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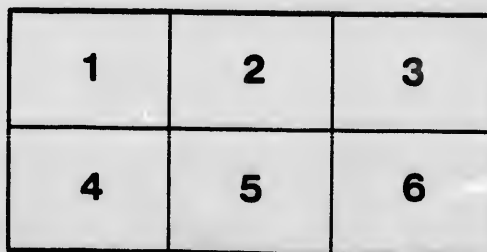
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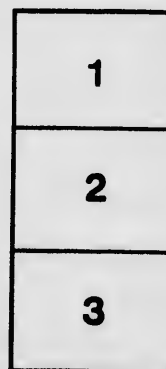
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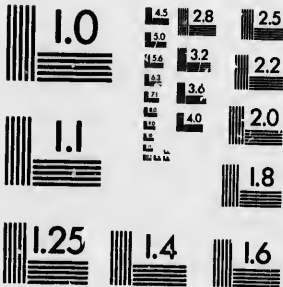
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# TREATIES

BETWEEN

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HER MAJESTY, THE QUEEN

AND

## FOREIGN POWERS.



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# TREATIES.

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## CONVENTION BETWEEN GREAT BRITAIN AND FRANCE

*For the mutual surrender in certain cases of persons fugitive from Justice.*

(Signed at London, 13th February, 1843: Ratifications exchanged at London 13th March, 1843.)

**H**ER MAJESTY the Queen of the United Kingdom of Great Britain and Ireland and His Majesty the King of the French, having judged it expedient, with a view to the better administration of justice, and to the prevention of crime within their respective territories and jurisdictions, that persons charged with the crimes hereinafter enumerated and being fugitives from justice should under certain circumstances, be reciprocally delivered up.

Their said Majesties have named as their Plenipotentiaries to conclude a convention for this purpose, that is to say:—

Her Majesty the Queen of the United Kingdom of Great Britain and Ireland, the Right Honourable George, Earl of Aberdeen, Viscount Gordon, Viscount Formartine, Lord Haddo, Methlick, Tarves and Kellie, a Peer of the United Kingdom, a Member of Her Majesty's Most Honourable Privy Council, Knight of the Most Ancient and Most Noble Order of the Thistle, and Her Majesty's Principal Secretary of State for Foreign Affairs;

And His Majesty the King of the French, the Sieur Louis de Beaupoil, Count of Sainte Aulaire, a Peer of France, Grand Officer of the Royal Order of the Legion of Honour, Grand Cross of the Order of Leopold of Belgium, His Ambassador Extraordinary to Her Britannic Majesty;

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

ARTICLE

## TREATIES.

*Extradition Treaty with King of the French.*

## ARTICLE I.

It is agreed that the high contracting parties shall, on requisitions made in their name, through the medium of their respective diplomatic agents, deliver up to justice, persons who, being accused of the crimes of murder (comprehending the crimes designated in the French Penal Code by the terms assassination, parricide, infanticide and poisoning), or of an attempt to commit murder, or of forgery or of fraudulent bankruptcy, committed within the jurisdiction of the requiring party, shall seek an asylum, or shall be found within the territories of the other; provided that this shall be done only when the commission of the crime shall be so established as that the laws of the country where the fugitive or person so accused shall be found, would justify his apprehension and commitment for trial if the crime had been there committed.

Consequently, on the part of the French Government, the surrender shall be made only by the authority of the Keeper of the Seals, Minister of Justice, and after the production of a warrant of arrest or other equivalent judicial document, issued by a Judge or other competent authority in Great Britain, clearly setting forth the acts for which the fugitive shall have rendered himself accountable; and on the part of the British Government the surrender shall be made only on the report of a Judge or Magistrate duly authorized to take cognizance of the acts charged against the fugitive in the warrant of arrest or other equivalent judicial document, issued by a Judge or competent Magistrate in France and likewise clearly setting forth the said acts.

## ARTICLE II.

The expenses of any detention and surrender made in virtue of the preceding Article, shall be borne and defrayed by the Government in whose name the requisition shall have been made.

## ARTICLE III.

The provisions of the present Convention shall not apply in any manner to crimes of murder, forgery or fraudulent bankruptcy committed antecedently to the date thereof.

## ARTICLE IV.

The present Convention shall be in force until the first day of January, 1844, after which date either of the High Contracting Parties shall be at liberty to give notice to the other,

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## TREATIES.

### *Extradition Treaty with King of the French, &c.*

other, of its intention to put an end to it, and it shall altogether cease and determine at the expiration of six months from the date of such notice.

#### ARTICLE V.

The present Convention shall be ratified and the ratifications shall be exchanged at London, at the expiration of three weeks from its date or sooner if possible.

In witness whereof the respective Plenipotentiaries have signed the same, and have affixed thereto the seals of their arms.

Done at London the 13th day of February, in the year of our Lord 1843.

[L. S.]

ABERDEEN.

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ST. AULAIRE.

### TREATY BETWEEN HER MAJESTY AND THE KING OF SWEDEN AND NORWAY.

*At the Court at Balmoral, the 30th day of September, 1873.*

#### PRESENT:

THE QUEEN'S MOST EXCELLENT MAJESTY IN COUNCIL.

**W**HEREAS by an Act of Parliament made and passed in the Session of Parliament holden in the thirty-third and thirty-fourth years of the reign of Her present Majesty, intitled "An Act for amending the Law relating to the Extradition of Criminals," it was amongst other things enacted, that where an arrangement has been made with any foreign State with respect to the surrender to such State of any fugitive criminals, Her Majesty may, by Order in Council, direct that the said Act shall apply in the case of such foreign State; and that Her Majesty may, by the same or any subsequent Order, limit the operation of the Order, and restrict the same to fugitive criminals who are in or suspected of being in the part of Her Majesty's Dominions specified in the Order, and render the operation thereof subject to such conditions, exceptions, and qualifications as may be deemed expedient:

And whereas a Treaty was concluded on the 26th day of June last between Her Majesty and the King of Sweden and Norway, for the mutual extradition of fugitive criminals, which Treaty is in the terms following:—

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*Extradition Treaty with King of Sweden and Norway.*

Her Majesty the Queen of the United Kingdom of Great Britain and Ireland, and His Majesty the King of Sweden and Norway, having judged it expedient, with a view to the better administration of justice, to the more complete prevention of crime within the respective countries, that persons charged with or convicted of the crimes hereinafter enumerated, and being fugitives from justice, should under certain circumstances, be reciprocally delivered up; their said Majesties have named as their Plenipotentiaries to conclude a Treaty for this purpose; that is to say:—

Her Majesty the Queen of the United Kingdom of Great Britain and Ireland, the Honorable Edward Morris Erskine, a Companion of the most Honorable Order of the Bath, Her Majesty's Envoy Extraordinary and Minister Plenipotentiary to His Majesty, the King of Sweden and Norway;

And His Majesty the King of Sweden and Norway, Henrik Wilhelm Bredberg, Grand Cross of the Order of the Polar Star, His Majesty's Councillor of State and Acting Minister of Foreign Affairs;

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

## ARTICLE I.

The High Contracting Parties engage to deliver up to each other those persons who, being accused or convicted of a crime committed in the territory of the one Party, shall be found within the territory of the other Party, under the circumstances and conditions stated in the present Treaty.

## ARTICLE II.

The crimes for which the extradition is to be granted are the following:—

1. Murder (child murder and poisoning included), or attempt to murder;
2. Manslaughter;
3. Counterfeiting or altering money, uttering or bringing into circulation knowingly counterfeit or altered money;
4. Forgery or counterfeiting or altering or uttering what is forged, or counterfeited, or altered, comprehending the crimes designated in the Swedish and Norwegian Penal Codes as counterfeiting or falsification of paper money, bank notes or other securities, forgery or falsification of other public or private documents, likewise the uttering or bringing into circulation or wilfully using such counterfeited, forged, or falsified papers;

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*Extradition Treaty with King of Sweden and Norway.*

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5. Embezzlement or larceny;
6. Obtaining money or goods by false pretences, except as regards Norway, cases in which the crime is not accompanied by aggravating circumstances according to the law of that country;
7. Crimes by bankrupts against bankruptcy law;
8. Fraud by a bailee, banker, agent, factor, trustee, or director, or member or public officer of any company, made criminal by any law for the time being in force;
9. Rape;
10. Abduction.
11. Child stealing;
12. Burglary or housebreaking;
13. Arson;
14. Robbery with violence;
15. Threats by letter or otherwise with intent to extort, except as regards Norway, cases in which this crime is not punishable by the laws of that country;
16. Sinking or destroying a vessel at sea, or attempting to do so;
17. Assaults on board a ship on the high seas, with intent to destroy life or to do grievous bodily harm;
18. Revolt, or conspiracy to revolt, by two or more persons on board a ship on the high seas against the authority of the master; except as regards Norway, conspiracy to revolt;

The extradition is also to take place for participation in any of the aforesaid crimes, provided such participation be punishable by the laws of both the contracting parties.

ARTICLE III.

No Swedish or Norwegian subject shall be delivered up to the Government of the United Kingdom; and no subject of the United Kingdom shall be delivered up to the Swedish or Norwegian Government.

ARTICLE IV.

The extradition shall not take place if the person claimed has already been tried and discharged or punished, or is still under trial in the country where he has taken refuge, for the crime for which the extradition is demanded.

If the person claimed should be under examination for any other crime in the country where he has taken refuge, his extradition shall be deferred until the conclusion of the trial, and the full execution of any punishment awarded to him.

ARTICLE

## TREATIES.

*Extradition Treaty with King of Sweden and Norway.*

## ARTICLE V.

The extradition shall not take place, if, subsequently to the commission of the crime, or the institution of the penal prosecution, or the conviction thereon, exemption from prosecution or punishment has been acquired by lapse of time, according to the laws of the country where the criminal has taken refuge.

## ARTICLE VI.

A fugitive criminal shall not be surrendered if the offence in respect of which his surrender is demanded, is one of a political character, or if he prove that the requisition for his surrender has in fact been made with a view to try or punish him for an offence of a political character.

## ARTICLE VII.

A person surrendered by either of the High Contracting Parties to the other, cannot, until he has been restored or had an opportunity of returning to the country from whence he was surrendered, be triable or tried for any crime committed in the other country other than that on account of which the extradition shall have taken place.

This stipulation does not apply to crimes committed after the extradition.

## ARTICLE VIII.

The requisitions for extradition shall be made through the Diplomatic Agents of the High Contracting Parties respectively.

The requisition for the extradition of an accused person must be accompanied by a warrant of arrest issued by the competent authority of the State requiring the extradition, and by such evidence as, according to the laws of the place where the accused is found, would justify his arrest if the crime had been committed there.

If the requisition relates to a person already convicted, it must be accompanied by the sentence of condemnation passed against the convicted person by the competent Court of the State that makes the requisition for extradition.

The requisition ought, as far as possible, to be accompanied by a description of the person accused or convicted, in order to identify him.

A requisition for extradition cannot be founded on sentences passed in *contumaciam*.

## ARTICLE

## TREATIES.

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### *Extradition Treaty with King of Sweden and Norway.*

#### ARTICLE IX.

If the requisition for extradition be in accordance with the foregoing stipulations, the competent authorities of the State applied to shall proceed to the arrest of the fugitive.

The prisoner is then to be brought before a competent Magistrate, who is to examine him and to conduct the preliminary investigation of the case just as if the apprehension had taken place for a crime committed in the same country.

The extradition shall not take place before the expiration of fifteen days from the apprehension, and then only if the evidence be found sufficient, according to the laws of the State applied to, either to justify the committal of the prisoner for trial, or to prove that the prisoner is the identical person convicted by the Courts of the State which makes the requisition.

#### ARTICLE X

In the examinations which they have to make, in accordance with the foregoing stipulations, the authorities of the State applied to shall admit, as entirely valid evidence, the sworn depositions or statements of witnesses taken in the other State, or copies thereof, and likewise the warrants and sentences issued therein, provided such documents are signed or certified by a Judge, Magistrate, or Officer of such State, and are authenticated by the oath of some witness, or by being sealed with the official seal of the Minister of Justice, or some other Minister of State.

#### ARTICLE XI.

If sufficient evidence for the extradition be not produced within two months from the date of the apprehension of the fugitive, he shall be set at liberty.

#### ARTICLE XII.

All articles seized, which were in the possession of the person to be surrendered at the time of his apprehension shall, if the competent authority of the State applied to for the extradition has ordered the delivery thereof, be given up when the extradition takes place; and the said delivery shall extend not merely to the stolen articles, but to every thing that may serve as a proof of the crime.

#### ARTICLE XIII.

Each of the High Contracting Parties shall defray and bear

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## TREATIES.

*Extradition Treaty with King of Sweden and Norway*

bear expenses incurred by it in the arrest, maintenance and conveyance of the individual to be surrendered till placed on board ship, as well as in keeping and conveying the articles which are to be delivered up in conformity with the stipulations of the preceding Article.

The individual to be surrendered shall be conveyed to the port specified by the applying Government, at whose expense he shall be taken on board the ship to convey him away.

If it be necessary to convey the individual claimed through the territories of another State, the expenses incurred thereby shall be defrayed by the applying State.

## ARTICLE XIV.

The stipulations of the present Treaty shall be applicable to the Colonies and foreign possessions of the two High Contracting Parties.

The requisition for the surrender of a fugitive criminal who has taken refuge in a Colony or Foreign Possession of either Party, shall be made to the Governor or Chief Authority of such Colony or Possession by the Chief Consular Officer of the other in such Colony or Possession; or, if the fugitive has escaped from a Colony or Foreign Possession of the Party on whose behalf the requisition is made, by the Governor or Chief Authority of such Colony or Possession.

Such requisitions may be disposed of, subject always, as nearly as may be, to the provisions of this Treaty, by the respective Governors or Chief Authorities, who, however, shall be at liberty either to grant the surrender, or to refer the matter to their Government.

Her Britannic Majesty shall, however, be at liberty to make special arrangements in the British Colonies and Foreign Possessions for the surrender of Swedish and Norwegian criminals who may there take refuge, on the basis, as nearly as may be, of the provisions of the present Treaty.

## ARTICLE XV.

The present Treaty shall come into force ten days after its publication, in conformity with the forms prescribed by the laws of the High Contracting Parties. It may be terminated by either of the High Contracting Parties, but shall remain in force for six months after notice has been given for its termination.

## ARTICLE XVI.

The present Treaty shall be ratified, and the ratifications shall be exchanged at Stockholm as soon as may be possible.

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## TREATIES.

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### *Extradition Treaty with King of Sweden and Norway, &c.*

In witness whereof the respective Plenipotentiaries have signed the same, and have affixed thereto their seals.

Done at Stockholm, the 26th day of June, in the year of Our Lord One thousand eight hundred and seventy-three.

And whereas the ratifications of the said Treaty were exchanged at Stockholm, on the twenty-eighth ultimo.

Now, therefore, Her Majesty, by and with the advice of Her Privy Council, and in virtue of the authority committed to Her by the said recited Act, doth order, and it is hereby ordered, that from and after the seventeenth day of October, one thousand eight hundred and seventy-three, the said Act shall apply in the case of the said Treaty, with the King of Sweden and Norway.

(Signed,)

EDMUND HARRISON.

### TREATY BETWEEN HER MAJESTY AND THE EMPEROR OF BRAZIL.

*At the Court at Balmoral, the 20th day of November, 1873.*

PRESENT :

THE QUEEN'S MOST EXCELLENT MAJESTY IN COUNCIL.

WHEREAS by an Act of Parliament made and passed in the Session of Parliament holden in the thirty-third and thirty-fourth years of the reign of Her present Majesty, intituled: "An Act for amending the law relating to the Extradition of Criminals," it was amongst other things enacted, that where an arrangement has been made with any foreign State with respect to the surrender to such State of any fugitive criminals, Her Majesty may, by Order in Council, direct that the said Act shall apply in the case of such foreign State; and that Her Majesty may, by the same or a subsequent Order, limit the operation of the Order, and restrict the same to fugitive criminals who are in or suspected of being in the part of Her Majesty's dominions specified in the Order, and render the operation thereof subject to such conditions, exceptions and qualifications as may be deemed expedient:

And whereas a Treaty was concluded on the thirteenth day of November, one thousand eight hundred and seventy-two, between Her Majesty and the Emperor of Brazil, for the

*Extradition Treaty with Emperor of Brazil.*

the Mutual Extradition of Fugitive Criminals, which Treaty is in the terms following:—

Her Majesty the Queen of the United Kingdom of Great Britain and Ireland, and His Majesty the Emperor of Brazil, having judged it expedient, with a view to the better administration of justice, and to the prevention of crime within their respective territories and jurisdictions, that persons accused or convicted of the crimes hereinafter enumerated, being fugitives from justice, should under certain circumstances be reciprocally delivered up, have resolved to name their Plenipotentiaries for the celebration of a Treaty for this purpose, that is to say:—

Her Majesty the Queen of the United Kingdom of Great Britain and Ireland, George Buckley Matthew, Esquire, Companion of the Most Honorable Order of the Bath, Her Envoy Extraordinary and Minister Plenipotentiary to His Majesty the Emperor of Brazil;

And His Majesty the Emperor of Brazil, the Marquis of S. Vicente, a Counsellor of State, Dignitary of the Order of the Rose, Senator and Grandee of the Empire;

Who, having communicated to each other their respective full powers, found in good and due form, have agreed upon and concluded the following Articles:—

## ARTICLE I.

The High Contracting Parties engage to deliver up, reciprocally, those persons who, being accused or convicted of having committed crime in the territory of the one Party, shall be found within the territory of the other, under the circumstances and conditions that are laid down in the present Treaty.

## ARTICLE II.

The crimes for which extradition shall be granted are the following:—

1. Murder, or attempt to murder;
2. Manslaughter;
3. Illegal fabrication, counterfeiting or falsification, uttering or bringing into circulation counterfeit or falsified money;
4. Forgery or imitation, counterfeiting or falsification, of any document or paper) comprising the crimes designated in the criminal code of Brazil as imitation, counterfeiting, or falsification of paper money, notes of banks, or other securities public or private, as well as the intentional use or the bringing into circulation of any papers imitated, counterfeited, or falsified;
5. The purloining, or embezzlement, of moneys or effects, public or private, by abuse of confidence;



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*Extradition Treaty with Emperor of Brazil.*

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7. Bankruptcies subject to criminal prosecution, according to the laws applicable thereunto;

8. Malversation, or fraud, committed by a bailee, banker, agent, factor, trustee, or director, or member, or officer of any Company, made criminal by any law in force;

9. Rape by force or threats;

10. Abduction;

11. Child-stealing;

12. House-breaking, with intent to steal, or to commit other crimes;

13. Crimes resulting from the act of wilfully setting fire to a house, or to buildings connected therewith, to the prejudice of another;

14. Robbery with violence;

15. Piracy according to the law of nations;

16. Sinking or destroying a vessel on the high seas, or the attempt to perpetrate such acts;

17. Crimes arising from assault on board a ship on the high seas, with intent to cause death or grievous bodily injuries;

18. Crimes arising from the revolt of two or more persons on board a ship on the high seas, against the authority of the captain;

19. Extradition will also take place for the participation in any of the above-named crimes, provided that such participation shall be punishable by the laws of both the States of the High Contracting Powers.

ARTICLE III.

No British subject shall be delivered up by the Government or authorities of the United Kingdom to the Government or authorities of the Empire; and in like manner no Brazilian subject shall be delivered up by the Government or authorities of the Empire to the Government or authorities of the United Kingdom.

If, however, the person who has taken refuge in the territory of the other High Contracting Party shall have become naturalized there after the perpetration of the crime, such naturalization shall not be an obstacle to his extradition according to the stipulations of this Treaty.

ARTICLE IV.

The extradition shall not take place if the person claimed has already been tried and acquitted, or punished, or if he is under trial for the same crime for which extradition is asked.

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*Extradition Treaty with Emperor of Brazil.*

If he should be under trial for any other crime, his extradition shall be deferred until the conclusion of the trial, and the fulfilment of the punishment, when such may have been awarded.

## ARTICLE V.

The extradition shall also not take place if, after the perpetration of the crime, or the institution of the penal prosecution, or the conviction thereon, the refugee shall have acquired exemption from prosecution or punishment by lapse of time, according to the laws of the State appealed to.

## ARTICLE VI.

The person claimed shall not be delivered up for crimes of a political character, and when he shall have been delivered up on other grounds he shall not be punished for anterior political crimes. He shall not, moreover, be delivered up if he can clearly prove that the requisition is made with the object of trying him or of punishing him for a political crime.

## ARTICLE VII.

A person surrendered cannot be kept in prison, or brought to trial, in the State to which the surrender is made, for any other crime, or on account of any other matters, than those for which the extradition has been granted. This statement is not applicable to crimes committed after the extradition.

## ARTICLE VIII.

If the person whose extradition is demanded by one of the High Contracting Parties shall be also claimed by one or more other Governments, on account of crimes committed in their respective territories, the following rule shall be observed :

If he shall be a subject of the High Contracting Party who claims him, the surrender shall be made to it. If he be not so, the other High Contracting Party shall have the power of delivering him up to the reclaiming Government which in the case in question may appear to the former best entitled to the preference.

## ARTICLE IX.

A requisition for extradition shall be made through the respective Diplomatic Agents of the High Contracting Powers.

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*Extradition Treaty with Emperor of Brazil.*

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When it relates to a person accused only, it must be accompanied by the warrant of arrest, issued by the competent authority of the State applying for it, and by such evidence as according to the laws of the place where the accused is found, would justify the arrest if the crime was there committed.

If the extradition refers to a person already convicted, the application must be accompanied by a copy of the sentence of condemnation passed against him, given by a competent Tribunal of the State making the requisition.

The requisition cannot, however, be founded on a sentence passed *in contumaciam*, that is to say, when the delinquent has not been personally cited to defend himself.

ARTICLE X.

If the requisition has been in conformity with the foregoing stipulations, the competent authorities of the State to which it has been addressed shall proceed to the capture of the refugee. The prisoner shall be brought before a competent authority, who is to examine him, and conduct the preliminary investigations of the case just as if the apprehension had taken place for crime committed in the same country.

ARTICLE XI.

The extradition shall in no case take place before the expiration of fifteen days, counted from the apprehension, and after that delay it shall only be carried out when the evidence has been found sufficient, according to the laws of the country applied to, either for subjecting the prisoner to trial, if the crime had been there committed, or to prove the identity of the person convicted and condemned by the Tribunals of the State making the requisition.

ARTICLE XII.

In the examinations which are to be made in conformity with the foregoing stipulations, the authorities of the State to which application is made, shall admit as valid evidence the sworn depositions or declarations of witnesses, which were taken in the other State, or the respective copies thereof as well as the judicial documents, warrants, or sentences, transmitted therefrom, provided they are signed or certified by the hand of the judge, magistrate, or public officer of that State, and authenticated, either by the oath of some witness, or by the official seal of the Minister of Justice or some other Minister of State.

ARTICLE

*Extradition Treaty with Emperor of Brazil.*

## ARTICLE XIII.

If within two months counting from the date of arrest sufficient evidence for the extradition shall not have been presented, the person arrested shall be set at liberty. He shall likewise be set at liberty if, within two months of the day on which he was placed at the disposal of the Diplomatic Agent, he shall not have been sent off to the reclaiming country.

## ARTICLE XIV.

All the articles found in the possession of the person demanded, at the time of his apprehension, shall be seized in order to their delivery with him, when his extradition shall take place.

This delivery shall not be limited to effects or articles robbed, stolen, or obtained by other crimes, but shall extend to all that might serve as evidence of the crime; it shall be made even when the extradition could not be made after orders to that effect, on account of the flight or death of the person claimed.

## ARTICLE XV.

The High Contracting Parties renounce whatever claims they may have for the reimbursement of the expenses incurred for the apprehension and maintenance of the persons to be delivered up, and for their conveyance until they shall be placed on board ship, as they agree to defray these outgoings in their respective countries.

## ARTICLE XVI.

The stipulations of the present Treaty shall apply to the colonies and other possessions of Her Britannic Majesty.

The requisition for the surrender shall be made to the Governor, or to the chief authority, in the Colony or Possession, by the highest Consular Agent of Brazil.

The surrender shall be made by the Governor or the chief authority, who shall, however, have the power either to make it, or to refer the matter to his Government.

Both in the requisitions and in the surrender, the conditions established by the foregoing Articles of this Treaty shall be, as far as may be possible, adhered to.

As Her Britannic Majesty has the power to adopt special arrangements in the Colonies and possessions, respecting the delivering up of delinquents, Her Majesty will facilitate the reclamations of Brazil in this respect, as far as may be possible, with due regard, however, to the provisions of this Treaty.

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# TREATIES.

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## *Extradition Treaty with Emperor of Brazil.*

### ARTICLE XVII.

The present Treaty shall come into force ten days after its publication, and in conformity with the forms prescribed by the laws of the countries of the High Contracting Parties. It will remain in force until one of these shall give notice for its termination, but it shall then remain in force for six months counted from the date of this notification.

This Treaty shall be ratified, and the ratifications exchanged in Rio de Janeiro, within three months, or sooner if possible.

In witness whereof the respective Plenipotentiaries have signed the present Treaty, and have affixed thereto the seal of their arms.

Done at Rio de Janeiro, on the thirteenth day of the month of November, of the year of Our Lord Jesus Christ one thousand eight hundred and seventy-two.

(L.S.)      GEORGE BUCKLEY MATHEW  
(L.S.)      MARQUEZ DE S. VICENTE

The undersigned Plenipotentiaries of Her Majesty the Queen of the United Kingdom of Great Britain and Ireland, and of His Majesty the Emperor of Brazil, charged with making a Treaty for the extradition of criminals, upon which they have at this present agreed, having met in conference took into their consideration the following subjects:—

They directed their attention to the fact that the criminal law of England punishes the crime of infanticide with the same penalty as that of murder, when accompanied by corresponding circumstances, and that it results therefrom that extradition should take place even for attempting to commit that crime.

On the other hand they observed, that according to the Brazilian law, infanticide is not punished as murder, nor even as manslaughter, but as a crime distinct from both, and by a minor punishment, and that consequently extradition should not take place for the attempt.

They consequently resolved to declare that extradition shall solely take place for the crime of infanticide, and not for an attempt to commit that crime.

With this declaration they agreed to close this conference, from which the present Protocol emanates, which being found in conformity, was signed, each having a copy thereof.

Done in the City of Rio de Janeiro, the thirteenth day of November of 1872.

(L.S.)      GEORGE BUCKLEY MATHEW.  
(L.S.)      MARQUEZ DE S. VICENTE.

And

*Extradition Treaty with Emperor of Brazil.*

And whereas the ratifications of the said Treaty were exchanged at Rio de Janeiro on the twenty-eighth day of August last.

Now, therefore, Her Majesty, by and with the advice of Her Privy Council, and in virtue of the authority committed to Her by the said recited Act, doth order, and it is hereby ordered, that from and after the first day of December, one thousand eight hundred and seventy-three, the said Act shall apply in the case of the said Treaty with the Emperor of Brazil.

EDMUND HARRISON.

TREATY BETWEEN HER MAJESTY AND THE  
EMPEROR OF AUSTRIA, &c.

*At the Court at Windsor, the 11th day of March, 1874.*

PRESENT:

THE QUEEN'S MOST EXCELLENT MAJESTY IN COUNCIL.

**W**HEREAS by an act of Parliament made and passed in the Session of Parliament holden in the thirty-third and thirty-fourth years of the reign of Her present Majesty, intituled: "An Act for amending the law relating to the "Extradition of Criminals," it was amongst other things enacted, that where an arrangement has been made with any foreign State with respect to the surrender to such State of any fugitive criminals, Her Majesty may, by Order in Council, direct that the said Act shall apply in the case of such foreign State; and that Her Majesty may, by the same or any subsequent Order, limit the operation of the Order, and restrict the same to fugitive criminals who are in or suspected of being in the part of Her Majesty's dominions specified in the Order, and render the operation thereof subject to such conditions, exceptions, and qualifications as may be deemed expedient:

And whereas a Treaty was concluded on the third day of December last, between Her Majesty and the Emperor of Austria, King of Bohemia, &c., &c., and Apostolic King of Hungary, for the Mutual Extradition of Fugitive Criminals, which Treaty is in the terms following:—

HER Majesty the Queen of the United Kingdom of Great Britain and Ireland, and His Majesty the Emperor of Austria, King of Bohemia, &c., &c., and Apostolic King of Hungary, having judged it expedient, with a view to the better

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*Extradition Treaty with Emperor of Austria, &c.*

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better administration of justice and to the prevention of crime within the two countries and their jurisdictions that persons charged with or convicted of the crimes hereinafter enumerated, and being fugitives from justice should, under certain circumstances, be reciprocally delivered up; Their said Majesties have named as their Plenipotentiaries to conclude a treaty for this purpose, that is to say:—

Her Majesty the Queen of the United Kingdom of Great Britain and Ireland, the Right Honorable Sir Andrew Buchanan, a member of Her Majesty's Most Honorable Privy Council, Knight Grand Cross of the Most Honorable Order of the Bath, Her Majesty's Ambassador Extraordinary and Plenipotentiary to His Imperial and Royal Apostolic Majesty:

And His Imperial and Royal Apostolic Majesty, the Count Julius Andrassy of Csik-Szent-Király and Krasna Horka, His Imperial and Royal Majesty's Privy Councillor, Minister of the Imperial House and of Foreign Affairs, Grand Cross of the Order of St. Stephen, &c.;

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

## ARTICLE I.

The High Contracting Parties engage to deliver up to each other those persons who, being accused or convicted of a crime committed in the territory of the one Party, shall be found within the territory of the other Party under the circumstances and conditions stated in the present Treaty.

## ARTICLE II.

The crimes for which the extradition is to be granted are the following:—

1. Murder, or attempt to murder;
2. Manslaughter;
3. Counterfeiting or altering money, uttering or bringing into circulation counterfeit or altered money;
4. Forgery or counterfeiting, or altering or uttering what is forged or counterfeited or altered,—comprehending the crimes designated in the Austrian Penal Laws or in the Hungarian Penal Laws and Customs as counterfeiting or falsification of paper money, bank notes, or other securities, forgery or falsification of other public or private documents; likewise the uttering or bringing into circulation, or wilfully using such counterfeited, forged, or falsified papers;

The definition is to be determined accordingly with the Austrian Penal Laws if the extradition shall take place from Austria,

*Extradition Treaty with Emperor of Austria, &c.*

Austria, and accordingly with the Hungarian Penal Laws and Customs if the extradition shall take place from Hungary;

5. Embezzlement or larceny;
6. Obtaining money or goods by false pretences;
7. Crimes against bankruptcy law,—comprehending the crimes considered as frauds committed by the bankrupt in connection with the bankruptcy, according with the Austrian Penal Laws if the extradition shall take place from Austria, and with the Hungarian Penal Laws if the extradition shall take place from Hungary;
8. Fraud by a bailee, banker, agent factor, trustee, or director or member or public officer of any company, made criminal by any law for the time being in force;
9. Rape;
10. Abduction;
11. Child stealing, kidnapping, and false imprisonment;
12. Burglary or housebreaking;
13. Arson;
14. Robbery with violence or with menaces;
15. Threats by letter or otherwise with intent to extort;
16. Sinking or destroying a vessel at sea, or attempting to do so;
17. Assaults on board a ship on the high seas, with intent to destroy life, or to do grievous bodily harm;
18. Revolt or conspiracy to revolt, by two or more persons on board a ship on the high seas, against the authority of the master;
19. Perjury or subornation of perjury;
20. Malicious injury to property, if the offence be indictable;

The extradition is also to take place for participation in any of the aforesaid crimes, as accessory either before or after the fact, provided such participation be punishable by the laws of both the Contracting Parties.

In all these cases the extradition will only take place from the Austro-Hungarian States when the crimes if committed in Austria would, according to Austrian law, constitute a "Verbrechen," or if committed in Hungary would, according to the laws and customs in force in Hungary, constitute a crime ("buntett"); the extradition from Great Britain only when the crimes, if committed in England, or within English jurisdiction would constitute an extradition crime as described in the Extradition Acts of 1870 and 1873.

## ARTICLE III.

In no case and on no grounds whatever shall the High Contracting Parties be held to concede the extradition of their own subjects.

## ARTICLE

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## TREATIES.

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### *Extradition Treaty with Emperor of Austria, &c.*

#### ARTICLE IV.

The extradition shall not take place if the person claimed on the part of the Government of the United Kingdom, or the person claimed on the part of the Government of Austria-Hungary, has already been tried and discharged or punished, or is still under trial, in the Austro-Hungarian dominions, or in the United Kingdom respectively, for the crime for which his extradition is demanded.

If the person claimed on the part of the Government of the United Kingdom, or if the person claimed on the part of the Government of Austria-Hungary, should be under examination for any other crime in the Austro-Hungarian dominions, or in the United Kingdom respectively, his extradition shall be deferred until the conclusion of the trial, and the full execution of any punishment awarded to him.

Should an individual whose extradition is demanded be at litigation, or be detained in the country on account of private obligations, his surrender shall nevertheless be made, the injured party retaining the right to prosecute his claims before the competent authority.

#### ARTICLE V.

The extradition shall not take place if, with respect to the crime for which it is demanded, and according to the laws of the country applied to, criminal prosecution and punishment has lapsed.

#### ARTICLE VI.

A fugitive criminal shall not be surrendered if the offence in respect of which his surrender is demanded is one of a political character, or if he prove that the requisition for his surrender has, in fact, been made with a view to try or punish him for an offence of a political character.

#### ARTICLE VII.

If an individual whose extradition is demanded by either of the High Contracting Parties, in accordance with the terms of this Treaty, be also claimed by one or several other Powers on account of other crimes committed on their territory, he shall be surrendered to the Government in whose territory his gravest crime was committed; and if his crimes are all of the same gravity, or a doubt exists as to which is the gravest, to the Government which first made application for his surrender.

#### ARTICLE

HAMILTON PUBLIC LIBRARY



*Extradition Treaty with Emperor of Austria, &c.*

## ARTICLE VIII.

A surrendered person shall in no case be kept in arrest or subjected to examination in the State to which he has been surrendered on account of another previous crime, or any other grounds than those of his surrender, unless such person has, after his surrender, had an opportunity of returning to the country whence he was surrendered, and has not made use of this opportunity, or unless he, after having returned there, reappears in the country to which he has already been surrendered.

This stipulation does not refer to crimes committed after surrender.

## ARTICLE IX.

Requisitions for surrender shall be made by the Diplomatic Agents of the High Contracting Parties.

To the requisition for the surrender of an accused person there must be attached a warrant issued by the competent authorities of the State which demands extradition, and such proofs as would, according to the laws of the place where the accused was found, justify his arrest if the crime had been committed there.

If the requisition refers to a person already convicted, the sentence passed by the competent Tribunal of State demanding his surrender must be produced.

No requisition for surrender can be based on a conviction *in contumaciam*.

## ARTICLE X.

If the requisition for extradition be in accordance with the foregoing stipulations, the competent authorities of the State applied to shall proceed to the arrest of the fugitive.

The prisoner is then to be brought before a competent Magistrate, who is to examine him and to conduct the preliminary investigation of the case, just as if the apprehension had taken place for a crime committed in the same country.

## ARTICLE XI.

A fugitive criminal may, however, in urgent cases be arrested under a warrant of a Police Magistrate, Judge of the Peace, or of any other competent authority in either country, on such information or complaint, or such evidence as would, in the opinion of the person issuing the warrant, justify the issue of a warrant if the crime had been

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*Extradition Treaty with Emperor of Austria, &c.*

been committed or the prisoner convicted in the district in which the authority happens to be: Provided, however, that he shall be discharged if, within the shortest time possible, and at the utmost within fourteen days, a requisition for his surrender in accordance with the terms of Article IX of this Treaty is not made by the Diplomatic Agent of the State which demands his extradition.

## ARTICLE XII.

The extradition shall not take place before the expiration of fifteen days from the apprehension, and then only if the evidence be found sufficient, according to the laws of the State applied to, either to justify the committal of the prisoner for trial, in case the crime had been committed in the territory of the said State, or to prove that the prisoner is the identical person convicted by the Courts of the State which makes the requisition.

## ARTICLE XIII.

In the examinations which they have to make in accordance with the foregoing stipulations, the authorities of the State applied to shall admit as entirely valid evidence, the sworn depositions or statements of witnesses taken in the other State, or copies thereof, and likewise the warrants and sentences issued therein, provided such documents are signed or certified by a Judge, Magistrate, or officer of such State, and are authenticated by the oath of some witness, or by being sealed with the official seal of the Minister of Justice or some other Minister of State.

## ARTICLE XIV.

If sufficient evidence for the extradition be not produced within two months from the date of the apprehension of the fugitive, he shall be set at liberty.

## ARTICLE XV.

All articles seized, which were in the possession of the person to be surrendered at the time of his apprehension, shall, if the competent authority of the State applied to for extradition has ordered the delivery thereof, be given up when the extradition takes place; and this delivery shall extend not only to property of the accused, and to the stolen articles, but also to everything which may serve as a proof of the crime. If the extradition cannot be carried out in consequence of the flight or death of the individual who is claimed,

*Extradition Treaty with Emperor of Austria, &c.*

claimed, the delivery of the above-mentioned objects shall take place nevertheless.

## ARTICLE XVI.

Each of the Contracting Parties shall defray the expenses occasioned by the arrest within its territories, the detention, and the conveyance to its frontier, of the persons to be surrendered, in pursuance of this Treaty.

## ARTICLE XVII.

The stipulations of the present Treaty shall be applicable to the Colonies and foreign possessions of Her Britannic Majesty.

The requisition for the surrender of a fugitive criminal who has taken refuge in any of such Colonies or foreign possessions shall be made to the Governor or chief authority of such Colony or possession by the chief Consular officer of Austria-Hungary in such Colony or possession.

Such requisitions may be disposed of, subject always, as nearly as may be, to the provisions of this Treaty, by the said Governor or chief authority, who, however, shall be at liberty either to grant the surrender, or to refer the matter to his Government.

Her Britannic Majesty shall, however, be at liberty to make special arrangements in the British Colonies and foreign possessions for the surrender of Austro-Hungarian criminals who may take refuge within such Colonies and foreign possessions, on the basis as nearly as may be of the provisions of the present Treaty.

The requisition for the surrender of a fugitive criminal from any Colony or foreign possession of Her Britannic Majesty shall be governed by the rules laid down in the preceding articles of the present Treaty.

## ARTICLE XVIII.

This present Treaty shall come into force ten days after its publication, in conformity with the forms prescribed by the laws of the High Contracting Parties. It may be terminated by either of the High Contracting Parties, but shall remain in force for six months after notice has been given for its termination.

The Treaty shall be ratified, and the ratifications shall be exchanged at Vienna as soon as possible.

In witness whereof, the respective Plenipotentiaries have signed the same, and have affixed thereto the seal of their arms.

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*Extradition Treaty with Emperor of Austria, &c., &c.*

Done at Vienna, the 3rd day of December, in the year of Our Lord One thousand eight hundred and seventy-three.

[L.S.]	ANDREW BUCHANAN.
[L.S.]	ANDRASSY.

And whereas the ratifications of the said Treaty were exchanged at Vienna on the tenth instant:

Now, therefore, Her Majesty, by and with the advice of Her Privy Council, and in virtue of the authority committed to Her by the said recited Act, doth order, and it is hereby ordered, that from and after the thirtieth day of March, one thousand eight hundred and seventy-four, the said Act shall apply in the case of the said Treaty with the Emperor of Austria.

ARTHUR HELPS.

TREATY BETWEEN HER MAJESTY AND THE KING  
OF THE NETHERLANDS

*At the Court at Osborne House, Isle of Wight, the 6th day of August, 1874.*

PRESENT:

THE QUEEN'S MOST EXCELLENT MAJESTY IN COUNCIL.

WHEREAS by an Act of Parliament made and passed in the Session of Parliament holden in the thirty-third and thirty-fourth years of the reign of Her present Majesty, intituled: "An Act for amending the Law relating to the Extradition of Criminals," it was amongst other things enacted, that where an arrangement has been made with any foreign State with respect to the surrender to such State of any fugitive criminals, Her Majesty may, by Order in Council, direct that the said Act shall apply in the case of such foreign State; and that Her Majesty may, by the same or any subsequent order, limit the operation of the order, and restrict the same to fugitive criminals who are in or suspected of being in the part of Her Majesty's dominions specified in the order, and render the operation thereof subject to such conditions, exceptions, and qualifications as may be deemed expedient:

And whereas a Treaty was concluded on the nineteenth day of June last between Her Majesty and the King of the Netherlands,

Done

*Extradition Treaty with King of the Netherlands.*

Netherlands, for the Mutual Extradition of Fugitive Criminals, which Treaty is in the terms following:—

Her Majesty the Queen of the United Kingdom of Great Britain and Ireland, and His Majesty the King of the Netherlands, having judged it expedient, with a view to the better administration of justice and to the prevention of crime between the two countries, that persons charged with or convicted of the crimes hereinafter enumerated, and being fugitives from justice, should, under certain circumstances, be reciprocally delivered up, their said Majesties have named as their Plenipotentiaries to conclude a Treaty for this purpose, that is to say:—

Her Majesty the Queen of the United Kingdom of Great Britain and Ireland, the Honorable Sir Edward Alfred John Harris, a Vice-Admiral in Her Majesty's Royal Navy, Knight Commander of the Most Honorable Order of the Bath, Her Majesty's Envoy Extraordinary and Minister Plenipotentiary to His Majesty the King of the Netherlands;

And His Majesty the King of the Netherlands, M. Joseph Lodewyck Hendrik Alfred Baron Gericke van Herwynen, Commander of the Order of the Netherland Lion, Knight Grand Cross of the Oaken Crown of Luxemburg, &c., &c., His Majesty's Minister for Foreign Affairs; and M. Gerrit de Vries, Commander of the Order of the Netherland Lion, His Majesty's Minister of Justice.

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

## ARTICLE I.

It is agreed that Her Britannic Majesty and His Majesty the King of the Netherlands shall, on requisition made in their name by their respective Diplomatic Agents, deliver up to each other reciprocally any persons who, being accused or convicted of any of the crimes hereinafter specified, committed within the jurisdiction of the requiring party, shall be found within the territories of the other party.

## ARTICLE II.

The crimes for which the extradition is to be granted are the following:—

1. Murder (including assassination, parricide, infanticide, and poisoning), or attempt to murder;
2. Manslaughter;
3. Counterfeiting or altering money, or uttering counterfeit or altered money;

*Extradition Treaty with King of the Netherlands.*

4. Forgery, counterfeiting or altering of public or private documents, including forgery, counterfeiting or altering of paper money, bank notes or other public securities;

5. Embezzlement or larceny, comprehending any larceny that by the Netherland Penal Law is not considered as "vol simple";

6. Obtaining money or goods by false pretences, including the crimes designated in the Netherland Penal Law as speculation, abstraction, or misapplication by bailees or public accountants;

7. Crimes against Bankruptcy Law which by the Netherland Penal Law are considered as fraudulent bankruptcy;

8. Perjury;

9. Rape;

10. Arson:

The extradition is also to take place for participation in any of the aforesaid crimes, provided such participation be punishable by the laws of both the contracting parties.

## ARTICLE III.

No subject of the Netherlands shall be given up by the Government of the Netherlands to the Government of the United Kingdom; and no subject of the United Kingdom shall be delivered up by the Government thereof to the Government of the Netherlands.

With reference to the application to the present Treaty, are comprised in the denomination of "subjects," not only naturalized citizens of the country, but also such foreigners, as according to the laws of either of the contracting parties, are assimilated to subjects, as well as such foreigners, who being domiciled in the country, and having married a citizen thereof, have one or more children by that marriage born there.

## ARTICLE IV.

The extradition shall not take place if the person claimed on the part of the Government of the United Kingdom, or the person claimed on the part of the Government of the Netherlands, has already been tried and discharged, or punished, or is still under trial, in the Netherlands or in the United Kingdom, respectively, for the crime for which his extradition is demanded.

If the person claimed on the part of the Government of the United Kingdom, or if the person claimed on the part of the Government of the Netherlands, should be under examination for any other crime in the Netherlands or in the United Kingdom, respectively, his extradition shall be deferred

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*Extradition Treaty with King of the Netherlands.*

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deferred until the conclusion of the trial, and the full execution of any punishment awarded to him.

The extradition shall also be deferred if the person claimed should be detained for debt by a sentence passed before the requisition for the surrender, under the laws of the country where he shall be found.

ARTICLE V.

The extradition shall not take place if, subsequently to the commission of the crime, or the institution of the penal prosecution, or the conviction thereon, exemption from prosecution or punishment has been acquired by lapse of time, according to the laws of the State applied to.

ARTICLE VI.

A fugitive criminal shall not be surrendered if the offence in respect of which his surrender is demanded is one of a political character, or if he prove that the requisition for his surrender has in fact been made with a view to try or to punish him for an offence of a political character.

ARTICLE VII.

A person surrendered can in no case be kept in prison, or be brought to trial in the State to which the surrender has been made, for any other crime or on account of any other matters than those for which the extradition shall have taken place, until he has been restored or has had the opportunity of returning to the country from whence he was surrendered.

The period of one month shall be considered as the limit of the period during which the prisoner may, with the view of securing the benefits of this Article, return to the country from whence he was surrendered.

This stipulation does not apply to crimes committed after the extradition.

ARTICLE VIII.

The requisition for extradition shall be made through the Diplomatic Agents of the High Contracting Parties, respectively.

The requisition for the extradition of an accused person must be accompanied by a warrant of arrest issued by the competent authority of the State requiring the extradition, and by such evidence as, according to the laws of the place where the accused is found, would justify his arrest if the crime had been committed there.

If

## TREATIES.

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### *Extradition Treaty with King of the Netherlands.*

If the requisition relates to a person already convicted, it must be accompanied by the sentence of condemnation passed against the convicted person by the competent court of the State that makes the requisition for extradition.

A requisition for extradition cannot be founded on sentences passed *in contumaciam*.

#### ARTICLE IX.

If the requisition for extradition be in accordance with the foregoing stipulations, the competent authorities of the State applied to shall proceed to the arrest of the fugitive.

The prisoner is then to be brought before a competent magistrate, who is to examine him and to conduct the preliminary investigation of the case, according to the laws of the country in which he is found.

#### ARTICLE X.

The extradition shall not take place before the expiration of fifteen days from the committal, and then only if the evidence produced in due time be found sufficient according to the laws of the State applied to.

#### ARTICLE XI.

A fugitive criminal may, however, be apprehended under a warrant issued by any police magistrate, justice of the peace, or other competent authority in either country, on such information or complaint, and such evidence, or after such proceedings as would, in the opinion of the person issuing the warrant, justify the issue of a warrant, if the crime had been committed or the prisoner convicted, in that part of the dominions of the two contracting parties in which he exercises jurisdiction: Provided however that, in the United Kingdom, the accused shall, in such case, be sent as speedily as possible before a police magistrate in London. He shall be discharged as well in the United Kingdom as in the Netherlands if within fourteen days, a requisition shall not have been made for his surrender by the Diplomatic Agent of his country.

#### ARTICLE XII.

If, in any criminal matter, pending in any Court or tribunal of one of the two countries, it is thought desirable to take the evidence of any witness in the other, such evidence may be taken by the judicial authorities in accordance with the laws in force on this subject in the country where the witness may be.

#### ARTICLE

If



*Extradition Treaty with King of the Netherlands.*

## ARTICLE XIII.

All articles seized which were in the possession of the person to be surrendered at the time of his apprehension, shall, if the competent authority of the State applied to for the extradition has ordered the delivery thereof, be given up when the extradition takes place; and the said delivery shall extend not merely to the stolen articles, but to everything that may serve as a proof of the crime.

## ARTICLE XIV.

The High Contracting Parties renounce any claim for the reimbursement of the expenses incurred by them in the arrest and maintenance of the person to be surrendered, and his conveyance till placed on board ship, as well as for the reimbursement of the expenses incurred in taking the evidence of any witness in consequence of Article XII, and in giving up and returning seized articles. They reciprocally agree to bear such expenses themselves.

## ARTICLE XV.

The present Treaty shall come into force ten days after its publication, in conformity with the forms prescribed by the laws of the High Contracting Parties. It may be terminated by either of the High Contracting Parties, but shall remain in force for six months after notice has been given for its termination.

The Treaty shall be ratified, and the ratifications shall be exchanged at the Hague as soon as possible.

In witness whereof the respective Plenipotentiaries have signed the same, and have affixed thereto the seal of their arms.

Done at the Hague, the nineteenth day of June, in the year of Our Lord One thousand eight hundred and seventy-four.

[L.S.]	E. A. J. HARRIS,
[L.S.]	L. GERICKE,
[L.S.]	DEVRIES.

And whereas the ratifications of the said Treaty were exchanged at The Hague on the twenty-first day of July last:

Now, therefore, Her Majesty, by and with the advice of Her Privy Council, and in virtue of the authority committed to Her by the said recited Act, doth order, and it is hereby ordered, that from and after the seventeenth day of August, one thousand eight hundred and seventy-four, the said Act shall apply in the case of the said Treaty with the King of the Netherlands.

ARTHUR HELPS.  
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## TREATIES.

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### *Extradition Treaty with Swiss Confederation.*

#### TREATY BETWEEN HER MAJESTY AND THE SWISS CONFEDERATION.

*At the Court at Osborne House, Isle of Wight, the 4th day of  
February, 1875.*

PRESENT :

THE QUEEN'S MOST EXCELLENT MAJESTY IN COUNCIL.

Whereas by an Act of Parliament made and passed in the Session of Parliament holden in the thirty-third and thirty-fourth years of the reign of Her present Majesty, intituled : " An Act for amending the law relating to the Extradition of Criminals," it was amongst other things enacted, that where an arrangement has been made with any foreign State, with respect to the surrender to such State of any fugitive Criminals, Her Majesty may, by Order in Council, direct that the said Act shall apply in the case of such foreign State; and that Her Majesty may, by the same or any subsequent Order, limit the operation of the Order, and restrict the same to fugitive criminals who are in or suspected of being in the part of Her Majesty's dominions specified in the Order, and render the operation thereof subject to such conditions, exceptions and qualifications as may be deemed expedient :

And whereas a Treaty was concluded on the thirty-first day of March last between Her Majesty and the Swiss Confederation, for the mutual extradition of Fugitive Criminals, which Treaty is in the terms following :—

Her Majesty the Queen of the United Kingdom of Great Britain and Ireland, and the Swiss Confederation, having judged it expedient, with a view to the better administration of justice and to the prevention of crime within their respective territories and jurisdictions, that persons charged with, or convicted of, the crimes hereinafter enumerated, and being fugitives from justice, should, under certain circumstances, be reciprocally delivered up, have named as their Plenipotentiaries to conclude a Treaty for this purpose, that is to say :—

Her Majesty the Queen of the United Kingdom of Great Britain and Ireland, Alfred Guthrie Graham Bonar, Esq., Her Envoy Extraordinary and Minister Plenipotentiary to the Swiss Confederation ;

And the Federal Council of the Swiss Confederation, Joseph Martin Knusel, Member of the Swiss Federal Council ;

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

ARTICLE

*Extradition Treaty with Swiss Confederation.*

## ARTICLE I.

The High Contracting Parties engage to deliver up to each other those persons who, being accused or convicted of a crime committed in the territory of the one Party, shall be found within the territory of the other Party under the circumstances and conditions stated in the present Treaty.

## ARTICLE II.

The crimes for which the extradition is to be granted are the following:—

1. Murder (including infanticide) and attempt to murder;
2. Manslaughter;
3. Counterfeiting or altering money, uttering or bringing into circulation counterfeit or altered money;
4. Forgery, or counterfeiting, or altering, or uttering what is forged, or counterfeited, or altered; comprehending the crimes designated in the Penal Codes of either State as counterfeiting or falsification of paper money, bank notes, or other securities, forgery, or other falsification of other public or private documents; likewise the uttering or bringing into circulation, or wilfully using such counterfeited, forged or falsified papers;
5. Embezzlement or larceny;
6. Obtaining money or goods by false pretences;
7. Crimes against bankruptcy law;
8. Fraud committed by a bailee, banker, agent, factor, trustee, or director, or member, or public officer of any Company made criminal by any law for the time being in force;
9. Rape;
10. Abduction of minors;
11. Child stealing or kidnapping;
12. False imprisonment;
13. Burglary, or housebreaking, with criminal intent;
14. Arson;
15. Robbery with violence;
16. Threats by letter or otherwise with intent to extort;
17. Perjury or subornation of perjury;
18. Malicious injury to property, if the offence be indictable;

The extradition is also to take place for participation in any of the aforesaid crimes, as an accessory before or after the fact.

## ARTICLE III.

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## TREATIES.

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### *Extradition Treaty with Swiss Confederation.*

Government of the United Kingdom; and no subject of the United Kingdom shall be delivered up by the Government thereof to Switzerland.

#### ARTICLE IV.

The extradition shall not take place if the person claimed on the part of the Government of the United Kingdom, or the person claimed on the part of the Swiss Government, has already been tried and discharged or punished, or is still under trial, in one of the Swiss Cantons or in the United Kingdom respectively, for the crime for which his extradition is demanded.

If the person claimed on the part of the Government of the United Kingdom, or if the person claimed on the part of the Swiss Government should be under examination or have been condemned for any other crime, in one of the Swiss Cantons or in the United Kingdom respectively, his extradition may be deferred until he shall have been set at liberty in due course of law.

In case such individual should be proceeded against or detained in the country in which he has taken refuge, on account of obligations contracted towards private individuals, his extradition shall, nevertheless, take place,—the injured party retaining his right to prosecute his claims before the competent authority.

#### ARTICLE V.

The extradition shall not take place if, subsequently to the commission of the crime, or of the institution of the penal prosecution, or the conviction thereon, exemption from prosecution or punishment has been acquired by lapse of time, according to the laws of the State applied to.

#### ARTICLE VI.

If the individual claimed by one of the two Contracting Parties in pursuance of the present Treaty should be also claimed by one or several other Powers, on account of other crimes committed upon their respective territories, his surrender shall be granted to that State whose demand is earliest in date; unless any other arrangement should be made between the Governments which have claimed him, either on account of the gravity of the crimes committed, or for any other reason.

#### ARTICLE VII.

A fugitive criminal shall not be surrendered if the offence

*Extradition Treaty with Swiss Confederation.*

offence in respect of which his surrender is demanded is one of a political character, or is connected with a crime of that nature, or if he prove that the requisition for his surrender has, in fact, been made with a view to try and punish him for an offence of a political character.

## ARTICLE VIII.

A person surrendered can in no case be kept in prison, or be brought to trial in the State to which the surrender has been made, for any other crime, or on account of any other matters than those for which the extradition shall have taken place.

This stipulation does not apply to crimes committed after the extradition.

## ARTICLE IX.

The requisition for extradition must always be made by the way of diplomacy, and, to wit,—in Switzerland by the British Minister to the President of the Confederation, and in the United Kingdom to the Secretary of State for Foreign Affairs by the Consul-General of Switzerland, who, for the purposes of this Treaty, is hereby recognized by Her Majesty as a Diplomatic Representative of Switzerland.

The requisition for the extradition of an accused person must be accompanied by a warrant of arrest issued by the competent authority of the State requiring the extradition, and by such evidence as, according to the laws of the place where the accused is found, would justify his arrest if the crime had been committed there.

If the requisition relates to a person already convicted, it must be accompanied by the sentence of condemnation passed against the convicted person by the competent Court of the State that makes the requisition for extradition.

A requisition for extradition cannot be founded on sentences passed *in contumaciam*.

## ARTICLE X.

A fugitive criminal may, however, be apprehended under a warrant issued by any Police Magistrate, Justice of the Peace, or other competent authority, in either country, on such information or complaint, together with such evidence or after such judicial proceedings as would, in the opinion of the officer issuing the warrant, justify its issue if the crime had been committed in that part of the dominions of the two Contracting Parties in which he exercises jurisdiction: Provided, however, that in the United Kingdom the accused

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## TREATIES.

XXXV

### *Extradition Treaty with Swiss Confederation.*

accused shall in such case be sent as speedily as possible before a Police Magistrate in London. Such requisition may be made by means of the post or by telegraph.

The accused shall, however, be discharged if, within such reasonable time as, with reference to the circumstances of the case, the Police Magistrate may fix, the requisition shall not have been made according to the stipulations contained in Article IX.

#### ARTICLE XI.

The extradition shall not take place before the expiration of fifteen days from the apprehension, and then only if the evidence be found sufficient, according to the laws of the State applied to, either to justify the committal of the prisoner for trial, in case the crime had been committed in the territory of the said State, or to prove that the prisoner is the identical person convicted by the courts of the State which makes the requisition.

#### ARTICLE XII.

In the examinations which they have to make in accordance with the foregoing stipulations, the authorities of the State applied to shall admit as entirely valid evidence the sworn depositions or statement of witnesses taken in the other State, or copies thereof, and likewise the warrants and sentences issued therein, provided such documents are signed or certified by a judge, magistrate, or officer of such State, and are authenticated by the oath of some witness, or by being sealed with the official seal of a British Secretary of State, or of the Chancellor of the Swiss Confederation.

#### ARTICLE XIII.

If sufficient evidence for the extradition be not produced within two months from the date of the apprehension of the fugitive, he shall be set at liberty.

#### ARTICLE XIV.

All articles seized, which were in the possession of the person to be surrendered at the time of his apprehension, shall, if the competent authority of the State applied to for the extradition has ordered the delivery thereof, be given up when the extradition takes place; and the said delivery shall extend not merely to the stolen articles, but to everything that may serve as a proof of the crime.

*Extradition Treaty with Swiss Confederation.*

## ARTICLE XV.

The Contracting Parties renounce any claim for the reimbursement of the expenses incurred by them in the arrest and maintenance of the person to be surrendered, and his conveyance to the frontiers of the State from which he is required: they reciprocally agree to bear such expenses themselves.

## ARTICLE XVI.

The stipulations of the present Treaty shall be applicable to the Colonies and Foreign Possessions of Her Britannic Majesty.

The requisition for the arrest and surrender of a fugitive criminal who has taken refuge in any of such Colonies or foreign Possessions shall be made through the Swiss Consul-General in London to the Secretary of State for Foreign Affairs, who shall proceed in conformity with the provisions of the present Treaty and the laws of the land.

Her Britannic Majesty shall, however, be at liberty to make special arrangements in the British Colonies and foreign Possessions for the surrender of such individuals as shall have committed in Switzerland any of the crimes hereinbefore mentioned, who may take refuge within such Colonies and foreign Possessions, on the basis, as nearly as may be, of the provisions of the present Treaty.

The requisition for the surrender of a fugitive criminal from any Colony or foreign Possession of Her Britannic Majesty shall be governed by the rules laid down in the preceding Articles of the present Treaty.

## ARTICLE XVII.

The present Treaty shall come into force ten days after its publication in conformity with the forms prescribed by the laws of the High Contracting Parties. It may be terminated by either of the High Contracting Parties, but shall remain in force for six months after notice has been given for its termination.

The Treaty shall be ratified, and the ratifications shall be exchanged at Berne in four weeks, or sooner if possible.

In witness whereof the respective Plenipotentiaries have signed the same, and have affixed thereto the seal of their arms.

Done at Berne, the thirty-first day of March, in the year of Our Lord One thousand eight hundred and seventy-four.

(L.S.) A. G. G. BONAR.  
(L.S.) J. M. KNUSEL.

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*Extradition Treaty with Swiss Confederation.*

And whereas a Protocol amending Article XVI of the aforesaid Treaty was signed by the Plenipotentiaries of Her Majesty and of the Swiss Confederation on the twenty-eighth day of November, One thousand eight hundred and seventy-four which Protocol is in the following terms :—

The undersigned Plenipotentiaries of Her Majesty the Queen of the United Kingdom of Great Britain and Ireland, and the Federal Council of the Swiss Confederation, having met in Conference, have taken into their consideration the following subject :—

They have directed their attention to the fact that the second paragraph of the XVIth Article of the Treaty, which stipulates that the requisition for the arrest of a fugitive criminal who has taken refuge in any of the Colonies or foreign Possessions of Her Britannic Majesty shall be made through the Swiss Consul-General in London to the Secretary of State for Foreign Affairs, was not in accordance with the law of England, and they have consequently resolved to declare that the second paragraph of that Article beginning :—

“The requisition for the arrest,” and concluding with, “and the laws of the land,” shall be null and void, and in lieu thereof the following words shall be substituted :

“The requisition for the surrender of a fugitive criminal who has taken refuge in any of such Colonies or foreign Possessions shall be made to the Governor or to the Supreme Authority of such Colony or Possession through the Swiss Consul, or, in case there should be no Swiss Consul, through the Consular Agent of another State charged for the occasion with the Swiss interests in the Colony or Possession in question.

“The Governor or Supreme Authority above-mentioned shall decide with regard to such requisitions as nearly as possible in accordance with the provisions of the present Treaty. He will, however, be at liberty either to consent to the extradition or report the case to his Government.”

The other provisions of Article XVI remain in force as they have been agreed upon in the Treaty.

This Protocol shall be regarded and acted upon as forming part of the Treaty in question.

In witness whereof the undersigned have signed this Protocol, and have hereunto affixed their seals.

Done in duplicate at Berne, the twenty-eighth day of November, in the year of Grace, One thousand eight hundred and seventy-four.

The Plenipotentiary of Great Britain,  
(L.S.) EDWIN CORBETT.

The Plenipotentiary of the Swiss Confederation,  
(L.S.) J. M. KNUSEL.

And



*Extradition Treaty with Swiss Confederation.*

And whereas the ratifications of the said Treaty and Protocol were exchanged at Berne on the thirty-first day of December last:—

Now, therefore, Her Majesty, by and with the advice of Her Privy Council, and in virtue of the authority committed to Her by the said recited Act, doth order, and it is hereby ordered, that from and after the first day of March, One thousand eight hundred and seventy-five, the said Act shall apply in the case of the said Treaty and Protocol with the Swiss Confederation.

ARTHUR HELPS.

## CIRCULAR.

DOWKING STREET,  
17th June, 1874.

12th June 1874. } Sir.—I transmit to you for publication in the Colony under your  
Extract. } Government, a Copy of a Letter from the Foreign Office,  
together with an Extract of a Letter from the German Ambassador at this Court,  
stating that German Consular protection may be afforded to Swiss people, residing  
abroad, on their applying for it.

I have the honour to be,

Sir,

Your most Obedient Humble Servant,  
CARNARVON.

The Officer Administering  
the Government of Canada.

*Mr. Bourke to the Under Secretary of State, Colonial Office.*

(COPY.)

FOREIGN OFFICE,  
June 12th, 1874.

SIR,

I AM directed by the Earl of Derby to transmit to you, for the information of the Earl of Carnarvon, the accompanying translation of a letter from the German Ambassador at this Court, stating that German Consular protection may be afforded to Swiss people residing abroad on their applying for it, and I am to request that you will move His Lordship to take the necessary steps in order that the Officers serving under the Colonial Office may be informed of this arrangement.

I am, &c.,  
(Signed), ROBERT BOURKE.

*The Under Secretary of State,  
Colonial Office.*

*Extract of a Letter from Count Münster to the Earl of Derby, dated German Embassy,  
June 3rd, 1874.*

"A special case which has come to the knowledge of the Imperial Government gives me occasion to apply for Your Excellency's kind intervention for the purpose of having the Royal British Authorities both in England itself and in the British Colonies informed that German Consular protection may be afforded, on their application, to Swiss people residing abroad."

"This circumstance rests upon an agreement made in the year 1871, and renewed in the year 1872, between the German Imperial Chancery Office and the Swiss Federal Council."

"Especially with reference to the arrangement of inheritances in the Colonies, it appears desirable that the protective relation in question should be known to the respective Authorities."

TREATY

*Treaty of Commerce with France.*

## TREATY OF COMMERCE AND NAVIGATION BETWEEN GREAT BRITAIN AND FRANCE.

(Signed at Versailles, July 23rd, 1873; Ratifications Exchanged at Paris August 4th, 1873.)

HER MAJESTY the Queen of the United Kingdom of Great Britain and Ireland and the President of the French Republic, being equally animated with the desire to draw closer the ties of friendship which unite the two countries, and of placing on a satisfactory footing the commercial and maritime relations between the two States, have, with this object, determined to conclude a Treaty of Commerce and Navigation, and they have accordingly appointed their respective Plenipotentiaries, that is to say:—

Her Majesty the Queen of the United Kingdom of Great Britain and Ireland, the Right Honorable Richard Bickerton Pemell, Lord Lyons, a Peer of the United Kingdom of Great Britain and Ireland, Knight Grand Cross of the Most Honorable Order of the Bath, one of Her Britannic Majesty's Most Honorable Privy Council, and Her said Majesty's Ambassador Extraordinary and Plenipotentiary to the French Republic, &c., &c., &c.;

And the President of the French Republic, M. le Duc de Broglie, Minister for Foreign Affairs, Vice-President of the Council, Chevalier of the National Order of the Legion of Honour, &c., &c., &c.;

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

## ARTICLE I.

The Treaty of Commerce concluded on the 23rd of January, 1860, between the United Kingdom of Great Britain and Ireland and France, as also the Supplementary Conventions of the 12th of October and 16th of November of the same year, are again put in force in all their stipulations and in their full tenor, and shall continue to have effect as before the Act of Denunciation of the 15th of March, 1872.

The High Contracting Parties guarantee to each other reciprocally, as well in the United Kingdom as in France and Algeria, the treatment, in all respects, of the most favoured nation.

It is, therefore understood, that in conformity with the stipulations of Article XIX of the Treaty of Commerce, concluded on the 23rd of January, 1860, and of Article V of the Supplementary Convention of the 16th of November of the same year, each of the High Contracting Parties engages to

*Treaty of Commerce with France.*

to give the other, immediately and unconditionally, the benefit of every favour or immunity, every privilege or reduction of Tariff in regard to the importation of merchandise, whether mentioned or not in the Treaty and Conventions of 1860, which have been or may be conceded by one of the High Contracting Parties to any foreign nation whatsoever, whether within or beyond Europe.

It is likewise understood that, in all that relates to transit, warehousing, exportation, re-exportation, local dues, brokerage, Customs formalities, samples, designs for manufactures, and likewise in all matters relating to the exercise of commerce and industry, British subjects in France or in Algeria, and French in the United Kingdom, shall enjoy the treatment of the most favoured nation.

ARTICLE II.

British ships and their cargoes shall, in France and Algeria, and French ships and their cargoes shall, in the United Kingdom of Great Britain and Ireland, from whatever place arriving, and whatever may be the place of origin or destination of their cargoes, be treated in every respect as national ships, and their cargoes.

The coasting trade, however, is excepted from the preceding stipulation, and remains subject to the respective laws of the two countries.

ARTICLE III.

The High Contracting Parties agree to settle by means of a Supplementary Convention, the ratifications of which shall be exchanged before the 31st of January, 1874, such arrangements as may appear to them to be necessary in regard to Consular attributions, to transit and Customs regulations affecting entry of goods, *expertise*, samples, and any other matters of the like nature; and they agree, moreover, to substitute this Supplementary Convention for the stipulations about similar matters comprised in the Treaties and Conventions of 1860.

ARTICLE IV.

Mineral oils of British origin shall be admitted into France and Algeria from the 1st of January, 1874, or sooner, if possible, at a Customs duty of 5 per cent., that is to say: at the rate of duty levied previously to the passing of the law of the 8th of July, 1871. It is, nevertheless, agreed that the said oils shall, in conformity with the stipulations of Article IX of the Treaty of the 23rd of January, 1860, again

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*Treaty of Commerce with France.*

again put into force by Article I of the present Treaty, be likewise subject to the duty of 5 fr. or 8 fr. per 100 kilog. established on crude or refined oils by the law of the 16th of September, 1871, or that which may be hereafter levied on the like oils manufactured in France.

A Commission, consisting of one member on the part of each Government, shall meet at Paris immediately after the ratification of the present Treaty, in order to settle, as hereinafter directed, questions concerning duties levied in France on British mineral oils, as well as to consider and report on any other questions which the High Contracting Parties agree, or shall agree, to refer to it.

The benefit of the above provisions shall be extended to British mineral oils, to be supplied to persons in France under contracts entered into before the promulgation of the law of the 8th of July, 1871.

The Commission shall examine how far it would be possible to effect reimbursement of duties levied in excess of the duty of 5 per cent., and the tax of 5 fr. or 8 fr. per 100 kilog. above referred to, in the case of British mineral oils, introduced into France since the promulgation of the law of the 8th of July, 1871, otherwise than in pursuance of contracts previously entered into.

In regard to the contracts above referred to, the settlement shall include indemnification for actions for breaches of contracts entered into before the enforcement of the Law of the 8th of July, 1871.

The High Contracting Parties, before the exchange of the ratifications of the present Treaty, shall name some third person to act as Arbitrator in regard to any points in connection with the questions above referred to which relate to mineral oils and on which the Commissioners may themselves differ in opinion. The Commission shall refer any such points to the Arbitrator, whose decision shall be binding on the Commissioners, and shall be reported by them accordingly.

The High Contracting Parties shall forthwith carry out the decision come to by the Commission or by the Arbitrator.

## ARTICLE V.

The present Treaty shall remain in force until the 30th of June, 1877. In case neither of the two High Contracting Parties should have notified, twelve months before the said date, the intention of putting an end to it, it shall remain binding until the expiration of one year from the day on which either of the two High Contracting Parties shall have denounced it.

## ARTICLE

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*Treaty of Commerce with France, &c.*


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## ARTICLE VI.

The President of the French Republic engages to apply to the National Assembly for the necessary authorization to ratify and give effect to the present Treaty immediately after its signature.

The ratifications shall be exchanged at Paris as soon as possible, and the Treaty shall immediately come into force.

In witness whereof the respective Plenipotentiaries have signed the present Treaty, and have thereto affixed the seals of their arms.

Done in duplicate at Versailles, the 23rd day of July, in the year of Our Lord 1873.

[L.S.]  
[L.S.]

LYONS.  
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CONVENTION BETWEEN HER MAJESTY AND THE  
FRENCH REPUBLIC.

*Supplementary to the Treaty of Commerce and Navigation of  
July 23rd, 1873.*

(Signed at Versailles, January 24th, 1874; Ratifications exchanged at Paris,  
January 30th, 1874.)

**H**ER MAJESTY the Queen of the United Kingdom of Great Britain and Ireland, and the President of the French Republic, having agreed, by the Third Article of the Treaty of Commerce and Navigation signed at Versailles on the 23rd of July, 1873, to settle, by means of a Supplementary Convention, the ratifications of which were to be exchanged before the 31st of January, 1874, such arrangements as may appear to them to be necessary in regard to Consular attributions, to transit and Customs regulations affecting entry of goods, expertise, samples, and any other matters of like nature; and, moreover, to substitute this Supplementary Convention for the stipulations about similar matters comprised in the Treaty and Conventions of 1860; they have accordingly appointed as their respective Plenipotentiaries, that is to say:—

Her Majesty the Queen of the United Kingdom of Great Britain and Ireland, the Right Honorable Richard Bickerton Pemell, Lord Lyons, a Peer of the United Kingdom of Great Britain and Ireland, Knight Grand Cross of the Most Honorable Order of the Bath, one of Her Britannic Majesty's Most Honorable Privy Council, and Her said Majesty's Ambassador Extraordinary and Plenipotentiary to the Government of the French Republic, &c., &c., &c. ;

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*Supplementary Treaty of Commerce with French Republic.*

And the President of the French Republic, M. le Duc Decazes, Member of the National Assembly, Minister for Foreign Affairs, Commander of the National Order of the Legion of Honor, &c., &c., &c. ;

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

## ARTICLE I.

If one of the High Contracting Parties shall impose an excise tax, that is to say, an inland duty, upon any article of home production or manufacture, an equivalent compensatory duty may be imposed on articles of the same description on their importation from the territories of the other Power, provided that the said equivalent duty is levied on the like articles on their importation from all other foreign countries.

In the event of the reduction or suppression of excise taxes, that is to say, inland duties, a corresponding reduction or suppression shall, at the same time, be made in the equivalent compensatory import duty on manufactures of British or French origin, as the case may be.

## ARTICLE II.

The transit of goods to and from the United Kingdom shall be free from all transit duties in France and Algeria, and the transit of goods to and from France and Algeria shall be free from all transit duties in the United Kingdom.

## ARTICLE III.

The stipulations of Article IX of the Convention of the 12th of October, 1860, in regard to duties of marking and guarantee established for goldsmith's work and jewellery, shall be applicable to fire-arms, anchors, chain cables, and all other articles over which similar control is or may be exercised.

## ARTICLE IV.

In case of dispute between the importer and the French Customs as to the denomination, origin, or class under which any goods may be chargeable with duty, this dispute shall be referred to the Board of Legal Expertise established at the Ministry of Agriculture and Commerce by Article 19 of the law of July 27th, 1822. The declarant, on the one hand,  
and

*Supplementary Treaty of Commerce with French Republic.*

and the Customs on the other, shall each have the right to choose an expert from the merchants or manufacturers inscribed on a list prepared annually by the President of the Chamber of Commerce of Paris, and transmitted to the Ministry of Agriculture and Commerce. After having heard the explanations and conclusions of the two experts, the above-mentioned Board of Legal Expertise, in the event of agreement between the respective experts, shall record the decision arrived at and shall render it final. In default of agreement, the Board shall act as arbiter, and shall decide in the last resort.

## ARTICLE V.

The subjects of each of the two High Contracting Parties shall, in the dominions of the other, enjoy the same protection and be subject to the same conditions as native subjects in regard to the rights of property in trade marks and other distinctive marks, showing the origin or quality of goods as well as in patterns and designs for manufactures.

## ARTICLE VI.

Articles liable to duty serving as patterns or samples, which shall be introduced into the United Kingdom by French commercial travellers, or into France and Algeria by commercial travellers of the United Kingdom, shall be admitted free of duty, subject to the following formalities requisite to insure their being re-exported or placed in bond:—

1. The officers of Customs at any port or place at which the patterns and samples may be imported shall ascertain the amount of duty chargeable thereon. That amount must either be deposited by the commercial traveller at the Custom-house in money, or ample security must be given for it.

2. For the purpose of identification, each separate pattern or sample shall, as far as possible, be marked by the affixing of a stamp or by means of a seal being attached to it.

3. A permit or certificate shall be given to the importer, which shall contain—

(a) A list of the patterns or samples imported, specifying the nature of the goods, and also such particular marks as may be proper for the purpose of identification;

(b) A statement of the duty chargeable on the patterns or samples, as also whether the amount was deposited in money, or whether security was given for it;

(c) A statement showing the manner in which the patterns or samples were marked;

(d) The appointment of a period, which at the utmost must

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*Supplementary Treaty of Commerce with French Republic.*

must not exceed twelve months, at the expiration of which, unless it is proved that the patterns or samples have been previously re-exported or placed in bond, the amount of duty deposited will be carried to the public account, or the amount recovered under the security given. No charge shall be made to the importer for the above permit or certificate, or for marking for identification.

4. Patterns or samples may be re-exported through the Custom-house through which they were imported or through any other.

5. If, before the expiration of the appointed time (paragraph 3, d) the patterns or samples should be presented at the Custom-house of any port or place, for the purpose of re-exportation or being placed in bond, the officers at such port or place must satisfy themselves by examination whether the articles which are brought to them are the same as those for which the permit of entry was granted. If so satisfied, the officers will certify the re-exportation or deposit in bond, and will refund the duty which had been deposited, or will take the necessary steps for discharging the security.

## ARTICLE VII.

It is agreed between the High Contracting Parties that as regards the matters mentioned in Article III of the Treaty of July 23rd, 1873, the provisions contained in the Treaty and Conventions of 1860, and in the Treaty of July 23rd, 1873, shall remain in force, except as far as these provisions are expressly changed by the present Supplementary Convention.

## ARTICLE VIII.

The present Convention shall have the same duration as the Treaty concluded between the High Contracting Parties on the 23rd of July last, of which it is the complement.

## ARTICLE IX.

The President of the French Republic engages to apply to the National Assembly for the necessary authorization to ratify and give effect to the present Convention immediately after its signature.

The ratifications shall be exchanged at Paris before January 31st, 1874, and the Convention shall immediately come into force.

In



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*Supplementary Treaty of Commerce with French Republic.*

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In witness whereof, the respective Plenipotentiaries have signed the present Convention, and have affixed thereto the seal of their arms.

Done at Versailles, the twenty-fourth day of January, in the year of Our Lord One thousand eight hundred and seventy-four.

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LYONS.

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ORDERS IN COUNCIL,  
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IN THE

DOMINION OF CANADA,

ISSUED DURING THE YEARS 1874-75.



HIS EXCELLENCY  
THE RIGHT HONORABLE, SIR FREDERICK TEMPLE, EARL OF DUFFERIN,  
GOVERNOR GENERAL.

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OTTAWA:  
PRINTED BY BROWN CHAMBERLIN,  
LAW PRINTER TO THE QUEEN'S MOST EXCELLENT MAJESTY,  
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## ORDERS IN COUNCIL, &c.

GOVERNMENT HOUSE, OTTAWA,

Friday, 6th day of March, 1874.

*Present :*

HIS EXCELLENCY THE GOVERNOR GENERAL IN COUNCIL.

**W**HEREAS doubts have arisen as to the description of articles contemplated by the terms "Fish hooks, nets and seinelines and twines," used in Schedule C, to the Act 31 Victoria, Chapter 44," and it is expedient that the meaning of the same should be defined and declared.

His Excellency, on the recommendation of the Hon. the Minister of Customs, and under the provisions of the 4th Section of the Act 31st Victoria, Chapter 6, has been pleased to order and declare, and it is hereby ordered and declared, that the following words in Schedule C to the Act first above-mentioned, viz: "Fish-hooks, nets and seines, lines and twines," shall from and after the passing of this order be taken to mean Fish-hooks, fishing nets, and seines and fishing lines and twines and no other; and that the Collector of Customs at any Port at which such goods shall be imported be and he is hereby authorized before passing a free entry of such articles to require the importer thereof to make oath to the fact that such nets, seines, lines and twines are so imported for fishing purposes only.

W. A. HIMSWORTH,  
*Clerk, Privy Council.*

GOVERNMENT HOUSE, OTTAWA.

Friday, 6th day of March, 1874.

*Present :*

HIS EXCELLENCY THE GOVERNOR GENERAL IN COUNCIL.

**W**HEREAS doubts have arisen as to whether any or what duty is payable on the article known as "Boot Felt" or "Patent Felt," and it is expedient that such doubts be removed,

His Excellency, on the recommendation of the Treasury Board, and under the provisions of the 4th Section of the Act 31st Victoria, Chapter 6, has been pleased to order and declare, and it is hereby ordered and declared, that the articles known as "Boot Felt" or "Patent Felt" may be imported into Canada free of Customs duty, under the article mentioned in the Free List (Schedule C) of the Customs Tariff now in force as "*Felt for Hats and Boots.*"

W. A. HIMSWORTH,  
*Clerk, Privy Council.*

ORDERS IN COUNCIL, &c.

*Customs.*

GOVERNMENT HOUSE, OTTAWA,

Thursday, 26th day of March, 1874.

*Present :*

HIS EXCELLENCY THE GOVERNOR GENERAL IN COUNCIL.

ON the recommendation of the Honorable the Minister of Customs, and under and in pursuance of the provisions of the Merchant Shipping Act, 1854, and the Acts amending the same, and of the Act passed in the 36th year of Her Majesty's Reign, intituled—

"An Act relating to Shipping, and for the registration, inspection and classification thereof."

His Excellency, by and with the advice of the Queen's Privy Council for Canada, has been pleased to constitute and appoint the following Ports in the Dominion of Canada as Ports for the registration of Shipping, and such Ports are hereby constituted and appointed accordingly, that is to say :—

IN THE PROVINCE OF ONTARIO.

Amherstburg  
Brockville  
Belleville  
Chatham  
Collingwood  
Cornwall  
Dover  
Goderich  
Hamilton  
Hope  
Kingston  
Owen Sound  
Ottawa  
Picton  
Sarnia  
Sault St. Marie  
Stanley  
Toronto  
Windsor

PROVINCE OF QUEBEC.

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Montreal  
Magdalen Islands  
New Carlisle  
Quebec  
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## PROVINCE OF NEW BRUNSWICK.

Chatham  
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Sackville  
St. Andrews  
St. John

## PROVINCE OF NOVA SCOTIA.

Amherst  
Annapolis  
Arichat  
Barrington  
Digby  
Guysborough  
Halifax  
Liverpool  
Londonderry  
Lunenburg  
Parrsborough  
Pictou  
Port Hawkesbury  
Shelbourne  
Sydney  
Weymouth  
Windsor  
Yarmouth  
Port Medway

## GOVERNMENT HOUSE, OTTAWA.

Monday, 30th day of March, 1874.

*Present :*

## HIS EXCELLENCY THE GOVERNOR GENERAL IN COUNCIL.

ON the recommendation of the Honorable the Minister of Customs, and under the provisions of the 4th Section of the Act passed in the 31st year of Her Majesty's reign, and intituled "An Act respecting the Customs," His Excellency, by and with the advice of the Queen's Privy Council for Canada, has been pleased to order and declare, and it is hereby ordered and declared, that the article known as Gypsum when imported into Canada in its raw or natural state, may be so imported free from the payment of Customs duty, but that ground or calcined Gypsum be, and the same is hereby declared to be chargeable with a duty of fifteen cent *ad valorem* whatever the uses may be for which it is so imported.

W. A. HIMSWORTH,

*Clerk. Privy Council.*



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*Customs.*

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GOVERNMENT HOUSE, OTTAWA.

Thursday, 2nd day of April, 1874.

*Present :*

HIS EXCELLENCY THE GOVERNOR GENERAL IN COUNCIL.

ON the recommendation of the Honorable the Minister of Customs, and under and in pursuance of the provisions of "the Merchant Shipping Act, 1854," and the Acts amending the same, and of the Act passed in the 36th year of Her Majesty's Reign, intituled "An Act relating to Shipping, and for the registration, inspection and classification thereof,"—

His Excellency by and with the advice of the Queen's Privy Council for Canada, has been pleased to constitute and appoint the Port of Cobourg, in the Province of Ontario, a Port for the registration of shipping, and such Port is hereby constituted and appointed accordingly.

His Excellency, under the authority aforesaid, has further been pleased to constitute and appoint the Collector of Customs at the said Port of Cobourg to be Registrar of Shipping, and the Landing Waiter at the said Port to superintend the survey and measurement of ships thereat, under the provisions of the said Act.

W. A. HIMSWORTH,  
*Clerk, Privy Council.*

GOVERNMENT HOUSE, OTTAWA.

Friday, 10th day of April, 1874,

*Present :*

HIS EXCELLENCY THE GOVERNOR GENERAL IN COUNCIL.

ON the recommendation of the Honorable the Minister of Customs and under and in pursuance of the provisions of "The Merchant Shipping Act, 1854," and the Acts amending the same, and of the Act passed in the 36th year of Her Majesty's Reign, intituled "An Act relating to Shipping, and for the registration, inspection and classification thereof,"—

His Excellency, by and with the advice of the Queen's Privy Council for Canada, has been pleased to constitute and appoint the Port of Napanee, in the Province of Ontario, a Port for the registration of shipping, and such Port is hereby constituted and appointed accordingly.

His Excellency, under the authority aforesaid, has further been pleased to constitute and appoint the Collector of Customs at the said Port of Napanee to be Registrar of Shipping, and the Landing Waiter at the said Port to superintend the survey and measurement of ships thereat, under the provisions of the said Act.

W. A. HIMSWORTH,  
*Clerk, Privy Council.*

ORDERS IN COUNCIL, &c.

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*Customs.*

GOVERNMENT HOUSE, OTTAWA,

Wednesday, 29th day of April, 1874.

*Present :*

HIS EXCELLENCY THE GOVERNOR GENERAL IN COUNCIL.

ON the recommendation of the Honorable the Minister of Customs, and under and in pursuance of the provisions of "The Merchant Shipping Act, 1854," and the Acts amending the same, and of the Act passed in the 36th year of Her Majesty's Reign, intituled "An Act relating to Shipping and for the registration, inspection and classification thereof,"—

His Excellency, by and with the advice of the Queen's Privy Council for Canada, has been pleased to constitute and appoint the Port of Burwell, Province of Ontario, a Port for the registration of Shipping, and such Port is hereby constituted and appointed accordingly.

His Excellency, under the authority aforesaid, has been also pleased to Order that the Collector of Customs at the Port above mentioned, shall be, and he is hereby appointed and constituted, Registrar and Measurer of Shipping thereat, under the provisions of the said Act.

W. A. HIMSWORTH,

*Clerk, Privy Council.*

GOVERNMENT HOUSE, OTTAWA,

Wednesday, 29th day of April, 1874.

*Present :*

HIS EXCELLENCY THE GOVERNOR GENERAL IN COUNCIL.

ON the recommendation of the Honorable the Minister of Customs, and under and in pursuance of the provisions of the 11th Section of the Act passed in the 36th year of Her Majesty's Reign, chapter 128, intituled "An Act relating to Shipping, and for the registration, inspection and classification thereof,"—

His Excellency, by and with the advice of the Queen's Privy Council for Canada, has been pleased to appoint George P. Lander, Esquire, of Port Hope, Province of Ontario, now a Landing Waiter at Port Hope, to superintend the survey and admeasurement of Shipping at the Registration Port of Port Hope.

W. A. HIMSWORTH,

*Clerk, Privy Council.*

## ORDERS IN COUNCIL, &amp;c.

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*Customs.*

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GOVERNMENT HOUSE, OTTAWA,

Monday, 20th day of April, 1874.

*Present :*

HIS EXCELLENCY THE GOVERNOR GENERAL IN COUNCIL.

ON the recommendation of the Honorable the Minister of Customs, and under the provisions of the 11th Section of the Act 36 Vict., Chap. 128, intituled "An Act relating to Shipping, and for the registration, inspection and classification thereof,"—

His Excellency, by and with the advice of the Queen's Privy Council for Canada, has been pleased to appoint William Robert Aylsworth, of Mill Point, in the Province of Ontario, Gentleman, to superintend the survey and admeasurement of Shipping at the Registration Port of Napanee in the said Province of Ontario.

His Excellency has been also pleased to order that so much of the Order in Council of the tenth day of April instant, as appoints the Landing Waiter at the said Port of Napanee as such Superintendent, be and the same is hereby cancelled.

W. A. HIMSWORTH,  
*Clerk, Privy Council.*

GOVERNMENT HOUSE, OTTAWA,

Friday, 1st day of May, 1874.

*Present :*

HIS EXCELLENCY THE GOVERNOR GENERAL IN COUNCIL.

ON the recommendation of the Honorable the Minister of Customs, and under and in pursuance of the provisions of the 8th and 54th Sections of the Act passed in the 31st year of Her Majesty's Reign intituled "An Act respecting the Customs,"—

His Excellency, by and with the advice of the Queen's Privy Council for Canada, has been pleased to order, and it is hereby ordered, that New Westminster, in the Province of British Columbia, be and it is hereby constituted and appointed to be an Out Port of Entry of Customs and a Warehousing Port; and that the Out Station of Burrard's Inlet shall form part of the said Out Port and Warehousing Port; also, that the said Out Port of New Westminster be, and it is hereby placed under the survey of the Collector of Customs at the Port of Victoria, in the said Province of British Columbia.

W. A. HIMSWORTH,  
*Clerk, Privy Council.*

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ORDERS IN COUNCIL, &c.

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*Customs.*

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GOVERNMENT HOUSE OTTAWA,

Saturday, 9th day of May, 1874:

*Present :*

HIS EXCELLENCY THE GOVERNOR GENERAL IN COUNCIL.

ON the recommendation of the Honorable the Minister of Customs, and under the provisions of the 8th and 54th sections of the Act passed in the 31st year of Her Majesty's Reign intituled "An Act respecting the Customs,"—

His Excellency, by and with the advice of the Queen's Privy Council for Canada, has been pleased to order, and it is hereby ordered, that Prince Arthur's Landing, in the District of Algoma and Province of Ontario, be and the same is hereby constituted and erected into an Out Port of Customs with Warehousing privileges, and placed under the survey of the Collector of Customs at the Port of Sault Ste. Marie.

W. A. HIMSWORTH,  
*Clerk, Privy Council.*

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GOVERNMENT HOUSE, OTTAWA,

Thursday, 21st day of May, 1874.

*Present :*

HIS EXCELLENCY THE GOVERNOR GENERAL IN COUNCIL.

ON the recommendation of the Hon. the Minister of Customs, and under and in pursuance of the provisions of the "Merchant Shipping Act, 1854," and the Acts amending the same, and of the Act passed in the 36th year of Her Majesty's Reign intituled "An Act relating to Shipping and for the registration, inspection and classification thereof,"—

His Excellency the Governor General, by and with the advice of the Queen's Privy Council for Canada, has been pleased to constitute and appoint the Ports of Darlington and Whitby, in the Province of Ontario, Ports for the registration of Shipping, and such Ports are hereby constituted, and appointed accordingly.

His Excellency, under the authority aforesaid, has further been pleased to constitute and appoint the Collectors of Customs at the said Ports respectively to be Registrars of Shipping thereat.

W. A. HIMSWORTH,  
*Clerk, Privy Council.*

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## ORDERS IN COUNCIL, &amp;c.

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*Customs.*

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GOVERNMENT HOUSE, OTTAWA,

Wednesday, 3rd day of June, 1874.

*Present :*

HIS EXCELLENCY THE GOVERNOR GENERAL IN COUNCIL.

ON the recommendation of the Honorable the Minister of Customs, and under and in pursuance of the provisions of the " Merchant's Shipping " Act, 1854," and the Acts amending the same, and of the Act passed in the 36th year of Her Majesty's Reign intituled " An Act relating to Shipping, " and for the registration, inspection and classification thereof,"—

His Excellency the Governor General, by and with the advice of the Queen's Privy Council for Canada, has been pleased to constitute and appoint the Port of St. Catherines, in the Province of Ontario, a Port for the Registration of Shipping, and such Port is hereby constituted and appointed accordingly.

His Excellency, under the authority aforesaid, has further been pleased to constitute and appoint the Collector of Customs at the said Port to be Registrar and Measurer of Shipping thereat.

W. A. HIMSWORTH,  
*Clerk, Privy Council.*

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GOVERNMENT HOUSE, OTTAWA,

Saturday, 6th day of June, 1874.

*Present :*

HIS EXCELLENCY THE GOVERNOR GENERAL IN COUNCIL.

ON the recommendation of the Honorable the Minister of Customs, and under the authority given by the 123rd Section of the Act 31st Vict., Chap. 6, intituled " An Act respecting the Customs,"—

His Excellency has been pleased to order, and it is hereby ordered, that the Out Port of Prince Arthur's Landing, in the Province of Ontario, be and the same is hereby created into and constituted a Port of Entry and a Warehousing Port, for all the purposes of the said Act.

His Excellency has been further pleased to order that the Outports of Silver Islet and Fort Williams, now attached to the Port of Sault Ste Marie, be and the same are hereby detached from that Port and placed under the supervision of the said Port of Prince Arthur's Landing.

W. A. HIMSWORTH,  
*Clerk, Privy Council*

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ORDERS IN COUNCIL, &c.

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*Customs.*

GOVERNMENT HOUSE, OTTAWA,

Saturday, 20th day of June, 1874.

*Present :*

HIS EXCELLENCY THE GOVERNOR GENERAL IN COUNCIL.

ON the recommendation of the Honorable the Minister of Customs, and under the provisions of the 4th Section of the Act passed in the Session of the Parliament of Canada, held in the 31st year of Her Majesty's Reign, chaptered 6, and intituled "An Act respecting the Customs,"—

His Excellency, by and with the advice of the Queen's Privy Council for Canada, has been pleased to order, and it is hereby ordered, that the following item in Schedule C of Customs Tariff Act as amended by the Act 37 Vict., chap. 6, viz :—" Woods unmanufactured when chiefly used in dyeing," be and the same is hereby declared to be intended to apply to " Woods " used for the purpose mentioned in the said item, which may be imported free when simply ground or chipped, as well as in solid pieces or sticks, such grinding and chipping not being considered such a manufacturing as would take the article out of the exemption.

And it is further ordered, under the authority aforesaid, that the item " Ratan for Chair makers " mentioned in the said list of free goods (Schedule C) be, and the same is hereby declared to be, intended to cover Ratan imported for Whip manufacturers.

W. A. HIMSWORTH,  
*Clerk, Privy Council.*

GOVERNMENT HOUSE, OTTAWA.

Saturday, 18th day of July, 1874.

*Present :*

HIS EXCELLENCY THE GOVERNOR GENERAL IN COUNCIL.

ON the recommendation of the Honorable the Minister of Customs, and under the provisions of the 8th and 54th sections of the Act passed in the 31st year of Her Majesty's reign, intituled "An Act respecting the Customs,"—

His Excellency, by and with the advice of the Queen's Privy Council for Canada, has been pleased to order, and it is hereby ordered, that the Village of Thorold, in the County of Welland, and Province of Ontario, be, and the same is hereby constituted and erected into an Outport of Customs, with warehousing privileges, and placed under the survey of the Collector of Customs at the Port of Clifton.

W. A. HIMSWORTH,  
*Clerk, Privy Council.*

## ORDERS IN COUNCIL, &amp;c.

*Customs.*

GOVERNMENT HOUSE, OTTAWA.

Thursday, 23rd day of July, 1874.

*Present :*

HIS EXCELLENCY THE GOVERNOR GENERAL IN COUNCIL.

ON the recommendation of the Honorable the Minister of Customs, and under and in pursuance of the provisions of "The Merchant Shipping Act, 1854," and the Acts amending the same, and of the Act passed in the 36th year of Her Majesty's Reign, intituled "An Act relating to Shipping, and for the registration, inspection and classification thereof," and "An Act respecting the Shipping of Seamen,"—

His Excellency the Governor General, by and with the advice of the Queen's Privy Council for Canada, has been pleased to constitute and appoint the Out Port of Maitland in the Province of Nova Scotia, a Port for the registration of Shipping, and such Port is hereby constituted and appointed accordingly.

His Excellency, under the authority aforesaid, has further been pleased to constitute and appoint Alexander Roy, Esquire, Sub-Collector of Customs at the said Out Port of Maitland, to be Registrar of Shipping, and to superintend the survey and measurement of the ships thereat, under the provisions of the said Act.

W. A. HIMSWORTH,  
*Clerk, Privy Council.*

## NOTICE.

CUSTOMS DEPARTMENT,

OTTAWA, 27th August, 1874.

NOTICE is hereby given that His Excellency the Governor General, by an Order in Council, bearing date the 10th instant, and under the authority vested in him by the 3rd section of the 34th Victoria, Chap. 10, has been pleased to order and direct that the following article be transferred to the list of goods which may be imported into Canada free of duty, viz:—  
"Buffalo Hair" for the manufacture of Felt.

By Command.

J. JOHNSON,  
*Assistant Commissioner of Customs.*

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*Customs.*

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GOVERNMENT HOUSE, OTTAWA,

Tuesday, 22nd day of September, 1874.

*Present :*

HIS EXCELLENCY THE GOVERNOR GENERAL IN COUNCIL.

ON the recommendation of the Honorable the Minister of Customs, and under and in pursuance of the provisions of "The Merchant Shipping Act, 1854" and the Acts amending the same, and of the Act passed in the 36th year of Her Majesty's Reign, intituled "An Act relating to Shipping, "and for the registration, inspection and classification thereof,"—

His Excellency the Governor General, by and with the advice of the Queen's Privy Council for Canada, has been pleased to constitute and appoint Port Rowan, in the Province of Ontario, a Port for the registration of shipping, and such Port is hereby constituted and appointed accordingly.

His Excellency, under the authority aforesaid, has further been pleased to constitute and appoint the Collector of that Port to be Registrar of Shipping thereat, under the provisions of the said Act.

W. A. HIMSWORTH.

*Clerk, Privy Council.*

GOVERNMENT HOUSE, OTTAWA,

Wednesday, 30th day of September, 1874.

*Present :*

HIS EXCELLENCY THE GOVERNOR GENERAL IN COUNCIL.

ON the recommendation of the Honorable the Minister of Customs, and under the provisions of the 8th and 54th sections of the Act passed in the Session of the Parliament of Canada, held in the 31st year of Her Majesty's Reign, chaptered 6, and intituled "An Act respecting the Customs,"—

His Excellency, by and with the advice of the Queen's Privy Council for Canada, has been pleased to order, and it is hereby ordered, that Grand Falls, in the Province of New Brunswick, heretofore an Out Port of Customs under the survey of the Port of Woodstock, be and it is hereby constituted and erected into a Port of Entry and a Warehousing Port.

And it is further ordered that the following Out Ports of Customs, that is to say: Edmundston, Little Falls, Fish River, Grand River, Lower Andover, and Tobique, heretofore under the survey of the Port of Woodstock, be and they are hereby detached therefrom and placed under the survey of the said Port of Grand Falls.

W. A. HIMSWORTH,

*Clerk, Privy Council.*



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*Customs.*

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GOVERNMENT HOUSE, OTTAWA.

Saturday, 12th day of December, 1874.

*Present :*

HIS EXCELLENCY THE GOVERNOR GENERAL IN COUNCIL.

ON the recommendation of the Honorable the Minister of Customs, and under the provisions of the 8th and 54th sections of the Act passed in the Session of the Parliament of Canada, held in the 31st year of Her Majesty's Reign, chaptered 6, and intituled "An Act respecting the "Customs,"—

His Excellency, by and with the advice of the Queen's Privy Council for Canada, has been pleased to order, and it is hereby ordered, that the Town of Sherbrooke, in the Province of Quebec, now an Out Port of Customs, be and it is hereby constituted a Port of Entry and a Warehousing Port,—the same to take effect from the first day of January next.

W. A. HIMSWORTH,  
*Clerk, Privy Council*

GOVERNMENT HOUSE, OTTAWA,

Wednesday, 31st day of March, 1875.

*Present :*

HIS EXCELLENCY THE GOVERNOR GENERAL IN COUNCIL.

ON the recommendation of the Honorable the Minister of Customs, and under the provision of the 8th and 54th Sections of the Act passed in the Session of the Parliament of Canada, held in the 31st year of Her Majesty's Reign, chaptered 6, and intituled "An Act respecting the "Customs,"—

His Excellency, by and with the advice of the Queen's Privy Council for Canada, has been pleased to order, and it is hereby ordered, that the Out Port of Truro in the Province of Nova Scotia be, and the same is hereby constituted a Port of Entry and Warehousing Port,—the same to take effect from the 1st day of April next.

W. A. HIMSWORTH,  
*Clerk, Privy Council.*

ORDERS IN COUNCIL, &c.

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*Customs.*

GOVERNMENT HOUSE, OTTAWA,

Wednesday, 7th day of April, 1875.

*Present :*

HIS EXCELLENCY THE GOVERNOR GENERAL IN COUNCIL.

ON the recommendation of the Honorable the Minister of Customs, and under the provisions of the 8th and 54th Sections of the Act passed in the Session of the Parliament of Canada, held in the 31st year of Her Majesty's Reign, chaptered 6 and intituled "An Act respecting the "Customs,"—

His Excellency, by and with the advice of the Queen's Privy Council for Canada, has been pleased to order, and it is hereby ordered, that the place called Tracadie, in the County of Gloucester, Province of New Brunswick, be, and the same is hereby constituted an Out Port of Customs and Warehousing Port under the survey of the Collector of Customs at the Port of Caraquette.

W. A. HIMSWORTH,  
*Clerk, Privy Council.*

*Inland Revenue.*

PRIVY COUNCIL CHAMBER,

8th day of July, 1873.

NOTICE is hereby given, that, by Order in Council of this day's date, His Excellency the Governor General has been pleased to order and direct that the Honorable the Minister of Inland Revenue be charged with the administration of the Act passed during the present session of the Parliament of Canada, intituled "An Act to amend and consolidate, and to extend to the whole Dominion of Canada, the laws respecting the inspection of certain staple articles of Canadian Produce," and that the management of all matters and things connected with the said Act be attached to the Department of Inland Revenue.

W. A. HIMSWORTH,

*Clerk, Privy Council.*

GOVERNMENT HOUSE, OTTAWA,

Wednesday, 9th day of July, 1873.

*Present :*

HIS EXCELLENCY THE GOVERNOR GENERAL IN COUNCIL.

ON the recommendation of the Honorable the Minister of Inland Revenue, and under and in pursuance of the 6th Section of the Act 31 Vict., chap. 5,—

His Excellency has been pleased to order, and it is hereby ordered, that with a view to remove all doubts as to the jurisdiction of officers of Inland Revenue in such portions of the Province of Quebec as are not specially mentioned in the Order in Council of 30th May, 1873, establishing Inland Revenue Districts and Divisions in the Dominion of Canada, the following counties in the Province of Quebec, that is to say :—

Chicoutimi, Charlevoix, Saguenay, Tadousac, Montmorency, L'Islet, Kamouraska, Temiscouata, Rimouski, Gaspé, Bonaventure, Arthabaska, Magdalen Islands, as well as all other territory in the Province of Quebec, not specified in the said order be, and the same are hereby attached to the Inland Revenue Division of Quebec.

W. A. HIMSWORTH,

*Clerk, Privy Council.*

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ORDERS IN COUNCIL, &c.

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*Inland Revenue.*

PRIVY COUNCIL OFFICE,

OTTAWA, 29th day of August, 1873.

NOTICE is hereby given that His Excellency the Governor General, on the recommendation of the Honorable the Minister of Inland Revenue, and under the provisions of the 1st Section of the Act passed in the last Session of the Parliament of Canada, intituled "An Act to amend and consolidate and to extend to the whole Dominion of Canada the laws respecting the inspection of certain staple articles of Canadian Produce," has, by Order in Council of this date, been pleased to designate the following cities, that is to say, Quebec and Montreal, in the Province of Quebec; Toronto, Kingston, Hamilton, London, and Ottawa, in the Province of Ontario; St. John, in the Province of New Brunswick, and Halifax in the Province of Nova Scotia, as cities at and for which it is expedient to appoint inspectors of the following articles of Canadian Produce, viz:—

Flour and meal;  
Wheat and other grains;  
Beef and pork;  
Potashes and pearlashes;  
Pickled fish and fish oil;  
Butter;  
Leather and raw hides, and—  
Petroleum.

W. A. HIMSWORTH,  
*Clerk, Privy Council.*

PRIVY COUNCIL CHAMBER,

Ottawa, 27th day of September, 1873.

NOTICE is hereby given that His Excellency the Governor General, on the recommendation of the Honorable the Minister of Inland Revenue, and under the provisions of the 1st Section of the Act passed in the last session of the Parliament of Canada, intituled "An Act to amend and consolidate, and to extend to the whole Dominion of Canada the laws respecting the inspection of certain staple articles of Canadian Produce," has, by Order in Council of this date, been pleased to designate the groups of Counties mentioned in the list hereunto appended as Districts in and for which respectively it is expedient to appoint inspectors of the following articles, namely:—

Flour and meal; Wheat and other grains; Beef and pork; Pot ashes and pearl ashes; Pickled fish and fish oils; Butter; Leather and raw Hides; Petroleum:

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*Inland Revenue.*

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## INSPECTION DISTRICTS—PROVINCE OF ONTARIO.

To comprise the Counties of—

1. Essex, Kent and Lambton.
2. Middlesex and Elgin.
3. Oxford and Norfolk.
4. Perth and Huron.
5. Lincoln and Welland.
6. Brant and Haldimand.
7. Wellington and Waterloo.
8. Bruce and Grey.
9. Wentworth and Halton.
10. York and Peel.
11. Simcoe and Algoma.
12. Ontario and Durham.
13. Northumberland and Hastings.
14. Peterboro' and Victoria.
15. Lennox and Prince Edward.
16. Frontenac, Leeds and Addington.
17. Lanark and Renfrew.
18. Carleton and Russell.
19. Grenville, Dundas and Stormont.
20. Glengarry and Prescott.

W. A. HIMSWORTH,  
*Clerk, Privy Council.*

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## PRIVY COUNCIL OFFICE,

Ottawa, 16th day of October, 1873.

NOTICE is hereby given that His Excellency the Governor General, on the recommendation of the Honorable the Minister of Inland Revenue, and under the provisions of the 1st Section of an Act passed in the last Session of the Parliament of Canada, intituled "An Act to amend and consolidate and to extend to the whole Dominion of Canada the Laws respecting the Inspection of certain staple Articles of Canadian Produce," has, by Order in Council of this day's date, been pleased to designate the following counties within the Province of Nova Scotia, as districts at and for which respectively, it is expedient to appoint Inspectors of the following articles, namely:

Flour and meal; wheat and other grain; beef and pork; pot ashes and pearl ashes; pickled fish and fish oils; butter; leather and raw hides; and petroleum:

ORDERS IN COUNCIL, &c.

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*Inland Revenue.*

INSPECTION DISTRICTS.

The Counties respectively of—

1. Halifax.
2. Yarmouth.
3. Guysborough.
4. Pictou.
5. Shelburne.
6. Richmond.
7. Antigonish.
8. Lunenburg.
9. Victoria.

The first named of the above counties to be united to the City of Halifax, and to form therewith the Inspection District of the City and County of Halifax.

W. A. HIMSWORTH,  
*Clerk, Privy Council.*

GOVERNMENT HOUSE, OTTAWA,

Wednesday, 13th day of May, 1874.

*Present :*

HIS EXCELLENCY THE GOVERNOR GENERAL IN COUNCIL.

ON the recommendation of the Hon. the Minister of Inland Revenue, and under the provisions of the 1st section of the Act 31 Vict., chap. 51, intituled "An Act for better securing the payment of the duty imposed "on Tobacco manufactured in Canada,"—His Excellency has been pleased to order, and it is hereby ordered, that the Ports of Brantford and Port Hope, in the Province of Ontario, be and the same are hereby added to the list of Ports mentioned in the said Act, at which raw or leaf tobacco may be imported into Canada.

W. A. HIMSWORTH,  
*Clerk, Privy Council.*

GOVERNMENT HOUSE, OTTAWA,

Friday, 26th day of June, 1874.

*Present :*

HIS EXCELLENCY THE GOVERNOR GENERAL IN COUNCIL.

WHEREAS by the Act 33 Victoria, chapter 3, section 29, intituled "An "Act to amend and continue the Act 32 and 33 Victoria, chapter 3, "and to establish and provide for the Government of the Province of "Manitoba," it is provided that "such provisions of the laws of Canada respecting the Inland Revenue, including those fixing the amount of duties,

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*Inland Revenue.*

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as may be, from time to time, declared by the Governor General in Council applicable to the said Province, shall apply thereto, and be in force therein accordingly,"—

His Excellency the Governor General in Council, on the recommendation of the Honorable the Minister of Inland Revenue, and under the authority aforesaid, has been pleased to order, and it is hereby ordered, that all the Inland Revenue Laws of Canada, all Laws respecting the collection and management of Revenue derived thereunder, be and the same are hereby declared to apply to and be in force in the Province of Manitoba from and after the first day of July, 1874.

W. A. HIMSWORTH,  
*Clerk, Privy Council.*

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GOVERNMENT HOUSE, OTTAWA,  
Saturday, 18th day of July, 1874.

*Present:*

HIS EXCELLENCY THE GOVERNOR GENERAL IN COUNCIL.

ON recommendation of the Honorable the Minister of Inland Revenue, and under the provisions of the 3rd section of the Act passed in the Session of the Parliament of Canada, held in the 37th year of Her Majesty's Reign, chaptered 7 and intituled "An Act to amend An Act to make "further provision as to duties of Customs in Manitoba and the North-West "Territories, and further to restrain the importation or manufacture of "intoxicating liquors into or in the North-West Territories,"—

His Excellency, by and with the advice of the Queen's Privy Council for Canada, has been pleased to order, and it is hereby ordered, that the Town of Nanaimo, in the Province of British Columbia, and the Parishes of St. Paul, Kildonan, St. James, St. Charles, St. Boniface and St. Vital, in the Province of Manitoba, be and the same are hereby added to the list of places mentioned in the said Act for which licenses to manufacture Spirits or other exciseable articles may be issued.

W. A. HIMSWORTH,  
*Clerk, Privy Council.*

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ORDERS IN COUNCIL, &c.

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*Inland Revenue.*

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GOVERNMENT HOUSE, OTTAWA,

Monday, 10th day of August, 1874.

*Present :*

HIS EXCELLENCY THE GOVERNOR GENERAL IN COUNCIL.

ON the recommendation of the Honorable the Minister of Inland Revenue, and under the provisions of the 3rd section of the Act passed in the Session of the Parliament of Canada, held in the 37th year of Her Majesty's Reign, chaptered 7, and intituled "An Act to amend an Act to make further provision as to duties of Customs in Manitoba and the North-West Territories, and further to restrain the importation or manufacture of intoxicating liquors into or in the North-West Territories,"—

His Excellency, by and with the advice of the Queen's Privy Council for Canada, has been pleased to order, and it is hereby ordered, that the Town of Barkerville, and the Settlement on Williams Lake, in the Province of British Columbia, be, and the same are hereby added to the list of places mentioned in the said Act for which licenses to manufacture spirits or other exciseable articles may be issued.

W. A. HIMSWORTH,  
*Clerk, Privy Council.*

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GOVERNMENT HOUSE, OTTAWA,

Tuesday, 17th day of November, 1874.

*Present :*

HIS EXCELLENCY THE GOVERNOR GENERAL IN COUNCIL.

ON the recommendation of the Honorable the Minister of Inland Revenue, and under the provisions of the 3rd section of the Act passed in the Session of the Parliament of Canada, held in the 37th year of Her Majesty's Reign, chaptered 7, and intituled "An Act to amend 'An Act to make further provision as to duties of Customs in Manitoba and the North-West Territories, and further to restrain the importation or manufacture of intoxicating liquors into or in the North-West Territories,'"—

His Excellency, by and with the advice of the Queen's Privy Council for Canada, has been pleased to order, and it is hereby ordered, that the Parishes of St. Andrews, North and South, and St. Clement, in the Province of Manitoba, be and the same are hereby added to the list of places mentioned in the said Act and in subsequent Orders in Council, for which licenses to manufacture spirits or other exciseable articles may be issued.

