parts thereof, n.o.p.....	Free	30 p.c.	35 p.c.
434b	Pressed steel wheels for use on railway rolling stock.....	7½ p.c.	30 p.c.	35 p.c.
435	Locomotives and motor cars for railways, of a class or kind not made in Canada, for use exclusively in mining or metallurgical operations.....	Free	15 p.c.	20 p.c.
438f	Motor omnibuses for conveying passengers only, having seating capacity for not less than ten persons, and chassis for same; chassis for electric (trackless) trolley-buses, and complete parts thereof.....	Free	30 p.c.	40 p.c.
440l	Aircraft and complete parts thereof, not including engines, under regulations prescribed by the Minister.....	Free	25 p.c.	27½ p.c.
451	Buckles, clasps, eyelets, hooks and eyes, dome, snap or other fasteners of iron, steel, brass or other metal, coated or not, n.o.p. (not being jewelry).....	20 p.c.	27½ p.c.	30 p.c.
451e	Slide, hookless, or zipper fasteners.....	30 p.c.	37½ p.c.	40 p.c.
475b	Matrices for stereotypes, electrotypes and cel-luoids described in item 475a, per square inch	Free	½ ct.	¾ ct.
506b	Wooden doors of a height and width not less than 6 feet and 2 feet, respectively.....	Free	22½ p.c.	25 p.c.
522d	Yarns and warps wholly of cotton, mercerized, number forty and finer, imported, under regulations prescribed by the Minister, for sale to manufacturers, to be further manufactured in their own factories.....	Free	25 p.c.	25 p.c.
530	Lace and embroideries, wholly of cotton, coloured, imported by manufacturers for use exclusively in the manufacture of clothing in their own factories.....	7½ p.c.	17½ p.c.	30 p.c.
	and.....per pound	.....	.....	4 cts.
542b	Linen fire-hose, lined or unlined.....	25 p.c.	32½ p.c.	35 p.c.
546	Articles made from fabrics, finished or unfinished, and all textile manufactures, wholly of jute, n.o.p.; fabrics wholly of jute, coated or impregnated, and jute fabric backed with paper.....	12½ p.c.	25 p.c.	30 p.c.
547	Bags or sacks of hemp, linen or jute.....	15 p.c.	17½ p.c.	20 p.c.
554b	Woven fabrics composed wholly or in part of yarns of wool or hair, n.o.p.....	27½ p.c.	35 p.c.	40 p.c.
	and.....per pound	17 cts.	30 cts.	35 cts.
	Provided, however, that the sum of the specific and <i>ad valorem</i> duties imposed by this item on imports under the British Preferential Tariff shall not be in excess of 65 cents per pound.			
556a	Melton cloth, imported by manufacturers of tennis balls for use in the manufacture of tennis balls, in their own factories.....	Free	35 p.c.	40 p.c.
	and.....per pound	.....	30 cts.	35 cts.
556b	Slipper cloth, woven, napped on one or both sides, wholly or in part of wool, not to contain silk or artificial silk, weighing not less than 22 ounces per square yard, when imported by manufacturers of indoor footwear, to be used exclusively in the manufacture of such articles in their own factories.....	Free	35 p.c.	40 p.c.
	and.....per pound	.....	30 cts.	35 cts.

Tariff Item	—	British Preferential Tariff	Intermediate Tariff	General Tariff
569 (i)	Hats, hoods and shapes of hair-felt or of wool and-hair-felt, under such regulations as the Minister may prescribe.....	22½ p.c.	30 p.c.	35 p.c.
569 (ii)	Hats, hoods and shapes of wool felt.....	22½ p.c.	30 p.c.	35 p.c.
	and, ..... per dozen	75 cts.	\$1.25	\$1.25
569 (iii)	Hoods and shapes, knitted, crocheted, plaited or woven in a single piece, and hoods and shapes of braid, not sewn, under such regulations as the Minister may prescribe.....	Free	10 p.c.	10 p.c.
569 (iv)	Hoods and shapes, n.o.p.....	22½ p.c.	30 p.c.	35 p.c.
	and, ..... per dozen	.....	50 cts.	50 cts.
569 (v)	Hats, n.o.p.....	22½ p.c.	30 p.c.	35 p.c.
	and, ..... per dozen	75 cts.	\$1.50	\$1.50
569a (i)	Berets of wool, knitted and fulled.....	22½ p.c.	30 p.c.	35 p.c.
	and, ..... per dozen	.....	65 cts.	65 cts.
569a (ii)	Caps, bonnets and berets, n.o.p., under such regulations as the Minister may prescribe...	22½ p.c.	30 p.c.	35 p.c.
571a	Carpeting, rugs, mats and matting of cocoa fibre.....	30 p.c.	37½ p.c.	40 p.c.
572	Oriental and imitation Oriental rugs or carpets and carpeting, carpets and rugs, n.o.p.—			
	(a) If valued at less than two dollars per square yard.....	30 p.c.	35 p.c.	40 p.c.
	and, ..... per square foot	3 cts.	15 cts.	20 cts.
	(b) If valued at two dollars or more per square yard.....	30 p.c.	35 p.c.	40 p.c.
	and, ..... per square foot	5 cts.	15 cts.	20 cts.
598	Brass band instruments, n.o.p.; parts of pianofortes and parts of organs.....	Free	22½ p.c.	25 p.c.
603	Fur skins, wholly or partially dressed, n.o.p. Provided, that the duty on hare or rabbit skins, under the Intermediate or General Tariff, shall be not less than per dozen skins.....	10 p.c.	15 p.c.	15 p.c.
609	Belting, of leather.....	.....	72 cts.	72 cts.
621	Bases or salts of thorium or of cerium, not including natural minerals, for use in the manufacture of incandescent gas mantles, when imported by manufacturers of such mantles or of stockings for such mantles....	Free	Free	Free
624a	(i) Dolls; toys of all kinds, n.o.p.....	20 p.c.	30 p.c.	40 p.c.
	(ii) Mechanical toys of metal.....	10 p.c.	30 p.c.	40 p.c.
	(iii) Juvenile construction sets of metal, consisting of various stampings, punched, and connections therefor; parts of the foregoing.	Free	30 p.c.	40 p.c.
650a	Button blanks of animal shell, in the rough....	Free	Free	10 p.c.
682	Fish hooks, for deep-sea or lake fishing, not smaller in size than number 2·0; fishing nets and nettings of all kinds; threads, twines, marlines, fishing lines, rope and cordage of cotton, hemp, manila or other vegetable fibre, not exceeding one and one-half inches in circumference, to be used for fishing purposes or for the construction or repair of fishing nets; the foregoing not to include such articles used for sportsmen's purposes, and to be subject to such regulations as the Minister may prescribe.....	Free	Free	Free
691	Communion sets of metal, glass, wood or other material; oil stocks; crosiers; benitier and sprinkler; incenser and incense boat; baptismal shells and fonts.....	Free	Free	Free
696	Philosophical and scientific apparatus, utensils, instruments, and preparations, including boxes and bottles containing the same; maps, photographic reproductions, casts as models, animals as research or experimental subjects, etchings, lithographic prints or charts; mechanical equipment of a class or kind not made in Canada. All articles in this item, when 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.....	Free	Free	Free

Tariff Item	—	British Preferential Tariff	Inter-mediate Tariff	General Tariff
733	Internal combustion and steam engines, transmission assemblies, magnetos, starting motors, electric generators, propeller shafts, steel chassis frames, brakes, clutches, brake and clutch controls, steel road wheels, steel rims for pneumatic tires, larger than thirty inches by five inches, steering gears and front and rear axles, and complete parts of all the foregoing, all of a class or kind not made in Canada, when imported by manufacturers of motor trucks with standard equipment (not for use on railways or tramways), not to include machines or other articles mounted thereon or attached thereto for purposes other than for loading or unloading the truck, for use only in the manufacture of such motor trucks.....	Free	17½ p.c.	20 p.c.

6. Schedule B to the *Customs Tariff*, chapter forty-four of the Revised Statutes of Canada, 1927, is amended by striking thereout Tariff Items 1021, 1044 and 1049, the enumerations of goods and the rates of drawback of Customs Duties set opposite to each of the said items, and by inserting the following items, enumerations and rates of drawback of Customs Duties in said Schedule B:—

Schedule B amended.

Item No.	Goods	When subject to Drawback	Portion of Duty (not including Special Duty or Dumping Duty) Payable as Drawback
1021	Rolled round wire rods in the coil, of iron or steel, not over .375 inch in diameter.	When imported under the British Preferential Tariff and used in the manufacture of galvanized iron or steel wire, curved or not, .144, .104, or .092 inch in diameter, with tolerance not to exceed .004 inch, but not when such wire is for use in telegraph or telephone lines.....	99 p.c.
1024	Rolled round wire rods in the coil, of iron or steel, not over .375 inch in diameter.	When imported under the British Preferential Tariff and used in the manufacture of wire of iron or steel, coated with zinc or spelter, curved or not, in coils, not more than .144 inch and not less than .080 inch in diameter, with tolerance not to exceed .004 inch, when such wire is used by manufacturers of barbed fencing wire or of wire fencing for use exclusively in the manufacture of barbed fencing wire or of wire fencing, in their own factories..... Provided that drawback payable under this item is in lieu of drawback payable under any other item.	99 p.c.
1039	Cotton velveteen and cotton-back silk-pile velvet.	When imported under the British Preferential Tariff and used exclusively in the manufacture of fancy boxes or cases.....	99 p.c.
1044	Fire brick.....	When used by manufacturers of iron or steel in the construction or repair of a blast furnace, open hearth furnace or rolling mill furnace.....	99 p.c.
1049	Bituminous coal, imported on or after March 23rd, 1935.	(a) When converted into coke to be sold for use as fuel in other than a coke or gas plant..... (b) When converted into coke to be sold for use as fuel in other than a coke or gas plant; provided that not less than thirty-five per centum, by weight, of the bituminous coal so used, as covered by each drawback claim, was mined in Canada..... Provided that drawback payable under this Item is in lieu of drawback payable under any other item.	50 p.c.  99 p.c.



Schedule C  
amended.

7. Schedule C to the *Customs Tariff*, as amended by chapter thirty-two of the Acts of 1934, is amended by striking thereout Tariff Item 1212 and by substituting therefor the following:—

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1212	<p>Aigrettes, egret plumes or so-called osprey plumes, and the feathers, quills, heads, wings, tails, skins, or parts of skins of wild birds either raw or manufactured; but this provision shall not apply to:—</p> <p>(a) the feathers or plumes of ostriches;</p> <p>(b) the plumage of the English pheasant and the Indian peacock; the plumage of wild birds of groups recognized as game birds in any Canadian game law, and for which an open season is provided thereunder;</p> <p>(c) the plumage of birds imported alive; nor to—</p> <p>(d) specimens imported under regulations of the Minister for any Natural History or other museum or for scientific or educational purposes.</p>
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Date of  
coming into  
force.

8. This Act shall be deemed to have come into force on the twenty-third day of March, one thousand nine hundred and thirty-five, and to have applied to all goods mentioned in the preceding sections imported or taken out of warehouse for consumption on and after that date, and to have applied to goods previously imported for which no entry for consumption was made before that date.

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# 25-26 GEORGE V.

## CHAP. 29.

An Act to amend The Excise Act, 1934.

[Assented to 13th June, 1935.]

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

1. *The Excise Act, 1934*, chapter fifty-two of the statutes of 1934, is amended by inserting the following section as section 44A:—

“44A. In the event of any duty imposed under this Act upon spirits, malt or beer having been reduced, if it is made to appear to the Governor in Council that in any province the prices of spirituous or malt liquors to the consumer have not been reduced to, or are not being maintained at, levels which will give the consumer the full benefit of any such reduction, the Governor in Council may order that such reduction shall be no longer in effect and, upon publication of such order in the *Canada Gazette*, the full rates of duty theretofore payable on such goods shall again be in force and effect.”

Power to restore duties which have been reduced on liquors.

2. The first seven lines of the Schedule to the said Act are repealed and the following are substituted therefor:—

“The following duties of excise shall be imposed, levied and collected:—

1. SPIRITS DISTILLED IN CANADA.

On every gallon of the strength of proof distilled in Canada, four dollars, and so in proportion for any greater or less strength than the strength of proof and for any less quantity than a gallon.”

Duty reduced from seven to four dollars.

3. This Act shall be deemed to have come into force on the twenty-third day of March, 1935, and to have applied to all spirits taken out of warehouse for consumption on and after that day, and for greater certainty, it is hereby declared that the power conferred upon the Governor in Council by section one of this Act may be exercised in respect of the reduction of the duty imposed upon spirits set out in section two of this Act.

Commencement of Act.



## 25-26 GEORGE V.

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### CHAP. 30.

An Act to amend the Interpretation Act.

[Assented to 13th June, 1935.]

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

R.S., c. 1;  
1931, c. 36;  
1935, c. 6.

1. Paragraph (b) of section twenty of the *Interpretation Act*, chapter one of the Revised Statutes of Canada, 1927, is repealed and the following is substituted therefor:—

“(b) any reference in any unrepealed Act or in any rule, order or regulation made thereunder to such repealed Act or enactment, shall, as regards any subsequent transaction, matter or thing, be held and construed to be a reference to the provisions of the substituted Act or enactment relating to the same subject-matter as such repealed Act or enactment; and, if there is no provision in the substituted Act or enactment relating to the same subject-matter, the repealed Act or enactment shall stand good, and be read and construed as unrepealed in so far, and in so far only, as is necessary to support, maintain or give effect to such unrepealed Act, or such rule, order or regulation made thereunder.”

Effect of  
revision or  
consolidation.





## 25-26 GEORGE V.

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### CHAP. 31.

An Act to amend the Meat and Canned Foods Act.

[Assented to 13th June, 1935.]

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

R.S., c. 77;  
1934, c. 38.

1. Section seventeen of the *Meat and Canned Foods Act*, chapter seventy-seven of the Revised Statutes of Canada, 1927, is amended by adding thereto the following as subsection two:—

“(2) The Governor in Council may from time to time prescribe a tariff of fees that shall be charged for the inspection of canned fish and shellfish.”

Power to  
prescribe  
fees for  
inspection.

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# 25-26 GEORGE V.

## CHAP. 32.

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

[Assented to 13th June, 1935.]

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

R.S., c. 150.

#### SHORT TITLE.

1. This Act may be cited as *The Patent Act, 1935*. R.S., Short title. c. 150, s. 1.

#### INTERPRETATION.

2. In this Act, and in any rule, regulation or order made under it, unless the context otherwise requires,
- |   |                          |
|---|--------------------------|
| (a) "applicant" includes an inventor and the legal representatives of an applicant or inventor;   | "Applicant."             |
| (b) "Commissioner" means the Commissioner of Patents;   | "Commissioner."          |
| (c) "Exchequer Court" means the Exchequer Court of Canada;  | "Exchequer Court."       |
| (d) "invention" means any new and useful art, process, machine, manufacture or composition of matter, or any new and useful improvement in any art, process, machine, manufacture or composition of matter;     | "Invention."             |
| (e) "legal representatives" includes heirs, executors, administrators, guardians, curators, tutors, assigns and all other persons claiming through or under applicants for patents and patentees of inventions; | "Legal representatives." |
| (f) "Minister" means the Secretary of State of Canada or such other Minister of the Crown as may be appointed by the Governor in Council to administer this Act;  | "Minister."              |
| (g) "patent" means letters patent for an invention;   | "Patent."                |
| (h) "patentee" means the person for the time being entitled to the benefit of a patent for an invention;  | "Patentee."              |
| (i) "regulation" and "rule" include rule, regulation and form;  | "Regulation" and "Rule". |



“Work on a commercial scale.”

(j) “work on a commercial scale” means the manufacture of the article or the carrying on of the process described and claimed in a specification for a patent, in or by means of a definite and substantial establishment or organization and on a scale which is adequate and reasonable under the circumstances. R.S., c. 150, s. 2, Am.

PATENT OFFICE AND OFFICERS.

Patent Office.

3. There shall be attached to the Department of the Secretary of State of Canada or to such other department of the Government of Canada as may be determined by the Governor in Council an office which shall be called the Patent Office. R.S., c. 150, s. 3 (1), Am.

Commissioner of Patents.

4. (1) The Governor in Council may appoint a Commissioner of Patents who shall, under the direction of the Minister, exercise and perform the powers and duties conferred and imposed upon that officer by or pursuant to this Act. R.S., c. 150, ss. 3 and 5, Am.

Duties of Commissioner.

(2) The Commissioner shall receive all applications, fees, papers, documents and models for patents, shall perform and do all acts and things requisite for the granting and issuing of patents of invention, shall have the charge and custody of the books, records, papers, models, machines and other things belonging to the Patent Office, and shall have, for the purposes of this Act, all the powers that are or may be given by the *Inquiries Act* to a commissioner appointed under Part II thereof. R.S., c. 150, ss. 4 and 5, Am.

Tenure of office and salary.

(3) The Commissioner shall hold office during pleasure and be paid such annual salary, not exceeding seven thousand dollars, as may be determined by the Governor in Council. R.S., c. 150, ss. 3 and 5, Am.

Assistant Commissioner.

5. (1) An Assistant Commissioner of Patents may be appointed in the manner authorized by law. He shall be a technical officer experienced in the administration of the Patent Office.

Absence or inability to act.

(2) When the Commissioner is absent or unable to act, the Assistant Commissioner, or, if he also is at the same time absent or unable to act, another officer designated by the Minister, may and shall exercise the powers and perform the duties of the Commissioner.

Staff.

6. There may be appointed in the manner authorized by law, such principal examiners, examiners, associate examiners and assistant examiners, clerks, stenographers and other assistants as are necessary for the administration of this Act. R.S., c. 150, s. 3 (2), Am.

**7.** No officer or employee of the Patent Office shall buy, sell, acquire or traffic in any invention, patent or right to a patent, or any interest in any thereof, and every purchase, sale, assignment, acquisition or transfer of any invention, patent or right to a patent, or any interest in any thereof, made by or to any such officer or employee shall be null and void: Provided that this section shall not apply to a sale by an original inventor or to an acquisition under the last will, or by the intestacy, of a deceased person. R.S., c. 150, s. 56.

Offices of  
Patent Office  
not to deal in  
Patents.

**8.** Clerical errors in any instrument of record in the Patent Office shall not be construed as invalidating the same, but, when discovered, they may be corrected by certificate under the authority of the Commissioner. R.S., c. 150, s. 53.

Clerical  
errors.

**9.** If any patent is destroyed or lost a certified copy may be issued in lieu thereof upon payment of the prescribed fee. R.S., c. 150, s. 54.

Destroyed  
or lost  
patents.

**10.** All specifications, drawings, models, disclaimers, judgments, returns, and other papers, except *caveats*, and except those filed in connection with applications for patents which are still pending or have been abandoned shall be open to the inspection of the public at the Patent Office, under such regulations as are adopted in that behalf. R.S., c. 150, s. 52, Am.

Inspection  
by the public.

**11.** Notwithstanding the exception in the next preceding section, the Commissioner, upon the request of any person who states in writing the number and date of a patent said to have been granted in a named country other than Canada, and who pays or tenders the prescribed fee, shall inform such person whether an application for a patent of the same invention is or is not pending in Canada.

Patents  
issued out of  
Canada.

#### RULES AND REGULATIONS.

**12.** (1) The Governor in Council, on the recommendation of the Minister, may make, amend or repeal such rules and regulations and prescribe such forms as may be deemed expedient

Regulations  
and forms.

(a) for carrying into effect the objects of this Act, or for ensuring the due administration thereof by the Commissioner and other officers and employees of the Patent Office; and

(b) for carrying into effect the terms of any treaty, convention, arrangement or engagement which subsists between Canada and any other country; and

(c) in particular with respect to the following matters:—

(i) The form and contents of applications for patents;

(ii) The form of the Register of Patents and of the indexes thereto;

(iii) The registration of assignments, transmissions, licences, disclaimers, judgments or other documents relating to any patent; and

(iv) The form and contents of any certificate issued pursuant to the terms of this Act.

Effect.

(2) Any rule or regulation made by the Governor in Council shall be of the same force and effect as if it had been enacted herein. R.S., c. 150, s. 59, Am.

#### SEAL.

Seal of office.

**13.** (1) The Commissioner shall cause a seal to be made for the purposes of this Act and may cause to be sealed therewith every patent and other instrument and copy thereof issuing from the Patent Office. R.S., c. 150, s. 6.

Seal to be evidence.

(2) Every court, judge and person whosoever shall take notice of the seal of the Patent Office, and shall receive the impressions thereof in evidence in like manner as the impressions of the Great Seal are received in evidence, and shall also take notice of and receive in evidence, without further proof and without production of the originals, all copies or extracts certified under the seal of the Patent Office to be copies of or extracts from documents deposited in such office. 1930, c. 34, s. 2.

#### PROOF OF PATENTS.

Certified copies of patents as evidence.

**14.** In any action or proceeding respecting a patent of invention authorized to be had or taken in Canada under the provisions of this Act a copy of any patent granted in any other country, or any official document connected therewith, purporting to be certified under the hand of the proper officer of the Government of the country in which such patent has been obtained, may be produced before the Court or a judge thereof, and the copy of such patent or document purporting to be so certified may be received in evidence without production of the original and without proof of the signature or of the official character of the person appearing to have signed the same. 1930, c. 34, s. 2, Am.

#### PATENT ATTORNEYS.

Register of attorneys.

**15.** (1) A register of attorneys shall be kept in the Patent Office on which shall be entered the names of all persons entitled to represent applicants in the presentation and prosecution of applications for patents or in other business before the Patent Office.



(2) Entry on such register shall be made in accordance with regulations to be made by the Commissioner with the approval of the Governor in Council. R.S., c. 150, s. 57. Entries.

**16.** For gross misconduct or any other cause which he may deem sufficient, the Commissioner may refuse to recognize any person as a patent agent or attorney either generally or in any particular case. R.S., c. 150, s. 58. Misconduct.

#### APPEALS.

**17.** In all cases where an appeal is provided from the decision of the Commissioner to the Exchequer Court under this Act, such appeal shall be had and taken pursuant to the provisions of the Exchequer Court Act and the rules and practice of that Court. R.S., c. 150, s. 62. Practice on appeals.

**18.** Whenever an appeal to the Exchequer Court from the decision of the Commissioner is permitted under this Act notice of his decision shall be mailed by the Commissioner by registered letter addressed to the interested parties or their respective agents and the appeal shall be taken within three months after the date of mailing of such notice, unless otherwise extended by the Commissioner with the approval of the Minister and unless herein otherwise expressly provided. R.S., c. 150, s. 68, Am. Notice of appeal.

#### GENERAL.

**19.** The Government of Canada may, at any time, use any patented invention, paying to the patentee such sum as the Commissioner reports to be a reasonable compensation for the use thereof, and any decision of the Commissioner under this section shall be subject to appeal to the Exchequer Court. R.S., c. 150, s. 48. Government may use patented invention.

**20.** No patent shall extend to prevent the use of any invention in any ship, vessel, air craft or land vehicle of any other country, entering Canada temporarily or accidentally, provided such invention is employed exclusively for the needs of the ship, vessel, air craft or land vehicle, and not so used for the manufacture of any goods to be vended within or exported from Canada. 1928, c. 4, s. 3, Am. Patented invention in vessels, air craft, etc., of any other country.

**21.** (1) Every patentee under this Act shall, if possible, stamp or engrave on each patented article sold or offered for sale by him notice of the year of the date of the patent applying to such article, thus—Patented, 1935, or as the case may be. Patented article to be stamped or marked.



Package to be marked.

(2) When, from the nature of any patented article it cannot be so stamped or engraved the patentee shall, if possible, affix to it, or to every package wherein one or more of such articles is or are enclosed, a label marked with the like notice. R.S., c. 150, s. 51, Am.

Impossibility of compliance.

(3) When any patented article or material is, from its nature or character, such that it cannot be so stamped or engraved and cannot, reasonably, be packaged or labelled the patentee shall, in all descriptive or advertising matter published by him and relating to such patented article or material, insert the like notice.

Cost of proceedings before the court.

**22.** In all proceedings before any court under this Act the costs of the Commissioner shall be in the discretion of the court, but the Commissioner shall not be ordered to pay the costs of any other of the parties. R.S., c. 150, s. 61.

Patents issued prior to the 13th June, 1923.

**23.** Any patent issued prior to the thirteenth day of June, 1923, which could have been successfully impeached for violation of or non-compliance with any provision of the Acts in force prior to that date, may, with like effect, be so impeached after that date, and in any action for the infringement of any such patent any such violation or non-compliance which could have been set up as a defence may, with like effect, be so set up after that date. R.S., c. 150, s. 66.

Status not affected.

**24.** No relief, right or privilege granted to or acquired by any patentee or other person in respect of any patent or application for any patent under chapter forty-four of the statutes of 1921 shall be affected by the repeal of that Act, but such relief, right or privilege shall continue as if that Act had remained in force. R.S., c. 150, s. 67.

Annual report.

**25.** The Commissioner shall, in each year, cause to be prepared and laid before Parliament a report of the proceedings under this Act, and shall, from time to time and at least once in each year, publish a list of all patents granted, and may, with the approval of the Governor in Council, cause such specifications and drawings as are deemed of interest or essential parts thereof, to be printed, from time to time for distribution or sale. R.S., c. 150, s. 60.

#### APPLICATION FOR PATENTS.

Who may obtain patents.

**26.** (1) Subject to the subsequent provisions of this section, any inventor of an invention which was  
(a) not known or used by others before he invented it, and

(b)

(b) not described in any patent or in any publication printed in Canada or in any other country more than two years before presentation of the petition hereunder mentioned, and

(c) not in public use or on sale in Canada for more than two years prior to his application in Canada;

may, on presentation to the Commissioner of a petition setting forth the facts (in this Act termed the filing of the application) and on compliance with all other requirements of this Act, obtain a patent granting to him an exclusive property in such invention. R.S., c. 150, s. 7, Am.

(2) Any inventor or legal representative of an inventor who applies in Canada for a patent for an invention for which application for patent has been made in any other country by such inventor or his legal representative before the filing of the application in Canada shall not be entitled to obtain in Canada a patent for that invention unless his application in Canada is filed,

Applications for patents out of Canada.

(a) before issue of any patent to such inventor or his legal representative for the same invention in any other country; or

(b) within twelve months after the filing of the first application by such inventor or his legal representative for patent for such invention in any other country.

(3) No patent shall issue for an invention which has an illicit object in view, or for any mere scientific principle or abstract theorem. R.S., c. 150, s. 7, Am.

What may not be patented.

**27.** (1) An application for a patent for an invention filed in Canada by any person entitled to protection under the terms of any treaty or convention relating to patents to which Canada is a party who has, or whose agent or other legal representative has, previously regularly filed an application for a patent for the same invention in any other country which by treaty, convention or law affords similar privilege to citizens of Canada, shall have the same force and effect as the same application would have if filed in Canada on the date on which the application for patent for the same invention was first filed in such other country, provided the application in this country is filed within twelve months from the earliest date on which any such application was filed in such other country or from the thirteenth day of June, 1923.

Treaty or convention rights of applicants.

(2) No patent shall be granted on an application for a patent for an invention which had been patented or described in a patent or publication printed in Canada or any other country more than two years before the date of the actual filing of the application in Canada, or which had been in public use or on sale in Canada for more than two years prior to such filing. R.S., c. 150, s. 8, Am.

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

**28.**

Rights reserved.

**28.** No patent granted by virtue of *The Patent Act*, chapter twenty-three of the statutes of 1923, or by virtue of this Act, on an application filed prior to the coming into force of this Act or within six months thereafter and within two years of the date of the grant of the first patent granted in any country other than Canada for the same invention, shall be void by reason of the date of filing of such application having been more than twelve months after the date of filing in such other country of the first application for the same invention or by reason of a patent having been granted in such other country prior to application in Canada. 1930, c. 34, s. 1, Am.

Time when oath of inventor to be made.

**29.** (1) The inventor shall, at or before the time of filing his application or within such reasonable extension of time as the Commissioner may allow, make oath, or when entitled by law to make an affirmation instead of an oath, shall make an affirmation, that he verily believes that he is the inventor of the invention for which the patent is asked and that the several allegations in the application contained are respectively true and correct.

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

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

Before whom oath may be made.

(3) Such oath or affirmation may be made before a minister plenipotentiary, charge d'affaires, consul, vice-consul or consular agent, a judge of any court, a notary public, a justice of the peace, or the mayor of any city, borough or town, or a commissioner for taking affidavits having authority or jurisdiction within the place where the oath may be administered. R.S., c. 150, s. 10, Am.

Address of applicant and representative to be stated.

**30.** (1) Every applicant for a patent shall, for the purposes of this Act, state in his application, if resident in Canada, his address in Canada, and if not so resident, the name and address of some person resident in Canada who has been appointed to represent and stand in the place and stead of such applicant or patentee for all purposes of this Act, including the service of any proceedings taken under any provision of this Act. Such name and address of such person so appointed shall be endorsed on the patent before it is issued. R.S., c. 150, s. 12.



(2) The name and address of the person so appointed to represent the patentee may be changed on the issued patent upon the written authority of the patentee or of his legal representatives, and such new appointment shall be recorded and added to the patent file on the payment of a fee of two dollars.

May be changed on issued patent.

**31.** Each application for a patent shall be completed and prepared for examination within twelve months after the filing of the application, and in default thereof, or upon failure of the applicant to prosecute the same within six months after any action thereon of which notice shall have been given to the applicant, such application shall be deemed to have been abandoned, but it may be reinstated on petition presented to the Commissioner within twelve months after the date on which it was deemed to have been abandoned, and on payment of the prescribed fee, if the petitioner satisfies the Commissioner that the failure to prosecute the application within the time specified was not reasonably avoidable. An application so reinstated shall retain its original filing date.

Applications to be completed within twelve months.

Abandonment and reinstatement.

#### JOINT APPLICATIONS.

**32.** (1) In any case where

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

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

the Commissioner, on proof of such agreement to his satisfaction, or if satisfied that one or more of such joint applicants ought to be allowed to proceed alone, may allow such other person or joint applicant to proceed with the application, and may grant a patent to him, so, however, that all persons interested shall be entitled to be heard before the Commissioner after such notice as he may deem requisite and sufficient. R.S., c. 150, s. 11 (1).

Refusal of assignee to proceed.

Disputes between joint applicants.

Powers of Commissioner.

(2) When an application is filed by joint applicants, and it subsequently appears that one or more of them has had no part in the invention, the prosecution of such application may be carried on by the remaining applicant or applicants on satisfying the Commissioner by affidavit that the remaining applicant or applicants is or are the sole inventor or inventors.

Procedure when one joint applicant retires.

(3) When an application is filed by one or more applicants and it subsequently appears that one or more further applicants should have been joined, such further applicant or applicants may be joined on satisfying the Commissioner that he or they should be so joined, and that the omission



of such further applicant or applicants had been by inadvertence or *bona fide* mistake and was not for the purpose of delay.

When patent to be granted to joint applicants.

(4) Subject to the provisions of this section, in cases of joint applications the patent shall be granted in the names of all the applicants. R.S., c. 150, s. 23 (2), Am.

Appeal.

(5) An appeal shall lie to the Exchequer Court from the decision of the Commissioner under this section. R.S., c. 150, s. 11, Am.

#### IMPROVEMENTS.

Improvements may be patented.

**33.** Any person who has invented any improvement on any patented invention may obtain a patent for such improvement, but he shall not thereby obtain the right of making, vending or using the original invention, nor shall the patent for the original invention confer the right of making, vending or using the patented improvement. R.S., c. 150, s. 9.

#### SPECIFICATIONS AND CLAIMS.

Particulars required.

**34.** The applicant shall, in his application for a patent, insert the title or name of the invention, and shall, with the application, send in a specification in duplicate of the invention and an additional or third copy of the claim or claims. R.S., c. 150, s. 13.

Specification. Description and operation.

Various steps and methods.

**35.** (1) The applicant shall in the specification correctly and fully describe the invention and its operation or use as contemplated by the inventor, and set forth clearly the various steps in a process, or the method of constructing, making, compounding or using a machine, manufacture or composition of matter, in such full, clear, concise and exact terms as to enable any person skilled in the art or science to which it appertains, or with which it is most closely connected, to make, construct, compound or use it. In the case of a machine he shall explain the principle thereof and the best mode in which he has contemplated the application of that principle. In the case of a process he shall explain the necessary sequence, if any, of the various steps, so as to distinguish the invention from other inventions. He shall particularly indicate and distinctly claim the part, improvement or combination which he claims as his invention.

Claims. Place and date.

(2) The specification shall end with a claim or claims stating distinctly and in explicit terms the things or combinations which the applicant regards as new and in which he claims an exclusive property or privilege. It shall bear the name of the place where and the date when it is made, and be signed by the applicant.

(3) A dependent claim may refer to one preceding claim only. The latter may itself be a dependent claim. References in claims.

(4) When the number of claims in an application exceeds twenty-five a surcharge of fifty cents shall be imposed for each claim in excess of that number. Additional claims.

#### EXAMINATION.

**36.** On each application for a patent a careful examination shall be made by competent examiners to be employed in the Patent Office for that purpose. R.S., c. 150, s. 15. Examination.

#### DIVISIONAL APPLICATIONS.

**37.** (1) A patent shall be granted for one invention only but in an action or other proceeding a patent shall not be deemed to be invalid by reason only that it has been granted for more than one invention. Patent for one invention only.

(2) If an application describes and claims more than one invention the applicant may, and on the direction of the Commission to that effect shall, limit his claims to one invention only, and the deleted claims may be made the subject of one or more divisional applications, if such divisional applications are filed before the issue of a patent on the original application: Provided that if the original application becomes abandoned or forfeited, the time for filing divisional applications shall terminate with the expiration of the time for reinstating or restoring and reviving the original application under this Act or the rules made thereunder. Divisional applications if more than one invention claimed.

(3) Such divisional applications shall be deemed to be separate and distinct applications under this Act, to which the provisions thereof shall apply as fully as may be. Separate fees shall be paid on each of such applications and they shall bear the filing date of the original application. Separate applications bearing same date.

#### DRAWINGS AND MODELS.

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

Duplicates.

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

Copies in place of duplicates.

(3) The Commissioner may, in his discretion, dispense with the duplicate specification and drawing, and in lieu thereof cause copies of the specification and drawing, in print or otherwise, to be attached to the patent, of which they shall form an essential part. R.S., c. 150, s. 14, Am.

Models and specimens.

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

Dangerous substances.

(2) If such ingredients or composition be of an explosive or dangerous character, they shall be furnished with such precautions as are prescribed in the requisition therefor. R.S., c. 150, s. 16.

#### CHEMICAL PRODUCTS AND SUBSTANCES.

Chemical products and substances intended for food or medicine.

**40.** (1) In the case of inventions relating to substances prepared or produced by chemical processes and intended for food or medicine, the specification shall not include claims for the substance itself, except when prepared or produced by the methods or processes of manufacture particularly described and claimed or by their obvious chemical equivalents. R.S., c. 150, s. 17 (1), Am.

Action for infringement.

(2) In an action for infringement of a patent where the invention relates to the production of a new substance, any substance of the same chemical composition and constitution shall, in the absence of proof to the contrary, be deemed to have been produced by the patented process.

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

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



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

(5) This section shall apply only to patents granted after the thirteenth day of June, 1923. Application. R.S., c. 150, s. 17.

#### REFUSAL OF PATENTS.

**41.** Whenever the Commissioner is satisfied that the applicant is not by law entitled to be granted a patent he shall refuse the application and, by registered letter addressed to the applicant or his registered agent, notify such applicant of such refusal and of the ground or reason therefor. Refusal by Commissioner.

**42.** Whenever it appears to the Commissioner that the invention to which an application relates has been, before the filing of the application, described in a patent granted in Canada or any other country, and such application was filed within two years after the date on which such patent was so granted and the Commissioner entertains doubts whether the patentee of such invention is, as between him and the applicant, the first inventor, the Commissioner shall, by registered letter addressed to the applicant or his registered agent, object to grant a patent on such application and state, with sufficient detail to enable the applicant, if he can, to answer, the ground or reason for such objection. The applicant shall have the right, within such period or extended period of time as the Commissioner may allow, to answer such objection and if it be not in due course answered to the satisfaction of the Commissioner he shall refuse the application. Objection by Commissioner.

**43.** Every person who has failed to obtain a patent by reason of a refusal or objection of the Commissioner to grant it may, at any time within six months after notice as provided for in the two next preceding sections has been mailed, appeal from the decision of the Commissioner to the Exchequer Court and that Court shall have exclusive jurisdiction to hear and determine such appeal. Appeal to Exchequer Court. R.S., c. 150, s. 21, Am.

#### CONFLICTING APPLICATIONS.

**44.** (1) Conflict between two or more pending applications shall exist When conflict exists.

(a) when each of them contains one or more claims defining substantially the same invention; or

(b) when one or more claims of one application describe the invention disclosed in the other application.



Procedure to be followed before conflict is declared.

(2) When the Commissioner has before him two or more such applications he shall notify each of the applicants of the apparent conflict and transmit to each of them a copy of the conflicting claims, together with a copy of this section. The Commissioner shall give to each applicant the opportunity of inserting the same or similar claims in his application within a specified time.

Preliminary notice of conflict.

(3) If each of two or more of such completed applications contains one or more claims describing as new, and claims an exclusive property or privilege in, things or combinations so nearly identical that, in the opinion of the Commissioner, separate patents to different patentees should not be granted, the Commissioner shall forthwith notify each of the applicants to that effect.

Response.

(4) Each of the applicants, within a time to be fixed by the Commissioner, shall either avoid the conflict by the amendment or cancellation of the conflicting claim or claims, or, if unable to make such claims owing to knowledge of prior art, may submit to the Commissioner such prior art alleged to anticipate the claims. Thereupon each application shall be re-examined with reference to such prior art, and the Commissioner shall decide if the subject matter of such claims is patentable. 1932, c. 21, s. 1, Am.

Formal declaration of conflict.

(5) If the subject matter is found to be patentable and the conflicting claims are retained in the applications, the Commissioner shall require each applicant to file in the Patent Office, in a sealed envelope duly endorsed, within a time specified by him, an affidavit of the record of the invention. The affidavit shall declare:—

- (a) the date at which the idea of the invention described in the conflicting claims was conceived;
- (b) the date upon which the first drawing of the invention was made;
- (c) the date when and the mode in which the first written or verbal disclosure of the invention was made;
- (d) the dates and nature of the successive steps subsequently taken by the inventor to develop and perfect the said invention from time to time up to the date of the filing of the application for patent. 1932, c. 21, s. 1 (2), Am.

Opening envelopes containing record of invention.

(6) No envelope containing any such affidavit as aforesaid shall be opened, nor shall the affidavits be permitted to be inspected, unless there continues to be a conflict between two or more applicants, in which event all the envelopes shall be opened at the same time by the Commissioner in the presence of the Assistant Commissioner or an examiner as witness thereto, and the date of such opening shall be endorsed upon the affidavits. 1932, c. 21, s. 1 (2), Am.

(7) The Commissioner, after examining the facts stated in the affidavits, shall determine which of the applicants is the prior inventor to whom he will allow the claims in conflict and shall forward to each applicant a copy of his decision. A copy of each affidavit shall be transmitted to the several applicants. 1932, c. 21, s. 1 (2), Am.

Decision of  
Commis-  
sioner.

(8) The claims in conflict shall be rejected or allowed accordingly unless within a time to be fixed by the Commissioner and notified to the several applicants one of them commences proceedings in the Exchequer Court 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

Disposition of  
applications  
unless  
proceedings  
taken in  
Exchequer  
Court.

(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.

(9) 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 the Patent Office relating to the applications in conflict. 1932, c. 21, s. 1, Am.

Sending files  
to Court.

#### GRANT OF PATENTS.

**45.** Every patent granted under this Act shall contain the title or name of the invention, with a reference to the specification, and shall, subject to the conditions in this Act prescribed, grant to the patentee and his legal representatives for the term therein mentioned, from the granting of the same, the exclusive right, privilege and liberty of making, constructing, using and vending to others to be used the said invention, subject to adjudication in respect thereof before any court of competent jurisdiction. R.S., c. 150, s. 23, Am.

What patent  
shall contain  
and confer.

#### INVENTIONS BY PUBLIC SERVANTS.

**46.** (1) Every patent granted in respect of an invention made by a person while employed in the public service of Canada and relating to the nature of his employment shall, notwithstanding

Patents for  
inventions by  
persons in  
public  
service.

notwithstanding anything in the patent or in this Act to the contrary, be subject to the following conditions, which shall be endorsed on such patent, that is to say:—

Terms.

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

Duty of Commissioner.

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

Royalty.

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

Injunction.

(d) The Attorney General of Canada shall have a right of action in any court of competent jurisdiction to restrain the unauthorized use of the patented invention and recover damages therefor, which may be apportioned by the Commissioner, subject to the approval of the Minister, between the patentee and the Government;

Assignment of patent.

(e) Notwithstanding the foregoing provisions of this section, the patentee, with the consent of the Governor in Council, may assign the patent on such terms as to the division and payment of the consideration therefor, or otherwise, as the Governor in Council may decide, in which case the Government of Canada shall not thereafter be deemed to have any special right or interest in such patent except such rights and interests as are expressly reserved by the terms of the order in council granting such consent.

Disputes.

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

Deputy may apply if inventor refuses or fails.

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



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

(5) Any decision of the Commissioner under this section shall be subject to appeal to the Exchequer Court. R.S., c. 150, s. 24, Am. Appeal.

#### FORM AND TERM OF PATENTS.

**47.** Every patent granted under this Act shall be issued under the signature of the Commissioner and the seal of the Patent Office. The patent shall bear on its face the date on which it is granted and issued and it shall thereafter be *prima facie* valid and avail the grantee and his legal representatives for the term mentioned therein, which term shall be as in and by the next following section provided. Form of issue.

**48.** (1) The term limited for the duration of every patent of invention issued by the Patent Office under this Act the application for which patent shall be filed after the coming into force of this section shall be seventeen years from the date on which the patent is granted and issued. R.S., c. 150, s. 26, Am. Term of patent.

(2) The term limited for the duration of every patent of invention issued by the Patent Office under this Act the application for which patent shall have been filed prior to the coming into force of this section shall be eighteen years from the date on which the patent is granted and issued. Patents pending.

#### REISSUE OF PATENTS.

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

(2) Such surrender shall take effect only upon the issue of the new patent, and such new patent and the amended description and specification shall have the same effect in law, on the trial of any action thereafter commenced for Effect of new patent.



any cause subsequently accruing, as if such amended description and specification had been originally filed in their corrected form before the issue of the original patent, but in so far as the claims of the original and reissued patents are identical such surrender shall not affect any action pending at the time of reissue nor abate any cause of action then existing, and the reissued patent to the extent that its claims are identical with the original patent shall constitute a continuation thereof and have effect continuously from the date of the original patent.

Separate patents for separate parts.

(3) The Commissioner may entertain separate applications and cause patents to be issued for distinct and separate parts of the invention patented, upon payment of the fee for a reissue for each of such reissued patents. R.S., c. 150, s. 27, Am.

#### DISCLAIMERS.

Patentee may disclaim anything included in patent by mistake.

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

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

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

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

Form and attestation of disclaimer.

(2) Such disclaimer shall be in writing, and in duplicate, and shall be attested by one or more witnesses. One copy thereof shall be filed and recorded in the office of the Commissioner. The other shall be attached to the patent and made a part thereof by reference. The disclaimer shall thereafter be deemed to be part of the original specification.

Pending suits not affected.

(3) No disclaimer shall affect any action pending at the time when it is made, except as to unreasonable neglect or delay in making it.

Death of patentee.

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

Effect of disclaimer.

(5) The patent shall, after disclaimer as in this section provided, be deemed to be valid for such material and substantial part of the invention, definitely distinguished from other parts thereof claimed without right, as is not disclaimed and is truly the invention of the disclaimant,

and the disclaimant shall be entitled to maintain an action or suit in respect of such part accordingly. R.S., c. 150, s. 28, Am.

ASSIGNMENTS AND DEVOLUTIONS.

**51.** (1) A patent may be granted to any person to whom an inventor, entitled under this Act to obtain a patent, has assigned in writing or bequeathed by his last will his right to obtain it. In the absence of such assignment or bequest the patent may be granted to the personal representatives of the estate of a deceased inventor. R.S., c. 150, s. 29, Am.

Assignee or personal representatives may obtain patent

(2) If the applicant for a patent has, after filing his application, assigned his right to obtain the patent, or if he has either before or after filing his application assigned in writing the whole or part of his property or interest in the invention, the assignee may register such assignment in the Patent Office in the manner from time to time prescribed by the Commissioner, and no application for a patent shall be withdrawn without the consent in writing of every such registered assignee. R.S., c. 150, s. 18, Am.

Assignees may object to withdrawal of application.

(3) No such assignment shall be registered in the Patent Office unless it is accompanied by the affidavit of a subscribing witness or established by other proof to the satisfaction of the Commissioner that such assignment has been signed and executed by the assignor.

Attestation.

**52.** (1) Every patent issued for an invention shall be assignable in law, either as to the whole interest or as to any part thereof, by an instrument in writing.

Patents to be assignable.

(2) Such assignment, and every grant and conveyance of any exclusive right to make and use and to grant to others the right to make and use the invention patented, within and throughout Canada or any part thereof, shall be registered in the Patent Office in the manner from time to time prescribed by the Commissioner.

Registration.

(3) No such assignment, grant or conveyance shall be registered in the Patent Office unless it is accompanied by the affidavit of a subscribing witness or established by other proof to the satisfaction of the Commissioner that such assignment, grant or conveyance has been signed and executed by the assignor and also by every other party thereto.

Attestation.

(4) Every assignment affecting a patent for invention, whether it be referable to this or the next preceding section, shall be null and void against any subsequent assignee, unless such instrument is registered as hereinbefore prescribed, before the registration of the instrument under which such subsequent assignee claims. R.S., c. 150, s. 30. Am.

Assignment null if not registered.

## LEGAL PROCEEDINGS IN RESPECT OF PATENTS

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

**53.** (1) A patent shall be void if any material allegation in the petition or declaration of the applicant in respect of such patent is untrue, or if the specifications and drawings contain more or less than is necessary for obtaining the end for which they purport to be made, and such omission or addition is wilfully made for the purpose of misleading.

Exception in case of involuntary error.

(2) If it appears to the court that such omission or addition was an involuntary error, and if it is proved that the patentee is entitled to the remainder of his patent *pro tanto*, the court shall render a judgment in accordance with the facts, and shall determine as to costs, and the patent shall be held valid for that part of the invention described to which the patentee is so found to be entitled.

Copies of judgment to be sent to Patent Office.

(3) Two office copies of such judgment shall be furnished to the Patent Office by the patentee. One of them shall be registered and remain of record in the office and the other shall be attached to the patent and made a part of it by a reference thereto. R.S., c. 150, s. 31. Am.

## INFRINGEMENT.

Jurisdiction of courts.

**54.** (1) An action for the infringement of a patent may be brought in that court of record which, in the province wherein the infringement is said to have occurred, has jurisdiction, pecuniarily, to the amount of the damages claimed and which, with relation to the other courts of the province holds its sittings nearest to the place of residence or of business of the defendant. Such court shall decide the case and determine as to costs, and assumption of jurisdiction by the court shall be of itself sufficient proof of jurisdiction. R.S., c. 150, s. 33, Am.

Jurisdiction of Exchequer Court preserved.

(2) Nothing in this section shall impair the jurisdiction of the Exchequer Court of Canada under section twenty-two of the *Exchequer Court Act* or otherwise.

Infringement and remedy provided by action for damages.

**55.** (1) Any person who infringes a patent shall be liable to the patentee and to all persons claiming under him for all damages sustained by the patentee or by any such person, by reason of such infringement.

Patentee to be a party.

(2) Unless otherwise expressly provided, the patentee shall be or be made a party to any action for the recovery of such damages.

Patent not to affect a previous purchaser.

**56.** Every person who, before the issuing of a patent has purchased, constructed or acquired any invention for which a patent is afterwards obtained under this Act, shall have the right of using and vending to others the specific article,



machine, manufacture or composition of matter patented and so purchased, constructed or acquired before the issue of the patent therefor, without being liable to the patentee or his legal representatives for so doing; but the patent shall not, as regards other persons, be held invalid by reason of such purchase, construction or acquisition or use of the invention by the person first mentioned, or by those to whom he has sold it, unless it was purchased, constructed, acquired or used for a longer period than two years before the application for a patent therefor, in consequence whereof the invention became public and available to public use. R.S., c. 150, s. 50.

Proviso as to other persons.

**57.** In any action for infringement of a patent the court, or any judge thereof, may, on the application of the plaintiff or defendant make such order as the court or judge sees fit,

Injunction may issue.

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

(b) for and respecting inspection or account; and

(c) generally, respecting the proceedings in the action.

(2) An appeal shall lie from any such order under the same circumstances and to the same court as from other judgments or orders of the court in which the order is made. R.S., c. 150, s. 34, Am.

Appeal.

**58.** When in any action or proceeding respecting a patent which contains two or more claims, one or more of such claims is or are held to be valid, but another or others is or are held to be invalid or void, effect shall be given to the patent as if it contained only the valid claim or claims. 1932, c. 21, s. 2.

Invalid claims not to affect valid claims.

**59.** The defendant, in any action for infringement of a patent may plead as matter of defence any fact or default which by this Act or by law renders the patent void, and the court shall take cognizance of such pleading and of the relevant facts and decide accordingly. R.S., c. 150, s. 36.

Defence.

#### IMPEACHMENT.

**60.** (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.

Impeachment of patents or patent claims.

(2) If any person has reasonable cause to believe that any process used or proposed to be used or any article

Declaration as to infringement.



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.

Security  
for costs.

(3) Except the Attorney General of Canada or the Attorney General of a province of Canada the plaintiff in any action under this section shall, before proceeding therein, give security for the costs of the patentee in such sum as the Court may direct, but a defendant in any action for the infringement of a patent shall be entitled to obtain a declaration under this section without being required to furnish any security. 1932, c. 21, s. 3, Am.

#### PRIORITY OF INVENTIONS.

Prior inventor  
must disclose  
his invention  
to establish  
priority.

**61.** (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,

- (a) 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
- (b) such other inventor had, before the issue of the patent, made an application for patent in Canada upon which conflict proceedings should have been directed; or that
- (c) such other inventor had at any time made an application in Canada which by virtue of section twenty-seven of this Act had the same force and effect as if it had been filed in Canada before the issue of the patent and upon which conflict proceedings should properly have been directed had it been so filed.

A second  
patent cannot  
issue unless on  
adjudication  
the first  
patent is set  
aside.

Action to set  
aside prior  
patent.

(2) Notwithstanding the provisions of section forty-two of this Act, an application for a patent for an invention for which a patent has already issued under this Act shall be rejected unless the applicant, within a time to be fixed by the Commissioner, commences an action to set aside the prior patent, so far as it covers the invention in question, but if such action is so commenced and diligently prosecuted, the application shall not be deemed to have been abandoned unless the applicant fails to proceed upon it within a reasonable time after the action has been finally disposed of.

(3) 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. 1932, c. 21, s. 4, Am.

When provisions of subsection one do not apply.

#### JUDGMENTS.

**62.** A certificate of the judgment voiding in whole or in part any patent shall, at the request of any person filing it to make it of record in the Patent Office, be entered on the margin of the enrolment of the patent in the Patent Office, and the patent or such part thereof as is so voided shall thereupon be and be held to have been void and of no effect, unless the judgment is reversed on appeal as hereinafter provided. R.S., c. 150, s. 38.

Judgment voiding patent to be filed.

**63.** Every judgment voiding in whole or in part or refusing to void in whole or in part any patent shall be subject to appeal to any court having appellate jurisdiction in other cases decided by the court by which such judgment was rendered. R.S., c. 150, s. 39.

Appeal.

#### CONDITIONS.

**64.** (1) The Commissioner may, at any time, by notice in writing addressed to the patentee of any patent specified by him, or to his registered representative in Canada, and to every person who has a registered interest in such patent, require the patentee and such persons in respect of such specified patent to transmit and deliver to the Commissioner within sixty days from the date of such notice, or within such further time as the Commissioner may allow, a return stating:—

Information relating to patents.

(a) whether the patented invention is being worked on a commercial scale in Canada, and the place where and the name and address of the person by whom the patented invention is being so worked; and

(b) the reasons, if any, why such patented invention is not being worked on a commercial scale in Canada.

(2) The failure of the patentee or his registered representative in Canada or that of any such person having a registered interest to comply with the terms of the notice mentioned in the next preceding subsection shall be deemed to be an admission on the part of the patentee or the person, as the case may be, so failing, that the patented invention is not being worked on a commercial scale in Canada.

Effect of failure to comply.

Abuse of rights under patents.

**65.** (1) The Attorney General of Canada or any person interested may at any time after the expiration of three years from the date of the grant of a patent apply to the Commissioner alleging in the case of that patent that there has been an abuse of the exclusive rights thereunder and asking for relief under this Act.

What amounts to such abuse.

(2) The exclusive rights under a patent shall be deemed to have been abused in any of the following circumstances:—

Not working, patented invention.

(a) If the patented invention (being one capable of being worked within Canada) is not being worked within Canada on a commercial scale, and no satisfactory reason can be given for such non-working:

Proviso.

Provided that, if an application is presented to the Commissioner on this ground, and the Commissioner is of opinion that the time which has elapsed since the grant of the patent has by reason of the nature of the invention or for any other cause been insufficient to enable the invention to be worked within Canada on a commercial scale, the Commissioner may make an order adjourning the application for such period as will in his opinion be sufficient for that purpose;

Prevention of working by importation.

(b) If the working of the invention within Canada on a commercial scale is being prevented or hindered by the importation from abroad of the patented article by the patentee or persons claiming under him, or by persons directly or indirectly purchasing from him, or by other persons against whom the patentee is not taking or has not taken any proceedings for infringement;

Not meeting demand.

(c) If the demand for the patented article in Canada, is not being met to an adequate extent and on reasonable terms;

Prejudice to trade by refusal to licence.

(d) If, by reason of the refusal of the patentee to grant a licence or licences upon reasonable terms, the trade or industry of Canada or the trade of any person or class of persons trading in Canada, or the establishment of any new trade or industry in Canada, is prejudiced, and it is in the public interest that a licence or licences should be granted;

Prejudice by reason of conditions attached.

(e) If any trade or industry in Canada, or any person or class of persons engaged therein, is unfairly prejudiced by the conditions attached by the patentee, whether before or after the passing of this Act, to the purchase, hire, licence, or use of the patented article, or to the using or working of the patented process;

Prejudice in other respects

(f) If it is shown that the existence of the patent, being a patent for an invention relating to a process involving the use of materials not protected by the patent or for an invention relating to a substance produced by such a process, has been utilized by the patentee so as un-



fairly to prejudice in Canada the manufacture, use or sale of any such materials.

(3) It is declared with relation to every paragraph of the next foregoing subsection that, for the purpose of determining whether there has been any abuse of the exclusive rights under a patent, it shall be taken that patents for new inventions are granted not only to encourage invention but to secure that new inventions shall so far as possible be worked on a commercial scale in Canada without undue delay.

Declaration of basis of grants of patents.

**66.** On being satisfied that a case of abuse of the exclusive rights under a patent has been established, the Commissioner may exercise any of the following powers as he may deem expedient in the circumstances:—

Powers of Commissioner in cases of abuse.

(a) He may order the grant to the applicant of a licence on such terms as the Commissioner may think expedient, including a term precluding the licensee from importing into Canada any goods the importation of which, if made by persons other than the patentee or persons claiming under him would be an infringement of the patent, and in such case the patentee and all licensees for the time being shall be deemed to have mutually covenanted against such importation. A licensee under this paragraph shall be entitled to call upon the patentee to take proceedings to prevent infringement of the patent, and if the patentee refuses, or neglects to do so within two months after being so called upon, the licensee may institute proceedings for infringement in his own name as though he were the patentee, making the patentee a defendant. A patentee so added as defendant shall not be liable for any costs unless he enters an appearance and takes part in the proceedings. Service on the patentee may be affected by leaving the writ at his address or at the address of his representative for service as appearing in the records of the Patent Office. In settling the terms of a licence under this paragraph the Commissioner shall be guided as far as may be by the following considerations:—

Compulsory licences.

(i) he shall, on the one hand, endeavour to secure the widest possible user of the invention in Canada consistent with the patentee deriving a reasonable advantage from his patent rights;

(ii) he shall, on the other hand, endeavour to secure to the patentee the maximum advantage consistent with the invention being worked by the licensee at a reasonable profit in Canada;

(iii) he shall also endeavour to secure equality of advantage among the several licensees, and for this purpose may, on due cause being shown, reduce the

royalties



royalties or other payments accruing to the patentee under any licence previously granted: Provided that, in considering the question of equality of advantage, the Commissioner shall take into account any work done or outlay incurred by any previous licensee with a view to testing the commercial value of the invention or to securing the working thereof on a commercial scale in Canada;

Exclusive compulsory licences.

