

13, 1952

In the Privy Council.

ON APPEAL
FROM THE SUPREME COURT OF CANADA

BETWEEN

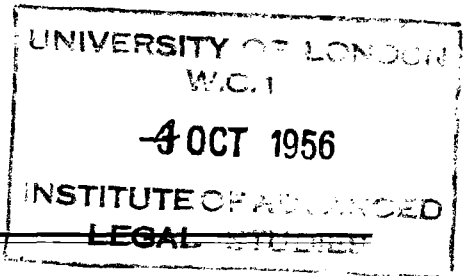
THE ATTORNEY-GENERAL OF CANADA and THE
CANADIAN WHEAT BOARD - - - - - *Appellants*

AND

HALLET AND CAREY LIMITED and JEREMIAH
J. NOLAN - - - - - *Respondents*

APPENDIX OF STATUTES, ETC.

CHARLES RUSSELL & CO.,
37 NORFOLK STREET,
STRAND, W.C.2,
Solicitors for the Appellants.



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 WHEAT BOARD - - - - - *Appellants*

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INDEX OF REFERENCE

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No. 1.

CHAPTER 206.

An Act to confer certain powers upon the Governor in Council in the event of War, Invasion, or Insurrection.

SHORT TITLE.

1. This Act may be cited as the War Measures Act, 1914 (2nd session), c. 2, s. 1. Short title.

EVIDENCE OF WAR.

10 2. The issue of a proclamation by His Majesty, or under the authority of the Governor in Council shall be conclusive evidence that war, invasion or insurrection, real or apprehended, exists and has existed for any period of time therein stated, and of its continuance, until by the issue of a further proclamation it is declared that the war, invasion or insurrection no longer exists. 1914 (2nd session), c. 2, s. 4. Evidence of war, etc.

POWERS OF THE GOVERNOR IN COUNCIL.

20 3. The Governor in Council may do and authorize such acts and things, and make from time to time such orders and regulations, as he may by reason of the existence of real or apprehended war, invasion or insurrection deem necessary or advisable for the security, defence, peace, order and welfare of Canada ; and for greater certainty, but not so as to restrict the generality of the foregoing terms, it is hereby declared that the powers of the Governor in Council shall extend to all matters coming within the classes of subjects hereinafter enumerated, that is to say :— Special powers of Governor in Council.

- (a) Censorship and the control and suppression of publications, writings, maps, plans, photographs, communications and means of communication ;
- (b) Arrest, detention, exclusion and deportation ;
- (c) Control of the harbours, ports and territorial waters of Canada and the movements of vessels ;
- 30 (d) Transportation by land, air, or water and the control of the transport of persons and things ;
- (e) Trading, exportation, importation, production and manufacture ;
- (f) Appropriation, control, forfeiture and disposition of property and of the use thereof.

40 2. All orders and regulations made under this section shall have the force of law, and shall be enforced in such manner and by such courts, officers and authorities as the Governor in Council may prescribe, and may be varied, extended or revoked by any subsequent order or regulation ; but if any order or regulation is varied, extended or revoked, neither the previous operation thereof nor anything duly done thereunder, shall be affected thereby, nor shall any right, privilege, obligation or liability acquired, accrued, accruing or incurred thereunder be affected by such variation, extension or revocation. 1914 (2nd session), c. 2, s. 6.

Imposing penalties.

4. The Governor in Council may prescribe the penalties that may be imposed for violations of orders and regulations made under this Act, and may also prescribe whether such penalties shall be imposed upon summary conviction or upon indictment, but no such penalty shall exceed a fine of five thousand dollars or imprisonment for any term not exceeding five years, or both fine and imprisonment. 1914 (2nd session), c. 2, s. 10.

Release of arrested alien forbidden.

5. No person who is held for deportation under this Act or under any regulation made thereunder, or is under arrest or detention as an alien enemy, or upon suspicion that he is an alien enemy, or to prevent his departure from Canada, shall be released upon bail or otherwise discharged or tried, without the consent of the Minister of Justice. 1914 (2nd session), c. 2, s. 11. 10

Limitation.

6. The provisions of the three sections last preceding shall only be in force during war, invasion, or insurrection, real or apprehended. 1914 (2nd session), c. 2, s. 3.

PROCEDURE.

Fixing compensation.

7. Whenever any property or the use thereof has been appropriated by His Majesty under the provisions of this Act, or any order in council, order or regulation made thereunder, and compensation is to be made therefor and has not been agreed upon, the claim shall be referred by the Minister of Justice to the Exchequer Court, or to a superior or county court of the province within which the claim arises, or to a judge of any such court. 1914 (2nd session), c. 2, s. 7. 20

Forfeitures.

8. Any ship or vessel used or moved, or any goods, wares or merchandise dealt with, contrary to any order or regulation made under this Act, may be seized and detained and shall be liable to forfeiture, at the instance of the Minister of Justice, upon proceedings in the Exchequer Court of Canada or in any superior court. 1914 (2nd session), c. 2, s. 8.

Rules.

9. Every court mentioned in the two sections last preceding may make rules governing the procedure upon any reference made to, or proceedings taken before, such court or a judge thereof under the said sections. 1914 (2nd session), c. 2, s. 9. 30

No. 2.

9-10 GEORGE VI.

CHAP. 25.

An Act to confer certain transitional powers upon the Governor in Council during the National Emergency arising out of the War.

[Assented to 18th December, 1945.]

Preamble.
R.S., c. 206.

WHEREAS the *War Measures Act* provides that the Governor in Council may do and authorize such acts and things, and make from time to time 40

such orders and regulations, as he may by reason of the existence of real or apprehended war deem necessary or advisable for the security, defence, peace, order and welfare of Canada; And whereas during the national emergency arising by reason of the war against Germany and Japan measures have been adopted under the *War Measures Act* for the military requirements and security of Canada and the maintenance of economic stability; And whereas the national emergency arising out of the war has continued since the unconditional surrender of Germany and Japan and is still continuing; And whereas it is essential in the national interest that certain transitional powers continue to be exercisable by the Governor in Council during the continuation of the exceptional conditions brought about by the war and it is preferable that such transitional powers be exercised hereafter under special authority in that behalf conferred by Parliament instead of being exercised under the *War Measures Act*; And whereas in the existing circumstances it may be necessary that certain acts and things done and authorized and certain orders and regulations made under the *War Measures Act* be continued in force and that it is essential that the Governor in Council be authorized to do and authorize such further acts and things and make such further orders and regulations as he may deem necessary or advisable by reason of the emergency and for the purpose of the discontinuance, in an orderly manner as the emergency permits, of measures adopted during and by reason of the emergency: 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 National Emergency Transitional Powers Act, 1945.* Short title.