W. A. HIMSWORTH,  
*Clerk, Privy Council.*

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*Inland Revenue.*

GOVERNMENT HOUSE, OTTAWA,

Friday, 18th day of December, 1874.

*Present:*

HIS EXCELLENCY THE GOVERNOR GENERAL IN COUNCIL.

**WHEREAS** by an Act passed in the 36th year of Her Majesty's Reign, chaptered 47, and intituled "An Act respecting Weights and Measures," it is amongst other things in effect enacted that the Minister of Inland Revenue shall cause to be prepared three sets of primary standards of length and weight, each set consisting of—

1. A Standard Yard;
2. A Standard Pound, Avoirdupois;
3. A Standard Ounce, Troy;
4. A Standard Gallon;

And shall cause the same to be verified and authenticated in such manner as he shall deem best; and it is further enacted that the Governor, upon being satisfied of the accuracy of the primary standards, may, by Order in Council, declare the same to be the legal and only primary standards of length and weight for Canada, under the name of "The Dominion Standards," and as such the rules or standards of weights and measures from which all other weights and measures defined by that Act shall be computed and ascertained; and from and after the date of such Order in Council, all primary standards of weights and measures heretofore established and legalized by the legislature of the late Province of Canada, or by the legislatures of Nova Scotia, New Brunswick and British Columbia, shall be transferred to and remain in the possession of the Department of Inland Revenue; and it is further enacted, that the Minister of Inland Revenue shall also cause to be prepared two sets of secondary standards of the weights and measures defined and established by this Act, and of the requisite multiples and proportions thereof; and the Governor in Council upon the report of the Minister, that the same have been duly verified and authenticated by comparison with the Dominion Standards, may declare such secondary standards to be legal secondary standards of length, weight and capacity under the name of "The Departmental Standards;" and, it is further enacted that, as soon as the "Dominion" and Departmental Standards have been received, legalized by the Governor in Council, and deposited as above provided, and the necessary apparatus for use in connection therewith has been obtained by the Minister of Inland Revenue, the Governor may, by proclamation, fix a day, giving not less than six months previous notice, upon, from and after which, all contracts, bargains, sales or dealings made or had in any part of Canada for work to be done, or goods, wares, or merchandise or other things to be sold, delivered or agreed for by weight or measure, where no special agreement is made to the contrary, shall be deemed and taken to be made and had according to the standard weights and measures fixed and defined by the said Act:

*Inland Revenue.*

And whereas the Hon. the Minister of Inland Revenue has caused to be prepared, in accordance with the said in part recited Act, three sets of primary standards of length and weight, each set consisting of—

1. A Standard Yard;
2. A Standard Pound Avoirdupois;
3. A Standard Ounce, Troy;

4. A Standard Gallon which have been respectively duly verified and authenticated in the manner deemed best being as follows:—

By careful verification and comparison of the said standards by the Warden of Standards with the Imperial Standards in his custody at Westminster, England, an account of which verification and comparison duly attested by the said Warden's hand and seal of office, is lodged in the Department of Inland Revenue :

And whereas the said Minister of Inland Revenue has recommended that His Excellency in Council, being satisfied of the accuracy of such primary standards, may declare the same to be the legal and only primary standards of length and weight for Canada, under the name of "The Dominion Standards," and as such the units or standards of weights and measures from which all other weights and measures defined by the said in part recited Act shall be computed and ascertained,—

His Excellency the Governor General in Council, on the recommendation of the said Minister of Inland Revenue, has been pleased to declare and doth hereby declare such primary standards to be the legal and only primary standards of length and weight for Canada under the name of "The Dominion Standards," and as such the units or standards of weights and measures from which all other weights and measures defined by the said in part recited Act shall be computed and ascertained :

And whereas the said Minister of Inland Revenue has further reported that he has also caused to be prepared two sets of secondary standards of the weights and measures defined and established by the said in part recited Act, and of the requisite multiples and proportions thereof, and that the same have been duly verified and authenticated by comparison with the Dominion Standards,—

His Excellency the Governor General in Council, on the recommendation of the said Minister of Inland Revenue has been pleased to declare and doth hereby declare such secondary standards to be legal secondary standards of length, weight and capacity under the name of "The Departmental Standards."

W. A. HIMSWORTH,

*Clerk, Privy Council.*

*Inland Revenue.*

DUFFERIN.

[L.S.]

CANADA.

VICTORIA, by the Grace of God, of the United Kingdom of Great Britain and Ireland, QUEEN, Defender of the Faith, &c., &c., &c.  
To all to whom these presents shall come, or whom the same may in any wise concern—GREETING :

A PROCLAMATION.

T. FOURNIER,  
*Attorney-General, Canada.* } WHEREAS, in and by an Act of the Parliament of Canada, passed in the thirty-sixth year of Our Reign, chaptered 47, and intituled : "An Act respecting "Weights and Measures," it is amongst other things in effect enacted : That the Minister of Inland Revenue shall cause to be prepared three sets of primary standards of length and weights, each set consisting of—

1. A Standard Yard,
2. A Standard Pound, Avoirdupois,
3. A Standard ounce Troy,
4. A Standard Gallon,

and shall cause the same to be duly verified and authenticated in such manner as he shall deem best : and it is further enacted that the Governor, upon being satisfied of the accuracy of the primary standards, may, by Order in Council, declare the same to be the legal and only primary Standard of length and weights for Canada under the name of "The Dominion Standards," and as such the units or standards of weights and measures from which all other weights and measures defined by that Act shall be computed and ascertained ; and from and after the date of such Proclamation all primary standards of weights and measures theretofore established and legalized by the legislation of the late Province of Canada, or by the Legislatures of Nova Scotia, New Brunswick and British Columbia, shall be transferred to and remain in the possession of the Department of Inland Revenue ; and it is further enacted that one set of Dominion Standards shall be placed in the custody of the Speaker of the Senate, one set in the custody of the Speaker of the House of Commons, and one set in the custody of the Minister of Inland Revenue, under such regulations as to precautions against injury and deterioration as may be determined by order of the Governor in Council : and it is further enacted that the Minister of Inland Revenue shall also cause to be prepared two sets of secondary standards of the weights and measures defined and established by the said Act, and of the requisite multiples and proportions thereof ; and the Governor in Council, upon the report of the Minister that the same have been duly verified and authenticated by comparison with the Dominion Standards, may declare such secondary standards to be legal secondary standards of length, weight and capacity under the name of "The Departmental Standards ;" and it is further enacted, that as soon as the Dominion and Departmental Standards

*Inland Revenue.*

have been received, legalized by the Governor in Council, and deposited as above provided, and the necessary apparatus for use in connection therewith has been obtained by the Minister of Inland Revenue, the Governor may, by Proclamation, fix a day, giving not less than six months previous notice, upon, from and after which all contracts, bargains, sales or dealings made or had in any part of Canada for work to be done, or goods, wares or merchandise, or other things to be sold, delivered, or agreed for, by weight or measure, where no special agreement is made to the contrary, shall be deemed and taken to be made and had according to the standard weights and measures fixed and defined by the said Act;

And whereas the Minister of Inland Revenue, in accordance with the above in part recited Act caused to be prepared three sets of primary standards of length and weight, each set consisting of—

1. A Standard Yard;
2. A Standard Pound, Avoirdupois;
3. A Standard Ounce, Troy;
4. A Standard Gallon;

And caused the same to be duly verified and authenticated in such manner as he deemed best, that is to say; By careful verification and comparison of the said standards by the Warden of Standards with the Imperial Standards in his custody at Westminster, England, an account of which verification and comparison duly tested by the said Warden's hand and seal of office is lodged in the Department of Inland Revenue:

And whereas the Governor upon being satisfied of the accuracy of the primary standards was pleased by Order of His Excellency in Council on the eighteenth day of December instant, to declare the same to be the legal and only primary standards of length and weight for Canada under the name of "The Dominion Standards" and such the units or standards of weights and measures from which all other weights and measures defined by the Act now in recital shall be computed and ascertained:

And whereas in further accordance with the provisions of the said in part recited Act, one set of Dominion Standards has been placed in the custody of the Speaker of the Senate, one set in the custody of the Speaker of the House of Commons, and one set in the custody of the Minister of Inland Revenue, under such regulations as to precautions against injury and deterioration as have been determined by Order of the Governor in Council:

And whereas in further pursuance of the said in part recited Act the Minister of Inland Revenue has also caused to be prepared two sets of secondary standards of the weights and measures defined and established by the said in part recited Act, and of the requisite multiples and proportions thereof:

And whereas the Governor in Council was pleased on the eighteenth day of December, instant, upon the report of the said Minister, that the same had been duly verified and authenticated by comparison with Dominion Standards to declare such secondary standards to be legal secondary standards of length, weight and capacity under the name of "The Departmental Standards":

*Inland Revenue.*

And whereas, the Dominion and Departmental Standards hereinbefore mentioned, have been received, legalized by the Governor in Council, and deposited as provided and required by the said hereinbefore in part recited Act:—

Now Know Ye, and we do by this Our Royal Proclamation, in pursuance of the said part recited Act, and by and with the advice of Our Privy Council for Canada, proclaim, declare and fix the first day of July, which will be in the year one thousand eight hundred and seventy-five, as the day upon, from and after which all contracts, bargains, sales or dealings made or had in any part of Canada, other than Prince Edward Island, for work to be done, or goods, wares or merchandise, or other things to be sold, delivered or agreed for by weight or measure, where no special agreement is made to the contrary, shall be deemed and taken to be made and had according to the standard weights and measures, fixed and defined by the said hereinbefore in part recited Act, intitled "An Act respecting Weights and Measures."

Of all which Our loving subjects and all others to whom these presents shall come, or whom the same may in any wise concern, are hereby required to take notice and govern themselves accordingly.

In Testimony Whereof, We have caused these Our Letters to be made Patent, and the Great Seal of Canada to be hereunto affixed. Witness, Our Right Trusty and Well-Beloved Cousin and Councillor the Right Honorable Sir Frederic Temple, Earl of Dufferin, Vicount and Baron Clandeboye of Clandeboye, in the County Down, in the Peerage of the United Kingdom, Baron Dufferin and Clandeboye of Ballyleidy and Killeleagh, in the County Down, in the Peerage of Ireland, and a Baronet, Knight of Our Most Illustrious Order of St. Patrick, and Knight Commander of Our Most Honorable Order of the Bath, Governor General of Canada, and Vice-Admiral of the same:

At Our Government House, in Our City of Ottawa, this Eighteenth day of December, in the year of Our Lord, One thousand eight hundred and seventy-four, and in the Thirty-eighth year of Our Reign.

By Command.

R. W. SCOTT,

*Secretary of State.*

[L.S.]

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*Inland Revenue.*

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CANADA.

VICTORIA, by the Grace of God, of the United Kingdom of Great Britain and Ireland, Queen, Defender of the Faith, &c., &c., &c.  
To all to whom these presents shall come, or whom the same may in anywise concern—GREETING:

## A PROCLAMATION.

T. FOURNIER,  
*Attorney-General, Canada.* } WHEREAS in and by an Act of the Parliament of Canada passed in the 36th year of Our Reign, chaptered 48, intituled "An Act to provide for the inspection of Gas and Gas Meters," it is amongst other things in effect enacted, that after the date fixed by the Proclamation to be issued under the said Act, the only standard or unit of measure for the sale of Gas by meter, shall be the cubic foot containing sixty-two pounds and three hundred and twenty-one thousandths of a pound *avoir-du-poids* weight of distilled water weighed in air at the temperature of sixty-two degrees of Fahrenheit's thermometer, the barometer being at thirty inches, except as relates to contracts made before the passing of the said Act now in recital, and in which a different unit of measure is adopted; which contracts, if renewed, shall adopt the unit of measure above prescribed: And it is further enacted, that within as short a period as may be after the passing of the said Act, models of gas-holders measuring the said cubic foot and such multiples and decimal parts of the said cubic foot as the Minister of Inland Revenue shall deem expedient, and from time to time models of such further multiples and decimal parts of the said cubic foot as the Minister of Inland Revenue shall from time to time think necessary, shall be carefully made with proper balances, indices and apparatus for testing the measurement and registration of meters; and such models shall be verified under the direction of the Minister of Inland Revenue, and when so made and verified shall be deposited in the Department of Inland Revenue; and copies of the models so deposited, verified as aforesaid, shall be used under such regulations as may be approved by the Governor in Council, for testing and verifying all meters used within the Dominion: And that models of the apparatus described in Schedule A of the said Act for testing the illuminating power and purity of Gas shall also be procured, and, after having been approved by the Minister of Inland Revenue, shall be deposited in the Department of Inland Revenue, and copies of the same models shall be used in the manner described in part two of the said Schedule A and in such further instructions not inconsistent therewith, as may be, from time to time, directed by Departmental regulations for testing the illuminating power and purity of Gas: And it is further enacted that so soon as the models and apparatus therein mentioned have been obtained and approved, the Governor in Council may issue a Proclamation fixing a day, not less than six months from the date of such Proclamation, upon which the provisions of the Act now in part recited respecting inspection shall go into operation:



*Inland Revenue.*

And whereas in accordance with the above in part recited Act, models of gas holders measuring the said cubic foot, and such multiples and decimal parts of the said cubic foot, as the Minister of Inland Revenue has deemed expedient, have been carefully made with proper balances, indices and apparatus for testing the measurement and registration of meters, and such models have been verified under the direction of the Minister of Inland Revenue, and have been deposited in the Department of Inland Revenue :

And whereas models of the apparatus described in Schedule A of the above in part recited Act, for testing the illuminating power and purity of Gas have also been procured, and having been approved by the Minister of Inland Revenue, have been deposited in the Department of Inland Revenue :

And whereas the models and apparatus herein mentioned have been obtained and approved as required by the hereinbefore in part recited Act :—

Now Know Ye, that we do by this our Royal Proclamation and by and with the authority of the above in part recited Act, and by and with the advice of our Privy Council for Canada, proclaim, declare and fix the 1st day of July, which will be in the year one thousand eight hundred and seventy-five, as the day upon which the provisions of the above in part recited Act, intituled: "An Act to provide for the Inspection of Gas and Gas Meters," respecting inspection shall come into operation, except in the Province of Prince Edward Island.

Of all which our loving subjects and all others to whom these presents may come, or whom the same may concern, are hereby required to take notice and to govern themselves accordingly.

In Testimony Whereof, We have caused these Our Letters to be made Patent, and the Great Seal of Canada to be hereunto affixed. Witness Our Right Trusty and Well-Beloved Cousin and Councillor the Right Honorable Sir Frederic Temple, Earl of Dufferin, Viscount and Baron Clanaboye of Clanaboye, in the County Down, in the Peerage of the United Kingdom, Baron Dufferin and Clanaboye of Ballyleidy and Killeleagh, in the County Down, in the Peerage of Ireland, and a Baronet, Knight of Our Most Illustrious Order of Saint Patrick, and Knight Commander of Our Most Honorable Order of the Bath, Governor General of Canada, and Vice-Admiral of the same :

At Our Government House, in Our City of Ottawa, this Eighteenth day of December, in the year of Our Lord, One thousand eight hundred and seventy-four, and in the Thirty-Eighth year of Our Reign.

By Command.

R. W. SCOTT,

*Secretary of State.*

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ORDERS IN COUNCIL, &c.

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*Inland Revenue.*

GOVERNMENT HOUSE, OTTAWA,

Friday, 18th day of December, 1874.

*Present :*

HIS EXCELLENCY THE GOVERNOR GENERAL IN COUNCIL.

**WHEREAS**, by order in Council of the 7th day of June, 1871, it is directed that sworn declarations and machinists' certificates be in all cases required preliminary to the admission free of duty of machinery not manufactured in the Dominion for use in Canadian manufactures; and whereas, by the Act 37 Vict., chap. 6, the same machinery is made subject to an *ad valorem* duty of ten per cent., to take effect on the first day of January next; and whereas it is desirable to simplify the practice of the customs in such cases—due regard being had to the security of the revenue,—

His Excellency the Governor General in Council on the recommendation of the Hon. Minister of Customs, and under the provisions of the 125th section of the Act 31 Vict., chap. 6, has been pleased to order, and it is hereby ordered, that from and after the first day of January next, the said Order in Council be, and the same is hereby rescinded, and that collectors of customs be, and they are hereby authorized and instructed to accept entry of such machinery on and after that date at ten per cent duty *ad valorem*, requiring the following affidavit to be filed in each case, and a copy thereof to be attached to the entry.

W. A. HIMSWORTH,  
*Clerk, Privy Council.*

I, A. B., the importer of the following described machinery, viz :—  
(*here a full description of each machine, giving name of maker and use to which it is to be applied, shall be inserted.*) do solemnly swear, that to the best of my knowledge and belief, no machine such as that above described, is manufactured in Canada, and that the same is imported for use in the                      manufactory of which I am the proprietor (or one of the proprietors, or legally authorized agent), and that the same is not to be offered for sale.

Sworn to before me at                      on the                      day of                      187 .

GOVERNMENT HOUSE, OTTAWA,

Friday, 15th day of January, 1875.

*Present :*

HIS EXCELLENCY THE GOVERNOR GENERAL IN COUNCIL.

**WHEREAS** it has been represented that large importations of Coal Oils are continually taking place at various ports in the Dominion, samples of many of which will not stand the fire test required by the Inland Revenue Act, 1868, and amendments thereto; also that large importations of certain



*Inland Revenue.*

products of Petroleum, such as Gasoline, Benzine and Benzole are being made, such articles being very explosive and dangerous at a very low temperature,—

His Excellency, on the recommendation of the Honorable the Minister of Customs, and under the provisions of the 17th section of the Act passed in the Session of the Parliament of Canada, held in the 31st year of Her Majesty's Reign, chapter 50 and intituled: "An Act to increase the Excise duty on spirits, to impose an excise duty on refined Petroleum, and to provide for the inspection thereof," has been pleased to order, and it is hereby ordered, that with a view to the better regulation of the foreign Petroleum trade, and the security of the lives and property of Her Majesty's subjects, the following regulations be and they are hereby adopted and established, that is to say:—

1. From and after the date hereof, the officers appointed to gauge and test spirituous liquors, wines, &c., at the respective ports of Toronto and Hamilton in Ontario; the Port of Quebec, in Quebec; the Port of St. John, in New Brunswick; and the Port of Halifax, in Nova Scotia, shall be and they are hereby appointed Inspectors of imported refined Petroleum at those ports respectively; and that the respective Collectors of Customs and Sub-Collectors of Customs at all other ports and out-ports in Canada, shall be and they are hereby appointed Inspectors of imported refined Petroleum at their respective ports and out-ports, with power to employ in the actual process of testing such oils any officer or officers under their respective surveys whom they shall consider competent for that purpose.

2. That the instrument to be used for testing all imported refined Petroleum shall be the "Coal Oil Pyrometer," made by Charles Potter, Toronto, Ontario, and all such Petroleum as will not stand the fire test of 105 degrees, as required by said Pyrometer, as required by section 2 of chapter 15 of 24 Victoria, when used according to the instructions accompanying the same, shall be dealt with as may be ordered by the Minister of Customs in each case.

3. That every package of imported refined Petroleum, inspected as before provided, shall be legibly marked or stamped in such manner as the Minister of Customs may direct.

4. That no imported refined Petroleum, which will not stand the said test, whether designated as "Coal Oil," "Naphtha," "Benzine," "Benzole," "Paraffine" or other oil or fluid, distilled, manufactured or produced by any process or treatment whatever, shall be admitted to entry for consumption or warehouse in Canada, unless the importer shall have produced a license from a Collector or other proper officer of Inland Revenue, authorizing him to import and keep the same on hand.

W. A. HIMSWORTH,

*Clerk, Privy Council.*

ORDERS IN COUNCIL, &c.

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*Inland Revenue.*

PRIVY COUNCIL OFFICE, OTTAWA,

4th February, 1875.

NOTICE is hereby given that His Excellency the Governor General in Council, on the recommendation of the Hon. the Minister of Inland Revenue, and under the provisions of 37th Vict., chap. 45, sec. 1, has been pleased to order that the Inspection District of St. John, in the Province of New Brunswick, be henceforward for all the purposes of the said Act held to comprehend and be composed of the City and County of Saint John, in the said Province, under the name of the Inspection Division of the City and County of St. John.

W. A. HIMSWORTH,  
*Clerk, Privy Council.*

GOVERNMENT HOUSE, OTTAWA,

Wednesday, 17th day of March, 1875.

*Present :*

HIS EXCELLENCY THE GOVERNOR GENERAL IN COUNCIL.

ON the recommendation of the Honorable the Minister of Inland Revenue, and under the provisions of the first section of the Act passed in the Session of the Parliament of Canada, held in the thirty-first year of Her Majesty's Reign, chaptered 51 and intituled "An Act for better securing the payment of the duty imposed on Tobacco manufactured in Canada,"—

His Excellency, by and with the advice of the Queen's Privy Council for Canada, has been pleased to order, and it is hereby ordered, that the Town of Belleville, in the Province of Ontario, be and the same is hereby constituted a Port of Entry, at which raw or leaf tobacco may be imported into Canada.

W. A. HIMSWORTH,  
*Clerk, Privy Council.*

GOVERNMENT NOTICES.

PRIVY COUNCIL OFFICE, OTTAWA,

18th March, 1875.

NOTICE is hereby given that, on the recommendation of the Honorable the Minister of Inland Revenue, and under the provisions of the 1st section of the Act 37 Vict., chap. 45, His Excellency the Governor General in Council, has this day been pleased to order that the Inland Revenue Inspection District of Guysborough, in the Province of Nova Scotia, established by Order in Council of 18th October, 1873, be subdivided, and that the District of St. Mary's, in the County of Guysborough, be constituted a separate Inspection District.

W. A. HIMSWORTH,  
*Clerk, Privy Council.*

## ORDERS IN COUNCIL, &amp;c.

*Public Works.*

GOVERNMENT HOUSE, OTTAWA.

Thursday, 16th day of April, 1874.

*Present :*

HIS EXCELLENCY THE GOVERNOR GENERAL IN COUNCIL.

ON the recommendation of the Honorable the Minister of Public Works, and under the authority given and conferred by the 58th section of the Act passed in the 31st year of Her Majesty's Reign, intituled "An Act respecting the Public Works of Canada,"—

His Excellency, by and with the advice of the Queen's Privy Council for Canada, has been pleased to order, and it is hereby ordered that from and after this day there shall be imposed, levied and collected on the under-mentioned slides on the River Ottawa the following rates of toll, that is to say:—

## THE SLIDE NEAR LAKE TRAVERSE.

For every piece of squared or sided red pine, white pine or hardwood passing through the said slide, three cents ; of pine or other saw-logs, one cent.

## ROCHER CAPITAINE SLIDE.

For every crib of masts, spars, staves or sawn lumber passing through the said slide, one dollar and fifty cents (\$1.50.)

For every crib of squared or sided red pine, white pine or hardwood, one dollar (\$1.00.)

W. A. HIMSWORTH,  
*Clerk, Privy Council.*

GOVERNMENT HOUSE, OTTAWA,

Thursday, 21st day of May, 1874.

*Present :*

HIS EXCELLENCY THE GOVERNOR GENERAL IN COUNCIL.

ON the recommendation of the Honorable the Minister of Public Works, and under the Act passed in the 31st year of Her Majesty's Reign, intituled "An Act respecting Public Works of Canada,"—

His Excellency, by and with the advice of the Queen's Privy Council for Canada, has been pleased to make the following Regulations for the management, proper use and protection of the Public Work known as the 'Gatineau Booms,' that is to say:—

*First.* The Gaps at the Upper and Lower Boom, during the season for running timber and logs, to be opened at five o'clock, and closed at seven o'clock in the evening, or at an earlier or later hour, if found necessary by the Boom Master or person in charge of the Gaps.

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ORDERS IN COUNCIL, &c

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*Public Works.*

*Second.* The Gaps to be kept continually open for running between the hours named in the preceding clause with the exception of two hours for meals.

*Third.* When any timber, logs or other lumber arrive at the Sorting Gaps, the owner of such timber, logs or lumber shall at once cause the removal thereof. In the case of neglect or delay on the part of the owner thereof to comply with this Regulation, whereby the passage of the timber, logs or other lumber of other owners might or should be impeded, the Boom-Master, or his Assistant at the Gatineau Boom or Upper Gap, or the person appointed to carry out these Regulations at the outlet of the Gatineau Pond in the Ottawa River or Lower Gap respectively, is hereby empowered to turn adrift the timber causing the impediment, and the loss resulting therefrom shall fall upon its owner.

*Fourth.* The officers above mentioned shall have full power to enforce these Regulations at their respective stations; and the Superintendent of the Ottawa River Works or his assistant, in any case of damages on account of breakages or overcrowding the timber of any description, shall determine what damages shall be paid on account thereof, and in what proportions such damages shall be paid at either the Upper or Lower Gap.

W. A. HIMSWORTH,  
*Clerk, Privy Council.*

GOVERNMENT HOUSE, OTTAWA,

Friday, 19th day of June, 1874.

*Present :*

HIS EXCELLENCY THE GOVERNOR GENERAL IN COUNCIL.

ON the recommendation of the Honorable the Minister of Public Works, and under the provisions of the 108th section of "The British North America Act, 1867," and the 8th item of the third schedule attached thereto,—

His Excellency the Governor General in Council, has been pleased to order, and it is hereby ordered, that the Government House at Charlottetown, in the Province of Prince Edward Island, its grounds and premises, together with the farm thereunto attached and held therewith, shall be and they are hereby appropriated to the use of the Government and Legislature of the said Province of Prince Edward Island.

W. A. HIMSWORTH,  
*Clerk, Privy Council.*

*Public Works.*

GOVERNMENT HOUSE, OTTAWA,

Monday, 10th day of August, 1874

*Present :*

HIS EXCELLENCY THE GOVERNOR GENERAL IN COUNCIL.

ON the recommendation of the Honorable the Minister of Public Works, and under the provisions of the 65th section of the Act passed in the Session of the Parliament of Canada, held in the 31st year of Her Majesty's Reign, chaptered 12, and intituled "An Act respecting the Public Works of Canada,"—

His Excellency, by and with the advice of the Queen's Privy Council for Canada, has been pleased to order, and it is hereby ordered, that in addition to the regulations established by Order in Council of the 17th day of May, 1865, for the protection of the Provincial Slides, now under the control of the Dominion Government, the following regulations for the running of timber of any description down the Fenelon River from Cameron's Lake to Sturgeon Lake, in the Province of Ontario, be and the same are hereby adopted and established:—

REGULATIONS.

1. The owner or person in charge of any raft or parcel of timber previous to entering the Fenelon River for the purpose of passing such raft or parcel of timber down the channel allotted for the same, viz: the Eastern channel formed by the Government Boom,—shall attach a boom to the snubbing post on the west bank of the river, and to the up stream pier of aforesaid Government Boom, so as to prevent any of the said timber entering the channel set apart for vessels, that is, the channel on the west side of the Government Boom. Every violation of this regulation shall subject the owner or person in charge of such timber to a penalty of not less than fifty dollars and not more than two hundred dollars.

2. No raft or parcel of timber of any description whatever, shall be permitted to enter the Fenelon River through the slide at the Falls without the owner or person in charge of such raft or parcel of timber, first giving notice thereof to, and obtaining permission from the Superintendent or officer appointed to regulate the running of timber down the river, under a penalty of not less than fifty dollars and not more than two hundred dollars.

3. Parties engaged in running timber of any description whatever down the Fenelon River, are hereby prohibited from allowing the said timber to enter the river through the slide at the Falls, at a faster rate or in greater quantities than that directed by the Superintendent or officer duly appointed to regulate the running of timber down the river, under a penalty of not less than fifty dollars and not more than two hundred dollars.

W. A. HIMSWORTH,

*Clerk, Privy Council.*

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*Public Works.*

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GOVERNMENT HOUSE, OTTAWA,

Monday, 10th day of August, 1874.

*Present :*

HIS EXCELLENCY THE GOVERNOR GENERAL IN COUNCIL.

ON the recommendation of the Honorable the Minister of Public Works, and under the provisions of the 58th and 65th sections of the Act passed in the Session of the Parliament of Canada, held in the 31st year of Her Majesty's Reign, chaptered twelve, and intituled "An Act respecting the Public Works of Canada,"—

His Excellency, by and with the advice of the Queen's Privy Council for Canada, has been pleased to order, and it is hereby ordered, that the following regulations for passing logs and timber of any description through the lock at Bobcaygeon downwards from Sturgeon Lake to Pigeon Lake, or upwards from Pigeon Lake to Sturgeon Lake, in the Province of Ontario; and the Schedule of Tolls thereunto appended, be and the same are hereby adopted and established, in addition to the regulations for the management and protection of the canals and harbours of the Dominion of Canada, bearing date the 31st day of May, 1873. \*

## REGULATIONS.

1. The owner or person in charge of any raft or parcel of timber, logs, or other description of timber (which shall be in cribs of suitable size to pass through the lock) previous to entering into the Canal Race above the lock and at the mouth of the river in Pigeon Lake for the passing of such raft or parcel of timber through the same, shall make a full and complete report of such raft or parcel of timber, containing an account of the number of cribs, the number of pieces, the description of timber, the name and designation of the owner or owners, and of the supplier or furnisher thereof, together with marks and other particulars relating thereto: upon failure to comply with this Regulation, such owner or person in charge shall incur a penalty of not less than twenty dollars and not more than two hundred dollars.

2. No raft or parcel of timber, logs, or any description of timber in rafts or parcels shall be moored or banded up nearer to the upper Canal Race or to the outlet of the river in Pigeon Lake than the berths pointed out by the Lock-Master or officer acting in that capacity; and when permission shall be granted to the owners or persons in charge of any raft to place any raft or parcel of timber of any description, such raft or parcel of timber shall not in any case take more or other space or place than the berths allotted by the said Lock-Master or other officer in charge of the works; and they shall, at any time when directed so to do, move the said raft or parcel of timber from place to place, or remove the same entirely as soon as required so to do by the Lock-Master or other officer in charge of the

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\* For Schedule of Tolls see next Order in Council.

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*Public Works.*

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works : in case of refusal or neglect on the part of the said owners or persons in charge of timber or rafts of any description to comply with the requirements of this section, they shall incur a penalty of not less than twenty dollars and not more than fifty dollars.

3. The owner or owners or persons in charge of any raft or parcel of timber of any description, shall, before removing the same from the mouth of the river in Pigeon Lake or the bay above the Lock in Sturgeon Lake, subscribe and deliver to the Lock-Master or other officer duly appointed, as the case may be, a report in duplicate showing the number of pieces of each description of timber, saw-logs or any other description of timber so passed and shall pay the lock dues thereon (the same being assessed in conformity with the schedule hereunder written), or secure the same to the satisfaction of the Lock-Master or other person appointed to collect dues : on failure to comply with this regulation, such owner or person in charge shall incur a penalty of not less than twenty dollars and not more than two hundred dollars, in addition to double the amount of dues which would otherwise be payable on any raft or parcel of timber of any description passing such lock without such acknowledgment.

4. The Collector of lock dues or any person or persons duly authorized by him in that behalf shall, at all hours during the day, have free access and full power and permission to enter and remain as long as he or they may see fit, upon any raft or parcel of timber for the purpose of examining the same, and every facility shall be afforded him or them for ascertaining the number of cribs or the number of pieces of any description of timber of which the same is composed ; and any person obstructing the Collector of lock dues, Lock-Master or other person duly authorized as aforesaid, in the execution of his or their duty, shall incur a penalty of not less than fifty dollars and not more than two hundred dollars.

5. It shall be competent for the Collector of lock dues, his deputy or deputies, assistant or assistants, or persons duly authorized by him, to enter upon, seize and detain, at the risk, costs and charges of the owner or owners thereof, any raft or parcel of timber which shall have been moved away from the bay above the Canal Race in Sturgeon Lake, or the mouth of the river in Pigeon Lake, without the lock dues therefor,—the amount awarded for damages, or the fines and penalties, if any, being first paid or secured to his satisfaction ; and any and every person obstructing the Collector of lock dues, or other person or persons duly authorized as aforesaid, in the execution of his or their duty, shall incur a penalty of not less than twenty dollars and not more than two hundred dollars.

6. Rafts, cribs and all description of timber shall be held liable for the dues, damages and penalties imposed under these regulations ; and the Lock-Master, or other duly appointed officer is hereby authorized and required to seize and detain any such raft, crib or parcel of timber, until payment of such dues, damages or penalties is made, or until the owner or person or persons in charge shall have given satisfactory security for the payment thereof, within thirty days after the same shall have been declared to be incurred or shall have been demanded ; and, in default of such payment being made within the said term of



*Public Works.*

thirty days, then the said Lock-Master or officer may proceed to sell by public auction any such raft, crib or parcel of timber,—of which sale at least two weeks notice shall, in the mean time, have been given in one or more of the public newspapers published at the nearest place from the said works, and placarded in a public and conspicuous place at or near the said works where the raft, crib or timber is lying: and if the costs attendant on such auction sale, as well as all other costs, damages and penalties imposed or awarded cannot be realized from the timber so seized and sold, the same shall be recoverable from the owner of said raft, crib or parcel of timber.

W. A. HIMSWORTH,  
*Clerk, Privy Council.*

GOVERNMENT HOUSE, OTTAWA,

Thursday, 10th day of September, 1874.

*Present :*

HIS EXCELLENCY THE GOVERNOR GENERAL IN COUNCIL.

ON the recommendation of the Honorable the Minister of Public Works, and under the provisions of the 58th section of the Act passed in the Session of the Parliament of Canada, held in the 31st year of Her Majesty's reign, chapter 12, and intituled "An Act respecting the Public Works of Canada,"—

His Excellency, by and with the advice of the Queen's Privy Council for Canada, has been pleased to order, and it is hereby ordered, that the following schedule of tolls to be levied on the Newcastle District works be adopted in lieu of those established by Order in Council, dated 10th ultimo, viz :—

## FENELON RIVER.

For each saw-log passing down the saw-log channel now in course of construction.....	$\frac{1}{4}$ cent
For every boom stick.....	$\frac{1}{2}$ "
For every stick of square timber.....	1 "
Cedar posts per 100 pieces.....	25 cents
Ties per 100 pieces.....	25 "

## BOBCAYGEON LOCKS.

For every lockage of saw-log or other cribs.....	50 "
For every lockage of saw-logs on scows, per log.....	$\frac{1}{4}$ cent
For every lockage of ties or cedar posts, per 100 pieces...	25 cents
For every lockage of sawn lumber per M. feet.....	1 cent



*Public Works.*

For cordwood, shingle bolts, or other merchandise, per cord .....	5 cents
For every lockage of ore, per ton.....	1 cent

PETERBORO' LOCKS.

Same as Bobcaygeon.

HASTINGS LOCKS.

Same as Bobcaygeon.

W. A. HIMSWORTH,  
*Clerk, Privy Council.*

GOVERNMENT HOUSE, OTTAWA,

Friday, 9th day of October, 1874.

*Present :*

HIS EXCELLENCY THE GOVERNOR GENERAL IN COUNCIL.

ON the recommendation of the Honorable the Minister of Public Works, and under the provisions of the 58th section of the Act passed in the Session of the Parliament of Canada, held in the 31st year of Her Majesty's Reign, chaptered 12, and intituled "An Act respecting the Public Works of Canada,"—

His Excellency, by and with the advice of the Queen's Privy Council for Canada, has been pleased to order, and it is hereby ordered, that the following rates of toll be, and they are hereby authorized to be levied and collected on tamarac timber passing through the Saguenay Slides and Works, that is to say :

Flatted or sided, not exceeding 20 feet in length.....	3 cents.
" " exceeding 20 feet, but not over 40 feet..	6 "
" " " 40 " .....	9 "

W. A. HIMSWORTH,  
*Clerk, Privy Council.*

GOVERNMENT HOUSE OTTAWA,

Thursday, 12th day of November, 1874.

*Present :*

HIS EXCELLENCY THE GOVERNOR GENERAL IN COUNCIL.

ON the recommendation of the Honorable the Minister of Public Works, and under the provisions of the 58th section of the Act passed in the Session of the Parliament of Canada, held in the 31st year of Her Majesty's Reign, chaptered twelve, and intituled "An Act respecting the Public Works of Canada,"—

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*Public Works.*

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His Excellency, by and with the advice of the Queen's Privy Council for Canada, has been pleased to order, and it is hereby ordered, that the saw-log be, and the same is hereby established as the standard of measurement for wood passing through the St. Maurice Slides and Booms; and that the undermentioned items, not provided for in the present tariff of tolls, be henceforth calculated and charged for in the following relative proportions:—

Four Railway ties as equal to one saw-log.  
Two telegraph poles as equal to one saw-log.  
Two other logs or poles for posts or fence-rails as equal to one saw-log.  
One pile as equal to one saw-log.  
One hundred fence-rails as equal to five saw-logs.  
One cord firewood as equal to three saw-logs.  
One cord spool wood as equal to four saw-logs.  
One cord other wood, for manufacturing purposes, as equal to four saw-logs.

W. A. HIMSWORTH,  
*Clerk, Privy Council.*

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GOVERNMENT HOUSE, OTTAWA,

Saturday, 12th day of December, 1874.

*Present :*

HIS EXCELLENCY THE GOVERNOR GENERAL IN COUNCIL.

ON the recommendation of the Honorable the Minister of Public Works and under the provisions of the 58th section of the Act passed in the Session of the Parliament of Canada, held in the 31st year of Her Majesty's Reign, chaptered 12 and intituled "An Act respecting the Public Works of Canada,"—

His Excellency, by and with the advice of the Queen's Privy Council for Canada, has been pleased to order, and it is hereby ordered, that the following rules and regulations for the carriage of freight on the Inter-colonial Railway and classification thereof, printed conjointly with the general tariff of rates for the same, already approved by Order in Council of 6th November, 1874, be and the same are hereby adopted and established.

W. A. HIMSWORTH,  
*Clerk, Privy Council.*

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*Public Works.*

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## INTERCOLONIAL RAILWAY.

## GENERAL FREIGHT TARIFF—CONDITIONS AND RULES OF CARRIAGE.

*The following Regulations are hereby enacted for the conveyance of Goods and Merchandise, under the authority of "An Act respecting the Public Works of Canada," (31 Vict. Chap. 12.)*

1. The Intercolonial Railway will not be accountable for any articles unless the same be signed for as received by a duly authorized Agent.

2. Nor will it be responsible for the loss of, or damage done to money, in cash, bills, promissory notes or securities for money, or jewellery, trinkets, rings, precious stones, gold or silver, manufactured or unmanufactured, gold and silver plate or plated articles; clocks, watches, time-pieces, marble, lace, furs, silks in manufactured or unmanufactured state, and whether wrought up or not wrought up with other materials; writings, title deeds, prints, maps, paintings, engravings, pictures, stamps or other valuables; nor for damage done to china, glass, eggs, wearing apparel, musical instruments, furniture, toys, stoves, castings, cast iron work, grindstones, tombstones, slate, or any other such hazardous or brittle articles, in packages or otherwise.

3. Nor will it be responsible for delays from storms or accidents, or damages from the weather, fire, heat, frost or delay of perishable articles, or from civil commotion; nor will it, under any circumstances, be liable for loss of market or other claim arising from delay or detention of any train whether in starting or at any of the stations, or in course of the journey. The railway does not undertake to send goods by any particular train, if there be an insufficient number of cars at the station, or the cars cannot be conveniently used for that purpose, notwithstanding the goods may have been taken to the station before the hour appointed by the railway.

4. Nor will it be responsible for the loss or damage of any packages insufficiently or improperly marked, packed, directed or described, or containing a variety of articles, liable by breaking to damage each other or other articles: Nor for leakage arising from bad casks, or bad cooperage, or from fermentation or any other cause beyond the control of the railway.

5. Nor will it be responsible for the loss or damage of any goods put into returned wrappers or boxes, or packages described as "Empties:" Nor for any goods directed "to be left until called for," or "to order," warehoused for the convenience of the parties to whom they belong, or by or to whom they are consigned: Nor will it, under any circumstances, be accountable for the loss or damage of goods that are not taken away immediately after advice of their arrival has been sent or posted.

6. Nor will it be responsible for any deficiency in weight or measure of grain, &c., in bags or in bulk; nor for any deficiency in weight, number, or measure of lumber, coal, or iron carried by the car-load: Nor for shrinkage of all or any kinds of sugars, or short weights of the same, unless a damage to the package can be shown to have happened whilst in possession of the railway.

*Public Works.*

7. No agent or other employee of this railway is authorized to take charge of bank notes, money, or valuable papers.

8. Senders of dangerous articles will be held accountable for any damage arising therefrom, or thereto, unless the contents are so described upon the direction, that due care may be observed in loading; and in no case will the railway be liable for the loss of any such articles; and the railway will not undertake the transport of aquafortis, acetic acid, vitriol, friction matches, or gunpowder, except at the convenience of the railway, and by special arrangement.

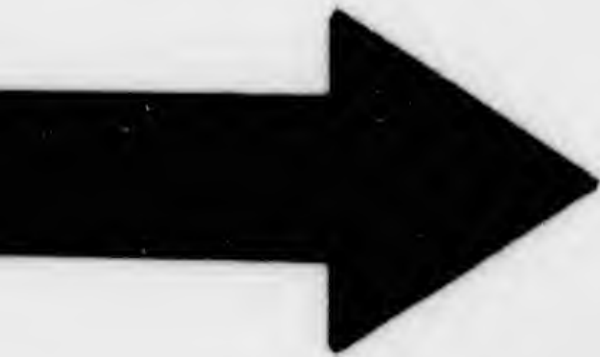
9. The railway will have a *lien* on all goods transported over it, for the freight and charges thereon, as well as for any balance which may be previously due for freight, &c., by the owner or consignee; and the said goods will be liable to be sold by public auction for the payment of the charges thereon, and other balances which may be due. If the owner or owners, or his or their agent shall not, within ten days after the arrival of the goods at the place of destination, pay the freight and any other charges due thereon, and take possession of and remove such articles from the railway premises, the General Superintendent may sell or cause the same to be sold at public auction, after giving ten days public notice of such sale; to defray the railway's claims, and all expenses incurred thereon.

10. Fresh fish, fruit, meat, poultry, oysters, and other perishable articles, are conveyed only at the owner's risk, and the freight must be prepaid.

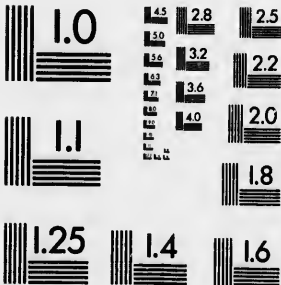
11. All articles directed to be left at any way station, or platform, where no buildings have been established, or where there is no resident agent, must be prepaid and will be at the risk of the owner, whenever they are landed at such station or platform; and all articles brought there for conveyance will also be at the owner's risk until taken into the cars.

12. All goods addressed to consignees at points beyond the places at which the railway has stations, and respecting which no directions to the contrary shall have been received at these stations, will be forwarded to their destination by public carrier or otherwise, as opportunity may offer without any claim for delay against the railway, for want of opportunity to forward them; or they will be allowed to remain on the railway premises, pending communication with the consignees, at the risk of the owners, for any damage arising from any cause whatever. But, that the delivery of the goods by the railway will be considered as complete, and the responsibility of the railway will be considered to have ceased, when such carriers shall have received notice that the railway is prepared to deliver to them the goods for further conveyance. And it is expressly agreed that the railway shall not be responsible for any loss, damage or detention that may happen to goods so sent by them, if such loss, damage or detention occur after the said notice, or beyond their said limits. That all property contracted for, at a through rate or otherwise, to or from places beyond the line of the Intercolonial Railway, if shipped by water, shall, while not on the railway, or in their sheds or warehouses, be entirely at the owner's risk. And in case of loss or damage to any goods for which this Railway or connecting lines may be liable, it is agreed and understood that they shall have the benefit of any insurance effected by or for account of the said goods, before any demand shall be made.





## (ANSI and ISO TEST CHART No. 2)



1653 East Main Street  
Rochester, New York 14609 USA  
(716) 482 - 0300 - Phone  
(716) 288 - 5989 - Fax

*Public Works.*

13. Storage will be charged on all goods remaining in the stations over 48 hours after their arrival, at the rate of five cents per barrel bulk per month, and no deduction will be made from this rate for goods remaining in store for a less time than one month.

14. Demurrage at the rate of two dollars per car, per day, will be charged on all cars not unloaded within thirty-six hours after arrival, exclusive of Sundays; provided the same are loaded with goods liable to be unloaded by the owner or consignee,—the railway reserving the right to discharge the same at the expense of the owner or consignee, at any time after the expiration of such 36 hours.

15. No goods will be delivered until all charges against them are paid, and the railway will not be accountable for the correctness of any "back charges" on goods, &c., by other roads, companies, conveyances, or individuals.

16. No claim whatever, for loss or damage (for which the Railway is liable), will be allowed, unless notice in writing is given to the Station Agent before the goods are removed.

17. No charge less than twenty-five cents will be made for any single package or consignment.

18. Vehicles are carried only at the owner's risk of damage from fire, weather, and all other contingencies—and must be prepaid.

19. Machines or articles very long or bulky, which require one or more cars to be taken especially to convey them, will be charged at full car rates.

20. Barley, bones in bulk, chalk in bulk, corn, clay, coals, coke, hay and straw, oats, oysters, potatoes, rye, salt, wheat, dry fish in bulk, bricks, grindstones, mill and burrstones, manures, limestone, ores, slate, sand, gravel and stones, chains and chain cables, pig and scrap iron, lumber of all kinds, tan bark, gypsum and plaster in bulk, ice, rails and railway chairs, ship's knees, (iron), and all articles of a similar character must be loaded and unloaded by the owner thereof, or at his expense; and double rates will be charged if the cars are overloaded.

21. Top wharfage at the customary rates will be charged on all goods, landed on the railway wharves, except in cases where the goods are to be forwarded by this railway, and are not delayed at the instance of the owner, consignor, or consignee.

22. The following rates of wharfage are to be charged vessels using the railway wharves, except in cases where the vessel is lying to unload, on the cars, goods to be carried by the railway, or for the purpose of unloading ballast or coal for the use of the railway, or where the vessel may be receiving goods or lumber directly from the cars. Vessels in all cases to lay where directed by the Agent or Wharfinger for the time being:—For every decked vessel or woodboat of the burden of 40 tons or under, 30 cents per day; above 40 tons and under 50 tons, 35 cts.; above 50 and under 60, 40 cts.; above 60 and under 70, 45 cts.; above 70 and under 80, 50 cts.; above 80 and under 90, 55 cts.; above 90 and under 100, 60 cts.; above 100 and under 120, 70 cts.; above 120 and under 150, 80 cts.; above 150 and under 180, 90 cts.; above 180 and under 200, \$1.00; above 200 and under 220, \$1.10; above 220 and under 240, \$1.20; above 240 and under

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*Public Works.*

260, \$1.30; above 260 and under 280, \$1.40; above 280, and under 300, \$1.50; above 300 and under 320, \$1.60; above 320 and under 340, \$1.70; above 340 and under 360, \$1.80; above 360 and under 380, \$1.90; above 380 and under 400, \$2.00; above 400 and under 450, \$2.25; above 450 and under 500, \$2.50; and 25 cents for each additional 50 tons.

23. Full car loads of 20,000 lbs. each, of any or all description of goods, except gunpowder and other hazardous articles to one address may be rated *fourth class*.

24. All live stock, conveyed over the railway, are to be loaded and discharged by the owner or his agent, and he undertakes all risk of loss, injury, damage and other contingencies, in loading, unloading, transportation, conveyance and otherwise, no matter how caused; and the stock must be fed at his expense. Halters are to be provided by him when necessary, or when in less quantities than car loads. One drover free (second-class) when accompanying his stock, for the purpose of taking care of it, and paying the full price of a car load. Freight of all live stock to be prepaid. Cars cannot be hired to load cattle, or goods of any kind, with the privilege of "loading up" from different stations; and in no case can drovers be permitted to go free except when they have at least one full car load from one Station, and then to pass only from that Station.

25. Dogs will only be conveyed at the risk of the owner, who will be required to provide collar and chain for the animal, and prepay the freight.

26. Special arrangements may be made under certain extraordinary circumstances.

27. Hay and straw will only be conveyed in box freight cars and at owner's risk of fire.

28. The loading of lumber will be limited to the quantities per car, hereinafter stated, pine, hemlock and spruce will be reckoned as *soft*, and all other kinds as *hard*. Owners overloading will be charged double rates in every instance. The quantities mentioned as being the load for one car, will not be considered as applicable to lumber which, by reason of its length, requires for its conveyance two or more cars. Scantling, sawn or hewn, and ship or deck plank, or other long lumber, must not be piled higher than the tariff quantity of the same description of goods would reach, if upon one car. Owners to produce survey bill when required by the Station Master, or other duly authorized agent; and in case of dispute as to the quantities, the lumber may be re-surveyed at the expense of the party proved to be in error.

29. Lumber will be taken to mean timber, deals, boards, plank, ship stuff, cordwood, tanbark, fence or hoop poles, box shooks, clapboards, staves, logs, laths, shingles, railway sleepers, spars, and all other similar products of the forests. It must in all cases be properly and safely laden upon the cars, and must not project over the ends of the cars, nor must cross-grained wood be used for stakes. In the event of the owner neglecting or refusing to obey the directions of the Station Master, or other person authorized by the Superintendent in relation thereto, the load will be reduced, if necessary, to bring it within the quantity prescribed for a car load, and afterwards so secured as to make it entirely safe for transportation,—the expense of doing this being charged against the goods.

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*Public Works.*

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30. When lumber is put upon one car care must be taken to have a stake placed near the centre or the length in addition to the others, so as to prevent its being dependent on only two stakes; and when the load is of logs or small round timber, or such other description of lumber as tends to settle, and thus produce increased strain upon the stakes, chains or ropes must be used about one-third of the height from the top of the load, to bind it; and where entire safety cannot be otherwise secured, skids to separate the ties must also be used.

31. Long lumber extending over two or more cars must be bound by chains or large ropes. It must not be "bound" by the stakes, but loaded on "bunks," that it may "play" or "swivel" freely.

32. Lumber will be carried only at the convenience of the railway, and at the risk of the owner.

33. Cars laden with lumber will not be allowed to stand over to give owners or consignees choice of positions at the receiving stations when other berths are unoccupied.

34. In loading cordwood, sticks must be placed at the edges of the car for the outer ends of the wood to rest upon, that it may tend, when piled, towards the centre. The stakes must be green spruce or straight hardwood of sufficient thickness.

35. Stations being often obstructed by deposits of lumber of various kinds, and the ordinary business of the station being thereby incommoded, in such cases the obstructions will be removed, and the cost of such removal, in addition to yardage, at the rate of one dollar per car load per day, will form a charge against the lumber. Notice will be given to the owner or consignee, that its removal is required before a certain time, and the charges will commence immediately on the expiration of such time. When the charges have accumulated so as to amount to half the value of the lumber, it will be sold at public auction, after giving ten days' public notice of such sale.

36. Lumber and other goods will not be received at sidings, unless by previous arrangement it is shown to the satisfaction of the Superintendent, that sufficient for a full train load of ten cars will be so placed that it can readily be laden with the assistance of an engine. A charge of \$2.50 per hour will be made, in addition to the rate per car, when the engine is detained more than three hours.

37. To avoid errors in way billing loaded cars at out-sidings, owners should fasten a ticket upon the side of the car, stating to whom the load belongs, and to whom and where it is to be consigned.

38. When goods are required to be loaded by the owner or his agent, or at his expense, all fittings (such as stakes, bunks, skids, chains, ropes, &c., for lumber, and sideboards for coal, sand, bricks, clay, stone, manganese, grain, or articles of a similar character,) must be provided by him, or will be charged to him if furnished by the railway. Such fittings will be transported back free, if necessary, but at the owner's risk.

39. When cars, liable to be laden or unladen by the owner or consignee of the goods, have been once placed, and for the convenience of the owner, or at his request, are shifted to finish at another berth in the same station yard, a charge of one dollar per car will be made for such service.

*Public Works.*

40. Cars left at stations or sidings to fill requisitions, will be subject to demurrage after twenty-four hours (exclusive of Sunday); they may be handed over or removed to fill other requisitions.

41. For the purpose of carriage, the following articles will be estimated to weigh,—

Horses, each.....	lbs. 1,000
Horned cattle, each.....	1,000
Calves, each.....	150
Sleep, goats and lambs, each.....	100
Swine and pigs, each.....	250
Suckling pigs, each.....	50
Dogs, each.....	100
Hackney coaches or stages, or large two-horse vehicles, each.....	2,000
Sleighs, pungs, or country waggon, and sleds for single horses, each.....	600
Cabs, gigs, buggies, and carts for single horses, and light two-horse vehicles, each.....	1,000
1 barrel of flour or meal.....	200
1 barrel of beef, pork, or pickled fish.....	300
1 barrel apples.....	150
1 barrel of eggs.....	200
1 barrel of oysters.....	200
1 barrel of potatoes, carrots or turnips.....	150
1 bushel of potatoes.....	50
1 bushel of salt.....	70
1 sack of salt.....	220
1 bushel of oats.....	36
1 bushel of corn, barley, rye, or buckwheat.....	50
1 bushel of wheat.....	60
1,000 clapboards.....	2,000
1,500 palings.....	2,500
1 cord of tanbark, 8 x 4 x 4.....	2,500
1 cord of firewood, dry, 8 x 4 x 4.....	3,000
1 cord of firewood, green, 8 x 4 x 4.....	4,000
1 haematac, hemlock, pine, or spruce railway sleeper.....	150
1 cedar railway sleeper.....	100
30 cubic feet of knees or ship timber.....	2,000
30 cubic feet of hardwood logs or timber.....	2,000
40 cubic feet of softwood logs or timber.....	2,000
500 superficial feet of hardwood boards, plank or deals.....	2,000
800 superficial feet of softwood boards, plank or deals.....	2,000
1,000 laths.....	650
1,000 shingles, 4 bundles.....	300
1 cask of lime.....	450
12 cubic feet of granite, or 14 feet of sandstone.....	2,000
1 boat.....	2,000
1 barrel of kerosene or mineral oil.....	340
1 puncheon of rum.....	1,000

*Public Works.*

42. The loading of lumber per car will be limited to,—

- 5,000 superficial feet of hardwood ;
- 8,000 superficial feet of softwood ;
- 300 cubic feet of hardwood logs or timber ;
- 400 cubic feet of softwood logs or timber,—

The whole contents of each stick being included in the measurement.

In the absence of survey bills, deals must not be laden higher than three feet.

Cedar poles, properly secured to prevent spreading, may be laden not more than five feet high.

The quantities specified as the load for a car should be reduced in cases where the lumber is very green, or when, from other causes, the prescribed quantities would be an unsafe load.

The maximum load for a platform car shall be 20,000 lbs., and for a box car, 20,000 lbs.

43. A bushel of oats, salt or barley shall be equal to 2,151 cubic inches ; a bushel of potatoes or turnips shall be equal to 2,747 cubic inches. The quantity in car loads shall be ascertained, upon the cars being laden by dividing the cubic inches in one bushel into the cubic contents in inches of the load. In case of dispute, the load, before bulk is broken, to be weighed upon the railway track scales, and the result divided by the mean weight of five bushels shall be considered conclusive.

44. All regulations previously enacted for the conveyance of goods and merchandise over this railway, inconsistent with the foregoing, are hereby cancelled.

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# ORDERS IN COUNCIL, &c.

XCV

## Public Works.

RATES to be charged per 100 lbs. for Goods per General Classification, and per Car-load for Specified Articles.

MILES.	CLASSES.				IN CAR LOADS.			
	1 Per 100 lbs.	2 Per 100 lbs.	3 Per 100 lbs.	4 Per 100 lbs.	Flour and Meal per load of 100 bbls.	Grain per load of 20,000 lbs.	Timber and Lumber of all descriptions, & Coal per load of 20,000 lbs.	Live Stock.
	cts.	cts.	cts.	cts.	\$ cts.	\$ cts.	\$ cts.	cts.
5	9	7	5	4	8 00	8 00	4 00	6 00
10	10	8	6	5	10 00	10 00	5 00	7 00
15	12	10	8	6	11 00	12 00	6 00	8 00
20	14	12	9	7	12 00	14 00	7 00	9 00
25	16	13	10	8	13 00	15 00	8 00	10 00
30	18	14	11	9	14 00	16 00	9 00	11 00
35	20	16	12	10	15 00	17 00	10 00	12 00
40	21	17	13	10	16 00	18 00	10 75	13 00
45	22	18	14	11	17 00	19 00	11 50	14 00
50	23	19	15	11	18 00	20 00	12 25	15 00
55	24	20	16	12	19 00	21 00	13 00	16 00
60	25	21	16	12	20 00	22 00	13 75	17 00
65	26	22	17	13	21 00	23 00	14 50	18 00
70	27	23	18	13	22 00	24 00	15 25	19 00
75	28	24	19	14	23 00	25 00	16 00	20 00
80	29	24	20	14	24 00	26 00	16 75	21 00
85	30	25	20	15	25 00	27 00	17 50	22 00
90	31	26	21	15	26 00	28 00	18 25	22 75
95	32	27	22	16	27 00	29 00	19 00	23 50
100	33	28	22	16	28 00	30 00	19 75	24 25
105	34	29	23	17	29 00	31 00	20 50	25 00
110	35	29	23	17	30 00	32 00	21 00	25 75
115	36	30	24	18	31 00	33 00	21 50	26 50
120	37	31	25	18	32 00	34 00	22 00	27 25
125	38	32	26	19	33 00	35 00	22 50	28 00
130	39	33	26	19	34 00	36 00	23 00	28 75
135	40	34	27	20	35 00	37 00	23 50	29 50
140	41	34	27	20	36 00	38 00	24 00	30 25
145	42	35	28	21	37 00	39 00	24 50	31 00
150	43	36	28	21	38 00	40 00	25 00	31 75
155	44	37	29	22	39 00	41 00	25 50	32 25
160	45	38	30	22	40 00	42 00	26 00	33 00
165	46	39	31	23	41 00	43 00	26 50	33 75
170	47	39	31	23	42 00	44 00	27 00	34 50
175	48	40	32	24	43 00	45 00	27 50	35 25
180	49	41	33	24	44 00	46 00	28 00	36 00
185	50	42	34	25	45 00	47 00	28 50	36 75
190	51	43	34	25	46 00	48 00	29 00	37 50
195	52	44	35	26	47 00	49 00	29 50	38 25
200	53	44	35	26	48 00	50 00	30 00	39 00
205	53	44	35	26	49 00	51 00	30 50	39 50
210	54	45	36	27	50 00	52 00	31 00	40 00
215	55	46	37	27	51 00	53 00	31 50	40 50
220	55	46	37	28	52 00	54 00	32 00	41 00
225	56	47	38	28	53 00	55 00	32 50	41 50
230	57	48	38	28	54 00	56 00	33 00	42 00
235	57	48	39	29	55 00	57 00	33 50	42 50
240	58	49	39	29	56 00	58 00	34 00	43 00
245	59	49	39	29	57 00	59 00	34 50	43 50
250	59	50	40	30	58 00	60 00	35 00	44 00
255	60	50	40	30	59 00		35 50	44 50
260	61	50	41	30	60 00		36 00	45 00
265	61	51	41	31			36 50	45 50
270	62	52	42	31			37 00	46 00
275	63	53	42	31			37 50	46 50
280	63	53	43	32			38 00	47 00
285	64	54	43	32			38 50	47 50
290	64	54	43	32			39 00	48 00
295	65	55	44	33			39 50	48 50
300	66	55	44	33			40 00	49 00

*Public Works.*

## CLASSIFICATION OF MERCHANDISE.

Aqua Fortis, D 1	Bells, 1
Acids, D 1	Berries, in barrels or boxes, 2; do in pails, baskets or open packages, D 1
Ale, Porter and Beer, bottled, in casks, 1	Blankets, 1
Ale, Porter and Beer, in wood, 2	Books, 1
Agricultural Implements and Ma- chines, light, 1	Bottles, 1
Agricultural Implements and Ma- chines, heavy, 2	Buckets or Pails, 1
Antimony, 2	Binders' Boards, 2
Axes, 1	Biscuit or Navy Bread, in barrels or boxes, 2
Alum, 2	Boilers for machines, 2
Asphalte, 3	Boiler Flues, 2
Apples, in barrels, 3	Brimstone, 2
Apples, in bags, baskets or boxes, 2	Brass, in bars, rods or sheets, 2
Anvils, 3	Broom Handles, 2
Ashes, pot and pearl, 3	Beef, salted, in barrels, 4
Anchors, 3	Belaying Pins, 2
Axe Handles, 2	Bark and Coffee Mills, 2
Baggage or Luggage, D 1	Blacklead, barrels or boxes, 3
Band-boxes, D 1	Blacking, 3
Baskets, D 1	Bran, in bags or barrels, 2
Batting, 1	Building Stone, hewn, 4
Blinds, window, 1	Buggies, Cabs, Gigs and Carts for single horses, and light two-horse vehicles, 2
Bonnets, D 1	Beans, 3
Boats, per foot, 1	Block Tin, 3
Boots and Shoes, 1	Boiler Plates, 3
Brass Vessels, 1	Bones, 3
Bread, Bakers', in baskets or bar- rels, 1.	Bricks, 4
Brooms, 1	Burrblocks and Millstones, 4.
Broom Corn, pressed, 1	Barley, 4.
Burning Fluids, in cans, 1 ( <i>at owner's risk</i> )	Bark, Tan, 4
Burning Fluid, in casks, 2	Cards, cotton and wool, 1.
Butter, in crocks, baskets or boxes, 1.	Carriages, in boxes, 1
Butter, firkins or kegs, 2	Carpeting, 1
Buffalo Robes, 1	Caps, 1
Bushes, 1	Cigars, 1
Bacon, pkgs 2; if loose, 1	Candy, maple, 1
Baggage, Military and Commercial Travellers', 1	Confectionery, 1
Bags and Bagging, 2	Copper Vessels, 1
Bedsteads, new, packed in bundles, not painted, 2	Corks and Corkwood, 1
Bedsteads, pine or birch, painted, 1	Cutlery, 1
	Combs, 1
	Covers and Sieves, 1
	Cider, bottled, in casks, 1
	Cider, in wood, 2

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# ORDERS IN COUNCIL, &c.

xcvii

## Public Works.

Cheese, boxes, 2; barrels or casks, 3	Clay, 4
Cordials, 1	Coke, 4
Capstan Bars, 2	Chain Cables, 4
Coffee, ground, in boxes and bags, 2	Cement, in barrels, 4
Coffee, whole, in boxes and bags, 2	Corn, 4
Cocoa, 2	Cane, 1
Corn Brooms, 1	Demijohns or Jars, D 1
Calves, 1	Dogs, 1
Cotton Waste, 2	Drugs, in boxes or barrels, 1
China, in boxes, D 1	Dry Goods, in boxes, bales or trunks, 1
Clocks, D 1	Deer and Moose Skins, 1
Cabinetware, D 1	Dye Stuffs, 2
Casks, new, D 1	Dye Woods, 2
Candles, 2	Duck, 3
Carriage Springs, 2	Doors, 1
Carriage Axles and Boxes, 2	Eggs, in cases or baskets, 2
Carriages, 1	Eggs, in barrels, 4
Chair Stuff, 2	Express Sleighs and Waggon, new, 2
Chicory, 2	Earthen and Stoneware, 2
Chocolate 2	Emery, 2
Composition Metal, in sheets and rods, 2	Epsom Salts, 2
Copper, in sheets, plates, bolts, pigs, wire, rods and nails, 2	Empty packages, in full car loads, or otherwise, 2
Castings, light, not exceeding 100 pounds each, 1	Furs and Peltries, D 1
Castings, plain and heavy, 3	Feathers, D 1
Cotton, raw, in bales, 2	Furniture, new, D 1
Cotton Warp, in bales, 2; in bundles, 1	Friction Matches, D 1
Crockery, 2	Firkins, D 1
Capstans, 3	Fire-arms, 1
Castor Oil, in casks, 2	Figs, in drums and casks, 1
Charcoal, 2	Fruit, in boxes, cases or baskets, 1
Cabs or Hacks, 2	Fruit, dried, except raisins, 1
Carts, 3	Fanning Mills, 1
Canvas, 3	Fenders and Fire-irons, 1
Carrots, in barrels, 4; in bags or baskets, 2	Felt, 2
Chains, light, 3	Flax, box or pressed, 2
Cast Steel, 2	Flax Seed, in bags, 2
Clapboards, 4	Floor Cloths, 2
Copperas, in casks or barrels, 4	Furniture, old, 1
Cordage, 3	Fish, fresh, 2; in bags, 1
Crucibles, 3	Flour, in bags, 3
Copper, boxes or casks, 3	Flour, in bbls, 4
Chalk, 3	Fish, salted or dried, in boxes, bundles or bales, 3; in casks, 4
Chairs, Railway, 4	Fish, preserved in cans, 3; in boxes from fisheries, 4
Car Wheels and Axles, 4	Fish, salted, in barrels, 4
Coal, 4	Gun Cotton, D 1

*Public Works.*

Gunpowder, D 1	Iron Castings, light, not exceeding 100 lbs each, 1
Game of all kinds, 1	Iron Castings, heavy, 3
Garden Seeds, 1	Iron, hoop, band and sheet, in bun- dles, 2
Glassware, 1	Iron Safes, 1
Glass, window, in boxes, 1	Iron Washers, 2
Grapes, in kegs, 1	Iron Nuts and Rivets, in casks, 3
Grates, 1	Iron, in bars and plates, 3
Glue, 1	Iron, bolts, pig and scrap, 3
Groceries, not otherwise inserted, 1	Iron, railway, 4
Ginger, 1	Iron Shutters and Facings, 3
Gum Copal, 2	Ice, 4
Gas Pipes, 3	Junk, 3
Gas rittings, 1	Joiners' Work, 2
Gravel, 4	Log Reels, 1
Grindstones, 4	Looking Glasses, D 1
Grease, 3	Lamps, 1
Grain, 4	Lemons, in sacks or boxes, 1
Guano, 3	Liquors of all kinds, bottled, in cases, 1
Gypsum, 4	Liquors, of all kinds, in wood, 2
Hats, D 1	Lasts, 2
Hair, curled, in sacks, 1	Lard, 2
Hair, in bbls or casks, for plastering, 2	Liquorice, 2
Hand carts, 1	Lead Pipe, 2
Honey, 1	Lobsters, 2
Hides, dry, 2	Lead, scrap, pig and sheet, 3
Hides, raw or salted, 3	Lightning rods, bdls, 3
Hoofs and Horns, in bbls or casks, 3	Leather, 3
Hams, loose, 1	Lead, red and white, 2
Hams, in bbls or boxes, 2	Lignumvitæ, 3
Hams, in casks, 3	Lime, 4
Hay Presses, 2	Laths, 4
Hay Cutters, 1	Lumber of all kinds, 4
Hardware, 2	Locomotive Tyres, 3
Hemp, 2	Limestone, 4
Hackney Coaches or Stages, or large two-horse vehicles, 2	Millinery, D 1
Hose Pipes, 2	Mast Hoops, 2
Hops, 2	Mattresses, 1
Handles, broom, mop, axe, hoe, rake and pitchfork, 2	Machinery, light, boxed (200 lbs), 1
Household removals, 1	Musical Instruments, D 1
Hay pressed in bales, 2	Mats, hair and wool, 1
Horned Cattle, 2	Matting, cocoa and hair, 1
Horses, 2	Measures and Tubs 1
Hoops, 2	Marble, polished, 2,
Hoop Poles, 4	Medicines and Mineral Water, 1
India Rubber Goods, 1	Moss, 1
Indigo, 1	Moulds, 1
Ink, 1	



# ORDERS IN COUNCIL, &c.

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## Public Works.

Maple Sugar, 3	Paper, Wrapping, in bundles, 1; in boxes, 3
Maple Candy, 1	Paper, Tarred, 2
Mechanics' Tools, 1	Pasteboard, 2
Marble Slabs, unwrought, 3	Peaches, dried, 1
Malt, in bags, 2	Pepper, in bags or boxes, 2
Mahogany Boards and Planks, 2	Printers' Ink, 2
Meats, fresh, 2	Prunes, 1
Milk, 3 ( <i>cans returned free</i> )	Pipes, smoking, 1
Machinery, heavy, 2	Pegs, 3
Manilla and Jute, 3	Putty, in barrels or casks, 3
Mahogany Logs, 3	Pork, salted, in barrels, 4
Manure, including all kinds of artificial, 4	Pork, fresh, in carcase, 2
Molasses, in kegs, 3	Paints, dry or in oil, 2
Molasses, in hhds or bbls, 4	Pigs, 2
Meal, in bags, 3	Potatoes, new, in baskets or boxes, 2
Manganese, 4	Potatoes, sweet, 2
Meal, in barrels, 4	Potatoes, 4
Mill Stones, 4	Peas, 3
Minerals, 4	Pitch, 3
Nuts, 1	Pipes, gas and water, 3
Nitrate of Soda, 2	Potash and Pearl Ash, 3
Nails and Spikes, 4	Plaster, calcined, in casks or barrels, 4
Oil, in jars or bottles, 1	Plaster, rough, 4
Oil, in cans, 1; in kegs, 2.	Patent Roofing Material, 3
Oil, in hogsheds or barrels, 3	Quartz, 4
Oranges, 1	Rattans, 1
Oysters, in barrels, 4	Rugs, 1
Oysters, shelled, in kegs or cans, 2	Rags, 3
Oil Cloth and Pentilicum, 2	Rubbers, 1
Oakum, 3	Rosin, 3
Onions, 2	Raisins, in boxes, 2
Ores, 4	Rice, in bags, 2
Oats, 4	Rice, in tierces, or barrels, 3
Plate, D 1	Rubber Car-springs, 2
Pictures and Picture Frames, D 1	Railway Axles, wheels and springs, 3
Pianofortes, D 1	Retorts, 3
Patterns, 1	Rye, 4
Perfumery, 1	Rope of all kinds, 3
Pickles, in bottles, 1	Rails, railway, 4
Pickles, in casks or barrels, 2	Rigging for new ships, fitted or unfitted, 4
Printing Presses, 1	Shoe Nails, in boxes, 2
Poultry of all kinds, 1	Sculpture, D 1
Preserves, 1	Statuary, D 1
Paper Hangings, in bales or bundles, 1	Sponges, D 1
Paper Hangings, in boxes, 2	Stovepipes, D 1
Paper, Printing, in bundles, 1; in boxes, 3	Scales and Scale Beams, 1
	Scythe Sneathes, 1

*Public Works.*

Scythes, 1	Spikes, 4
Scythe Stones, 2	Spirits, all kinds, in wood, 2
Sickles, 1	Ships' Knees, iron, 4
Salmon, 2	Spirits of all kinds, bottled, in cases or casks, 1
Sleighs, new, 1	Tacks, in boxes, 2
Stationery, 1	Toys, D 1
Stoves and Stove Castings, 1	Trees and Shrubbery, loose, D 1
Sewing Machines, 1	Trees and Shrubbery, matted, boxed or baled, 1
Sugar, in loaves, 1	Tombstones, 2
Sugar, crushed, in boxes or barrels, 2	Tallow, 3
Sugar, raw, in hhds. or barrels, 4	Tarpaulins, 2
Saddlery of all kinds, 1	Tea, 2
Suiff, in jars, D 1	Tinware, 1
Starch, 1	Trays, 1
Shovels and Spades, 1	Turpentine, in carboys, 1
Spices, 1	Turpentine, in barrels, 2
Saleratus, 2	Tools, Mechanics', 1
Sardines, in boxes, 2	Tobacco, in boxes, 3
Seeds, Clover and Grass, 2	Tow, in bales, 2
Sails, 3	Tubing, copper, brass and iron, 2
Soda Water, 2	Type, 2
Sheep Skins, 3	Tobacco Pipes, 1
Shot, in bags and kegs, 2	Targets, 3
Soap, 2	Tobacco Leaf, unmanufactured, 2
Shorts and Feed, 2	Tin, ingot, 3
Sheep, Goats and Lambs, 2	Tin, plate or block, 3
Ships' Blocks and Sheaves, 2	Turnips, 4
Stoneware and Earthenware, 2	Tar, 3
Sumach, 2	Tiles and Drain Pipes, in crates, casks or barrels, 4
Saltpetre, 3	Trunks, 1
Shooks, 4	Vitriol, 1
Soda, baking, keg and boxes, 2;	Veneering, 1
Washing Soda, 3	Varnish, in tin or jars, 1
Sleighs, Pungs or Country Waggon, for single horses, in use, 2	Varnish, in casks, 2
Spelter, 3	Vegetables, not otherwise mentioned, 2
Staves, 3	Vinegar, in casks, 3
Steel, 3	Vehicles, not otherwise mentioned, 2
Sawdust, 4	Wicker Work, D 1
Soda Ash, 3	Wadding, 1
Shingles, 4	Waggon fellows and bows, finished, and Waggon Wheels, 1
Salt, table, 3	Wax, 1
Salt, in bags, 4	Whalebone, 1
Straw, in bundles, pressed, 2	Wheelbarrows, 1
Sand, 4	Whips, 1
Stone, unwrought, 4	
Slates, common, 4	
Swine, 2	
Shale, 4	

*Public Works.*

Willow Wares and Reeds, 1	Wrapping Paper, in bales or boxes, 3
Wooden Ware, 1	Whiting, in casks, 3
Wines, bottled, in casks or cases, 1	Wire Fencing, 1
Wool, in bags, 1	Wire Rope, in coils, 4
Wool, pressed, in bales, 2	Water Pipes, iron, 3
Writing Paper, 1	Wheat, 4
Wines, in wood, 2	Yeast, in barrels, 1
Wire, iron, copper, brass, 2	Yarns, pressed, 2
Whetstones, 2	Yellow or Muntz Metal, 2
Window Frames and Sashes, 1	Zinc, in rolls or sheets, 2
Woollen Waste, 2	Zinc, in blocks, 3
Wrapping Paper, in bundles, 1	

Preserved Salmon or other Fish, in boxes or cans, in any quantity, from the Fisheries in the Gulf of St. Lawrence, or Rivers or Bays in Prince Edward Island, Nova Scotia, Cape Breton, or New Brunswick, or Vinegar for the Fisheries, will be rated Fourth Class.

All Articles not enumerated in the above Classes, are to be charged Second Class Rates.

The figures placed to the right of the Articles enumerated in the Classification, denote the Class to which they belong, and the charges to be made according to the "Table of Rates," viz:—

D 1, Double First Class Articles; 1, First Class Articles; 2, Second Class Articles; 3, Third Class Articles; 4, Fourth Class Articles.

## ORDERS IN COUNCIL, &amp;c.

*Marine and Fisheries.*

GOVERNMENT HOUSE, OTTAWA,

Monday, 23rd day of March, 1874.

*Present :*

HIS EXCELLENCY THE GOVERNOR GENERAL IN COUNCIL.

ON the recommendation of the Hon. the Minister of Marine and Fisheries, and under the provisions of the 17th Section of the Act passed in the 36th year of Her Majesty's reign, and intituled "An Act respecting "Pilotage,"—

His Excellency, by and with the advice of the Queen's Privy Council for Canada, has been pleased to order, and it is hereby ordered, that the limits of the pilotage district of Pictou, in the Province of Nova Scotia, be, and the same are hereby, fixed as follows, that is to say:—Extending from the most easterly point of Pictou Island, on a line running thence south-east, until it strikes the gulf shore at Arisaig Pier, and bounded on the west by a line drawn from Amet Island to Rocky Point at the County line, and embracing all the navigable waters in the County of Pictou.

His Excellency has been further pleased to constitute Cornelius Dwyer, William Campbell, James McKinnon, Smith Copeland, and Roderick McKenzie, respectively of the County of Pictou, in the said Province, Esquires, the Pilotage authority in and for the said District of Pictou.

And His Excellency, under the authority aforesaid, has further been pleased to make the payment of Pilotage dues compulsory within the limits of the said District of Pictou.

W. A. HIMSWORTH,

*Clerk, Privy Council.*

GOVERNMENT HOUSE, OTTAWA.

Thursday, 26th day of March, 1874.

*Present :*

HIS EXCELLENCY THE GOVERNOR GENERAL IN COUNCIL.

ON the joint recommendation of the Hon. the Minister of Marine and Fisheries and the Minister of Customs, and under and in pursuance of the provisions of the 12th Section of the Act, passed in the thirty-sixth year of Her Majesty's reign, intituled "An Act relating to Shipping, and "for the registration, inspection and classification thereof,"—

His Excellency, by and with the advice of the Queen's Privy Council for Canada, has been pleased to order, and it is hereby ordered, that Surveyors of Shipping shall be entitled to the following mentioned fees for the measurement of vessels about to be registered for the first time under the Act, or requiring measurement for the purposes of registry, that is to say:—

*Marine and Fisheries.*

For vessels under 100 tons register.....	\$2 00
“ of 100 tons, and not exceeding 200 tons	3 00
“ over 200 tons, and not exceeding 400 tons..	4 00
“ “ 400 tons, and not exceeding 1,000 tons	5 00
“ “ 1,000 tons .....	6 00

His Excellency, on the authority aforesaid, has further been pleased to order, and it is hereby ordered, that every Surveyor of Shipping shall, when required to travel for the purpose of making any such measurement, be entitled to demand and receive from the persons requiring his services such amount for travelling expenses as shall have been actually necessarily and *bonâ fide* expended by him for that purpose,—such amount in no case however to exceed the rate of fifteen cents for every mile actually travelled by him.

W. A. HIMSWORTH,  
Clerk, Privy Council.

DUFFERIN.

[L.S.]

## CANADA.

VICTORIA, by the Grace of God, of the United Kingdom of Great Britain and Ireland, QUEEN, Defender of the Faith, &c., &c., &c.  
To all to whom these presents shall come, or whom the same may in anywise concern—GREETING :

## A PROCLAMATION.

A. A. DORION, }  
Attorney-General, Canada. } WHEREAS it is in and by the Act passed in the Session of the Parliament of Canada, held in the thirty-sixth year of Our Reign, and intituled “An Act to provide for the appointment of Harbour Masters for certain ports in the Provinces of Nova Scotia and New Brunswick,” amongst other things in effect enacted, that the said Act shall apply to the Provinces of Nova Scotia and New Brunswick only, and to such ports and such ports only (except the Ports of Halifax and Pictou in Nova Scotia, and St. Johns in New Brunswick) in either of the said Provinces as shall, from time to time, be designated for that purpose by proclamation under an order or orders of the Governor in Council :

And whereas an order of the Governor in Council was passed on the 26th day of March instant, appointing that the said Act shall be in force at the Port of Musquash, in the County of St. John, in the Province of New Brunswick :—

Now Know Ye that We do hereby, under and by virtue of the authority vested in Us by the said Act and order of the Governor in Council respectively, proclaim and declare that the Act herereinbefore mentioned and intituled “An Act to provide for the appointment of Harbour Masters for certain ports in the Provinces of Nova Scotia and New Brunswick” shall

*Marine and Fisheries.*

henceforth be in force at, and with respect to the Port of Musquash, in the County of St. John, in the Province of New Brunswick, one of the Provinces of our Dominion of Canada.

Of all which our loving subjects, and all others to whom these presents may come, or whom the same may concern, are hereby required to take notice and to govern themselves accordingly.

In Testimony Whereof, We have caused these our Letters to be made Patent, and the Great Seal of Canada to be hereunto affixed. Witness, Our Right Trusty and Well-Beloved Cousin and Councillor the Right Honorable Sir Frederic Temple, Earl of Dufferin, Viscount and Baron Clandeboye, of Clandeboye, in the County Down, in the Peerage of the United Kingdom, Baron Dufferin and Clandeboye of Ballyleidy and Killeleagh, in the County Down, in the Peerage of Ireland, and a Baronet, Knight of Our Most Illustrious Order of St. Patrick, and Knight Commander of Our Most Honorable Order of the Bath, Governor General of Canada, and Vice-Admiral of the same.

At Our Government House, in Our City of Ottawa, this 26th day of March, in the year of Our Lord One thousand eight hundred and seventy-four, and in the Thirty-seventh year of Our Reign.

By Command.

R. W. SCOTT,

*Secretary of State.*

DUFFERIN.

[L. S.]

CANADA.

VICTORIA, by the Grace of God, of the United Kingdom of Great Britain and Ireland, QUEEN, Defender of the Faith, &c., &c., &c.

To all to whom these presents shall come, or whom the same may in anywise concern—GREETING :

A PROCLAMATION.

A. A. DORION, } WHEREAS it is in and by the Act passed in  
*Attorney-General, Canada.* } the Session of the Parliament of Canada, held in the thirty-sixth year of Our Reign, and intituled "An Act to provide for the appointment of Harbour Masters for certain ports in the Provinces of Nova Scotia and New Brunswick" amongst other things in effect enacted, that the said Act shall apply to the Provinces of Nova Scotia and New Brunswick only, and to such ports and such ports only (except the Ports of Halifax and Pictou in Nova Scotia, and St. Johns in New Brunswick) in either of the said Provinces as shall, from time to time, be designated for that purpose by proclamation under an order or orders of the Governor in Council :

And whereas an order of the Governor in Council was passed on the 9th day of April instant, appointing that the said Act shall be in force at

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*Marine and Fisheries.*

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the Port of North Sydney, in the County of Cape Breton, in the Province of Nova Scotia :—

Now Know Ye, that We do hereby under and by virtue of the authority vested in Us by the said Act and order of the Governor in Council, respectively proclaim and declare, that the Act hereinbefore mentioned and intitled "An Act to provide for the appointment of Harbour Masters for certain ports in the Provinces of Nova Scotia and New Brunswick" shall henceforth be in force at and with respect to the Port of North Sydney, in the County of Cape Breton, in the Province of Nova Scotia, one of the Provinces of our Dominion of Canada.

Of all which our loving subjects, and all others to whom these presents may come, or whom the same may concern, are hereby required to take notice and govern themselves accordingly.

In Testimony Whereof, We have caused these Our Letters to be made Patent, and the Great Seal of Canada to be hereunto affixed. Witness, Our Right Trusty and Well-Beloved Cousin and Counsellor the Right Honorable Sir Frederic Temple, Earl of Dufferin, Viscount and Baron Clandeboye of Clandeboye, in the County Down, in the Peerage of the United Kingdom, Baron Dufferin and Clandeboye of Ballyleidy and Killeleagh in the County Down, in the Peerage of Ireland, and a Baronet, Knight of Our Most Illustrious Order of St. Patrick, and Knight Commander of Our Most Honorable Order of the Bath, Governor General of Canada, and Vice-Admiral of the same.

At Our Government House, in Our City of Ottawa, this 9th day of April, in the year of Our Lord One thousand eight hundred and seventy-four, and in the Thirty-seventh year of Our Reign.

By Command.

R. W. SCOTT,

*Secretary of State.*

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GOVERNMENT HOUSE, OTTAWA,

Thursday, April 2nd, 1874.

*Present :*

HIS EXCELLENCY THE GOVERNOR GENERAL IN COUNCIL.

ON the recommendation of the Honorable the Minister of Marine and Fisheries, and under the provisions of the 17th Section of the Act passed in the 36th year of Her Majesty's Reign, and intitled "An Act respecting "Pilotage,"—

His Excellency, by and with the advice of the Queen's Privy Council for Canada, has been pleased to order, and it is hereby ordered, that the County of Charlotte in the Province of New Brunswick, be and the same is hereby constituted a Pilotage District, which District shall embrace all the Bays, Rivers and Coasts of the said County of Charlotte.

ORDERS IN COUNCIL, &c.

*Marine and Fisheries.*

His Excellency, under the authority aforesaid, has been further pleased to constitute and appoint Samuel Johnson, C. B. Eaton, and C. E. O. Hatheway, all of the said County of Charlotte, Esquires, to be the Pilotage authority for the said District of Charlotte.

And His Excellency, under the authority aforesaid, has been further pleased to make the payment of pilotage dues compulsory within the limits of the said District of Charlotte.

W. A. HIMSWORTH,  
*Clerk, Privy Council.*

GOVERNMENT HOUSE, OTTAWA,

Friday, 9th day of April, 1874.

*Present :*

HIS EXCELLENCY THE GOVERNOR GENERAL IN COUNCIL.

ON the recommendation of the Honorable the Acting Minister of Marine and Fisheries, and under the provisions of the 7th Section of the Act passed in the last Session of the Parliament of Canada, Chaptered 129, and intituled "An Act respecting the Shipping of Seamen,"—

His Excellency, by and with the advice of the Queen's Privy Council for Canada, has been pleased to order, and it is hereby ordered, that Shipping Offices be, and they are hereby established, at the Ports of Sydney, North Sydney and Cow Bay, in the County of Cape Breton, in the Province of Nova Scotia, and that the following persons be, and they are hereby appointed, Shipping Masters in accordance with the provisions of the 8th Section of the said Act, that is to say :—

For the Port of Sydney, Mr. William Oliver.

For the Port of North Sydney, Mr. Albert Corbett.

For the Port of Cow Bay, Mr. Joseph W. Peppett.

W. A. HIMSWORTH,  
*Clerk, Privy Council.*

GOVERNMENT HOUSE, OTTAWA,

Thursday, 9th day of April, 1874.

*Present :*

HIS EXCELLENCY THE GOVERNOR GENERAL IN COUNCIL.

ON the recommendation of the Honorable the Minister of Marine and Fisheries, and under the provisions of the 17th Section of the Act passed in the 36th year of Her Majesty's Reign, and intituled "An Act respecting Pilotage,"—

His Excellency, by and with the advice of the Queen's Privy Council for Canada, has been pleased to order, and it is hereby ordered,



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*Marine and Fisheries.*

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that the limits of the Pilotage District of Sydney, in the County of Cape Breton, in the Province of Nova Scotia, be, and the same are hereby fixed, as follows. that is to say:—Embracing the Ports, Bays, Harbours and Coasts situated between Cranberry Head, on the northern side of Sydney Harbour, and the southern Head of Cow Bay, in the said County of Cape Breton.

His Excellency has been further pleased to constitute Messrs. William Purves, of North Sydney, merchant; Andrew Hays, of Sydney, master mariner; Matthew Roach, of Lingan, master mariner; Alexander C. Ross, of Low Point, merchant, and Daniel McGillivray, of Low Point, mariner; the Pilotage authority in and for the said District of Sydney.

And His Excellency, under the authority aforesaid, has further been pleased to make the payment of Pilotage Dues compulsory within the limits so fixed of the said District of Sydney.

W. A. HIMSWORTH,  
*Clerk, Privy Council.*

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GOVERNMENT HOUSE, OTTAWA,

Thursday, 21st day of April, 1874.

*Present:*

HIS EXCELLENCY THE GOVERNOR GENERAL IN COUNCIL.

ON the recommendation of the Honorable the Minister of Marine and Fisheries, and under the provisions of the 9th Section of the Act passed in the 36th year of Her Majesty's Reign, Chaptered 129 and intituled "An Act respecting the Shipping of Seamen,"—

His Excellency, by and with the advice of the Queen's Privy Council for Canada, has been pleased to order, and it is hereby ordered, that at any place in either of the Provinces of Quebec, Nova Scotia, New Brunswick, or British Columbia, in which no separate Shipping Office has been established, the business of the Shipping Office be conducted at the Custom House, and in respect of such business, such Custom House be for all purposes deemed a Shipping Office, and the Chief Officer of the Customs at any such place be a Shipping Master, and be held and deemed to have been appointed as such within the meaning of the said Act.

W. A. HIMSWORTH,  
*Clerk, Privy Council.*

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*Marine and Fisheries.*

GOVERNMENT HOUSE, OTTAWA,  
Thursday, 23rd day of April, 1874.

*Present :*

HIS EXCELLENCY THE GOVERNOR GENERAL IN COUNCIL.

ON the recommendation of the Honorable the Minister of Marine and Fisheries, and under the provisions of the 19th clause of "The Fisheries Act,"—

His Excellency has been pleased to make the following Regulation:—

"In the Provinces of Quebec, Nova Scotia and New Brunswick no person shall, during the months of July and August fish for, catch, kill, buy, sell or have in possession any soft-shelled lobsters or female lobsters, with eggs attached, nor shall lobsters of a less size than nine inches in length, measuring from head to tail, exclusive of claws or feelers, be at any time fished for, caught, killed, bought, sold or had in possession; but when caught by accident in nets or other fishing apparatus lawfully used for other fish, lobsters with eggs attached, soft-shelled and young lobsters of a less size than nine inches shall be liberated alive, at the risk and cost of the owner of the net or apparatus, or by the occupier of the fishery, on whom, in every case, shall devolve the proof of such actual liberation."

His Excellency has also been pleased to cancel the Fishery Regulation established by Order in Council of the 7th day of July, 1873, having reference to the Lobster Fishery, and the same is hereby cancelled accordingly.

W. A. HIMSWORTH,

*Clerk, Privy Council.*

GOVERNMENT HOUSE, OTTAWA,  
Thursday, 23rd day of April, 1874.

*Present :*

HIS EXCELLENCY THE GOVERNOR GENERAL IN COUNCIL.

ON the recommendation of the Honorable the Acting Minister of Marine and Fisheries, and under the provisions of the 7th section of the Act passed in the last Session of the Parliament of Canada, chaptered 129 and intituled "An Act respecting the Shipping of Seamen,"—

His Excellency, by and with the advice of the Queen's Privy Council for Canada, has been pleased to order, and it is hereby ordered, that shipping offices be, and they are hereby, established at the Ports of Glace Bay, Lingan and Louisburg, in the County of Cape Breton, in the Province of Nova Scotia, and that the following persons be, and they are hereby, appointed Shipping Masters in accordance with the provisions of the 8th section of the said Act, that is to say:—

For the Port of Glace Bay, Mr. Roderick McNeil.

For the Port of Lingan, Mr. Mathew Roach.

For the Port of Louisburg, Mr. William H. McAlpine.

W. A. HIMSWORTH,

*Clerk, Privy Council.*

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*Marine and Fisheries.*

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GOVERNMENT HOUSE, OTTAWA,

Monday, the 27th day of April, 1874.

*Present :*

HIS EXCELLENCY THE GOVERNOR GENERAL IN COUNCIL.

ON the recommendation of the Honorable the Minister of Marine and Fisheries, and under and in pursuance of the provisions of the 4th section of the Act 36 Vict., chap. 55, intituled "An Act respecting Wreck and Salvage,"—

His Excellency, by and with the advice of the Queen's Privy Council for Canada, has been pleased to constitute and establish the Province of British Columbia a District for all the purposes of the said Act, and the said District is hereby constituted and established accordingly.

His Excellency, under the authority aforesaid, has been further pleased to appoint James Cooper, Esquire, Agent of the Department of Marine and Fisheries at Victoria, Receiver of Wrecks in and for the said District of British Columbia.

W. A. HIMSWORTH,  
*Clerk, Privy Council.*

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GOVERNMENT HOUSE, OTTAWA,

Thursday, 30th day of April, 1874.

*Present :*

HIS EXCELLENCY THE GOVERNOR GENERAL IN COUNCIL.

ON the recommendation of the Honorable the Minister of Marine and Fisheries, and under and in pursuance of the provisions of the Act passed in the 36th year of Her Majesty's Reign, chapter 55, and intituled "An Act respecting Wreck and Salvage,"—

His Excellency, by and with the advice of the Queen's Privy Council for Canada, has been pleased to constitute and establish the County of Rimouski, in the Province of Quebec, a District for all the purposes of the said Act, and the said District is hereby constituted and established accordingly.

His Excellency, under the authority aforesaid, has been further pleased to appoint George Sylvain, Esquire, of Rimouski, to be a Receiver of Wrecks, in and for the said District of Rimouski.

W. A. HIMSWORTH,  
*Clerk, Privy Council.*

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ORDERS IN COUNCIL, &c.

*Marine and Fisheries.*

GOVERNMENT HOUSE, OTTAWA,

Thursday, 30th day of April, 1874.

*Present :*

HIS EXCELLENCY THE GOVERNOR GENERAL IN COUNCIL.

ON the recommendation of the Honorable the Minister of Marine and Fisheries, and under the provisions of the 17th section of the Act of 36 Vict., chap. 54, intituled "An Act respecting Pilotage,"—

His Excellency, by and with the advice of the Queen's Privy Council for Canada, has been pleased to order, and it is hereby ordered, that a Pilotage District be, and the same is hereby formed for the Counties of Digby and Annapolis, in the Province of Nova Scotia, the limits of which Districts shall embrace all the Bays, Rivers and Coasts of the said Counties.

His Excellency, under the authority aforesaid, has been also pleased to constitute and appoint William N. Taylor and Elisha Payson, both of Digby, in the County of Digby; Edmund Rice, of Bear River, in the same County, and Thomas A. Gavaza and Israel Letteney, both of Annapolis, in the County of Annapolis, in the said Province of Nova Scotia, to be the Pilotage authority for the said District.

And His Excellency, under the authority aforesaid, has further been pleased to make the payment of Pilotage Dues *non compulsory* within the limits of the said Districts.

W. A. HIMSWORTH,  
*Clerk, Privy Council.*

DUFFERIN.

[L.S.]

CANADA.

VICTORIA, by the Grace of God, of the United Kingdom of Great Britain and Ireland, QUEEN, Defender of the Faith, &c., &c., &c.  
To all to whom these Presents shall come, or whom the same may in anywise concern,—GREETING :

A PROCLAMATION.

A. A. DORION, } WHEREAS it is, in and by the Act passed in the Session of the Parliament of Canada, held in the 36th year of Our Reign, and intituled: "An Act to provide for the appointment of Harbour Masters for certain Ports in the Provinces of "Nova Scotia and New Brunswick," amongst other things in effect enacted, that the said Act shall apply to the Provinces of Nova Scotia and New Brunswick only, and to such ports and such ports only (except the Ports of Halifax and Pictou, in Nova Scotia, and St. John, in New Brunswick,) in either of the said Provinces as shall, from time to time, be designated for that purpose by Proclamation, under an order or orders of the Governor in Council :

ORDERS IN COUNCIL, &c.

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*Marine and Fisheries.*

And whereas, an Order of the Governor in Council was passed on the 6th day of May instant, appointing that the said Act shall be in force at the Port of Bras d'Or, including New Campbelltown, in the County of Victoria, and Plaster Harbour, in the said County of Victoria, in the Province of Nova Scotia:—

Now Know Ye, that WE do hereby under and by virtue of the authority vested in Us by the said Act, and Order of the Governor in Council respectively, proclaim and declare, that the Act hereinbefore mentioned, and intituled "An Act to provide for the appointment of Harbour Masters for certain Ports in the Provinces of Nova Scotia and New Brunswick," shall henceforth be in force at and with respect to the Port of Bras d'Or, including New Campbelltown, in the County of Victoria, and Plaster Harbour, in the said County of Victoria, in the Province of Nova Scotia, one of the Provinces of Our Dominion of Canada.

Of all which, Our loving subjects and all others to whom these presents may come, or whom the same may concern, are hereby required to take notice and to govern themselves accordingly.

In testimony whereof, We have caused these Our Letters to be made Patent, and the Great Seal of Canada to be hereunto affixed. Witness, Our Right Trusty and Well-Beloved Cousin and Councillor the Right Honorable Sir Frederic Temple, Earl of Dufferin, Viscount and Baron Clandeboye of Clandeboye, in the County Down, in the Peerage of the United Kingdom, Baron Dufferin and Clandeboye of Ballyleidy and Killeleagh, in the County Down, in the Peerage of Ireland, and a Baronet, Knight of Our Most Illustrious Order of St. Patrick, and Knight Commander of Our Most Honorable Order of the Bath, Governor General of Canada, and Vice Admiral of the same.

At Our Government House, in Our City of Ottawa, this Sixth day of May, in the year of Our Lord One thousand eight hundred and seventy-four, and in the Thirty-seventh year of Our Reign.

By Command.

R. W. SCOTT,

*Secretary of State.*

DUFFERIN.

[L.S.]

CANADA.

VICTORIA, by the Grace of God, of the United Kingdom of Great Britain and Ireland, QUEEN, Defender of the Faith, &c., &c., &c.  
To all to whom these presents shall come, or whom the same may in anywise concern—GREETING:

A PROCLAMATION.

A. A. DORION, } WHEREAS it is, in and by an Act passed  
*Attorney-General, Canada,* } in the Session of the Parliament of Canada, held in the thirty-sixth year of Our Reign, and intituled "An Act to provide for the appointment of Harbour Masters for certain ports in the

*Marine and Fisheries.*

"Provinces of Nova Scotia and New Brunswick," amongst other things in effect enacted, that the said Act shall apply to the Provinces of Nova Scotia and New Brunswick only, and to such ports, and such ports only (except the Ports of Halifax and Pictou, in Nova Scotia, and St. John, in New Brunswick) in either of the said Provinces as shall, from time to time, be designated for that purpose by Proclamation under an Order or Orders of the Governor in Council:

And whereas an Order of the Governor in Council was passed on the sixth day of May instant, appointing that the said Act shall be in force at the Port of Bridgewater, in the County of Lunenburg, in the Province of Nova Scotia:—

Now Know Ye, that We do hereby, under and by virtue of the authority vested in Us by the said Act, and Order of the Governor in Council respectively, proclaim and declare that the Act hereinbefore mentioned and intituled "An Act to provide for the appointment of Harbour Masters for certain Ports in the Provinces of Nova Scotia and New Brunswick," shall henceforth be in force at, and with respect to the Port of Bridgewater, in the County of Lunenburg, in the Province of Nova Scotia, one of the Provinces of Our Dominion of Canada.

Of all which Our loving subjects and all others to whom these presents may come, or whom the same may concern, are hereby required to take notice and to govern themselves accordingly.

In testimony whereof, We have caused these Our Letters to be made Patent, and the Great Seal of Canada to be hereunto affixed. Witness Our Right Trusty and Well-Beloved Cousin and Councillor, the Right Honorable Sir Frederic Temple, Earl of Dufferin, Viscount and Baron Clandeboye, in the County Down, in the Peerage of the United Kingdom, Baron Dufferin and Clandeboye, of Ballyleidy and Killeleagh, in the County Down, in the Peerage of Ireland, and a Baronet, Knight of Our Most Illustrious Order of St. Patrick, and Knight Commander of Our Most Honorable Order of the Bath, Governor General of Canada, and Vice-Admiral of the same.

At Our Government House, in Our City of Ottawa, this sixth day of May, in the year of Our Lord One thousand eight hundred and seventy-four, in the Thirty-seventh year of Our Reign.

By Command.

R. W. SCOTT,

*Secretary of State.*

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ORDERS IN COUNCIL, &c.

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*Marine and Fisheries.*

GOVERNMENT HOUSE, OTTAWA,

Thursday, 7th day of May, 1874.

*Present :*

HIS EXCELLENCY THE GOVERNOR GENERAL IN COUNCIL.

ON the recommendation of the Honorable the Minister of Marine and Fisheries, and under the provisions of the 17th Section of the Act passed in the thirty-sixth year of Her Majesty's Reign, and intituled "An Act respecting Pilotage,"—

His Excellency the Governor General, by and with the advice of the Queen's Privy Council for Canada, has been pleased to order, and it is hereby ordered, that the limits of the Pilotage District of Miramichi, in the Province of New Brunswick be, and the same are hereby declared to be, as follows, that is to say—extending on the east as far as Entry Island (Magdalens); on the north to Point Miscou, in the County of Gloucester; and on the south to Kouchibouguac River, in the County of Kent.

His Excellency has been further pleased to constitute William Park, Esquire, of Newcastle; the Hon. William Muirhead and Alexander Morrison, Esquire, both of Chatham; the Hon. Richard Hutchison, of Douglas-town, and Robert R. Call, Esquire, of Newcastle, in the said Province of New Brunswick, the Pilotage Authority in and for the said District of Miramichi, under the provisions of the said Act.

And His Excellency, under the authority aforesaid, has been further pleased to make the payment of Pilotage Dues compulsory within the limits of the said District.

W. A. HIMSWORTH,  
*Clerk, Privy Council.*

GOVERNMENT HOUSE, OTTAWA,

Thursday, 7th day of May, 1874.

*Present :*

HIS EXCELLENCY THE GOVERNOR GENERAL IN COUNCIL.

ON the recommendation of the Honorable the Minister of Marine and Fisheries, and under the provisions of the 17th Section of the Act passed in the thirty-sixth year of Her Majesty's Reign, and intituled "An Act respecting Pilotage,"—

His Excellency the Governor General, by and with the advice of the Queen's Privy Council for Canada, has been pleased to order, and it is hereby ordered, that the limits of the Pilotage District of Bras d'Or Lake and Great and Little Bras d'Or, in the Island of Cape Breton, in the Province of Nova Scotia, be, and the same are hereby declared to be, as follows, that is to say,—embracing the ports, bays, harbours



*Marine and Fisheries.*

and coasts situated between Smoky Cape, in the County of Victoria, and Point Aconi, in the County of Cape Breton, as also ports, bays and harbours in Bras d'Or Lake and Great and Little Bras d'Or Lakes.

His Excellency has been further pleased to constitute Messrs. John A. Fraser, Donald Morrison and William McDonald, all of Big Bras d'Or, in the County of Victoria, and Duncan McDonald and A. B. Morrison, both of St. Ann's, in the same County, the Pilotage Authority in and for the said District of Bras d'Or Lake, and Great and Little Bras d'Or, and His Excellency, under the authority aforesaid, has further been pleased to make the payment of Pilotage Dues compulsory within the limits so fixed of the said District.

W. A. HIMSWORTH,  
*Clerk, Rivvy Council.*

GOVERNMENT HOUSE, OTTAWA,

Thursday, 7th day of May, 1874.

*Present :*

HIS EXCELLENCY THE GOVERNOR GENERAL IN COUNCIL.

ON the recommendation of the Honorable the Minister of Marine and Fisheries, and under the provisions of the 7th Section of the Act passed in the Session of the Parliament of Canada, held in the thirty-sixth year of Her Majesty's Reign, chaptered 129, and intituled "An Act respecting the Shipping of Seamen,"—

His Excellency, by and with the advice of the Queen's Privy Council for Canada, has been pleased to order, and it is hereby ordered, that a Shipping Office be, and is hereby established at the Port of Arichat, in the County of Richmond, in the Province of Nova Scotia, and that W. Daniel O'Connell Madden be, and he is hereby appointed Shipping Master for the said Port of Arichat, in accordance with the provisions of the 8th Section of the said Act.

W. A. HIMSWORTH,  
*Clerk, Privy Council.*

DOMINION OF CANADA,  
*Province of Nova Scotia—Pilotage District of Pictou.* }

PILOT REGULATIONS.

BY-LAWS and regulations respecting Pilotage for the District of Pictou, N.S., established by the Commissioners of Pilots for said District, under the Dominion Act, 36 Victoria, Chap. 54, intituled "An Act respecting Pilotage, 1873," and confirmed by order of His Excellency the Governor General in Council on the 11th day of May, 1874.



## ORDERS IN COUNCIL, &c.

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### *Marine and Fisheries.*

*First.*—The Pilot limits for the Port of Pictou (as established by Order in Council) shall extend from the most easterly point of Pictou Island, on a line running thence south-east, until it strikes the Gulf Shore at Arisaig Pier; and shall be bounded on the west by a line drawn from Arisaig Island to Rocky Point, at the county line; and shall embrace all the navigable waters in the County of Pictou.

*Second.*—(Disallowed.)

*Third.*—Every licensed Pilot at the time of receiving his license, shall give a bond to the Commissioners for his compliance with the Harbour and Pilot Regulations, and the faithful performance of his duty as a Pilot during the ensuing year, himself in the sum of eighty dollars (\$80), and two sureties to the satisfaction of the Commissioners in forty dollars (\$40) each; such bonds to be renewed every year during the Pilot's continuance in office.

*Fourth.*—Every licensed Pilot taking charge of any vessel, shall, in all cases, behave himself civilly and be strictly sober while in the discharge of his duty, and use the utmost care and diligence for the safety of the vessel, and to prevent her from doing damage to other vessels,—under a penalty not exceeding forty dollars (\$40) for every offence.

*Fifth.*—The Pilot in charge of a vessel inward bound shall, when passing the Light-house, require the Master to hoist her national flag at the gaff, over the pilot's flag, and keep it flying while coming up the harbour, under a penalty not exceeding ten dollars (\$10) for every offence.

*Sixth.*—Every licensed Pilot, before boarding any vessel, shall enquire if any infectious or contagious disease be on board, or if she be from any port or place making her liable to Quarantine laws, or be an emigrant vessel. In either of such cases he shall not go on board, but his boat shall be towed astern; and he shall cause the national flag to be hoisted at the main, and shall bring her to anchor at the usual place appointed for riding Quarantine, and shall not suffer any person to board or leave the vessel until she be visited by the health officers, nor then without his permission; under a penalty not exceeding forty dollars (\$40) for every offence.

*Seventh.*—Any questions or disputes arising between Pilots, Masters of vessels and others, respecting Pilotage or for any extra remuneration in cases of any extraordinary nature, and all other questions and disputes between them respecting salvage or otherwise, shall be submitted to the Commissioners to be adjusted and decided by them; and the judgment of the Commissioners, or a majority of them, respecting all such questions and disputes in which the subject matter does not exceed the sum of forty dollars (\$40) shall be final and binding on all parties; and every licensed Pilot who shall act contrary to this regulation, or shall refuse or neglect to appear before the Commissioners after twenty-four hours' notice, when his attendance shall be required by them on any occasion, or shall give any unnecessary trouble, annoyance or detention to Masters of vessels, shall, for every offence, be liable to a penalty not exceeding forty dollars (\$40), and also to suspension or dismissal, at the discretion of the Commissioners.

*Eighth.*—No person shall be licensed as a Pilot under twenty-one years of age, nor unless he shall have served as a licensed Pilot or as an apprentice, or otherwise, in some licensed Pilot boat for at least three years,

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*Marine and Fisheries.*

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and shall, on examination, be found in every respect well qualified to discharge all the duties of a Pilot.

*Ninth.*—Every licensed Pilot who is not a partner in some company boat shall have his own boat either open or wholly or partly decked, and one man or a boy, not under sixteen years of age, to go in it with himself; under a penalty not exceeding ten dollars for every offence. And all Pilot boats, owned either privately or by more than one person, and when open or wholly or partly decked, shall be approved and licensed by the Commissioners, and shall have all the members' names and other characteristics required and specified by section 75 of the said Pilotage Act, under the penalties therein prescribed for every offence.

*Tenth.*—Any number of licensed Pilots (not exceeding four in number) may form themselves into a company and own and pilot together in one boat, either wholly or partly decked; and every decked pilot boat shall be provided with at least two life preservers, under a penalty not exceeding ten dollars for every neglect; the earnings of such companies to be equally divided amongst them, or otherwise, as they may agree among themselves.

*Eleventh.*—Every licensed Pilot or company shall be entitled to receive out of the Pilotage Fund the amount earned by him or them, and paid into such fund on his or their account; and the one-half of the pilotage dues received by the Commissioners under sections 57, 59 and 60 of the said Act, in cases when such Pilot's services are not accepted when offered. And the licensed Pilots shall also receive out of such fund, if any remaining, after payment of all necessary expenses, such further sum as the Commissioners in their discretion shall award to them respectively, or to their widows and families in cases of death, superannuation or accident.

*Twelfth.*—Every Pilot shall pay for his license the sum of twenty dollars, to be paid by him into the Pilotage Fund on receipt of his certificate, or to be deducted from any amount he may be entitled to receive out of such fund, at the discretion of the Commissioners; and shall pay one dollar for his bond, and one dollar for every renewal thereof.

*Thirteenth.*—Every Master or Mate shall pay for his license the yearly sum of forty dollars on receipt of his certificate or renewal thereof; to be paid into the Pilotage Fund.

*Fourteenth.*—All pilotage dues, whether earned and collected by the Pilots or otherwise received by the Commissioners, shall be paid to the Chairman of their Board, who shall keep a book for the entry of all sums received and of all sums paid out to the Pilots or on any other account, and shall also keep a book to make the annual Pilotage Returns required by the 24th Section of the Act.

*Fifteenth.*—Every licensed Pilot who shall pilot any vessel inward, shall, within one day after his arrival and accompanied by the Master, if on shore, report and pay to the said Chairman the amount of pilotage fees due on such vessel, and shall give to the said Chairman all the information required to be transmitted by him in his annual Returns. And every licensed Pilot shall likewise report all vessels piloted outwards by him and the fees paid thereon, and all vessels refusing his services when offered, either inward or outward bound; and every Pilot neglecting or refusing to

*Marine and Fisheries.*

comply with this regulation shall be liable to a penalty not exceeding forty dollars (\$40) for every offence.

*Sixteenth.*—The rate of Pilotage Dues at the Port or District of Pictou shall be as follows:—

Vessels of	80 and under 150 tons,	\$6 inwards and \$4 outwards.
" of 150	" 300	10 " 6 "
" 300	" 400	12 " 8 "
" 400	" 500	14 " 9 "
" 500	" 600	15 " 10 "
" 600	" 800	16 " 11 "
" 800	" 1,000	17 " 12 "
" 1000 tons and upwards,	2 cents per ton inward.	
" " "	1½ " outward.	

On all vessels under 80 tons, 5 cents per ton inward.

On all vessels under 80 tons, 4 cents per ton outward.

All steamers to be rated at net tonnage.

*Seventeenth.*—After coming to in the Harbor, all vessels requiring the services of Pilots in going up to the loading wharves at the east or middle rivers shall pay an additional sum of twenty-five cents per foot draft of water, and the same coming down the said rivers.

C. DWYER,	} Commissioners.
WILLIAM CAMPBELL,	
JAMES MCKINNON,	
SMITH COPELAND,	

Daniel Dickson,  
Secretary of Commissioners,  
Pictou, April 10, 1874.

Certified.

W. A. HIMSWORTH,  
Clerk, Privy Council

DUFFERIN.

[L.S.]

CANADA.

VICTORIA, by the Grace of God, of the United Kingdom of Great Britain and Ireland, QUEEN, Defender of the Faith, &c., &c., &c.