(b) If the Commissioner is satisfied that the invention is not being worked on a commercial scale within Canada, and is such that it cannot be so worked without the expenditure of capital for the raising of which it will be necessary to rely on the exclusive rights under the patent, he may, unless the patentee or those claiming under him will undertake to find such capital, order the grant to the applicant, or any other person, or to the applicant and any other person or persons jointly, if able and willing to provide such capital, of an exclusive licence on such terms as the Commissioner may think just, but subject as hereafter in this Act provided;

Order for a licence.

(c) If the Commissioner is satisfied that the exclusive rights have been abused in the circumstances specified in paragraph (f) of subsection two of the last foregoing section, he may order the grant of licences to the applicant and to such of his customers, and containing such terms, as the Commissioner may think expedient;

Revocation of patent.

(d) If the Commissioner is satisfied that the objects of this and the last foregoing sections cannot be attained by the exercise of any of the foregoing powers, he may order the patent to be revoked, either forthwith or after such reasonable interval as may be specified in the order, unless in the meantime such conditions as may be prescribed in the order with a view to attaining the objects of this and the last foregoing sections are fulfilled, and the Commissioner may, on reasonable cause shown in any case, by subsequent order extend the interval so specified:

Provided that the Commissioner shall make no order for revocation which is at variance with any treaty, convention, arrangement, or engagement with any other country to which Canada is a party;

Refusal of order.

(e) If the Commissioner is of opinion that the objects of this and the last foregoing sections will be best attained by making no order under the above provisions of this section, he may make an order refusing the application and dispose of any question as to costs thereon as he thinks just.

**67.** (1) In settling the terms of any such exclusive licence as is provided in paragraph (b) of the last preceding section, due regard shall be had to the risks undertaken by the licensee in providing the capital and working the invention, but, subject thereto, the licence shall be so framed as—

Terms of order for licence.

(a) to secure to the patentee the maximum royalty compatible with the licensee working the invention within Canada on a commercial scale and at a reasonable profit;

(b) to guarantee to the patentee a minimum yearly sum by way of royalty, if and so far as it is reasonable so to do, having regard to the capital requisite for the proper working of the invention and all the circumstances of the case;

and, in addition to any other powers expressed in the licence or order, the licence and the order granting the licence shall be made revocable at the discretion of the Commissioner if the licensee fails to expend the amount specified in the licence as being the amount which he is able and willing to provide for the purpose of working the invention on a commercial scale within Canada, or if he fails so to work the invention within the time specified in the order.

(2) In deciding to whom such an exclusive licence is to be granted the Commissioner shall, unless good reason is shown to the contrary, prefer an existing licensee to a person having no registered interest in the patent.

Existing licensees preferred.

(3) The order granting an exclusive licence under the last foregoing section shall operate to take away from the patentee any right which he may have as patentee to work or use the invention and to revoke all existing licences, unless otherwise provided in the order, but on granting an exclusive licence the Commissioner may, if he thinks it fair and equitable, make it a condition that the licensee shall give proper compensation to be fixed by the Commissioner for any money or labour expended by the patentee or any existing licensee in developing or exploiting the invention.

Effect of order for licence.

**68.** (1) Every application presented to the Commissioner under sections sixty-five or sixty-six shall set out fully the nature of the applicant's interest and the facts upon which the applicant bases his case and the relief which he seeks. The application shall be accompanied by statutory declarations verifying the applicant's interest and the facts set out in the application.

Contents of applications.

(2) The Commissioner shall consider the matters alleged in the application and declarations, and, if satisfied that the applicant has a *bona fide* interest and that a *prima facie* case for relief has been made out, he shall direct the applicant to serve copies of the application and declarations upon the patentee or his representative for service and upon any other persons appearing from the records of the

Service on patentee and others interested.

Advertising. Patent Office to be interested in the patent, and the applicant shall advertise the application in the *Canada Gazette* and the Canadian Patent Office Record.

Opposition and counter statement.

**69.** (1) If the patentee or any person is desirous of opposing the granting of any relief under sections sixty-five to seventy, inclusive, he shall, within such time as may be prescribed or within such extended time as the Commissioner may on application further allow, deliver to the Commissioner a counter statement verified by a statutory declaration fully setting out the grounds on which the application is to be opposed.

Attendance for cross-examination.

(2) The Commissioner shall consider the counter statement and declarations in support thereof and may thereupon dismiss the application if satisfied that the allegations in the application have been adequately answered, unless any of the parties demands a hearing or unless the Commissioner himself appoints a hearing. In any case the Commissioner may require the attendance before him of any of the declarants to be cross-examined or further examined upon matters relevant to the issues raised in the application and counter statement, and he may, subject to due precautions against disclosure of information to rivals in trade, require the production before him of books and documents relating to the matter in issue.

Reference to Exchequer Court.

(3) In any case where the Commissioner does not dismiss an application as hereinbefore provided, and

(a) if the parties interested consent; or

(b) if the proceedings require any prolonged examination of documents or any scientific or local investigation which cannot in the opinion of the Commissioner conveniently be made before him;

the Commissioner with the approval in writing of the Minister may order the whole proceedings or any issue of fact arising thereunder to be referred to the Exchequer Court of Canada, which shall have jurisdiction in the premises, and where the whole proceedings are so referred, the judgment, decision or order of said Court shall be final; and where a question or issue of fact is so referred, the said Court shall report its findings to the Commissioner.

Licence deemed to be by deed.

**70.** (1) Any order for the grant of a licence under this Act shall, without prejudice to any other method of enforcement, operate as if it were embodied in a deed granting a licence executed by the patentee and all other necessary parties.

Exception.

(2) The provisions of sections sixty-five to seventy, inclusive, shall not apply to patents granted subject to the provisions of section forty-six of this Act.

(3)



(3) For the purposes of sections sixty-five to seventy, inclusive, the expression "patented article" includes articles made by a patented process. "Patented article".

71. All orders and decisions of the Commissioner under sections sixty-five to seventy, inclusive, shall be subject to appeal to the Exchequer Court, and on any such appeal the Attorney General of Canada or such counsel as he may appoint shall be entitled to appear and be heard. Appeal to Exchequer Court.

CAVEATS.

72. (1) Any intending applicant for a patent who has not yet perfected his invention and is in fear of being spoiled of his idea, may file in the Patent Office a document setting forth a description of his invention so far as it has proceeded, with or without plans, at his own will; and the Commissioner, on payment of the prescribed fee shall cause that document, which shall be called a *caveat*, to be preserved in secrecy with the exception that he shall deliver copies thereof whenever required by the applicant or by any judicial tribunal. The secrecy of the document shall cease when the applicant obtains a patent for his invention. Intending applicant for patent may file a caveat.

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

(3) Unless the person filing a *caveat* makes application within one year from such filing the Commissioner shall be relieved from the obligation of giving notice and the *caveat* shall thereafter remain as a simple matter of proof as to novelty or priority of invention, if required. R.S., c. 150, s. 42. Duration of caveat.

PATENT FEES.

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

On filing an application for patent.....	\$15 00
On grant of patent, payable on pain of forfeiture within six months from the date of notice of the allowance of patent.....	20 00



On asking reinstatement of abandoned application under section thirty-one.....	\$ 15 00
On filing an amendment after allowance of an application for patent.....	5 00
On lodging a caveat.....	5 00
On asking to register a judgment <i>pro tanto</i> .....	4 00
On asking information <i>re</i> a pending application under section eleven.....	2 00
On asking to register an assignment or any other document affecting or relating to a patent.....	2 00
On asking to attach a disclaimer to a patent.....	2 00
On asking entry of appointment of representative under section thirty, subsection two.....	2 00
On application for registration under section fifteen.	5 00
On petition to reissue a patent after surrender....	30 00
On filing an application or petition under sections forty, forty-six or sixty-five or sixty-six of this Act—For each patent mentioned therein.....	10 00
On filing an application for the restoration and revival of a patent—For each patent mentioned therein.	35 00
On asking for a copy of patent with specification, exclusive of drawings.....	4 00
For every copy of drawings, per sheet.....	0 25
For every additional copy of drawings, per sheet...	0 15
For uncertified photostat or blue print copy of any paper or drawing, per sheet.....	0 25
On office copies of documents, not above-mentioned the following charges shall be made, the minimum charge being \$1.00:—	
For every single or first folio of one hundred words certified copy.....	0 25
For every such subsequent folio, fractions of or under one-half not being counted, and of one-half or more being counted as a folio.....	0 10

Fees paid prior to this Act.

(2) In the case of a patent on which a fee of twenty dollars was paid prior to the thirtieth day of June, 1923, a further fee of fifteen dollars on pain of nullity of the patent shall be payable at or before the expiration of six years from the date of its issue.

Forfeited application.

(3) A forfeited application may be restored and a patent granted thereon on application to the Commissioner within six months from the incurrance of the forfeiture. on payment with the application for restoration, in addition to the fee payable on the grant of the patent, of a further fee of fifteen dollars and the restored application shall be subject to amendment and re-examination.

Cancellation of claims excepted.

(4) The mere cancellation of claims after allowance of an application shall not involve the payment of an additional fee.

(5)

(5) The fees on any proceedings not herein provided for shall be such as may be fixed by the Commissioner with the approval of the Governor in Council. R.S., c. 150, s. 43, Am. Unprovided fees.

74. The fees set forth in the next preceding section shall be in full of all services performed under this Act, in any such case, by the Commissioner or any person employed in the Patent Office. R.S., c. 150, s. 44. Fees in full for all services.

75. All fees or charges for which payment is received under this Act, except such sums as are paid for copies of drawings when made by persons not receiving salaries in the Patent Office, shall be paid over to the Minister of Finance, and shall form part of the Consolidated Revenue Fund of Canada. R.S., c. 150, s. 45. Application of fees.

76. No person shall be exempt from the payment of any fee or charge payable in respect of any services performed for such person under this Act; and, except as otherwise specifically provided in this Act, no fee, when paid, shall be returned to the person who paid it. R.S., c. 150, s. 46, Am. No exemptions.

#### RESTORATION OF PATENTS

77. (1) Where any patent has become void under the terms of the *Patent Act*, chapter sixty-nine, Revised Statutes of Canada, 1906, or of the *Patent Act*, chapter one hundred and fifty of the Revised Statutes of Canada, 1927, in consequence of the non-payment of fees or failure to construct or manufacture, or because of the importation of the patented invention, the patentee may within two years from the date of such voidance apply to the Commissioner for an order for the restoration and revival of the patent. Restoration and revival of patents.

(2) The Commissioner after hearing the patentee and any other interested parties on such application of which hearing due notice shall be given by publication in the *Canada Gazette* and the *Canadian Patent Office Record* or any other official publication of the Patent Office, and after considering all the circumstances of the case, may make an order either restoring and reviving the patent or dismissing the application. Order of restoration or dismissal.

(3) No such application shall be granted if it appears that there has been undue delay in making it or that the voidance of the patent was intentional on the part of the patentee. Effects of delay in application.

(4) If the voidance of the patent was in consequence of the non-payment of any fee, such fees shall be paid before any order restoring and reviving the patent shall be effective. Non-payment of fee.

(5)

Return of fee. (5) If the application be dismissed, the Commissioner at his discretion, may return the fee paid thereon less the sum of fifteen dollars.

Saving rights. (6) In any case where a patent which has become void is restored and revived as aforesaid and during the period when such patent was void and before the publication of notice of hearing on an application for its restoration and revival as aforesaid any person has commenced lawfully to construct, manufacture, use or sell in Canada the invention covered by such patent, such person may continue to construct, manufacture, use or sell such invention in as full and ample a manner as if such patent had not been restored and revived.

Appeal. (7) The Attorney General of Canada, the applicant or any other interested party who has opposed any such application may appeal from the decision of the Commissioner thereon to the Exchequer Court, which shall have jurisdiction to hear and determine any such appeal. R.S., c. 150, s. 47, Am.

#### OFFENCES AND PENALTIES.

Patented articles to be stamped or marked.

78. Any patentee under this Act or any one claiming under him who, in contravention of any requirement of section twenty-one of this Act, sells or offers for sale any articles patented under this Act, shall be liable to a fine not exceeding one hundred dollars, and in default of the payment of such fine, to imprisonment for a term not exceeding two months.

Falsely marking articles as patented.

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

Counterfeiting the patentee's marking.

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

(c)



(c) with intent to deceive the public offers for sale as patented in Canada any article not patented in Canada; is guilty of an indictable offence, and liable to a fine not exceeding two hundred dollars, or to imprisonment for a term not exceeding three months, or to both such fine and such imprisonment. R.S., c. 150, s. 64.

Offering unpatented article for sale as patented. An indictable offence.

**80.** Every person who

(a) wilfully makes or causes to be made any false entry in any register or book, or

(b) any false document or altered copy of any document, relating to the purposes of this Act, or who produces or tenders any such false or altered copy of a document in evidence, knowing it to be false or altered, is guilty of an indictable offence and shall be liable to a fine not exceeding five hundred dollars or to imprisonment for a term not exceeding six months, or to both such fine and such imprisonment. R.S., c. 150, s. 65, Am.

False entries an indictable offence.

**81.** Every patent heretofore or hereafter issued shall be deemed to have been properly issued if all the conditions of the issue of a valid patent which may have been or shall be in force, either at the date of the application therefor or at the date of the issue thereof, have been satisfied; but any provisions in force from time to time relating to the continued validity of patents after issue shall apply to all patents whenever granted.

Validity of patents.

Application of Act.

#### REPEAL.

**82.** The *Patent Act*, chapter one hundred and fifty of the Revised Statutes of Canada, 1927, and the amending Acts, chapter four of the Statutes of 1928, chapter thirty-four of the Statutes of 1930, and chapter twenty-one of the Statutes of 1932, are hereby repealed.

Repeal.

**83.** This Act shall come into force in whole or in part upon dates to be fixed by one or more proclamations of the Governor in Council.

When Act comes into force.





## 25-26 GEORGE V.

### CHAP. 33.

An Act to amend the Special War Revenue Act.

[Assented to 13th June, 1935.]

R.S., c. 179;  
1928, c. 50;  
1929, c. 57;  
1930, c. 43;  
1931, c. 54;  
1932, c. 54;  
1932-33, c. 50;  
1934, c. 42.

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

**1.** The *Special War Revenue Act*, chapter one hundred and seventy-nine of the Revised Statutes of Canada, 1927, is amended by repealing subsection two of section eighty-seven thereof, as enacted by section twelve of chapter fifty-four of the statutes of 1931.

Valuation  
if goods  
not sold.

**2.** Section eighty-eight of the said Act is amended by repealing subsection two thereof, as enacted by section twelve of chapter fifty-four of the statutes of 1932, and subsection three thereof, as enacted by section ten of chapter forty-two of the statutes of 1934, and substituting for the two said subsections the following subsection:—

“(2) The tax imposed by this section shall not apply to the articles enumerated in Schedule V to this Act, nor to any goods imported into Canada which are entitled to entry under the British Preferential Tariff or under trade agreements between Canada and other British countries.”

Excise tax  
on duty paid  
value  
modified.

**3.** Section one hundred and four of the said Act is amended by adding thereto the following paragraph as paragraph (e) of the said section:—

“(e) Any University established by or under the authority of the legislature or the Lieutenant Governor in Council of any province.”

Taxes to  
apply to  
universities.

**4.** Section one hundred and five of the said Act is amended by repealing subsection one thereof and substituting therefor the following subsection:—

“**105.** (1) A refund of the amount of taxes paid under Parts X, XI, XII and XIII of this Act may be granted to a manufacturer, producer, wholesaler, jobber or other dealer

Refund  
of taxes.

on goods sold to His Majesty in the right of the government of any province of Canada, if the said goods are purchased by His Majesty, for any purpose other than purposes of resale or for the use of any railway, commission, board or public utility which is operated by or under the authority of the Legislature or the Lieutenant Governor in Council of any province, or of any university established by or under the authority of the Legislature or the Lieutenant Governor in Council of any province.”

5. Section one hundred and eight of the said Act, as amended by section twenty-one of chapter fifty of the statutes of 1932-33, is further amended by adding thereto the following subsection as subsection six thereof:—

Collection  
of tax  
from third  
party.

“(6) (a) When the Minister has knowledge or suspects that any person is or is about to become indebted to a licensee he may, by registered letter, demand of such person that the moneys otherwise payable to the licensee be in whole or in part paid over to the Receiver General of Canada on account of said licensee’s liability under the provisions of this Act.

Receipt of  
Minister.

(b) The receipt of the Minister therefor shall constitute a good and sufficient discharge of the liability of such person to said licensee to the extent of the amount referred to in the receipt.

Personal  
liability.

(c) Any person discharging any liability to a licensee after receipt of the registered letter referred to shall be personally liable to the Receiver General of Canada to the extent of the liability discharged as between him and the licensee or to the extent of the liability of the licensee for taxes and penalties, whichever is the lesser amount.”

Schedule I  
amended.

6. Schedule I to the said Act, as amended by section twenty-six of chapter fifty of the statutes of 1932-33, is amended as follows:—

(1) Paragraph (iii) of section one of the said Schedule is repealed and the following is substituted therefor:—

“(iii) when such automobiles are produced or manufactured in Canada, if at least fifty per cent of the cost of producing the finished automobile has been incurred in Canada, such fifty per cent not to include duties or excise taxes paid upon imported materials.”

(2) The following section is added to the said Schedule:—

“4. Devices, commonly or commercially known as lighters, which produce sparks, flame or heat, n.o.p.20%

Such devices when combined with pencils, cigarette or other cases, on the combined value.....10%”

“Provided that in either case the tax hereby imposed shall not be less than ten cents in respect of each such device.”

7. Schedule III to the said Act, as enacted by section eighteen of chapter forty-two of the statutes of 1934, is amended by adding thereto the following words:— Schedule III amended.

“grain or seed cleaning machines; pit props and pack-wood for use exclusively in mines; casein; wood shavings and sawdust; peat-moss when used for agricultural purposes, including poultry litter.”

8. Schedule IV to the said Act, as enacted by section twenty-nine of chapter fifty of the statutes of 1932-33, is amended by adding thereto the following words:— Schedule IV amended.

“All articles manufactured or produced by the labour of the deaf and dumb in institutions in Canada established for their care, or under the control or direction of such institutions.”

9. Schedule V to the said Act, as enacted by section nineteen of chapter forty-two of the statutes of 1934, is amended by adding thereto the words “goods enumerated in Customs Tariff Item 692.” Schedule V amended.

10. (1) Sections one, two, six, except the proviso to section four of Schedule I, as enacted by subsection two, and sections seven, eight and nine of this Act shall be deemed to have come into force on the twenty-third day of March, 1935, and to have applied to all goods mentioned therein, imported or taken out of warehouse for consumption on and after that day, and to have applied to goods previously imported for consumption, for which no entry for consumption was made before that day. When sections come into force.

(2) The proviso to section four of Schedule I to the said Act, as enacted by subsection two of section six of this Act shall be deemed to have come into force on the first day of June, 1935.

11. The said Act is amended by inserting the following section immediately after section one hundred and twenty thereof, as enacted by section fifteen of chapter forty-two of the statutes of 1934:— Rights and obligations not affected by expiration of Part XV.

“120A. Notwithstanding the expiration on the thirty-first day of May, one thousand nine hundred and thirty-five of Part XV of the *Special War Revenue Act*, as enacted by section sixteen of chapter forty-two of the statutes of



1934, any privilege, obligation, liability, penalty, forfeiture or punishment acquired, accrued, accruing or incurred under the said Part, shall not be affected by such expiration, and any investigation, legal proceeding or remedy in respect of any such matter may be instituted, continued or enforced as well after as before the date of such expiration.”

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## 25-26 GEORGE V.

### CHAP. 34.

An Act to create employment by public works and undertakings throughout Canada and to authorize the guarantee of certain railway equipment securities.

[Assented to 13th June, 1935.]

WHEREAS Parliament did by *The Public Works Construction Act, 1934*, make provision for the construction and improvement of certain public works throughout Canada for the purpose of accelerating recovery of trade and industry to more normal conditions; and whereas in pursuance of the said Act there are Dominion public works throughout Canada in process of construction amounting approximately to thirty million dollars; and whereas employment can be further stimulated by the undertaking of works and projects mentioned in the Schedule hereto to supplement the works authorized by *The Public Works Construction Act, 1934*; and whereas it is in the national interest that such works and projects should be undertaken: Therefore, His Majesty by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Preamble,  
1934, c. 59.

1. This Act may be cited as *The Supplementary Public Works Construction Act, 1935*.

Short title.

2. The Governor in Council may authorize the execution and completion of the several works and undertakings mentioned in Schedule A to this Act, and for such purposes may authorize the performance of such acts and the execution of such contracts as may be deemed necessary and expedient: Provided, however, that in the execution of such works, as far as practicable and consistent with reasonable efficiency and economy, first consideration shall be given to the employment of those who if available and competent are most in need in the locality in which the works are to be performed, without any discrimination whatsoever; preference being shown to unemployed ex-service men and unemployed married and single men with

Authority to  
execute and  
complete  
works.

dependents; and that the minister of the department responsible for the execution of such works may take such action as he may deem necessary and proper to enforce compliance with the foregoing provisions.

Acquisition  
of lands.

**3.** The Governor in Council may acquire such lands as may be necessary for the purposes of this Act, and the provisions of the *Expropriation Act*, chapter sixty-four of the Revised Statutes of Canada, 1927, shall apply.

Amount  
appropriated.

**4.** The Governor in Council may authorize the Minister of Finance to pay out of unappropriated moneys in the Consolidated Revenue Fund such sums of money as may be necessary for all or any of the purposes of this Act, not exceeding in the aggregate the sum of eighteen million dollars exclusive of obligations arising under section nine of this Act.

Administra-  
tion.

**5.** The Governor in Council may from time to time place the administration, management, construction and execution of any of the works mentioned in Schedule A to this Act under such Minister or Department of the Government as may be considered most advisable in the public interest.

Tenders.

**6.** Except as hereinafter provided, the Minister or Department of the Government entrusted with the administration, management and execution of any of the works set forth in Schedule A to this Act, shall invite tenders for the construction and execution of such works, and contracts for all such works and undertakings shall be awarded under the direction of the Governor in Council.

Cases in  
which  
tenders may  
not be  
required.

**7.** In the case of work of pressing emergency in which, in the opinion of the Governor in Council, delay would be injurious to the public interest, or in which from the nature of the work it could be more beneficially executed under the direct supervision and control of the officers and employees of the Department in charge of such work, the Governor in Council, on the recommendation of the Minister of such Department, accompanied by a certificate as to the wisdom of such recommendation made by the Chief or Assistant Chief Engineer or Architect in charge of such work for the said Department, or of the Chief Engineer or Chief Architect of the Department of Public Works, may direct that the work proceed forthwith without inviting tenders:

Proviso.

Provided that in the case of any one work the cost of which is estimated to be less than fifteen thousand dollars, the Minister of the Department in charge of such work may proceed with such work under the direction of such Minister or Department.



8. For the purposes of this Act, the Governor in Council may authorize the Minister charged with the execution of any work under this Act from time to time to employ such architects, engineers and other persons as may be required.

Assistants.

9. (1) The Governor in Council may authorize the guarantee of the principal and interest of securities to be issued by the Canadian National Railway Company to the principal amount of eight million dollars and by the Canadian Pacific Railway Company to the principal amount of seven million dollars, for the purpose of acquisition or betterment or repairs of railway equipment; and the Canadian National Railway Company is hereby authorized to issue such securities for such purpose:

Power to guarantee equipment securities of C.N.R. and C.P.R.

Provided that the Governor in Council may authorize the Minister of Finance to reimburse the said railway companies or either of them the amount of the interest payable in respect of the said securities over a period not exceeding two years, and provided further that the Governor in Council may authorize the Minister of Finance to reimburse the Canadian National Railway Company out of any unappropriated moneys in the Consolidated Revenue Fund of Canada, the amount of any further interest payable on account of any of its securities issued under the authority of this section for the purpose of repairs of railway equipment.

Re-imbusement of interest.

(2) The guarantee or guarantees shall be in such form and on such terms and conditions as the Governor in Council may determine to be appropriate; and may be signed on behalf of His Majesty by the Minister of Finance, and such signature shall be conclusive evidence for all purposes of the validity of the guarantee.

Form, conditions and signature of guarantee.

(3) The Minister of Finance shall, with the approval of the Governor in Council, require each railway company to enter into an agreement with, or to furnish security to, His Majesty to secure and indemnify His Majesty in respect of any guarantee under this section.

Agreement or security to indemnify His Majesty.

(4) Notwithstanding anything contained in this section, the Governor in Council may, in lieu of authorizing the guarantee of securities to the full amounts hereinbefore provided, authorize the Minister of Finance to expend the sum or sums, being the difference or differences between the amount or amounts of securities which may be guaranteed under this section and the amount or amounts of securities actually guaranteed, for the purchase, on behalf of His Majesty, of railway equipment and to sell or lease the same to either or both of the said railways under agreement whereby the railway company or railway companies shall reimburse His Majesty the full amount of the cost of the said equipment with interest, except in respect of the first and second years covered by the agreement, at a rate

Expenditure for purchase of equipment and sale of same to railway companies.



to be fixed by the Governor in Council and such agreement shall provide that security be furnished to secure and indemnify His Majesty in respect of the debt due to His Majesty.

Power to fix percentage of cost applicable to highway crossings.

**10.** Notwithstanding anything contained in section two hundred and sixty-two of the *Railway Act*, as enacted by chapter forty-three of the statutes of 1928, and amended by chapter fifty-four of the statutes of 1929, the Governor in Council may in the case of any highway crossing of a railway determine the percentage of the cost which shall be payable out of the sum appropriated by this Act to aid actual construction work for the protection, safety and convenience of the public.

Orders in Council laid before House.

**11.** All orders in council 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, and if not, then said orders in council or an abstract thereof disclosing their essential provisions shall be published in the next following issue of the *Canada Gazette* and laid before Parliament in the case of all expenditures the amounts of which are not specifically set forth in Schedule A to this Act within the first fifteen days of the next ensuing session.

Report to Parliament.

**12.** The Minister of Finance shall make a report to Parliament within the first thirty days of each session during the currency of this Act, containing a statement of all moneys expended under the provisions thereof and the purposes to which they were applied.

## SCHEDULE A.

1. Railway Grade Crossings.....	\$ 1,000,000
2. Geological Surveys and investigations in the Northwest Territories and elsewhere in Canada.....	1,000,000
3. Montreal Harbour Improvement and Deepening.....	3,500,000
4. Quebec Harbour Improvements and Maintenance.....	1,250,000
5. Canals—Repairs and Improvements.....	750,000
6. Western Conservation Works.....	500,000
7. Tunnel at Western Entrance Toronto Harbour.....	1,000,000
8. Buildings and Improvements, Department of Agriculture.....	500,000
9. Harbours and Rivers generally.....	2,500,000
10. Alterations, Improvements and Additions to Public Buildings and to supplement where necessary, upon the authority of the Governor in Council, specific amounts provided in the Schedule to <i>The Public Works Construction Act, 1934</i> .....	4,000,000
11. INTERIOR DEPARTMENT—To provide for the construction and development of public buildings, camp sites, electric light and telephone systems, highways, bridges, streets, sidewalks, landing fields, air harbours, trails, water and sewer systems, recreational areas, wharves, and river protection works; to provide for the development of historic sites including buildings, repairs and restorations; to provide for the purchase and acquisition of building sites, also to provide for the construction of the Golden-Revelstoke (Big Bend) section of the Trans-Canada Highway.....	1,500,000
12. Lac Seul Protection Works.....	175,000
13. Bridge at Ceepee, Saskatchewan.....	225,000
14. Halifax—Pedestrian subway under C.N.R. tracks, Inglis St.....	40,000
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	\$17,940,000



## 25-26 GEORGE V.

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### CHAP. 35.

An Act to amend the Admiralty Act, 1934.

[Assented to 28th June, 1935.]

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

**1.** Section twenty-four of *The Admiralty Act, 1934*, chapter thirty-one of the statutes of Canada, 1934, is repealed and the following substituted therefor:—

Effect of decrees and orders of court.

“**24.** All decrees and orders of the Court, whereby any sums of money or any costs charges or expenses shall be payable to any person, shall have the same effect as judgments in the superior court of the province in which any decree or order is to be executed, and the persons to whom any such moneys or costs charges or expenses shall be payable, shall be deemed judgment creditors; and all powers of enforcing judgments by such superior court or any judge thereof, as well against the ships and goods arrested as against the person of the judgment debtor, shall be possessed by the Exchequer Court with respect to matters therein on its Admiralty side depending; and all remedies at law possessed by judgment creditors shall be in like manner possessed by persons by whom any moneys, costs, charges or expenses are by such order or decree of the Exchequer Court directed to be paid.”

Power to enforce judgments.

**2.** Subsections three, four, five and six of section thirty-two of the said Act are repealed.

Repeal.





## 25-26 GEORGE V.

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### CHAP. 36.

An Act to amend the Criminal Code.

[Assented to 28th June, 1935.]

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

**1.** Subsection three of section two hundred and fifteen of the *Criminal Code*, chapter thirty-six of the Revised Statutes of Canada, 1927, as amended by section three of chapter fifty-three of the statutes of 1932-1933, is repealed and the following substituted therefor:—

“(3) It shall be an irrebuttable presumption in any prosecution under subsection two of this section, that the child was in danger of being or becoming immoral, its morals injuriously affected and its home rendered an unfit place for it to be in, upon proof that the person accused did in fact, in the home of such child, participate in adultery, in sexual immorality, in habitual drunkenness, or in any other form of vice: Provided that this subsection shall not apply in the case of two persons who are not married to each other but are living together as man and wife and reputed to be man and wife, and where the child so affected is the child of the two persons so living together.

Irrebuttable  
presumption.

**2.** Section two hundred and fifteen of the said Act, as amended by section three of chapter fifty-three of the statutes of 1932-1933, is further amended by adding thereto the following:—

“(7) No prosecution for an offence under this section shall be commenced after the expiration of one year from the time of its commission.”

Limitation  
of action.



## 25-26 GEORGE V.

### CHAP. 37.

An Act to amend The Dominion Franchise Act.

[Assented to 28th June, 1935.]

HIS Majesty, by and with the advice and consent of <sup>1934, c. 51.</sup> the Senate and House of Commons of Canada, enacts as follows:—

1. Subsection five of section thirty-two of *The Dominion Franchise Act*, chapter fifty-one of the statutes of 1934, is repealed and the two following subsections are substituted therefor:—

“(5) Upon the hearing of any such appeal from any final ruling which the Registrar of Electors, sitting as a Court of Revision, may, in the exercise of his discretion, have made, placing, retaining or removing the name of any person on or from the list of electors of any polling division in the electoral district of such Registrar, the Judge shall not rescind such final ruling of the Registrar nor order that the name of such person shall be placed, retained or removed on or from the list of electors for any polling division of such electoral district, unless evidence satisfactory to the Judge has been adduced at such hearing that such person is a qualified elector whose place of residence is in the said polling division and that his name should be placed or retained on such list, or that such person is not a qualified elector whose place of residence is in said polling division and that his name should be removed from such list.

Judge may not rescind final ruling of Registrar, or add, retain or remove names, except upon certain adduced evidence at hearing.

“(6) The Judge shall report in writing to the Registrar of Electors the result of each such appeal as relates to any polling division of such Registrar's electoral district, and the Registrar shall be governed in placing, retaining or removing any name on or from the list of electors of any such polling division by the decision in writing of such Judge concerning the same.”

Report of Judge.

2.



French  
version  
amended.

2. Section twenty-five of the French version of the said Act is amended by striking out the word "destitution" in the fourteenth line thereof and substituting therefor the word "déménagement".

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King's Most Excellent Majesty.

## 25-26 GEORGE V.

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### CHAP. 38.

An Act to establish an Employment and Social Insurance Commission, to provide for a National Employment Service, for Insurance against Unemployment, for aid to Unemployed Persons, and for other forms of Social Insurance and Security, and for purposes related thereto.

[Assented to 28th June, 1935.]

**W**HEREAS the Dominion of Canada was a signatory, as Preamble.  
Part of the British Empire, to the Treaty of Peace made between the Allied and Associated Powers and Germany, signed at Versailles, on the 28th day of June, 1919; and whereas the said Treaty of Peace was confirmed by The Treaties of Peace Act 1919; and whereas, by Article 23 of the said Treaty, each of the signatories thereto agreed that they would endeavour to secure and maintain fair and humane conditions of labour for men, women and children, both in their own countries and in all countries to which their commercial and industrial relations extend, and by Article 427 of the said Treaty declared that the well-being, physical, moral and intellectual, of industrial wage-earners is of supreme international importance; and whereas it is desirable to discharge the obligations to Canadian Labour assumed under the provisions of the said Treaty; and whereas it is essential for the peace, order and good government of Canada to provide for a National Employment Service and Insurance against unemployment, and for other forms of Social Insurance and for the purpose of maintaining on equitable terms, interprovincial and international trade, and to authorize the creation of a National Fund out of which benefits to unemployed persons throughout Canada will be payable and to provide for levying contributions from employers and workers for the maintaining of the said Fund and for contributions thereto by the Dominion: Therefore His Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

**1.**

## SHORT TITLE.

Short title. **1.** This Act may be cited as *The Employment and Social Insurance Act*.

## INTERPRETATION.

Definitions. **2.** (1) In this Act and in any regulation or order made thereunder unless the context otherwise requires,

"Commission". (a) "Commission" means the Employment and Social Insurance Commission created by this Act;

"Contribution" or "contributions". (b) "contribution" or "contributions," in relation to the number counted for the purposes of determining benefit rights and the duration of benefits of an insured contributor on an application for unemployment benefit, means full weekly contribution or contributions, as the case may be, after making allowance for the number of unemployed days for which contributions were paid in respect of him and in respect of which he is entitled to a refund of contributions paid by him by reason of having been unemployed during those days;

"Day". (c) "day", means a period of twenty-four hours from twelve o'clock in the afternoon to the same hour of the next day or such other period of twenty-four hours as the Commission may for any general or special purpose prescribe;

"Employment Service". (d) "employment service", includes employment offices organized and administered as provided by this Act;

"Insurance year". (e) "insurance year", means such period of not less than fifty-two or more than fifty-three weeks as may be prescribed by regulation in that behalf;

"Minister". (f) "Minister", means the Minister designated by the Governor in Council for the purposes of this Act;

"Person". (g) "person" means a person of either sex;

"Prescribed". (h) "prescribed", means prescribed by regulation of the Commission;

"Regulation". (i) "regulation", means any regulation made in the manner prescribed by this Act;

"Trade dispute". (j) "trade dispute", means any dispute between employers and employees, or between employees and employees, which is connected with the employment or non-employment, or the terms or conditions of employment of any persons, whether employees in the employment of the employer with whom the dispute arises, or not.

Construction of certain expressions in this Act.

(2) In this Act and in any regulation or order made thereunder, unless the context otherwise requires, each of the following expressions shall have the meaning assigned thereto in the provisions of this Act hereinafter in this subsection respectively mentioned:

- (a) "an insured contributor," subsection one of section twenty;
- (b) "benefit year," section twenty-four;
- (c) "calendar week," Second Schedule, Part II, paragraph ten;
- (d) "child," Third Schedule, Part II, paragraph six;
- (e) "continuously unemployed," subsection four of section twenty;
- (f) "continuous period of unemployment," subsection four of section twenty;
- (g) "employer's contribution," subsection three of section seventeen;
- (h) "employed persons," subsection one of section fifteen;
- (i) "insurable employment," subsection one of section fifteen;
- (j) "statutory conditions," section nineteen and subsection one of section twenty;
- (k) "unemployment benefit," section nineteen;
- (l) "unemployment books," subsection two of section eighteen;
- (m) "unemployment cards," subsection two of section eighteen;
- (n) "Unemployment Insurance Advisory Committee," section thirty-six;
- (o) "Unemployment Insurance Fund," subsection one of section seventeen and subsection one of section thirty-five;
- (p) "unemployment insurance stamps," subsection two of section eighteen.

**3.** The remainder of this Act may be referred to as follows:— Division  
into Parts.

PART I, sections four to nine inclusive, relating to the Employment and Social Insurance Commission;

PART II, sections ten to fourteen inclusive, relating to Employment Service;

PART III, sections fifteen to thirty-eight inclusive, relating to Unemployment Insurance;

PART IV, sections thirty-nine to forty-one inclusive, relating to National Health;

PART V, sections forty-two to forty-eight inclusive, General.

## PART I.

### EMPLOYMENT AND SOCIAL INSURANCE COMMISSION

**4.** (1) This Act shall be administered by a Commission to be called "The Employment and Social Insurance Com- Commission.



mission," which shall consist of a Chief Commissioner and two other Commissioners appointed by the Governor in Council.

How chosen.

(2) Of the said Commissioners, other than the Chief Commissioner, one shall be appointed after consultation with organizations representative of workers and the other after consultation with organizations representative of employers.

Quorum:  
vacancy.

(3) Two Commissioners shall be a quorum and no vacancy in the Commission shall impair the right of the remaining Commissioners to act.

Decision of  
majority.

(4) The decision of the majority of the Commissioners present at any meeting shall be the decision of the Commission, and in the event of a tie the Chief Commissioner shall have a second or casting vote.

Casting  
vote.

Body  
corporate.

(5) The Commission shall be a body corporate having capacity to contract and to sue and be sued in the name of the Commission.

Power to  
hold prop-  
erty.

(6) The Commission shall have power, for the purposes of this Act, to acquire, hold and dispose of personal property, and with the approval of the Governor in Council, real property.

Head Office.

(7) The head office of the Commission shall be in the city of Ottawa in the Dominion of Canada.

Duration of  
office.

5. (1) Each Commissioner shall, subject to his earlier removal for cause or permanent incapacity hold office for a period of ten years from the date of his appointment, but his office shall become vacant upon his attaining the age of seventy years.

Eligible for  
reappoint-  
ment.

(2) A Commissioner upon expiration of his term of office, if under seventy years of age, shall be eligible for reappointment.

Absence or  
incapacity.

(3) In the event of absence or temporary incapacity of any Commissioner the Governor in Council may appoint a person to act in his stead during such absence or incapacity.

Vacancy.

(4) Any vacancy arising in the Commission shall be filled within a period of four months.

Salaries of  
Commis-  
sioners.

6. The Chief Commissioner and the other members of the Commission shall be paid such salaries as may from time to time be fixed by the Governor in Council, and they shall devote their whole time to the performance of the duties of their respective offices, and reside in the city of Ottawa or within ten miles thereof.

Commission  
to undertake  
investiga-  
tions.

7. (1) In addition to the powers and duties of the Commission as otherwise provided by this Act, the Commission shall, as soon as practicable after appointment, undertake investigations for the purpose of making proposals to the Governor in Council for—

- (a) providing unemployment insurance for the employments excepted from the operation of Part III of this Act, or for any of them, either by extending thereto the provisions of that Part, with such modifications, if any, as may be found necessary, or by special or supplementary schemes; Extension of insurance to excepted employments.
- (b) making provision for the assistance, during unemployment, of persons Assistance for unemployed
- (i) ordinarily employed in any of the employments excepted from the operation of Part III of this Act; or
- (ii) ordinarily employed in insurable employment but who for the time being are not entitled to unemployment insurance benefit under this Act; and
- (c) providing, in co-operation with educational authorities and institutions, or otherwise, either generally or in certain areas or for any class or classes of such persons— Training of unemployed.
- (i) physical and industrial training with a view to maintaining or increasing their industrial fitness, skill and efficiency, or enlarging their knowledge of the industry in which they normally seek employment; or
- (ii) training and instruction in some occupation, trade or handicraft; or
- (iii) employment in any work, having regard for their capacity, training and experience, with a view to re-habilitating them for regular employment.

(2) Proposals concerning assistance within the meaning of paragraph (b) of subsection one of this section may include proposals for the establishment of savings or any other funds derived either wholly out of contributions made by such persons or any of them while in employment or partly out of contributions so made and partly out of contributions made by the employers of such persons, or any other plan of assistance. Schemes of assistance.

(3) The Commission shall from time to time report to the Governor in Council their conclusions and recommendations based on any investigation made as hereinbefore in this section provided, and if any such report includes recommendations for the establishment of any fund under paragraph (b) of subsection one of this section, the recommendations shall be made on the basis that any such fund shall be maintained wholly distinct and separate from any other funds. Report to Governor in Council.

(4) The Unemployment Insurance Advisory Committee, established under Part III of this Act, shall report to the Governor in Council on any recommendations made by the Commission in respect of the matters specified in paragraphs (a) and (b) of subsection one of this section. Report by Advisory Committee on recommendation of Commission.

**8.**

Officers and employees to be appointed under Civil Service Act.

**8.** (1) The Commission may, subject to the approval of the Governor in Council, employ such officers, clerks and employees for the purposes of this Act as the Commission may determine, and all appointments of officers, clerks and employees so employed by the Commission shall be made in pursuance of the *Civil Service Act*.

Technical and professional employees for special purposes.

(2) For the purposes of any investigation, or for any other purpose of this Act, the Commission may, subject to the approval of the Governor in Council, from time to time temporarily employ such persons of technical and professional attainments as the Commission may deem necessary.

Cost of administration to be provided by Parliament.

(3) The costs of administration of this Act, including remuneration of Commissioners, officers, clerks and employees, shall be paid out of moneys provided by Parliament.

Power of Commission under Inquiries Act.

**9.** (1) For the purposes of any investigations undertaken by the Commission under the provisions of this Act, the Commission shall have the powers of a Commissioner under the *Inquiries Act*.

Notice of investigation.

(2) The Commission shall give such public notice as they consider sufficient of their intention to investigate any matters which under this Act they are empowered to investigate, and they shall receive any representations submitted to them by persons or associations of persons appearing to the Commission to have an interest in the matters under investigation.

## PART II.

### EMPLOYMENT SERVICE.

Organization of Employment Service.

**10.** The Commission shall organize an employment service for the Dominion of Canada, in manner hereinafter provided, and shall be responsible for the constitution and management of such employment service and the direction, maintenance and control of all employment offices established as hereinafter provided.

Regional divisions: Central Offices.

**11.** (1) The Commission shall establish such regional divisions as they may deem expedient and desirable, and there shall be a central office in each such division at such place as the Commission may determine, and all employment offices provided for under the next succeeding subsection of this section which are within any such division shall be directed and controlled by the Commission through the central office of that division.

Employment offices.

(2) The Commission shall establish employment offices within each regional division at such places as they may deem expedient and desirable for the purposes of this Act.

(3)



(3) The central office within each regional division shall be a clearing house for collecting from and distributing to the employment offices therein information concerning employers seeking workers and workers seeking employment.

Central office clearing house.

(4) The Commission shall co-ordinate the services of the central offices so that the information obtained in any regional division may be available to workers and employers in other regional divisions.

Co-ordination of central offices.

**12.** (1) The Commission shall collect information concerning employers requiring workers and workers seeking employment and to the extent the Commission considers necessary shall make the same available at the employment offices.

Collection of information.

(2) The Commission may request any person to make written returns of such information as the Commission may deem necessary for the purposes of this Act, and failure to comply with any such request shall be an offence against this Act and shall on summary conviction render liable any person in default to a fine not exceeding fifty dollars or to imprisonment for a period not exceeding one month, or to both fine and imprisonment.

Failure to make returns an offence.

**13.** (1) The Commission may for any central office or for any employment office, establish a local committee for the purpose of advising and otherwise assisting the Commission.

Local committees.

(2) Each such committee shall include members chosen after consultation with local organizations representative of workers and an equal number after consultation with employers.

How chosen.

**14.** (1) The Commission may make regulations authorizing advances by way of loan towards meeting the expenses of workers travelling to places where employment has been found for them through an employment office.

Advances to workers seeking employment.

(2) Any sum advanced in accordance with such regulations shall be a debt due by the worker to the Commission and recoverable by process of law.

Recovery of loans.

(3) All advances made in accordance with regulations made under this section shall be made out of moneys provided by Parliament for that purpose, and all repayments of such advances shall be paid into the Consolidated Revenue Fund of Canada.

Moneys provided by Parliament.

## PART III.



PART III.

UNEMPLOYMENT INSURANCE

Insured Persons

Persons to be insured against unemployment "employed persons" defined.

15. (1) Subject to the provisions of this Act, all persons of the age of sixteen years and upwards who are engaged in any of the employments specified in Part I of the First Schedule to this Act, not being employments specified as excepted employments in Part II of that Schedule (in this Act referred to as "employed persons"), shall be insured against unemployment in manner provided by this Act, and the employment in which any such person is engaged shall in this Act be referred to as "insurable employment."

Power to enlarge or restrict excepted employments.

(2) Where it appears to the Commission that the terms and conditions of service of, and the nature of the work performed by, any class of persons employed in an excepted employment are so similar to the terms and conditions of service of, and the nature of the work performed by, a class of persons employed in an insurable employment as to result in anomalies in the operation of this Act, the Commission may, by regulations either unconditionally or subject to such conditions as may be specified in the regulations, either:—

- (a) provide for including the class of persons employed in insurable employment among the classes of persons employed in excepted employment; or
- (b) provide for including the class of persons employed in excepted employment among the classes of persons employed in insurable employment.

Persons in insurable employment to an inconsiderable extent.

(3) The Commission may by regulations provide, subject to such exceptions and conditions as the Commission think fit, for adding any class of employment to the excepted employments but only as respects persons who are in any week employed in that class of employment to such extent (being in the opinion of the Commission inconsiderable) as may be specified in the regulations.

Exemptions.

16. (1) Where any employed person proves that he is either:—

Persons entitled to certificates of exemption.

- (a) a person who is employed in an occupation which is seasonal and does not ordinarily extend over more than twenty-four weeks in any year and who is not ordinarily employed in any other occupation which is insurable employment; or
- (b) a person who habitually works for less than the ordinary working day;

Certificate of exemption.

he shall be entitled to a certificate exempting him from liability to contribute under this Act and while holding such certificate shall not be insured under this Act.

(2) All claims for exemption shall be made to the Commission in the prescribed form and certificates of exemption shall be granted only by the Commission. Certificate by Commission.

### *Contributions.*

**17.** (1) The funds required for providing unemployment benefit and for making any other payments which under this Act are to be made out of the Unemployment Insurance Fund, established under this Part of this Act, shall be derived partly from moneys provided by Parliament, partly from contributions by employed persons and partly from contributions by the employers of those persons, which contributions shall be paid by means of revenue stamps as hereinafter provided, or otherwise as may be prescribed by the Commission. Contributions by employed persons and employers.

(2) Subject to the provisions of this Act, every employed person and every employer of any such person shall be liable to pay contributions in accordance with the provisions of the Second schedule to this Act. Rates of contribution.

(3) Except where regulations under this Act otherwise prescribe, the employer shall in the first instance be liable to pay both the contribution payable by himself (in this Act referred to as "the employer's contribution") and also, on behalf of the employed person, the contribution payable by that person, and subject to any such regulations shall be entitled to recover from the employed person, by deduction from his wages or otherwise, the amount of the contributions so paid by him on behalf of the employed person. Employer liable for both contributions but may recover from employee.

(4) The employer of a person who holds a certificate of exemption under this Act shall be liable to pay the like contributions as would be payable by him as employer's contributions if that person were a person insured under this Act, and in this Act any reference to the employer's contribution shall be construed as including a contribution payable under this subsection. Employer's contribution payable in respect of exempted person.

(5) The regulations made under this Act shall provide for the return to a person and to his employer of any contributions paid by them or either of them within the prescribed period under the erroneous belief that the contributions were payable in respect of that person, subject, in the case of that person's contributions, to the deduction of any amount received by him in respect of unemployment benefit to which he was erroneously deemed to be entitled by reason of the contributions so paid in respect of him: Provided that no return of contributions shall be made under this provision except on an application made in the prescribed manner and within the prescribed period, not being less than one year from the date on which the contributions were paid. Return of contributions paid in error.

Payment and recovery of contributions subject to rules.

(6) The payment of contributions and the recovery of contributions paid by employers on behalf of employed persons shall be subject to the rules in Part II of the Second Schedule to this Act.

Payment by stamps or otherwise

**18.** (1) The Governor in Council may by regulation provide for the payment of contributions by means of revenue stamps (in this Act referred to as "unemployment insurance stamps") affixed to or impressed upon books or cards (in this Act respectively referred to as "unemployment books" and "unemployment cards"), and such stamps and the devices for impressing the same shall be prepared and issued in such manner as may be prescribed by such regulation.

Power to make regulations as to payment of contributions.

(2) Subject to the provisions of this Part, the Commission may make regulations providing for any matters relating to the payment and collection of contributions payable under this Act, and in particular for—

- (a) regulating the manner, times and conditions in, at and under which payments are to be made;
- (b) the entry in or upon unemployment books or cards of particulars of contributions and benefits paid in respect of the persons to whom the unemployment books or cards relate;
- (c) the issue, sale, custody, production and delivery up of unemployment books or cards and the replacement of unemployment books or cards which have been lost, destroyed or defaced; and
- (d) the offering of reward for the return of an unemployment book or card which has been lost and for the recovery from the person responsible for the custody of the book or card at the time of its loss of any reward paid for the return thereof.

### *Unemployment Benefit.*

Right of insured person to unemployment benefit.

**19.** Every person who being insured under this Act is unemployed and in whose case the conditions laid down by this Act (in this Act referred to as "statutory conditions") are fulfilled, shall be entitled, subject to the provisions of this Act (including Part II of the Third Schedule thereof) to receive payments (in this Act referred to as "unemployment benefit") at weekly or other prescribed intervals at such rates as are authorized by or under Part I of the Third Schedule to this Act, so long as the statutory conditions continue to be fulfilled and so long as he is not disqualified under this Act for the receipt of unemployment benefit.



20. (1) Subject to the provisions hereinafter contained, the statutory conditions for receipt of unemployment benefit by a person insured under this Act (in this Act referred to as "an insured contributor") are—

Statutory conditions for receipt of unemployment benefit.

(i) that contributions for not less than forty full weeks (exclusive of any days of unemployment for which, pursuant to the provisions of the Second Schedule to this Act, he is entitled to a refund of contributions paid by him) have been paid in respect of him while employed in insurable employment during a period not exceeding two years immediately preceding the date on which a claim for benefit is made;

(ii) that he has made application for unemployment benefit in the prescribed manner, and proves that since the date of the application he has been continuously unemployed; and

(iii) that he is capable of and available for work but unable to obtain suitable employment.

(2) In determining whether an insured contributor has proved that the first statutory condition is fulfilled in his case, no account shall be taken of any contributions paid in respect of him for any period during which he was not *bonâ fide* employed in insurable employment, nor for any period during which he was exempt from the provisions of this Act.

Account taken only of contributions when *bonâ fide* employed.

(3) If an insured contributor proves in the prescribed manner that he was during any period, falling within the two years specified in the first statutory condition, incapacitated for work by reason of some specific disease or bodily or mental disablement, or employed in any of the employments specified in Part II of the First Schedule to this Act, or engaged in business on his own account, the first statutory condition shall have effect as if for the said period of two years there were substituted a period of two years increased by the said periods of incapacity or of such employment or business engagement as aforesaid, but so as not to exceed in any case four years.

Enlargement of first statutory condition.

(4) Any three days of unemployment, whether consecutive or not, within a period of six consecutive days shall be treated as a continuous period of unemployment, and any two such continuous periods separated by a period of not more than six weeks shall be treated as one continuous period of unemployment, and the expressions "continuously unemployed" and "continuous period of unemployment" shall be construed accordingly.

Meaning of continuous period of unemployment.

(5) Any period during which a person

(i) fails to fulfil the second or third statutory condition, or

(ii) is, under the provisions of this Act, disqualified for receiving benefit, or

Period of disqualification not to count in continuous period of unemployment unless due to disease or disablement.



(iii) is, under the provisions of this Act, deemed not to be unemployed,

shall be excluded in the computation of continuous periods of unemployment unless that person proves that the failure to fulfil the said statutory conditions or the disqualification for receiving benefit was due to incapacity for work arising from some definite disease or bodily or mental disablement.

Continuous unemployment to begin on date of application.  
Proviso.

(6) A continuous period of unemployment shall be deemed to begin on the date on which the insured contributor makes application for benefit in the prescribed manner: Provided that regulations may be made authorizing some earlier date to be substituted for the date of application

(i) where good cause is shown for delay in making application; or

(ii) for the purpose of computing the first week of a continuous period of unemployment in a case in which the applicant, upon a claim for benefit which begins his benefit year, proves in the prescribed manner that a continuous period of unemployment was in fact current at the date of that application.

Employment which is unsuitable within the third statutory condition.  
Unemployment due to trade dispute.  
Employment at low wages or on unfavourable conditions.

(7) An insured contributor shall not be deemed to have failed to fulfil the third statutory condition by reason only that he has declined—

(a) an offer of employment arising in consequence of a stoppage of work due to a trade dispute; or

(b) an offer of employment at wages lower, or on conditions less favourable, than those which he might reasonably have expected to obtain, having regard to those which he habitually obtained in his usual occupation, or would have obtained had he continued to be so employed; or

(c) an offer of employment in his usual occupation at wages lower, or on conditions less favourable, than those observed by agreement between employers and employees, or failing any such agreement, than those recognized by reasonable and fair employers;

Employment less favourable than observed by agreements between employers and employees.  
Proviso.

Provided that after the lapse of such an interval from the date on which an insured contributor becomes unemployed as, in the circumstances of the case, is reasonable, employment shall not be deemed to be unsuitable by reason only that it is employment of a kind other than employment in the usual occupation of the insured contributor, if it is employment at wages not lower and on conditions not less favourable than those observed by agreement between employees and employers or, failing any such agreement, than those recognized by reasonable and fair employers, but no insured contributor shall be disqualified for receipt of benefit by reason only of his refusal to accept

employment if by acceptance thereof he would lose the right—

Right to membership in organizations of workers preserved.

- (i) to become a member of, or
- (ii) to continue to be a member and to observe the lawful rules of, or
- (iii) to refrain from becoming a member of,

any association, organization or union of workers.

(8) Notwithstanding that the employment of an insured contributor has terminated, he shall not be deemed to be unemployed—

Periods not counted in computing unemployment.

(a) during any period for which he continues to receive wages by way of compensation for loss of, and substantially equivalent to, the remuneration he would have received if his employment had not terminated, or,

While in receipt of compensation unless substantially equivalent to wages lost.

(b) on any day on which he is following an occupation from which he derives any remuneration or profit, unless that occupation could ordinarily be followed by him in addition to his usual employment and outside the ordinary working hours of that employment, and the remuneration or profit received therefrom for that day does not exceed one dollar, or where the remuneration or profit is payable or is earned in respect of a period longer than a day, the remuneration or profit does not on the daily average exceed that amount,

While following any occupation for remuneration unless outside ordinary working hours.

nor shall an insured contributor be deemed to be unemployed

(i) on any day which is recognized as a holiday for his grade or class or shift in the occupation or at the factory, workshop or other premises at which he is employed, or

Holidays.

(ii) on any day of any calendar week during which he works for the number of days or the number of shifts which constitutes the full week's work for his grade or class or shift in the occupation or at the factory, workshop or other premises of his employment.

In excess of number of shifts for week.

**21.** An insured contributor shall be disqualified for receiving unemployment benefit—

Disqualifications for unemployment benefit.

(a) if he has lost his employment by reason of a stoppage of work, which was due to a trade dispute at the factory, workshop or other premises at which he was employed, except where he has, during a stoppage of work, become *bonâ fide* employed elsewhere in the occupation which he usually follows, or has become regularly engaged in some other occupation, but this disqualification shall last only so long as the stoppage of work continues, and shall not apply in any case in which the insured contributor proves

Loss of work due to trade dispute.

- (i) that he is not participating in, or financing or directly interested in the trade dispute which caused the stoppage of work, and

(ii) that he does not belong to a grade or class of workers of which immediately before the commencement of the stoppage there were members employed at the premises at which the stoppage is taking place any of whom are participating in or financing or directly interested in the dispute,

and where separate branches of work which are commonly carried on as separate businesses in separate premises are carried on in separate departments on the same premises, each of those departments shall, for the purposes of this provision, be deemed to be a separate factory or workshop or separate premises as the case may be; or

(b) if on a claim for benefit it is proved by an officer of the commission that the claimant—

(i) after a situation in any employment which is suitable in his case has been notified to him by an employment office or other recognized agency, or by or on behalf of an employer as vacant or about to become vacant, has without good cause refused or failed to apply for such situation, or refused to accept such situation when offered to him, or

(ii) has neglected to avail himself of an opportunity of suitable employment, or

(iii) has without good cause refused or failed to carry out any written direction given to him by an officer of the employment office with a view to assisting him to find suitable employment (being directions which were reasonable having regard both to the circumstances of the claimant and to the means of obtaining that employment usually adopted in the district in which the claimant resides); or

(c) if he has been discharged from his employment by reason of his own misconduct or if he voluntarily leaves his employment without just cause; or

(d) while he is an inmate of any prison or an institution supported wholly or partly out of public funds, or, subject to the provisions of this Act, while he is a resident, whether temporarily or permanently, out of Canada; or

(e) while he is in receipt of an old age pension under an Old Age Pensions Act.