POWERS OF GOVERNOR IN COUNCIL.

2.—(1) The Governor in Council may do and authorize such acts and things, and make from time to time such orders and regulations, as he may, by reason of the continued existence of the national emergency arising out of the war against Germany and Japan, deem necessary or advisable for the purpose of— Powers of G. in C.

- (a) providing for and maintaining the armed forces of Canada during the occupation of enemy territory and demobilization and providing for the rehabilitation of members thereof,
- (b) facilitating the readjustment of industry and commerce to the requirements of the community in time of peace;
- (c) maintaining, controlling and regulating supplies and services, prices, transportation, use and occupation of property, rentals, employment, salaries and wages to ensure economic stability and an orderly transition to conditions of peace;
- (d) assisting the relief of suffering and the restoration and distribution of essential supplies and services in any part of His Majesty's dominions or in foreign countries that are in grave distress as the result of the war; or
- (e) continuing or discontinuing in an orderly manner, as the emergency permits, measures adopted during and by reason of the war.

Orders and regulations.

(2) All orders and regulations made under this Act or pursuant to authority created under this Act have the force of law while this Act is in force and, together with orders and regulations made under the *War Measures Act* or pursuant thereto, shall, for the purposes of the *Interpretation Act*, be deemed to be regulations.

R.S., c. 206.
R.S., c. 1.

Orders to be laid before Parliament.

(3) Every order in council made under this Act shall be laid before Parliament within fifteen days after it has been made if Parliament is then sitting, or if Parliament is not then sitting, within fifteen days after the commencement of the next ensuing session thereof and if the Senate and House of Commons within the period of forty days, beginning with the day on which any such order in council is laid before Parliament and excluding any time during which Parliament is dissolved or prorogued or during which both the Senate and House of Commons are adjourned for more than four days, resolve that it be annulled, it shall cease to have effect, but without prejudice to its previous operations or anything duly done or suffered thereunder or any offence committed or any penalty or forfeiture or punishment incurred. 10

May be annulled.

Publication of orders in council.

(4) Every order in council made under this Act shall be published forthwith in Statutory Orders and Regulations.

Penalties.

3.—(1) The Governor in Council may prescribe penalties by way of fine or by way of imprisonment for a term not exceeding five years, or by way of both fine and such imprisonment, that may be imposed for violation of orders or regulations made under this Act and may also prescribe whether, and the circumstances in which, the said penalties shall be imposed upon summary conviction or upon indictment or upon either summary conviction or indictment. 20

Seizure and detention of property.

(2) Any goods, wares or merchandise dealt with contrary to any order or regulation made under this Act may be seized and detained and shall be liable to forfeiture at the instance of the Minister of Justice, upon proceedings in the Exchequer Court of Canada, or in any Superior Court, and any such Court may make rules governing the procedure upon any proceedings taken before such Court or a Judge thereof under this section. 30

Orders and regulations under War Measures Act, continued.

4. Without prejudice to any other power conferred by this Act, the Governor in Council may order that the orders and regulations lawfully made under the *War Measures Act* or pursuant to authority created under the said Act in force immediately before the day this Act comes into force shall, while this Act is in force, continue in full force and effect subject to amendment or revocation under this Act.

COMMENCEMENT AND DURATION.

Coming into force.

5. This Act shall come into force on the first day of January, one thousand nine hundred and forty-six, and on and after that day the war against Germany and Japan shall, for the purposes of the *War Measures Act*, be deemed no longer to exist. 40

Termination of war.

Expiration of Act.

6.—(1) Subject as hereinafter provided, this Act shall expire on the thirty-first day of December, one thousand nine hundred and forty-six, if Parliament meets during November or December, one thousand nine hundred and forty-six, but if Parliament does not so meet it shall expire on the fifteenth day after Parliament first meets during the year one

thousand nine hundred and forty-seven; provided that, if at any time while this Act is in force, addresses are presented to the Governor General by the Senate and House of Commons respectively, praying that this Act should be continued in force for a further period, not in any case exceeding one year, from the time at which it would otherwise expire and the Governor in Council so orders, this Act shall continue in force for that further period.

Addresses for continuation.

(2) Section nineteen of the *Interpretation Act* shall apply upon the expiry of this Act as if this Act had then been repealed.

Application of s. 19 of R.S., c. 1.

10 7. In this Act "war with Germany and Japan" means the war that commenced on the tenth day of September one thousand nine hundred and thirty-nine against the German Reich and subsequently against Italy, Finland, Hungary, Rumania and Japan.

"war with Germany and Japan."

No. 3.

10 GEORGE VI.

CHAP. 60.

An Act to amend The National Emergency Transitional Powers Act, 1945.

[Assented to 31st August, 1946.]

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

1945 (2nd Sess.), c. 25.

20 1. Section six of *The National Emergency Transitional Powers Act*, 1945, chapter twenty-five of the statutes of 1945 (second session), is repealed and the following substituted therefor:—

“6.—(1) Subject as hereinafter provided, this Act shall expire on the thirty-first day of December, one thousand nine hundred and forty-six, if Parliament meets during November or December, one thousand nine hundred and forty-six, but if Parliament does not so meet it shall expire on the sixtieth day after Parliament first meets during the year one thousand nine hundred and forty-seven or on the thirty-first day of March, one thousand nine hundred and forty-seven, whichever date is the earlier: Provided that, if at any time while this Act is in force, addresses are presented to the Governor General by the Senate and House of Commons respectively, praying that this Act should be continued in force for a further period, not in any case exceeding one year, from the time at which it would otherwise expire and the Governor in Council so orders, this Act shall continue in force for that further period.

Continuation.

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(2) Section nineteen of the *Interpretation Act* shall apply upon the expiry of this Act as if this Act had then been repealed.”

Application of s. 19 of R.S., c. 1.

11 GEORGE VI.

CHAP. 16.

An Act to provide for the Continuation of certain Orders and Regulations of the Governor in Council for a limited period during the National Emergency arising out of the War.

[Assented to 14th May, 1947.]