To all to whom these presents shall come, or whom the same may in anywise concern,—GREETING:

A PROCLAMATION.

H. BERNARD, Deputy of the Minister of Justice, Canada.	} WHEREAS it is in and by the Act passed in the Session of the Par- liament of Canada, held in the Thirty- Sixth year of Our Reign, and intituled "An Act to provide for the "appointment of Harbour Masters for certain Ports in the Provinces of Nova

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*Marine and Fisheries.*

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"Scotia and New Brunswick," amongst other things in effect enacted, that the said Act shall apply to the Provinces of Nova Scotia and New Brunswick only, and to such ports and such ports only (except the Ports of Halifax and Pictou, in Nova Scotia, and St. John, in New Brunswick) in either of the said Provinces, as shall, from time to time, be designated for that purpose by Proclamation under an Order or Orders of the Governor in Council:

And whereas an Order of the Governor in Council was passed on the fourteenth day of May instant, appointing that the said Act shall be in force at the Port of Sheet Harbor, in the County of Halifax, in the Province of Nova Scotia:—

Now Know Ye, that We do hereby, under and by virtue of the authority vested in Us by the said Act and Order of the Governor in Council respectively, proclaim and declare that the Act hereinbefore mentioned and intituled "An Act to provide for the appointment of Harbour Masters for certain Ports in the Provinces of Nova Scotia and New Brunswick," shall henceforth be in force at, and with respect to the Port of Sheet Harbour, in the County of Halifax, in the Province of Nova Scotia, one of the Provinces of Our Dominion of Canada.

Of all which Our loving subjects and all others to whom these presents may come, or whom the same may concern, are hereby required to take notice and govern themselves accordingly.

In Testimony Whereof, We have caused these Our Letters to be made Patent, and the Great Seal of Canada to be hereunto affixed. Witness, Our Right Trusty and Well-Beloved Cousin and Councillor the Right Honorable Sir Frederic Temple, Earl of Dufferin, Viscount and Baron Clandeboye of Clandeboye, in the County Down, in the Peerage of the United Kingdom, Baron Dufferin and Clandeboye of Ballyleidy and Killeleagh, in the County Down, in the Peerage of Ireland, and a Baronet, Knight of Our Most Illustrious Order of Saint Patrick, and Knight Commander of Our Most Honorable Order of the Bath, Governor General of Canada, and Vice-Admiral of the same.

At Our Government House in Our City of Ottawa, this Fourteenth day of May, in the year of Our Lord One thousand eight hundred and seventy four, and in the Thirty-seventh year of Our Reign.

By Command.

R. W. SCOTT,

*Secretary of State.*

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*Marine and Fisheries.*

DUFFERIN.

L.S.]

CANADA.

VICTORIA, by the Grace of God, of the Unite Kingdom of Great Britain and Ireland, Queen, Defender of the Faith, &c., &c., &c.

To all to whom these presents shall come, or whom the same may in anywise concern,—GREETING :

## A PROCLAMATION.

H. BERNARD,  
*Deputy of the Minister of Justice,*  
*Canada.*

WHEREAS it is in and by the Act passed in the Session of the Parliament of Canada, held in the Thirty-sixth year of Our Reign and intituled "An Act to provide for the appointment of Harbour Masters for certain ports in the Provinces of Nova Scotia and New Brunswick" amongst other things in effect enacted, that the said Act shall apply to the Provinces of Nova Scotia and New Brunswick, only and to such ports and such ports only (excepts the Ports of Halifax and Pictou in Nova Scotia, and St. John in New Brunswick) in either of the said Provinces as shall, from time to time, be designated for that purpose by Proclamation under an Order or Orders of the Governor in Council:

And whereas an Order of the Governor in Council was passed on the Fourteenth day of May instant, appointing that the said Act shall be in force at the Port of St. Martin's, in the County of St. John, in the Province of New Brunswick:—

Now Know Ye that We do hereby, under and by virtue of the authority vested in Us by the said Act and Order of the Governor in Council respectively, proclaim and declare that the Act hereinbefore mentioned and intituled "An Act to provide for the appointment of Harbour Masters for certain ports in the Provinces of Nova Scotia and New Brunswick" shall henceforth be in force at, and with respect to, the Port of St. Martin's, in the County of St. John, in the Province of New Brunswick, one of the Provinces of Our Dominion of Canada.

Of all which Our loving subjects, and all others to whom these presents may come, or whom the same may concern, are hereby required to take notice and to govern themselves accordingly.

In Testimony Whereof, We have caused these Our Letters to be made Patent, and the Great Seal of Canada to be hereunto affixed. Witness, Our Right Trusty and Well-Beloved Cousin and Councillor the Right Honorable Sir Frederic Temple, Earl of Dufferin, Viscount and Baron Clandeboy of Clandeboy, in the County Down, in the Peerage of the United Kingdom, Baron Dufferin and Clandeboy of Ballyleidy and Killeleagh, in the County Down, in the Peerage of Ireland, and a Baronet, Knight of Our Most Illustrious Order of Saint Patrick, and Knight Commander of Our Most Honorable Order of the Bath, Governor General of Canada, and Vice-Admiral of the same.

At Our Government House, in Our City of Ottawa, this Fourteenth day of May, in the year of Our Lord One thousand eight hundred and seventy-four, and in the Thirty-seventh year of Our Reign.

By Command.

R. W. SCOTT,

*Secretary of State.*

ORDERS IN COUNCIL, &c.

*Marine and Fisheries.*

GOVERNMENT HOUSE, OTTAWA,

Thursday, 14th day of May, 1874.

*Present :*

HIS EXCELLENCY THE GOVERNOR GENERAL IN COUNCIL.

ON the recommendation of the Honorable the Minister of Marine and Fisheries, and under and in pursuance of the provisions of the 4th Section of the Act passed in the 36th year of Her Majesty's Reign, Chapter 55, and intituled "An Act respecting Wreck and Salvage,"—

His Excellency, by and with the advice of the Queen's Privy Council for Canada, has been pleased to constitute and establish the Magdalen Islands in the Gulf of St. Lawrence, Province of Quebec, a District for all the purposes of the said Act, and the said District is hereby constituted and established accordingly.

His Excellency, under the authority aforesaid, has been further pleased to appoint John J. Fox, Esquire, Collector of Customs at the Port of Magdalen Islands, to be a Receiver of Wreck in and for the said District.

W. A. HIMSWORTH,  
*Clerk, Privy Council.*

GOVERNMENT HOUSE, OTTAWA,

Thursday, 14th day of May, 1874.

*Present :*

HIS EXCELLENCY THE GOVERNOR GENERAL IN COUNCIL.

ON the recommendation of the Honorable the Minister of Marine and Fisheries, and under and in pursuance of the provisions of the Act passed in the 36th year of Her Majesty's Reign, Chapter 55, and intituled "An Act respecting Wreck and Salvage,"—

His Excellency, by and with the advice of the Queen's Privy Council for Canada, has been pleased to constitute and establish the County of Richmond, in the Province of Nova Scotia, a District for all the purposes of the said Act, and the said District is hereby constituted and established accordingly.

His Excellency, under the authority aforesaid, has been further pleased to appoint William R. Cutter, Esquire, of Arichat, to be a Receiver of Wreck in and for the said District.

W. A. HIMSWORTH,  
*Clerk, Privy Council.*

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*Marine and Fisheries.*

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GOVERNMENT HOUSE, OTTAWA,

Thursday, 14th day of May, 1874.

*Present :*

HIS EXCELLENCY THE GOVERNOR GENERAL IN COUNCIL.

**W**HEREAS by the 1st Section of the Act passed in the 33rd year of Her Majesty's Reign, and intituled "An Act respecting the Coasting Trade of Canada," it is amongst other things enacted that no goods or passengers shall be carried by water from one port of Canada to another except in British ships ;

And whereas by the 2nd Section of the said Act it is further enacted that the Governor in Council may, from time to time, declare that the foregoing provisions of that Act shall not—while such Order in Council is in force—apply to the ships or vessels of any foreign country in which British ships are admitted to the coasting trade of that country and permitted to carry goods and passengers from one port or place in such country to another :

And whereas it has been ascertained that British ships are allowed to participate in the Coasting Trade of Germany on the same footing as the vessels of that Empire,—

His Excellency, by and with the advice of the Privy Council, and on the recommendation of the Honorable the Minister of Marine and Fisheries, has been pleased to order and declare, and it is hereby ordered and declared, that the provisions of the said above recited Act shall not apply to the ships or vessels of Germany, but that such vessels shall be and they are hereby admitted to the coasting trade of the Dominion on the same terms and conditions as are applicable to Canadian vessels.

W. H. HIMSWORTH,

*Clerk, Privy Council.*

GOVERNMENT HOUSE, OTTAWA,

Thursday, 21st day of May, 1874.

*Present :*

HIS EXCELLENCY THE GOVERNOR GENERAL IN COUNCIL.

**O**N the recommendation of the Honorable the Minister of Marine and Fisheries, and under and in pursuance of the 15th Section of "the Fisheries Act,"—

His Excellency, by and with the advice of the Queen's Privy Council for Canada, has been pleased to make the following Regulation :—

"Rice Lake and tributary waters, together with that part of the River Trent, from the outlet of the said lake to the Hastings Locks, and also that portion of the Otonabee River, extending from its inlet at the said lake to the Peterboro Locks, all within the Counties of Northumberland and Peterboro, in the Province of Ontario, are hereby set apart for the natural and artificial propagation of fish during the space of three years, from the first day of May instant."

W. A. HIMSWORTH,

*Clerk, Privy Council.*



ORDERS IN COUNCIL, &c.

*Marine and Fisheries.*

GOVERNMENT HOUSE, OTTAWA,

Wednesday, 3rd day of June, 1874.

*Present :*

HIS EXCELLENCY THE GOVERNOR GENERAL IN COUNCIL.

ON the recommendation of the Honorable the Minister of Marine and Fisheries, and under and in pursuance of the provisions of the Act passed in the 36th year of Her Majesty's Reign, Chapter 55, and intituled "An Act respecting Wreck and Salvage,"—

His Excellency, by and with the advice of the Queen's Privy Council for Canada, has been pleased to constitute and establish the County of Shelburne, in the Province of Nova Scotia, a district for all the purposes of the said Act, and the said District is hereby constituted and established accordingly.

His Excellency, under the authority aforesaid, has been further pleased to appoint Gabriel Robertson, Esquire, of Barrington, to be a Receiver of Wrecks in and for the said District.

W. A. HIMSWORTH.

*Clerk, Privy Council.*

GOVERNMENT HOUSE, OTTAWA,

Wednesday, 3rd day of June, 1874.

*Present :*

HIS EXCELLENCY THE GOVERNOR GENERAL IN COUNCIL.

ON the recommendation of the Honorable the Minister of Marine and Fisheries, and under and in pursuance of the provisions of the Act passed in the 36th year of Her Majesty's Reign, Chapter 55, and intituled "An Act respecting Wreck and Salvage,"—

His Excellency, by and with the advice of the Queen's Privy Council for Canada, has been pleased to constitute and establish a District extending from Smoky Cape, in the County of Victoria, in the Province of Nova Scotia, to Southern Head of Cow Bay, in the County of Cape Breton, in said Province, for all the purposes of the said Act, and the said District is hereby constituted and established accordingly.

His Excellency, under the authority aforesaid, has been further pleased to appoint Alexander McKay, Esquire, of North Sydney, to be a Receiver of Wreck in and for the said District.

W. A. HIMSWORTH,

*Clerk, Privy Council.*



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*Marine and Fisheries.*

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GOVERNMENT HOUSE, OTTAWA,

Saturday, 3th day of June, 1874.

*Present :*

HIS EXCELLENCY THE GOVERNOR GENERAL IN COUNCIL.

ON the recommendation of the Honorable the Minister of Marine and Fisheries, and under the provisions of the 4th Section of the Act passed in the Session of the Parliament of Canada, held in the 36th year of Her Majesty's Reign, Chaptered 55, and intituled "An Act respecting "Wreck and Salvage,"—

His Excellency, by and with the advice of the Queen's Privy Council for Canada, has been pleased to order, and it is hereby ordered that the Island of Anticosti, in the Gulf of St. Lawrence, Dominion of Canada, be, and the same is hereby, established as a District for the purposes of the Act.

His Excellency, under the authority aforesaid, has been further pleased to appoint M. David H. Tétu, Lighthouse and Fog-whistle Keeper, South Point, in the said Island, Receiver of Wreck for the District referred to.

W. A. HIMSWORTH,  
*Clerk, Privy Council.*

GOVERNMENT HOUSE, OTTAWA,

Saturday, 6th day of June, 1874.

*Present :*

HIS EXCELLENCY THE GOVERNOR GENERAL IN COUNCIL.

ON the recommendation of the Honorable the Minister of Marine and Fisheries, and under the provisions of the 17th section of the Act passed in the Session of the Parliament of Canada, held in the 36th year of Her Majesty's Reign, Chaptered 54, and intituled "An Act respecting Pilotage,"—

His Excellency, by and with the advice of the Queen's Privy Council for Canada, has been pleased to order, and it is hereby ordered that a Pilotage District be and his hereby formed for the County of Halifax, in the Province of Nova Scotia, the limits of which District shall embrace all the Ports, Bays, Rivers and Coasts of the said County, and that in accordance with the 8th Section of the Act, and the provisions of the "Act to amend "The Pilotage Act, 1873," passed during the last Session of Parliament, William Roche, Junior, Daniel Cronan and Lewis Anderson, Esquires, of Halifax, be, and they are hereby, appointed Pilotage Commissioners under the Great Seal of Canada, as constituting the Pilotage authority for the District of Halifax, together with Joseph Seeton, Esquire, and Captain Peter Coffin, who have been duly elected by the City Council for the City of Halifax, and John Taylor Wood and John Pugh, Esquires, also of Halifax,

*Marine and Fisheries.*

who have been elected by the Executive Committee of the Chamber of Commerce of the City of Halifax, Pilotage Commissioners, in accordance with the provisions of the 8th Section of the Act first mentioned.

His Excellency has been further pleased to make the payment of Pilotage dues compulsory within the limits of the District above defined.

W. A. HIMSWORTH,  
*Clerk, Privy Council.*

GOVERNMENT HOUSE, OTTAWA,

Tuesday, 16th day of June, 1874.

*Present :* —

HIS EXCELLENCY THE GOVERNOR GENERAL IN COUNCIL.

ON the recommendation of the Hon. the Minister of Marine and Fisheries, and under the provisions of the Act passed in the Session of the Parliament of Canada, held in the 36th year of Her Majesty's reign, Chaptered 54, and intituled "An Act respecting Pilotage,"—

His Excellency, by and with the advice of the Queen's Privy Council for Canada, has been pleased to order, and it is hereby ordered, that a Pilotage District be, and the same is hereby formed, for St. John, in the Province of New Brunswick, the limits of which District shall embrace the Harbour of St. John, and shall extend to a bound ranging with Mount Desert and Cape Sable, Seal Islands bearing North-west and South-east; and that in accordance with the 13th Section of the Act, and the provisions of the "Act to amend the Pilotage Act, 1873," passed during the last session of Parliament, Howard D. Troop, Walter Scammell, and William E. Vroom, all of St. John, Esquires, be appointed Pilotage Commissioners as constituting the Pilotage authority for the District of St. John; together with Thomas M. Reed and Thomas McAvity, Esquires, who have been duly elected by the Mayor, Aldermen and Commonalty of the City of St. John, and James A. Harding and William C. Watson, Esquires, who have been duly elected by the Council of the St. John Board of Trade, Pilotage Commissioners also, in accordance with the said 13th Section of the Act first above mentioned.

His Excellency has also been pleased to order that in accordance with the provisions of the 16th Section of the Act first above mentioned, Mr. George Stymest be appointed Secretary and Treasurer of the St. John Pilot Commissioners.

His Excellency has also been further pleased to order that the payment of Pilotage dues be made compulsory within the limits of the District above defined.

W. A. HIMSWORTH,  
*Clerk, Privy Council.*

*Marine and Fisheries.*

AT a meeting of the Pilot Commissioners for the Port of Miramichi, held at their office, in the Town of Newcastle, on Tuesday, the 26th day of May, in the year of Our Lord One Thousand eight hundred and seventy-four, at which meeting all the Commissioners were present, viz :—

William Park, Chairman ; Richard Hutchison, Alexander Morrison, William Muirhead, R. R. Call, Secretary ;

It was resolved that the following rules and regulations be made and established under and by virtue of the Pilotage Act, 1873 :—

1. Every ship subject to Pilotage dues navigating to and from the Port or Harbour of Miramichi, within the following district :—That is extending on the east as far as Entry Island (Magdalens) on the north to Point Miscou, in the County of Gloucester, and on the south to Kouchibouguac River, in the County of Kent, being the Pilotage District for the said Port, shall pay the following dues, that is to say :—When inward bound, \$2.25 per foot for every foot of water such ship shall draw at the time.

When outward bound, \$1.75 per foot, if drawing less than eighteen feet of water, and \$2 per foot if drawing eighteen feet or upwards.

2. In addition to the fees now payable for removing and mooring ships, the pilots shall be entitled to demand and receive the sum of \$2 when the distance of removal exceeds four miles.

3. All pilots holding licenses or branches from the Northumberland Sessions are hereby required to deliver the same forthwith to the Secretary of the Pilot Commissioners, in lieu of which (if deemed competent) they will receive licenses from the said Commissioners on the payment of a fee of \$2 for each license.

4. It shall be the duty of pilots knowing that any buoys or beacons are out of order, or that any of the lights are improperly kept, to report the same forthwith to the Secretary of the Pilot Commissioners.

5. The existing regulations of the said Northumberland Sessions, "for the government of pilots, &c," shall remain in force, subject to the foregoing regulations and the provisions of the Pilotage Act, 1873.

WILLIAM PARK,  
RICHARD HUTCHISON,  
ALEX. MORRISON,  
W. MUIRHEAD,  
R. R. CALL.

*Commissioners.*

PRIVY COUNCIL OFFICE,

OTTAWA, 13th July, 1874.

The foregoing rules and regulations were submitted to and approved by His Excellency the Governor General in Council on the 17th day of June, 1874.

W. A. HIMSWORTH,  
*Clerk, Privy Council.*

*Marine and Fisheries.*

RULES AND REGULATIONS

*For the government of Pilots, in the County of Charlotte, in the Province of New Brunswick, made by the Commissioners under the Act 36 Victoria, Chap. 54.*

ALL rules and regulations heretofore made by any Pilotage authority for the County of Charlotte are hereby repealed.

I. There shall be one or more pilot boats owned by the pilots of the County exclusively employed from the first day of April to the 15th day of December in each year in the business of piloting. Said boats to be filled out in accordance with the law; to be not less than ten tons burthen, and to be annually, on or before the 1st day of May, examined and approved by the Commissioner at St. Andrews or such persons as he may appoint. Said boats if approved to be licensed by the Commissioner, the owner paying for said license and examination \$5 each.

II. If at any time it be made to appear to the satisfaction of the Commissioners that any boat licensed by them has become unfit for the business, or that the owner fails to comply with the law in fitting out said boat—said license may be cancelled by the Commissioner; and any license so cancelled shall be delivered up to the Commissioner at St. Andrews under a penalty of not less than \$20 nor more than \$40.

III. No pilot to be entitled to any fees or reward for piloting unless he resides in the County of Charlotte, and shall be owner or part owner, or produces a certificate from an owner that he has an interest or standing for one year in a licensed pilot boat owned in the county.

IV. No person not already licensed shall receive a branch or licence as a pilot unless he shall be twenty-one years of age, of good character, and shall have served an indentured apprenticeship with a branch pilot in a licensed pilot boat (owned in the County) for the term of four years, and shall have made two voyages to Europe as an articulated seaman.

V. No pilot shall, after the approval of these regulations, receive any indentured apprentice except by consent of the Commissioners.

VI. No pilot shall be entitled to fees if he himself or his boat is employed in the coasting trade or any other business than that of piloting in the County, from the first day of April to the fifteenth day of December.

VII. Any pilot offering his services to any inward bound vessel liable to pay pilotage from on board any licensed pilot boat owned in the County, on being refused employment shall be entitled to demand and recover the legal pilotage, notwithstanding such vessel shall have secured the services of a pilot at some other port outside the County, provided that no other pilot shall have so offered his services and demanded payment therefor, and provided that such services are so offered before any such vessel has entered La Tête Passage or is abreast Clum Cove Head.

VIII. If any pilot offer his services to any outward-bound vessel, liable to pay pilotage, after such vessel shall have cleared at the Custom House, no pilot being on board or engaged to take out such vessel, such pilot, so offering, shall be entitled to demand and receive the legal amount of pilotage of such vessel.

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## ORDERS IN COUNCIL, &c.

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### *Marine and Fisheries.*

IX. All pilots are required to obtain from the Commissioners immediately after the approval of these regulations, and annually afterwards on or before the first day of April, a branch or certificate, also a copy of these regulations, paying for said certificate five dollars, and for said regulations one dollar; and no such branch or certificate shall be issued unless it be shown to the satisfaction of the Commissioner that the applicant is a resident of the County duly qualified,—any pilot taking charge of any vessel without such branch or certificate to pay a fine of not less than twenty nor more than forty dollars.

X. Any pilot taking charge of any inward-bound vessel shall exhibit his Branch and a copy of these regulations to the master.

XI. Every pilot licensed by the Commissioners shall monthly, up to the first day of December in each year, make return on oath before the Secretary or Commissioner at St Andrews, of the number of vessels piloted by them, the tonnage and description of vessels, draft of water, amount received for pilotage, and description of services performed; penalty for default not less than ten dollars nor more than forty dollars.

XII. Any licensed pilot not complying with these regulations, or attempting to evade the sense, intent or meaning of any or either of them, shall forfeit and pay a fine of not less than ten nor more than forty dollars, and shall be liable to suspension or dismissal at the discretion of the Commissioners.

XIII. On proof on oath, to the satisfaction of the Commissioners, that any pilot licensed by them has been guilty of any improper conduct, drunkenness or wilful neglect of duty, or that he is incapacitated by age or mental or bodily infirmity, such pilot shall be suspended or deprived of his license at the discretion of the Commissioner.

XIV. Any misunderstanding or differences arising between the pilots or masters of vessels as to a correct construction of these regulations, shall be referred to the arbitrament of the Secretary or Commissioners.

XV. All vessels brought into any port or harbour or loading place in the County of Charlotte, or departing therefrom, and liable by law to pay pilotage, shall be chargeable with and pay the rates of pilotage hereinafter named:—

1. From Sene Islands, Cross Islands, Little River, North-West Ledges of Grand Manan, Kent's Island, Long Island Bay, Moose River and Bailey's Mistake, to St. Andrews, St. Stephens or any harbour or loading place in the County of Charlotte (except Campobello or the lines), Pilotage inwards or outwards, \$2.25 per foot.

2. From north head of Grand Manan, Beaver Harbour and West Quoddy Lighthouse, to any Port or Harbour in the County of Charlotte (except Campobello or the lines), Pilotage inwards or outwards, \$1.60 per foot.

3. From Head Harbour Lighthouse to any port or harbour in the County of Charlotte (except Campobello or the lines), Pilotage inwards or outwards, \$1.50 per foot.

4. From or to Campobello or the lines, the Pilotage, inwards or outwards, to be 20c. per foot less than the above rates.

5. From Eastport or Green's Point to any port or harbour in the County of Charlotte, Pilotage inwards or outwards, \$1 per foot.

*Marine and Fisheries.*

6. From the first day of November to the first day of April, inward and outward-bound vessels to pay 20c. per foot over and above the rates above named.

7. Removing a vessel to or from St. Andrews Harbour to ballast ground, vessels from 80 tons to under 300 tons, \$2.50; 300 tons or upwards, \$3.00.

8. Removing a vessel from one loading place or harbour to any other loading place or harbour, inside St. Andrews Bay, vessels from 80 to 200 tons, \$4; over 200 tons to 300 tons, \$5; over 300 to 400 tons, \$6; exceeding 400 tons, \$8.

9. Removing a vessel from any harbour or loading place inside St. Andrews Bay to any harbour or loading place outside St. Andrews Bay and within the County of Charlotte,—Pilotage inwards or outwards, vessels of 80 tons and under 200 tons, \$6; 200 tons and under 300 tons, \$8; 300 tons and under 400 tons, \$10; 400 tons and upwards, \$12.

XVI. Masters or mates of British registered vessels holding certificates and producing proof of qualification to the satisfaction of the Commissioners, shall be entitled to a branch or certificate as pilot for the vessel in which they may be then employed, on payment of a fee of five dollars,—such certificate to be for one year only.

Dated at St. Andrews, the Twenty-ninth day of April, One thousand eight hundred and seventy-four.

C. E. O. HATHEWAY,  
C. B. EATON,  
SAMUEL JOHNSON,  
*Commissioners.*

PRIVY COUNCIL OFFICE,  
OTTAWA, 13th July, 1874.

The foregoing Rules and Regulations were submitted to and approved by His Excellency the Governor General in Council on the 17th day of June, 1874.

W. A. HIMSWORTH,  
*Clerk, Privy Council.*

GOVERNMENT HOUSE, OTTAWA,  
Wednesday, 17th day of June, 1874.

*Present :*

HIS EXCELLENCY THE GOVERNOR GENERAL IN COUNCIL.

ON the recommendation of the Honorable the Minister of Marine and Fisheries, and under the provisions of the 4th section of the Act passed in the Session of the Parliament of Canada, held in the 36th year of Her Majesty's Reign, chaptered 55, and intituled "An Act respecting Wreck and Salvage,"—

ORDERS IN COUNCIL, &c.

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*Marine and Fisheries.*

His Excellency, by and with the advice of the Queen's Privy Council for Canada, has been pleased to order, and it is hereby ordered, that the County of Kamouraska, in the Province of Quebec, be and the same is hereby constituted and appointed a district for all the purposes of the said Act, and that Ernest Gagnon, Esquire, Notary Public, be and he is hereby appointed Receiver of Wreck for the said District.

W. A. HIMSWORTH,  
*Clerk, Privy Council.*

GOVERNMENT HOUSE, OTTAWA,

Wednesday, 17th day of June, 1874.

*Present :*

HIS EXCELLENCY THE GOVERNOR GENERAL IN COUNCIL.

ON the recommendation of the Honorable the Minister of Marine and Fisheries, and under the provisions of the 4th section of the Act passed in the Session of the Parliament of Canada, held in the 36th year of Her Majesty's Reign, chaptered 55, and intituled "An Act respecting Wreck "and Salvage,"—

His Excellency, by and with the advice of the Queen's Privy Council for Canada, has been pleased to order, and it is hereby ordered, that a District be, and the same is hereby formed, extending from Fox Point to Maquereau Point, in the County of Gaspé and Province of Quebec, for all purposes of the said Act; and that Ernest Tétu, Esquire, be, and he is hereby appointed Receiver of Wreck for the said District.

W. A. HIMSWORTH,  
*Clerk, Privy Council.*

GOVERNMENT HOUSE, OTTAWA,

Friday, 19th day of June, 1874.

*Present :*

HIS EXCELLENCY THE GOVERNOR GENERAL IN COUNCIL.

ON the recommendation of the Honorable the Acting Minister of Marine and Fisheries, and under the provisions of the 4th Section of the Act passed in the Session of the Parliament of Canada, held in the 36th year of Her Majesty's Reign, chaptered 55, and intituled: "An Act respecting "Wreck and Salvage,"—

His Excellency, by and with the advice of the Queen's Privy Council for Canada, has been pleased to order, and it is hereby ordered, that the



*Marine and Fisheries.*

County of Temiscouata and the adjacent Islands belonging to that County, all in the Province of Quebec, be, and the same are hereby established, as a District for the purposes of the Act.

His Excellency, under the authority aforesaid, has been further pleased to appoint Alexis Ronleau, Esquire, of Isle Verte, Receiver of Wreck for the District referred to.

W. A. HIMSWORTH,  
*Clerk, Privy Council*

GOVERNMENT HOUSE, OTTAWA,  
Saturday, 20th day of June, 1874.

*Present :*

HIS EXCELLENCY THE GOVERNOR GENERAL IN COUNCIL.

ON the recommendation of the Honorable the Minister of Marine and Fisheries, and under and in pursuance of the 15th Section of "The Fisheries Act,"—

His Excellency, by and with the advice of the Queen's Privy Council for Canada, has been pleased to make the following Regulation :—

"Clear Lake, Salmon Trout Lake, with tributary waters from Young's Point to Burleigh Falls, together with Stony Lake and Jack and Eel's Creeks, up to the first falls on each, all within the County of Peterboro', in the Province of Ontario, are hereby set apart for the natural propagation of fish."

W. A. HIMSWORTH,  
*Clerk, Privy Council.*

DUFFERIN.

[L.S.]

CANADA.

VICTORIA, by the Grace of God, of the United Kingdom of Great Britain and Ireland, QUEEN, Defender of the Faith, &c., &c., &c.

To all to whom these presents shall come, or whom the same may in anywise concern—GREETING :

A PROCLAMATION.

H. BERNARD,  
*Deputy Minister of Justice, Canada.* } WHEREAS it is in and by the Act passed in the Session of the Parliament of Canada, held in the Thirty-seventh year of Our Reign, and intituled "An Act to provide for the appointment of Harbour Masters for certain ports in the Province of Quebec, Ontario, British Columbia and



# ORDERS IN COUNCIL, &c.

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## *Marine and Fisheries.*

"Prince Edward Island," amongst other things in effect enacted, that the provisions of the said Act shall apply to the Provinces of Quebec, Ontario, British Columbia and Prince Edward Island only, and to such ports and such ports only in either of the said Provinces as shall, from time to time, be designated for that purpose by Proclamation under an Order or Orders of the Governor in Council, except only the Ports of Quebec and Montreal, in the Province of Quebec, and of Toronto, in the Province of Ontario, to which the said Provisions shall not apply:

And whereas an Order of the Governor in Council was passed on the Twentieth day of June last, appointing that the said Act shall be in force at the Port of Malpeque, in Prince County, in the Province of Prince Edward Island:—

Now Know Ye, that We do hereby, under and by virtue of the authority vested in Us by the said Act and Order of the Governor in Council respectively, proclaim and declare, that the Act hereinbefore mentioned, and intituled "An Act to provide for the appointment of "Harbour Masters for certain Ports in the Provinces of Quebec, Ontario, "British Columbia and Prince Edward Island" shall henceforth be in force at, and with respect, to the Port of Malpeque, in Prince County, in the Province of Prince Edward Island, one of the Provinces of Our Dominion of Canada.

Of all which our loving subjects, &c., &c.  
In testimony whereof, &c., &c.

By Command.

R. W. SCOTT,  
*Secretary of State.*

Dated, 10th July, 1874.

DUFFERIN.

[L.S.]

## CANADA.

VICTORIA, by the Grace of God, of the United Kingdom of Great Britain and Ireland, QUEEN, Defender of the Faith, &c., &c., &c.

To all to whom these presents shall come, or whom the same may in anywise concern—GREETING:

## A PROCLAMATION.

T. FOURNIER,

*Attorney-General, Canada.*

{ WHEREAS it is in and by an Act passed in the Session of the Parliament of Canada, held in the Thirty-seventh year of Our Reign intituled "An Act to provide for the appointment of Harbour Masters for certain ports in the Provinces of Quebec, Ontario, British Columbia and Prince Edward Island" amongst other things in effect enacted, that the provisions of the said Act shall apply to the Provinces of Quebec, Ontario, British Columbia and Prince Edward Island only, and to such ports and such ports only in either of the said Provinces as shall, from time to time, be designated for

*Marine and Fisheries.*

that purpose by Proclamation under an Order or Orders of the Governor in Council, except only the Ports of Quebec and Montreal, in the Province of Quebec, and of Toronto, in the Province of Ontario, to which the said provisions shall not apply :

And whereas an Order of the Governor in Council was passed on the Seventeenth day of June last past, appointing that the said Act shall be in force at the Ports of Charlottetown, New London, Crapaud, North Pinette, Vernon River, Georgetown, Murray Harbor, Cardigan Bridge, Montagu Bridge, Summerside, Cascumpec, Port Hill, and Egmont Bay, all in the Province of Prince Edward Island :—

Now Know Ye that We do hereby, under and by virtue of the authority vested in Us by the said Act and by and with the consent and approval of Our Privy Council for Canada, proclaim and declare that the Act hereinbefore mentioned and intituled “An Act to provide for the appointment of “Harbour Masters for certain Ports in the Provinces of Quebec, Ontario, “British Columbia and Prince Edward Island” shall henceforth be in force at and with respect to the Ports of Charlottetown, New London, Crapaud, North Pinette, Vernon River, Georgetown, Murray Harbour, Cardigan Bridge, Montagu Bridge, Summerside, Cascumpec, Port Hill, and Egmont Bay, all in the Province of Prince Edward Island, one of the Provinces of of Our Dominion of Canada.

Of all which our loving subjects, &c., &c.

In testimony whereof, &c., &c.

By Command.

R. W. SCOTT,

*Secretary of State.*

Dated, 15th July, 1874.

DUFFERIN.

[I.S.]

CANADA.

VICTORIA, by the Grace of God, of the United Kingdom of Great Britain and Ireland, QUEEN, Defender of the Faith, &c., &c., &c.

To all to whom these presents shall come, or whom the same may in anywise concern—GREETING :

A PROCLAMATION.

T. FOURNIER, } WHEREAS it is in and by an Act passed  
*Attorney-General, Canada.* } in the Session of the Parliament of  
 Canada, held in the Thirty-seventh year of Our Reign intituled “An Act  
 “to provide for the appointment of Harbour Masters for certain ports in the  
 “Provinces of Quebec, Ontario, British Columbia and Prince Edward Island,”  
 amongst other things in effect enacted, that the provisions of the said Act  
 shall apply to the Provinces of Quebec, Ontario, British Columbia and  
 Prince Edward Island only, and to such ports and such ports only in either

*Marine and Fisheries.*

of the said Provinces as shall, from time to time, be designated for that purpose by Proclamation under an Order or Orders of the Governor in Council, except only the Ports of Quebec and Montreal, in the Province of Quebec, and of Toronto, in the Province of Ontario, to which the said provisions shall not apply :

And whereas an Order of the Governor in Council was passed on the Sixteenth day of June last past, appointing that the said Act shall be in force at the Port of Sorel, in the Province of Quebec :—

Now Know Ye, that We do hereby, under and by virtue of the authority vested in Us by the said Act and by the advice and approval of Our Privy Council for Canada, proclaim and declare that the Act hereinbefore mentioned, and intituled "An Act to provide for the appointment of Harbour Masters for certain Ports in the Provinces of Quebec, Ontario, British Columbia and Prince Edward Island," shall henceforth be in force at, and with respect to the Port of Sorel in the Province of Quebec, one of the Provinces of Our Dominion of Canada.

Of all which our loving subjects, &c., &c.

In testimony whereof, &c., &c.

By Command,

R. W. SCOTT,

*Secretary of State.*

Dated, 10th July, 1874.

DUFFERIN.

[L.S.]

CANADA.

VICTORIA, by the Grace of God, of the United Kingdom of Great Britain and Ireland, QUEEN, Defender of the Faith, &c., &c., &c.

To all to whom these presents shall come, or whom the same may in anywise concern—GREETING :

A PROCLAMATION.

T. FOURNIER, } WHEREAS it is in and by an Act passed  
*Attorney-General, Canada.* } in the Session of the Parliament of  
 Canada, held in the Thirty-seventh year of Our Reign, intituled : "An Act to provide for the appointment of Harbour Masters for certain ports in the Provinces of Quebec, Ontario, British Columbia and Prince Edward Island" amongst other things in effect enacted, that the provisions of the said Act shall apply to the Provinces of Quebec, Ontario, British Columbia and Prince Edward Island only, and to such ports and such ports only in either of the said Provinces as shall, from time to time, be designated for that purpose by Proclamation under an Order or Orders of the Governor General in Council, except only the Ports of Quebec and Montreal in the Province of Quebec, and of Toronto in the Province of Ontario, to which the said provisions shall not apply :

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*Marine and Fisheries.*

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And Whereas an Order of the Governor in Council was passed on the Seventeenth day of June last past, appointing that the said Act shall be in force at the Port of St. Johns, in the Province of Quebec:—

Now Know Ye, that We do hereby, under and by virtue of the authority vested in Us by the said Act and by and with the advice and approval of the Privy Council for Canada, proclaim and declare that the Act hereinbefore mentioned, and intituled: "An Act to provide for the appointment of "Harbour Masters for certain Ports in the Provinces of Quebec, Ontario, British "Columbia and Prince Edward Island" shall henceforth be in force at, and with respect to the Port of St. Johns, in the Province of Quebec, one of the Provinces of Our Dominion of Canada.

Of all which our loving subjects, &c., &c.

In testimony whereof, &c., &c.

By Command.

R. W. SCOTT,

*Secretary of State.*

Dated, 15th June, 1874.

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GOVERNMENT HOUSE, OTTAWA,

Wednesday, 8th day of July, 1874.

*Present :*

HIS EXCELLENCY THE GOVERNOR GENERAL IN COUNCIL.

ON the recommendation of the Honorable the Minister of Marine and Fisheries, and under the provisions of the Seventh Section of the Act passed in the Session of the Parliament of Canada, held in the 36th year of Her Majesty's Reign, chaptered 129, and intituled "An Act "respecting the Shipping of Seamen,"—

His Excellency, by and with the advice of the Queen's Privy Council for Canada, has been pleased to order, and it is hereby ordered, that a Shipping Office be and is hereby established at the Port of St. Andrews, in the County of Charlotte, in the Province of New Brunswick, and that Mr. Samuel Billings be, and he is hereby appointed Shipping Master, in accordance with the provisions of the eighth Section of the said Act.

W. A. HIMSWORTH,

*Clerk, Privy Council.*

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*Marine and Fisheries.*

DUFFERIN.

[L.S.]

## CANADA.

VICTORIA, by the Grace of God, of the United Kingdom of Great Britain and Ireland, QUEEN, Defender of the Faith, &c., &c., &c.

To all to whom these presents shall come, or whom the same may in anywise concern—GREETING :

## A PROCLAMATION.

T. FOURNIER,  
*Attorney-General, Canada.* } WHEREAS it is in and by the Act passed in the Session of the Parliament of Canada, held in the Thirty-sixth year of Our Reign, and intituled "An Act to provide for the appointment of Harbour Masters for certain ports in the Provinces of Nova Scotia and New Brunswick," amongst other things in effect enacted, that the said Act shall apply to the Provinces of Nova Scotia and New Brunswick, only and to such ports and such ports only (except the Ports of Halifax and Pictou in Nova Scotia and St. John in New Brunswick) in either of the said Provinces as shall from time to time be designated for that purpose by Proclamation under an Order or Orders of the Governor in Council :

And whereas an order of the Governor in Council was passed on the Twenty-third day of July, appointing that the said Act shall be in force at the Port of Little Glace Bay, in the County of Cape Breton, in the Province of Nova Scotia :—

Now Know Ye that We do, hereby under and by virtue of the authority vested in Us by the said Act, and by and with the advice and approval of Our Privy Council of Canada, proclaim and declare that the Act hereinbefore mentioned and intituled "An Act to provide for the appointment of Harbour Masters for certain ports in the Provinces of Nova Scotia and New Brunswick" shall henceforth be in force at and with respect to the Port of Little Glace Bay, in the County of Cape Breton, in the Province of Nova Scotia, one of the Provinces of Our Dominion of Canada.

Of all which Our loving subjects, &c., &c.

In Testimony Whereof, &c., &c.

By Command.

R. W. SCOTT,  
*Secretary of State.*

Dated 3rd August, 1874.

*Marine and Fisheries.*

GOVERNMENT HOUSE, OTTAWA,

Monday, 10th day of August, 1874.

*Present :*

HIS EXCELLENCY THE GOVERNOR GENERAL IN COUNCIL.

ON the recommendation of the Honorable the Acting Minister of Marine and Fisheries, and under the provisions of the 4th section of the Act passed in the Session of the Parliament of Canada, held in the Thirty-sixth year of Her Majesty's Reign, chaptered 55, and intituled "An Act respecting Wreck and Salvage,"—

His Excellency, by and with the advice of the Queen's Privy Council for Canada, has been pleased to order, and it is hereby ordered, that the County of Guysboro, in the Province of Nova Scotia, be, and the same is hereby established as a District for all the purposes of the said Act.

His Excellency, under the authority aforesaid, has been further pleased to appoint Edmund H. Francheville, Esquire, of Guysboro, Receiver of Wreck for the District referred to.

W. A. HIMSWORTH,  
*Clerk, Privy Council.*

GOVERNMENT HOUSE, OTTAWA,

Monday, 10th day of August, 1874.

*Present :*

HIS EXCELLENCY THE GOVERNOR GENERAL IN COUNCIL.

ON the recommendation of the Honorable Mr. Mackenzie, acting for the Honorable the Minister of Marine and Fisheries, and under the provisions of the 4th section of the Act passed in the Session of the Parliament of Canada, held in the 36th year of Her Majesty's Reign, chaptered 55, and intituled "An Act respecting Wreck and Salvage,"—

His Excellency, by and with the advice of the Queen's Privy Council for Canada, has been pleased to order, and it is hereby ordered, that a District be and is hereby established for all the purposes of the said Act, extending from Ingonish, in the County of Victoria, in the Island of Cape Breton, and Province of Nova Scotia, to Bay St. Lawrence, in the same County, and including the Island of St. Paul's.

His Excellency, under the authority aforesaid has further been pleased to appoint Mr. Samuel C. Campbell, of Ingonish, Receiver of Wreck for the District referred to.

W. A. HIMSWORTH,  
*Clerk, Privy Council.*

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*Marine and Fisheries.*

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GOVERNMENT HOUSE, OTTAWA,

Monday, 22nd day of September, 1874.

*Present :*

HIS EXCELLENCY THE GOVERNOR GENERAL IN COUNCIL.

ON the recommendation of the Honorable the Minister of Marine and Fisheries, and under and in pursuance of the 15th section of "The Fisheries Act,"—

His Excellency, by and with the advice of the Queen's Privy Council for Canada, has been pleased to make the following Regulation:—

"The Upper Waters of the River Restigouche from the River Tomkedgwick to its source in the County of Restigouche, in the Province of New Brunswick, are hereby set apart for the natural and artificial propagation of fish."

W. A. HIMSWORTH,  
*Clerk, Privy Council.*

GOVERNMENT HOUSE, OTTAWA,

Tuesday, 22nd day of September, 1874.

*Present :*

HIS EXCELLENCY THE GOVERNOR GENERAL IN COUNCIL.

ON the recommendation of the Honorable the Minister of Marine and Fisheries, and under the provisions of the Act passed in the Session of Parliament of Canada, held in the 37th year of Her Majesty's Reign, chaptered 34, and intituled "An Act to provide for the appointment of Harbour Masters for certain ports in the Provinces of Quebec, Ontario, British Columbia and Prince Edward Island,"—

His Excellency, by and with the advice of the Queen's Privy Council for Canada, has been pleased to order, and it is hereby ordered, that the following Rules and Regulations for the Government of the Port of Gaspé, in the County of Gaspé, and Province of Quebec, and of the Office of Harbour Master for the said Port, be, and the same are hereby adopted:—

RULES AND REGULATIONS FOR THE GOVERNMENT OF THE PORT OF GASPÉ, IN THE PROVINCE OF QUEBEC.

*To which the Act 37 Vict., chap. 34 applies; and for the government of the Office of Harbour Master for the said Port.*

RULE I.—The following Rules and Regulations shall apply to the Port of Gaspé, in the County of Gaspé, and Province of Quebec, being framed under the provisions of the above named Act, intituled "An Act to pro-



*Marine and Fisheries.*

"vide for the appointment of Harbour Masters for certain ports in the Provinces of Quebec, Ontario, British Columbia and Prince Edward Island."

RULE II.—It shall be the duty of the Harbour Master of the said port in person, or by deputy duly authorized, to go on board of every ship or vessel of the burthen of fifty tons (registered tonnage) and upwards, which shall arrive within the said port, within twelve hours after the arrival of such ship or vessel, to see that she is moored only in such a manner or position as shall be assigned to her by the following Regulations. And it shall be lawful for such Harbour Master to ask, demand and receive, as a compensation for his services (vessels belonging to or employed by Her Majesty and the Government of the Dominion of Canada, and ships engaged in trading between ports and places in the Dominion or in the Fishing trade excepted) according to the following scale, and under the restrictions mentioned in the above named Act.

SCALE OF FEES.

For every ship of 200 tons or under (registered tonnage)..	\$1 00
For every ship of more than 200 tons, but not more than 300 tons (registered tonnage).....	3 00
For every ship of more than 300 tons, but not more than 400 tons, (registered tonnage,).....	3 00
For every ship of more than 400 tons.....	4 00

RULE III.—In case of any dispute arising between masters, owners or other persons engaged in hauling ships or vessels in or out of any of the docks or wharves, it shall be the duty of the Harbour Master, if called upon, to give such directions as he may think fit in respect to the same; and all masters, pilots or other persons having the charge or command of any ships or vessels shall comply with the directions of the Harbour Master or his deputy in these respects, under the penalty of twenty dollars for each and every neglect or refusal so to do.

RULE IV.—If any ship or vessel arriving and anchoring, or being moored or fastened to any wharf or vessel in the said harbour shall be so moored or placed as to be unsafe or dangerous to any other ship or vessel previously lying at anchor in the harbour, or moored or fastened as aforesaid, the Harbour Master, or his deputy, is hereby authorized and required to forthwith order and direct the situation of such ship or vessel so arriving and anchored, moored, or fastened as aforesaid, to be altered in such a manner as to prevent such insecurity and danger; and the master, pilot or other person having charge of such ship or vessel shall comply with the orders and directions of the Harbour Master, or his deputy, in this respect, under the penalty of twenty dollars for each and every offence.

RULE V.—Whenever the Harbour Master shall find ships or vessels at the wharves with main jib or spanker booms rigged out so as to incommodate other vessels, it shall be the duty of the Harbour Master to direct such to be rigged in, and in the event of non-compliance, all accidents to the same shall be at the risk of the persons so offending.

RULE VI.—No vessel shall be left without some person to take care of her, by night and by day, when anchored in the stream or in the harbour.



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RULE VII.—All vessels lying at anchor in the harbour shall keep a clear and bright light burning, at least six feet from the uppermost deck, from sunset until sunrise.

RULE VIII.—No ballast, stone, gravel, earth or rubbish of any kind, shall be unladen, cast or emptied out of, or thrown overboard from any ship or vessel whatever in the harbour, or at the entrance thereof (except in places set apart for that purpose by the Harbour Master) under the penalty of eighty dollars for each and every offence, to be paid by the owner, master or other person having the charge of any such ship or vessel.

RULE IX.—No ballast, stone, gravel, earth or rubbish of any kind shall be unladen, discharged, deposited, thrown or laid, either from any vessel, boat, scow or other such craft, or in any other manner, or by any person from any part of the beach or shore in any part of the harbour, or upon the beach and shore thereof, either below low water mark, or between high and low water mark, under the penalty of forty dollars for each and every offence, to be paid by the owner or owners, master or person having charge of any vessel, boat or scow or other craft, from which such master as aforesaid shall have been discharged, or by any other person or persons violating this law.

RULE X.—The penalty for violation of, or not conforming to the provisions of the law, and for disobeying the lawful orders or directions of the Harbour Master or his deputy in respect to any provision for which no penalty is hereinbefore prescribed, shall be twenty dollars, to be imposed upon the owner or persons in charge of the ship or vessel not conforming to the particular requirements,—which penalties and all other penalties in these Rules and Regulations contained may be recovered by the Harbor Master before any Police Magistrate, Stipendiary Magistrate, Justice of the Peace or County Court Judge having jurisdiction.

W. A. HILSWORTH,  
*Clerk, Privy Council.*

GOVERNMENT HOUSE, OTTAWA,

Tuesday, 22nd day of September, 1874.

*Present :*

HIS EXCELLENCY THE GOVERNOR GENERAL IN COUNCIL.

ON the recommendation of the Honorable the Minister of Marine and Fisheries, and under the provisions of the Act passed in the Session of the Parliament of Canada, held in the 36th year of Her Majesty's Reign, chaptered 129, and intituled "An Act respecting the Shipping of "Seamen,"—

His Excellency, by and with the advice of the Queen's Privy Council for Canada, has been pleased to order that the Order in Council of the 22nd day of October, A.D., 1873, in so far as the same provides for the establish-

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ment of a separate Shipping Office at the Port of Lunenburg, in the Province of Nova Scotia, and the appointment of William Young as Shipping Master thereat, be and the same is hereby cancelled.

His Excellency has also been pleased to order, and it is hereby ordered, that under the provisions of the 9th Section of the said Act, the business of the Shipping Office at the said Port of Lunenburg, be conducted at the Custom House, and that the Chief Officer of Customs at the said port, be the Shipping Master thereat, for all the purposes of the said Act.

W. A. HIMSWORTH,  
*Clerk, Privy Council.*

[L.S.] DUFFERIN.

## CANADA.

VICTORIA, by the Grace of God, of the United Kingdom of Great Britain and Ireland, QUEEN, Defender of the Faith, &c., &c., &c.

To all to whom these presents shall come, or whom the same may in anywise concern—GREETING:

## A PROCLAMATION.

T. FOURNIER, } WHEREAS it is in and by the Act passed in  
*Attorney-General, Canada.* } the Session of the Parliament of Canada, held in the 36th year of Our Reign, and intituled "An Act to provide for the appointment of Harbour Masters, for certain ports in the Provinces of Nova Scotia and New Brunswick," amongst other things in effect enacted, that the said Act shall apply to the Provinces of Nova Scotia and New Brunswick only, and to such ports and such ports only (except the Ports of Halifax and Pictou in Nova Scotia and St. John in New Brunswick) in either of the said Provinces as shall, from time to time, be designated for that purpose by Proclamation under the order or orders of the Governor in Council:

And whereas an order of the Governor in Council was passed on the Twenty-second day of September instant, appointing that the said Act shall be in force at the Port of Windsor, in the Province of Nova Scotia:—

Now Know Ye that We do, hereby, under and by virtue of the authority vested in Us by the said Act, and by and with the advice and approval of Our Privy Council of Canada, proclaim and declare that the Act hereinbefore mentioned and intituled "An Act to provide for the appointment of Harbour Masters for certain Ports in the Province of Nova Scotia and New Brunswick," shall henceforth be in force at, and with respect, to the Port of Windsor, in the Province of Nova Scotia, one of the Provinces of Our Dominion of Canada.

Of all which Our loving subjects, &c., &c.

In Testimony Whereof, &c., &c.

By Command.

Dated 24th September, 1874.

R. W. SCOTT,  
*Secretary of State.*

ORDERS IN COUNCIL, &c.

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DUFFERIN.

[L.S.]

CANADA.

VICTORIA, by the Grace of God, of the United Kingdom of Great Britain and Ireland, QUEEN, Defender of the Faith, &c., &c., &c.

To all to whom these presents shall come, or whom the same may in anywise concern—GREETING :

A PROCLAMATION.

T. FOURNIER, }  
*Attorney-General, Canada.* } WHEREAS it is in and by the Act passed in the Session of the Parliament of Canada, held in the 36th year of Our Reign intituled "An Act to provide for the appointment of Harbour Masters for certain ports in the Provinces of Nova Scotia and New Brunswick" amongst other things in effect enacted, that the said Act shall apply to the Provinces of Nova Scotia and New Brunswick only, and to such ports and such ports only (except the Ports of Halifax and Pictou in Nova Scotia, and St. John in New Brunswick) in either of the said Provinces, as shall, from time to time, be designated for that purpose by Proclamation under an order or orders of the Governor in Council :

And whereas an order of the Governor in Council was passed on the Twenty-second day of September instant, appointing that the said Act shall be in force at the Port of Bear River, in the County of Digby, in the Province of Nova Scotia :—

Now Know Ye that We do, hereby, under and by virtue of the authority vested in Us by the said Act and order of the Governor in Council respectively, proclaim and declare that the Act hereinbefore mentioned and intituled "An Act to provide for the appointment of Harbour Masters" for certain Ports in the Provinces of Nova Scotia and New Brunswick, shall henceforth be in force at, and with respect to, the Port of Bear River, in the County of Digby, in the Province of Nova Scotia, one of the Provinces of Our Dominion of Canada.

Of all which Our loving subjects, &c., &c.

In Testimony Whereof, &c., &c.

By Command.

R. W. SCOTT,

*Secretary of State.*

Dated 25th September, 1874.

*Marine and Fisheries.*

DUFFERIN.

[L. S.]

CANADA.

VICTORIA, by the Grace of God, of the United Kingdom of Great Britain and Ireland, QUEEN, Defender of the Faith, &c., &c., &c.

To all to whom these presents shall come, or whom the same may in any-wise concern—GREETING :

A PROCLAMATION.

T. FOURNIER, } WHEREAS it is in and by an Act passed in  
*Attorney-General, Canada.* } the Session of the Parliament of Canada,  
held in the 37th year of Our Reign, intituled "An Act to provide for the  
"appointment of Harbour Masters for certain ports in the Provinces of  
"Quebec, Ontario, British Columbia and Prince Edward Island" amongst  
other things in effect enacted, that the provisions of the said Act shall apply  
to the Provinces of Quebec, Ontario, British Columbia and Prince Edward  
Island only, and to such ports and such ports only in either of the said Pro-  
vinces as shall, from time to time, be designated for that purpose by Pro-  
clamation under an order or orders of the Governor in Council, except only  
the Ports of Quebec and Montreal, in the Province of Quebec, and of Toronto,  
in the Province of Ontario, to which the said provisions shall not apply :

And whereas an order of the Governor in Council was passed on the  
Twenty-second day of September instant, appointing that the said Act shall  
be in force at the Port of Gaspé in the Province of Quebec :—

Now Know Ye that We do, hereby, under and by virtue of the authority  
vested in Us by the said Act, and by the advice and approval of Our Privy  
Council for Canada, proclaim and declare that the Act hereinbefore men-  
tioned and intituled "An Act to provide for the appointment of Harbour  
"Masters for certain Ports in the Provinces of Quebec, Ontario, British  
"Columbia and Prince Edward Island" shall henceforth be in force at, and  
with respect to the Port of Gaspé, in the Province of Quebec, one of the Pro-  
vinces of Our Dominion of Canada.

Of all which Our loving subjects, &c., &c

In Testimony Whereof, &c., &c.

By Command.

R. W. SCOTT,

*Secretary of State.*

Dated 25th September, 1874,

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*Marine and Fisheries.*

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GOVERNMENT HOUSE, OTTAWA,

Friday, 9th day of October, 1874.

*Present :*

HIS EXCELLENCY THE GOVERNOR GENERAL IN COUNCIL.

WHEREAS by the 1st section of the Act passed in the 33rd year of Her Majesty's Reign, and intituled "An Act respecting the Coasting Trade of Canada," it is, amongst other things, enacted that no goods or passengers shall be carried by water from one port of Canada to another, except in British ships :

And whereas, by the 2nd section of the said Act it is further enacted that the Governor in Council may, from time to time, declare that the foregoing provisions of that Act shall not, while such Order in Council is in force, apply to the ships or vessels of any foreign country in which British ships are admitted to the coasting trade of that country, and permitted to carry goods and passengers from one port or place in such country to another :

And whereas, it has been ascertained that British ships are allowed to participate in the coasting trade of the Netherlands on the same footing as vessels of that country :

His Excellency, by and with the advice of the Queen's Privy Council for Canada, and on the recommendation of the Honorable the Minister of Marine and Fisheries, has been pleased to order and declare, and it is hereby ordered and declared, that the provisions of the said above recited Act shall not apply to the ships or vessels of the Netherlands, but that such vessels shall be and they are hereby admitted to the coasting trade of the Dominion of Canada on the same terms and conditions as are applicable to Canadian vessels.

W. A. HIMSWORD,

*Clerk, Privy Council.*

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QUEBEC HARBOUR.

BY-LAW TO PREVENT INJURY TO THE COMMISSIONERS' WHARVES BY RAPID TRAVEL OVER THEM.

*Province of Quebec.*

AT a meeting of the Quebec Harbour Commissioners, held in their office in the Lower Town of the City of Quebec, in the said Province of Quebec, being their usual place of sitting, on Tuesday, the eleventh, and Saturday, the fifteenth days of August, in the year of Our Lord One thousand eight

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hundred and seventy-four, at which meeting not less than five members of the Corporation were present, namely :—

The Honorable JOHN SHARPLES, President ;  
 THOMAS H. GRANT, Esq.,  
 JAMES G. ROSS., Esq.,  
 JULIEN CHABOT, Esq.,  
 JOS. H. SIMMONS, Esq.,  
 ALEX. FRASER, Esq.,  
 JOHN GIBLIN, Esq.

Whereas it is expedient for the prevention of injury and damage to the wharves known as Point à Carcy, East Indies, West Indies, Wellington, Atkinson, Marmette, Reynar, and others within the Harbour of Quebec, the property of this Corporation, by the too rapid travel over the same of carts and other vehicles :—

It is resolved—That any person who, either on horseback or in or with any carriage, calash, cart, truck, or other vehicle whatsoever, shall drive at a trot or gallop over or upon the said wharves, or who shall thereupon drive any horse or cattle of any description at any other pace than a walk, shall incur a forfeiture and penalty of not exceeding fifty dollars, or thirty days imprisonment.

JOHN SHARPLES, *President.*  
 J. B. MARTEL, *Secretary*

The foregoing By-law was submitted to and approved by His Excellency the Governor General in Council on the 9th day of October, 1874.

W. A. HIMSWORTH,  
*Clerk, Privy Council.*

Privy Council Office,  
 Ottawa, 10th October, 1874.

THE BY-LAWS OF THE PILOTAGE AUTHORITY OF THE  
 PILOTAGE DISTRICT OF SAINT. JOHN.

Sec. 1. Every person now acting or holding a license as a Pilot for the Harbor or Port of Saint John, shall forthwith surrender the same to the Pilotage authority of Saint. John, under the Pilotage Act of 1873, and shall, if legally entitled thereto, receive a license as a Pilot for the district of Saint John, on the payment of a license fee of five dollars (\$5.)

2. Every person not already licensed applying to be licensed as a Pilot for the Pilotage District of Saint John, must make application to the Secretary at the office of the Pilotage authority (on the printed form) and be a resident of the City or County of Saint. John, of not less than 21 years of age, and shall have continuously served as an indentured apprentice (approved by the Pilotage authority,) in a licensed pilot boat, for a term of not

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less than five years, and shall have made two round voyages to Europe and back, in full-rigged sailing vessels, as an articulated seaman, and shall produce certificates from the masters of the vessels in which he has made the voyages as to his capability as a seaman; also, a certificate of good character while serving his apprenticeship from the Pilot to whom he was indentured, and shall be examined before examiners appointed for that purpose by the Pilotage authority, and at that examination shall answer such questions and show such fitness as will warrant them in giving him a certificate of his competency to perform all the duties of a Pilot in the pilotage district: and a license shall forthwith issue to such person, on payment of the expense of such examination and a fee of five dollars.

3. If any licensed Pilot shall offer his services to any ship or vessel appearing off or within the Pilotage District, or intending to come, or which shall come into port or Harbour of Saint John, and be refused, no other licensed Pilot being on board or having previously offered his services to such ship or vessel, such Pilot so refused shall be entitled to demand and receive the same rate of pilotage as if he had been actually employed to pilot such ship or vessel into the port or harbour, provided such services are offered before such ship or vessel comes abreast of the Island Rock, so-called, at the east end of Partridge Island, bearing west from such vessel. And if any licensed Pilot shall offer his services to any ship or vessel outward bound, after such ship or vessel shall be cleared at the Custom House, and before being under weigh, no other licensed Pilot being on board or engaged to pilot out such ship or vessel, such Pilot so offering shall be entitled to demand and receive the pilotage dues in like manner as if actually employed; and if any licensed Pilot shall have been previously engaged, such Pilot so engaged shall be entitled to demand and receive the pilotage dues whether afterwards employed to pilot out such vessel or not; provided such licensed Pilot shall be in readiness and offer to take charge of such vessel when taking her departure.

4. Every licensed Pilot shall be the registered owner of not less than four registered tons of a licensed pilot-boat in actual service, of not less than thirty tons register, under pain of suspension of his license, except as hereinafter provided for, tonnage of vessels now used and authorized by law.

5. Licensed Pilots to be entitled to and receive the amount of pilotage dues, &c., earned by each individually, less the percentage, as hereinafter provided.

6. The senior Pilot in his turn on board a licensed pilot-boat must board the nearest vessel signalling or asking for a pilot, or exchange turns with one who will do so, unless there should be a vessel in sight with a signal of distress flying, in which case the Pilot on board the pilot-boat whose turn it is must be put on board the vessel in distress, or exchange turns with one who will do so.

7. Any Pilot piloting a vessel from sea shall be entitled to pilot her to sea when she next leaves port, unless on complaint of the master or owner or agent of the said vessel the Pilotage authorities direct otherwise.

8. On proof on oath to the satisfaction of the Pilotage authority that any Pilot licensed by them has been guilty of any improper conduct, drunkenness or wilful neglect of duty, or that he is incapacitated by age or



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mental or bodily infirmity, said Pilot shall be suspended or deprived of his license at the discretion of the Pilotage authority.

9. The Pilot shall report to the Secretary at the Pilot Office of the Pilotage authority on the forms furnished him, the name, tonnage, rig, nationality, where from, draught of water, &c., of every vessel piloted by him from sea, where boarded, and what extra services, if any, were rendered; to which report he shall if possible obtain the master's signature. He shall also report all vessels spoken by him which have refused to accept his services, and shall also report any casualty or accident that may have happened to any vessel under his charge, or any other matter of importance connected with vessels coming under his observation, and shall also report when any of the buoys are not in their places, or any of the light-houses not lighted at the proper time, or fog-whistles not sounded in thick weather, which report shall be made as above, immediately after his arrival, or as soon as office hours will permit.

10. The following vessels are to be exempted from compulsory pilotage: All vessels registered in the Dominion of Canada, of 150 tons and under, and all vessels outward bound beyond the first district.

11. If any Pilot shall be employed in the removal of any ship or vessel within the said port or harbour of Saint John, from any mooring ground to any wharf or from any wharf to any mooring ground, or from one wharf to another wharf, and such Pilot shall see the said vessel properly secured and moored, he shall be entitled to demand and receive for such services, as follows:

*One dollar fifty cents* for vessels not over 100 tons. *Two dollars* for vessels over 100 tons and not exceeding 200 tons. *Three dollars* for vessels over 200 tons and not exceeding 300 tons. *Four dollars* for all vessels over 300 tons and not exceeding 400 tons, and *twenty-five cents* additional for every fifty tons such vessel may measure over 400 tons.

12. The rates of pilotage for the Pilotage District of the Port or Harbour of Saint John, inwards, shall be as follows:—

1st District, from Partridge Island to Musquash Head, bearing N.W., per foot, *one dollar*.

2nd District, from Musquash Head to Point Lepreaux, N.W., per foot, *one dollar and twenty-five cents*.

3rd District, from Point Lepreaux to North Head, Grand Manan, N.W., or North Channel, S.W., per foot, *one dollar and fifty cents*.

4th District, from North Head of Grand Manan or North Channel, as aforesaid, to Machias Seal Island, south, or Brier's Island, S.E., per foot, *one dollar and seventy-five cents*.

5th District, shall be from the outside limit of the fourth district, to a bound ranging with Mount Desert and Cape Sable, Seal Island, bearing north-west and south-east, being outside limits of the Pilotage District, per foot, *two dollars and twenty-five cents*.

Outward Pilotage, from the Harbour of the Port of Saint John to outside of Partridge Island, shall be *one dollar* per foot.

Pilotage down the Bay of Fundy, when required, shall be *two dollars* per foot over and above the one dollar Harbour pilotage outward.

13. No Pilot shall, outside of the Pilotage District, board or go on-board



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of a ship or vessel for the purpose of piloting her, except from a licensed pilot-boat, unless on an application by the owners, master, consignee or agent of a ship wishing to be piloted, the Pilotage authority in their discretion may issue a permit in writing, signed by the Secretary, naming the Pilot to be permitted and the ship to be so boarded or piloted,—which permit shall, if required by any Pilot or other person interested, be shown and read to them by the Pilot to whom it is granted, who shall have the same on his person while performing the duty permitted, and shall return it when used to the Secretary of the authority, who shall file the same. Any Pilot receiving such permit shall be considered to lose his next turn on board the licensed pilot-boat to which he is attached. Any licensed Pilot speaking a vessel having a Pilot on board, who has gone on board without a permit, as above provided, shall be entitled to the pilotage of the ship or vessel, and not the Pilot improperly being on board.

14. Every person wishing to become an indentured apprentice to a licensed Pilot must make application on the proper form in his own handwriting to the Secretary, and have the rudiments of an ordinary English education, and be of good moral character, and approved of by the Pilotage authority, and on such approval be indentured to a licensed Pilot to serve for a term of not less than five years as a pilot apprentice on board of a Saint John licensed pilot-boat, under the direction and control of his indentured master, or in his absence of the senior licensed Pilot from time to time who may be on board said pilot-boat, the conditions to be contained in the indentures to be subject to the approval of the Pilotage authority.

15. All boats to be licensed as pilot-boats shall be of not less than *thirty tons* register (except as hereinafter provided), and shall be surveyed, and if satisfactory and recommended, shall be licensed for a term of not exceeding one year, on the payment of a license fee of ten dollars (\$10.)

All licensed pilot-boats at the end or immediately before the expiring of the above named year, shall again be surveyed, and if found satisfactory to the Pilotage authority, shall have their licenses renewed for a term not exceeding one year, which survey and examination shall be continued from year to year on the payment of an annual license fee of ten dollars (\$10): provided always, that registered vessels of fifteen tons or upwards, at present used as pilot-boats, shall be licensed as pilot-boats for twelve months, after proper survey and recommendation and confirmation of the Pilotage authority, after which no boat shall be licensed of less than thirty tons register, as above mentioned, and on payment of a license fee of ten dollars (\$10.)

16. Every licensed pilot-boat shall have on board and attached to her one or more life-boats and one or more other suitable boats for the conveyance of pilots to and from vessels, and rendering assistance to vessels in distress; also, one or more life-preservers for each Pilot and apprentice belonging and attached to said licensed pilot-boat.

17. All licensed pilot-boats shall have conspicuous numbers in the sails, such numbers and sails to be designated by the Pilotage authority.

18. Any licensed pilot-boat that may, at any time, on examination by the Pilotage authority, be found in any way unfit for the service for which she is licensed shall have her license suspended until she is made and fitted

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out to the satisfaction of the Pilotage authority, and the license so suspended shall, during such suspension, be lodged with the Secretary in the office of the Pilotage authority.

19. The owners of each licensed pilot-boat must select a master from among themselves, whose name, as master, shall be endorsed on the register by the Customs authority, the said master to report the same to the Pilotage authority, and, if approved, a license shall be granted, as herein provided, and the said master's name endorsed thereon; and the said master shall be the custodian of both the register and the license of the said boat; and in case of a vacancy caused by the withdrawal or death of the said master, or from any other cause, another master shall forthwith be appointed in the manner above named, who shall also make a report thereof to the Pilotage authority and have his name endorsed on the license.

20. The earnings or Pilotage dues earned by each Pilot shall be paid to the Secretary and Treasurer of the Pilotage authority, who shall pay the same over to the Pilot earning such dues, less  $2\frac{1}{2}$  per cent. to be carried to the pilot fund of the district, and applied as directed by the Pilotage Act, 1873.

21. Any licensed Pilot not complying with the By-laws or evading the sense, intent or meaning of any or either of them, shall be liable to a penalty not exceeding forty dollars for the breach of such By-law, with, in case of a continuing breach, a further penalty not exceeding four dollars for every twenty-four hours during which such breach continues, and shall be liable to have his license withdrawn or suspended, at the discretion of the Pilotage authority.

JAMES A. HARDING,  
HOWARD D. TROOP,  
J. WALTER SCAMMELL,  
W. E. VROOM,  
THOMAS M. REED,  
THOMAS McAVITY,  
C. WATSON.

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PRIVY COUNCIL OFFICE,

OTTAWA, 6th day of November, 1874.

I hereby certify that the foregoing By-laws were submitted and approved by His Excellency the Governor General in Council on the 4th day of November, instant.

W. A. HIMSWORTH,  
*Clerk, Privy Council.*

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ORDERS IN COUNCIL, &c.

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*Marine and Fisheries.*

GOVERNMENT HOUSE, OTTAWA,

Thursday, 5th day of November, 1874.

*Present :*

HIS EXCELLENCY THE GOVERNOR GENERAL IN COUNCIL.

**W**HEREAS by the 1st section of the Act passed in the 33rd year of Her Majesty's Reign, intituled "An Act respecting the Coasting Trade of "Canada," it is amongst other things enacted that no goods or passengers shall be carried by water from one Port of Canada to another, except in British ships :

And whereas, by the 2nd section of the said Act, it is further enacted that the Governor in Council may, from time to time, declare that the foregoing provisions of that Act shall not, while such Order in Council is in force, apply to the ship or vessels of any foreign country in which British ships are admitted to the coasting trade of that country and permitted to carry goods and passengers from one port or place in such country to another :

And whereas, it has been ascertained that British ships are allowed to participate in the coasting trade of Sweden and Norway, on the same footing as the vessels of that country,—

His Excellency, by and with the advice of the Queen's Privy Council for Canada, and on the recommendation of the Honorable the Secretary of State, has been pleased to order and declare, and it is hereby ordered and declared, that the provisions of the said above recited Act shall not apply to the ships or vessels of Sweden and Norway, but that such vessels shall be, and they are hereby admitted to the coasting trade of the Dominion of Canada on the same terms and conditions as are applicable to Canadian vessels.

W. A. HIMSWORTH,

*Clerk, Privy Council.*

GOVERNMENT HOUSE, OTTAWA,

Friday, 6th day of November, 1874.

*Present :*

HIS EXCELLENCY THE GOVERNOR GENERAL IN COUNCIL.

**O**N the recommendation of the Honorable the Minister of Marine and Fisheries, and under the provisions of the 4th section of the Act passed in the Session of the Parliament of Canada, held in the 36th year of Her Majesty's Reign, chaptered 55, and intituled : "An Act respecting Wrecks "and Salvage,—"

His Excellency, by and with the advice of the Queen's Privy Council for Canada, has been pleased to order, and it is hereby ordered, that a District be formed for the County of L'Islet, in the Province of Quebec, and that Phileas Sirois, Esquire, of L'Islet, be appointed Receiver of Wrecks for the District referred to.

W. A. HIMSWORTH,

*Clerk, Privy Council.*

ORDERS IN COUNCIL, &c.

*Marine and Fisheries.*

GOVERNMENT HOUSE, OTTAWA,

Friday, 6th day of November, 1874.

*Present:*

HIS EXCELLENCY THE GOVERNOR GENERAL IN COUNCIL.

ON the recommendation of the Honorable the Minister of Marine and Fisheries, and under the provisions of the 4th section of the Act passed in the Session of the Parliament of Canada, held in the 36th year of Her Majesty's Reign, chaptered 55, and intituled "An Act respecting Wrecks and Salvage,—"

His Excellency, by and with the advice of the Queen's Privy Council for Canada, has been pleased to order, and it is hereby ordered, that a District be formed for the County of Bellechasse, in the Province of Quebec, and that Marcel Rousseau, Esquire, Merchant, of St. Michel, be appointed Receiver of Wreck for the District referred to. Also that the County of Montmagny, in the said Province, be established as a District for the purposes of the Act, and that François Xavier Talbot, Esquire, Notary of St. Thomas, be appointed Receiver of Wreck for that District.

W. A. HIMSWORTH,

*Clerk, Privy Council.*

RULES AND REGULATIONS

*For the government of the Port of Bridgewater in Nova Scotia, and of the Office of Harbour Master of the said Port.*

RULE I.—It shall be the duty of the Harbour Master of the said port, in person or by deputy duly authorized, to go on board of every ship or vessel of the burthen of fifty tons (registered tonnage) and upwards, which shall arrive within the Port of Bridgewater within twelve hours after arrival of such ship or vessel, to see that she is moored only in such manner or position as shall be assigned to her by the following regulations. And it shall be lawful for such Harbour Master to ask, demand and receive, as a compensation for his services (vessels belonging to or employed by Her Majesty and the Government of the Dominion of Canada, and ships engaged in trading between ports and places in the Dominion or in the Fishing trade excepted.) according to the following scale, and under the restriction mentioned in the Act 36 Vict., Chap. 9, intituled "An Act to provide for the appointment of Harbour Masters for certain ports in the Provinces of Nova Scotia and New Brunswick."

SCALE OF PRICES.

For every ship of 200 tons or under (registered tonnage)	\$1 00
For every ship of more than 200 tons, but not more than 300 tons (registered tonnage).....	2 00
For every ship of more than 300 tons, but not more than 400 tons (registered tonnage).....	3 00
For every ship of more than 400 tons.....	4 00

*Marine and Fisheries.*

RULE II.—In case of any dispute arising between masters, owners or other persons engaged in hauling ships or vessels in or out of any of the docks or wharves, it shall be the duty of the Harbour Master, if called upon, to give such directions in respect to the same as he may think fit; and all masters, pilots or other persons having the charge or command of any ship or vessel, shall comply with the directions of the said Harbour Master or his deputy in these respects, under the penalty of twenty dollars for each and every neglect or refusal so to do.

RULE III.—If any ship or vessel arriving and anchoring or being so moored or fastened to any wharf or vessel in the said harbour, shall be so moored or placed as to be unsafe and dangerous to any other ship or vessel previously lying at anchor in the said harbour, or moored or fastened as aforesaid, the said Harbour Master or his deputy is hereby authorized and required to forthwith order and direct the situation of such ship or vessel so arriving and anchored, moored or fastened as aforesaid, to be altered in such a manner as to prevent such insecurity and danger; and the master, pilot, or other person having charge of such ship or vessel, shall comply with the orders and directions of the said Harbour Master or his deputy in this respect, under the penalty of twenty dollars for each and every offence.

RULE IV.—Whenever it shall happen that any ship or vessel is short of hands, so that she cannot be moored when ordered, under the provisions of this By-law, it shall and may be lawful for the Harbour Master to employ a sufficient number of hands to effect such removal, and to remove or assist in removing such vessel as required or may be necessary, and that at the expense of the vessel.

RULE V.—All ships or vessels loading or discharging in the stream coals, ballast and such like materials, shall have a sufficient piece of canvas or tarpaulin so placed as to prevent any portion thereof from falling into the harbour, under the penalty of twenty dollars for each and every offence, to be paid by the owner, master or person in charge of such ship or vessel.

RULE VI.—Whenever the Harbour Master shall find ships or vessels at the wharves with main, jib or spanker boom rigged out so as to incommodate other vessels, it shall be the duty of the said Harbour Master to direct such to be rigged in, and the yards of all vessels shall be cockbilled or braced in when the same shall be required by the Harbour Master, and in the event of non-compliance with this rule, all accidents caused by the same shall be made good by the persons so offending.

RULE VII.—No vessel shall be left without some person to take care of her, by night and by day, when anchored in the stream.

RULE VIII.—All vessels lying at anchor in the harbour shall keep a clear and bright light burning, at least six feet above the uppermost deck from sunset until sunrise.

RULE IX.—No vessel lying in the stream shall have any tow line, hawser, or other things made fast to any wharf or to the shore except for the purpose of hauling in and out.

RULE X.—No ballast, stone, gravel, earth or rubbish of any kind, shall be unladen, emptied out of or thrown overboard from any ship or vessel whatever in the Harbour of Bridgewater, or at the entrance thereof (except in-

*Marine and Fisheries.*

places set apart for that purpose by the Harbour Master) under the penalty of fifty dollars for each and every offence, to be paid by the owner, master or other person having the charge of any such ship or vessel.

**RULE XI.**—No ballast, stone, gravel, earth, or other rubbish of any kind shall be unladen, discharged, deposited, thrown or laid, either from any vessel, boat, scow or other such craft, or in any other manner, or by any person, from any part of the beach or shore thereof, into any part of the harbour, or upon the beach and shore thereof, either below low water mark, or between high and low water mark, under the penalty of forty dollars for each and every offence to be paid by the owner or owners, master or person having charge of any vessel, boat or scow, or other craft from which such matter as aforesaid shall have been discharged, or by any other person or persons violating this law.

**RULE XII.**—It shall be the duty of the Harbour Master to see that those persons engaged in lumbering and rafting logs, have their buoys, piers and booms so placed and arranged as to leave at all times a clear passage in main channel, of not less than two hundred feet for ships and vessels to navigate; and that any buoys, piers and booms that are now obstructions to the navigation of the harbour be removed by the person or persons who placed or caused the same to be placed there, or by the representatives in ownership or possession of the property, on account of which such buoys, piers or booms were so placed, when requested to do so by the Harbour Master, under the penalty of fifty dollars for each and every neglect or refusal so to do. And on failure so to do within fifteen days after notice given it shall be the duty of the Harbour Master to effect such removal, at the expense of the person or persons who placed or caused the same to be placed there, or by the representative in ownership or possession of the property on account of which such buoys, piers and booms were so placed.

**RULE XIII.**—The penalty for violation of, or not conforming to the provisions of the law, and for disobeying the lawful order or directions of the Harbour Master, in respect to any provisions for which no penalty is hereinbefore prescribed, shall be forty dollars, to be imposed upon the owner or person in charge of the ship or vessel not conforming to the particular requirement.

PRIVY COUNCIL OFFICE,

OTTAWA, 6th day of November, 1874.

I hereby certify that the foregoing Rules and Regulations were submitted to and approved by His Excellency the Governor General in Council, on the fourth day of November instant.

W. A. HIMSWORTH,

Clerk, Privy Council.



*Marine and Fisheries.*

## PROVINCE OF QUEBEC.

**A**T a meeting of the Quebec Harbour Commissioners, held in their office in the Lower Town of the City of Quebec, in the said Province of Quebec, being their usual place of meeting, on Thursday, the Twentieth day of November, in the year of Our Lord One thousand eight hundred and seventy-three, at which meeting not less than five members of the Corporation were present, namely:—

John Sharples, Esq., President;  
John Gilmour, Esq.,  
T. H. Grant, Esq.,  
John Giblin, Esq.,  
Th. LeDroit, Esq.,  
Jas. G. Ross, Esq.

It is resolved,—That whereas it is expedient for the said Corporation, in addition to the tolls, rates, duties and dues, which they are empowered to impose and levy by the Act of the Legislature of the late Province of Canada, passed in the twenty-second year of Her Majesty's reign, and intituled "An Act to provide for the improvement and management of the Harbour of Quebec," and by the Act of the said late Province of Canada, passed in the twenty-fifth year of Her Majesty's Reign, and intituled "An Act to amend an Act to provide for the improvement and management of the Harbour of Quebec" to impose, fix and establish and to levy tolls, rates, duties and dues upon the vessels and articles hereinafter mentioned, the following by-laws are hereby ordained and enacted by the said Quebec Harbour Commissioners:—

1st. Every steamer plying between Quebec, or any place on the River St. Lawrence above Quebec, or any port or ports in the Gulf of St. Lawrence, or in Gaspé, the Bay of Chaleurs, New Brunswick or Nova Scotia, Prince Edward Island or Newfoundland, shall pay a tonnage duty of one cent per ton per trip; but such steamer shall not be liable to the tonnage duty under the Act last cited.

2nd. Every tow-boat and steamers of twelve tons and under, plying in the Harbour and Port of Quebec, shall pay for the season the sum of ten dollars.

3rd. Every tow-boat and steamer over twelve tons, plying in or to the Harbour of Quebec, shall pay for the season the sum of fifteen dollars.

4th. Every ferry-steamer and small market steamer plying in or to the Harbour of Quebec, shall pay for the season the sum of ten dollars.

5th. Every steamer of the Richelieu Company and every steamer plying between Quebec and Montreal, for the season shall pay one hundred and fifty dollars; and every other steamer trading to other places west of Montreal and not being daily boats, shall pay the sum of three dollars per trip.

6th. Every steamer plying between Quebec and places on the River St. Lawrence, below the Harbour of Quebec or above the same, but below Montreal, or places on the River Richelieu, or the River Saguenay, shall pay for the season the sum of fifty dollars.

7th. Every schooner and barge of from twenty-five to one hundred

ORDERS IN COUNCIL, &c.

*Marine and Fisheries.*

tons, for each time the vessel uses the Harbour of Quebec, shall pay one dollar, or for the season five dollars; and every schooner and barge from one hundred to two hundred and fifty tons, shall pay two dollars per trip and ten dollars per annum.

8th. Every steamer and sailing vessel entering and using the said harbour not included in the foregoing provisions, and which do not pay dues to the Corporation under the Acts hereinbefore cited, shall pay for every day of twenty hours, if of or under one thousand tons, one half cent, and if over one thousand tons, one quarter of a cent per ton per day, with power to the Commissioners to commute this for an annual tax (the tonnage in case of registered vessels to be their tonnage per register.)

9th. All goods, wares, and merchandise of any kind whatsoever, including timber, lumber and wood goods of every kind, imported into or exported from the Port of Quebec, by sea, to or from any place out of the Province of Quebec, shall pay at a rate one-tenth of one per cent. on the invoice value thereof. Providing always, that vessels coming from or going to Montreal, and merely passing through the Harbour of Quebec, and not landing any cargo or taking any on board, shall not be liable to any tonnage dues under this by-law; and in cases where a portion of the cargo is landed or transhipped, shall be liable to dues; and in the case of any vessel taking part of her cargo on board at Quebec, only such portion as is taken on board shall be liable to dues.

JOHN SHARPLES,  
*President.*

J. B. MARTEL,  
*Secretary.*

GOVERNMENT HOUSE, OTTAWA,

Thursday, 12th day of November, 1874.

*Present :*

HIS EXCELLENCY THE GOVERNOR GENERAL IN COUNCIL.

ON the recommendation of the Honorable the Minister of Marine and Fisheries, and under the provisions of the 4th section of the Act passed in the Session of the Parliament of Canada, held in the 36th year of Her Majesty's Reign, chaptered 55, and intituled "An Act respecting Wreck and Salvage,"—

His Excellency, by and with the advice of the Queen's Privy Council for Canada, has been pleased to order, and it is hereby ordered, that a District be formed extending from Point Traverse to Petticoat Point, in the County of Prince Edward, and Province of Ontario; and that Mr. John G. Hicks, of Marysburg, Fishery Overseer, be appointed Receiver of Wreck for that District. Also that a District be formed extending from Petticoat Point to West Point, in the same County and Province; and that

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*Marine and Fisheries.*

Mr. William Anson Palen, of Point Peter, Light House Keeper, be appointed Receiver of Wreck for that District.

Further, that a District be formed extending from West Point to Con-  
secon, in the same County and Province; and that Mr. David Conger, of  
Hallowell, farmer, be appointed Receiver of Wreck for that District.

W. A. HIMSWORTH,

*Clerk, Privy Council.*

GOVERNMENT HOUSE, OTTAWA,

Wednesday, 2nd day of December, 1874.

*Present :*

HIS EXCELLENCY THE GOVERNOR GENERAL IN COUNCIL.

ON the recommendation of the Honorable the Minister of Marine and Fisheries, and under the provisions of the 9th section of the Act passed in the Session of the Parliament of Canada, held in the 36th year of Her Majesty's Reign, chaptered 129, and intituled "An Act respecting the Ship-  
"ping of Seamen," and the 4th section of the Act 37 Vict., chap. 27, inti-  
tuled "An Act to extend certain Acts therein mentioned to the Province  
"of Prince Edward Island,"—

His Excellency, by and with the advice of the Queen's Privy Council for Canada, has been pleased to order, and it is hereby ordered, that at such places in the Province of Prince Edward Island where no separate Shipping Office is established, the business of the Shipping Office be conducted at the Custom House, and such Custom House for all purposes be deemed a Shipping Office, and the Chief Officers of the Customs at these places be Shipping Masters, and be held and deemed to have been appointed as such within the meaning of the Act.

W. A. HIMSWORTH,

*Clerk, Privy Council.*

*Marine and Fisheries.*

RULES AND REGULATIONS

*For the government of certain Ports in the Provinces of Nova Scotia, New Brunswick, Quebec, Ontario, British Columbia and Prince Edward Island, to which the Acts 86 Vict., chap. 9, and 87 Vict., chap. 34 apply; and for the government of the Office of Harbour Master for the said Ports.*

RULE I.—The following Rules and Regulations shall apply to each and every port which has been or hereafter may be proclaimed by an order of the Governor in Council under the provisions of the above named Acts, intitled respectively "An Act to provide for the appointment of Harbour Masters for certain Ports in the Provinces of Nova Scotia, and New Brunswick," and "An Act to provide for the appointment of Harbour Masters for certain Ports in the Provinces of Quebec, Ontario, British Columbia and Prince Edward Island," unless and until other Rules and Regulations be authorized in such order or subsequent Order in Council.

RULE II.—It shall be the duty of each Harbour Master of the said ports, in person, or by deputy duly authorized, to go on board of every ship or vessel of the burthen of twenty tons (registered tonnage) and upwards, which shall arrive within the said ports, within twelve hours after the arrival of such ship or vessel, to see that she is moored only in such a manner or position as shall be assigned to her by the following Regulations. And it shall be lawful for such Harbour Master to ask, demand and receive, as a compensation for his services (vessels belonging to or employed by Her Majesty and the Government of the Dominion of Canada, and ships engaged in trading between ports and places in the Dominion or in the fishing trade excepted) according to the following scale, and under the restrictions mentioned in the above named Acts:—

SCALE OF FEES.

For every ship or vessel of 20 tons, but not more than 80 tons (registered tonnage).....	\$0 50
For every ship of 80 tons, but not more than 200 tons (registered tonnage).....	1 00
For every ship of more than 200 tons, but not more than 300 tons, (registered tonnage).....	2 00
For every ship of more than 300 tons, but not more than 400 tons (registered tonnage).....	3 00
For every ship of more than 400 tons.....	4 00

RULE III.—In case of any dispute arising between masters, owners or other persons engaged in hauling ships or vessels in or out of any of the docks or wharves, it shall be the duty of the Harbour Master, if called upon, to give such directions as he may think fit in respect to the same; and all masters, pilots or other persons having the charge or command of any ships or vessels, shall comply with the directions of the Harbour Master or his deputy in these respects, under the penalty of twenty dollars for each and every neglect or refusal so to do.

RULE IV.—If any ship or vessel arriving and anchoring, or being

*Marine and Fisheries.*

moored or fastened to any wharf or vessel in the harbour, shall be so moored or placed as to be unsafe or dangerous to any other ship or vessel previously lying at anchor in the harbour, or moored or fastened as aforesaid, the Harbour Master or his deputy is hereby authorized and required to forthwith order and direct the situation of such ship or vessel so arriving and anchored, moored or fastened as aforesaid, to be altered, in such a manner as to prevent such insecurity and danger; and the master, pilot or other person having charge of such ship or vessel shall comply with the orders and directions of the Harbour Master or his deputy in this respect, under the penalty of twenty dollars for each and every offence.

RULE V.—Any person or persons who may moor or fasten to, or in any manner injure, alter or change any of the public buoys, shall, on conviction, pay a penalty of twenty dollars, besides being held liable to any damage sustained.

RULE VI.—Whenever it shall happen that any ship or vessel is short of hands, so that she cannot be moved when ordered, it shall and may be lawful for the Harbour Master to employ a sufficient number of hands to effect such removal, and to remove or assist in removing such vessel as required or as may be necessary—and that at the expense of such vessel.

RULE VII.—The Harbour Master shall have power to order the removal of any scow, boat or other vessel, loaded or unloaded, or anything calculated to interfere with the moving or mooring of vessels from any part of the harbour to any other part thereof, and the owner of such scow, boat, etc., or person in charge thereof, failing to make such removal in one hour after being notified so to do, shall forfeit and pay a sum not exceeding ten dollars, nor less than five dollars, and after one hour shall have lapsed the Harbour Master shall have power to make the removal and charge the person notified for so doing.

RULE VIII.—Whenever the Harbour Master shall find ships or vessels at the wharves with main jib or spanker booms rigged out so as to incommode other vessels, it shall be the duty of the Harbour Master to direct such to be rigged in, and in the event of non-compliance, all accidents to the same shall be at the risk of the persons so offending.

RULE IX.—No vessel shall be left without some person to take care of her, by night and by day, when anchored in the stream or in the harbour.

RULE X.—All vessels lying at anchor in the harbor shall keep a clear and bright light burning, at least six feet from the uppermost deck, from sunset until sunrise.

RULE XI.—All ships or vessels loading or discharging in the stream—coals, ballast and such like materials, shall have a sufficient piece of canvas or tarpaulin so placed as to prevent any portion thereof from falling into the harbour, under the penalty of twenty dollars for each and every offence, to be paid by the owner, master, or person in charge of such ship or vessel.

RULE XII.—No ballast, stone, gravel, earth or rubbish of any kind, shall be unladen, cast or emptied out of, or thrown overboard, from any ship or vessel whatever in the harbour, or at the entrance thereof (except in places set apart for that purpose by the Harbour Master and under his direction), under the penalty of fifty dollars for each and every offence, to

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*Marine and Fisheries.*

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be paid by the owner, master or other person having charge of any such ship or vessel.

RULE XIII.—In places set apart by the Harbour Master for the deposit of ballast, etc., it is hereby required that no ballast, stone, gravel, earth, or rubbish of any kind shall be unladen, discharged, deposited, thrown or laid before sunrise or after sunset, under a penalty of forty dollars for each and every offence.

RULE XIV.—No ballast, stone, gravel, earth or rubbish of any kind shall be unladen, discharged, deposited, thrown or laid, either from any vessel, boat, scow or other such craft, or in any other manner, or by any person, from any part of the beach or shore into any part of the harbour, or upon the beach and shore thereof, either below low water mark, or between high and low water mark, under the penalty of forty dollars for each and every offence, to be paid by the owner or owners, master or person having charge of any vessel, boat or scow, or other craft from which such matter as aforesaid shall have been discharged, or by any other person or persons violating this law.

RULE XV.—Any person or persons who shall or may hinder, oppose, molest or obstruct the Harbour Master, his deputy or any of his assistants in the discharge of his or their duty, shall, on conviction, pay a penalty of forty dollars for each and every offence.

RULE XVI.—The penalty for violation of, or not conforming to the provisions of the law, and for disobeying the lawful orders or directions of the Harbour Master or his deputy in respect to any provision for which no penalty is hereinbefore prescribed, shall be twenty dollars, to be imposed upon the owner or person in charge of the ship or vessel not conforming to the particular requirements.

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PRIVY COUNCIL CHAMBER,

OTTAWA, December 3rd, 1874.

The foregoing Rules and Regulations were submitted to and approved by His Excellency the Governor General in Council, on the 2nd day of December, instant.

W. A. HIMSWORTH,

*Clerk, Privy Council.*

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*Marine and Fisheries.*

## RULES AND REGULATIONS

*For the government of the Port of Little Glace Bay, in the Province of Nova Scotia, to which the Act 36 Vict., chap. 9, applies, and for the government of the Office of Harbour Master for the said Port.*

RULE I.—The boundary of Little Glace Bay Harbour shall include all the waters in the harbour proper, and to seaward from Table Head N. E. three miles, and E. by N. five miles from the Cove on the southern side of McPherson's Head; thence on a bearing of N.W.  $\frac{1}{4}$  N., four and a half miles, to join first bearing. (Bearings are magnetic.)

RULE II.—It shall be the duty of the Harbour Master of the said Port, in person, or by deputy duly authorized, to go on board of every ship or vessel of the burthen of twenty tons (registered tonnage) and upwards, which shall arrive within the said port within twelve hours after the arrival of such ship or vessel, to see that she is moored only in such a manner or position as shall be assigned to her by the following Regulations. And it shall be lawful for such Harbour Master to ask, demand and receive, as a compensation for his services (vessels belonging to or employed by Her Majesty and the Government of the Dominion of Canada, and ships engaged in trading between ports and places in the Dominion or in the fishing trade excepted) according to the following scale, and under the restrictions mentioned in the above named Act.

## SCALE OF FEES.

For every ship or vessel of 20 tons, but not more than 80 tons (registered tonnage).....	\$0 50
For every ship of 80 tons, but not more than 200 tons (registered tonnage).....	1 00
For every ship of more than 200 tons, but not more than 300 tons (registered tonnage).....	2 00
For every ship of more than 300 tons, but not more than 400 tons (registered tonnage).....	3 00
For every ship of more than 400 tons.....	4 00

RULE III.—In case of any dispute arising between masters, owners or other persons engaged in hauling ships or vessels in or out of any of the docks or wharves, it shall be the duty of the Harbour Master, if called upon, to give such directions as he may think fit in respect to the same; and all masters, pilots or other persons having the charge or command of any ships or vessels shall comply with the directions of the Harbour Master or his deputy in these respects, under the penalty of twenty dollars for each and every neglect or refusal so to do.

RULE IV.—If any ship or vessel arriving and anchoring, or being moored or fastened to any wharf or vessel in the harbour shall be so moored or placed as to be unsafe or dangerous to any other ship or vessel previously lying at anchor in the harbour, or moored or fastened as aforesaid, the Harbour Master or his deputy is hereby authorized and required to forthwith order and direct the situation of such ship or vessel so arriving and anchored,

*Marine and Fisheries.*

moored, or fastened as aforesaid, to be altered in such a manner as to prevent such insecurity and danger; and the master, pilot or other person having charge of such ship or vessel shall comply with the orders and directions of the Harbour Master or his deputy in this respect, under the penalty of twenty dollars for each and every offence.

RULE V.—Any person or persons who may moor or fasten to, or in any manner injure, alter or change any of the public buoys, shall, on conviction, pay a penalty of twenty dollars, besides being held liable to any damage sustained.

RULE VI.—Whenever it shall happen that any ship or vessel is short of hands, so that she cannot be moored when ordered, it shall and may be lawful for the Harbour Master to employ a sufficient number of hands to effect such removal, and to remove or assist in removing such vessel as required or as may be necessary, and that at the expense of such vessel.

RULE VII.—The Harbour Master shall have power to order the removal of any scow, boat or other vessel, loaded or unloaded, or anything calculated to interfere with the moving or mooring of vessels from any part of the harbour to any other part thereof; and the owner of such scow, boat, etc., or person in charge thereof, failing to make such removal in one hour after being notified so to do, shall forfeit and pay a sum not exceeding ten dollars nor less than five dollars, and after one hour shall have elapsed, the Harbour Master shall have power to make the removal, and charge the person notified for so doing.

RULE VIII.—Vessels immediately on arriving in the harbour must have both anchors hanging at the hawse, and have yards cockbilled.

RULE IX.—No vessel shall be left without some person to take care of her, by night and by day, when anchored in the stream or in the harbour.

RULE X.—All vessels lying at anchor in the harbour shall keep a clear and bright light burning, at least six feet from the uppermost deck, from sunset until sunrise.

RULE XI.—All ships or vessels loading or discharging in the stream, coals, ballast and such like materials, shall have a sufficient piece of canvas or tarpaulin so placed as to prevent any portion thereof from falling into the harbour, under the penalty of twenty dollars for each and every offence, to be paid by the owner, master or person in charge of such ship or vessel.

RULE XII.—No ballast, stone, gravel, earth or rubbish of any kind, shall be unladen, cast or emptied out of or thrown overboard, from any ship or vessel whatever in the harbour, or at the entrance thereof (except in places set apart for that purpose by the Harbour Master and under his direction), under the penalty of fifty dollars for each and every offence, to be paid by the owner, master or other person having the charge of any such ship or vessel.

RULE XIII.—In places set apart by the Harbour Master for the deposit of ballast etc., it is hereby required that no ballast, stone, gravel, earth or rubbish of any kind shall be unladen, discharged, deposited, thrown or laid before sunrise or after sunset, under a penalty of forty dollars for each and every offence.

RULE XIV.—No ballast, stone, gravel, earth or rubbish of any kind shall be unladen discharged, deposited, thrown or laid, either from any vessel,



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*Marine and Fisheries.*

boat, scow or other such craft, or in any other manner, or by any person, from any part of the beach or shore into any part of the harbour, or upon the beach and shore thereof, either below low water mark, or between high and low water mark, under the penalty of forty dollars for each and every offence, to be paid by the owner or owners, master or person having charge of any vessel, boat or scow, or other craft from which such matter as aforesaid shall have been discharged, or by any other person or persons violating this law.

RULE XV.—Any person or persons who shall or may hinder, oppose, molest or obstruct the Harbour Master, his deputy or any of his assistants, in the discharge of his or their duty, shall, on conviction, pay a penalty of forty dollars for each and every offence.

RULE XVI.—The penalty for violation of, or not conforming to the provisions of the law, and for disobeying the lawful orders or directions of the Harbour Master or his deputy in respect to any provisions for which no penalty is hereinbefore prescribed, shall be twenty dollars, to be imposed upon the owner or person in charge of the ship or vessel not conforming to the particular requirements.

PRIVY COUNCIL CHAMBER,

OTTAWA, 3rd December, 1874.

The foregoing Rules and Regulations were submitted to and approved by His Excellency the Governor General in Council, on the 2nd day of December instant.

W. A. HIMSWORTH,  
*Clerk, Privy Council.*

RULES AND REGULATIONS

*For the government of the Port of North Sydney in the Province of Nova Scotia, to which the Act 36 Vict., chap. 9 applies, and for the government of the Office of Harbour Master for the said Port.*

RULE I.—The limits of the Harbour of North Sydney shall be within a line drawn from the point of the North Bar to the point of the South Bar, and from the point of the South Bar to Point Edward, including the North-west Arm.

RULE II.—It shall be the duty of the Harbour Master of the said port, in person, or by deputy duly authorized, to go on board of every ship or vessel of the burthen of twenty tons (registered tonnage) and upwards, which shall arrive within the said Port within twelve hours after the arrival of such ship or vessel, to see that she is moored only in such a manner or position as shall be assigned to her by the following Regulations. And it shall be lawful for such Harbour Master to ask, demand and receive, as a

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compensation for his services (vessels belonging to or employed by Her Majesty and the Government of the Dominion of Canada, ships engaged in trading between ports and places in the Dominion or in the fishing trade, and ships calling for orders without entering the limits of North Sydney Harbour excepted) according to the following scale, and under the restrictions mentioned in the above named Act:—

## SCALE OF FEES.

For every ship or vessel of 20 tons, but not more than 80 tons (registered tonnage).....	\$0 50
For every ship of 80 tons, but not more than 200 tons (registered tonnage) .....	1 00
For every ship of more than 200, but not more than 300 tons (registered tonnage).....	2 00
For every ship of more than 300 tons, but not more than 400 tons (registered tonnage).....	3 00
For every ship of more than 400 tons.....	4 00

And in the event of refusal or neglect to pay the above mentioned fees when lawfully demanded, the person illegally refusing or neglecting shall be liable to pay a fine of twenty dollars.

RULE III.—In case of any dispute arising between masters, owners or other persons engaged in hauling ships or vessels in or out of any of the docks or wharves, it shall be the duty of the Harbour Master, if called upon, to give such directions as he may think fit in respect to the same; and all masters, pilots or other persons having the charge or command of any ships or vessels shall comply with the directions of the Harbour Master or his deputy in these respects, under the penalty of twenty dollars for each and every neglect or refusal so to do.

RULE IV.—If any ship or vessel arriving and anchoring, or being moored or fastened to any wharf or vessel in the harbour, shall be so moored or placed as to be unsafe or dangerous to any other ship or vessel previously lying at anchor in the harbour, or moored or fastened as aforesaid, the Harbour Master or his deputy is hereby authorized and required to forthwith order and direct the situation of such ship or vessel so arriving and anchored, moored, or fastened as aforesaid, to be altered in such a manner as to prevent such insecurity and danger; and the master, pilot or other person having charge of such ship or vessel shall comply with the orders and directions of the Harbour Master or his deputy in this respect, under the penalty of twenty dollars for each and every offence.

RULE V.—Any person or persons who may moor or fasten to, or in any manner injure, alter or change any of the public buoys, shall, on conviction, pay a penalty of twenty dollars, besides being held liable to any damage sustained.

RULE VI.—Whenever it shall happen that any ship or vessel is short of hands, so that she cannot be moved when ordered, it shall and may be lawful for the Harbour Master to employ a sufficient number of hands to effect such removal, and to remove or assist in removing such vessel as required or as may be necessary, and that at the expense of such vessel.



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RULE VII.—The Harbour Master shall have power to order the removal of any scow, boat or other vessel, loaded or unloaded, or anything calculated to interfere with the moving or mooring of vessels from any part of the harbour to any other part thereof; and the owner of such scow, boat, etc., or person in charge thereof, failing to make such removal in one hour after being notified so to do, shall forfeit and pay a sum not exceeding ten dollars nor less than five dollars; and after one hour shall have elapsed the Harbour Master shall have power to make the removal, and charge the person notified for so doing.

RULE VIII.—Whenever the Harbour Master shall find ships or vessels at the wharves with main jib or spanker booms rigged out so as to incommode other vessels, it shall be the duty of the Harbour Master to direct such to be rigged in, and in the event of non-compliance, all accidents to the same shall be at the risk of the person so offending.

RULE IX.—No vessel shall be left without some person to take care of her, by night and by day, when anchored in the stream or in the Harbour.

RULE X.—All vessels lying at anchor in the Harbour shall keep a clear and bright light burning, at least six feet from the uppermost deck, from sunset until sunrise.

RULE XI.—All ships or vessels loading or discharging in the stream, coals, ballast and other such like materials, shall have a sufficient piece of canvas or tarpaulin so placed as to prevent any portion thereof from falling into the Harbour, under the penalty of twenty dollars for each and every offence, to be paid by the owner, master or person in charge of such ship or vessel.

RULE XII.—No ballast, stone, gravel, earth or rubbish of any kind, shall be unladen, cast or emptied out of, or thrown overboard, from any ship or vessel whatever in the harbour, or in the roadstead of the harbour within a line drawn from Battery Point to Victoria Mines, under the penalty of fifty dollars for each and every offence, to be paid by the owner, master or other person having the charge of any such ship or vessel.

RULE XIII.—In places set apart by the Harbour Master for the deposit of ballast, etc., it is hereby required that no ballast, stone, gravel, earth or rubbish of any kind, shall be unladen, discharged, deposited, thrown or laid before sunrise or after sunset, under a penalty of forty dollars for each and every offence.

RULE XIV.—No ballast, stone, gravel, earth or rubbish of any kind, shall be unladen, discharged, deposited, thrown or laid, either from any vessel, boat, scow or other such craft, or in any other manner, or by any person, from any part of the beach or shore into any part of the harbour, or upon the beach and shore thereof, either below low water mark, or between high and low water mark, under the penalty of forty dollars for each and every offence, to be paid by the owner or owners, master or person having charge of any vessel, boat or scow, or other craft from which such matter as aforesaid shall have been discharged, or by any other person or persons violating this law.

RULE XV.—Any person or persons who shall or may hinder, oppose, molest or obstruct the Harbour Master, his deputy or any of his assistants in

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the discharge of his or their duty, shall on conviction, pay a penalty of forty dollars for each and every offence.

RULE XVI.—The penalty, for violation of, or not conforming to the provisions of the law, and for disobeying the lawful orders or directions of the Harbour Master or his deputy in respect to any provision for which no penalty is hereinbefore prescribed, shall be twenty dollars, to be imposed upon the owner or person in charge of the ship or vessel not conforming to the particular requirements, and all penalties may be sued for and recovered in the name of the Harbour Master.

PRIVY COUNCIL CHAMBER,

OTTAWA, 3rd December, 1874.

The foregoing Rules and Regulations were submitted to and approved by His Excellency the Governor General in Council on the 2nd day of December instant.

W. A. HILMSWORTH,  
*Clerk, Privy Council.*

RULES AND REGULATIONS

*For the government of the Ledge at the Port of St. Stephens, in the Province of New Brunswick, to which the Act 36 Vict., chap. 9 applies, and for the government of the Office of Harbour Master of the said Port.*

RULE I.—It shall be the duty of the Harbour Master of the Ledge at the Port of St. Stephens, in person or by deputy duly authorized, to go on board every ship or vessel of the burthen of twenty tons (registered tonnage) and upwards, which shall arrive within the limits of the Ledge at the Port of St. Stephens, within twelve hours after the arrival of such ship or vessel, to see that she is moored only in such a manner or position as shall be assigned to her by the following Regulations. And it shall be lawful for such Harbour Master to ask, demand and receive, as a compensation for his services (vessels belonging to or employed by Her Majesty and the Government of the Dominion of Canada, and ships engaged in trading between ports and places in the Dominion, or in the fishing trade excepted) according to the following scale, and under the restrictions mentioned in the above-named Act:—

SCALE OF FEES.

For every ship or vessel of 20 tons, but not more than 80 tons (registered tonnage).....	\$0 50
For every ship of 80 tons, but not more than 200 tons (registered tonnage).....	1 00

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For every ship of more than 200 tons, but not more than 300 tons (registered tonnage) .....	2 00
For every ship of more than 300 tons, but not more than 400 tons (registered tonnage) .....	3 00
For every ship of more than 400 tons .....	4 00

**RULE II.**—All vessels are to be moored after casting anchor at the Ledge of St. Stephens within twelve hours off and on shore, as near as possible.

**RULE III.**—In case of any dispute arising between masters, owners or other persons engaged in hauling ships or vessels in or out of any of the docks or wharves, it shall be the duty of the Harbour Master, if called upon, to give such directions as he may think fit in respect to the same; and all masters, pilots, or other persons having the charge or command of any ships or vessels shall comply with the directions of the Harbour Master or his deputy in these respects, under the penalty of twenty dollars for each and every neglect or refusal so to do.

**RULE IV.**—If any ship or vessel arriving and anchoring, or being moored or fastened to any wharf or vessel at the Ledge, shall be so moored or placed as to be unsafe or dangerous to any other ship or vessel previously lying at anchor in the Ledge, or moored or fastened as aforesaid, the Harbour Master or his deputy is hereby authorized and required to forthwith order and direct the situation of such ship or vessel so arriving and anchored, moored or fastened as aforesaid, to be altered in such a manner as to prevent such insecurity and danger; and the master, pilot or other person having charge of such ship or vessel shall comply with the orders and directions of the Harbour Master or his deputy in this respect, under the penalty of twenty dollars for each and every offence.

**RULE V.**—Any person or persons who may moor or fasten to, or in any manner injure, alter or change any of the public buoys, shall, on conviction, pay a penalty of twenty dollars, besides being held liable for any damage sustained.

**RULE VI.**—Whenever it shall happen that any ship or vessel is short of hands, so that she cannot be moved when ordered, it shall and may be lawful for the Harbour Master to employ a sufficient number of hands to effect such removal, and to remove or assist in removing such vessel as required, or as may be necessary, and that at the expense of such vessel.

**RULE VII.**—The Harbour Master shall have power to order the removal of any scow, boat or other vessel, loaded or unloaded, or anything calculated to interfere with the moving or mooring of vessels from any part of the Ledge to any other part thereof, and the owner of such scow, boat, etc., or person in charge thereof, failing to make such removal in one hour after being notified so to do, shall forfeit and pay a sum not exceeding ten dollars, nor less than five dollars, and after one hour shall have elapsed, the Harbour Master shall have power to make the removal and charge the person notified for so doing.

**RULE VIII.**—Whenever the Harbour Master shall find ships or vessels at the wharves with main jib or spanker-boom rigged out so as to incommodate other vessels, it shall be the duty of the Harbour Master to direct such

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to be rigged in, and in the event of non-compliance, all accidents to the same shall be at the risk of the persons so offending.

RULE IX.—No vessel shall be left without some person to take care of her, by night and by day, when anchored in the stream or in the harbour.

RULE X.—All vessels lying at anchor at the Ledge shall keep a clear and bright light burning, at least six feet from the uppermost deck, from sunset until sunrise.

RULE XI.—All ships or vessels loading or discharging in the stream, coals, ballast and such like materials, shall have a sufficient piece of canvas or tarpaulin, so placed as to prevent any portion thereof from falling into the Ledge, under the penalty of twenty dollars for each and every offence, to be paid by the owner, master or person in charge of such ship or vessel.

RULE XII.—No ballast, stone, gravel, earth or rubbish of any kind shall be unladen, cast or emptied out off, or thrown overboard, from any ship or vessel whatever in the harbour, or at the entrance thereof, except at a place near a buoy, one-half to three-quarters of a mile from Oak Point, with Oak Bay, Waweig River, and the River Ste. Croix open, under the penalty of fifty dollars for each and every offence, to be paid by the owner, master or other person having the charge of any such ship or vessel.

RULE XIII.—In places set apart by the Harbour Master for the deposit of ballast, etc., it is hereby required that no ballast, stone, gravel, earth or rubbish of any kind shall be unladen, discharged, deposited, thrown or laid, before sunrise or after sunset, under a penalty of forty dollars for each and every offence.

RULE XIV.—No ballast, stone, gravel, earth or rubbish of any kind shall be unladen, discharged, deposited, thrown or laid, either from any vessel, boat, scow or other craft, or in any other manner, or by any person, from any part of the beach or shore into any part of the Ledge, or upon the beach and shore thereof, either below low water mark, or between high and low water mark, under the penalty of forty dollars for each and every offence, to be paid by the owner or owners, master or person having charge of any vessel, boat or scow, or other craft from which such matter as aforesaid shall have been discharged, or any other person or persons violating this law.

RULE XV.—Any person or persons who shall or may hinder, oppose, molest or obstruct the Harbour Master, his deputy or any of his assistants in the discharge of his or their duty, shall, on conviction, pay a penalty of forty dollars for each and every offence.

RULE XVI.—The penalty for violation of, or not conforming to the provisions of the law, and for disobeying the lawful orders or directions of the Harbour Master or his deputy in respect to any provision for which no penalty is hereinbefore prescribed, shall be twenty dollars, to be imposed upon the owner or person in charge of the ship or vessel not conforming to the particular requirements.