Disqualification on proof by an officer of the Commission of neglect by insured contributor to avail himself of opportunity for work.

Loss of work due to misconduct.

While an inmate of public institution.

While in receipt of old age pension.

Period of disallowance of benefit in certain cases.

**22.** Where a claim for benefit by an insured contributor is disallowed by the court of referees or the umpire, on the ground

(a) that the third statutory condition is not fulfilled in his case; or

(b) that he is disqualified under paragraph (b) or (c) of the next preceding section of this Act for receiving benefit. the court of referees or the umpire shall declare the insured



contributor to be disentitled to benefit for a period not exceeding six weeks beginning from such date as may be determined by the court of referees or the umpire as the case may be.

**23.** (1) An insured contributor shall, if the statutory conditions are fulfilled in his case, and if he is not disqualified under this Act, be entitled to receive in a benefit year, benefit

Duration of benefit.

(a) for periods not exceeding in the aggregate seventy-eight days of continuous unemployment, and

Ordinary benefit days.

(b) for additional days of which the maximum number shall be computed in manner provided by the next succeeding subsection.

Additional days.

(2) An insured contributor in respect of whom not less than one hundred contributions have been paid during the complete insurance years, not exceeding five, last preceding the benefit year for which the computation of additional days is made shall be qualified for additional days determined as of the beginning of such benefit year equal to one day for every contribution paid in respect of him as an insured contributor for the insurance years aforesaid, less one day for every three days for which benefit has been paid to him for his benefit years, if any, which ended in the period, not exceeding five years, immediately preceding his benefit year for which the computation is made:

Computation of additional days.

Provided that for the purposes of this subsection,

Proviso.

(i) fractions of a day shall be disregarded,

(ii) every two contributions paid in respect of an insured contributor under the age of eighteen years shall be reckoned as one contribution, and

(iii) the number of additional days so computed shall not in any case be deemed to continue the benefit rights of the insured contributor beyond the end of his benefit year.

(3) An insured contributor who has in any benefit year exhausted his benefit rights shall not thereafter be entitled to benefit for any day in that benefit year, nor shall he become entitled to benefit in his next benefit year before the Monday next after the end of the calendar week for which there is paid in respect of him the last of the thirteen contributions specified in paragraph (b) of the next succeeding section.

Benefit not to extend beyond benefit year.

(4) In calculating contributions for the purposes of the two next preceding subsections of this section, no account shall be taken of any contributions paid in respect of any insured contributor for any period during which he was not *bonâ fide* employed in insurable employment, nor for any period during which he was exempted under the provisions of section sixteen of this Act.

Only periods of *bonâ fide* employment to count in computing benefits.



Adjustment of benefits on account of contributions or benefits paid in error.

(5) The Commission may prescribe by regulations the circumstances in which and the extent to which contributions paid in error and sums paid to a person by way of benefit while he was not entitled thereto are to be taken into account for the purposes of this and the next succeeding section.

Proof of first statutory condition at beginning of benefit year only.

(6) After an insured contributor has at the beginning of his benefit year proved that the first statutory condition is fulfilled in his case, then, subject to and in accordance with regulations made by the Commission, he shall be treated throughout the remainder of that benefit year as if that condition continued to be so fulfilled.

Definition of benefit year.

**24.** For all the purposes of this Act, the expression "benefit year" shall mean, in relation to an insured contributor, the period of twelve months beginning on the date on which, on an application for benefit, he proves for the first time

(a) that the first statutory condition is fulfilled in his case; and

(b) also, in the case only of an insured contributor who has exhausted his benefit rights in his last preceding benefit year, that thirteen contributions have been paid in respect of him since the Sunday last before the last day for which he received benefit;

and every subsequent period of twelve months commencing on the date on which that contributor on a claim for benefit proves the matters aforesaid for the first time after the termination of his last preceding benefit year.

Error in benefit year: rectification.

(2) If it is found that any insured contributor has been treated as having begun his benefit year on any date by reason of his having been wrongly treated as having proved any of the matters aforesaid on that date, his benefit year shall nevertheless be deemed to have begun on that date, but he shall not be entitled to benefit during the remainder of that benefit year until he proves the matters aforesaid.

Special classes of insured persons.

**25.** (1) This section applies to certain special classes of insured contributors, being

Casual workers.

(a) persons who habitually work for less than a full week;

Seasonal workers.

(b) persons whose normal employment is for portions of the year only in occupations which are seasonal;

Intermittent workers.

(c) persons whose normal employment is in an occupation in which their services are not normally required for the full week or who owing to personal circumstances are not normally employed for the full week;

Married women.

(d) married women who, since marriage or in any prescribed period subsequent to marriage, have had less

than the prescribed number of contributions paid in respect of them; and

- (e) persons who by custom of their occupation, trade or industry or pursuant to their agreement with an employer are paid, in whole or in part, by the piece or on a basis other than that of time.

(2) Where it appears to the Commission that the application of the provisions of this Act in the determination of benefits for any of the said classes would result in anomalies, having regard for the benefits of other classes of insured contributors, the Commission may from time to time make regulations which shall, in relation to the classes of persons to whom this section applies, impose such additional conditions and terms with respect to contributions and the payment thereof and with respect to the receipt of benefit and such restrictions on the amount and period of benefit and on the number of days of any period of continuous unemployment to be excluded from the benefit period, and make such modifications in the provisions of this Act relating to the determination of claims for benefit and the meaning of "continuous period of unemployment", as may appear necessary to remove or substantially remove the anomalies.

Power to make regulations in respect of special classes.

(3) The Commission shall give such public notice as they consider sufficient of their intention to make regulations under this section and shall receive any representations which may be made to them with respect thereto.

Notice of intention to make regulations.

(4) Regulations made in pursuance of this section may apply either generally to all the persons specified in subsection one of this section or to any class of those persons or to any portion of such a class, or with respect to them or any of them, in any specified area.

Regulations may apply generally or otherwise.

**26.** Subject to the provisions of this Act, every assignment of, or charge on, and every agreement to assign or charge, any of the benefits conferred by this Act, shall be void, and, on an assignment for the benefit of creditors being made by any person entitled to any such benefit, the benefit shall not pass to any trustee or other person acting on behalf of his creditors.

Benefits inalienable.

### *Determination of Questions.*

**27.** (1) If any question arises—

- (a) as to whether any employment or any class of employment is or will be such employment as to make the person engaged therein an employed person within the meaning of this Act or whether a person is or was an employed person within the meaning of this Act; or

Determination of questions by Commission concerning the rights of persons and appeals to the Exchequer Court.

(b) whether a person or class of persons is or is not, or was or was not, a person or class of persons to whom a special or supplementary scheme under this Act applies or applied; or

(c) as to who is or was the employer of any employed person; or

(d) as to the rate of contribution payable under or in pursuance of this Act by or in respect of any person or class of persons or as to the rates of contribution payable in respect of any employed person by the employer and that person respectively; or

(e) whether a person was or was not employed in any excepted employment during any period falling within the period of two years specified in the first statutory condition;

the question shall be decided by the Commission.

Regard to nature of work of employed person.

(2) In determining any question as to whether any occupation, in which a person is or has been engaged, is or was such as to make him an employed person within the meaning of this Act, regard shall be had to the nature of the work on which he is or was engaged rather than to the business of the person by whom he is or was employed.

Commissioner may revise decision.

(3) The Commission may, on new facts being brought to their notice, revise any decision given under this section.

Regulations governing procedure.

(4) The Governor in Council may make regulations prescribing the procedure under this section.

*Insurance Officer: Referee: Umpire.*

Insurance officers.

**28.** (1) The Commission may in each regional division established under section eleven of this Act employ such number of persons as the Governor in Council may approve, to be insurance officers for such division.

Chairmen of court of referees.

(2) The Governor in Council may, in each such regional division designate such number of persons as are deemed necessary to be chairmen of courts of referees in each such division.

Umpires, and deputy-umpires.

(3) The Governor in Council may, from amongst the Judges of the Exchequer Court of Canada and of the Superior Courts of the provinces of Canada, designate an umpire and such number of deputy-umpires as the Governor in Council may deem necessary for the purposes of this Act, and, subject to the provisions of this Act, may prescribe their jurisdiction; and unless the context otherwise requires, any reference to the umpire shall include a reference to a deputy-umpire.

Court of referees.

**29.** (1) A court of referees for the purposes of this Act shall consist of one or more members chosen to represent



employers, with an equal number of members chosen to represent insured contributors, and a chairman appointed as provided in the next preceding section of this Act.

(2) Panels of persons chosen to represent employers and insured contributors respectively shall be constituted by the Commission for such districts and such trades or groups of trades as the Commission may think fit, and the members of a court of referees to be chosen to represent employers and insured contributors shall be selected from those panels in the prescribed manner.

Panels of members of courts of referees.

(3) Subject as aforesaid, the constitution of courts of referees shall be determined by regulations under this Act.

Subject to regulations.

(4) Regulations under this Act may provide that any claim or question which is reported or referred to a court of referees may, with the consent of the claimant or the person or association in whose case the question arises, but not otherwise, be proceeded with in the absence of any member or members of the court other than the chairman, and in any such case the court shall, notwithstanding anything in this Act, be deemed to be properly constituted, and the chairman shall, if the number of the members of the court is an even number, have a second or casting vote.

Court may not proceed if chairman absent.

(5) The Commission may pay such remuneration to the chairman and other members of a court of referees, and such travelling and other allowances to any such chairman or members or to any persons required to attend before any such court, and such other expenses in connection with any court of referees as the Commission determines, and any such payments shall be treated as costs of administration of this Act.

Remuneration of chairman and members; expenses of persons required to attend.

*Claim Procedure.*

**30.** (1) All claims for benefit, and all questions arising in connection with such claims, shall be submitted forthwith for examination to one of the insurance officers.

Examination and determination of claims.

(2) The insurance officer shall forthwith take into consideration any claim submitted to him for examination under this section, and if he is of opinion that the claim ought to be allowed, he may himself allow the claim.

Insurance officer may allow claim.

(3) If the insurance officer is not satisfied that a claim ought to be allowed he may either refer the claim (so far as practicable within fourteen days from the date on which the claim was submitted to him for examination) to the court of referees for their decision or, subject to the provisions of this subsection, himself disallow the claim. Provided that

Insurance officer may disallow claim or refer to court of referees.

(a) the insurance officer shall not himself disallow a claim on any of the following grounds, namely—

(i) that the third statutory condition is not fulfilled; or



(ii) that the claimant is disqualified by reason of his having been discharged from his employment by reason of his own misconduct or having voluntarily left his employment without just cause, or by reason of the provisions of paragraph (b) of section twenty-one of this Act; or

(iii) that the claimant does not fulfil one or more of the additional conditions or terms for the receipt of benefit imposed by regulations made under this Act, or is subject to restrictions on the amount or period of benefit imposed by such regulations; and

(b) the insurance officer shall refer to the court of referees any question whether the claimant is liable to have deductions made under any of the provisions of this Act from any benefit to which he is, or may become, entitled.

Appeals of claimant to court of referees.

(4) Where a claim is disallowed by the insurance officer, the claimant may at any time within twenty-one days of the date on which the decision of the insurance officer is communicated to him, or within such further time as the Commission may in any particular case for special reasons allow, appeal in the prescribed manner to the court of referees.

Appeal to umpire

(5) Subject as hereinafter provided, an appeal shall lie to the umpire from any decision of a court of referees as follows:

(a) At the instance of an insurance officer, in any case;

(b) at the instance of an association of employed persons of which the claimant is a member, in any case;

(c) at the instance of the claimant

(i) without leave in any case in which the decision of the court of referees is not unanimous; and

(ii) with the leave of the chairman of the court of referees in any other case; so however, that where leave to appeal is not granted when the decision of the court of referees is given, an application for such leave may be made by the claimant in such form, and within such time after the date of the decision, as may be prescribed by regulations made by the Commission under this Act, and any application for leave to appeal shall be granted by the chairman if it appears to him that there is a principle of importance involved in the case or any other special circumstance by reason of which leave to appeal ought to be given.

Findings of a court of referees in writing.

(6) A court of referees shall record their decisions in writing and shall include in the record of every decision a statement of their findings on questions of fact material to the decision.

(7) Where the chairman of a court of referees grants leave to appeal to the umpire from the decision of the court, the chairman shall record in writing a statement of the grounds on which leave to appeal is granted.

Chairman to record grounds for granting appeal to umpire.

(8) An appeal under subsection five of this section must be brought within six months of the date of the decision of the court of referees or such longer period as the umpire may in any case for special reasons allow.

Appeal within six months.

(9) For the purposes of paragraph (b) of subsection five of this section, a claimant for benefit shall not, in relation to any appeal, be deemed to be a member of any association of employed persons unless he was a member thereof on the last date on which he was employed before the claim subject to the appeal was made, and has continued to be a member thereof until the date when the appeal is made, and no such association shall be deemed to be an association of employed persons for the purposes of this section unless an important and declared part of its functions is the furtherance of the interests of its members in relation to their employment and unemployment, and the question whether any association is or is not an association of employed persons for the purpose of this section shall be for the decision of the umpire.

Associations which may appeal on behalf of a claimant member.

(10) The decision of the umpire on any appeal from the court of referees shall be final.

Decisions of umpire final.

(11) If on an appeal to the umpire from a decision of a court of referees any person affected by the decision is requested by the umpire to attend before him on the consideration of the appeal and so attends, he shall be paid out of moneys provided by Parliament for meeting the costs of administration of this Act such travelling and other allowances, including compensation for loss of remunerative time, as the Commission may determine.

Expenses of persons required to attend appeal.

(12) An insurance officer, a court of referees or the umpire, on new facts being brought to his or their knowledge, may revise a decision given in any particular case, and where any such revision is made, the revised decision shall have effect as if it had been an original decision, and the foregoing provisions of this section shall apply accordingly.

Insurance officer, court of referees, or umpire may revise a decision given.

(13) Where a claim for benefit is allowed by a court of referees, benefit shall be payable in accordance with the decision of the court of referees notwithstanding that an appeal to the umpire is pending, unless the appeal has been brought on the ground that the claimant ought to be disqualified under the provisions of paragraph (a) of section twenty-one of this Act and within twenty-one days of the date on which the decision of the court of referees was given, and any benefit paid in pursuance of the provisions of this subsection shall be treated, notwithstanding that

Decision of court of referees to have effect pending appeal to umpire: exception.

the final determination of the question is adverse to the claim, as having been duly paid and shall not be recoverable from the insured contributor.

References to claims for benefit: construction.

(14) In this section references to claims for benefit shall be construed as including references to questions arising in relation to such claims, and references to allowing or disallowing a claim shall be construed as including references to determining a question in favour of or adversely to a claimant.

### *Legal Proceedings*

Penalty for obtaining benefit or avoiding any payment through misrepresentation.

**31.** (1) If for the purpose of obtaining any benefit or payment under this Part of this Act, either for himself or for any other person, or for the purpose of avoiding any payment to be made by himself under this Part of this Act, or enabling any other person to avoid any such payment, any person knowingly makes any false statement or false representation, he shall be guilty of an offence against this Act and liable on summary conviction to imprisonment for a term not exceeding three months, with or without hard labour.

Penalty for failure to pay contributions or for contravention of Act or regulations.

(2) If any employer or employed person has failed or neglected to pay any contributions which he is liable under this Part of this Act to pay, or if any employer or employed person or any other person is guilty of any contravention of or non-compliance with any of the requirements of this Part of this Act or the regulations made thereunder in respect of which no penalty is provided, or if any employer deducts or attempts to deduct from the wages or other remuneration of an employed person the whole or any part of the employer's contribution, he shall be guilty of an offence against this Act and for each offence, be liable on summary conviction, to a fine not exceeding fifty dollars, or to imprisonment for a period not exceeding three months, or to both fine and imprisonment.

Penalty for sale or improper use of unemployment books, cards, stamps, etc.

(3) Every person who buys, sells, or offers for sale, takes or gives in exchange or pawns or takes in pawn, any unemployment card, unemployment book, or used unemployment insurance stamp, or any document or thing used in the administration of this Part of this Act, shall be guilty of an offence against this Act and for each offence be liable on summary conviction to a fine not exceeding fifty dollars or to imprisonment for a term not exceeding three months, or to both fine and imprisonment.

Power to take and conduct proceedings.

**32.** (1) Proceedings for an offence under this Part of this Act shall not be instituted except by or with the consent in writing of the Commission or by an inspector or other officer appointed under this Act and authorized in that behalf by special or general directions of the Commission.



(2) Proceedings for an offence under this Part of this Act may be commenced at any time within three months from the date on which evidence, sufficient in the opinion of the Commission to justify a prosecution for the offence, comes to its knowledge, or within twelve months after the commission of the offence, whichever period is the longer.

Proceedings may be commenced within three months of evidence of offence.

(3) For the purpose of the next preceding subsection, a certificate purporting to be signed by the Commission as to the date on which such evidence as aforesaid came to its knowledge shall be conclusive evidence thereof.

Certificate of Commission evidence of date.

**33.** (1) Where an employer has failed or neglected to pay any contributions which under this Part of this Act he is liable to pay in respect of any employed person in his employment, or has failed or neglected to comply, in relation to any such person, with the requirements of any regulations relating to the payment and collection of contributions, and by reason thereof that person has lost in whole or in part the unemployment benefit to which he would have been entitled under this Part of this Act, he shall be entitled to recover from the employer as a civil debt a sum equal to the amount of the unemployment benefit so lost.

Civil proceedings by employee against employer for neglect to comply with Act.

(2) Proceedings under subsection one of this section may at the instance of an employed person be instituted by the Commission on behalf of such employed person.

Proceedings may be instituted by Commission.

(3) If it is found at any time that any person, by reason of the non-disclosure or misrepresentation by him of a material fact (whether the non-disclosure or the misrepresentation was or was not fraudulent) has received any sum by way of benefit while the statutory conditions or any other conditions for the receipt of benefit imposed by this Part of this Act were not fulfilled in his case, or while he was disqualified for receiving benefit, he shall be liable to repay to the Unemployment Insurance Fund a sum equal to the amount so received by him.

Penalty for receipt of benefit through non-disclosure or misrepresentation of material fact.

(4) Proceedings may be taken under this section notwithstanding that proceedings have been taken under any other provision of this Part of this Act in respect of the same failure or neglect.

Alternative proceedings.

(5) Proceedings under this section may, notwithstanding any provision in any enactment, be brought at any time within one year after the date on which the employed persons, but for the failure or neglect of the employer, would have been entitled to receive benefit which he has lost.

Proceedings may be taken within one year.

(6) Proceedings for the recovery as civil debts of sums due to the Unemployment Insurance Fund established under this Act may not be brought except within three years from the time when the matter complained of arose.

Proceedings for recovery of sums due Insurance Fund may be taken within three years.



*Inspection.*Powers of  
Inspectors.

**34.** (1) Any person authorized to act as an inspector by the Commission shall, for the purpose of the execution of this Act, have power to do all or any of the following things, namely:

To enter  
premises  
other than  
private  
dwelling.

(a) to enter at all reasonable times any premises or place, other than a private dwelling house not being a workshop, where he has reasonable grounds for supposing that any employed persons are employed;

To make  
examination  
concerning  
compliance  
with Act.

(b) to make such examination and inquiry as may be necessary for ascertaining whether the provisions of this Act are complied with in any such premises or place;

To examine  
persons.

(c) to examine, either alone or in the presence of any other person, as he thinks fit, with respect to any matters under this Act, every person whom he finds in any such premises or place, or whom he has reasonable cause to believe to be or to have been an employed person, and to require every such person to be so examined, and to sign a declaration of the truth of the matters in respect of which he is so examined:

Other powers.

(d) to exercise such other powers as may be necessary for carrying this Act into effect.

Occupiers of  
premises to  
facilitate  
inspection.

(2) The occupier of any such premises or place and any other person employing any employed person, and the servants and agents of any such occupier or other person and any employed person shall furnish to any inspector all such information and shall produce for inspection all such registers, books, cards, wage sheets, records of wages and other documents as the inspector may reasonably require.

Penalty for  
delay or  
obstruction  
of inspection.

(3) If any person wilfully delays or obstructs an inspector in the exercise of any power under this section or fails to give such information or to produce such documents as aforesaid, or conceals or prevents or attempts to conceal or prevent any person from appearing before or being examined by an inspector, he shall be guilty of an offence against this Act and liable on summary conviction to a fine not exceeding twenty-five dollars.

Inspector to  
produce  
certificate of  
appointment.

(4) Every inspector shall be furnished with the prescribed certificate of his appointment, and on applying for admission to any premises or place for the purpose of this Act shall, if so required, produce the said certificate to the occupier.

*Financial Provisions.*Unemploy-  
ment  
Insurance  
Fund.

**35.** (1) The Minister of Finance shall from time to time deposit in the Bank of Canada, to the credit of the Commission, in an account to be called "The Unemployment Insurance Fund" (hereinafter referred to as "The Fund"),

all revenue received from the sale of unemployment insurance stamps and all contributions, if any, paid otherwise than by means of such stamps (including contributions recovered by process of law) under the provisions of this Part of this Act.

(2) The Minister of Finance shall also deposit in like manner from time to time out of moneys provided by Parliament an amount equal to one-fifth of the aggregate deposits from time to time made as aforesaid after deducting from the said aggregate deposits any refunds of contributions from time to time made under the provisions of this Act from the Fund.

Contributions  
out of moneys  
provided by  
Parliament.

(3) Moneys may be withdrawn from the Fund only by means of cheque or other authorization signed by two Commissioners, and out of the Fund shall be paid all claims for unemployment benefit and refunds of contributions as provided for in this Part of this Act but no other payments.

Withdrawals.

(4) Any sums standing to the credit of the Fund, which are not required to meet current expenditure, may be invested in obligations, payable in Canadian currency, or guaranteed by the Dominion of Canada and investments so made may be sold or exchanged for other like securities, and interest received on the investments shall be deposited as aforesaid.

Investment  
of Fund.

(5) Transactions under the provisions of the last preceding subsection of this section shall be made only on the authorization of an Investment Committee of three members, consisting of one member nominated by the Commission, one member nominated by the Minister of Finance, and the Governor of the Bank of Canada, or in his absence or incapacity, the Deputy Governor or the Acting Governor for the time being.

Transactions  
to be  
authorized  
by Invest-  
ment  
Committee.

(6) The Bank of Canada shall be employed to carry out transactions authorized by the said Committee under the last preceding subsection of this section.

Bank of  
Canada  
may be  
fiscal agent.

(7) The Commission may open and maintain deposit accounts with chartered banks, including the savings banks named in chapter fourteen, Revised Statutes of Canada, 1927, and any balance maintained in any such bank shall form part of the Fund.

Deposits in  
chartered  
banks.

(8) No such bank, nor the Bank of Canada, shall be entitled to charge any exchange on or fee for cashing any cheque, as defined by the *Special War Revenue Act*, issued by the Commission, and the provisions of section forty-four of that Act shall not apply to such cheques.

No charge  
on cheques.

(9) For the purpose of borrowing money, to pay unemployment benefits, the Commission may pledge with the Bank of Canada, any of the securities of the Fund.

Pledging of  
securities to  
secure loans.

(10)

Extension of powers of Bank of Canada.

(10) The powers of the Bank of Canada shall be deemed to include the power to do all of the things required to be done by it under the provisions of this section.

*Unemployment Insurance Advisory Committee.*

Establishment of Unemployment Insurance Advisory Committee and duties of committee as respects Unemployment Insurance Fund.

**36.** (1) There shall be appointed by the Governor in Council a committee to be called "The Unemployment Insurance Advisory Committee," in this Act referred to as "the Advisory Committee" or "the Committee" to give advice and assistance to the Commission in relation to the discharge of its functions under this Act, and to perform the other duties herein specified.

Annual report.

(2) The Committee shall, not later than the end of February in each year, make a report to the Governor in Council on the financial condition of the Unemployment Insurance Fund as of the thirty-first day of December next preceding, and shall also make a report to the Governor in Council on the financial condition of that Fund whenever the Committee considers that the Fund is or is likely to become, and is likely to continue to be, insufficient to discharge its liabilities, and may make a report on the financial condition of the Fund at such other times as the Committee may think fit.

Reports on condition of Fund.

(3) If the Committee at any time reports that the Fund is or is likely to become, and is likely to continue to be, insufficient to discharge its liabilities, or is and is likely to continue to be more than reasonably sufficient to discharge its liabilities, the report shall contain recommendations for the amendment, of the provisions of this Act, or of any regulation made thereunder, either generally or in relation to special classes of insured contributors, concerning—

Recommendations if Fund is or is likely to become insufficient to discharge liabilities.

- (i) the statutory conditions for receipt of unemployment benefit and the provisions relating to the right to benefit; or
- (ii) the disqualifications for unemployment benefit; or
- (iii) the meaning of "unemployment," of "unemployed," of "continuous period of employment," of "continuously unemployed," and of "benefit year"; or
- (iv) the rates of unemployment benefit, the periods for which such benefit may be paid and the computation thereof; or
- (v) the payment of benefit pending appeals; or
- (vi) the rates of contribution; or
- (vii) the rates of benefits in respect of dependants and the provisions and conditions relating to the payment thereof;

being



being, if in the opinion of the Committee the Fund is insufficient, such amendment as in the opinion of the Committee is required in order to make the Fund sufficient, or if in the opinion of the Committee the Fund is more than reasonably sufficient to discharge its liabilities, such amendments as in the opinion of the Committee may appropriately be made in the circumstances, and, in either case, the report shall contain an estimate of the effect which the amendments recommended will have on the financial condition of the Fund.

(4) The Committee shall give such public notice as it considers sufficient of its intention to make a report under this section and shall receive any representations which may be made to it with respect thereto.

Notice of intention to make report.

(5) Any report made under this section shall be laid before Parliament within four weeks after being made, or if Parliament is not then sitting within four weeks after Parliament next sits.

Report to be laid before Parliament.

**37.** (1) The Committee shall consist of a Chairman and not less than four nor more than six other members.

Number of members.

(2) The Chairman and other members shall hold office for a period which, in the case of each of the members first appointed, and of any member appointed to fill a casual vacancy, shall be of such duration not exceeding five years as may be determined by the Governor in Council, and in the case of all other members shall be a period of five years.

Term of office.

(3) No member of the Committee shall be eligible to be elected to, or to sit in, the Parliament of Canada.

Not eligible to sit in Parliament.

(4) Of the said members, other than the Chairman, there shall be appointed either one or two after consultation with organizations representative of workers, and an equal number after consultation with employers.

Members representative of employers and workers

(5) If, in the opinion of the Minister, a member becomes unfit to continue in office or incapable of performing his duties, the Minister shall forthwith report the facts to the Governor in Council and the Governor in Council may declare vacant the office of such member.

Unfitness or incapacity of member.

(6) The Minister may assign to the Committee from the public service of Canada or otherwise such professional, technical, secretarial and other assistance as the Committee may require, but the provision of such assistance otherwise than from the said service shall be subject to authorization by the Governor in Council.

Assistance for Committee.

(7) The Committee may act notwithstanding any vacancy in the membership of the Committee.

Vacancy.

(8)



Rules and Quorum.

(8) The Committee may make rules for regulating the procedure of the Committee.

Information to be available to Committee.

(9) The Commission shall make available to the Committee such information as they may reasonably require for the proper discharge of their functions under this Act.

Expenses.

(10) Members of the Committee shall be entitled to indemnity for travelling and other expenses incurred in the discharge of their duties under this Act.

### *Regulations.*

Regulations.

**38.** In addition to the authority otherwise conferred upon the Commission to make regulations under this Act, the Commission may also make regulations;—

Persons under same employer partly in insurable employment and partly in another occupation.

(a) for permitting persons who are engaged under the same employer, partly in insurable employment and partly in some other occupation, to be treated, with the consent of the employer, for the purposes of this Act, as if they were wholly engaged in insurable employment; and

Prescribing evidence required.

(b) for prescribing the evidence to be required as to the fulfilment of the conditions and the absence of the disqualifications for receiving or continuing to receive unemployment benefit, and for that purpose requiring the attendance of insured contributors at such offices or places and at such time as may be required, and requiring employers to answer inquiries relating to any matters on which the fulfilment of the conditions or the absence of the disqualifications depends; and

Procedure on claims for unemployment benefit.

(c) for prescribing the manner in which claims for unemployment benefit may be made and the procedure to be followed on the consideration and examination of claims and questions to be considered by the Commission, insurance officer, courts of referees, and umpire, and the mode in which any question may be raised as to the continuance, in the case of a person in receipt of unemployment benefit, of the benefit; and,

Acting umpires.

(d) for making provision for the appointment of persons to act in the place of the umpire in the case of his unavoidable absence or incapacity; and

Payment of benefits and contributions pending determination of question.

(e) with respect to the payment of contributions and benefits during any period intervening between any application for the determination of any question or any claim for benefit and the final determination of the question or claim; and

References to central or local Committees.

(f) to provide for the reference to central or to local committees representing employers and employed persons, for consideration and advice of questions bearing upon the administration of this Act; and

- (g) for prescribing, either generally or with respect to any special class of cases, that where a period of employment begun on one day extends over midnight into another day, the person employed shall be treated as having been employed on such one or other only of those two days as the regulations may direct; and Provision as to persons employed on night work.
- (h) to provide, with the concurrence of the Postmaster General, for enabling claimants of unemployment benefit in remote places to make their claims for unemployment benefit through the Post Office, and for the payment of unemployment benefit of such claimants through the Post Office; and Payment of contributions and benefits through Post Office in remote places.
- (i) for prescribing punishment for the violation of any regulation including maximum and minimum fines but not exceeding fifty dollars, and terms of imprisonment not exceeding three months; and Penalties.
- (j) generally for carrying this Act into effect. Generally.

## PART IV.

### NATIONAL HEALTH.

**39.** The duties and powers of the Commission under this Part of this Act shall be exercised, so far as may be found practicable and expedient, in co-operation with any department or departments of the Government of Canada, with the Dominion Council of Health, with any province or any number of provinces collectively, or with any municipality or any number of municipalities collectively, or with associations or corporations. Co-operation in matters of Health and Health Insurance.

**40.** It shall be the duty of the Commission

- (a) to assemble reports, publications, information and data concerning any scheme or plan, whether a state, community or other scheme or plan for any group or class of persons, and whether in operation or proposed, in Canada or elsewhere, of providing, on a collective or on a co-operative basis by means of insurance or otherwise, for To collect information and data.
- (i) medical, dental and surgical care, including medicines, drugs, appliances, or hospitalization, or
- (ii) compensation for loss of earnings arising out of ill-health, accident or disease;

(b)

To make information and data available.

(b) to analyze and make available to any province, municipality, corporation or group of persons desiring to use the information so assembled for the purpose of providing such benefits or any of them; and

To examine and report on proposed scheme.

(c) as far as may be found practicable so to do on request by any province, municipality, corporation or group of persons, to examine and report on any such scheme or plan proposed to be put into effect or in effect at the date of such request, and to afford technical and professional guidance in regard to the establishing, working or reorganization of the scheme or plan.

Proposals to Governor in Council: Special investigation.

41. The Commission may from time to time submit to the Governor in Council proposals for co-operation by the Dominion in providing any of the benefits enumerated in paragraph (a) of the next preceding section of this Act for such action as the Governor in Council is authorized to take, and may undertake special investigations in regard thereto, subject to approval of the Governor in Council concerning the scope and nature of each such investigation.

## PART V.

### GENERAL.

Governor in Council to approve regulations.

42. (1) All regulations made under this Act shall be without effect until approved by the Governor in Council and published in the *Canada Gazette*, and shall have effect as if enacted in this Act and shall be laid before Parliament within two weeks after approval, or, if Parliament is not then sitting, within two weeks after Parliament next sits; and any regulation made as aforesaid may be varied or revoked by any subsequent regulation made in like manner.

Report by Advisory Committee.

(2) All regulations made under the provisions of section twenty-five of this Act or in relation to the matters specified in subsection three of section thirty-six of this Act shall be reported on by the Unemployment Insurance Advisory Committee before being acted upon by the Governor in Council.

Annual Report by Commission.

43. Within one month after the thirty-first day of March in each year, or within such longer period as may be approved by the Governor in Council, the Commission shall submit to the Minister a report covering the business and affairs of the Commission, for the twelve months ending on the said thirty-first day of March, in such detail as the Minister may from time to time direct; and such report shall contain a statement of the costs arising out of the



administration of this Act, including the indirect costs as nearly as they may be ascertainable.

(2) The Minister shall lay before Parliament, any such report within fifteen days after it is submitted to him if Parliament is then in Session, or, if not then in session, within fifteen days after the opening of the next following session.

**44.** All reports, recommendations and submissions required to be made under this Act to the Governor in Council, whether by the Commission or by the Advisory Committee, shall be submitted by the Minister.

Reports transmitted through the Minister to the Governor in Council.

**45.** Any fine imposed under this Act or regulations made hereunder shall be payable to His Majesty in the right of the Dominion of Canada and be disposed of as the Governor in Council may direct.

Deposition of Fines.

**46.** The *Employment Offices Co-ordination Act*, chapter fifty-seven of the Revised Statutes of Canada, 1927, may be repealed by Proclamation of the Governor in Council.

Repeal.

**47.** The Commission shall be subject to the provisions of *The Consolidated Revenue and Audit Act, 1931*.

Audit.

**48.** This Act shall come into force when assented to: provided that no contribution shall be payable or paid under the provisions of Part III of this Act until a date to be set by the Commission of which due notice shall be published in the *Canada Gazette* and in such other manner as the Commission may deem necessary.

Act to become operative.



## SCHEDULES.

## FIRST SCHEDULE.

## EMPLOYMENT WITHIN THE MEANING OF PART III OF THIS ACT.

## PART I.

- (a) Employment in Canada under any contract of service or apprenticeship, written or oral, whether expressed or implied, or whether the employed person is paid by the employer or some other person, and whether under one or more employers, and whether paid by time or by the piece, or partly by time and partly by the piece, or otherwise.
- (b) Employment under the Dominion, or under any province of Canada with the concurrence of the province, or under any municipal or other public authority, other than any such employment as may be excluded by special order of the Commission.
- (c) Employment outside of Canada, or partly outside of Canada, for the purpose of the execution of some particular work, by persons who were insured contributors immediately before leaving Canada, for an employer resident or having a place of business in Canada, being employment which if it were employment in Canada, would make the persons employed therein employed persons within the meaning of this Act; subject however, to any prescribed conditions, modifications or exceptions.

## PART II.

## EXCEPTED EMPLOYMENTS.

- (a) Employment in agriculture, horticulture and forestry.
- (b) Employment in fishing.
- (c) Employment in lumbering and logging, exclusive of such saw mills, planing mills and shingle mills as are reasonably continuous in their operations.
- (d) Employment in hunting and trapping.
- (e) Employment in transportation by water or by air, and stevedoring.
- (f) Employment in domestic service, except where the employed person is employed in a club or in any trade or business carried on for the purposes of gain.

- (g) Employment as a professional nurse for the sick or as a probationer undergoing training for employment as such nurse.
- (h) Employment as a teacher, including teachers of music and dancing, whether engaged in schools, colleges, universities or institutes or in a private capacity.
- (i) Employment in the Permanent Active Militia, The Royal Canadian Navy, the Royal Canadian Air Force and the Royal Canadian Mounted Police.
- (j) Employment as a member of Dominion, Provincial, or Municipal Police forces.
- (k) Employment—
- (i) in the public service of Canada pursuant to the provisions of the *Civil Service Act*; or
  - (ii) in the public service of Canada or of a province or by a municipal authority upon certification satisfactory to the Commission that the employment is, having regard to the normal practice of the employment, permanent in character.
- (l) Employment as an agent paid by commission or fees or a share in the profits, or partly in one and partly in another of such ways, where the person so employed is mainly dependent for his livelihood on his earnings from some other occupation, or where he is ordinarily employed as such agent by more than one employer, and his employment under no one of such employers is that on which he is mainly dependent for his livelihood.
- (m) Employment otherwise than by way of manual labour and at a rate of remuneration exceeding in value two thousand dollars a year or in cases where such employment involves part time service only, at a rate of remuneration which, in the opinion of the Commission, is equivalent to a rate of remuneration exceeding two thousand dollars a year for full time service.
- Provided that any person in respect of whom contributions have been paid as an insured contributor for not less than five hundred weeks may continue as an insured contributor notwithstanding anything in this paragraph contained.
- (n) Employment of a casual nature otherwise than for the purpose of the employer's trade or business.
- (o) Employment of any class which may be specified in a special order made by the Commission, and declared by the Commission to apply for the purposes of this Act, as being of such a nature that it is ordinarily adopted as subsidiary employment only and not as the principal means of livelihood.

- (p) Employment in the service of the husband or wife of the employed person.
- (q) Employment for which no wages or other money payment is made, where the person employed is the child of, or is maintained by the employer.
- (r) Employment in which persons are employed and paid for playing any game.

## SECOND SCHEDULE.

### PART I.

#### WEEKLY RATES OF CONTRIBUTION.

Class of employed person:	By the employer	By the employed person
Aged 21 years and upwards—		
Men.....	\$0 25	\$0 25
Women.....	0 21	0 21
Aged 18 years and under 21 years:		
Young men.....	0 18	0 18
Young women.....	0 15	0 15
Aged 17 years and under 18 years:		
Boys.....	0 11	0 11
Girls.....	0 09	0 09
Aged 16 years and under 17 years:		
Boys.....	0 07	0 07
Girls.....	0 06	0 06

### PART II.

#### RULES AS TO PAYMENT AND RECOVERY OF CONTRIBUTIONS PAID BY EMPLOYERS ON BEHALF OF EMPLOYED PERSONS.

1. Subject to section twenty-five of this Act a weekly contribution shall be payable for each calendar week during the whole or any part of which an employed person has been employed by an employer:

Provided that where one weekly contribution has been paid in respect of an employed person in any week, no further contribution shall be payable in respect of him in



in the same week, and that, where no remuneration has been received, and no services rendered by an employed person during any such week, the employer shall not be liable to pay and shall not pay any contribution either on his own behalf or on behalf of the employed person for that week:

Provided further that the employed person shall be entitled to a refund of contributions paid by him for any days of any such week (exclusive of any fraction of a day) in respect of which he proves that he was unemployed within the period of five years immediately preceding the date on which he makes application for unemployment benefit, and the whole of the refund to which he may be so entitled shall be payable to him at the same time as the first payment of unemployment benefit is payable to him on that application.

2. The employer shall, except as hereinafter provided, be entitled to recover from the employed person the amount of any contributions paid by him on behalf of the employed person.

3. Where the employed person receives any wages or other pecuniary remuneration from the employer, the amount of any contribution paid by the employer on behalf of the employed person shall, notwithstanding the provisions of any Act or any contract to the contrary, be recoverable by means of deductions from the wages of that person or from any other remuneration due from the employer to that person and not otherwise: Provided that no such deduction may be made—

(a) from any wages or remuneration other than such as are paid in respect of the period or part of the period for which the contribution is payable; or

(b) in excess of the sum which represents the amount of the contributions for the period (if that period is longer than a week) in respect of which the wages or other remuneration are paid.

4. Where the employed person does not receive any wages or other pecuniary remuneration from the employer, but receives such remuneration from some other person, the amount of any contribution paid by the employer on behalf of the employed person shall (without prejudice to any other means of recovery) be recoverable summarily as a civil debt, if proceedings for the purpose are instituted within three months from the date on which the contribution was payable.

5. Where the employed person is employed by more than one person in any calendar week, the first person employing him in that week, or such other employer or employers as may be prescribed, shall be deemed to be the employer for the purposes of the provisions of this Act relating to the payment of contributions and of this Schedule.



6. Regulations made under this Act may provide that in any cases or any classes of cases where employed persons work under the general control and management of some person other than their immediate employer, such as the owner, agent or manager of a mine or quarry, or the occupier of a factory or workshop, such person shall, for the purposes of the provisions of this Act relating to the payment of contributions and of this Schedule, be treated as the employer, and may provide for allowing him to deduct the amount of any contributions (other than employer's contributions) which he may become liable to pay from any sums payable by him to the immediate employer, and for enabling the immediate employer to recover from the employed persons the like sums and in the like manner as if he were liable to pay the contributions.

7. Where the employed person is not paid wages or other money payments by his employer or any other person, the employer shall be liable to pay the contributions payable both by himself and the employed person and shall not be entitled to recover any part thereof from the employed person.

8. Notwithstanding any contract to the contrary, the employer shall not be entitled to deduct from the wages of, or otherwise to recover from the employed person, the employer's contribution.

9. Any sum deducted by an employer from wages or other remuneration under this schedule shall be deemed to have been entrusted to him for the purpose of paying the contribution for which it was deducted.

10. Subject to section twenty-five of this Act, for the purposes of this schedule, the expression "calendar week" means the period from twelve o'clock in the afternoon on one Sunday to twelve o'clock in the afternoon on the following Sunday.

### THIRD SCHEDULE.

#### PART I.

##### RATES OF UNEMPLOYMENT BENEFIT.

	Daily Rate	Weekly Rate
Class of insured person—		
Aged 21 years and upwards		
Men.....	\$1 00	\$6 00
Women.....	0 85	5 10
Aged 18 years and under 21 years		
Young men.....	0 70	4 20
Young women.....	0 60	3 60
210		Aged

Aged 17 years and under 18		
years		
Boys.....	0 45	2 70
Girls.....	0 35	2 10
Aged 16 years and under 17		
years		
Boys.....	0 30	1 80
Girls.....	0 25	1 50
Dependents' benefit—		
Adult dependent.....	0 45	2 70
Dependent child.....	0 15	0 90

## PART II.

SUPPLEMENTARY PROVISIONS GOVERNING THE PAYMENT OF  
UNEMPLOYMENT BENEFIT.

1. No person shall receive benefit for any fraction of a day, nor for the first nine days of any period of continuous unemployment.

2. Subject to the provisions hereinafter in this schedule contained, where a person entitled to benefit

(a) is a married man whose wife is living with him or is being maintained wholly or mainly by him; or

(b) being either a man or a woman (but not being a person entitled to an increase under this provision otherwise than in respect of his or her dependent children), has residing with him or her, and is wholly or mainly maintaining, a female person who has the care of the dependent children of the person entitled to benefit; or

(c) is a married woman who has a husband dependent on her;

the rate of benefit of such person as shown in Part I of this Schedule shall be increased by the amount of the adult dependent's benefit there shown, and where the person so entitled to benefit has dependent children, the said rate of benefit of such person shall be increased in respect of each dependent child by the amount of the dependent child's benefit shown in Part I of this Schedule;

Provided that the additional benefit aforesaid shall not be payable in respect of a wife or female person who is in receipt of benefit, or who is in regular wage-earning employment otherwise than as having the care of the dependent children of the person entitled to benefit, or is engaged in any occupation ordinarily carried on for profit:

Provided further that benefit in respect of only one dependent adult shall be paid to any insured person entitled to benefit and the total benefit paid to any such person,

including dependents' benefits, shall not exceed eighty per centum of the wages or compensation of which he is deprived by unemployment, having regard for his average earnings during periods of employment during the six months preceding the date of claim for benefit.

3. If any question arises as to whether any addition ought to be made to the rate of benefit in respect of any wife or child or other person, that question shall be determined in the same manner as a claim for benefit.

4. No increase of benefit shall be payable to an insured contributor in respect of any person for any period before the date on which the insured contributor makes application in the prescribed manner for an increase in respect of that person, so, however, that regulations may be made under this Act authorizing some earlier date to be substituted for the date of the application in cases in which good cause is shown for the delay in making the application.

5. Where a claim for benefit is made by an insured contributor and another insured contributor receives an increase of benefit in respect of the first mentioned insured contributor for any period between the date when the claim is made and the date when it is allowed, the benefit payable to the first mentioned insured contributor for that period shall be reduced by the amount of increase of benefit so received by the second-mentioned insured contributor.

6. For the purposes of this Schedule the expression "a dependent child" means, in relation to a person entitled to benefit, any child of his who

(a) is under the age of 14 years and is maintained wholly or mainly by him; or

(b) is between the ages of 14 and 16 years and is maintained wholly or mainly by him and is either

(i) a person under full time instruction at a day school; or

(ii) a person who is prevented from receiving such instruction by reason of illness or physical or mental infirmity;

and the expression "child" includes a stepchild, adopted child, and illegitimate child.



## 25-26 GEORGE V.

### CHAP. 39.

An Act respecting Fair Wages and Hours of Labour in relation to Public Works and Contracts.

[Assented to 28th June, 1935.]

HIS Majesty, by and with the advice and consent of <sup>1930, c. 20.</sup> the Senate and House of Commons of Canada, enacts as follows:—

**1.** This Act may be cited as *The Fair Wages and Hours of Labour Act, 1935.* Short title.

**2.** In this Act, unless the context otherwise requires, “Fair wages” means such wages as are generally accepted as current for competent workmen in the district in which the work is being performed for the character or class of work in which such workmen are respectively engaged; but shall in all cases be such wages as are fair and reasonable. “Fair wages”.

“Minister” means the Minister of Labour.

“Minister”.

**3.** (1) Every contract made hereafter with the Government of Canada for construction, remodelling, repair or demolition of any work shall be subject to the following conditions respecting wages and hours:— Government contracts for work subject to certain conditions.

(a) All persons in the employ of the contractor, sub-contractor, or any other person doing or contracting to do the whole or any part of the work contemplated by the contract shall during the continuance of the work be paid fair wages; Fair wages.

(b) The working hours of persons while so employed shall not exceed eight hours per day nor forty-four hours per week except in such special cases as the Governor in Council may otherwise provide, or except in cases of emergency as may be approved by the Minister. Eight hour day.

(2) The provisions of this section shall not apply to the purchase of materials, supplies or equipment, for use in the work contemplated, under any contract of sale and purchase. Exception.



Workmen  
employed  
by the  
Government.

4. The wages and hours of all workmen employed by the Government of Canada on such works as are described in section three, and who are excluded from the operation of the *Civil Service Act*, shall be those set forth in paragraphs (a) and (b) of section three.

Agreements  
for works  
involving  
Dominion  
aid.

5. (1) Whenever the grant or payment of any public moneys of Canada is authorized or made by way of contribution, subsidy, loan, advance or guarantee, for or in aid of the construction, remodelling, repair or demolition of any work, otherwise than for the Government of Canada, the party intended to receive such grant or payment (whether the Government of any province or any municipal or other body or any person or agency whatever) shall, unless the grant or payment is by statutory authority or by agreement with the Government of Canada excepted from the operation of this section, be required to enter into an agreement with the Government of Canada in which there shall be set forth the terms and conditions upon which such grant or payment is to be made.

Conditions  
to be  
stipulated.

(2) In every such agreement, there shall be inserted stipulations, in such form and terms as the Governor in Council may approve, designed to secure, so far as may be practicable, the observance, in the execution of the work contemplated, of the following conditions respecting fair wages and hours of work, that is to say, the condition respecting fair wages set forth in paragraph (a) of subsection one of section three of this Act and the condition that the working hours of persons employed in the execution of the work shall not exceed eight hours per day nor forty-four hours per week except in such special cases as the Governor in Council may otherwise provide or except in cases of emergency which may be approved by the Minister.

Exception.

(3) The provisions of this section shall not apply to the purchase of materials, supplies or equipment, for use in the work contemplated, in any contract of sale and purchase.

Regulations.

6. (1) The Governor in Council, on the recommendation of the Minister, may make regulations with regard to wages and hours of work herein provided for, except by section five of this Act and in relation to any agreement subject thereto, and without limiting the generality of the foregoing, save as aforesaid, may provide by regulation for,—

(a) the method of determining what are fair wages and the preparation and use of schedules of rates relating thereto;

(b) rates of wages for overtime;

(c) classifications of employment or work;

(d) the publication and posting of wage schedules;

(e) payment of wages to employees in case of default by the contractor or other party charged with such

payment and recovery thereof from such contractor or other party;

- (f) the keeping of proper books and records and the examination of the same by Government officers;
- (g) the furnishing of such detailed information and evidence as may be deemed necessary to ensure payment of fair wages and the observance of hours of labour in accordance with the provisions of this Act;
- (h) persons who may be employed in the execution of contracts referred to in this Act;
- (i) the subletting of contracts;
- (j) the penalties to be imposed for breaches of the provisions of this Act or regulations made hereunder;
- (k) generally for the due enforcement of the provisions of the Act and regulations.

(2) All regulations made under this Act shall fifteen days after the date of the first publication thereof in the *Canada Gazette* have the same force and effect as if they had been included herein. Force and effect of regulations.

7. *The Fair Wages and Eight Hour Day Act, 1930*, is Repealed. Repeal.

8. This Act shall come into force on the first day of May, 1936, but shall not apply to any contract with the Government of Canada existing at the said date, nor to any contracts, agreements or works thereafter made or undertaken which are by order of the Governor in Council made before the execution of the contract declared to be excepted from the operation of the provisions of this Act. Date of coming into force.



# 25-26 GEORGE V.

## CHAP. 40.

An Act to amend the Income War Tax Act.

[Assented to 28th June, 1935.]

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;  
1932, cc. 43,  
44;  
1932-33, cc. 14,  
15, 41;  
1934, c. 19,  
55.

1. The First Schedule of the *Income War Tax Act*, chapter ninety-seven of the Revised Statutes of Canada, 1927, as enacted by section one of chapter forty-one of the statutes of 1932-33, is amended by inserting therein immediately after paragraph A of the said Schedule the following paragraph:—

“AA. Rates of tax applicable to all persons other than corporations and joint stock companies, in respect of ‘investment income’ as provided for in this Act.

Additional rates of tax on investment income. Surtax.

On investment income included in any income exceeding	\$5,000	but not exceeding	\$10,000—	2%	
On investment income included in any income exceeding	\$10,000	but not exceeding	\$14,000—	3%	
On income exceeding	\$14,000	“	“	\$20,000— 3%	
“	“	\$20,000	“	“	\$30,000— 4%
“	“	\$30,000	“	“	\$50,000— 5%
“	“	\$50,000	“	“	\$75,000— 6%
“	“	\$75,000	“	“	\$100,000— 7%
“	“	\$100,000	“	“	\$150,000— 8%
“	“	\$150,000	“	“	\$200,000— 9%
“	“	\$200,000			—10%

2. Paragraphs C and D of the First Schedule of the said Act are repealed and the following are substituted therefor:—

“C. Rate of tax applicable to corporations and joint stock companies except as next hereinafter provided.  
*On the income of the company*

Company rate of tax.

thirteen and one-half per centum.



Rate on consolidated corporation incomes.

D. Rate of tax applicable to corporations and joint stock companies which file a return consolidating their profit or loss with that of their subsidiaries as provided for by subsection three of section thirty-five.  
*On the consolidated income of such company and its subsidiaries*

fifteen per centum.”

3. Section two of the said Act is amended by adding thereto the following paragraphs:—

Earned income.

“(m) ‘earned income’ means salary, wages, fees, bonuses, pensions, superannuation allowances, retiring allowances, gratuities, honoraria, and the income from any office or employment of profit held by any person, and any income derived by a person in the carrying on or exercise by such person of a trade, vocation or calling, either alone or, in the case of a partnership, as a partner actively engaged in the conduct of the business thereof, and includes indemnities or other remuneration paid to members of Dominion, Provincial or territorial legislative bodies or municipal councils, but shall not include income derived by way of royalties, or any income, irrespective of the source or combination of sources from which it may be derived, in excess of fourteen thousand dollars;

Investment income.

(n) ‘investment income’ includes any income not defined herein as ‘earned income’ and also any amount deemed by this Act to be a dividend and any income from whatever sources derived in excess of fourteen thousand dollars;

Income bond or income debenture.

(o) ‘income bond’ or ‘income debenture’ means a bond or debenture, the interest or dividend on which is payable only when the debtor company has made a profit before taking into account the interest or dividend obligation on such bond or debenture.”

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

Charitable institutions.

“(e) The income of any religious, charitable, agricultural and educational institution, board of trade and chamber of commerce, no part of the income of which inures to the personal profit of, or is paid or payable to any proprietor thereof or shareholder therein;”

5. Section five of the said Act is amended by adding thereto the following subsection:—

Alternative exemptions from surtax.

“(4) The following income shall not be liable to the additional rates of tax on investment income, namely,—

(a) all income up to five thousand dollars; or

(b) 'earned income' up to but not exceeding fourteen thousand dollars; or

(c) income equal in amount to the sum of the exemption and allowances for dependents to which the individual is actually entitled under the provisions of paragraphs (c), (d), (e) and (i) of subsection one and of subsection two of this section;

whichever affords the greatest exemption to which the taxpayer is entitled."

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

"(i) any sums charged by any company or organization outside of Canada to a Canadian company, branch or organization, in respect of management fees or services or for the right to use patents, processes or formulae presently known or yet to be discovered, or in connection with the letting or leasing of anything used in Canada, irrespective of whether a price or charge is agreed upon or otherwise; but only if the company or organization to which such sums are payable, or the company in Canada, is controlled directly or indirectly by any company or group of companies or persons within or without Canada, which are affiliated one with the other by the holding of shares or by agreements or otherwise; provided that a portion of any such charges may be allowed as a deduction if the Minister is satisfied that such charges are reasonable for services actually rendered or for the use of anything actually used in Canada;

Expenses payable to controlling company abroad.

"(j) net losses sustained in the 1934 or any subsequent taxation period in the United Kingdom of Great Britain and Northern Ireland or any of the British Dominions other than Canada or any British possession or dependency, or in any foreign country, after the taxpayer has in respect of any such period once elected to claim, and has received, reciprocal tax relief under this Act for taxes paid to any such country in respect of profits earned therein: Provided, however, that the provisions of this paragraph shall not apply to companies incorporated in Canada and carrying on any class of insurance business other than life insurance for which such companies are registered or licenced under the laws of the Dominion of Canada or any province thereof;

Losses sustained abroad.

"(k) the distribution of earnings by any corporation to holders of its income bonds or income debentures.

Dividends on income bonds or income debentures.

Provided, however, in cases where such income bonds or income debentures have been issued or the income provisions thereof have been adopted since 1930, in consequence of an adjustment of previously existing

Proviso.

bonds or debentures bearing an unconditional fixed rate of interest, which adjustment, to the satisfaction of the Minister, was occasioned by financial difficulties of the debtor corporation or its predecessor and was intended to afford some relief to the said debtor corporation or its predecessor, then the provisions of this paragraph shall not apply.

Exception.

Provided further that the provisions of this paragraph shall not apply in determining the income of 'personal corporations' taxable against their shareholders."

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

Limitation of earned income in certain cases.

"(3) For the purpose of determining earned income the Minister may reduce the amount of any salary, wages, fees, bonuses, gratuities or honoraria, which, in his opinion, are not commensurate with the services actually rendered, and the amount of such reduction shall be treated for the purposes of this Act as investment income. The decision of the Minister on any question arising under this subsection shall be final and conclusive.

Apportionment of expense between earned and investment income.

(4) Where an expense is common both to earned income and investment income the Minister shall determine the extent to which the expense may be applicable to either class of income. The determination of the Minister hereunder shall be final and conclusive."

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

Application of the appropriate rate on investment income.

"(3) The total income of each taxpayer other than a corporation or a joint stock company shall be compiled by having the earned income form the base, above which shall be placed the investment income, and according thereto the appropriate additional rates of tax on investment income as provided by paragraph AA of the first Schedule of this Act shall be applied."

9. Subsection two of section nine B of the said Act, as enacted by section nine of chapter forty-one of the statutes of 1932-33 and as amended by section five of chapter fifty-five of the statutes of 1934, is amended by adding thereto the following paragraph:—

Payments in respect of certain copyrights and copyrighted works.

"(e) All payments received directly or indirectly from Canadian debtors in respect of

(i) any copyright, used in Canada, relating to books, music, articles in periodicals, newspaper syndicated articles, pictures, comics and other newspaper or periodical features, and

(ii) any rights in and to the use of any copyrighted work subsequently produced or reproduced in Canada



by way of the spoken word, print or mechanical sound on or from paper, composition, films or mechanical devices of any description.

The tax payable by virtue of this paragraph shall be deducted by the Canadian debtor from the amount paid or credited to such non-resident at the time of payment or crediting and shall be remitted to the Receiver General of Canada."

**10.** Subsection eleven of section nine B of the said Act, as enacted by section six of chapter fifty-five of the statutes of 1934, is amended by adding thereto the following proviso:—

"Provided further that such non-resident company is not a company incorporated since the 1st April, 1933; but this proviso shall not apply if the Minister is satisfied that such incorporation was not made for the purpose of evading the tax imposed under subsection two of this section."