- Preamble. 1945 (2nd Sess.), c. 25. R.S., c. 206. WHEREAS Parliament, in view of the continuation of the national emergency arising out of the war, by *The National Emergency Transitional Powers Act, 1945*, conferred upon the Governor in Council certain transitional powers, pursuant to which the Governor in Council has continued in force certain orders and regulations made under the *War Measures Act* and has made other orders and regulations; And whereas the national emergency arising out of the war, in certain aspects, has continued since the unconditional surrender of Germany and Japan and is still continuing; And whereas provision is made for the expiry of *The National Emergency Transitional Powers Act, 1945*; And whereas it is necessary by reason of the existing national emergency that certain orders and regulations of the Governor in Council made under the *War Measures Act* and *The National Emergency Transitional Powers Act, 1945*, be continued in force temporarily notwithstanding the expiry of *The National Emergency Transitional Powers Act, 1945*, in order to ensure an orderly transition from war to peace: 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 Continuation of Transitional Measures Act, 1947*.
- Orders and regulations continued in force. 1945 (2nd Sess.), c. 25. 2.—(1) Subject to section four of this Act the orders and regulations of the Governor in Council specified in the Schedule to this Act shall, notwithstanding the expiry of *The National Emergency Transitional Powers Act, 1945*, continue and be in force while this Act is in force.
- Orders and regulations amended. (2) Notwithstanding subsection one of this section, the orders and regulations specified in the said Schedule shall be read and construed as if the provisions set forth in the column of the said Schedule entitled "Amendments" had been duly enacted as amendments thereto to take effect from the commencement of this Act.
- Employment of necessary persons. 3.—(1) The Governor in Council may appoint such persons in connection with the administration of any order or regulation continued in force by this Act, as he considers necessary, and may fix their compensation.
- Persons deemed appointed under this Act. (2) All persons appointed under the *War Measures Act* or *The National Emergency Transitional Powers Act, 1945*, in connection with the administration of any of the orders or regulations continued in force by this Act and who, immediately before the expiry of *The National Emergency*

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Transitional Powers Act, 1945, had not ceased to perform the duties for which they were appointed, shall be deemed to have been appointed pursuant to the provisions of this Act.

4. The Governor in Council may revoke in whole or in part any order or regulation continued in force by or made under this Act. Orders and regulations may be revoked.
5. Every order of the Governor in Council made under this Act shall be published forthwith in Part II of the *Canada Gazette*. Publication of orders.
6. This Act shall come into force immediately after the expiry of *The National Emergency Transitional Powers Act, 1945*. Coming into force.
- 10 7. Subject as hereinafter provided, this Act shall expire on the thirty-first day of December, one thousand nine hundred and forty-seven, if Parliament meets during November or December, one thousand nine hundred and forty-seven, but if Parliament does not so meet it shall expire on the sixtieth day after Parliament first meets during the year one thousand nine hundred and forty-eight or on the thirty-first day of March, one thousand nine hundred and forty-eight, whichever date is the earlier : Provided that, if at any time while this Act is in force, addresses are presented to the Governor General by the Senate and House of Commons respectively, praying that this Act should be continued in force for a
20 further period, not in any case exceeding one year, from the time at which it would otherwise expire and the Governor in Council so orders, this Act shall continue in force for that further period.
- 8.—(1) All orders and regulations continued in force by or made under the authority of this Act shall for the purposes of the *Interpretation Act* be deemed to be regulations. Orders and regulations. R.S., c. 1.
- (2) Section nineteen of the *Interpretation Act* shall apply upon the expiry of this Act as if this Act had then been repealed. Effect of expiry.

SCHEDULE.

ORDERS AND REGULATIONS OF THE GOVERNOR IN COUNCIL.

Orders in Council		Subject-Matter	Amending Orders in Council	
P.C. No.	Date.		P.C. No.	Date.
5424	14/ 7/44	DEPARTMENT OF AGRICULTURE. Agricultural Food Board—regulations respecting recovery of subsidies		
6759	6/11/45	The Repayment of Subsidy (Agricultural Products) Regulations		
		CIVIL SERVICE COMMISSION.		
8541½	1/11/41	Preference respecting appointments to Civil Service—ex-servicemen of present war as amended by :.....	4320	20/ 6/45
15/1647	9/ 3/45	“ Veterans preference ” respecting appointments to the Civil Service—service on the high seas in a sea-going ship of war		
16/1647	9/ 3/45	“ Veterans preference ” respecting appointments to the Civil Service—not applicable certain classes in Naval Forces.		
20/6173	21/ 9/45	Civil Service—war service preference—certain persons excluded as amended by :.....	29/1046	22/ 3/46
30/7500	29/12/45	“ Veterans’ preference ” respecting appointments to the Public Service as amended by :.....	19/3727	5/ 9/46

SCHEDULE—Continued.
ORDERS AND REGULATIONS—Continued.

Orders in Council		Subject-Matter	Amending Orders in Council	Amendments
P.C. No.	Date.		P.C. No.	Date.
394	20/ 1/42	DEPARTMENT OF FINANCE. Anthracite coal—importation exempted from customs duty as extended by :.....	3472	28/ 4/42
8042	9/ 9/42	Coke made from coal exempt from War Exchange Tax when used as a fuel for cooking or baking foods or for heating buildings, etc.		
9058	6/10/42	Bagging material, etc., importation exempt from customs duty.		
9781	24/12/43	Well-drilling machinery, etc., tariff treatment..		
8528	1/11/41	WARTIME PRICES AND TRADE BOARD. Wartime Prices & Trade Regulations as amended by :.....	8762 8837 9030 5092 5109 10277 11595 3206	10/11/41 13/11/41 19/11/41 15/ 6/42 16/ 6/42 10/11/42 22/12/42 22/ 4/43

The Wartime Prices and Trade Regulations established by P.C. 8528 are amended by revoking subsections one and two of section fifteen thereof and substituting the following therefor :—

“ 15.—(1) No member of the Board, Administrator or other person employed or appointed by the Board or acting on behalf of or under the authority of the Board shall be liable for any act or omission in the exercise or performance or purported exercise or performance, in good faith and on reasonable grounds, of any power, discretion, authority or duty conferred or imposed by or under these regulations.”

SCHEDULE—Continued.
ORDERS AND REGULATIONS—Continued.

Orders in Council		Subject-Matter	Amending Orders in Council		Amendments
P.C. No.	Date.		P.C. No.	Date.	
		WARTIME PRICES AND TRADE BOARD —Continued.			
		Wartime Prices & Trade Regulations—Concluded as amended by :.....	6808 6242 8910 385 4410 60 392	30/ 8/43 18/ 8/44 24/11/44 18/ 1/45 22/ 6/45 7/ 1/47 31/ 1/47	<p>“(2) No proceedings by way of injunction, mandatory order, mandamus, prohibition or certiorari, shall be instituted against any member of the Board, Administrator or other person employed or appointed by the Board, or acting on behalf of or under the authority of the Board for or in respect of any act or omission of himself or any other person in the exercise or purported exercise of any power, discretion or authority or in the performance or purported performance of any duty conferred or imposed by or under these regulations or otherwise heretofore conferred or imposed by the Governor in Council.”</p>
9029	21/11/41	Wartime Leasehold Regulations as amended by :.....	3366 8973 3207 7570	24/ 4/42 1/10/42 22/ 4/43 1/10/43	

SCHEDULE—Continued.
ORDERS AND REGULATIONS—Continued.