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## PRIVY COUNCIL CHAMBER,

OTTAWA, 3rd December, 1874.

The foregoing Rules and Regulations were submitted to and approved by His Excellency the Governor General in Council, on the 2nd day of December instant.

W. A. HIMSWORTH,  
Clerk, Privy Council.

## RULES AND REGULATIONS

*For the government of the Port of Richibucto, in the Province of New Brunswick, to which the Act, 36 Vict., chap. 9 applies, and for the government of the Office of Harbour Master for the said Port.*

RULE I.—It shall be the duty of the Harbour Master of the said Port, in person or by deputy duly authorized, to go on board every ship or vessel of the burthen of twenty tons (registered tonnage) and upwards, which shall arrive within the said Port, within twelve hours after the arrival of such ship or vessel, to see that she is moored only in such a manner or position as shall be assigned to her by the following Regulations. And it shall be lawful for such Harbour Master to ask, demand and receive as a compensation for his services (vessels belonging to or employed by Her Majesty and the Government of the Dominion of Canada, and ships engaged in trading between ports and places in the Dominion, or in the fishing trade excepted) according to the following scale, and under the restrictions mentioned in the above-named Act:—

## SCALE OF FEES.

For every ship or vessel of 20 tons, but not more than 80 tons (registered tonnage) .....	\$0 50
For every ship of 80 tons, but not more than 200 tons (registered tonnage) .....	1 00
For every ship of more than 200 tons, but not more than 300 tons (registered tonnage) ..	2 00
For every ship of more than 300 tons, but not more than 400 tons (registered tonnage) .....	3 00
For every ship of more than 400 tons .....	4 00

RULE II.—In case of any dispute arising between masters, owners or other persons engaged in hauling ships or vessels in or out of any of the docks or wharves, it shall be the duty of the Harbour Master, if called upon, to give such directions as he may think fit in respect to the same; and all masters, pilots or other persons having the charge or command of any ships or vessels shall comply with the directions of the Harbour Master or his deputy in these respects, under the penalty of twenty dollars for each and every neglect or refusal so to do.

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RULE III.—If any ship or vessel arriving or anchoring, or being moored or fastened to any wharf or vessel in the harbour shall be so moored or placed as to be unsafe or dangerous to any other ship or vessel previously lying at anchor in the harbour, or moored or fastened as aforesaid, the Harbour Master or his deputy is hereby authorized and required to forthwith order and direct the situation of such ship or vessel so arriving and anchored, moored, or fastened as aforesaid, to be altered in such a manner as to prevent such insecurity and danger; and the master, pilot or other person having charge of such ship or vessel shall comply with the orders and directions of the Harbour Master or his deputy in this respect, under the penalty of twenty dollars for each and every offence.

RULE IV.—Any person or persons who may moor or fasten or in any manner injure, alter or change any of the public buoys, shall, on conviction, pay a penalty of twenty dollars, besides being held liable to any damage sustained.

RULE V.—Whenever it shall happen that any ship or vessel is short of hands, so that she cannot be moved when ordered, it shall and may be lawful for the Harbour Master to employ a sufficient number of hands to effect such removal, and to remove, or assist in removing such vessel as required, or as may be necessary, and that at the expense of such vessel.

RULE VI.—The Harbour Master shall have power to order the removal of any scow, boat or other vessel, loaded or unloaded, or anything calculated to interfere with the moving or mooring of vessels from any part of the harbour to any other part thereof; and the owner of such scow, boat, etc., or person in charge thereof failing to make such removal in one hour after being notified so to do, shall forfeit and pay a sum not exceeding ten dollars, nor less than five dollars; and after one hour shall have elapsed, the Harbour Master shall have power to make the removal, and charge the person notified for so doing.

RULE VII.—Whenever the Harbour Master shall find ships or vessels at the wharf with main jib or spanker-boom rigged out, so as to incommode other vessels, it shall be the duty of the Harbour Master to direct such to be rigged in; and in the event of non-compliance, all accidents to the same shall be at the risk of the persons so offending.

RULE VIII.—No vessel shall be left without some person to take care of her, by night and by day, when anchored in the stream or in the harbour.

RULE IX.—All vessels lying at anchor in the harbour shall keep a clear and bright light burning, at least six feet from the uppermost deck, from sunset until sunrise.

RULE X.—All ships or vessels loading or discharging in the stream, coals, ballast and such like materials, shall have a sufficient piece of canvas or tarpaulin so placed as to prevent any portion thereof from falling into the harbour, under the penalty of twenty dollars for each and every offence, to be paid by the owner, master or person in charge of such ship or vessel.

RULE XI.—No ballast, stone, gravel, earth, or rubbish of any kind, shall be unladen, cast or emptied out of, or thrown overboard, from any ship or vessel whatever in the harbour, or outside the bar, within three miles of the Big Buoy in a south-easterly direction from the bar, and then only to enable such vessel to get over the bar at high water (except in places set apart

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for that purpose by the Harbour Master and under his direction), under the penalty of fifty dollars for each and every offence, to be paid by the owner, master or other person having the charge of any such ship or vessel.

RULE XII.—In places set apart by the Harbour Master for the deposit of ballast, etc., it is hereby required that no ballast, stone, gravel, earth or rubbish of any kind shall be unladen, discharged, deposited, thrown or laid before sunrise or after sunset, under a penalty of forty dollars for each and every offence.

RULE XIII.—No ballast, stone, gravel, earth, or rubbish of any kind, shall be unladen, discharged, deposited, thrown or laid either from any vessel, boat, scow or other such craft, or in any other manner, or by any person, from any part of the beach or shore into any part of the harbour, or upon the beach and shore thereof, either below low water mark, or between high and low water mark, under the penalty of forty dollars for each and every offence, to be paid by the owner or owners, master or person having charge of any vessel, boat or scow, or other craft from which such matter as aforesaid shall have been discharged, or by any other person or persons violating this law.

RULE XIV.—Any person or persons who shall or may hinder, oppose, molest or obstruct the Harbour Master, his deputy or any of his assistants, in the discharge of his or their duty, shall, on conviction, pay a penalty of forty dollars for each and every offence.

RULE XV.—The penalty for violation of, or not conforming to the provisions of the law, and for disobeying the lawful orders or directions of the Harbour Master or his deputy in respect to any provision for which no penalty is hereinbefore prescribed, shall be twenty dollars, to be imposed upon the owner or person in charge of the ship or vessel not conforming to the particular requirements.

## PRIVY COUNCIL CHAMBER,

OTTAWA, 3rd day of December, 1874.

The foregoing Rules and Regulations were submitted to and approved by His Excellency the Governor General in Council, on the 2nd day of December, 1874.

W. A. HIMSWORTH,

*Clerk, Privy Council.*

## RULES AND REGULATIONS

*For the government of the Port of Hillsborough, in the Province of New Brunswick, to which the Act 36 Vict., chap. 9 applies, and for the government of the Office of Harbour Master for the said Port.*

RULE I.—It shall be the duty of the Harbour Master of the Port of Hillsborough, in person, or by deputy duly authorized, to go on board of every ship or vessel of the burthen of twenty tons (registered tonnage) and

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upwards, which shall arrive within the said ports, within twelve hours after the arrival of such ship or vessel, to see that she is moored only in such a manner or position as shall be assigned to her by the following regulations. And it shall be lawful for such Harbour Master to ask, demand and receive, as compensation for his services (vessels belonging to or employed by Her Majesty and the Government of the Dominion of Canada, and ships engaged in trading between ports and places in the Dominion or in the fishing trade excepted) according to the following scale, and under the restrictions mentioned in the above named Act :—

## SCALE OF FEES.

For every ship or vessel of 20 tons, but not more than 80 tons (registered tonnage).....	\$0 50
For every ship of 80 tons, but not more than 200 tons (registered tonnage).....	1 00
For every ship of more than 200 tons, but not more than 300 tons (registered tonnage).....	2 00
For every ship of more than 300 tons, but not more than 400 tons (registered tonnage).....	3 00
For every ship of more than 400 tons.....	4 00

RULE II.—In case of any dispute arising between masters, owners or other persons engaged in hauling ships or vessels in or out of any of the docks or wharves, it shall be the duty of the Harbour Master, if called upon, to give such directions as he may think fit in respect to the same; and all masters, pilots or other persons having the charge or command of any ships or vessels shall comply with the directions of the Harbour Master or his deputy in these respects, under the penalty of twenty dollars for each and every neglect or refusal so to do.

RULE III.—If any ship or vessel arriving and anchoring or being moored or fastened to any wharf or vessel in the harbour shall be so moored or placed as to be unsafe or dangerous to any other ship or vessel previously lying at anchor in the harbour, or moored or fastened as aforesaid, the Harbour Master or his deputy is hereby authorized and required to forthwith order and direct the situation of such ship or vessel so arriving and anchored, moored or fastened as aforesaid, to be altered in such a manner as to prevent such insecurity and danger; and the master, pilot or other person having charge of such ship or vessel shall comply with the orders and directions of the Harbour Master or his deputy in this respect, under the penalty of twenty dollars for each and every offence.

RULE IV.—Any person or persons who may moor or fasten to, or in any manner injure, alter or change any of the public buoys, shall, on conviction, pay a penalty of twenty dollars, besides being held liable to any damage sustained.

RULE V.—Whenever it shall happen that any ship or vessel is short of hands, so that she cannot be moved when ordered, it shall and may be lawful for the Harbour Master to employ a sufficient number of hands to effect such removal, and to remove or assist in removing such vessel as required or as may be necessary, and that at the expense of such vessel.



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RULE VI.—The Harbour Master shall have power to order the removal of any scow, boat or other vessel, loaded or unloaded, or anything calculated to interfere with the moving or mooring of vessels from any part of the harbour to any other part thereof; and the owner of such scow, boat, etc., or person in charge thereof, failing to make such removal in one hour after being notified so to do, shall forfeit and pay a sum not exceeding ten dollars nor less than five dollars; and after one hour shall have elapsed the Harbour Master shall have power to make the removal, and charge the person notified for so doing.

RULE VII.—Whenever the Harbour Master shall find ships or vessels at the wharves with main jib or spanker booms rigged out so as to incommode other vessels, it shall be the duty of the Harbour Master to direct such to be rigged in; and in the event of non-compliance, all accidents to the same shall be at the risk of the persons so offending.

RULE VIII.—No vessel shall be left without some person to take care of her by night and by day, when anchored in the stream or in the harbour.

RULE IX.—All vessels lying at anchor in the harbour shall keep a clear and bright light burning, at least six feet from the uppermost deck, from sunset until sunrise.

RULE X.—All ships or vessels loading or discharging in the stream, coals, ballast and such like materials, shall have a sufficient piece of canvas or tarpaulin so placed as to prevent any portion thereof from falling into the harbour, under the penalty of twenty dollars for each and every offence, to be paid by the owner, master or person in charge of such ship or vessel.

RULE XI.—No ballast, stone, gravel, earth, or rubbish of any kind, shall be unladen, cast or emptied out of, or thrown overboard, from any ship or vessel whatever in the harbour, or at the entrance thereof (except in places set apart for that purpose by the Harbour Master and under his direction), under the penalty of fifty dollars for each and every offence, to be paid by the owner, master or other person having the charge of any such ship or vessel.

RULE XII.—In places set apart by the Harbour Master for the deposit of ballast, etc., it is hereby required that no ballast, stone, gravel, earth, or rubbish of any kind, shall be unladen, discharged, deposited, thrown or laid before sunrise or after sunset, under a penalty of forty dollars for each and every offence.

RULE XIII.—No ballast, stone, gravel, earth or rubbish of any kind shall be unladen, discharged, deposited, thrown or laid, either from any vessel, boat, scow or other such craft, or in any other manner, or by any person from any part of the beach or shore into any part of the harbour, or upon the beach and shore thereof, either below low water mark, or between high and low water mark, under the penalty of forty dollars for each and every offence, to be paid by the owner or owners, master or person having charge of any vessel, boat or scow, or other craft from which such matter as aforesaid shall have been discharged, or by any other person or persons violating this law.

RULE XIV.—Any person or persons who shall or may hinder, oppose, molest or obstruct the Harbour Master, his deputy or any of his assistants, in the discharge of his or their duty, shall, on conviction, pay a penalty of forty dollars for each and every offence.

*Marine and Fisheries.*

RULE XV.—The penalty for violation of, or not conforming to the provisions of the law, and for the disobeying the lawful orders or directions of the Harbour Master or his deputy in respect to any provision for which no penalty is hereinbefore prescribed, shall be twenty dollars, to be imposed upon the owner or person in charge of the ship or vessel not conforming to the particular requirements.

## PRIVY COUNCIL CHAMBER,

OTTAWA, 7th day of December, 1874.

I hereby certify that the foregoing Rules and Regulations were submitted to and approved by His Excellency the Governor General in Council, on the 4th December instant.

W. A. HIMSWORTH,  
*Clerk, Privy Council.*

## RULES AND REGULATIONS

*For the government of the Ports of Chatham and Newcastle, Miramichi, in the Province of New Brunswick, to which the Act 36 Vict., chap. 9, applies, and for the government of the Office of Harbour Master for the said Ports.*

RULE I. It shall be the duty of each Harbour Master of the said ports of Chatham and Newcastle in person, or by deputy duly authorized, to go on board of every ship or vessel of the burthen of twenty tons (registered tonnage) and upwards, which shall arrive within the said ports, within twelve hours after the arrival of such ship or vessel, to see that she is moored only in such a manner or position as shall be assigned to her by the following regulations. And it shall be lawful for such Harbour Master to ask, demand and receive, as a compensation for his services (vessels belonging to or employed by Her Majesty and the Government of the Dominion of Canada, and ships engaged in trading between ports and places in the Dominion or in the fishing trade excepted) according to the following scale, and under the restrictions mentioned in the above named Acts:—

## SCALE OF FEES.

For every ship or vessel of 20 tons, but not more than 80 tons (registered tonnage),.....	\$ 0 50
For every ship of 80 tons; but not more than 200 tons, (registered tonnage),.....	1 00
For every ship of more than 200 tons, but not more than 300 tons (registered tonnage),.....	2 00
For every ship of more than 300 tons, but not more than 400 tons (registered tonnage),.....	3 00
For every ship of more than 400 tons.....	4 00

*Marine and Fisheries.*

RULE II. In case of any dispute arising between masters, owners or other persons engaged in hauling ships or vessels in or out of any of the docks or wharves, it shall be the duty of the Harbour Master, if called upon, to give such directions as he may think fit in respect to the same; and all masters, pilots or other persons having the charge or command of any ships or vessels shall comply with the directions of the Harbour Master or his deputy in these respects, under the penalty of twenty dollars for each and every neglect or refusal so to do.

RULE III. If any ship or vessel arriving and anchoring, or being moored or fastened to any wharf or vessel in the harbour shall be so moored or placed as to be unsafe or dangerous to any other ship or vessel previously lying at anchor in the harbour, or moored or fastened as aforesaid, the Harbour Master or his deputy is hereby authorized and required to forthwith order and direct the situation of such ship or vessel so arriving and anchored, moored, or fastened as aforesaid, to be altered in such a manner as to prevent such insecurity and danger; and the master, pilot or other person having charge of such ship or vessel shall comply with the orders and directions of the Harbour Master or his deputy in this respect, under the penalty of twenty dollars for each and every offence.

RULE IV. Any person or persons who may moor or fasten to, or in any manner injure, alter or change any of the public buoys, shall, on conviction, pay a penalty of twenty dollars, besides being held liable to any damage sustained.

RULE V. Whenever it shall happen that any ship or vessel is short of hands, so that she cannot be moved when ordered, it shall and may be lawful for the Harbour Master to employ a sufficient number of hands to effect such removal, and to remove or assist in removing such vessel as required or as may be necessary, and that at the expense of such vessel.

RULE VI. The Harbour Master shall have power to order the removal of any scow, boat or other vessel, loaded or unloaded, or anything calculated to interfere with the moving or mooring of vessels from any part of the harbour to any other part thereof; and the owner of such scow, boat, etc., or person in charge thereof, failing to make such removal in one hour after being notified so to do, shall forfeit and pay a sum not exceeding ten dollars, nor less than five dollars; and after one hour shall have elapsed the Harbour Master shall have power to make the removal, and charge the person notified for so doing.

RULE VII. Whenever the Harbour Master shall find ships or vessels at the wharves with main jib or spanker-booms rigged out so as to incommode other vessels, it shall be the duty of the Harbour Master to direct such to be rigged in, and in the event of non-compliance, all accidents to the same shall be at the risk of the persons so offending.

RULE VIII. No vessel shall be left without some person to take care of her, by night and by day, when anchored in the stream or in the harbour.

RULE IX. All vessels lying at anchor in the harbour shall keep a clear and bright light burning, at least six feet from the uppermost deck, from sunset until sunrise.

RULE X. Any owner or occupier of, or any servant or workman engaged in any mill or mills erected or that may be erected on or near any part of

*Marine and Fisheries.*

the banks or shores of the river or harbours of Miramichi, or of any bay, cove or creek in, or stream falling into the said river or harbours as far as the head of the tide on the north and southwest branches, for the manufacture of lumber of any description, who shall throw, or cause, suffer or permit to be thrown by any person or persons who may in any way be employed by him or them, any saw-dust, slabs, edgings, rinds, bark or chips made or cut at any such mill or mills, or shall suffer or permit the same or any part thereof to fall, roll or float into any part of the said river or harbours of Miramichi, or into any bay, cove or creek in, or stream falling into the said river or harbour as far as the head of the tide on the aforesaid branches, such person or any other person offending, whether interested in the manufacture of such lumber or otherwise, shall for each and every offence forfeit and pay the sum of forty dollars.

RULE XI. Any person or persons who shall haul on the ice and there deposit from any mill or mills, ship-yard or from any other place whatever within the river or harbours aforesaid any of the aforesaid prohibited rubbish, referred to in the immediately foregoing rule, or any other rubbish whatever not particularly enumerated, shall forfeit and pay a fine of forty dollars for each and every offence.

RULE XII. Each and every vessel discharging ballast shall haul in close alongside of a wharf to be provided for that purpose by the consignee or others interested in such vessel, and shall have a sufficient piece of canvas or tarpaulin reaching from the ballast port or gunwale of such vessel to such wharf, and shall discharge the ballast on or into such wharf, so that no part of such ballast shall be allowed to fall into the harbour, under a penalty of forty dollars for each and every offence.

RULE XIII. No vessel shall lie in front of any ferry, landing or other public slip, or use any rope, chain or shore fast, extending over or across any ferry, landing or public slip, or the entrance thereto, or in any manner prevent the free ingrees or egress thereto or therefrom, under the penalty of twenty dollars for each and every offence.

RULE XIV. The Harbour Master is hereby empowered to condemn any ballast wharf or wharves not sufficiently protected to prevent ballast falling into the harbours.

RULE XV. No earth, stone, gravel, ballast, or rubbish of any kind, shall be unladen, discharged, deposited, thrown or laid, either from any vessel, boat, scow or other such craft, or in any other manner, or by any person from any part of the beach or shore, into any part of the harbour or upon the beach or shore thereof, either below low water mark, or between high and low water mark, under the penalty of forty dollars for each and every offence, to be paid by the owner or owners, master or person having charge of any vessel, boat or scow, or other craft from which such matter as aforesaid shall have been discharged, or by any other person or persons violating this law.

RULE XVI. Any person or persons who shall or may hinder, oppose, molest or obstruct the Harbour Master, his deputy or any of his assistants in the discharge of his or their duty, shall, on conviction, pay a penalty of forty dollars for each and every offence.

RULE XVII. The penalty for violation of, or not conforming to the

*Marine and Fisheries.*

provisions of the law, and for disobeying the lawful orders or directions of the Harbour Master or his deputy in respect to any provision for which no penalty is hereinbefore prescribed, shall be twenty dollars to be imposed upon the owner or person in charge of the ship or vessel not conforming to the particular requirements.

## PRIVY COUNCIL CHAMBER,

OTTAWA, 14th December, 1874.

Certified that the foregoing Rules and Regulations were submitted to and approved by His Excellency the Governor General in Council, on the 12th day of December instant.

W. A. HIMSWORTH,  
*Clerk, Privy Council.*

## GOVERNMENT HOUSE, OTTAWA,

Friday, 18th day of December, 1874.

*Present :*

## HIS EXCELLENCY THE GOVERNOR GENERAL IN COUNCIL.

ON the recommendation of the Honorable the Minister of Marine and Fisheries, and under the provisions of the 19th section of the Act passed in the Session of the Parliament of Canada, held in the 31st year of Her Majesty's Reign, chaptered 60, and intituled "An Act for the regulation of Fishing and protection of Fisheries,"—

His Excellency, by and with the advice of the Queen's Privy Council for Canada, has been pleased to order, and it is hereby ordered, that the following regulation having reference to fishing for Bass in the Provinces of Nova Scotia and New Brunswick be and the same is hereby adopted:—

## REGULATION.

"In the Provinces of Nova Scotia and New Brunswick, Bass shall not be fished for, caught or killed by means of any kind of net having meshes of a less size than six inches (extension measure). This regulation to be in force on and after the Twenty-ninth day of December instant."

W. A. HIMSWORTH,  
*Clerk, Privy Council.*

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*Marine and Fisheries.*

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GOVERNMENT HOUSE, OTTAWA,

Tuesday, 22nd day of December, 1874.

*Present :*

HIS EXCELLENCY THE GOVERNOR GENERAL IN COUNCIL.

ON the recommendation of the Honorable the Minister of Marine and Fisheries, and under the provisions of the 4th section of the Act passed in the Session of the Parliament of Canada, held in the 36th year of Her Majesty's Reign, chaptered 55, and intituled "An Act respecting Wreck "and Salvage,"—

His Excellency, by and with the advice of the Queen's Privy Council for Canada, has been pleased to order, and it is hereby ordered, that a District be established for the purposes of the Act in the County of Digby, comprising Brier Island, Long Island and Petit Passage, all in the Province of Nova Scotia, and that Mr. Benjamin H. Ruggles, of Westport, in the County of Digby, be Receiver of Wreck for the said District.

W. A. HIMSWORTH,  
*Clerk, Privy Council.*

GOVERNMENT HOUSE, OTTAWA,

Monday, 1st day of March, 1875.

*Present :*

HIS EXCELLENCY THE GOVERNOR GENERAL IN COUNCIL.

ON the recommendation of the Honorable the Minister of Marine and Fisheries, and under the provisions of the Act passed in the 36th year of Her Majesty's Reign, and intituled "An Act respecting Pilotage,"—

His Excellency the Governor General, by and with the advice of the Queen's Privy Council for Canada, has been pleased to order, and it is hereby ordered, that the Harbour of Musquash, in the County of Saint John, in the Province of New Brunswick, be, and the same is hereby, included within the limits of the Pilotage District of Saint John established under the Order of His Excellency in Council of the 16th day of June last.

W. A. HIMSWORTH,  
*Clerk, Privy Council.*



ORDERS IN COUNCIL, &c.

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*Marine and Fisheries.*

GOVERNMENT HOUSE, OTTAWA,

Monday, 8th day of March, 1875.

*Present :*

HIS EXCELLENCY THE GOVERNOR GENERAL IN COUNCIL.

ON the recommendation of the Honorable the Minister of Marine and Fisheries, and under the provisions of the 19th section of "The Fisheries Act,"—

His Excellency, by and with the advice of the Queen's Privy Council for Canada, has been pleased to make the following Regulation:—

"No person shall fish for, catch, kill, buy, sell or have in possession any Smelts, between the Fifteenth day of April, and the Fifteenth day of May in each year, in the Province of New Brunswick."

W. A. HIMSWORTH,

*Clerk, Privy Council.*

GOVERNMENT HOUSE, OTTAWA,

Monday, 8th day of March, 1875.

*Present :*

HIS EXCELLENCY THE GOVERNOR GENERAL IN COUNCIL.

ON the recommendation of the Honorable the Minister of Marine and Fisheries, and under and in pursuance of the provisions of the "Merchant Shipping Act, 1854," and the Acts amending the same, and of the Act passed in the 36th year of Her Majesty's Reign, intituled "An Act relating to Shipping, and for the registration, inspection and classification thereof,"—

His Excellency the Governor General, by and with the advice of the Queen's Privy Council for Canada, has been pleased to constitute and appoint the Port of Wallaceburg, in the Province of Ontario, a port for the Registration of Shipping, and such port is hereby constituted and appointed accordingly.

His Excellency, under the authority aforesaid, has further been pleased to constitute and appoint the Collector of Customs for that port to be Registrar of Shipping, and also Surveyor and Measurer of Shipping, to superintend the survey and measurement of ships thereat, under the provisions of the 3rd section of the Imperial Colonial Shipping Act 1868, the 11th section of the Act 31st Vict., chap. 128, and the 77th section of the Act 36th Vict., chap. 129, respecting the Shipping of Seamen

W. A. HIMSWORTH,

*Clerk, Privy Council.*



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*Marine and Fisheries.*

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DUFFERIN.

[L.S.]

## CANADA.

VICTORIA, by the Grace of God, of the United Kingdom of Great Britain and Ireland, QUEEN, Defender of the Faith, &c., &c., &c.

To all to whom these presents shall come, or whom the same may in any-wise concern—GREETING :

## A PROCLAMATION.

T. FOURNIER, } WHEREAS it is in and by the Act passed  
*Attorney-General, Canada.* } in the Session of the Parliament of  
Canada, held in the thirty-sixth year of Our Reign, intituled "An Act to  
provide for the appointment of Harbour Masters for certain ports in the  
Province of Nova Scotia and New Brunswick," amongst other things in  
effect enacted, that the said Act shall apply to the Provinces of Nova Scotia  
and New Brunswick only, and to such ports and such ports only (except the  
Ports of Halifax and Pictou in Nova Scotia and Saint John in New Brun-  
swick) in either of the said Provinces as shall from time to time be designated  
for that purpose by Proclamation, under an order or orders of the Governor  
in Council :

And whereas an order of the Governor in Council was passed on the  
eighth day of March instant, appointing that the said Act shall be in force at  
the Port of McNair's Cove in the County of Antigonish, in the Province of  
Nova Scotia :—

Now Know Ye that We, hereby under and by virtue of the authority  
vested in Us by the said Act and order of the Governor in Council  
respectively, proclaim and declare that the Act hereinbefore mentioned and  
intituled "An Act to provide for the appointment of Harbour Masters for  
certain Ports in the Provinces of Nova Scotia and New Brunswick," shall  
henceforth be in force at, and with respect to, the Port of McNair's Cove,  
in the County of Antigonish, in the Province of Nova Scotia, one of the  
Provinces of Our Dominion of Canada.

Of all which Our loving subjects, &c., &c.

In testimony whereof, &c., &c.

By Command.

R. W. SCOTT,  
*Secretary of State.*

Dated, 12th March, 1875.

*Marine and Fisheries.*

DUFFERIN.

[L.S.]

## CANADA.

VICTORIA, by the Grace of God, of the United Kingdom of Great Britain and Ireland, QUEEN, Defender of the Faith, &c., &c., &c.

To all to whom these presents shall come, or whom the same may in anywise concern—GREETING :

## A PROCLAMATION.

T. FOURNIER,

*Attorney-General, Canada.*

WHEREAS it is in and by an Act passed in the Session of the Parliament of Canada, held in the thirty-sixth year of Our Reign, intituled "An Act to provide for the appointment of Harbour Masters for certain ports in the Provinces of Nova Scotia and New Brunswick," amongst other things in effect enacted, that the said Act shall apply to the Province of Nova Scotia and New Brunswick only, and to such ports and such ports only (except the Ports of Halifax and Pictou in Nova Scotia, and Saint John in New Brunswick) in either of the said Provinces as shall from time to time be designated for that purpose by Proclamation, under an order of the Governor in Council :

And whereas an order of the Governor in Council, was passed on the Fifth day of February last, appointing that the said Act shall be in force at the Port of Annapolis, in the County of Annapolis, in the Province of Nova Scotia :—

Now Know Ye that We, hereby, under and by virtue of the authority vested in Us by the said Act and order of the Governor in Council respectively, proclaim and declare, that the Act hereinbefore mentioned, and intituled "An Act to provide for the appointment of Harbour Masters for certain Ports in the Provinces of Nova Scotia and New Brunswick," shall henceforth be in force at, and with respect to, the Port of Annapolis, in the County of Annapolis, in the Province of Nova Scotia, one of the Provinces of Our Dominion of Canada.

Of all which Our loving subjects, &c., &c.

In testimony whereof, &c., &c.

By Command.

R. W. SCOTT,

*Secretary of State.*

Dated, 12th March, 1875,

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*Marine and Fisheries.*

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DUFFERIN.

[L.S.]

## CANADA.

VICTORIA, by the Grace of God, of the United Kingdom of Great Britain and Ireland, QUEEN, Defender of the Faith, &c., &c., &c.

To all to whom these presents shall come, or whom the same may in any-wise concern—GREETING :

## A PROCLAMATION.

T. FOURNIER, } WHEREAS it is in and by an Act passed  
*Attorney-General, Canada.* } in the Session of the Parliament of  
Canada, held in the thirty-sixth year of Our Reign, intituled "An Act to  
provide for the appointment of Harbour Masters for certain ports in the  
Provinces of Nova Scotia and New Brunswick," amongst other things in  
effect enacted, that the said Act shall apply to the Provinces of Nova Scotia  
and New Brunswick only, and to such ports and such ports only (except the  
Port of Halifax and Pictou in Nova Scotia and Saint John in New Brunswick)  
in either of the said Provinces as shall from time to time be designated for  
that purpose by Proclamation, under an order or orders of the Governor in  
Council :

And whereas an order of the Governor in Council was passed on the  
Twenty-fifth day of February last, appointing that the said Act shall be in  
force at the Port of Getson's Cove, Lahave River, in the County of Lunen-  
burg, in the Province of Nova Scotia :—

Now Know Ye that We, hereby, under and by virtue of the authority  
vested in Us by the said Act and order of the Governor in Council respec-  
tively, proclaim and declare that the Act hereinbefore mentioned and  
intituled "An Act to provide for the appointment of Harbour Masters for  
certain ports in the Provinces of Nova Scotia and New Brunswick," shall  
henceforth be in force at, and with respect to the Port of Getson's Cove,  
Lahave River, in the County of Lunenburg, in the Province of Nova Scotia,  
one of the Provinces of Our Dominion of Canada. The limits of the said  
port being held to extend up the Lahave River as far as the centre of Bear  
Hills, on the east side of the river, and to a point directly opposite on the  
west side of the river.

Of all which Our loving subjects, &c., &c.  
In testimony whereof, &c., &c.

By Command.

R. W. SCOTT,  
*Secretary of State.*

Dated, 12th March, 1875.

*Marine and Fisheries.*

DUFFERIN.

[L. S.]

## CANADA.

VICTORIA, by the Grace of God, of the United Kingdom of Great Britain and Ireland, QUEEN, Defender of the Faith, &c. &c., &c.

To all to whom these presents shall come, or whom the same may in any wise concern—GREETING :

## A PROCLAMATION.

T. FOURNIER, } WHEREAS it is, in and by the Act passed in  
*Attorney-General, Canada.* } the Session of the Parliament of Canada,  
 held in the thirty-sixth year of Our Reign, intituled "An Act to provide  
 "for the appointment of Harbour Masters for certain ports in the Provinces  
 "of Nova Scotia and New Brunswick," amongst other things in effect  
 enacted, that the said Act shall apply to the Provinces of Nova Scotia and  
 New Brunswick only, and to such ports only (except the ports of Halifax  
 and Pictou in Nova Scotia, and Saint John in New Brunswick) in either of  
 the said Provinces as shall from time to time be designated for that purpose  
 by Proclamation, under an order or orders of the Governor in Council :—

And whereas an order of the Governor in Council was passed on the  
 First day of March instant, appointing that the said Act shall be in force  
 at the Port of Tuskett, in County of Yarmouth, in the Province of Nova  
 Scotia :—

Now Know Ye that We, hereby under and by virtue of the authority  
 vested in Us by the said Act and order of the Governor in Council  
 respectively, proclaim and declare that the Act hereinbefore mentioned and  
 intituled : "An Act to provide for the appointment of Harbour Masters for  
 "certain ports in the Provinces of Nova Scotia and New Brunswick," shall  
 henceforth be in force at, and with respect to, the Port of Tuskett, in the  
 County of Yarmouth, in the Province of Nova Scotia, one of the Provinces  
 of Our Dominion of Canada. The said Port of Tuskett to include that por-  
 tion of Tuskett River, between Tuskett Bridge and Fish Island Light, affected  
 by the tide.

Of all which Our loving subjects, &c., &c.

In testimony whereof, &c., &c.

By Command.

R. W. SCOTT,  
*Secretary of State.*

Dated, 18th March, 1875.

*Marine and Fisheries.*

NOTICE is hereby given that by Order of the Governor-General in Council of the Thirteenth instant, on the recommendation of the Minister of Marine and Fisheries, the rate or duty required under the provisions of the 32nd section of the Act 31 Vict., chap. 65, to be paid by the owner or master of every steamboat in the Dominion of Canada, has been fixed at seven cents for every ton which such steamboat measures, instead of ten cents, the former rate,—such duty to be paid once in every calendar year, and to be in addition to the inspection fee imposed on the owner or master by the Act alluded to.

WM. SMITH,

*Deputy Minister of Marine and Fisheries.*

Department of Marine and Fisheries,  
Ottawa, 17th February, 1875.

DUFFERIN

[L. S.]

CANADA.

VICTORIA, by the Grace of God, of the United Kingdom of Great Britain and Ireland, QUEEN, Defender of the Faith, &c., &c., &c.

To all to whom these present shall come, or whom the same may in anywise concern—GREETING :

A PROCLAMATION.

T. FOURNIER, } **WHEREAS** it is in and by the Act passed in  
*Attorney-General, Canada.* } the Session of the Parliament of Canada,  
held in the Thirty-sixth year of Our Reign, intituled "An Act to provide  
"for the appointment of Harbour Masters for certain ports in the Provinces  
"of Nova Scotia and New Brunswick," amongst other things in effect  
enacted, that the said Act shall apply to the Provinces of Nova Scotia and  
New Brunswick only, and to such ports and such ports only (except the  
Ports of Halifax and Pictou in Nova Scotia, and Saint John in New Brunswick)  
in either of the said Provinces as shall, from time to time, be designated  
for that purpose by Proclamation under an order or orders of the Governor  
in Council :

And whereas an order of the Governor in Council was passed on the  
First day of March instant appointing that the said Act shall be in force at  
the Port of Yarmouth, in the County of Yarmouth, in the Province of Nova  
Scotia :—

Now Know Ye that We do, hereby, under and by virtue of the authority  
vested in Us by the said Act and Order of the Governor in Council respectively,  
proclaim and declare that the Act hereinbefore mentioned and  
intituled "An Act to provide for the appointment of Harbour Masters for  
"certain ports in the Provinces of Nova Scotia and New Brunswick," shall  
henceforth be in force at, and with respect to, the Port of Yarmouth, in the

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*Marine and Fisheries.*

County of Yarmouth, in the Province of Nova Scotia, one of the Provinces of Our Dominion of Canada. The limits of the Port of Yarmouth being held to include all waters within the harbour affected by the tide from Milton to a line drawn from Cat-rock to Sandy Point.

Of all which Our loving subjects, &c., &c.

In testimony whereof, &c., &c.

By Command.

R. W. SCOTT,

*Secretary of State.*

Dated, 18th March, 1875.

DUFFERIN.

CANADA.

[L. S.]

VICTORIA, by the Grace of God, of the United Kingdom of Great Britain and Ireland, QUEEN, Defender of the Faith, &c., &c., &c.

To all to whom these present shall come, or whom the same may in any-wise concern—GREETING :

T. FOURNIER, } WHEREAS it is in and by an Act passed  
*Attorney-General, Canada.* } in the Session of the Parliament of Canada,  
held in the Thirty-seventh year of Our Reign, intituled "An Act to provide  
"for the appointment of Harbour Masters for certain ports in the Provinces of  
"Quebec, Ontario, British Columbia and Prince Edward Island," amongst  
other things in effect enacted, that the provisions of the said Act shall apply  
to the Provinces of Quebec, Ontario, British Columbia and Prince Edward  
Island only, and to such ports and such ports only in either of the said  
Provinces as shall, from time to time, be designated for that purpose by  
Proclamation under an order or orders of the Governor in Council, except  
only the Ports of Quebec and Montreal, in the Province of Quebec, and of  
Toronto in the Province of Ontario, to which the said provisions shall not  
apply :

And whereas an order of the Governor in Council was passed on the  
Eighth day of March instant, appointing that the said Act shall be in force  
at the Ports of Victoria and Esquimalt, in the Province of British Columbia:—

Now Know Ye that We do hereby, under and by virtue of the authority  
vested in Us by the said Act, and by the advice and approval of Our Privy  
Council for Canada, proclaim and declare that the Act hereinbefore men-  
tioned and intituled "An Act to provide for the appointment of Harbour  
"Masters for certain ports in the Provinces of Quebec, Ontario, British  
"Columbia and Prince Edward Island" shall henceforth be in force at, and  
with respect to, the Ports of Victoria and Esquimalt in the Province of  
British Columbia, one of the Provinces of Our Dominion of Canada.

Of all which Our loving subjects, &c., &c.

In testimony whereof, &c., &c.

By Command,

R. W. SCOTT,

*Secretary of State.*

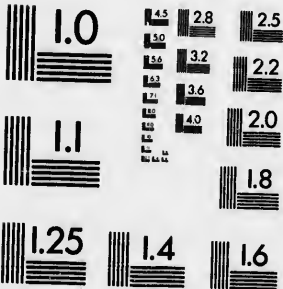
Dated, 20th March, 1875.





# MICROCOPY RESOLUTION TEST CHART

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*Justice.*

DUFFERIN.

[L.S.]

CANADA.

VICTORIA, by the Grace of God, of the United Kingdom of Great Britain and Ireland, QUEEN, Defender of the Faith, &c., &c., &c.

To all to whom these presents shall come, or whom the same may in any-wise concern—GREETING:

## A PROCLAMATION.

A. A. DORION, } WHEREAS it is in and by the Act made and  
*Attorney-General, Canada.* } passed by the Parliament of Canada in  
the Thirty-third year of Our Reign, chaptered Fourteen and intituled "An  
"Act respecting the Coasting Trade of Canada," amongst other things in  
effect enacted "That the said Act shall not come into operation until the  
day to be appointed for that purpose, in a Proclamation by the Governor,  
signifying Her Majesty's pleasure that it shall come into operation in  
Canada:"

And whereas the said Act was laid before Us in Our Most Honorable Privy Council, at the Court of Windsor, on the Twenty-fourth day of March, in the year of Our Lord One thousand eight hundred and seventy-one; whereupon we were pleased by and with the advice of Our Privy Council aforesaid, to declare our special confirmation of the said Act, and the same was thereby specially confirmed, ratified and finally enacted accordingly:

And whereas We, by and with the advice of Our Privy Council for Canada, have thought fit to appoint the Sixteenth day of March next as the day upon which the said Act shall come into operation:—

Now Know Ye that We, by and with the advice of Our Privy Council for Canada, do by this Our Royal Proclamation declare that the said Act made and passed by the Parliament of Canada, in the Thirty-third year of Our Reign, chaptered Fourteen, and intituled "An Act respecting the Coasting Trade of Canada," has been approved and confirmed by us in Our Most Honorable Council.

And We do further proclaim and declare Our pleasure that the said Act shall come into operation on the Sixteenth day of March, now next hereafter, that being the day hereby by us appointed for such purpose.

Of all which Our loving subjects, &c., &c.

In testimony whereof, &c., &c.

By Command.

R. W. SCOTT,  
*Secretary of State.*

Dated, 9th February, 1874.

*Justice.*

DUFFERIN.

[L. S.]

## CANADA.

VICTORIA, by the Grace of God, of the United Kingdom of Great Britain and Ireland, QUEEN, Defender of the Faith, &c., &c., &c.

To all to whom these presents shall come, or whom the same may in any wise concern—GREETING :

## A PROCLAMATION.

A. A. DORION, } *Attorney-General, Canada.* } WHEREAS in and by the Fifty-fifth section of a certain Act of the Parliament of Our United Kingdom of Great Britain and Ireland, passed in the Session thereof, held in the Thirtieth and Thirty-first years of Our Reign, and intituled "An Act for the Union of Canada, Nova Scotia and New Brunswick, and the Government thereof, and for purposes connected therewith," it is in effect enacted that where a Bill passed by the Houses of Parliament is presented to the Governor General for Our assent, he shall declare according to his discretion, but subject to the provisions of the Act in recital and to Our instructions, either that he assents thereto in Our name, or that he withholds Our assent, or that he reserves the Bill for the signification of Our pleasure :

And whereas, in and by the fifty-seventh section of the said Act it is in effect enacted that a Bill reserved for the signification of Our pleasure shall not have any force unless and until within two years from the day on which it was presented to the Governor General for Our assent, the Governor General signifies by Speech or Message to each of the Houses of the Parliament, or by Proclamation, that it has received the assent of Us in Council :

And whereas at the Session of the Parliament of Canada, held in the thirty-sixth year of Our Reign, a certain Bill chaptered one hundred and twenty-eight and intituled "An Act relating to Shipping and for the registration, inspection and classification thereof" was passed in and by the Senate and House of Commons, and was subsequently presented to the Right Honorable Sir Frederic Temple, Earl of Dufferin, Our Governor General of Canada, for Our assent thereto; and Our said Governor General did, in pursuance of the authority vested in him by the said first above recited Act, declare that he reserved the said Bill for the signification of Our pleasure :

And whereas in and by the said Bill, it is amongst other things in effect enacted that the said Act shall take effect upon from and after the day not being later than the First day of January, One thousand eight hundred and seventy-four, named for that purpose in any Proclamation published by the Governor to the effect that the same has been confirmed and approved by Us in Council :

And whereas the said Bill was laid before Us in 'Our Most Honorable Privy Council at the Court at Balmoral, on the Twentieth day of November, in the year of Our Lord One thousand eight hundred and seventy-three: whereupon We were pleased by and with the advice of Our Privy Council

*Justice.*

aforesaid to declare Our assent to the said Bill, and the same was thereby specially confirmed, approved and ratified, and finally enacted accordingly :

And whereas We, by and with the advice of Our Privy Council for Canada, have thought fit to appoint the Twenty-seventh day of March instant, as the day upon which the said Bill shall take effect and come into operation :—

Now Know Ye that the said Bill made and passed by the Parliament of Canada in the Thirty-sixth year of Our Reign, chaptered one hundred and twenty-eight, and intituled "An Act relating to Shipping and for the "registration, inspection and classification thereof," so reserved as aforesaid, having been laid before Us in Council, at Our Court at Balmoral, on the Twentieth day of November, in the year of Our Lord One thousand eight hundred and seventy-three, We have been pleased to declare, that the said Bill has received Our assent in Council, and We do by these presents, and according to the provisions of the said Act of the Parliament of Great Britain and Ireland, specially confirm, ratify, and finally enact and assent to the said Bill :

And by and with the advice of Our Privy Council for Canada, We do further proclaim and declare Our pleasure that the said Act shall take effect and come into operation on the Twenty-seventh day of March instant, that being the day hereby by Us appointed for such purpose.

Of all which all Our loving subjects, &c., &c., &c.

In testimony whereof, &c., &c., &c.

By Command.

Dated, 16th day of March, 1874.

R. W. SCOTT,  
*Secretary of State.*

DUFFERIN.

[L. S.]

CANADA.

VICTORIA, by the Grace of God, of the United Kingdom of Great Britain and Ireland, QUEEN, Defender of the Faith, &c., &c., &c.

To all to whom these presents shall come, or whom the same may in any wise concern—GREETING.

A PROCLAMATION.

A. A. DORION,  
*Attorney-General, Canada.* } WHEREAS in and by the fifty-fifth section of a certain Act of the Parliament of Our United Kingdom of Great Britain and Ireland, passed in the Session thereof, held in the Thirtieth and Thirty-first years of Our Reign, and intituled "An Act for the Union of Canada, Nova Scotia and New Brunswick, and the Government thereof, and for purposes connected "therewith," it is in effect enacted that where a Bill passed by the Houses of Parliament is presented to the Governor General for Our assent, he shall declare according to his discretion, but subject to the provisions of the Act in recital and to Our instructions, either that he assents thereto in Our name or that he withholds Our assent, or that he reserves the Bill for the signification of Our pleasure :

*Justice.*

And whereas, in and by the fifty-seventh section of the said Act, it is in effect enacted that a Bill reserved for the signification of Our pleasure shall not have any force unless and until within two years from the day on which it was presented to the Governor General for Our assent, the Governor General signifies by Speech or Message to each of the Houses of the Parliament, or by Proclamation, that it has received the assent of Us in Council :

And whereas at the Session of the Parliament of Canada, held in the Thirty-sixth year of Our reign, a certain Bill chaptered one hundred and twenty-nine, and intituled "An Act respecting the Shipping of Seamen," was passed in and by the Senate and the House of Commons, and was subsequently presented to the Right Honorable Sir Frederic Temple, Earl of Dufferin, Our Governor General of Canada, for Our assent thereto; and Our said Governor General did, in pursuance of the authority vested in him by the said first above recited Act, declare that he reserved the said Bill for the signification of Our pleasure :

And whereas in and by the said Bill it is amongst other things in effect enacted that the said Act shall come into operation, upon from and after the day, not being earlier than the First day of January, One thousand eight hundred and seventy-four, appointed for that purpose in any Proclamation: by the Governor to the effect that the same has been confirmed and approved by Us in Council :

And whereas the said Bill, was laid before Us in Our Most Honorable Privy Council at the Court at Balmoral on the twentieth day of November, in the year of Our Lord One thousand eight hundred and seventy-three; whereupon we were pleased, by and with the advice of Our Privy Council aforesaid, to declare Our assent to the said Bill, and the same was thereby specially confirmed, approved and ratified, and finally enacted accordingly :

And whereas We, by and with the advice of Our Privy Council for Canada, have thought fit to appoint the twenty-seventh day of March instant as the day upon which the said Bill shall come into operation :—

Now Know Ye that the said Bill made and passed by the Parliament of Canada in the Thirty-sixth year of Our Reign, chaptered 129, and intituled "An Act respecting the Shipping of Seamen" so reserved as aforesaid, having been laid before Us in Council at Our Court at Balmoral, on the twentieth day of November, in the year of Our Lord One thousand eight hundred and seventy-three, We have been pleased to declare that the said Bill has received Our assent in Council, and We do by these presents, and according to the provisions of the said Act of the Parliament of Great Britain and Ireland, specially confirm, ratify and finally enact and assent to the said Bill.

And by and with the advice of Our Privy Council for Canada, We do further proclaim and declare Our pleasure that the said Act shall come into operation on the twenty-seventh day of March instant, that being the day hereby by Us appointed for such purpose.

Of all which all Our loving subjects, &c., &c., &c.

In testimony whereof, &c., &c.

By Command.

R. W. SCOTT,

*Secretary of State.*

Dated, 16th day of March, 1874.

*Justice.*

DUFFERIN.

[L. 3.]

CANADA.

VICTORIA, by the Grace of God, of the United Kingdom of Great Britain and Ireland, QUEEN, Defender of the Faith, &c., &c., &c.

To all to whom these presents shall come, or whom the same may in any wise concern—GREETING.

A PROCLAMATION.

A. A. DORION, } WHEREAS it is in and by the Act  
*Attorney-General, Canada.* } made and passed by the Parliament of Canada in the Thirty-sixth year of Our Reign, chapter eight, and intituled "An Act with respect to the carriage of dangerous goods in Ships," amongst other things in effect enacted that the said Act shall come into operation, upon from and after the day, not being earlier than the First day of January, One thousand eight hundred and seventy-four, appointed for that purpose in any Proclamation by the Governor to the effect that the same has been confirmed and approved by Us in Council:

And whereas the said Act was laid before Us in Our Most Honorable Privy Council at the Court at Windsor, on the twenty-first day of February now last past, whereupon we were pleased, by and with the advice of Our Privy Council aforesaid, to declare Our especial confirmation of the said Act, and the same was thereby specially confirmed, ratified and finally enacted accordingly:

And whereas We, by and with the advice of Our Privy Council for Canada, have thought fit to appoint the Fourth day of April next ensuing as the day upon which the said Bill shall come into operation:—

Now Know Ye, that We, by and with the advice of Our Privy Council for Canada, do by this Proclamation declare that the said Act made and passed by the Parliament of Canada, in the Thirty-sixth year of Our Reign, chapter eight and intituled "An Act with respect to the carriage of "dangerous goods in Ships" has been confirmed and approved by Us in Our Most Honorable Council:

And We do further proclaim and declare Our pleasure that the said Act shall come into operation on the Fourth day of April next ensuing, that being the day hereby by Us appointed for such purpose.

Of all which all our loving subjects, &c., &c., &c.

In testimony whereof, &c., &c.

By Command.

R. W. SCOTT,

*Secretary of State.*

Dated, 26th day of March, 1874.

*Interior.*

DUFFERIN.

[L. S.]

## CANADA.

VICTORIA, by the Grace of God, of the United Kingdom of Great Britain and Ireland, QUEEN, Defender of the Faith, &c., &c., &c.  
To all to whom these presents shall come, or whom the same may in any wise concern—GREETING :

## A PROCLAMATION.

H. BERNARD, }  
*Deputy of the Minister of Justice, Canada.* } WHEREAS in and by an Act passed in the Session of the Parliament of Canada, held in the 37th year of Our Reign, and intituled "An Act to amend certain laws respecting Indians, and to extend certain laws relating to matters connected with Indians to the Provinces of Manitoba and British Columbia," amongst other things, power is conferred upon our Governor in Council, by Proclamation from time to time, to direct certain Acts therein mentioned, or any clauses thereof, to be in force generally in the North West Territories :

And whereas Our Governor in Council has been pleased to order, that the several clauses hereinafter set forth the same being clauses of the said Acts hereinbefore mentioned, shall be brought into force generally in the North West Territories aforesaid :

Now Know Ye that We do, hereby, under and by virtue of the authority vested in Us by the said Act, and by the order of Our Governor in Council respectively, proclaim and declare that from and after the publication of this proclamation, the several clauses of the Act hereinafter set forth shall be in force generally in the North West Territories, that is to say :—

Of the Act passed in the 32nd and 33rd years of Our Reign, chapter six, and intituled "An Act for the gradual enfranchisement of Indians, the better management of Indian affairs, and to extend the provisions of the "31st Victoria, chapter forty-two."

Section 3.—"1. Whoever sells, exchanges with, barter, supplies or gives to any Indian man, woman or child, in Canada, any kind of intoxicating liquor, or causes or procures the same to be done, or connives or attempts thereat, or opens or keeps, or causes to be opened or kept on any land set apart or reserved for Indians, a tavern, house or building where intoxicating liquor is sold, bartered, exchanged, or given, or is found in possession of intoxicating liquor in the house, tent, wigwam, or place of abode of any Indian, shall on conviction thereof before any Justice of the Peace, upon the evidence of one credible witness other than the informer or prosecutor, be liable to imprisonment for a period not exceeding two years, and be fined not more than five hundred dollars, one moiety to go to the informer or prosecutor, and the other moiety to Her Majesty, to form part of the fund for the benefit of that tribe or body of Indians with respect to one or more members of which the offence was committed ; and the commander or person in charge of any steamer or other vessel, or boat, from or on board of which any intoxicating liquor shall have been sold, bartered,



*Interior.*

exchanged, supplied, or given to any Indian man, woman or child, shall be liable, on conviction thereof before any Justice of the Peace, upon the evidence of one credible witness other than the informer or prosecutor, to be fined not exceeding five hundred dollars for each such offence,—the moiety thereof to be applicable as hereinbefore mentioned; and in default of immediate payment of such fine any person so fined may be committed to any common gaol, house of correction, lock-up, or other place of confinement by the Justice of the Peace before whom the conviction shall take place, for a period of not more than twelve months, or until such fine shall be paid: and in all cases arising under this section, Indians shall be competent witnesses; but no penalty shall be incurred in case of sickness where any intoxicating liquor is made use of under the sanction of any medical man, or under the directions of a minister of religion.

"2. The keg, barrel, case, box, package or receptacle whence intoxicating liquor has been sold, exchanged, bartered, supplied or given, and as well that in which the original supply was contained as the vessel wherein any portion of such original supply was supplied as aforesaid, and the balance of the contents thereof, if such barrel, keg, case, box, package, receptacle or vessel aforesaid respectively, can be identified, and any intoxicating liquor imported or manufactured, or brought into and upon any land set apart or reserved for Indians, or into the house, tent, wigwam or place of abode of any Indian, may be seized by any constable wheresoever found on such land; and on complaint before any Judge, Stipendiary Magistrate or Justice of the Peace, he may on the evidence of any credible witness, that this Act has been contravened in respect thereof, declare the same forfeited, and cause the same to be forthwith destroyed; and the person in whose possession they were found may be condemned to pay a penalty not exceeding one hundred dollars nor less than fifty dollars, and the costs of prosecution; and one-half of such penalty shall belong to the prosecutor, and the other half to Her Majesty for the purposes hereinbefore mentioned, and in default of immediate payment, the offender may be committed to any common gaol, house of correction, lock-up or other place of confinement for any time not exceeding six months unless such fine and costs are sooner paid.

"3. When it shall be proved before any Judge, Stipendiary Magistrate or Justice of the Peace, that any vessel, boat, canoe or conveyance of any description upon the sea or sea coast, or upon any river, lake or stream in Canada, is employed in carrying intoxicating liquor, to be supplied to any Indian or Indians, such vessel, boat, canoe or conveyance so employed may be seized and declared forfeited as in the last sub-section mentioned, and sold, and the proceeds thereof paid to Her Majesty for the purposes hereinbefore mentioned.

"4. It shall be lawful for any constable, without process of law, to arrest any Indian whom he may find in a state of intoxication, and to convey him to any common gaol, house of correction, lock-up, or other place of confinement, there to be kept until he shall have become sober; and such Indian shall, when sober, be brought before any Judge, Stipendiary Magistrate, or Justice of the Peace, and if convicted of being so found in a state of intoxication, shall be liable to imprisonment in any common gaol,

*Interior.*

house of correction, lock-up or other place of confinement, for any period not exceeding one month. And if any Indian having been so convicted as aforesaid, shall refuse upon examination to state or give information of the person, place, and time, from whom, where, and when, he procured intoxicating liquor, and if from any other Indian, then, if within his knowledge, from whom, where and when such intoxicating liquor was originally procured or received, he shall be liable to imprisonment as aforesaid for a further period not exceeding fourteen days.

"5. The word 'intoxicating liquor' shall mean and include all spirits, strong waters, spirituous liquors, wines, or fermented or compounded liquors or intoxicating drink of any kind whatsoever and intoxicating liquor or fluid, as also opium and any preparation thereof, whether liquid or solid, and any other intoxicating drug or substance, and tobacco or tea mixed or compounded or impregnated with opium or with other intoxicating drug or substance, and whether the same or any of them be liquid or solid.

"6. No prosecution, conviction or commitment under this Act shall be invalid on account of want of form so long as the same is according to the true meaning of this Act."

Of the Act passed in the 31st year of Our Reign, chaptered forty-two, and intituled "An Act providing for the organization of the Department of the Secretary of State of Canada and for the management of Indian and Ordinance Lands."

"Section 14. No presents given to Indians nor any property purchased or acquired with or by means of any annuities granted to Indians, or any part thereof, or otherwise howsoever, and in possession of any tribe, band or body of Indians, or of any Indian of any such tribe, band or body, shall be liable to be taken, seized or distrained for any debt, matter or cause whatsoever.

Nor shall the same be sold, bartered, exchanged or given by any tribe, band or body of Indians or any Indian of any such tribe, band or body to any person or persons other than a tribe, band or body of Indians or any Indian of any tribe, and any such sale, barter, exchange or gift shall be absolutely null or void, unless any such sale, barter, exchange or gift be made with the written assent of the Indian agent; and any person who may buy or otherwise acquire any presents or property purchased as aforesaid, without the written consent of the Indian agent as aforesaid, shall be guilty of a misdemeanor, and be punishable by fine not exceeding two hundred dollars, or by imprisonment not exceeding six months in any place of confinement other than the penitentiary."

Of the Act passed in the Thirty-seventh year of Our Reign, intituled "An Act to amend certain Laws respecting Indians and to extend certain Laws relating to matters connected with Indians to the Provinces of Manitoba and British Columbia."

"Sec. 3. Upon any inquest, or upon any enquiry into any matter involving a criminal charge, or upon the trial of any crime or offence whatsoever, or by whomsoever committed, it shall be lawful for any Court, Judge, Stipendiary Magistrate, Coroner or Justice of the Peace to receive the evidence of any Indian or aboriginal native or native of mixed blood, who is destitute of the knowledge of God, and of any fixed and clear

*Interior.*

belief in religion or in a future state of rewards and punishments, without administering the usual form of oath to any such Indian, aboriginal native or native of mixed blood as aforesaid, upon his solemn affirmation or declaration to tell the truth, the whole truth and nothing but the truth, or in such form as may be approved by such Court, Judge, Stipendiary Magistrate, Coroner or Justice of the Peace, as most binding in his conscience.

" 4. Provided that in the case of any inquest, or upon any inquiry into any matter involving a criminal charge, or upon the trial of any crime or offence whatsoever, the substance of the evidence or information of any such Indian, aboriginal native or native of mixed blood as aforesaid, shall be reduced to writing, and signed by a mark of the person giving the same, and verified by the signature or mark of the person acting as interpreter (if any,) and of the Judge, Stipendiary Magistrate, Coroner, or Justice of the Peace or person before whom such information shall have been given.

" 5. The Court, Judge, Stipendiary Magistrate, or Justice of the Peace shall, before taking any such evidence, information, or examination, caution every such Indian, aboriginal native or native of mixed blood as aforesaid, that he will be liable to incur punishment if he do not so, as aforesaid, tell the truth.

" 6. The written declaration or examination made, taken, and verified in manner aforesaid, of any such Indian, aboriginal native or native of mixed blood as aforesaid, may be lawfully read and received as evidence upon the trial of any criminal suit or proceedings, when under the like circumstances the written affidavit, examination, deposition or confession of any person, might be lawfully read and received as evidence.

" 7. Every solemn affirmation or declaration in whatever form made or taken by any person as aforesaid shall be of the same force and effect, as if such person had taken an oath in the usual form, and shall in like manner incur the penalty of perjury in case of falsehood."

Of all which our loving subjects, &c., &c., &c.

In testimony whereof, &c., &c.

By Command.

R. W. SCOTT,  
*Secretary of State.*

Dated 28th day of May, 1874.

*Interior.*

DUFFERIN.

[L. S.]

## CANADA.

VICTORIA, by the Grace of God, of the United Kingdom of Great Britain and Ireland, QUEEN, Defender of the Faith, &c., &c., &c.

To all to whom these presents shall come, or whom the same may in anywise concern—GREETING :

## A PROCLAMATION.

T. FOURNIER, *Attorney-General, Canada.* } WHEREAS by an Act passed by the Parliament of Canada, in the 37th year of Our Reign, intituled "An Act to amend certain laws respecting Indians, and to extend certain laws relating to matters connected with Indians to the Provinces of Manitoba and British Columbia," it is in effect enacted that the Governor in Council may, by Proclamation, exempt from the operation of the several Acts therein mentioned, or of the Act now in part recited, or from the operation of any one or more of the clauses of any one or more of the said Acts, the Indians, or any of them, or any tribe of them, or the Indian lands, or any portions of them in the Province of British Columbia:

And whereas we deem it advisable that the Indians, and every of them, and the several tribes of them in the Province of British Columbia, should be exempt from the operation of the 8th clause of the Act now in recital:

Now Know Ye that, by and with the advice of Our Privy Council for Canada, We do, by virtue of the authority vested in us as hereinbefore recited, proclaim, order, and declare that the Indians and every of them, and the several tribes of them in the Province of British Columbia are, by this Our Royal Proclamation, exempted from the operation of the 8th section of the Act of the Parliament of Canada, passed in the 37th year of Our Reign, intituled "An Act to amend certain laws respecting Indians, and to extend certain laws relating to matters connected with Indians to the Provinces of Manitoba and British Columbia;" and we do hereby exempt the Indians, and every of them, and the several tribes of them, in the Province of British Columbia, from the operation of the said 8th section of the said Act accordingly.

Of all which Our loving subjects, &c., &c., &c.

In testimony whereof, &c., &c.

By Command.

R. W. SCOTT,

*Secretary of State.*

Dated, 26th August, 1874.

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*Miscellaneous.*

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## PRIVY COUNCIL OFFICE,

OTTAWA, 5th day of February, 1875.

NOTICE is hereby given that under the provisions of the "Trade Unions Act, 1872," His Excellency the Governor General in Council has been pleased to make the following regulations:—

## REGULATIONS UNDER THE TRADE UNIONS ACT, 1872.

1. The Registrar shall not register a Trade Union under a name identical with that of any other existing Trade Union known to him, whether registered or not registered, or so nearly resembling such name as to be likely to deceive the members or the public.

2. Upon an application for the registration of a Trade Union which is already in operation, the Registrar, if he has reason to believe that the applicants have not been duly authorized by such Trade Union to make the same, may for the purpose of ascertaining the fact, require from the applicants such evidence as may seem to him necessary.

3. Application for registry shall be made in the form subjoined to these regulations.

4. All documents transmitted to the Registrar relating to any registered Trade Union shall be open to inspection of any person on payment of twenty-five cents.

5. The certificate of registry shall be delivered to the applicant on payment of five dollars.

## FORM OF APPLICATION REFERRED TO IN THE FOREGOING REGULATIONS.

(Trade Unions Act, 1872.)

*Form of Application for Registry.*

1. This application is made by the seven persons whose names are subscribed at the foot hereof.

2. The name under which it is proposed that the Trade Union on behalf of which this application is made, shall be registered, is  
as set forth in rule No.

To the best of our belief there is no other existing Trade Union, whether registered or not registered, the name of which is identical with the proposed name or so nearly resembles the same as to cause confusion.

3. The place of meeting for the business of the (*name of the Union*) and the office to which all communications and notices may be addressed is at  
as set forth in rule No.

4. The (*name of the Union*) was established on the                      day of

5. The whole of the objects for which the (*name of the Union*) is established, and the purposes for which the funds thereof are applicable, are set forth in rule No.

6. The conditions under which members may become entitled to benefits assured, are set forth in rule No.

*Miscellaneous.*

7. The fines and forfeitures to be imposed on members are set forth in rule No. . . .

8. The manner of making, altering, amending and rescinding rules is set forth in rule No. . . .

9. The provision for the appointment and removal of a general committee of management, of trustee or trustees, treasurer and other officers, is set forth in rule No. . . .

10. The provision for the investment of funds and for the periodical audit of accounts, is set forth in rule No. . . .

11. The provision for the inspection of the books and names of the members by every person having an interest in the funds, is set forth in rule No. . . .

12. Accompanying this application are sent,—

(1.) Two printed copies, each marked A, of the rules.

(2.) A list, marked B, of the titles and names of the officers.

(3.) A general statement, marked C \* shewing—

(a) The assets and liabilities of the † at the date up to which the statement is made out.

(b) The receipts and expenditure of ‡ during the year preceding the date § up to which the statement is made out, such expenditure being set forth under separate heads corresponding to the several objects of the Trade Union.

13. We have been duly authorized by the Trade Union to make this application on its behalf, such authorization consisting of §

(Signed,)

1. \_\_\_\_\_
2. \_\_\_\_\_
3. \_\_\_\_\_
4. \_\_\_\_\_
5. \_\_\_\_\_
6. \_\_\_\_\_
7. \_\_\_\_\_

day of

18

\* This will only be necessary in case where the Trade Union has been in operation more than a year previous to the date of the application.

† Name of Trade Union.

‡ This date will be fixed by the Registrar.

§ This will only be necessary where the Trade Union has been in operation before the date of the application.

In paragraph 13 must be stated whether the authority to make this application was given by "a resolution of a general meeting of the Trade Union," or if not, in what other way it was given.

The two copies of rules must be signed by seven members signing this application.

The application should be dated, and forwarded to "The Registrar General of Canada, Ottawa."

*Miscellaneous.*

FORM OF ANNUAL RETURN OF ALTERATIONS OF RULES AND NEW RULES  
REQUIRED BY SEC. 16 OF THE ACT.

(Trade Unions Act, 1872.)

*Annual Return of Alterations of Rules and New Rules for the Year ending  
31st December, 18 .*

Date of Alteration or making of Rule.	Words of Rule previous to Alteration.	Words of Rule as altered, or of New Rule.

\_\_\_\_\_  
\_\_\_\_\_  
} Trustees.

NOTE.—With the Annual Return must be furnished a copy of Rules as they exist at the date of the Return.



## Miscellaneous.

## ANNUAL RETURN of the Receipts, Funds, Effects, and Expenditure of Trade Unions, required by the Registrar in virtue of Sec. 16 of the Act.

(Trade Unions Act, 1872.)

General Statement of the Receipts, Funds, Effects, and Expenditure of the Trade Union, held at from 1st January to 31st December, 18 .

Reg. No.

Dr.

Cr.

18 . 1st Jan. to 31st Dec.	Receipts.	\$	18 . 1st Jan. to 31st Dec.	EXPENDITURE.	\$	c.
	To Balance in Treasurer's hands on 1st January, 18 .....			By Stationery and Printing .....		
	Fines .....			Salaries of Paid Officers (specifying them) .....		
	Entrance Fees .....			Other necessary Expenses of Management .....		
	Contributions paid by Members for .....			Allowances for .....		
	(Here set forth each of the objects of the Trade Union severally.) .....			(Here set forth under the several heads of benefit claimed by the Trade Union, the number of Claimants for each, and the Amount paid) .....		
	Contributions paid by Members for Expenses of Management .....			Investments made during the year .....		
	Interest received during the year on the Funds invested .....			Balance in Treasurer's hands on 31st December, 187 .....		
	\$			\$		

Statement of the Assets and Liabilities of the Trade Union.

18 . 1st Jan. to 31st Dec.	Dr.	\$	18 . 1st Jan. to 31st Dec.	Cr.	\$	c.
	To Amount of Money to pay Members .....			By Money in Public Funds .....		
	(Here set forth separately the amount of each of the Funds for Benefits.) .....			" Government Securities .....		
	" amount of the Management Fund .....			" Real Securities .....		
	\$			" Other Investments (if any, specifying them.) .....		
	\$			\$		

Auditors.

Trustees.

HAMILTON PUBLIC LIBRARY

*Miscellaneous.*

FORM FOR ANNUAL RETURN FOR CHANGE OF OFFICERS REQUIRED BY  
SEC. 16 OF THE ACT.

(Trade Unions Act, 1872.)

*Annual Return of Change of Officers for the year ending 31st December, 18 .*

Date of Change.	Title of Officer.	Name of Officer Retiring.	Cause of Retirement.	Name of Officer Appointed.

\_\_\_\_\_  
\_\_\_\_\_  
} *Trustees.*

REGULATIONS UNDER THE TRADE UNIONS ACT RELATIVE TO THE REGIS-  
TRY OF ALTERATION OF RULES.

(Trade Union Act 1872.)

1. An application may be made at any time on behalf of a Trade Union to the Registrar for the registration of an alteration of rules.

2. The alteration to be registered may be either—

A partial alteration, consisting of a new rule or rules to be added to the registered rules, or to be substituted for any of the registered rules; or—

A complete alteration, consisting of an entire set of rules to be substituted for the set of registered rules.

3. An application for the registration of a partial alteration of rules must be in the Form M, annexed hereto, and must be accompanied—

(a) By an affidavit or declaration, as the case may be, in Form Q (annexed hereto) of an officer of the Trade Union to the effect that, in making the alteration of rules submitted for registration, the rules of the Trade Union have been duly complied with: and (b) by two copies of the new rule or rules proposed to be added, or as the case may be by two copies of the new rule or rules proposed to be substituted, and two copies of the old rules in the place of which such substitution is to be made. Each copy of the new rules must be marked O, and signed by the applicants. The Registrar, before registering the new rule or rules to be added or substituted, as the

*Miscellaneous.*

case may be, shall ascertain that the rules of the Trade Union, if altered in accordance with the proposed partial alteration, will provide for all the matters required by the above mentioned Act to be provided for by the rules of a registered Trade Union.

The certificate of registry of a partial alteration shall be in Form N, annexed hereto, and shall be delivered to the applicants, attached to one of the copies of the new rule or rules, on payment of two dollars.

4. An application for the registration of a complete alteration of rules must be in the Form X, annexed hereto, and must be accompanied—

(a) By an affidavit or declaration in Form Q, annexed hereto, of an officer of the Trade Union to the effect that, in making the alteration of rules submitted for registration, the rules of the Trade Union have been duly complied with; and—

(b) By two copies of the new set of rules. Each copy of the rules must be printed, and be marked P, and signed by the applicants.

The Registrar, before registering the new set of rules, shall ascertain that the new set of rules provides for all the matters which, by the above mentioned Act are to be provided for by the rules of a registered Trade Union.

The certificate of registry of a complete alteration of rules, shall be in the Form Y, annexed hereto, and shall be delivered to the applicants, attached to one of the copies of the new set of rules on payment of two dollars.

## Q.

*Declaration to be made by the Secretary of a Trade Union in applying for Registry of Alteration of Rules.*

(Trade Unions Act, 1872.)

\_\_\_\_ Trade Union. Register No. \_\_\_\_  
I, \_\_\_\_\_, of \_\_\_\_\_, the Clerk  
(or Secretary or one of the officers) of the above-mentioned Trade Union, do swear (or solemnly and sincerely declare) that in making the alterations of the rules of the said Trade Union, the application for the registration of which is appended to this declaration, the rules of the said Trade Union have been duly complied with.

Sworn (or declared) before me, one of Her Majesty's Justices of the Peace for the County of \_\_\_\_\_ at \_\_\_\_\_ in the said County, this \_\_\_\_\_ day of \_\_\_\_\_ 18 \_\_\_\_

## M.

*Form of Application for Registry of Partial Alteration of Rules.*

\_\_\_\_ Trade Union. Register No. \_\_\_\_  
1. This application is for the registry of a partial alteration of the rules of the \_\_\_\_\_ Trade Union, and is made by the seven persons whose names are subscribed at the foot hereof.

## ORDERS IN COUNCIL, &amp;c.

*Miscellaneous.*

2. The partial alteration submitted for registration consists of the addition of the rule (or rules), two copies whereof accompany this application (each copy being marked O, and signed by the applicants), in addition to the rules already registered, or the substitution of the rule (or rules), two copies whereof accompany this application (each copy being marked O, and signed by the applicants), for No. \_\_\_\_\_ and No. \_\_\_\_\_ of the rules already registered.

3. This application is accompanied by a statutory declaration of an officer of this Trade Union, to the effect that in making the alteration of rules now submitted for registration, the rules of the Trade Union were duly complied with.

4. We have been duly authorised by the \_\_\_\_\_ Trade Union to make this application on its behalf, such authorization consisting of a resolution passed at a general meeting on the \_\_\_\_\_ day of (here insert the date, or if there was no such resolution, state in what other way the authorization was given.)

(Signed,)

1. \_\_\_\_\_
2. \_\_\_\_\_
3. \_\_\_\_\_
4. \_\_\_\_\_
5. \_\_\_\_\_
6. \_\_\_\_\_
7. \_\_\_\_\_

day of (here insert the date) 18 .

*Form of an Application for Registry of Complete Alteration of Rules.*

\_\_\_\_\_ Trade Union. Register No. \_\_\_\_\_  
 1. This is an application for the registration of a complete alteration of the registered rules of the \_\_\_\_\_ Trade Union, and is made by the seven persons whose names are subscribed at the foot hereof.

2. The complete alteration submitted for registration is the substitution of the set of rules, two printed copies of which (each copy marked P, and signed by the applicants) accompany this application, for the set of rules already registered.

3. The name under which it is proposed that the Trade Union, on behalf of which this application is made, shall be registered, is set forth in rule No. \_\_\_\_\_

To the best of our belief there is no other existing Trade Union, whether registered or not registered, the name of which is identical with the proposed name or so nearly resembles the same as to cause confusion.

4. The place of meeting for the business of the \_\_\_\_\_ and the office to which all communications and notices may be addressed, is at \_\_\_\_\_ as set forth in rule No. \_\_\_\_\_

Miscellaneous.

5. The (*here insert name of Trade Union*) was established on the day of
6. The whole of the objects for which the (*here insert name of Trade Union*) is established, and the purpose for which the funds thereof are applicable, are set forth in rule No.
7. The conditions under which members may become entitled to benefit assured, are set forth in rule No.
8. The fines and forfeitures to be imposed on members, are set forth in rule No.
9. The manner of making, altering, amending, and rescinding rules is set forth in rule No.
10. The provision for the appointment and removal of a general committee of management, of trustee or trustees, treasurer and other officers, is set forth in rule No.
11. The provision for the investment of funds and for the periodical audit of accounts is set forth in rule No.
12. The provision for the inspection of books and names of the members, by every person having an interest in the funds, is set forth in rule No.
13. This application is accompanied by a statutory declaration of an officer of the said Trade Union, to the effect that, in making the alteration of rules now submitted for registration, the rules of the Trade Union were duly complied with.
14. We have been duly authorized by the (*here insert name of Trade Union*) Trade Union to make this application on its behalf, such authorization consisting of a resolution passed at a general meeting held on the day of (*here insert the date, or if there was no such resolution, state in what other way the authorization was given.*)

(Signed,)

1. \_\_\_\_\_
2. \_\_\_\_\_
3. \_\_\_\_\_
4. \_\_\_\_\_
5. \_\_\_\_\_
6. \_\_\_\_\_
7. \_\_\_\_\_

day of 18 .

*The Registrar General of Canada, Ottawa.*

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*Miscellaneous.*

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## FORMS OF CERTIFICATES.

N.

\_\_\_\_ Trade Union.      Register No. \_\_\_\_

*Certificate of Registry of Partial Alteration of Rules.*

I hereby certify that the rules, copy whereof is appended hereto, have been registered under the above mentioned Act, in addition to the rules already registered (or in substitution for No.      and No.      of the rules already registered) for the (*here insert name of Trade Union.*)

(Signed,)

*Registrar General of Canada.*

day of      18

Y.

\_\_\_\_ Trade Union.      No. \_\_\_\_

*Certificate of Registry of Complete Alteration of Rules.*

I hereby certify that the set of rules, copy whereof is appended hereto, has been registered under the above mentioned Act in substitution for the set of rules already registered for the (*here insert name*) of Trade Union.

(Signed,)

*Registrar General of Canada.*

day of      18

W. A. HIMSWORTH,  
*Clerk, Privy Council*

(3)

ACTS  
OF THE  
PARLIAMENT  
OF THE  
DOMINION OF CANADA,

PASSED IN THE  
THIRTY-EIGHTH YEAR OF THE REIGN OF HER MAJESTY  
QUEEN VICTORIA,

AND IN THE  
SECOND SESSION OF THE THIRD PARLIAMENT,  
*Begun and holden at Ottawa, on the fourth day of February, and closed by  
Prorogation on the eighth day of April, 1875.*



HIS EXCELLENCY  
THE RIGHT HONORABLE, SIR FREDERICK TEMPLE, EARL OF DUFFERIN,  
GOVERNOR GENERAL.

---

VOL. I.  
PUBLIC GENERAL ACTS.

---

OTTAWA:  
PRINTED BY BROWN CHAMBERLIN,  
LAW PRINTER TO THE QUEEN'S MOST EXCELLENT MAJESTY,  
ANNO DOMINI, 1875.



**REPORT**

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## 38 VICTORIA.

### CHAP. I.

An Act to amend "*The Interpretation Act*," as respects the printing and distribution of the Statutes, and the territorial application of Acts amending previous Acts.

[Assented to 8th April, 1875.]

**W**HEREAS the publication and distribution of the Public General Acts passed in each session of Parliament is greatly delayed by the publication of the Local and Private Acts of the same session in the same volume, and it is expedient that Acts of the Imperial Parliament, Orders in Council, and Proclamations of a public general nature should be published and distributed with the Public General Statutes: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

1. Sections ten and eleven of the Act known as "*The Interpretation Act*," being chapter one of the Acts passed in the thirty-first year of Her Majesty's reign, are hereby repealed, and the following are substituted for them, and shall be read as the tenth and eleventh sections of the said Act:—

New sections substituted for sections 10 and 11 of 31 Vic., c. 1.

"10. The Acts of the Parliament of Canada passed in the present or any future session thereof, shall be printed in two separate volumes, the first of which shall contain such of the said Acts and such Orders in Council and Proclamations or other documents, and such Acts of the Parliament of the United Kingdom, as the Governor in Council may deem to be of a public and general nature or interest in Canada, and may direct to be inserted in the said volume; and the second volume shall contain the remaining Acts of the session and shall be printed after the first volume. Copies of the said volumes shall be printed in the English and French languages respectively

Acts to be printed in two separate volumes: what each shall contain.  
Copies of each volume to be printed respectively

in the English  
and French  
languages  
respectively.

respectively, by the Queen's Printer, who shall, as soon after the close of each session as may be practicable, deliver, or send by post, or otherwise, in the most economical manner, the proper number of copies to the parties hereinafter mentioned, respectively, and in either or both languages as he may be directed; that is to say:—

Distribution  
of copies.

"To the members of the two Houses of Parliament respectively, such number of copies each as may, from time to time, be directed by joint resolution of the said Houses, or, in default of such resolution, in such numbers as shall be directed by Order of the Governor in Council,—and to such public departments, administrative bodies and officers throughout Canada, (including justices of the peace in the distribution of the first but not of the second volume) as may be specified in any order to be for that purpose made from time to time by the Governor in Council:

Proviso as to  
Bills assented  
to during a  
session.

"Provided that when any Bill receives the Royal Assent during and before the termination of any session of Parliament, the Queen's Printer shall, if so directed by the Secretary of State of Canada, cause distribution of such Act to be made, to the same parties and in like manner and numbers as hereinbefore provided with respect to the Acts of any session; or such Act may, by order of the Governor, be published in the *Canada Gazette*, and printed afterwards in the proper volume of the Statutes."

Duties of the  
Secretary of  
State.

"11. The Secretary of State of Canada shall within fifteen days after the close of each session of Parliament, transmit to the Queen's Printer a list of the public departments, administrative bodies and officers to whom the first and second volumes respectively, of the Statutes of such session are to be transmitted as aforesaid, and shall also as occasion requires, furnish him with copies of all Orders in Council made under the provisions of this Act."

Sub-section  
18 of section 7  
of 81 V., c. 1,  
amended.

Expression  
"Superior  
Courts,"  
what to  
include.

2. And for amendment of the eighteenth sub-section of the seventh section of the said Act, it is enacted, that the following words shall be added to and read as part of the sub-section, that is to say:—"In the Province of Manitoba the said words shall denote the Court of Queen's Bench for the said Province; in the Province of British Columbia the said words shall denote the Supreme Court of British Columbia; and in the Province of Prince Edward Island the said words shall denote the Supreme Court of Judicature of the said Province," and in the Province of Ontario the said words shall denote the Court of Error and Appeal in Ontario as well as the other courts in that Province.

Territorial  
application of  
Acts amend-

3. And for the avoidance of doubt as to the effect of Acts amending previous Acts which do not apply to the whole Dominion

Dominion of Canada, it is declared and enacted, that no Act amending a previous Act which does not apply to all the Provinces of Canada, nor any enactment in any such amending Act, although of a substantive nature or form, does or shall apply to any Province to which the amended Act does not apply, unless it is expressly provided that such amending Act or enactment shall apply to such Province or to all the Provinces of Canada.

## CHAP. 2.

An Act to continue for a limited time the Acts therein mentioned.

[Assented to 8th April, 1875.]

WHEREAS it is expedient to continue for a limited time the Acts and provisions hereinafter mentioned: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

1. The Act passed by the Parliament of Canada in the session thereof held in the thirty-second and thirty-third years of Her Majesty's reign, chaptered sixteen, and intituled "An Act respecting Insolvency," and all Acts heretofore passed to amend or extend the same shall be and are hereby continued, and shall remain in force until the first day of January, one thousand eight hundred and seventy-six, and from thence until the end of the then next ensuing session of Parliament and no longer; and the said Acts shall have effect as if originally passed to continue in force until the period to which they are hereby continued.

32, 33 V.,  
c. 16, and  
amendments  
continued.

2. The second and third sections of the Act passed in the thirty-sixth year of Her Majesty's Reign, intituled, "An Act respecting the admission of the colony of Prince Edward Island as a Province of the Dominion," shall be and are hereby continued, and shall remain in force until the first day of January, in the year of Our Lord one thousand eight hundred and seventy-six, and thence until the end of the then next session of the Parliament of Canada, and no longer.

Sects. 2 and 3  
of 36 V. c. 40  
continued.

3. Nothing herein contained shall prevent the effect of any Act passed during the present Session, repealing, amending, rendering permanent, or continuing to any further period than that herein appointed, any of the Acts hereinbefore mentioned and continued, nor shall continue any provision or part of any of the Acts in this Act mentioned, which may have been repealed by any Act passed during the present session or in any previous session.

Saving the  
effect of any  
other Act  
of this  
session.

CHAP.

## CHAP. 3.

An Act for granting to Her Majesty certain sums of money required for defraying certain expenses of the Public Service, for the financial years ending respectively the 30th June, 1875, and the 30th June, 1876, and for other purposes relating to the Public Service.

[Assented to 2th April, 1875.]

## MOST GRACIOUS SOVEREIGN.

## Preamble.

WHEREAS it appears by messages from His Excellency the Right Honorable Sir Frederick Temple, Earl of Dufferin, Governor General of the Dominion of Canada, and the estimates accompanying the same, that the sums hereinafter mentioned are required to defray certain expenses of the public service of the Dominion not otherwise provided for, for the financial years ending respectively the thirtieth day of June, one thousand eight hundred and seventy-five, and the thirtieth day of June, one thousand eight hundred and seventy-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 Queen's Most Excellent Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, that:—

Sum granted  
for 1874-5:  
\$1,779,787.36

1. From and out of the Consolidated Revenue Fund of Canada, there shall and may be applied a sum not exceeding in the whole one million seven hundred and seventy-nine thousand seven hundred and eighty-seven dollars and thirty-six cents, towards defraying the several charges and expenses of the public service of the Dominion, from the first day of July, in the year of Our Lord one thousand eight hundred and seventy-four, to the thirtieth day of June, in the year of Our Lord one thousand eight hundred and seventy-five not otherwise provided for, and set forth in Schedule A. to this Act, and also for the other purposes in the said schedule mentioned.

Sum granted  
for 1875-6:  
\$2,117,107.70

2. From and out of the Consolidated Revenue Fund of Canada, there shall and may be paid and applied a sum not exceeding in the whole twenty-seven million one hundred and seventeen thousand one hundred and seven dollars and seventy cents, towards defraying the several charges and expenses of the Dominion, from the first day of July, in the year of Our Lord one thousand eight hundred and seventy-five to the thirtieth day of June, in the year of Our Lord one thousand eight hundred and seventy-six, not otherwise provided for, and set forth in the Schedule B. to this Act, and for other purposes in the said schedule mentioned.

3.

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

4. And whereas there remain unborrowed and negotiable of the loans authorized by Parliament for the several works hereinafter mentioned, and for general purposes, the sums set opposite to each respectively, viz :—

	\$	cts.
For the Intercolonial Railway .....	2,433,333	3
For the opening up communication with, and the settlement and administration of the Government of the North-West Territories .....	1,460,000	00
For the improvement of River St. Lawrence..	1,500,000	00
For the improvement of Quebec Harbor .....	1,200,000	00
Balance of the loan for the construction of Canadian Pacific Railway.....	20,926,666	67
For general purposes in lieu of debentures redeemed .....	12,436,683	73
	<b>\$39,956,683</b>	<b>73</b>

And whereas it is desirable that the special authority to raise the said sums, by loan, under the several Acts relating to the same respectively, should be cancelled, and that in lieu thereof the Governor in Council should be authorized to raise the said sums for the purposes aforesaid, under the provisions of the Act hereinafter mentioned: Therefore it is declared and enacted, that the Governor in Council may authorize the raising of the several sums above mentioned, as they may be required for the purposes aforesaid, respectively, under the provisions of the Act passed in the thirty-fifth year of Her Majesty's reign, intituled "*An Act respecting the Public Debt, and the raising of Loans authorized by Parliament*," as amended by any Act of the present session, and the sums so raised shall form part of the Consolidated Revenue Fund of Canada, out of which like sums shall be applicable to the several purposes aforesaid, under the Acts and provisions thereunto relating respectively.

Such loans may be raised under 35 V., c. 6, as amended by c. 4 of this session.

## SCHEDULE A.

Sums granted to Her Majesty by this Act, for the Financial Year ending 30th June, 1875, and the purposes for which they are granted.

SERVICE.	Amount.	Total.
	\$ cts.	\$ cts.
ADMINISTRATION OF JUSTICE.		
Circuit allowances, British Columbia .....		5,000 00
POLICE.		
MOUNTED POLICE, NORTH-WEST.		
Cost of organization in excess of estimate .....	27,045 50	
Transport of Police and stores, and disbursements of officers in organization of force.....	19,080 43	
Value of stores sent to Swan River.....	26,007 56	
Transport of do do .....	18,459 58	
Balance awarded contractor for fitting up barracks at Lower Fort Garry .....	2,317 64	
Pay of guides and ox-drivers.....	4,000 00	
Erection of winter quarters at Rocky Mountains .....	25,000 00	
Unforeseen expenses in consequence of return of a portion of the force to Manitoba for the winter .....	5,000 00	126,910 71
PENITENTIARIES.		
Maintenance of prisoners, Manitoba, British Columbia, and Prince Edward Island (additional) .....	15,000 00	
ST. VINCENT DE PAUL.		
Unexpended balance of 1873-74 (revote).....	\$ 7,714 74	
To pay for the erection of eight tenements, to be occupied as dwellings by the guards .....	3,500 00	
To cover cost of water works at the above Penitentiary..	9,890 73	
	21,105 47	36,105 47
LEGISLATION.		
Library of Parliament (additional) .....	2,000 00	
To pay for printing of Criminal Laws.....	4,400 00	
Towards purchase of Ballot Boxes .....	2,250 00	
To pay salaries of Draughtsmen and other expenses in connection with the preparation of Maps for the Railway Committee under the supervision of the Clerk of the House.....	3,680 00	12,320 00
IMMIGRATION AND QUARANTINE.		
Unexpended balance of 1873-74 (revote).....		15,644 54
PENSIONS.		
To pay to E. Duckett, late Customs Officer, Halifax, in fulfilment of an agreement made by the Government of Nova Scotia prior to Confederation .....		250 00
MILITIA.		
Ammunition (revote) .....	20,000 00	
Clothing do .....	75,000 00	
Carried forward.....	95,000 00	196,240

SCHEDULE A.



## SCHEDULE A.—Continued.

g 30th June,

Total.	SERVICE.	Amount.	Total.
	<i>Brought forward</i> .....	\$ cts. 95,000 00	\$ cts. 196,240 72
\$ cts. 5,000 00	MILITIA.—Continued. Military stores (revote)..... Drill sheds and rifle ranges ..... Pay, maintenance, and equipment of A. and B. Batteries of Garrison Artillery, and Schools of Gunnery at Kingston and Quebec.....	50,000 00 5,000 00 15,000 00	165,000 00
	PUBLIC WORKS AND BUILDINGS. (Chargeable to Income.) PUBLIC BUILDINGS. Barracks at Fort Pelly.....	30,000 00	
	DREDGE VESSEL. To pay for dredge vessel taken from Prince Edward Island Govern- ment, in accordance with terms of union.....	22,000 00	52,000 00
126,910 71	OCEAN AND RIVER STEAM AND PACKET SERVICE. DOMINION STEAMERS. To provide for additional amount required for repairs of steamers "Napoleon III" and "Sir James Douglas".....	25,000 00	
	MAIL SUBSIDIES. For steam communication with the Magdalen Islands (for a part of the season of navigation)..... For winter steam service between Prince Edward Island and the Mainland ..... For steam service between Nova Scotia and Newfoundland.....	3,000 00 10,000 00 5,000 00	43,000 00
36,105 47	LIGHT-HOUSES AND COAST SERVICE. Construction of light-houses, unexpended balance of 1873-74 (revote) ... Additional amount required for repairs to Red Island light-ship ..... Extra allowance to staff at Signal Station, Halifax.....	43,351 58 15,000 00 238 00	
12,320 00	FISHERIES. Ontario, fishery overseers ..... Quebec do ..... Nova Scotia do ..... Fish breeding (additional) .....	500 00 899 00 1,000 00 2,300 00 3,000 00	53,589 58 5,300 00
15,644 54	GEOLOGICAL SURVEY AND OBSERVATORIES. Geological survey, unexpended balance of 1873-74..... To pay for altering and improving of apparatus for observatory, Quebec	5,207 60 500 00	5,707 60
250 00	INDIANS. To relieve such cases of distress as may be reported as existing among the Indians of Lake St. John and of the Saguenay District below Lake St. John.....	200 00	
	<i>Carried forward</i> .....	200 00	525,837 90

196,240

SCHEDULE A.

SCHEDULE A.

## SCHEDULE A.—Continued.

SERVICE.	Amount.	Total.
	\$ cts.	\$ cts.
<i>Brought forward</i> .....	200 00	525,837 90
<b>INDIANS.—Continued.</b>		
To meet cost of conveying men and provisions from Fort Garry to the North-West Angle of the Lake of the Woods, when negotiating Treaty No. 3 .....	3,651 57	
To pay the cost of messengers to the Blackfeet and Plain Cree Indians... ..	2,548 02	
To pay first payment to such Indians as were absent when Treaty No. 4 was negotiated, and to provide them with presents and seed grain in accordance with the Treaty .....	6,000 00	12,399 59
<b>BOUNDARY SURVEYS.</b>		
To provide one half of the British share of the expenditure on survey of the boundary line between Canada and the United States (part revote) .....	150,000 00	
Unexpended balance of 1873-74 for survey of boundary between Ontario and the North West.....	21,692 40	171,692 40
<b>MISCELLANEOUS.</b>		
Canada Gazette (additional) .....	850 00	
Miscellaneous Printing (do).....	1,500 00	
To pay to R. S. M. Bouchette for himself and the other heirs of the late Joseph Bouchette, Esq., in accordance with the report of a Committee of the House of Commons on the 14th May, 1873.....	4,000 00	
To pay a gratuity to Mrs. Catherine Todd, widow of the late Alfred Todd, for forty years in the employ of the Canadian Legislative Assembly and House of Commons, in recognition of the long and faithful services of her deceased husband .....	1,000 00	
Unexpended balance of 1873-74 of Vote for expenses of Removal of Depreciated Coin, Province of Nova Scotia.....	31,764 09	
Unexpended balance of 1873-74 of Vote for compensation for losses to sufferers in the North-West Territory .....	656 55	
To pay to the Municipalities of Lower Canada who withdrew their capital prior to 30th June, 1874, the discount of 25 per cent. deducted from them .....	46,697 37	
To pay to the Hon. D. A. Smith, M. P., the sum of £600 advanced by him on the 6th February, 1872, together with interest thereon .....	3,562 50	
To pay the sum agreed to be paid to certain parties for services during the troubles in the North-West Territories.....	2,500 00	92,530 51
<b>CHARGES ON REVENUE.</b>		
<b>CUTTING TIMBER.</b>		
Salaries (additional) .....	1,000 00	
Fees do .....	15,000 00	
Contingencies do .....	1,000 00	17,000 00
<b>PUBLIC WORKS.</b>		
<i>Slides and Booms.</i>		
To pay for damages connected with slides and booms, Madawaska River, Ottawa River District.....	5,576 00	
Additional for contingencies at agencies .....	600 00	
<i>Carried forward</i> .....	6,176 00	17,000 00 802,460 40

SCHEDULE A.

38 VICT.

1875.

Supplies.

Chap. 3. 11

SCHEDULE A.—Concluded.

Total.

\$ cts.

525,837 90

12,399 59

171,692 40

92,530 51

802,460 40

DULE A.

SERVICE.		Amount.	Total.
		\$ cts.	\$ cts.
Brought forward.....	6,176 00	17,000 00	802,460 40
CHARGES ON REVENUE.—Continued.			
PUBLIC WORKS.—Continued.			
Railways.			
Compensation for accidents, Intercolonial Railway .....	2,000 00		
To pay for cost in connection with the change of gauge of Road, and for Rolling Stock .....	800,000 00		
		808,176 00	
POST OFFICE.			
Ontario and Quebec (additional) .....	50,000 00		
Nova Scotia do .....	4,000 00		
New Brunswick do .....	4,000 00		
		58,000 00	
			883,176 00
UNPROVIDED ITEMS.			
For details vide Public Accounts of 1873-74, part II., page 333.....			94,150 96
Total.....			1,779,787 36

SCHEDULE B.

## SCHEDULE B.

Sums granted to Her Majesty by this Act, for the Financial Year ending 30th June, 1896, and the purposes for which they are granted.

SERVICE.	Amount.	Total.
	\$ cts.	\$ cts.
<b>CHARGES OF MANAGEMENT.</b>		
Financial Inspector.....	2,600 00	
Office of Assistant Receiver General, Toronto.....	7,500 00	
do do Montreal.....	5,500 00	
do Auditor and do Halifax, N.S.....	10,000 00	
do do St. John, N.B.....	11,000 00	
do do Fort Garry.....	6,500 00	
do do Victoria, B.C.....	7,000 00	
do do Charlottetown, P.E.I. ....	4,000 00	
Country Savings Banks, New Brunswick, Nova Scotia and British Columbia.....	12,000 00	
Seigniorial Tenure and Commission.....	2,500 00	
		68,600 00
<b>CIVIL GOVERNMENT.</b>		
The Governor General Secretary's Office.....	8,025 00	
The Department of the Queen's Privy Council for Canada.....	14,385 00	
do Justice.....	16,200 00	
do Militia and Defence.....	34,150 00	
do Secretary of State.....	28,930 00	
do The Minister of the Interior.....	39,390 00	
do Receiver General.....	20,890 00	
do Finance.....	47,000 00	
do Customs.....	26,350 00	
do Inland Revenue.....	23,840 00	
do Public Works.....	49,890 00	
Post Office Department.....	89,180 00	
Department of Agriculture.....	27,340 00	
do Marine and Fisheries.....	22,210 00	
Treasury Board Office.....	3,250 00	
Departmental Contingencies.....	175,000 00	
Stationery Office for Stationery.....	20,000 00	
Readjustment of Salaries (to be made as provided in amended Civil Service Act).....	70,000 00	
		715,025 00
<b>ADMINISTRATION OF JUSTICE.</b>		
Miscellaneous.....	10,000 00	
Circuit Allowances, British Columbia.....	15,000 00	
do Manitoba.....	3,000 00	
Law Books for Supreme Court.....	3,000 00	
		31,000 00
<b>POLICE.</b>		
Police of the Dominion.....	25,000 00	
Mounted Police, Manitoba.....	185,000 00	
		210,000 00
<b>PENITENTIARIES.</b>		
Penitentiary, Kingston, Ontario.....	32,689 88	
Rockwood Asylum, Ontario.....	69,999 50	
Penitentiary, Halifax, N.S.....	27,599 80	
do St. John, N.B.....	40,389 50	
do St. Vincent de Paul, Q.....	53,956 35	
Carried forward.....	284,635 03	1,024,625 00

SCHEDULE B.

SCHEDULE B.—*Continue I.*

ending 30th June,

Total.		SERVICE.	Amount.	Total.
\$ cts.			\$ cts.	\$ cts.
		<i>Brought forward</i> .....	284,635 03	1,024,625 00
		<b>PENITENTIARIES.—<i>Continued.</i></b>		
		Maintenance of prisoners, Manitoba, British Columbia and Prince Edward Island.....	37,000 00	
		Directors of Penitentiaries.....	10,500 00	
		<b>LEGISLATION.</b>		332,135 03
		<b>SENATE.</b>		
		Salaries and Contingent Expenses of the Senate.....	49,768 00	
		<b>HOUSE OF COMMONS.</b>		
		Salaries and Contingencies per Clerk's Estimate (including Canadian Bursard).....	106,540 00	
		Salaries and Contingencies per Sergeant-at-Arms' Estimate.....	35,860 00	
		<b>MISCELLANEOUS.</b>		
		Grant to Parliamentary Library.....	7,000 00	
		Printing, binding and distributing the Laws.....	12,500 00	
		Printing, printing paper and bookbinding.....	50,000 00	
		Contingencies of the Clerk of the Crown in Chancery.....	1,200 00	
		Miscellaneous Printing.....	2,000 00	
		To provide for cost of Ballot Boxes.....	4,000 00	
				268,868 00
		<b>ARTS, AGRICULTURE AND STATISTICS.</b>		
		Salaries and Contingent Expenses of Statistical Office, Halifax.....	4,100 00	
		Salary of 316 Deputy Registrars, Province of Nova Scotia, and allowance for getting Marriage Returns.....	1,880 00	
		To meet expenses in connection with the care of Archives.....	4,000 00	
		To meet expenses in connection with the organization of the Patent Record.....	5,500 00	
		To meet the possible amount required in the fiscal year for the Census, i. e., the unexpended balance of the year 1874-75, which is to be carried forward, and which is estimated at.....	55,000 00	
		To meet the probable expenditure required in connection with the Philadelphia Exhibition.....	40,000 00	
		To provide for further amount estimated to be required in connection with the Philadelphia Exhibition.....	60,000 00	
				170,480 00
		<b>IMMIGRATION AND QUARANTINE.</b>		
		Salaries of Immigration Agents and Employes.....	24,450 00	
		do do Travelling Agents.....	12,000 00	
		Medical Inspection of the Port of Quebec.....	2,600 00	
		Quarantine, Grosse Isle.....	12,200 00	
		do St. John, N.B.....	3,400 00	
		do Miramichi, N.B.; Pictou, N.S.....	2,000 00	
		do Sydney and Yarmouth, N.S.....	2,000 00	
		do Halifax, N.S.....	5,260 00	
		do Charlottetown, P.E.I.....	1,000 00	
		To meet expenses of further precautionary measures for the Public Health.....	20,000 00	
		Contingencies of Canadian and other regular Agencies... ..	24,000 00	
		Travelling expenses of Travelling Agents.....	14,000 00	
			122,910 00	
		<i>Carried forward</i> .....	122,910 00	1,796,108 03

SCHEDULE B.

SCHEDULE B

## SCHEDULE B.—Continued.

SERVICE.	Amount.	Total.
<i>Brought forward.....</i>	\$ cts. 122,910 00	\$ cts. 1,796,108 03
IMMIGRATION AND QUARANTINE.—Continued.		
Mennonite Loan.....	100,000 00	
Transport of Mennonites.....	70,000 00	
Towards assisting immigration and meeting immigration expenses.....	190,000 00	
	360,000 00	482,910 00
PENSIONS.		
Samuel Waller, late Clerk, House of Assembly.....	400 00	
L. Gagné, Messenger, do.....	72 00	
John Bright, do.....	80 00	
Mrs. Antrobus.....	800 00	
<i>New Militia Pensions.</i>		
Mrs. Caroline McEachern and four children.....	263 00	
Jane Lakey.....	146 00	
Rhoda Smith.....	110 00	
Janet Anderson.....	110 00	
Margaret McKenzie.....	80 00	
Mary Ann Ritchie and two children.....	336 00	
Mary Morrison.....	80 00	
Louise Proudhomme and two children.....	110 00	
Virginie Charron and four children.....	150 00	
Paul M. Robins.....	146 00	
Charles T. Bell.....	73 00	
Alex. Oliphant.....	109 50	
Charles Lugsden.....	91 25	
Thomas Charters.....	91 25	
Charles T. Robertson.....	110 00	
Percy G. Routh.....	400 00	
Richard S. King.....	400 00	
George A. McKenzie.....	73 00	
Edward Hilder.....	146 00	
Fergus Scholfield.....	73 00	
John Bradley.....	109 50	
Richard Penticost.....	91 25	
James Bryan.....	109 50	
Jacob Stubbs.....	73 00	
Mary Connor.....	110 00	
Mary Hodgins and three children.....	191 00	
John Martin.....	110 00	
A. W. Stevenson.....	110 00	
Mrs. J. Thorburn.....	130 00	
Mrs. P. T. Worthington and children.....	378 00	
Mrs. J. H. Elliott and children.....	130 00	
Ellen Kirkpatrick and three children.....	266 00	
Mrs. George Prentice and children.....	400 00	
Ensign Fahey.....	200 00	
Mary Hannah Temple and child.....	298 00	
	5,826 25	
To meet the probable amount required for Pensions to Veterans of War of 1812.....	50,000 00	
Compensation to Pensioners in lieu of land.....	8,000 00	
To pay to E. Duckett, late Customs Officer, Halifax, in fulfilment of an agreement made by the Government of Nova Scotia prior to Confederation.....	250 00	
		63,428 25
<i>Carried forward.....</i>		2,344,446 28

SCHEDULE B.

## SCHEDULE B.—Continued.

Total.	SERVICE.	Amount.	Total.
cts. \$ cts. 1,796,108 03	<i>Brought forward</i> .....	\$ cts.	\$ cts. 2,344,446 28
	MILITIA.		
	ORDINARY.		
482,910 00	Salaries of Militia Branch and District Staff.....	36,000 00	
	do Brigade Majors.....	28,500 00	
	Allowances for Drill Instruction.....	40,000 00	
	Military College, including two Ordinary Schools under District Staff..	40,000 00	
	Ammunition.....	40,000 00	
	Clothing.....	75,000 00	
	Military Stores.....	60,000 00	
	Public Armories and care of arms, including the pay of Storekeepers and		
	Caretakers, Storemen, and the rents, fuel and light of public		
	Drill pay and all other incidental expenses connected with the Drill and	52,000 00	
	Training of the Militia.....	375,000 00	
	Contingencies and general service not otherwise provided for, including		
	assistance to Rifle Associations and Bands of Efficient Corps.....	63,000 00	
	Targets (Revote).....	5,000 00	
	Drill Sheds and Rifle Ranges.....	10,500 00	
	EXTRAORDINARY.		
	Care and maintenance of properties transferred from the Ordnance and		
	the Imperial Government.....	10,000 00	
	For improved Firearms (Snider Rifles and "Henry-Martini" Rifles).....	40,000 00	
	Ordnance and equipment of Field Batteries of Artillery.....	20,000 00	
	Pay, maintenance and equipment of "A" and "B" Batteries Garrison		
	Artillery and Schools of Gunnery, Kingston and Quebec.....	110,000 00	
	Pay and maintenance of Dominion Force in Manitoba.....	125,000 00	
	Drill Sheds.....	30,000 00	
	PUBLIC WORKS AND BUILDINGS.		1,160,000 00
	(Chargeable to Capital.)		
	RAILWAYS.		
	Intercolonial Railway (under Commissioner) ..	915,000 00	
	do extension into Halifax ..	139,000 00	
	do increased accommodation at St. John, N. B. ....	200,000 00	
	Pacific Railway, viz. :—		
	Telegraph line and construction of roadway .....	1,000,000 00	
	Steel rails and fastenings.....	2,000,000 00	
	Pembina branch .....	500,000 00	
	Fort William to Shebandowan .....	500,000 00	
	Georgian Bay branch .....	500,000 00	
	Esquimaux to Nanaimo .....	500,000 00	
	Mainland to Columbia .....	250,000 00	
	Locks at Fort Francis .....	150,000 00	
	Rainy Lake and Shebandowan .....	240,000 00	
	Manitoba and Saskatchewan .....	50,000 00	
	Steamers, River Saskatchewan, and improvements in		
	rapids .....	60,000 00	
	Lake of the Woods to Red River .....	500,000 00	
		6,250,000 00	
	CANALS.		
	For works of construction, viz. :—		
	Lachine Canal .....	1,600,000 00	
	St. Lawrence Canals.....	1,600,000 00	
	<i>Carried forward</i> .....	10,104,000 00	3,504,446 28



## SCHEDULE B.—Continued.

SERVICE.	Amount.	Total.
<i>Brought forward</i> .....	\$ cts. 10,104,000 00	\$ cts. 3,504,446 28
PUBLIC WORKS AND BUILDINGS.—Continued.		
(Chargeable to Capital.)		
CANALS.—Continued.		
Welland Canal.....	2,000,000 00	
Ste. Anne's Lock.....	200,000 00	
Carillon and Chute à Blondeau.....	450,000 00	
Grenville Canal.....	400,000 00	
Rideau Canal.....	8,000 00	
Lock at Culbute Rapids.....	75,000 00	
Chambly Canal.....	10,000 00	
St. Peter's Canal.....	75,000 00	
Bay Verte Canal.....	20,000 00	
Miscellaneous work on Canals.....	20,000 00	
PUBLIC BUILDINGS, OTTAWA.		
Library.....	80,000 00	
Tower.....	9,000 00	
Grounds.....	90,000 00	
Retaining walls, gates, footpaths, painting, &c.....	14,000 00	
Workshops.....	5,000 00	
Extension, West Block.....	100,000 00	
Improvement of Ventilation, Parliament Building.....	7,125 00	
Fire walls, water service, attics, and other works inside Buildings.....	70,000 00	
	375,125 00	
Total chargeable to Capital.....		13,737,125 00
PUBLIC WORKS AND BUILDINGS.		
(Chargeable to Income.)		
IMPROVEMENT OF NAVIGABLE RIVERS.		
East River of Pictou.....	10,000 00	
River St. John, N.E.....	6,000 00	
St. Lawrence, removal of chains and anchors.....	15,000 00	
Richelieu River, improvement of channel between St. Ours and Chambly Canal.....	10,000 00	
Fraser River, removal of rocks.....	2,000 00	
Improvement of rivers.....	10,000 00	
Miramichi S. W. Branch, improving channel above railway bridge.....	3,000 00	
River Detroit, removal of rocks.....	5,000 00	
Napanee River (local authorities contributing proportionate sum).....	7,500 00	
Improvement of channel between Tusket Island and Mainland, Nova Scotia.....	500 00	
	69,000 00	
ROADS AND BRIDGES.		
Lake Superior and Red River Route.....	100,000 00	
To aid in building bridge at Winnipeg.....	25,000 00	
	125,000 00	
Carried forward.....	194,000 00	17,241,571 28

SCHEDULE B.

## SCHEDULE B.—Continued.

Total.	SERVICE.	Amount.	Total.
\$ cts.		\$ cts.	\$ cts.
3,504,446 23	<i>Brought forward</i> .....	194,000 00	17,241,571 28
	PUBLIC WORKS AND BUILDINGS.—Continued.		
	(Chargeable to Income.)		
	PUBLIC BUILDINGS.		
	Ontario.		
	Hamilton, Post Office..... 2,000 00 Immigration Station..... 2,500 00 Toronto, Custom House..... 78,000 00 Examining Warehouse..... 150,000 00 Ottawa, Post Office and ground..... 80,000 00 Kingston, Military School..... 50,000 00 Repairing fortifications..... 5,000 00 Immigration Station..... 2,500 00 Toronto Savings Bank and Inland Revenue Office..... 5,000 00 Marine Hospital, St. Catharines..... 2,000 00 Post Office, Ottawa..... 8,000 00		
	Quebec.		
	Grosse Isle, Quarantine Station..... 17,000 00 Levis, Immigrant Station..... 5,000 00 Marine Hospital..... 5,000 00 Repairing fortifications..... 12,000 00 Montreal Post Office..... 93,000 00 Immigration Depot..... 1,500 00 Examining Warehouse..... 100,000 00		
	New Brunswick.		
	St. John, Post Office..... 65,000 00 do Custom House..... 2,000 00 Miramichi or Middle Island, Quarantine Station..... 800 00		
	Nova Scotia.		
	Pictou, Custom House..... 16,000 00 Halifax, Quarantine Station..... 3,000 00 Sydney, do..... 3,000 00 Yarmouth, do..... 3,000 00 Sydney, Marine Hospital..... 11,000 00 Yarmouth, do..... 5,000 00 Marine Hospital, Arichat, C.B..... 1,000 00		
	Prince Edward Island.		
	Souris, Marine Hospital..... 2,000 00 do do (additional)..... 2,000 00		
	Manitoba.		
	Custom House, Post Office, etc..... 50,000 00 Immigrant Depot..... 2,000 00		
	<i>Carried forward</i> .....	781,300 00	194,000 00
			17,241,571 28

## SCHEDULE B.—Continued.

SERVICE.	Amount.	Total.
	\$ cts.	\$ cts.
<i>Brought forward</i> .....	784,000 00	17,241,571 28
<b>PUBLIC WORKS AND BUILDINGS.—Continued.</b>		
<i>(Chargeable to Income.)</i>		
<b>PUBLIC BUILDINGS.—Continued.</b>		
<i>British Columbia.</i>		
Public Buildings.....	15,000 00	789,300 00
<b>PENITENTIARIES.</b>		
General Penitentiary for the Maritime Provinces.....	100,000 00	
St. Vincent de Paul.....	25,000 00	
Manitoba Penitentiary.....	119,000 00	
British Columbia Penitentiary.....	100,000 00	
Penitentiaries generally, additions and repairs.....	20,000 00	364,000 00
<b>RENTS, REPAIRS, ETC.</b>		
Rents, repairs, furniture and heating.....	170,000 00	
Heating Public Buildings.....	40,000 00	
Removal of snow, Public Buildings, Ottawa.....	3,500 00	
Gas, Public Buildings, Ottawa.....	12,000 00	
Allowance for fuel and light, Rideau Hall.....	5,000 00	
Rents, repairs, furniture and heating (additional).....	12,000 00	242,500 00
<b>HARBORS AND BREAKWATERS.</b>		
<i>Ontario.</i>		
Kingston Harbor, Lake Ontario.....	6,000 00	
Cobourg do do.....	35,000 00	
Port Hope do do.....	18,000 00	
Port Stanley do Lake Erie.....	7,000 00	
Bayfield do Lake Huron.....	34,000 00	
Kincardine do do.....	12,000 00	
Owen Sound do do.....	5,500 00	
Port Darlington do Lake Ontario.....	5,000 00	
Port Burwell do Lake Erie.....	10,000 00	
Chantry Island do Lake Huron.....	106,000 00	
Goderich do do.....	150,000 00	
Toronto Harbor.....	20,000 00	
Port Elgin, Lake Huron (Local authorities furnishing an equal sum).....	5,000 00	
Oshawa.....	5,000 00	
<i>Quebec.</i>		
Saguenay River Pier.....	2,000 00	
Rivière du Loup (en haut).....	3,000 00	
Baie St. Paul, extension to low water.....	8,000 00	
Saguenay River, Bagotville.....	2,000 00	
Mabate, extension of breakwater.....	8,000 00	
Eboulements do do.....	7,500 00	
Rivière Blanche, partial renewal of breakwater.....	2,000 00	
<i>Carried forward</i> .....	451,000 00	1,599,800 00
		17,241,571 28

SCHEDULE B.