Proviso  
against  
evasion.

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

"(2) For the purposes of this Act any annual amount received in respect of an income bond or income debenture shall be deemed to be a dividend."

Payments  
on income  
bonds or  
income  
debentures.

**12.** Section twenty-seven of the said Act, as amended by section thirteen of chapter fifty-five of the statutes of 1934, is further amended by adding thereto the following subsection:—

"(7) The provisions of this section shall not apply to any non-resident person whose income by way of royalties or rentals received from Canadian sources for anything used or sold in Canada is subject to the five per cent tax imposed under paragraph (e) of subsection two of section 9B of this Act."

Exception  
from twelve  
and one-half  
per cent  
deduction.

**13.** Subsection three of section thirty-five of the said Act, as enacted by section thirteen of chapter forty-one of the statutes of 1932-33, is hereby repealed and the following is substituted therefor:—

"(3) A company which owns or controls all of the capital stock (less directors' qualifying shares) of subsidiary companies which carry on the same general class of business and have fiscal periods substantially coincident with the owning or controlling company may, in respect of all such companies which carry on business in Canada, elect, before the commencement of the earliest fiscal period of any of the constituent companies in respect of which consolidation is desired and in such manner as may be prescribed by

Consolidated  
returns of  
income of  
corporations.



regulations hereunder, to file a return in which its profit or loss is consolidated with that of all of its subsidiary companies carrying on business in Canada, in which case the rate of tax provided by paragraph D of the First Schedule of this Act shall apply."

14. The said Act is amended by adding thereto the following Part:

## "PART XII

### GIFT TAX PROVISIONS.

Tax on gifts.

"§§. (1) Save as herein otherwise provided, there shall be assessed and paid upon the transfer in any year by any individual residing or ordinarily resident in Canada of any property (whether situate within or outside of Canada) transferred by way of gift or donation a tax payable by such individual at the rate applicable in respect of the aggregate value of all the property so transferred during the year by such individual under the following schedule:

Rates.	On gifts up to and including	\$25,000			2%
	On gifts exceeding	\$25,000	but not exceeding	\$50,000—	3%
	"	"	"	"	\$100,000— 4%
	"	"	"	"	\$200,000— 5%
	"	"	"	"	\$300,000— 6%
	"	"	"	"	\$400,000— 7%
	"	"	"	"	\$500,000— 8%
	"	"	\$1,000,000	"	\$1,000,000— 9%

Application of tax.

(2) The tax so imposed shall apply whether the transfer is in trust or otherwise, or direct or indirect, or whether the property is real or personal, tangible or intangible, and shall extend to gifts made by personal corporations.

Date payable.

(3) The tax shall be payable to the Receiver General of Canada at the time the gift or donation is made; and if not so paid the tax shall bear interest at the rate of ten per centum per annum from the date payable.

Donor and donee personally liable for tax.

(4) If the donor fails to pay the tax as hereinbefore provided, the donor and the donee shall be jointly and severally liable for the tax imposed by this section.

Assessment.

(5) The Minister may at any time assess the donor or the donee or both for the amount of the tax payable under this section. The payment of one such assessment shall discharge the joint obligation.

Application of provisions of Act.

(6) The provisions of sections forty-one to forty-seven, both inclusive; fifty-four to seventy-six, both inclusive; and

seventy-nine to eighty-two, both inclusive, of this Act shall be applicable, *mutatis mutandis*, in respect of the tax imposed by this section.

(7) The Minister shall have power to determine

(a) that any transfer of property on the basis of a *quid pro quo* is nevertheless a gift, in whole or in part, if, in his opinion, the values of the properties passing are disproportionate one to the other;

Determina-  
tion of value  
of gifts, etc.

(b) the value of any gift or donation of property.

(8) The provisions of this section shall not apply to the following:—

Exemptions  
from tax.

(a) gifts or donations made by any individual the aggregate value of which in any year does not exceed four thousand dollars, and taxation shall be on the amount in excess of four thousand dollars only;

(b) gifts or donations taking effect upon death by way of bequest or devise; and any property passing to any person upon an intestacy;

(c) gifts or donations to a charitable organization or educational institution in Canada, operated exclusively as such and not operated for the benefit or private gain or profit of any person, member or shareholder thereof;

(d) gifts or donations made to the Dominion of Canada or any Province or political subdivision thereof;

(e) gifts or donations which are not recognized for income tax purposes under the provisions of section thirty-two of this Act, as amended by section sixteen of chapter fifty-five of the statutes of 1934.

(9) (a) Gifts made after the thirty-first day of December, 1934, to a minor eighteen years of age or under shall be subject to the provisions of this section when such minor attains the age of nineteen years: Provided this subsection shall not apply in respect of a gift made to a minor under thirteen years of age.

Minors

(b) The donor at the time of the making of the gift to a minor between twelve and nineteen years of age must supply a bond securing the payment of the tax. If the donor fails to supply a bond satisfactory to the Minister for the payment of the tax, then notwithstanding any other provision contained in the Act, except subsection one of section thirty-two, the gift tax shall be payable as provided in subsection three of this section."

15. The increase of tax imposed by section two of this Act in respect of any fiscal period ending in 1934 shall bear interest from the thirtieth day of April, 1935.

Interest on  
increase  
of tax.

Date  
effective,  
periods  
affected.

**16.** Sections one, two, three, four, five, six, seven, eight, ten, eleven, twelve and thirteen of this Act shall be applicable to income of the 1934 taxation period and fiscal periods ending therein and of all subsequent periods.

Gift tax  
effective  
first January,  
1935.

**17.** The provisions of section fourteen of this Act shall be deemed to have come into force on the first day of January, 1935.

Pending  
actions not  
affected.

**18.** All actions pending at the time when this Act comes into force shall be decided as if this Act had not been passed.

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## 25-26 GEORGE V.

### CHAP. 41.

An Act to amend the Juvenile Delinquents Act.

[Assented to 28th June, 1935.]

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

1. Subsection one of section five of chapter forty-six of the statutes of 1929 is repealed and the following is substituted therefor:—

“5. (1) Except as hereinafter provided, prosecutions and trials under this Act shall be summary and shall, *mutatis mutandis*, be governed by the provisions of the *Criminal Code* relating to summary convictions in so far as such provisions are applicable, whether or not the act constituting the offence charged would be in the case of an adult triable summarily: Provided that sections seven hundred and forty-nine to seven hundred and sixty-nine, both inclusive, of the *Criminal Code*, shall not apply to any proceeding in a juvenile court and that section one thousand one hundred and forty-two shall not apply to any such proceeding other than a proceeding against an adult: Provided further, that save as provided in section thirty-three hereof, section one thousand one hundred and forty of the *Criminal Code* shall, *mutatis mutandis*, apply to all proceedings in the Juvenile Court.”

Summary trials.

Proviso.

Proviso.

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

“32. Every probation officer however appointed shall be under the control and subject to the directions of the judge of the court with which such probation officer is connected, for all purposes of this Act.”

Probation officers under control of judge.

3. Section thirty-three of the said Act, as amended by section one of chapter seventeen of the statutes of 1932, is repealed and the following is substituted therefor:—



No defence  
if child  
does not  
become  
delinquent.

“(4) It shall not be a valid defence to a prosecution under this section either that the child is of too tender years to understand or appreciate the nature or effect of the conduct of the accused, or that notwithstanding the conduct of the accused the child did not in fact become a juvenile delinquent.”

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# 25-26 GEORGE V.

## CHAP. 42.

### An Act to amend the Live Stock and Live Stock Products Act.

[Assented to 28th June, 1935.]

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

R.S., c. 120;  
1928, c. 33;  
1934, c. 20.

1. Paragraphs (*ee*) and (*eee*) of section two of the *Live Stock and Live Stock Products Act*, chapter one hundred and twenty of the Revised Statutes of Canada, 1927, as enacted by chapter twenty of the statutes of 1934, are repealed and the following is substituted therefor as paragraph (*ee*):—

Definitions.

- “(ee) (i) ‘export’ means export out of Canada or out of any province to any other province thereof; “Export.”
- (ii) ‘exporter’ means the owner of live stock or live stock products exported; “Exporter.”
- (iii) ‘exporting agent’ means any person other than the owner thereof who on behalf of the owner exports any live stock or live stock products.” “Exporting agent.”

2. Section two of the said Act is amended

(a) by inserting therein immediately after paragraph (*j*) as paragraph (*jj*) the following:—

“(jj) ‘Packer’s yard’ means any enclosed place owned, controlled or operated by any person engaged in the business of slaughtering to the number of two thousand in any three consecutive months or of five thousand in any year animals fit for food and packing and preparing their meats for market or by his agent and used in connection with receiving, holding or weighing live stock for slaughter or for marketing or for shipment for slaughter.” “Packer’s yard.”

(b) by adding to the said section as paragraph (*n*) thereof the following:—

“(n) ‘Trucker’ means an operator of a public commercial vehicle.” “Trucker.”

Regulations. **3.** Paragraph (*q1*) of section four of the said Act, as enacted by chapter thirty-three of the statutes of 1928, is repealed and the following is substituted therefor as paragraph (*qq*):—

Beef for consumption within province.

“(*qq*) for voluntary application only, specifications and standards for beef for consumption within the province in which the same is slaughtered and also the conditions under which brand applied to such beef by the trade and relating to such standards may be recognized and protected.”

Regulations. **4.** Paragraphs (*a*), (*b*) and (*d*) of section four of the said Act are repealed and the following paragraphs are substituted therefor respectively:—

“(*a*) the manner in which stockyards and packers’ yards are to be constructed, equipped, maintained and operated;

(*b*) the manner in which complaints against the operation, maintenance or management of stockyards or packers’ yards shall be made and investigated;

(*d*) the manner in and purpose for which live stock and live stock products graded in accordance with the regulations under this Act shall be sold, offered for sale or displayed for sale and what shall be the size and kind of packages containing live stock products and how such packages shall be branded, marked or labelled.”

## 25-26 GEORGE V.

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### CHAP. 43.

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

[Assented to 28th June, 1935.]

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 Loan Act, 1935*. Short title.

2. The Governor in Council may, in addition to the sums now remaining unborrowed and negotiable of the loans authorized by Parliament by any Act heretofore passed, raise by way of loan, under the provisions of *The Consolidated Revenue and Audit Act, 1931*, by the issue and sale or pledge of securities of Canada, in such form, for such separate sums, at such rate of interest and upon such other terms and conditions as the Governor in Council may approve, such sum or sums of money as may be required, not to exceed in the whole the sum of seven hundred and fifty million dollars, for paying or redeeming the whole or any portion of loans or obligations of Canada, and also for purchasing and withdrawing from circulation from time to time unmatured securities of Canada, and for public works and general purposes. Loan authorized.  
1931, c. 27.

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





## 25-26 GEORGE V.

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### CHAP. 44.

An Act to provide for Minimum Wages pursuant to the Convention concerning minimum wages adopted by the International Labour Organization in accordance with the provisions of Part XIII of the Treaty of Versailles and of the corresponding parts of the other treaties of peace.

[Assented to 28th June, 1935.]

**W**HEREAS the Dominion of Canada is a signatory, as Preamble.  
Part of the British Empire, to the Treaty of Peace made between the Allied and Associated Powers and Germany, signed at Versailles, on the 28th day of June, 1919; and whereas the said Treaty of Peace was confirmed by the Treaty of Peace Act 1919; and whereas by Article 23 of the said Treaty the signatories thereto each agreed that they would endeavour to secure and maintain fair and humane conditions of labour for men, women and children, both in their own countries and in all countries to which their commercial and industrial relations extend, and by Article 427 of the said Treaty it was declared that the well-being, physical, moral and intellectual, of industrial wage-earners is of supreme importance; and whereas a Convention concerning minimum wages was adopted as a Draft Convention by the General Conference of the International Labour Organization of the League of Nations in accordance with the relevant articles of the said Treaty, which said Convention has been ratified by Canada; and whereas it is advisable to enact the necessary legislation to enable Canada to discharge the obligations assumed under the provisions of the said Treaty and the said Convention, and to provide for minimum wages in accordance with the provisions of the said Convention, and to assist in the maintenance on equitable terms of interprovincial and international trade: Therefore 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 Minimum Wages Act*. Short title.

## Definitions.

“Convention.”

**2.** In this Act, unless the context otherwise requires,—  
 (a) “Convention” means the Convention concerning the creation of minimum wage fixing machinery adopted as a draft convention by the General Conference of the International Labour Organization of the League of Nations at its Eleventh Session in Geneva on the sixteenth of June, 1928, in accordance with the Provisions of Part XIII of the Treaty of Versailles and of the corresponding Parts of the other Treaties of Peace;

“Employer.”

(b) “employer” means an employer in a rateable trade;

“Minimum rate of wages.”

(c) “minimum rates of wages” means the remuneration, fixed under this Act as payable to workers, whether by way of wages or salary or for piece work, in a rateable trade;

“Minister.”

(d) “Minister” means the Minister of Labour;

“Rateable trades.”

(e) “rateable trades” means those trades or parts of trades (in particular, home working trades) in which no arrangements exist for the effective regulation of wages by collective agreement or otherwise and wages are exceptionally low;

“Specified rateable trades.”

(f) “specified rateable trades” means such rateable trades as, pursuant to section five of this Act, shall be decided and declared to be those to which the minimum wage rate fixing machinery provided pursuant to this Act shall be applied;

“Regulation.”

(g) “regulation” means regulation made by or under the authority of the Governor in Council;

“Trade.”  
“Trades.”

(h) “trade” and “trades” include manufacture and commerce and employment in either thereof;

“Worker.”

(i) “worker” means an employed person, male or female, who is not under sixteen years of age.

Minimum rates in specified rateable trades.

**3.** (1) Such minimum rates of wages as shall, pursuant to this Act, be fixed as payable in specified rateable trades shall be paid by employers to workers in such trades.

Penalty.

(2) Every employer who, being engaged in a specified rateable trade, pays or agrees to pay to any worker employed in that trade wages at less than the minimum rates applicable pursuant to this Act thereto is guilty of an offence against this Act, punishable on summary conviction, and liable to a penalty not exceeding five thousand dollars.

Machinery to fix wages in rateable trades.

**4.** (1) The Governor in Council may on the recommendation of the Minister create, and by regulation provide for the operation by or under the Minister of, machinery whereby minimum rates of wages can be fixed for workers employed in rateable trades: Provided that the employers and workers concerned shall be associated in the operation of such machinery in such manner and to such extent, but

Proviso.

in any case in equal numbers and on equal terms, as the Governor in Council may by regulation determine.

(2) Minimum rates of wages which have been fixed by way of such machinery shall be binding on the employers and workers concerned so as not to be subject to abatement by them by means of individual agreement, nor, except with the general or particular authorization of the Minister, by collective agreement.

Fixed rates not subject to abatement.

5. (1) The Governor in Council may, on the recommendation of the Minister (made after the Minister has consulted or caused consultation as the Convention requires) decide, and by regulation declare, which trades or parts of trades are those rateable trades to which the minimum wage fixing machinery referred to in section four of this Act shall be applied.

Power to declare what trades are rateable trades.

(2) Such machinery shall be applied only in rateable trades and it shall not be applied in any particular rateable trade until after the Minister has consulted or caused consultation as the Convention requires and has decided and declared by regulation of his Department the nature and form of, and the methods to be followed in the operation of, that machinery, as it shall be applied to that particular trade.

When applicable to any particular rateable trade.

(3) A rateable trade specified as by this section provided is referred to in this Act as a specified rateable trade.

Specified rateable trade.

6. The Governor in Council, subject to the provisions of this Act and in substitution for the provisions of subsection one of section four and for those of section five of this Act, whenever he is satisfied that—

Governor in Council may fix minimum wages if trade injuriously affected or workers oppressed.

(a) the trade and commerce, or the public revenue, of Canada is being injuriously affected by the absence of uniform minimum rates of wages, or

(b) workers throughout Canada are being oppressed by reason of the insufficiency of the wages being paid to them to enable them to maintain a suitable standard of living,

may fix and determine by regulation minimum uniform rates of wages, or fair and suitable rates of wages, as the case may be, to be paid by employers to workers in the trades concerned, and provide or indicate all necessary machinery for enforcing observance and punishing non-observance of such regulation.

7. Notwithstanding anything contained in this Act, the Governor in Council may, by regulation—

Regulations.

(a) provide that the Minister or his nominee may generally or specially permit employers or any employer to pay wages less than the minimum rates of wages



in the case of workers who, by reason of age, infirmity or inexperience, are incapable of doing the work of a competent worker;

- (b) provide that the Minister may authorize any person, including an officer or employee of any provincial government, to act as an inspector or supervisor in connection with the enforcement of this Act;
- (c) ensure that the employers and workers concerned are informed of the minimum rates of wages in force;
- (d) prescribe the procedure whereby regulations or orders fixing minimum rates of wages are made effective, including the manner of proving and publishing them;
- (e) provide that whenever minimum rates of wages have been fixed pursuant to any one part of the machinery provided by or under this Act the rate of wages so fixed shall apply to employers and workers engaged in that trade in lieu of minimum rates of wages fixed in that trade pursuant to any other part of such machinery;
- (f) provide that any board, commission, committee, commissioner or functionary authorized under this Act to fix minimum rates of wages shall have the powers of a commissioner appointed under the *Inquiries Act*;
- (g) provide so that the Minister may permit delays to enable the orderly and proper application of this Act to industry and commerce and all necessary consultation and arrangement with relation thereto to be had and made;
- (h) do such other things as, being consonant with the convention, are necessary for the enforcement of this Act and for carrying out its provisions according to their true intent and meaning.

Inquiry by Minister as to minimum wages required.

8. (1) The Minister or his nominee may at any time, on the application of representatives of employers or workers, conduct an inquiry as to the minimum rates of wages required to enable a worker to maintain a suitable standard of living.

Powers under R.S., c. 99.

(2) The Minister or his nominee shall, for the purposes of such inquiry, have the powers of a commissioner appointed under the *Inquiries Act*.

Recovery by worker of amount underpaid.

9. A worker to whom minimum rates of wages are applicable and who has been paid wages at less than minimum rates shall be entitled to recover as an ordinary debt the amount by which he has been underpaid. Alternatively, on any prosecution had under section three of this Act the Court may, in addition to the imposition of any penalty, order payment to the employee concerned of the amount of wages proved to be unpaid or short paid, as

Alternative provision.

the case may be, and with relation to such order all provisions of Part XV of the *Criminal Code* shall apply.

**10.** Every person who fails or omits to comply with any provision of this Act or of any regulation or order made thereunder is guilty of an offence punishable on summary conviction and, if no other penalty is prescribed by this Act, liable to a penalty not exceeding fifty dollars. Penalty.

**11.** Nothing in this Act contained shall be construed as relieving any employer from the obligation to pay any minimum wages fixed by or under any provincial statute, if such minimum wages are higher than the relevant minimum wages fixed under this Act. Provincial rates to prevail if higher than relevant rates under this Act.

**12.** Subsection one of section four of this Act and section five of this Act shall not come into force until proclaimed by the Governor in Council. Secs. 4 (1) and 5 come into force on proclamation.

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## 25-26 GEORGE V.

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### CHAP. 45.

An Act to amend the Pension Act.

[Assented to 28th June, 1935.]

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

R.S., c. 157;  
1932-33, c. 45;  
1934, c. 58.

1. Subsection (3A) of section three of the *Pension Act*, chapter one hundred and fifty-seven of the Revised Statutes of Canada, 1927, as enacted by chapter fifty-eight of the statutes of 1934, is amended by striking out the the words "one year" in the fifth line thereof and substituting therefor the words "two years."

Tenure of  
acting  
chairman  
extended.

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## 25-26 GEORGE V.

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### CHAP. 46.

An Act to amend the Post Office Act.

[Assented to 28th June, 1935.]

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

R.S., c. 161;  
1931, c. 45;  
1932-33, c. 46.

1. Section seventy-seven of the *Post Office Act*, chapter one hundred and sixty-one, Revised Statutes of Canada, 1927, is repealed, and the following is substituted therefor with retroactive effect:—

“77. No contract shall be entered into for a longer term than four years; but the Postmaster General may, in special cases, when in his opinion the service has been satisfactorily performed under an expiring contract, and on conditions advantageous to the public interest, renew the contract with the same contractor for a further term, or terms, not exceeding four years each.”

No contract  
for more  
than four  
years.

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## 25-26 GEORGE V.

### CHAP. 47.

An Act respecting the Bridge across the Second Narrows of Burrard Inlet in the Province of British Columbia.

[Assented to 28th June, 1935.]

WHEREAS the bridge across the Second Narrows of Burrard Inlet in the Province of British Columbia referred to in chapter sixty-three of the statutes of Canada, 1931, was not reconstructed or repaired by the Burrard Inlet Tunnel and Bridge Company pursuant to the powers conferred upon said Company by the said chapter sixty-three; and whereas the Vancouver Harbour Commissioners purchased the said bridge and reconstructed the same with a movable lift span in place of the three hundred foot fixed span referred to in section four of the said chapter sixty-three; and whereas it is desirable, for the avoidance of doubts, that a declaration similar to that contained in section three of the said chapter sixty-three be made with reference to the bridge so re-constructed: Therefore His Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

1. It is hereby declared that the bridge across the Second Narrows of Burrard Inlet in the Province of British Columbia, constructed by The Burrard Inlet Tunnel and Bridge Company and re-constructed by the Vancouver Harbour Commissioners, is a lawful work and shall not be deemed or held to be an interference with navigation.

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# 25-26 GEORGE V.

## CHAP. 48.

An Act to amend the Weights and Measures Act.

[Assented to 23th June, 1935.]

HIS Majesty, by and with the advice and consent of R.S., c. 212.  
the Senate and House of Commons of Canada, enacts  
as follows:—

1. (1) Paragraph (c) of section two of the *Weights and Measures Act*, chapter two hundred and twelve of the Revised Statutes of Canada, 1927, is repealed and the following is substituted therefor:—

“(c) ‘inspector’ means an inspector of weights and measures appointed under the provisions of this Act, and includes the director and superintendents of weights and measures, inspectors of weights and measures, and any other officer with the powers, or authorized to perform the duties, of an inspector of weights and measures.” “Inspector”.

(2) Section two of the said Act is further amended by adding the following as sub-paragraph (f):—

“(f) the expression “pre-packaged goods” or “pre-packaged articles” includes any article which is packaged or made up in advance ready for retail sale in a wrapper or container, and where any article packaged or made up in a wrapper or container is found on any premises where such articles are packaged, kept or stored for sale, the article shall be deemed to be packaged or made up in advance ready for retail sale unless the contrary is proved.” “Pre-packaged goods or articles.”

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

“5. (1) The bronze bar and the platinum weights more particularly described in the first part of the first schedule to this Act, and deposited at the Department of Trade and Commerce, in the custody of the Minister, as provided in the Act passed in the year one thousand eight hundred Certain standards to be Dominion standards.

and seventy-three, chapter forty-seven, and intituled *An Act respecting Weights and Measures*, shall continue to be the Dominion standards of measure and weight."

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

Local standards.

"**15.** The standards of measure and weight which are lawfully in use by inspectors for the purpose of verification or inspection, and all copies of the departmental standards which are compared and verified with those standards under the direction of the Minister for the purpose of being used by inspectors under this Act as standards for the verification or inspection of weights and measures, shall be called local standards."

**4.** The said Act is amended by inserting the following section immediately after section twenty-two thereof:—

"Cord" defined.

"**22A.** The cord shall contain one hundred and twenty-eight (128) cubic feet, being four and seven hundred and forty, nine hundred and ninety-ninths ( $4\frac{740}{999}$ ) cubic yards according to the Dominion standard yard."

**5.** Section twenty-six of the said Act is amended by adding thereto the following as subsection six thereof:—

Fluid ounce.

"(6) The one hundred and sixtieth part of the gallon by volume shall be the fluid ounce."

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

Articles in vessels.

"**37.** Subject to the requirements of any regulation made in accordance with the provisions of this Act nothing in this Act shall prevent the sale, or subject a person to a penalty under this Act for the sale of an article in any vessel, such vessel being included in the sale, when such vessel is not represented as containing any specific quantity in Dominion measures, nor subject a person to a penalty under this Act for the possession of a vessel when it is shown that such vessel is not used or intended for use as a measure."

**7.** Section forty-one of the said Act is repealed and the following is substituted therefor:—

Director may be appointed.

"**41.** (1) A Director of Weights and Measures, hereinafter called the Director, may be appointed, who shall, under the direction of the Minister, conduct all comparisons, verifications and other operations with reference to local standards of measure and weight, and shall have the general supervision and direction of the work of inspection throughout Canada.

Certificates to be *prima facie* evidence.

(2) A certificate of such comparison and verification signed by the Director shall be *prima facie* evidence that

the comparison and verification has been performed as described in such certificate.

(3) Inspectors of weights and measures and such other officers as are deemed necessary, may be appointed in the manner authorized by law. Appointment of inspectors and officers.

(4) No person shall be appointed an inspector or shall act as an inspector until he has been examined and has obtained a certificate in the manner authorized by law that he is qualified to perform the duties of his office. Qualification of inspectors.

(5) The Governor in Council may divide the whole or any part of Canada into inspection divisions and fix the boundaries of such divisions, and, in the manner authorized by law, may prescribe what and how many officers shall be employed in the several districts." Inspection divisions.

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

"48. (1) The inspector may, at all reasonable times, without notice, enter any shop, store, warehouse, stall, yard or place whatsoever, within his division, where any commodity is bought, sold, exposed or kept for sale, or where a charge is made for the carriage or conveyance thereof by weight or measure, and Power of inspectors to enter shops, etc.

(a) there examine all weights, measures, and weighing and measuring machines, and compare them and try the same with the local standards of weight and measure in his possession;

(b) inspect and check any pre-packaged goods or articles for the purpose of ascertaining whether the contents of such packaged goods correctly correspond with the weight and measure offered for sale or marked on the label or container.

(2) He shall do so from time to time and without previous notice, so as best to ensure compliance with the provisions of this Act, the provisions of any related legislation governing the sale of commodities by weight, measure or count, and the discovery and punishment of any violations thereof. No previous notice.

(3) He shall attend at any reasonable time and place, and when not otherwise engaged in the performance of his duties, for the purpose of inspecting and verifying any fixed and non-portable weighing machine in his division. Inspection of fixed weighing machines.

(4) He may also, subject to regulations made by the Governor in Council in that behalf, at any time when not so engaged as aforesaid, inspect, verify, stamp and certify any weights, measures or weighing machines, at the request of the owner thereof, and at any place in his division." Place of inspection.



**9.** Section fifty-two of the said Act is amended by adding to subsection one thereof the following paragraphs:—

Regulations.

“(k) the measurement of wood;

(l) the weight of wrappers or containers of articles sold by weight;

(m) the weight and quantity of contents of and markings upon packages or containers of goods, wares or merchandise at time of sale.”

**10.** Section sixty-three of the said Act is repealed and the following is substituted therefor:—

Penalty for short weights, measure or counts.

“**63.** (1) Notwithstanding any of the provisions of the *Criminal Code* any person who sells, delivers or causes to be sold or delivered anything by weight, measure or number short of the quantity ordered or purchased shall, except as by this section otherwise provided, be guilty of an offence and liable to a fine not exceeding one hundred dollars and not less than ten dollars for the first offence and to a fine not exceeding two hundred and fifty dollars and not less than fifty dollars and in default of payment to a term of imprisonment not exceeding six months for every subsequent offence.

Proceedings.

(2) No proceedings shall be taken under the provisions of this section except with the consent in writing of the Minister.

When weight of wrapper or container may be included.

(3) Any person who sells, delivers or causes to be sold or delivered anything by weight where the article is weighed in a wrapper or container in the presence of the purchaser for and at the time of sale, may include in the weight purported to be sold the weight of the wrapper or container if the weight of the wrapper or container does not exceed per pound of the article sold the weight prescribed by regulation under this Act in respect of such wrapper or container.

No further proceedings if person convicted of misbranding.

(4) No proceeding shall be taken under the provisions of this section in respect of pre-packaged goods or articles if the person proceeded against has already been convicted under section twenty-three of the *Food and Drugs Act*, of a breach of the provisions of section seven, paragraph (f) of the said Act in respect of the same goods or articles.

R.S., c. 76.

Considerations which may be disregarded or shall be regarded by the court in any proceedings.

(5) In any proceedings under this Act in respect of an alleged deficiency of weight or measure of any pre-packaged goods the court shall, subject to the provisions of the next following subsection, disregard any inconsiderable variation in the weight or measure of any single article, but for the purposes of the next following subsection the court shall have regard to the proved average weight or measure of a reasonable number of other articles of the same kind, if any,

(a) sold or delivered by the defendant within any period of time not exceeding one week, or

(b) in the possession of the defendant, for the purpose of sale or delivery, on the same occasion as that on which any sale or delivery of one or more articles of the same kind was made by him.

(6) When a deficiency appears from the proved average weight or measure as mentioned in the next preceding subsection the court shall, all other elements of the offence being established, convict in respect of the actual deficiency in the weight or measure of any single article or articles which is one or more of those which contribute to or produce such proved average weight or measure and all pre-packaged articles of the same kind as that sold or delivered which are found in the possession of the defendant within forty-eight hours after the sale or delivery shall be deemed to have been in the possession of the defendant on the same occasion as that of the sale or delivery, and to have been then and so in his possession for the purpose of sale or delivery, unless he proves the contrary to the satisfaction of the court."

Powers of court when deficiency appears from proved average weight or measure.

**11.** Section sixty-four of the said Act is repealed and the following is substituted therefor:—

"**64.** (1) Every person who uses or has in his possession for use, in trade, any weight, measure, scale, balance, steelyard or weighing machine, which is false or unjust, shall be guilty of an offence and liable

False or unjust weights.

- (a) if not a corporation, to a fine not exceeding one hundred dollars and not less than ten dollars for the first offence, and to a fine not exceeding two hundred and fifty dollars and not less than fifty dollars and in default of payment to a term of imprisonment not exceeding six months for every subsequent offence and
- (b) if a corporation, to a fine not exceeding one thousand dollars and not less than one hundred dollars for the first offence, and to a fine not exceeding five thousand dollars and not less than five hundred dollars for every subsequent offence.

(2) Such weight, measure, scale, balance, steelyard or weighing machine shall be forfeited, and shall be forthwith seized by the inspector as being so forfeited; and any contract, bargain, sale or dealing made by using the same shall be void."

Forfeiture.

**12.** Section sixty-seven of the said Act is repealed and the following is substituted therefor:—

"**67.** Every trader, manufacturer, carrier, public weigher, gauger, measurer, surveyor or other person, who uses, for any purpose of buying, selling or charging for the carriage of any goods, wares, merchandise, or thing, or of measuring any land, goods, materials or other thing, for

Using unstamped weight, measure or weighing machine.

the

the purpose of charging for or ascertaining the amount or price to be paid, or the charge to be made therefor, any weight or measure, or weighing machine which has not been duly inspected and stamped according to this Act, is guilty of an offence against this Act and shall, on conviction, incur a penalty not exceeding fifty dollars and not less than five dollars for each such offence, and such unstamped weight, measure, weighing or measuring machine, so used, may be seized by the inspector for the purpose of prosecution and held under seizure subject to the order of the Minister."

**13.** Section sixty-nine of the said Act is repealed and the following is substituted therefor:—

Postal  
scales.

"**69.** (1) Postal scales, when engraved and stamped, as such and of a capacity not exceeding four pounds, and not used for trade purposes, may be sold without inspection under such regulations as the Department of Trade and Commerce prescribes.

Confiscation  
if used for  
trade  
purposes.

(2) Any such scale found in use for trade purposes shall be forthwith seized and confiscated by the inspector on view without suit or authority other than this Act."

**14.** Subsection two of section seventy of the said Act is repealed and the following is substituted therefor:—

Seizure of  
unlawful  
weights.

"(2) Such weights, measures or weighing machines may be seized by the inspector for the purposes of prosecution and held under seizure subject to the order of the Minister."

**15.** The said Act is amended by inserting the following section immediately after section seventy-four thereof:—

Size or  
capacity of  
containers,  
etc., to be  
in terms of  
Dominion  
measure.

"**74A.** No person shall sell or offer for sale any vessel, utensil or container which is represented as of a definite size or capacity in terms of measure unless such size or capacity is in terms of Dominion measure ascertained by this Act or some aliquot multiple or submultiple thereof, and any person who contravenes this provision shall be guilty of an offence and liable to a penalty not exceeding twenty-five dollars for a first offence and not exceeding fifty dollars for a second or subsequent offence."

**16.** Section seventy-seven of the said Act is repealed and the following is substituted therefor:—

Obstructing  
inspector.

"**77.** Every person who wilfully obstructs or impedes any inspector in the performance of his duty under this Act, or under any order in council or regulation lawfully made under it, and every person who aids or assists him in so doing shall be guilty of an offence and liable to a penalty for a first offence of not less than twenty-five dollars and costs, but not exceeding one hundred dollars

and



and costs, and for a second or subsequent offence to a penalty of one hundred dollars and costs or to imprisonment for a period not exceeding six months."

**17.** Section eighty of the said Act is repealed.

Stamping  
out of  
division.

**18.** The said Act is amended by inserting the following section immediately after section eighty-one thereof:—

"**81A.** Any person who acts in contravention of any provision of this Act or any regulation lawfully made thereunder for which no express penalty is provided shall be guilty of an offence and liable to a fine not less than ten dollars and not more than twenty-five dollars for the first offence, and not less than twenty-five dollars and not more than one hundred dollars for a second offence, or to imprisonment for a period not exceeding six months."

Penalty  
where  
no express  
penalty is  
provided.

**19.** The said Act is amended by inserting the following section immediately after section eighty-two thereof:—

"**82A.** In prosecutions under sections sixty-three and sixty-four of this Act although absence of *mens rea* shall not be a defence it may be deemed to affect the amount of penalty to be imposed in the circumstances and as to that issue it may be proved."

Absence of  
intention  
may affect  
penalty  
under secs.  
63 and 64.





## 25-26 GEORGE V.

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### CHAP. 49.

An Act for granting to His Majesty certain sums of money for the public service of the financial year ending the 31st March, 1936.

[Assented to 5th July, 1935.]

MOST GRACIOUS SOVEREIGN,

**W**HEREAS it appears by messages from His Excellency, Preamble.  
the Right Honourable the Earl of Bessborough, etc.,  
etc., Governor General of Canada, and the estimates  
accompanying the said messages, that the sums hereinafter  
mentioned are required to defray certain expenses of  
the public service of Canada, not otherwise provided for,  
for the financial year ending the thirty-first day of March,  
one thousand nine hundred and thirty-six, 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. 5, 1935.*

**2.** From and out of the Consolidated Revenue Fund \$138,642,370.82  
granted for  
1935-36.  
there may be paid and applied a sum not exceeding in the  
whole one hundred and thirty-eight million, six hundred  
and forty-two thousand, three hundred and seventy dollars  
and eighty-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-five to the  
thirty-first day of March, one thousand nine hundred and  
thirty-six, not otherwise provided for, and being the amount  
of each of the items to be voted set forth in Schedule A  
to this Act, less the amounts voted on account for the said  
items in the Appropriation Acts, Nos. 1, 3 and 4, passed at  
the present session of Parliament.

\$2,502,750.01  
granted for  
1935-36  
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 two million, five hundred and two thousand, seven hundred and fifty dollars and one cent towards defraying the several charges and expenses of the public service, from the first day of April, one thousand nine hundred and thirty-five, to the thirty-first day of March, one thousand nine hundred and thirty-six, not otherwise provided for, and being three-fourths of the amount of each of the several items to be voted set forth in Schedule B to this Act.

Power to  
raise loan of  
\$200,000,000  
for public  
works and  
general  
purposes.

1931, c. 27.

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

(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.

(3) All borrowing powers authorized by section five of chapter twenty-three of the statutes of 1934 which are outstanding and unused shall expire on the date of the coming into force of this Act.

Chargeable  
to  
Consolidated  
Revenue  
Fund.

Lapse of  
prior  
borrowing  
powers.

Account to  
be rendered  
in detail.

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

## SCHEDULE A.

Based on the Main Estimates, 1935-36. The amount hereby granted is \$138,642,370.82, being the amount of each of the items in the Estimates as contained in this Schedule, less the amounts voted on account of the said items in the Appropriation Acts, Nos. 1, 3 and 4 of the present session.

SUMS granted to His Majesty by this Act for the financial year ending 31st March, 1936, and the purposes for which they are granted.

No. of Vote	Service	Amount	Total
		\$    cts.	\$    cts.
<b>CHARGES OF MANAGEMENT</b>			
1	Printing, advertising, inspection, express, etc.....	31,389 00	
	Commission for payment of interest on public debt, purchase of sinking funds, auditing, English bill stamps, postage, etc..	155,000 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 temporary staff, fix their rates of remuneration and otherwise wholly regulate their services without reference to and notwithstanding anything in the Civil Service Act.....	13,600 00	199,989 00
<b>CIVIL GOVERNMENT</b>			
2	Office of the Secretary to the Governor General—		
	Salaries.....	27,370 00	
	Contingencies, including house allowance of \$1,500 per annum to the Secretary to the Governor General.....	70,500 00	
3	Agriculture—		
	Salaries.....	659,338 00	
	Contingencies.....	109,700 00	
4	Auditor General's Office—		
	Salaries.....	296,010 00	
	Contingencies.....	75,950 00	
5	Civil Service Commission—		
	Salaries.....	183,286 00	
	Contingencies.....	27,000 00	
6	External Affairs—		
	Salaries.....	85,056 00	
	Contingencies.....	63,800 00	
7	Finance—		
	Salaries.....	293,957 00	
	Contingencies.....	33,026 00	
	Inspector General of Banks—		
	Salaries and Contingencies.....	22,000 00	
8	Fisheries—		
	Salaries.....	95,490 00	
	Contingencies.....	27,900 00	
9	Immigration and Colonization—		
	Salaries.....	178,850 00	
	Contingencies.....	15,300 00	
10	Indian Affairs—		
	Salaries.....	117,655 00	
	Contingencies.....	18,000 00	
11	Insurance—		
	Salaries.....	92,812 00	
	Contingencies.....	64,000 00	
12	Interior—		
	Salaries.....	503,158 50	
	Contingencies.....	20,000 00	
13	Justice—		
	Salaries.....	198,798 00	
	Contingencies, including the Solicitor General's Office.....	45,000 00	



## SCHEDULE A—Continued

No. of Vote	Service	Amount		Total	
		\$	cts.	\$	cts.
CIVIL GOVERNMENT—Concluded					
14	Labour—				
	Salaries.....	192,972	00		
	Contingencies.....	26,000	00		
15	Marine—				
	Salaries.....	258,570	00		
	Contingencies.....	46,800	00		
16	Mines—				
	Salaries.....	485,910	00		
	Contingencies.....	20,000	00		
17	National Defence—				
	Salaries.....	402,692	00		
	Contingencies.....	45,948	00		
18	National Revenue—				
	Salaries.....	798,709	00		
	Contingencies.....	92,700	00		
19	Office of the Prime Minister—				
	Salaries.....	24,904	00		
20	Pensions and National Health—				
	Salaries.....	149,390	00		
	Contingencies.....	30,300	00		
21	Post Office—				
	Salaries, including amounts 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. 280/333, dated February 17, 1930, and to pay allowances to typists, Grade 1, employed cutting stencils in accordance with regulations approved by Order in Council; and to provide for continuance in office of G. C. Anderson, as Superintendent of Mail contracts from April 1, 1935 to March 31, 1936	1,130,102	00		
	Contingencies.....	172,720	00		
22	Privy Council—				
	Salaries.....	39,894	00		
	Contingencies.....	5,000	00		
23	Public Archives—				
	Salaries, and to provide for the continuance in office of J. B. Noble, Senior Bookbinder, from April 1, 1935 to March 31, 1936.....	84,898	00		
	Contingencies.....	9,200	00		
24	Public Printing and Stationery—				
	Salaries.....	31,500	00		
	Contingencies.....	10,000	00		
25	Public Works—				
	Salaries.....	444,056	00		
	Contingencies.....	49,800	00		
26	Railways and Canals—				
	Salaries.....	163,408	00		
	Contingencies.....	26,500	00		
27	Royal Canadian Mounted Police—				
	Salaries.....	16,200	00		
	Contingencies.....	12,500	00		
28	Secretary of State—				
	Salaries.....	289,538	00		
	Contingencies.....	73,655	00		
29	Trade and Commerce—				
	Salaries.....	545,724	00		
	Contingencies.....	43,703	60		
				9,047,250	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 \$1,300) for assistance in the Remission Service of the Department of Justice.....	15,000	00		

## SCHEDULE A—Continued

No. of Vote	Service	Amount	Total
	<b>ADMINISTRATION OF JUSTICE—Concluded</b>	\$ cts.	\$ cts.
	<i>Supreme Court of Canada</i>		
31	Contingencies and disbursements, including books, magazines, etc., for judges, not exceeding \$350.....	4,100 00	
	Law books and books of reference for Library, and binding of same.....	7,000 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.....	7,000 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.....	9,500 00	53,600 00
	<b>PENITENTIARIES</b>		
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, Piers Island, Saskatchewan and Collin's Bay Penitentiaries.....	2,830,947 75	2,830,947 75
	<b>LEGISLATION</b>		
	<b>SENATE</b>		
35	Salaries and contingent expenses.....	162,241 50	
	<b>HOUSE OF COMMONS</b>		
36	Salaries.....	116,246 00	
	Expenses of committees, etc.....	15,000 00	
	Clerical Assistance, etc.....	107,203 50	
	Contingencies.....	44,099 00	
	Publishing debates, including salaries of amanuenses, etc.....	63,000 00	
	Estimates of the Sergeant-at-Arms.....	195,635 25	
	<b>LIBRARY OF PARLIAMENT</b>		
37	Salaries, and to authorize payment of M. C. MacCormac from April 1, 1935.....	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	
	<b>GENERAL</b>		
38	Printing, printing paper and binding, including salaries of staff in joint distribution office.....	75,000 00	849,923 25
	<b>AGRICULTURE</b>		
39	Dairying.....	249,000 00	
40	Cold Storage Warehouses.....	43,696 34	
41	Fruit, including grant of \$4,500 to Canadian Horticultural Council.....	464,280 00	

## SCHEDULE A—Continued

No. of Vote	Service	Amount	Total
		\$ cts.	\$ cts.
AGRICULTURE—Concluded			
42	Seed, feed and fertilizer control, including grants to seed fairs, etc., also grant of \$17,010 to Canadian Seed Growers' Association.....	393,200 00	
43	Live Stock, including assistance to Fairs and Exhibitions.....	1,628,302 00	
44	Experimental Farms, including investigations concerning plant diseases.....	1,937,898 00	
45	Health of Animals, administration of Animal Contagious Diseases Act and Meat and Canned Foods Act.....	1,833,189 00	
46	Entomology, including investigations and inspections relating to destructive insects and pests.....	380,128 00	
47	Publications.....	32,197 60	
48	Farm Economics, including agricultural co-operative marketing.....	29,680 00	
49	International Institute of Agriculture.....	12,000 00	
50	Contributions to Empire Bureaux.....	21,535 00	7,025,105 94
IMMIGRATION AND COLONIZATION			
51	Immigration Salaries and Contingencies.....	1,175,361 00	
52	Empire Settlement Scheme, including grants authorized by the Governor in Council.....	34,250 00	
53	Relief of Distressed Canadians.....	2,000 00	1,211,611 00
SOLDIER AND GENERAL LAND SETTLEMENT			
54	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 and Farmers' Creditors Arrangement Act.....	1,162,400 00	
55	To provide for payment to the British Government on account of ascertained losses sustained under the 3,000 British Family Agreement of August 20, 1924.....	3,913 28	1,166,313 28
PENSIONS			
56	Annuity to Sir Frederick G. Banting.....	7,500 00	
57	Annuity to Sir Charles E. Saunders.....	5,000 00	
Pensions to—			
58	The unmarried sister of the late Col. Harry Baker, M.P..	700 00	
59	J. Langlois Bell.....	600 00	
60	James Elliott.....	672 00	
61	Alice Morson Smith.....	600 00	
62	Elizabeth Swinford.....	600 00	
63	Mounted Police, Prince Albert Volunteers and Police Scouts on account of the Rebellion of 1885.....	808 86	
64	Families of members of the Mounted Police Force who lost their lives while on duty—		
	Mrs. Mary Emma Bossange.....	457 50	
	Mrs. Margaret Johnson Brooke.....	823 50	
	Mrs. Margaret Cox.....	501 75	
	Mrs. Elizabeth Fitzgerald.....	525 00	
	Mrs. Letitia Kennedy.....	423 50	
	Mrs. Nora Jean Massan.....	300 00	
	Mrs. Margaret Nicholson.....	609 00	
	Mrs. Catharine Mildred Ralls.....	797 10	
	Mrs. Myrtle L. Richards.....	900 00	
	Mrs. Doris Freda Sampson.....	816 00	
	Mrs. Amy Lillian Searle.....	408 09	
	Mrs. Madeleine Mary Schoebothom.....	810 00	
65	Pensions payable to men on active service, Northwest Rebellion, 1885, and general pensions, and Civil Flying..	21,000 00	
66	European War—Naval, Militia and Air Forces after the War..	42,000,000 00	
67	Salaries and contingent expenses of the Canadian Pension Commission.....	446,023 00	42,490,875 30

## SCHEDULE A—Continued

No. of Vote	Service	Amount	Total
	SUPERANNUATION	\$ cts.	\$ cts.
68	To provide for retiring allowances to former employees of the Department of Public Printing and Stationery.....	7,780 00	7,780 00
	NATIONAL DEFENCE		
	MILITIA SERVICES		
69	Administration.....	359,000 00	
70	Cadet Services.....	150,000 00	
71	Contingencies.....	31,500 00	
72	Engineer Services and works.....	297,500 00	
73	General Stores.....	937,800 00	
74	Non-Permanent Active Militia.....	2,000,000 00	
75	Permanent Force.....	4,964,700 00	
76	Royal Military College.....	359,500 00	
	NAVAL SERVICES		
77	Naval Services—To provide for the maintenance of the ships and establishments of the Naval Service, including the Royal Canadian Navy, the Royal Canadian Naval Reserve, and the Royal Canadian Naval Volunteer Reserve..	2,250,000 00	
	GENERAL		
78	Civil Pensions—		
	Life pension to Robert Allen.....	269 52	
	Life pension to Walter Pettipas.....	515 90	
	Life pension to Florence Walker and child.....	375 75	
	Life pension to Arnold Truman Townsend.....	420 00	
	Life pension to Michael Mountain.....	420 00	
			11,252,001 17
	AVIATION		
79	Royal Canadian Air Force—Expenses in connection with the general maintenance and training of the Permanent and Non-Permanent Active Air Force, and provision of facilities therefor.....	2,630,000 00	
80	Civil Government Air Operations—For Preventive Service and other Air Operations.....	120,000 00	
81	Civil Aviation—Expenses in connection with the Control of Civil Aviation, Airways, Government and Public Airports and Grants to Aeroplane Clubs.....	250,000 00	
			3,000,000 00
	RAILWAYS AND CANALS		
	(Chargeable to Capital)		
	RAILWAYS		
82	Hudson Bay Railway and Terminals: Construction and Betterments (including E. B. Jost at \$2,250).....	302,000 00	
	CANALS		
83	Welland Ship Canal: Construction and Betterments.....	125,000 00	
84	Welland Ship Canal: To provide for settlement of the claims totalling \$364,827, of J. P. Porter in connection with contract No. 24275 entered into August 18th, 1921, for the construction of sections 1 and 2.....	89,438 60	
85	Welland Ship Canal: To provide for settlement of the claims, totalling \$633,620.67, of Atlas Construction Co., Ltd., and E. O. Leahey, Ltd., in connection with contract No. 26376 entered into October 12th, 1925, for construction of Section 6	25,755 00	



## SCHEDULE A—Continued

No. of Vote	Service	Amount	Total
	RAILWAYS AND CANALS— <i>Concluded</i>	\$ cts.	\$ cts.
	( <i>Chargeable to Capital</i> )— <i>Concluded</i>		
	CANALS— <i>Concluded</i>		
86	Welland Ship Canal: To provide for settlement of the claims, totalling \$62,721.05, of the Canadian Dredging Co., Ltd., in connection with contract No. 26070, entered into December 30, 1924, for the construction of Section 7.....	11,762 64	
87	Welland Ship Canal; To provide for settlement of the claims, totalling \$385,021.41, of A. W. Robertson, Ltd., in connection with contract No. 25856, entered into February 27, 1924, for the construction of Section 8.....	37,228 77	
88	Welland Ship Canal: To provide for settlement of claims, totalling \$126,696.09, of Collingwood Shipyards, Limited, in connection with contract No. 27896, entered into December 23, 1929, for the construction of a pontoon gate lifter.....	16,426 06	607,611 07
	RAILWAYS AND CANALS		
	( <i>Chargeable to Income</i> )		
	CANALS		
89	Improvements.....	518,820 00	
90	Welland Ship Canal: To provide for settlement of the claims, totalling \$3,025 of Messrs. Aiken, Innes & MacLachlan, in connection with contract No. 28645, entered into October 10, 1931, for construction of a Pile Dock and Turning Basin at St. Catharines.....	1,546 30	
	MISCELLANEOUS		
91	Board of Railway Commissioners: Maintenance and Operation.	228,648 00	
92	Miscellaneous Services.....	46,000 00	
93	Printing and Stationery.....	5,000 00	
94	Surveys and Inspections, Canals.....	6,000 00	
95	Railway Employees' Provident Fund: To supplement pension allowances payable under provisions of the Intercolonial and Prince Edward Island Railway Employees' Provident Fund Act so as to make the minimum payment during the period January 1, 1935, to March 31, 1936, the sum of \$30 per month instead of \$20 per month as fixed by the said Act....	27,500 00	833,514 30
	PUBLIC WORKS		
	( <i>Chargeable to Capital</i> )		
	PUBLIC BUILDINGS		
96	Tokyo, Japan—Canadian Legation.....	200,000 00	
	HARBOURS AND RIVERS		
97	<i>Under Contract</i> — St. John—Channel improvements.....	100,000 00	300,000 00

SCHEDULE A—Continued

No of Vote	Service	Amount		Total	
		\$	cts.	\$	cts.
	<b>PUBLIC WORKS</b> <i>(Chargeable to Income)</i>				
	<b>PUBLIC BUILDINGS</b> <i>Nova Scotia</i>				
98	Bridgetown—Public building.....	30,000	00		
	Halifax—Maintenance of Immigration quarters.....	25,000	00		
	New Waterford—Public building.....	44,000	00		
	Oxford—Public building.....	30,000	00		
		129,000	00		
	<i>Prince Edward Island</i>				
99	Alberton—Public building.....	6,500	00		
	<i>New Brunswick</i>				
100	Rexton—Public building.....	12,000	00		
	St. Andrews—Public building.....	45,000	00		
	St. George—Public building.....	29,000	00		
	St. John—Addition to armoury.....	20,000	00		
	St. John Quarantine Station—Partridge Island—Improvements, alterations and repairs.....	6,000	00		
		112,000	00		
	<i>Maritime Provinces Generally</i>				
101	Dominion Public Buildings—Improvements and repairs.....	50,000	00		
	<i>Quebec</i>				
102	Amqui—Public building.....	19,000	00		
	Asbestos—Public building.....	8,000	00		
	Bagotville—Public building.....	25,500	00		
	Dolbeau—Public building.....	22,000	00		
	Dominion Public Buildings—Improvements and repairs.....	100,000	00		
	Grosse Isle Quarantine Station—Improvements, alterations and repairs.....	7,800	00		
	Montreal—Instalment on purchase of armoury.....	15,200	00		
	Montreal—Addition to 4th Division Engineer's armoury.....	7,000	00		
	Quebec Citadel—Improvements and maintenance.....	15,000	00		
	Quebec Examining Warehouse—Repairs and renewals.....	1,200	00		
	Ste. Anne de Beaupre—Public building.....	25,000	00		
Westmount—Instalment on purchase of armoury.....	12,700	00			
		258,400	00		
	<i>Ontario</i>				
103	Belleville Public Building—Addition to site.....	17,500	00		
	Belleville—New gun shed.....	9,600	00		
	Burlington—Public building.....	35,000	00		
	Campbellford—Public building.....	35,000	00		
	Dominion Public Buildings—Improvements and repairs.....	125,000	00		
	Dunnville—Public building.....	60,000	00		
	Fenelon Falls—Public building.....	25,000	00		
	Gananoque—Gun shed and caretaker's quarters.....	11,700	00		
	Hamilton—Addition to armoury.....	75,000	00		
	Kingston—Machine shop.....	35,000	00		
	Kingston—Addition to armoury.....	12,000	00		
	Kingston—R.S.A. and Brigade building.....	52,000	00		
	London—Royal school building.....	25,000	00		
	Meaford—Public building.....	40,000	00		
	Perth—Purchase of property for armoury purposes.....	6,500	00		
	Toronto—Instalment on purchase of armoury.....	29,400	00		
Toronto Postal Station "A"—Improvements, etc.....	5,500	00			
		599,200	00		

SCHEDULE A—Continued

No. of Vote	Service	Amount		Total	
		\$	cts.	\$	cts.
	PUBLIC WORKS—Continued (Chargeable to Income)—Continued				
	PUBLIC BUILDINGS—Continued				
	Manitoba				
104	Dominion Public Buildings—Improvements and repairs.....	25,000	00		
	Elkhorn—Public building.....	22,000	00		
	Rivers—Public building.....	12,000	00		
	Russell—Public building.....	22,500	00		
		81,500	00		
	Saskatchewan				
105	Broadview—Public building.....	15,000	00		
	Dominion Public Buildings—Improvements and repairs.....	25,000	00		
	Regina—Instalment on purchase of armoury.....	31,000	00		
	Whitewood—Public building.....	12,000	00		
		83,000	00		
	Alberta				
106	Calgary—Instalment on purchase of property for Ordnance Stores.....	9,000	00		
	Dominion Public Buildings—Improvements and repairs.....	17,000	00		
	Peace River—Public building.....	31,500	00		
	Red Deer—Addition to armoury.....	7,000	00		
	Vermilion—Purchase of building for postal purposes.....	8,000	00		
			72,500	00	
	British Columbia				
107	Armstrong—Purchase of building for postal purposes, etc.....	7,000	00		
	Chemainus—Public building.....	37,000	00		
	Creston—Public building.....	30,000	00		
	Dominion Public Buildings—Improvements and repairs.....	35,000	00		
	Hollyburn—Public building.....	50,700	00		
	Kelowna—Public building.....	65,300	00		
	Mission City—Public building.....	30,000	00		
	Penticton—Public building.....	61,000	00		
	Vancouver—Instalment on purchase of armoury.....	17,100	00		
	Vancouver Public Building—To meet one year's interest at 5% on mortgage of \$400,000.....	20,000	00		
		353,100	00		
	Generally				
108	Experimental Farms—Replacements, repairs and improvements	100,000	00		
	Flags for Dominion Public Buildings.....	3,500	00		
	Military Buildings—Repairs, fittings and additions.....	25,000	00		
	Military Hospitals—Repairs, improvements and alterations....	80,000	00		
	Public Buildings Generally.....	30,000	00		
	Ottawa Central Heating Plant—Improvements.....	30,000	00		
	Ottawa Departmental Buildings—Fittings, etc.....	35,000	00		
	Ottawa—Extension of Ore Dressing and Metallurgical Laboratory of Department of Mines.....	25,000	00		
Tractors for postal purposes.....	15,600	00			
		344,100	00		