Orders in Council	Subject-Matter	Amending Orders in Council	Amendments
P.C. No.	Date.	P.C. No.	Date.
	WARTIME PRICES AND TRADE BOARD <i>—Continued.</i>		
9870	17/12/41 Authorizing incorporation of Commodities Corporation as amended by :.....	6234 386 4409 5234 391	8/ 8/44 18/ 1/45 22/ 6/45 23/12/46 31/ 1/47
7475	26/ 8/42 Regulations of Corporation as amended by :.....	5863 39 5273 390 1711	7/ 7/42 6/ 1/44 26/ 7/45 31/ 1/47 29/ 4/47

The Regulations respecting Commodities Corporation made and established by P.C. 7475 are amended by revoking section six thereof and substituting the following therefor :—

" 6.—(1) No director, officer, clerk or employee of the corporation and no person acting on behalf of or under the authority or supervision of the corporation shall be liable for any act or omission in the exercise or performance or purported exercise or performance, in good faith and on reasonable grounds, of any power, discretion, authority or duty conferred or imposed by or under these regulations.

(2) No proceedings by way of injunction, mandatory order, mandamus, pro-

SCHEDULE—Continued.
ORDERS AND REGULATIONS—Continued.

Orders in Council		Subject-Matter	Amending Orders in Council		Amendments
P.C. No.	Date.		P.C. No.	Date.	
		WARTIME PRICES AND TRADE BOARD —Continued.			
5518	16/ 7/43	Repayment of Subsidy Order as amended by :.....	3039 7460	27/ 4/44 28/12/45	hibition or certiorari, shall be instituted against the corporation or any director, officer or employee thereof or any person acting under the authority of the corporation for or in respect of any act or omission of itself, himself or any other person in the exercise or purported exercise of any power, discretion or authority or in the performance or purported performance of any duty conferred or imposed by or under these regulations or otherwise heretofore conferred or imposed by the Governor in Council;’
6497	17/ 8/43	Ration coupon Banking as amended by :.....	626	3/ 2/44	The Repayment of Subsidy Order contained in P.C. 5518 is amended by revoking paragraph (b) of subsection two of section eight thereof and substituting the following therefor :— “(b) does or omits any act for the purpose of aiding any person to commit the offence.”

SCHEDULE—Continued.
ORDERS AND REGULATIONS—Continued.

Orders in Council		Subject-Matter	Amending Orders in Council	Amendments
P.C. No.	Date.		P.C. No.	Date.
34/4433	10/ 6/44	WAR-TIME PRICES AND TRADE BOARD —Concluded.		
3122	25/ 7/46	Gov't Employees Compensation Act extended to C.P.S.C. etc., employees Consolidation of Supplementary Regulations		
328	28/ 1/47	Canadian Sugar Stabilization Corporation Ltd. DEPARTMENT OF FISHERIES.		
6289	6/ 8/43	Regulations for control of salt fish and appoint- ments thereunder.		
4112	30/ 5/44	Enacting the Pelagic Sealing Regulations.		
251	13/ 1/42	Fishing licence—prohibited to persons of Japanese racial origin. DEPARTMENT OF JUSTICE.		
4600	7/ 6/43	Authorizing appeals in cases involving breaches of wartime regulations as amended by :.....	6713	25/ 8/44
6223	6/ 8/43	Notice to Attorneys General of Canada and of province in certain cases		

SCHEDULE—Continued.
ORDERS AND REGULATIONS—Continued.

Orders in Council		Subject-Matter	Amending Orders in Council		Amendments
P.C. No.	Date.		P.C. No.	Date.	
1003	17/ 2/44	DEPARTMENT OF LABOUR. Wartime Labour Relations Regulations as amended by :	6893 690 3220 125 302	1/ 9/44 1/ 2/45 30/ 7/46 14/ 1/47 30/ 1/47	
946	5/ 2/43	Evacuation and relocation of persons of the Japanese race in Canada as amended by :	9743 5687 5793 5973 270	24/12/43 16/ 8/45 18/12/45 14/ 9/45 23/ 1/47	
7355	15/12/45	Financial assistance to voluntary repatriates to Japan and for liquidation and transfer of their assets to Japan as amended by :	268	23/ 1/47	
7167	15/ 9/43	DEPARTMENT OF MINES AND RESOURCES Reserves to the Crown radio-active substances in Yukon Territory			
7168	15/ 9/43	Reserves to the Crown radio-active substances in Northwest Territories			

SCHEDULE—Continued.
ORDERS AND REGULATIONS—Continued.

Orders in Council	Subject-Matter	Amending Orders in Council	Amendments
P.C. No.	Date.	P.C. No.	Date.
6638	23/10/45		
	DEPARTMENT OF NATIONAL DEFENCE. Post-discharge benefits to the members of the Armed Forces serving in an interim force.		
3617	27/8/46		
	Naval, Military and Air Force Estates Regulations, 1946.		
349	31/1/47		
	Regulations respecting claims by or against the Crown involving members of the Naval, Military or Air Forces of Canada (Overseas).		
363	31/1/47		
	Consolidated regulations respecting salvage services by H.M.C. Ships.		
	DEPARTMENT OF NATIONAL HEALTH AND WELFARE.		
6367	10/8/43		
	Old Age Pensions.		
8341	28/10/43		
	Old Age Pensions.		
3377	29/5/44		
6500	18/8/44		
	Old Age Pensions.		
	DEPARTMENT OF RECONSTRUCTION AND SUPPLY		
1609	23/4/46	337	31/1/47
	Construction Materials Regulations established, as amended by :.....		The Regulations Respecting Construction materials established by P.C. 1609 are amended by revoking section six thereof.

SCHEDULE—Continued.
ORDERS AND REGULATIONS—Continued.

Orders in Council	Subject-Matter	Amending Orders in Council	Amendments
P.C. No. 9439	DEPARTMENT OF RECONSTRUCTION AND SUPPLY—Continued. Emergency Shelter Regulations as amended by :.....	Date. 19/12/44	Date. 22/ 2/45 20 /6/45 7/ 5/46 31/ 1/47
P.C. No. 1173 4408 1811 389			The Emergency Shelter Regulations established by P.C. 9439 are amended by revoking section nine thereof and substituting the following therefor :— “ 9 (1) No member of the Board, Administrator or other person employed or appointed by the Board or acting under the authority of the Board shall be liable for any act or omission in the exercise or performance or purported exercise or performance, in good faith and on reasonable grounds, of any power, discretion, authority or duty conferred or imposed by or under these regulations. (2) No proceedings by way of injunction, mandatory order, mandamus, prohibition or certiorari, shall be instituted against any member of the Board, Administrator or other person employed or appointed by the Board or acting under the authority of the Board for or in respect of any act or omission of himself or any other person in the exercise or purported exercise of any power, discretion or authority or in the performance or purported performance of any duty conferred or imposed by or under these regulations or otherwise heretofore conferred or imposed by the Governor in Council.”