## SCHEDULE B.—Continued.

Total.		SERVICE.		Amount.	Total.
\$	cts.		\$	cts.	\$
17,241,571	28				
		<i>Brought forward.....</i>	451,000	00	1,389,800 00
		<b>PUBLIC WORKS AND BUILDINGS.—Continued.</b>			17,241,571
		<b>HARBORS AND BREAKWATERS.—Continued.</b>			
		<i>New Brunswick.</i>			
		Dipper Harbor.....	30,000	00	
		Point du Chêne.....	12,000	00	
		Richibucto Harbor.....	11,000	00	
		Shippegan Breakwater.....	10,000	00	
		St. John Harbor.....	120,000	00	
		Grand Anse, Baie des Chaleurs (Local authorities contributing an equal sum).....	3,000	00	
		Campo Bello (Local authorities to furnish \$1,000).....	800	00	
		Shippegan.....	11,000	00	
		<i>Nova Scotia.</i>			
		Meteghan Cove.....	5,000	00	
		Liverpool.....	12,500	00	
		Jordan Bay.....	20,000	00	
		Oak Point.....	15,000	00	
		Pictou Landing.....	25,000	00	
		Trout Cove.....	4,000	00	
		Cow Bay, C. B.....	50,000	00	
		Ingonish South, C. B.....	10,000	00	
		Mabou Harbor, C. B.....	10,000	00	
		Margaree.....	3,000	00	
		Harbourville.....	2,000	00	
		Broad Cove, Lunenburg County, breakwater (any further sum required to be furnished by Local authorities) ...	3,000	00	
		Margareville.....	5,000	00	
		Oyster Pond, Chedabucto Bay (Local authorities contributing an equal sum).....	2,000	00	
		Cow Bay Breakwater (to be purchased).....	25,000	00	
		Breakwater between Michaud and Mark Points, Richmond County, C. B.....	10,000	00	
		Cranberry Head (Local authorities contributing an equal sum).....	2,000	00	
		South Ingonish, C.B.....	33,000	00	
		Church Point (Local authorities contributing an equal amount).....	12,000	00	
		Saulnierville (Local authorities contributing an equal amount).....	2,000	00	
		<i>Prince Edward Island.</i>			
		New London.....	1,000	00	
		Tignish.....	7,250	00	
		Colville Bay (Souris).....	20,000	00	
		<b>TELEGRAPH LINES.</b>		919,350 00	
		Subsidy to Western Union Telegraph Company, B. C.....		4,000 00	
		<b>SLIDES AND BOOMS.</b>			
		River Trent District.....	1,200	00	
		Ottawa River District.....	5,000	00	
		Rivière des Prairies.....	4,000	00	
		<i>Carried forward.....</i>	10,200	00	2,523,150 00
					17,241,571 28

## SCHEDULE B.—Continued.

SERVICE.	Amount.	Total.
	\$ cts.	\$ cts.
<i>Brought forward</i> .....	10,200 00	2,523,150 00
<b>PUBLIC WORKS AND BUILDINGS—Continued.</b>		17,241,571 23
<b>SLIDES AND BOOMS.—Continued.</b>		
St. Maurice River District .....	22,000 00	
Ottawa River District, dam at the Joachim Rapids .....	5,200 00	
St. Maurice River District, completion of Grandes Piles Dam .....	4,000 00	
	41,400 00	
<b>MISCELLANEOUS.</b>		
Dredge, tug, punts, &c., Victoria, B. C. ....	2,000 00	
Dredge Vessels .....	41,000 00	
Dredging .....	110,500 00	
Miscellaneous works not otherwise provided for .....	10,000 00	
Surveys and Inspections .....	45,000 00	
Arbitrations and Awards .....	10,000 00	
do do (additional) .....	5,000 00	
Total chargeable to Income .....		2,791,050 00
<b>OCEAN AND RIVER SERVICE.</b>		
<b>DOMINION STEAMERS.</b>		
Maintenance and Repairs of Steamers "Napoleon III," "Druid," "Lady Head" and "Sir James Douglas" .....	101,450 00	
To provide for purchase of two steamers for light-house and fisheries services .....	85,000 00	
To provide for maintenance of above .....	20,000 00	
<b>MAIL SUBSIDIES.</b>		
Moiety payable to Allan Line between Halifax and Cork .....	39,541 67	
Steam communication between Quebec and the Maritime Provinces .....	10,000 00	
do do Lake Superior .....	12,000 00	
do do between Halifax and St. John via Yarmouth .....	10,000 00	
do do on Lakes Huron and Superior .....	12,500 00	
Steam communication from St. John, New Brunswick, to Ports in Basin of Minas .....	4,000 00	
Steam Service between San Francisco and Victoria, British Columbia .....	54,000 00	
Trinity House, Quebec .....	8,047 00	
To provide for the examination of Masters and Mates .....	5,500 00	
For purchase of Life Boats, Life Preservers and Rewards for Saving Life .....	4,000 00	
To provide for investigation into Wrecks and Casualties, and Collection of information relating to disasters to shipping .....	2,500 00	
Expenses in connection with Canadian Register and Classification of Shipping .....	6,000 00	
To provide for salary for Secretary of Pilotage Commissioners at the Port of St. John, N. B., \$800; to provide for salary of Secretary of Pilotage Commissioners at Port of Halifax, N. S., \$800 .....	1,600 00	
Schooner Packet Service, Prince Edward Island, to and from small ports round the coast and to adjoining Provinces .....	1,000 00	
Montreal Water Police .....	14,000 00	
River Police, Quebec .....	28,200 00	
Steam communication with the Magdalen Islands .....	4,206 00	
Winter Service by steamer, between Prince Edward Island and the main land .....	15,000 00	
Steam communication between Nova Scotia and Newfoundland .....	5,000 00	
Steam service between Grand Manan Island, N. B., and the main land .....	1,500 00	
To provide for the purchase of life boats (additional) .....	3,000 00	
	448,128 67	
<i>Carried forward</i> .....		20,480,749 95

SCHEDULE B.

1875.

## Supplies.

Chap. 3.

21

## SCHEDULE B.—Continued.

Total.		SERVICE.	Amount.	Total.
\$	cts.		\$	cts.
17,241,571	28			
		<i>Brought forward.....</i>		20,480,749 95
		<b>LIGHT-HOUSE AND COAST SERVICE.</b>		
		Salaries and allowance of Light-house Keepers.....	142,024 50	
		Maintenance and repairs.....	270,643 00	
		Construction of new Light-houses.....	120,000 00	532,067 50
		<b>FISHERIES.</b>		
		Salaries and Disbursements of Fishery Overseers and Wardens :—		
		Ontario.....	9,000 00	
		Quebec.....	10,000 00	
		Nova Scotia, including Inspector and Clerk.....	13,200 00	
		New Brunswick, do do.....	10,200 00	
		Prince Edward Island and Manitoba.....	2,000 00	
		British Columbia.....	1,000 00	
		Maintenance and repairs of vessel for protection of Fisheries.....	10,000 00	
		Fish breeding, Fishways and Oyster Beds.....	20,000 00	75,400 00
		<b>GEOLOGICAL SURVEY AND OBSERVATORIES.</b>		
		<b>OBSERVATORIES.</b>		
		Observatory, Quebec.....	2,400 00	
		do Toronto.....	4,800 00	
		do Kingston.....	500 00	
		do Montreal.....	500 00	
		do New Brunswick.....	850 00	
		Grant for Meteorological Observatories, including instruments and cost of Telegraphing Weather Warnings.....	37,000 00	
		Additional for Geological Survey.....	5,000 00	
		Towards providing telegraphic communication between Matane and Magdalen River, furnishing instruments and equipping stations.....	5,000 00	56,050 00
		<b>MARINE HOSPITALS AND SICK AND DISTRESSED SEAMEN.</b>		
		<b>MARINE HOSPITALS</b>		
		Marine and Emigrant Hospital, Quebec.....	23,000 00	
		Montreal General Hospital.....	4,500 00	
		Other Ports in Quebec.....	2,000 00	
		St. Catharines Hospital, Ontario.....	500 00	6,500 00
		Kingston Hospital.....	500 00	
		Halifax General Hospital.....	4,000 00	1,000 00
		Other Ports in Nova Scotia.....	14,000 00	
		Hospital of St. John.....	5,000 00	18,000 00
		Other Ports in New Brunswick.....	8,000 00	
		Ports in British Columbia.....	13,000 00	
		Ports in Prince Edward Island.....	2,000 00	
			1,500 00	
		<b>EXPENSE OF SHIPWRECKED AND DISABLED SEAMEN.</b>		
		Province of Quebec.....	1,000 00	
		do Nova Scotia.....	3,500 00	
		do New Brunswick.....	2,000 00	
		<i>Carried forward.....</i>	71,500 00	21,144,667 45

SCHEDULE B.

## SCHEDULE B.—Continued.

SERVICE.	Amount.	Total.
	\$ cts.	\$ cts.
<i>Brought forward</i> .....	71,500 00	21,144,867 45
MARINE HOSPITALS AND SICK AND DISTRESSED SEAMEN.—Continued.		
EXPENSES OF SHIPWRECKED AND DISABLED SEAMEN.—Continued.		
Province of British Columbia.....	500 00	
do Prince Edward Island.....	500 00	
To reimburse Board of Trade, London, for expenses incurred in connection with Shipwrecked and Distressed Seamen of the Dominion.....	6,000 00	78,500 00
STEAMBOAT INSPECTION.		
SALARIES.		
Chairman.....	1,800 00	
Deputy Chairman.....	1,400 00	
Inspector, Toronto District.....	1,200 00	
do Three Rivers District.....	1,000 00	
do Quebec District.....	1,000 00	
do East Ontario District.....	1,000 00	
do Montreal.....	1,200 00	
Travelling expenses of Chairman and expenses in connection with Steamboat Inspection.....	1,100 00	
Clerk to Board of Inspection.....	300 00	
Travelling and incidental expenses of Inspector of New Brunswick and Nova Scotia, and contingencies of office.....	865 00	
Travelling expenses of Inspector of Toronto District and contingencies of office.....	600 00	
Travelling expenses of Inspector—Three Rivers.....	200 00	
do Quebec.....	250 00	
do East Ontario.....	330 00	
do Montreal.....	405 00	
To provide for expenses, inspecting Prince Edward Island Steamers.....	500 00	
For purchase of Instruments and Test Gages.....	550 00	
To provide travelling expenses of Inspector, British Columbia.....	500 00	14,200 00
INDIANS.		
For Indians, Quebec.....	2,200 00	
Purchase of blankets for aged and infirm Indians of Ontario and Quebec.....	1,600 00	
Indians, Nova Scotia.....	4,500 00	
Indians, New Brunswick.....	4,500 00	
Payment of annuities under Treaty No. 1.....	16,870 00	
do do No. 2.....	4,405 00	
Agricultural implements and farming stock to be furnished Indians under Treaties 1 and 2.....	10,000 00	
Payment of annuities under Treaty No. 3.....	15,250 00	
do do No. 4.....	24,500 00	
Agricultural implements do No. 3.....	10,000 00	
do do No. 4.....	10,000 00	
Ammunition and twine do No. 3.....	1,500 00	
do do No. 4.....	750 00	
Provisions for Indians assembled to receive annuities under above mentioned treaties.....	21,000 00	
Clothing and other items to chiefs under the above Treaties.....	5,000 00	
Probable expense in connection with Treaties in the North-West.....	40,000 00	
Salaries and Office expenses.....	16,750 00	
Probable expenses in connection with Indians in British Columbia.....	25,000 00	
Probable expenses in connection with Indians in Prince Edward Island.....	2,000 00	
<i>Carried forward</i> .....	215,825 00	21,237,567 45

SCHEDULE B.



## SCHEDULE B.—Continued.

Total.		SERVICE.	Amount.	Total.
cts.	\$ cts.		\$ cts.	\$ cts.
00	21,144,867 45	<i>Brought forward</i> .....	215,825 00	21,237,567 45
		INDIANS.—Continued.		
00		Miscellaneous expenditure.....		
00		To aid Indian schools where most required.....	3,000 00	
00		For the purchase of agricultural implements, seed and farming stock for the Sioux on Little Saskatchewan Reserve .....	2,000 00	
	78,500 00		5,000 00	225,825 00
		BOUNDARY SURVEY.		
00		To provide for surveys of Boundary between British Columbia and the United States .....		100,000 00
00		MISCELLANEOUS.		
00		Canada "Gazette" .....		
00		do do (additional) .....	3,900 00	
00		Miscellaneous Printing .....	850 00	
00		Expenses connected with the noon gun at Ottawa.....	5,000 00	
00		Unforeseen Expenses; expenditure thereof to be laid before Parliament during the first and a detailed statement to be laid before Parliament during the first fifteen days of the next session.....	400 00	
00		Commutation in lieu of remission of duties on articles imported for the use of the Army and Navy .....	50,000 00	
00		Salaries and expenses of the Council for the North-West Territories, and miscellaneous expenses in the North-West, not otherwise provided for .....	12,000 00	
00			33,800 00	105,950 00
00		COLLECTION OF REVENUES.		
00		CUSTOMS.		
00	14,200 00	Salaries and Contingent Expenses of the several Ports:—		
0		In Province of Ontario.....		
0		do Quebec .....	223,476 00	
0		do New Brunswick .....	269,231 00	
0		do Nova Scotia .....	92,986 00	
0		do Manitoba and North-West Territories .....	104,513 25	
0		do British Columbia.....	11,450 00	
0		do Prince Edward Island.....	21,364 00	
0		Salaries and Travelling Expenses of Inspectors of Ports.....	22,600 00	
0		Contingencies of Head Office covering printing, stationery, advertising, telegraphing, &c., for the several Ports of Entry .....	11,000 00	
0		To cover Appointments, Promotions, &c.....	15,000 00	
0			10,000 00	
0			721,520 25	
0		EXCISE.		
0		Salaries of Officers and Inspectors of Excise .....	172,800 00	
0		Travelling Expenses, Rent, Fuel, Stationery, &c.....	45,000 00	
0		Preventive Service .....	4,000 00	
0		To provide for payment of additional Salary to special class of Excisemen .....	4,000 00	
0		To provide for additions to Outside Service.....	10,000 00	
0		To pay Collectors of Customs allowance on Duties collected by them .....	1,700 00	
0	21,237,567 45		237,500 00	
		<i>Carried forward</i> .....	959,020 25	21,669,342 45

## SCHEDULE B.—Continued.

SERVICE.	Amount.	Total.
<i>Brought forward</i> .....	\$ cts. 959,020 25	\$ cts. 21,669,342 45
<b>COLLECTION OF REVENUES.—Continued.</b>		
<b>CULLING TIMBER.</b>		
<i>Quebec Office.</i>		
1 Supervisor .....	2,000 00	
1 Deputy Supervisor and Bookkeeper .....	1,600 00	
1 Cashier.....	1,200 00	
2 Specification Clerks .....	1,900 00	
1 Messenger .....	400 00	
9 Specification Clerks, <i>vis.</i> :		
8 Months { 4 at \$600, 1 at \$500..... }	6,300 00	
2 at \$700, 2 at \$1,000..... }	57,000 00	
Pay of Cullers.....	5,000 00	
Contingencies .....		
<i>Montreal and Sorel Offices.</i>		
Deputy Supervisor.....	800 00	
Bookkeeper and Specification Clerks .....	1,000 00	
Pay of Cullers.....	4,000 00	
Contingencies .....	300 00	
	81,500 00	
<b>WEIGHTS AND MEASURES.</b>		
<i>Equipment.</i>		
For Standards ordered in England, but not yet delivered .....	25,000 00	
<i>Inspection.</i>		
Salaries of Inspectors of Weights and Measures (will be recouped by fees) .....	60,000 00	
	85,000 00	
<b>INSPECTION OF STAPLES.</b>		
For the purchase and distribution of Standards of Flour, &c., and for other Expenditure under the Act.....	3,000 00	
<b>ADULTERATION OF FOOD.</b>		
To meet Expenses under the Act 37 Victoria, chapter 8 (will be mainly recouped by fees) .....	10,000 00	
<b>PUBLIC WORKS.</b>		
<i>Maintenance and Repairs.</i>		
Salaries and Contingencies of Canal Officers .....	35,170 00	
Collection of Slide and Boom Dues.....	17,375 00	
Repairs and working expenses of above.....	482,200 00	
Intercolonial and other Government Railways in Nova Scotia and New Brunswick.....	1,358,000 00	
Intercolonial Railway, Quebec.....	250,000 00	
Railway, Prince Edward Island.....	200,000 00	
Telegraph Lines, British Columbia.....	33,000 00	
Agents and Contingencies, do .....	4,000 00	
	2,379,745 00	
<i>Carried forward</i> .....	3,518,265 25	21,669,342 45

SCHEDULE B.

SCHEDULE B.—*Concluded.*

SERVICE.	Amount.	Total.
	\$ cts.	\$ cts.
<i>Brought forward</i> .....	3,518,265 25	21,669,342 45
COLLECTION OF REVENUES.— <i>Continued.</i>		
POST OFFICE.		
For Ontario and Quebec.....		
New Brunswick .....	1,198,000 00	
Nova Scotia.....	146,000 00	
Manitoba .....	187,500 00	
British Columbia.....	26,000 00	
Prince Edward Island.....	80,000 00	
	52,000 00	
	1,689,500 00	
DOMINION LANDS.		
Surveys of Land, North West (including staff).....	230,000 00	
MINOR REVENUES.		
To defray expenses connected with Minor Revenues .....	10,000 00	
Total.....		5,447,765 25
		27,117,107 70

## CHAP. 4.

An Act to amend the Act respecting the Public Debt, and the raising of Loans authorized by Parliament.

[Assented to 8th April, 1875.]

Preamble.

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

Four per cent.  
stock author-  
ized.

Act 35 V.,  
c. 6, amended.

1. The Governor in Council may authorize the creation, issue and sale of Dominion Stock, bearing interest at the rate of four per centum per annum, under the same provisions under which he may authorize the creation, issue and sale of such stock bearing interest at the rate of five per centum per annum; and wherever in the Act, thirty-fifth Victoria, chapter six, cited in the title of this Act, the words "five per cent. Dominion Stock," or the words "five per cent. Stock," occur, the words "four per cent. Dominion Stock, or" or "four per cent. Stock, or" shall be understood as inserted before them respectively, and the provisions of the said Act shall apply equally to Dominion Stock bearing either rate of interest.

## CHAP. 5.

An Act further to amend the Acts regulating the Issue of Dominion Notes.

[Assented to 8th April, 1875.]

Preamble.

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

Amount of  
gold to be  
held for  
redemption of  
Dominion  
Notes.

1. Whenever the amount of Dominion Notes issued and outstanding shall at any time exceed twelve millions of dollars, the Receiver General shall hold specie to the full amount of such excess, for the redemption of such notes; and of any amount of the said Notes below twelve millions of dollars, and exceeding nine millions of dollars, the Receiver General shall hold in specie not less than fifty per cent. of the amount of such Notes above nine millions of dollars, for the redemption of such Notes.

Inconsistent  
enactments of  
35 V., c. 7,  
&c., repealed.

2. So much of the Act passed in the thirty-fifth year of Her Majesty's reign and intituled, "*An Act to amend the Act regulating the issue of Dominion Notes*," or of any other Act as may be inconsistent with the above enactment, is hereby repealed.

CHAP.

## CHAP. 6.

An Act to amend the Act providing for the organization of the Department of the Secretary of State of Canada.

[Assented to 8th April, 1875.]

**H**ER Majesty, by and with the advice of the Senate and House of Commons of Canada, enacts as follows:—

**1.** The following words are hereby added to, and shall form part of the fourth section of the said Act, passed in the thirty-first year of Her Majesty's reign, chapter forty-two, that is to say:—

"And the Deputy Registrar-General of Canada from time to time appointed under the second section of this Act, may sign and certify the registration of all instruments and documents required to be registered, and all such copies of the same, or of any records in the custody of the Registrar-General as may be required to be certified or authenticated as being copies of any instruments or documents as aforesaid."

Addition made to sec. 4 of 31 V., c. 42.  
Signature of Deputy Registrar-General of Canada to avail in certain cases.

## CHAP. 7.

An Act to amend and consolidate the Statute Law for the regulation of the Postal Service.

[Assented to 8th April, 1875.]

**I**N amendment of the Act passed in the thirty-first year of Her Majesty's reign and intituled "*An Act for the regulation of the Postal Service*:" and for consolidating the Statute Law touching the said service, Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Preamble: 31 V., c. 10.

### PRELIMINARY—INTERPRETATION.

**1.** This Act shall be known and may be cited as "*The Post Office Act, 1875*"; and the following terms and expressions therein shall be held to have the meaning hereinafter assigned to them, unless such meaning be repugnant to the subject or inconsistent with the context:—

Short Title.

The term "Letter" includes Packets of Letters;

The

Postage.

The term "Postage" means the duty or sum chargeable for the conveyance of Post Letters, Packets and other things by Post ;

Foreign Country.

The term "Foreign Country" means any country not included in the dominions of Her Majesty ;

Foreign Postage.

The term "Foreign Postage" means the postage on the conveyance of Letters, Packets or other things, within any Foreign Country or payable to any Foreign Government ;

Canadian Postage.

The term "Canada Postage" means the postage on the conveyance of Letters, Packets and other things, by Post within the Dominion of Canada or by Canada Mail Packet ;

Mail.

The term "Mail" includes every conveyance by which Post Letters are carried, whether it be by land or by water ;

British Packet Postage.

The term "British Packet Postage" means the postage due on the conveyance of letters by British Packet Boats, between the United Kingdom and British North America :—And the term "British Postage" includes all Postage not being Foreign, Colonial or Canadian ;

Employed in the Canada Post Office.

The expression "employed in the Canada Post Office" applies to any person employed in any business of the Post Office of Canada ;

Post Letter.

The term "Post Letter" means any letter transmitted or deposited in any Post Office to be transmitted by the Post or delivered through the Post, or deposited in any letter box put up anywhere under the authority of the Post Master General to be transmitted or delivered through the Post ;—And a letter shall be deemed a Post Letter from the time of its being so deposited or delivered at a Post Office, to the time of its being delivered to the party to whom it is addressed ; and a delivery to any person authorized to receive letters for the Post shall be deemed a delivery at the Post Office ; and a delivery of any letter or other mailable matter at the house or office of the person to whom the letter is addressed, or to him, or to his servant or agent, or other person considered to be authorized to receive the letter or other mailable matter, according to the usual manner of delivering that person's letters, shall be a delivery to the person addressed ;

Mailable Matter.

The term "Mailable Matter" includes any letter, packet, parcel, newspaper, book or other thing which by this Act or by any regulation made in pursuance of it, may be sent by Post ;

Post Letter Bag.

The term "Post Letter Bag" includes a Mail Bag or Box, or Packet or Parcel, or other envelope or covering in which mailable

mailable matter is conveyed, whether it does or does not actually contain mailable matter;

The term "any Post Office" means any building, room, <sup>Any Post Office.</sup> street letter box, receiving box or other receptacle, or place where Post Letters or other mailable matter are received or delivered, sorted, made up or dispatched;

The term "Valuable Security" includes the whole or any <sup>Valuable Security.</sup> part of any tally, order or other security or document whatsoever entitling or evidencing the title of any party to any share or interest in any Public Stock or Fund, whether of Canada, or of the United Kingdom, or of any British Colony or Possession, or of any Foreign Country, or in any fund or stock of any body corporate, company or society in Canada or elsewhere, or to any deposit in any Savings' Bank, or the whole or any part of any debenture, deed, bond, Post Office Money Order, bank note, bill, note, cheque, warrant or order or other security for the payment of money, or for the delivery or transfer of any goods, chattels or valuable thing, whether in Canada or elsewhere;

And the term "between" when used with reference to the <sup>Between.</sup> transmission of letters or other things, applies equally to such transmission from either place to the other.

2. All laws in force in the Provinces of Canada, Nova Scotia or New Brunswick, at the Union thereof on the first of July one thousand eight hundred and sixty-seven, in respect to the Postal Service, and continued in force by "<sup>Repeal of Provincial Laws.</sup> The British North America Act, 1867," and all laws in force in the Provinces of British Columbia, Prince Edward Island and Manitoba, and the North-West Territories respectively, when they respectively became part of the Dominion of Canada, have been and are hereby declared to be repealed, except as to any act done or performed in virtue of <sup>Saving clause as to things done, &c., under repealed laws.</sup> the same and except in respect of any postage duties which may have become payable under the same or any proceedings for the recovery of such duties, and except also as to any offence committed against the provisions of the said Laws hereby declared to have been and to be repealed, and any fine or penalty incurred by reason of any such offence, or any proceeding for the recovery of any such fine or penalty or for the punishment of any offender.

3. Except in so far as it may be otherwise provided in any case by the proper authority under this Act, or any other Act of the Parliament of Canada,—all <sup>Provisional continuance of existing Post Office arrangements Commissions and appointments.</sup> Post Offices and Postal Divisions, Stations, Districts and Establishments in Canada, and all commissions or appointments of any officers or persons employed in managing the said Posts and Post Communications, or in collecting or accounting for Postage duties



duties and dues, in force at the time when this Act comes into force, shall continue and remain in force; and the nature of the duties and local extent of the powers of each office, and the salary and emoluments of the officer shall remain the same as if such commissions or appointments had been granted or made under the authority of this Act,—subject always to the provisions hereinafter made.

Existing  
bonds, con-  
tracts, &c.,  
to continue in  
force.

Construction  
of contracts  
for convey-  
ance of Mails.

4. And all bonds given by such officers or persons or their sureties, and all contracts, agreements or engagements made by any party with or to any such officer or person, shall remain in full force and effect, and shall be construed and have effect to all intents and purposes as if made and entered into with express reference to this Act and for the performance of the duties which under this Act may be lawfully assigned to or discharged by such officers and persons respectively: And any contract for the conveyance of Her Majesty's Mails or for any other service to be performed with reference to the Post Office, shall be construed as a contract for the conveyance of Her Majesty's Mails under this Act, and for the performance of the services therein contracted for, for Her Majesty's Canada Post Office, and the fulfilment of such contract may be enforced accordingly under this Act,—payment for such services being made out of Canada funds, but performance otherwise according to the terms of such contract.

Regulations,  
&c., to remain  
in force, until  
abrogated  
under this  
Act.

5. And every regulation and departmental order not inconsistent with this Act and not providing for a matter for which provision is made by this Act, made by any then competent authority, to guide or direct such officers or persons in the performance of their duties, or to confer, define or regulate their powers and the exercise thereof, shall remain in full force and effect, unless and until such regulation or order is abrogated or provision is made in the like matter by some regulation or order made by competent authority under this Act.

Application  
of Revenue  
Management  
Acts to Postal  
matters.

6. Any Act of the Parliament of Canada respecting the collection and management of the revenue, the auditing of public accounts, and the liabilities of public accountants, shall apply to the said Posts and Post Communications, and to the officers and persons employed in managing the same, or in collecting or accounting for the duties and dues aforesaid, except in so far as any provision of such Act is not susceptible of such application or is inconsistent with any provision of this Act.

#### ORGANIZATION AND GENERAL PROVISIONS.

Post Office  
Department.

7. There shall be at the Seat of Government of Canada a Post Office Department for the superintendence and management

ment of the Postal Service of Canada, under the direction of a Postmaster General.

8. The Postmaster General shall be appointed by commission under the Great Seal of Canada, and shall hold his office during pleasure.

Postmaster General.

9. The Governor may appoint all Postmasters having permanent salaries in cities and towns.

Governor to appoint certain Postmasters.

10. The Postmaster General may, subject to the provisions of this Act—

Powers of Postmaster General.

1. Establish and close Post Offices and Post Routes ;

Post Offices and Routes.

2. Appoint Postmasters, other than those to be appointed by the Governor, and other officers and servants, and remove or suspend any Postmaster or other officer or servant of the Post Office ;

Postmasters.

3. Enter into and enforce all contracts relating to the conveyance of the Mails, or other business of the Post Office ;

Mail contracts.

4. Make regulations declaring what shall and what shall not be deemed to be mailable matter for the purposes of this Act, and for restricting within reasonable limits the weight and dimensions of letters and packets and other matters sent by Post, and for prohibiting and preventing the sending of explosive, dangerous, contraband or improper articles, obscene or immoral publications, or obscene or immoral post-cards ;

Mailable matter.

5. Establish the rates of Postage on all mailable matter, not being letters, newspapers or other things hereinafter specially provided for, and prescribe the terms and conditions on which all mailable matter not being letters, shall in each case or class of cases be permitted to pass by Post, and authorize the opening thereof, for the purpose of ascertaining whether such conditions have been complied with ;

Rates on mailable matter, not otherwise provided for.

6. Cause to be prepared and distributed postage and registration stamps necessary for the prepayment of postage and registration charges, under this Act ; also stamped envelopes for the like purpose and post-cards and stamped post bands or wrappers for newspapers or other mailable articles not being post letters ;

Postage and registration stamps, wrappers, &c.

7. Make and give effect to any arrangements which may require to be made with the Government or with the postal authorities of the United Kingdom, or of any British Possession, or of the United States, or any other Foreign Country, with regard to the collecting and accounting for postage, the transmission

Arrangements with Postal authorities out of Canada.

transmission of mails, and other matters connected with Posts and Postal business, and the remuneration or indemnity to be paid or received under any such arrangement;

Refunding  
postage on  
H. M. Military  
or Naval  
Service.

8. Make arrangements for refunding such postage as may, from time to time, be paid by Her Majesty's Military or Naval authorities on official correspondence passing between the several stations of Her Majesty's Military and Naval Forces in Canada;

Post Office  
Money Orders.

9. Make orders and regulations concerning the Money Order system and the issuing and paying of Post Office Money Orders in Canada, and when he may deem it expedient arrange for the exchange of such Money Orders with any British Possession or Foreign Country on such terms and conditions as he may agree upon, and as may be set forth in the regulations relating to the same; and all orders and regulations so made by him shall be binding and conclusive upon the persons in favor of whom such Money Orders shall be issued, and the payees thereof and all persons interested through or claiming under them, and upon all other persons whomsoever;

Departmental  
Rules and  
Orders.

10. Make and alter rules and orders for the conduct of and management of the business and affairs of the Department, and for the guidance and government of the Postmasters and other officers and servants of the Post Office in the performance of their duties;

Registration  
of letters.

11. Prescribe and enforce such regulations as to letters directed to be registered, as to him may seem necessary, in respect to the registration of letters and other matter passing by Mail, as well between places in Canada, as between Canada and the United Kingdom, any British Possession, the United States or any other Foreign Country, and to the charge to be made for the same; and also in respect to the registration by the officers of the Post Office of letters unquestionably containing money or other valuable enclosure when posted without registration by the senders of the same, and to imposing a rate of two cents registration charge upon such letters;

Questions as  
to periodicals,  
&c.

12. Decide all questions which may arise as to what shall be deemed to be a letter or letter packet, newspaper, periodical or other article of mailable matter, admitted to pass by Post under this Act, and as to the rate of postage to which it may consequently be liable;

Suits for  
postage, &c.

13. Sue for and recover all sums of money due for postage or for penalties under this Act or under any Act or law of the Provinces of Canada, Nova Scotia or New Brunswick, British Columbia,

Columbia, Prince Edward Island, Manitoba or the North-West Territories or by any Postmaster or his sureties;

14. Establish and provide street letter boxes or pillar <sup>Street letter boxes, &c.</sup> boxes or boxes of any other description, for the receipt of letters and such other mailable matter as he may deem expedient, in the streets of any city or town in Canada, or at any railway station or other public place where he may consider such letter box to be necessary;

15. Grant licenses revocable at pleasure, to agents other <sup>Sale of stamps, &c.</sup> than Postmasters, for the sale to the public of postage stamps and stamped envelopes, and allow to such agents a commission of not exceeding five per cent on the amount of their sales;

16. Impose, with the approval of the Governor in Council, pecuniary penalties not exceeding two hundred dollars <sup>Penalties for contravention of Regulations.</sup> for any one offence on persons offending against any such regulation as aforesaid, whether they be or be not officers of the Post Office;

17. And generally to make such regulations as he deems <sup>General purposes.</sup> necessary for the due and effective working of the Post Office and postal business and arrangements, and for carrying this Act fully into effect:

18. And every such regulation as aforesaid may, from time to time, be repealed or amended by any subsequent <sup>Amending or repealing regulations, and their effect.</sup> regulation made in like manner: and every such regulation shall, until it be otherwise ordered by any subsequent regulation, have force and effect as if it formed part of the provisions of this Act, unless it be inconsistent with the enactments thereof.

11. Any general regulation made by the Postmaster General under this Act, other than those made solely for the guidance and government of the officers or other persons employed in the Postal service, which may be communicated by Departmental Order, or otherwise, as the Postmaster General may see fit, shall have effect from and after the day on which the same shall have been published in the Official Gazette, or from and after such later day as may be appointed for the purpose in such regulation, and during such time as shall be therein expressed, or if no time be expressed for that purpose, then until the same is revoked or altered; and every such regulation may be revoked, varied or altered by any subsequent regulation; and a copy of the Official Gazette containing any such regulation shall be evidence of such regulation to all intents and purposes whatsoever;

12. And any bond or security required or authorized by any such regulation or by any order of the Postmaster General, <sup>Bonds, &c., to be valid.</sup>

eral, in any matter relative to the Post Office, or to the observance of any provision of this Act or any regulation or order made under it, shall be valid in law, and may be enforced according to its tenor on breach of the condition thereof.

Regulations  
to conform to  
Act.

**13.** No regulation made under this Act, shall be inconsistent with the express provisions thereof.

Post Office  
Inspectors  
and Assist-  
ants.

**14.** The Governor may, from time to time, appoint fit and proper persons to be and to be called Post Office Inspectors, and Assistant Post Office Inspectors and to be stationed at such places and to exercise their powers and perform their duties and functions within such limits respectively as he may from time to time appoint;

Their duties:  
specially—

**2.** And it shall be the duty of such Post Office Inspectors and Assistant Post Office Inspectors, under such instructions as may, from time to time, be given to them by the Postmaster General, to superintend the performance of the mail service, taking care that, as far as the state of the roads and other circumstances will permit, the stipulations of all contracts for the conveyance of the mail are strictly complied with by the contractors; to instruct new Postmasters in their duties; to keep the Postmasters to their duty in rendering their accounts and paying over their balances; to inspect every Post Office from time to time, to see that it is properly kept, and that the Postmasters and their Assistants perfectly understand their instructions and perform their duty well in every particular; to inquire into complaints or suspected cases of misconduct or mismanagement in respect of such duty, and also into complaints of the miscarriage or loss of letters or other mail matter; and generally to do all and whatsoever they are, from time to time, instructed or required by the Postmaster General to do for the service of the Post Office Department.

generally.

Deputy  
Postmaster  
General.

**15.** The Governor in Council may appoint a proper person to be Deputy Postmaster General, to hold office during pleasure, and the said Deputy Postmaster General shall have the oversight and direction of the other officers, clerks and messengers or servants, and of all persons employed in the postal service, and shall have, under the Postmaster General, the general management of the business of the Department; and his directions shall be obeyed in like manner as the directions of the Postmaster General would be,—subject however to the control of the latter, in all matters whatsoever.

Remuneration  
of Officers.

**16.** Each officer, clerk or servant employed in or by the Post Office Department shall be remunerated by a stated salary or pay, to be fixed by the Postmaster General, subject to the provisions of any Act relating to the Civil Service.

**17.**

**17.** No allowance or compensation shall be made to any clerk or other officer in the Post Office Department, by reason of the discharge of duties which belong to any other clerk or officer in the same Department; and no allowance or compensation shall be made for any extra service whatever which any such clerk or officer may be required to perform: subject nevertheless to the provisions of any Act relating to the Civil Service.

No allowance or compensation for extra service.

**18.** It shall be lawful for the Postmaster General, to pay over and deliver to such person or persons as he may consider to be the rightful owner or owners thereof, upon satisfactory evidence of claim, any sum of money, or other property stolen or lost from the mails, which may be by the Postmaster General, recovered from the thief or thieves, or may otherwise come into his possession.

Delivery of money or property lost or stolen from the Mails when recovered.

#### RATES OF POSTAGE.

**19.** On all letters transmitted by post for any distance within Canada, except in cases herein otherwise specially provided for, there shall be charged and paid one uniform rate of three cents per half ounce weight, any fraction of a half ounce being chargeable as a half ounce; and such postage rate of three cents shall be pre-paid by postage stamp or stamps at the time of posting the letter, otherwise such letter shall not be forwarded by post, except that letters addressed to any place in Canada and on which one full rate of three cents has been so pre-paid, shall be forwarded to their destination charged with double the amount of the postage thereon not so pre-paid, which amount shall be collected on delivery.

Rates of postage on letters.

Prepayment obligatory.

Exceptions.

**20.** On letters not transmitted through the mails, but posted and delivered at the same Post Office, commonly known as local or drop letters, the rate shall be one cent per half ounce weight, to be, in all cases, prepaid by postage stamps affixed to such letters.

On local or drop letters.

**21.** In every case in which any seaman in Her Majesty's Navy, or sergeant, corporal, drummer, trumpeter, fifer or private soldier in Her Majesty's service, is entitled to receive or send letters on the payment of a certain sum and no more, in place of all British postage thereon, the payment of such sum shall likewise free such letters from all Canada postage thereon:

On letters to or from Seamen or Soldiers in H. M. Service.

**2.** And in all cases in which a letter addressed to a commissioned officer of the army or navy, or of any of the departments belonging thereto respectively, at a place where he has been employed on actual service, would be free from British Postage on the transmission thereof from such place to

Or to commissioned officers in army or navy, &c.



to any place to which he has removed in the execution of his duty, before the delivery of such letter or packet, the same shall, in like manner, be free from Canada postage: and the Postmaster General may make such regulations declaratory and otherwise, as may be necessary for giving effect to this section.

Rates of postage on newspapers and periodicals direct from office of publication.

**22.** The rate of postage on newspapers and periodical publications printed and published in Canada, and issued not less frequently than once a month from a known office of publication or news agency, and addressed and posted by and from the same to regular subscribers or news agents, shall be one cent for each pound weight, or any fraction of a pound weight, to be prepaid by postage stamps or otherwise as the Postmaster General may, from time to time, direct; and such newspapers and periodicals shall be put up into packages and delivered into the post office, and the postage rate thereon prepaid by the sender thereof, under such regulations as the Postmaster General may, from time to time, direct.

How to be put up.

On newspapers, &c., posted singly.

**23.** Newspapers and periodicals weighing less than one ounce each may be posted singly at a postage rate of half a cent each, which must be in all cases prepaid by postage stamp affixed to each.

Rate of postage on books, pamphlets, &c.

**24.** On all newspapers and periodicals posted in Canada, except in the cases hereinbefore expressly provided for, and on books, pamphlets, occasional publications, printed circulars, prices current, hand-bills, book and newspaper manuscripts, printers proof sheets, whether corrected or not; maps, prints, drawings, engravings, lithographs, photographs when not on glass or in cases containing glass, sheet music, whether printed or written, documents wholly or partly printed or written—such as deeds, insurance policies, militia and school returns, or other documents of like nature, packages of seeds, cuttings, bulbs, roots, scions or grafts, patterns or samples of goods or merchandise, the rate of postage shall be one cent for each four ounces, or fraction of four ounces:

Proviso: How to be put up.

Provided that no letter or other communication intended to serve the purpose of a letter be sent or inclosed in any such newspaper or other package or thing mentioned in this or the next preceding section, and that the same be sent in covers open at the ends or sides, or otherwise so put up as to admit of inspection by the officers of the post office to ensure compliance with this provision: and the postage rate shall be prepaid by postage stamp or stamped post bands or wrappers, in all cases when any such articles as are mentioned in this section are posted in Canada:

Prepayment.



execution of  
packet, the  
a postage :  
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25. Provided that, notwithstanding any thing herein contained, all letters, newspapers and other mailable matter passing by mail between any place in Canada and the United Kingdom, any British possession, the United States, and any other foreign country shall be liable to such charges, and rates of postage on being posted in Canada or on delivery therein, and be subject to such regulations and conditions as may be agreed upon, under any arrangement made by the Postmaster General, for the transmission, despatch, receipt and delivery of the same, and contained in any regulation made by the Postmaster General in pursuance of such arrangement.

Postage on  
mailable  
matter  
between  
Canada and  
any other  
Country.

#### PAYMENT OF POSTAGE.

26. As well the colonial, British or foreign as the Canada postage on any letter or other mailable matter shall, if not prepaid in all cases where pre-payment has not been made obligatory, be payable to the Postmaster General by the party to whom the same is addressed, or who may lawfully receive such letter or other thing,--which may be detained until the postage be paid : and any refusal or neglect to pay such postage shall be held to be a refusal to receive such letter or thing, which shall be detained and dealt with accordingly ; but if the same is delivered, the postage on it shall be charged against and paid by the Postmaster delivering it, saving his right to recover it from the party by whom it was due, as money paid for such party :

From whom  
and how  
postage on  
unpaid letters  
may be  
recovered.

2. If any letter or other mailable matter is refused, or if the party to whom it is addressed cannot be found, then any postage due thereon shall be recoverable by the Postmaster General from the sender of such letter or packet :

Letters  
refused.

3. The postage marked on any letter or other mailable matter shall be held to be the true postage due thereon ; and the party signing or addressing it shall be held to be the sender, until the contrary be shown :

Amount of  
postage.

4. And all postage may be recovered with costs, by civil action in any court having jurisdiction to the amount, or in any way in which customs duties are or may be recoverable.

How recover-  
ed.

27. In all cases where letters and other mailable matter are posted for places without the limits of Canada, on which stamps for pre-payment are affixed of less value than the true rate of postage to which such letters are liable,—or when stamps for prepayment are affixed to letters addressed to any place as aforesaid for which prepayment cannot be taken in Canada,—the Postmaster General may forward such letters, charged with postage, as if no stamp had been thereon affixed. And when any letter or other mailable matter is posted in Canada without prepayment, or insufficiently

Cases in  
which stamp-  
ed letters for  
places out of  
Canada may  
be forwarded  
as unpaid  
letters.

Disposal of  
letters not  
prepaid, &c.

ciently prepaid, in any case in which prepayment is by this Act made obligatory, the Postmaster General may detain the same, and cause it to be returned, when practicable, to the sender.

Postmasters  
and letter  
carriers  
not bound to  
give change.

**28.** And for avoiding doubts, and preventing inconvenient delay in the posting and delivery of letters,—no Postmaster shall be bound to give change, but the exact amount of the postage on any letter or other mailable matter shall be tendered or paid to him in current coin as respects letters or other things delivered, bearing unpaid postage, as shall also the exact value in current coin as respects postage stamps, registration stamps, stamped envelopes or post cards, post bands or wrappers, purchased from any Postmaster and the exact amount of postage payable to any letter-carrier on any letter or mailable matter delivered by him.

#### SHIP LETTERS.

Conveyance  
of letters by  
sea to or from  
Canada in  
vessels other  
than Post  
Office Packets

**29.** The Postmaster General may make such reasonable compensation as he may see fit, to masters of vessels, not being Post Office Packets, for each letter conveyed by such vessels between places beyond sea and Canada; and the Governor in Council may direct that at any port or class of ports, such vessels shall not be permitted by the officers of customs to enter or break bulk until all letters on board the same have been delivered at the Post Office, nor until the master has made declaration in such form as may be prescribed, that he has delivered all such letters accordingly.

#### EXCLUSIVE PRIVILEGE OF THE POSTMASTER GENERAL,— AND EXCEPTIONS FROM IT.

Except in  
certain cases  
no one but the  
Postmaster  
General to  
collect,  
convey and  
deliver letters  
in Canada on  
pain of a fine  
of \$20.

**30.** Subject always to the provisions and regulations aforesaid, and the exceptions hereinafter made, the Postmaster General shall have the sole and exclusive privilege of conveying, receiving, collecting, sending and delivering letters within Canada: and (except in the cases hereinafter excepted) any person who collects, sends, conveys or delivers or undertakes to convey or deliver any letter within Canada, or who receives or has in his possession any letter for the purpose of conveying or delivering it, otherwise than in conformity with this Act, shall, for each and every letter so unlawfully conveyed or undertaken to be conveyed, received, delivered or found in his possession, incur a penalty not exceeding twenty dollars:

The excep-  
tions:  
Letters by

Private  
friends,

But such exclusive privilege, prohibition and penalty shall not apply to—

Letters sent by a private friend in his way, journey or travel, provided such letters be delivered by such friend to the party to whom they are addressed;

Letters

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Letters

Letters sent by a messenger on purpose, concerning the Messenger, private affairs of the sender or receiver;

Commissions or returns thereof, and affidavits or writs, Commissions, process or proceedings or returns thereof, issuing out of a writs, &c. court of justice;

Letters addressed to a place out of Canada and sent by Private vessel, sea and by a private vessel;

Letters lawfully brought into Canada, and immediately Posted on arrival, posted at the nearest Post Office;

Letters of merchants, owners of vessels of merchandise, or Letters with goods, &c., of the cargo or loading therein, sent by such vessel of merchandise, or by any person employed by such owners for the carriage of such letters according to their respective addresses,—and delivered to the persons to whom they are respectively addressed, without pay, hire, reward, advantage or profit for so doing;

Letters concerning goods or merchandise sent by common The same. known carriers to be delivered with the goods to which such letters relate, without hire or reward, profit or advantage for receiving or delivering them:

But nothing herein contained shall authorize any person Proviso. to collect any such excepted letters for the purpose of sending or conveying them as aforesaid,—or shall oblige any person to send any newspaper, pamphlet or printed book by post.

**31.** Any person may, and any officer or person employed in the Post Office or in the collection of the revenue of the Dominion, shall seize any letters conveyed, received, collected, sent or delivered in contravention of this Act, and take them to the nearest Post Office, and give such information to the Postmaster as he may be able to give, and as is necessary for the effectual prosecution of the offender; and the letters shall moreover be chargeable with letter postage. In case of contravention letters may be seized and charged with Postage.

#### BRANCH OFFICES AND DELIVERY IN CITIES, &c.

**32.** The Postmaster General may, when in his judgment the public interest or convenience requires it, establish one or more Branch Post Offices to facilitate the operation of the Post Office in any city or place which in his opinion requires any such additional accommodation for the convenience of the inhabitants; and he may prescribe the rules and regulations for the Branch Post Offices established by virtue of this Act; and no additional postage shall be charged for the receipt or delivery of any letter or packet at such Branch Post Office. Establishment and regulation of Branch Post Offices in Cities.

Employment  
of Letter  
Carriers in  
Cities and  
rate of City  
Postage.

**33.** The Postmaster General may, whenever the same may be proper for the accommodation of the public in any city or town, employ letter carriers for the delivery of letters received at the Post Office in such city or town (except such as the persons to whom they are addressed, may have requested, in writing addressed to the Postmaster, to be retained in the Post Office,) and for the receipt of letters at such places in such city or town as the Postmaster General may direct, and for the deposit of the same in the Post Office:

The rates.

2. And for the delivery by a carrier of each letter received from the Post Office, the person to whom the same is delivered shall pay not exceeding two cents, and for the delivery of each newspaper and pamphlet one cent;—all of which receipts, by the carriers in any city or town, shall be accounted for to the Postmaster General:

Carriers to  
give security.

3. Each of such carriers shall give bond, with sureties to be approved by the Postmaster General, for the safe custody and delivery of all letters, and for the due account and payment of all moneys received by him.

Provision for  
delivery of  
Letters in  
Cities free.

**34.** It shall be lawful for the Postmaster General, with the consent of the Governor in Council, to establish in any city, when he shall deem it expedient, a system of free delivery by letter carrier of letters brought by mail, and he may direct that, from the time that such system is so established, no charge shall be made for the delivery of such letters by letter carriers in such city; and such system of free delivery when established in any city shall be subject to such regulations as the Postmaster General shall, from time to time, see fit to make.

#### PARCEL POST.

Parcel Post.

Rate to be  
fixed by P. M.  
General.

**35.** The Postmaster General may establish and maintain a parcel post; and closed parcels, other than letters and not containing letters, may be sent by such parcel post; and when so sent shall be liable to such charges for conveyance and to such regulations, as the Postmaster General shall, from time to time, see fit to make.

#### FRANKING AND FREE MAIL MATTER.

Certain  
Letters and  
other mail-  
able matter to  
be free of  
Postage.

**36.** All letters and other mailable matter addressed to or sent by the Governor or sent to or by any department of the Government at the seat of government, shall be free of Canada postage under such regulations as may, from time to time, be made in that respect by the Governor in Council:

2. Letters and other mailable matter addressed to or sent by the Speaker or Chief Clerk of the Senate or of the House of Commons shall be free of Canada postage. Letters and other mailable matter addressed to or by any Member of either House at the seat of government, during any Session of Parliament, or to any of the Members at the seat of government as aforesaid, during the ten days next before the meeting of Parliament, shall be free of postage: Senate and House of Commons.

3. All books belonging to the Library of Parliament at Ottawa may be sent from the same to any Member of either House or from any such Member addressed to the Librarian, during the recess of Parliament, and free of postage in either case: Books from Parliament-ary Library.

4. The privilege of free transmission as above given in this Limitation shall apply only to mail matter passing between the seat of Government and places in Canada:

5. Members of either the Senate or House of Commons of Canada may, during the recess of Parliament, send by mail free of postage, all papers printed by order of either House; and Members of the Legislature of any one of the Provinces of the Dominion may in like manner send by mail free of postage all papers printed by order of such Legislature: Parliament-ary papers.

6. The Postmaster General may prescribe the conditions and circumstances under which letters, accounts and papers, relating solely to the business of the Post Office, and addressed to or sent by some officer thereof, shall be free from Canada Postage: Post Office letters, &c.

7. Petitions and Addresses to the Provincial Legislatures of any of the Provinces of the Dominion, or to any branch thereof, and also Votes and Proceedings and other papers printed by order of any such Legislatures or any branch thereof, may be sent free of postage under such regulations as the Postmaster General may prescribe. Petitions to Local Legislature.

#### PROPERTY IN POST LETTERS, AND OTHER MAILABLE MATTER.

37. From the time any letter, packet, chattel, money or thing is deposited in the Post Office for the purpose of being sent by post, it shall cease to be the property of the sender, and shall be the property of the party to whom it is addressed or the legal representatives of such party: And the Postmaster General shall not be liable to any party for the loss of any letter packet or other thing sent by post; nor shall any letter or packet or other mailable matter be liable to demand, seizure, or detention, whilst in the Post Office, or in the custody of any person employed in the Canada Post Office,—under legal process against the sender thereof, or against

against the party or legal representatives of the party to whom it may be addressed.

#### DEAD LETTERS.

Dead Letters,  
how dealt  
with.

**38.** Letters, or other articles, which from any cause remain undelivered in any Post Office, or which, having been posted, cannot be forwarded by post, shall, under such regulations as the Postmaster General may make, be transmitted by Postmasters to the Post Office Department as Dead Letters, there to be opened and returned to the writers on payment of any postage due thereon with three cents additional on each Dead Letter to defray the costs of returning the same, less in the case of insufficiently prepaid letters or other mailable matter posted in Canada, such amount of postage as may have been prepaid on the same; or such Dead Letters may in any case or class of cases be otherwise disposed of as the Postmaster General may direct:

If containing  
money.

2. If any such Dead Letter, of which the writer cannot be ascertained or found, contains money, the Postmaster General may appropriate it as Postal Revenue, keeping an account thereof; and the amount shall be paid by the Department to the rightful claimant as soon as he is found.

#### LETTERS CONTAINING CONTRABAND GOODS.

Detention, &c,  
of Letters  
suspected to  
contain  
contraband  
or dutiable  
goods.

**39.** The Postmaster General, or any Postmaster, by him to that effect duly authorized, may detain any Post Letter or other article of mail matter suspected to contain any contraband goods, wares or merchandise, or any goods, wares or merchandise on the importation of which into Canada any duties of customs are by law payable, and suspected to have been enclosed therein and sent by post to evade payment of such duties, and forward the same to the nearest Collector of Her Majesty's Customs, who, in the presence of the person to whom the same may be addressed, or in his absence in case of non-attendance, after due notice in writing from such Collector requiring his attendance, left at or forwarded by the post according to the address on the letter or other article of mail matter, may open and examine the same:

If any such  
goods be  
found.

2. And if, on any such examination, any contraband goods, wares, or merchandise, or any goods, wares or merchandise on the importation of which into Canada any duties of customs are payable, are discovered, such Collector may detain the letter or other article of mail matter and its contents for the purpose of prosecution; and if no contraband goods, wares or merchandise, or any goods, wares or merchandise on the importation of which into Canada any duties of customs are by law payable, are discovered in such letter or other article of mail matter it shall, if the party to whom it is addressed

And if not.



addressed is present, be handed over to him on his paying the postage (if any) charged thereon, or if he is not present, it shall be returned to the Post Office and be forwarded to the place of its address.

## TOLLS—AND FERRIES.

40. No mail stage, or other winter or summer vehicle carrying a mail, shall be exempted from tolls or dues on any road or bridge in Canada, unless in the Act or charter authorizing such road or bridge, it is specially so provided :

Tolls and  
Ferryes. Mails  
when exempt.

2. Every ferryman shall, upon request and without delay, convey over his ferry any courier or other person travelling with the mail, and the carriage and horse, or horses employed in carrying the same, and the sum to be paid for such service shall be fixed by contract ; or if any ferryman demands more than the Post Office authorities or the contractor for carrying the mail are willing to pay, the amount to be paid shall be fixed by arbitrators, each party naming an arbitrator, and the two arbitrators naming a third, the decision of any two arbitrators to be binding :

Obligations  
of ferrymen.

3. No toll-gate keeper or ferryman shall detain or delay a mail on pretence of demanding toll or ferriage, but the same, if due and not paid, shall be recovered in the usual course of law from the party liable.

Mail not to be  
delayed.

## UNITED STATES MAILS PASSING THROUGH CANADA.

41. The Postmaster General may, from time to time, with the approval of the Governor in Council, make any arrangement which he deems just and expedient, for allowing the mails of the United States to be carried or transported over any portion of Canada, from any one point in the territory of the said United States to any other point in the same territory, upon obtaining the like privilege for the transportation of the mails of Canada through the United States when required.

Postmaster  
General may  
allow United  
States mails  
to be carried  
through  
Canada on  
certain con-  
ditions.

42. Every United States mail so carried or transported as last aforesaid shall, while in Canada, be deemed and taken to be a mail of Her Majesty, so far as to make any violation thereof, any depredation thereon, or any act or offence in respect thereto or to any part thereof, which would be punishable under the existing laws of Canada if the same were a Canada mail or part of a Canada mail, an offence of the same degree and magnitude and punishable in the same manner and to the same extent as though the same were a Canada mail or part of a Canada mail ;—And in any indictment for such act or offence, such mail or part of a mail may be alleged to be, and on the trial of such indictment shall be held

Such mails to  
be deemed  
while in  
Canada Her  
Majesty's  
Canada mails  
as regards the  
punishment  
of offences  
committed  
in respect  
thereof.



Property in  
such mails.

held to be a Canada mail or part of a Canada mail: and in any indictment for stealing, embezzling, secreting or destroying any post letter, post letter-bag, packet, chattel, money or valuable security sent by post through and by any of the said United States mails as aforesaid, in the indictment to be preferred against the offender, the property of such post letter, post letter-bag, packet, chattel, money or valuable security sent by post as herein mentioned, may be laid in the Postmaster General,—and it shall not be necessary to allege in the indictment or to prove upon the trial or otherwise, that the post letter, post letter-bag, packet, chattel or valuable security was of value.

#### POSTMASTERS.

Postmaster  
to give bonds.

**43.** The Postmaster General shall, upon the appointment of any Postmaster, require and take of such Postmaster a bond, with good and approved security, in such penalty as he deems sufficient, conditioned for the faithful discharge of all the duties of such Postmaster required by law, or which may be required by any instruction or regulation or general rule for the government of the Post Office :

Sureties may  
be changed  
and new  
bonds exe-  
cuted.

2. And when any surety of a Postmaster notifies to the Postmaster General his desire to be released from his suretyship, or when the Postmaster General deems it necessary, he may require such Postmaster to execute a new bond, with sureties,—which bond, when accepted by the Postmaster General, shall be as valid as the bond given upon the original appointment of the Postmaster; and the sureties in the prior bond shall be released from responsibility for all acts or defaults of the Postmaster done or committed subsequent to the acceptance of the new bond,—the date of which acceptance shall be duly endorsed on such prior bond :

Application  
of payments  
made after  
new bonds.

3. Payments made by such Postmaster subsequent to the acceptance of a new bond, shall be applied first to the discharge of any balance due by him at the time of such acceptance, unless the Postmaster General shall otherwise direct :

Limitation of  
suits against  
sureties.

4. And no suit shall be instituted against any surety of a Postmaster after the lapse of two years from the death, resignation or removal from office of such Postmaster, or from the date of the acceptance of a new bond from such Postmaster.

Accountabili-  
ty of Post-  
masters to be  
enforced by  
Postmaster  
General.

**44.** The Postmaster General may appoint the periods at which each Postmaster or person authorized to receive postage or any class or number of Postmasters or persons respectively, shall render his or their accounts, and the form and manner in which such accounts shall be kept and rendered :

ed: and if any Postmaster or any such person neglects or refuses to render his accounts, and to pay over to the Postmaster General the balance by him due at the end of any such period, the Postmaster General may cause a suit to be commenced against the person or persons so neglecting or refusing.

45. If any Postmaster neglects to render his accounts for one month after the time or in the form and manner prescribed by the Postmaster General's instructions and regulations, he shall forfeit double the value of the postages which have arisen at the same office in any equal portion of time previous or subsequent thereto, to be recovered by the Postmaster General in an action of debt on the bond against the Postmaster and his sureties, and for which the sureties shall be liable.

Penalty for delay in the rendering of accounts.

46. No Postmaster shall, under any pretence whatsoever, have or receive or retain for himself, any greater or other allowance or emolument of any kind, than the amount of his salary and allowances as fixed and authorized by law or by the Postmaster General.

Postmasters to have only the amount of their authorized salaries and allowances.

47. Postmasters whose salaries are not fixed by law may be paid by a percentage on the amount collected by them, or by such salary and allowances as the Postmaster General by regulation may determine in each case, having due regard to the duties and responsibilities assigned to each Post Office.

Postmaster General may fix such salary on percentage in certain cases.

#### MAIL CONTRACTS AND CONTRACTORS.

48. The Postmaster General, before entering into any contract for carrying the mail involving an annual cost of more than two hundred dollars, shall give at least six weeks previous notice by advertisement in such newspaper or newspapers as he may select in each case, and by public notices put up in the principal post offices concerned in such contract,—that such contract is intended to be made, and of the day on which tenders for the same will be by him received:

Mail contracts for more than \$200 per ann. to be awarded only after advertising for tenders.

2. And the contracts in all cases in which there is more than one tender, shall be awarded to the lowest bidder tendering sufficient security for the faithful performance of the contract, unless the Postmaster General is satisfied that it is for the interest of the public not to accept the lowest tender:

Contract to be awarded to the lowest bidder giving good security, unless for cause.

3. The Postmaster General shall not be bound to consider the bid of any person who has wilfully or negligently failed to execute or perform a prior contract; but in all cases where

If otherwise, reasons to be reported to the Governor.

where he does not give the contract to the lowest bidder, he shall report his reasons therefor to the Governor, for the information of Parliament.

Lowest offer not to be accepted if deemed excessive.

Proceedings in such case.

**49.** When in the opinion of the Postmaster General the lowest proposal received after public advertisement for the performance of a mail contract is excessive, he shall not be compelled to accept the said proposal, but may, in his discretion, either, re-advertise the said contract for further competition, or offer to the persons from whom proposals have been received, each in his turn, beginning with the lowest, such sum as he deems an equitable and sufficient price for the said contract, and may enter into a contract with such of the said persons as will accept such offer.

Postmaster may be allowed to be a contractor.

**50.** It shall be within the discretion of the Postmaster General to authorize and allow a Postmaster to undertake and perform a contract for the transportation of a mail, subject to the regulations applying to all mail contracts, when, in his opinion, the interests of the public service will be thereby promoted.

Every tender to be accompanied by a written guarantee to give good security.

**51.** Every proposal for carrying the mail shall be accompanied by an undertaking, signed by one or more responsible persons, to the effect that he or they undertake that the bidder will, if his bid be accepted, enter into an obligation, within such time as may be prescribed by the Postmaster General, with good and sufficient sureties, to perform the service proposed :

Penalty for failure to give security after acceptance of tender.

**2.** If, after the acceptance of a proposal and notification thereof to the bidder, he fails to enter into an obligation within the time prescribed by the Postmaster General, with good and sufficient sureties for the performance of the service, then the Postmaster General shall proceed to contract with some other person for the performance of the said service, and may forthwith cause the difference between the amount contained in the proposal so undertaken, and the amount for which he has contracted for the performance of the said service, for the whole period of the proposal, to be charged up against the said bidder and his surety or sureties ; and the same may be immediately recovered for the use of the Post Office in an action of debt in the name of the Postmaster General against either or all of the said persons.

How recoverable.

Contracts for less than \$200 per annum, to be let as the Postmaster General sees fit.

**52.** The Postmaster General may, at his discretion, submit contracts for mail transportation, involving an annual expense of less than two hundred dollars, to public competition in the manner and form prescribed for contracts of a greater annual charge,—or he may direct an agent to receive tenders for and execute such contracts on his behalf,—or he may in special cases conclude such contracts by private agreement

agreement when he conceives the public interest will be promoted by such a course; but he shall not pay under any such contract made by private agreement, a higher rate of annual payment for the services to be performed than is ordinarily paid for services of a like nature under contracts let by public advertisement.

**53.** No contract for carrying the mail shall knowingly be made by the Postmaster General with any person who has entered into any combination or proposed to enter into any combination to prevent the making of any bid for a mail contract by any other person, or who has made any agreement, or has given or performed or promised to give or perform any consideration whatever, or to do or not to do anything whatever, in order to induce any other person not to bid for a mail contract.

Contracts not to be made with persons who have combined to keep back tenders.

**54.** The Postmaster General may contract for conveying the mail with any railway or steamboat company either with or without advertising for such contract; but all contracts involving the payment of a larger sum than one thousand dollars shall be submitted to the Governor in Council.

As to Contracts with Railways or Steamboat Companies.

**55.** The Postmaster General shall keep recorded, in a well bound book, a true and faithful abstract of offers made to him for carrying the mail, embracing as well those which are rejected as those which are accepted,—the said abstract to contain a description of each contract advertised for public competition, the dates of the offers made, the dates at which they were received by the Postmaster General, the names of the parties offering, the terms on which they propose to carry the mail, the sum for which it is offered to contract, and the length of time the agreement is to continue: and the Postmaster General shall also put on file and preserve the originals of the propositions of which abstracts are here directed to be made:

Abstracts of tenders to be recorded.

Originals to be preserved.

**2.** 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 for the public interest, renew the same with the same contractor for a further term of not exceeding four years.

No contract to be for more than four years.

**56.** The Postmaster General may make temporary contracts for such services until a regular letting in the form prescribed can take place.

Temporary contracts.

**57.** No additional compensation shall be made to any mail contractor so as to make the compensation for additional regular

Additional compensation limited.

And so of  
extra allow-  
ance.

regular service exceed the exact proportion which the original compensation bears to the original service stipulated to be performed: and no extra allowance shall be made by the Postmaster General to any contractor, for an increase of expedition in the transportation of the mail, unless thereby the employment of additional stock or carriers by the contractor is rendered necessary; and in such case, the additional compensation shall never bear a greater proportion to the additional stock or carriers rendered necessary than the sum stipulated in the original contract bears to the stock and carriers necessarily employed in its execution.

Her Majesty's  
Mail to be  
carried on  
Railways on  
terms and  
conditions to  
be fixed by  
Governor in  
Council.

**58.** Her Majesty's Mail and persons travelling therewith on Postal service, shall, at all times when thereunto required by the Postmaster General, be carried on any and every railway made or to be made in Canada, and with the whole resources of the railway company if required, on such terms and conditions and under such regulations as the Governor in Council makes.

#### POST OFFICE SAVINGS BANKS.

Postmaster  
General may  
establish Post  
Office Savings  
Banks.

**59.** To enlarge the facilities now available for the deposit of small savings, and to make the Post Office available for that purpose, and to give the direct security of the Dominion to every depositor for repayment of all moneys deposited by him, together with the interest due thereon,—the Postmaster General may, with the consent of the Governor in Council, establish a system of Post Office Savings Banks, in connexion with a Central Savings Bank established as a branch of the Post Office Department at the seat of Government.

Postmaster to  
receive and  
repay depo-  
sits.

**60.** The Postmaster General may, with the consent of the Governor in Council, authorize and direct such Postmasters as he shall think fit, to receive deposits for remittance to the central office, and to repay the same, under such regulations as he, with the sanction of the Governor in Council, may prescribe in that respect.

Deposits to be  
entered in  
Depositor's  
Book and  
entry to be  
attested.

Acknow-  
ledgement of  
deposit by  
Postmaster  
General to be  
transmitted to  
depositor  
within ten  
days.

**61.** Every deposit received by any Postmaster appointed for that purpose shall be entered by him at the time in the depositor's book, and the entry shall be attested by him and by the dated stamp of his office, and the amount of such deposit shall, upon the day of such receipt, be reported by such Postmaster to the Postmaster General, and the acknowledgement of the Postmaster General, signified by the officer whom he shall appoint for the purpose, shall be forthwith transmitted to the depositor, and the said acknowledgement shall be conclusive evidence of his claim to the repayment thereof, with the interest thereon, upon demand made by him on the Postmaster General; and, in

order

order to allow a reasonable time for the receipt of the said acknowledgment, the entry by the proper officer in the depositor's book shall also be conclusive evidence of the title for ten days from the lodgment of the deposit; and if the said acknowledgment shall not have been received by the depositor through the post within ten days, and he shall, before or upon the expiry thereof, demand the said acknowledgment from the Postmaster General, then the entry in his book shall be conclusive evidence of title during another term of ten days, and *toties quoties*: Provided always, that such deposits shall not be of less amount than one dollar, nor of any sum not a multiple thereof, and that no sum of money deposited under this Act, shall at any time be liable to demand, seizure, or detention while in the hands of any Postmaster or while in course of transmission to or from the Postmaster General, under legal process against the depositor thereof.

**62.** On demand of the depositor or party legally authorized to claim on account of the depositor, made in such form as shall be prescribed in that behalf, for repayment of any deposit, or any part thereof, the authority of the Postmaster General for such repayment shall be transmitted to the depositor forthwith, and the depositor shall be entitled to repayment of any sum or sums that may be due to him with the least possible delay after his demand shall be made at any Post Office where deposits are received or paid.

Deposit to be repaid to depositor on demand with the least possible delay.

**63.** The Postmasters and other officers of the Post Office engaged in the receipt or payment of deposits shall not disclose the name of any depositor nor the amount deposited or withdrawn, except to the Postmaster General, or to such of his officers as may be appointed to assist in carrying into operation the provisions of this Act in relation to Post Office Savings Banks.

Name of Depositor or amount deposited or withdrawn not to be disclosed by officers.

**64.** All moneys so deposited with the Postmaster General shall forthwith be paid over to the Receiver General of Canada, and shall be credited to an account called "Post Office Savings Bank Account;" and all sums withdrawn by depositors, or by parties legally authorized to claim on account of depositors, shall be repaid to them by the Receiver General, through the Office of Her Majesty's Postmaster General and charged to such account.

Money deposited to be paid over to Receiver General, and sums withdrawn to be repaid by him.

**65.** The interest payable to the parties making such deposits shall be at the rate of four dollars per centum per annum; but such interest shall not be calculated on any amount less than one dollar or some multiple thereof, and not commence until the first day of the calendar month next following the day of deposit, and shall cease on the first day of the calendar month in which such deposit is withdrawn.

Interest on all deposits to be payable for each \$1, for each whole Calendar month, at 4 per cent per annum.



Interest when to become principal.

**66.** On the thirtieth day of June in every year the interest on deposits shall be added to and become part of the principal money.

Certificates of deposit, bearing interest at five per cent, may be issued for sums not less than \$100.

**67.** With the consent of the Governor in Council, the Postmaster General may, whenever it may be deemed expedient, issue certificates of deposit in sums of not less than one hundred dollars, and bearing interest at the rate of not exceeding five per cent. per annum, to depositors who, having like sums at the credit of their ordinary deposit accounts, may desire to transfer such sums from such ordinary deposit accounts, to a special deposit account represented by such certificates, and bearing the rate of interest specified thereon; and such certificate shall not be transferable, but shall be evidence of the depositor's claim upon such special deposit account to the amount expressed in such certificate, with the interest due thereon, and shall be redeemable upon such previous notice as may be expressed thereon, and in all respects subject to such regulations as the Postmaster General, with the sanction of the Governor in Council, may make.

How and when redeemable.

Post Office Savings Bank Regulations may be made by Postmaster General.

**68.** Except as may be herein otherwise specially provided the Postmaster General may make, and from time to time as he shall see occasion, alter regulations for superintending, inspecting and regulating the mode of keeping and examining the accounts of depositors, and with respect to the making of deposits and to the withdrawal of deposits and interest, and all other matters incidental to the carrying the provisions of this Act in relation to Post Office Savings Banks into execution by him; and all regulations so made shall be binding on the parties interested in the subject matter thereof to the same extent as if such regulations formed part of this Act; and as respects evidence of such regulations and publication thereof, the provisions in these respects of the eleventh section of this Act shall apply; and copies of all regulations issued under the authority of this Act, in relation to Post Office Savings Banks, shall be laid before both Houses of Parliament within fourteen days from the date thereof, if Parliament shall be then sitting, and if not then within fourteen days from the next re-assembling of Parliament.

Legal effect of Regulations.

Copies to be laid before Parliament.

Monthly return of receipts and payments to be published in *Canada Gazette*.

**69.** As soon as possible after the end of each month, the Postmaster General shall make a return to the Auditor of Public Accounts of all moneys received and paid during the preceding month, and of the total amount in deposit at the end of each month, and the Auditor shall cause such monthly statement to be inserted in the *Canada Gazette*.

Annual account and statement to be laid before Parliament.

**70.** An annual account of all deposits received and paid under the authority of this Act, and of the expenses incurred during the year ended the thirtieth of June, together with



a statement of the total amount due at the close of the year to all depositors, shall be laid by the Postmaster General before both Houses of Parliament within ten days after the commencement of the next following session thereof.

#### POSTMASTER GENERAL'S REPORTS.

**71.** The Postmaster General shall make to the Governor Annual Report to Parliament. annually, so that they may be laid before Parliament within ten days after the meeting thereof in each Session, the following Reports, which shall be made up to the thirtieth day of June then last, that is to say:—

*First.* A Report of the finances, receipts and expenditure of the Post Office of Canada for the year ended on the thirtieth day of June previous, in the form of a general account current, shewing on the one side the whole amount of balances due to the Department from Postmasters or others at the time up to which the then last report was made, the whole amount of postage that accrued within the year elapsed since such last report, and any and every other item of revenue or receipt;—and 'on the other side of the account, the charges and expenditures incurred by the Department within the said year, of every kind and nature, shewing in separate amounts the charges for mail transportation, for salaries and commission and allowances to Postmasters, for printing and advertising, and for incidental and miscellaneous items of expenditure, shewing also the balance remaining due from Postmasters and others at the close of such year;—and shewing in the shape of a balance what the result of the operations of the Department is for the said year, whether to produce a surplus of revenue in excess of expenditure, or to cause the expenditure to exceed the revenue, and in either case, to what amount;

*Second.* A Report shewing in detail all payments made Payments, for mail transport in detail and charges incurred for mail transportation, during the said year, stating in each case the name of the contractor or party receiving payment, the mail route, the mode and frequency of transportation, and the sums paid;

*Third.* A Report in detail of all charges for salaries, com- Salaries, &c in detail missions and allowances, shewing in each case the name of the person, the service or duty performed, and the amount paid;

*Fourth.* A Report in detail of the expenditure of the De- Incidental expenditure in detail, partment within the said year for printing and advertising, and for all incidental and miscellaneous items of disbursement, shewing the sum paid under each head of expenditure, and the names of the persons to whom paid;

*Fifth.*

Cases of loss  
or abstraction  
of money  
letter.

*Fifth.* A Report of all cases occurring within the said year of the abstraction or loss of letters containing money sent through the post, shewing the particulars of each case, and stating the result of the proceedings instituted therein by the Department ;

Money Order  
Offices.

*Sixth.* A Report of the Money Order Offices in operation at any time within the said year, designating in each case the county wherein the office is situate, the number and amount of orders issued and paid, and the amount of commission arising thereupon at each office respectively,—distinguishing, with respect to the commission, the proportion allowed as compensation to the Postmaster, and the proportion accruing to the revenue in each case ;

Cost of Money  
Order Sys-  
tem.

*Seventh.* The cost of the Money-Order system for the year to which the report relates, specifying in detail the disbursements for salaries, advertising, account books, printing, stationery and every other item of expenditure ;

Losses under  
Money Order  
System.

*Eighth.* The losses, if any, sustained in conducting the Money-Order system, and how incurred ;

Dead Letters.

*Ninth.* Statement of Dead Letters received during the year, and of their contents, valuable or otherwise, showing how such Dead Letters have been disposed of ;

Post Office  
Savings Bank  
transactions.

*Tenth.* Statement of Post Office Savings Bank transactions during the said year, and of the total amount due at the close of the same to all depositors.

#### OFFENCES AND PENALTIES.

Stealing, &c.,  
Post Letters.

**72.** To steal, embezzle, secrete or destroy any post letter shall be felony, punishable in the discretion of the court by imprisonment in the penitentiary for not less than three nor more than five years ; unless such post letter contains any chattel, money or valuable security, in which case the offence shall be punishable by imprisonment in the penitentiary for life, or for a period not less than five years :

Stealing from  
a Post Letter.

**2.** To steal from or out of a post letter any chattel, money or valuable security, shall be felony, punishable by imprisonment in the penitentiary for life, or for a period not less than five years :

Stealing a  
Post Letter  
or Post Letter  
Bag.

**3.** To steal a post letter bag, or a post letter from a post letter bag, or a post letter from any Post Office, or from any officer or person employed in the Canada Post Office, or from a mail,—or to stop a mail with intent to rob or search the same,—shall be felony, punishable by imprisonment in the penitentiary for life, or for a period not less than five years :

4. To open unlawfully any post letter bag,—or unlawfully to take any letter out of such bag,—shall be felony punishable by imprisonment in the said penitentiary for five years : Opening a Post Letter Bag.

5. To steal, embezzle or secrete any parcel sent by Parcel Post or any article contained in any such parcel, shall be felony punishable by imprisonment in the penitentiary for a period of not less than three years : Stealing parcel or its contents.

6. To receive any post letter, or post letter bag, or any chattel, money or valuable security, parcel or other thing the stealing, taking, secreting or embezzling whereof is hereby made felony, knowing the same to have been feloniously stolen, taken, secreted or embezzled, shall be felony, punishable by imprisonment in the penitentiary for any term not less than five years : and the offender may be indicted and convicted either as an accessory after the fact or for a substantive felony, —and in the latter case whether the principal felon hath or hath not been previously convicted, or is or is not amenable to justice ; and however such receiver be convicted, the offence shall be punishable as aforesaid : Receiving stolen Post Letter or Post Letter Bag, &c.

7. To unlawfully issue any money order with a fraudulent intent, shall be felony punishable by imprisonment in the penitentiary for a period of not less than three years : Unlawfully issuing Money Orders.

8. To forge, counterfeit or imitate any postage stamp issued or used under the authority of this Act, or by or under the authority of the Government or proper authority of the United Kingdom, or of any British possession, or of any foreign country,—or knowingly to use any such forged, counterfeit or imitated stamp,—or to engrave, cut, sink or make any plate, die or other thing whereby to forge, counterfeit or imitate such stamp or any part or portion thereof,—or to have possession of any such plate, die or other thing as aforesaid, except by the permission in writing of the Postmaster General, or of some officer or person who, under regulations made in that behalf, may lawfully grant such permission,—or to forge, counterfeit or unlawfully imitate, use or affix, to or upon any letter or packet, any stamp, signature, initials or other mark or sign purporting that such letter or packet ought to pass free of postage, or at a lower rate of postage, or that the postage thereon or any part thereof hath been prepaid or ought to be paid by or charged to any person, department or party whomsoever,—shall be felony, punishable by imprisonment in the penitentiary for life, or for a period not less than five years ; and to such felony, all the provisions of any "*Act respecting Forgery*," shall apply as if such offence were made felony under that Act, in so far as the provisions thereof are not inconsistent with this Act, and the accessories to any such offence shall be punishable accordingly : Forging any Postage Stamp, &c.

Forging  
Money Order  
or Depositors  
Book, &c.

9. To forge, counterfeit or imitate any Post Office Money Order, or advice of such Money Order, or Post Office Savings Bank Depositor's Book, or authority of the Postmaster General for repayment of a Post Office Savings Bank deposit or of any part thereof,—or any signature or writing in or upon any Post Office Money Order, Money Order advice, Post Office Savings Bank Depositor's Book, or authority of Postmaster General, for repayment of a Post Office Savings Bank deposit or of any part thereof, with intent to defraud, shall be a felony punishable by imprisonment in the penitentiary for any term not less than two years and not exceeding seven years; and the accessories to any such offence shall be punishable accordingly:

Stealing, &c.,  
Mail-key or  
Mail-lock.

10. If any person steals, purloins, embezzles, or obtains by any false pretence, or aids or assists in stealing, purloining, embezzling, or obtaining by any false pretence, or knowingly or unlawfully makes, forges or counterfeits, or causes to be unlawfully made, forged or counterfeited, or knowingly aids or assists in falsely and unlawfully making, forging or counterfeiting any key suited to any lock adopted for use by the Post Office Department, and in use on any Canada mail or mail-bag, or has in his possession any such mail-key or any such mail-lock, with the intent unlawfully or improperly to use, sell or otherwise dispose of the same, or to cause the same to be unlawfully or improperly used, sold or otherwise disposed of,—such person shall, on conviction, be deemed guilty of felony, and shall be punished by imprisonment in the penitentiary for a period not exceeding seven years:

Felony.  
Punishment.

Unlawfully  
opening, &c.,  
Post Letter  
Bag or Post  
Letter.

11. To open unlawfully, or wilfully to keep, secrete, delay or detain, or to procure or suffer to be unlawfully opened, kept, secreted or detained, any post letter bag, or any post letter,—whether the same came into the possession of the offender by finding or otherwise howsoever,—or, after payment or tender of the postage thereon (if payable to the party having possession of the same) to neglect or refuse to deliver up any post letter to the person to whom it is addressed or who is legally entitled to receive the same,—shall be a misdemeanor:

Stealing, &c.,  
certain other  
mailable  
matter.

12. To steal or for any purpose to embezzle or secrete any printed vote or proceeding, newspaper, printed paper or book, packet or package of patterns or samples of merchandise or goods, or of seeds, cuttings, bulbs, roots, scions or grafts, any post card or other mailable matter, not being a post letter, sent by mail, shall be a misdemeanor:

Wilfully des-  
troying mat-  
ter sent by  
Mail or Parcel  
Post.

13. Wilfully and maliciously to destroy, damage, detain or delay any parcel sent by parcel post, any packet or package of patterns or samples of merchandise or goods, or of

of seeds, cuttings, bulbs, roots, scions or grafts, or any printed vote or proceeding, newspaper, printed paper or book or other mailable matter, not being a post letter, sent by mail, shall be a misdemeanor:

14. To enclose in or with any letter, packet or other mailable matter sent by post, or to put into any Post Office any explosive, dangerous or destructive substance or liquid or any matter or thing likely to injure any letter or other mailable matter or the person of any officer or servant of the Post Office, shall be a misdemeanor, unless such offence is or shall be by law constituted a crime of greater magnitude:

Enclosing explosive substance in matter sent by Post.

15. To enclose a letter or letters or any writing intended to serve the purpose of a letter, or post card in a parcel posted for the parcel post, or in a packet of samples or patterns posted to pass at the rate of postage applicable to samples and patterns, or to enclose a letter or post card or any writing to serve the purpose of a letter, or post card, or to inclose any other thing, in a newspaper posted to pass as a newspaper at the rate of postage applicable to newspapers (except in the case of the accounts and receipts of newspaper publishers, which are permitted to pass folded within the newspapers sent by them to their subscribers) or to enclose a letter or any writing intended to serve the purpose of a letter, or post card in any mail matter sent by post not being a letter, shall, in each case, be an offence punishable by a penalty of not less than ten and not exceeding forty dollars in each case:

Enclosing a letter in any other mailable matter.

16. To remove with fraudulent intent from any letter, newspaper or other mailable matter, sent by post, any postage stamp which shall have been affixed thereon, or wilfully with intent aforesaid to remove from any postage stamp or post card, post band or wrapper which shall have been previously used, any mark which shall have been made thereon at any Post Office, shall be a misdemeanor:

Removing postage stamp or mark thereon with fraudulent intent.

17. To obstruct or wilfully delay the passing or progress of any mail or of any carriage or vessel, horse, animal or carriage employed in conveying any mail, on any public highway, river, canal or water communication, shall be a misdemeanor:

Obstructing Mail, &c.

18. To cut, tear, rip or wilfully to damage or destroy any post letter bag, shall be a misdemeanor:

Cutting, &c., Post letter Bag.

19. It shall be a misdemeanor for any mail carrier or any person employed to convey any mail, post letter bag, or post letters, to be guilty of any act of drunkenness, negligence or misconduct whereby the safety or punctual delivery of such mail, post letter bag, or post letters might be endangered

Being drunk on duty as a Mail Carrier, &c.

endangered,—or contrary to this Act or any regulation made under it, to collect, receive or deliver any letter, or other mailable matter—or to neglect to use due care and diligence to convey any mail, post letter bag, or post letter, at a rate of speed appointed therefor by the regulations then in force or the contract under which he acts :

Refusing to  
allow Mail to  
pass through  
Toll-Gate.

20. It shall be a misdemeanor for any toll-gate keeper to refuse or neglect forthwith upon demand to allow any mail or any carriage, horse or animal employed in conveying the same to pass through such toll-gate, whether on pretence of the non-payment of any toll or other pretence whatsoever :

Detaining, &c,  
Mail at Ferry.

21. It shall be a misdemeanor for any ferryman wilfully to detain or delay or refuse to convey over, a mail at his ferry :

Wilfully con-  
travening  
regulations.

22. Any wilful contravention of any regulation lawfully made under this Act, shall be a misdemeanor, if declared to be so by such regulation :

Soliciting the  
commission of  
any such  
felony or  
misdemeanor.

23. To solicit or endeavor to procure any person to commit any act hereby made or declared a felony or misdemeanor, shall be a misdemeanor :

Further  
provision as  
to Money  
Orders.

24. It shall be a misdemeanor for any Postmaster or other person authorized to issue money orders, to issue any money order without having previously received the purchase money, or sum payable therefor :

Mutilating  
official books,  
&c.

25. It shall be a misdemeanor for any Postmaster wilfully to destroy, mutilate or obliterate or refuse to produce or to deliver up to any Inspector or other proper officer of the Post Office Department on demand, any book containing or which ought to contain the record or account of the money orders issued or paid, or of the registered letters, or other business of his office :

Hypothecat-  
ing postage  
stamps, &c.

26. It shall be a misdemeanor for any Postmaster or other officer, agent or employee of the Post Office Department, to hypothecate, pledge or subject to any lien in any shape or way, any postage stamps, stamped envelopes, post cards, post bands or wrappers entrusted to him for safe keeping, sale or issue to the public, or for any other purpose, or to attempt to commit such offence :

Posting im-  
moral books,  
&c.

27. To post for transmission or delivery by or through the post any obscene or immoral book, pamphlet, picture, print, engraving, lithograph, photograph or other publication, matter or thing of an indecent, immoral, seditious, disloyal, scurrilous or libellous character, or any letter upon the outside or envelope of which, or any post card or post band or wrapper



wrapper upon which, there are words, devices, matters or things of the character aforesaid, shall be a misdemeanor:

28. And every such offence declared to be a misdemeanor by this Act shall be punishable by fine or imprisonment or both in the discretion of the court before whom the offender is convicted: Punishment for misdemeanor.

29. Every principal in the second degree and every accessory before or after the fact to any such felony as aforesaid, shall be guilty of felony, and punishable as the principal in the first degree; and every person who aids, abets, counsels or procures the commission of any such misdemeanor as aforesaid, shall be guilty of a misdemeanor and punishable as a principal offender: Accessories and abettors to be punishable as principals.

30. Any imprisonment awarded under this Act shall be in the penitentiary of that part of the Dominion in which the conviction shall take place, if for a term of or exceeding two years; and if the imprisonment awarded be for a less term, it may be with or without hard labor in the discretion of the court awarding it. Imprisonment if for two years or more to be in penitentiary.

73. If any Officer of or connected with the Post Office converts to his own use in any way whatever, or uses by way of investment in any kind of property or merchandise, or loans with or without interest, any portion of the public moneys entrusted to him for safe keeping, transfer, disbursement, or for any other purpose,—every such act shall be deemed and adjudged to be an embezzlement of so much of the said moneys as are thus taken, converted, invested, used or loaned, which is hereby declared to be a felony: And the neglect or refusal to pay over any public moneys in his hands, or to transfer or disburse any such moneys promptly, on the requirement of the Postmaster General, shall be *prima facie* evidence of such conversion to his own use of so much of the public moneys as are in the hands of such officer: And all persons advising or knowingly and willingly participating in such embezzlement, upon being convicted thereof before any court of competent jurisdiction, shall, for every such offence, forfeit and pay to Her Majesty, Her Heirs or Successors, a fine equal to the amount of the money embezzled, and shall suffer imprisonment for a term not less than three months, and not more than seven years. Embezzlement or unlawful use of money entrusted to him by an officer of or connected with the Post Office, to be felony. Penalty for advising, &c. such embezzlement, &c.

74. It shall not be lawful for any person other than a Postmaster to exercise the business of selling postage stamps or stamped envelopes to the public unless duly licensed so to do by the Postmaster General and under such conditions as he may prescribe; and any person who shall violate this provision by selling postage stamps or stamped envelopes to the public without a license from the Postmaster General, None but Postmasters to sell postage stamps without license: Penalty \$40.



General, shall on conviction before a Justice of the Peace, incur a penalty of not exceeding forty dollars for each offence.

Wilfully injuring, &c., any Street Letter Box, &c., to be a misdemeanor.

**75.** If any person wilfully or maliciously injures or destroys any street letter box, pillar box or other receptacle established by authority of the Postmaster General, for the deposit of letters or other mailable matter, such person shall, on conviction, be deemed guilty of a misdemeanor punishable by fine or imprisonment, or both, in the discretion of the court before which the offender is convicted, and every person who aids, abets, counsels or procures the commission of this offence shall be guilty of a misdemeanor and be indictable and punishable as a principal offender.

Penalty for using postage stamps used before.

**76.** If any person uses or attempts to use in prepayment of postage on any letter or mailable matter posted in Canada any postage stamp which has been before used for a like purpose, or if any person uses or attempts to use for the purpose of transmission by or through the post, any post card or stamped envelope or stamped post band or wrapper, which has been before used for a like purpose, such person shall be subject to a penalty of not less than ten and not exceeding forty dollars for every such offence, and the letter or other mailable matter on which such stamp has been so improperly used and the post card, stamped envelope, or stamped post band or wrapper so used more than once may be detained, or in the discretion of the Postmaster General forwarded to its destination charged with double postage.

Penalty for placing the words "Post Office," on house, &c., without authority.

**77.** If any person without the authority of the Postmaster General,—the proof of which authority shall rest on such person,—shall place or permit or cause to be placed or to remain, on his house or premises, the words *Post Office* or any other words or mark which may imply or give reasonable cause to believe that such house or premises is or are a Post Office or a place for the receipt of letters, he shall, on conviction before a Justice of the Peace, incur a penalty of not exceeding ten dollars for each offence.

Bonds by sureties for officials of Post Office Department may include losses of mail matter by their crime or neglect.  
31 V., c. 37.

**78.** Any bond or instrument of guarantee which may, after the passing of this Act, be given and executed to Her Majesty by any person or body, corporate, and whether under the Act of the Parliament of Canada passed in the thirty-first year of Her Majesty's reign, and intitled "*An Act respecting the security to be given by officers of Canada*," and the Acts amending the same, or otherwise, as security for the due performance of the duties of his office, by any officer, employee, clerk or servant, employed by or under the Postmaster General, may be expressed to extend to and include as a breach of the conditions thereof, any theft, larceny, robbery, embezzlement, loss or destruction by such officer, employee,

employee, clerk or servant, or through his malfeasance, misfeasance or neglect of duty, of any money, goods, chattels, valuables and effects, or of any letter or parcel containing the same, which may come into his custody or possession, as such officer, employee, clerk or servant, and although the same may not belong to the Crown, and the Postmaster General may not be liable for the loss thereof; and Her Majesty may, upon such bond or instrument of guarantee, proceed for, demand and recover the amount or value of any such money, goods, chattels, valuables and effects not otherwise recovered by or for the parties entitled to the same, to the amount of the penalty stipulated in such bond or instrument, and upon the recovery and receipt of the same, the Postmaster General shall apportion and pay the same to or amongst such person or persons as he may determine to be the owner of or otherwise entitled to receive any such money, goods, chattels, valuables and effects, or the equivalent or value thereof: But nothing herein contained shall be held to create any liability on the part of Her Majesty or the Postmaster General, to any person or parties whomsoever, to indemnify or hold harmless, pay or reimburse such person or party for the loss of any such money, goods, chattels, or valuables and effects, except as herein expressly provided.

Suit upon such bond, and application of money recovered.

Proviso:  
Non-liability of Postmaster General, &c.

#### PROCEDURE, CRIMINAL AND CIVIL.

**79.** Any indictable offence against this Act may be dealt with, indicted and tried and punished, and laid and charged to have been committed either in the district or county or place where the offence is committed, or in that in which the offender is apprehended or is in custody, as if actually committed therein:

Venue, &c., in cases of indictable offences against this Act.

2. And where the offence is committed in or upon, or in respect of a mail, or upon a person engaged in the conveyance or delivery of a post letter bag, or post letter, or chattel or money or valuable security sent by post, such offence may be dealt with and inquired of, tried and punished and charged to have been committed as well within the district, county or place in which the offender is apprehended or is in custody, as in any district, county or place through any part whereof such mail, person, post letter bag, post letter, chattel, money or valuable security, passed in the course of conveyance and delivery by the Post, in the same manner as if it had been actually committed in such district, county or place:

Venue, &c., in cases of offences committed in respect of Mails, &c., in transit.

3. And in all cases where the side or centre or other part of a highway, or the side bank, centre or other part of a river or canal, or navigable water, constitutes the boundary between two districts, counties or places, then to pass along the same, shall be held to be passing through both:

As to roads, rivers, &c., forming boundaries.

Accessories and abettors and their offences may be dealt with, and laid and charged in like manner as principals and their offences.

4. And every accessory before or after the fact, if the offence be felony,—and every person aiding or abetting or counselling or procuring the commission of any offence if the same be a misdemeanor,—may be dealt with, indicted, tried and punished as if he were a principal, and his offence may be laid and charged to have been committed in any district, county or place, where the principal offence might be tried.

Property of any mailable matter sent by post, may be laid in the Postmaster General.

Value need not be alleged or proved.

80. In every case where an offence is committed in respect of a post letter bag, or a post letter, or other mailable matter, chattel, money or a valuable security, sent by post, in the indictment to be preferred against the offender, the property of such post letter bag, post letter, or other mailable matter, chattel, money or valuable security, sent by post, may be laid in the Postmaster General; and it shall not be necessary to allege in the indictment, or to prove upon the trial or otherwise, that the post letter bag, post letter, or other mailable matter, chattel, or valuable security was of any value:

Property of other things and of postage money to be laid in Her Majesty.

2. But except in the cases aforesaid, the property of any chattel or thing used or employed in the service of the Post Office, or of moneys arising from duties of postage, shall be laid in Her Majesty, if the same be the property of Her Majesty, or if the loss thereof would be borne by the Dominion, and not by any party in his private capacity:

General allegation of employment of accused in the Post Office of Canada, sufficient.

3. And in any indictment against any person employed in the Post Office of Canada, for any offence against this Act, or in any indictment against any person for an offence committed in respect of some person so employed, it shall be sufficient to allege that such offender or such other person as aforesaid, was employed in the Post Office of Canada at the time of the commission of such offence, without stating further the nature or particulars of his employment.

Postmaster General may compromise any action, &c.

81. The Postmaster General (subject always to the orders of the Governor,) may compromise and compound any action, suit or information at any time commenced by his authority or under his control, against any person for recovering any pecuniary penalty incurred under this Act, on such terms and conditions as he in his discretion thinks proper, with full power to him or any of the officers and persons acting under his orders, to accept the penalty so incurred or alleged to be incurred, or any part thereof, without action, suit or information brought or commenced for the recovery thereof.

Penalties to be recoverable with costs, by the Postmaster General, and

82. All mere pecuniary penalties imposed by this Act, or by any regulation of the Postmaster General to be made under it, shall be recoverable with costs by the Postmaster General, by civil action in any court having jurisdiction to the

the amount, and shall belong to the Crown, saving always the power of the Governor in Council to allow any part or the whole of such penalty to the officer or party by whose information or intervention the same has been recovered, as in the case of penalties recovered under other laws relating to the collection of the revenue; but all such penalties shall be sued for within one year after they are incurred, and not afterwards:

Limitation of actions for penalties.

2. Provided that if the penalty do not exceed forty dollars it may be recovered before any one Justice of the Peace in a summary manner, and if not paid, may be levied by distress under warrant of such justice; and if the penalty exceeds forty dollars, the offender may be indicted for a misdemeanor in contravening the provisions of this Act, or of the regulations made under it, (instead of being sued for such penalty) and if convicted, shall be punishable by fine or imprisonment, or both in the discretion of the court.

Penalty \$40 or under, recoverable before one Justice of the Peace.

If penalty exceed \$40, offender may be indicted for a misdemeanor instead.

3. In any action or proceeding for the recovery of postage, or of any penalty under this Act, the same may be recovered on the evidence of any one credible witness, and any Postmaster or other officer or servant of the Post Office of Canada, shall be a competent witness, although he is entitled to or entertains reasonable expectation of receiving some portion or the whole of the sum to be recovered; and the onus of shewing that any thing proved to have been done by the defendant was done in conformity to or without contravention of this Act, shall lie upon the defendant.

Penalty recoverable on oath of a witness, who may be a Postmaster or other officer, &c., of the Post Office.

4. In any action, suit or proceeding against any Postmaster or other officer of the Post Office of Canada, or his sureties, for the recovery of any sum of money alleged to be due to the Crown as the balance remaining unpaid of moneys received by such Postmaster or officer by virtue of his office, a statement of the account of such Postmaster or officer showing such balance, and attested as correct by the certificate and signature of the Accountant of the Post Office of Canada, or of the officer then doing the duties of such accountant, shall be evidence that such amount is so due and unpaid as aforesaid; and in every such suit it shall be lawful to demand and the judgment shall be rendered for double the amount proved by such account to be so due to the Crown by the defendant; but nothing herein contained shall be construed to prevent the provisions of any "Act respecting the Collection and Management of the Revenue, the Auditing of Public Accounts, and the Liability of Public Accountants," from applying to such Postmaster or officer.

In action against Postmaster or other officer of the Post or his sureties, amount due may be proved by statement of account attested by accountant of the Post Office.

Revenue Management Act to apply 31 V., c. 5.

5. All suits, proceedings, contracts and official acts to be brought, had, entered into or done by the Postmaster General, shall be so in and by his name of office, and may be

Suits, &c., by the Postmaster General to be brought in

his name of  
office and may  
be continued  
&c., by his  
successor.

be continued, enforced and completed by his successor in office as fully and effectually as by himself; nor shall the appointment or authority of any Postmaster General of Canada, or of any Postmaster, officer or servant of the Post Office of Canada, be liable to be traversed or called in question, in any case, except only by those who act for the Crown:

Suits for  
debts, &c., to  
be in the  
name of The  
Postmaster  
General.

2. And all suits to be commenced for the recovery of debts or balances due to the Post Office, whether they appear by bond or obligation made in the name of the existing or any preceding Postmaster General, or otherwise, shall be instituted in the name of "The Postmaster General."

#### PROTECTION OF OFFICERS.

Certain provisions of  
Customs  
Duties Acts  
to extend to  
officers of the  
Post Office.

86. All enactments of any "*Act respecting the Customs*," and more especially of the provisions for protecting officers and others employed in collecting duties or in preventing the evasion of the laws imposing duties, when in the performance of the duties of their office, or in respect of suits or proceedings against them for things done or alleged to be done in pursuance of any law, shall extend and apply in like manner to officers and persons employed in or under the Post Office of Canada, and to suits or proceedings against them for things done or alleged to be done under this Act

#### COMMENCEMENT OF THIS ACT

Commence-  
ment of Act  
1st Oct., 1875.

Exception.

Repeal of  
31 V. c., 10;  
Saving  
clause.

87. The foregoing sections of this Act shall come into force and effect on the first day of October, in the present year one thousand eight hundred and seventy-five, except only in so far as they relate to the rates of postage on newspapers and periodicals sent to the United States, as to which they shall come into force on the first day of May now next; and upon, from and after the said first of October, the Act passed in the thirty-first year of Her Majesty's reign, and intituled: "*An Act for the regulation of the Postal Service*," shall be repealed, except in so far as respects any appointment made, any postage accrued and unpaid, any bond or security given, obligation incurred, or right acquired, or any penalty, forfeiture or liability incurred, under, or any offence committed against the said Act, or any other thing done before the day last aforesaid,—with respect to all which the said Act shall remain in force and apply and have effect as if this Act had not been passed; and this Act shall be construed not as a new law, but as a continuation of the Act last cited, subject to the amendments hereby made and incorporated with it.



## CHAP. 8.

## An Act to amend the Dominion Militia and Defence Acts.

[Assented to 8th April, 1875.]

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

1. The twenty-eighth and twenty-ninth sections of the Act thirty-first Victoria, chapter forty, intituled "*An Act respecting the Militia and Defence of the Dominion of Canada*," are hereby repealed, and the following substituted therefor:—

New provision, substituted for s. s. 28, 29, of 31 V., c. 40.

"28. There shall be appointed to command the Militia of the Dominion of Canada, an officer holding the rank of Colonel, or superior rank thereto, in Her Majesty's regular army, who shall be charged, under the orders of Her Majesty, with the military command and discipline of the Militia, and who, while holding such appointment, shall have the rank of Major-General in the Militia of Canada, and shall be paid at the rate of four thousand dollars per annum in full of all pay and allowances."

Qualification and appointment of officer commanding the militia: rank and pay.

"29. There shall be an Adjutant-General of Militia at Headquarters, who shall have the rank of Colonel in the Militia, and shall be paid at the rate of twenty-six hundred dollars per annum."

Adjutant-General at headquarters, rank and pay.

"2. The Governor in Council shall, from time to time, make such orders as may be necessary respecting the duties to be performed by the Officer commanding the Militia, by the Adjutant-General, and by the officers of the militia generally."

Duties of militia officers.

2. Sub-section two of section thirty-one of the above mentioned Act is hereby repealed, and the following substituted therefor:—"Commissions of officers in the Militia, except the officer commanding the Militia, the Adjutant-General and Deputy Adjutants-General, need not be enregistered at full length, but a record of them shall be kept in the office of the Adjutant-General."

Commissions need not be enregistered in full; exception.

3. The words "Officer for the time being commanding the Militia" shall be substituted for "Adjutant-General of Militia" in the seventh line of sub-section two of the sixteenth section, and for "Adjutant-General" in the eleventh line of the said sub-section, and in the fourth, ninth and thirteenth lines of the eighty-sixth Section, and the second line of the ninety-second section, of the above mentioned Act.

Sub-section 2 of s. 16, s. 86, and s. 92 amended, substituting "officer commanding militia" for "Adjutant-General."

## CHAP. 9.

## An Act further to amend the Civil Service Superannuation Act.

[Assented to 8th April, 1875.]

Preamble.

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

Sec. 2 of 33  
V., c. 4,  
amended.

1. The second section of the Act passed in the thirty-third year of Her Majesty's reign and intituled "*An Act for better ensuring the efficiency of the Civil Service of Canada by providing for the Superannuation of persons employed therein, in certain cases*," is hereby amended by substituting the word "thirty" in place of the word "forty" in the second line of the said second section.

Provision  
added to s. 6.

2. The following provision shall be added to and form part of the sixth Section of the said Act :—

Reduced  
allowance for  
unsatisfac-  
tory service.

"And if the Head of a Department reports with respect to any person employed in his Department, and about to be superannuated, from any cause other than that of ill health or age, that the service of such person has not been satisfactory, the Governor in Council may grant such person a superannuation allowance being less than that to which he would have otherwise been entitled, as to him may seem fit."

36 V., c. 32,  
cited.

3. And whereas by an Act passed in the thirty-sixth year of Her Majesty's reign and intituled "*An Act to amend the Civil Service Superannuation Act*," certain amendments were made to the Act firstly hereinbefore mentioned by which the rules under which superannuation allowances are to be calculated under the Act firstly hereinbefore mentioned are amended, it is hereby further enacted : That all superannuation allowances granted prior to the passing of the secondly above mentioned Act, shall be revised as if the same had been granted under the said Act, and that all payments falling due on such superannuation allowances after the first day of July, in the year 1875, shall be paid in accordance with the revised amount of such allowances.

Superannua-  
tion allow-  
ances granted  
before the  
said Act to be  
revised  
according  
to it.



## CHAP. 10.

## An Act to amend the Acts respecting Controverted Elections.

[Assented to 8th April, 1875.]

IN amendment of the Act passed in the thirty-sixth year of Her Majesty's reign, and intituled: "*An Act to make better provision respecting Election Petitions, and matters relating to Controverted Elections of Members of the House of Commons*," and of the Act passed in the thirty-seventh year of Her Majesty's reign, and intituled: "*An Act to make better provision for the Trial of Controverted Elections of Members of the House of Commons, and respecting matters connected therewith*,"—Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

1. Whenever it appears to the court or judge that the respondent's presence at the trial is necessary, the trial of an election petition shall not be commenced during any Session of Parliament, and in the computation of any delay allowed for any step or proceeding in respect of any such trial, or for the commencement of such trial under the next following section, the time occupied by any such Session shall not be reckoned.

Case in which trial shall not be commenced, &c., during a Session.

2. Subject to the provisions of the next preceding section, and except that it shall not be commenced or proceeded with during any term of the court of which the judge trying it is a member, and at which he by law is bound to sit, the trial of every election petition shall be commenced within six months from the time when such petition has been presented, and shall be proceeded with *de die in diem*, until the trial is over, unless on application supported by affidavit it be shewn that the requirements of justice render it necessary that a postponement of the case should take place: Provided that in any case when the period limited for the commencement of the trial may have elapsed before the prorogation of Parliament at the end of the present Session, such trial may be commenced at any time within two months after such prorogation; provided further, that whenever three months have elapsed after such petition has been presented, without the day for the trial being fixed, any elector may, on application, be substituted for the petitioner on such terms as shall be just.

When to be commenced and proceeded with in other cases.

Proviso.

Proviso.

3. Section twenty-nine of the Act secondly mentioned in the preamble to this Act is hereby amended by striking out the word "immediately," where it occurs in the sixth line of the

Sect. 29 of 32 V., c. 10 amended.

the said section, and inserting the words "within four days" in lieu thereof.

When agent  
may be made  
to pay costs.

Summons to  
agent.

If he does  
not appear.

If he appears.

Process to  
recover costs.

4. In case on the trial of any Election Petition under either of the said Acts, it is determined that the election is void by reason of any act of an agent committed without the knowledge and consent of the candidate, and that costs should be awarded to the petitioner in the premises, the agent may be condemned to pay such costs; and the court or judge shall order that such agent be summoned to appear at a time fixed in such summons, in order to determine whether such agent should be condemned to pay such costs: If at any time so fixed the agent so summoned do not appear he shall be condemned on the evidence already adduced to pay the whole or a due proportion of the costs awarded to the petitioner; and if he do appear, the court or judge after hearing the parties and such evidence as shall be adduced shall give such judgment as to law and justice shall appertain: The petitioner shall have process to recover such costs against such agent in like manner as he might have such process against the respondent; and no process shall issue against the respondent to recover such costs until after the return of process against such agent.

Sects. 73, 101,  
and 103 of 37  
V., c. 9, cited,  
and doubts  
under them  
removed.

5. Whereas doubts have arisen as to the proper construction of sections seventy-three, one hundred and one, and one hundred and three, of "*The Dominion Elections Act, 1874*," and as to the effect upon elections held under the said Act, of the avoiding of previous elections, it is hereby enacted, that elections held under the said Act, as well elections already held as elections hereafter to be held, shall be deemed and taken, as respects both candidates and voters, to be new elections in law and in fact to all intents and purposes whatsoever, except as to the personal acts of the candidates and the acts of agents of candidates done with the knowledge and consent of such candidates.

How far sect.  
5 shall apply  
to Contro-  
verted Elec-  
tions under  
36 V., c. 28.

6. The next preceding section shall also apply to controverted elections tried under "*The Controverted Elections Act, 1873*," as to the effect upon the status of the candidate of the acts of agents done without the knowledge or consent of the candidate, but no further or otherwise.

Sect. 67 of  
37 V., c. 10  
amended.

7. The sixty-seventh section of the said secondly recited Act is hereby amended by striking out therefrom, wherever they occur, the words "and who is not a member of the House of Commons."

Provision in  
case of Peti-  
tion under

8. In every case of an Election Petition presented under "*The Controverted Elections Act, 1873*," in which twelve months shall have lapsed since the said petition was presented

in four days"

petition under the election is not made without and that costs of premises, the and the court need to appear to determine by such costs: and do not appear adduced costs awarded court or judge shall be adjusted justice shall recover such might have process shall until after

proper concerned and one, Elections Act, and under the elections, it is said Act, as after to be both candidates and in fact to as to the of agents of sent of such

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sented and it shall then be untried, the respondent may require, and the petitioner within six days after demand, shall give new security in accordance with the terms of "The Dominion Controverted Elections Act, 1874," for the payment of all costs, charges and expenses that may become payable by the petitioner in respect of such petition; and in default of such security being given when so demanded within the time aforesaid the said petition shall be dismissed.

## CHAP. II.

An Act to establish a Supreme Court, and a Court of Exchequer, for the Dominion of Canada.

[Assented to 8th April, 1875.]

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

1. There are hereby constituted, and established, a Court of Common Law and Equity, in and for the Dominion of Canada, which shall be called "The Supreme Court of Canada," and a Court of Exchequer, to be called "The Exchequer Court of Canada."

2. The said Courts hereinafter termed "The Supreme Court," and "The Exchequer Court" respectively, shall be Courts of Record.

### JUDGES OF THE SAID COURTS.

3. The Supreme Court shall be composed of a Chief Justice and five Puisne Judges, any five of whom, in the absence of the other of them, may lawfully hold the said Court in Term.

4. Her Majesty may appoint, by letters patent, under the Great Seal of Canada, one person, who is, or has been, a Judge of one of the Superior Courts in any of the Provinces forming part of the Dominion of Canada, or who is a Barrister or Advocate of at least ten years' standing at the Bar of any one of the said Provinces, to be Chief Justice of the said Court, and five persons who are, or have been, respectively, Judges of one of the said Superior Courts, or who are Barristers or Advocates of at least ten years' standing at the Bar of one of the said Provinces, to be Puisne Judges of the said Court, two of whom at least shall be taken from among the

the Judges of the Superior Court or Court of Queen's Bench, or the Barristers or Advocates of the Province of Quebec; and vacancies in any of the said offices shall, from time to time, be filled in like manner. The Chief Justice and Judges of the Supreme Court shall be respectively the Chief Justice and Judges of the Exchequer Court: they shall reside at the City of Ottawa, or within five miles thereof.

To be judges of both courts.

Residence.

Tenure of Office.

"Judge" includes Chief Justice.

Salaries, and how payable.

5. The Judges to be appointed under this Act shall hold their offices during good behaviour, but the Governor General may remove any such Judge or Judges upon the address of the Senate and House of Commons. The word "Judge" in this Act includes a Chief Justice, unless it is otherwise expressed, or the context and sense require a distinction to be made.

6. There shall be paid and payable out of the Consolidated Revenue Fund of Canada (after paying or reserving sufficient to pay all such sums as have been heretofore charged thereon, but in preference to all payments which shall be hereafter charged thereon) the yearly sums following, as and for the salaries of the said Judges, as Judges of both Courts, that is to say: to the Chief Justice the sum of eight thousand dollars, and to each of the Puisne Judges, the sum of seven thousand dollars, which said sums shall be paid, free and clear from all deductions whatsoever, by monthly instalments; the first payment to be made *pro rata* on the first day of the month, which shall occur next after the appointment of the Judge entitled to receive the same; and if any person, hereafter appointed to any such office, dies or resigns the same, the executor or administrator of the person so dying, or the person so resigning shall be entitled to receive such proportionate part of the salary aforesaid, as shall have accrued during the time that such person shall have executed such office since the last payment; and the successor of such person, so dying or resigning, shall be entitled to receive such portion of the salary as shall accrue from the date of his appointment.