## SCHEDULE A—Continued

No. of Vote	Service	Amount	Total
		\$ cts.	\$ cts.
	<b>PUBLIC WORKS—Continued</b>		
	(Chargeable to Income)—Continued		
	<b>PUBLIC BUILDINGS—Concluded</b>		
	<i>Rents, Repairs, Furniture, Heating, etc.</i>		
	<i>Ottawa Public Buildings and Grounds—</i>		
	Elevator attendants.....	108,000 00	
	Departments Generally—Char Service, including \$150 for firing the noon gun.....	449,400 00	
109	Heating, including salaries of engineers, firemen and watchmen.....	395,000 00	
	Light and Power, including roads and bridges.....	178,000 00	
	Repairs, improvements, additions and maintenance.....	343,000 00	
	Rideau Hall—Allowance for fuel and light.....	19,000 00	
	Rideau Hall—Improvements, furniture and maintenance... ..	40,700 00	
	Telephone Service.....	85,500 00	
	Water.....	67,000 00	
	<i>Dominion Public Buildings—</i>		
	Dominion Immigration Buildings—Repairs, improvements, additions and furniture.....	10,000 00	
	Dominion Quarantine Stations—Maintenance and repairs..	16,000 00	
110	Fittings, general supplies and furniture.....	75,000 00	
	Heating.....	405,000 00	
	Light and Power.....	300,000 00	
	Rents.....	1,500,000 00	
	Salaries of caretakers, engineers, firemen, etc.....	1,062,000 00	
	Supplies for caretakers, engineers, firemen, etc.....	47,000 00	
	Water.....	75,000 00	
	Yukon Public Buildings—Rents, repairs, fuel, light, water service and caretakers' salaries.....	20,000 00	
		<b>5,195,600 00</b>	
	<b>HARBOURS AND RIVERS</b>		
	<i>Nova Scotia</i>		
	<i>Under Contract—</i>		
	Phinney's Green—Wharf—To complete payments.....	900 00	
	<i>Essential Undertakings—</i>		
	Charlos Cove—Wharf.....	5,600 00	
	Diligent River—Wharf enlargement.....	12,000 00	
	Dingwall (Aspy Bay)—Harbour improvements.....	41,000 00	
	Halifax—Repairs and improvements to wharfs and buildings and extension of Barracks at R.C.N. Barracks and H.M.C. Dockyards.....	60,000 00	
111	Janvrin's Island—Wharf.....	8,800 00	
	Malagash—Dredging.....	52,000 00	
	Mink Cove—Breakwater.....	5,800 00	
	North West Cove (Scatari Island)—Breakwater.....	9,000 00	
	Pictou—Repairs to wharfs.....	21,000 00	
	Stoney Island—Breakwater reconstruction.....	11,800 00	
	Sydney—Harbour improvements.....	30,000 00	
	Westport—Wharf extension.....	12,800 00	
	Harbours and Rivers Generally—For maintenance of services, no new works to be undertaken.....	250,000 00	
		<b>520,700 00</b>	
	<i>Prince Edward Island</i>		
	<i>Essential Undertakings—</i>		
	Beach Point—Wharf extension.....	9,500 00	
112	Charlottetown—Wharf repairs and improvements.....	7,500 00	
	Harbours and Rivers Generally—For maintenance of services, no new works to be undertaken.....	50,000 00	
		<b>67,000 00</b>	



## SCHEDULE A—Continued

No. of Vote	Service	Amount	Total
		\$    cts.	\$    cts.
	PUBLIC WORKS—Continued		
	(Chargeable to Income)—Continued		
	HARBOURS AND RIVERS—Continued		
	New Brunswick		
	<i>Essential Undertakings—</i>		
	Bathurst—Dredging.....	35,000 00	
	Campbellton—Wharf repairs.....	10,000 00	
	Caraget (Young Wharf)—Enlargement and repairs.....	16,000 00	
	Harshman's Brook—Completion of harbour improvements.....	7,100 00	
	Little Shippigan—Breakwater-wharf.....	30,000 00	
	Lower Caraget—Wharf repairs.....	25,000 00	
113	Mace's Bay—(Lepreau Basin)—Dredging.....	12,600 00	
	McEachern's Point—Wharf.....	6,000 00	
	Mills Point—Wharf repairs.....	22,000 00	
	Miramichi Bay—Dredging.....	43,000 00	
	Negro Point—Breakwater repairs.....	20,000 00	
	Newcastle—Wharf.....	34,000 00	
	Richibucto—Wharf reconstruction and improvements.....	30,500 00	
	Harbours and Rivers Generally—For maintenance of services, no new works to be undertaken.....	100,000 00	
		391,200 00	
	Quebec		
	<i>Essential Undertakings—</i>		
	Anse a Beaufils—Repairs to breastworks.....	43,000 00	
	Anse au Griffon (River)—Extension to breastwork.....	6,100 00	
	Baie des Rochers—Wharf repairs.....	5,500 00	
	Baie Lavalliere—Dredging.....	15,700 00	
	Baie St. Paul (Riviere du Gouffre)—Extension of protection wall.....	8,800 00	
	Black Cape (Howatson's Point)—Wharf.....	38,800 00	
	Bonaventure—Wharf repairs and improvements.....	8,500 00	
	Cape Cove (Anse du Cap)—Wharf reconstruction.....	50,000 00	
	Carleton—Wharf reconstruction.....	30,000 00	
	Champlain—Extension of protection work.....	27,000 00	
	Cross Point—Wharf repairs and improvements.....	14,200 00	
	Deschaillons—Dredging.....	11,200 00	
	Donnacona—Dredging.....	42,000 00	
	Doucet's Landing (Ste. Angele de Laval)—Dredging.....	15,000 00	
	Dune du Sud, M.I.—Breakwater.....	6,500 00	
	Gascons—Wharf reconstruction.....	3,100 00	
	Grand Anse—Wharf.....	2,500 00	
	Grande Entree, M.I.—Wharf extension and reconstruction of breastwork.....	17,600 00	
	Havre Aubert, M.I.—Strengthening and widening wharf..	31,800 00	
114	Havre St. Pierre—Wharf reconstruction.....	75,000 00	
	La Malbaie (St. Etienne)—Wharf extension.....	39,000 00	
	Little River St. Lambert—Dredging—The Provincial Government to contribute a like amount.....	4,000 00	
	Manicouagan—Wharf extension—One-third of the cost to be contributed jointly by the Ontario Paper Co., Ltd., and the Anglo Canadian Pulp and Paper Co.....	100,000 00	
	New Carlisle—Wharf reconstruction.....	50,000 00	
	Notre Dame du Lac—Wharf extension.....	9,000 00	
	Peninsula—Wharf extension.....	5,800 00	
	Port Daniel East—Wharf repairs and reinforcement.....	33,000 00	
	Quebec—Extension of Kings Wharf.....	200,000 00	
	Richelieu River—Improvements.....	180,000 00	
	Riviere au Renard—Wharf repairs.....	5,900 00	
	Riviere des Hurons—Dredging—The Provincial Govern- ment to contribute a like amount.....	60,000 00	
	Riviere du Loup—Wharf enlargement.....	139,000 00	

SCHEDULE A—Continued

No. of Vote	Service	Amount	Total
		\$ cts.	\$ cts.
	PUBLIC WORKS—Continued		
	(Chargeable to Income)—Continued		
	HARBOURS AND RIVERS—Continued		
	Quebec—Concluded		
	Riviere la Guerre—Contribution towards completion of improvement, the Provincial Government to bear a like amount.....	37,500 00	
114	St. Antoine de Tilly—Wharf reconstruction.....	20,500 00	
	St. Juste du Lac—Wharf extension.....	8,500 00	
	Harbours and Rivers Generally—For maintenance of services, no new works to be undertaken.....	400,000 00	
		1,744,500 00	
	Ontario		
	Under Contract—		
	Byng Inlet—Dredging—To complete payments.....	12,000 00	
	Essential Undertakings—		
	Fort William—Harbour improvements.....	100,000 00	
	Goderich—Dredging.....	32,300 00	
	Hudson—Wharf.....	14,000 00	
	Kincardine—Reconstruction of North wall.....	11,400 00	
	Kingsville—Harbour improvements.....	85,000 00	
	Meaford—Harbour improvements.....	40,000 00	
	Midland—Harbour repairs and improvements.....	55,000 00	
115	Oshawa—Harbour improvements.....	40,000 00	
	Owen Sound—Harbour improvements.....	60,000 00	
	Port Arthur—Harbour improvements.....	98,000 00	
	Port Colborne—Repairs to breakwaters.....	24,000 00	
	Port Hope—Harbour improvement.....	15,000 00	
	Providence Bay—Harbour improvements.....	15,000 00	
	Rondeau—Repairs to West Pier.....	11,000 00	
	Saugeen River—Dredging.....	18,000 00	
	Sault Ste. Marie—Dredging.....	15,800 00	
	Thames River Mouth—Repairs to Lighthouse wharf.....	14,000 00	
	Toronto—Maintenance of Eastern channel.....	15,000 00	
	Wallaceburg—Extension to wharf and warehouse.....	5,000 00	
	Harbours and Rivers Generally—For maintenance of services, no new works to be undertaken.....	200,000 00	
		880,500 00	
	Manitoba		
	Essential Undertakings—		
	Grand Rapids—Wharf.....	4,500 00	
116	Silver Bay—Wharf.....	5,000 00	
	Harbours and Rivers Generally—For maintenance of services, no new works to be undertaken.....	40,000 00	
		49,500 00	
	Saskatchewan, Alberta and Northwest Territories		
	Essential Undertakings—		
	Cowan River—Replacement of dam.....	21,500 00	
	Fort Chipewyan—Wharf replacement.....	7,000 00	
	Prince Albert—Reconstruction of retaining wall.....	21,000 00	
117	Harbours and Rivers Generally—For maintenance of services, no new works to be undertaken.....	15,000 00	
		64,500 00	

SCHEDULE A—Continued

No. of Vote	Service	Amount	Total
	PUBLIC WORKS—Continued (Chargeable to Income)—Continued HARBOURS AND RIVERS—Concluded <i>British Columbia</i>	\$ cts.	\$ cts.
	<i>Essential Undertakings—</i>		
	Esquimalt—R.C.N. Barracks and H.M.C. Dockyard— New buildings, repairs and improvements.....	91,000 00	
	Fraser River—North Arm—Extension to jetty.....	31,000 00	
	Fraser River (Sapperton)—Construction of Dyke No. 1....	18,000 00	
118	Fraser River—Contribution towards protection work near Agassiz, B.C., the Provincial Government to contribute a like amount.....	5,250 00	
	Fraser, Skeena and Naas rivers—Operation and mainten- ance of snagboats.....	35,000 00	
	Port Alberni Assembly wharf—Replacement of crane.....	26,000 00	
	Trail—Extension of retaining wall.....	10,000 00	
	Harbours and Rivers Generally—For maintenance of services, no new works to be undertaken.....	100,000 00	
		316,250 00	
	<i>Yukon</i>		
119	<i>Essential Undertakings—</i> Stewart and Yukon Rivers—Improvements.....	15,000 00	
	<i>Generally</i>		
120	Harbours and Rivers Generally—For maintenance of services, no new works to be undertaken.....	25,000 00	
	DREDGING		
121	(Maritime Provinces.....	300,000 00	
	Ontario and Quebec.....	320,000 00	
	Manitoba, Saskatchewan and Alberta.....	50,000 00	
	British Columbia.....	160,000 00	
		330,000 00	
	ROADS AND BRIDGES		
122	(Burlington Channel Bridge—Maintenance and repairs.....	15,000 00	
	Dominion Roads and Bridges—Generally.....	5,000 00	
	Great Bear River Rapids—Improvement of portage road and dock.....	6,000 00	
	Kingston—Wharfs and bridges—Maintenance and repairs.....	18,000 00	
	Ottawa—Maintenance and repairs to bridges and approaches...	8,400 00	
	Perley Bridge over Ottawa River at Hawkesbury.....	5,200 00	
		57,600 00	
	TELEGRAPH AND TELEPHONE LINES <i>Quebec</i>		
123	Reconstruction of North Shore St. Lawrence Telegraph System from Shelter Bay eastward—Under construction.....	10,000 00	

SCHEDULE A—Continued

No. of Vote	Service	Amount	Total
		\$ cts.	\$ cts.
	<b>PUBLIC WORKS—Concluded</b>		
	(Chargeable to Income)—Concluded		
	<b>TELEGRAPH AND TELEPHONE LINES—Concluded</b>		
	<i>Saskatchewan and Alberta</i>		
124	Saskatchewan and Alberta Telegraph and Telephone Lines— Repairs and improvements.....	10,000 00	
	<i>British Columbia</i>		
125	British Columbia Northern District—Repairs and improve- ments.....	4,000 00	
	British Columbia Vancouver Island District—Repairs and improvements.....	8,000 00	
	Telephone line from Pouce Coupe, B.C., to Bonanza, Alta.....	4,000 00	
	Telephone line from Pouce Coupe to Gundy.....	1,500 00	
	<i>Yukon</i>	17,500 00	
126	Yukon Telegraph System—Repairs and improvements.....	15,000 00	
	<b>MISCELLANEOUS</b>		
127	Architectural Branch—Salaries of Architects, Clerks of Works, Inspectors, Draftsmen, Clerks and Messengers of outside service.....	66,000 00	
	Engineering Branch—Salaries of Engineers, Clerks, etc., of outside service.....	365,000 00	
	Inspection boats—Maintenance and operation.....	10,000 00	
	Water storage dams on Ottawa River and tributaries—Mainte- nance and operation.....	33,900 00	
	National Gallery of Canada.....	30,000 00	
	National Monument on Connaught Place.....	100,000 00	
	Surveys and inspections.....	65,000 00	
	Balance of expenditure for works already authorized, provided amount for any one work does not exceed \$200.....	5,000 00	
	Miscellaneous works not otherwise provided for, not more than \$3,000 to be expended upon any one work.....	50,000 00	
			724,900 00
	<b>MAIL SUBSIDIES AND STEAMSHIP SUBVENTIONS</b>		
	<b>ATLANTIC OCEAN</b>		
128	Canada and the United Kingdom, on the Atlantic, service between.....	500,000 00	
	Canada and South Africa, service between.....	112,500 00	
	<b>PACIFIC OCEAN</b>		
128	British Columbia and Australia and/or China, service between.....	118,800 00	
	British Columbia and South Africa, service between.....	84,000 00	
	Canada, China and Japan, service between.....	690,000 00	
	Canada and New Zealand, on the Pacific service between.....	200,000 00	
	Prince Rupert, B.C., and Queen Charlotte Islands, service between.....	12,000 00	
	Vancouver and the British West Indies, service between.....	36,000 00	
	Vancouver and Northern ports of British Columbia, service between.....	18,000 00	
	Victoria, Vancouver, way ports and Skagway, service between.....	12,000 00	
	Victoria and West Coast Vancouver Island, service between.....	10,000 00	
			13,024,050 00



## SCHEDULE A—Continued

No. of Vote	Service	Amount	Total
		\$ cts.	\$ cts.
	MAIL SUBSIDIES AND STEAMSHIP SUBVENTIONS— <i>Concluded</i>		
	LOCAL SERVICES		
	Baddeck and Iona, service between.....	8,000 00	
	Charlottetown and Pictou, service between.....	25,000 00	
	Charlottetown, Victoria and Holliday's Wharf, service between.....	4,600 00	
	Grand Manan and the Mainland, service between.....	33,000 00	
	Halifax and Bay St. Lawrence, service between.....	2,000 00	
	Halifax, Canso and Guysboro, service between.....	6,750 00	
	Halifax and Sherbrooke, service between.....	900 00	
	Halifax, LaHave and LaHave River ports, service between.....	2,000 00	
	Halifax, South Cape Breton and Bras d'Or Lake ports, service between.....	3,500 00	
	Halifax, Spry Bay and Cape Breton ports, service between.....	4,000 00	
	Halifax and West Coast of Cape Breton, service between.....	4,000 00	
	Ile-aux-Coudres and Les Eboulements, service between.....	1,100 00	
	Mulgrave, Arichat and Canso, service between.....	33,750 00	
	Mulgrave and Guysboro, calling at intermediate ports, service between.....	9,500 00	
	Murray Bay and North Shore, winter service between.....	40,000 00	
	Parrsboro, Kingsport and Wolfville, service between.....	2,000 00	
	Pelee Island and the Mainland, service between.....	8,250 00	
128	Pictou, Mulgrave and Cheticamp, service between.....	11,000 00	
	Pictou, Souris and the Magdalen Islands, service between.....	37,500 00	
	Quebec, Natashquan and Harrington, service between.....	76,500 00	
	Quebec, or Montreal, and Gaspé, calling at way ports, service between.....	60,000 00	
	Rimouski and Matane and points on the North Shore of the St. Lawrence, service between.....	50,000 00	
	Riviere-du-Loup and Tadoussac, and other North Shore ports, service between.....	12,000 00	
	St. Catherine's Bay and Tadoussac, service between.....	2,558 26	
	St. John, Bear River, Annapolis and Granville, and other way ports, service between.....	2,000 00	
	St. John and Bridgetown, service between.....	1,000 00	
	St. John and Margaretville, and other ports on the Bay of Fundy, service between.....	2,800 00	
	St. John and Minas Basin ports, service between.....	3,500 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.....	13,000 00	
	St. John and Weymouth, service between.....	1,000 00	
	Summerville, Burlington and Windsor, N.S., service between..	750 00	
	Sydney and Bay St. Lawrence, calling at way ports, service between.....	18,000 00	
	Sydney and Bras d'Or Lake ports, and West Coast of Cape Breton and Prince Edward Island, service between.....	20,000 00	
	Sydney and Whycomogagh, service between.....	12,000 00	
	Inspection of subsidized steamship services.....	4,000 00	
			2,312,258 26
	OCEAN AND RIVER SERVICE		
129	Maintenance and repairs to Dominion steamers and icebreakers.	1,500,000 00	
130	Miscellaneous services relating to Navigation and Shipping....	43,572 00	
131	Amount required to reimburse the British Board of Trade for expenditure incurred in the relief of distressed Canadian seamen not authorized by the Canada Shipping Act.....	300 00	
132	To provide subsidies for wrecking plants—Quebec and British Columbia.....	40,000 00	
133	Miscellaneous and Unforeseen expenses.....	8,000 00	
134	Life Saving Service, including rewards for saving life.....	58,000 00	
135	Hydrographic and Tidal and Current Surveys, and to provide for the maintenance and repair of Hydrographic steamers..	400,000 00	

SCHEDULE A—Continued

No. of Vote	Service	Amount	Total
		\$ cts.	\$ cts.
OCEAN AND RIVER SERVICE— <i>Concluded</i>			
136	Radio Service, to provide for the maintenance and construction of Radio Direction Finding Stations, Radio Beacons and Radiotelegraph Stations and the general administration of the provisions of the Radio Act and Regulations throughout the Dominion.....	590,550 00	
137	Radio Service, to provide for the suppression of local electrical interferences and for the issue of radio receiving licences...	263,038 00	
138	To provide for compassionate allowance to Lawrence Larson, formerly employed as Caretaker at the Esquimalt Workshop of the Radiotelegraph Service.....	500 00	2,903,960 00
PUBLIC WORKS (Chargeable to Capital)			
MARINE DEPARTMENT			
139	River St. Lawrence Ship Channel Dredging— (a) To provide for contract dredging..... (b) To provide for the maintenance and operation of the Government Ship Channel fleet and the Government Shipyard, including all necessary repairs and reconditioning.....	3,500,000 00	
140	To provide for the maintenance and repair of retaining dams in the St. Lawrence River.....	1,140,000 00	
141	To provide for the investigation of water levels in the St. Lawrence River.....	100,000 00	
		40,000 00	4,780,000 00
LIGHTHOUSE AND COAST SERVICE			
142	Agencies, Rents and Contingencies.....	196,300 00	
143	Construction, maintenance and supervision of aids to navigation, including salaries and allowances to lightkeepers....	1,781,000 00	
144	Amount required to pay compassionate allowance to John Davidson, formerly lightkeeper at Cape Mudge, B.C.....	500 00	
145	Amount required to pay compassionate allowance to W. P. Flewin, father of the late Walter James Flewin, mess-boy on the C.G.S. "Newington".....	1,000 00	
146	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, 1936, 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 00	
147	Marine Signal Service.....	93,750 00	
148	Administration of Pilotage.....	118,000 00	
149	Maintenance and repairs to wharves.....	7,500 00	
150	To provide for breaking ice in Thunder Bay, Lake Superior and other points deemed advisable in the interests of navigation	40,500 00	
151	Amount required to pay pensions to Pilots—Berthelemi Lachance, Alphonse Gosselin, Joseph Plante, Raymond Baquet, Victor Vezina, Alfred Larochelle, Alphonse Pouliot, John I. Irvine, Adjutor Baillergeon, J. Alphonse Lachance, Joseph Pouliot, Raoul Lachance, Arthur Baillergeon, Arthur Koenig, J. Eugene Lachance, Phileas Lachance, J. H. Talbot, Jules Asselin, Joseph Vezina, Treffle Delisle.....	6,000 00	2,244,970 00

SCHEDULE A—Continued

No. of Vote	Service	Amount	Total
		\$    cts.	\$    cts.
	<b>SCIENTIFIC INSTITUTIONS</b>		
	DEPARTMENT OF THE INTERIOR		
	<i>Dominion Observatory</i>		
152	Expenses connected with the Dominion Observatory at Ottawa	40,200 00	
	<i>Dominion Astrophysical Observatory</i>		
153	Expenses connected with the Dominion Astrophysical Observatory at Victoria, B.C.....	20,000 00	
	<i>Topographical and Air Service Bureau</i>		
	From topographical and air surveys, compiling, drawing, printing and distributing geographical base maps for all purposes, issuing technical instructions for air photography and reconnaissance, under supervision of Committee on Air Surveys and Base Maps; land and mining claim surveys of all remaining Dominion Lands (Northwest Territories, Dominion Parks, Ordnance Lands); preparing electoral district maps; maintaining central office for indexing, filing and recording of survey notes and plans, and the distribution of maps, etc.....	110,000 00	
154	Amount required to provide for the purchase of air photographs or negatives for adding to the National Air Photographic Library.....	5,000 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).....	900 00	
	To assist in printing the publications of the Canadian Institute of Surveying (formerly the Association of Dominion Land Surveyors).....	350 00	
	<i>Geodetic Survey of Canada</i>		
155	Control Operations—Precise levelling based on sea level, triangulation, geodetic astronomy and investigations—all basic for correlation of water areas, power developments, charts and maps and for the scientific study of the earth's crust, curvature, figure and dimensions. The above is the recognized basis of operations for federal and provincial departments, municipal authorities and engineering projects over the whole country.....	130,000 00	
	To recoup the Temiskaming and Northern Ontario Railway Commission in connection with their claim for injury to John Hedin.....	240 00	
	<i>International Boundary Commission</i>		
156	Expenses connected with the maintenance in a state of effective demarcation of the international boundary, including \$1,000 to Noel J. Ogilvie as International Boundary Commissioner	39,000 00	
	DEPARTMENT OF MARINE		
157	Meteorological Service, including Magnetic Observatory, grants of \$450 each to Kingston and Montreal Observatories and allowance of \$360 to L. F. Gorman, Observer at Ottawa....	360,000 00	

705,690 00



## SCHEDULE A—Continued

No. of Vote	Service	Amount	Total
		\$ cts.	\$ cts.
<b>STEAMBOAT INSPECTION</b>			
158	Steamboat Inspection.....	133,072 00	133,072 00
<b>FISHERIES</b>			
159	Salaries and Disbursements of Fishery Officers and Guardians, Fisheries Patrol and Fisheries Protection Services.....	985,328 00	
160	Building Fishways and Clearing Rivers.....	6,000 00	
161	Legal and Incidental Expenses.....	6,000 00	
162	To assist in the Conservation and development of the Deep-Sea Fisheries and the Demand for Fish.....	85,000 00	
163	Fish Culture.....	240,000 00	
164	Oyster Culture.....	10,000 00	
165	To provide for an investigation into the life history of the Pacific Halibut by an International Fisheries Commission appointed under the Pacific Halibut Treaty of the 2nd March, 1923.....	25,000 00	
166	Marine Biological Board of Canada.....	186,000 00	
167	To provide, subject to the approval of the Governor in Council, for a grant to the United Maritime Fishermen.....	4,050 00	1,547,378 00
<b>MINES</b>			
<i>Department</i>			
168	For administration of the Explosives Act (Chap. 62, R.S. 1927)	8,000 00	
<i>Mines Branch</i>			
169	For investigations of mineral resources and deposits; of the mining and metallurgical industries, and of mineral technology; wages, and expenses of testing and research laboratories; for publications, English and French; for purchase of books and instruments; for miscellaneous assistance and contingencies; and for investigations by the Dominion Fuel Board, including salaries and all other expenses.....	220,000 00	
<i>Geological Survey</i>			
170	For explorations, surveys, and investigations; for publication of English and French editions of reports, maps, illustrations, etc., relating thereto; and for salaries and wages of explorers, topographers and others.....	190,000 00	
	For maintenance of offices and museum; for purchase of instruments, chemicals, books of reference, museum equipment and specimens, and related supplies; for expenses of the Geographic Board of Canada; and for miscellaneous assistance and contingencies.....	75,502 00	493,502 00
<b>LABOUR</b>			
171	Annuities Act.....	85,000 00	
172	Combines Investigation Act.....	22,000 00	
173	Conciliation and Labour Act.....	32,000 00	
174	Administration, Employment Offices Co-ordination Act.....	8,000 00	
175	Fair Wages and Inspection.....	11,000 00	
176	Industrial Disputes Investigation Act.....	10,000 00	
177	International Labour Conference.....	10,000 00	
178	Administration of Old Age Pensions Act.....	2,000 00	180,000 00



## SCHEDULE A—Continued

No. of Vote	Service	Amount	Total
		\$ cts.	\$ cts.
<b>PUBLIC PRINTING AND STATIONERY</b>			
179	Printing, Binding, etc., the Annual Statutes.....	8,500 00	
180	Canada Gazette.....	27,000 00	
181	Plant—Repairs and Renewals.....	10,000 00	
182	Distribution of Official Documents.....	39,000 00	
183	Printing and binding official publications for sale and distribution to departments and the public.....	42,750 00	
			127,250 00
<b>INDIANS</b>			
184	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 session of 1926-27.....	4,260,000 00	4,260,000 00
<b>ROYAL CANADIAN MOUNTED POLICE</b>			
185	Pay of Force and Allowances: (including salaries of two Constables, Ellesmere Island District at \$2.25 per diem to assure Department against loss through death) arms and ammunition, barrack buildings, repairs and renewals and furnishings, clothing and equipment, communication services, court and legal expenses, criminal investigation branch, enforcement of federal statutes, fuel and light, transport horses and dogs, transport mechanical, dental, medical and hospital, miscellaneous (including grants to Royal Canadian Mounted Police messes and publication of Royal Canadian Mounted Police Quarterly for instructional purposes) special services Opium and Narcotic Drug Act, printing and stationery, transport railway, rations, rents, travelling expenses, transport water.....	5,893,595 75	
186	To compensate members of the Royal Canadian Mounted Police for injuries received whilst in the performance of duty.....	12,000 00	5,905,595 75
<b>GOVERNMENT OF THE NORTHWEST TERRITORIES</b>			
<b>DEPARTMENT OF THE INTERIOR</b>			
187	Salaries and expenses connected with the administration of the Northwest Territories Act and Ordinances, Northwest Game Act and Regulations, Eskimo Affairs, Wood Buffalo Park, reindeer industry, game preserves and sanctuaries, wolf bounties, exploration, investigation and development of natural resources, fire protection, construction and maintenance of buildings, schools, hospitals and roads, relief to destitute, maintenance and transportation of prisoners and insane patients, equipment and supplies, contingencies, etc..	202,000 00	
<b>DEPARTMENT OF NATIONAL DEFENCE</b>			
188	Radio Services—For the maintenance and operation of the Northwest Territories Radio System.....	199,425 00	401,425 00

SCHEDULE A—Continued

No. of Vote	Service	Amount	Total
		\$ cts.	\$ cts.
<b>GOVERNMENT OF THE YUKON TERRITORY</b>			
189	Salaries and expenses connected with the administration of the Territory, including surveys.....	42,000 00	
	Grant to Yukon Council for local purposes, the construction and maintenance of roads and such other expenditures as the Commissioner is authorized to expend by and with the advice and consent of the Council or any Committee thereof; and the accounts with respect to such expenditure shall be subject to examination and audit by the Auditor General as provided by Section 22, Chapter 215, Revised Statutes 1927.....	60,000 00	102,000 00
<b>DOMINION LANDS AND PARKS</b>			
	Dominion Lands, Seed Grain, Mining Lands and Ordnance, Admiralty and Public Lands, Salaries and expenses, etc....	90,797 96	
	Advancement of forest conservation; national inventory of forest resources; investigation of forest conditions and rates of growth, and development of scientific management methods; forest protection studies, technical and economic investigations of forest industries; the operation of forest experiment stations, demonstration forests, and forest products laboratories; co-operative undertakings in forestry and forest products, etc.....	250,000 00	
	Grant to Canadian Forestry Association.....	1,620 00	
	Investigation 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.....	165,000 00	
190	Amount required to meet expenses of Lake of the Woods Control Board.....	7,000 00	
	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.....	1,105,188 00	
	Administration of the Migratory Birds Convention Act.....	35,500 00	
	Costs of litigation and legal expenses.....	4,000 00	
	Amount 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	
	Amount required to cover the payment of retiring leave to officials other than those on Civil Government.....	7,350 00	
	Salaries of Revenue Staff.....	8,856 00	1,678,311 96
<b>PENSIONS AND NATIONAL HEALTH</b>			
191	Care of patients and medical examination respecting pensions; hospital allowances (compensation).....	3,200,000 00	
192	Salaries— Departmental staff.....	2,375,000 00	
193	Unemployment relief.....	2,100,000 00	
194	Operating expense and working capital.....	225,000 00	
195	Employers' liability compensation.....	40,000 00	
196	Sheltered Employment.....	50,000 00	
197	Grant to Canadian Legion, B.E.S.L.....	9,000 00	
198	Grant to Last Post Fund.....	60,000 00	
199	Pension Appeal Court.....	19,800 00	
200	War Veterans' Allowances.....	2,250,000 00	
201	War Veterans' Allowance Committee.....	14,400 00	

## SCHEDULE A—Continued

No. of Vote	Service	Amount	Total
	PENSIONS AND NATIONAL HEALTH— <i>Concluded</i>	\$ cts.	\$ cts.
	<i>National Health</i>		
202	The administration of the Acts respecting Food and Drugs, Opium and Narcotic Drugs and Proprietary or Patent Medicines, including the Laboratory of Hygiene.....	130,000 00	
	Public Health Engineering.....	15,880 00	
	Marine Hospitals, including burial expenses of destitute deceased mariners, and grants to institutions assisting sailors.....	163,500 00	
	The administration of the Acts respecting Quarantine and Leprosy.....	150,000 00	
	Immigration Medical Service.....	126,920 00	10,929,500 00
	EXTERNAL AFFAIRS		
	LONDON		
203	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.....	121,160 00	
	WASHINGTON		
204	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.....	100,000 00	
	PARIS		
205	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		
206	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.....	68,800 00	
	GENEVA		
207	Salaries and expenses of the Office of the Canadian Advisory Officer.....	28,000 00	
208	Canada's contribution to the expenses of the League of Nations for 1935, including Secretariat, International Labour Organization and Permanent Court of International Justice.....	204,640 00	
209	Expenses of Canadian Delegates to the Assembly, Conferences and Commissions of the League of Nations.....	12,500 00	
210	Publications of the League of Nations for distribution to Members of Parliament and a grant to the League of Nations Society in Canada.....	3,000 00	613,800 00
	MISCELLANEOUS		
211	To provide for hospitality in connection with visitors from abroad.....	5,000 00	
212	Canada's contribution to the expenses of the International Commission for Air Navigation for 1935.....	1,720 00	
213	Amount required to meet loss on exchange, subject to approval of the Treasury Board.....	200,000 00	



## SCHEDULE A—Continued

No. of Vote	Service	Amount	Total
	MISCELLANEOUS—Continued	\$ cts.	\$ cts.
214	Canada's portion of expenditure of the Imperial Economic Committee and Imperial Shipping Committee and the Executive Council of the Imperial Agricultural Bureau for 1935.....	18,690 00	
215	Advertising and Publicity in the United Kingdom and Europe to be administered by the High Commissioner.....	250,000 00	
216	Expenses in connection with the negotiation of treaties.....	9,000 00	
217	Grant in aid of the Canadian General Council of the Boy Scouts Association.....	9,000 00	
218	Subscriptions to publications of the Empire Parliamentary Association to be distributed to Members of the House of Commons.....	2,000 00	
219	Grant to the Dominion Council of the Girl Guides.....	4,860 00	
220	Contribution to aid in carrying on the work of the Royal Astronomical Society.....	1,620 00	
221	Royal Canadian Academy of Arts.....	2,025 00	
222	Grant to the Royal Society of Canada.....	4,500 00	
223	Grant to the Montreal Association for the Blind.....	4,050 00	
224	Grant to l'Institut Nazareth de Montreal to assist in work with the blind.....	4,050 00	
225	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	
	British Columbia.....	750,000 00	
	pending consideration of Provincial Subsidies.		
226	Unforeseen expenses, expenditure thereof to be subject to the approval of the Treasury Board, and a detailed statement to be laid before Parliament within fifteen days of next Session.....	80,000 00	
227	To provide for expenses of the Comptroller of the Treasury's Office.....	1,576,851 00	
228	To provide for the administration of the Royal Canadian Mint, including salaries, contingencies, retiring and other allowances, and general expenses.....	195,000 00	
229	To provide for the maintenance of the Dominion of Canada Assay Office, Vancouver, B.C.....	17,560 00	
230	To provide for salaries and expenses of the Tariff Board—Payments may be made notwithstanding anything in the Civil Service Act or regulations.....	120,000 00	
231	To provide for the administration of the Bankruptcy Act.....	35,000 00	
232	Federal District Commission—To provide for maintenance and improvement of properties under the control of the Federal District Commission.....	124,400 00	
233	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	
234	To provide for salaries and expenses of the office of the Salvage Officer, including L. H. Beer at \$4,500.....	10,622 00	
235	Chief Electoral Officer—Salaries and contingencies of office.....	28,724 00	
236	Dominion Franchise Commissioner—Salaries and contingencies of office, etc.....	600,000 00	
237	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	
238	Grant to John Thomas (Jack) Miner to assist him in his wild life conservation work.....	3,500 00	
239	Expenses of litigated matters—Department of Justice.....	25,000 00	
240	Annual contribution to the Canadian Law Library, London, England.....	500 00	
241	Canadian Radio Broadcasting Service.....	1,500,000 00	
242	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 Jacques Cartier Bridge.....	430,000 00	



## SCHEDULE A—Continued

No. of Vote	Service	Amount	Total
	MISCELLANEOUS— <i>Concluded</i>	\$ cts.	\$ cts.
243	Loan to the Saint John Harbour Commissioners with interest at a rate to be fixed by the Governor in Council, for such period and upon such terms and conditions as the Governor in Council may determine, to provide for payment of principal and interest due in the fiscal year 1935-36 on debentures of the City of Saint John assumed by the Saint John Harbour Commissioners and debentures of the said Commissioners issued to the City of Saint John, under Section 15 of the Saint John Harbour Commissioners Act, 1927.....	114,572 65	
244	To appoint David Ballantyne Carswell as Superintendent of the Government Shipyard at Sorel and Superintendent of the dredging fleet at a salary of \$8,000 per annum less such deduction as may be provided.....	8,000 00	
245	To provide for payments in connection with the movements of coal under conditions prescribed by the Governor in Council and for the cost of administration thereof.....	2,450,000 00	
246	Battlefields Memorials.....	86,789 00	
247	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.....	5,500 00	
248	Grant to the Canadian Council on Child and Family Welfare.....	12,600 00	
249	Grant to the Canadian National Institute for the Blind.....	16,200 00	
250	Grant to the Canadian Tuberculosis Association.....	20,250 00	
251	Grant to the Victorian Order of Nurses.....	13,100 00	
252	Grant to assist the Canadian Branch of the St. John Ambulance Association.....	4,050 00	
253	Grant to the Canadian Red Cross Society.....	8,100 00	
254	Grant to the Canadian Dental Hygiene Council.....	750 00	
255	To provide for 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 \$648.....	20,599 00	
256	Grant to the Chief Constables Association.....	500 00	
257	Patent Record.....	35,000 00	
258	International Office for the protection of Industrial Property, International Copyright Union Office and Union for the Protection of Literary and Artistic Works.....	2,600 00	
259	Public Archives.....	71,000 00	
260	To provide for salaries and expenses of the Bureau for Translations.....	206,671 00	
261	Expenses under the Naturalization Act.....	18,680 00	
262	Expenses under the Canada Temperance Act.....	5,000 00	
263	Natural Products Marketing Act, 1934.....	545,500 00	
264	To assist in promoting tourist business in Canada.....	200,000 00	
265	To provide for report on cultural conditions in Canada (literature, art, drama, education, etc.).....	2,500 00	
266	To provide, subject to the approval of the Treasury Board for salaries, reclassifications and increases.....	100,000 00	
			11,572,133 65
	NATIONAL REVENUE		
	Salaries and contingent expenses of the several Ports of the Dominion, including pay for overtime of officers, notwithstanding anything in the Civil Service Act, and temporary buildings and rentals.....	6,150,000 00	
	Salaries and travelling expenses of officers of the Inspection, Investigation, Audit and the Preventive Service Under-valuation Services.....	971,708 00	
	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....	560,000 00	
267	Amount to be paid to the Department of Justice to be disbursed by and accounted for to it for Customs-Excise Secret Investigation Service.....	15,000 00	

## SCHEDULE A—Continued

No. of Vote	Service	Amount	Total
	<b>NATIONAL REVENUE—Concluded</b>	\$ cts.	\$ cts.
267	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 \$9,000, (less statutory deduction) for the Commissioner of Income Tax.....	2,025,000 00	
	Amount to be paid to the Department of Justice to be disbursed by and accounted for to it for the Income Tax Secret Investigation Service.....	10,000 00	9,731,708 00
	<b>RAILWAYS AND CANALS</b> (Chargeable to Collection of Revenue)		
	<b>CANALS</b>		
268	Canals, Elevators and Harbours— Operation and Maintenance.....	2,500,000 00	
269	Lachine canal— To provide for the settlement of the claims, totalling \$8,021.66, of the Campbell Construction Company, Ltd., in connection with the contract No. 29378 dated February 7, 1934, for the repairs to the Upper Entrances of North and South Locks No. 2.....	3,488 89	
	<b>RAILWAYS</b>		
270	Hudson Bay Railway: Amount to provide for difference between expenditures for operation and maintenance and the revenues accruing from operation during the year ending March 31, 1936, not exceeding.....	226,000 00	2,729,488 89
	<b>PUBLIC WORKS</b> (Chargeable to Collection of Revenue)		
	<b>GRAVING DOCKS</b>		
271	Champlain Graving Dock.....	75,000 00	
	Esquimalt Graving Dock.....	69,800 00	
	Lorne Graving Dock.....	36,900 00	
	Selkirk—Repair slip.....	3,000 00	
	<b>TELEGRAPH AND TELEPHONE LINES</b>		
272	Land and Cable Telegraph Lines, Lower St. Lawrence and Maritime Provinces, including working expenses of vessels for cable service.....	132,000 00	
	Alberta and Saskatchewan.....	84,500 00	
	British Columbia—Northern District.....	59,000 00	
	British Columbia—Vancouver Island District.....	88,000 00	
	Yukon System—Main Line.....	108,000 00	
	Telegraph and Telephone Services Generally.....	6,000 00	662,200 00

SCHEDULE A—*Concluded*

No. of Vote	Service	Amount	Total
		\$ cts.	\$ cts.
	POST OFFICE—OUTSIDE SERVICE		
	Salaries and allowances.....	15,169,603 00	
	Mail Services, including mail service by air.....	14,002,450 00	
273	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.....	1,084,600 00	30,256,653 00
	TRADE AND COMMERCE		
274	British and Foreign News Service.....	15,000 00	
275	An Act to place Canadian coal used in the manufacture of iron or steel on a basis of equality with imported coal, Administration of.....	600 00	
276	The Canada Grain Act, including management, operation and maintenance, also equipment of Elevators, Administration of.....	1,981,006 90	
277	Commercial Intelligence Service, including, miscellaneous expenditure in connection with Canada's trade.....	696,251 00	
278	Dominion Bureau of Statistics.....	380,428 00	
279	Electricity and Fluid Exportation Act, Administration of.....	750 00	
280	Electricity and Gas Inspection Service.....	209,954 00	
281	Exhibitions and Fairs.....	195,000 00	
282	International Customs Tariffs Bureau.....	3,000 00	
283	Motion Picture Bureau.....	40,000 00	
284	National Research Council.....	400,000 00	
285	The Precious Metals Marking Act, Administration of.....	5,192 00	
286	Printing of Parliamentary and Departmental Publications.....	102,675 00	
287	Publicity and Advertising in Canada and Abroad.....	100,000 00	
288	Weights and Measures Inspection Service, including the International Bureau of Weights and Measures.....	314,396 00	
289	International Bureau of Exhibitions.....	2,300 00	
290	Conference of Commonwealth Statisticians (Revote).....	5,000 00	4,451,552 90
	ADJUSTMENT OF WAR CLAIMS		
291	National Defence.....	68,707 00	
292	Secretary of State.....	6,000 00	
	Total.....		74,707 00
			*192,697,728 57

Net Total, \$138,642,370.82.



**SCHEDULE B.**

Based on Estimates, 1935-36. The amount hereby granted is \$2,502,750.01, being three-fourths 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, 1936, and the purposes for which they are granted.

No. of Vote	Service	Amount	Total
		\$ cts.	\$ cts.
	DEFICIT OF CANADIAN NATIONAL STEAMSHIPS		
	CANADIAN NATIONAL (WEST INDIES) STEAMSHIPS, LIMITED		
293	Amount to provide for the payment from time to time to The Canadian National (West Indies) Steamships, Limited, (hereinafter called "the Company"), of the amounts of the deficits including profit and loss but not including non-cash items and interest on Dominion Government advances, occurring during the year ending December 31st, 1935, in the operations of the company and of the vessels under the control of the company, as certified to by the auditors of the company, and upon applications made by the company to the Minister of Finance and approved by the Minister of Railways and Canals, not exceeding.....	316,000 00	
	CANADIAN GOVERNMENT MERCHANT MARINE, LIMITED		
294	Amount to provide for the payment from time to time to The Canadian Government Merchant Marine, Limited (hereinafter called "the Company"), of the amounts of the deficits including profit and loss but not including non-cash items and interest on Dominion Government advances, occurring during the year ending December 31st, 1935, in the operations of the company and of the vessels under the control of the company, as certified to by the auditors of the company and upon applications made by the company to the Minister of Finance and approved by the Minister of Railways and Canals, not exceeding.....	45,000 00	361,000 00
	LOAN TO CANADIAN NATIONAL (WEST INDIES) STEAMSHIPS, LIMITED		
295	Loan to Canadian National (West Indies) Steamships, Limited, repayable on demand with interest at a rate to be fixed by the Governor in Council, upon such terms and conditions as the Governor in Council may determine and to be applied in payment of Capital expenditure in connection with vessels under the Company's control during the year ending December 31st, 1935 (revote \$178,500).....		196,000 00
	MARITIME FREIGHT RATES ACT		
296	Amount required to provide for payment from time to time during the fiscal year 1935-36 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 1935, under the tariffs approved, by the following companies:		



SCHEDULE B—*Concluded*

No. of Vote	Service	Amount	Total
		\$ cts.	\$ cts.
	<b>MARITIME FREIGHT RATES ACT—<i>Concluded</i></b>		
	Canada and Gulf Terminal Railway. Canadian Pacific Railway, including Fredericton & Grand Lake Coal & Railway Company. New Brunswick Coal & Railway Company. Cumberland Railway & Coal Company. Dominion Atlantic Railway. Maritime Coal, Railway & Power Company. Sydney & Louisburg Railway. Temiscouata Railway Company.....	900,000 00	
297	To hereby authorize and provide for the payment from time to time during the fiscal year 1935-36 to the Canadian National Railway Company of the difference (estimated by the Auditors of the said Company and certified by the said Auditors to the Minister of Railways and Canals as and when required by the said Minister) occurring on account of the application of the Maritime Freight Rates Act, between the tariff tolls and the normal tolls (upon the same basis as set out in section 9 of the said Act with respect to companies therein referred to) on all traffic moved during the year 1935, under the tariffs approved, on the Eastern Lines (as referred to in section 1 of the said Act) of the Canadian National Railways.....	1,880,000 00	2,780,000 00
	Total.....		*3,337,000 00

\*Net total \$2,502,750.01.

OTTAWA: Printed by JOSEPH OSCAR PATENAUDE, I.S.O., Law Printer to the King's Most Excellent Majesty.

## 25-26 GEORGE V.

### CHAP. 50.

An Act for granting to His Majesty certain sums of money for the public service of the financial year ending the 31st March, 1936.

[Assented to 5th July, 1935.]

MOST GRACIOUS SOVEREIGN,

**W**HEREAS it appears by message from His Excellency Preamble.  
The Right Honourable the Earl of Bessborough, etc.,  
etc., Governor General of Canada, and the estimates  
accompanying the said message, that the sums hereinafter  
mentioned are required to defray certain expenses of the  
public service of Canada, not otherwise provided for, for the  
financial year ending the thirty-first day of March, one  
thousand nine hundred and thirty-six, and for other pur-  
poses 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. 6, 1935.*

**2.** From and out of the Consolidated Revenue Fund \$16,359,978.3  
there may be paid and applied a sum not exceeding in the granted for  
whole sixteen million, three hundred and fifty-nine thousand, 1935-36.  
nine hundred and seventy-eight dollars and thirty-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-five, to the thirty-first day of  
March, one thousand nine hundred and thirty-six, not  
otherwise provided for, set forth in the Schedule to this  
Act.

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

## SCHEDULE

Based on Supplementary Estimates, 1935-36. The amount hereby granted is \$16,359,978.34.

SUMS granted to His Majesty by this Act for the financial year ending 31st March, 1936, and the purposes for which they are granted.

No. of Vote	Service	Amount	Total
	<b>CIVIL GOVERNMENT</b>	\$ cts.	\$ cts.
314	<i>Auditor General's Office—</i> Contingencies— Further amount required.....	35,000 00	
315	<i>Civil Service Commission—</i> Contingencies— Further amount required.....	5,000 00	
316	<i>Secretary of State—</i> Contingencies— Further amount required.....	25,000 00	65,000 00
	<b>ADMINISTRATION OF JUSTICE</b>		
317	To provide for the travelling expenses of Judge James B. Moon, of Parry Sound District, while holding Courts in Simcoe County.....		21 61
	<b>LEGISLATION</b>		
	<b>THE SENATE</b>		
318	Salaries and contingent expenses—Further amount required...	6,000 00	
	To provide an amount in lieu of Residence for the Speaker of the Senate—Further amount required.....	1,000 00	
	To provide for the payment of the full sessional indemnity for the session of 1935 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.....	24,260 00	
	<b>HOUSE OF COMMONS</b>		
319	Contingencies—Further amount required, including an allowance of \$500 for the Deputy Speaker in lieu of residence...	10,000 00	
	To provide an amount for the Speaker of the House of Commons in lieu of Residence—Further amount required.....	1,000 00	
	To provide for the full sessional indemnity to Members of the House of Commons—days lost through absence caused by illness, official public business, or on account of death during the present session—Notwithstanding anything to the contrary in Chapter 147 of the Revised Statutes, 1927, An Act respecting the Senate and House of Commons, or any amendment thereto. Payments to be made as the Treasury Board may direct.....	18,000 00	
	<b>LIBRARY OF PARLIAMENT</b>		
320	Books for the General Library, including binding—Further amount required.....	2,000 00	

SCHEDULE—Continued

No. of Vote	Service	Amount	Total
		\$ cts.	\$ cts.
LEGISLATION—Concluded			
GENERAL			
321	To provide, notwithstanding anything contained in the Senate and House of Commons Act, for the payment to each Member of the Senate and of the House of Commons who attended the first part of the present Session of an amount representing the actual moving or transportation expenses and reasonable living expenses of such members while on the journey between Ottawa and his place of residence after the adjournment of Parliament on April 17, 1935 and on the return journey from his place of residence to Ottawa at the end of the recess which commenced on the said date, or in case any such member did not return to his place of residence during the said recess an amount equivalent to what would have been his travelling expenses if he had returned to his place of residence during the said recess:—		
	The Senate.....	5,000 00	
	House of Commons.....	15,000 00	82,260 00
AGRICULTURE			
322	Advisory Committee on Agricultural Services—Travelling expenses, etc.....	5,000 00	
323	Live stock, including assistance to Fairs and Exhibitions—Further amount required.....	40,000 00	
324	Experimental Farms—Revote (\$11,200)—Further amount required.....	19,800 00	
325	Health of Animals—To provide for payment of compensation to owners of animals affected with diseases coming under the operation of the Animal Contagious Diseases Act, which have died or have been slaughtered under circumstances unprovided for under the above Act and regulations thereunder, as follows:—		
	Minnekada Stock Farm, Coquitlam, B.C.....	96 66	
	Wall, A. J., Osler, Sask.....	6 00	
	Ouellet, Eugene, Bulwer, Que.....	20 00	
	Strachan, A. J., Carman, Man.....	60 00	
	Taylor, J. E., Ayer's Cliff, Que.....	26 00	
	Routhier, Pierre, Way's Mills, Que.....	6 00	
	Drew, L. A., Magog, Que.....	24 00	
	Froese, D. K., Sperling, Man.....	5 00	
	Vaillancourt, Emile, Coaticook, Que.....	10 00	
	Cyr, Ludger, Ayer's Cliff, Que.....	22 00	
	Viens, Josaphat, Ayer's Cliff, Que.....	4 00	
	Lauzon, Alphonse, Terrebonne, Que.....	24 00	
	Howe, Alfred & Son, Aylmer, R.R. 5, Ont.....	32 00	
	Turcotte, Jos., Bury, Que.....	16 00	
	Bergeron, Arthur, St. Leonard, Que.....	12 00	
	McPhail, Malcolm, North River, P.E.I.....	52 00	
	Blouin, Omer, Ascot Corner, Que.....	22 00	
	Department of Agriculture, Quebec, P.Q.....	200 00	
	Edwards, Herbert, Union Stock Yards, St. Boniface, Man.....	252 00	
326	Cold Storage Warehouses—Further amount required.....	150,000 00	215,689 66
PENSIONS			
327	Salaries and contingent expenses of the Canadian Pension Commission—Further amount required.....		10,000 00



## SCHEDULE—Continued

No. of Vote	Service	Amount	Total
		\$ cts.	\$ cts.
	NATIONAL DEFENCE		
	MILITIA SERVICES		
328	Engineer Services and Works—Further amount required.....	400,000 00	
329	General Stores—Further amount required.....	600,000 00	
330	Non-Permanent Active Militia—Further amount required.....	386,000 00	
331	Permanent Force—Further amount required.....	265,000 00	
	NAVAL SERVICES		
332	Naval Services—To provide for the maintenance of the ships and establishments of the Naval Service, including the Royal Canadian Navy, the Royal Canadian Naval Reserve and the Royal Canadian Naval Volunteer Reserve—Further amount required.....	145,000 00	1,796,000 00
	AVIATION		
333	Royal Canadian Air Force—Expenses in connection with the general maintenance and training of the Permanent and Non-Permanent Active Air Force, and provision of facilities therefor—Further amount required.....	500,000 00	
334	Civil Government Air Operations—For Preventive Service and other Air operations—Further amount required.....	305,000 00	
335	Civil Aviation—Expenses in connection with the control of Civil Aviation, Airways, Government and Public Airports and grants to Aeroplane Clubs—Further amount required.....	497,900 00	1,302,900 00
	RAILWAYS AND CANALS—CHARGEABLE TO INCOME		
	MISCELLANEOUS		
336	Board of Railway Commissioners for Canada: Maintenance and operation—To validate salary payments, made by the Commissioners to June 30, 1935, to F. F. Burpee, as Secretary to the Chief Commissioner.....		1 00
	PUBLIC WORKS—CHARGEABLE TO INCOME		
	PUBLIC BUILDINGS		
	<i>New Brunswick</i>		
337	Perth—Public building.....	10,000 00	
	<i>Quebec</i>		
	Bedford—Public building.....	23,500 00	
	Cap de la Madeleine—Public building.....	54,000 00	
338	Montreal—Purchase of site for addition to 4th Division Engineers' Armoury, and alterations.....	7,000 00	
	Pointe Claire—Public building.....	25,000 00	
	Quebec Immigration Building—Repairs.....	33,000 00	
	St. Martine—Public building.....	17,000 00	
	Stanstead—Public building.....	18,000 00	
	Temiskaming—Public building.....	19,000 00	
		196,500 00	

## SCHEDULE—Continued

No. of Vote	Service	Amount	Total
		\$ cts.	\$ cts.
	PUBLIC WORKS—Continued		
	(Chargeable to Income)—Continued		
	PUBLIC BUILDINGS—Concluded		
	<i>Ontario</i>		
339	Belleville—Building for Entomological Branch.....	60,000 00	
	Fort Erie—Public building.....	50,000 00	
	Kingsville—Public building.....	25,000 00	
	Kirkland Lake—Public building.....	92,000 00	
	Powassan—Public building.....	13,000 00	
	Richmond Hill—Public building.....	30,500 00	
	Toronto—Postal Station "K".....	194,000 00	
	Watford—Public building.....	10,000 00	
		474,500 00	
	<i>Manitoba</i>		
340	Beausejour—Public building.....	11,000 00	
	Birtle—Purchase of building for Postal purposes.....	2,000 00	
	Gimli—Public building.....	12,000 00	
	Melita—Public building.....	20,000 00	
	Roblin—Public building.....	20,000 00	
		65,000 00	
	<i>Saskatchewan</i>		
341	Kindersley—Public building.....	20,000 00	
	Watrous—Public building.....	20,000 00	
		40,000 00	
	<i>Alberta</i>		
342	Calgary—Barracks for Permanent Force.....	400,000 00	
	Cardston—Public building.....	49,000 00	
	Claresholm—Purchase of building for public purposes.....	5,000 00	
	Edmonton—Building for Department of Pensions and National Health.....	62,000 00	
	Innisfail—Purchase of building for Postal purposes.....	4,000 00	
	Lacombe—Purchase of building for Postal purposes.....	7,500 00	
	Okotoks—Purchase of building for Postal purposes.....	4,500 00	
	St. Paul—Public building.....	15,000 00	
		547,000 00	
	<i>British Columbia</i>		
343	Armstrong—Public building.....	12,500 00	
	Lillooet—Public building.....	10,000 00	
	Salmon Arm—Public building.....	20,000 00	
	Sidney—Public building.....	12,000 00	
	Victoria—Public building.....	300,000 00	
		354,500 00	
	<i>Generally</i>		
344	Flags for Dominion Public Buildings—Further amount required.....	1,000 00	
	Ottawa—Remodelling switchboards.....	4,500 00	
	Post Office Equipment.....	14,000 00	
	Tractors for Postal purposes—Further amount required.....	3,000 00	
		22,500 00	

## SCHEDULE—Continued

No. of Vote	Service	Amount	Total
		\$ cts.	\$ cts.
	<b>PUBLIC WORKS—Continued</b>		
	<i>(Chargeable to Income)—Continued</i>		
	<b>HARBOURS AND RIVERS</b>		
	<i>Nova Scotia</i>		
345	Brooklyn—Dredging.....	58,000 00	
	Halifax—Repairs and improvements to wharves and buildings at R.C.N. Barracks and H.M.C. Dockyards—Further amount required.....	24,100 00	
	Hantsport—Warehouses on wharf.....	25,000 00	
	Sydney—To purchase and repair wharf.....	75,000 00	
		182,100 00	
	<i>Prince Edward Island</i>		
346	Lower Montague—To purchase and repair wharf.....	5,800 00	
	<i>New Brunswick</i>		
347	Baie Ste. Anne—Wharf.....	26,000 00	
	Campbellton—Dredging.....	55,000 00	
	Little Cape—Breakwater.....	10,000 00	
	Richibucto—To purchase and repair Forbes wharf.....	14,000 00	
	105,000 00		
	<i>Quebec</i>		
348	Anse au Griffon (River)—Improvements to jetties—To complete contract—Revote.....	3,500 00	
	Levis—Wharf.....	134,000 00	
	Lorne Dry Dock—Improvements.....	40,000 00	
	Rimouski—Rebuilding track foundation on wharf.....	66,200 00	
	Roberval—Breakwater.....	40,000 00	
	Sept Iles—Wharf.....	50,000 00	
	St. Gregoire de Montmorency—Protection wall.....	10,000 00	
	343,700 00		
	<i>Ontario</i>		
349	Byng Inlet—Dredging—To complete payments on contract—Further amount required.....	1,400 00	
	Collingwood—Removal of dock.....	43,500 00	
	Port William—Harbour improvements—Further amount required.....	150,000 00	
	Hamilton—Warehouse on wharf.....	7,500 00	
	Hudson—Wharf—Further amount required.....	4,500 00	
	Little Castor River and Annable Creek—Contribution to the Municipality of the Township of Winchester towards dredging Little Castor River and Annable Creek, the Provincial Government to contribute a like amount—Revote.....	5,200 00	
	Port Arthur—Harbour improvements—Further amount required.....	100,000 00	
	Port Credit—Harbour improvements.....	20,000 00	
	Thessalon—Breakwater.....	8,500 00	
	Windsor—Warehouse extension.....	60,000 00	
		400,600 00	
	<i>Manitoba</i>		
350	Red River—Repairs to jetties and wharf reconstruction.....	28,000 00	