SCHEDULE—Continued.
ORDERS AND REGULATIONS—Continued.

Orders in Council	Subject-Matter	Amending Orders in Council	Amendments
P.C. No.	Date.	P.C. No.	Date.
7502	28/12/45		
	Emergency Shelter Regulations transferred to Central Mortgage and Housing Corporation.		
3	4/ 1/44		
	Wartime Industries Control Regulations as amended by:.....	6355	11/ 8/44
		346	16/ 1/45
		897	13/ 2/45
		7156	29/11/45
		477	7/ 2/47

The Wartime Industries Control Regulations established by P.C. 3 are amended by revoking subsection two of section seven and subsection two of section twelve thereof and substituting the following subsections therefor:—

“ 7. (2) No Controller, Deputy Controller, Deputy Priorities Officer or other person acting on behalf of or under the authority of a Controller, Deputy Controller or Deputy Priorities Officer shall be liable for any act or omission in the exercise or purported exercise, in good faith and on reasonable grounds, of any power or authority conferred by the Governor in Council or any Order.”

“ 12. (2) Where a Controller believes that any person has failed to produce books, records or documents, or to give full and complete information as required by such Controller under the authority of any regulation, he may, with the approval of a judge of the Exchequer Court of Canada or of a superior or a county court, which approval such judge is hereby empowered to give upon the ex parte application of the Controller authorize in writing under his hand a

SCHEDULE—Continued.
ORDERS AND REGULATIONS—Continued.

Orders in Council	Subject-Matter	Amending Orders in Council	Amendments
P. C. No.	Date.	P. C. No.	Date.
245	23/ 1/46	520	15/ 2/46
	DEPARTMENT OF RECONSTRUCTION AND SUPPLY— <i>Concluded.</i>		police officer, police constable or other person employed for the preservation and maintenance of the public peace, together with any other person named therein, to enter and search, if necessary by force, any building, receptacle or place, for books, records or documents which may contain information required by such Controller, and to seize the same and carry them before such Controller or such other person as such Controller may direct, to be held at the discretion of such Controller for such uses as he is authorized by any regulation to make.”
	Steel Regulations as amended by :.....		The Regulations respecting Steel established by P.C. 245 are amended by revoking section seven thereof.
1997	21/ 3/44		
	Timber regulations.		The Regulations respecting Timber established by P.C. 1997 are amended by revoking section six thereof.
	DEPARTMENT OF THE SECRETARY OF STATE.		
1665	4/ 3/42	2483 2541 3213 946	27/ 3/42 30/ 3/42 21/ 4/42 5/ 2/43
	Administration by Custodian of property of persons of the Japanese race as amended by :.....		The Regulations respecting the Administration by the Custodian of property of persons of the Japanese Race established by P.C. 1665 are amended by revoking subsection three of section twelve thereof and substituting the following therefor :— “12. (3) For the purposes of the control and management of such property by the custodian the Revised Regulations Respecting Trading with the Enemy (1943) or any act or regulation which may be substituted therefor, shall apply <i>mutatis mutandis</i> to the same extent as if the property belonged to an enemy within the meaning of the said Revised Regulations, Act or regulation.”

SCHEDULE—Concluded.
ORDERS AND REGULATIONS—Concluded.

Orders in Council		Subject-Matter	Amending Orders in Council		Amendments
P.C. No.	Date.		P.C. No.	Date.	
469	19/ 1/43	DEPARTMENT OF THE SECRETARY OF STATE — <i>Concluded.</i> Transfer to Custodian of property of Japanese evacuees as amended by :.....	271	23/ 1/47	The Order in Council, P.C. 469, respecting the Transfer to the Custodian of the property of Japanese evacuees is amended by deleting all the words after the semi-colon in the final paragraph of P.C. 469 and substituting the following therefor : ' and for the purpose of such liquidation, sale or other disposition, the Revised Regulations Respecting Trading with the Enemy (1943) or any Act or regulation which may be substituted therefor, shall apply <i>mutatis mutandis</i> as if the property belonged to an enemy within the meaning of the said Revised Regulations, Act or regulation ',"
133/510	26/ 1/44	DEPARTMENT OF TRANSPORT. Compensation to seamen (war damage to effects) Regulations 1939 as amended by :.....	127/1111 109/2100 148/5045	21/ 2/45 28/ 3/45 18/ 7/45	
2245	23/ 3/42	To authorize the Chairman of the Board of Steamship Inspection to relieve any ship, from the obligation to comply with any of the provisions of Part VII of the Canada Shipping Act, excepting those provisions of the said Part relating to radio telegraph installations on ships.			
4306	17/ 6/41	To provide for permission to Canadian registered ships to clear on a voyage with Masters, Mates or engineers not holding appropriate certificates. as amended by :.....	8995	18/11/41	
3396	9/ 8/46	Merchant Seamen Out-of-work Allowance Regulations.			

11-12 GEORGE VI.

CHAP. 5.

An Act to amend The Continuation of Transitional Measures Act, 1947.

[Assented to 24th March, 1948.]

1947, c. 16. His Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows :—

1. Section seven of *The Continuation of Transitional Measures Act, 1947*, chapter sixteen of the statutes of 1947, is repealed and the following substituted therefor :—

10

Duration
of Act.

“ 7. Subject as hereinafter provided, this Act shall expire on the sixtieth day after Parliament first meets during the year one thousand nine hundred and forty-nine or on the thirty-first day of March, one thousand nine hundred and forty-nine; whichever date is the earlier : Provided that, if at any time while this Act is in force, Addresses are presented to the Governor General by the Senate and House of Commons, respectively, praying that this Act should be continued in force for a further period, not in any case exceeding one year, from the time at which it would otherwise expire and the Governor in Council so orders, this Act shall continue

Proviso.

20

in force for that further period.”

No. 6.

13 GEORGE VI.

CHAP. 3.

An Act to amend The Continuation of Transitional Measures Act, 1947.

[Assented to 25th March, 1949.]

1947, c. 16.
1947-48, c. 5. His Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows :

1. Section seven of *The Continuation of Transitional Measures Act, 1947*, chapter sixteen of the statutes of 1947, as enacted by chapter five of the statutes of 1947-48, is repealed and the following substituted therefor :

30

Duration
of Act.