Retiring allowances, and how payable.

7. In case any Judge appointed in pursuance of this Act has continued in the office of Judge of the said Courts, for fifteen years or upwards, or in the said office, and that of Judge of one or more of the Superior Courts of Law or Equity or of the Courts of Vice-Admiralty in any of the Provinces of the Dominion, for periods amounting together to fifteen years or upwards, or becomes afflicted with some permanent infirmity, disabling him from the due execution of his office, then, in case such Judge resigns his office, her Majesty may, by letters patent under the Great Seal of Canada, reciting such period of office or such permanent infirmity, grant unto such Judge an annuity equal to two-thirds of the salary annexed to the office he held at the time of his resignation, to commence immediately

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immediately after his resignation, and to continue thence-  
forth during his natural life, and to be payable by monthly  
instalments, and *pro rata* for any period less than a year,  
during such continuance, out of any unappropriated moneys  
forming part of the Consolidated Revenue Fund of Canada.

8. Every Judge to be appointed in pursuance of this Act, Oath of Office.  
shall, previously to his executing the duties of his office, take  
the following oath :

"I, \_\_\_\_\_, do solemnly and sincerely promise and Form.  
"swear that I will duly and faithfully, and to the best of  
"my skill and knowledge execute the powers and trusts  
"reposed in me as Chief Justice (or as one of the Judges) of  
"the Supreme Court and of the Exchequer Court of Canada ;  
"so help me God."

9. The said oath shall be administered to the Chief Justice How adminis-  
tered.  
of the said Courts before the Governor-General, or person  
administering the Government of the Dominion, in Council,  
and to the Puisne Judges of the said Courts by the Chief  
Justice.

10. No Judge to be appointed to office under this Act Judges to  
hold no other  
office of  
profit.  
shall hold any other office of emolument either under the  
Government of the Dominion of Canada, or under the Gov-  
ernment of any Province of Canada.

#### APPELLATE JURISDICTION OF THE SUPREME COURT.

11. Unless it is otherwise provided, or the context mani- Interpreta-  
tion of words  
and expres-  
sions as to  
Appeal.  
festly requires another construction, the following words  
and expressions, when used in this Act, with reference to  
proceedings under it in appeal shall have the meaning  
hereby assigned to them respectively :—The word "judg- Judgment.  
ment," when used with reference to the Court appealed  
from, includes any judgment, rule, order, decision, decree,  
decretal order or sentence thereof; and when used with  
reference to the Supreme Court, it includes any judgment  
or order of that Court. The word "appeal" includes any Appeal.  
proceeding to set aside or alter any judgment of the  
Court appealed from on a point of law, as well as an  
appeal founded on the facts, or on the facts and law of any  
case. The expression "the Court" means the Supreme The Court.  
Court; and the expression "the Court appealed from" Court ap-  
pealed from.  
means the Court from which the appeal has been brought  
directly to the Supreme Court, whether such Court be a  
Court of original jurisdiction, or a Court of Error and Ap-  
peal: and when an appeal to the Supreme Court is given  
from a judgment in any case, it shall always be understood Appeal to be  
from Court of  
last resort.  
to be given from the Court of last resort in the Province  
where the judgment was rendered in such case.

Quorum in Appeal.

**12.** Five judges of the said Supreme Court shall constitute a quorum for the purpose of hearing and determining causes in Appeal.

Two Sessions in Appeal yearly.

**13.** The said Supreme Court, for the purpose of hearing and determining Appeals shall hold annually, at the City of Ottawa, two sessions, the one beginning on the third Monday in January, and the other beginning on the first Monday in June, in each year, and each of the said sessions shall be continued until the business before the Court shall have been disposed of.

Power to adjourn.

Notice.

How Court may be convened at any time.

**14.** The Supreme Court may adjourn any session from time to time, and meet again at the time appointed for the transaction of business: notice of such adjournment and of the day fixed for the continuance of such session shall be given by the Registrar in the *Canada Gazette*. The Court may be convened at any time by the Chief Justice, or in case of his absence or illness by the senior Puisne Judge, in such manner as may be prescribed by the rules of practice hereinafter mentioned.

When error is alleged.

**15.** The Supreme Court shall have, hold, and exercise an appellate civil and criminal jurisdiction within and throughout the Dominion of Canada.

Jurisdiction over all Canada.

**16.** Whenever error in law is alleged, the proceedings in the Supreme Court shall be in the form of an appeal.

In what cases Appeal shall lie.

**17.** Subject to the limitations and provisions hereinafter made, an appeal shall lie to the Supreme Court from all final judgments of the highest Court of final resort, whether such Court be a Court of Appeal or of original jurisdiction, now or hereafter established in any Province of Canada, in cases in which the Court of original jurisdiction is a Superior Court: Provided that no appeal shall be allowed from any judgment rendered in the Province of Quebec, in any case wherein the sum or value of the matter in dispute does not amount to two thousand dollars; and the right to appeal in civil cases given by this Act, shall be understood to be given in such cases only as are mentioned in this section, except Exchequer cases, and cases of mandamus, habeas corpus, or municipal by-laws, as hereinafter provided.

Proviso as to Quebec.

Limitation as to cases in which appeal shall lie.

Appeal upon special case.

**18.** An appeal in any such case as aforesaid, shall lie upon a special case unless the parties agree to the contrary; and the Supreme Court shall draw any inferences of fact from the facts stated in the special case which the Court appealed from ought to have drawn.

Appeal on a point reserved.

**19.** An appeal shall lie from the judgment upon any motion to enter a verdict or non-suit upon a point reserved at the trial.



**20.** An appeal shall lie from the judgment upon any motion for a new trial upon the ground that the judge has not ruled according to law. In cases of motions for new trial.

**21.** No appeal shall be allowed under the next three preceding sections unless notice thereof be given in writing to the opposite party, or his attorney of record, within twenty days after the decision complained of, or within such further time as the Court appealed from, or a Judge thereof, may allow. Notice in cases under next three preceding sections.

**22.** When the application for a new trial is upon matter of discretion only, as on the ground that the verdict is against the weight of the evidence, or otherwise, no appeal to the Supreme Court shall be allowed. No appeal in matter of discretion only.

**23.** An appeal shall lie to the Supreme Court in any case of proceedings for or upon a Writ of Habeas Corpus, not arising out of a criminal charge, and in any case of proceedings for or upon a Writ of Mandamus, and in any case in which a by-law of a municipal corporation has been quashed by rule of Court, or the rule for quashing it has been refused after argument. Appeal, on Mandamus, Habeas Corpus, &c. Municipal By-law, &c.

**24.** Proceedings in appeals shall, when not otherwise provided for by this Act, or by the general rules and orders to be made in pursuance hereof, be as nearly as possible in conformity with the present practice of the Judicial Committee of Her Majesty's Privy Council. Practice in such cases.

**25.** Every appeal from the judgment of a Court or Judge, whereby an election petition has been decided, shall be brought within eight days from the rendering thereof; and every other appeal shall be brought within thirty days from the signing or entry or pronouncing of the judgment appealed from. Limitation of time for Appeal in Election cases;—and in other cases.

**26.** Provided always, that the Court proposed to be appealed from, or any Judge thereof, may allow an appeal under special circumstances, except in the case of an election petition, notwithstanding that the same may not be brought within the time hereinbefore prescribed in that respect; but in such case, the Court or Judge shall impose such terms as to security or otherwise as shall seem proper under the circumstances. Allowance of appeal in special cases on terms, notwithstanding lapse of time.

**27.** An appeal shall also lie directly to the Supreme Court from the judgment of the Court of original jurisdiction, by consent of parties. Appeal by consent of parties.

**28.** No Writ shall be required or issued for bringing any appeal in any case to or into the Supreme Court, but it shall



bring case  
into Supreme  
Court.

shall be sufficient that the party desiring so to appeal shall, within the time hereinbefore limited in the case, have given the security required, and obtained the allowance of the appeal.

Appeal to be  
on a special  
case.

**29.** The appeal shall be upon a case to be stated by the parties or in the event of difference, to be settled by the Court appealed from, or a Judge thereof; and the case shall set forth the judgment objected to and so much of the pleadings, evidence, affidavits and documents, as may be necessary to raise the question for the decision of the Court.

Duty of Clerk  
of Court ap-  
pealed from.

**30.** The Clerk or other proper officer of the Court appealed from, shall, upon payment to him of the proper fees, and the expenses of transmission, transmit forthwith after such allowance, the case to the Registrar of the Supreme Court, and further proceedings shall thereupon be had according to the practice of that Court.

Security in  
Appeal, \$500,  
except in  
*Habeas Cor-*  
*pus* cases.

**31.** No appeal shall be allowed (except only the case of appeal in proceedings for or upon a Writ of Habeas Corpus) until the Appellant has given proper security to the extent of five hundred dollars to the satisfaction of the Court, from whose judgment he is about to appeal, or a judge thereof, that he will effectually prosecute his appeal and pay such costs and damages as may be awarded in case the judgment appealed from be affirmed: Provided that this section shall not apply to appeals in election cases, for which special provision is hereinafter made.

Proviso.

Execution  
stayed.

**32.** Upon the perfecting of such security, execution shall be stayed in the original cause, except in the following cases:—

Exceptions  
and con-  
ditions.

If the judg-  
ment orders  
delivery of  
documents or  
personalty.

1. If the judgment appealed from directs an assignment or delivery of documents or personal property, the execution of the judgment shall not be stayed until the things directed to be assigned or delivered have been brought into Court, or placed in the custody of such officer or receiver as the Court appoints, nor until security has been given to the satisfaction of the Court whose judgment, has been appealed from, or of a judge thereof, in such sum as the Court or Judge may direct, that the Appellant will obey the order or judgment of the Supreme Court:

Or execution  
of convey-  
ance.

2. If the judgment appealed from directs the execution of a conveyance or any other instrument, the execution of the judgment shall not be stayed until the instrument has been executed and deposited with the proper officer of the Court appealed from, to abide the order or judgment of the Supreme Court:

3. Provided, that if the Court appealed from be itself a Court of Appeal, and such assignment or conveyance, document, instrument, property or thing, as aforesaid, has been deposited in the custody of the proper officer of the Court in which the cause originated, the consent of the party desiring to appeal to the Supreme Court, that it shall so remain to abide the judgment of the Supreme Court, shall be binding on him, and shall be deemed a compliance with the foregoing requirements of this section :

4. If the judgment appealed from directs the sale or delivery of possession of real property, chattels real or immovables, the execution of the judgment shall not be stayed until security has been entered into to the satisfaction of the Court appealed from, or a judge thereof, and in such sum as the said last mentioned Court or Judge directs, that during the possession of the property by the Appellant he will not commit, or suffer to be committed, any waste on the property ; and that if the judgment be affirmed, he will pay the value of the use and occupation of the property from the time the appeal is brought, until delivery of possession thereof ; and also in case the judgment is for the sale of property, and the payment of a deficiency arising upon the sale, that the appellant will pay the deficiency :

5. If the judgment appealed from directs the payment of money either as a debt, or for damages or costs, execution thereof shall not be stayed until the Appellant has given security to the satisfaction of the Court appealed from, or of a Judge thereof, that if the judgment, or any part thereof be affirmed, the appellant will pay the amount thereby directed to be paid, or the part thereof as to which the judgment may be affirmed, if it be affirmed only as to part, and all damages awarded against the appellant on appeal :

6. Provided that in any case in which execution may be stayed on the giving of security under this section, such security may be given by the same instrument, whereby the security prescribed in the next preceding section is given.

33. When the security has been perfected and allowed, any Judge of the Court appealed from may issue his fiat to the sheriff to whom any execution on the judgment has issued to stay the execution, and the execution shall be thereby stayed whether a levy has been made under it or not ; and if the Court appealed from is itself a Court of Appeal, and execution has been already stayed in the case, such stay of execution shall continue without any new fiat, until

If the Court appealed from is a Court of Appeal.

If the judgment directs sale, &c., of realty.

If the judgment directs payment of money as a debt, &c.

Proviso as to instrument for giving such security.

Fiat to Sheriff when security is perfected.

If Court appealed be one of appeal

Proviso as to  
poundage.

until the decision of the case by the Supreme Court; Provided always that upon any judgment appealed from, on which any execution shall be issued before the Judge's fiat to stay the execution shall have been obtained, no poundage shall be allowed against the Appellant, unless a Judge of the Court appealed from shall see fit to order otherwise.

Interest.

**34.** When, on proceedings in Appeal against any judgment, the Supreme Court affirms such judgment, interest shall be allowed by the Court for such time as execution has been delayed by the appeal.

Money levied  
and not paid  
over before  
fiat, to be  
repaid by  
Sheriff.

**35.** If at the time of the receipt by the sheriff of the fiat, or of a copy thereof, the money has been made or received by him, but not paid over to the party who issued the execution, the party appealing may demand back from the sheriff the amount made or received under the execution, or so much thereof as is in his hands not paid over, and in default of payment by the sheriff, upon such demand, the party appealing may recover the same from him in an action for money had and received, or by means of an order or rule of the Court appealed from.

Perishable  
property.

**36.** If the judgment appealed from directs the delivery of perishable property, the Court appealed from, or a Judge thereof, may order the property to be sold, and the proceeds to be paid into Court, to abide the judgment of the Supreme Court.

Power to  
quash pro-  
ceedings in  
certain cases.

**37.** The Supreme Court shall have power to quash proceedings in cases brought before it, in which Appeal does not lie, or where such proceedings are taken against good faith.

Power to dis-  
miss Appeal  
or give the  
judgment  
which ought  
to have been  
given.  
Costs.

**38.** The Supreme Court shall have power to dismiss an appeal, or to give the judgment, and to award the process or other proceedings which the Court whose decision is appealed against ought to have given or awarded; and the Supreme Court may in its discretion, order the payment of the costs of the Court appealed from, and also of the appeal or any part thereof, and as well when the judgment appealed from is reversed as where it is affirmed.

Discontin-  
uing proceed-  
ings.

**39.** An appellant may discontinue his proceedings by giving to the respondent a notice entitled in the Supreme Court and cause and signed by the appellant, his Attorney or Solicitor, stating that he discontinues such proceedings; and thereupon the respondent shall be at once entitled to the costs of and occasioned by the proceedings in appeal; and may in the Court of original jurisdiction either sign judgment for such costs, or obtain an order from such Court, or a Judge thereof, for their payment, and may take all further

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ther proceedings in that Court as if no appeal had been brought.

**40.** A respondent may consent to the reversal of the judgment appealed against, by giving to the appellant a notice entitled in the Supreme Court and cause, and signed by the respondent, his Attorney or Solicitor, stating that he consents to the reversal of the judgment and thereupon the Court, or any Judge thereof, shall pronounce judgment of reversal as of course.

Consent to reversal.

**41.** In case an appellant unduly delays to prosecute his appeal or fails to bring the appeal on to be heard at the first term of the Supreme Court, after the appeal is ripe for hearing, the respondent may, on notice to the appellant, move the Supreme Court, or a Judge thereof in Chambers, for the dismissal of the appeal; and such order shall thereupon be made as the said Court or Judge shall deem just.

Motion for dismissal if case be not proceeded with.

**42.** In the case of the death of one of several appellants pending the appeal to the Supreme Court, a suggestion may be filed of his death, and the proceedings may thereupon be continued at the suit of, and against the surviving appellant as if he were the sole appellant; but such suggestion, if untrue, may be set aside on motion made to the Supreme Court, or a Judge thereof in Chambers.

Case of death of one of several appellants.

**43.** In the case of the death of a sole appellant or of all the appellants, the legal representative of the sole appellant or of the last surviving appellant, may, by leave of the Court or a Judge, file a suggestion of the death, and that he is such legal representative, and the proceedings may thereupon be continued at the suit of, and against such legal representative as the appellant; and if no such suggestion be made, the respondent may proceed to an affirmance of the judgment, according to the practice of the Court, or take such other proceedings as he may be entitled to; and such suggestion, if untrue, may be set aside on motion by the Court or a Judge thereof.

Or of sole appellant or of all the appellants.

**44.** In the case of the death of one of several respondents, a suggestion may be filed of such death, and the proceedings may be continued against the surviving respondent, but such suggestion, if untrue, may be set aside on motion by the Court or a Judge thereof.

Of one of several respondents.

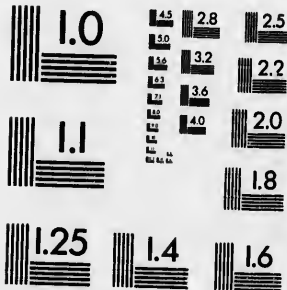
**45.** In the case of the death of a sole respondent or of all the respondents, the appellant may proceed, upon giving one month's notice of the appeal and of his intention to continue the same to the representative of the deceased party, or if no such notice can be given, then upon such notice

Of sole respondent, or of all respondents.



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notice to the parties interested as a Judge of the said Supreme Court may direct.

Judgment,  
 &c., to be  
 carried out by  
 Court below.

46. The judgment of the Supreme Court in Appeal shall be certified by the Registrar of the said Court to the proper officer of the Court of original jurisdiction, who shall thereupon make all proper and necessary entries thereof, and all subsequent proceedings may be taken thereupon as if the judgment had been given or pronounced in the said last mentioned Court.

Judgment to  
 be final, and  
 without  
 appeal.

47. The judgment of the Supreme Court shall in all cases be final and conclusive, and no appeal shall be brought from any judgment or order of the Supreme Court to any Court of Appeal established by the Parliament of Great Britain and Ireland, by which appeals or petitions to Her Majesty in Council may be ordered to be heard: Saving any right which Her Majesty may be graciously pleased to exercise by virtue of Her Royal Prerogative.

Saving H. M.  
 Prerogative.

#### APPEAL IN CONTROVERTED ELECTION CASES.

When  
 Supreme  
 Court is  
 organized,—  
 Sections 33,  
 34 and 35 of  
 37 V., c. 10,  
 repealed.

48. When the Supreme Court is organized, and in the exercise of its appellate jurisdiction, the thirty-third, thirty-fourth and thirty-fifth sections of the Act passed in the thirty-seventh year of Her Majesty's reign, and intituled: "*An Act to make better provision for the trial of Controverted Elections of Members of the House of Commons, and respecting matters connected therewith*," shall be repealed, except as hereinafter provided with respect to proceedings then pending; and thereafter any party to an election petition under the said Act, who may be dissatisfied with the decision of the Judge who has tried such petition, on any question of law or of fact, and desires to appeal against the same, may, within eight days from the day on which the Judge has given his decision, deposit with the Clerk, or other proper officer of the Court (of which the Judge is a member) for receiving moneys paid into such Court at the place where the petition was tried if in the Province of Quebec, and at the chief office of the Court in any other Province, the sum of one hundred dollars as security for costs, and a further sum of ten dollars as a fee for making up and transmitting the record; and thereupon the Clerk or other proper officer of the Court shall make up and transmit the record in the case to the Registrar of the Supreme Court, who shall set down the matter of the said petition for hearing by the said Court at the nearest convenient time, and according to any rules made in that behalf under this Act; and the party so appealing shall thereupon within three days or such further time as the Judge who tried the petition may allow, give to the other parties to the said petition affected by the said appeal, or the

Proceedings  
 thereafter  
 on appeal  
 from judg-  
 ment on Elec-  
 tion Petition.



the respective Attorneys or Agents by whom such parties were represented at the trial of the petition, notice in writing that the matter of the petition has been so set down for hearing in appeal as aforesaid,—in and by which notice the said party so appealing may, if he desires, limit the subject of the said appeal to any special and defined question or questions; and the appeal shall thereupon be heard and determined by the Supreme Court, which shall pronounce such judgment upon questions of law or of fact, or both, as in the opinion of the said Court ought to have been given by the Judge whose decision is appealed from; and the Supreme Court may make such order as to the money deposited as aforesaid, and as to the costs of the appeal as it may think just; and in case it appears to the Court that any evidence duly tendered at the trial was improperly rejected, the Court may cause the witness to be examined before the Court or a Judge thereof, or upon commission: and the Registrar shall certify to the Speaker of the House of Commons the judgment and decision of the Court upon the several questions as well of fact as of law, upon which the Judge appealed from might otherwise have determined and certified his decision in pursuance of the said Act, in the same manner as the said Judge should otherwise have done, and with the same effect; and the judgment and decision of the Supreme Court shall be final to all intents and purposes.

Cases to be heard and determined, by Supreme Court, and report made to the Speaker.

Decision to be final.

#### CRIMINAL APPEALS.

49. Any person convicted of treason, felony or misdemeanor, before any Court of Oyer and Terminer or Gaol Delivery, or before the Court of Queen's Bench in the Province of Quebec on its Crown side, or before any other Superior Court of criminal jurisdiction, whose conviction has been affirmed by any Court of last resort, or in the Province of Quebec by the Court of Queen's Bench on its appeal side, or any person in custody within the Dominion of Canada, whose extradition is claimed in pursuance of any treaty and whose application for discharge on a writ of Habeas Corpus *ad subjiciendum* has been refused, may appeal to the Supreme Court against the affirmation of such conviction or the refusal of such application; and the said Court shall make such rule or order therein, either in affirmance of the conviction, or for granting a new trial, or otherwise, or for granting or refusing such application, as the justice of the case requires, and shall make all other necessary rules and orders for carrying such rule or order into effect,—anything in the eightieth section of the Act passed in the Session held in the thirty-second and thirty-third years of Her Majesty's reign, chapter twenty-nine, to the contrary notwithstanding: Provided that no such appeal shall be allowed where the Court affirming the conviction is unanimous, nor unless notice of appeal shall be allowed.

In what criminal cases an appeal shall lie, and powers of the Court in such cases.

Proviso; Cases in which no appeal shall be allowed.

appeal in writing has been served on the Attorney General for the proper Province, within fifteen days after such affirmation or refusal.

When appeal must be brought to hearing.

**50.** Unless the appeal is brought on for hearing by the appellant at the term of the Supreme Court, during which such affirmation or refusal takes place, or the term next thereafter (if the said Court be not then sitting in term), the appeal shall be held to have been abandoned, unless otherwise ordered by the Supreme Court.

#### JURISDICTION IN HABEAS CORPUS AD SUBJICIENDUM.

Judges to have concurrent jurisdiction in such cases.

**51.** Any Judge of the Supreme Court shall have concurrent jurisdiction with the Courts or Judges of the several Provinces, to issue the writ of Habeas Corpus *ad subjiciendum*, for the purpose of an enquiry into the cause of commitment, in any criminal case under any Act of the Parliament of Canada, or in any case of demand for extradition; and if the Judge shall refuse the writ or remand the prisoner, an appeal shall lie to the Court.

#### SPECIAL CASES REFERRED TO THE COURT.

Governor in Council may refer any matter for an opinion.

Provido: as to minority.

**52.** It shall be lawful for the Governor in Council to refer to the Supreme Court for hearing or consideration, any matters whatsoever as he may think fit; and the Court shall thereupon hear and consider the same and certify their opinion thereon to the Governor in Council: Provided that any Judge or Judges of the said Court who may differ from the opinion of the majority may in like manner certify his or their opinion or opinions to the Governor in Council.

Court to report on any private Bill or petition referred by either House.

**53.** The said Court, or any two of the Judges thereof, shall examine and report upon any private bill or petition or private bill presented to the Senate or House of Commons, and referred to the Court under any rules or orders made by the Senate or House of Commons.

#### SPECIAL JURISDICTION.

Powers to be exercised with consent of Local Legislatures.

**54.** When the Legislature of any Province forming part of Canada shall have passed an Act agreeing and providing that the Supreme Court, and the Exchequer Court, or the Supreme Court alone, as the case may be, shall have jurisdiction in any of the following cases, viz.:—(1st) Of controversies between the Dominion of Canada and such Province; (2nd) Of controversies between such Province and any other Province or Provinces, which may have passed a like Act; (3rd) Of suits, actions, or proceedings in which the parties thereto by their pleadings shall have raised the question of the validity of an Act of the Parliament of Canada, when

when in the opinion of a Judge of the Court in which the same are pending such question is material; (4th) Of suits, actions, or proceedings in which the parties thereto by their pleadings shall have raised the question of the validity of an Act of the Legislature of such Province, when in the opinion of a Judge of the Court in which the same are pending such question is material; then this section and the three following sections of this Act shall be in force in the class or classes of cases in respect of which such Act so agreeing and providing, may have been passed.

**55.** The procedure in the cases firstly and secondly mentioned in the next preceding section shall be in the Exchequer Court, and an appeal shall lie in any such case to the Supreme Court

Procedure in cases firstly and secondly mentioned in s. 54, to be in Exchequer Court. Appeal.

**56.** In the cases thirdly and fourthly mentioned in the next preceding section but one, the Judge who has decided that such question is material, shall order the case to be removed to the Supreme Court in order to the decision of such question, and it shall be removed accordingly, and after the decision of the Supreme Court, the said case shall be sent back, with a copy of the judgment on the question raised, to the Court or Judge whence it came, to be then and there dealt with as to justice may appertain.

In cases thirdly and fourthly mentioned, to be in Supreme Court, and decision sent to Court appealed from.

**57.** The next two preceding sections apply only to cases of a civil nature, and shall take effect in the cases therein provided for respectively, whatever may be the value of the matter in dispute, and there shall be no further appeal to the Supreme Court on any point decided by it in any such case, nor on any other point unless the value of the matter in dispute exceeds five hundred dollars.

To what cases Secs. 55, 56, shall apply.

#### EXCHEQUER COURT.

**58.** The Exchequer Court shall have and possess concurrent original jurisdiction in the Dominion of Canada, in all cases in which it shall be sought to enforce any law of the Dominion of Canada relating to the revenue, including actions, suits, and proceedings, by way of information, to enforce penalties and proceedings by way of information *in rem*, and as well in *qui tam* suits for penalties or forfeitures as where the suit is on behalf of the Crown alone; and the said Court shall have exclusive original jurisdiction in all cases in which demand shall be made or relief sought in respect of any matter which might in England be the subject of a suit or action in the Court of Exchequer on its revenue side against the Crown, or any officer of the Crown.

Concurrent jurisdiction of the Court.

Exclusive jurisdiction.

**59.** The Exchequer Court shall also have concurrent original jurisdiction with the Courts of the several Provinces

When the Dominion is a party interested.

in all other suits of a civil nature at common law or equity, in which the Crown in the interest of the Dominion of Canada is plaintiff or petitioner.

## JUDGES.

Oath of  
Office.

**60.** The Chief Justice and the Judges of the Supreme Court shall, previously to their executing the duties of their office, as Judges of the Exchequer Court, take the oath mentioned in section eight of this Act.

Rules of  
practice.

**61.** The procedure in suits and actions within the jurisdiction of the Exchequer Court shall, unless it be otherwise provided for by general rules made in pursuance of this Act, be regulated by the practice and procedure of Her Majesty's Court of Exchequer at Westminster on its revenue side.

## SITTINGS AND DISTRIBUTION OF BUSINESS.

Judges to sit  
singly, and at  
any time or  
place.

**62.** Subject to rules of Court, the Judges of the Exchequer Court, respectively, shall have power to sit and act at any time, and at any place for the transaction of the business of the Exchequer Court, or any part thereof; and the hearing and trial of any case shall be by and before one Judge of the Court sitting alone, and such Judge shall decide such case, and his decision shall be the judgment of the Court therein, and such Judge shall have the same power and authority as the Court.

Issues of fact,  
how tried.

**63.** Issues of fact, in cases before the said Court, shall be tried according to the laws of the Province in which the cause originated, including the laws of evidence.

If under sect.  
58 to be  
tried without  
a jury.

**64.** Issues of fact in cases arising under the fifty-eighth section shall be tried by the Judge without a jury.

Jurors in  
cases under  
s. 59.

**65.** For the trial of issues of fact, in cases arising under the fifty-ninth section, a Judge of the said Court may order a writ of *venire facias* to be issued, directed to any of the sheriffs or coroners in the next section mentioned, commanding him to summon a panel of not less than twenty-four nor more than thirty-six jurors to attend at the time and place in said writ named, and the sheriff or coroner shall execute and return the said writ as directed thereby.

Process and  
Officers of the  
Court.

**66.** The process of the said Court shall be tested in the name of the Chief Justice, or in case of a vacancy, of the senior Puisne Judge of the said Court, and shall be directed to the sheriff of any County or other judicial division into which any of the said Provinces may be divided; and the sheriffs of the said respective counties or divisions shall be deemed and taken to be *ex officio* officers of the said Exchequer

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*Supreme and Exchequer Courts.* Chap. 11.

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chequer Court, and shall perform the duties and functions of sheriffs in connection with the said court; and in any case where the sheriff may be disqualified such process shall be directed to any of the coroners of the county or district.

**67.** The said sheriffs and coroners shall receive and take Fees. to their own use, such fees as the Judges of the said Exchequer Court shall by general order fix and determine.

**68.** Any party to a suit in the Exchequer Court who may be dissatisfied with the decision therein, and desires to appeal against the same, may, within thirty days from the day on which the Judge has given such decision, or within such further time as the Judge may allow, deposit with the Registrar of the said Court the sum of fifty dollars by way of security for costs; and thereupon the registrar shall set the suit down for hearing before the Supreme Court on the first day of the next term; and the party appealing shall thereupon, within three days of the deposit, give to the party or parties affected by the said appeal, or their respective attorneys, by whom such parties were represented before the Judge of the Exchequer Court, notice in writing that the case has been so set down to be heard in appeal as aforesaid; and by such notice the said party so appealing may if he desires, limit the subject of the appeal to any special defined question or questions; and the said appeal shall thereupon be heard and determined by the said Supreme Court.

Appeal to  
Supreme  
Court.  
Conditions.

GENERAL PROVISIONS.

**69.** A fit and proper person, being a barrister of at least five years' standing, may be appointed by an instrument under the Great Seal of Canada, to hold office during pleasure as the Registrar of the said Supreme Court, and such registrar shall reside and keep his office at the City of Ottawa, and shall be paid a salary of two thousand six hundred dollars per annum; and the Governor may from time to time appoint such other clerks and servants of the said Court, and of the Exchequer Court, as may be found necessary, and who shall hold office during pleasure.

Registrar to  
be appointed.  
Salary.

**70.** The Registrar of the Supreme Court to be appointed under this Act shall also be the Registrar of the Exchequer Court of Canada.

To be Regis-  
trar of both  
Courts.

**71.** A *precis* writer shall be appointed by the Governor in Council to report the decisions of the Supreme Court, and of the Exchequer Court of Canada, and shall act as secretary to the Chief Justice and Judges appointed under this Act; and such *precis* writer shall be paid a salary to be determined by the Governor in Council.

Reports.

Fees to be  
paid by  
stamps.

**72.** All fees payable to the Registrar under the provisions of this Act shall be paid by means of stamps, which shall be issued for that purpose by the Minister of Inland Revenue, who shall regulate the sale thereof; and the proceeds of the sale of such stamps shall be paid into the Consolidated Revenue Fund of Canada.

Reports to  
be under  
direction of  
Judges.

**73.** The reports of the decisions of the Supreme Court and of the Exchequer Court, shall, subject to the direction of the Judges of the said Courts, be published by the Registrar appointed under this Act.

Affidavits.

**74.** All persons authorized to administer affidavits in any of the Superior Courts of any Province, may administer affidavits sworn in such Province to be used in the Supreme Court and in the Exchequer Court.

Process of  
Court.

**75.** The process of the Supreme Court shall run throughout the Dominion, and shall be tested in the name of the Chief Justice, or in the case of vacancy of the office, in the name of the senior Puisne Judge of the Court, and shall be directed to like officers as the process of the Exchequer Court, and obeyed in like manner.

Who may  
practice in the  
Court as Bar-  
risters.

**76.** All persons being Barristers or Advocates in any of the Provinces, shall have the right to practise as Barristers, Advocates and Counsel in the Supreme Court and the Exchequer Court.

And as Attor-  
neys or  
Solicitors.

**77.** All persons being Attorneys, Solicitors, or Proctors of the Superior Courts or of any Court of Vice Admiralty in any of the Provinces, shall have the right to practise as Attorneys, Solicitors, and Proctors in the said Supreme Court and Exchequer Court.

All such  
Practitioners  
to be officers  
of the Courts.

**78.** All persons who may practice as Barristers, Advocates, Counsel, Attorneys, Solicitors or Proctors in the Supreme Court or Exchequer Court, shall be officers of such Court.

Judges to  
make Rules  
of procedure  
as well in  
appellate as  
original juris-  
diction.

**79.** The Judges of the Supreme Court, or any five of them, may, from time to time, make general rules and orders for regulating the procedure of and in the Supreme Court, and the bringing of cases before it from courts appealed from or otherwise, and the procedure of the Exchequer Court, and for the effectual execution and working of this Act, and the attainment of the intention and objects thereof, and for fixing the fees and costs to be taxed and allowed to, and received and taken by, and the rights and duties of the officers of the said Courts; and may, from time to time, alter, and amend any of the existing rules, or any rules made under the authority of this Act, and make other rules instead thereof; and such rules may extend to any matter of procedure

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1875. *Supreme and Exchequer Courts.* Chaps. 11, 12.

83

cedure or otherwise not provided for by this Act, but for <sup>To what</sup> which it may be found necessary to provide in order to ensure <sup>matters such</sup> the proper working of this Act and the better attainment of <sup>rules may</sup> the objects thereof; and all such rules not being inconsistent <sup>extend.</sup> with the express provisions of this Act, shall have force and effect as if herein enacted: Provided that copies of all such <sup>Proviso.</sup> rules shall be laid before both Houses of the Parliament of Canada at the next session thereof.

80. This Act shall come into force as respects the appoint- <sup>Commence-</sup> ment of Judges, Registrar, clerks and servants of the said <sup>ment of the</sup> Courts, the organization thereof, and the making of general <sup>several pro-</sup> rules and orders under the next preceding section, on a day to <sup>visions of</sup> be appointed by proclamation under order of the Governor <sup>this Act.</sup> in Council; and the other provisions thereof, and the judicial functions of the said Courts respectively shall take effect and be exercised only at and after such other time as shall be appointed by proclamation under order of the Governor in Council.

81. This Act may be cited as "*The Supreme and Exchequer Court Act.*" Short Title.

## CHAP. 12.

An Act to provide for the institution of Suits against the Crown by Petition of Right, and respecting procedure in Crown Suits.

[Assented to 8th April, 1875.]

**W**HEREAS it is expedient to make provision for pro- <sup>Preamble.</sup> ceeding by petition of right, and to assimilate the proceedings on such petitions, and in proceedings in behalf of the Crown as nearly as may be to the course of practice and procedure now in force in actions and suits between subject and subject: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

1. A petition of right may be presented and addressed to <sup>Petitions of</sup> Her Majesty in the form, or to the effect in the schedule to <sup>right may be</sup> this Act annexed, (No. 1.) and shall state the Christian and <sup>presented;</sup> surname, and usual place of abode of the suppliant, and of <sup>and in what</sup> his attorney, if any, by whom the same shall be presented, <sup>form.</sup> and shall set forth with convenient certainty the facts entitling the suppliant to relief, and shall be signed by such suppliant, his counsel or attorney.



Petitions to be left with the Secretary of State for the Governor's fiat.

What they must set forth.

No fees.

Upon fiat being obtained, petition, &c., to be left at the office of the Attorney General of Canada.

Time for answering by the Crown.

Service on, and time for answering by, other parties affected by the petition.

No *scire facias*.

Appearance, pleading, &c.

The answer or plea to such petition.

2. The said petition shall be left with the Secretary of State of Canada, in order that the same may be submitted to the Governor General for his consideration, and in order that the Governor General, if he shall think fit, may grant his fiat that right be done; and shall prescribe the court, (being such as would have cognizance of the subject matter of such petition or any material part thereof, if the same had been a matter of dispute between subject and subject) in which the same shall be entitled and filed, and shall also prescribe the venue for the trial thereof; and no fee or sum of money shall be payable by the suppliant on so leaving such petition, or upon his receiving back the same.

3. Upon the Governor General's fiat being obtained to such petition, a copy of such petition and fiat shall be left at the office of Her Majesty's Attorney General of Canada, with an endorsement thereon in the form, or to the effect in the schedule (No. 2) to this Act annexed, praying for a plea or answer on behalf of Her Majesty within twenty-eight days.

4. The time for answering, pleading or demurring to such petition, on behalf of Her Majesty, shall be the said period of twenty-eight days after the same, (with such prayer of a plea or answer as aforesaid) shall have been left at the office of the said Attorney General, or such further time as shall be allowed by the court or a judge.

5. In case any such petition of right shall be presented for the recovery of any real or personal property, or any right in or to the same, which shall have been granted away or disposed of by or on behalf of Her Majesty, or Her Predecessors, a copy of such petition, allowance and fiat shall be served upon or left at the last or usual or last known place of abode of the person in the possession, or occupation of such property or right, endorsed with a notice in the form set forth in the schedule (No. 3) to this Act annexed, requiring such person to appear thereto within eight days, and to plead or answer thereto in the court in which the same shall be prosecuted, within fourteen days after the same shall have been so served or left as aforesaid; and it shall not be necessary to issue any *scire facias* or other process to such person for the purpose of requiring him to appear and plead or answer to such petition, but he shall, within the time so limited, if it be intended by him to contest such petition, enter an appearance to the same in the form set forth in schedule (No. 4) to this Act annexed, or to the like effect, and shall plead, answer, or demur to the said petition within the time specified in such notice, or such further time as shall be allowed by the court or a judge.

6. Such petition may be answered by way of answer or demurrer in a Court of Equity, or in a Court of Common

Law

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Law by way of plea or demurrer, or by both pleas and demurrer, by or in the name of Her Majesty's said Attorney-General on behalf of Her Majesty, and by or on behalf of any other person who may, in pursuance hereof be called upon to plead or answer thereto, in the same manner as if such petition when prosecuted in a Court of Equity were a bill filed therein, and as if such petition when prosecuted in a Court of Common Law were a declaration in a personal action, and without the necessity for any inquisition finding the truth of such petition or the right of the suppliant; and such and the same matter as would be sufficient ground of answer or defence in point of law or fact to such petition on the behalf of Her Majesty, may be alleged on behalf of any such other person, as aforesaid, called on to plead or answer thereto.

What only  
it need set  
forth.

7. Any issue of fact or assessment of damages to be tried or had under this Act, and which would but for this section be tried or had by a jury, shall be tried or had by a judge jury.

When issue  
may be tried  
without a

8. So far as the same may be applicable, and except, in so far as may be inconsistent with this Act, the laws and Statutes in force as to pleading, evidence, hearing and trial, security for costs, amendment, arbitration, special cases, the means of procuring and taking evidence, set-off, appeal and proceedings in error, in suits in equity, and in personal actions between subject and subject, and the rules, orders, practice, and course of procedure of the said Courts of Law and Equity respectively for the time being in reference to such suits and personal actions, shall, unless the court in which the petition is prosecuted shall otherwise order, be applicable and apply and extend to such petition of right. Nothing in this Act shall be construed to give to the subject any remedy against the Crown, in any case in which he would not have been entitled; to such remedy in England under similar circumstances by the laws then in force there prior to the passing of the Imperial Statute, 23 and 24 Victoria, Chapter 34, intituled, "*An Act to amend the law relating to Petitions of Right to simplify the proceedings and to make provisions for the costs thereof.*"

The practice  
and course of  
procedure in  
action and  
suit between  
subject and  
subject shall  
extend to  
petitions of  
right so far as  
applicable.

Proviso.

9. In case of a failure on the behalf of Her Majesty, or of any such other person as aforesaid called upon to answer or plead to such petition, to plead, answer, or demur in due time, either to such petition, or any subsequent stage of the proceedings thereon, the suppliant shall be at liberty to apply to the court or a judge for an order that the petition may be taken as confessed; and it shall be lawful for such court or judge on being satisfied that there has been such failure to plead, answer or demur, in due time, to order that such petition may be taken as confessed, as against Her Majesty.

Decrees or  
judgments by  
default.

Proviso.

Majesty, or such other party so making default, and in case of default on the behalf of Her Majesty, and any other such person (if any) called upon, as aforesaid, to answer or plead thereto, a decree may be made by the court, or leave may be given by the court on the application of the suppliant, to sign judgment in favor of the suppliant: Provided always, that such decree or judgment may afterwards be set aside by such court or a judge, in their or his discretion, upon such terms as to them or him shall seem fit.

Form of judgment or decree.

**10.** Upon every such petition of right, the decree or judgment of the court, whether given upon demurrer, upon the pleadings or upon a default to answer or plead in time, or after hearing or verdict, or otherwise, shall be that the suppliant is or is not entitled either to the whole or to some portion of the relief sought by his petition, or such other relief as the court may think right; and such court may give a decree or judgment that the suppliant is entitled to such relief, and upon such terms and conditions, if any, as such court may think just.

Judgment to have effect of *amoveas manus*.

**11.** In all cases in which the judgment, commonly called a judgment of *amoveas manus*, was formerly in England pronounced or given upon a petition of right, a judgment that the suppliant is entitled to relief, as hereinbefore provided, shall be of such and the same effect as such judgment of *amoveas manus*.

Costs against suppliant failing.

**12.** Upon any such petition of right, the said Attorney General or other person appearing on behalf of Her Majesty, and every such other person as aforesaid, who shall appear and plead, answer or demur, shall be entitled respectively to recover costs against the suppliant, in the same manner and subject to the same restrictions and discretion and under the same rules, regulations and provisions, so far as they are applicable, as are or may be usually adopted, or in force, touching the payment or receipt of costs in proceedings between subject and subject; and for the recovery of such costs, such and the same remedies and writs of execution as are authorized for enforcing payment of costs upon judgment in personal actions, or decrees, rules or orders, shall and may be prosecuted, sued out and executed respectively by or on behalf of Her Majesty, and of such other person as aforesaid, as shall appear and plead to such petition; and any costs recovered on behalf of Her Majesty shall be paid to the Receiver General.

Recovery thereof.

Costs to suppliant succeeding.

**13.** Upon any such petition of right, the suppliant shall be entitled to costs against Her Majesty, and also against any other person appearing or pleading or answering to any such petition of right, in like manner and subject to the same rules, regulations and provisions, restrictions and discretion,

so far as they are applicable, as are or may be usually adopted, or in force, touching the right to recover costs in proceedings between subject and subject; and for the recovery of any such costs from any such person, other than Her Majesty, appearing or pleading or answering in pursuance hereof to any such petition of right, such and the same remedies and writs of execution as are authorized for enforcing payment of costs upon rules, orders, decrees or judgments in personal actions between subject and subject, shall and may be prosecuted, sued out, and executed on behalf of such suppliant.

*Recovery thereof.*

14. Whenever, upon such petition of right, a judgment, order or decree shall be given or made that the suppliant is entitled to relief, and there shall be no re-hearing, appeal or writ of error,—and whenever upon a re-hearing, appeal or proceedings in error, a judgment, order, or decree shall be affirmed, given or made, that the suppliant is entitled to relief,—and whenever any rule or order shall be made, entitling the suppliant to costs,—any one of the judges of the court in which such petition shall have been prosecuted, shall and may, upon application on behalf of the suppliant, after the lapse of fourteen days from the making, giving or affirming of such judgment or decree, rule or order, certify to the Minister of Finance the tenor and purport of the same, in the form in the schedule (No. 5) to this Act annexed, or to the like effect; and such certificate may be sent to, or left at the office of the Minister of Finance.

*If judgment be for relief, &c., Judge to certify to Minister of Finance.*

15. It shall be lawful for the Minister of Finance, and he is hereby required to pay the amount of any moneys and costs as to which a judgment or decree, rule or order, shall be given or made, that the suppliant in any such petition of right is entitled thereto, and of which judgment or decree, rule or order, the tenor and purport shall have been so certified to him as aforesaid, out of any moneys in his hands, for the time being legally applicable thereto, or which may be thereafter voted by the Parliament for that purpose.

*Payment by Minister of Finance.*

16. It shall be lawful for the Judges of the said Courts of Law and Equity respectively, from time to time to make all such general rules and orders in their said respective Courts of Law and Equity, for regulating the pleading and practice on such petitions of right, and for the effectual execution of this Act, and of the intention and object hereof, and for fixing the costs to be allowed for and in respect of the several matters herein contained, and the performance thereof, and for the government and conduct of the officers of their respective courts in and relating to the distribution and performance of the duties and business to be done or performed in execution of this Act as such Judges may think fit, reasonable, necessary or proper; and to frame such writs and forms of proceedings as to them may seem expedient for the purpose aforesaid.

*Judges of Superior Courts to make rules, &c.*

Interpreta-  
tion of terms.

17. In the construction of this Act the word "*Court*," or the words "*Superior Court*," shall mean any one of the Courts hereinafter mentioned, in which any such petition is presented:—

"Court" or  
"Superior  
Court."

1. Any Court which shall be constituted by the Parliament of Canada, having and possessing original jurisdiction in the Dominion of Canada or any part thereof;

2. In the Province of Quebec, the Superior Court for that Province;

3. In the Province of Ontario, any of the following Courts, viz:—The Court of Queen's Bench, the Court of Common Pleas, and the Court of Chancery;

4. In the Province of Nova Scotia, the Supreme Court of that Province;

5. In the Province of New Brunswick, the Supreme Court of that Province;

6. In the Province of Manitoba, the Court of Queen's Bench for that Province;

7. In the Province of British Columbia, the Supreme Court of that Province;

8. In the Province of Prince Edward Island, the Supreme Court of Judicature of that Province:

Proviso.

But no Court except such Court as is in the first subsection mentioned, shall have cognizance of any matter under this Act, unless the Legislature of the Province of which the same is a Court, shall have empowered the said Court to administer the rights by this Act conferred; in accordance with the procedure herein defined.

"Relief."

The word "*relief*" shall comprehend every species of relief claimed or prayed for in any such petition of right, whether a restitution of any incorporeal right, or a return of lands or chattels, or a payment of money or damages or otherwise; and the word "*Judge*" shall be understood to mean the Chief Justice or a Judge of any of the said Courts respectively.

Certain forms  
and pro-  
cedure may  
be used in  
Crown suits.

18. The procedure and forms which are or may, from time to time, be in force for the prosecution of rights, claims or demands, or for the recovery of the possession of any lands, deeds or personal property between subject and subject, may be used in the like cases for the prosecution of rights, claims or demands which Her Majesty may have against any person or persons, body or bodies corporate, or for the recovery of the

the possession of any lands, deeds or personal property whereto Her Majesty claims to be entitled.

19. In any action, suit or proceeding commenced under the provisions of the next preceding section, the defendant shall be entitled to require Her Majesty's said Attorney General to declare, reply or otherwise answer the last pleading of the defendant, and to proceed to trial in the same manner, and within the same times as may be limited as between subject and subject, and may in the event of default, by leave of the court or a judge, sign judgment of *non pros*.

20. In citing this Act in any instrument, document or proceeding, it shall be sufficient to use the expression "*The Petition of Right Act, Canada, 1875.*"

21. Nothing in this Act contained shall,—

1. Prejudice or limit otherwise than is herein provided the rights, privileges or prerogatives of Her Majesty or Her Successors, or

Act not to affect prerogatives.

2. Apply to any claim, matter or thing which, under the provisions of an Act passed in the thirty-first year of Her Majesty's reign, and intituled "*An Act respecting the Public Works of Canada,*" or under any Acts amending or extending the same, may be referred by the Minister of Public Works to arbitration; and no Court shall have jurisdiction under this Act, in any such claim, matter or thing as last aforesaid,—or

Not apply to Public Works.

3. Prevent any suppliant from proceeding as before the passing of this Act.

Or prevent proceedings as heretofore.

## SCHEDULES REFERRED TO IN THE FOREGOING ACT.

### No. I.

#### PETITION.

*In the Court of*

To the Queen's Most Excellent Majesty:  
County (or District) of }  
to wit. }

The humble petition of A. B., of \_\_\_\_\_, by his Attorney E. F., of \_\_\_\_\_, showeth that (*state the facts.*)

*Conclusion.*



### Conclusion.

Your suppliant therefore humbly prays that, &c.

Dated the                      day of                      A. D.

(Signed) A. B.  
or C. D., Counsel for A. B.,  
or E. F., Attorney for A. B.

## No. II.

The suppliant prays for a plea or answer on behalf of Her Majesty, within twenty-eight days after the date hereof, or otherwise that the petition may be taken as confessed.

## No. III.

To A. B.:

You are hereby required to appear to the within petition in Her Majesty's Court of \_\_\_\_\_ within eight days, and to plead or answer thereto within fourteen days after the date hereof.

Take notice, that if you fail to appear or plead or answer in due time, the said petition may, as against you, be ordered to be taken as confessed.

Dated the                      day of                      A. D.

## No. IV.

*In the Court of*

### Petition of Right.

A. B., *Suppliant*, } C. D. appears in person or  
                   *vs.*        } E. F., Attorney for C. D., appears  
 the Queen.        } for him.

*If the appearance be in person, the address of the party appearing is to be given.*

Entered the                      day of                      187 .

## No. V.

To the Honorable the Minister of Finance:

Petition of Right of A. B. in Her Majesty's Court of  
at

I humbly certify that on the \_\_\_\_\_ day of \_\_\_\_\_  
A. D. \_\_\_\_\_ it was by the said Court of \_\_\_\_\_  
adjudged (or decreed or ordered) that the above named  
suppliant was entitled to, &c.

(Judge's signature.)  
CHAP



## CHAP. 13.

An Act respecting defective Letters Patent and the discharge of Securities to the Crown.

[Assented to 8th April, 1875.]

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

1. Whenever letters patent under the Great Seal of Canada, other than such as grant lands, or instruments under the Privy Seal of the Governor General or person administering the Government of Canada, have been issued to or in the name of the wrong party, or contain any clerical error or misnomer or wrong description of any material fact therein, the Secretary of State of Canada, when authorized by Order in Council may direct the defective letters patent or instruments to be cancelled, and a minute of such cancellation to be entered in the margin of the registry of the original letters patent or other instruments, and correct letters patent under the Great Seal or instruments under the Privy Seal as aforesaid to be issued in their stead, which said new letters patent or instruments shall relate back to the date of those so cancelled.

Defective letters patent of certain kinds, may be cancelled and correct ones issued in their stead. Their effect.

2. Whenever the lien created by any mortgage or other instrument on any real or personal property to Her Majesty shall have been satisfied, the Governor General may, by Order in Council, declare that the same has been satisfied and discharged; and a copy of such Order in Council, certified by the Clerk of the Queen's Privy Council for Canada, shall operate as a release and discharge of any claim of Her Majesty, her Successors or assigns, in respect of the same.

How securities to the Crown may be discharged.

## CHAP. 14.

An Act still further to amend "The Patent Act of 1872," and to extend the same, as amended, to Prince Edward Island.

[Assented to 8th April, 1875.]

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

1.

Addition to  
sect. 19, of 35  
V., c. 26.

1. The following words are hereby added to section nineteen of "*The Patent Act of 1872*" after the word "patent" in the last line thereof, that is to say, "and the Commissioner may entertain separate applications and cause patents to be issued for distinct and separate parts of the thing patented (upon payment of the fee for a re-issue for each of such re-issued patents)."

New sub-sect.  
substituted  
for sub-sect.  
of sect. 28, of  
35 V., c. 26.

2. The sub-section of section twenty-eight of "*The Patent Act of 1872*" is hereby repealed, and the following sub-section is hereby substituted therefor, and shall be read as the sub-section of the twenty-eighth section of the said Act:—

Commis-  
sioner may  
extend the  
term for  
manufacture  
in Canada,  
and when.

"2. Whenever a patentee has been unable to carry on the construction or manufacture of his invention within the two years hereinbefore mentioned, the Commissioner may at any time not more than three months before the expiration of that period grant to the patentee a further delay on his adducing proof to the satisfaction of the Commissioner that he was for reasons beyond his control prevented from complying with the above-mentioned condition."

Sect. 49, of 35  
V., c. 26 re-  
pealed and  
new sect. sub-  
stituted.

3. The forty-ninth section of "*The Patent Act of 1872*" is hereby repealed, and the following section is hereby substituted therefor, and shall be read as the forty-ninth section of the said Act:—

Patented  
articles and  
packages  
containing  
patented  
articles, to be  
marked as  
such.

"49. Every patentee under this Act, shall stamp or engrave on each patented article sold or offered for sale by him the year of the date of patent applying to such article, thus:—"Patented 1872," or as the case may be; or when from the nature of the article this cannot be done, by fixing to it, or to every package wherein one or more of such articles is or are enclosed, a label marked with a like notice; and any such patentee selling or offering for sale any such patented article not so marked, or not enclosed in a package so marked shall be liable to the punishment of a fine not to exceed one hundred dollars, and, in default of the payment of such fine, to imprisonment not to exceed two months."

Penalty for  
default.

Provisions of  
35 V., c. 26,  
and its  
amending  
Acts and  
patents issued  
under them  
extended to  
Prince  
Edward  
Island.

4. From and after the passing of this Act all and every the provisions of "*The Patent Act of 1872*," as amended by this Act, and of the Acts amending the same, shall have the same force and effect in Prince Edward Island as the same then respectively have in the other Provinces forming this Dominion; and every patent theretofore issued under the said Acts or any of them shall extend over the said Province for the remainder of the term mentioned therein.

Inconsistent  
enactments of  
Acts of Gen-

5. The following Acts of the General Assembly of Prince Edward Island are hereby repealed, that is to say: The Act passed

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passed in the sev<sup>th</sup> year of the reign of His late Majesty  
King William the Fourth, chapter twenty-one, intituled "*An  
Act for granting Patents for useful Inventions*;" the Act passed  
in the thirty-second year of Her Majesty's reign chapter  
twenty, intituled "*An Act to add to and amend the Act relating  
to Patents for useful Inventions*;" and the Act passed in the  
thirty-third year of Her Majesty's reign, chapter nineteen,  
intituled "*An Act to amend the Act relating to Patents for useful  
Inventions*,"—but in so far only as such Acts, or any of them,  
may be inconsistent with this Act, or make any provision in  
any matter provided for by this Act, except only as respects  
all rights acquired and penalties or liabilities incurred under  
the said Acts or any of them, before the coming into force of  
this Act, as to which the said Acts shall remain in force; and  
nothing in this Act contained shall affect any suit pending  
in any court of law or equity at the time of the coming into  
force of this Act.

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of Prince  
Edward  
Island re-  
pealed.  
7 W. 4, c. 21,  
32 V. c. 20,  
and 33 V.,  
c. 19.

#### PATENTS ISSUED UNDER FORMER LAWS.

6. All patents issued under the said Acts of the General  
Assembly of Prince Edward Island, or any of them, to the  
date of the passing of this Act shall remain in force in the  
said Province for the same term as if the Act or Acts under  
which such patents respectively were issued had not been  
repealed, but subject to all the provisions of this Act, in so  
far as such provisions, or any of them, may be applicable to  
such patents respectively:

Existing Pro-  
vincial  
Patents to  
remain in  
force.

2. And it shall be lawful for the Commissioner, upon the  
application of the patentee named in any such patent, being  
the inventor of the subject matter of the patent, if the subject  
matter of the patent has not been known or used, nor with  
the consent of the patentee on sale, in any of the other  
Provinces of the Dominion, to issue, on payment of the  
proper fees in that behalf, a patent under this Act extending  
such Provincial patent over the whole of the Dominion, for  
the remainder of the term mentioned in the Provincial  
patent.

Extension of  
Provincial  
Patents pro-  
vided for.

7. All the records of the Patent Office of the Province of  
Prince Edward Island shall be handed over by the officers in  
charge of them to the Commissioner of Patents of Invention,  
to form part of the records of the Patent Office for the pur-  
poses of the Act hereby amended and of the Acts amending  
the same and of this Act.

Records of  
Patent Office  
of Prince  
Edward  
Island to be  
handed over  
to commis-  
sioner.

8. Any person desiring to impeach any patent issued  
under "*The Patent Act of 1872*," as amended by subsequent  
Acts and by this Act,—the petitioner for which has elected his  
domicile at any place in Prince Edward Island,—may obtain  
a sealed and certified copy of the patent and of the petition,  
affidavit,

Proceedings  
for impeach-  
ment of  
patents.

affidavit, specification, and drawings thereunto relating, and may have the same filed in the office of the Clerk of the Supreme Court of Judicature in that Province, which court shall adjudicate on the matter and decide as to costs. The patent and documents aforesaid shall then be held as of record in such court, so that a writ of *scire facias* under the seal of the court grounded upon such record may issue for the repeal of the patent, for cause as aforesaid, if upon proceedings had upon the writ in accordance with the meaning of this Act, the patent be adjudged to be void.

Act to be one  
with former  
Acts.  
Short title.

9. This Act shall be read and construed as one Act with the Act hereby amended, and the two Acts amending the same; and the said four Acts may be cited together as "*The Patent Acts, 1872 to 1875.*"

## CHAP. 15.

An Act to amend "The Immigration Act of 1872."

[Assented to 8th April, 1875.]

Preamble.

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

Interpretation.

1. In this Act the word "Ship" includes every description of vessel used in navigation not propelled by oars.

Additional  
duty to that  
imposed by  
35 V., c. 28.

2. There shall be raised, levied and collected a duty payable in the manner hereinafter prescribed by the master of every ship arriving in any port in Canada from any port in Europe with passengers or emigrants therefrom at any time when this Act is in force as hereinafter provided, in addition to any duty payable by the master of such ship, under the provisions of the first section of "*The Immigration Act of 1872*;" And such duty shall be such sum not exceeding two dollars for every passenger or immigrant above the age of one year to be landed in Canada, as may have been specified in the proclamation giving effect to this Act, in force for the time being in the Province in which such port is situate.

Maximum  
amount of  
duty.

To be paid  
on entry, and  
what the  
entry must  
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3. The said duty shall be paid by the master of the ship, or by some person on his behalf, to the Collector of Customs at the port in Canada at which such vessel is first entered, and at the time of making such first entry, which shall contain on the face of it the number of passengers actually embarked

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embarked on board the ship, and the number to be landed in Canada; and no such entry made at any such time, shall be deemed validly made, or have any legal effect whatever, unless such numbers are correctly stated and such duty has been fully paid.

4. This Act shall take effect upon, from and after the day, and in the Province or Provinces, and for the amount of duty (within the limit aforesaid) specified by Proclamation in that behalf issued under an Order of the Governor General in Council, and not before; and the Governor General may, from time to time, by Proclamation issued under an Order in Council suspend the operation of this Act in any one or more or in all of the Provinces forming this Dominion; and from and after the period specified in any such suspending proclamation, this Act shall be suspended in such Province or Provinces; but nothing herein contained shall prevent or be construed to prevent the Governor General from again declaring by Proclamation issued under an Order in Council, that this Act shall again have effect in such Province or Provinces, or in any of such Provinces, and for the amount of duty (within the limit aforesaid) in such last mentioned proclamation specified; and upon such proclamation this Act shall be revived and have effect again accordingly; and so on, from time to time, *toties quoties*:—And every such proclamation shall be published in the *Canada Gazette*.

Proclamation to fix amount of duty, and when and where this Act shall or shall not be in force.

And so from time to time.

Proviso.

Publication.

## CHAP. 16.

### An Act respecting Insolvency.

[Assented to 8th April, 1875.]

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

1. This Act shall apply to traders and to trading co-partnerships and to trading companies whether incorporated or not, except Incorporated Banks, Insurance, Railway, and Telegraph Companies.

Application of Act.

The following persons and partnerships or companies exercising like trades, callings or employments, shall be held to be traders within the meaning of this Act:—

Who are Traders, under this Act.

Apothecaries, auctioneers, bankers, brokers, brickmakers, builders, carpenters, carriers, cattle or sheep salesmen, coach proprietors,

proprietors, dyers, fullers, keepers of inns, taverns, hotels, saloons or coffee houses, lime burners, livery stable keepers, market gardeners, millers, miners, packers, printers, quarrymen, sharebrokers, shipowners, shipwrights, stockbrokers, stock-jobbers, victuallers, warehousemen, wharfingers, persons insuring ships or their freights or other matters against perils of the sea, persons using the trade of merchandise by way of bargaining, exchange, bartering, commission, consignment or otherwise, in gross or by retail, and persons who, either for themselves or as agents or factors for others, seek their living by buying and selling or buying and letting for hire goods or commodities, or by the workmanship or the conversion of goods or commodities, or trees; but a farmer, grazier, common laborer, or workman for hire shall not, nor shall a member of any partnership, association or company which cannot be adjudged insolvent under this Act, be deemed as such, a trader for the purposes of this Act:

Proviso.

As to persons having been traders.

Proviso.

Interpretation:  
County,  
District.

Official Assignee.

Assignee.

Official Gazette.

Court.

All such persons, co-partnerships, or companies, having been traders as aforesaid, and having incurred debts as such, which have not been barred by the Statutes of limitations or prescribed, shall be held to be traders within the meaning of this Act; but no proceedings in liquidation shall be taken against such trader, based upon any debt or debts contracted after he has so ceased to trade.

2. The word "county" shall mean a county or union of counties, and the word "district" shall mean a district, as defined for judicial purposes by the Legislature of the Province wherein the same is situate:

a. "Official Assignee" shall mean the person or persons appointed by the Governor in Council as hereinafter provided, to act as Assignee or Joint Assignee under this Act in any County or District.—"Assignee" shall mean either the Official Assignee or the Assignee appointed by the creditors, as the context may require:

b. "Official Gazette" shall mean the Gazette published under the authority of the Government of the Province where the proceedings in bankruptcy or insolvency are carried on, or used as the official means of communication between the Lieutenant-Governor and the people; and if no such Gazette is published, then it shall mean any newspaper published in the county, district or Province, which shall be designated by the court or judge for publishing the notices required by this Act:

c. The word "Court" shall mean the Superior Court in the Province of Québec, the Court of Queen's Bench in the Province of Manitoba, and the County Courts in the Provinces



vinces of Ontario, New Brunswick, British Columbia and Prince Edward Island, and also in Nova Scotia whenever County Courts shall have been established in that Province,—and until such County Courts are established it shall mean the Court of Probate of that Province :

d. The word "Judge" shall mean a Judge of the said Courts respectively, having jurisdiction in the County or District where proceedings shall be had under this Act, and shall also include a Junior and Deputy Judge when such are appointed : Judge.

e. The word "Debtor" shall mean any person or persons, co-partnership, company or corporation having liabilities, and being subject to the provisions of this Act : Debtor.

f. The word "Insolvent" shall mean a debtor subject to the provisions of this Act unable to meet his engagements, or who shall have made an assignment of his estate for the benefit of his creditors : Insolvent.

g. The words "before Notaries" or "before a Notary," shall mean executed in notarial form, according to the laws of the Province of Quebec : Notary.

h. The word "Creditor" shall mean every person, partnership or company to whom the Insolvent is liable, whether primarily or secondarily, and whether as principal or surety ;—but, in reference to proceedings at meetings in Insolvency, to the right of voting, to the execution of a deed of composition and discharge, the consent to a discharge of an Insolvent, or any other consent or action with regard to the management and disposal of the estate of an Insolvent, the word "Creditor" shall mean a person, co-partnership or company whose unsecured claims, to an amount of one hundred dollars or upwards, have been proved in the manner provided by this Act ; and the proportion of claims in value required to give validity to any such proceeding or action shall be formed of all claims so proved, whether above or under one hundred dollars, and of no others ; and with regard to any deed of composition and discharge, or the consent to a discharge of the Insolvent, no creditor whose claim is not affected by such discharge shall be reckoned as one of the required number of creditors, nor shall his claim be reckoned as forming part of the proportion of claims required to give effect to such composition and discharge. For all the purposes of this Act the required amount of the creditor's claim shall be over and above any set-off or counter-claim of the debtor against such creditor ; and every affidavit of indebtedness made by any creditor shall be construed as made in this sense : As to voting, composition, &c.  
As to creditors not affected by composition &c.



Collocated.

i. The word "collocated" shall mean ranked or placed in the dividend sheet for some dividend or sum of money :

Partnerships  
and com-  
panies.

j. In the case of any partnership or any company, incorporate or not, the word "he," "him," or "his" used in relation to any Insolvent or creditor, shall mean "the partnership" or "the company" or of "the partnership" or "of the company," (as the case may be) unless the context requires another interpretation to give such effect as the purposes of this Act require, to the provision in which the word occurs.

Acts of in-  
solveny.

3. A debtor shall be deemed insolvent—

Acknowledg-  
ing insol-  
veny.

a. If he has called a meeting of his creditors for the purpose of compounding with them, or if he has exhibited a statement shewing his inability to meet his liabilities, or if he has otherwise acknowledged his insolvency ;

Absconding.

b. If he absconds or is immediately about to abscond from any Province in Canada with intent to defraud any creditor, or to defeat or delay the remedy of any creditor, or to avoid being arrested or served with legal process ; or if, being out of any such Province in Canada, he so remains with a like intent ; or if he conceals himself within the limits of Canada with a like intent ;

Secreting  
effects.

c. Or if he secretes or is immediately about to secrete any part of his estate and effects with intent to defraud his creditors, or to defeat or delay their demands or any of them ;

Fraudulently  
assigning.

d. Or if he assigns, removes or disposes of, or is about or attempts to assign, remove or dispose of any of his property with intent to defraud, defeat or delay his creditors or any of them ;

Conniving  
at seizure.

e. Or if with such intent he has procured his money, goods, chattels, lands or property to be seized, levied on or taken under or by any process or execution, having operation where the debtor resides or has property, founded upon a demand in its nature provable under this Act, and for a sum exceeding two hundred dollars, and if such process is in force and not discharged by payment or in any manner provided for by law ;

Being im-  
prisoned.

f. Or if he has been actually imprisoned or upon the gaol limits for more than thirty days, in a civil action founded on contract for the sum of two hundred dollars or upwards, and still is so imprisoned or on the limits ; or if, in case of such imprisonment, he has escaped out of prison, or from custody, or from the limits ;

g. Or if he wilfully neglects or refuses to appear, on any rule or order requiring his appearance, to be examined as to his debts under any Statute or law in that behalf; Making default to appear.

h. Or if he wilfully refuses or neglects to obey or comply with any such rule or order made for payment of his debts or of any part of them; Disobeying rule.

i. Or if he wilfully neglects or refuses to obey or comply with an order or decree of the Court of Chancery or of any of the judges thereof, for payment of money; Or decree, &c.

j. Or if he has made any general conveyance or assignment of his property for the benefit of his creditors, otherwise than in the manner prescribed by this Act; or if, being unable to meet his liabilities in full, he makes any sale or conveyance of the whole or the main part of his stock in trade or of his assets, without the consent of his creditors, or without satisfying their claims Making assignment otherwise than under this Act, &c.

k. Or if he permits any execution issued against him under which any of his chattels, land or property are seized, levied upon or taken in execution, to remain unsatisfied till within four days of the time fixed by the sheriff or officer for the sale thereof, or for fifteen days after such seizure,—subject however, to the privileged claim of the seizing creditor for the costs of such execution, and also to his claim for the costs of the judgment under which such execution has issued, which shall constitute a lien upon the effects seized, or shall not do so, according to the law as it existed previous to the passing of this Act, in the Province in which the execution shall issue. Allowing execution to be unsatisfied. Proviso as to costs.

4. If a debtor ceases to meet his liabilities generally as they become due, any one or more of his creditors for unsecured claims of not less than one hundred dollars each, and amounting in the aggregate to five hundred dollars, may make a demand upon him either personally or at his chief place of business or at his domicile upon some grown up person of his family or in his employ, (Form A.) requiring him to make an assignment of his estate and effects for the benefit of his creditors. When creditors may demand an assignment or Form. Affidavit required. But the said demand shall not be made until the creditor or creditors making the same shall have filed with the clerk or prothonotary of the court, in which the proceedings in liquidation (if any) will be carried on, his or their affidavit verifying his or their debt or debts, and that he or they is not or are not acting in collusion with the debtor, or to procure him any undue advantage against his creditors :

The creditor or creditors making such demand of assignment shall in such demand elect and appoint a domicile or domiciles, Election of domicile by creditors.

domiciles, respectively, within the district or county in which such affidavit is filed, at which service of any answer notice or proceeding may be served on him or them; and the said clerk or prothonotary shall keep the original and give a certified copy to the creditor or creditors; and such copy shall be annexed to the notice served on the debtor.

Judge may  
enlarge demand  
if creditor do  
not appoint to  
\$500, &c.

Or if stoppage  
be only tem-  
porary.

Proviso: as  
to costs.

Judge may  
enlarge time  
for contesta-  
tion or assign-  
ment.

Proviso.

When  
debtor's  
estate to  
become  
subject to  
liquidation.

5. If the debtor, on whom such demand is made, contends that the same was not made in conformity with this Act, or that the claims of such creditor or creditors do not amount to one hundred dollars each or to five hundred dollars in the aggregate, or that they were procured in whole or in part for the purpose of enabling such creditor or creditors to take proceedings under this Act, or that the stoppage of payment by such debtor was only temporary, and that it was not caused by any fraud or fraudulent intent, or by the insufficiency of the assets of such debtor to meet his liabilities, he may, after notice to such creditor or creditors, (but only within five days from such demand,) present a petition to the judge praying that no further proceedings under this Act may be taken upon such demand, and, after hearing the parties and such evidence as may be adduced before him, the judge may grant or reject the prayer of his petition, with or without costs against either party; but if it appears to the judge that such demand has been made without reasonable grounds, and merely as a means of enforcing payment under color of proceeding under this Act, he may condemn the creditor or creditors making it, to pay treble costs.

6. If at the time of such demand the debtor was absent from the Province wherein such service was made, application may be made after due notice to the creditor or creditors, within the said period of five days to the judge on his behalf, for an enlargement of the time for either contesting such demand or for making an assignment; and thereupon, if such debtor has not returned to such Province, the judge may make an order enlarging such period and fixing the delay within which such contestation or assignment shall be made; but such enlargement of time may be refused by the judge if it be made to appear to his satisfaction that the same would be prejudicial to the interest of the creditors.

7. If such petition be rejected, or if, while such petition is pending, the debtor, without the leave of the judge or otherwise than on the terms prescribed by him, continues his trade, or proceeds with the realization of his assets, or if no such petition be presented within the aforesaid time, and the debtor, during the same time, neglects to make an assignment of his estate and effects for the benefit of his creditors,

creditors, as hereinafter provided, his estate shall become subject to liquidation under this Act.

8. No such proceedings as aforesaid shall be taken under this Act to place the estate of an Insolvent in liquidation, unless the same are taken within three months next after the act or omission relied upon as subjecting such estate thereto; nor after a writ of attachment in liquidation has been issued while it remains in force; nor after an assignment has been made under this Act.

Time for commencing proceedings limited.

#### WRITS OF ATTACHMENT, &C.

9. Any creditor, upon his affidavit, or that of his clerk, or other duly authorized agent, that a trader is indebted to him in a sum provable in insolvency of not less than two hundred dollars, over and above the value of any security which he holds for the same, and provided the affidavit or affidavits filed disclose such facts and circumstances as will satisfy the Judge or Prothonotary of the Superior or County Court, in the county, province, or district, as the case may be, in which such trader has his chief or one of his principal places of business, that such trader is insolvent, and that his estate has become subject to liquidation under the provisions of this Act, and that he does not act in the premises in collusion with such trader nor to procure him any undue advantage against his creditors, (Form B) shall be entitled to a writ of attachment (Form C) against the estate and effects of such trader, addressed to the Official Assignee of the county or district in which such writ shall issue, requiring such Official Assignee to seize and attach the estate and effects of such trader, and to summon him to appear before the court or a judge thereof on a day therein mentioned, to answer the premises. Concurrent writs of attachment may be issued when required, addressed to the Official Assignee of other counties or districts in any part of the Dominion other than the county or district in which the same shall be issued. Such writs shall be subject as nearly as can be to the rules of procedure of the court in ordinary suits, as to their issue and return, and as to all proceedings subsequent thereto before any court or judge.

Affidavits by parties demanding Writ.

Writ of Attachment, Form.

Concurrent Writs.

Forms of Proceeding.

10. The service of a writ of attachment issued against a debtor under this Act, may be made upon him as provided for the service of an ordinary writ of summons in the Province where the service is to be made; and if such debtor remains without such Province, or conceals himself within such Province, or has no domicile in any Province of the Dominion, or absconds from his domicile, in every such case service shall be made by such notice or advertisement

Service of Writ, how made.

tisement as the judge, or in the Province of Quebec the judge or prothonotary, may order :

And of  
Concurrent  
Writs.

Concurrent writs of attachment issued against a debtor may be executed without being previously served upon him, except in cases where such debtor has his domicile or a place of business in the county or district in which the same is to be executed, when the writ may be served at such domicile or place of business.

Time for Re-  
turn of Writ  
Notice of  
issue.

**11.** Writs of attachment shall be made returnable forthwith after the execution thereof: and immediately upon the receipt of a writ of attachment issued under this Act, the Official Assignee shall give notice of the issuing thereof by advertisement (Form D).

Duty of As-  
signee execut-  
ing Writ.

**12.** The Official Assignee, by himself or by such deputy (which word shall in this Act include deputies,) as he may appoint, shall, under such writ of attachment, seize and attach all the estate, property and effects of the Insolvent, within the limits of the county or district for which he is appointed, including his books of accounts, moneys, securities for moneys, and all his office or business papers, documents, and vouchers of every kind and description; and shall return with the writ a report under oath stating in general terms his proceedings on such writ.

Assignee may  
break open  
house, &c.

**13.** If the Official Assignee or his deputy, is unable to obtain access to the interior of the house, shop, store, warehouse or other premises of the Insolvent named in the writ, by reason of the same being locked, barred or fastened, such Official Assignee or deputy is hereby authorized forcibly to open the same in the presence of at least one witness, and to attach the property found therein.

#### ASSIGNMENTS AND PROCEEDINGS THEREON.

Assignment,  
when and  
to whom  
it may be  
made, &c.

**14.** A debtor on whom a demand is made by a creditor or creditors who has or have filed the affidavit required, or against whom a writ of attachment has issued, as provided by this Act, may make an assignment of his estate to the Official Assignee appointed for the county or district wherein he has his domicile, or wherein he has his chief place of business, if he does not reside in the county or district wherein he carries on his business; and in case there is no Official Assignee in the county or district where he resides or wherein he carries on his business, then to the Official Assignee for the nearest adjoining county or district; but such assignment or writ of attachment may be set aside or annulled by the court or judge for want of, or for a substantial insufficiency in the affidavit required by section four or by section nine, on summary petition of any creditor to

to the amount of not less than one hundred dollars beyond the amount of any security which he holds—of which petition notice shall have been given to the debtor and to the creditor who made the demand of assignment or who issued the writ of attachment, within eight days from the publication of the notice thereof in the Official Gazette.

15. The assignment mentioned in the next preceding section may be in the form E; and in the Province of Quebec the deed of assignment may be received by a notary in the authentic form. Form of assignment.

16. Whenever an Insolvent shall have made an assignment, and in case no assignment shall have been made, but a writ or concurrent writs of attachment shall have issued as provided for by this Act, such assignment or such writ or writs of attachment, as the case may be, shall vest in the Official Assignee of the county or district wherein the same shall have issued, all right, power, title and interest which the Insolvent has in and to any real or personal property, including his books of account, all vouchers, letters, accounts, titles to property and other papers and documents relating to his business and estate, all moneys and negotiable papers, stocks, bonds and other securities, and generally all assets of any kind or description whatsoever which he may be possessed of or entitled to up to the time of his obtaining a discharge from his liabilities, under the same charges and obligations as he was liable to with regard to the same; and the Assignee shall hold the same in trust for the benefit of the Insolvent and his creditors and subject to the orders of the court or judge; and he may upon such order and before any meeting of the creditors, institute any conservatory process or any proceeding that may be necessary for the protection of the estate; he may also, upon such order, sell and dispose of any part of the estate and effects of the Insolvent which may be of a perishable nature: such assignment or writ or writs of attachment shall not however, vest in the Assignee such real and personal property as are exempt from seizure and sale under execution, by virtue of the several Statutes in that case made and provided in the several Provinces of the Dominion respectively, nor the property which the Insolvent may hold as trustee for others. Property and powers of Insolvent vested in Official Assignee to whom assignment is made and first Writ issued. Conservatory proceedings. Certain property excepted from seizure.

17. The Insolvent shall, within ten days of the date of the assignment, or from the date of the service of the writ of attachment, or (if the same be contested,) within ten days from the date of the judgment rejecting the petition to have it quashed, furnish the Assignee with a correct statement (Form F) of all his liabilities direct or indirect, contingent or otherwise, indicating the nature and amount thereof, together with the names, additions and residences of his creditors and the securities held by them, in so far as may be known Insolvent to furnish statement of his liabilities, assets, &c.



What it must show.

known to him. The Insolvent shall also furnish within the same delay a statement of all the property and assets vested in the Assignee by the deed of assignment or by the writ or writs of attachment issued against him, and such statement shall in all cases include a full, clear, and specific account of the causes to which he attributes his insolvency, and the deficiency of his assets to meet his liabilities. The Insolvent may at any time correct or supplement the statements so made by him of his liabilities and of his property and assets.

Petition by Insolvent to set aside attachment.

18. The Insolvent may present a petition to the judge at any time within five days from the service of the writ of attachment; and may thereby pray for the setting aside of the attachment made under such writ, on the ground that the party at whose suit the writ was issued has no claim against him, or that his claim does not amount to two hundred dollars beyond the value of any security which he holds, or is not provable in insolvency, or that his estate has not become subject to liquidation; or if the writ of attachment has issued against a debtor by reason of his neglect to satisfy a writ of execution against him as hereinbefore provided, then on any of the above grounds or on the ground that such neglect was caused by a temporary embarrassment, and that it was not caused by any fraud or fraudulent intent, or by the insufficiency of the assets of such debtor to meet his liabilities: and such petition shall be heard and determined by the judge in a summary manner, and conformably to the evidence adduced before him thereon; and the judgment, subject to appeal as hereinafter provided, shall be final and conclusive.

Hearing in such case.

Registration of Assignment and transfer.

19. A copy of the deed of assignment, or a copy of the writ of attachment (as the case may be), certified by the Assignee or the clerk of the court, shall forthwith be registered in the registry office of the county wherein the Insolvent resides, and also in every county or registration district wherein he may have any real estate; in the Province of Quebec such deed of assignment or writ of attachment shall be accompanied by a description of the real estate belonging to the Insolvent, and shall be registered in the county or registration district wherein the same is situate, with a notice that the same has, by such assignment or writ of attachment, been transferred to the Assignee.

First Meeting of creditors, how called;

20. Immediately after the assignment shall have been made, or (in the case of an attachment), immediately after the delay within which the attachment can be contested, or immediately after the contestation has been rejected, or (with the consent of the Insolvent) immediately after the writ shall have been returned, the Official Assignee shall forthwith call a meeting of the creditors of the Insolvent,—to be held at the



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the place and on the day and hour to be mentioned, notice of which meeting, in the Form G, shall be published at least twice in the Official Gazette, the first publication of which notice shall be at least three weeks before the day fixed for such meeting.

**21.** The Assignee shall also forward by mail, at least ten days before the meeting takes place, a notice in writing to every creditor mentioned in the original or any corrected or supplementary list or statement furnished by the Insolvent, or who may be known to him to be a creditor, and give such other notice as the circumstances of the case may require: but in case the Assignee is unable to obtain such list, then ten days notice shall be given by advertisement in one local or the nearest published newspaper.

Notice to each creditor by mail.

Proviso.

#### EXAMINATION OF INSOLVENTS.

**22.** The creditors, at their first meeting held at the time and place fixed for that purpose, may appoint one of themselves as chairman of the meeting; and at all subsequent meetings the Assignee shall be chairman.

Who shall preside at meetings.

**23.** The Insolvent shall be bound to attend at the first meeting of his creditors, and after making such corrections as he may deem proper to his statements of liabilities and assets, shall attest the same under oath; he may also be examined under oath before the Assignee, by or on behalf of any creditor touching his affairs, and more especially as to the causes of his insolvency and the deficiency of his assets to meet his liabilities.

Insolvent to attend and be examined as to cause of failure especially.

**24.** The Insolvent shall sign his examination or declare the reasons why he refuses to sign, and the examination shall be attested by the Assignee.

Attestation, &c., of examination.

**25.** The Insolvent shall, at all times until he shall have obtained a confirmation of his discharge, be subject to the order of the court or judge, and to such other examination as the judge, the Assignee, the Inspectors hereinafter mentioned, or the creditors may require; and he shall, at the expense of the estate, execute all proper writings and instruments, and perform all acts required by the court or judge touching his estate: and in case the Insolvent refuses to be sworn or to answer such questions as may be put to him, or to sign his answers or the writings or instruments, or refuses to perform any of the acts lawfully required of him, such Insolvent may be committed and punished by the court or judge as for a contempt of court.

Refusal to answer, &c. to be contempt of Court.

**26.** The court or judge may also, on the application of the Assignee, of the Inspectors, or of any creditor, order any Examination of wife or husband of other Insolvent.

other person, including the husband or wife of the Insolvent, to appear before the court or judge or the Assignee, to answer any question which may be put to him or her touching the affairs of the Insolvent and his conduct in the management of his estate; and in case of refusal to appear and to answer the questions submitted, such person may be committed and punished by the court or judge as for a contempt of court.

#### ASSIGNEES AND INSPECTORS.

Appointment  
of Official  
Assignee.

Ontario.  
Quebec.

District, what  
to be.

**27.** The Governor in Council may appoint in the several Provinces of Canada, except the Province of Quebec, one or more persons to be Official Assignee or Assignees or Joint Official Assignee in and for every county; and in the Province of Quebec, such appointment of an Official Assignee, or Official Assignees, or Joint Official Assignee, shall be made in and for each judicial district in the Province,—except that in each of the Judicial Districts of Quebec, Montreal, and St. Francis respectively, such appointment may be made either for the whole district or for one or more electoral districts in the same; and the word “district” shall mean either a judicial or an electoral district as the context may require.

Security  
given by  
Official  
Assignee.

Recovery  
under bond.

**28.** Each person so appointed Assignee or Joint Assignee shall hold office during pleasure, and before acting as such shall give security for the due fulfilment and discharge of his duties in a sum of two thousand dollars, if the population of the county or district for which he is appointed does not exceed one hundred thousand inhabitants, and in the sum of six thousand dollars if the population exceeds one hundred thousand,—such security to be given to Her Majesty for Her benefit and for the benefit of the creditors of any estate which may come into his possession under this Act; and in case any such Assignee fails to pay over the moneys received by him or to account for the estate, or any part thereof, the amount for which such Assignee may be in default may be recovered from his sureties by Her Majesty or by the creditors or subsequent Assignee entitled to the same, by adopting, in the several Provinces, such proceedings as are required to recover from the sureties of a sheriff or other public officer:

Additional  
security.

*a.* The Official Assignee may also be required to give in any case of Insolvency such further security as, on petition of a creditor, the court or judge may order,—such additional security being for the special benefit of the creditors of the estate for which the same shall have been given:

Responsi-  
bility, &c.,  
of Official  
Assignee.

*b.* The Official Assignee shall be an officer of the court having jurisdiction in the county or district for which he is appointed:

appointed: he shall as such be subject to its summary jurisdiction and to the summary jurisdiction of a judge thereof, and be accountable for the moneys, property and estates coming into his possession as such Assignee, in the same manner as sheriffs and other officers of the court are.

**29.** The creditors at their first meeting or at any subsequent meeting called for that purpose, may appoint an Assignee who shall give security to Her Majesty in manner, form and effect, as provided in the next preceding section, for the due performance of his duties to such an amount as may be fixed by the creditors at such meeting. In default of such appointment, the Official Assignee shall remain the Assignee of the estate, and shall have and exercise all the powers vested by this Act in the Assignee. The creditors may also at any meeting called for that purpose, remove any Assignee and appoint another in his stead. A certified copy of any resolution of the creditors appointing an Assignee shall be transmitted in every case to the clerk of the court wherein the proceedings are pending to remain of record in his office.

Appointment of, and security given by Assignee not Official.

No creditor shall vote at any meeting unless present personally or represented by some person having a written authority, to be filed with the Assignee, to act at any or all such meetings on his behalf, and no more than one person shall vote as a creditor on any claim for the same debt; persons purchasing claims against an estate after insolvency, shall not be entitled to vote in respect of such claims, but shall, in all other respects, have the same rights as other creditors; and no claim, after being proved, shall be divided and transferred to another person or party to increase the number of votes at any meeting: each claim shall continue to have one vote only in number.

What creditors only shall vote at meetings.

Claims not to be divided for voting

**30.** As soon as the security required from the Assignee appointed by the creditors shall have been furnished by him, it shall be the duty of the Official Assignee to account to him for all the estate and property of the Insolvent which has come into his possession, and to pay over and deliver to him all such estate and property, including all sums of money, books, bills, notes and documents whatsoever belonging to the estate, and to execute in his favor a deed of assignment in the Form H.

Transfer of estate by Official Assignee.

**31.** Every Assignee on his becoming such shall give notice of his appointment as such by advertisement in the Form I, and by a copy thereof sent to each creditor by post and post-paid.

Notice of appointment.

**32.** No Assignee shall act as the attorney or agent of any creditor in reference to any claim or demand of such creditor.

Assignee not to act as agent of a creditor.

such creditor on an insolvent estate of which he is the Assignee.

Exception.

**33.** An Assignee may, however, on being authorized by the judge, act as the attorney or agent of a creditor when the action to be taken is in the interest of the estate or of the creditors generally.

Place for meetings.

**34.** The creditors may, from time to time, at any meeting, determine where subsequent meetings shall be held; and until they shall have passed a resolution to that effect all meetings of the creditors shall be held at the office of the Assignee, unless otherwise ordered by the judge.

Inspectors, their appointment, &c., by creditors.

**35.** The creditors at any meeting may appoint one or more Inspectors, who shall superintend and direct the proceedings of the Assignee in the management and winding up of the estate; and they may also, at any subsequent meeting held for that purpose, revoke the appointment of any or all the said Inspectors; and upon such revocation, or in case of death, resignation or absence from the Province of such Inspectors, may appoint others in their stead; and such Inspectors may be paid such remuneration as the creditors may determine; and whenever anything is allowed or directed to be done by the Inspectors, it may or shall be done by the sole Inspector, if only one has been appointed. But no Assignee as Inspector of any insolvent estate shall purchase directly or indirectly any part of the stock in trade, debts or assets of any description, of such insolvent estate.

Remuneration of Inspectors; they and Assignee not to purchase Insolvent's property.

Disposal of estate of Insolvent.

**36.** The creditors may, at any meeting, pass any resolution or order directing the Assignee how to dispose of the estate, real or personal, of the Insolvent; and, in default of their doing so, the Assignee shall be subject to the directions, orders and instructions he may, from time to time, receive from the Inspectors, with regard to the mode, terms and conditions on which he may dispose of the whole or any part of the estate.

Objections to proposed mode of disposal of estate.

**37.** Any one or more creditors whose claims in the aggregate exceed five hundred dollars, who may be dissatisfied with the resolutions adopted or orders made by the creditors or the Inspectors, or with any action of the Assignee for the disposal of the estate or any part thereof, or for postponing the disposal of the same, or with reference to any matter connected with the management or winding up of the estate, may, within twenty-four hours thereafter, give to the Assignee notice that he or they will apply to the court or judge, on the day and at the hour fixed in such notice and not being later than forty-eight hours after such notice shall have been given,

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or as soon thereafter as the parties may be heard before such court or judge, to rescind such resolutions or orders. And it shall be lawful for the court or judge, after hearing the Inspectors, the Assignee and creditors present at the time and place so fixed, to approve, rescind or modify the said resolutions or orders. In case of the application being refused the party applying shall pay all costs occasioned thereby,—otherwise the costs and the expenses shall be at the discretion of the judge.

Hearing by  
Court or  
Judge.

38. The Assignee, shall exercise all the rights and powers of the Insolvent in reference to his property and estate: and he shall wind up the estate of the Insolvent, by the sale in the ordinary mode in which such sales are made, of all bank or other stocks, and of all movable property belonging to him, by the collection of all debts or by the sale of the estate of the Insolvent, or any part thereof, if such be found more advantageous, at such price and on such terms as to the payment thereof as may seem most advantageous:

Powers of  
Insolvent  
vested in As-  
signee.

Provided that no sale of the estate *en bloc* shall be made without the previous sanction of the creditors given at a meeting called for that purpose; and provided also that no such sale shall affect, diminish, impair or postpone the payment of any mortgage or privileged claim on the estate or property of the Insolvent, or on any portion thereof.

Proviso as to  
sale of entire  
estate.

39. The Assignee, in his own name as such, shall have the exclusive right to sue for the recovery of all debts due to or claimed by the Insolvent of every kind and nature whatsoever; for rescinding agreements, deeds and instruments made in fraud of creditors, and for the recovery back of moneys alleged to have been paid in fraud of creditors, and to take, both in the prosecution and defence of all suits, all the proceedings that the Insolvent might have taken for the benefit of the estate, or that any creditor might have taken for the benefit of the creditors generally; and may intervene and represent the Insolvent in all suits or proceedings by or against him, which are pending at the time of his appointment; and on his application may have his name inserted therein in the place of that of the Insolvent: and if, after an assignment has been made or a writ of attachment has issued under this Act, and before he has obtained his discharge under this Act, the Insolvent sues out any writ or institutes or continues any proceeding of any kind or nature whatsoever, he shall give to the opposite party such security for costs as shall be ordered by the court before which such suit or proceeding is pending, before such party shall be bound to appear or plead to the same or take any further proceeding therein.

Assignee to  
sue for debts  
due Insol-  
vent, &c.

If Insolvent  
sues for the  
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assignment or  
attachment.

40. If a partner in an unincorporated trading company or copartnership, becomes insolvent within the meaning of this Act, Partnership dissolved by Insolvency of this a partner.

this Act, and an Assignee is appointed to the estate of such Insolvent, such partnership shall thereby be held to be dissolved; and the Assignee shall have all the rights of action and remedies against the other partners in such company or copartnership, which the said insolvent partner could have or exercise by law or in equity against his copartners after the dissolution of the firm, and may avail himself of such rights of action and remedies, as if such copartnership or company had expired by efflux of time.

Register to be kept by Official Assignee.

**41.** Every Official Assignee, or Assignee appointed by the creditors, shall, in every case in which he acts as such, keep a register showing the name of each Insolvent who has made an assignment, or against whom a writ of attachment has issued, his residence, place of business, and the nature of his trade or business, the date of the assignment, or of the issue of the writ of attachment, the amount of liabilities acknowledged by the Insolvent in his schedule of liabilities, the amount of claims proved, the amount of composition, or of dividends paid,—and whether a discharge has been granted within one year or not,—the amount of dividends remaining unpaid after three months from the declaration of the last dividend, with such other information as the Assignee may deem of general interest with reference to each estate,—which register shall be open to the inspection of the public, within office hours, at the office of such Assignee; and the Official Assignee, or the Assignee, as soon as he takes charge of any estate, shall open a separate book for each such estate, showing a debtor and creditor account of all his receipts and disbursements on account thereof:

Assignee to open separate account with each estate.

Deposit of register by non-official Assignee.

And every Assignee, other than an Official Assignee, shall within one month after he shall have wound up the estate of any Insolvent, and obtained his discharge, deposit the register kept by him as aforesaid, with reference to such estate, in the office of the Official Assignee of the county or district, where it shall remain for the like purposes, and under the same provisions as the register kept by the Official Assignee.

#### ASSIGNEES' ACCOUNTS, COMMISSION, &c.

Assignees under this or any former Act must obtain discharge, and pay over balances to Receiver-General with sworn account.

**42.** Every Assignee, under this Act shall, within thirty days after obtaining his discharge, and every Assignee under any Act hereby repealed shall, within thirty days after obtaining his discharge or the closing of his accounts as such, or within thirty days after the coming into force of this Act (if he has obtained his discharge or closed his accounts before its coming into force) pay over to the Receiver General all moneys belonging to the estate then in his hands, not required for any purpose authorized by this Act or any Act hereby repealed, as the case may be, with a sworn statement and account



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account of such moneys, and that they are all he has in his hands, under a penalty of not exceeding ten dollars for each day on which he shall neglect or delay such payment; and he shall be a debtor to Her Majesty for such moneys and may be compelled, as such, to account for and pay over the same.

**43.** The Assignee shall be entitled to a commission on the net proceeds of the estate of the insolvent of every kind, of five per cent. on the amount realized not exceeding one thousand dollars, the further sum of two and a half per cent. on the amount realized in excess of one thousand dollars and not exceeding five thousand dollars, and a further sum of one and a quarter per cent. on the amount realized in excess of five thousand dollars, —which said commission shall be in lieu of all fees and charges for all his services and disbursements in relation to the estate, exclusive of actual expenses in going to seize and sell, and of disbursements necessarily made in the care and removal of property :

Assignee to be paid only by commission on amount realized.

And actual necessary disbursements.

No Assignee shall employ any counsel or attorney at law without the consent of the Inspectors, or of the creditors; but expenses incurred by employing such counsel or attorney with such consent, shall be paid out of the estate, if not recovered from any party liable therefor :

As to employing counsel, &c.

The remuneration of the Official Assignee, when he is superseded by an Assignee appointed by the creditors, shall be fixed by the court or judge and taxed by the proper officer, and shall be the first charge on the estate.

Remuneration of superseded Assignee.

**44.** The Assignee shall call meetings of creditors, whenever required in writing so to do by the Inspectors, or by five creditors, or by the judge; and he shall state succinctly in the notice calling any meeting the purpose thereof.

Assignee to call meetings on requisition.

**45.** The Assignee shall deposit at interest in some chartered bank, to be indicated by the Inspectors or by the judge, all sums of money which he may have in his hands belonging to the estate, whenever such sums amount to one hundred dollars: such deposit shall not be made in the name of the Assignee generally, on pain of dismissal, but a separate deposit account shall be kept for each estate of the moneys belonging to such estate, in the name of the Assignee and of the Inspectors (if any,) and such moneys shall be withdrawn only on the joint cheque of the Assignee and of one of the Inspectors, if there be any :

Deposit and withdrawal of moneys of estate in bank.

The interest accruing on such deposits shall appertain to the estate, and shall be distributed in the same manner and subject

Interest on deposits.



subject to the same rights and privileges as the capital from which such interest accrued.

Penalty for non-distribution of such interest.

If in any account or dividend sheet made subsequent to any deposit in a bank, the Assignee omits to account for or divide the interest then accrued thereon, he shall forfeit and pay to the estate to which such interest appertains, a sum equal to three times the amount of such interest; and he may be constrained so to do by the judge, upon summary petition and by imprisonment as for a contempt of court.

Assignee to produce bank book at meetings, &c.

At every meeting of creditors, the Assignee shall produce a bank pass book showing the amount of deposits made for the estate, the dates at which such deposits shall have been made, the amounts withdrawn and dates of such withdrawal,—of which production mention shall be made in the minutes of such meeting,—and the absence of such mention shall be *prima facie* evidence that it was not produced thereat: the Assignee shall also produce such pass book whenever so ordered by the judge at the request of the Inspectors or of a creditor, and on his refusal to do so he shall be treated as being in contempt of court.

Punishment for false entry in such pass-book.

The Assignee who shall make or cause to be made any false entry in such pass book, with a view to deceive the Inspectors, creditors or judge, shall be guilty of a misdemeanor, and shall be liable, at the discretion of the court, before which he shall be convicted, to punishment by imprisonment for a term not exceeding three years, or to any greater punishment attached to the offence by any Statute.

Estate in whom vested on death of Assignee.

**46.** Upon the death of an Assignee or Official Assignee, or upon his removal from office, or upon his discharge, the estate shall remain under the control of the judge until the appointment of another Assignee or Official Assignee as the case may be, when the estate shall become vested in such other Assignee or Official Assignee.

Final account and discharge of Assignee.

**47.** After the declaration of a final dividend, or if after using due diligence the Assignee has been unable to realize any assets to be divided, the Assignee shall prepare his final account, and present a petition to the judge for his discharge, after giving notice of such petition to the Insolvent, and also to the Inspectors, if any have been appointed, or to the creditors by circular, if no Inspectors have been appointed; and he shall produce and file with such petition a bank certificate of the deposit of any dividends remaining unclaimed, and of any balance in his hands; and a statement showing the nominal and estimated value of the assets of the Insolvent, the amount of claims proved, dividing them into ordinary, privileged or secured and hypothecary claims, the amount of dividends or of com-

Obligation of Assignee.

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*Insolvency.*

Chap. 16

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position paid to the creditors of the estate, and the entire expense of winding up the same. And the judge, after causing the account to be audited by the Inspectors, or by some creditor or creditors named by him for the purpose, and after hearing the parties, may grant conditionally or unconditionally, the prayer of such petition, or may refuse it. Power of Judge.

48. Any Assignee who neglects to present such a petition within six months after the declaration of a final dividend, or within three months after he shall have been required by the Inspectors or by any creditor of the estate, after it shall have been ascertained that there are no assets wherewith to declare a dividend, shall incur a penalty not exceeding one hundred dollars. Penalty in case of neglect to present such petition.

(2.) The provisions of the next preceding section shall apply to all persons who have acted or are acting as Assignees under "The Insolvent Act of 1869," or in either of the Provinces of Quebec or Ontario under the Act formerly in force therein called and known as "The Insolvent Act of 1864," or any Act or Acts amending or continuing the same or either of them; and any such person, who neglects to present such a petition as therein mentioned within the following delays respectively, shall incur a penalty of one hundred dollars, that is to say:— Provisions of sec. 47 to apply to Assignees under former Acts.

(a.) In case a final dividend has been declared before the coming into force of this Act, or in case the Assignee has been unable to realize any assets to be divided, then within three months after this Act has come into force:

(b.) In case a final dividend is declared after the coming into force of this Act, then within six months after the declaration of such final dividend.

## COMPOSITION AND DISCHARGE.

49. If at the first meeting of the creditors or at any time thereafter the Insolvent files with the Assignee a consent in writing to his discharge, or a deed of composition and discharge, signed by at least a majority in number of the creditors who have then respectively proved claims of one hundred dollars and upwards, or if at such first or at any subsequent meeting an offer in writing be made by the Insolvent to compound with his creditors, specifying the terms and conditions of the proposed composition, and such offer be approved of by a majority in number of such creditors present at such meeting, the Assignee shall call another meeting of the creditors to take such consent or such deed or offer of composition and discharge into consideration; and in every case such deed of composition or offer of composition Meeting to consider composition and discharge, how and when called.

tion shall be on condition, whether the same be expressed or not, that if the same be carried out, the Insolvent shall pay the costs incurred in Insolvency, including those for the confirmation of such composition.

Notice of meeting.

**50.** Such meeting shall be called by at least one advertisement published in the Official Gazette stating the time, place, and object of the meeting, and also by a letter or card postpaid addressed by mail, at least ten days before the meeting, to each of the creditors mentioned in the list of creditors furnished by the Insolvent, and to all other creditors who may have proved their claims, although not mentioned in the said list, indicating in substance, in addition to the time, place and object of the meeting, the terms and conditions of the proposed composition and discharge; and such meeting shall not take place less than fifteen days after the first publication of the said advertisement.

Discharge may be approved or not.

**51.** The creditors present at the meeting to take into consideration the proposed discharge, or composition and discharge, may by resolution to that effect express their approval thereof or dissent therefrom; and any creditor may at any time before or during the said meeting, file with the Assignee his objections in writing to the proposed discharge or composition and discharge.

Proceedings when consent is obtained.

**52.** If at the close of the meeting or at any time thereafter the Insolvent has obtained the assent to his discharge or to the proposed composition and discharge, of a majority in number of his creditors who have proved claims to the amount of one hundred dollars and upwards, and who represent at least three-fourths in value of all the claims of one hundred dollars and upwards which have been proved, the Assignee shall annex to the deed or consent to a discharge, or to the deed or offer of composition and discharge a certificate to that effect, in which he shall state the total number and total amount of claims of one hundred dollars and upwards which have been proved, the number of creditors who have given their written assent to the discharge or to the proposed composition and discharge of the Insolvent, and the amount of proved claims of one hundred dollars and upwards which they represent. The Assignee shall further annex to such certificate a copy of any resolution adopted at the meetings of creditors in reference to the discharge, or to the proposed composition and discharge, and all the objections which may have been filed with him to such discharge or composition and discharge, together with a certificate as to the amount of claims of the creditors who shall have agreed to or opposed such resolution, or who may have filed objections in writing to such discharge or proposed composition and discharge, indicating the amount of such claims of one hundred dollars and upwards which have been

Certificate and what it shall contain.

Further certificate.

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been proved, and whether from their nature they will be affected by the proposed discharge or composition and discharge.

The Assignee shall further state in such certificate the Probable ratio of dividend actually declared and likely to be realized out of the estate for the unsecured creditors, and shall, without delay, transmit such certificate to the clerk or prothonotary of the court in the county or district wherein the proceedings are carried on.

**53.** An Insolvent who has procured a consent to his discharge, or the execution of a deed of composition and discharge, and the certificate of the Assignee, within the meaning of this Act, may file in the office of the court the consent or deed of composition and discharge, with such certificate annexed, and may then give notice (Form J) of Notice. the same being so filed and of his intention to apply by petition, to the court in the Provinces of Quebec and Nova Scotia, or in the Provinces of Ontario, New Brunswick, Prince Edward Island, British Columbia and Manitoba, (and in Nova Scotia, when County Judges are appointed there) to the judge, on a day named in such notice (which, however, shall not be before the day on which a dividend may be declared under this Act), for a confirmation of the discharge effected thereby; and such notice shall be given by one advertisement in the Official Gazette and also by letter or card postpaid, addressed to each of the creditors by mail at least one month before presenting the petition to the court or judge; and upon such application, any creditor of the Insolvent, or the Assignee under the authority of the creditors, may appear and oppose such confirmation.

**54.** If it appears that all the notices and formalities required by law, have been given and observed, and that no objections have been made to the proposed discharge or composition and discharge, the court or judge may, without further notice and on the petition of the Insolvent, confirm his discharge or the proposed composition and discharge; but in case it appears that objections have been made to such discharge or composition and discharge, the application of the Insolvent shall not be heard until at least three days' notice shall have been given of the same by the Insolvent to the Assignee, the Inspectors and to the creditors who shall have objected to the said discharge, or proposed composition and discharge.

**55.** The court or judge shall not confirm the discharge or proposed composition and discharge of the Insolvent, unless he shall have produced with his application an affidavit in the Form K, showing that no one of the creditors

who have signed the same, has been induced to do so by any preferential payment, promise of payment or advantage whatsoever made, secured or promised to him by or on behalf of the Insolvent, and a certificate from the Assignee that he has delivered a sworn statement of his liabilities and assets as required by this Act.

When Insolvent shall not be entitled to confirmation of discharge.

Proper books must have been kept.

Proviso as to certain Provinces.

Proviso as to fraud and fraudulent preferences.

**56.** The Insolvent shall not be entitled to a confirmation of his discharge or of a deed of composition and discharge if it appears to the court or judge that he has not obtained the assent of the proportion of his creditors in number and value required by this Act to grant such discharge or enter into such deed of composition and discharge, or that he has been guilty of any fraud or fraudulent preference within the meaning of this Act, or of fraud or evil practice in procuring the consent of the creditors to the discharge, or their execution of the deed of composition and discharge, as the case may be, or of fraudulent retention and concealment of some portion of his estate or effects, or of evasion, prevarication or false swearing upon examination as to his estate and effects; or that the Insolvent has not kept an account book shewing his receipts and disbursements of cash, and such other books of account as are suitable for his trade, or that if, having at any time kept such book or books, he has refused to produce or deliver them to the Assignee, or is wilfully in default to obey any provision of this Act or any order of the court or judge; but in the Provinces of Ontario and Quebec, the omission to keep such books before the coming into force of the Insolvent Act of 1864, and in the Provinces of New Brunswick and Nova Scotia, such omission previous to the coming into force of the Insolvent Act of 1869, and in the Provinces of British Columbia, Prince Edward Island or Manitoba, such omission previous to the coming into force of this Act, shall not be a sufficient ground for refusing the confirmation of the discharge of an Insolvent:

And provided further that any act on the part of the Insolvent, which might be held to be an act of fraud or fraudulent preference within the meaning of the Insolvent Act of 1864 or of 1869, or of this Act, but which would not amount to fraud if the said Acts or this Act had not been passed, shall not be a ground for refusing the confirmation of the discharge of any Insolvent, if such act was done by the Insolvent, in the Province of Ontario or Quebec, before the coming into force of the Insolvent Act of 1864, or in the Province of Nova Scotia or New Brunswick before the coming into force of the Insolvent Act of 1869, or in the Province of British Columbia, Prince Edward Island or Manitoba, before the coming into force of this Act.

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57. The court or judge, as the case may be, upon hear-  
ing the application for confirmation of such discharge, the  
objections thereto, and any evidence adduced, shall have  
power to make an order either confirming the discharge or  
annulling the same according to the effect of the evidence  
so adduced.—But if such evidence should be insufficient to  
sustain any of the grounds hereinbefore detailed as forming  
valid grounds for contesting such confirmation, but should  
nevertheless establish that the Insolvent has been guilty of  
misconduct in the management of his business, by extrava-  
gance in his expenses, recklessness in endorsing or becom-  
ing surety for others, continuing his trade unduly after he  
believed himself to be insolvent, incurring debts without a  
reasonable expectation of paying them (of which reasonable  
expectation the proof shall lie on him, if such debt was con-  
tracted within thirty days of the demand made of an assign-  
ment or for the issue of a writ of attachment), or negli-  
gence in keeping his books and accounts; or if such facts  
be alleged by any contestation praying for the suspension  
of the discharge of the Insolvent, or for its classification as  
second class, the court or judge may thereupon order the  
suspension of the operation of the discharge of the Insol-  
vent for a period not exceeding five years, or may declare  
the discharge to be of the second class, or both, according  
to the discretion of the court or judge.

Powers of  
Court or  
Judge.

In certain  
cases charac-  
ter of dis-  
charge may  
be modified.

May be sus-  
pended or  
made second-  
class.

58. Whenever it appears that the estate of the Insolvent  
has not paid or is not likely to realize for the creditors a di-  
vidend of thirty-three cents in the dollar on the unsecured  
claims, and sufficient account is not given for the deficiency,  
the court or judge may, in its or his discretion, suspend or  
refuse altogether the discharge of the Insolvent.

If dividend is  
less than 33  
per cent. dis-  
charge may  
be refused or  
suspended.

59. A deed of composition and discharge may be made  
under this Act either in consideration of a composition pay-  
able in cash, or on terms of credit, or partially for cash and  
partially on credit; and the payment of such composition may  
be secured or not according to the pleasure of the creditors  
signing it; and the discharge therein contained may be  
absolute, or may be conditional upon the condition of the  
composition being satisfied; but if such discharge be  
conditional upon the composition being paid, and the deed  
of composition and discharge therein contained should cease  
to have effect, the Assignee shall immediately resume pos-  
session of the estate and effects of the Insolvent in  
the state and condition in which they shall then be; pro-  
vided always, that the title of any *bonâ fide* purchaser of  
any of the assets of the estate shall not be impaired or affected  
by this section: but the creditors holding claims which  
were provable before the execution of such deed, shall  
not rank, vote or be computed as creditors concurrently  
with those who have acquired claims subsequent to the  
execution

Deed of Com-  
position may  
be condi-  
tional.

If condition  
be not ful-  
filled.

Rank of cre-  
ditors there-  
after.



execution thereof, for any greater sum than the balance of composition remaining unpaid: but after such subsequent creditors have received dividends to the amount of their claims, then such original creditors shall have the right to rank for the entire balance of their original claims then remaining unpaid, and shall be held for all purposes for which the proportion of creditors in value require to be ascertained, to be creditors for the full amount of such last mentioned balance.

Deed of reconveyance by Assignee to Insolvent.

Its effect.

If deed of composition be contested.

Form of deed.

Effect of confirmation of discharge; what claims affected.

**60.** So soon as a deed of composition and discharge shall have been executed as aforesaid, it shall be the duty of the Assignee to re-convey the estate to the Insolvent; and the re-conveyance by the Assignee to the Insolvent or to any person for him, or whom he may appoint, of any part of his estate or effects, whether real or personal, if made in conformity with the terms of a valid deed of composition and discharge, shall have the same effect (except as the same may be otherwise agreed by the conditions of such deed or re-conveyance) as if such property had been sold by the Assignee in the ordinary course, and after all the preliminary proceedings, notices and formalities herein required for such sale; and if such deed of composition and discharge be contested, and pending such contestation, the judge may suspend any payment or instalment of the composition falling due under the terms of such deed; and the deed of re-conveyance need not contain any further or more special description of the effects and property re-conveyed, than is required to be inserted in the deed of assignment, and may be enregistered in like manner and with like effect; and such deed may be executed before witnesses or before notaries, according to the exigency of the law of the place where such deed of composition and discharge is to be executed.

**61.** The confirmation of the discharge of a debtor in the manner herein provided shall absolutely free and discharge him, after an assignment, or after his estate has been put in compulsory liquidation, by the issue of a writ of attachment, from all liabilities whatsoever (except such as are hereinafter specially excepted) existing against him and provable against his estate, whether the same be secured in part or in whole by any mortgage, hypothec, lien or collateral security of any kind or not, which are mentioned or set forth in the statement of his affairs exhibited at the first meeting of his creditors, or which are shewn by any supplementary list of creditors furnished by the Insolvent, previous to such discharge and in time to admit of the creditors therein mentioned obtaining the same dividend as other creditors upon his estate, or which appear by any claim subsequently furnished to the Assignee; whether such debts be exigible or not at the time of



of his insolvency, or be contested in whole or in part, or be dependent on certain conditions or future contingency, and whether the liability for them be direct or indirect; and if the holder of any negotiable paper is unknown to the Insolvent, the insertion of the particulars of such paper in such statement of affairs or supplementary list, with the declaration that the holder thereof is unknown to him, shall bring the debt represented by such paper, and the holder thereof, within the operation of this section.

Holders of negotiable paper unknown to Insolvent.