SCHEDULE—Continued

No. of Vote	Service	Amount	Total
		\$ cts.	\$ cts.
	PUBLIC WORKS—Concluded (Chargeable to Income)—Concluded		
	HARBOURS AND RIVERS—Concluded Saskatchewan, Alberta and Northwest Territories		
351	Fort Fitzgerald, Alta.—Wharf.....	13,000 00	
	British Columbia		
352	Fraser River—Contribution towards protection work at Rose- dale, B.C.....	3,500 00	
	Fraser River—North Arm—Dredging.....	30,000 00	
	Port Alberni Assembly Wharf—Replacement of crane—Further amount required.....	2,000 00	
		35,500 00	
	DREDGING		
353	British Columbia—Further amount required.....	25,000 00	
	TELEGRAPH AND TELEPHONE LINES Saskatchewan and Alberta		
354	Telephone line from Athabaska to Mirror Landing.....	9,250 00	
	British Columbia		
355	Pouce Coupe—Telephone exchange.....	4,000 00	
	Telephone line from 93 Mile House to Lorne Butte.....	1,200 00	
		14,450 00	
	MISCELLANEOUS		
356	National Gallery of Canada—Further amount required.....	43,000 00	2,906,150 00
	MAIL SUBSIDIES AND STEAMSHIP SUBVENTIONS		
357	Additional amount required for ocean and coastal subsidies and inspection services.....		119,000 00
	OCEAN AND RIVER SERVICE		
358	To provide for compassionate allowance to Albertine Vincent Bachand, widow of Georges Alphonse Bachand, Officer-in- charge of C.G.S. "Cartier" and Gulf of St. Lawrence Hydrographic Survey, who was drowned while on duty on June 8th, 1931.....	2,500 00	
359	Miscellaneous Services relating to Navigation and shipping— Further amount required.....	2,500 00	
360	To provide subsidies for wrecking plants, Quebec and British Columbia—Further amount required.....	5,000 00	
361	Miscellaneous and unforeseen expenses—Further amount required	5,000 00	15,000 00
	PUBLIC WORKS—CHARGEABLE TO CAPITAL		
	MARINE DEPARTMENT		
362	River St. Lawrence Ship Channel Dredging— (b) To provide for the maintenance and operation of the Government Ship Channel fleet and Government Ship- yard—Further amount required.....		250,000 00



## SCHEDULE—Continued

No. of Vote	Service	Amount	Total
		\$ cts.	\$ cts.
	<b>LIGHTHOUSE AND COAST SERVICE</b>		
363	Construction, maintenance and supervision of aids to navigation, including salaries and allowances to lightkeepers—Further amount required.....	100,000 00	
364	Marine Signal Service—Further amount required.....	8,250 00	108,250 00
	<b>SCIENTIFIC INSTITUTIONS</b>		
	<b>DEPARTMENT OF THE INTERIOR</b>		
365	<i>Geodetic Survey of Canada</i> — Control operations—Precise levelling based on sea level, triangulation, geodetic astronomy and investigations—all basic for correlation of water areas, power developments, charts and maps and for the scientific study of the earth's crust, curvature, figure and dimensions. The above is the recognized basis of operations for federal and provincial departments, municipal authorities and engineering projects over the whole country—Further amount required.....	11,000 00	
366	<i>International Boundary Commission</i> — Expenses connected with the maintenance in a state of effective demarcation of the international boundary—Revote—Further amount required.....	6,819 42	17,819 42
	<b>MINES</b>		
	<b>MINES BRANCH</b>		
367	For investigations of mineral resources and deposits of the mining and metallurgical industries, and of mineral technology; wages, and expenses of testing and research laboratories; for publications, English and French; for purchase of books and instruments; for miscellaneous assistance and contingencies; and for investigations by the Dominion Fuel Board, including salaries and all other expenses—Further amount required.....	10,000 00	
	<b>GEOLOGICAL SURVEY</b>		
368	For maintenance of offices and museum; for purchase of instruments, chemicals, books of reference, museum equipment and specimens, and related supplies; for expenses of the Geographic Board of Canada; and for miscellaneous assistance and contingencies—Further amount required.....	9,300 00	19,300 00
	<b>LABOUR</b>		
369	Annuities Act—Further amount required.....	65,000 00	
370	International Labour Conference—Further amount required....	5,000 00	
371	Administration of Hours of Labour, Weekly Rest and Minimum Wages Acts.....	100,000 00	170,000 00
	<b>PUBLIC PRINTING AND STATIONERY</b>		
372	Plant—Repairs and Renewals—Further amount required.....		5,400 00
	<b>INDIANS</b>		
373	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.....		200,000 00

SCHEDULE—Continued

No. of Vote	Service	Amount	Total
		\$ cts.	\$ cts.
<b>GOVERNMENT OF THE NORTHWEST TERRITORIES</b>			
<b>DEPARTMENT OF THE INTERIOR</b>			
374	Salaries and expenses connected with the administration of the Northwest Territories Act and Ordinances, Northwest Game Act and Regulations, Eskimo Affairs, Wood Buffalo Park, reindeer industry, game preserves and sanctuaries, wolf bounties, exploration, investigation and development, of natural resources, fire protection, construction and maintenance of buildings, schools, hospitals and roads, relief to destitute, maintenance and transportation of prisoners and insane patients, equipment and supplies, contingencies, etc.—Further amount required.....	42,000 00	
<b>DEPARTMENT OF NATIONAL DEFENCE</b>			
375	Radio Services—For the maintenance and operation of the Northwest Territories Radio System—Further amount required.....	50,000 00	92,000 00
<b>DOMINION LANDS, PARKS, ETC.</b>			
	Advancement of forest conservation: National inventory of forest resources; investigation of forest conditions and rates of growth, and development of scientific management methods; forest protection studies, technical and economic investigations of forest industries; the operation of forest experiment stations, demonstration forests, and forest products laboratories; co-operative undertakings in forestry and forest products, etc.—Further amount required.....	25,000 00	
376	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, moneys expended to be reimbursed to the Dominion by the Province of Manitoba under the terms of Paragraph 8 of the Manitoba Transfer Agreement.....	20,000 00	
	To provide for the expenses incurred under the Lake of the Woods Convention, 1925, for Canadian participation in legal proceedings in the United States incidental to acquiring a flowage easement over lands bordering on Lake of the Woods in the United States, two-thirds of the moneys expended to be reimbursed to the Dominion by the Provinces of Manitoba and Ontario under the terms of the Agreement of November 15, 1922—Revote.....	6,101 03	51,101 03
<b>PENSIONS AND NATIONAL HEALTH</b>			
377	Salaries—Departmental Staff—Further amount required.....	30,000 00	
378	Unemployment relief—Further amount required.....	500,000 00	
379	War Veterans Allowances—Further amount required.....	300,000 00	
<b>NATIONAL HEALTH</b>			
380	The administration of the Acts respecting Food and Drugs, Opium and Narcotic Drugs and Proprietary or Patent Medicines, including the Laboratory of Hygiene—Further amount required.....	4,860 00	
	Public Health Engineering—Further amount required.....	3,665 00	
			838,525 00

## SCHEDULE—Continued

No. of Vote	Service	Amount		Total	
		\$	cts.	\$	cts.
MISCELLANEOUS					
381	Emergency grant to the Canadian National Institute for the Blind.....	50,000	00		
382	Grant to the Canadian Prisoners' Welfare Association.....	500	00		
383	Grant toward the King George V Jubilee Cancer Fund.....	100,000	00		
384	To provide for the administration of the Royal Canadian Mint—Further amount required for equipment.....	110,000	00		
385	To provide for salaries and expenses of the Tariff Board, including additional provision by reason of the increased jurisdiction under the Dominion Trade and Industry Commission Act—Further amount required.....	200,000	00		
386	To provide for grant to the Canadian Olympic Committee.....	10,000	00		
387	To provide for the expenses in connection with the departure of the Governor General, and the reception and installation of his successor.....	15,000	00		
388	To provide for the expenses in connection with the Silver Jubilee of King George V, including allowances for extra work and overtime, subject to the approval of the Treasury Board.....	19,500	00		
389	To provide for salaries and expenses of the Bureau for Translations—Further amount required.....	22,735	00		
390	Chief Electoral Officer—Salaries and contingencies of office—Further amount required.....	40,000	00		
391	Grant to the Canadian National Committee for Mental Hygiene.....	10,000	00		
392	Grant to the Canadian Social Hygiene Council.....	5,000	00		
393	To provide necessities for George Black, M.P.....	500	00		
394	To assist in promoting tourist business in Canada—Revote.....	52,000	00		
395	Trent Canal: To provide for a contribution by the Department of Railways and Canals towards the cost of the construction, by the corporation of the Town of Orillia, of a dam, powerhouse and log slide on the Gull River.....	7,500	00		
396	Expenses of Wheat Advisory Committee for 1935, Canada's assessment.....	1,955	00		
397	Grant to the Committee on Arrangements for the meeting of the National Conference of social work, 1935.....	3,000	00		
398	Loan to the Quebec Harbour Commissioners to cover judgments against them in respect of damage sustained by shipping in the river basin.....	17,100	00		
399	Loan to the Halifax Harbour Commissioners with interest at a rate to be fixed by the Governor in Council, for such period and upon such terms and conditions as the Governor in Council may determine, to retire the obligation incurred in connection with settlement of the claims of J. P. Porter & Sons, Limited.....	118,985	80		
400	Compassionate grant to Joseph Wilson, Halifax.....	7,500	00		
401	Compassionate grant to Capt. Aime Dion, Montmagny, P.Q.....	7,500	00		
402	Administration of the Old Age Pensions Act—Further amount required.....	10,000	00		
403	To provide for payments of interest under, and to hereby approve of the terms and conditions of Orders in Council P.C. 1462 and P.C. 1533 of June 7, 1935, respecting orders of steel rails for the Canadian National Railway Company.....	30,000	00		
404	Amount required to provide for additional grants to be made to the provinces of— Nova Scotia.....	425,000	00		
	New Brunswick.....	300,000	00		
	Prince Edward Island.....	150,000	00		
405	Employment and Social Insurance Act.....	2,000,000	00		
406	To provide, subject to the approval of the Treasury Board, for salaries, reclassifications and increases and to authorize payment of the salary of any employee, who is made permanent, from the appropriation under which his salary as a temporary employee has been provided—Further amount required.....	1,000,000	00		



SCHEDULE—Continued

No. of Vote	Service	Amount	Total
		\$ cts.	\$ cts.
	MISCELLANEOUS—Concluded		
407	To provide for carrying into effect sections two and three of Chapter 26 of the statutes of 1934, when the said sections come into force on August 1st, 1935, the said statute being an Act to amend the Canada Grain Act, whereby a statutory grade was established for Garnet wheat and the statutory grade "No. 2 Manitoba Northern" was revised to exclude Garnet wheat by substituting "Marquis or equal to Marquis" for "red spring wheat of good milling quality", and to facilitate the efficient and orderly marketing of wheat now graded as No. 2 Manitoba Northern by providing that in respect of any such wheat which on the 31st July, 1935, is in elevators licensed under the Canada Grain Act, the Governor in Council may on the recommendation of the Chairman of the Board of Grain Commissioners indemnify any holder or owner thereof, for loss resulting directly from the revision of the statutory grade No. 2 Manitoba Northern aforesaid.....	1,500 00	
408	To pay to the Estate of the late General Sir. Arthur William Currie, G.C.M.G., K.C.B., LL.D., in recognition of the eminent services rendered to his country by the deceased General during the Great War.....	50,000 00	
409	To provide for expenses of the Comptroller of the Treasury's Office—Further amount required.....	80,000 00	
410	Allowance to the Representative of the Department of Finance as a member of the Canadian Farm Loan Board, during tenure.....	1,500 00	
411	Grant to l'Association Canadienne-Francaise des Aveugles to assist in work with the Blind.....	4,050 00	
412	The Economic Council of Canada Act, 1935.....	20,000 00	
413	Amount required for compassionate allowances to farmers who have suffered loss on account of shipments of cattle made through the Richelieu Corporation, during the fiscal year 1933-34. Payments to be made only on the specific authority of the Governor in Council.....	42,000 00	
415	To enable the Governor in Council for and as one of the purposes of section 9 of the Supplementary Public Works Construction Act, 1935, to authorize the Minister of Finance to make loans to the railway companies for the betterment or repair of railway equipment out of any sum authorized by subsection 4 of said section 9 to be expended for the purchase of railway equipment, any such loan to be in reduction of the sum so authorized to be expended.....	1 00	
416	To provide, notwithstanding the terms of the Civil Service Act or any other Act or Law, for payment of honoraria to members of the public service—subject to allocation by the Treasury Board.....	10,000 00	
417	Natural Products Marketing Act— Further amount required.....	1,000,000 00	7,421,326 80
	NATIONAL REVENUE		
418	Salaries and travelling expenses of officers of the Inspection, Investigation, Audit and the Preventive Service Under-valuation Services—Further amount required.....	30,000 00	
419	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.—Further amount required.....	25,000 00	55,000 00
	TRADE AND COMMERCE		
420	Printing of Parliamentary and Departmental Publications— Further amount required to provide for the "Canada Year Book".....	25,000 00	
421	Dominion Bureau of Statistics—Further amount required.....	30,000 00	



SCHEDULE—*Concluded*

No. of Vote	Service	Amount	Total
	<b>TRADE AND COMMERCE—<i>Concluded</i></b>	\$ cts.	\$ cts.
422	Weights and Measur. Inspection Service—Further amount required.....	35,000 00	
423	National Research Council—Further amount required.....	100,000 00	
424	Publicity and Advertising in Canada and abroad—Further amount required.....	2,000 00	
425	To provide for payment to the Port of London Authority.....	2,233 82	
			194,233 82
	<b>ADJUSTMENT OF WAR CLAIMS</b>		
426	Secretary of State—Further amount required.....		15,000 00
	<b>GOVERNOR GENERAL'S WARRANTS, 1934-35</b>		
427	Expenses of the Royal Commission on Price Spreads and Mass Buying (Governor General's Warrants of July 30, November 3, and December 19, 1934).....	155,000 00	
428	Expenses in connection with printing amendments to the Election Act (Governor General's Warrant of October 3, 1934)...	20,000 00	
429	Expenses of the Royal Commission on Financial Arrangements between the Dominion and the Maritime Provinces (Governor General's Warrants of October 11, 1934 and January 14, 1935).....	35,000 00	
430	To cover cost of machinery and equipment for the Public Printing Bureau—Governor General's warrant of November 15, 1934.....	200,000 00	
			410,000 00
	Total.....		16,359,978 34

OTTAWA: Printed by JOSEPH OSCAR PATENAUDE, I.S.O., Law Printer to the King's Most Excellent Majesty.

## 25-26 GEORGE V.

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### CHAP 51.

An Act respecting the Convention of Commerce between  
Canada and Poland, signed at Ottawa, July 3rd,  
1935.

[Assented to 5th July, 1935.]

**H**IS 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 Canada-Poland Convention of Commerce Act, 1935.* Short title.

**2.** The Convention of Commerce between Canada and Poland set out in the Schedule to this Act, is hereby approved and shall have the force of law notwithstanding the provisions of any law in force in Canada. Convention approved.

**3.** After the said Convention of Commerce is brought into force and so long as it remains in force, the natural and manufactured products mentioned in the said Convention of Commerce, originating in and coming from the Polish Customs Territory, imported into the Dominion of Canada in the manner provided in the said Convention of Commerce, shall be admitted to the Dominion of Canada at the rates of duties provided in the said Convention of Commerce. Rates of duties.

**4.** The Governor in Council, may, notwithstanding the provisions of any law in force in Canada, make such orders and regulations and do such acts and things as are deemed necessary to carry out the provisions and intent of the said Convention of Commerce. Orders in Council authorized.

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

## SCHEDULE.

## CONVENTION OF COMMERCE BETWEEN CANADA AND POLAND.

His Majesty the King of Great Britain, Ireland and the British dominions beyond the Seas, Emperor of India, in respect of the Dominion of Canada, and the President of the Republic of Poland, being desirous of facilitating and extending the commercial relations existing between Canada and Poland, have resolved to conclude a Convention of Commerce for this purpose, and have appointed as their plenipotentiaries:

His Majesty the King of Great Britain, Ireland and the British dominions beyond the Seas, Emperor of India, for the Dominion of Canada:

The Right Honourable RICHARD BEDFORD BENNETT, Prime Minister, President of the Privy Council and Secretary of State for External Affairs;

The Honourable RICHARD BURPEE HANSON, Minister of Trade and Commerce;

The President of the Republic of Poland:

Doctor JERZY ADAMKIEWICZ, Consul General of the Republic of Poland for Canada and Newfoundland;

Who, after having communicated to each other their respective full powers, found to be in good and due form, have agreed upon the following Articles:

## ARTICLE 1

Articles produced or manufactured in Canada shall not, on importation into Poland, be subjected to other or higher duties or charges than those paid on the like articles produced or manufactured in any other foreign country; at the same time the articles enumerated in Schedule A to this Convention, produced or manufactured in Canada, shall not, on importation into Poland, be subjected to higher duties than those specified in the said Schedule and shall be subjected to the lowest rates of duty which Poland may grant to any other foreign country on the like articles.

## ARTICLE 2

The stipulations of Article 1 of this Convention shall not extend:

- (a) To privileges which are or hereafter may be granted by Poland to purely border traffic within a zone not exceeding 15 kilometres wide on either side of its customs frontier;
- (b) To privileges granted by Poland to a state by virtue of a Customs Union with that state;
- (c) To tariff preferences or customs facilities which hereafter may be granted by Poland to Estonia, Latvia, Lithuania or Finland so long as such privileges are not accorded to any other state;

(d) To the regime for duties and quotas established temporarily between Polish Upper Silesia and German Upper Silesia by virtue of the German-Polish Convention concerning Upper Silesia, signed at Geneva on May 15, 1922.

#### ARTICLE 3

Articles produced or manufactured in Poland shall not, on importation into Canada, be subjected to other or higher duties or charges than those paid on the like articles produced or manufactured in any other foreign country; at the same time the articles enumerated in Schedule B to this Convention, produced or manufactured in Poland, shall not, on importation into Canada, be subjected to higher duties than those specified in the said Schedule, and shall be subjected to the lowest rates of duty which Canada may grant to any other foreign country on the like articles.

#### ARTICLE 4

To enjoy the benefits of the tariff advantages provided for in Article 1 of this Convention, articles, produced or manufactured in Canada, shall be conveyed without transshipment from a Canadian port or from a port of a country enjoying most-favoured-nation treatment in tariff matters in Poland into a port or ports of the Polish Customs Territory.

Reciprocally, to enjoy the benefits of the tariff advantages provided for in Article 3 of this Convention, articles, produced or manufactured in Poland, shall be conveyed without transshipment from a port or ports of the Polish Customs Territory or from a port of a country enjoying the benefits of the British Preferential or Intermediate Tariff, into a sea, lake or river port of Canada.

Provided, however, that articles produced or manufactured in Poland, on importation into Canada, and articles produced or manufactured in Canada, on importation into Poland, shall not be subjected to other or more onerous conditions with respect to direct shipment than are imposed on the like articles imported from any other foreign country.

#### ARTICLE 5

No prohibition or restriction shall be maintained or imposed by either of the High Contracting Parties on the importation of any article the produce or manufacture of the territories of the other Party which shall not equally extend to the importation of the like articles being the produce or manufacture of any other foreign country.

This provision shall not be applicable to prohibitions or restrictions, which already exist or may be imposed in future on importation or exportation, provided that such prohibitions or restrictions are issued with regard to:



- (a) Public order or the internal or external security of the state;
- (b) Public health or the protection of animals or plants against disease;
- (c) Articles constituting a state-monopoly.

In the event of import licences being required for the importation of any class of goods into the territories of either of the High Contracting Parties, the general conditions of procedure under which licences may be obtained for the importation of such goods shall not be less favourable than those applied in the case of similar goods the produce or manufacture of any other foreign country.

ARTICLE 6

Articles produced or manufactured in the territories of either of the High Contracting Parties, exported to the territories of the other, shall not be subjected to other or higher export duties or charges than those paid on the like articles exported to any other foreign country.

Nor shall any prohibition or restriction, with the exception of those enumerated in Article 5 of this Convention, be maintained or imposed on the exportation of any articles from the territories of either of the High Contracting Parties to the territories of the other which shall not equally extend to the exportation of the like articles to any other foreign country.

ARTICLE 7

Articles produced or manufactured in the territories of either of the High Contracting Parties, passing in transit through the territories of the other, in conformity with the laws of the country, shall be reciprocally free from all transit duties, whether they pass direct, or whether during transit they are unloaded, warehoused or reloaded.

ARTICLE 8

Internal duties or taxes which are, or hereafter may be, levied in the territories of either of the High Contracting Parties by, or on behalf of, the State or a local authority or other corporation on the production, manufacture, sale or consumption of goods shall not affect the goods of one Party imported into the territories of the other under any pretext whatever, to a greater extent or in a more restrictive way, than goods of the same kind, which are the produce or manufacture of the other Party.

Articles produced or manufactured in the territories of either of the High Contracting Parties imported into the territories of the other, and intended for transit or warehousing only, shall not be subjected to any internal duties or taxes.

ARTICLE 9

Merchants and manufacturers, nationals of one of the High Contracting Parties, as well as merchants and manufacturers domiciled and exercising their commerce and industries in the territories of such

Party, may, in the territories of the other, either personally or by means of commercial travellers, make purchases or collect orders with or without samples or specimens and such merchants, manufacturers, and their commercial travellers, while so making purchases and collecting orders, shall, in the matter of taxation and facilities, enjoy treatment not less favourable than that accorded to merchants, manufacturers and commercial travellers, nationals of any other foreign country.

If one of the High Contracting Parties should consider it necessary to require certificates attesting the character of certain persons as commercial travellers in order to accord them the above facilities, in that case the High Contracting Parties shall by exchange of notes agree on the form of such certificates and the authorities competent to issue them.

Articles, imported as samples and specimens for the purpose mentioned above, shall, in each country, be temporarily admitted free of duty on compliance with the customs regulations and formalities established to assure their re-exportation or the payment of the prescribed customs duties if not re-exported within the period of twelve months. But the foregoing privilege shall not extend to articles which, owing to their quality or value, cannot be considered as samples, or which owing to their nature, could not be identified upon re-exportation. The determination of the question of qualification of samples for duty free admission rests in all cases exclusively with the competent authorities of the place where the importation is effected.

Samples of no commercial value shall be admitted into the territories of either of the High Contracting Parties free of duty.

The Customs Authorities of the importing country shall recognize as sufficient for the future identification of the samples or specimens the marks which have been affixed by the Customs Authorities of the exporting country, provided that the said samples or specimens are accompanied by a descriptive list certified by the Customs Authorities of the latter. Additional marks may, however, be affixed to the samples or specimens by the Customs Authorities of the importing country in all cases in which the latter consider the additional guarantee indispensable for ensuring the identification of the samples or specimens on re-exportation. Except in the latter case, customs verification shall be confined to identifying the samples and deciding the total duties and charges to which they may eventually be liable.

The refund of duties paid on importation or the release of the security for the payment of these duties shall be effected without undue delay and subject to the deduction of the duties payable on samples or specimens which are neither produced for re-exportation nor placed in bond.

#### ARTICLE 10

Nationals of each of the High Contracting Parties, shall have, in the territories of the other, the same rights as nationals of that Party in regard to patents for inventions, trade-marks, industrial designs

and patterns, commercial names, names of origin of products, and the prevention of unfair competition, upon fulfilment of the formalities provided for by law.

#### ARTICLE 11

The vessels of each of the High Contracting Parties shall enjoy in the ports of the other High Contracting Party treatment not less favourable than that accorded to national vessels or to vessels of the most favoured nation, excepting always coasting trade and river or lake traffic which each of the High Contracting Parties shall have the right to reserve to national vessels.

Each High Contracting Party shall permit the importation or exportation of all merchandise, the importation or exportation of which is permitted, as well as the carriage of passengers from or to their respective territories upon the vessels of the other. Such vessels, their passengers and cargoes, shall enjoy the same privileges as, and shall not be subject to duties or charges other or higher than, national vessels, their passengers and cargoes, or the vessels of the most favoured nation and their passengers and cargoes.

Navigation companies of either of the High Contracting Parties engaged in the transport of emigrants shall in the territories of the other High Contracting Party enjoy the same treatment in every respect as the corresponding navigation companies of the most favoured nation.

#### ARTICLE 12

The nationality of a vessel shall be established in accordance with the laws of the state to which the vessel belongs by the aid of certificates of registry and other documents carried on the ship and issued by the proper authorities.

With the exception of sale under a judgment of a court of justice, the vessels of either of the High Contracting Parties shall not be liable to have their national character changed within the territories of the other unless a declaration that the vessel is no longer on its registry is issued by the authorities of the former state.

#### ARTICLE 13

The nationals of each of the High Contracting Parties in the territory of the other shall enjoy free access to the courts of justice, either as plaintiffs or as defendants in all matters, without other conditions, restrictions or taxes than those imposed on nationals; and like them they shall be at liberty to have recourse in all matters to the services of advocates, attorneys, solicitors or other agents selected from among the persons admitted to the legal professions by the laws in force in the territory in question.

The above provisions shall not apply to the "*cautio judicatum solvi*" or to rights obtainable "*in forma pauperis*," which matters will be settled by a separate convention.



## ARTICLE 14

The nationals of each of the High Contracting Parties in the territories of the other shall be at full liberty to acquire and possess every description of property, movable and immovable, within the limitations and subject to the conditions under which the laws of the other Party permit, or shall permit, the nationals of any other foreign country to acquire and possess property. They may dispose of the same by sale, exchange, gift, marriage, testament, or in any other manner, or acquire the same by inheritance, under the same conditions as are or shall be established with regard to nationals of any other foreign country. They shall not be subjected in any of the cases mentioned to any taxes, imposts, or charges of whatever denomination other or higher than those which are, or shall be, generally applicable to nationals of any other foreign country.

Moreover the nationals of either of the High Contracting Parties including companies and other associations organized and exercising their functions in accordance with the laws in force in the territories of that High Contracting Party shall enjoy unconditionally in every respect in the territories of the other High Contracting Party the most-favoured-nation treatment in all matters concerning the exercise of commerce and industry, exemption from domiciliary visits or from search of shops, or other premises or from inspection or examination of their books, papers and accounts except under due process of law. Nor shall they be subject to taxes, general or local, imposts, fees, rates or other official charges, other or greater than those imposed on the nationals or companies or other associations of the other High Contracting Party.

## ARTICLE 15

The nationals of each of the High Contracting Parties in the territories of the other shall be exempted from all compulsory military service whatsoever, whether in the army, navy, air force, national guard or militia, and from all taxes or requisitions levied in lieu of such services.

## ARTICLE 16

Each of the High Contracting Parties shall be at liberty to appoint consuls-general, consuls, vice-consuls, consular agents and trade commissioners to reside in the towns and ports of the territory of the other to which such consuls or agents of any other State are admitted. Such consuls-general, consuls, vice-consuls, consular agents, and trade commissioners, however, shall not enter upon their functions until after they shall have been accepted and admitted in the usual manner.

The heads of posts, titular or acting, as well as the agents of the consular service, chancellors, attaches or others, on condition of reciprocity, shall enjoy the personal privileges, immunities and exemptions such as are or may be accorded to similar agents of the same class and grade of the most favoured foreign nation.

The High Contracting Parties agree to conclude a convention with a view to determining and defining the powers and functions of these agents.



## ARTICLE 17

The stipulations of this Convention, and particularly of Articles 3, 4, 5, 6, 9, 11, 14 and 15 thereof, shall not extend to privileges, preferences or treatment which may at any time be in force exclusively between territories under the sovereignty of His Majesty the King of Great Britain, Ireland and the British dominions beyond the Seas, Emperor of India, or under His Majesty's suzerainty, protection or mandate.

## ARTICLE 18

Any dispute which may arise between the High Contracting Parties in regard to the proper interpretation or application of any of the provisions of this Convention and which cannot be solved by discussion between their representatives shall, by common consent, by submission in writing, be referred to a Court of Arbitration which shall in each particular case be constituted by each Party nominating one of its nationals as arbiter and an umpire who shall be chosen by agreement between the arbiters.

## ARTICLE 19

The Polish Government which is entrusted with the conduct of the foreign affairs of the Free City of Danzig under Article 104 of the Treaty of Versailles and Articles 2 and 6 of the Treaty signed in Paris on November 9, 1920, between Poland and the Free City of Danzig, reserves hereby the right to declare that the Free City of Danzig is a Contracting Party to this Convention and that it assumes the obligations and acquires the rights laid down therein.

This reservation does not relate to those stipulations of this Convention which the Republic of Poland has accepted with regard to the Free City in accordance with the Treaty rights conferred on Poland.

## ARTICLE 20

The present Convention shall be ratified and the ratifications shall be exchanged at Warsaw as soon as practicable.

It shall come into force fifteen days after the exchange of ratifications and shall be binding for a period of one year from the date of coming into force. In case neither of the High Contracting Parties shall have given notice to the other three months before the expiration of the said period of one year of its intention to terminate the present Convention, it shall be regarded as having been prolonged and shall remain in force until the expiration of three months from the date on which either of the High Contracting Parties shall have given to the other notice of its intention to terminate it.

In witness whereof the respective Plenipotentiaries have signed this Convention and have affixed thereto their seals.

Done in duplicate at Ottawa, in English and Polish texts, both authentic, this third day of July in the year of Our Lord one thousand nine hundred and thirty-five.

(L.S.) R. B. BENNETT.

(L.S.) DR. JERZY ADAMKIEWICZ.

(L.S.) R. B. HANSON.

## SCHEDULE A.

CANADIAN PRODUCTS ENJOYING ON THEIR IMPORTATION INTO THE POLISH CUSTOMS TERRITORY THE PERCENTAGES OF DISCOUNT FROM COLUMN II OF THE POLISH CUSTOMS TARIFF INDICATED BELOW:

Number of Item in Polish Customs Tariff	Designation of Articles	Rates of Column II less a discount on the amount of the duty of
Ex 256 (3)	Herrings of the species named "Clupea harengus," spiced or otherwise prepared, together with the packing:— (a) weighing more than 500 g. .... (b) weighing 500 g. and less together with the immediate container.....	65 p.c. 65 p.c.
Ex 256 (4)	Salmonoids, prepared in any manner, packed in air-tight receptacles.....	70 p.c.
Ex 256 (4)	Small clupeoid fish, designated "Canadian Sardines," caught near the shores of North America, marinated in vinegar, oil, sauces, stuffed or otherwise prepared, in air-tight receptacles. <i>Note to ex 256 (4).—</i> Certificates issued by the proper Canadian Authorities to the effect that the said fish have been caught near the shores of North America shall be required in each particular case on importation into Poland.	65 p.c.
Ex 258 (1) 510	Lobsters, prepared in any manner, packed in air-tight receptacles Leather, varnished, bronzed, silvered, gilded, painted or similarly processed:— (1) Whole and halves..... (2) Cuttings and pieces.....	75 p.c. 55 p.c. 55 p.c.
Ex 516 (1) 794 Sub-item 2	Silver (black) fox skins, raw..... Chemical wood-pulp, bleached containing water:— (b) 50 p.c. or less:— I. When imported by papermills for the manufacture of paper on the grounds of a permit issued by the Minister of Finance..... II. Other wood-pulp.....	80 p.c. 46·66 p.c. 33·33 p.c. 35 p.c.
Ex. 1248 (6)	Ice skates.....	35 p.c.

## SCHEDULE B.

POLISH PRODUCTS SUBJECT ON THEIR IMPORTATION INTO CANADA TO THE INTERMEDIATE TARIFF RATES LESS DISCOUNTS AS HEREINAFTER INDICATED BASED UPON PERCENTAGES OF THE RATES PAYABLE BY VIRTUE OF SAID INTERMEDIATE TARIFF OR FREE.

Number of Item in Canadian Customs Tariff	Designation of Articles	—
Ex 8	Canned hams.....	Intermediate Tariff less a discount of 20 p.c.
Ex 71 b	Clover seed.....	Intermediate Tariff less a discount of 25 p.c.
72 c	Seed of the sugar beet, for agricultural purposes.	Free.
Ex 85	Mushrooms, dried, the weight of the packages to be included in the weight for duty.	Intermediate Tariff less a discount of 45 p.c.
Ex 169	Books, viz.:—Novels or works of fiction, or literature of a similar character, printed in Poland and in the Polish or Ukrainian language, unbound or paper bound in sheets, 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 printed in Poland and in the Polish or Ukrainian language, not to include blank account books, copy books, or books to be written or drawn upon.	Free.
Ex 208	Sulphate of ammonia.....	Free.
Ex 308	Manufactures of alabaster, n.o.p.....	Intermediate Tariff less a discount of 25 p.c.
Ex 326	Cut, pressed, moulded or crystal glass tableware, decorated or not; blown glass tableware and other cut glass ware.	Intermediate Tariff less a discount of 10 p.c.
Ex 345	Zinc dust and sheets.....	Free.
Ex 502	Staves of oak, sawn, split or cut, not further manufactured than listed or jointed.	Free.
519	House, office, cabinet or store furniture of wood, iron or other material, in parts or finished.	Intermediate Tariff less a discount of 10 p.c.
Ex 549 a	Horse hair, not further manufactured than simply cleaned and dipped or dyed.	Free.
Ex 549 b	Horse hair, curled or dyed, n.o.p.....	Intermediate Tariff less a discount of 15 p.c.
Ex 585	Pine pitch; and pine tar, crude, in packages of not less than fifteen gallons.	Free.
Ex 599	Hides and skins of cattle, raw, whether dry, salted or pickled.	Free.
601	Fur skins of all kinds, not dressed in any manner	Free.
622	Trunks, valises, hat boxes, carpet bags, tool bags, and baskets of all kinds, n.o.p.	Intermediate Tariff less a discount of 12½ p.c.
Ex 624	Ornaments, statues and statuettes, of alabaster.	Intermediate Tariff less a discount of 15 p.c.
654	Bristles, broom corn, and hair brush pads. ....	Free.
Ex 657 a	Cinematograph or moving picture films, positives, made in Poland and speaking the Polish or Ukrainian languages, one and one-eighth of an inch in width and over.	Intermediate Tariff less a discount of 50 p.c.

## 25-26 GEORGE V.

### CHAP. 52.

An Act for the purpose of establishing in Canada a system of Long Term Mortgage Credit for Fishermen.

[Assented to 5th July, 1935.]

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

R.S., c. 66;  
1934, c. 46;  
1935, c. 16.

#### SHORT TITLE.

**1.** This Act may be cited as *The Canadian Fisherman's Loan Act*.

Short title.

#### INTERPRETATION.

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

- (a) "Board" is, includes, and means the Canadian Farm Loan Board established by the *Canadian Farm Loan Act*, chapter sixty-six of the Revised Statutes of Canada, 1927, and amendments thereto; "Board."
- (b) "Borrower" means a fisherman who has obtained a loan under the provisions of this Act; "Borrower."
- (c) "Commissioner" means the Canadian Farm Loan Commissioner appointed under the provisions of the *Canadian Farm Loan Act*; "Commissioner."
- (d) "Fisherman" means a person whose principal occupation consists in fishing; "Fisherman."
- (e) "Fishing" means the taking and processing of fish of all kinds for commercial purposes; "Fishing."
- (f) "Fisherman's Land" means land under occupation or owned by a fisherman; "Fisherman's Land."
- (g) "Fisherman's Loan" means a loan made to a fisherman under the provisions of this Act; "Fisherman's Loan."
- (h) "Fisherman's Loan bond" means a bond issued under the authority of this Act; "Fisherman's Loan Bond."
- (i) "Minister" means the Minister of Finance for the time being; "Minister."



"Mortgage."  
"First  
Mortgage."

(j) "Mortgage" and "First Mortgage" include, with relation to loans made in the province of Quebec under this Act, hypothecs and *vente à réméré*, whether, with relation to the latter, the Board has or has not expressly accorded to the borrower, at the time of making the loan, an additional right to redeem notwithstanding elapse of the time for repayment, and "mortgagor" and "mortgagee" shall be construed accordingly.

Powers of  
Board.  
Fisherman's  
Loan Bonds.

### 3. The Board may

(a) issue and sell bonds to be known as Canadian Fisherman's Loan bonds, buy the same on its own account and retire the same at or before maturity;

Long term  
loans.

(b) make long term loans to fishermen on the security of first mortgages on fisherman's lands upon and subject to the conditions hereinafter prescribed;

Real  
estate.

(c) hold real estate, which having been mortgaged or otherwise secured to it, is acquired by it for the protection of any loan, sell, mortgage, lease or otherwise dispose thereof and, if the Board in its discretion shall decide so to do, but not as an obligation, pay yearly to local taxing authorities amounts to the extent of the taxes that would have been owing on such real estate had the same been assessed and a levy made thereon in that year: Provided, however, that any such real estate shall be disposed of within three years from the date on which it is acquired or within such additional period, not exceeding two years, as the Governor in Council may fix and determine;

Proviso.

Investments.

(d) invest its funds in the debentures, bonds, stocks or other securities of, or guaranteed by, the Government of Canada, or of, or guaranteed by, the government of any province of Canada;

Assistance.  
Incidental  
powers.

(e) employ such assistance and exercise by itself or through its duly authorized agents all such incidental powers as shall be necessary or expedient to carry on the business authorized by this Act;

Collateral  
security.

(f) accept and hold such additional and collateral security for loans as the Board may deem proper;

Composition,  
etc.

(g) make such composition, extension of time or scheme of arrangement with any borrower on his loan as the Board deems advisable.

Capital re-  
quirements.

### 4. The capital requirements of the Board shall be provided as follows:—

Initial  
capital.

(1) The Government of Canada may subscribe to an initial capital to an amount not exceeding three hundred thousand dollars and may pay the amount of any such subscription at such times and in such amounts as in the judgment of the Board are necessary for the purposes

of the Board; and the amounts provided from time to time under this subsection shall be free from interest charges for a period of three years, after which time interest shall be paid at such rate as the Governor in Council shall direct, repayment of the amounts so provided shall be made from time to time out of the earnings of the Board: Provided that before any such proposed repayment is made, the reserve fund of the Board provided for by section eight of this Act, shall be at least equal to the total repayments, including the repayment then proposed to be made.

Proviso.

(2) In addition to the initial capital provided for in the next preceding subsection the Board shall issue capital stock in shares of one dollar each, which shares shall be subscribed for by the Government of Canada from time to time as loans are made under this Act to an amount equal to five per cent of the said loans, so that the total amount subscribed under this subsection shall equal at any time as nearly as may be, five per cent of the total amount of principal outstanding on loans theretofore made, the same to be called for by the Board as required.

Capital stock.

5. (1) The outstanding Fisherman's Loan bonds shall not exceed at any time twenty times the paid up capital stock subscribed for by the Government of Canada in the manner provided in the next preceding section.

Limit of outstanding bonds.

(2) Such bonds shall be issued at such a rate of interest as in the opinion of the Board will make the market value of the bonds at the date of issue approximately par.

Rate of interest.

(3) The bonds shall be issued for such period, not exceeding thirty-five years, and in such denominations as the Board may determine.

Time limit. Denominations.

(4) Provision may be made for the redemption of the bonds at the option of the Board before their due date, in which case the Board may provide for the payment of such premium as it may deem reasonable.

Redemption before date due.

(5) Each Fisherman's Loan bond shall be signed by the Commissioner, or by a member specially authorized thereunto by the Board, and by the secretary or treasurer of the Board, and it shall have printed thereon a certificate by the Commissioner that it is issued under the authority of this Act, and that at the time of issue the Board holds mortgages or charges on fisherman's lands, at least equal to the total amount of bonds issued under this Act.

Form and conditions.

6. Loans made under the authority of this Act shall be subject to the following conditions:—

Conditions for loans.

(a) Loans shall be made only on the security of first mortgages on fisherman's lands not exceeding fifty per cent of the actual value of such lands and the buildings thereon as appraised by the Board: Provided that no one person and no two or more persons having joint

First Mortgages

or several ownership of the land to be mortgaged shall have by way of loan in the aggregate at any one time more than one thousand dollars;

Use of  
proceeds.

(b) The proceeds of such loan shall be used for the following purposes and no other:—

(1) To purchase boats or vessels, or shares or part interests in boats or vessels for use in the fisheries.

(2) To purchase equipment for such fishing boats or vessels including therein the purchase of gasoline, crude-oil or other engines.

(3) To purchase lines, hooks, trawls, nets, anchors, bait, traps, and any other equipment or apparatus for use in fishing.

(4) To discharge liabilities already accumulated.

(5) Any purpose which in the judgment of the Board may be reasonably considered as for fishing;

Loans to  
fishermen  
only.

(c) Loans under this Act shall be made only to Fishermen actually engaged in or shortly to become engaged in fishing;

Appraisal  
value.

(d) The appraised value shall be based on the fair market value of the land and buildings thereon;

Interest.

(e) The interest rate on loans under this Act shall be such a rate in excess of the interest rate yielded at the time of issue by the last series of Fisherman's Loan bonds issued by the Board as shall be sufficient, in the judgment of the Board to provide for the expenses of operation and for the necessary reserves for losses, or if no such bonds have been issued, such a rate as in the judgment of the Board will be yielded by the Fishermen's Loan bonds when issued, increased by provision for expenses and reserves as aforesaid;

Repayment.

(f) Every loan made under this section shall be repayable upon such terms and within such periods not in excess of twenty-five years as the Board may prescribe: Provided, however, that all loans repayable over a period in excess of five years shall be repayable in equal annual or semi-annual instalments of principal and interest;

Interest on  
defaulted  
payments.

(g) Notwithstanding anything contained in the *Interest Act* every borrower shall pay simple interest on defaulted payments at a rate not exceeding eight per cent per annum and shall agree to pay when due all assessments, taxes and other charges necessary to be paid for the security of the Board in respect of the loan and to effect such insurance as the Board may require; and should such taxes, assessments and charges not be paid when due, they may be paid by the Board and charged to the borrower, and if not repaid to the Board on or before the next interest date with interest thereon at a rate not exceeding eight per cent per



annum, the borrower shall be considered in default under the mortgage;

- (h) Except as provided in, and subject to, such regulations, not inconsistent with the provisions of the *Interest Act*, as the Board may prescribe, any borrower may at any time repay the whole or part of his loan on any date on which an instalment becomes due. When the payment is part of the loan only it shall be credited to the borrower in such a manner as the Board may by regulation prescribe, but so that no such payment shall relieve the borrower from liability to pay or from continuing to pay, at the times agreed upon, the various instalments next ensuing due after such partial payment is made, and until the loan and interest is repaid in full;
- (i) If any borrower under this Act expends any part of a loan for any purpose other than that approved by the Board, the said loan shall at the option of the Board become forthwith payable in full;
- (j) It shall be a term of any mortgage taken as security for a loan that upon the sale or lease of the fisherman's land the loan shall at the option of the Board immediately become due and payable.

Payments by borrowers.

If loan expended for other purposes.

In case of sale.

7. (1) All monies lent under this Act by the Board upon mortgage or other security, and as well, all monies thereafter owing to the Board by reasons of the terms of such mortgage or other security and secured thereby or pursuant to the provisions of this Act, shall be deemed, for so long as any part of any of such monies remains unpaid to the Board, to be monies of His Majesty the King in his right of the Dominion of Canada, secured by a first and paramount right, privilege, lien and charge upon and against the land or other properties to which such mortgage or other security relates.

Privilege of His Majesty as to loans.

(2) When the effect at law of any mortgage or other security made or given under this Act to the Board is to convey or transfer to the Board the legal title to the land or other property to which such mortgage or other security relates, such land or other property shall, for so long as any part of any monies lent upon such mortgage or other security or owing to the Board by reason of the terms of such mortgage or other security, and secured thereby or pursuant to the provisions of this Act, remains unpaid, be deemed to be the land or property of His Majesty the King in his right of the Dominion of Canada.

And as to lands transferred to Board.

(3) Notwithstanding any law, whether statute or other, now in force or which hereafter may be in force in any province, no mechanic's lien law, taxation lien law or other law or privilege of any species whatever whereunder liens, charges or privileges upon or against land or other property of any species whatever are created, arise or exist

Priority of liens, etc. made or given to Board.



shall, without the consent in writing of the Board, which consent shall be revocable, affect or apply to any land or other property of any species whatever or any part thereof or interest therein, to which any mortgage or other security, lien, charge or privilege made or given to the Board under this Act, shall relate, in prejudice of the Board as the holder of any such mortgage or other security, lien, charge or privilege so made or given, but every such mortgage or other security, lien, charge or privilege thereafter made or given to the Board shall, for so long as it shall remain wholly or partially unpaid, rank upon such land or other property or part thereof or interest therein, as the case may be, in priority to all other securities, liens, charges or privileges, whatsoever.

Power of Board to pay rates, taxes, etc., and premiums of insurance.

(4) Notwithstanding the provisions of the next preceding subsection, if any mortgagor or other person who shall give or make to the Board under this Act any mortgage or other security, lien, charge, or privilege shall fail or neglect to pay any lawful rates, taxes or assessments, which, under the law of the province concerned, are claimed to be liens or charges upon or against any land or any such other property or part thereof or interest therein, to which any mortgage or other security, lien, charge or privilege so made or given to the Board relates, or if the mortgagor of such mortgage, or other person who has made or given such security, lien, charge or privilege, having agreed with the Board to insure the property to which such mortgage, security, lien, charge or privilege relates and to pay the premiums of insurance, shall fail or neglect to pay such premiums of insurance, as agreed with the Board, and at the times agreed, it shall be lawful, but not obligatory, for the Board to pay—

(a) such rates, taxes or assessments, if any, as the Board by regulation approved by the Governor in Council on the recommendation of the Minister shall determine to be of a species of taxation which, in general, is of benefit to fisherman's lands;

(b) such premiums of insurance, if any, as such mortgagor or other person shall have so failed or neglected to pay: Provided, that in any case where the Board shall be advised in advance by the insurer that the latter has reason to believe that the mortgagor or other person concerned will fail or neglect to pay any such premium of insurance, as and when due, the Board may, in order to prevent the lapse of such insurance, pay or contract to pay any such premium before failure or neglect as aforesaid has actually occurred.

Repayment by mortgagor.

(5) Whenever, pursuant to the two next preceding subsections, the Board shall have paid any such rates, taxes, assessments or insurance premiums all monies so expended by it, with interest thereon not exceeding eight per centum

per annum, computed from the time of payment, shall be repaid by such mortgagor or such other person as the case may be, to the Board on demand and until wholly repaid such payments shall be and be deemed to have been added to the principal sum secured by the mortgage or other security, lien or charge, as the case may be, and failure or neglect fully to repay such payments or any of them on demand shall constitute default on the part of such mortgagor or such other person, as the case may be, entitling the Board to proceed at once to realize by suit, or, lawfully, otherwise, upon the mortgage, lien, charge, privilege or other security concerned.

8. (1) The Board shall annually carry to a reserve fund Reserve fund. twenty-five per cent of the net earnings of the Board until the said reserve shall equal twenty-five per cent of the paid capital stock of the Board, and thereafter there shall be carried to all the reserve fund at least ten per cent of the net earnings.

(2) A dividend may be declared annually on the capital stock of the Board when in the judgment of the Board the net earnings of the Board warrant such payment: Provided that no dividend greater than five per cent shall be declared until the reserve fund shall have reached the amount of twenty-five per cent of the paid capital stock. Dividend.

(3) Whenever, whether as the result of proceedings taken to realize upon a mortgage or other security or as the result of compromise or agreement, the right or interest in the land and/or other property concerned which by law remained in the mortgagor or other person after making or giving of the mortgage or other security becomes vested in the Board so that it holds, as against such mortgagor or other person, title, ownership and right to possession, or whenever, as the result of such proceedings, an amount is realized which is not sufficient to discharge in full the amount of the loan, interest, costs and charges, the capital stock of the Board subscribed for by the Government of Canada shall be cancelled to an amount equivalent to that so subscribed for with relation to loans of the like amount and the amount paid upon capital stock in respect of such loan shall be transferred to reserve account. When title transferred to Board.

9. (1) The chief executive officers appointed by the Board under the provisions of section ten of the *Canadian Farm Loan Act* shall be the chief executive officers for such provinces for all purposes of this Act. Chief executive officers.

(2) Such officers shall, in the province or provinces for which they are appointed have charge of the operations of the Board and exercise and perform such powers and duties as it may confer and impose upon them. Powers and duties.

Local loan  
advisory  
board.

**10.** The Board may appoint for any province or for any two or more provinces in which the Board is authorized to make loans, a local loan advisory board of not more than three members. The chief executive officer appointed by the Board for such province or provinces shall, *ex officio*, be a member of such local loan advisory board and the chairman thereof. The associate members of such local board shall hold office at the pleasure of the Board, and shall be paid such fees as the Board may by regulation prescribe.

Legislation  
prejudicially  
affecting  
security.

**11.** In the event of legislation being passed by the legislature of any province after loans have been made available in that province which, in the opinion of the Board, would prejudicially affect the security of existing or future loans, the Board, by notice to be published in the *Canada Gazette*, may cease to make further loans in that province.

Audit.

**12.** An audit of the books of the Board shall be made in accordance with regulations made under the provisions of section sixteen of this Act by a firm of chartered accountants appointed for that purpose by the Governor in Council, and a copy of the report of the said accountants on the annual statement of the Board shall be laid before Parliament by the Minister within the first fifteen days of the first session thereof following the date of the said report.

Report.

Action of  
Board  
conclusive.

**13.** Except as may be otherwise decided from time to time by the Governor in Council, all actions and decisions of the Board shall be deemed within its powers and shall be conclusive against all interested parties.

Investment  
by insurance  
companies.

**14.** (1) Notwithstanding anything contained in *The Canadian and British Insurance Companies Act, 1932*, as amended by chapter twenty-seven of the statutes of 1934, any company or British company as defined in the said Act may invest its funds or any portion thereof, in the purchase of Fisherman's Loan bonds, and any foreign company as defined in *The Foreign Insurance Companies Act, 1932*, may hold the said bonds as assets in Canada for the purpose of the said Act.

Investment  
by loan  
companies.

(2) Notwithstanding anything contained in the *Loan Companies Act*, any loan company subject to the provisions of the said Act, or any of them, may invest its funds, or any portion thereof, in the purchase of Fisherman's Loan bonds.

Investment  
by trust  
companies.

(3) Notwithstanding anything contained in the *Trust Companies Act*, any trust company subject to the provisions of the said Act, or any of them, may invest its funds or any portion thereof in the purchase of Fisherman's Loan bonds.



**15.** (1) The Minister may purchase from time to time, on behalf of the Dominion of Canada, from the Board, bonds issued by the Board, which bonds shall on the request of the Minister be repurchased by the Board at the price originally paid therefor when funds for that purpose become available through the public sale of Fisherman's Loan bonds: Provided that the amount of such bonds held at any one time by the Minister on behalf of the Dominion of Canada shall not exceed five hundred thousand dollars.

Purchase of  
bonds by  
Minister.

(2) The Governor in Council may authorize the guarantee of the principal and interest of Fisherman's Loan bonds to the amount of one million dollars.

Guarantee.

(3) The guarantee or guarantees may be signed on behalf of His Majesty by the Minister 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.

Signed by  
the Minister.

**16.** The Board may, subject to the approval of the Governor in Council, make regulations not inconsistent with the provisions of this Act for the conduct of the business of the Board, and without limiting the generality of the foregoing provision the Board shall have power to provide by regulation for

Regulations.

- (a) the employment of officers, appraisers, inspectors, attorneys, clerks and other employees, their remuneration and their duties;
- (b) the charges to be made against borrowers for the expenses of appraisal, determination of title and recording;
- (c) the bases of valuation of fisherman's land;
- (d) the form of application for loans, fisherman's loan bonds, mortgages, books of account and annual statements of the Board;
- (e) the manner of crediting advance payments by borrowers under the mortgages;
- (f) the auditing and inspections of the accounts and assets of the Board;
- (g) the bonding of agents, officers and employees of the Board;
- (h) the signing of cheques, transfers, assignments, discharges, deeds, bonds and other instruments of the Board;
- (i) the duties and salaries of the chief executive officers appointed under section nine;
- (j) the duties, fees and scale of expenses of the local advisory loan committees appointed under section ten.



Payments  
out of the  
Consolidated  
Revenue  
Fund.

**17.** The amount of any payment by the Government of Canada on account of capital of the Board or as payment for Fisherman's Loan bonds purchased shall be paid out of the Consolidated Revenue Fund on the authority of the Governor in Council.

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King's Most Excellent Majesty.

## 25-26 GEORGE V.

### CHAP. 53.

An Act to provide for the Constitution and Powers of the Canadian Wheat Board.

[Assented to 5th July, 1935.]

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 Wheat Board Act, 1935*. Short title.

#### INTERPRETATION.

2. (1) Unless the context otherwise requires,—
- (a) "Board" means the Canadian Wheat Board established under this Act; Definitions.  
"Board."
- (b) "elevator" means a grain elevator or warehouse declared by section two hundred and thirty-three of the *Canada Grain Act*, being chapter eighty-six of the Revised Statutes of Canada, 1927, to be a work for the general advantage of Canada; "Elevator."
- (c) "Minister" means the Minister of Trade and Commerce; "Minister."
- (d) "producer" includes, as well as any person actually engaged in production of wheat, any person entitled, whether as landlord, vendor, mortgagee or otherwise, by contract or operation of law to the wheat grown by a producer or to any share therein; "Producer."
- (e) "wheat" means wheat produced in the provinces of Manitoba, Saskatchewan, Alberta and British Columbia. "Wheat."
- (2) Unless it is otherwise provided in this Act or the context otherwise requires, words and expressions used in this Act shall be given the same meaning as is accorded to such words and expressions when used in *The Canada Grain Act*. Words and expressions.
- 1930, c. 5.

#### THE CANADIAN WHEAT BOARD.

3. (1) There shall be a board to be known as The Canadian Wheat Board which shall consist of three members appointed by the Governor in Council. Constitution of Board.

Chief and Assistant Commissioners.

(2) One of the members shall be appointed Chief Commissioner and another Assistant Chief Commissioner and at sessions of the Board the Chief Commissioner shall preside and in his absence the Assistant Chief Commissioner.

Tenure of office.

(3) Each member shall hold office during good behaviour but may be removed for cause at any time by the Governor in Council, but no Commissioner shall hold office beyond the age of seventy years.

Salaries.

(4) The salaries of the members of the Board shall be fixed by the Governor in Council.

Quorum.

(5) Two members of the Board shall constitute a quorum.

Headquarters of Board.

(6) The headquarters of the Board shall be at the city of Winnipeg in the province of Manitoba.

Body corporate.

**4.** (1) The Board shall be a body corporate having capacity to contract and to sue and be sued in the name of the Board.

Power to hold real and personal property.

(2) The Board shall have power, solely for the purposes of this Act, to acquire, hold and dispose of real and personal property: Provided, however, that the Board shall not acquire or dispose of any real property without the approval of the Governor in Council.

Power of commercial banking arrangements, to borrow money. Guarantee of advances to Board.

(3) The Board shall have power to enter into ordinary commercial banking arrangements on its own credit, and to borrow money on the security of wheat delivered to it, and the Governor in Council may authorize the Minister of Finance to guarantee advances made to the Board hereunder or to make loans or advances to the Board on such terms and conditions as may be agreed upon.

Assistants and staff.

**5.** The Board may employ such technical, professional or other officers, clerks and employees as may be necessary for the conduct of its business.

Advisory Committee.

**6.** (1) The Governor in Council may appoint during pleasure an Advisory Committee to advise the Board, which committee shall consist of not more than seven members of whom four shall represent wheat producers.

Travelling and living expenses and honorarium.

(2) The members of the Advisory Committee shall not receive any salary but shall be paid their necessary travelling and living expenses and an honorarium of ten dollars per day for each day of absence from their homes while travelling to, attending and returning from the meetings of such Committee.

Meetings.

(3) The Board may call meetings of the Advisory Committee to be held at such time and place as the Board may decide, but not less often than once in each month.

(4) The Minister may call meetings of the Advisory Committee to be held at such time and place as he may determine.

Minister may call meetings.

(5) The Advisory Committee, as soon as convenient after every meeting, shall report the proceedings thereof to the Minister.

Report of proceedings.

7. The Board shall undertake the marketing of wheat in interprovincial and export trade and for such purposes shall have all the powers of a corporation and without limitation upon such powers the following:—

Powers of Board respecting the marketing of wheat in interprovincial and export trade.