“ 7. Subject as hereinafter provided, this Act shall expire on the sixtieth day after Parliament first meets during the year one

thousand nine hundred and fifty or on the thirty-first day of March, one thousand nine hundred and fifty, whichever date is the earlier :
 Provided that, if at any time while this Act is in force, Addresses are presented to the Governor General by the Senate and House of Commons, respectively, praying that this Act should be continued in force for a further period, not in any case exceeding one year, from the time at which it would otherwise expire and the Governor in Council so orders, this Act shall continue in force for that further period.”

Proviso.

10 2. Notwithstanding anything in the said Act or in any order or regulation set out in the Schedule thereto, the Wartime Prices and Trade Board shall not

Powers of Wartime Prices and Trade Board restricted.

- (a) exercise any of its powers under paragraph (f) of subsection one of section four of the Wartime Prices and Trade Regulations ; or
- (b) grant leave to prosecute any person for violation of subsection one of section eight of the Wartime Prices and Trade Regulations ;

with respect to any goods or services other than the goods and services with respect to which an order of the Board was made under that paragraph
 20 and is in force at the commencement of this Act.

No. 7.

14 GEORGE VI.

CHAP. 6.

An Act to amend The Continuation of Transitional Measures Act, 1947.

[Assented to 30th March, 1950.]

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

1947, c. 16 ;
 1947-48, c. 5 ;
 1949 (1st
 Sess.), c. 3.

1. Section seven of *The Continuation of Transitional Measures Act*, 1947, chapter sixteen of the statutes of 1947, as enacted by chapter three of the statutes of 1949 (First Session), is repealed and the following substituted therefor :

30

“ 7. This Act shall expire on the thirtieth day of April, one thousand nine hundred and fifty-one.”

Expiration of Act.

Fourth Session, 21st Parliament, 15 George VI, 1951.

THE HOUSE OF COMMONS OF CANADA.

BILL 24

As passed by the House of Commons	March 6th, 1951.
and by the Senate -	March 14th, 1951.
Royal Assent - - -	March 21st, 1951.

An Act to confer certain Emergency Powers upon the Governor in Council.

Preamble. WHEREAS an international emergency exists that threatens the security of Canada ; 10

And whereas it is essential that emergency powers be conferred to enable measures to be taken as urgently required from time to time to carry out adequate defence preparations, to regulate the economy of Canada to meet the needs of defence and to stabilize the economy and to safeguard it from disruption that may result from defence preparations in Canada or from emergency measures taken in other countries, in order that defence preparations may not be impeded ;

R.S., c. 206. And whereas it is preferable that the necessary emergency powers be exercised under special authority from Parliament rather than that the *War Measures Act* be brought into force so long as present efforts to avert war are continuing and, moreover, it is not desirable that the wide powers conferred by that Act to interfere with the fundamental liberties of the individual should now be brought into operation : 20

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

SHORT TITLE.

Short title. 1. This Act may be cited as *The Emergency Powers Act*.

POWERS OF THE GOVERNOR IN COUNCIL.

G. in C. powers. 2.—(1) The Governor in Council may do and authorize such acts and things, and make from time to time such orders and regulations, as he may by reason of the existing international emergency deem necessary or advisable for the security, defence, peace, order and welfare of Canada ; and for greater certainty, but not so as to restrict the generality of the foregoing terms, it is hereby declared that the powers of the Governor in Council shall extend to all matters coming within the classes of subjects hereinafter enumerated, that is to say :— 30

- (a) control and suppression of maps, plans and photographs ;
- (b) control of communications and means of communication ;
- (c) control of the harbours, ports and territorial waters of Canada and the movements of vessels ; 40

- (d) transportation by land, air or water and the control of the transport of persons and things ;
- (e) trading, exportation, importation, production and manufacture ; and
- (f) imposition and recovery, in connection with any scheme of control, of fees or charges payable to the Receiver General of Canada or into any fund or account established by order or regulation for the purposes of the scheme of control.

10 (2) Notwithstanding anything contained therein, the powers conferred on the Governor in Council by subsection one do not include power to make orders or regulations in relation to Powers restricted.

- (a) arrest, except as incidental to proceedings under section three, detention, exclusion or deportation of any person ;
- (b) censorship or the control and suppression of publications and writings ; or
- (c) expenditure of moneys otherwise than in accordance with an appropriation by Parliament except expenditure of moneys from any fund or account established by order or regulation in connection with a scheme of control for the purposes of that scheme of control.

20

(3) All orders and regulations made under or pursuant to authority conferred under this Act have the force of law while this Act is in force. Orders and regulations to have force of law.

(4) In respect of a regulation made under this Act, the period for laying a regulation before Parliament under section seven of *The Regulations Act* is Period for laying before Parliament.
1950, c. 50.

- (a) five days after the making of a regulation if it is made by the Governor in Council, and
- (b) fifteen days after the making of the regulation in the case of any other regulation,

30 or if Parliament is not then in session, a like period after the commencement of the next ensuing session thereof.

(5) If the Senate and House of Commons within a period of forty days, beginning with the day on which any regulation is laid before Parliament in accordance with subsection four and excluding any time during which Parliament is dissolved or prorogued or during which both the Senate and House of Commons are adjourned for more than four days, resolve that it be annulled, it shall cease to have effect. Annulment of orders in Council by Senate and House of Commons resolution.

3.—(1) The Governor in Council may prescribe penalties by way of fine or by way of imprisonment for a term not exceeding five years, or by way of both fine and such imprisonment, that may be imposed for violation of orders or regulations made under this Act and may also prescribe whether, and the circumstances in which, the said penalties shall be imposed upon summary conviction or indictment. Penalties.

(2) Any goods, wares or merchandise dealt with contrary to any order or regulation made under this Act may be seized and detained and shall be Seizure, detention and forfeiture of goods, etc.

liable to forfeiture at the instance of the Minister of Justice, upon proceedings in the Exchequer Court of Canada, or in any superior court, and any such court may make rules governing the procedure upon any proceedings taken before such court or a judge thereof under this section.

DURATION.

Expiration
of sections 1
to 3.
Continuance
upon
addresses
of Senate
and House
of Commons.

4. Sections one to three of this Act expire on the thirty-first day of May, one thousand nine hundred and fifty-two: Provided that if at any time while they are in force addresses are presented to the Governor General by the Senate and House of Commons, respectively, praying that they should be continued in force for a further period, not exceeding one year from the time at which they would otherwise expire, and the Governor in Council so orders, they shall continue in force for that further period. 10

SAVINGS.

Application
of the
War
Measures
Act.