**62.** A discharge under this Act, whether consented to by any creditor or not, shall not operate any change in the liability of any person secondarily liable to such creditor for the debts of the Insolvent, either as drawer or endorser of negotiable paper, or as guarantor, surety or otherwise, nor of any partner or other person liable jointly or severally with the Insolvent to such creditor for any debt; nor shall it affect any mortgage, hypothec, lien or collateral security held by any creditor as security for any debt thereby discharged, without the consent of such creditor.

Discharge not to affect secondary liabilities.

**63.** A discharge under this Act shall not apply without the express consent of the creditor, to any debt for enforcing the payment of which the imprisonment of the debtor is permitted by this Act, nor to any debt due as damages for assault or wilful injury to the person, seduction, libel, slander or malicious arrest, nor for the maintenance of a parent, wife or child, or as a penalty for any offence of which the Insolvent has been convicted; nor shall any such discharge apply without such consent to any debt due as a balance of account due by the Insolvent as Assignee, tutor, curator, trustee, executor or administrator under a will, or under any order of court, or as a public officer; nor shall debts to which a discharge under this Act does not apply, nor any privileged debts, nor the creditors thereof, be computed in ascertaining whether a sufficient proportion of the creditors of the Insolvent have voted upon, done, or consented to any act, matter or thing under this Act; but the creditor of any such debt may claim and accept a dividend thereon from the estate without being by reason thereof in any respect affected by any discharge obtained by the Insolvent.

Discharge under this Act not to apply to certain debts or liabilities.

But creditor may accept a dividend.

**64.** If, after the expiration of one year from the date of an assignment made under this Act, or from the date of the issue of a writ of attachment thereunder, as the case may be, the Insolvent has not obtained from the required proportion of his creditors a consent to his discharge, or the execution of a deed of composition and discharge, he may apply by petition to the court or judge, to grant him his discharge, first giving notice of such application, (Form L,) for one month in the Official Gazette, and also

Application to Court or Judge for discharge, if not obtained from creditors. Form.

by

by letter or card postpaid, addressed, ten days before such application, by mail to each of his creditors whose claims amount to one hundred dollars or more, and may be affected by a discharge under this Act.

Proceedings  
on such appli-  
cation; and  
powers of the  
Court or  
Judge.

**65.** Upon such application, any creditor of the Insolvent, or the Assignee by authority of the creditors or of the Inspectors, may appear and oppose the granting of such discharge upon any ground upon which the confirmation of a discharge may be opposed under this Act, or may claim the suspension or classification of the discharge or both; and whether such application be contested or not, it shall be incumbent upon the Insolvent to prove that he has in all respects conformed himself to the provisions of this Act; and he shall submit himself to any order which the court or judge may make, upon or without an application to that effect, to the end that he be examined touching his estate and effects and his conduct and management of his affairs and business generally, and touching each and every detail and particular thereof; and the court or judge may also require from the Assignee a report in writing upon the conduct of the Insolvent and the state of his books and affairs before and at the date of his insolvency; and thereupon the court or judge, as the case may be, after hearing the Insolvent and the opposant, if any, and any evidence that may be adduced, may make an order either granting the discharge of the Insolvent or refusing it; or in like manner and under the like circumstances to those in and upon which the discharge could be suspended or classified as hereinbefore provided, upon an application to confirm it, an order may be made suspending it for a like period, or declaring it to be of the second class, or both.

Suspension or  
classification  
as second  
class.

Discharge,  
&c., obtained  
by fraud to be  
void.

**66.** Every discharge or confirmation of any discharge obtained by fraud or fraudulent preference, or by means of the consent of any creditor procured by the payment or promise of payment to such creditor of any valuable consideration for such consent, or by any fraudulent contrivance or practice whatever tending to defeat the true intent and meaning of the provisions of this Act in that behalf, shall be null and void; and in no case shall a discharge have any effect unless and until it is confirmed by the Court.

#### SALE OF DEBTS.

Sale of debts,  
the collection  
of which  
would be too  
onerous.

**67.** After having acted with due diligence in the collection of the debts, if the Assignee finds there remain debts due, the attempt to collect which would be more onerous than beneficial to the estate, he shall report the same to the creditors or Inspectors, and with their sanction he may sell the same by public auction, after such advertisement thereof as they may order; and pending such advertisement,

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## Insolvency.

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tisement, the Assignee shall keep a list of the debts to be sold, open to inspection at his office, and shall also give free access to all documents and vouchers explanatory of such debts; but all debts amounting to more than one hundred dollars, shall be sold separately, except as herein otherwise provided. Proviso.

68. If at any time any creditor of the Insolvent desires to cause any proceeding to be taken which in his opinion would be for the benefit of the estate, and the Assignee, under the authority of the creditors or of the Inspectors refuses or neglects to take such proceeding after being duly required so to do, such creditor shall have the right to obtain an order of the judge authorizing him to take such proceeding in the name of the Assignee, but at his own expense and risk, upon such terms and conditions as to indemnity to the Assignee as the judge may prescribe; and thereupon any benefit derived from such proceeding shall belong exclusively to the creditor instituting the same for his benefit and that of any other creditor who may have joined him in causing the institution of such proceeding. But if, before such order is granted, the Assignee shall signify to the judge his readiness to institute such proceeding for the benefit of the creditors, the order shall be made prescribing the time within which he shall do so, and in that case the advantage derived from such proceeding shall appertain to the estate. Creditor may be authorized to take any special proceeding at his own risk. Proviso.

69. The person who purchases a debt from the Assignee, may sue for it in his own name, as effectually as the Insolvent might have done, and as the Assignee is hereby authorized to do; and a bill of sale (Form M), signed and delivered to him by the Assignee, shall be *prima facie* evidence of such purchase, without proof of the handwriting of the Assignee; and the debt sold shall, in the Province of Quebec, vest in the purchaser without signification to the debtor; and no warranty, except as to the good faith of the Assignee, shall be created by such sale and conveyance, not even that the debt is due. Rights of purchasers of debts due to Insolvent. No warranty.

## LEASES.

70. If the Insolvent holds under a lease, property having a value above and beyond the amount of any rent payable under such lease, the Assignee shall make a report thereon to the judge, containing his estimate of the value to the estate of the leased property in excess of the rent; and thereupon the judge may order the rights of the Insolvent in such leased premises to be sold separately, or to be included in the sale of the whole or part of the estate of the Insolvent, after such notice of such sale as he shall see fit to order; and at the time and place appointed such lease shall Lease of property more valuable than rent to be sold; on what conditions.

shall be sold upon such conditions, as to the giving of security to the lessor, as the judge may order; and such sale shall be so made subject to the payment of the rent, to all the covenants and conditions contained in the lease, and to all legal obligations resulting from the lease; and all such covenants, conditions and obligations shall be binding upon the lessor and upon the purchaser, as if he had been himself lessee and a party with the lessor to the lease. 

Other cases of  
lease, how  
dealt with.

**71.** If the Insolvent holds under a lease extending beyond the year current under its terms at the time of his insolvency, property which is not subject to the provisions of the last preceding section, or respecting which the judge does not make an order of sale, as therein provided or which is not sold under such order, the creditors shall decide at any meeting, which may be held more than three months before the termination of the yearly term of the lease, current at the time of such meeting, whether the property so leased should be retained for the use of the estate, only up to the end of the then current yearly term, or, if the conditions of the lease permit of further extension, also up to the end of the next following yearly term thereof; and their decision shall be final.

Lessor claim-  
ing damages  
for termina-  
tion of the  
lease.

**72.** From and after the time fixed for the retention of the leased property for the use of the estate, the lease shall be cancelled and shall from thenceforth be inoperative and null; and so soon as the resolution of the creditors as to such retention has been passed, such resolution shall be notified to the lessor, and if he contends that he will sustain any damage by the termination of the lease under such decision, he may make a claim for such damage, specifying the amount thereof under oath, in the same manner as in ordinary claims upon the estate; and such claim may be contested in the same manner, and after similar investigation and with the same right of appeal, as is herein provided for in case of claims or dividends objected to.

How damages  
to be es-  
timated.

**73.** In making such claim, and in any adjudication thereupon, the measure of damages shall be the difference between the value of the premises leased when the lease terminates under the resolution of the creditors, and the rent which the Insolvent had agreed by the lease to pay during its continuance; and the chance of leasing or not leasing the premises again, for a like rent, shall not enter into the computation of such damages; and if the claim is not contested, or if, being contested, the damages are finally awarded to the lessor he shall rank for the amount upon the estate as an ordinary creditor.

Preferential  
claim of land-

**74.** The preferential lien of the landlord for rent in the Provinces of Ontario, New Brunswick, Nova Scotia, British Columbia,

to the giving of  
order; and such  
ment of the rent,  
in the lease, and  
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shall be binding  
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Columbia, Prince Edward Island, or Manitoba, is restricted to the arrears of rent due during the period of one year last previous to the execution of a deed of assignment, or the issue of a writ of attachment under this Act, as the case may be, and from thence so long as the Assignee shall retain the premises leased. In the Province of Quebec the preferential lien or privilege of the lessor shall be governed by the provisions of the civil code.

lord limited  
in the several  
Provinces.

#### SALE OF REAL ESTATE.

**75.** The Assignee may sell the real estate of the Insolvent, but only after advertisement thereof for a period of two months, and in the same manner as is required for the actual advertisement of sales of real estate by the sheriff in the district or place where such real estate is situate, and to such further extent as the Assignee deems expedient; provided that the period of advertisement may be shortened to not less than one month by the creditors with the approbation of the judge, but in the Province of Quebec such abridgment shall not take place without the consent of the hypothecary creditors upon such real estate, if any there be; and if the price offered for any real estate at any public sale duly advertised as aforesaid is more than ten per cent. less than the value set upon it by a resolution of the creditors, or by the Inspectors and the Assignee, the sale may be adjourned for a period not exceeding one month, when, after such notice as the Inspectors and the Assignee may deem proper to give, the sale shall be continued, commencing at the last bid offered on the previous day when the property was put up at auction, and if no higher bid be then offered, the property shall be adjudged to the person who made such last bid: Provided that with the consent of the hypothecary and privileged creditors, or where there are no hypothecary or privileged creditors, with the approbation of the creditors or of the Inspectors, the Assignee may postpone the sale to such time as may be deemed most advantageous for the estate, and whenever the sale shall have been so postponed beyond one month, the last bidder shall be discharged from any obligation under the bid he may have made on the previous day when the property was offered for sale by auction.

Sale of real  
estate of  
insolvent.

In Quebec.

Proviso;  
postponement  
of sale by  
consent of  
creditors, &c.

**76.** All sales of real estate so made by the Assignee shall vest in the purchasers all the legal and equitable estate of the Insolvent therein, and the conveyance may be in the Form N; but in the Province of Quebec, such sale shall, in all respects, have the same effect as to mortgages, hypothecs or privileges then existing thereon, as if the same had been made by a sheriff under a writ of execution issued in the ordinary course, but shall have no other, greater or less effect than such sheriff's sale;

Effect of sales  
of real estate.

Form of deed  
and terms.

sale : and in the Province of Quebec the title conveyed by such sale shall have equal validity with a title created by a sheriff's sale ; and the deed of such sale which the Assignee executes (Form N.) shall, in the Province of Quebec, have the same effect as a sheriff's deed ; but the Assignee may grant such terms of credit as he may deem expedient, and as may be approved of by the creditors, or by the Inspectors, for any part of the purchase money ; except that no credit shall be given in the Province of Quebec for any part of the purchase money coming to any hypothecary or privileged creditor, without the consent of such creditor ; and the Assignee shall be entitled to reserve a special hypothec or mortgage by the deed of sale as security for the payment of such part of the purchase money as shall be unpaid ; and such deed may be executed before witnesses or before notaries, according to the exigency of the law of the place where the real estate sold is situate.

Sales in  
Quebec may  
be subject to  
certain charges.

Folle enchère.

Certificate of  
registrar.

Code of Civil  
Procedure to  
apply.

**77.** In the Province of Quebec such sale may be made subject to all such charges and hypothecs as are permitted by the law of the said Province to remain chargeable thereon when sold by the sheriff, and also subject to such other charges and hypothecs thereon, as are not due at the time of sale,—the time of payment whereof shall not, however, be extended by the conditions of such sale ; and also subject to such other charges and hypothecs as may be consented to in writing by the holders or creditors thereof.—And an order of re-sale for false bidding may be obtained from the judge by the Assignee upon summary petition ; and such re-sale may be proceeded with after the same notices and advertisements, and with the same effect and consequences as to the false bidder and all others, and by means of similar proceedings as are provided in ordinary cases for such re-sales in all essential particulars, and as nearly as may be without being inconsistent with this Act. And as soon as immovables are sold by the Assignee, he shall procure from the registrar of the registration division in which each immovable is situate, a certificate of the hypothecs charged upon such immovable, and registered up to the day of the issue of the writ of attachment, or of the execution of the deed of assignment by which the estate of the Insolvent was brought within the purview of this Act, as the case may be : And such certificate shall contain all the facts and circumstances required in the registrar's certificate obtained by the sheriff subsequent to the adjudication of an immovable in conformity with the provisions of the Code of Civil Procedure, and shall be made and charged for by the registrar in like manner : And the provisions of the said Code as to the collocation of hypothecary and privileged creditors, the necessity for and the filing of oppositions for payment, and the costs thereon, shall apply thereto under this Act as nearly as the nature of the case will



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will admit: And the collocation and distribution of the moneys arising from such sale shall be made in the dividend sheet among the creditors having privileged or hypothecary claims thereon, after the collocation of such costs and expenses, (including the Assignee's commission on the amount of the sale), as were necessary to effect such sale or are incident thereto, in the same manner as to all the essential parts thereof, as the collocation and distribution of moneys arising from the sale of immovables are made in the appropriate court in ordinary cases, except in so far as the same may be inconsistent with any provisions of this Act; but no portion of the general expenses incurred in the winding up of the estate, shall be chargeable to, or payable out of the said moneys, except on such balance as may remain after the payment of all privileged and hypothecary claims. The Assignee's commission on such sale shall be the same as the poundage to which the sheriff is entitled on sales made by him. Any balance remaining after the collocation of the said necessary costs and expenses, and of the privileged and hypothecary claims, shall be added to and form part of the general assets of the estate.

Order of dis-  
tribution.

Assignee's  
commission.

Balance.

78. In the Province of Quebec any privileged or hypothecary creditor whose claim is actually due and payable, shall have the right to obtain from the judge an order on the Assignee to proceed without delay to the sale in the mode above prescribed, of any property real or personal which is subject to his privileged or hypothecary claim; and such creditor may also, one month after the sale has taken place or one month after the Assignee has received the price thereof, if not paid at the time of the sale, obtain an order from the judge to compel the Assignee to make a dividend of the proceeds of such sale.

In Quebec  
privileged  
creditors may  
require sale  
of property  
subject to  
their privi-  
leged claims.

#### DIVIDENDS.

79. Upon the expiration of the period of one month from the first meeting of the creditors, or as soon as may be after the expiration of such period, and afterwards from time to time at intervals of not more than three months, the Assignee shall prepare and keep constantly accessible to the creditors, accounts and statements of his doings as such Assignee, and of the position of the estate; and he shall prepare dividends of the estate of the Insolvent whenever the amount of money in his hands will justify a division thereof, and also whenever he is required by the Inspectors or ordered by the judge to do so.

Accounts,  
statements,  
and dividends  
by Assignee.

80. All debts due and payable by the Insolvent at the time of the execution of a deed of assignment, or at the time of the issue of a writ of attachment under this Act, and all debts due but not then actually payable, subject to rebate

What claims  
shall rank on  
the estate.



rebate of interest, shall have the right to rank upon the estate of the Insolvent; and any person then being, as surety or otherwise, liable for any debt of the Insolvent, and who subsequently pays such debt, shall thereafter stand in the place of the original creditor, if such creditor has proved his claim on such debt; or if he has not proved, such person shall be entitled to prove against and rank upon the estate for such debt to the same extent and with the same effect as the creditor might have done.

Case of contingent claims provided for.

Arbitration. If the award be rejected.

Rank and privilege of creditors; Proviso as to creditors holding security.

Seizure in execution after appointment of Assignee; its effect.

**81.** If any creditor of the Insolvent claims upon a contract dependent upon a condition or contingency which does not happen previous to the declaration of the first dividend, a dividend shall be reserved upon the amount of such conditional or contingent claim until the condition or contingency is determined; but if it be made to appear to the judge that the estate may thereby be kept open for an undue length of time, he may, unless an estimate of the value of such claim be agreed to between the claimant and the Inspectors order that the value of such contingent or conditional claim be established by such person or persons as the claimant and the Inspectors may appoint, and in case they do not agree then by such person or persons as the judge shall name; and the persons so named shall make their award,—which award the judge, after hearing the claimant and Inspectors, may reject or confirm. In case the award be rejected, other persons shall be appointed as herein provided to establish the value of such claim, subject to the control of the judge, and if the said award be confirmed the amount therein mentioned shall be that for which the claimant shall rank upon the estate as for a debt payable absolutely.

**82.** In the preparation of the dividend sheet due regard shall be had to the rank and privilege of every creditor, which rank and privilege, upon whatever they may legally be founded, shall not be disturbed by the provisions of this Act, except in the Province of Quebec, where the privilege of the unpaid vendor shall cease from the delivery of the goods sold; but no dividend shall be allotted or paid to any creditor holding security from the estate of the Insolvent for his claim, until the amount for which he shall rank as a creditor upon the estate as to dividends therefrom, shall be established as hereinafter provided; and such amount shall be the amount which he shall be held to represent in voting at meetings of creditors, and in computing the proportion of creditors, whenever under this Act such proportion is required to be ascertained.

**83.** No lien or privilege upon either the personal or real estate of the Insolvent shall be created for the amount of any judgment debt, or of the interest thereon, by the issue

or

or delivery to the sheriff of any writ of execution, or by levying upon or seizing under such writ the effects or estate of the Insolvent, if before the payment over to the plaintiff of the moneys actually levied under such writ, the estate of the debtor has been assigned to an Assignee, or if proceedings to place the same in liquidation under this Act, have been adopted and are still pending. But this provision shall not affect any lien or privilege for costs which the plaintiff possesses under the law of the Province in which such writ shall have been issued.

*Proviso as to costs.*

**84.** If a creditor holds security from the Insolvent, or from his estate, or if there be more than one Insolvent liable as partners, and the creditor hold security from, or the liability of one of them as security for a debt of the firm, he shall specify the nature and amount of such security or liability in his claim, and shall therein, on his oath, put a specified value thereon; and the Assignee, under the authority of the creditors, may either consent to the right to rank for such liability, or to the retention of the property, or effects constituting such security or on which it attaches by the creditor, at such specified value, or he may require from such creditor an assignment of such liability, or an assignment and delivery of such security, property or effects, at an advance of ten per centum upon such specified value, to be paid by him out of the estate so soon as he has realized such security, in which he shall be bound to the exercise of ordinary diligence; and in either of such cases the difference between the value at which the liability or security is retained or assumed and the amount of the claim of such creditor, shall be the amount for which he shall rank and vote as aforesaid; and if a creditor holds a claim based upon negotiable instruments upon which the Insolvent is only indirectly or secondarily liable, and which is not mature or exigible, such creditor shall be considered to hold security within the meaning of this section, and shall put a value on the liability of the party primarily liable thereon as being his security for the payment thereof; but after the maturity of such liability and its non-payment he shall be entitled to amend and revalue his claim.

*As to creditors holding security for their claims.*

*Security not matured and Insolvent only secondarily liable.*

**85.** But if the security consists of a mortgage upon real estate, or upon ships or shipping, the property mortgaged shall only be assigned and delivered to the creditor, subject to all previous mortgages, hypothecs and liens thereon, holding rank and priority before his claim, and upon his assuming and binding himself to pay all such previous mortgages, hypothecs and liens, and upon his securing such previous charges upon the property mortgaged, in the same manner and to the same extent as the same were previously secured thereon; and thereafter the holders of such previous mortgages, hypothecs and liens, shall have no further recourse

*If the security is on realty or shipping.*

recourse or claim upon the estate of the Insolvent; and if there be mortgages, hypothecs or liens thereon, subsequent to those of such creditor, he shall only obtain the property by consent of the subsequently secured creditors; or upon their filing their claims specifying their security thereon as of no value, or upon his paying them the value by them placed thereon; or upon his giving security to the Assignee that the estate shall not be troubled by reason thereof.

Proceedings  
on the filing  
of a secured  
claim.

**86.** Upon a secured claim being filed, with a valuation of the security, it shall be the duty of the Assignee to procure the authority of the Inspectors or of the creditors at their first meeting thereafter, to consent to the retention of the security by the creditor, or to require from him an assignment and delivery thereof; and if any meeting of Inspectors or of creditors takes place without deciding upon the course to be adopted in respect of such security the Assignee shall act in the premises according to his discretion and without delay.

Rank of  
several items  
of a creditor's  
claim.

**87.** The amount due to a creditor upon each separate item of his claim at the time of the execution of a deed of assignment, or of the issue of a writ of attachment, as the case may be, and which shall remain due at the time of proving such claim, shall form part of the amount for which he shall rank upon the estate of the Insolvent, until such item of claim be paid in full, except in cases of deduction of the proceeds or of the value of his security, as hereinbefore provided; but no claim or part of a claim shall be permitted to be ranked upon more than once, whether the claim so to rank be made by the same person or by different persons; and the Assignee may, at any time, require from any creditor a supplementary oath declaring what amount, if any, such creditor has received in payment of any item of the debt upon which his claim is founded, subsequent to the making of such claim, together with the particulars of such payment; and if any creditor refuses to produce or make such oath before the Assignee within a reasonable time after he has been required so to do, he shall not be collocated in the dividend sheet.

Oath of cre-  
ditor or as to  
non-payment  
of his claim.

Insolvent  
owing debts  
as a partner.

**88.** If the Insolvent owes debts both individually and as a member of a co-partnership, or as a member of two different co-partnerships, the claims against him shall rank first upon the estate by which the debts they represent were contracted, and shall only rank upon the other after all the creditors of that other have been paid in full.

Allowance to  
Insolvent,  
how made.

**89.** The creditors, or the same proportion of them that may grant a discharge to the debtor under this Act, may allot to the Insolvent, by way of allowance, any sum of money, or any property they may think proper; and the allowance

allowance so made shall be inserted in the dividend sheet, and shall be subject to contestation like any other item of collocation therein, but only on the ground of fraud or deceit in procuring it, or of the absence of consent by a sufficient proportion of the creditors.

90. No costs incurred in suits against the Insolvent after due notice has been given according to the provisions of this Act, of an assignment, or of the issue of a writ of attachment in liquidation, shall rank upon the estate of the Insolvent; but all the taxable costs incurred in proceedings against him up to that time shall be added to the demand for the recovery of which such proceedings were instituted; and shall rank upon the estate as if they formed part of the original debt, except as herein otherwise provided.

As to costs in suits against Insolvent, after notice under this Act.

91. Clerks and other persons in the employ of the Insolvent in and about his business or trade shall be collocated in the dividend sheet by special privilege for any arrears of salary or wages due and unpaid to them at the time of the execution of a deed of assignment, or of the issue of a writ of attachment under this Act, not exceeding three months of such arrears, and also for such salary or wages for a period not exceeding two months of the unexpired portion of the then current year of service,—during which period they shall be bound to perform, under the direction of the Assignee, any work or duty connected with the affairs of the Insolvent, and which the Insolvent himself might have directed them to perform under their respective engagements; and for any other claim they shall rank as ordinary creditors.

Privilege of clerks, &c., for wages.

They may be employed by Assignee.

92. So soon as a dividend sheet is prepared, notice thereof (Form O) shall be given by advertisement, and by letter posted to each creditor, inclosing a copy of the dividend sheet noting the claims objected to; and after the expiry of eight days from the day of the last publication of such advertisement, all dividends which have not been objected to within that period shall be paid.

Notice of dividend sheet, and payment.

93. It shall be the duty of the Inspectors to examine with the Assignee the claims made against the estate, and also each dividend sheet before the expiration of the delay within which the same may be objected to, and to instruct the Assignee as to which claims or collocations should be contested by and on behalf of the estate, whereupon contestation shall be entered and made in the name of the Assignee or of the Inspectors or of some individual creditors consenting thereto, and shall be tried and determined by the court or judge; and the costs of such contestation, unless recovered from the adverse party, shall be paid out of the funds belonging to the estate.

Contestation of claims by Assignee, under Inspector's instructions.

Claims not  
filed, how  
dealt with.

94. If it appears to the Assignee on his examination of the books of the Insolvent, or otherwise, that the Insolvent has creditors who have not taken the proceedings requisite to entitle them to be collocated, it shall be his duty to reserve dividends for such creditors according to the nature of their claims, and to notify them of such reserve,—which notification may be by letter through the post, addressed to such creditors' residences as nearly as the same can be ascertained by the Assignee; and if such creditors do not file their claims and apply for such dividends previous to the declaration of the last dividend of the estate, the dividends reserved for them shall form part of such last dividend.

Claims on  
dividends  
objected to,  
how deter-  
mined.

95. If any claim be objected to at any time, or if any dividend be objected to within the said period of eight days, or if any dispute arises between the creditors of the Insolvent, or between him and any creditor, as to the amount of the claim of any creditor, or as to the ranking or privilege of the claim of any creditor upon such dividend sheet, the objection shall be filed in writing by or before the Assignee who shall make a record thereof; and the grounds of objections shall be distinctly stated in such writing, and the party objecting shall also file at the same time the evidence of previous service of a copy thereof on the claimant; and the claimant shall have three days thereafter to answer the same,—which time may however be enlarged by the judge, with a like delay to the contestant to reply; and upon the completion of an issue upon such objection, the Assignee shall transmit to the clerk of the court the dividend sheet or a copy thereof with all the papers and documents relating to such objection or contestation; and any party to it may fix a day, of which two days' notice shall be given to the adverse party, for proceeding to take evidence thereon before the judge, and shall thereafter proceed thereon from day to day until the evidence shall have been closed, the case heard and the judgment rendered,—which judgment shall be final unless appealed from in the manner hereinafter provided: the proceedings on the said objection or contestation shall form part of the records of the court, and the judgment shall be made executory as to any condemnation for costs, in the same manner as an ordinary judgment of the court.

Hearing and  
decision  
thereon.

Judgment  
executory.

Creditors  
or Inspectors  
may order  
contestation  
of claims, &c.

96. The creditors, and in their default the Inspectors may by resolution authorize and direct the costs of the contestation of any claim or of any dividend, to be paid out of the estate, and may make such order either before, pending, or after any such contestation; they may also, with the sanction of the judge, authorize the payment out of the estate of any costs incurred for the general interest of the estate, whether such costs were incurred by the Assignee, the Inspectors or any individual creditor.

examination of  
the Insolvent  
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his duty to  
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97. If, at the time of the issue of a writ of attachment, or the execution of a deed of assignment, any immovable property or real estate of the Insolvent be under seizure, or in process of sale, under any writ of execution or other order of any competent court, such sale shall be proceeded with by the officer charged with the same, unless stayed by order of the judge upon application by the Assignee, upon special cause shewn, and after notice to the plaintiff,—reserving to the party prosecuting the sale his privileged claim on the proceeds of any subsequent sale, for such costs as he would have been entitled to out of the proceeds of the sale of such property, if made under such writ or order; but if such sale be proceeded with, the moneys levied therefrom shall be returned into the court on whose order the sale has been made, to be distributed and paid over to the creditors who shall have any privilege, mortgage or hypothecary claims thereon, according to the rank and priority of such claims; and the balance of such moneys after the payment of such claims shall be ordered to be paid to the Assignee to be distributed with the other assets of the estate.

If there be  
property of  
Insolvent  
under seizure  
at time of  
assignment or  
attachment:  
Proceedings.

98. All dividends remaining unclaimed at the time of the discharge of the Assignee shall be left in the bank where they are deposited, for three years, and if still unclaimed, shall then be paid over by such bank with interest accrued thereon, to the Government of Canada, and if afterwards duly claimed shall be paid over to the persons entitled thereto, with interest at the rate of four per centum per annum from the time of the reception thereof by the Government.

Unclaimed  
dividends,  
how dealt  
with.

99. If any balance remains of the estate of the Insolvent, or of the proceeds thereof, after the payment in full of all debts due by the Insolvent, such balance shall be paid over to the Insolvent upon his petition to that effect, duly notified to the creditors by advertisement and granted by the judge.

Balance of  
estate (if any)  
to be paid  
over to  
Insolvent.

#### PROCEDURE GENERALLY.

100. Whenever a meeting of creditors cannot be held, or an application made, until the expiration of a delay allowed by this Act, notice of such meeting or application may be given pending such delay.

Notice pend-  
ing delay.

101. Notices of meetings of creditors shall be given by publication thereof for at least two weeks in the official Gazette of the Province in which they are to take place, and by such other notice as the judge or Inspectors may direct:—and in every case of a meeting of creditors the Assignee shall address notices thereof to the creditors and to all the representatives within the Dominion of foreign creditors,

Notices of  
meetings, &c.  
how given.



Cases unprovided for.

tors, and shall mail the same at least ten days before the day on which the meeting is to take place,—the postage being prepaid by such Assignee: in other cases not provided for the Assignee shall advertise as directed by the Inspectors or the judge.

How questions shall be decided at meetings.

**102.** All questions discussed at meetings of creditors shall be decided by the majority, in number and in value, of the creditors having a right to vote under section two, present or represented at such meeting, and representing also the majority in value of such creditors, unless herein otherwise specially provided; but if the majority in number do not agree with the majority in value, the views of each section of the creditors shall be embodied in resolutions, and such resolutions, with a statement of the vote taken thereon, shall be referred to the judge who shall decide between them.

What matters may be voted upon, &c., at first meeting of creditors.

**103.** If the first meeting of creditors, which takes place after the expiry of the period of three weeks from the first advertisement calling such meeting, be called for the ordering of the affairs of the estate generally and it be so stated in the notices calling such meeting, all the matters and things respecting which the creditors may vote, resolve or order, or which they may regulate under this Act, (except when otherwise specially provided) may be voted, resolved or ordered upon and may be regulated at such meeting, without having been specially mentioned in the notices calling such meeting,—due regard being had however, to the proportions of creditors required by this Act for any such vote, resolution, order or regulation.

Form and proof of claims.

**104.** The claims of creditors furnished to the Assignee in the Form P, attested under oath and accompanied by the vouchers on which they are based, or when vouchers cannot be produced accompanied by such affidavit or other evidence as in the opinion of the Assignee shall justify the absence of such vouchers, shall be considered as proved unless contested,—in which case the claims shall be established by legal evidence on the points raised.

Affidavits, before whom sworn.

**105.** Any affidavit required in proceedings in Insolvency may be made by the party interested, his agent or other party having a personal knowledge of the matters therein stated, and may be sworn in Canada before the Assignee or before any Official Assignee, Judge, Notary Public, Commissioner for taking affidavits, or Justice of the Peace, and out of Canada before any Judge of a Court of Record, any Commissioner for taking affidavits appointed by any Canadian Court, any Notary Public, the chief municipal officer for any town or city, or any British Consul or Vice Consul, or before any person authorized by any



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Inspectors

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any Statute of the Dominion or of any Province thereof, to take affidavits to be used in any court of justice in any part of the Dominion.

**106.** A creditor holding a mortgage, hypothec, lien, privilege or collateral security on the estate of a debtor, or on the estate of a third party for whom such debtor is only secondarily liable, may release or deliver up such security to the Assignee, or he shall by his affidavit for the issue of a writ of attachment, or by an affidavit filed with the assignee at any time before the declaration of a final dividend, set a value upon such security; and from the time he shall have so released or delivered up such security, or shall have furnished such affidavit, the debt to which such security applied shall be considered as an unsecured debt of the estate or as being secured only to the extent of the value set upon such security; and the creditor may rank as and exercise all the rights of an ordinary creditor, for the amount of his claim, or to the extent only of any balance thereof above and beyond the value set upon such security, as the case may be.

Surrender of  
security by  
creditor, and  
effect thereof.

**107.** The law of set-off, as administered by the courts whether of law or equity, shall apply to all claims in insolvency and also to all suits instituted by an Assignee for the recovery of debts due to the Insolvent, in the same manner and to the same extent, as if the Insolvent were plaintiff or defendant, as the case may be, except in so far as any claim for set-off shall be affected by the provisions of this Act respecting frauds or fraudulent preferences.

Set-off, how  
allowed.

**108.** Except when otherwise provided by this Act, one clear juridical day's notice of any petition, motion, order or rule, shall be sufficient if the party notified resides within fifteen miles of the place where the proceeding is to be taken; and one extra day shall be sufficient allowance for each additional fifteen miles of distance between the place of service and the place of proceeding; and service of such notice shall be made in such manner as is now prescribed for similar services in the Province within which the service is made.

Service of  
papers under  
this Act.

**109.** The judge shall have the same power and authority in respect of the issuing and dealing with commissions for the examination of witnesses, as are possessed by the ordinary courts of record in the Province in which the proceedings are being carried on.

Commissions  
for examina-  
tion of wit-  
nesses.

**110.** In any proceeding or contestation in insolvency, the court or judge, may order a writ of *subpœna ad testificandum* or of *subpœna duces tecum* to issue, commanding the attendance as a witness of any person within the limits of Canada.

Subpœnas to  
witness.

Service of  
process, &c.

**111.** All rules, writs of *subpœna*, orders and warrants, issued by any court or judge in any matter or proceeding under this Act, may be validly served in any part of Canada upon the party affected or to be affected thereby; and the service of them, or any of them, may be validly made in such manner as is now prescribed for similar services in the Province within which the service is made; and the person charged with such service shall make his return thereof under oath, or, if a sheriff or bailiff in the Province of Quebec, may make such return under his oath of office.

Disobedience  
of writs and  
process, how  
punishable.

**112.** In case any person so served with a writ of *subpœna* or with an order to appear for examination, does not appear according to the exigency of such writ or process, the court or the judge on whose order or within the limits of whose territorial jurisdiction the same is issued, may, upon proof made of the service thereof, and of such default, if the person served therewith has his domicile within the limits of the Province within which such writ or process issued, constrain such person to appear and testify, and punish him for non-appearance or for not testifying in the same manner as if such person had been summoned as a witness before such court or judge in an ordinary suit; and if the person so served and making default, has his domicile beyond the limits of the Province within which such writ or process issued, such court or judge may transmit a certificate of such default to any of Her Majesty's superior courts of law or equity in that part of Canada in which the person so served resides, and the court to which such certificate is sent, shall thereupon proceed against and punish such person so having made default, in like manner as it might have done if such person had neglected or refused to appear to a writ of *subpœna* or other similar process issued out of such last mentioned court; and such certificate of default attested by the court, judge or Assignee before whom default was made, and copies of such writ or process and of the return of service thereof certified by the clerk of the court in which the order for transmission is made, shall be *prima facie* proof of such writ or process, service, return, and of such default.

Proof of  
default.

Expenses  
must be  
tendered to  
person sum-  
moned as a  
witness, &c.

**113.** No such certificate of default shall be so transmitted nor shall any person be punished for neglect or refusal to attend for examination in obedience to any *subpœna* or other similar process, unless it be made to appear to the court or judge transmitting, and also to the court receiving such certificate, that a reasonable and sufficient sum of money, according to the rate *per diem* and per mile, allowed to witnesses by the law and practice of the superior courts of law within the jurisdiction of which such person was found, to defray the expenses of coming and attending to give

give evidence and of returning from giving evidence, had been tendered to such person at the time when the writ of *subpœna*, or other similar process, was served upon him.

**114.** The forms appended to this Act, or other forms in equivalent terms, shall be used in the proceedings for which such forms are provided; and in every contestation of a claim, collocation or dividend, or of an application for a discharge, or for confirming or annulling a discharge, the facts upon which the contesting party relies shall be set forth in detail, with particulars of time, place and circumstance; and no evidence shall be received upon any fact not so set forth; but in every petition, application, motion, contestation or other pleading under this Act, the parties may state the facts upon which they rely, in plain and concise language, to the interpretation of which the rules of construction applicable to such language in the ordinary transactions of life shall apply.

**115.** No plea or exception alleging or setting up any discharge or certificate of discharge, granted under the bankrupt or insolvent law of any country whatsoever beyond the limits of the Dominion, shall be a valid defence or bar to any action instituted in any court of competent jurisdiction in the Dominion, for the recovery of any debt or obligation contracted within such limits.

**116.** The rules of procedure as to amendments of pleadings, which may be in force at any place where any proceedings under this Act are being carried on, shall apply to all proceedings under this Act; and any court or judge, or Assignee, before whom any such proceedings are being carried on, shall have full power and authority to apply the appropriate rules as to amendments, to the proceedings so pending before him; and no pleading or proceeding shall be void by reason of any irregularity or default which can or may be amended under the rules and practice of the court.

**117.** The death of the Insolvent, pending proceedings in liquidation, shall not affect such proceedings, or impede the winding up of his estate; and his heirs or other legal representatives may continue the proceedings on his behalf to the procuring of a discharge, or of the confirmation thereof, or of both; and the provisions of this Act shall apply to the heirs, administrators or other legal representatives of any deceased person who, if living, would be subject to its provisions, but only in their capacity as such heirs, administrators or representatives, without their being held to be liable for the debts of the deceased to any greater extent than they would have been if this Act had not been passed.

Costs; on  
what property  
and in what  
order charge-  
able.

**118.** The costs of the proceedings in Insolvency up to and inclusive of the notice of the appointment of the Assignee, shall be paid by privilege as a first charge upon the assets of the Insolvent; the disbursements necessary for winding up the estate shall be the next charge on the property chargeable with any mortgage, hypothec or lien, and upon the unincumbered assets of the estate respectively, in such proportions as may be justified by the nature of such disbursements, and their relation to the property as being incumbered or not, as the case may be; and the remuneration of the Assignee and the costs of the judgment of confirmation of the discharge of the Insolvent, except when such confirmation is upon a deed of composition, or of the discharge if obtained direct from the court, and the costs of the discharge of the Assignee, being first taxed by the proper taxing officer at the tariff rate, or if there be no tariff, at the same rate as is usual for uncontested proceedings of a similar character, after notice to the Inspectors, or to at least three creditors, shall also be paid therefrom as the last privileged charge thereon. But no portion of the assets or property chargeable with any mortgage, hypothec or lien for any claim not provable on the estate shall be liable for any other but their proportion of costs necessarily incurred in realizing such assets and property, except what may remain after payment of such mortgage or lien.

As to assets  
chargeable  
with mort-  
gages, &c.

Provision as  
to letters  
addressed to  
Insolvent by  
Post.

**119.** The judge shall have the power, upon special cause being shewn before him under oath for so doing, to order any postmaster at the place of residence or at the place of business of the Insolvent to deliver letters addressed to him at such post office to the Assignee, and to authorize the Assignee to open such letters in the presence of the prothonotary or clerk of the court of which such judge is a member, and in the presence of the Insolvent or after notice given to him by letter through the post, if he be within the Province; and if such letters be upon the business of the estate the Assignee shall retain them, giving communication of them, however, to the Insolvent on request; and if they be not on the business of the estate they shall be resealed, endorsed as having been opened by the Assignee and given to the Insolvent or returned to the post office; and a memorandum in writing of the doings of the Assignee in respect of such letters, shall be made and signed by him and by the prothonotary or clerk, and deposited in the court.

Disqualifica-  
tion of Judge.

**120.** All causes of disqualification applying to a judge in civil matters in the several Provinces to which this Act applies, shall be causes of disqualification and recusation under this Act, as regards the final hearing and determination of any matter subject to appeal or revision under this Act; but such grounds of disqualification shall not apply to mere

mere ministerial acts or incidental proceedings; and such causes of disqualification shall be tried as provided for by the laws in force in the several Provinces where the proceedings are pending. If a judge be disqualified or incompetent to act in any matter in insolvency under this section, the judge competent to act in matters of insolvency in a county or district adjoining that in which the proceedings are pending (or in the case of a Judge of the Court of Probate in Nova Scotia, the judge of the said court in an adjoining county) and who is not disqualified under this section, shall be the judge who shall have jurisdiction in such matter, in the place of the judge so disqualified.

What Judge to act in such case.

**121.** In the absence of the judge from the chief place of any district in the Province of Quebec, the prothonotary of the court shall preside at the meetings of creditors called to take place before the judge, and shall take minutes of the proceedings at the same, and shall in such cases as well as in all others, make any order which the judge is empowered to make; but the same shall not be delivered nor put into execution if any objection to it is filed with the prothonotary, the same day or the next after, and then the whole matter and all the papers and proceedings, produced and had at such meeting shall be referred to the judge, who shall adjudicate upon the same, confirming the order made by the prothonotary, or making such other as he may think best in the case.

Prothonotary to preside (in Quebec) in absence of Judge.

**122.** In the Province of Quebec, rules of practice for regulating the due conduct of proceedings under this Act, before the court or judge, and tariffs of fees for the officers of the court and for the advocates and attorneys practising in relation to such proceedings, or for any service performed or work done for which costs are allowed by this Act, (but the amount whereof is not hereby fixed,) shall be made forthwith after the passing of this Act, and when necessary repealed or amended, and shall be promulgated under or by the same authority and in the same manner as the rules of practice and tariff of fees of the Superior Court, and shall apply in the same manner, and have the same effect in respect of proceedings under this Act as the rules of practice and tariff of fees of the Superior Court apply to and affect proceedings before that court; and bills of costs upon proceedings under this Act may be taxed and proceeded upon in like manner as bills of costs may now be taxed and proceeded upon in the said Superior Court.

Rules of practice and Tariff of Fees in the Province of Quebec; how to be made.

**123.** In the Province of Ontario the judges of the superior courts of common law, and of the Court of Chancery, or any five of them, of whom the Chief Justice of the Province of Ontario, or the Chancellor, or the Chief Justice of

And in the other Provinces.

of

of the Common Pleas, shall be one,—in the Province of New Brunswick, the Judges of the Supreme Court of New Brunswick, or the majority of them,—in the Province of Nova Scotia, the Judges of the Supreme Court of Nova Scotia, or the majority of them,—in the Province of British Columbia the Judges of the Supreme Court, or the majority of them,—in the Province of Prince Edward Island, the Judges of the Supreme Court, or the majority of them,—and in the Province of Manitoba, the Judges of the Court of Queen's Bench, or a majority of them,—shall forthwith make and frame and settle the forms, rules and regulations, to be followed and observed in the said Provinces respectively, in proceedings in insolvency under this Act, and shall fix and settle the costs, fees and charges which shall or may be had, taken or paid in all such cases by or to attorneys, solicitors, counsel and officers of courts, whether for the officer or for the Crown as a fee for the fee fund or otherwise, and by or to sheriffs, Assignees or other persons whom it may be necessary to provide for, or for any service performed or work done for which costs are allowed by this Act, but the amount whereof is not hereby fixed.

Present rules,  
&c., to remain  
until altered.

**124.** Until such rules of practice and tariff of fees have been made, as required by the two preceding sections, the rules of practice and tariff of fees of insolvency, now in force in the said Provinces respectively, shall continue and remain in full force and effect.

Assignee to  
be subject to  
summary  
jurisdiction  
of Court.

**125.** Every Assignee shall be subject to the summary jurisdiction of the court or judge in the same manner and to the same extent as the ordinary officers of the court are subject to its jurisdiction; and the performance of his duties may be compelled, and all remedies sought or demanded for enforcing any claim for a debt, privilege, mortgage, hypothec, lien or right of property upon, in or to any effects or property in the hands, possession or custody of an Assignee, may be obtained by an order of the judge on summary petition in vacation, or of the court on a rule in term, and not by any suit, attachment, opposition, seizure or other proceeding of any kind whatever; and obedience by the Assignee to such order may be enforced by such court or judge under the penalty of imprisonment, as for contempt of court or disobedience thereto, or he may, if not an Official Assignee, be removed in the discretion of the court or judge.

Obedience,  
how enforced.

Registration  
of marriage  
contracts of  
traders in  
Quebec.

**126.** In the Province of Quebec every trader having a marriage contract with his wife, by which he gives or promises to give or pay or cause to be paid, any right, thing or sum of money, shall enregister the same, if it be not already enregistered, within three months from the execution thereof;



thereof; and every person not a trader, but hereafter becoming a trader, and having such a contract of marriage with his wife, shall cause such contract to be enregistered as aforesaid (if it be not previously thereto enregistered,) within thirty days from becoming such trader; and in default of such registration the wife shall not be permitted to avail herself of its provisions in any claim upon the estate of such Insolvent for any advantage conferred upon or promised to her by its terms; nor shall she be deprived by reason of its provisions of any advantage or right upon the estate of her husband, to which, in the absence of any such contract, she would have been entitled by law; but this section shall be held to be only a continuance of the second sub-section of section twelve of the "*Insolvent Act of 1864*," and of section one hundred and forty of the "*Insolvent Act of 1869*," and shall not relieve any person from the consequence of any negligence in the observance of the provisions of the said sub-section or section.

#### IMPRISONMENT FOR DEBT.

127. Any debtor confined in gaol or on the limits in any civil suit, who may have made the assignment provided for in this Act, or against whom process for liquidation under this Act may have been issued may, at any time after the meeting of creditors provided for in this Act, make application to the judge of the county or district in which his domicile may be or in which the gaol may be in which he is confined, for his discharge from imprisonment or confinement in such suit; and thereupon such judge may grant an order in writing directing the sheriff or gaoler to bring the debtor before him for examination at such time and place in such county or district as may be thought fit; and the said sheriff or gaoler shall duly obey such order, and shall not be liable to any action for escape in consequence thereof, or to any action for the escape of the said debtor from his custody, unless the same shall have happened through his default or negligence; or if the debtor is confined in the county or district in which the judge does not reside, the judge instead of ordering the debtor to be brought before him for examination may, if he sees fit, make an order authorizing and directing the Official Assignee for the county or district in which the debtor is confined, to take such examination, and it shall be the duty of the Official Assignee to take down or cause to be taken down such examination fully in writing and transmit the same under his hand forthwith to the judge; and the Official Assignee shall be entitled to ten cents for each folio of one hundred words of such examination.

*Insolvent in Gaol or on the limits may apply to Judge for discharge.*

*Proceedings thereon.*

(1.) In pursuance of such order the said confined debtor and any witnesses subpoenaed to attend and give evidence at

*Examination of insolvent and witnesses.*



Judge may  
discharge him  
if the exami-  
nation be  
satisfactory.

Proviso.

Minutes of  
examination  
to be kept.

Postpone-  
ment in  
certain cases.

As to any  
subsequent  
arrest.

Proviso.

Appeal from  
any order of  
the Judge in  
Province of  
Quebec.

at such examination may be examined on oath at the time and place specified in such order before such judge or Assignee; and if on such examination it appears to the satisfaction of the judge that the said debtor has *bona fide* made an assignment as required by this Act, and has not been guilty of any fraudulent disposal, concealment or retention of his estate or any part thereof, or of his books and accounts or any material portion thereof, or otherwise in any way contravened the provisions of this Act, such judge shall, by his order in writing, discharge the debtor from confinement or imprisonment; and on production of the order to the sheriff or gaoler, the debtor shall be forthwith discharged without payment of any gaol fees: Provided always, that no such order shall be made in any case unless it be made to appear to the satisfaction of such judge that at least seven days notice of the time and place of the said examination had been previously given to the plaintiff in the suit in which the debtor was imprisoned, or to his attorney and to the Assignee for the time being:

(2.) The minutes of the examination herein mentioned shall be filed in the office of the clerk of the court out of which the process issues, and a copy thereof shall be delivered to the Assignee; and if, during the examination or before any order be made, the Official Assignee or the appointed Assignee, or the creditor or any one of the creditors at whose suit or suits the debtor is in custody makes affidavit that he has reason to believe that the debtor has not made a full disclosure in the matters under examination, the judge may grant a postponement of such examination for a period of not less than seven days nor more than fourteen days, unless the parties consent to an earlier day:

(3.) After such examination, in case of any subsequent arrest in any civil suit as aforesaid for causes of action arising previous to the assignment or process for liquidation, the said debtor may, pending further proceedings against him under this Act, be forthwith discharged from confinement or imprisonment in such suit, on application to any judge and on producing such previous discharge: Provided that nothing in this section contained, shall interfere with the imprisonment of the said debtor, in pursuance of any of the provisions of this Act.

#### APPEAL.

**128.** In the Province of Quebec all decisions by a Judge in Chambers in matters of insolvency shall be considered as judgments of the Superior Court, and any final order or judgment rendered by such judge or court may be inscribed for revision or may be appealed from by the parties aggrieved in the same cases and in the same manner as they might

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might inscribe for revision or appeal from a final judgment of the Superior Court in ordinary cases, under the laws in force when such decision shall be rendered. If any of the parties to any contestation, matter or thing upon which a judge has made any final order or judgment are dissatisfied with such order or judgment, they may, in the Province of Ontario, appeal therefrom to either of the superior courts of common law or to the Court of Chancery, or to any one of the judges of the said courts; in the Province of New Brunswick to the Supreme Court of New Brunswick or to any one of the judges of the said court; in the Province of Nova Scotia to the Supreme Court of Nova Scotia or to any one of the judges of the said court; in the Province of British Columbia to the Supreme Court of that Province, or to any judge of the said court; in the Province of Prince Edward Island to the Supreme Court of Judicature, or to any judge of the said court; in the Province of Manitoba, to the Court of Queen's Bench or to any judge of the said court; but any appeal to a single judge in the Provinces of Ontario, New Brunswick, Nova Scotia, British Columbia, Prince Edward Island or Manitoba, may, in his discretion, be referred, on a special case to be settled, to the full Court, and on such terms in the mean time as he may think necessary and just. No such appeal or proceeding in revision shall be entertained unless the appellant or party inscribing for revision shall have within eight days, from the rendering of such final order or judgment, adopted proceedings on the said appeal or revision or unless he shall, within the said delay, have made a deposit or given sufficient sureties before a Judge that he will duly prosecute the said appeal or proceedings in revision, and pay such damages and costs as may be awarded to the respondent. If the party appellant does not proceed with his appeal, or in review, as the case may be, according to the law or the rules of practice, the court, on application of the respondent, may order the record to be returned to the officer entitled to the custody thereof and condemn the appellant to pay the respondent the costs by him incurred.

In other  
Provinces.

Appeal to be  
prosecuted  
within eight  
days.

If appellant  
does not pro-  
ceed.

129. Pending the contestation of any claim or of a dividend sheet and of any appeal or proceeding in revision, the Assignee shall reserve a dividend equal to the amount of the dividends claimed or contested.

Reservation  
of amount  
dividend  
contested.

#### FRAUDS AND FRAUDULENT PREFERENCES.

130. All gratuitous contracts or conveyances, or contracts without consideration, or with a merely nominal consideration, respecting either real or personal estate, made by a debtor afterwards becoming an Insolvent with or to any person whomsoever, whether such person be

Gratuitous  
contracts,  
within three  
months of  
insolvency  
presumed  
fraudulent.

be his creditor or not, within three months next preceding the date of a demand of an assignment or for the issue of a writ of attachment under this Act whenever such demand shall have been followed by an assignment or by the issue of such writ of attachment, or at any time afterwards, and all contracts by which creditors are injured, obstructed or delayed, made by a debtor unable to meet his engagements, and afterwards becoming an Insolvent, with a person knowing such inability or having probable cause for believing such inability to exist, or after such inability is public and notorious, whether such person be his creditor or not, are presumed to be made with intent to defraud his creditors.

Certain other  
contracts  
voidable.

**131.** A contract or conveyance for consideration, respecting either real or personal estate, by which creditors are injured or obstructed, made by a debtor unable to meet his engagements with a person ignorant of such inability, whether such person be his creditor or not, and before such inability has become public and notorious, but within thirty days next before a demand of an assignment or the issue of a writ of attachment under this Act, or at any time afterwards, whenever such demand shall have been followed by an assignment or by the issue of such writ of attachment, is voidable, and may be set aside by any court of competent jurisdiction, upon such terms as to the protection of such person from actual loss or liability by reason of such contract, as the court may order.

Contracts  
made with  
intent to  
defraud creditors to be  
void.

**132.** All contracts, or conveyances made and acts done by a debtor, respecting either real or personal estate, with intent fraudulently to impede, obstruct or delay his creditors in their remedies against him, or with intent to defraud his creditors, or any of them, and so made, done and intended with the knowledge of the person contracting or acting with the debtor, whether such person be his creditor or not, and which have the effect of impeding, obstructing, or delaying the creditors of their remedies, or of injuring them or any of them, are prohibited and are null and void, notwithstanding that such contracts, conveyances, or acts be in consideration, or in contemplation of marriage.

Fraudulent  
preferential  
sales, &c., to  
be void.

**133.** If any sale, deposit, pledge or transfer be made of any property real or personal by any person in contemplation of insolvency, by way of security for payment to any creditor; or if any property real or personal, movable or immovable, goods, effects, or valuable security, be given by way of payment by such person, to any creditor whereby such creditor obtains or will obtain an unjust preference over the other creditors, such sale, deposit, pledge, transfer or payment shall be null and void, and the subject thereof may be recovered back for the benefit of the estate by the Assignee, in

in any court of competent jurisdiction; and if the same be made within thirty days next before a demand of an assignment, or for the issue of a writ of attachment under this Act, or at any time afterwards, whenever such demand shall have been followed by an assignment or by the issue of such writ of attachment, it shall be presumed to have been so made in contemplation of insolvency.

*Presumption of fraud.*

**134.** Every payment made within thirty days next before a demand of an assignment, whenever such demand shall have been followed by an assignment, or by the issue of a writ of attachment, or within thirty days next before the issue of a writ of attachment under this Act, when such writ has not been founded upon a demand, by a debtor unable to meet his engagements in full, to a person knowing such inability, or having probable cause for believing the same to exist, shall be void, and the amount paid may be recovered back by suit in any competent court, for the benefit of the estate: Provided always, that if any valuable security be given up in consideration of such payment, such security or the value thereof, shall be restored to the creditor before the return of such payment can be demanded.

*Certain payments by debtor void.*

*Proviso.*

**135.** Any transfer of a debt due by the Insolvent, made within the time and under the circumstances, in the next preceding section mentioned, or at any time afterwards, whenever such demand shall have been followed by an assignment or by the issue of such writ of attachment, to a debtor knowing or having probable cause for believing the Insolvent to be unable to meet his engagements, or in contemplation of his insolvency, for the purpose of enabling the debtor to set up by way of compensation or set-off the debt so transferred, is null and void, as regards the estate of the Insolvent; and the debt due to the estate of the Insolvent shall not be compensated or affected in any manner by a claim so acquired; but the purchaser thereof may rank on the estate in the place and stead of the original creditor.

*Transfer of certain debts by Insolvent void.*

**136.** Any person who, for himself or for any firm, partnership or company of which he forms part, or as the manager, trustee, agent or employee of any person, firm, copartnership or company, purchases goods on credit, or procures any advance in money, or procures the indorsement or acceptance of any negotiable paper without consideration, or induces any person to become security for him, knowing or believing himself or such person, firm, copartnership or company for which he is acting to be unable to meet his or its engagements, and concealing the fact from the person thereby becoming his creditor, with the intent to defraud such person, or who

*Purchasing goods on credit by persons knowing themselves unable to pay, to be fraud, and how punishable.*

who by any false pretence obtains a term of credit for the payment of any advance or loan of money, or of the price or any part of the price of any goods, wares or merchandise, with intent to defraud the person thereby becoming his creditor, or the creditor of such person, firm, copartnership or company, and who shall not afterwards have paid or caused to be paid the debt or debts so incurred, shall be held to be guilty of a fraud, and shall be liable to imprisonment for such time as the court may order, not exceeding two years, unless the debt and costs be sooner paid: Provided always, that in the suit or proceeding taken for the recovery of such debt or debts, the defendant be charged with such fraud, and be declared to be guilty of it by the judgment rendered in such suit or proceeding.

Proviso.

Fraud must be proved.

Award of imprisonment.

**137.** Whether the defendant in any such case appear and plead, or make default, the plaintiff shall be bound to prove the fraud charged, and upon his proving it, if the trial be before a jury, the judge who tries the suit or proceeding shall immediately after the verdict rendered against the defendant for such fraud, (if such verdict is given), or if not before a jury, then immediately upon his rendering his judgment in the premises, adjudge the term of imprisonment which the defendant shall undergo; and he shall forthwith order and direct the defendant to be taken into custody and imprisoned accordingly; but such judgment shall be subject to the ordinary remedies for the revision thereof, or of any proceeding in the case.

#### OFFENCES AND PENALTIES.

Assignees to be deemed agents for certain purposes. 32-33 V., c. 21.

**138.** Every Assignee, to whom an assignment is made under this Act, is an agent within the meaning of the seventy-sixth and following sections of the "*Act respecting Larceny and other similar offences*," and every provision of this Act, or resolution of the creditors, relating to the duties of an Assignee, shall be held to be a direction in writing, within the meaning of the said seventy-sixth section; and in an indictment against an Assignee, under any of the said sections, the right of property in any moneys, security, matter or thing, may be laid in "the creditors of the Insolvent (*naming him*), under the Insolvent Act of 1875," or in the name of any Assignee subsequently appointed, in his quality of such Assignee.

Punishment of Insolvent making wilful misstatement.

**139.** Any Assignee who, in any certificate required by this Act, shall wilfully misstate or falsely represent any material fact for the purpose of deceiving the judge, the creditors, or the Inspectors, shall be guilty of a misdemeanor, and shall be liable at the discretion of the court before which he shall be convicted to imprisonment for a term not exceeding three years.



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**140.** From and after the coming into force of this Act, any Insolvent who, with regard to his estate,—or any president, director, manager or employee of any copartnership, or of any incorporated company not specially excepted in the first section of this Act, with regard to the estate of such copartnership or company, who shall do any of the acts or things following with intent to defraud, or defeat the rights of his or its creditors, shall be guilty of a misdemeanor, and shall be liable at the discretion of the court before which he is convicted, to punishment by imprisonment for not more than three years, or to any greater punishment attached to the offence by any existing Statute,—

*Carwin acts  
by Insolvent  
to be mis-  
demeanors.*

If he does not upon examination fully and truly discover, to the best of his knowledge and belief, all his property, real and personal, inclusive of his rights and credits, and how and to whom, and for what consideration, and when he disposed of, assigned or transferred the same or any part thereof, except such part has been really and *bond fide* before sold or disposed of in the way of his trade or business, or laid out in ordinary family or household expenses, and fully, clearly and truly state the causes to which his insolvency is owing; or shall not deliver up to the Assignee all such part thereof as is in his possession, custody or power, (except such part thereof as is exempt from seizure as hereinbefore provided,) and also all books, papers and writings in his possession, custody or power relating to his property or affairs;

*Not fully dis-  
covering or  
not delivering  
property,  
books,  
papers, &c.*

If, within thirty days prior to the demand of Removing assignment, or the issue of a writ of attachment under this Act, he doth, with intent to defraud his creditors, remove, conceal or embezzle any part of his property, to the value of fifty dollars or upwards;

*of Removing  
property.*

If, in case of any person having to his knowledge or belief proved a false debt against his estate, he fail to disclose the same to his Assignee within one month after coming to the knowledge or belief thereof;

*Not denounc-  
ing false  
claims.*

If, with intent to defraud, he wilfully and fraudulently omits from his schedule any effects or property whatsoever;

*False sche-  
dule.*

If, with intent to conceal the state of his affairs, or to defeat the object of this Act or of any part thereof, he conceals, or prevents, or withholds the production of any book, deed, paper or writing relating to his property, dealings or affairs;

*Withholding  
books, &c.*

If, with intent to conceal the state of his affairs or to defeat the object of the present Act or of any part thereof, he parts with, conceals, destroys, alters, mutilates or falsifies, or causes

*Falsifying  
books.*

causes to be concealed, destroyed, altered, mutilated or falsified, any book, paper, writing or security or document relating to his property, trade, dealings or affairs, or makes or is privy to the making of any false or fraudulent entry or statement in or omission from any book, paper, document or writing relating thereto;

Stating fictitious losses.

If, at his examination at any time, or at any meeting of his creditors held under this Act, he attempts to account for the non-production or absence of any of his property by fictitious losses or expenses;

Disposing of goods not paid for.

If, within the three months next preceding the demand of assignment, or the issue of a writ of attachment in liquidation, he pawns, pledges or disposes of, otherwise than in the ordinary way of his trade, any property, goods or effects, the price of which remains unpaid by him during such three months.

Offences against this Act, how tried.

**141.** Every offence punishable under this Act shall be tried as other offences of the same degree are triable in the Province where such offence is committed.

Creditors taking consideration for granting discharge, &c.

**142.** If any creditor of an Insolvent, directly or indirectly, takes or receives from such Insolvent, any payment, gift, gratuity or preference, or any promise of payment, gift, gratuity or preference, as a consideration or inducement to consent to the discharge of such Insolvent, or to execute a deed of composition and discharge with him; or if any creditor knowingly ranks upon the estate of the Insolvent for a sum of money not due to him by the Insolvent, or by his estate, such creditor shall forfeit and pay a sum equal to treble the value of the payment, gift, gratuity or preference so taken, received or promised, or treble the amount improperly ranked for as the case may be; and the same shall be recoverable by the Assignee for the benefit of the estate, by suit in any competent court, and when recovered, shall be distributed as part of the ordinary assets of the estate.

Penalty.

Punishment of Insolvent receiving money, &c., and not handing the same to Assignee.

**143.** If, after a demand is made for the issue of a writ of attachment in insolvency, or for an assignment of his estate under this Act, as the case may be, when such demand shall be followed by the issue of a writ of attachment or by an assignment under this Act, the Insolvent retains or receives any portion of his estate or effects, or of his moneys, securities for money, business papers, documents, books of account, or evidences of debt, or any sum or sums of money belonging or due to him, and retains and withholds from his Assignee, without lawful right, such portion of his estate or effects, or of his moneys, securities for money, business papers, documents, books of account, evidences of debt,

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sum or sums of money, the Assignee may make application to the judge, by summary petition, and after due notice to the Insolvent, for an order for the delivery over to him of the effects, documents, or moneys so retained; and in default of such delivery in conformity with any order to be made by the judge upon such application, such Insolvent may be imprisoned in the common gaol for such time, not exceeding one year, as such judge may order. Imprisonment for disobedient order.

144. The deeds of assignment and of transfer, or in the Province of Quebec authentic copies thereof, or a duly authenticated copy of the record of the appointment of the Assignee certified by the clerk or prothonotary of the court in which such record is deposited, under the seal of such court, shall be *prima facie* evidence in all courts, whether civil or criminal, of such appointment, and of the regularity of all proceedings at the time thereof and antecedent thereto. Certain documents to be evidence.

#### BUILDING AND JURY FUND.

145. One per centum upon all moneys proceeding from the sale by an Assignee, under the provisions of this Act, of any immovable property in the Province of Quebec, shall be retained by the Assignee out of such moneys, and shall, by such Assignee, be paid over to the sheriff of the district, or of either of the Counties of Gaspé or Bonaventure, as the case may be, within which the immovable property sold shall be situate, to form part of the Building and Jury Fund of such district or county. Contribution to Building and Jury Fund in Quebec.

146. The Governor in Council shall have all the powers with respect to imposing a tax or duty upon proceedings under this Act, which are conferred upon the Governor in Council by the thirty-second and thirty-third sections of the one hundred and ninth chapter of the Consolidated Statutes for Lower Canada, and by the Act intituled: "*An Act to make provision for the erection or repair of Court Houses and Gaols at certain places in Lower Canada*," (12 Vict., chap. 112). Governor in Council to have certain powers.

#### PROCEDURE IN THE CASE OF INCORPORATED COMPANIES.

147. The provisions of this Act shall apply to the estates of incorporated companies, not specially excepted in the first section of this Act, subject to the following modifications:— Provisions for Incorporated Companies.

(1.) No writ of attachment shall issue against the estate of an incorporated company except upon the order of the judge, and after notice of at least forty-eight hours has been given to such company of the application for such writ. The judge in all cases where proceedings have been adopted under this Act against an incorporated company, may, before granting a writ of attachment, order the Official Assignee Preliminary notice. Inquiry by Assignee.

Assignee to inquire into the affairs of the company, and to report thereon within a period not exceeding ten days from the date of such order :

Company to exhibit books, &c.

Refusal to be contempt of Court.

After service of order, Company to hold property in trust.

Meeting of creditors may be called.

Resolutions thereat.

To be submitted to Judge.

Powers of Judge in relation thereto.

(2.) Upon such order it shall be the duty of such company, and of the president, directors, managers and employees thereof, and of every other person, having possession or knowledge thereof, to exhibit to the Official Assignee, or to his deputy, the books of account together with all inventories, papers, and vouchers referring to the business of the company, or of any other person; and generally to give all such information as may be required by the Official Assignee to form a just estimate of the affairs of the said company; and any refusal on the part of the said president, directors, managers or employees of the company to give such information shall, on evidence of such refusal, be considered as a contempt of an order of the court or judge, and punishable by fine or imprisonment or by both at the discretion of the judge :

(3.) From the time the above order is served upon the company, the president, directors, managers and employees thereof, and all other persons having the control or possession of its affairs or property, shall hold the estate and property of the said company upon trust for the creditors of the said company, and shall be bound to account for all the property of the said company under the same obligations, liabilities, and responsibilities as trustees appointed by courts of law or equity in the several Provinces, or as guardians and sequestrators in the Province of Quebec, are bound :

(4.) Upon the report of the Official Assignee or before any order is given for the examination into the affairs of the company, as herein provided, the judge may order that a meeting of the creditors be called and held in the manner provided for by this Act for the first meeting of creditors, —at which meeting the creditors present, who shall verify their claims under oath, may pass such resolutions either for the winding up of the affairs of the company or for allowing the business thereof to be carried on as they may deem most advantageous to the creditors; and may also appoint two Inspectors and indicate the mode in which the business of the company should be wound up or should be continued :

(5.) The resolutions so adopted shall be submitted to the judge at the time and place appointed at the meeting, and at least forty-eight hours notice shall be given by the Official Assignee to the company of the time and place so fixed :

(6.) The judge, after hearing such creditors as may be present, the Assignee and the company, may confirm, reject, or modify

modify the said resolutions; and he may order the immediate issue of a writ of attachment to attach the estate of the company, or direct that the issue of such writ shall be suspended for a period not exceeding six months,—during which period he may order that the Official Assignee or the Inspectors (if any have been appointed by the creditors) shall exercise a general supervision over the estate and business of the said company by requiring from the president, directors, managers and employees of the company, such periodical accounts and statements, of the business done, and of the moneys received and expended or disbursed since the last statement as may be required by the said Inspectors or the said Official Assignee to obtain a proper knowledge of the affairs of the company:

Order may  
be made by  
Judge.

(7.) The judge may also, if he deems it for the advantage of the creditors, appoint a Receiver charged with such duties as to the superintendence or management of the affairs of the company as may be imposed upon him by the order of the judge; and who shall also assume and be invested with all the powers vested in the directors and stockholders respecting the calling in and collecting of the unpaid stock of the company, and subject to such orders and directions as he may, from time to time, receive from the judge:

Receiver may  
be appointed.

(8.) Such Receiver shall account, whenever ordered by the court or judge, for all moneys or property he may have received from the estate:

To render  
account.

(9.) Before the expiration of the six months next after such order, the Official Assignee or the Receiver, as the case may be, shall cause another meeting of the creditors to be called:

Further  
meeting within  
six months.

(10.) On the resolutions adopted at such meeting the judge may either grant a further delay not exceeding six months, or cause a writ of attachment to issue at the instance of any creditor or creditors:

Further delay  
may be  
granted.

(11.) If, at the expiration of such prolonged delay, the demands made upon the company to place it in liquidation have not been satisfied, the judge shall order the issue of a writ of attachment; and the estate of the said company shall be wound up under the provisions of this Act, unless the creditor or creditors entitled to such writ shall consent to a further delay:

If demands  
are unsatisfied  
estate of com-  
pany may be  
wound up.

(12.) Nothing in this section shall prevent the judge before the expiration of the delays he may have granted under the preceding sub-sections, from cancelling the orders so given by him, and from ordering the issue of a writ of attachment or from releasing the company from the effect of any such order, as circumstances may require:

Judge may  
modify  
orders.

(13.)

Officers of  
Company  
may be ex-  
amined.

(13.) The president, directors, managers or other officers or employees of the company, and any other person, may be examined by the Assignee or by the judge on the affairs of the company, and each of them shall, for refusal to answer questions put in reference to the business within his own cognizance, be liable to the same penalties as ordinary traders refusing to answer questions put under the provisions of this Act:

Remunera-  
tion of As-  
signee and  
Receiver.

(14.) The remuneration of the Official Assignee and of the Receiver for services performed under the preceding sub-sections shall be fixed by the judge.

Company  
may make an  
assignment  
pending delay

(15.) Nothing in the preceding sub-sections shall prevent the president, directors, managers or employees of the company, on being duly authorized to that effect, from making an assignment of the estate of such company to an Official Assignee in the form provided for by this Act, before the expiration of the delays which may have been granted to such company by the court or judge.

#### GENERAL PROVISIONS.

Commence-  
ment of fore-  
going provi-  
sions.

148. The foregoing provisions of this Act shall come into force and take effect upon, from and after the first day of September, in the present year 1875, and not before, except in so far as relates to the appointment of Official Assignees, and the making and framing of rules, orders, and forms, to be followed and observed in proceedings under this Act, with respect to which the said provisions shall be in force from the time of the passing of this Act.

Insolvent  
Acts of 1864  
and 1869 and  
Acts amend-  
ing them and  
Acts of B.C.  
and P. E. I.  
continued to  
1st Sept. and  
then  
repealed;  
saving certain  
proceedings  
and matters.

149. "The Insolvent Act of 1864," and the Act to amend the same passed by the Parliament of the late Province of Canada in the twenty-ninth year of Her Majesty's reign, "The Insolvent Act of 1869," the Act amending the same passed in the thirty-third year of Her Majesty's reign, and the Act amending the same passed in the thirty-fourth year of Her Majesty's reign, and the Act passed in the thirty-seventh year of Her Majesty's reign continuing the same, the Act passed by the legislature of Prince Edward Island in the thirty-first year of Her Majesty's reign, chaptered fifteen, intituled "An Act for the relief of unfortunate debtors," and the several Acts amending and continuing the same which are in force in the said Province of Prince Edward Island, which are mentioned in and continued by the last mentioned Act passed in the thirty-seventh year of Her Majesty's reign, the Act of the legislature of the Colony of Vancouver Island, passed in the year 1862, and intituled: "An Act to declare the law relative to Bankruptcy and Insolvency in Vancouver Island and its dependencies," and the Act of the legislature of the Colony of British Columbia, passed in the year 1865, and intituled: "An Ordinance

*Ordinance to amend the law relative to Bankruptcy and Insolvency in British Columbia,* and all Acts of the said legislatures, or either or them, amending the same, are hereby continued in force to the first day of September in the present year 1875,—after which date the same shall be repealed, except so far as regards proceedings commenced and then pending thereunder, and also as regards all contracts, acts, matters and things made and done before such repeal, to which the said Acts or any of the provisions thereof would have applied if not so repealed, and especially such as are contrary to the provisions of the said Acts, having reference to fraud and fraudulent preferences, and to the enregistration of marriage contracts within the Province of Quebec; and as to all such contracts, acts, matters and things, the provisions of the said Acts shall remain in force, and shall be acted upon as if this Act had never been passed: Provided always, that as respects matters of procedure merely, the provisions of this Act shall, upon and after the said first day of September, in the present year, 1875, supersede those of the said Acts even in cases commenced and then pending, except cases pending before any Official Assignee, in his judicial capacity: And all securities given under the said Acts shall remain valid, and may be enforced, in respect of all matters and things falling within their terms, whether on, before or after the day last aforesaid; and especially all securities theretofore given by Official Assignees shall serve and avail hereafter as if given under this Act. All other Acts and parts of Acts now in force in any of the Provinces to which this Act applies, which are inconsistent with the provisions of this Act, are hereby repealed.

Proviso.  
Procedure  
under this Act  
to apply and  
supersede  
that under  
said Acts.  
Securities to  
remain valid.

Inconsistent  
Acts repeal-  
ed.

**150.** The foregoing provisions of this Act shall apply to each and every the Provinces in the Dominion of Canada.

Act to apply  
to all the  
Provinces of  
Canada.

**151.** The provisions of "*The Insolvent Act of 1869*," applied by Schedule A of the Act thirty-fourth Victoria, chapter thirteen, to Insolvents resident in the Province of Manitoba, shall continue to apply to such Insolvents, in the case of composition and discharge mentioned in the said provisions, until the said first day of September, 1875, until which day the said provisions are hereby continued in force for that purpose; and upon, from and after the said day the same shall be repealed, subject to the like exceptions and provisions as are made in the next preceding section but one, as to the Acts and laws repealed by the said section; and in the provisions so continued in force "*The Court*" shall mean the Court of Queen's Bench of Manitoba, and "*The Judge*" shall mean the Chief Justice or one of the Puisné Judges of the said Court.

Certain provi-  
sions of 32, 23  
Vict., c. 13, to  
apply to Man-  
itoba until  
1 Sept., 1875.

"Court"  
and "Judge,"  
what to mean.

**152.** This Act shall be known and may be cited as "*The Short title. Insolvent Act of 1875.*"

FORM A.

## FORM A.

## INSOLVENT ACT OF 1875.

To (name  
of Insolvent.)

residence

and description

You are hereby required, to wit, by A. B. a creditor for the sum of \$ (describe in a summary manner the nature of the debt,) and by C. D. a creditor, &c., to make an assignment of your estate and effects under the above mentioned Act, for the benefit of your creditors.

place

date.

Signature of Creditor or Creditors.

## FORM B.

## INSOLVENT ACT OF 1875.

CANADA,  
Province of  
District of

}

A. B. —, (name residence and description,)

Plaintiff,

vs.

C. D. —, (name, residence and description,)

Defendant.

I, A. B. —, (name, residence and description) being duly sworn, depose and say:—

1. I am the Plaintiff in this cause (or one of the Plaintiffs, or the clerk, or the agent of the Plaintiff in this cause duly authorized for the purposes thereof.)

2. The Defendant is indebted to me (or to the Plaintiff or as the case may be) in the sum of \_\_\_\_\_ dollars currency for, (state concisely and clearly the nature of the debt.)

3. To the best of my knowledge and belief the Defendant is insolvent within the meaning of "The Insolvent Act of 1875," and has rendered himself liable to have his estate placed in liquidation under the said Act; and my reasons for so believing are as follows: (state concisely the facts relied upon as rendering the debtor insolvent and as subjecting his estate to be placed in liquidation.)

4. I do not act in this matter in collusion with the Defendant, nor to procure him any undue advantage against his creditors.

And



And I have signed; (or I declare that I cannot sign.)

Sworn before me this  
day of

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and if the deponent cannot sign, add  
—the foregoing affidavit having been  
first read over by me to the deponent.

## FORM C.

## INSOLVENT ACT OF 1875.

CANADA,  
PROVINCE OF  
District of

} VICTORIA, by the Grace of God, of the  
United Kingdom of Great Britain and  
Ireland, Queen, Defender of the Faith.

No.

To the Official Assignee of the County (or Judicial District  
or Electoral District as the case may be) of

## GREETING:

WE command you at the instance of  
to attach the estate and effects, moneys and securities for  
money, vouchers, and all the office and business papers and  
documents of every kind and nature whatsoever,  
of and belonging to

if the  
same shall be found in (name of district or other territorial  
jurisdiction) and the same so attached, safely to hold, keep  
and detain in your charge and custody until the attachment  
thereof, which shall be so made under and by virtue of this  
writ shall be determined in due course of law.

We command you also to summon the said  
to be and appear before Us, in our Court for  
at in the County (or District)  
of on the day of to show  
cause, if any he hath, why his estate should not be placed  
in liquidation under "The Insolvent Act of 1875," and further  
to do and receive what, in our said Court before Us, in this  
behalf shall be considered; and in what manner you shall  
have executed this Writ, then and there certify unto Us with  
your doings thereon, and every of them, and have you then  
and there also this Writ.

IN WITNESS WHEREOF, We have caused the Seal of our  
said Court to be hereunto affixed, at aforesaid  
, this day of in the year  
of Our Lord, one thousand eight hundred and seventy  
in the year of our reign.

FORM D.



## FORM D.

## INSOLVENT ACT OF 1875.

A. B.,  
Plaintiff.C. D.,  
Defendant.

A writ of attachment has issued in this cause.

(Place date)

(Signature,  
Official Assignee.

## FORM E.

## INSOLVENT ACT OF 1875.

This assignment made between \_\_\_\_\_ of the  
first part, and \_\_\_\_\_ of the second part,  
witnesses,On this \_\_\_\_\_ day of \_\_\_\_\_ (or)  
before the undersigned notaries  
came and appeared  
of the first part, and  
of the second part, which said parties declared to us  
notaries :—That under the provisions of "The Insolvent Act of 1875"  
the said party of the first part, being insolvent, has assigned  
and hereby does assign to the said party of the second part,  
accepting thereof as Assignee under the said Act, and for  
the purposes therein provided, all his estate and effects, real  
and personal, of every nature and kind whatsoever.To have and to hold to the party of the second part as  
Assignee for the purposes and under the Act aforesaid.

In witness, whereof, &amp;c.

Done and passe &amp;c. (or)

FORM F.

## FORM F.

## INSOLVENT ACT OF 1875.

In the matter of A B, an Insolvent.

## Schedule of Creditors.

1. Direct Liabilities.				Total.
Name.	Residence.	Nature of Debt.	Amount.	
2. Indirect liabilities, maturing before the day fixed for the first meeting of creditors.				
Name.	Residence.	Nature of Debt.	Amount.	
3. Indirect liabilities, maturing after the day fixed for the first meeting of creditors.				
Name.	Residence.	Nature of Debt.	Amount.	
4. Negotiable paper, the holders of which are unknown.				
Date.	Name of Maker.	Names liable to Insolvent.	When due.	Amount.

FORM G.

## FORM G.

## INSOLVENT ACT OF 1875.

In the matter of \_\_\_\_\_ an Insolvent.

The Insolvent has made an assignment of his estate to me, (or, a writ of attachment has been issued in this cause) and the Creditors are notified to meet at \_\_\_\_\_ in \_\_\_\_\_ on \_\_\_\_\_ the \_\_\_\_\_ day of \_\_\_\_\_ at \_\_\_\_\_ o'clock \_\_\_\_\_ to receive statements of his affairs, and to appoint an Assignee if they see fit.

(Date and residence of Assignee.)

(Signature.)  
Assignee.

*The following is to be added to the notices sent by post.)*

The Creditors holding direct claims and indirect claims for one hundred dollars each and upwards, are as follows: (names of Creditors and amount due) and the aggregate of claims under one hundred dollars is \$ \_\_\_\_\_

(Date.)

(Signature.)

## FORM H.

## INSOLVENT ACT OF 1875.

In the matter of A. B., an Insolvent.

This deed of release (or transfer) made under the provisions of the said Act between (C. D.,) Assignee to the estate of the said Insolvent of the first part; and (E. F.,) of the second part, witnesseth:

That whereas by a resolution of the creditors of the Insolvent duly passed at a meeting thereof duly called and held at \_\_\_\_\_, on the \_\_\_\_\_ day of \_\_\_\_\_, the said party of the second part was duly appointed Assignee to the estate of the said Insolvent: Now therefore these presents witness that the said party of the first part, in his said capacity, hereby releases (or transfers) to the said party of the second part the estate and effects of the said Insolvent, in conformity with the provisions of the said Act, and for the purposes therein provided.

In witness whereof, &c.

*This form shall be adapted in the Province of Quebec to notarial form of execution of documents prevailing there.)*

FORM I.

## FORM I.

## INSOLVENT ACT OF 1875.

In the matter of

A. B. [or A. B. & Co.,]  
an Insolvent.I the undersigned [*name and residence*], have been appointed assignee in this matter.

Creditors are requested to file their claims before me, within one month.

(Place date,)

(Signature)

Assignee

## FORM J.

## INSOLVENT ACT OF 1875

CANADA,	}	In the ( <i>name of Court</i> )
PROVINCE OF		In the matter of A. B. (or
District (or County) of		A. B. & Co.,) an Insolvent.

The undersigned has filed in the office of this Court, a consent by his creditors to his discharge (or a deed of composition and discharge executed by his creditors), and on the day of next, he will apply to the said Court (or to the Judge of the said Court, as the case may be) for a confirmation of the discharge thereby effected.

(Place, date.)

(Signature of Insolvent, or of his Attorney ad litem.)

## FORM K.

## INSOLVENT ACT OF 1875.

In the matter of A. B.,

An Insolvent.

I, A. B. of application to the an Insolvent, now making my discharge (or of my deed of composition and discharge) for a confirmation of being duly sworn, depose and say:

That

That no one of my creditors who has signed the said discharge (or the said deed of composition and discharge) has been induced so to do by any payment, promise of payment, or advantage whatsoever, made, secured, or promised to him by me or, with my knowledge, by any person on my behalf.

And I have signed.

Sworn before me at  
this day of .  
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}

### FORM L.

#### INSOLVENT ACT OF 1875.

CANADA,  
PROVINCE OF } In the (name of Court)  
District (or County) of } In the matter of A. B. (or A. B. & Co)  
an Insolvent.

On the day of next,  
the undersigned will apply to the said Court (or the Judge  
of the said Court, as the case may be,) for a discharge under  
the said Act.

(Place date.)

(Signature of the Insolvent, or of his Attorney ad litem.)

### FORM M.

#### INSOLVENT ACT OF 1875.

In the matter of A. B.,

an Insolvent.

In consideration of the sum of \$ whereof quit;  
C. D., Assignee of the Insolvent, in that capacity hereby sells  
and assigns to E. F. accepting thereof, all claim by the In-  
solvent against G. H. of (describing the Debtor) with the  
evidences of debt and securities thereto appertaining, but  
without any warranty of any kind or nature whatsoever.

C. D., Assignee.  
E. F.

FORM N.

## FORM N.

This deed, made under the provisions of "The Insolvent Act of 1875," the day of &c., between A. B. of &c., in his capacity of Assignee of the estate and effects of an Insolvent, under a deed of assignment executed on the day of at in and of a release made and executed on the day of , in (or under an order of the Judge made at on the day of ) of the one part, and C. D., of &c., of the other part, witnesseth: That he, the said A. B., in his said capacity, hath caused the sale of the real estate hereinafter mentioned, to be advertised as required by law, and hath adjudged (or and hath offered for sale pursuant to such advertisement, but the bidding therefor being insufficient did withdraw the same from such sale, and hath since by authority of the creditors agreed to sell) and doth hereby grant, bargain, sell, and confirm the same, to wit: unto the said C. D., his heirs and assigns for ever, all (in Ontario, Nova Scotia and New Brunswick, Manitoba and British Columbia, insert "the rights and interests of the Insolvent in") that certain lot of land, &c., (insert here a description of the property sold): To have and to hold the same, with the appurtenances thereof, unto the said C. D., his heirs and assigns for ever. The said sale is so made for and in consideration of the sum of \$ in hand paid by the said C. D. to the said A. B., the receipt whereof is hereby acknowledged (or of which the said C. D. hath paid to the said A. B., the sum of the receipt whereof is hereby acknowledged and the balance, or sum of \$ the said C. D. hereby promises to pay to the said A. B., in his said capacity, as follows, to wit—(here state the terms of payment)—the whole with interest payable and as security for the payments so to be made, the said C. D. hereby specially mortgages and hypothecates to and in favor of the said A. B., in his said capacity, the lot of land and premises hereby sold),

In witness, &c.

A. B. [L. S.]  
C. D. [L. S.]

Signed, sealed, and delivered  
in the presence of  
E. F.

(This form shall be adapted in the Province of Quebec to the notarial form of execution of documents prevailing there.)

FORM O.

## FORM O.

## INSOLVENT ACT OF 1875.

In the matter of

A. B. (or A. B. &amp; Co.,)

an Insolvent

A dividend sheet has been prepared, open to objection  
until the                      day of                      , after which dividend  
will be paid.

(Place.)

(Date.)

Signature of Assignee.

## FORM P.

## INSOLVENT ACT OF 1875.

In the matter of

A. B.,

An Insolvent, and

C. D.,

Claimant.

I C. D., of                      , being duly sworn in  
depose and say :

1. I am the claimant (or, the duly authorized agent of the  
claimant in this behalf, and have a personal knowledge of  
the matter hereinafter deposed to, or a member of the firm  
of                      claimants in the matter, and the said firm is  
composed of myself                      and of E. F. .)

2. The Insolvent is indebted to me (or to the claimant) in  
the sum of                      dollars, for (here state the nature and  
particulars of the claim, for which purpose reference may also be  
made to accounts or documents annexed.)

3. I (or the claimant) hold no security for the claim, (or I  
or the claimant hold the following, and no other, security  
for the claim namely : state the particulars of the security.)

To the best of my knowledge and belief, the security is  
of the value of                      dollars.

Sworn before me at  
this                      day of                      }

And I have signed.

CHAP.



## CHAP. 17.

An Act to amend the Act therein mentioned, respecting  
Banks and Banking.

[Assented to 8th April, 1875.]

**H**ER Majesty, by and with the advice and consent of the Preamble.  
Senate and House of Commons of Canada, enacts as  
follows:—

1. Section forty of the Act, chapter five, passed in the thirty- 34 V., c. 5,  
fourth year of Her Majesty's reign, is hereby amended by sect. 40,  
the addition of the words following:— amended.

"Nor shall the bank, either directly or indirectly, pur- Bank not to  
chase or deal in any share or shares of the capital stock of deal in its  
the bank, except where it is necessary to realize upon any own stock.  
such share or shares held by the bank as security for any  
pre-existing and matured debt."

2. The item numbered ten in the form prescribed by the 36 V., c. 43,  
first section of the Act of the Parliament of Canada, passed form of return  
in the thirty-sixth year of Her Majesty's reign, and intituled amended.  
"An Act further to amend the Act relating to Banks and Bank-  
ing," under the heading "LIABILITIES," is hereby so amended  
as to read as follows:—

"10. Due to Agencies of the Bank or to other Banks or Agencies.  
Agencies in the United Kingdom."

3. The said form is hereby further amended by adding Form of  
thereto immediately after the item number Eighteen, under return  
the heading "ASSETS" as follows— further  
amended.

"LIABILITIES OF DIRECTORS"

Liabilities of  
directors.

"Aggregate amount of the direct and indirect  
liabilities to the Bank of its Directors and of the firms or  
partnerships in which they, or any of them, have any  
interest".....\$

## CHAP. 18.

An Act relating to Interest and Usury in the Province of New Brunswick.

[Assented to 8th April, 1875.]

Preamble.

**W**HEREAS it is expedient to repeal a portion of the laws at present in force in the Province of New Brunswick relating to usury : Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows :—

Any rate agreed on shall be lawful.

1. From and after the passing of this Act, any person or persons may stipulate for, allow and exact on any contract or agreement whatsoever made or to be performed in the Province of New Brunswick, any rate of interest or discount which may be agreed upon.

Exception as to banks, &c.

2. None of the provisions of this Act shall apply to any bank or incorporated company, but all laws at present in force in the said Province relating to interest or usury shall remain in full force in relation to all transactions of such banks or incorporated companies.

Existing rights saved.

3. Nothing herein contained shall prejudice or affect the rights or remedies of any person, or diminish or alter the liabilities of any person, in respect to any act done before the passing of this Act.

Inconsistent laws repealed.

4. All Acts and parts of Acts of the General Assembly of the Province of New Brunswick inconsistent with the provisions of this Act are hereby repealed.

## CHAP. 19.

An Act to amend the Law relating to Bills of Exchange.

[Assented to 8th April, 1875.]

Preamble.

**W**HEREAS it is desirable that the law relating to damages on Bills of Exchange shall be uniform throughout the Dominion ; Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows :—

1.

1. From and after the first day of July next after the passing of this Act, no damages shall be recoverable in any action, suit or proceeding, either at law or in equity, brought in any Province of the Dominion, upon any bill of exchange, drawn upon any person at any place in the Dominion or in the Island of Newfoundland against any party thereto, except for the amount for which such bill of exchange is drawn, and for such further amounts as arise from the noting and protest of such bill of exchange, and interest thereon, and exchange and re-exchange thereon.

No damages on bills payable in Canada or Newfoundland.

2. From and after the first day of July next after the passing of this Act no damages shall be recoverable in any action, suit or proceeding, either at law or in equity, brought in any Province of the Dominion, upon any bill of exchange drawn upon any person at any place not being in the Dominion nor in the Island of Newfoundland against any party thereto except for the amount for which such bill of exchange is drawn and for two and one half per cent thereon, and for such further amounts as arise from the noting and protest of such bill of exchange and interest thereon, and exchange and re-exchange thereon.

Damages on bills payable elsewhere limited.

3. This Act shall not apply to any suit or action pending, when it comes into force.

Pending suits excepted.

## CHAP. 20.

An Act to amend and consolidate the several Acts respecting Insurance, in so far as regards Fire and Inland Marine business.

[Assented to 8th April, 1875.]

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

1. The following terms and expressions whenever used in this Act, unless it be otherwise specially provided, or there be something in the context repugnant to or inconsistent with such construction, shall be construed and interpreted as hereinafter mentioned, that is to say:—

Interpretation.

1. "Canadian Company" means a Company incorporated in Canada, for purposes of fire or inland marine insurance business or both, in Canada, and having its head office therein, and

Canadian Company.

and entitled under the second section of this Act to receive a license as such :

Foreign  
Company.

2. "Foreign Company" means a company, incorporated or duly established according to the laws of any foreign country (including the United Kingdom,) for purposes of fire or inland marine insurance business or both, and entitled under the second section of this Act to receive a license as such in the Dominion of Canada :

Agent.

3. "Agent" means the chief agent of the company in Canada, named as such in the power of attorney hereinafter referred to, by whatever name he may be designated :

Chief Agency.

4. "Chief Agency" means the principal office or place of business of the company in Canada.

To what  
companies  
this Act  
applies.

2. This Act shall apply only to companies heretofore incorporated by any Act of the legislature of the late Province of Canada, or by any Act of the Legislature of any of the Provinces of Canada, and which upon the day of the passing of this Act, were also licensed under Act of the Parliament of Canada to transact business of insurance in Canada, and also to any company heretofore or which may hereafter be incorporated by Act of Parliament of Canada, and to any foreign insurance company as hereinbefore defined : and it shall not be lawful for the Minister of Finance to license any other company than those in this section above mentioned ; and no other company than those above mentioned shall do any business of fire or inland marine insurance throughout the Dominion of Canada ; but nothing herein contained shall prevent any insurance company incorporated by or under any Act of the legislature of the late Province of Canada, or of any Province of the Dominion of Canada, from carrying on any business of insurance, within the limits of the late Province of Canada, or of such Province only, according to the powers granted to such insurance company within such limits as aforesaid, without such license as hereinafter mentioned.

None other to  
be licensed.

Proviso, as to  
companies  
incorporated  
by Provincial  
Acts.

What com-  
panies only  
shall transact  
business in  
Canada.

3. Except such insurance companies as are mentioned in the proviso to the next preceding section, or companies transacting, in Canada, ocean marine business exclusively, (all insurance above the Harbour of Montreal to be held to be inland insurance,) it shall not be lawful for any insurance company to accept any risk or issue any policy of fire or inland marine insurance, or receive any premium or transact any business of fire or inland marine insurance in Canada, or to prosecute or maintain any suit, action or proceeding, either at law or in equity, or to file any claim in insolvency, relating to such business, without first obtaining

obtaining a license (as hereinafter provided for) from the Minister of Finance to carry on business in Canada.

4. The license shall be in such form as may be, from time to time, determined by the Minister of Finance, and shall specify the business to be carried on by the company; and it shall expire on the thirty-first day of March in each year, but shall be renewable from year to year.

5. The Minister of Finance so soon as the company applying for the same has deposited in the hands of the Receiver-General the securities hereinafter mentioned, and has otherwise conformed to the requirements of this Act, shall cause to be issued such license as aforesaid.

6. Canadian companies shall, before the issue of such license, deposit the sum of fifty thousand dollars with the Receiver General in securities as hereinafter named. Foreign companies shall, before the issue of such license, deposit for the benefit of policy holders in Canada the sum of one hundred thousand dollars with the Receiver-General in such securities as are named hereinafter. All such deposits may be made by any company in securities of the Dominion of Canada, or in securities issued by any of the Provinces in the Dominion of Canada, and by any company incorporated in the United Kingdom in securities of the United Kingdom, and by any company incorporated in the United States in securities of the United States; and the value of such securities shall be estimated at their market value at the time when they are so deposited: if any securities other than those above named are offered as a deposit, they may be accepted, at such valuation and on such conditions as the Treasury Board may direct; and if the market value of any of the securities which have been deposited by any company shall decline below that at which they were deposited, the Minister of Finance may call upon the company to make a further deposit, so that the market value of all the securities deposited by any company shall be equal to the amount which they are required to deposit by this Act.

7. Any company licensed under this Act may nevertheless at any time or times deposit in the hands of the Receiver General any further or other sum or sums of money or securities beyond the sum required to be deposited; and any such further sum or sums of money or securities therefor, so deposited in the hands of the Receiver-General, shall be held by him subject to, and to be dealt with according to the provisions of this Act in respect to the original sum required to be deposited by such Company, as if the same had been part of such original deposit; and no part of such additional deposit shall be withdrawn except with the sanction of the Governor General on the Report of the Treasury Board.

8.

Any deficiency of security to be made good, or license forfeited.

8. If from the annual statements, or after examination of the affairs and condition of any company, it appears that the re-insurance value of all its risks outstanding in Canada, together with any other liabilities in Canada, exceeds its assets in Canada, including the deposit in the hands of the Receiver-General, then the company shall be called upon by the Minister of Finance to make good the deficiency at once, and on failure so to do its license shall be cancelled.

As to interest on securities.

9. Except in cases with respect to which it may be otherwise provided by the Treasury Board, so long as any company's deposit is unimpaired and no notice of any final judgment or order to the contrary is served upon the Minister of Finance or Receiver-General, the interest upon the securities forming the deposit shall be handed over to the company as it falls due.

Certain documents to be filed before license is granted; what they must show.

10. Every company shall, before the issue of a license to it file in the Department of the Minister of Finance a certified copy of the Charter, Act of Incorporation, or Articles of Association of the Company, and also a power of attorney from the company to its head officer or agent, in Canada, under the seal of the company (if it has a seal), and signed by the President and Secretary or other proper officer thereof, verified by their oath, and further corroborated on oath by the head officer or chief agent of such company, or by some person cognizant of the facts necessary to its verification; which power of attorney must declare at what place in Canada the head office or chief agency of the company is or is to be established, and must expressly authorize such attorney to receive process in all suits and proceedings against such company in Canada for any liabilities incurred by the company therein, and must declare that service of process for or in respect of such liabilities at such office or chief agency, or personally on such attorney at the place where such head office or chief agency is established, shall be legal and binding on the company to all intents and purposes whatsoever; and also a statement of the condition and affairs of such company on the thirty-first day of December then next preceding, or up to the usual balancing day of the company (provided that such day shall not be more than twelve months before the filing of the statement), in such form as may be required by the Minister of Finance.

If changes are made in chief agency, document to be filed.

Whenever any company licensed under this Act changes its chief agent or chief agency in Canada, such company shall file a power of attorney as hereinbefore mentioned, containing any such change or changes in such respect, and containing a similar declaration as to service of process as hereinbefore mentioned.

Duplicates



Duplicates of all such documents duly verified as aforesaid. Duplicates of such documents to be filed in Court.  
 shall be filed in the office of either of the superior courts of law or equity in the Province in which its head office or chief agency is located; or if the chief agency be in the Province of Quebec, with the Prothonotary of the Superior Court of the district wherein such chief agency is established.

11. After the certified copies referred to in the last preceding section, and such power of attorney are filed as aforesaid, any process in any suit or proceeding against such company, for any liabilities incurred in Canada, may be served on the company at its chief agency and all proceedings may be had thereupon to judgment and execution in the same manner and with the same force and effect as in proceedings in any civil suit in Canada. Process and suits.

12. Every company obtaining such license as aforesaid shall forthwith give due notice thereof in the *Canada Gazette*, and in at least one newspaper in the county, city or place where the head office or chief agency is established, and shall continue the publication thereof for the space of four weeks; and the like notice shall be given when such company cease or notify that they intend to cease to carry on business in Canada, for the space of three calendar months. Companies to give notice of license. And of ceasing business.

13. The Minister of Finance, shall cause to be published quarterly in the *Canada Gazette* a list of companies licensed under this Act, with the amount of deposits made by each company; and upon any new company being licensed, or upon the license of any company being withdrawn in the interval between two such quarterly statements, he shall publish a notice thereof in the *Canada Gazette* for the space of four weeks. Notices by Minister Finance.

14. Any person who delivers any policy of insurance or collects any premium or transacts any business of insurance on behalf of any company as aforesaid, without such license as aforesaid, or if such license has been withdrawn, without the renewal thereof, or without filing the copy of the Charter, Act of Incorporation, or Articles of Association of the company, and a power of attorney or a renewal thereof in the event of any change as hereinbefore provided, shall be liable to a penalty of one thousand dollars for each such contravention of this Act,—which penalty may be sued for and recovered on information filed in the name of the Attorney-General of Canada; and one half of the said penalty, when recovered, shall be paid to the Crown, and the other half of the said penalty to the informer: and in case of non-payment of such penalty and costs within one month after such judgment, the person so offending shall be liable to imprisonment in any jail or prison for a period not exceeding Penalty for acting in contravention of this Act. How enforced and applied.



ceeding six months, in the discretion of the court wherein he is convicted.

Licenses  
forfeited by  
non-payment  
of claims and  
consequent  
deficiency of  
security.

Renewal on  
certain con-  
ditions.

**15.** Whenever any company fails to make the deposits under this Act at the time required, or whenever written notice has been served on the Minister of Finance of any undisputed claim arising from loss insured against in Canada remaining unpaid for the space of sixty days after being due; or of a disputed claim after final judgment in a regular course of law and tender of a legal valid discharge, so that the amount of securities representing the deposit of such company is liable to be reduced by sale of any portion thereof, the license of the said company shall *ipso facto* be null and void, and shall be deemed to be withdrawn: but such license may, in the case last mentioned, be renewed, and the company may again transact business, if within sixty days after notice to the Minister of Finance of the company's failure to pay any undisputed claim, or the amount of any final judgment as provided in this section, undisputed claims or final judgments upon or against the company in Canada are paid and satisfied, and the company's deposit is no longer liable to be reduced below the amount required by this Act.

When a Com-  
pany shall be  
deemed in-  
solvent.

Provision for  
application of  
deposits in  
such case.

Proviso, if  
delay was  
given for  
payment of  
any loss.

Appointment  
of assignee;  
his duty.

**16.** Any company shall be deemed insolvent upon failure to pay any undisputed claim arising, or loss insured against, in Canada, upon any policy held in Canada, for the space of sixty days after being due, or, if disputed, after final judgment and tender of a legal valid discharge, and (in either case) after notice thereof to the Minister of Finance. In case of the insolvency of any company, all deposits of such company, held by the Receiver-General for policy holders in Canada, shall be applied *pro rata* towards the payment of all claims duly authenticated against such company, upon, or in respect of policies issued to policy holders in Canada; and the distribution of the proceeds of such deposit may, if applied for in the Province of Ontario, or of Nova Scotia, or of New Brunswick, or of British Columbia, or of Prince Edward Island, be made by order in chancery, or in equity; or, if applied for in the Province of Quebec or Manitoba, may be made by judgment or order of distribution of the superior court within the district where the Chief Agency is situated; Provided that in any case when a claim for loss is by the terms of the policy payable on proof of such loss, without any stipulated delay, the notice to the Minister of Finance under this section shall not be given until after the lapse of sixty days from the time when the claim becomes due.

**17.** Upon the insolvency of any company, such court as aforesaid having jurisdiction in the Province (or sitting in the district, if such Province be the Province of Quebec), where the chief agency in Canada of such company is situated,

situated, shall appoint an assignee or assignees, who may be an officer or officers of such court, who shall forthwith call upon the company to furnish a statement of all its outstanding policies in Canada, and upon all such policy holders to file their claims; and upon the filing of the claims before the assignees, the parties interested shall have the right of contestation thereof, and the right of appeal from their decision to such court as aforesaid, according to the practice of such court; and in case of any insurance company becoming insolvent, the parties insured in Canada shall be entitled to claim for a part of the premium paid, proportionate to the unexpired period of their policies respectively, and such return premium shall rank with judgments obtained and claims accrued, in the distribution of the assets; and upon the completion of the schedule to be prepared by the Assignees, of all judgments against the company upon such policies held in Canada, and of all claims for re-insurance or for surrender of the policy as aforesaid, the court having jurisdiction, as above provided, shall cause the securities held by the Receiver-General for such company, or any part of them, to be sold in such manner and after such notice and formalities as the court may appoint; and the proceeds thereof, after paying expenses incurred, shall be distributed *pro rata* amongst the claimants according to such schedule, and the balance, if any, shall be surrendered to the company. But if any loss is sustained or any claim arises after the statement of such outstanding policies has been obtained from the company, as hereinbefore provided, and before the final order of the court for the distribution of the proceeds of the securities, or if the proceeds of the securities are not sufficient to cover in full all claims recorded in the schedule, such policy holders shall not be barred from any recourse they may have either in law or equity against the company issuing the policy, other than that for a share in the distribution of the proceeds of the securities held for such company by the Receiver-General.

Proceedings  
in case of  
Insolvency.

What may be  
claimed by  
parties in-  
sured in  
Canada.

Sale of  
securities  
deposited.

If further loss  
occurs and  
deposits do  
not cover  
claims.

18. When any company has ceased to transact business in Canada, and has given written notice to that effect to the Minister of Finance, it must insure, on behalf of its Canadian policy holders, all their outstanding risks, in some company or companies licensed in Canada, or obtain the surrender of the policies, and its securities shall not be delivered to the company until the same is done to the satisfaction of the Minister of Finance:

Duty of com-  
pany ceasing  
business.

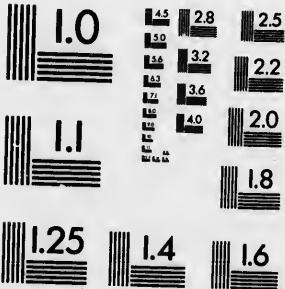
Upon making application for its securities, the company must file with the Minister of Finance a list of all Canadian policy holders who have not been so re-insured or have not surrendered their policies; and it must at the same time publish in the *Canada Gazette* a notice that it has applied to Government for the release of its securities on a certain day

Conditions on  
which depos-  
its may be  
released.



# MICROCOPY RESOLUTION TEST CHART

(ANSI and ISO TEST CHART No. 2)



APPLIED IMAGE Inc

1653 East Main Street  
Rochester, New York 14609 USA  
(716) 482-0300 - Phone  
(716) 288-5989 - Fax

day, not less than three months after the date of the notice, and calling upon its Canadian policy holders opposing such release to file their opposition with the Minister of Finance on or before the day so named; and after that day, if the Minister of Finance, with concurrence of the Treasury Board, is satisfied that the company has ample assets to meet its liabilities to Canadian policy holders, all the securities may be released to it by an Order of the Governor in Council, or a sufficient amount of them may be retained to cover the value of all risks respecting which opposition has been filed; and the remainder may be released, and thereafter from time to time as such opposing risks may lapse, or proof may be adduced that they have been satisfied, further releases may be made on the authority aforesaid.

Company still  
liable in cer-  
tain cases.

And after a company has ceased to transact business in Canada after the notice hereby required, and its license has in consequence been withdrawn, such company may nevertheless pay the losses arising upon policies not re-insured or surrendered, as if such license had not been withdrawn.

Fire policies.

**19.** No fire policy shall be issued for or extend over a longer period than three years.

Yearly state-  
ment to  
Minister of  
Finance;  
what it must  
shew, and  
how it must  
be attested.

**20.** It shall be the duty of the President, Vice-President, or Managing Director, and Secretary or Manager of each Canadian company, to prepare annually under their own oath, on the first day of January or within one month thereafter, a statement of the condition and affairs of such company on or after the thirtieth of November then next preceding; exhibiting the facts and items in the form given in the following schedule, and to cause such statement to be deposited in the office of the Minister of Finance; such statement to be sworn to before some person duly authorized to administer oaths in any legal proceeding.

#### SCHEDULE. DETAILS OF ANNUAL STATEMENTS REQUIRED

List of Stock-  
holders.

A list of the stockholders with the amount subscribed for, the amount paid thereon, and the residence of each stockholder.

*The property or assets held by the Company, specifying,—*

Assets.

1. The value (as nearly as may be) of the real estate held by such company;

2. The amount of cash on hand and deposited in banks to the credit of the company,—specifying in what banks the same are deposited, with amounts separately;

3. The amount of cash in the hands of agents;

4. The amount of loans secured by bonds and mortgages constituting either a first or second lien on real estate in separate schedules;

5. The amount of loans on which interest has not been paid within one year previous to such statement, with a schedule thereof;

6. The amounts due the company for which judgments have been obtained;

7. The amount of Canadian stocks held by the company, and of any other stocks owned by the company, specifying in detail the amount, number of shares, and par and market value of each kind of stocks owned by the company absolutely;

8. The amount of stocks held as collateral security for loans, with the amount loaned on each kind of stock, its par and market value;

9. The amount of assessments on stock and premium notes, paid and unpaid;

10. The amount of interest actually due and unpaid; also the amount of interest accrued and unpaid;

11. The amount of premium notes on hand on which policies are issued with amount paid thereon; also bills receivable held by the company and considered good, the amounts of each class separately, and the amounts on each class overdue;

12. The amount of all other property belonging to the company, with a detail thereof.

*The Liabilities of the Company, specifying,—*

1. The amount of losses due and yet unpaid;

Liabilities.

2. Amount of losses adjusted, but not due;

3. Amount of losses incurred during the year, including those claimed, not yet adjusted, and of those reported to the company upon which no action has been taken,—the amounts of each class separately, carrying out the totals in one sum;

4. Amount of claims for losses resisted by the company, distinguishing those in suit;

5. Amount of dividends declared and due, and remaining unpaid;

6.

6. Amount of dividends declared, but not yet due ;
7. Amount of money borrowed, and security given for payment thereof,—stating each loan separately, and the interest paid therefor ;
8. The amount of unearned fire premiums ;
9. Amount of unearned inland marine premiums ;
10. Amount received for marine (ocean) premiums, not marked off ;
11. Amount of all other claims against the Company, with a detailed statement thereof ;
12. Aggregate amount of all unpaid losses, claims and liabilities whatsoever, except capital stock.

*Income of the Company, specifying,—*

Income.

1. Amount of cash premiums received, less re-insurance ;
2. Amount of notes received for premiums, less re-insurance ;
3. Amount of interest money received ;
4. Amount of income received from all other sources.

*Expenditure of the Company, specifying,—*

Expenditure.

1. Amount paid for losses which occurred prior to the first day of January last, deducting savings and salvage, which losses were estimated in the last statement at \$ ;
- Amount paid for losses which occurred during the year deducting savings and salvage ;
- Total amount actually paid during the year for losses in each branch, in separate columns ;
2. Amount and rate of dividends paid during the year ;
3. Amount of expenses paid during the year, including commissions and fees to agents and officers of the company ;
4. Amount of all other payments and expenditures, with details thereof.

*Miscellaneous,—*

Risks.

1. Gross amount of risks taken during the year, original and renewal, in each branch of the company's business separately,

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separately,—deducting amount of re-insurance effected thereon in each branch separately;

2. And amount of risks in force at end of the year in each branch of the company's business, deducting re-insurance; and shewing at foot, in separate columns, the net amount of risks then in force.

*Form of Declaration to accompany the Statement.*

Province of  
County of

Attestation.

President, and

Secretary of

Company being duly sworn, depose and say, and each for himself says, that they are the above described officers of the said company, and that on the

last day of the above described assets were the absolute property of the said company, free and clear from any liens or claims thereon, except as above stated, and that the foregoing statement, with the schedules and explanations hereunto annexed and by them subscribed, are a full and correct exhibit of all the liabilities, and of the income and expenditure, and of the general condition and affairs of the said company, on the said day of last, and for the year ending on that day, according to the best of their information, knowledge and belief respectively.

*Signatures.*

Subscribed and sworn to before me, this day of  
A. D. 187

The Minister of Finance may, from time to time, make such changes in the form of such statements, as shall seem to him best adapted to elicit from the companies a true exhibit of their condition in respect to the several points herein before enumerated.

21. All Foreign companies shall make annual statements of their condition and affairs under oath of their chief agent, and furnish the same to the Minister of Finance—of their Canada business, in the same form and manner as required of Canadian companies, in the month of January in each year,—and of their general business, in such form and to such date as they may be required by law to furnish to the Government of the country in which their head office is situate, in a separate schedule attached. The blank forms of the statements of the Canada business to be furnished in duplicate by the Finance Department.

22. Any violation of either of the two next preceding sections, shall subject the company violating the same to a penalty.

If penalty is  
not paid.

penalty of five hundred dollars for each violation, and of the additional sum of one hundred dollars for each month during which any such company shall neglect to make such publication or to file such affidavits and statements as are therein required. If such penalties are not paid, the Minister of Finance, with the concurrence of the Treasury Board, may order such company's license to be suspended or cancelled, as may be deemed expedient.

Superintendent  
of insurance;  
appointment  
and salary.

**23.** For the efficient administration of the insurance business in the Dominion of Canada, and to enforce strictly the provisions of this Act, with the necessary details resulting therefrom, the Governor in Council may appoint an officer, to be called the Superintendent of Insurance, acting under the instructions of the Minister of Finance, whose duty it shall be to examine and report to the said Minister of Finance, from time to time, upon all matters connected with Insurance, as carried on by the several companies licensed to do business in Canada, or required by this Act to make returns of their affairs; such Superintendent may be appointed at a salary not exceeding four thousand dollars per annum; and it shall be lawful to provide from time to time such assistance as may be found necessary; The main features of his duties as to which matters shall be as follows:—

Duties of  
Superintendent.