(a) to receive and take delivery of wheat for marketing as offered by the producers thereof;

(b) to buy and sell wheat: Provided that no wheat shall be purchased by the Board except from the producers thereof;

(c) to store and transport wheat;

(d) to operate elevators, either directly or by means of agents, and subject to the provisions of *The Canada Grain Act* or any other statute or law, to pay such agents commissions, storage and other charges, remuneration or compensation as may be agreed upon, with the approval of the Board of Grain Commissioners;

(e) to pay to producers delivering wheat at the time of delivery or at any time thereafter as may be agreed upon such fixed price per bushel, according to grade or quality or place of delivery, as may be determined by the Board with the approval of the Governor in Council; and to issue to such producers when such wheat is purchased certificates indicating the number of bushels purchased, the grade, quality and the price, which certificates shall entitle producers named therein to share in the equitable distribution of the surplus, if any, of the operations of the Board during the crop year, it being the true intent and meaning of this section that each producer shall receive for the same grade and quality of wheat the same price on the Fort William basis. Such certificate shall not be transferable, and a statement to that effect shall be printed on the face thereof;

(f) notwithstanding anything hereinbefore contained, to acquire from Canadian Co-operative Wheat Producers Limited, upon terms to be approved by the Governor in Council, all wheat or contracts to purchase or take delivery of wheat in respect of which the Government of Canada has given a guarantee;

(g) generally to do all such other acts and things as may be necessary for the purpose of giving effect to the intent and meaning of this Act.



Duties of  
the Board.

**S.** It shall be the duty of the Board:—

- (a) to fix a price to be paid to the producers for wheat delivered to the Board as by this Act provided, subject to the approval of the Governor in Council;
- (b) to sell and dispose of from time to time all wheat which the Board may acquire, for such price as it may consider reasonable, with the object of promoting the sale and use of Canadian wheat in world markets;
- (c) to sell and dispose of stocks of wheat and contracts for the delivery of wheat acquired from Canadian Co-operative Wheat Producers Limited and the wheat represented by such contracts as may be reasonably possible, having regard to economic and other conditions;
- (d) to keep proper books of account, giving such particulars therein as may be requisite for proper accounting in accordance with established practice;
- (e) to report in writing to the Minister, on Friday of each week showing as at the end of the preceding week its purchases and sales of wheat during such week and the wheat on hand and contracts to take delivery of wheat then held, the cost of the same to the Board and the financial result of the Board's operations which report shall be certified by the auditors of the Board;
- (f) to make such other reports and furnish such further information as the Minister may from time to time require;
- (g) to appoint a responsible firm of Chartered Accountants for the purpose of auditing accounts and records and certifying the reports of the Board as the Governor in Council may require;
- (h) to give effect to any Order in Council that may be passed with respect to its operations;
- (i) in selling and disposing of wheat as by this Act provided, to utilize and employ without discrimination such marketing agencies, including commission merchants, brokers, elevator men, exporters and other persons engaged in or operating facilities for the selling and handling of wheat, as the Board in its discretion may determine;
- (j) to offer continuously wheat for sale in the markets of the world through the established channels: Provided that the Board may, if in its opinion any existing agencies are not operating satisfactorily, take such steps as it deems expedient to establish, utilize and employ its own or other marketing agencies or channels;
- (k) with the approval of the Governor in Council to make such investigations as from time to time it may deem necessary of the operations of the Winnipeg Grain and Produce Clearing Association and the

Winnipeg and Vancouver Grain Exchanges in their dealings in wheat and other grains where such wheat and other grains are the subject of transactions affecting interprovincial or international trade, and for the purposes aforesaid the Board shall have, without the issue of any commission, all the power and authority conferred upon a commissioner appointed under the *Inquiries Act*, being chapter ninety-nine of the Revised Statutes of Canada, 1927, and shall from time to time report to the Minister the result of such investigations.

**9.** (1) Except as otherwise provided herein, every elevator shall be operated for and on behalf of the Board and no person other than an agent of the Board shall operate any elevator, unless such elevator has been excepted by order of the Board from the operation of this Act, and any elevator not excepted from the operation of this Act, operated otherwise than for the Board or by an agent of the Board, shall be deemed to be operated in contravention of this Act.

Operation of elevators by the Board.

(2) The Board may from time to time rescind or vary any order made under this section.

Rescind or vary an order.

(3) In any civil or criminal proceedings undertaken to enforce the provisions of this Act, a certificate given by the duly authorized officer of the Board that an elevator is being operated otherwise than by the Board or an agent of the Board shall be *prima facie* evidence that the elevator is being operated otherwise than by the Board or an agent of the Board.

Certificate is *prima facie* evidence.

**10.** No railway company or other person engaged in transportation shall receive or deliver any wheat from or to any elevator after notice has been given to it by the Board that such elevator is being operated in contravention of this Act.

No receipt or delivery after notice of contravention.

**11.** No certificate as to grade or weight shall be given by any inspecting officer under the *Canada Grain Act* in respect of wheat stored in any elevator, after notice has been given by the Board that such elevator is being operated in contravention of this Act.

No certificate of grade or weight after notice of contravention.

**12.** (1) The Board shall, with the approval of the Governor in Council, provide for the form and contents of certificates and other documents to be issued to producers delivering and selling wheat to the Board, for the substitution of such documents for others, and generally for establishing such system of dealing in wheat as may be necessary to give effect to the provisions of this Act.

Form and contents of participation certificates, etc.

(2) No such document aforesaid shall be valid or effective unless it is in the form so approved and bears upon its face printed words to that effect.

Approval of documents.

Deductions  
from  
receipts.

**13.** (1) As soon as the Board receives payment in full for all wheat delivered during any crop year, there shall be deducted from the receipts all moneys, disbursed by or on behalf of the Board for expenses, including all payments connected with or incident to the operations of the Board, including the remuneration, allowances, travelling and living expenses of the Commissioners, the members of the Advisory Committee and the officers, clerks and employees of the Board.

Distribution  
of balance.

(2) After deducting the aforesaid expenses, the balance shall be distributed *pro rata* amongst the producers holding certificates issued pursuant to paragraph (e) of section seven of this Act, in accordance with the regulations of the Board approved by the Governor in Council.

Application  
to oats,  
barley, rye  
and flax.

**14.** The Governor in Council may approve of the provisions of this Act being made applicable to oats, barley, rye or flax produced in the provinces of Manitoba, Saskatchewan, Alberta and British Columbia, if the Board recommends that such approval be given, whereupon the provisions of this Act shall *mutatis mutandis* apply to such kind of grain as they apply to wheat.

Regulations.

**15.** (1) The Board may with the approval of the Governor in Council, make such regulations as may be necessary for the efficient operation and enforcement of this Act and for carrying out the provisions thereof according to their true intent and meaning, and prescribe penalties for the breach thereof punishable on summary conviction by a fine not exceeding one hundred dollars or by imprisonment for a period not exceeding one month.

Coming into  
force.

(2) Regulations of the Governor in Council or of the Board approved by the Governor in Council shall come into force on publication in the *Canada Gazette* or on any date thereafter to be fixed in the regulations.

Publication.

Penalties.

**16.** Every person who commits a breach of sections nine, ten or eleven of this Act or does anything in contravention thereof shall be guilty of an offence punishable on summary conviction by a fine not exceeding five hundred dollars or by imprisonment for a period not exceeding six months, or by both fine and imprisonment.

Operation  
of Act.

**17.** This Act, except sections nine, ten, eleven and sixteen shall come into force when assented to and sections nine, ten, eleven and sixteen shall come into force on proclamation of the Governor in Council.



## 25-26 GEORGE V.

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### CHAP. 54.

An Act to amend the Combines Investigation Act.

[Assented to 5th July, 1935.]

**H**IS Majesty, by and with the advice and consent of the R.S., c. 26.  
Senate and House of Commons of Canada, enacts as follows:—

**1.** This Act may be cited as *The Combines Investigation Act Amendment Act, 1935.* Short title.

**2.** Section two of the *Combines Investigation Act*, chapter Definitions.  
twenty-six of the Revised Statutes of Canada, 1927, is repealed, and the following is substituted therefor:—

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

(1) ‘Combine’ means a combination having relation to “Combine”.  
any commodity which may be the subject of trade or commerce, of two or more persons by way of actual or tacit contract, agreement or arrangement having or designed to have the effect of

(a) limiting facilities for transporting, producing, manufacturing, supplying, storing or dealing, or

(b) preventing, limiting or lessening manufacture or production, or

(c) fixing a common price or a resale price, or a common rental, or a common cost of storage or transportation, or

(d) enhancing the price, rental or cost of article, rental, storage or transportation, or

(e) preventing or lessening competition in, or substantially controlling within any particular area or district or generally, production, manufacture, purchase, barter, sale, storage, transportation, insurance or supply, or

(f) otherwise restraining or injuring trade or commerce, or a merger, trust or monopoly, which combination, merger, trust or monopoly has operated or is likely to operate to the detriment or against the interest of the public, whether consumers, producers or others.”



“Commis-  
sion”.

“(2) ‘Commission’ means the Dominion Trade and Industry Commission established under *The Dominion Trade and Industry Commission Act, 1935.*”

“Corpor-  
ation”.

“(3) ‘Corporation’ includes ‘Company.’”

“Merger,  
trust or  
monopoly”.

“(4) ‘Merger, trust or monopoly’ means one or more persons

(a) who has or have purchased, leased or otherwise acquired any control over or interest in the whole or part of the business of another; or

(b) who either substantially or completely control, throughout any particular area or district in Canada or throughout Canada the class or species of business in which he is or they are engaged,

and extends and applies only to the business of manufacturing, producing, transporting, purchasing, supplying, storing or dealing in commodities which may be the subject of trade or commerce: Provided that this subsection shall not be construed or applied so as to limit or impair any right or interest derived under *The Patent Act, 1935*, or under any other statute of Canada.”

Proviso.

“Minister”.

“(5) ‘Minister’ means the President of the King’s Privy Council for Canada.”

Sections 5-9  
repealed.

3. Sections five, six, seven, eight and nine of the said Act are repealed.

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

Duties of  
Commission.

“10. It shall be the duty of the Commission

(a) to receive and register, and, subject to the provisions of this Act, to deal with applications for investigation of alleged combines;

(b) to bring at once to the Minister’s attention every such application;

(c) to conduct such correspondence with the applicants and all other persons as may be necessary;

(d) to call for such returns and to make such inquiries as it may consider to be necessary in order that it may thoroughly examine into the matter brought to its attention by any application for an investigation;

(e) to make reports from time to time to the Minister;

(f) to keep a register in which shall be entered the particulars of all applications, inquiries, reports and recommendations, and safely to keep all applications, records of inquiries, correspondence, returns, reports, recommendations, evidence and documents relating to applications and proceedings conducted by the Commission and when so required to transmit all or any of such to the Minister;

(g) to supply to any persons on request information as to this Act or any regulations thereunder;

(h) generally to do all such things and take all such proceedings as may be required in the performance of its duties under this Act or under any regulations made hereunder."

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

"11. (1) Any six persons, British subjects, resident in Canada, of the full age of twenty-one years, who are of the opinion that a combine exists, may apply in writing to the Commission for an investigation of such alleged combine, and shall place before the Commission the evidence on which such opinion is based."

Application to Commission for investigation.

6. Section twelve of the said Act is repealed and the following is substituted therefor:—

"12. The Commission shall on application made under the last preceding section or on its own motion whenever it has reason to believe that a combine exists cause an inquiry to be made into all such matters, whether of fact or of law, with respect to the said alleged combine as it shall consider necessary to enquire into with the view of determining whether a combine exists."

Commission shall cause enquiry to be made.

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

"13. (1) If, after such preliminary inquiry as the Commission deems the circumstances warrant, the Commission is of the opinion that the application is frivolous or vexatious, or does not justify further inquiry, the Commission may decide that no further inquiry is justified and shall inform the applicant of the decision giving the grounds therefor.

Commission to decide whether further enquiry shall be made.

(2) In case the Commission decides that further inquiry shall not be made it shall notify the applicants of its decision giving the grounds therefor.

(3) The decision of the Commission shall be final and conclusive and shall not be subject to appeal or review."

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

"14. The Commission may at any time in the course of an inquiry, by notice in writing, require any person, and in the case of a corporation any officer of such corporation, to make and render unto the Commission, within a time stated in such notice, or from time to time, a written return under oath or affirmation showing in detail such information with respect to the business of the person named in the notice as is by the notice required, and such person or

Commission may require written returns and full disclosure.

officer shall make and render unto the Commission, precisely as required a written return under oath or affirmation showing in detail the information required; and, without restricting the generality of the foregoing, the Commission may require a full disclosure of all contracts or agreements which the person, named in the notice, may have at any time entered into with any other person, touching or concerning the business of the said person so named in the notice."

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

Commissioner may investigate matters relating to agreement.

"**15.** On the application of any person to the Commission to recommend the approval of an agreement or proposed agreement for the control and regulation of prices and production pursuant to the provisions of *The Dominion Trade and Industry Commission Act, 1935*, the Commission shall have authority to investigate all matters relating to such agreement or proposed agreement as in the case of any other investigation under this Act, and all the provisions of this Act shall *mutatis mutandis* apply as in the case of any other investigation under this Act."

**10.** Section sixteen of the said Act is repealed and the following is substituted therefor:—

Commission to have power to make investigations.

"**16.** The Commission shall have authority to investigate the business, or any part thereof, of any person who is or is believed by the Commission to be a member of any combine or a party or privy thereto, and to authorize a representative on its behalf to enter and examine the premises, books, papers and records of such person."

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

Access to premises and records

"**17.** Every person who is in possession or control of any such business, premises, books, papers or records as are referred to in the last preceding section shall give and afford to the Commission admission and access thereto whenever and as often as demanded."

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

Provisions of *Inquiries Act* applicable

"**18.** All provisions of the *Inquiries Act* not repugnant to the provisions of this Act shall apply to any inquiry or investigation under this Act, and the Commission shall have all the powers of a commissioner appointed under the *Inquiries Act*, except in so far as any such powers may be inconsistent with the provisions of this Act."

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



“20. All books, papers, records or things produced before the Commission, whether voluntarily or in pursuance of an order, may be inspected by the Commission and also by such persons as the Commission directs, and copies thereof may be made by or at the instance of the Commission.”

Commission may inspect and copy books, etc.

14. Section twenty-one of the said Act is repealed.

Section 21 repealed.

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

“22. (1) The Commission may order that any person resident or present in Canada be examined upon oath before, or make production of books, papers, records or articles to, the Commission or before or to any other person named for the purpose by the order of the Commission and may make such orders as seem to the Commission to be proper for securing the attendance of such witness and his examination, and the production by him of books, papers, records or articles, and the use of evidence so obtained, and may otherwise exercise, for the enforcement of such orders or punishment for disobedience thereof, all powers that are exercised by any superior court in Canada for the enforcement of subpoenas to witnesses or punishment of disobedience thereof.

Powers of Commission as to witnesses, evidence under oath and production of papers.

(2) Any person summoned before the Commission shall be competent and may be compelled to give evidence as a witness.

Persons competent to give evidence.

(3) Every person who is summoned and duly attends as a witness shall be entitled to an allowance for attendance and travelling expenses according to the scale in force with respect to witnesses in civil suits in the superior courts of the province in which the inquiry is being conducted.

Expenses of witnesses

(4) The Commission may issue commissions to take evidence in a foreign country, and may make all proper orders for the purpose and for the return and use of the evidence so obtained.

Taking evidence in foreign country.

(5) Orders to witnesses and all other orders, process or proceedings shall be signed by a commissioner.”

Signature to orders, etc.

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

“23. (1) The Commission may accept or require evidence upon affidavit or written affirmation, in every case in which it seems to it proper to do so.

Evidence upon affidavit or written information.

(2) The Commission and all persons authorized to administer oaths to be used in any of the superior courts of any province may administer oaths in such province to be used in applications, matters or proceedings before the Commission.

Administration of oaths in each province.



Oaths in  
Supreme or  
Exchequer  
Court.

(3) All persons authorized to administer oaths within or out of Canada, in or concerning any proceeding had or to be had in the Supreme Court of Canada or in the Exchequer Court of Canada, may administer oaths in or concerning any application, matter or proceeding before the Commission."

**17.** Section twenty-four of the said Act is repealed and the following is substituted therefor:—

No person  
excused  
from giving  
evidence  
on ground  
it may  
incriminate  
him.

"**24.** No person shall be excused from attending and giving evidence and producing books, papers, or records, in obedience to the order of the Commission, on the ground that the oral evidence or documents required of him may tend to criminate him or subject him to any proceeding or penalty, but no such evidence or documents so required shall be used or receivable against such person in any criminal proceedings thereafter instituted against him, other than a prosecution for perjury in giving evidence upon such investigation, inquiry, cause or proceeding."

Section 25  
repealed.

**18.** Section twenty-five of the said Act is repealed.

**19.** Section twenty-six of the said Act is repealed and the following is substituted therefor:—

Counsel  
may be  
instructed  
to conduct  
investigation.

"**26.** Whenever in the opinion of the Commission, the public interest so requires, the Commission may apply to the Minister of Justice to instruct counsel to conduct the investigation before the Commission and upon such application the Minister of Justice may instruct counsel accordingly."

**20.** Section twenty-seven of the said Act is repealed and the following is substituted therefor:—

Reports  
by the  
Commission.

"**27.** (1) The Commission at the conclusion of every investigation which they conduct shall make a report in writing and without delay transmit it to the Minister. Such report shall set out fully the conclusions reached, the action, if any, taken, and any other material which may be required by regulation under this Act.

Return of  
documents  
used in  
evidence.

(2) The Commission shall, at the same time deliver into the custody from whence they came, if not already delivered, all books, papers, records and other documents in its possession as evidence relating to the investigation, but before doing so the Commission may extract from such documents and certify as true copies such relevant parts thereof as it may deem to be necessary for any purpose of this Act, whereafter such parts, so certified shall have and be accorded in all courts the same probative force as the equivalent parts of the originals of which they are copies."

Certified  
copies.

**21.** Section twenty-eight of the said Act is repealed. Section 28  
repealed.

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

“**31.** (1) Whenever in the opinion of the Commission an offence has been committed against any of the provisions of this Act, the Commission may remit to the attorney general of any province within which such alleged offence shall have been committed, for such action as such attorney general may be pleased to institute because of the conditions appearing,

Procedure when in opinion of Commission an offence has been committed.

(a) any return or returns which may have been made or rendered pursuant to this Act and are in the possession of the Commission and relevant to such alleged offence; and

(b) the evidence taken on any investigation by the Commission, and the report of the Commission.”

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

“**33.** (1) If in any proceedings before the Commission or any commissioner any person wilfully insults the Commission, or wilfully interrupts the proceedings, or is guilty in any other manner of any wilful contempt in the face of the Commission, the Commission may direct any constable to take the person offending into custody and remove him from the precincts and presence of the Commission, to be detained in custody until the conclusion of the day’s sitting.”

Contempt of Commission.

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

“**34.** If any person, who has been duly served with an order, issued by the Commission requiring him to attend or to produce any books, papers, records or articles before the Commission, and to whom at the time of service payment or tender has been made of his reasonable travelling expenses according to the scale in force with respect to witnesses in civil suits in the Superior Courts of the province in which the enquiry is being conducted, fails to attend and give evidence, or to produce any book, paper, record or thing as required by the said order, he shall, unless he shows that there was good and sufficient cause for such failure, be guilty of an offence and liable upon summary conviction to imprisonment for a term not exceeding six months and a fine not exceeding one thousand dollars, or to both such fine and imprisonment.”

Failure to attend and give evidence.

Penalty.

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

“**35.** Any person, and, in the case of a corporation, any officer of the corporation, who refuses, neglects or fails

Neglect or failure to furnish written returns and information required.

(a) to obey or comply with any notice in writing whereby the Commission, pursuant to the authority of this Act, requires such person or officer to make and render to it within the time stated in the notice, or from time to time, any written return under oath or affirmation showing in detail such information with respect to the business of the person named in the notice as is by the notice lawfully required, or to show in the return the information so required in detail, precisely as by the notice required, in so far as the information or details are within the knowledge or possession of or available to the person or officer so notified; or

(b) to include in any such return, if thereunto required by the Commission, and if the person or officer notified has knowledge or means of ascertaining the facts, a full disclosure of all contracts or agreements which the person named in the notice may have at any time entered into with any other person touching or concerning the business of the former;

Penalty.

shall be guilty of an offence and liable upon indictment or upon summary conviction to a penalty not exceeding five thousand dollars, or to imprisonment for a term not exceeding two years, or to both such fine and imprisonment.”

**26.** Section thirty-six of the said Act is repealed and the following is substituted therefor—

“**36.** Any person who, being in possession or control of the business, premises, books, papers or records of

Refusal to give admission to premises and access to books, etc.

(a) any person who has made a return, or failed to make a return when thereunto required, under the authority of this Act; or

(b) any person who is, or in respect of whom there are reasonable grounds for the belief that he is, a member of any combine or a party or privy thereto,

Penalty.

refuses, neglects or fails to give and afford to the Commission admission and access to the aforesaid premises, books, papers or records whenever and as often as demanded by the Commission, shall be guilty of an offence and liable upon indictment or upon summary conviction to a penalty not exceeding five thousand dollars, or to imprisonment for any term not exceeding two years, or to both such fine and imprisonment.”

Section 41 repealed.

**27.** Section forty-one of the said Act is repealed and the following is substituted therefor:—

“**41.** The Commission shall, annually, report to the Minister its proceedings under this Act and he shall lay



such report before Parliament if it be then sitting, and, if it be not then sitting, within the first fifteen days of its then next session."

**28.** No person shall be charged with, tried for or convicted of an offence against this Act, by the same information, upon the same evidence or at the same time as he is charged with, tried for or convicted of an offence against section four hundred and ninety-eight of the *Criminal Code*.

Proceedings  
if charged  
with criminal  
conspiracy.

**29.** This Act shall come into force on the first day of October, 1935.

When Act  
comes into  
force.

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## 25-26 GEORGE V.

### CHAP. 55.

An Act to amend The Companies Act, 1934.

[Assented to 5th July, 1935.]

HIS Majesty, by and with the advice and consent of 1934, c. 33.  
the Senate and House of Commons of Canada, enacts  
as follows:—

**1.** This Act may be cited as *The Companies Act Amendment Act, 1935.* Short title.

**2.** Section five of the said Act is amended by adding thereto the following:—

“(4) If any company—

(a) carries on any business which is not within the scope of the purposes or objects set forth in the letters patent or supplementary letters patent, or Grounds for cancellation of letters patent.

(b) exercises or professes to exercise any powers which are not truly ancillary or reasonably incidental to the purposes or objects set forth in the letters patent or supplementary letters patent, or

(c) exercises or professes to exercise any powers expressly excluded by the letters patent or supplementary letters patent,

such company shall be liable to be wound up and to be dissolved if the Attorney-General of Canada upon receipt of a certificate of the Secretary of State setting forth his opinion that such company has carried on business or exercised or professed to exercise powers as in this section provided, applies to a court of competent jurisdiction for an order that the company be wound up under the provisions of the *Winding-Up Act.* Certificate of Secretary of State, and application for winding up.

R.S., c. 213.

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

“(b) The purposes for which incorporation is sought which shall be limited to the purposes and objects which it is intended that the company shall pursue.” Purposes.

Shares to be allotted for consideration fixed by board of directors.

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

“(7) In the absence of other provisions in that behalf in the letters patent, supplementary letters patent or by-laws of the company, the issue and allotment of shares without nominal or par value may be made from time to time for such consideration as may be fixed by the board of directors of the company; and in fixing the amount of such consideration, the board, subject to the provisions of this Part, may provide in the contract of subscription for such shares that the consideration received therefor shall be deemed to be capital, excepting a part, if any, not exceeding twenty-five per centum thereof, which may be set aside as distributable surplus; and where the company acquires a going concern which has a surplus over and above all liabilities, and any shares without nominal or par value in the company are issued and allotted as fully paid in payment or part payment for such going concern, the directors may by resolution set aside, as a distributable surplus, such part of the consideration for the issue and allotment of such shares without nominal or par value as does not exceed the unappropriated balance of realized net profits of the going concern immediately before such acquisition.”

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

Consideration for any shares allotted must be fair equivalent of cash.

Proviso.

Application to court for declaratory order.

“(9) Shares in the capital stock of the company having a nominal or par value shall not be issued as fully paid except for a consideration payable in cash to the total nominal amount of the shares so issued, or for a consideration payable in property or services which the directors may determine by express resolution to be in all the circumstances of the transaction the fair equivalent of cash to the total nominal amount of the shares so issued: Provided that the directors may apply *ex parte* by summary petition to a judge to determine by declaratory order that any such consideration so payable in property or services is such fair equivalent as aforesaid; that such judge may so determine; that for that purpose he may require the production of such proofs, oral and documentary, under oath or otherwise, as he may think fit, and that his order as aforesaid shall be final and conclusive proof in all courts that such consideration so payable was such fair equivalent as aforesaid.

No shares to be issued with exclusive rights of control.

(10) In no case shall shares of a public company of any class or any subdivision of any class, whether with or without par value, be issued and allotted to which shall attach any exclusive right to control the management of the business or affairs of the company by the election or removal of the board of directors thereof or otherwise.

(11) Nothing in the next preceding subsection shall be deemed to prevent the issue, under authority of provision therefor either by letters patent or by-law, of any preferred shares to which are attached preferential voting rights, exercisable in a stated event only, although, in the stated event, an exclusive right to control or manage is attached to or is incident to such preferred shares.”

Not to affect preferred shares with preferential voting rights on stated event only.

6. Subsection one of section forty-eight of the said Act is repealed and the following is substituted therefor:—

By-law for consolidation, reduction, increase, etc., of share capital.

“48. (1) Subject to confirmation by supplementary letters patent, a company may from time to time by by-law,

- (a) subdivide any shares with or without par value of any class;
- (b) consolidate all shares with par value, of any class, into shares of larger par value not exceeding the par value of one hundred dollars each;
- (c) consolidate all shares without par value, of any class, so that the authorized number of such shares is reduced;
- (d) change all or any of its previously authorized shares with par value, issued or unissued, into the same or a different number of shares of any class or classes without par value and not having priority as to capital or being subject to redemption;
- (e) change all or any of its previously authorized shares without par value, issued or unissued, into the same or a different number of shares of any class or classes with par value;
- (f) classify or reclassify any shares without par value;
- (g) increase the capital of the company;
- (h) cancel any shares with or without par value, which at the date of the enactment of the by-law have not been subscribed for or agreed to be issued, and diminish the amount of the authorized capital of the company by the amount of the shares so cancelled.”

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

“59. (1) When no provision is made by the letters patent or supplementary letters patent for shares of more than one class, the directors of a company may from time to time, make by-laws,

Creation or conversion of preferred shares, etc., by by-law.

- (a) for the creating and issuing of any shares as preferred shares with such preferred or other special rights, restrictions, conditions or limitations, whether in regard to dividend, voting, return of capital, or otherwise as may be set out in any such by-law: Provided that no limitations shall be imposed upon the right to vote;

Proviso.



(b) for conversion of preferred shares into common shares or common shares into preferred shares.

Rights of preferred shareholders.

(2) Without limiting the generality of the foregoing any such by-laws may provide that the holders of such preferred shares shall have the right to select a certain stated proportion of the board of directors or may give them such other control or may so limit their control over the affairs of the company as is considered expedient or may provide for the redemption or purchase for cancellation of such shares by the company as therein set out: Provided however, that any term or provision of such by-laws, whereby the rights of holders of such preferred shares are limited or restricted, shall be fully set out in the certificates of such shares, and in the event of any such limitations and restrictions not being so set out, they shall not be deemed to qualify the rights of the holders thereof."

Proviso.

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

When consent required for redemption or conversion of preferred shares.

"60. Unless preferred shares or shares to which special rights, restrictions, conditions or limitations are attached, whether the same are created by by-law pursuant to the provisions of section fifty-nine of this Act, or by the letters patent or supplementary letters patent, are issued subject to redemption or conversion, the same shall not be subject to redemption or conversion without the consent of the holders thereof, unless such conversion or redemption is effected

(a) pursuant to an amendment or change of the provisions attaching to such shares, made or approved in the manner (if any) set forth in such provisions; or

(b) pursuant to an arrangement or compromise under sections one hundred and twenty-two or one hundred and twenty-three of this Act."

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

Definition.

"Prospectus."

"73. In this Part unless the context otherwise requires: "prospectus" means any prospectus, notice, circular, advertisement, letter or other graphic communication, offering to the public for subscription or purchase or other acquisition or indicating that there are available for subscription or purchase or other acquisition (and notwithstanding that such communication may state that the securities therein mentioned have been fully subscribed for or sold or that the communication is for the purpose of record only) any securities of a company issued or to be issued by it; provided that a communication in respect of a security shall not be deemed a prospectus (a) if it is proved that prior to

such communication a prospectus as required by the provisions of this Act was mailed or delivered by or on behalf of the company to the person to whom the communication was made or (b) if the communication contains a *bona fide* statement that a prospectus, a copy of which has been filed under the provisions of this Act, will be promptly furnished on request, and contains no statement either of fact or opinion relating to the assets of the company owned or to be acquired, its earnings or prospective earnings, or to any business carried on or proposed to be carried on by it, except a statement specifying the nature of such business;

“offer to the public,” or “offering to the public” or “offered to the public” means in the case of a company (other than a private company), with relation to securities issued or to be issued by it, every attempt or offer to dispose of, or solicitation of a subscription or application for, or solicitation of an offer to subscribe or apply for any of its securities or any interest in such securities, made by or on behalf of the company, and every such attempt or offer or solicitation made by any underwriter, as hereinafter defined, shall be deemed to have been made by or on behalf of the company: Provided that “offer to the public” or “offering to the public” or “offered to the public” shall not include (a) preliminary negotiations or preliminary agreements between the company and an underwriter, or (b) any offer of securities of the company to a director or directors of such company only;

“securities of the company” or “its securities” mean shares, debentures or obligations of a company issued or to be issued by the company;

“subscription” in relation to any securities of a company includes a purchase or other acquisition, except by way of security only, of such securities on any reissue, sale, or other disposal thereof, by or on behalf of the company or an underwriter and the words “subscriber” or “applicant” or other words referring to a person who subscribed or applies for securities of the company include any purchaser or proposed purchaser of such securities from the company or an underwriter;

“underwriter” includes (a) any person who, to the knowledge of the company, proposes to subscribe for securities of the company with a view to the re-sale to the public of those securities or a part thereof, (b) any person to whom a commission is proposed or intended to be paid by the company in consideration of his subscribing or agreeing to subscribe, whether absolutely or conditionally, or in consideration of his procuring or agreeing to procure subscriptions, whether absolute or conditional, for any securities of the company to be offered to the public for subscription.”

**10.** Section seventy-five of the said Act is repealed and the following is substituted therefor:—

Prospectus to be filed before issue to public.

“**75.** (1) The securities of the company shall not be offered to the public for subscription by or on its behalf unless a prospectus in respect of those securities has been filed with the Secretary of State.

Conditions to be fulfilled before application accepted.

(2) The company shall not accept any application in respect of any of its securities offered by or on its behalf to the public for subscription unless a copy of such prospectus has been delivered to the subscriber or applicant at least twenty-four hours prior to the acceptance of his subscription or application or mailed to the applicant at his usual address or other address furnished by him or on his behalf so that it should be received by him in the ordinary course of post at least twenty-four hours prior to the acceptance of his application: Provided that in the case of any application received by the company through an underwriter, the provisions of this subsection shall conclusively be deemed to have been complied with by the company, if the company prior to the acceptance of such applications shall have obtained from the underwriter a statutory declaration to the effect that copies of the prospectus have been mailed or delivered to all persons making those applications so received, at such times and in such manner as to entitle the company to accept such applications; and provided always that any application received by the company for the purposes of this Part shall conclusively be deemed to have been made on the faith of such prospectus.

Proviso.

Application may be rescinded.

(3) In the event of non-compliance with subsection two of this section, the applicant, or if the securities have been issued or allotted on his direction to some other person, then such other person if he is still the owner of such securities, shall be entitled to have the application for such securities or the issuance or allotment thereof rescinded, provided that written notice of the exercise of such right of rescission shall have been served on the company within thirty days from the date of receipt of notice of allotment or from the date of issuance of the securities, as the case may be, or within thirty days from the date of delivery or mailing to such applicant of a copy of the prospectus filed with the Secretary of State in respect of the securities, whichever shall be the shorter period.

Form of application to be issued with prospectus.

(4) It shall not be lawful for a company to issue any form of application for its securities which are offered by it or on its behalf to the public for subscription unless such form is issued with a prospectus in respect of those securities filed with the Secretary of State.

Penalty for violation of ss. 1, 2 or 4.

(5) In the event of any contravention of any of the provisions of subsection one, of subsection two or of subsection four of this section, the company and any director, officer or



other person who knowingly contravenes or permits or authorizes the contravention of the said provisions shall be liable upon summary conviction to a fine not exceeding one thousand dollars.

(6) Any underwriter who offers any securities of a company for public subscription before the provisions of subsection one of this section have been complied with by the company or without causing the provisions of subsection two of this section to be complied with shall be guilty of an offence and liable upon summary conviction to a fine not exceeding one thousand dollars or to imprisonment for a term not exceeding six months or to both fine and imprisonment.

Penalty in case of underwriter.

(7) If any director, officer or agent of the company acts in contravention to the provisions of subsection four of this section he shall be liable on summary conviction to a fine not exceeding one thousand dollars."

Penalty.

**11.** Paragraph (v) of subsection one of section seventy-seven of the said Act is repealed and the following is substituted therefor:—

"(v) the amount of the consideration received for the issue of shares without nominal or par value set aside as distributable surplus in accordance with the provisions of subsection seven of section twelve of this Act;"

Prospectus to state amount set aside as distributable surplus.

**12.** Subsection one of section eighty-three of the said Act is repealed and the following is substituted therefor:—

"**83.** (1) No dividend shall be declared when the company is insolvent or which renders the company insolvent or (subject to subsection four of this section) which will impair the capital of the company; and in determining the solvency of the company for the purposes of this subsection, no account shall be taken of any increase in the surplus or reserves of the company resulting merely from the writing up of the values of the assets of the company, unless such writing up shall have been made more than five years before the date of the declaration of the dividend."

No dividends when company insolvent.

**13.** The said Act is amended by adding to section eighty-eight the following subsection:—

"(2) The directors of the company elected by the shareholders at the first general meeting of the company shall be responsible for all business transacted as a board of directors by the first directors of the company."

Responsibility of elected directors.



**14.** The said Act is amended by inserting immediately after section ninety-four thereof the following section:—

Action to be taken where serious impairment of capital discovered.

“**94A.** Whenever the officers of a public company, or any of them shall have become aware of any substantial impairment of the capital of the company, they shall forthwith inform the directors of the nature and extent of such impairment; and thereupon, if in the opinion of the directors such impairment of its capital renders the company insolvent, it shall be the duty of the directors immediately to call a special general meeting of the shareholders of the company for the purpose of making to the shareholders full disclosure of the nature and extent of such impairment of the capital of the company.”

**15.** The said Act is amended by inserting immediately after section ninety-six thereof the two following sections:—

Statement by director of personal account.

“**96A.** (1) Every director of a public company shall furnish annually to the secretary, for the information of the shareholders of the company at the annual general meeting thereof, a statement setting forth in detail all shares or other securities of the company bought or sold by him, for his personal account, directly or indirectly, during the twelve months immediately preceding such annual meeting.

No director to speculate in shares of his company.

(2) No director of a public company shall speculate, for his personal account, directly or indirectly, in the shares or other securities of the company of which he is a director.

Penalty for failure to disclose transactions.

(3) Every director of a public company who neglects or fails to make a true and accurate statement of such transactions as required by subsection one of this section, shall be guilty of an offence and liable on summary conviction to a fine not exceeding one thousand dollars or to six months imprisonment or to both fine and imprisonment.

Penalty for speculating for personal account.

(4) Every director of a public company who shall speculate, for his personal account, directly or indirectly, in the shares or other securities of the company of which he is a director in contravention of subsection two of this section, shall be guilty of an offence and liable on summary conviction to a fine not exceeding one thousand dollars or to six months imprisonment or to both fine and imprisonment.

Consideration for fully paid shares to be cash or fair equivalent of cash.

“**96B.** (1) The directors of a public company shall not authorize the issue and allotment as fully paid shares in the capital stock of the company having a nominal or par value, except for a consideration payable in cash to the total nominal amount of the shares so issued, or for such consideration payable in property or services as the directors may determine by express resolution to be in all the circumstances of the transaction the fair equivalent of cash to the total nominal amount of the shares proposed to be issued:

Proviso.

Provided that the directors may apply to a judge for a declaratory order with relation to the consideration for the last mentioned shares in like manner and with like effect in all respects as provided in and by subsection nine of section twelve of this Act.

(2) Subject as hereinafter provided, every director of a public company who is a party to authorizing the issue and allotment as fully paid of any shares of the capital stock of the company having a nominal or par value shall be liable, jointly and severally with his co-directors, at the suit of any director, shareholder or creditor of the company, to make good to the company the amount by which the consideration actually received by the company for any shares so issued and allotted as aforesaid is found by the court, after full inquiry into the circumstances of the transaction, to be less than the fair equivalent of the cash, which the company ought to have received for such shares if they had been issued and allotted for cash if the resolution referred to in subsection nine of section twelve of this Act has not been passed or if it is proved, as to any such first mentioned director, that such director

- (a) had knowledge that the consideration so received by the company was not the fair equivalent of the cash which the company ought to have received if the shares had been issued and allotted for cash; or  
 (b) failed to take reasonable steps to ascertain whether such consideration so received by the company was in fact the fair equivalent as aforesaid.

(3) No suit shall be commenced against the directors of a public company or any of them under the authority of subsection two of this section by any creditor, director or shareholder of the company without the consent in writing of the Secretary of State; and no such suit shall be commenced by any creditor of the company until an execution at the suit of such creditor against the company has been returned unsatisfied in whole or in part; and no such suit shall be commenced after the expiration of three years from the date of the allotment of such shares.

(4) This section shall not apply to any mining company, that is to say, to any company whose principal objects are the exploration, development or operation of mining properties and which, if it has commenced actual operations, is carrying out such objects as its principal business. "Mining properties" includes mines, mining deposits, mining rights, metalliferous lands, mining claims or any interest therein including any option or licence in connection therewith."

**16.** The said Act is amended by inserting immediately after section ninety-eight thereof the following section:—

"**98A.** Subject to the provisions of any by-law of the company duly enacted under the provisions of this Act,

Application to court for declaratory order.

Liability of directors for issue of fully paid shares with consideration less than fair equivalent of cash.

Restrictions on right to sue.

Mining companies excepted.

Voting rights.

each share of the capital stock of any company issued and allotted, shall, subject to the provisions of this Part, carry voting rights and entitle the shareholder to one vote for each such share owned by him."

**17.** Subsections two and three of section one hundred and twelve of the said Act are repealed and the following are substituted therefor:—

Details of  
balance  
sheet.

"(2) Every balance sheet shall be drawn up so as to distinguish severally at least the following classes of assets and liabilities, namely:—

- (a) cash;
- (b) debts owing to the company from its directors, officers or shareholders respectively;
- (c) other debts owing to the company including accounts and bills receivable in such form as to distinguish between current and non-current accounts in all cases in which the estimated loss is not provided for;
- (d) inventory, if any, stating the basis of valuation adopted and the manner in which such value has been determined in respect of various sub-divisions of such inventory;
- (e) investments and securities, if any, stating their nature and showing the market value of marketable securities and, separately, the book value of other securities;
- (f) expenditure made on account of future business, if any;
- (g) lands, buildings and plant, stating the basis of valuation, whether cost or otherwise, and, if valued on the basis of appraisal, the date of appraisal, the name of the appraiser, and, if the surplus of the company has been increased as a result thereof, the amount by which the value of such assets has been written up within a period of three years prior to the date of such balance sheet;
- (h) the aggregate amount of any outstanding loans under paragraph (d) of subsection one of section fifteen of this Act;
- (i) debts owing by the company;
- (j) liability for taxes imposed by any taxing authority in Canada including amounts owing in respect of such taxes due and payable and amount or estimated amount of the liability for such taxes in respect of the fiscal period covered by the statement of income and expenditure;
- (k) the amount of shares of each class issued and outstanding and the amount paid thereon, showing the amount thereof issued since the date of the last balance sheet for services rendered, for commissions or for assets acquired since the date of the last balance



sheet and if any redeemable preferred shares have been issued a sufficient description of such shares to indicate that they are liable to be redeemed;

- (l) indirect and contingent liabilities;
- (m) the amount or amounts of existing reserves for depreciation, obsolescence and depletion;
- (n) the total amount received upon the issue of shares in the capital stock which is attributable to capital;
- (o) the total amount received upon the issue of shares in the capital stock set aside as distributable surplus, in accordance with the provisions of subsection seven of section twelve of this Act or otherwise, or any unappropriated balance thereof;
- (p) the total amount of money provided under paragraph (c) of subsection one of section fifteen of this Act.

“(3) There shall be stated under separate headings in the balance sheet of the company, so far as they are not written off—

Further details to be stated.

- (a) the preliminary expenses of the company incurred after the date of the coming into force of this Act or within a period of three years prior to said date; and
- (b) any expenses incurred in connection with any issue of share capital or debentures; and
- (c) if it is shown as a separate item in or is otherwise ascertainable from the books of the company, or from any contract for the sale or purchase of any property, the amount of the goodwill, franchises, patents, copyrights, trade marks, leases, contracts and licences as so shown or ascertained and the amount, if any, by which the value of any of such assets has been written up within a period of three years prior to the date of such balance sheet.”

**18.** Subsections one and two of section one hundred and thirteen of the said Act are repealed and the following are substituted therefor:—

“**113.** (1) In the case of a company, not being a private company, the statement of income and expenditure to be submitted at the annual meeting shall, subject to the provisions of this section, show as a separate item the total of the amount paid to the directors as remuneration for their services as such directors, inclusive of all fees, percentages, or other emoluments, paid to or receivable by them by or from the company or by or from any subsidiary company, exclusive of the amounts paid to a managing director, if any, or any other director who holds any salaried employment or office in the company and who devotes substantially the whole of his time to the business of the company or its subsidiaries.

Amounts paid to directors to appear in statements.



Salaries, etc.,  
of executive  
officers and  
salaried  
directors.

(2) The said statement of income and expenditure shall also show separately the total of the amount paid as salaries, bonuses, fees or other remuneration to the counsel, solicitors, or other legal advisers of the company, and also to the executive officers of the company including the managing director, if any, of the company, and any other director who holds any salaried employment or office of the company and who devotes substantially the whole of his time to the business of the company or its subsidiaries."

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

Copies of  
financial  
statements  
to be sent.

"**117.** (1) In the case of a company, not being a private company,

(a) a copy of every balance sheet and statement of income and expenditure and statement of surplus and of the statement referred to in section one hundred and fourteen of this Act, where such section applies, which is to be laid before the company at the annual meeting, together with a copy of the auditors' report, shall, not less than fourteen days before the date of the meeting, be mailed in a prepaid wrapper or letter to each and every shareholder of record at his address as recorded in the books of the company; and thereafter, in due course, a copy of each of the documents mentioned in this subsection shall also be mailed to the Secretary of State, together with proof of due compliance with the foregoing provisions of this paragraph, in such form as may be satisfactory to the Secretary of State.

Copy of  
balance sheet  
to be  
furnished  
on demand.

(b) any holder of debentures of the company shall be entitled to be furnished by the company on demand without charge with a copy of such balance sheet and the statements aforesaid which have been laid before the company at the last annual meeting preceding such demand."

**20.** (1) In this section "the principal Act" means *The Companies Act, 1934*.

Application  
of sections.

(2) The following provisions of this Act, namely, sections two, three, six, seven, thirteen and sixteen, shall not apply to any company to which Part One of the principal Act is made applicable by paragraphs (b), (c), (d) or (e) of section two of the principal Act, nor to any company incorporated under the principal Act prior to the coming into force of this Act, and every such company shall continue to be subject to the provisions of the principal Act, which shall, as regards such companies, be and be deemed to be in full force and effect in the same manner as if the foregoing sections of this Act had not been enacted; but each

of the other provisions of this Act, pursuant to its terms, shall apply to all companies, irrespective of the date of their incorporation, to which Part One of the principal Act, as amended by this Act, applies.

**21.** This Act shall come into force in whole or in part upon dates to be fixed by one or more proclamations of the Governor in Council. Commencement of Act.

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OTTAWA: Printed by JOSEPH OSCAR PATENAUDE, I.S.O., Law Printer to the King's Most Excellent Majesty.



## 25-26 GEORGE V.

### CHAP. 56.

An Act to amend the Criminal Code.

[Assented to 5th July, 1935.]

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;  
1932, cc. 7, 8,  
9, 28;  
1932-33, cc.  
25, 53;  
1934, cc. 11,  
47.

1. (1) The first two provisoes of subsection two of section two hundred and thirty-five of the *Criminal Code*, chapter thirty-six of the Revised Statutes of Canada, 1927, (beginning at line twenty and ending at line twenty-nine of the said subsection), as enacted by section one of chapter eleven of the statutes of 1934, are repealed, and the following are substituted therefor:—

“Provided that as to race meetings at which there are running races, no such race meeting continues for more than fourteen consecutive days on days on which such racing may be lawfully carried on, and that there be not more than seven such races on any of such days, unless one be a steeplechase or a hurdle race, in which event there may be eight races; and provided that no such association holds, and that on any one track there be not held, in any one calendar year more than one race meeting, at which there are running races, of more than seven and not exceeding fourteen such days, or two such race meetings having an interval of at least twenty days between them of not more than seven such days each.”

(2) The proviso of subsection three of section two hundred and thirty-five is repealed and the following is substituted therefor:—

“Provided also that as to the race meetings at which there are trotting or pacing races exclusively, no such race meeting continues for more than fourteen days on which racing may be carried on, and that no race meetings at which there are trotting or pacing races are held on the same grounds for more than fourteen days in all in any one calendar year.”



2. Section two hundred and thirty-five of the said Act is amended by inserting after subsection two thereof the following subsection:—

Minister may  
make  
regulations.

“(2a) The Minister of Agriculture may make regulations with respect to the carrying out of the provisions of subsection two of this section, and may, by such regulations, impose such penalties, not exceeding in any one case five hundred dollars, for any violation of any such regulations, as he deems necessary for ensuring the observance of the same.”

3. Paragraph (c) of subsection one of section two hundred and thirty-six is amended by adding at the end thereof, the following:—

Conducting  
gambling  
devices.

“conducts, manages or is a party to any scheme, contrivance or operation of any kind by which any person, upon payment of any sum of money, or by obligating himself to pay any sum of money, shall become entitled under such scheme, contrivance or operation to receive from the person conducting or managing such scheme, contrivance or operation, or any other person, a larger sum of money than the amount paid or to be paid, by reason of the fact that other persons have paid or obligated themselves to pay any sum of money under such scheme, contrivance or operation; or”.

4. Subsection four of section two hundred and eighty-five of the said Act, as enacted by section six of chapter eleven of the statutes of 1930, is amended by adding at the end thereof the following:—

Sections  
1035 and  
1081 not  
to apply.

“And the provisions of section ten hundred and thirty-five, in so far as it authorizes the imposition of a fine in lieu of any punishment otherwise authorized, and of section ten hundred and eighty-one of this Act shall not apply in the case of a conviction for an offence under this subsection.”

5. The said Act is further amended by inserting after section four hundred and five, the following section:—

Making  
untrue or  
misleading  
statements  
to procure  
passport.

“405A. Everyone is guilty of an indictable offence and liable to two years imprisonment or to a fine of five hundred dollars, or both such imprisonment and fine, who makes a statement, whether in writing or verbally, which is to his knowledge untrue or misleading, for the purpose of procuring a passport or a visa thereof or an endorsement thereon, whether for himself or any other person.”

6. (1) The two provisoes of subsection two of section four hundred and six of the said Act, as enacted by section five of chapter twenty-eight of the statutes of 1931, are repealed, and the following is substituted therefor:—

“Provided that any person publishing any such advertisement accepted in good faith in the ordinary course of his business shall not be subject to the provisions of this subsection.” Proviso.

(2) Section four hundred and six is further amended by inserting after subsection two thereof the following subsection:—

“(3) (a) Every person who publishes, or causes to be published, any advertisement containing any statement or guarantee of the performance, efficacy or length of life of any product for the purpose of either directly or indirectly promoting the sale or disposal of such product and which statement or guarantee is not based upon an adequate and proper test, shall be guilty of an offence and liable upon summary conviction to a fine not exceeding two hundred dollars or to six months imprisonment, or to both fine and imprisonment: Provided that any person publishing any such advertisement accepted in good faith in the ordinary course of his business shall not be subject to the provisions of this subsection;” Publication of statement not based on proper test.  
Proviso.

(b) Without excluding any other adequate and proper test, a test by The Honorary Advisory Council for Scientific and Industrial Research or any other public department shall be considered an adequate and proper test for the purposes of this subsection, but no reference shall be made in any such advertisement to the fact that a test has been made by such Council or other public department; Adequate and proper test.

(c) On any prosecution under this subsection, the burden of proof that an adequate and proper test has been made shall lie on the defendant.” Burden of proof.

7. The said Act is further amended by inserting after section four hundred and fifteen, the following section:—

“415A. Everyone is guilty of an indictable offence and liable to two years imprisonment or to a fine not exceeding five thousand dollars, or to both such imprisonment and such fine who, knowingly:—” Penalty.

(a) employs a person at a rate of wage less than the minimum wage rate fixed by any law of Canada; Minimum wages.

(b) falsifies any employment record with intent to deceive; False records.

(c) punches any time clock with intent to deceive; Time clock.

(d) puts the wages of more than one employee in the same envelope with intent to evade the provisions of any law of Canada; Several wages in one envelope.

(e) employs any child or minor person contrary to any law of Canada.” Children.

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

Dealers in second-hand goods.

“(4) Every one who, being a dealer in second-hand goods of any kind, trades or traffics in or has in his possession for sale any boom or other chains, lines or shackles for the use of rafting, storing, fastening or towing lumber or logs, and who purchases, trades or traffics in any boom or other chain, line or shackle which has upon it the mark, brand, trade mark duly registered, name or initials of any person, without the written consent of such person, or who, without such consent, has in his possession any such boom chains or other description of chains, lines or shackles for the purpose of sale or traffic, is guilty of an offence, and shall be liable on summary conviction to a penalty of twenty-five dollars or imprisonment for any term not exceeding thirty days for a first offence, and of fifty dollars or imprisonment for sixty days for any subsequent offence.”

9. The said Act is further amended by inserting after section four hundred and ninety-eight, the following section:—

Discrimination in trade.

“498A. (1) Every person engaged in trade or commerce or industry is guilty of an indictable offence and liable to a penalty not exceeding one thousand dollars or to one month’s imprisonment, or, if a corporation, to a penalty not exceeding five thousand dollars, who

(a) is a party or privy to, or assists in, any transaction of sale which discriminates, to his knowledge, against competitors of the purchaser in that any discount, rebate or allowance is granted to the purchaser over and above any discount, rebate or allowance available at the time of such transaction to the aforesaid competitors in respect of a sale of goods of like quality and quantity;

Exceptions.

The provisions of this paragraph shall not, however, prevent a co-operative society returning to producers or consumers, or a co-operative wholesale society returning to its constituent retail members, the whole or any part of the net surplus made in its trading operations in proportion to purchases made from or sales to the society;

Lower prices in particular area.

(b) engages in a policy of selling goods in any area of Canada at prices lower than those exacted by such seller elsewhere in Canada, for the purpose of destroying competition or eliminating a competitor in such part of Canada;

Lower prices to destroy competition.

(c) engages in a policy of selling goods at prices unreasonably low for the purpose of destroying competition or eliminating a competitor.”



**10.** The first four lines of section five hundred and forty-two of the said Act, as enacted by section eleven of chapter eleven of the statutes of 1930, are repealed and the following are substituted therefor:—

“**542.** Everyone is guilty of an offence and liable, on Penalty. summary conviction before two justices, to a penalty not exceeding five hundred dollars and not less than five dollars or to imprisonment, with or without hard labour, for a term not exceeding one year and not less than one month, or to both, who”.

**11.** Subsection two of section seven hundred and forty-nine of the said Act is repealed, and the following is substituted therefor:—

“(2) In the case of the provinces of Saskatchewan and Alberta, and of the Northwest Territories and the Yukon Territory, the judge or stipendiary magistrate hearing any such appeal shall sit without a jury; and such sitting in the Northwest Territories and the Yukon Territory shall be held at the place where the cause of the information or complaint arose, or at the nearest place thereto where a court is appointed to be held.” Saskatchewan, Alberta, Northwest and Yukon no jury.

**12.** Subsection two of section seven hundred and seventy-seven of the said Act is repealed, and the following is substituted therefor:—

“(2) In the provinces of Ontario, Quebec and Nova Scotia, the jurisdiction of a magistrate who is one of those mentioned in section seven hundred and seventy-four is absolute and does not depend on the consent of the person charged to be tried by such magistrate in cities having a population of not less than 25,000 according to the last decennial or other census taken under the authority of an Act of the Parliament of Canada where the offence is one of those mentioned in paragraph (a) of section seven hundred and seventy-three.” Cities of not less than 25,000 people.

**13.** Section nine hundred and twenty-seven of the said Act is amended by adding at the end thereof the following subsection:—

“(6) Notwithstanding the provisions of subsections four and five of this section, in the provinces of Saskatchewan and Manitoba six jurors only shall be sworn.” Six jurors in Saskatchewan and Manitoba.

**14.** Subsection one of section nine hundred and twenty-nine of the said Act is repealed, and the following is substituted therefor:—

“(1) The twelve men, or in the provinces of Saskatchewan or Manitoba the six men, who in manner aforesaid are ultimately drawn and sworn shall be the jury to try the Who shall be the jury.



Return of  
names to  
the box.

issues of the indictment, and the names of the men so drawn and sworn shall be kept apart by themselves until such jury give in their verdict or until they are discharged; and then the names shall be returned to the box there to be kept with the other names remaining at that time undrawn, and so *toties quoties* as long as any issue remains to be tried."

**15.** Section nine hundred and seventy of the said Act, as amended by section twenty-six of chapter eleven of the statutes of 1930, is repealed, and the following is substituted therefor:—

Mentally  
ill person  
imprisoned.

"**970.** (1) The Lieutenant-Governor, upon evidence satisfactory to him that any person imprisoned in any prison other than a penitentiary for an offence, or imprisoned in safe custody charged with an offence, or imprisoned for not finding bail for good behaviour, or to keep the peace, is insane, mentally ill, or mentally deficient, may order the removal of such person to a place of safe keeping; and such person shall remain there, or in such other place of safe keeping as the Lieutenant-Governor from time to time orders, until his complete or partial recovery is certified to the satisfaction of the Lieutenant-Governor, who may then order such person back to imprisonment, if then liable thereto, or otherwise to be discharged; provided that where such person is confined in a mental hospital or other provincial institution, he shall, if and when he is not liable to be returned to imprisonment, be subject to the direction of the provincial Minister of Health, or such other person as the Lieutenant-Governor in Council may designate, who may make such orders or directions in respect of such insane person as he may deem proper.

Disposition  
when not  
liable to  
return to  
imprison-  
ment.

Mentally  
ill person in  
reformatory.

(2) Without limiting in any way the application of the provisions contained in the next preceding subsection of this section, the Lieutenant-Governor upon evidence satisfactory to him that a person imprisoned in a reformatory prison, reformatory school or industrial school, is feeble minded, mentally ill or mentally deficient, may order the removal of such person to a place of safe keeping; and the person so removed shall remain there or in such other place of safe keeping as the Lieutenant-Governor may from time to time order, until his complete or partial recovery is certified to the satisfaction of the Lieutenant-Governor who may then order the person back to imprisonment, if he is then liable thereto, or if otherwise, that he be discharged: Provided that where such person is confined in a mental hospital or other provincial institution he shall, if and when he is not liable to be returned to imprisonment, be subject to the direction of the provincial Minister of Health, or such other person as the Lieutenant-Governor in Council may designate, who may make such orders or directions in respect of such insane person as he may deem proper."

Disposition  
when not  
liable to  
return to  
reformatory.

**16.** Subsection two of section ten hundred and twenty-three is repealed, and the following substituted therefor:—

“(2) The Attorney General of the province may appeal to the Supreme Court of Canada from the judgment of any court of appeal setting aside a conviction or dismissing an appeal against a judgment or verdict of acquittal in respect of an indictable offence on an appeal taken under section ten hundred and thirteen on any question of law on which there has been dissent in the Court of Appeal.

Appeal to  
Supreme  
Court by  
Attorney  
General.

(3) No such appeal can be taken unless notice thereof in writing has been served upon the Attorney General, or upon the person whose conviction has been set aside or his solicitor, or upon the respondent or his solicitor, in an appeal to the Court of Appeal taken by an Attorney General against a judgment or verdict of acquittal in respect of an indictable offence, as the case may be, within fifteen days after the affirmance or setting aside of the conviction or the dismissal of the appeal, as the case may be, or such other time as may be allowed by the Supreme Court of Canada or a judge thereof.”