5. Nothing in this Act limits or restricts the powers conferred on the Governor in Council by the *War Measures Act* and, notwithstanding anything in section four, if while sections one to four are in force a proclamation is issued under the *War Measures Act* declaring that war, invasion or insurrection, real or apprehended, exists, sections one to four are repealed and all orders and regulations lawfully made under or pursuant to authority conferred under this Act in force immediately before those sections are so repealed, continue in full force and effect as if made under the *War Measures Act* and shall be deemed to have been so made. 20

No. 9.

P.C. 1292.

PRIVY COUNCIL

CANADA

At the Government House at Ottawa, Thursday, the 3rd day of
April, 1947.

Present :

HIS EXCELLENCY THE GOVERNOR GENERAL IN COUNCIL :

WHEREAS it is necessary, by reason of the continued existence of the national emergency arising out of the war against Germany and Japan, 30 for the purpose of maintaining, controlling and regulating supplies and prices to ensure economic stability and an orderly transition to conditions of peace, to make provision for

- (a) the vesting in the Canadian Wheat Board of all oats and barley in commercial positions in Canada and products of oats and barley in Canada ;

- (b) the closing out and termination of any open futures contracts relating to oats or barley outstanding in any futures market in Canada ; and
- (c) the prohibition of the export of oats or barley by persons other than the Canadian Wheat Board until otherwise provided ;

and other matters incidental thereto as set forth in the Regulations set out below ;

Therefore, His Excellency the Governor General in Council, on the recommendation of the Acting Minister of Trade and Commerce, and under
 10 the powers conferred by the National Emergency Transitional Powers Act, 1945, is pleased for the reasons aforesaid, to order that the Western Grain Regulations (P.C. 3222, of July 31, 1946) be and they are hereby amended by revoking Part III thereof, the said revocation to be deemed to be effective in respect of section twenty-three of the said Part III on and after the eighteenth day of March, nineteen hundred and forty-seven, and by substituting therein the following Regulations as Part III thereof :

PART III.

OATS AND BARLEY.

21. In this Part, unless the context otherwise requires—

- 20 (a) “ Barley ” means barley grown in the designated area and includes barley whether in natural form or cleaned, chopped, ground, mashed or crimped, or otherwise processed or contained in any product ;
- (b) “ Oats ” means oats grown in the designated area and includes oats whether in natural form or cleaned, chopped, ground, mashed or crimped, or otherwise processed or contained in any product ;
- 30 (c) “ Oats and barley in commercial positions ” means oats and barley which are not the property of the producer thereof and are in store in warehouses, elevators or mills whether licensed or unlicensed, or in railway cars or vessels or in other facilities in Canada for the storage or transportation of grain ;
- (d) “ Owner ” includes a person entitled to the delivery of oats or barley under or by virtue of a contract for the carriage or storage of oats or barley, but does not include a person who is a party to a contract for the purchase of oats or barley the property in which has not passed to him ;
- (e) “ previous maximum price ” means—
 - 40 (i) with respect to oats, fifty-one and one-half cents per bushel, and
 - (ii) with respect to barley, sixty-four and three-quarter cents per bushel, basis in store Fort William/Port Arthur or Vancouver ;

- (f) "product" means any substance produced by processing or manufacturing oats or barley either alone or together with any other material, except such products as were excluded from the operation of the Western Grain Regulations prior to the coming into operation of this regulation.

OATS AND BARLEY VESTED IN BOARD.

22. All oats and barley in commercial positions in Canada, except such oats and barley as were acquired by the owner thereof from the Canadian Wheat Board or from the producers thereof on or after the eighteenth day of March, nineteen hundred and forty-seven, are hereby vested in the Canadian Wheat Board. 10

23.—(1) The Board shall pay to a person who, immediately prior to the coming into operation of section twenty-two, was the owner of oats or barley vested in the Board by the said section in respect of each bushel so vested,

- (a) if he was the owner of the oats and barley at midnight on the seventeenth day of March, nineteen hundred and forty-seven— an amount equal to the previous maximum price thereof; adjusted as provided in subsection two of this section;
- (b) if he became the owner of the said oats or barley on or after the eighteenth day of March, nineteen hundred and forty-seven, by reason of a purchase at a price not exceeding the previous maximum price thereof adjusted as provided in the said subsection two—an amount equal to the said previous maximum price as so adjusted; or 20
- (c) if he became the owner of the said oats or barley on or after the eighteenth day of March, nineteen hundred and forty-seven, pursuant to a purchase at a price exceeding the previous maximum price adjusted as provided in the said subsection two,—an amount equal to the price per bushel at which he purchased the oats or barley. 30

(2) The previous maximum price of oats or barley referred to in subsection one may, in computing the amount payable by the Board, be adjusted in respect of freight, storage or handling charges or special selection premiums, as may be determined by the Board.

24. Any person—

- (a) who was the owner of oats or barley in commercial positions at midnight on the seventeenth day of March nineteen hundred and forty-seven, or who, after that day and before the coming into operation of this section, became the owner of oats or barley pursuant to a purchase at a price not exceeding the previous maximum price, and 40
- (b) who before the coming into operation of this section sold the said oats or barley otherwise than to the Board or at a price not exceeding the previous maximum price,

shall pay to the Board an amount in respect of each bushel of the said oats or barley so sold by him equal to the difference between the said previous

maximum price therefor, adjusted as provided in subsection two of section twenty-three, and the price that is payable by the Board for oats or barley purchased by it under section thirty.

25.—(1) All oats futures contracts and all barley futures contracts negotiated by or through members of the Winnipeg Grain Exchange and made on or prior to the seventeenth day of March, nineteen hundred and forty-seven, and open on the date of the coming into operation of this section, shall be finally cleared and cancelled on or before a day to be fixed by order of the Board at the relevant closing prices registered on the
10 Winnipeg Grain Exchange on the seventeenth day of March, nineteen hundred and forty-seven.

(2) Where no price was registered on the Winnipeg Grain Exchange on the seventeenth day of March, nineteen hundred and forty-seven, in respect of any grade of oats or barley, the Board may fix the price in respect of such grade for the purposes of this section at such price as it deems reasonable, having regard to the prices quoted on the Winnipeg Grain Exchange on the said day.

26. All contracts for the sale of oats or barley in commercial positions, other than futures contracts mentioned in sections twenty-five, entered into
20 on or prior to the seventeenth day of March, nineteen hundred and forty-seven, pursuant to which the property in the said oats and barley had not passed to the purchaser prior to the coming into operation of this section, are hereby rescinded and declared to be void and of no further force and effect.

27.—(1) The Board shall, from time to time, sell and dispose of all oats or barley vested in it by section twenty-two at such prices as it may consider reasonable.

(2) Net profits arising from the operations of the Board in respect of oats and barley vested in it by section twenty-two, and any monies
30 paid to the Board under section twenty-four, shall be paid into the Consolidated Revenue Fund.