Notice to  
be given.

**17.** Subsection three of section ten hundred and twenty-five of the said Act, as enacted by section fifteen of chapter twenty-eight of the statutes of 1931, is repealed, and the following substituted therefor:—

“(3) Any person whose acquittal has been set aside may appeal to the Supreme Court of Canada against the setting aside of such acquittal on any ground of appeal which involves a question of law alone; and any person who was tried jointly with such acquitted person, and whose conviction was sustained by the Court of Appeal, may appeal to the Supreme Court of Canada against the sustaining of such conviction, on like grounds.”

Appeal where  
acquittal is  
set aside.

**18.** Section ten hundred and forty-four of the said Act is amended by adding as a new subsection immediately after subsection two thereof the following:—

“(2a) Such magistrate may also include in the amount to be paid the fees, for the appropriate items, as mentioned in the tariff set out in section seven hundred and seventy of this Act.”

Also fees for  
justices, etc.

**19.** This Act with the exception of sections one, three, and six thereof shall come into force on the first day of September, 1935, section six thereof shall come into force on the first day of January, 1936, and sections one and three shall come into force on the passing of this Act.



# 25-26 GEORGE V.

## CHAP. 57.

An Act to amend The Dominion Elections Act, 1934.

[Assented to 5th July, 1935.]

HIS Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:— 1934, c. 50.

1. Subsection nine of section ninety-four of *The Dominion Elections Act, 1934*, is repealed, and the following is substituted therefor:—

“(9) Advance polls shall be open and shall only be open between the hours of two and ten o'clock in the afternoons and evenings of the Thursday, Friday and Saturday immediately preceding polling day.” Advance polls.

2. The said Act is further amended by adding after section one hundred and twelve, the following section:—

“112A. Notwithstanding anything in this or any other Act, if a writ of election has been issued for a by-election to be held on a date subsequent to the dissolution of Parliament, as provided by section fifty of the British North America Act, 1867, such writ shall, upon notice to that effect being published in the *Canada Gazette* by the Chief Electoral Officer, be deemed to have been superseded and withdrawn.” When writ for by-election after date of dissolution deemed to be superseded.

3. Form number twenty of the said Act is repealed, and the following is substituted therefor:— Form 20 amended.

“FORM No. 20.

“OATH THAT VOTER IS THE PERSON REFERRED TO IN THE LIST OF ELECTORS (Section 42).

Electoral District of.....  
Polling Division No.....

I, the undersigned....., do swear  
(or solemnly affirm):



(1) That I am a British subject of the full age of twenty-one years;

(2) That I have been ordinarily resident in Canada for at least twelve months immediately preceding the commencement of the Annual Revision of the lists of electors on the fifteenth day of May last;

(3) That on said last mentioned date I resided in this Electoral District of..... at No. (here insert name of avenue or street.)

(4) That I am the person intended to be referred to by the entry in the list of voters for this Polling Division No....., of the name of (name as in list of voters), whose occupation is given as (occupation as in list of voters), and whose address is given as (address as in list of voters).

(5) That is my true name and that the signature hereto is in my usual handwriting (or in case of an illiterate voter—that the mark placed hereto is my usual method of signing my name).

SWORN (or affirmed) before me } at..... } Signature of Deponent  
this..... day of..... }  
19..... }  
Justice of the Peace  
(or as the case may be).

Notice of holding of advance poll.

4. Form number thirty-nine of the said Act is amended by striking out (beginning at line sixteen thereof) the words "And further take notice that the said polling station (s) will be opened between the hours of seven and ten o'clock in the evening of Thursday and Friday, the and days of , 19 , and between the hours of two and ten o'clock in the afternoon and evening of Saturday, the day of 19 ,", and substituting therefor the following:—

Form 39 amended.

"And further take notice that the said polling station (s) will be open between the hours of two and ten o'clock in the afternoons and evenings of Thursday, Friday and Saturday, the and days of , 19 ,".

Deputy returning officers.

5. Section twenty-four of the said Act is hereby amended by striking out the first seven words of the section and by substituting therefor the following words "immediately after the issue of the writ of election."

6. The French version of paragraph (*f*) of subsection one of section thirty of the said Act is amended by striking out the words "le sous-officier-rapporteur" in the fifth line and substituting therefor the following:—  
"l'officier-rapporteur"

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OTTAWA: Printed by JOSEPH OSCAR PATENAUDE, I.S.O., Law Printer to the King's Most Excellent Majesty.



## 25-26 GEORGE V.

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### CHAP. 58.

An Act to assist the Construction of Houses.

[Assented to 5th July, 1935.]

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 Dominion Housing Act, 1935*.

#### INTERPRETATION.

2. In this Act unless the context otherwise requires,—
- (a) “Approved lending institution” means a lending institution approved by the Governor in Council; Definitions.  
“Approved lending institution”.
  - (b) “Cost of construction” includes, as well as the actual expenditure for building, the cost of the land, legal expenses connected with any loan and any other expense necessary to complete the house; “Cost of construction”.
  - (c) “House” means a building intended exclusively for human habitation comprising one or more self-contained dwelling places; “House”.
  - (d) “Housing scheme” means a scheme for the construction of houses and for their occupation by tenants or purchasers; “Housing scheme”.
  - (e) “Lending institution” means a loan, insurance or other company authorized to lend money on the security of real or immovable property; “Lending institution”.
  - (f) “Local authority” means any province, municipality, society, association or corporation having authority to undertake a housing scheme; “Local authority”.
  - (g) “Minister” means the Minister of Finance. “Minister”.



## INVESTIGATION BY ECONOMIC COUNCIL

## Duties.

**3.** The Economic Council established by *The Economic Council of Canada Act, 1935*, when so required by the Governor in Council, shall study, investigate, report and advise:—

- (a) as to housing conditions and the adequacy of existing housing accommodation in Canada or any part of Canada, and as to the best means to be adopted to improve housing conditions;
- (b) upon a proposal for a housing scheme in any urban or rural locality, submitted by a local authority, and particularly as to the necessity for and feasibility of, establishing a housing scheme in any locality for the construction of houses, with the assistance of the state, to be leased to low-wage earners;
- (c) as to plans or proposals that have been adopted elsewhere than in Canada to improve housing conditions and the results that have been achieved;
- (d) upon the necessity for and as to the feasibility of undertaking clearance and redevelopment of overcrowded areas in any city or town;
- (e) as to the factors that enter into the cost of construction of houses and as to the feasibility by any means of securing economies and increased efficiency in such construction.

## Advances.

**4.** (1) The Minister may, with the approval of the Governor in Council, enter into a contract with an approved lending institution or local authority to join with such institution or local authority in the making of loans to assist in the building of houses under conditions hereinafter mentioned.

## Conditions.

(2) The conditions upon which a loan may be made under this section shall be as follows:—

- (a) A loan shall be made only for the purpose of assisting the construction of a house, according to sound standards approved by the Minister and subject to supervision by the lending institution or local authority or the Minister;
- (b) The advance made by the Minister shall not exceed twenty per cent of the cost of construction of the house or its appraised value, whichever is the lesser, and the interest payable to His Majesty in respect of the advance shall be at a rate to be fixed by the terms of the contract;
- (c) The advance by the Minister shall be made only if the lending institution or local authority lends, in addition to the amount of the advance, sixty per cent of the cost of construction of the house or the appraised value, whichever is the lesser: provided that the Governor in Council may in any class of cases fix the percentage at less than the sixty per cent aforesaid;

- (d) The rate of interest and other charge to be charged the borrower in respect of any loan shall be subject to approval by the Minister;
- (e) The loan shall be for such period and upon such terms as to payment of principal, interest and taxes by monthly instalments as the Minister shall determine and shall be secured by a first mortgage or hypothec on the house, given in favour of the Minister representing His Majesty, and the lending institution or local authority jointly;
- (f) Any loss sustained in respect of any loan shall be borne by His Majesty and the lending institution or local authority in such proportions as are fixed by the terms of the contract;
- (g) Such other conditions as are stipulated in the contract between the Minister and the lending institution or local authority as will safeguard the interest of His Majesty.

**5.** Notwithstanding any restriction on its power to lend money, contained in any other statute or law, any lending institution subject to the jurisdiction of Parliament, may lend on the security of a first mortgage or hypothec given in favour of the Minister and the lending institution jointly pursuant to the provisions of this Act, an amount up to eighty per cent of the cost of construction of a house or its appraised value, whichever is the lesser.

Loans by  
lending  
institutions.

**6.** The Minister may make advances and pay salaries and other necessary expenses out of unappropriated moneys in the Consolidated Revenue Fund to the extent of ten million dollars.

Payment of  
advances,  
salaries and  
expenditure.

**7.** The Governor in Council may make regulations for the purpose of determining what shall be included in the cost of construction and by whom and in what manner the appraisal of the value of a house shall be made, to require any department of the Government of Canada to furnish to the Minister advice and assistance upon his request, and otherwise for the efficient enforcement and operation of this Act and for carrying out the provisions thereof according to their true intent and meaning.

Regulations.

**8.** The Minister shall annually prepare a report with regard to loans made under the provisions of this Act during the preceding fiscal year, and the report shall be laid before Parliament within fifteen days, or if Parliament is not then sitting, within fifteen days after the beginning of the next session.

Annual  
report.

Laid before  
Parliament.



## 25-26 GEORGE V.

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### CHAP. 59.

An Act to establish a Dominion Trade and Industry Commission.

[Assented to 5th July, 1935.]

WHEREAS on the second day of February, 1934, the Preamble.  
House of Commons passed a Resolution that a Select Special Committee of that House be appointed to inquire into and investigate the causes of the large spread between the prices received for commodities by the producer thereof and the prices paid by the consumers therefor, and the system of distribution in Canada of natural and manufactured products; and whereas a Select Special Committee was accordingly appointed and proceeded with the investigation and on the twenty-ninth day of June, 1934, reported that the investigation could not be completed before Parliament prorogued and recommended that the members of the Select Special Committee be appointed commissioners under Part I of the *Inquiries Act* to continue R.S., c. 99. and complete the investigation and report to the Minister of Trade and Commerce; and whereas the members of the Select Special Committee were accordingly appointed commissioners under the *Inquiries Act* and continued and completed the investigation and reported on the ninth day of April, 1935; and whereas the majority of the commissioners recommended that a Federal Trade and Industry Commission be established with powers to regulate commerce and industry; and whereas it is expedient and in the public interest that effect be given to the aforesaid recommendations in so far as it is within the competence of Parliament so to do: Therefore 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 Dominion Trade and Industry Commission Act, 1935.* Short title



## INTERPRETATION.

- Definitions. **2.** In this Act, unless the context otherwise requires,—
- “Commission”. (a) “Commission” means the Dominion Trade and Industry Commission established under this Act;
- “Commissioner”. (b) “Commissioner” means a member of the Commission including the Chief Commissioner and Assistant Chief Commissioner;
- “Commodity”. (c) “Commodity” means any article, product or thing, whether of growth, produce or manufacture, which is the subject of trade or commerce;
- “Commodity standard”. (d) “Commodity standard” means the specification of a standard of quality, efficiency, efficacy, performance, purity, potency, grade, durability, size, weight or capacity or any other characteristic or combination of characteristics for any commodity intended for consumption or use and denoting its origin or nature and suitability to fulfil the purpose for which it is intended;
- “Covering”. (e) “Covering” includes label, wrapper, package, sack, bag, barrel, box, case or other receptacle attached to, or in which, any commodity is sold or offered for sale;
- “Director of Public Prosecutions”. (f) “Director of Public Prosecutions” means the Director of Public Prosecutions appointed under this Act;
- “Industry”. (g) “Industry” includes merchandising;
- “Laws prohibiting unfair trade practices”. (h) “Laws prohibiting unfair trade practices” means the provisions of the *Agricultural Pests Control Act*, the *Canada Grain Act*, the *Combines Investigation Act*, the *Dairy Industry Act*, the *Electrical Units Act*, the *Electricity Inspection Act, 1928*, the *Feeding Stuffs Act*, the *Fertilizer Act*, the *Fish Inspection Act*, the *Food and Drugs Act*, the *Fruit, Vegetables and Honey Act*, the *Gas Inspection Act*, the *Inspection and Sale Act*, the *Live Stock and Live Stock Products Act*, the *Maple Sugar Industry Act, 1930*, the *Meat and Canned Foods Act*, the *Natural Products Marketing Act, 1934*, the *Patent Act, 1935*, the *Petroleum and Naphtha Inspection Act*, the *Precious Metals Marking Act, 1928*, the *Proprietary or Patent Medicine Act*, the *Seeds Act*, the *Trade Mark and Design Act*, the *Unfair Competition Act, 1932*, the *Water Meters Inspection Act*, the *Weights and Measures Act*, and of sections 404, 405, 406, 415A and 486 to 504, inclusive, of the *Criminal Code*, and of this Act and regulations under the said Acts, which provisions prohibit acts or omissions connected with industry as being fraudulent, misrepresentative or otherwise unfair or detrimental to the public interest;
- “Minister”. (i) “Minister” means the President of the King’s Privy Council for Canada;

- (j) "National Research Council" means the Honorary Advisory Council for Scientific and Industrial Research established under the provisions of the *Research Council Act*; "Research Council".
- (k) "Tariff Board" means the board established pursuant to *The Tariff Board Act*. "Tariff Board."  
1931, c. 55.

DOMINION TRADE AND INDUSTRY COMMISSION.

**3.** (1) There shall be a Commission to be known as the Dominion Trade and Industry Commission consisting of three Commissioners, of whom one shall be the Chief Commissioner and another the Assistant Chief Commissioner. Commission.

(2) The members for the time being of the Tariff Board shall, by virtue of holding office as members of the said Board and by virtue of this Act, be the Commissioners, and the Chairman and the Vice-Chairman of the said Board shall be the Chief Commissioner and Assistant Chief Commissioner respectively. Tariff Board to be commissioners.  
Chief and Assistant Commissioners.

(3) Each Commissioner shall hold office only during such time as he continues to hold office as a member of the Tariff Board. Tenure of office.

**4.** (1) In case of the absence or incapacity of the Chief Commissioner, the Assistant Chief Commissioner shall exercise the powers of the Chief Commissioner for him and in his stead, and in such case all regulations, orders or other instruments signed by the Assistant Chief Commissioner shall have the like force and effect as if signed by the Chief Commissioner. Absence or incapacity.

(2) Whenever the Assistant Chief Commissioner appears to have acted for or instead of the Chief Commissioner, it shall be conclusively presumed that he so acted in the absence or incapacity of the Chief Commissioner. Presumption.

(3) If the Chief Commissioner deems it necessary for the more speedy or convenient despatch of business, he may authorize another Commissioner to sign regulations, orders or other instruments in his stead, and everything done pursuant to such authority shall have the like force and effect as if done by the Chief Commissioner. Authority to other Commissioners.

**5.** (1) Two Commissioners, including either the Chief Commissioner or the Assistant Chief Commissioner, shall, except as otherwise provided in this Act, constitute a quorum, provided that in the case of an equal division of opinion as between two commissioners sitting as a quorum the third Commissioner shall be called on for his opinion; and provided further, that a preliminary inquiry under the *Combines Investigation Act* may be conducted by one Commissioner. Quorum.  
R.S., c. 26.

Commissioner *pro hac vice*.

(2) If any Commissioner, by reason of absence or incapacity, is unable at any time to perform the duties of his office, the Governor in Council may appoint a person to be a Commissioner *pro hac vice*.

Offices in Ottawa.

6. The office of the Commission shall be in the City of Ottawa, but the Commission may whenever circumstances render it expedient, hold sittings at any place in Canada.

Sittings.

7. The sittings of the Commission shall be public or private as the Commission decides.

Rules.

8. The Commission may make rules not inconsistent with this Act, the *Combines Investigation Act* or the *Inquiries Act*, respecting the sittings of the Commission and the practice and procedure in the case of investigations or other business of the Commission, and the apportionment of duties amongst the Commissioners and respecting the duties and employment of the officers, clerks and employees of the Commission.

Officials of Tariff Board to be officials of the Commission.

9. (1) The Secretary and other officers, clerks and employees of the Tariff Board shall, by virtue of holding office or being employed under the Tariff Board and by virtue of this Act, be officers, clerks or employees of the Commission and shall perform, for and under the direction of the Commission, services and functions similar to the services and functions performed by them as officers, clerks or employees of the Tariff Board.

Tenure of office.

(2) Each officer, clerk or employee of the Commission shall hold office or be employed only during such time as he continues to hold office or be employed as an officer, clerk or employee of the Tariff Board.

Rights to superannuation preserved.

R.S., c. 24.

(3) A civil servant who prior to or at the time of his appointment under the Tariff Board Act was or is a contributor under the provisions of the *Civil Service Superannuation Act* shall be eligible, notwithstanding the provisions of the *Civil Service Superannuation Act*, to continue to be a contributor under the said Act; his service under *The Tariff Board Act* shall be counted as service in the Civil Service for the purposes of the *Civil Service Superannuation Act* and he, his widow and children, or other dependents, if any, shall be eligible to receive the respective allowances or gratuities provided by the said Act; and in the event of his being retired from his office or position under *The Tariff Board Act* for any reason other than that of misconduct, he shall be eligible to receive the same benefits under the *Civil Service Superannuation Act* as if his office or position had been abolished.



**10.** No Commissioner or officer, clerk or employee of the Commission shall receive any remuneration in addition to that received by him as a member, officer, clerk or employee of the Tariff Board.

No additional remuneration.

**11.** No person employed in the service of His Majesty shall communicate or allow to be communicated to any person not legally entitled thereto, any information obtained under the provisions of this Act or allow any such person to inspect or have access to any written statement or document furnished under this Act.

Secrecy.

(2) Any person violating any provision of this section shall be guilty of an offence against this Act and liable on summary conviction to a penalty not exceeding two hundred dollars.

Penalty.

**12.** The expenses of the Commission shall be paid out of moneys appropriated by Parliament for the purpose.

Payment of expenses.

#### ADMINISTRATION OF COMBINES INVESTIGATION ACT

**13.** The Commission shall be charged with the administration of the *Combines Investigation Act* and shall exercise all the powers and jurisdiction and perform all the duties conferred on the Commission under the said *Combines Investigation Act*.

Duties of Commission. R.S., c. 26.

#### PRICE AND PRODUCTION AGREEMENTS.

**14.** (1) In any case where the Commission, after full investigation under the *Combines Investigation Act*, is unanimously of opinion that wasteful or demoralizing competition exists in any specific industry, and that agreements between the persons engaged in the industry to modify such competition by controlling and regulating prices or production would not result in injury to or undue restraint of trade or be detrimental to or against the interest of the public, or where such agreements exist and in the unanimous opinion of the Commission but for their existence wasteful or demoralizing competition would exist in any specific industry, the Commission may so advise the Governor in Council and recommend that certain agreements be approved.

Agreements regulating price and production.

(2) The Governor in Council may, if of opinion that the conclusions of the Commission are well founded, approve of any such agreement, and shall make regulations requiring the Commission to determine from time to time whether the agreement is resulting in injury to or undue restraint of trade or is detrimental to the public interest.

Approval and regulations by Governor in Council.



Information and rescission of approval. (3) The Commission shall require persons engaged in the industry to furnish full information relating to operations within the industry under the agreement and may at any time, of its own motion and in its absolute discretion, advise the Governor in Council to rescind the approval of the agreement and the Governor in Council may rescind the approval accordingly.

Consent of Commission for prosecution. (4) In any case where the Governor in Council has approved an agreement under this section, no prosecution of a party to such agreement shall be instituted under the *Combines Investigation Act* or under sections four hundred and ninety-eight and four hundred and ninety-eight A or any other relevant section of the *Criminal Code* for an offence arising in the performance of such agreement, except with the consent of the Commission.

COMMODITY STANDARDS.

Duties of Commission. 15. (1) The Commission shall be charged with responsibility to recommend the prosecution of offences against acts of the Parliament of Canada and regulations thereunder, relating to commodity standards and the Attorney General of Canada may require the Director of Public Prosecutions to institute criminal proceedings for the punishment of any such offence.

Powers of Commission. (2) The Commission may,—  
 (a) study, investigate, report and advise upon any question relating to commodity standards, the grading of commodities and the protection of consumers generally;  
 (b) inquire and hear representatives of industry and trade and of consumers as to the desirability of establishing commodity standards and grades for any commodity and report thereon to the Minister.

*National Research Council.*

Additional powers. 16. In addition to its powers and duties under any other statute or law, the National Research Council shall, on the request of the Commission, from time to time,—  
 (a) study, investigate, report and advise upon all matters relating to commodity standards;  
 (b) prepare draft specifications of commodity standards for any commodity or grade, and recommend methods of designating such grade;  
 (c) analyse and report upon any commodity as to its quality, properties and content, and as to whether and to what extent it conforms to the requirements of any recognized or generally accepted standard.

17. (1) The National Research Council shall, in respect of any commodity forwarded to it by the Commission or the Director of Public Prosecutions, report

Reports in respect of products forwarded.

- (a) the ingredients of such commodity, in so far as such information may be necessary to the proper use of the commodity;
- (b) any adulterants and harmful, injurious or deleterious substances the commodity may be found to contain;
- (c) its quality and probable performance and efficiency; and
- (d) whether it conforms to any recognized or generally accepted standard and specification;

Contents of report.

and if adequate information to answer the inquiry is not already available, the National Research Council shall analyse or test the commodity.

(2) The report of the National Research Council upon any analysis or test made under the provisions of this section shall not be used for advertising or commercial purposes in any way; and any person who contravenes the provisions of this subsection shall be guilty of an offence and liable upon summary conviction, for each such offence, to a penalty not exceeding one hundred dollars.

Not to be used for advertising purposes.

(3) No action or other proceedings may be instituted against the National Research Council or any officer or employee of the Council, in respect of any advice, information or report given or made in good faith under this Act or any other Act of the Parliament of Canada.

Advice, reports, etc., to be privileged.

“Canada Standard.”

18. (1) Notwithstanding anything contained in *The Unfair Competition Act, 1932*, or any other statute or law, the words “Canada Standard” or initials “C.S.” shall be a national trademark and the exclusive property in and the right to the use of such trademark is hereby declared to be vested in His Majesty in the right of the Dominion of Canada, subject to the provisions of this Act.

“Canada standard” to be national trademark.

(2) Such national trademark, as applied to any commodity pursuant to the provisions of this Act or any other Act of the Parliament of Canada, shall constitute a representation that such commodity conforms to the requirements of a specification of a commodity standard for such commodity or class of commodity established under the provisions of any Act of the Parliament of Canada.

Effect of application.

19. (1) Any producer or manufacturer or dealer or merchant in Canada may apply the national trademark “Canada Standard” or initials “C.S.” to any commodity produced or manufactured or sold by him or to the covering thereof,

Conditions of use.

in such manner as the Commission may by regulation prescribe, under and subject to the following conditions:—

- (a) Such commodity shall conform to the requirements of a specification of a commodity standard for such commodity or class of commodity established under the provisions of any Act of the Parliament of Canada;
- (b) Where grade designations, whether numerical or alphabetical or special, have been established under the provisions of any Act of the Parliament of Canada for various qualities of such commodity, the appropriate grade designation for each quality of such commodity shall be conspicuously applied to the commodity, or on the covering thereof, in association with the words "Canada Standard" or initials "C.S." in such form as the Commission may by regulation prescribe: Provided that the Commission may by regulation prescribe a list of specific commodities to which, in its opinion, it is impossible to apply this paragraph, and this paragraph shall not apply to any commodity appearing in such list.

Proviso.

Penalty.

(2) Every person who applies the national trademark "Canada Standard" or initials "C.S.," to any commodity in violation of the conditions hereinbefore provided 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 corporation, and not exceeding one thousand dollars in the case of an individual and in addition in the case of an individual to imprisonment for any term not exceeding six months.

#### UNFAIR TRADE PRACTICES.

Complaints.

**20.** The Commission shall receive complaints respecting unfair trade practices and may investigate the same and, either before or after an investigation, if of opinion that the practice complained of constitutes an offence against any Dominion law prohibiting unfair trade practices, may communicate the complaint and such evidence, if any, in support thereof as is in the possession of the Commission to the Attorney General of Canada with a recommendation that all persons who are parties or privies to such offence be prosecuted for violation of the applicable Act. The Attorney General of Canada, if he concurs in such recommendation, may refer it with such complaint and such evidence, if any, either to the Director of Public Prosecutions or to the Attorney General of the province within which the offence is alleged to have been committed for such action as may seem to be appropriate in the circumstances.



## DIRECTOR OF PROSECUTIONS.

**21.** (1) The Governor in Council may appoint an officer to be called the Director of Public Prosecutions with a salary not exceeding twelve thousand dollars per annum. Appointment and salary.

(2) A person appointed as Director of Public Prosecutions shall be a barrister or advocate of at least ten years standing at the bar of any of the provinces of Canada. Barrister or advocate.

(3) The Director of Public Prosecutions shall hold office during good behaviour for a period of ten years from the date of appointment but may be removed for cause at any time by the Governor in Council. Tenure of office.

**22.** It shall be the duty of the Director of Public Prosecutions under the superintendence of the Minister of Justice Duties.

(a) to institute, at the instance of the Attorney General of Canada criminal proceedings for violation of any of the laws prohibiting unfair trade practices in cases which appear to be of importance or difficulty or in which special circumstances or the refusal or failure of any other person to institute, such proceedings appear to render the action of such Director necessary to secure the due prosecution of an offender;

(b) to give such advice or assistance to the Attorney General of any province in connection with the prosecution of offenders against laws prohibiting unfair trade practices as appears necessary to secure the prosecution of such offenders;

(c) to assist the Commission in the conduct of any investigation where it is alleged or complained that an offence against any of the laws prohibiting unfair trade practices has been or appears to be about to be committed.

## FAIR TRADE CONFERENCES.

**23.** (1) The Commission may from time to time at the instance of the Governor in Council or at the request of representative persons engaged in any industry, or of its own motion, invite persons engaged in such industry to a conference for the purpose of considering the commercial practices prevailing in such industry and determining what practices are unfair or undesirable in the interest of the industry and of any person engaged in such industry and of the general public. Conferences.

(2) The Commission may make public the general opinion of the conference or the opinion of the Commission as to and trade practice considered to be unfair or undesirable. Publication.



## CO-OPERATION WITH BOARDS OF TRADE.

Co-operation  
with boards  
of trade, etc.

**24.** The Commission may co-operate with and assist in any manner in which it deems advisable any board of trade or chamber of commerce in connection with any commercial arbitration being conducted by or under the direction or authority of such board of trade or chamber of commerce.

## ECONOMIC INVESTIGATION.

Investiga-  
tions.

**25.** The Commission shall, when so required by the Governor in Council, study, investigate, report and advise upon questions relating to the general trend of social or economic conditions or to any social or economic problem of Canada, and shall co-operate, when so required, with the Economic Council, established under *The Economic Council of Canada Act, 1935*, in connection with any economic investigation.

## GENERAL.

Provisions  
of other Acts  
applicable to  
inquiries.

**26.** All the provisions of the *Inquiries Act*, the *Combinés Investigation Act* and of the *Tariff Act*, and of any amendment thereto not repugnant to the provisions of this Act shall apply to any inquiry or investigation under this Act and the Commission shall have all the powers of a commissioner appointed under the *Inquiries Act*, except in so far as any such powers may be inconsistent with the provisions of this Act.

Publication  
of certain  
reports.

**27.** (1) The Commission shall within fifteen days after making any report, recommendation or finding under this Act make the same public in such manner as seems desirable unless the Commission is unanimously of the opinion that the public interest would not be served by publication or that the public interest would be better served by withholding publication.

Reasons.

(2) Wherever possible the Commission shall with the report, recommendation or finding make public the reasons and the facts upon which the decision is based.

Hearings.

(3) In the case of any agreement or proposed agreement for the control and regulation of prices or production, the Commission shall in such manner as seems desirable make the same public, and shall fix a date at least fifteen days from the date of publication aforesaid for hearing representations by any interested persons whether producers, consumers or others.

When  
the Act  
comes into  
force.

**28.** This Act shall come into force on the first day of October, 1935.

## 25-26 GEORGE V.

### CHAP. 60.

An Act respecting the establishment of an Exchange Fund.

[Assented to 5th July, 1935.]

**W**HEREAS, in view of the uncertainties of the international situation as to currencies and foreign exchange values, it is desirable that a fund should be constituted which will be available as occasion may arise to aid in the control and protection of the external value of the Canadian monetary unit: 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 Exchange Fund Act*. Short title.
2. In this Act unless the context otherwise requires,—
  - (a) "Current market price" means the amount realizable from the sale of gold in London or New York converted into Canadian dollars at the current rate of exchange; Definitions.  
"Current market price."
  - (b) "Minister" means the Minister of Finance. "Minister."

3. Notwithstanding the provisions of section twenty-nine of the *Bank of Canada Act*, all gold held as reserve by the Bank of Canada shall be valued by the Bank at the current market price. Valuation of gold held by Bank of Canada.  
1934, c. 43.

4. (1) Any profit resulting from the valuation of the gold in accordance with the provisions of section three of this Act, being the difference between the value of such gold held by the Bank on the date of the coming into force of this Act as computed on the basis established by the *Currency Act* and its value at current market price, shall be credited by the Bank to a special account in the name of the Minister: Provided, however, that in the case of gold transferred under subsection one of section twenty-eight of the *Bank of Canada Act* which the Governor in Council has declared under the provisions of section thirty of the said

Profit to be credited to Minister.

R.S., c. 40.

Proviso in case of gold deposited by chartered banks.

Act was at the time of the transfer being held by a chartered bank against liabilities elsewhere than in Canada, the said profit shall belong to the chartered bank and the Bank of Canada shall determine the said profit on the basis of the current market price for gold on the date of the coming into force of this Act and shall pay such profit to the chartered bank and no further profit with respect thereto shall accrue to such chartered bank, notwithstanding anything to the contrary in section thirty of the *Bank of Canada Act*.

Audit Act  
not to  
apply.  
1931, c. 27.

(2) The provisions of *The Consolidated Revenue and Audit Act, 1931*, shall not apply to the said special account during the period of its operation.

Subsequent  
increase or  
decrease—  
how dealt  
with.

5. The amount of any increase or decrease in the value of gold arising from fluctuations in the market price for gold after the coming into force of section three of this Act shall either be credited or debited, as the case may be, by the Bank to the special account.

Control of  
exchange.

6. (1) For the purpose of endeavouring to control the external value of the Canadian monetary unit or of checking undue fluctuations in its exchange value the Minister may directly or through such agencies as he may designate cause any balances in the special account to be invested in

- (a) gold;
- (b) foreign exchange as defined in section twenty-six, subsection two (b) of the *Bank of Canada Act*; and
- (c) balances with any bank in London or New York designated by the Minister of Finance.

Resale.

(2) Gold or other investments purchased under the provisions of the preceding subsection may be resold on instructions from the Minister.

When this  
section to  
come into  
force.

(3) This section shall not come into force until a date to be fixed by proclamation of the Governor in Council, published in the *Canada Gazette*.

Surplus  
funds how  
dealt with.

7. The Minister may from time to time cause any portion of the balances in the special account to be employed by the Bank of Canada in the purchase of securities of or guaranteed by the Dominion of Canada. In the exercise of the powers conferred by this section the Minister is authorized to make such arrangements as in his opinion will conduce to the immediate availability of the funds employed as aforesaid. The proceeds of all sales of investments made under the authority of this Act, and all earnings and interest accruing thereon, shall be paid into the special account and shall be available for the purposes of the account.



**8.** The Minister may, if at any time he thinks it expedient so to do, cause the said special account to be wound up forthwith, and the said account shall in any event be wound up not later than six months after the date on which Parliament resolves that the account is no longer required for the purpose for which it was established.

Winding up  
of account.

**9.** An annual audit of the special account shall be made by the Auditor General in such manner as he thinks proper, with a view to ascertaining whether the transactions in connection with the account have been in accordance with the provisions of this Act, and he shall certify to the House of Commons that in his opinion, having regard to the examination, the transactions in connection with the account have or have not been in accordance with the provisions of this Act, and that the records of the said account do or do not show truly and clearly the state of the said account.

Audit by  
Auditor  
General.

**10.** (1) No person employed in the service of His Majesty or of the Bank of Canada shall communicate or allow to be communicated to any person not legally entitled thereto under the provisions of this Act or by direction of the Minister, any information with respect to the operation of the said special account, or allow any such person to inspect or have access to any written statement with respect to the said account.

Information  
not to be  
disclosed.

(2) Any person violating any of the provisions of this section shall be liable on summary conviction to a penalty not exceeding one thousand dollars, or to imprisonment for a period not exceeding six months or to both fine and imprisonment.

Penalty.

**11.** Any expenses incurred in connection with the operation of the special account shall be paid out of the said account.

Expenses of  
operation of  
account.





## 25-26 GEORGE V.

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### CHAP. 61.

An Act relating to the application of The Farmers' Creditors Arrangement Act, 1934, in the Province of British Columbia.

[Assented to 5th July, 1935.]

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, *The Farmers' Creditors Arrangement Act, 1934*, shall cease to be in force in the Province of British Columbia, except in the case of a proposal approved by the court or confirmed by the Board of Review before the passing of this Act and with relation to any such proposal the said *The Farmers' Creditors Arrangement Act, 1934*, shall be deemed to continue in force as if this Act had not been enacted.

Operation of Act in B.C. to cease on proclamation.

Exception.

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# 25-26 GEORGE V.

## CHAP. 62.

An Act respecting Fruit, Vegetables and Honey.

[Assented to 5th July, 1935.]

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

R.S., c. 181;  
1929, c. 7;  
1931, c. 47;  
1934, c. 18.

### SHORT TITLE.

1. This Act may be cited as *The Fruit, Vegetables and Honey Act*.

Short title.

### INTERPRETATION.

2. In this Act, unless the context otherwise requires,
- (a) "broker" means any person engaged in negotiating consignments, sales or purchases for or on behalf of the vendor or purchaser respectively; Definitions.  
"Broker."
  - (b) "closed package" means any package the contents of which cannot be satisfactorily inspected without removing the cover, lid or other closing device; "Closed package".
  - (c) "commission agent" means any person who receives and handles produce on commission; "Commission agent".
  - (d) "dealer" means any person who acquires produce other than as a retailer or who acting in a representative capacity collects from two or more primary producers and in either case sells the same or consigns or transports the same for sale; "Dealer".
  - (e) "establishment" means any plant, factory or premises in which produce is canned or preserved for food for export or interprovincial trade; "Establishment".
  - (f) "export" or interprovincial trade means shipment out of Canada or out of any province to any other province thereof; "Export".
  - (g) "fruit" means fruit known botanically as such of any kind grown in Canada but does not however include any species of wild fruit in respect of which no grade is established; "Fruit".



"Grade".	(h) "grade" means any grade established pursuant to the provisions of this Act;
"Inspector".	(i) "inspector" means any person charged by the Minister with duties relating to the enforcement of this Act;
"Minister".	(j) "Minister" means the Minister of Agriculture;
"Produce".	(k) "produce" means fruit or vegetable as defined herein and honey but for the purposes of sections ten, eleven and twelve of this Act excludes honey and includes any kind of fruit or vegetable not grown in Canada;
"To pack".	(l) "to pack" means to place produce in any package for the purpose of sale;
"Vegetable".	(m) "vegetable" means any vegetable known botanically as such of any kind grown in Canada.

## REGULATIONS.

Regulations.	<b>3.</b> (1) The Minister may from time to time make regulations,
Grades.	(a) classifying and establishing grades for each kind of produce;
Inspection, etc.	(b) with respect to the inspection, grading, packages and packing, marking, shipment, advertisement and sale of produce produced within or without Canada;
Fees.	(c) prescribing fees for inspection, registration and licensing;
Operation.	(d) prescribing when and where any regulation shall be in force;
Registration.	(e) with respect to the registration of packers and of persons assembling honey;
Licences.	(f) with respect to the licensing of brokers, commission agents and dealers;
Sanitation.	(g) with respect to the cleanliness and sanitation of all premises in which produce is graded or packed or in which honey is assembled, graded or packed;
Penalties.	(h) prescribing punishment upon summary conviction for the violation of any regulation including maximum and minimum fines not exceeding two hundred dollars and imprisonment not exceeding one month for default in payment of any such fine;
General.	(i) with respect to any other matter concerning which the Minister deems any regulation necessary for the execution of the purposes of this Act.
Date of coming into force.	(2) Regulations made under this Act shall be in force from the date of their publication in the <i>Canada Gazette</i> unless otherwise provided therein.

## INSPECTION.

Inspectors.	<b>4.</b> There may be appointed from time to time in the manner authorized by law such inspectors as are necessary for the enforcement of this Act.
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5. Any inspector appointed under this Act may at any time, for the purposes of carrying into effect any provision of this Act or regulations made thereunder, Powers of inspectors.

- (a) enter any place or premises, or any steamship, vessel or boat, or any carriage, car, truck or other vehicle used for the carriage of produce;
- (b) require to be produced for inspection or for the purpose of obtaining copies thereof or extracts therefrom, any books, shipping bills, bills of lading, sales records, temperature records or other papers;
- (c) inspect any produce which is being transported by any vehicle and require the driver of any vehicle suspected to be carrying produce, to stop for the purpose of inspection;
- (d) detain for the time necessary to complete his inspection, any shipment of produce;
- (e) at the expense of the producer or packer take samples of honey from any apiary or other place where honey is prepared or packed.

6. Produce detained under this Act or regulations shall at all times be at the risk and expense of the owner, but the inspector shall immediately notify the packer, owner or person having possession of such produce, by prepaid telegram, letter or otherwise, that such produce is being detained in storage or otherwise as the case may be. Detention of produce and notice.

7. An inspection certificate purporting to be signed by an inspector shall be *prima facie* evidence of the facts stated in such certificate and conclusive evidence of the authority of the person giving or making the same without any proof of appointment or signature. Certificate to be *prima facie* evidence.

8. All produce intended for canning in any establishment shall be presented for inspection and grading as provided by the regulations. Produce intended for canning.

9. No person shall obstruct any inspector or refuse to permit produce to be inspected or give to an inspector a false name or address or other false information. Obstructing inspector.

#### LICENSING AND REGISTRATION.

10. No commission agent shall accept or offer to accept for sale on commission or otherwise deal in any produce shipped from a point outside the province in which he carries on business unless thereto licensed by the Minister. Commission agent to obtain licence.

Dealer to  
obtain  
licence.

**11.** No dealer shall ship, buy, accept or offer to accept or otherwise deal in any produce shipped from or to a point outside the province in which he carries on business unless thereto licensed by the Minister.

Broker to  
obtain  
licence.

**12.** No broker shall engage in negotiating shipments on consignment, sales or purchases of any produce from or to a point outside the province in which he carries on business for or on behalf of the vendor or purchaser unless thereto licensed by the Minister.

Registration  
of foremen  
or head  
packers.

**13.** The Minister may at the request of any provincial Growers' Association authorize the registration of foremen packers or head packers in charge of or responsible for the work of one or more persons engaged in packing of produce in orchards, packing-houses, warehouses or other premises.

Registration  
of honey  
exporters.

**14.** No person shall assemble or ship honey for export or interprovincial trade unless he be first duly registered in accord with the regulations.

#### MISCELLANEOUS.

**15.** No person shall

Transporting,  
packing,  
sale, etc.,  
to be  
according to  
Act and  
regulations.

(a) transport, pack, advertise, display or offer for sale, sell or have in his possession for sale any produce which has not been graded and inspected and, if in packages, packed and marked in accordance with the provisions of this Act and the regulations thereunder, the onus of proof of compliance with such provisions being upon the person charged;

Produce  
below  
minimum  
grade.

(b) offer or accept for shipment or ship, transport, offer for sale or sell any produce which is below the minimum grade for such kind of produce, except to a person engaged in the operation of an establishment or other manufacturing or processing plant;

Fraudulent  
grading.

(c) represent any produce which he packs, offers for sale or sells in any package to be of a certain grade, variety or class unless such produce has been graded and the package marked in accordance with the regulations;

Misrepre-  
sentation.

(d) misrepresent the grade, variety, class or origin of any produce packed, offered for sale or sold by him in any kind of package;

Fraudulent  
packing.

(e) sell or offer for sale or have in his possession for sale any produce in any package of which the faced or shown surface falsely represents the contents in that more than ten per cent of the produce is smaller in size than, or inferior in grade to, or different in variety or maturity from such faced or shown surface;



- (f) sell or offer for sale any produce in any package unless such package is well and properly filled; Packages must be full.
- (g) pilfer or carelessly handle or destroy produce in the process of packing or in transporting, warehousing or otherwise dealing therewith; Pilfering, carelessly handling, etc.
- (h) sell, expose, offer for sale or have in his possession for sale or use again for packing produce any package previously marked in accordance with the Act and regulations unless he first completely removes, erases or obliterates the previous marks; Obliterating old marks when re-using packages.
- (i) without authority Unlawfully using marks.
- (i) use any registered number or mark assigned to any other person;
- (ii) use any brand, stencil or label designating the owner, packer or shipper;
- (iii) alter, efface or obliterate or cause to be altered, effaced or obliterated, wholly or partially, any marks on any package which has been inspected;
- (iv) mark any package of produce in a manner describing or relating to the grade of the contents otherwise than as required by any regulation under this Act.

**16.** No common carrier shall receive for carriage or carry any produce to a destination without the province wherein the same is received unless such produce is accompanied by an inspection certificate or other evidence of inspection prescribed by regulation. Receiving produce for carriage not properly marked.

#### OFFENCES AND PENALTIES.

**17.** Every person shall be guilty of an offence and liable on summary conviction to a fine not exceeding one thousand dollars and not less than two hundred dollars and in default of payment of fine to imprisonment for a term not exceeding two months unless the fine is sooner paid who contravenes any provision of section nine of this Act. Offence against section 9.

**18.** Every person shall be guilty of an offence and liable on summary conviction to a fine not exceeding one thousand dollars and not less than one hundred dollars and in default of payment of fine to imprisonment for a term not exceeding two months unless the fine is sooner paid who contravenes any provision of sections ten, eleven or twelve of this Act. Offence against sections 10, 11 or 12.

**19.** Every person shall be guilty of an offence and liable on summary conviction to a fine not exceeding fifty dollars and not less than twenty-five dollars for a first offence and to a fine not exceeding one hundred dollars and not less than fifty dollars for a second offence and to a fine not exceeding two hundred dollars and not less than one hundred dollars for a third offence. Offence against sections 14, 15 or 16.



dollars for each subsequent offence and in default of payment of the fine to imprisonment for a term not exceeding one month unless the fine is sooner paid who contravenes any provision of sections fourteen, fifteen or sixteen of this Act.

Offences against Act or regulations for which no penalty is specified.

**20.** Every person shall be guilty of an offence and liable on summary conviction to a fine not exceeding fifty dollars and not less than twenty-five dollars and in default of payment of the fine to imprisonment for a term not exceeding one month unless the fine is sooner paid who contravenes any provision of this Act or regulations thereunder in respect of which no penalty is hereinbefore or in any regulation specified.

Detention of produce.

**21.** All produce and all produce packages in respect of which any offence against this Act or regulations thereunder is committed may be placed under detention by an inspector at the risk and expense of the owner until such time as such produce or produce packages comply with the provisions of this Act or regulations thereunder, or after a conviction of the owner by a court of competent jurisdiction, may be forfeited to His Majesty and may be destroyed or otherwise disposed of as the Minister may direct.

Application of fines.

**22.** Any pecuniary penalty imposed under this Act shall be payable to His Majesty in the right of the Dominion of Canada.

Jurisdiction on complaints and averments.

**23.** For the purpose of jurisdiction under the provisions of the *Criminal Code* relating to summary convictions, in any complaint, information or conviction for a violation of any of the provisions of this Act or regulations, the matter complained of may be alleged and shall be held to have arisen at the place where the produce was packed, sold, offered, exposed or had in possession for sale or transportation, as the case may be, or at the residence or usual place of residence of the accused.

Remedies preserved.

**24.** No proceedings taken under this Act or conviction recorded shall in any way affect the right of any person to any legal remedy to which he may otherwise be entitled.

#### GENERAL.

**25.** Sections fifteen and sixteen of this Act shall not apply

Vegetables excepted from sections 15 and 16.

- (a) to certified seed potatoes as the same are defined by the *Destructive Insect and Pest Act* or any regulations made in accordance with the provisions of the same;
- (b) to vegetables with the top leaves attached commonly termed "green vegetables."

## REPEAL.

**26.** The *Root Vegetables Act*, chapter one hundred and eighty-one of the Revised Statutes of Canada, 1927, and *The Fruit and Honey Act, 1934*, chapter eighteen of the statutes of 1934 are repealed. R.S., c. 181,  
1934, c. 18,  
repealed.

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## 25-26 GEORGE V.

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### CHAP. 63.

An Act to provide for limiting the Hours of Work in Industrial Undertakings to eight in the day and forty-eight in the week, in accordance with the Convention concerning the application of the principle of the Eight Hour Day or of the Forty-eight Hour Week adopted by the General Conference of the International Labour Organization of the League of Nations, in accordance with the Labour Part of the Treaty of Versailles of 28th June, 1919.

[Assented to 5th July, 1935.]

**W**HEREAS the Dominion of Canada is a signatory, as Preamble.  
Part of the British Empire, to the Treaty of Peace made between the Allied and Associated Powers and Germany, signed at Versailles, on the 28th day of June, 1919; and whereas the said Treaty of Peace was confirmed by the Treaty of Peace Act 1919; and whereas by Article 23 of the said Treaty the signatories thereto each agreed that they would endeavour to secure and maintain fair and humane conditions of labour for men, women and children, both in their own countries and in all countries to which their commercial and industrial relations extend, and by Article 427 of the said Treaty it was declared that the well-being, physical, moral and intellectual, of industrial wage-earners is of supreme importance; and whereas a Draft Convention respecting hours of work in industrial undertakings was agreed upon at a General Conference of the International Labour Organization of the League of Nations, in accordance with the relevant Articles of the said Treaty, which said Convention has been ratified by Canada; and whereas it is advisable to enact the necessary legislation to enable Canada to discharge the obligations assumed under the provisions of the said Treaty and the said Convention, and to provide for the limitation of hours of work in industrial undertakings, in accordance with the general provisions of the said Convention, and to assist in the maintenance on equitable terms of interprovincial and international trade: 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 Limitation of Hours of Work Act.*

“Industrial undertaking.”

Mines, quarries, etc.

Industries, shipbuilding, electricity or motive power.

Works of construction, maintenance, repair, etc.

Transport of passengers or goods, and handling of goods.

Eight hours in the day, forty-eight in the week.

Distinction between industry, commerce and agriculture.

Persons to whom section three does not apply.

If less than eight hours in one or more days in the week.

Proviso.

**2.** In this Act, unless the context otherwise requires, the term “industrial undertaking” includes:

- (a) Mines, quarries, and other works for the extraction of minerals from the earth;
- (b) Industries in which articles are manufactured, altered, cleaned, repaired, ornamented, finished, adapted for sale, broken up or demolished, or in which materials are transformed; including shipbuilding and the generation, transformation, and transmission of electricity or motive power of any kind;
- (c) Construction, reconstruction, maintenance, repair, alteration, or demolition of any building, railway, tramway, harbour, dock, pier, canal, inland waterway, road, tunnel, bridge, viaduct, sewer, drain, well, telegraphic or telephonic installation, electrical undertaking, gas work, waterwork or other work of construction, as well as the preparation for or laying the foundations of any such work or structure;
- (d) Transport of passengers or goods by road or rail, including the handling of goods at docks, quays, wharves or warehouses, but excluding transport by hand.

**3.** (1) No person shall employ or require or permit any person to work in any public or private industrial undertaking or in any branch thereof other than an undertaking in which only members of the same family are employed for hours in excess of eight in the day and forty-eight in the week except in the cases hereinafter provided for.

(2) The Governor in Council may define the line of division which separates industry from commerce and agriculture for the purpose of determining the employers and the employees to whom this Act shall apply.

**4.** The provisions of section three of this Act shall not apply to persons holding positions of supervision or management, nor to persons employed in a confidential capacity.

**5.** Where by law, custom, or agreement between employers' and workers' organizations, or, where no such organizations exist, between employers' and workers' representatives, the hours of work on one or more days of the week are less than eight, the limit of eight hours may be exceeded on the remaining days of the week by the sanction of the Governor in Council or by agreement between such organizations or representatives: Provided, however, that in no such case shall the daily limit of eight hours be exceeded by more than one hour.

6. Where persons are employed in shifts it shall be permissible to employ persons in excess of eight hours in any one day and forty-eight hours in any one week if the average number of hours over a period of three weeks or less does not exceed eight per day and forty-eight per week.

Persons employed in shifts.

7. The limit of hours of work prescribed in this Act may be exceeded in case of accident, actual or threatened, or in case of urgent work to be done to machinery or plant, or in case of *vis major*, but only so far as may be necessary to avoid serious interference with the ordinary working of the undertaking.

Urgency or *vis major*.

8. The limit of hours of work prescribed in this Act may be exceeded in those processes which are required, by reason of the nature of the process, to be carried on continuously by a succession of shifts: Provided, however, that the working hours shall not exceed fifty-six in the week on the average. Such regulation of the hours of work shall in no case affect any rest days which may be secured by the law of Canada to the workers in such processes in compensation for the weekly rest day.

In case of continuity by a succession of shifts.

Proviso.

9. The Governor in Council may, in exceptional cases where it is recognized that the daily limit of hours of work cannot be applied and agreements between workers' and employers' organizations to increase the daily limit have been made, give effect to such agreements and permit in such cases the said daily limit of hours to be exceeded: Provided, however, that the average number of hours per week over the number of weeks covered by such agreement shall not exceed forty-eight; and provided, further, that in case such an agreement has been made prior to the thirty-first day of December, 1934, between a railway company and any employees' organization which embodies the basic principle of eight hours as the daily period of employment, the provisions of such agreement relating to the hours of employment shall, notwithstanding anything contained in this Act, continue in force for a period of three months from the date of the coming into force of this Act.

Exceptional cases.

Proviso.

10. (1) Whenever the Governor in Council, after consultation as required by the Convention mentioned in the preamble to this Act has been had, is satisfied that the work, or any class of work, in any industrial undertaking or class of industrial undertakings is—

Regulations may except employment in any industry under prescribed conditions.

(a) preparatory or complementary, so that it must necessarily be carried on outside the limits laid down for the general working of an establishment; or

- (b) essentially intermittent, as when it—
- (i) does not require that the worker be continuously occupied during the hours of employment; or
  - (ii) is such that it must necessarily be performed in variable periods of employment; or
  - (iii) is, in its nature, either seasonal or subject to intervals of discontinuance or to variations in the supply of raw materials; or
- (c) exceptional, owing to pressure of work for the time being;

the Governor in Council may, by regulation, except all or any employment at such work or class of work in such industrial undertaking or class of industrial undertakings from application thereto of the limits of hours fixed by this Act.

Fair and humane conditions of labour.

(2) Such regulations shall provide so that fair and humane conditions of labour, with relation to hours of work, shall prevail in such excepted employment, and so that any regulation made by reason of pressure of work shall be temporary in character.

Maximum of hours.

(3) Whenever it is practicable the maximum of additional hours permitted under this section shall be fixed by the regulations, and in such case the rate of pay for overtime shall not be less than one and one quarter times the regular rate.

Pay for overtime.

Duties of employers.

**11.** Every employer shall,

Notices of hours of work.

(a) notify by means of the posting of notices in conspicuous places in the works or other suitable place or by such other method as may be approved by the Governor in Council, the hours at which work begins and ends and where work is carried on by shifts, the hours at which each shift begins and ends. These hours shall be so fixed that the duration of the work shall not exceed the limits prescribed by this Act, and when so notified they shall not be changed except with such notice and in such manner as may be approved by the Governor in Council;

Notices of rest intervals.

(b) notify in the same way such rest intervals accorded during the period of work as are not reckoned as part of the working hours;

Record of additional hours.

(c) keep a record in the form prescribed by or under the authority of the Governor in Council, of all additional hours worked, as permitted under sections seven and ten of this Act.

Regulations to be published.

**12.** Regulations of the Governor in Council made under this Act shall be published in the *Canada Gazette*.

**13.**



**13.** Every employer who violates, or fails or omits to comply with any provision of this Act or of any regulation made thereunder, shall be guilty of an offence against this Act and for each offence be liable on summary conviction to a fine not exceeding one hundred dollars in addition to any other penalty prescribed by law for the same offence.

Offences  
and  
penalties.

**14.** Nothing in this Act contained shall be construed as relieving any employer from any obligation under any provincial statute establishing shorter hours of work than those established under this Act.

Provincial  
statutes  
fixing  
shorter  
hours not  
affected.

**15.** This Act shall come into force three months after the date on which it is assented to.

When Act  
comes into  
force.

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## 25-26 GEORGE V.

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### CHAP. 64.

An Act to amend The Natural Products Marketing Act,  
1934.

[Assented to 5th July, 1935.]

**H**IS 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 Natural Products Marketing Act Amendment Act, 1935*.

**2.** Section two of *The Natural Products Marketing Act, 1934*, is amended by repealing paragraph (e) thereof and substituting the following:—

“(e) ‘natural product’ includes animals, meats, eggs, wool, dairy products, grains, seeds, fruit and fruit products, vegetables and vegetable products, maple products, honey, tobacco, lumber and such other natural product of agriculture and of the forest, sea, lake or river and such article of food or drink wholly or partly manufactured or derived from any such product, and such article wholly or partly manufactured or derived from a product of the forest as may be designated by the Governor in Council.”

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

“(9) The Governor in Council may from time to time authorize payment to the Board out of moneys to be appropriated by Parliament of such sums of money as may be necessary to assist in the organization of local boards, to make loans to local boards upon such terms as the Governor in Council approves, for the purpose of defraying operating expenses pending the receipt of charges and tolls, and to defray the operating expenses of the Board incurred by it directly and any expenditure incurred or authorized by the Board under the authority of section nine.”

4. Section four of the said Act is amended by adding thereto the following subsection:—

Equalization  
of returns.

“(9) Notwithstanding any provision of this Act, any scheme of regulation may provide solely for equalization to any extent, as between the producers, of the returns received from the sale of the regulated product.”

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

Failure to  
comply with  
orders or  
determina-  
tions or  
regulations.

“14. (1) Every person who fails to comply with any order or determination of the Board or of a local board or any regulation of the Governor in Council shall be guilty of an offence and punishable on summary conviction with a fine of not less than twenty-five dollars and not more than five hundred dollars, or to imprisonment not exceeding three months, or to both fine and imprisonment.

Burden of  
proof upon  
accused.

(2) In any prosecution under this Act or under any regulation it shall not be necessary for the prosecuting authority to prove that the product in respect of which the prosecution is instituted was produced within that part of Canada to which the scheme relates, and if the accused person pleads or alleges that the product was not produced within that part of Canada to which the scheme relates, the burden of proof thereof shall be upon the accused person.”

## 25-26 GEORGE V.

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### CHAP. 65.

#### An Act respecting Radio Broadcasting.

[Assented to 5th July, 1935.]

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

1932, c. 51;  
1932-33, c. 35;  
1934, c. 60;  
1935, c. 24.

1. (1) The provisions of sections one, two and three of chapter thirty-five of the statutes of 1932-33 shall be deemed always to have been and hereafter they shall be, operative and in force only until the thirty-first day of March, 1936.

Provisions  
operative  
to 31 March,  
1936.

(2) Section four of chapter thirty-five of the statutes of 1932-33 and chapter sixty of the statutes of 1934 and chapter twenty-four of the statutes of 1935 are wholly repealed.

Sections  
and  
chapters  
repealed.

(3) On and after the first day of April, 1936, chapter fifty-one of the statutes of 1932 shall be read as if chapter thirty-five of the statutes of 1932-33 and chapter sixty of the statutes of 1934 and chapter twenty-four of the statutes of 1935 had, respectively, never been enacted.

Construction.





## 25-26 GEORGE V.

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### CHAP. 66.

An Act to amend the Soldier Settlement Act.

[Assented to 5th July, 1935.]

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;  
1932, c. 53;  
1932-33, c. 49;  
1934, c. 41.

1. The *Soldier Settlement Act*, chapter one hundred and eighty-eight of the Revised Statutes of Canada, 1927, is amended by adding to section five thereof the following subsection:—

“(3) Any officer, instructor, clerk, stenographer or other employee attached on the first day of July, 1935, to the service of the Director of Soldier Settlement whose position is in a report in writing of the Director of Soldier Settlement certified to be of indeterminate duration and who upon the recommendation of the Treasury Board is designated by the Governor in Council shall, notwithstanding anything contained in the *Civil Service Act*, be deemed to be a permanent employee and shall upon such designation become subject in all respects to the *Civil Service Act*.”

Certain officers deemed to be permanent employees.

R.S., c. 22.

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