(3) The Board shall be reimbursed in respect of net losses arising from the operations of the Board in respect of oats and barley vested in it by section twenty-two out of monies provided by Parliament.

EXPORTS—EQUALIZATION FUND.

28. No person, except the Canadian Wheat Board, shall export, ship or send out of Canada oats or barley or any product, except with the permission of the Board obtained upon payment of such charge or fee as the Board may from time to time determine.

40 29. The Board shall deposit monies received for the issue of permits for the export of oats or any products thereof in the Oats Equalization Fund and monies received for the issue of permits for the export of barley or any products thereof in the Barley Equalization Fund, which said Funds are hereby continued as in section twenty-two of the Western Grain Regulations as enacted by Order in Council P.C. 3222, of the thirty-first day of July, nineteen hundred and forty-six, had not been revoked.

OATS AND BARLEY STABILIZATION.

30.—(1) The Board is hereby empowered to buy Winnipeg oats futures or cash oats at a price per bushel which will assure that producers in Western Canada will be continuously offered the following prices per bushel for oats, basis in store in terminal elevators at Fort William or Port Arthur :—

No. 1 Feed Sixty-one and one-half cents

and such prices for each other grade of oats as in the opinion of the Board from time to time brings such grade into proper relationship with the grade of oats hereinbefore named. 10

(2) The Board is hereby empowered to buy Winnipeg barley futures or cash barley at a price per bushel which will assure that producers in Western Canada will be continuously offered the following prices per bushel for barley, basis in store in terminal elevators at Fort William or Port Arthur :—

No. 1 Feed ninety cents

and such prices for each other grade of barley as in the opinion of the Board from time to time brings such grade into proper relationship with the grade of barley hereinbefore named.

31. It shall be the duty of the Board to buy all oats and barley 20 offered for sale from time to time to it in accordance with the provisions of sections thirty and thirty one, and the Board shall sell and dispose of, from time to time, at such prices as it may consider reasonable, all oats or barley so acquired by it.

32.—(1) Any net profits arising from the operations of the Board under sections thirty and thirty-one in respect of oats shall accrue to the Oats Equalization Fund as soon as such profit is ascertained and after all oats acquired by the Board during the crop year ending on the thirty-first day of July, nineteen hundred and forty-seven, have been disposed of.

(2) Net profits arising from the operations of the Board under sections 30 thirty and thirty-one in respect of barley shall accrue to the Barley Equalization Fund as soon as such profit is ascertained and after all barley acquired by the Board during the crop year ending on the thirty-first day of July, nineteen hundred and forty-seven has been disposed of.

(3) The Board shall be reimbursed in respect of net losses arising from the operations of the Board under sections thirty and thirty-one out of moneys provided by Parliament.

BARLEY ADJUSTMENT PAYMENT.

33. The Board shall, out of the Barley Equalization Fund or out of moneys provided by Parliament, pay to every producer the sum of ten 40 cents for each bushel of barley sold and delivered by him on or after the first day of August, nineteen hundred and forty-six, but prior to the eighteenth day of March, nineteen hundred and forty-seven and in respect of which he has received or is, on the seventeenth day of March, nineteen hundred and forty-seven, entitled to receive an Advance Equalization Payment.

PRODUCERS' PARTICIPATION IN SURPLUS.

34. The Board shall deduct from the total funds accumulated in the Oats Equalization Fund during the crop year ending on the thirty-first day of July, nineteen hundred and forty-seven—

- (a) the total amount paid by the Board as Advance Equalization Payments to producers of oats sold and delivered on or prior to the seventeenth day of March, nineteen hundred and forty-seven,
- 10 (b) all other moneys disbursed by or on behalf of the Board in connection with the payment of Advance Equalization Payments to producers of oats for that crop year and, without limiting the foregoing, all expenses of or incidental to the operations of the Board relating to the payment of such Advance Equalization Payments, including the remuneration, allowances, travelling and living expenses of the Commissioners, officers, clerks and employees of the Board attributable to such Payments,

and the surplus, if any, shall be distributed equitably among producers who have received or were, on the seventeenth day of March, nineteen
20 hundred and forty-seven, entitled to receive an Advance Equalization Payment as aforesaid, or who, on or after the eighteenth day of March, nineteen hundred and forty-seven, sold and delivered oats to a dealer: Provided that if the said Fund is less than the amount authorised to be deducted therefrom under this section there shall be paid to the Fund out of moneys provided by Parliament such amount as will cause the Fund to equal the said deductions.

35. The Board shall deduct from the total funds accumulated in the Barley Equalization Fund during the crop year ending on the thirty-first day of July, nineteen hundred and forty-seven—

- 30 (a) the total amount paid by the Board as Advance Equalization Payments to producers of barley sold and delivered on or prior to the seventeenth day of March, nineteen hundred and forty-seven.
- (b) the total amount paid to producers of barley by the Board pursuant to the provisions of section thirty-three,
- (c) all other moneys disbursed by or on behalf of the Board in
40 connection with the payment of Advance Equalization Payments to producers of barley for that crop year and to payments made under section thirty-three, and, without limiting the foregoing, all expenses of or incidental to the operations of the Board relating to the making of such payment, including the remuneration, allowances, travelling and living expenses of the Commissioners, officers, clerks and employees of the Board attributable to such Payments,

and the surplus, if any, shall be distributed equitably among producers who have received or were, on the seventeenth day of March, nineteen hundred and forty-seven, entitled to receive an Advance Equalization Payment as aforesaid, or who, on or after the eighteenth day of March,

nineteen hundred and forty-seven, sold and delivered barley to a dealer : Provided that if the said Fund is less than the amount authorized to be deducted therefrom under this section there shall be paid to the Fund out of moneys provided by Parliament such amount as will cause the Fund to equal the said deductions.

36.—(1) For the purpose of giving effect to this Part, the Board may, by order—

- (a) direct that any contract or agreement entered into prior to the coming into operation of this section for the sale, purchase, handling, shipment or storage of oats or barley shall be terminated or varied and prescribe terms and conditions on which such termination or variation shall be made ; 10
- (b) require any person to do any act or thing necessary to terminate, close out, clear or cancel by the sale, purchase or delivery of oats or barley any contract or agreement for the sale or purchase of oats or barley negotiated on or through any futures market in Canada ; and
- (c) require any person to deliver to the Board any documents of title relating to, or documents entitling any person to delivery of, oats or barley vested in the Board by section twenty-two, 20 that he has in his custody, possession or control.

(2) In this section oats and barley include products and the powers conferred on the Board by this section in respect of oats and barley shall extend to and may be exercised by the Board with respect to products.

(Sgd.) A. D. P. HEENEY,
Clerk of the Privy Council.