1. The Superintendent of Insurance shall keep a record of the several documents required to be filed by each company in the superior courts of Canada, under the tenth section of this Act; and he shall also enter in a book under the heading of each company, the securities deposited on its account with the Receiver-General,—naming in detail the several securities, their par value, and value at which they are received as deposit; and before the issue of any new license, or the renewal of any license, he shall in each case make a report to the Minister of Finance that the requirements of the law have been complied with, and that from the statement of the affairs of the company it is in a condition to meet its liabilities; and he shall keep a record of the licenses as they are issued.

Further  
duties and  
powers of  
Superintendent.

Report to  
Minister of  
Finance, for  
Parliament.

2. The Superintendent of Insurance shall visit the head office of each company in Canada, at least once in every year, and shall examine carefully the statements of the condition and affairs of each company, as required under this Act, and report thereon to the Minister of Finance as to all matters requiring his attention and decision. The Superintendent of Insurance shall prepare for the Minister of Finance from the said statements an annual report, shewing the full particulars of each company's business, together with an analysis of each branch of insurance, with each company's name; giving items, classified from the statements made by each company. The Minister  
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of Finance shall lay the Superintendent's annual report be-  
fore Parliament within thirty days after the commencement  
of each Session thereof.

3. If the Superintendent of Insurance, after a careful ex-  
amination into the condition and affairs and business of any  
company licensed to transact business in Canada, from the  
annual or other statements furnished by such company to the  
Minister of Finance, or for any other cause, deems it necessary  
and expedient to make a further examination into the affairs  
of such company, and so reports to the Minister of Finance—  
the Minister of Finance may at his discretion instruct the  
Superintendent of Insurance to visit the office of such  
company, to thoroughly inspect and examine into all its  
affairs, and to make all such further inquiries as are necessary  
to ascertain its condition and ability to meet its engage-  
ments, and whether it has complied with all the provisions  
of this Act applicable to its transactions. And it shall be  
the duty of the officers or agents of such company to cause  
their books to be open for the inspection of the Superinten-  
dent of Insurance, and otherwise to facilitate such examina-  
tion so far as it may be in their power; and for that pur-  
pose the said Superintendent shall have power to examine  
under oath the officers or agents of such company relative  
to its business. A report of all companies so visited by the  
Superintendent shall be entered in a book kept for that pur-  
pose, with notes and memoranda showing the condition of  
each company after such investigation, and a special report  
communicated in writing to the Minister of Finance, stating  
the Superintendent's opinion as to its standing and financial  
position, and all other matters desirable to be made known  
to the Minister of Finance. If it appears to the Superin-  
tendent that the assets of any company are insufficient to  
justify its continuance of business on the guarantee basis of  
sections six and eight, or unsafe for the public to effect insur-  
ance with it, he shall make a special report on the affairs of  
such company to the Minister of Finance; and if the Minis-  
ter, after full consideration of the report, and a reasonable  
time being given to the company to be heard by him, after  
such further inquiry and investigation (if any) as he  
may see proper to make, reports to the Governor in  
Council that he agrees with the said Superintendent  
in the opinion so expressed in his report, then, if the Gov-  
ernor in Council also concurs in such opinion, an Order in  
Council may issue suspending or cancelling the license of  
such company, which shall then, during such suspension  
or cancellation, be held to be unlicensed; and after the noti-  
fication of the suspension or cancelling of such license in the  
*Canada Gazette*, any person delivering any policy of insur-  
ance, or collecting any premium, or transacting any business  
of insurance, on behalf of such company, shall be liable to the  
penalties provided for by the fourteenth section of this Act.

Provision if  
Superintend-  
ent considers  
further in-  
quiry neces-  
sary.

If the Com-  
pany appears  
unsafe.

Suspension of  
license and  
notice there-  
of.

Superintendent not to be interested in any Company.

4. The Superintendent of Insurance, or officers under him, shall not be interested as shareholders, directly or indirectly, with any insurance company doing business in Canada, or licensed under this Act.

Contribution towards expenses.

5. Towards defraying the expenses of the office of the Superintendent of Insurance, a sum not exceeding eight thousand dollars shall be annually contributed by the companies licensed under this Act, which sum shall be assessed *pro rata* upon the gross premiums received by each during the preceding year,—such sum to be paid upon the issue of the annual license.

Fees to be collected by Superintendent.

6. The Superintendent of Insurance shall also collect and pay to the Receiver-General the following fees :

For recording and filing the several documents required of each company, under the tenth section of this Act.....	\$10 00
For change of attorney under the said section.....	5 00
For license to do business.....	5 00
For every renewal of such license.....	2 00
For annual statements of each company.....	5 00

Repeal of former Acts.

31 V., c. 48.

34 V., c. 9.

Saving provision.

21. After the passing of this Act the Act of the Parliament of Canada, passed in the thirty-first year of Her Majesty's reign, intituled "*An Act respecting Insurance Companies*," and the Act passed in the thirty-fourth year of Her Majesty's reign, intituled, "*An Act to amend the Act respecting Insurance Companies*," are hereby repealed, in so far as they relate to fire and inland marine insurance,—saving nevertheless all licenses which may have been thereunder issued, until the thirty-first day of March, in the year 1876 (at which date they shall expire), and the right of companies so licensed to continue business during the existence of the same : and saving also any act done, or right or right of action existing, accruing, accrued or established, or any proceedings commenced, or any offence committed, or any penalty or forfeiture incurred, before the passing of this Act,—with respect to all which the said Acts shall remain in force.

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## CHAP. 21.

An Act respecting Life Insurance Companies and Companies doing any insurance business other than Fire and Inland Marine.

[Assented to 8th April, 1875.]

**I**N amendment of the Act passed by the Parliament of Canada in the thirty-first year of Her Majesty's reign, and intituled: '*An Act respecting Insurance Companies*,' as the same is amended by an Act passed in the thirty-fourth year of Her Majesty's reign, intituled: '*An Act to amend the Act respecting Insurance Companies*,' Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

**1.** The Superintendent of Insurance who may at any time be appointed under an Act of the present session, intituled "*An Act to amend and consolidate the several Acts respecting Insurance, in so far as regards Fire and Inland Marine business*," shall have authority to examine into the affairs of all companies licensed to transact life insurance business or any form of insurance other than that of fire and inland marine insurance; and he shall have the like powers with respect to the superintendence of such companies as are provided for by the said Act with respect to fire and inland marine companies.

**2.** The Minister of Finance shall have the power to call upon all such insurance companies to make such returns as he may deem necessary to shew the condition and affairs of the same.

**3.** In estimating the financial condition of companies, the Superintendent shall base his calculations on a rate of interest of five per cent. per annum on their securities.

**4.** Any company which at the time of the passing of this Act has made the deposit required by law, and has obtained a license for fire and life insurance, shall not be required to make any further deposit until after the expiration of such license, March thirty-first, one thousand eight hundred and seventy-six.

## CHAP. 22.

## An Act respecting the Intercolonial Railway.

[Assented to 8th April, 1875.]

Preamble.

WHEREAS it was declared by the one hundred and forty fifth section of "*The British North America Act, 1867*," that it should be the duty of the Government and Parliament of Canada to provide for the commencement within six months after the Union, of a railway connecting the River St. Lawrence with the City of Halifax in Nova Scotia, and for the construction thereof without intermission, and the completion thereof, with all practical speed ;

31 V., c. 13.

And whereas by an Act of the Parliament of Canada passed in the thirty-first year of Her Majesty's reign, intituled "*An Act respecting the construction of the Intercolonial Railway*," it was enacted, that a railway should be constructed connecting the Port of Riviere du Loup, in the Province of Quebec, with the line of railway leading from the said City of Halifax, at or near the Town of Truro, and that such railway should be styled and known as "*The Intercolonial Railway*," and should be a public work belonging to the Dominion of Canada ;

31 V., c. 68.

And whereas by an Act of the Parliament of Canada passed in the thirty-first year of Her Majesty's reign, and known as "*The Railway Act, 1868*," the provisions of the said Act are applied to the said Intercolonial Railway in so far as they are applicable to the undertaking, and are not varied by or inconsistent with the Act of the Parliament of Canada last above cited ;

37 V., c. 15.

And whereas by an Act passed in the thirty-seventh year of Her Majesty's reign, intituled "*An Act to amend the Act respecting the construction of the Intercolonial Railway*," it was enacted that upon, from and after the first day of June, in the year one thousand eight hundred and seventy-four, the said Intercolonial Railway should be a public work vested in Her Majesty, and under the control and management of the Minister of Public Works, and that all works and property, real or personal, thereunto appertaining or constructed or acquired under the said Act, should be vested as aforesaid and under the control and management of the said Minister ;

And whereas the Government of the Province of Nova Scotia, in pursuance of certain Acts of the Legislature of that Province, enabling them in that behalf, constructed or caused to be constructed, a line of railway from the harbour of Halifax, *viâ* Truro, to the navigable waters of the harbour of Pictou ;

And

Railway.

April, 1875.]

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And whereas the Government of the Province of New Brunswick in pursuance of certain Acts of the Legislature of that Province, enabling them in that behalf, constructed, or caused to be constructed, a line of railway from the City of St. John to Shediac, in the said Province;

And whereas under the provisions of the one hundred and eighth section of "*The British North America Act, 1867*," and the third schedule to the said Act, the railways hereinbefore mentioned in the Provinces of Nova Scotia and New Brunswick respectively, became and are the property of the Dominion of Canada; And whereas it is desirable that the said railways situated as hereinbefore described in the said Provinces of Nova Scotia and New Brunswick, respectively, should form part of, and together with the line of railway from Rivière du Loup to Moncton, in the Province of New Brunswick, and from Painséc, (a point on the said line from St. John to Shediac), to Truro, should constitute and should be known as "*The Intercolonial Railway*," and be subject to the several provisions of law affecting the same:

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

1. The line of railway from Halifax to Pictou, in the Province of Nova Scotia, and the line of railway from the city of St. John to Shediac, in the Province of New Brunswick, together with the line from Rivière du Loup to Moncton, and from Painséc aforesaid to Truro, and all works and property thereunto appertaining, are hereby declared to constitute and form *The Intercolonial Railway*, and to be vested in Her Majesty and under the control and management of the Minister of Public Works, and shall as such be subject to the provisions of "*The Railway Act, 1868*," What lines shall constitute the Intercolonial Railway. 31 V., c. 68. in so far as the said Act is, by its provisions, made applicable to *The Intercolonial Railway*.

2. And whereas certain portions of the lands acquired for the purposes of the said railways in the Provinces of Nova Scotia and New Brunswick, and now vested in Her Majesty, may be found unnecessary for such purposes, Her Majesty may from time to time sell and dispose of the same, and grant letters patent therefor accordingly to the purchasers thereof. Lands in N. S. and N. B. not required may be sold.

3. All Acts and parts of Acts passed by the Legislature of either of the Provinces of Nova Scotia or New Brunswick in reference to any of the railways or branch lines hereinbefore mentioned, are hereby repealed, in so far as such provisions are repugnant to the provisions of this Act, except only as respects all acts done, rights acquired, or penalties or forfeitures incurred under the same, as to all which they shall remain in force, and apply as if this Act had not been passed. Inconsistent enactments repealed.



## CHAP. 23.

An Act respecting the Lien of the Dominion on the Northern Railway of Canada.

[Assented to 8th April, 1875.]

Preamble.

**W**HEREAS the lien of the Dominion on the railway and property of the Northern Railway Company of Canada, amounts to the sum of four hundred and seventy-five thousand pounds sterling, and the Government of the Dominion holds also second preference bonds of the Company to the amount of fifty thousand pounds sterling, and third preference bonds of the Company to the amount of fifty thousand pounds sterling; and it is expedient to make provision for the release of the said lien on the conditions hereinafter mentioned: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

On what conditions the lien of the Dominion may be released.

**1.** If the said Company or any company formed by its amalgamation with any other company under any Act of the present session, do on or before the first day of April, one thousand eight hundred and seventy-six, or within such extended time as the Governor in Council may grant, not exceeding three months thereafter, pay to the Receiver General of Canada, or to the financial agents of the Dominion in England, the sum of one hundred thousand pounds sterling, such payment shall operate as a full discharge and release of the said lien and of all principal and interest due in respect thereof; and the Receiver General or the said financial agents (as the case may be) shall give the Company a certificate of such payment, which shall be sufficient evidence of the discharge of the lien and of all claim in respect thereof: Provided always, that the said bonds of the Company held by the Government shall not be affected by the payment aforesaid, but shall hold their present rank and priority in any re-arrangement that may be made of the affairs of the Company, and that the accrued interest on the second preference bonds shall be paid under the terms of the several Acts relating to the said railway.

Proviso: the bonds held by Government not to be affected.

Government Director may be appointed: his powers and duration of office.

**2.** It shall be lawful for the Governor in Council, at any time after the passing of this Act, to nominate and appoint one additional Director of the Company, who shall, in all things, have the same powers as an ordinary Director, but whose concurrence shall be necessary to any future expenditure upon new works or equipment undertaken after such appointment: Provided that such right to appoint a Government Director, and his right to a seat at the Board, shall subsist only so long as the lien of the Dominion shall remain undischarged by the payment that may be made by the Company under the provisions hereinbefore contained.

CHAP.

# CHAP. 24.

An Act further to amend the General Acts respecting Railways.

[Assented to 8th April, 1875.]

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

1. The second, third and fourth sections of the Act passed Sections 2, 3, in the thirty-sixth year of Her Majesty's reign, intituled: 4, of 36 V., c. "An Act to amend the General Acts respecting Railways," are 80, repealed, hereby repealed, and the following sections shall be taken and new sections substituted and read in lieu thereof:—

"2. For the purpose of connecting any city, town, village, Power to a  
manufactory or manufactories, mine or mines, or any quarry Company to  
or quarries of stone or slate, or any well or spring, with the construct  
main line of the railway of the company, or with any branch lines  
branch thereof, or with any railway worked or leased by the for certain  
company; and for the purpose of giving increased facilities purposes.  
to business, or for the purpose of transporting the products  
of any such manufactory, mine, quarry, well or spring, it  
shall be lawful for the company to build, make and con-  
struct and to work and use, sidings, switches, or branch  
lines of railway, not to exceed in any one case six miles in  
length: Provided always, that the Company shall not  
proceed to locate or build any branch line of more than one  
quarter of a mile in length, under this section of this Act, Proviso:  
until public notice shall have been given for six weeks, in Notice to be  
some newspaper published in the county or counties given.  
through or in which such branch line is to be made,  
that it is the intention of the company to apply to  
the Governor in Council to sanction the building of  
such branch line, and to appropriate the necessary  
lands for that purpose, under the compulsory powers  
vested in them by this Act, or by any other Act in their  
behalf; nor unless the company shall, prior to the first  
publication of such notice, have deposited in the Registry Maps and  
office of any city, county or part of a county in which the plans to be  
line or any part thereof is to be constructed, the maps and deposited and  
plans indicating the location of the line; nor until the com- approval of  
pany shall have submitted the same to, and such maps and Governor in  
plans shall have been approved by, the Governor in Council, Council ob-  
after the expiration of the notice: And provided further, tained.  
that the order of the Governor in Council, approving the Proviso:  
said maps and plans, shall limit the time, not exceeding Time for con-  
two years from the date of such order, within which the struction to  
company may construct such branch line. be limited.

Powers of the  
Company as  
to such  
branch lines.

"3. For any and every such purpose each and every company herein referred to shall have and may exercise all the powers given them with respect to their main line by the Act incorporating the company, and the Acts amending the same, or relating to the company, or the Act authorizing the construction of the main line, and 'The Railway Act, 1868,' and any Act amending the same; and each and all provisions of the said Acts which are applicable to such extension, shall extend and apply to every such siding, switch or branch line of railway."

Recital, 31 V.,  
c. 68, s. 50.

"2. And whereas by the fiftieth section of 'The Railway Act, 1868,' every railway company to which the said Act applies is empowered, to make by-laws, rules and regulations for the purpose therein mentioned, but no sufficient power is given to enforce the same; Therefore be it enacted—

Sub-sections  
added.

That the following shall be read as sub-sections of the said fiftieth section, that is to say:—

Altering By-  
laws.

(1.) The company may, from time to time, repeal or alter such by-laws and make others, provided that such by-laws be not repugnant to the provisions of this Act or the Act incorporating the company, or any Act or Acts amending any of them.

Form.

(2.) And such by-laws shall be reduced into writing and shall have affixed thereto the common seal of the company.

Imposing  
penalties.

(3.) Any of the conductors, engine drivers, and other officers and servants of the company or other railway companies using any railway, offending against any such by-law, shall forfeit for every such offence a sum not exceeding forty dollars, to be imposed by the company in such by-law as a penalty for every such offence.

Summary  
interference  
allowed in  
certain cases.

(4.) If the infraction or non-observance of any such by-law, by any of the classes in the preceding sub-section mentioned, as aforesaid, be attended with danger or annoyance to the public, or hindrance to the company in the lawful use of the railway, it shall be lawful for the company summarily to interfere, using no violence or unnecessary force, to obviate or remove such danger, annoyance, or hindrance, and that without prejudice to any penalty incurred by the infraction of any such by-law.

Sanction of  
Governor in  
Council.

(5.) No such by-law shall have force or effect until the same has been approved by the Governor General in Council.

How such  
By-Laws shall  
be notified to

(6.) The substance of any such by-law, when approved as aforesaid, if it affects any officer or servant of the company,

pany, may be proved by proving the delivery of a copy to or its receipt by such officer or servant; and if it affects any other railway company using the railway, shall be painted on boards, or printed on paper and pasted on boards, and hung up and affixed, and continued on the front or other conspicuous part of every wharf or station belonging to the company, according to the nature or subject matter of such by-laws respectively, and so as to give public notice thereof to the parties interested therein, or affected thereby; and such boards shall, from time to time, be renewed as often as the by-laws thereon or any part thereof shall be obliterated or destroyed; and no penalty imposed by any such by-law shall be recoverable unless the same shall have been published, and kept published in manner aforesaid.

Railway servants and to the public respectively.

(7.) Such by-laws, when so confirmed, shall be binding upon and be observed by all parties in the third sub-section mentioned, and shall be sufficient to justify all persons acting under the same; and for proof of the publication of any such by-laws affecting only any other railway company using the railway it shall be sufficient to prove that a printed paper or painted board, containing a copy of such by-laws, was affixed and continued in manner by this Act directed, and in case of its being afterwards displaced or damaged then that such paper or board was replaced as soon as conveniently might be.

What parties are bound by such By-Laws.  
Proof thereof

3. No Judge shall grant any warrant under sub-section twenty-eight of section nine of "*The Railway Act, 1868*," unless ten days previous notice of the time and place, when and where application for its granting will be made to him has been served upon the owner of the land, or the party empowered to convey the land, or interested in the land sought to be taken, or which may suffer damage from the taking of materials sought to be taken, or the exercise of the powers sought to be exercised, or the doing of the thing sought to be done, by the railway company; nor shall any judge grant any such warrant except upon the company giving security to his satisfaction, and in a sum larger than his estimate of the probable compensation and not less than double the amount mentioned in the notice served under sub-section twelve of the said section; and the cost of the application to and of any hearing before the judge shall be borne by the railway company, unless the compensation awarded shall be less than they had declared their readiness to pay.

On what conditions only a Judge shall grant a warrant under sub-s. 28 of s. 9 of Railway Act, 1868.

4. This Act, and the fiftieth section of "*The Railway Act, 1868*," as hereby amended, and section twenty of "*The Railway Act, 1868*," as amended by section five of the Act thirty-fourth Victoria, chapter forty-three, shall apply to every

To what Railways this Act shall apply.

every railway company heretofore incorporated, or which may hereafter be incorporated, and which is subject to the jurisdiction of the Parliament of Canada, as they shall also to the Governor in Council with respect to all railways constructed by, or under the control or management of the Government of Canada, or of any Minister or Department thereof, or being the property of the Dominion of Canada.

## CHAP. 25.

An Act to extend and amend the Law requiring Railway Companies to furnish Returns of their Capital, Traffic and Working Expenditure.

[Assented to 8th April, 1875.]

Preamble.

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

Interpretation of word "Company."

1. In this Act, the term "Company" means a company incorporated either before or after the passing of this Act, for the purpose of constructing, maintaining or working a railway in the Dominion, or in any Province thereof, or connecting any Province with any other or others of the Provinces, or extending beyond the limits of any Province, by any Act of the Parliament of Canada, or of the late Provinces of Canada, or of the Legislatures of the late Provinces of Upper Canada, Lower Canada, Nova Scotia, New Brunswick, British Columbia, or Prince Edward Island, or of the Legislatures of any of the Provinces composing the Dominion of Canada (either alone or in conjunction with any other purpose), and includes any individual or individuals not incorporated, who are owners or lessees of a railway in the Dominion, or parties to an agreement for working a railway in the Dominion:

"Person."

The term "person" includes a body corporate.

Companies to furnish statements of capital, traffic and working expenditure; and in what form.

2. Every company shall annually prepare returns of their capital, traffic, and working expenditure for the last preceding financial year of the company, in accordance with the form contained in Schedule One to this Act, so far as relates to the particulars therein mentioned, and as to all other details in the forms used by the company for the information of their shareholders; and a copy of such return signed by the President, or other head officer of the company resident in

in Canada, and by the officer of the company responsible for the correctness of each return, or any part thereof, shall be forwarded by the company to the Minister of Public Works, not later than three months after the end of the said financial year :

And every company which causes the accounts of the company to be made up half yearly shall prepare the aforesaid returns of their capital, traffic and working expenditure for the preceding half year, in accordance with the said Schedule One, and in the same manner and form forward the same to the Minister of Public Works not later than three months after the end of the said half year :

Companies making up half yearly statements to forward the same half yearly.

Any company which fails to forward the said returns in accordance with the provisions of this section shall be liable to a penalty not exceeding ten dollars for every day during which such default continues :

Penalty for default.

The Minister of Public Works, with the consent of a company, may alter the said forms as regards such company for the purpose of adapting them to the circumstances of such company, or of better carrying into effect the objects of this section.

Minister of Public Works may alter form.

3. Every company shall weekly prepare returns of their traffic for the last preceding seven days in accordance with the form contained in Schedule Two to this Act, and a copy of such returns signed by the officer of the company responsible for the correctness of such return, shall be forwarded by the company to the Minister of Public Works within seven days from the day in each week to which the said returns shall have been prepared ; and another copy of each of such returns signed by the same officer, shall be posted up by the company within the same delay, and kept posted up for seven days, in some conspicuous place in the most public room in the head office of the company in Canada, and so as the same can be perused by all comers ; and free access thereto shall be allowed to all comers during the usual hours of business at such office on each day of the said seven not being a Sunday or holiday :

Weekly returns for publication shall be furnished by companies.

Copies to be posted up in head office.

And every company which fails to forward the said weekly return to the Minister of Public Works, or which fails to post up and keep posted up a copy thereof as aforesaid, and allow free access thereto as aforesaid, shall be liable to a penalty not exceeding ten dollars for every day during which any such default continues.

Penalty for default.

4. If any return which is required by this Act, is false in any particular to the knowledge of any person who signs the same, such person shall be liable, on conviction thereof,

Penalty for false return.

thereof, on indictment, to fine and imprisonment,—such fine not to exceed two hundred and fifty dollars.

Report to  
Parliament.

**5.** The Minister of Public Works shall lay before both Houses of Parliament within twenty-one days from the commencement of each Session, the returns made and rendered to him, in pursuance of the second section of this Act.

Returns to be  
privileged.

**6.** All returns made in pursuance of any of the provisions of this Act, shall be privileged communications, and shall not be evidence in any court whatsoever.

Short title.

**7.** This Act may be cited as "The Railway Statistics Act."



## RETURNS.

## SCHEDULE ONE.

RETURN in pursuance of \_\_\_\_\_ by the \_\_\_\_\_ Railway Company of their authorized Share and Loan Capital, and the sums received in respect of their Ordinary Capital and Preferential Capital, and Debenture Stock, or Funded Debt, on the 31st December, 18\_\_\_\_, specifying the rate per cent. of the Dividends for the year 18\_\_\_\_ on each of the said Capitals, showing also the Loans outstanding on the 31st December, 18\_\_\_\_, classified according to the several rates per cent. of interest, and the Capital subscribed to other undertakings, whether such undertakings are on Lease to, or worked by the subscribing Company, or are independent.

Name of Company.	* Authorized Capital up to the 31st December, 18 , including capital authorized as subscriptions to other undertakings, whether such undertakings are on lease to, or worked by the subscribing Company, or are independent.			Paid up Stock and Share Capital at 31st December, 18 , including subscriptions paid up to other undertakings.								
	† By Shares.	By Loans.	Total.	Ordinary.	Rate per cent. of Dividend.	Guaranteed.	Guaranteed Rate of Dividend.	Rate of Dividend paid.	Preferential.	Preferential Rate of Dividend.	Rate of Dividend paid.	Total paid up Stock and Share Capital at 31st Dec., 18
	\$	\$	\$	\$	\$	\$	\$	\$	\$	\$	\$	\$

Capital raised by Loans and Debenture Stock at 31st December, 18 .					Total Stock and Share Capital paid up, and Capital raised by Loans and Debenture Stock at 31st Dec., 18 .	Subscriptions to other Companies.	Remarks.
Loans.	Rate of Interest.	† Debentures.	Rate of Interest.	Total raised by Loans and Debenture Stock at 31st Dec., 18			
\$		\$		\$	\$	\$	

NOTE.—This Return should be dated and signed by the officer or officers of the company responsible for its correctness.

• This should include all capital authorized to be raised by Acts of Parliament, or by Provincial Legislatures, but should not include capital authorized only for purposes which have lapsed by abandonment or otherwise.

† In cases where a subscription is authorized out of existing capital, no addition should be made in respect of it to the sum entered in this column, but only to the sum entered in the last column.

† Care should be taken not to confound debenture stock with ordinary debenture loans, and not to enter the same sum under both heads.

SCHEDULE

## SCHEDULE TWO.

.....*Railway of Canada.*RETURN of Traffic for week ending 18 , and the  
corresponding week, 18 .

Date.	Passengers.		Freight and Live Stock.		Mails and Sundries.	Total.	Miles open.
18							
18							

*Increase* .....*Decrease* .....*Aggregate Traffic from*....., 18.....

Date.	Passengers.	Freight and Live Stock.	Mails and Sundries.	Total.	Miles open.
18					
18					

## CHAP. 26.

An Act to regulate the construction and maintenance of  
Marine Electric Telegraphs.

[Assented to 8th April, 1875.]

**H**ER MAJESTY, by and with the advice and consent Preamble.  
of the Senate and House of Commons of Canada,  
enacts as follows:—

## 1. This Act shall apply—

(1.) To every company or association of persons hereafter Application of Act, to certain companies.  
authorized by any special or general Act of the Parliament of  
Canada, or under the provisions of this Act, to construct or  
maintain telegraphic wires or cables, in, upon, under or  
across any gulf, bay or branch of any sea or any tidal water  
within the jurisdiction of Canada, or the shore or bed thereof  
respectively, so as to connect any Province with any other  
Province of the Dominion, or to extend beyond the limits of  
any Province;

(2.) To every company authorized to construct or main- And to certain others.  
tain such telegraphs before the passing of this Act by any  
such special or general Act of the Parliament of Canada, or by  
any other special Act or charter of any of the Provinces con-  
stituting the Dominion, and at the time of the passing of this  
Act in force in Canada.

2. The term "The Company" in this Act shall mean any Word "company" interpreted.  
company or association of persons in the preceding section  
mentioned.

3. The company shall not place any telegraphic wire, cable Limitation of powers of company.  
or work connected therewith, in, under, upon, over, along  
or across any gulf, bay or branch of the sea, or any tidal water,  
or the shore or bed thereof respectively, except with the  
consent of all persons and bodies having any right of property,  
or other right, or any power, jurisdiction or authority in, over  
or relating to the same, which may be affected or be liable to  
be affected by the exercise of the powers of the company.

4. Before commencing the construction of any such tele- Plans of works, &c., to be deposited in the department of Marine and Fisheries for approval, and work to be constructed accordingly.  
graph or work as last aforesaid, or of any buoy or sea-mark  
connected therewith,—except in cases of emergency for repairs  
to any work previously constructed or laid, and then as  
speedily after the commencement of such work as may be,—  
the company shall deposit in the office of the Department of  
Marine and Fisheries a plan thereof, for the approval of such  
Department. The work shall not be constructed otherwise  
than

, and the

Miles open.

Miles open.

than in accordance with such approval. If any work is constructed contrary to this provision, the Department of Marine and Fisheries may, at the expense of the company, abate and remove it, or any part of it, and restore the site thereof to its former condition.

Use of lights  
and signals.

**5.** The company may, in or about the construction, maintenance or repairs of any such work, use on board ship or elsewhere any light or signal allowed by any regulation to be made in that behalf by the said department.

Abandoned  
or decayed  
work may be  
removed by  
department.

**6.** If any such work, buoy or sea-mark is abandoned or suffered to fall into decay, the said department may, if and as it thinks fit, at the expense of the company, abate and remove it, and restore the site thereof to its former condition; and the said department may, at any time, at the expense of the company, cause to be made a survey and examination of any such work, buoy or sea-mark, or of the site thereof.

Recovery by  
department  
from com-  
pany, of ex-  
penses, &c.

**7.** Whenever the said department under the authority of this Act, does, in relation to any such work, any act or thing which the said department is, by this Act, authorized to do at the expense of the company, the amount of such expense shall be a debt due to the Crown from the company, and shall be recoverable as such with costs; or the same may be recovered with costs, as a penalty is or may be recoverable from the company.

Extent of  
Crown lands  
to be taken,  
limited.

**8.** The company may, with the consent of the Governor in Council, take and appropriate for the use of the company for its stations, offices and works, but not alienate, so much of the land held by the Crown for the Dominion, and the shore or bed adjacent to or covered by any gulf, bay or branch of the sea, or by any tidal water, as is necessary for constructing, completing and using the telegraph and works of the company.

Provincial  
lands may be  
acquired.

**9.** The company may also acquire from any Province of the Dominion any land or other property necessary for the construction, maintenance, accommodation and use of the telegraph and works of the company, and also alienate, sell and dispose of the same when no longer required for the purpose of the company.

Company may  
acquire land  
from other  
parties, and  
a certain extent  
may be taken  
by compulsory  
process, under  
Railway Act,  
1868.

**10.** The company may also acquire from any person or corporation any land necessary for the construction, maintenance and use of the telegraphic cable and works of the company, adjacent to or near the shore end or place of landing of the telegraph. And in case the company and such person or corporation should fail to agree upon the possession or price of such land, the company is hereby empowered to enter upon and take such land, limited to an area of five acres, under

under the powers, authorities and provisions of "*The Railway Act, 1868*,"—the sections of which, in respect to compulsory powers for the acquisition of lands, are hereby declared to be applicable to any company within this Act; and the powers, authorities and provisions contained in the said sections of "*The Railway Act, 1868*" are hereby declared to be vested in and exercisable by any such company for the purpose aforesaid.

11. The company shall not be entitled to exercise any of the powers by this Act conferred until the company shall have submitted to the Governor in Council a plan and survey of the proposed site and location of such telegraph, and its approaches at the shore, and of its stations, offices and accommodations on land, and of all the intended works thereunto appertaining, nor until such plan, site and location have been approved by the Governor in Council, and such conditions as he shall have thought fit for the public good to impose touching the said telegraph and works, shall have been complied with.

Works not to be proceeded with until plans, &c., submitted to and approved by Governor in Council.

12. The company shall transmit all messages in the order in which they are received, and at equal and corresponding tariff rates, under the penalty of not less than fifty nor exceeding two hundred dollars,—to be recovered with costs of suit by the person aggrieved; and the company shall have full power to charge for the transmission of such messages, and to demand and collect in advance such rates of payment therefor as shall be fixed from time to time as the tariff of rates by the by-laws of the company: Provided, however, that arrangements may be made with the proprietors or publishers of newspapers for the transmission, for the purpose of publication, of intelligence of general and public interest, out of its regular order and at less rates of charge than the general tariff rates.

Transmission of messages and tariff of rates.

Provido, as to newspapers, &c.

13. Any message in relation to the administration of justice, the arrest of criminals, the discovery or prevention of crime, and government messages or despatches shall always be transmitted in preference to any other message or despatch, if required by any person officially charged with the administration of justice, or any person thereunto authorized by the Secretary of State of Canada, or by the Secretary of State for the Colonies on behalf of the Imperial Government.

Preferential messages.

14. No company or association of persons other than those mentioned in the first section of this Act, or which becomes incorporated in Canada under the next following section shall maintain, construct or use any telegraphic wire or cable connecting two or more Provinces of the Dominion, or extending beyond the limits of any Province, in, upon, under or across any gulf, bay or branch of any sea or any tidal water within the

What companies only may extend their wires or cables beyond limits of any one Province.

Proviso in favour of existing companies, until issue of Proclamation.

the jurisdiction of Canada or the shore or bed thereof respectively: Provided that nothing in this section contained shall be construed to prohibit any existing telegraph company or association from continuing to receive and transmit messages over its line of marine telegraph, until such time as another company, under the authority and within the provisions of this Act, has constructed and is operating a line or lines of marine telegraph which shall have been determined by the Governor in Council to afford reasonable facilities for the transmission of marine telegraphic messages in lieu of the line or lines of such existing telegraph company or association, or to be a line or lines for doing business over a route of a competitive nature; and until the Order in Council declaring such determination shall have been published for three months in *The Canada Gazette*.

Companies incorporated by Imperial Parliament, &c., may receive charter from Governor of Canada.

Proviso: charter to be subject to this Act.

Proviso, as to reciprocity in favor of companies incorporated in Canada.

15. In case any company is now or shall hereafter be authorized by any special Act of the Parliament of Great Britain, or incorporated under the Imperial Joint Stock Companies' Act or any other general Act of the Imperial Parliament or by Royal Charter, for establishing or maintaining telegraphic communication, in, upon, under or across any gulf, bay or branch of any sea or tidal water within the jurisdiction of Canada, the Governor in Council may, by letters patent under the Great Seal of Canada, and upon the terms and conditions to be contained therein, grant a charter to the persons forming such company, upon the company petitioning therefor; and such persons and others who may become shareholders in the company shall be constituted a body corporate and politic by the same name, and with the same power and constitution in Canada, for the said purpose and object of establishing and maintaining their said telegraph and works, within the jurisdiction of Canada; but any such grant shall be expressly subject to this Act, and conditional upon the company doing, observing and performing the several provisions thereof; and such letters patent, being published in *The Canada Gazette* with any Order or Orders in Council relating to the said letters patent, shall have the like force and effect, as if the company had been incorporated by special Act of Parliament: but no such letters patent or grant of corporate powers to be exercised within the jurisdiction of Canada shall be made to or conferred upon any company or association which possesses any exclusive privilege of landing wire or cable for a marine telegraph in or upon the coast of any state, province or country in America, Europe or elsewhere, unless an equal or reciprocal right or privilege of landing wire or cable, and establishing a marine telegraph upon the same coast is conceded to any and each of the companies in the first section of this Act mentioned, or which may become incorporated in Canada under the provisions of this section of this Act,—so that any company incorporated or to be incorporated in Canada, may

may enjoy the same advantages in maintaining its marine telegraph line in and upon the same coast as the said company which may possess such exclusive privilege:

Provided that any grant of corporate and other powers made to or conferred upon any company or association under this section may be revoked and declared forfeited by any Act of the Parliament of Canada for non-user for three consecutive years at any one time, or if the company do not go into actual operation within three years after the issue of the letters patent granting such powers; or in case the company shall at any time possess or acquire any exclusive privilege of landing wire or cable for a marine telegraph in or upon the coast of any state, province or country in America, Europe or elsewhere, and an equal or reciprocal right or privilege of landing wire or cable and establishing a marine telegraph on the same coast is not conceded to any and each of the companies mentioned in the first section of this Act, or coming within the provisions thereof.

*Proviso:*  
Charters under this section may be revoked for non-user, and in certain other cases.

16. Each of the companies mentioned in the first section of this Act, or which may become incorporated in Canada under the next preceding section, is prohibited from entering into any agreement for the transmission or interchange of messages, or for participation in profits, or for the union or consolidation of capital stock, with any company or association of persons, which at any time may possess or acquire any such exclusive privilege of landing wire or cable for a marine telegraph, in Newfoundland or the Danish possessions and where an equal or reciprocal right is not conceded as in the proviso to the said next preceding section mentioned; and every such attempted agreement shall be illegal and void.

*Companies mentioned in s. 1, prohibited from entering into certain agreements, &c.*

17. This Act shall not affect any franchise, right or privilege which the New York, Newfoundland and London Telegraph Company or any other company, or person lawfully entitled thereto, may have actually acquired and exercised or operated in Prince Edward Island prior and up to the first day of July, eighteen hundred and seventy-three, under any Act or Acts of the Legislature of the Colony of Prince Edward Island made and passed prior to the said first of July, eighteen hundred and seventy-three, and subject to the provisions thereof respectively.

*Rights of a certain Company under Acts of P. E. Island saved.*

18. Nothing in this Act contained shall have the effect of depriving the Anglo-American Company (Limited) of any right, if any, which the said Company may have to proceed against the Dominion of Canada for damages or compensation for any loss by it sustained by reason of its being prevented under the operation of this Act from maintaining or using its

*Act not to prevent proceedings for recovery of compensation from Canada.*



its telegraphic wires or cables on the shores of Nova Scotia,—the question of such right and the amount of such damages or compensation, if any, to be determined on petition of right.

Right to  
amend re-  
served.

19. The Parliament of Canada may, at any time, amend, vary or repeal any of the provisions of this Act.

## CHAP. 27.

An Act to amend "An Act respecting the Coasting Trade of Canada."

[Assented to 8th April, 1875.]

Preamble.  
33 V., c. 14.

IN amendment of an Act passed in the thirty-third year of Her Majesty's reign intituled: "*An Act respecting the Coasting Trade of Canada*;" Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Penalties  
on foreign  
steamers,  
tugs, ves-  
sels, &c.,  
from place to  
place in  
Canada.

31 V., c. 6.

How this Act  
shall be  
construed.

Exception as  
to foreign  
ships admit-  
ted to coast-  
ing trade.

Imp. Act,  
32 V., c. 11.

1. The Master of any steam vessel, not being a British ship, engaged, or having been engaged, after the passing of this Act, in towing any ship, vessel or raft, from one port or place in Canada to another, except in case of distress, shall forfeit the sum of four hundred dollars, and such steam vessel may be detained by the Collector of Customs at any port or place to or in which such ship, or vessel, or raft is towed, until such penalty is paid, and the said penalty may be recovered and enforced in the manner provided by the Act passed in the thirty-first year of Her Majesty's reign, and intituled: "*An Act respecting the Customs*," with respect to penalties and forfeitures incurred under it, and as if imposed by it; and this Act shall accordingly be construed with reference to the said Act, and as forming one Act with it, and all words and expressions in this Act shall have the same meaning as the like words and expressions in the said Act.

2. The Governor in Council may, from time to time, declare that the foregoing provisions of this Act shall not apply to the ships or vessels of any foreign country in which British ships are admitted to the coasting trade of such country:

And whereby treaty made before the passing of the Act of the Parliament of the United Kingdom, in the thirty-second year of Her Majesty's reign, intituled: "*An Act for amending*"

amending the Law in respect to the Coasting Trade and Merchant Shipping in British Possessions," Her Majesty has agreed to grant to any ships of any foreign state any rights or privileges in respect of the coasting trade of Her Majesty's possessions, such rights and privileges shall be enjoyed by such ships, for so long as Her Majesty has already agreed, or may hereafter agree to grant the same,— anything in this Act to the contrary notwithstanding.

As to foreign vessels, privileges granted by treaty.

This Act shall not come into operation, until the day to be appointed for that purpose, in a proclamation signifying Her Majesty's pleasure that it shall come into operation in Canada.

When this Act shall take effect.

4. In this Act the term "British Ship" means and includes all ships belonging wholly to persons and bodies corporate, qualified or entitled to be owners of British ships, under the provisions of "The Merchant Shipping Act, 1854," or other Act of the Parliament of the United Kingdom in that behalf, in force for the time being.

Interpretation.

## CHAP. 28.

An Act further to amend "The Pilotage Act, 1873."

[Assented to 8th April, 1875.]

IN further amendment of the Act passed in the thirty-sixth year of Her Majesty's reign, intituled: "*An Act respecting Pilotage*," Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Preamble.  
36 V., c. 54.

1. Except as respects the River St. Lawrence so much of the fifty-seventh section of the said Act as defines the ships which shall be exempted from payment of pilotage dues, including the proviso at the end of the said section, is hereby repealed, and the following substituted therefor as part of the said section, that is to say:—

Sec. 57 amended.

"The following ships (called in this Act, exempted ships) shall be exempted from the compulsory payment of pilotage dues:—

ships.

(1.) Ships belonging to Her Majesty;

(2.) Ships wholly employed in Her Majesty's service, while so employed, the masters of which have been appointed by

by Her Majesty's Government, either in the United Kingdom or in Canada;

(3.) Ships propelled wholly or in part by steam, employed in trading between the Provinces of Quebec, New Brunswick, Nova Scotia, and Prince Edward Island, or employed on voyages beginning at any port in any of the said Provinces and ending at the Port of New York, or any port of the United States of America on the Atlantic, north of New York, or *vice versa*;

(4.) Ships of not more than eighty tons, registered tonnage;

(5.) Any ship of which the master or any mate has a certificate granted under the provisions of this Act and then in force, authorizing him to pilot such ship within the limits within which she is then navigating;

(6.) Ships of such description and size, not exceeding two hundred and fifty tons, registered tonnage, as the pilotage authority of the district, with the approval of the Governor in Council, may from time to time determine, shall be exempted from the compulsory payment of pilotage in such district."

Sec. 71  
amended  
as to pilots  
guilty of  
certain  
offences.

Appeal in  
Quebec.

2. A pilot shall be liable to suspension or dismissal by the pilotage authority of the district, for any of the offences mentioned in the seventy-first section of the said Act, upon such evidence as the said authority deems sufficient, and whether he has or has not been convicted of or indicted for such offence. In the Pilotage District of Quebec any pilot shall have the right to appeal to the Superior Court for the Province of Quebec, from any judgment rendered against him by the pilotage authority; and for the purposes of such appeal the provisions contained in section seventy-three of the Act of the legislature of the late Province of Canada, twelfth Victoria, chapter one hundred and fourteen, shall apply.

Secs. 11 and  
16 repealed.  
Secretary-  
Treasurers,  
may be ap-  
pointed and  
paid.

3. Sections eleven and sixteen of the said Act, authorizing the appointment by the Governor of the Secretary and Treasurer of the Halifax and St. John Pilot Commissioners respectively are hereby repealed; and the pilotage authority of any district other than the Pilotage authority of Quebec may, with the sanction of the Governor in Council, appoint a secretary and treasurer, and pay him such salary or remuneration, out of pilotage dues or fees for licenses received by them, as they may see fit, and may, with such sanction and out of such funds, pay any other necessary expenses of conducting the pilotage business of the district.

Pilotage  
business in  
District of  
Quebec to be  
done by Har-  
bour Com-  
mission.

4. In the Pilotage District of Quebec all the pilotage business done by the Trinity House of Quebec shall continue to be done by the Quebec Harbour Commission, and by its officers, from and after the first day of January, 1876.

CHAP.

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CHAP.

## CHAP. 29.

An Act to extend certain provisions of "The Seamen's Act, 1873," to vessels employed in navigating the Inland Waters of Canada.

[Assented to 8th April, 1875.]

WHEREAS "The Seamen's Act, 1873" does not apply Preamble.  
to the Inland Waters of the Dominion ; and whereas, 36 V., c. 129.  
under the provisions of section twenty-six of the said Act,  
no master of any ship whatever of less than eighty tons,  
registered tonnage, and no master of any ship of that tonnage  
or upwards trading from any port or place in any Province to  
which the said Act applies, to any other port or place in the  
same Province, is required to enter into an agreement with  
seamen whom he carries as his crew ; and whereas it is  
expedient that masters of certain British ships navigating the  
inland waters aforesaid, not required either by the said section  
twenty-six or by section twenty-seven of the said Act to  
enter into any agreement with the seamen whom they carry  
as part of their crews, should be required to enter into  
such agreement : Therefore Her 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 for all purposes as "*The Sea-* Short title.  
*men's Agreement Act, 1875.*"

2. In the construction and for the purposes of this Act, Interpretation.  
(if not inconsistent with the context or subject matter) the  
following words shall have the respective meanings herein-  
after assigned to them, that is to say :—

"Ship" shall include every description of vessel used in Ship.  
navigation not propelled by oars ;

"Master" shall include every person (except a pilot) Master,  
having command or charge of a ship ;

"Seamen" shall include every person (except masters and Seamen.  
pilots) employed or engaged in any capacity on board any  
ship ;

"Consular officer" shall include Consul General, Consul, Consular  
and Vice-Consul, and any person for the time being dis- officer.  
charging the duties of Consul General, Consul or Vice-  
Consul ;

"The Minister" shall mean the Minister of Marine and Minister.  
Fisheries ;

"Ship"

Ship subject  
to the pro-  
visions of this  
Act.

"Ship subject to the provisions of this Act" shall include every ship registered in Canada propelled by steam and of more than twenty tons, registered tonnage, or propelled otherwise than by steam and of more than fifty tons registered tonnage, and employed in navigating the inland waters of Canada above the harbour of Quebec: Provided that this Act shall not apply to barges and scows navigating rivers and canals.

Agreement  
between mas-  
ter and crew,  
Form of.

3. The master of every ship subject to the provisions of this Act, shall enter into an agreement with every seaman whom he carries as one of his crew, in the manner hereinafter mentioned; and every such agreement shall be in the form of the Schedule A, annexed to this Act, or as near thereto as circumstances admit, and shall be dated at the time of the first signature thereof, and shall be signed by the master before any seaman signs the same, and shall contain the following particulars as terms thereof, that is to say:—

Particulars.

1. The nature and, as far as practicable, the duration of the intended voyage or engagement;
2. The number and description of the crew, specifying how many are engaged as sailors;
3. The time at which each seaman is to be on board or to begin work;
4. The capacity in which each seaman is to serve;
5. The amount of wages which each seaman is to receive;
6. Any regulations as to conduct on board, and as to fines, or other lawful punishments for misconduct which the parties agree to adopt:

To be so  
framed as to  
admit of cer-  
tain stipula-  
tions.

And every such agreement shall be so framed as to admit of stipulations, to be adopted at the will of the master and seamen in each case, as to advances, and may contain any other stipulations which are not contrary to law; and every such agreement must be made and signed in presence of a respectable witness, or a shipping master or chief officer of customs, who shall attest each signature on such agreement. And any seaman who has signed any such agreement may at the termination of his engagement, if the master thinks fit, be discharged before any shipping master or chief officer of customs in Canada; and at any period during any such engagement, and before its termination, it shall be lawful for the master to discharge any such seaman on payment of his wages, and with his consent; and any such discharge may be made, if the master thinks fit, before any shipping master or chief officer of customs in Canada.

Discharge of  
seamen, how  
effected.

4. In the case of ships subject to the provisions of this Act making short voyages, running agreements with the crew may be made to extend over two or more voyages, or for a specified time, so that no such agreement shall extend beyond eight months from the date of such agreement, or the first arrival of the ship at her port of destination after the termination of such agreement, or the discharge of cargo consequent upon such arrival; and every person entering into such agreement, whether engaged upon the first commencement thereof, or otherwise, shall enter into and sign the same in the manner hereinbefore required; and every person engaged thereunder when discharged may be discharged in the manner hereinbefore provided for.

Duration of agreement.

Engagement and discharge.

5. If, in any case, the master of any ship subject to the provisions of this Act, carries any seaman as one of his crew without entering into an agreement with him, in the form and manner and at the place and time in such case required, such master shall, for each such offence, incur a penalty not exceeding twenty dollars.

Penalty for carrying seaman without agreement.

6. Every erasure, interlineation or alteration in any such agreement with seamen as is required by this Act, (except additions so made for shipping substitutes or persons engaged subsequently to the first departure of the ship) shall be wholly inoperative, unless proved to have been made with the consent of all the persons interested in such erasure, interlineation or alteration, by the written attestation (if made in Her Majesty's Dominions), of some shipping master, justice, officer of customs, or other public functionary, or, (if made out of Her Majesty's Dominions) of a British consular officer, or where there is no such officer, of two respectable witnesses.

Erasures, &c., in agreement void, unless consent of all parties be proved.

7. Every person who fraudulently alters, assists in fraudulently altering, or procures to be fraudulently altered, or makes or assists in making or procures to be made, any false entry in, or delivers, assists in delivering, or procures to be delivered a false copy of any agreement under this Act, shall for each such offence be deemed guilty of a misdemeanor.

Penalty for fraudulently altering agreement, &c.

8. Any seaman may bring forward evidence to prove the contents of any agreement under this Act or otherwise to support his case, without producing or giving notice to produce the agreement or any copy thereof.

Proof of agreement.

9. Any seaman who has signed an agreement under this Act, and is afterwards discharged before the commencement of the voyage, or before one month's wages are earned, without fault on his part justifying such discharge and without his consent, shall be entitled to receive from the master or owner, in addition to any wages he may have earned,

Right of seaman discharged without cause before the end of his term of agreement.

earned, due compensation for the damage thereby caused to him,—not exceeding one month's wages; and may, on adducing such evidence as the court hearing the case deems satisfactory of his having been so improperly discharged as aforesaid, recover such compensation as if it were wages duly earned.

Fee to officers  
attesting  
agreement or  
discharge.

**10.** Whenever any agreement under this Act is signed before any shipping master or a chief officer of customs as a witness thereto, such officer shall append his title of office to his signature as such witness; and the sum of forty cents shall be payable to every such officer upon each engagement of a seaman before him, and the sum of twenty cents shall be payable to every such officer upon each discharge of a seaman effected before him as hereinbefore mentioned; and any shipping master or chief officer of customs may refuse to sign any such engagement or discharge, as a witness thereto, unless the fee payable thereon is first paid.

As to seaman  
whose term of  
agreement is  
terminated  
without his  
fault.

**11.** In cases where the service of any seaman belonging to any ship subject to the provisions of this Act, terminates before the period contemplated in the agreement by reason of the wreck or loss of the ship, and also in cases where such service terminates before such period as aforesaid, by reason of his being left on shore at any place abroad under a certificate of his unfitness or inability to proceed on the voyage, granted by competent authority, such seaman shall be entitled to wages for the time of service prior to such termination as aforesaid, but not for any further period.

Seaman un-  
lawfully re-  
fusing to  
work, &c.

**12.** No seaman, belonging to any ship subject to the provisions of this Act, shall be entitled to wages for any period during which he unlawfully refuses or neglects to work when required, whether before or after the time fixed by the agreement for his beginning work, nor (unless the court hearing the case otherwise directs), for any period during which he is lawfully imprisoned for any offence committed by him.

Seaman dis-  
abled by ill-  
ness caused  
by his own  
wilful act.

**13.** When a seaman belonging to any ship subject to the provisions of this Act, is by reason of illness incapable of performing his duty, and it is proved that such illness has been caused by his own wilful act or default, he shall not be entitled to wages for the time during which he is, by reason of such illness, incapable of performing his duty.

Seaman not  
to sue for  
wages in  
court out of  
Canada, ex-  
cept in cer-  
tain cases.

**14.** No seaman belonging to any ship subject to the provisions of this Act, who is engaged for a voyage or engagement which is to terminate in Canada, shall be entitled to sue in any court out of Canada for wages, unless he is discharged with the written consent of the master or proves such ill-usage on the part of the master or by his authority,  
as



as to warrant reasonable apprehension of danger to the life of such seaman if he were to remain on board; but if any seaman on his return to Canada proves that the master or owner has been guilty of any conduct or default which, but for this enactment, would have entitled the seaman to sue for wages before the termination of the voyage or engagement, he shall be entitled to recover, in addition to his wages, such compensation, not exceeding eighty dollars, as the court hearing the case thinks reasonable.

Proviso.

**15.** The master or owner of every ship subject to the provisions of this Act shall, at all times when required so to do by the Minister or by any person in that behalf duly authorized by the Minister, or by any inspector of steamboats or custom house officer or officer of river police, produce and exhibit to the Minister or to such person authorized by him, or to such inspector of steamboats or custom house officer or officer of river police, any agreement then in force and subsisting between the master of such ship and the seamen whom he carries as his crew; and every such owner or master who fails to comply with the requirements of this section shall thereby incur a penalty of twenty dollars.

Master or owner bound to produce agreement to certain officers.

#### DISCIPLINE.

**16.** Any master of or any seaman belonging to any ship subject to the provisions of this Act, who, by wilful breach of duty, or by neglect of duty, or by reason of drunkenness, does any act tending to the immediate loss, destruction or serious damage of such ship, or tending immediately to endanger the life or limb of any person belonging to or on board of such ship, or who, by wilful breach of duty, or by neglect of duty, or by reason of drunkenness, refuses or omits to do any lawful act, proper and requisite to be done by him, for preserving such ship from immediate loss, destruction or serious damage, or for preserving any person belonging to or on board of such ship from immediate danger to life or limb, shall, for every such offence, be deemed guilty of a misdemeanor.

Misconduct endangering life or limb a misdemeanor.

**17.** Whenever any seaman, who has been lawfully engaged or bound to any ship subject to the provisions of this Act, and has duly signed an agreement as required by this Act, commits any of the following offences, he shall be liable to be punished summarily as follows; that is to say:—

Offences of seamen and their punishment.

**1.** For desertion, he shall be liable to imprisonment for any period not less than four weeks, and not exceeding twelve weeks, with hard labor, and also to forfeit all or any part of the clothes and effects he leaves on board, and all or any part of the wages or emoluments which he has then earned, and also, if such desertion takes place abroad, at the discretion

Desertion.

tion of the court, to forfeit all or any part of the wages or emoluments he may earn in any other ship in which he may be employed until his next return to either of the Provinces of Ontario or Quebec, and to satisfy any excess of wages paid by the master or owner of the ship from which he deserts to any substitute engaged in his place at a higher rate of wages than the rate stipulated to be paid to him :

Neglecting or refusing to join ship or proceed on voyage. Absence within 24 hours before sailing.

Absence without leave.

Quitting without leave, before ship is secured.

Act of wilful disobedience.

Continued disobedience.

Assault on officers of ship.

Combining to disobey.

2. For neglecting or refusing, without reasonable cause, to join his ship, or to proceed on any voyage in his ship, or for absence without leave at any time within twenty-four hours of the ship's sailing from any port, either at the commencement or during the progress of any voyage, or for absence at any time without leave and without sufficient reason from his ship or from his duty not amounting to desertion, (or not treated as such by the master,) he shall be liable to imprisonment for any period not less than four weeks, and not exceeding ten weeks, with or without hard labour, and also, at the discretion of the court, to forfeit out of his wages a sum not exceeding the amount of two days' pay, and in addition, for every twenty-four hours of absence, either a sum not exceeding six days' pay, or any expenses which have been properly incurred in hiring a substitute :

3. For quitting the ship without leave after her arrival in her port of delivery, and before she is placed in security, he shall be liable to forfeit out of his wages a sum not exceeding one month's pay :

4. For wilful disobedience to any lawful command, he shall be liable to imprisonment for any period not less than two weeks, and not exceeding four weeks, with or without hard labour, and also, at the discretion of the court, to forfeit out of his wages a sum not exceeding two days' pay :

5. For continued wilful disobedience to lawful commands, or continued wilful neglect of duty, he shall be liable to imprisonment for any period not less than four weeks, and not exceeding twelve weeks, with or without hard labour, and also, at the discretion of the court, to forfeit, for every twenty-four hours' continuance of such disobedience or neglect, either a sum not exceeding six days' pay, or any expenses which have been properly incurred in hiring a substitute :

6. For assaulting any master or mate, he shall be liable to imprisonment for any period not less than six weeks, and not exceeding twelve weeks, with hard labour :

7. For combining with any other or others of the crew to disobey lawful commands, or to neglect duty, or to impede the navigation of the ship or the progress of the voyage, he shall

shall be liable to imprisonment for any period not less than six weeks, and not exceeding twelve weeks, with hard labour:

8. For wilfully damaging the ship, or embezzling or wilfully damaging any of her stores or cargo, he shall be liable to forfeit out of his wages a sum equal in value to the loss thereby sustained, and also, at the discretion of the court, to imprisonment for any period not less than six weeks, and not exceeding twelve weeks, with hard labour:

9. For any act of smuggling of which he is convicted, and whereby loss or damage is occasioned to the master or owner, he shall be liable to pay to such master or owner such a sum as is sufficient to reimburse the master or owner for such loss or damage; and the whole or a proportionate part of his wages may be retained in satisfaction or on account of such liability, without prejudice to any further remedy.

18. Whenever, either at the commencement or during the progress of any voyage, any seaman neglects or refuses to proceed in any ship subject to the provisions of this Act, in which he is duly engaged to serve, or is found otherwise absenting himself therefrom without leave, the master or any mate, or the owner, ship's husband or consignee may, in any place in either of the Provinces of Ontario or Quebec, with or without the assistance of the local police officers or constables (who are hereby directed to give the same if required) apprehend him without first procuring a warrant; and may thereupon in any case, and shall, in case he so requires and it is practicable, convey him before some court capable of taking cognizance of the matter, to be dealt with according to law; and may, for the purpose of conveying him before such court, detain him in custody for a period not exceeding twenty-four hours, or such shorter time as may be necessary, or may, if he does not so require, or if there is no such court at or near the place, at once convey him on board: and if any such apprehension appears to the court before which the case is brought to have been made on improper or on insufficient grounds, the master, mate, owner, ship's husband or consignee who makes the same or causes the same to be made, shall incur a penalty not exceeding eighty dollars; but such penalty, if inflicted, shall be a bar to any action for false imprisonment in respect of such apprehension.

19. Whenever any seaman belonging to any ship subject to the provisions of this Act, is brought before any court in either of the Provinces of Ontario or Quebec, on the ground of his having neglected or refused to join or proceed in any ship in which he is engaged to serve, or of having deserted

Wilful  
damage or  
embezzle-  
ment.

Act of smug-  
gling causing  
loss to owner.

Master or  
Owner may  
apprehend  
deserters  
without war-  
rant.

Deserters  
may be sent  
on board in  
lieu of being  
imprisoned.

serted or otherwise absented himself therefrom without leave, such court may,—if the master or the owner or his agent so requires, instead of committing the offender to prison,—cause him to proceed on board for the purpose of proceeding on the voyage, or deliver him to the master or any mate of the ship, or the owner or his agent, to be by them so conveyed, and may, in such case, order any costs and expenses, properly incurred by or on behalf of the master or owner by reason of the offence, to be paid by the offender, and, if necessary, to be deducted from any wages which he has then earned, or which, by virtue of his then existing engagement, he may afterwards earn.

Seaman imprisoned for desertion or breach of discipline may be sent on board before termination of sentence.

**20.** If any seaman is imprisoned in either of the said Provinces, on the ground of his having neglected or refused to join or to proceed in any ship subject to the provisions of this Act in which he is engaged to serve, or of his having deserted or otherwise absented himself therefrom without leave, or of his having committed any other breach of discipline, and if, during such imprisonment, and before his engagement is at an end, his services are required on board his ship, any justice may, at the request of the master or of the owner or his agent, cause such seaman to be conveyed on board his said ship for the purpose of proceeding on the voyage, or to be delivered to the master or any mate of the ship, or to the owner or his agent, to be by them so conveyed, notwithstanding that the termination of the period for which he was sentenced to imprisonment has not arrived.

Facilities for proving desertion, so far as concerns forfeiture of wages.

**21.** Whenever a question arises in either of the said Provinces whether the wages of any seaman belonging to any ship subject to the provisions of this Act, are forfeited for desertion, it shall be sufficient for the party insisting on the forfeiture to show that such seaman was duly engaged in or that he belonged to the ship from which he is alleged to have deserted, and that he quitted such ship before the completion of the voyage or engagement; and thereupon the desertion shall, so far as relates to any forfeiture of wages or emoluments under the provisions hereinbefore contained, be deemed to be proved, unless the seaman can produce a proper certificate of discharge, or can otherwise show, to the satisfaction of the court, that he had sufficient reasons for leaving his ship.

Cost of procuring imprisonment may, to the extent of \$12, be deducted from wages.

**22.** Whenever, in any proceeding in either of the said Provinces relating to seamen's wages, it is shown that any seaman belonging to any ship subject to the provisions of this Act, has, in the course of the voyage, been convicted of any offence by any competent tribunal, and rightfully punished therefor by imprisonment or otherwise, the court hearing the case may direct a part of the wages due

due to such seaman, not exceeding twelve dollars, to be applied in reimbursing any costs properly incurred by the master in procuring such conviction or punishment.

**23.** Whenever any seaman, belonging to any ship subject to the provisions of this Act, contracts for wages by the voyage, or by the run, or by the share, and not by the month or other stated period of time, the amount of forfeiture to be incurred under this Act shall be taken to be an amount bearing the same proportion to the whole wages or share, as a month or other, the period hereinbefore mentioned in fixing the amount of such forfeiture (as the case may be), bears to the whole time spent in the voyage; and if the whole time spent in the voyage does not exceed the period for which the pay is to be forfeited, the forfeiture shall extend to the whole wages or share.

Amount of forfeiture, how to be ascertained when seamen contract for the voyage.

**24.** All clothes, effects, wages and emoluments which, under the provisions hereinbefore contained, are forfeited for desertion, shall be applied, in the first instance, in or towards the reimbursement of the expenses occasioned by such desertion to the master or owner of the ship from which the desertion has taken place; and may, if earned subsequently to the desertion, be recovered by such master, or by the owner or his agent, in the same manner as the deserter might have recovered the same if they had not been forfeited; and, in any legal proceeding relating to such wages, the court may order the same to be paid accordingly; and, subject to such reimbursement, the same shall be paid to the Receiver General, in such manner as the Minister may direct, to form part of the Consolidated Revenue Fund of Canada; and in all other cases of forfeiture of wages under the provisions hereinbefore contained, the forfeiture shall, in the absence of any specific directions to the contrary, be for the benefit of the master or owner by whom the wages are payable.

Application of forfeitures.

**25.** Any question concerning the forfeiture of or deductions from the wages of any seaman, belonging to any ship subject to the provisions of this Act, may be determined in any proceeding in either of the said Provinces lawfully instituted with respect to such wages, notwithstanding that the offence in respect of which such question arises, though hereby made punishable by imprisonment as well as forfeiture, has not been made the subject of any criminal proceeding.

Question of forfeiture may be decided in suits for wages.

**26.** If any seaman, on or before being engaged in either of the said Provinces, in any ship subject to the provisions of this Act, wilfully and fraudulently makes a false statement of his own name, he shall incur a penalty not exceeding twenty dollars; and such penalty may be deducted from any wages he may earn by virtue of such engagement as aforesaid,

Penalty for false statement as to name.

aforsaid, and shall, subject to reimbursement of the loss and expenses (if any) occasioned by any previous desertion, be paid and applied in the same manner as other penalties payable under this Act.

#### ENTICING TO DESERT AND HARBOURING DESERTERS.

Punishment  
for enticing to  
desert or  
harbouring  
deserters.

**27.** Every person who, by any means whatever, persuades or attempts to persuade any seaman, belonging to any ship subject to the provisions of this Act, to neglect or refuse to join or to desert from his ship, or to absent himself from his duty, shall, for the first offence in respect of each such seaman, be liable to imprisonment with hard labor for a period not less than one month and not exceeding six months; and for the second or any subsequent offence, in respect to each such seaman, be liable to imprisonment with hard labor, for a period not less than two months and not exceeding twelve months: and every person who wilfully harbours or secretes any such seaman who has deserted from his ship, or who has wilfully neglected or refused to join his ship, knowing or having reason to believe such seaman to have so done, shall, for every such seaman so harbored or secreted, be liable to imprisonment, with hard labor, for a period not less than one month and not exceeding six months, and for a second, or any subsequent offence, for a period not less than two months and not exceeding twelve months.

#### CHANGE OF MASTER.

On change of  
master, docu-  
ments hereby  
required to be  
handed over  
to successor.

**28.** If, during the progress of a voyage, the master of any ship subject to the provisions of this Act, is superseded in either of the said Provinces, or, for any other reason, quits the ship and is succeeded in the command by some other person, he shall deliver to his successor the certificate of registry and the various documents relating to the navigation of the ship and to the crew thereof, which are in his custody, and shall, in default, incur a penalty not exceeding four hundred dollars.

#### LEGAL PROCEDURE.

Limitation of  
time in sum-  
mary pro-  
ceedings.

**29.** The time for instituting summary proceedings under this Act, shall be limited as follows, that is to say:—

Summary  
convictions.

No conviction for any offence shall be made in any summary proceeding under this Act, unless such proceeding is commenced within six months after the commission of the offence, or—if both or either of the parties to such proceeding happen, during such time, to be out of either of the said Provinces, or not to be within the jurisdiction of any court capable of dealing with the case,—unless the same is commenced within two months after they both first happen to



to arrive or to be at one time within either of the said Provinces, or within such jurisdiction:

No order for the payment of money shall be made in any summary proceeding under this Act, unless such proceeding is commenced within six months after the cause of complaint arises, or—if both or either of the parties happen, during such time, to be out of either of the said Provinces,—unless the same is commenced within six months after they both first happen to arrive or to be at one time within either of the said Provinces.

Orders for payment of money.

**30.** All penalties imposed by this Act may be recovered, with costs, before any Justice of the Peace, upon the oath of one credible witness other than the informer, and shall be paid over to the Receiver General, to be disposed of as the Governor in Council may direct, (except in the case provided for in the next following section,—in which only part of the penalty shall be so paid over and disposed of,) and in case of non-payment, shall be levied by distress and sale of the offender's goods and chattels, by warrant under the hand and seal of such Justice of the Peace, directed to a constable or other peace officer; and the overplus, if any, after deducting the penalty and costs of suit, together with the expenses of the distress and sale, shall be returned to the owner; and for want of sufficient distress, the offender shall be committed by warrant under the hand and seal of the justice, to the common gaol of the locality, or if there be no common gaol there, then to that common gaol which is nearest to that locality, for any time not exceeding six months; and such justice shall also award and order the imprisonment (if any) to which the offender is liable for the offence whereof the penalty is incurred.

Recovery of penalties.

Imprisonment if not paid.

**31.** In all cases of complaints made by or on behalf of any seaman under this Act, the evidence of such seaman shall be received and taken, notwithstanding he be interested in the matter; and such seaman shall, in any such case where he has been so examined, receive such part of any penalty to be imposed as the magistrate before whom the case is heard shall adjudge him to receive, for any moneys or effects which appear to have been deposited by him with the person on whom such penalty is imposed.

Evidence of seamen concerned to be received.

**32.** There shall be no appeal from any conviction or order adjudged or made under this Act, by or before any Judge of the Sessions of the Peace, Stipendiary Magistrate, Police Magistrate, or any two Justices of the Peace, or magistrate having the powers of two Justices of the Peace as to summary convictions and orders, for any offence against this Act; and no conviction under this Act shall be quashed for want of form, or be removed by *certiorari* or otherwise into any of

No appeal; and conviction not to be quashed for want of form or removed by *certiorari*.



of Her Majesty's superior courts of record; and no warrant of commitment under this Act shall be held void by reason of any defect therein, provided it is therein alleged that the party has been convicted, and there is a good and valid conviction to sustain the same.

Justices may grant warrant to search for seamen unlawfully harboured or secreted.

**33.** Any one of Her Majesty's Justices of the Peace, at any port or place in either of the said Provinces, on complaint before him by the oath of one or more credible witness or witnesses, that any seaman under this Act is concealed or secreted in any dwelling-house or out-house, or on board of any ship, or elsewhere, shall grant a warrant under his hand and seal, addressed to a constable or constables there, commanding him or them to make diligent and immediate search, in or about such dwelling-house or out-house, or on board such ship, or such other place or places as shall be specified in the warrant, and to bring before him every such seaman found concealed, whether named in the warrant or not.

Police officers or constables to assist in enforcing this Act.

**34.** Any police officer or constable required under the provisions of this Act to give assistance to the master or any mate, or the owner, ship's husband or consignee of any ship in apprehending, with or without a warrant, any seaman duly engaged to serve in such ship, and neglecting or refusing to proceed to sea therein, or being found otherwise absenting himself therefrom without leave, may, at any time, enter into any tavern, inn, ale house, beer house, seaman's boarding-house, or other house or place of entertainment, or into any shop or other place wherein liquors or refreshments are sold or reputed to be sold, whether legally or illegally, or into any house of ill-fame; and any person being therein, or having charge thereof, who refuses, or after due summons fails to admit such police officer or constable into the same, or offers any obstruction to his admission thereto, shall incur a penalty of not less than ten dollars nor more than fifty dollars for every such offence.

Penalty for obstructing search, &c.

Commencement of Act.

**35.** This Act shall not come into effect until the first day of January, A.D., 1876.

38 VICT.

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## SCHEDULE

AGREEMENT, OR ARTICLES, FOR A CANADIAN

Name of Ship.	Official Number.	Port of Registry.	Port No. and Date of Register.	Registered Tonnage.	MANAGING OWNER.	
					Name.	Address.

THE several persons whose names are hereto subscribed, and whose descriptions are contained below, hereby agree to serve on board the said Ship, in (or, which Ship is to be employed<sup>s</sup>)

And the said Crew agree to conduct themselves in an orderly, faithful, honest and sober manner, and to be at all times diligent in their respective duties; shall lawfully succeed him, and of their Superior Officers, in everything relating to the said Ship, and the Stores and Cargo thereof, whether on board, in the Master hereby agrees to pay to the said Crew as Wages the sums against their names respectively expressed, and to supply them with provisions according to or negligent destruction of any part of the Ship's Cargo or Stores shall be made good to the Owner out of the Wages of the person guilty of the same: And to perform, his Wages shall be reduced in proportion to his incompetency: And it is also agreed that

In witness whereof the said Parties have subscribed their names hereto on the days against their respective signatures mentioned.

Signed by \_\_\_\_\_ Master, on the \_\_\_\_\_ day of \_\_\_\_\_ 18\_\_

Signatures of Crew.	Age.	Where Born.	Ship in which he last served, Official Number, and Port she belonged to, or other Employment.	Dates

PLACE OF SIGNATURES AND DESCRIPTIONS OF SUBSTITUTES.

NOTE.—Any Erasure, Interlineation, or Alteration, in this Agreement, except in the case of Substitutes, will be void, unless attested by some Shipping Master, Officer of Customs, Consul, or Vice-Consul, or other respectable witnesses to be made with the consent of the persons interested.

## SCHEDULE A.

OR ARTICLES. FOR A CANADIAN SHIP, SUBJECT TO THIS ACT.

MANAGING OWNER		MASTER.			Date and Place of first Signature of Agreement, including Name of Shipping Office.
Name.	Address.	Name.	No. of Certificate.	Address.	

e to serve on board the said Ship, in the several capacities expressed against their respective names on a voyage from\*

es diligent in their respective duties, and to be obedient to the lawful commands of the said Master, or of any person who  
 Cargo thereof, whether on board, in boats, or on shore; in consideration of which services to be duly performed, the said  
 apply them with provisions according to the usual custom: And it is hereby agreed that any embezzlement or wilful  
 the person guilty of the same: And if any person enters himself as qualified for a duty which he proves incompetent

\* Here the voyage is to be described, and the places named at which the ship is to touch, or if that cannot be done, the general nature and probable length of the voyage is to be stated.

<sup>b</sup> Here state probable nature of Ship's employment, or nature of voyage and period of engagement.

<sup>c</sup> Here any other stipulations may be inserted to which the parties may agree, and which are not contrary to law.

es mentioned.

18

Ship in which he last served, Official Number, and Port she belonged to, or other Employment.	Date and Place of Discharge from such Ship.		Date and Place of joining this Ship.		In what capacity engaged; and if Mate, No. of his certificate (if any).	Time at which he is to be on board.	Amount of Wages per Calendar Month, Share, or Voyage.		Shipping Master's or Witness's Signature.
	Date.	Place.	Date.	Place.			\$	cts.	

SCRIPTIONS OF SUBSTITUTES.—NOTE.—Here the entries are to be made as above.

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I declare to the truth of the entries in this Agreement.

Master.

Chap. 29.

*Seamen's Act, 18*

ENDORSEMENTS.

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*Seamen's Act, 1873, Extension.*

38 VICT.

208B

ENDORSEMENTS.

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## CHAP. 30.

An Act to amend the Acts thirty-sixth Victoria, Chapter nine, and thirty-seventh Victoria, Chapter thirty-four, respecting the appointment of Harbour Masters.

[Assented to 8th April, 1875].

**I**N amendment of the Act passed in the thirty-sixth year of Her Majesty's reign, and intituled "*An Act to provide for the appointment of Harbour Masters for certain ports in the Provinces of Nova Scotia and New Brunswick*," herein-after referred to as "the Act firstly mentioned," and of the Act passed in the thirty-seventh year of Her Majesty's reign and intituled, "*An Act to provide for the appointment of Harbour Masters for certain Ports in the Provinces of Quebec, Ontario, British Columbia and Prince Edward Island*," hereinafter referred to as "the Act secondly mentioned"; Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

**1.** The eighth section of the Act firstly mentioned, and the eighth section of the Act secondly mentioned, are hereby repealed and the following section is substituted for each of them respectively, and shall be read and have effect as the eighth section of each of the said Acts:—

**"8.** The Harbour Master for any port shall be remunerated for his services solely by the fees hereinafter mentioned, or such portion thereof as he may, from time to time, be authorized to retain by the rules and regulations made by the Governor in Council under the fourth section of this Act: and for and in respect of all ships entering a port or harbour to which this Act applies, and at which a Harbour Master is appointed, and discharging or taking in cargo, ballast, stores, wood or water, there shall be paid the following fees, that is to say:—

For every ship of fifty tons register or under, fifty cents;

For every ship over fifty tons and not over one hundred tons register, one dollar;

For every ship over one hundred tons and not over two hundred tons register, one dollar and fifty cents;

For every ship over two hundred tons and not over three hundred tons register, two dollars;

For every ship over three hundred tons and not over four hundred tons register, two dollars and fifty cents;

For every ship over four hundred tons and not over five hundred tons register, three dollars;

For every ship over five hundred tons and not over seven hundred tons register, four dollars;

For every ship over seven hundred tons register, five dollars;

And such fees shall also be payable for ships with cargo and steamers passing through or arriving at the Harbours of Sorel, St. Johns, Three Rivers or Lachine, in the Province of Quebec; and the Governor may, from time to time, appoint a fit and proper person to be Harbour Master at each of the said harbours."

Section 11 of both Acts amended.

2. The eleventh section of the Act firstly mentioned and the eleventh section of the Act secondly mentioned, are hereby repealed, and the following section is substituted for each of them respectively, and shall be read and have effect as the eleventh section of each of the said Acts:—

When and how often fees are payable.

"11. Such fees as aforesaid shall not be payable for any ship more than twice in each calendar year (that is the year commencing on the first day of January and ending on the last of December), whatever be the number of ports or harbours at which she may arrive or pass through, or the number of times of her so arriving or passing through them, or any of them: such fees shall be payable by the master of the ship to the Harbour Master immediately on her entering or arriving at the first and second ports or harbours where there is a Harbour Master, and the collector or principal officer of customs thereat shall not grant any clearance, transire or let-pass to any ship on which they are payable, until the master thereof produces to him a certificate of the payment of such fees or certificates of the payment of fees under this Act twice within the then present year."

Duties of Harbour Masters as to buoys, &c.

3. It shall be the duty of each Harbour Master appointed, either under the Act firstly mentioned or the Act secondly mentioned, to see to and superintend the placing, maintaining and taking up of buoys in the port or harbour for which he is appointed, and to perform such other services and duties connected with such port or harbour, as he may be directed to perform by the Minister of Marine and Fisheries, or by the proper officer, or by departmental orders of that Department, without any additional remuneration beyond the amount allowed him out of fees received by him under either of the said Acts as hereby amended.

Penalties imposed under

4. The penalty imposed by any rule or regulation made by the Governor in Council, under the fourth section of either

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either of the said Acts, and incurred by any breach or continuing breach of such rule or regulation, may be recovered by summary proceeding and conviction before any Justice of the Peace having jurisdiction in the place where such breach is committed or is continued, under the "Act respecting the duties of Justices of the Peace, out of Sessions, in relation to Summary Convictions and Orders," on the information of any Harbour Master or other person; and payment thereof may be enforced in the manner by the said Act provided; and one moiety of such penalty shall belong to the informer,—not being the Harbour Master, and the other moiety to the Crown; but if the Harbour Master be the informer, the whole shall belong to the Crown.

Order in  
Council,  
how recover-  
able, &c.  
c. 31.

## CHAP. 31.

An Act further to amend the Act respecting the treatment and relief of Sick and Distressed Mariners.

[Assented to 8th April, 1875.]

IN amendment of the Act passed in the thirty-first year of Her Majesty's reign, intituled: "*An Act respecting the treatment and relief of Sick and Distressed Mariners*," Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

1. The third sub-section of the fourth section of the said Act is hereby repealed, and the following substituted therefor, and shall be read and have effect as the third sub-section of the said fourth section:—

New sec. in  
place of sec.  
4, sub-sec. 3.

"3. Vessels of the burthen of more than one hundred tons register, shall be liable to the payment of the said duty three times in one year, but not oftener."

Payment of  
duty.

2. The year mentioned or referred to in the said Act in relation to the duty thereby imposed shall be the calendar year commencing on the first day of January and ending on the thirty-first day of December.

"Year," what  
shall be.

## CHAP. 32.

An Act to repeal an Act of the Legislature of Prince Edward Island, for the collection of the Cape Race Light-house Toll.

[Assented to 8th April, 1875.]

Preamble.

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

Act of P. E. I.  
21 V., c. 11  
repealed.

1 The Act of the legislature of Prince Edward Island, passed in the twenty-first year of Her Majesty's reign, and intituled "*An Act to provide for the collection in this Island of the Cape Race Light-house Toll*," is hereby repealed.

## CHAP. 33.

An Act to amend "*The Fisheries Act*."

[Assented to 8th April, 1875.]

Preamble.

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

Subs. 1, of s.  
7 of 31 Vic.,  
c. 60, repealed.

1. The first sub-section of the seventh section of the Act passed in the thirty-first year of Her Majesty's reign, and known as "*The Fisheries Act*," is hereby repealed; and the following shall be substituted in lieu thereof, that is to say :—

Close season  
for salmon.

Proviso as to  
fly-fishing.

"7. Salmon shall not be fished for, caught, or killed, between the thirty-first day of July and the first day of May, in the Provinces of Ontario and Quebec, and in the River Restigouche; nor between the fifteenth day of August and the first day of March, in the Provinces of New Brunswick and Nova Scotia: Provided always, that it shall be lawful to fish for, catch, and kill salmon with a rod and line, in the manner known as fly-surface-fishing, between the thirtieth day of April and the thirty-first day of August, in the Provinces of Ontario and Quebec, and between the first day of February and the fifteenth day of September, in the Provinces of New Brunswick and Nova Scotia."

2.

1875.

*Fisheries Act amended, &c.* Chaps. 33, 34.

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8th April, 1875.]

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repealed.

2. The second sub-section of the said seventh section is hereby repealed; and the third and following sub-sections of the said seventh section shall be read as the second and following sub-sections of the said seventh section of the said Act. Subs. 2 repealed.

3. So much of the twenty-first section of the said Act as continues in force in the Province of Nova Scotia, the Revised Statute of Nova Scotia, "*Of River Fisheries*," and certain Acts of the legislature of the Province of Nova Scotia amending the same, as in the next section mentioned, and all regulations adopted in pursuance of the said chapter of the said Revised Statutes, or of the said Acts amending the same, are hereby repealed. Repeal of part of 31 Vic., c. 60, continuing Acts hereby repealed.

4. The following Statutes of the legislature of Nova Scotia, are hereby repealed, that is to say:— Acts of N.S. repealed.

Chapter ninety-five of the Revised Statutes of Nova Scotia, third Series "*Of River Fisheries*;"

The Act (twenty-eighth Victoria, chapter thirty-five) intituled: "*An Act to amend chapter ninety-five of the Revised Statutes 'Of River Fisheries';*"

The Act (twenty-ninth Victoria, chapter thirty-six,) intituled: "*An Act to amend Chapter ninety-five of the Revised Statutes 'Of River Fisheries';*"

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But the repeal of these Acts shall not revive any Act or provision of law repealed by such Acts or any of them, or prevent the effect of any saving clauses therein, or affect any offence committed, penalty or liability incurred, right acquired, or act done before such repeal,—as to which the said Acts and any regulations made under them shall remain in force. Saving clause.

## CHAP. 34.

An Act to amend the Act Chapter forty-six of the Consolidated Statutes of Canada, intituled "*An Act respecting the Culling and Measuring of Timber.*"

[Assented to 8th April, 1875.]

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

1. The following sections of the forty-sixth chapter of the Consolidated Statutes of Canada, namely:—sections Parts of Cons. Stat. Can. cap. 46, five, repealed.

2.

five, six, eleven, twelve, thirteen, fourteen, seventeen, eighteen, nineteen, twenty, twenty-four, thirty, thirty-one, thirty-two, thirty-three, thirty-five, forty, together with all such parts of the said Act as are inconsistent with the provisions of this Act, are hereby repealed.

Deputy Supervisors.

Appointment.

**2.** In addition to the Supervisor of Cullers appointed as is provided in the Act hereby amended, there shall be such number of Deputy Supervisors as the Governor in Council may, from time to time, determine.

To give security.

(1.) Each of the Deputy Supervisors shall himself with two responsible sureties enter into bonds to Her Majesty in the penal sum of two thousand dollars each for the faithful discharge of his duty, and such bonds shall enure to the benefit of all parties damnified by the misfeasance or malfeasance of the Deputy Supervisor; and any of the parties so damnified may recover from the Deputy Supervisor and his sureties upon such bond to the amount to which they have been so damnified.

Oath of office.

(2.) Every Deputy Supervisor shall take and subscribe to the oath prescribed for the Supervisor in so far as it is applicable to the said deputy, before one of Her Majesty's Justices of the Peace, and the same shall be filed in the Department of Inland Revenue.

As to form of certificate to Cullers.

**3.** Every certificate issued by the Board of Examiners appointed under the provisions of the Act hereby amended, shall state the qualifications of the person to whom such certificate is issued, and what description of culling he is best qualified to perform.

Regulations as to licenses.

**4.** The Governor in Council may, from time to time, make such regulations as to the manner of granting licenses to cullers as he may deem necessary.

Qualification of Supervisor or Deputy.

**5.** No person shall be appointed as Supervisor or Deputy Supervisor of Cullers, or as a culler, until he has obtained a certificate of qualification in the manner prescribed in the Act hereby amended.

Appointment of Cullers; number.

**6.** The Governor in Council may appoint such number of qualified cullers duly licensed in the manner provided in the Act hereby amended, as may be necessary for the proper performance of the work of culling timber, deals, boards, staves and other articles in the manner provided in the said Act, and may assign to them such fees as may, from time to time, be deemed proper.

Officers and Cullers subject to Revenue Management Acts.

**7.** The Supervisor and Deputy Supervisors of Cullers, and all cullers appointed or holding office under this Act shall be officers

officers of the Department of Inland Revenue, and shall be subject to all the provisions of the Acts respecting the collection and management of the public revenues, and as to surety by public officers, and shall also be subject to such Departmental regulations as to hours of service, as may, from time to time, be made.

8. Every culler shall be provided with such measuring rods, tapes, and other measuring instruments as may be directed by departmental regulations, all of which shall be in accordance with the standard measures of the Dominion, and shall bear the verification marks of the Standards Branch of the Inland Revenue Department. Each culler shall also be provided with such scribing knife or knives, and such stamp or stamps as may be necessary for marking the articles culled by him, with the initials of his name, and with the capital letters distinguishing the quality, as follows:—

Cullers must have certain instruments.

M. Which shall denote what is merchantable ;

Marks of quality of timber.

U. Which shall denote what is sound and of merchantable quality but under merchantable size ;

S. Which shall denote what is of second quality ;

T. Which shall denote what is of third quality ;

R. Which shall denote what is rejected and unmerchantable,—

Which marks shall be indented or stamped on the end of each article of lumber culled in terms of the merchantable standard prescribed in the Act first above cited, except as to West India and barrel staves, boards, deals, lathwood and hand-spikes.

Where to be put.

9. Every culler shall check and examine the entry of his measurements and of culling and counting on the books of the supervisor, and sign such entry and calculations on the said books.

Cullers to check and sign measurements on the office books.

10. The Governor in Council may, from time to time, raise or lower the tariff of fees and charges for culling and measuring and counting off, established by the Act hereby amended in such manner as to meet and defray, as nearly as possible, the expenses of the Supervisor's office, and the payment of salaries to the Supervisor, and the Deputy Supervisors employed under this Act.

Governor in Council to make tariff of fees.

11. An office shall be opened in some convenient place at the Port of Quebec, which shall be known as the Supervisor of Cullers' office, and such other offices shall be opened for the Deputy

Offices for culling duties.



Deputy Supervisors of Cullers, and at such place as may be determined by the Governor in Council; and every such office shall be kept open on all lawful days from six o'clock in the forenoon to six o'clock in the afternoon during the open season of navigation, and at all other times during ordinary office hours.

Governor in Council may make regulations for giving effect to this Act.

Gratuities to decayed cullers.

Interpretation.

Short title.

**12.** The Governor in Council may make such regulations as may be, from time to time, necessary for giving effect to the provisions of this Act, and the Act hereby amended; and may apply such funds as have been collected, or as may hereafter be collected over and above the cost of the Culler's office to the granting of gratuities to such of the cullers employed at the time of the passing of this Act as are incapable by reason of age, infirmity, or otherwise from pursuing their business of culling, or whose services may no longer be required.

**13.** The words "timber" or "lumber," include all articles subject to inspection, culling or counting under the Act hereby amended, or this Act.

**14.** This Act shall be read and construed as one Act with the Act chapter forty-six of the Consolidated Statutes of Canada, and may be cited as "*The Cullers' Act of 1875.*"

## CHAP. 35.

An Act to repeal the export duty on Stave Bolts and Oak Logs.

[Assented to 8th April, 1875.]

Preamble.  
31 V., c. 44.

**WHEREAS** it is expedient to amend the Act 31 Victoria, Chapter 44, so far as the same relates to the collection of export duties upon stave bolts and oak logs, as provided under Schedule F of the said Act: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Duty repealed.

**1.** The export duty upon stave bolts and oak logs is hereby repealed.

## CHAP. 36.

An Act to compel persons delivering certain Merchantable Liquids in Casks to mark on such casks the capacity thereof.

[Assented to 8th April, 1875.]

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

1. From and after the first day of July, one thousand eight hundred and seventy-five, it shall not be lawful to deliver in a cask, to the purchaser, any malt liquors or any other liquids subject to excise that has been put into such cask in Canada, unless the capacity of the cask in which delivery is made, is legibly marked in gallons, and parts of a gallon, on the bung stave thereof; such marking to be cut or branded in the wood, in characters not less than one inch and a quarter in height: Except only that such marking shall not be necessary on casks on which the quantity of liquid then contained in them has been marked or verified in compliance with excise regulations then in force.

After 1st July, 1875, capacity of cask containing liquids subject to Excise, to be marked on bung stave.

Exception.

2. For the purpose of this Act a "Cask" shall mean and include every vessel constructed for holding liquids, of staves and headings bound together by hoops.

Interpretation

3 Every public gauger or other person who—

(a) Marks or causes to be marked on any cask as its capacity, a quantity greater than such cask will hold, or

Offences against this Act.

(b) Who uses or causes to be used for the delivery to a purchaser of any malt liquors or any other liquid subject to excise put into a cask in Canada, any cask so falsely marked, or

(c) Who delivers any such liquid put into a cask in Canada, except as herein provided, in a cask not marked as herein required,—

Shall be guilty of an offence against this Act, and shall incur a penalty of ten dollars for every cask so falsely marked or so used without being first properly marked, and a penalty of double the amount for every subsequent offence.

Penalty for such offences.

4. The capacity of any cask shall in all cases of dispute be determined by the weight of rain-water it will hold, the water being at a temperature of sixty-two degrees of Fahrenheit's thermometer

How the capacity shall be ascertained in case of dispute.

thermometer and ten pounds of such water being reckoned as equal to one gallon; and the determination by such weighing by an Inspector or Deputy Inspector of weights and measures, or by an officer of Inland Revenue, authorized thereto by departmental regulations, of the contents of any cask, shall be final and conclusive.

Act how to be construed, 36 V., c. 47.

5. This Act shall be read and construed as one Act with the Act passed in the thirty-sixth year of Her Majesty's reign and entitled "*The Weights and Measures Act, 1873*," and all forfeitures and penalties imposed by this Act shall be recoverable and appropriated in the same manner as forfeitures and penalties are recoverable and appropriated under the said Act.

## CHAP. 37.

An Act to amend the Gas Inspection Act, 1873.

[Assented to 8th April, 1875.]

Preamble.

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

Certain provisions of 36 V., c. 48 repealed.

1. Sub-section two of the twenty-third section, sections twenty-seven, twenty-eight, thirty and thirty-seven and Schedule A of the Act, chapter forty-eight, passed in the thirty-sixth year of Her Majesty's reign, known as "*The Gas Inspection Act, 1873*," are hereby repealed.

New sections substituted.

2. From and after the passing of this Act, the following sub-section, sections and schedule shall be inserted in and read as part of the said recited Act, in place of the sub-section, sections and schedule hereby repealed:—

Section 23, sub-sec. 2.

(1.) As sub-section two of the twenty-third section of the said Act,—

Testing meters for soundness.

"(2.) The meter shall be tested for soundness or leakage only, and not for percentage of error, when fixed on a horizontal base and with air or gas under a pressure equal to a column of water three inches high, and passing not more than one-twentieth part of its measuring capacity per hour marked thereon, nor less than one half of a cubic foot per hour for all meters of a measuring capacity not exceeding one hundred cubic feet per hour, and not more than

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"than one-fortieth part of its said capacity per hour for all  
"meters of any greater measuring capacity per hour than one  
"hundred cubic feet; and all meters found to work  
"under such test, and none other, shall be deemed sound  
"meters;"

(2.) As section twenty-seven of the said Act,—

Section 27.

"27. All meters made to supply not more than twenty-  
"five lights required to be verified and stamped, shall  
"be delivered to the inspector at the place where  
"his testing gas holder and apparatus are then kept:  
"but meters intended to supply more than twenty-five lights  
"may, when deemed necessary by the inspector, be tested  
"without being removed from the place where they are used  
"by test meters or such other apparatus as may be directed  
"by the Department of Inland Revenue; and every  
"purchaser or seller of gas may, at his own expense at any  
"time after the date fixed as aforesaid, require any stamped  
"or unstamped meter by which his gas is measured to be  
"examined and tested, and if found correct, stamped; or he  
"may at his own expense, substitute a stamped meter in the  
"place of any such unstamped meter: Where the inspection of meters may be made.  
"purchaser or seller of gas shall, before removal of any such Proviso:  
"unstamped meter for the purpose aforesaid, give twenty-  
"four hours' notice, in writing, of such intended removal, to  
"the other party to the contract;"

(3.) As section twenty-eight of the said Act,—

Section 28.

"28. After the coming into force of the provisions of this  
"Act every undertaker in any city, town or place for What the gas maker shall be held to have undertaken.  
"which there is an Inspector of Gas, shall be held to have  
"undertaken—

"(a.) That the supply of gas shall be regular and Quantity.  
"sufficient;

"(b.) That it shall be supplied under sufficient pressure; Pressure.

"(c.) That the quality of gas to be supplied to the pur- Quality.  
"chaser shall be such that the light produced by a  
"standard burner consuming five cubic feet of gas per  
"hour shall (subject to the provisions hereinafter  
"made as to the Provinces of Ontario and Nova  
"Scotia), be equal in intensity to that produced  
"by fourteen sperm candles as mentioned in  
"Schedule A and,—  
"shall exhibit no trace of sulphuretted hydrogen  
"nor any excess of sulphur or ammonia when  
"tested, in accordance with the rules provided in  
"that behalf in the Schedule A to this Act:

"And

Standard  
quality.

"And such quality shall be called the 'standard quality,' unless such undertaker has expressly undertaken to furnish gas of some other quality as to its illuminating properties, which shall be called the 'prescribed quality;' but in any case gas furnished for lighting purposes shall be free from any trace of sulphuretted hydrogen as aforesaid, and from any greater quantity of sulphur or ammonia than may be allowed by regulations made by the Department of Inland Revenue:

Testing place.

"The testing place or places shall have been approved by the Inspector, and shall be not less than five hundred yards distant from the Gas House or premises where the gas is produced and purified:

Proviso as to  
Ontario.

"Provided that on account of the expense and difficulty of procuring coal of the proper quality in the Province of Ontario, the words 'twelve sperm candles' shall be substituted for the words 'fourteen sperm candles' in reading and construing the foregoing provisions of this section with reference to the said Province: Provided also that the words 'sixteen sperm candles' shall be substituted for the words 'fourteen sperm candles,' in reading and construing the foregoing provisions of this section, with reference to the Province of Nova Scotia;"

Proviso; as to  
Nova Scotia.

Section 30.

(4.) As section thirty of the said Act,—

Apparatus to  
be provided  
for testing.

"30. There shall be provided at the testing place or places proper conveniences and apparatus therein for the purposes following, if there be no special agreement between the undertaker and the consumer, or for such of them as may be prescribed by the special agreement, if any, that is to say:—

"(a.) For testing the illuminating power of the gas supplied;

"(b.) For testing the presence of sulphuretted hydrogen in the gas supplied;

"(c.) For testing the presence and quantity of sulphur and ammonia:

To be accord-  
ing to  
schedule.

"2. The said apparatus shall be in accordance with the regulations prescribed in Schedule A to this Act annexed, or according to such rules as may, from time to time, be substituted in lieu thereof by regulations under this Act, and shall be so situated and arranged as to be conveniently used for the purpose of testing the illuminating power and purity of the gas supplied by the undertaker."

Section 37.

(5.) As section thirty-seven of the said Act,—

" 37.

"37. The Governor in Council may, from time to time, Preparation of stamps.  
 "direct stamps to be prepared for the purposes of this Act,  
 "and bearing such device as he thinks proper, and may Device thereon.  
 "defray the cost thereof out of any unappropriated moneys  
 "forming part of the Consolidated Revenue Fund. The  
 "device on such certificate stamp shall express the value  
 "thereof, that is to say, the sum at which it shall be reckoned  
 "in payment of the fee hereby imposed :"

"1. He may from time to time make such regulations— Governor in Council may interpret Act in cases of doubt.  
 "not inconsistent with this Act—as may be necessary for  
 "giving effect to its provisions, and for declaring its true  
 "intent and meaning in all cases of doubt: Provided that  
 "nothing in this Act contained shall apply to contracts for  
 "supplying gas existing at the time of the passing of this  
 "Act ;"

(6.) As Schedule A. of the said Act,—

New Schedule  
A.

#### "SCHEDULE A.

##### "APPARATUS FOR TESTING GAS.

"The apparatus for testing the illuminating power of gas Apparatus for testing, and mode of testing.  
 "shall consist of the improved form of Bunsen's photometer,  
 "known as Letheby's open sixty-inch photometer, or Evan's  
 "enclosed one hundred inch photometer, together with a  
 "proper meter, minute clock, governor, pressure gauge, and  
 "balance.

"The burners to be used for testing the gas shall be such  
 "as shall be prescribed by regulation.

"The candles used for testing the gas shall be sperm  
 "candles of six to the pound, and two candles shall be used  
 "together.

"The apparatus for testing the presence in the gas of sul-  
 "phuretted hydrogen, sulphur and ammonia, shall consist  
 "of—

"A glass vessel containing a strip of bibulous paper  
 "moistened with a solution of acetate of lead, containing  
 "sixty grains of crystallized acetate of lead dissolved in one  
 "fluid ounce of water.

"Such other apparatus for testing the presence and quan-  
 "tity of sulphur or ammonia as may be directed by depart-  
 "mental regulations.

"MODE

"MODE OF TESTING FOR ILLUMINATING POWER.

"The gas in the photometer is to be lighted at least ten minutes before the testing begins, and it is to be kept continuously burning from the beginning to the end of the tests.

"Each testing shall include ten observations of the photometer made at intervals of a minute.

"The consumption of the gas is to be adjusted as nearly as may be to five cubic feet per hour.

"The candles are to be lighted at least ten minutes before beginning each testing, so as to arrive at their normal rate of burning, which is shewn when the wick is slightly bent, and the tip glowing. The standard rate of consumption for the candles shall be one hundred and twenty grains of sperm each per hour, and all candles shall be rejected as unsuitable when their rate of burning exceeds that quantity by more than ten per cent., or when it falls short of it by more than five per cent. During each set of ten observations of the photometer, the gas examiner shall weigh the candles, and if the combustion shall have been more or less per candle than the proper weight as aforesaid per hour, he shall make and record the calculation requisite to neutralize the effects of the difference.

"The average of each set of ten observations is to be taken as representing the illuminating power ascertained by that testing.

"MODE OF TESTING FOR PURITY.

"For sulphuretted hydrogen, the gas shall be passed through the glass vessel containing the slip of bibulous paper moistened with the solution of acetate of lead for a period of three minutes, or such longer period as may be prescribed by regulation, and if any discoloration of the test paper is found to have taken place, this is to be held conclusive as to the presence of sulphuretted hydrogen in the gas.

"For sulphur or ammonia, such process shall be used as may be directed by departmental regulations."



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## CHAP. 38.

An Act to amend the Acts for the better Preservation of the Peace in the vicinity of Public Works.

[Assented to 8th April, 1875.]

**H**ER Majesty, by and with the advice and consent of the Preamble.  
Senate and House of Commons of Canada, enacts as follows:—

1. The operation of the Act passed in the Session held in the second and thirty-third years of Her Majesty's reign, and intituled: "*An Act for the better Preservation of the Peace in the vicinity of Public Works*," as the same is amended by the Act passed in the thirty-third year of Her Majesty's reign, intituled: "*An Act to amend an Act for the better Preservation of the Peace in the vicinity of Public Works*," is hereby extended to any place or places in Canada, within the limits or in the vicinity whereof any railway, canal, road, bridge, or other work of any kind is in progress of construction, and to any place or places at or near which any mining operations are being carried on, and to which the Governor in Council may deem it expedient to apply the provisions of the said Acts—whether such work be constructed or carried on by the Government of Canada or of any Province of Canada, or by any incorporated company, or by any municipal corporation, or by private enterprise; and the expression "Public Work" in the said Acts or either of them shall hereafter be understood to include any such work as aforesaid, and the Governor in Council shall have the same powers with reference to any such work as with reference to works constructed by the Government of Canada.

Acts 32-33 V., c. 24; and 33 V., c. 28 cited.  
And extended to certain other works.  
Expression "Public Work," interpreted.

## CHAP. 39.

An Act to amend the provisions of "An Act to amend the Criminal Law relating to Violence, Threats and Molestation."

[Assented to 8th April, 1875.]

**W**HEREAS it is expedient to amend the provisions of the Act of the thirty-fifth year of Her Majesty's reign, chapter thirty-one, intituled "*An Act to amend the Criminal Law relating to violence, threats and molestation*:" Therefore Her

Preamble.  
35 V., c. 31.

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

Sect. 1 of the  
said Act re-  
pealed.

1. The first section of the Act of the thirty-fifth year of Her Majesty's reign, chapter thirty-one, intituled "*An Act to amend the Criminal Law relating to violence, threats and molestation*," is hereby repealed, and instead thereof it is enacted as follows, that is to say:—

"Every person who does any of the following acts with the view as hereinafter mentioned, that is to say, who—

"1. Uses violence to any other person, or to the property of any other person; or

"2. Threatens or intimidates any other person in such manner as would justify a Justice of the Peace (on complaint made to such justice) in binding over to keep the peace the person so threatening or intimidating; or

"3. Molests or obstructs any other person—

"a By persistently following him about from place to place; or

"b By following him in or through any street or road, with two or more persons, in a disorderly manner; or

"c By hiding or depriving him of, or hindering him in the use of any tools, clothes or property, owned or used by him—

"With a view, in the case of any such act as aforesaid, thereby to coerce such other person,—

"(1.) Being a master, to dismiss or to cease to employ any workman, or being a workman to quit any employment, or to return work before it is finished; or

"(2. Being master, not to offer, or being a workman, not to accept, any employment or work; or

"(3.) Being a master or workman, to belong or not to belong to any temporary or permanent association or combination; or

"(4.) Being a master or workman, to pay any fine or penalty imposed by any temporary or permanent association or combination; or

"(5.) Being a master, to alter the mode of carrying on his business, or the number or description of any persons employed by him, with a view to coerce such master or other person,—

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1875. *Violence, Threats and Molestation, &c.* Chaps. 39, 40.

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"Shall be liable to imprisonment, for a term not exceeding three months." Punishable by imprisonment for three months.

2. A prosecution shall not be maintainable against a person for conspiracy to do any act, or to cause any act to be done for the purposes of a trade combination, unless such act is an offence indictable by Statute or is punishable under the provisions of this Act; nor shall any person, who is convicted upon any such prosecution, be liable to any greater punishment than is provided by such Statute or by this Act for the act of which he may have been convicted as aforesaid. In what cases only prosecution shall be maintainable for trade combination; Punishment limited.

3. For the purposes of this Act, "trade combination" means any combination between masters or workmen or other persons, for regulating or altering the relations between any persons being masters or workmen, or the conduct of any master or workman in or in respect of his business or employment, or contract of employment or service; and the word "act" includes a default, breach, or omission. Interpretation of "Trade combination."

4. The Act hereby amended shall be construed as if the provisions of this Act were substituted for the first section of the said Act. Amended Act how to be construed.

CHAP. 40.

An Act to amend the Act intituled "An Act respecting Larceny and other similar offences."

[Assented to 8th April, 1875.]

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

1. Section one hundred and eleven of the Act passed in the Session held in the thirty-second and thirty-third years of Her Majesty's reign, and intituled "An Act respecting Larceny and other similar offences," is hereby repealed, and the following substituted to be read in lieu thereof:—

"III. Whosoever, without the consent of the owner thereof, takes, holds or keeps in his possession, or collects or conceals, or receives, or appropriates, or purchases, or sells or causes or procures or assists to be taken possession of, or collected, or concealed, or received, or appropriated, or purchased, or sold any timber, mast, spar, saw-logs or other description of timber, &c., found adrift, or defacing marks, &c., or refusing delivery to the owner, a misdemeanor." Appropriating timber, &c., found adrift, or defacing marks, &c., or refusing delivery to the owner, a misdemeanor.

"description of lumber which is found adrift in any river, stream or lake, or cast ashore on the bank or beach of any river, stream or lake; or whosoever, without the consent of the owner thereof, wholly or partially defaces or adds or causes or procures to be defaced or added, any mark or number on any such timber, mast, spar, saw-log or other description of lumber, or whosoever makes or causes or procures to be made any false or counterfeit mark on any such timber, mast, spar, saw-log or other description of lumber, or whosoever refuses to deliver up to the proper owner thereof, or to the person in charge thereof on behalf of such owner, or authorized by such owner to, receive the same, any such lumber, mast, spar, saw-log, or other description of lumber, is guilty of a misdemeanor, punishable in like manner as simple larceny; and in any prosecution, proceeding or trial for any offence under this section a timber mark, duly registered under the provisions of the Act passed in the thirty-third year of Her Majesty's reign, intituled "*An Act respecting the marking of timber*," on any timber, mast, spar, saw-log, or other description of lumber, shall be *prima facie* evidence that the same is the property of the registered owner or owners of such timber mark, and possession by any such offender, or by others in his employ, or on his behalf, of any such timber, mast, spar, saw-log, or other description of lumber so marked, shall in all cases throw upon the person charged with any such offence the burden of proving that such timber, mast, spar, saw-log or other description of lumber, came lawfully into his possession, or the possession of such others in his employ or on his behalf as aforesaid."

How punishable.

33 V., c. 36.

Evidence on trial of offence against this section.

Search for timber unlawfully detained.

(2.) "If any constable or peace officer has reasonable cause to suspect that any timber, mast, spar, saw-log or other description of lumber, belonging to any lumberman or owner of lumber, and bearing the registered trademark of such lumberman or owner of lumber, is kept or detained in any saw-mill, mill yard, boom or raft without the knowledge or consent of the owner,—it shall be lawful for such constable or peace officer to enter into or upon the same, and search or examine, for the purpose of ascertaining whether such timber, mast, spar, saw-log or other description of lumber is detained therein without such knowledge and consent."

# CHAP. 41.

An Act for suppressing Gaming Houses, and to punish the keepers thereof.

[Assented to 8th April, 1875.]

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

1. If the Chief Constable, Deputy Chief Constable, or other officer authorized to act in his absence, of any city or town shall report in writing to any of the Commissioners of Police or Mayor of such city or town, or to the Police Magistrate of any town, that there are good grounds for believing, and that he does believe, that any house, room or place within the said city is kept or used as a common gaming house, it shall be lawful for the said commissioners or commissioner, or Mayor, or the said Police Magistrate, by order in writing, to authorize the said Chief Constable, Deputy Chief Constable or other officer as aforesaid, to enter any such house, room or place with such constables as may be deemed requisite by the said Chief Constable, Deputy Chief Constable or other officer as aforesaid, and, if necessary, to use force for the purpose of effecting such entry, whether by breaking open doors or otherwise, and to take into custody all persons who shall be found therein, and to seize all tables and instruments of gaming found in such house or premises, and also to seize all moneys and securities for money found therein.

Police magistrate, &c., on report in writing, may authorize constables to enter or break open doors of common gaming houses, and seize all instruments of gaming, moneys, &c., and take into custody all persons found therein.

2. It shall be lawful for the Chief Constable, Deputy Chief Constable, or other officer as aforesaid, making such entry as aforesaid, in obedience to any such order as aforesaid, with the assistance of any constable or constables accompanying him, to search all parts of the house, room or place which he shall have so entered, where he shall suspect that tables or instruments of gaming are concealed, and all persons whom he shall find therein, and to seize all tables and instruments of gaming which he shall so find.

Constables may search for instruments of gaming.

3. When any cards, dice, balls, counters, tables or other instruments of gaming used in playing any unlawful game, shall be found in any house, room or place suspected to be used as a common gaming house, and entered under a warrant or order issued under this Act, or about the person of any of those who are found therein, it shall be evidence, until the contrary be made to appear, that such house, room or place is used as a common gaming house, and that the persons found in the room or place where such tables or instruments

What shall be deemed evidence of gaming.

Instruments  
of gaming  
may be des-  
troyed.

instruments of gaming have been found were playing therein although no play was actually going on in the presence of the Chief Constable, Deputy Chief Constable or other officer as aforesaid, entering the same under a warrant or order issued under this Act, or in the presence of those persons by whom he is accompanied as aforesaid; and it shall be lawful for the Police Magistrate or other justice before whom any person is taken by virtue of such order or warrant as aforesaid, to direct all such tables and instruments of gaming to be forthwith destroyed.

Penalty on  
persons ob-  
structing the  
entry of con-  
stables, &c.,  
authorized to  
enter any  
house sus-  
pected to be  
a common  
gaminghouse.

4. Any person who wilfully prevents any constable or other officer authorized under either of the preceding sections of this Act to enter any house, room or place, from entering the same, or any part thereof, or who obstructs or delays any such constable or officer in so entering, and any person who, by any bolt, chain or other contrivance secures any external or internal door of, or means of access to, any house, room or place so authorized to be entered, or uses any means or contrivance whatsoever for the purpose of preventing, obstructing or delaying the entry of any constable or officer authorized as aforesaid, into any such house, room or place, or any part thereof, shall, for every such offence, on a summary conviction before the Police Magistrate or Mayor or other Justice of the Peace before whom he or they may be brought, be adjudged to pay any penalty not exceeding one hundred dollars, with such costs attending the conviction as to the said Police Magistrate or Mayor or Justice of the Peace appear reasonable, and on non-payment, or, in the first instance, if it seem fit to the said Police Magistrate or Justice of the Peace, may be committed with or without hard labor for a period not exceeding six months.

What shall be  
sufficient evi-  
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house is a  
common  
gaminghouse.

5. When any constable or officer authorized as aforesaid to enter any house, room or place, is wilfully prevented from, or obstructed, or delayed in entering the same or any part thereof, or where any external or internal door of, or means of access to any such house, room or place so authorized to be entered, is found to be fitted or provided with any bolt, bar, chain or any means or contrivance for the purpose of preventing, delaying or obstructing the entry into the same or any part thereof of any constable or officer authorized as aforesaid, or for giving an alarm in case of such entry, or if any such house, room or place is found fitted or provided with any means or contrivance for unlawful gaming, or with any means or contrivance for concealing, removing or destroying any instruments of gaming, it shall be evidence until the contrary be made to appear that such house, room or place is used as a common gaming house within the meaning of this Act, and of any former Acts relating to gaming, and that the persons found therein were unlawfully playing therein.

6. It shall be lawful for the Police Magistrate or Mayor or justice before whom any persons are brought who have been found in any house, room, or place, entered in pursuance of any warrant or order issued under this Act, to require any of such persons to be examined on oath and give evidence touching any unlawful gaming in such house, room, or place, or touching any act done for the purpose of preventing, obstructing or delaying the entry into such house, room or place, or any part thereof of any constable or officer authorized as aforesaid; and no person so required to be examined as a witness shall be excused from being so examined when brought before such Police Magistrate, or Mayor, or justice as aforesaid, or from being so examined at any subsequent time by or before the Police Magistrate, or Mayor, or the same or any other Justice of the Peace, or by or before any court, on any proceeding, or on the trial of any indictment, information, action, or suit in anywise relating to such unlawful gaming, or any such acts as aforesaid, or from answering any question put to him touching the matters aforesaid, on the ground that his evidence will tend to criminate himself; and any such person so required to be examined as a witness who refuses to make oath accordingly, or to answer any such question as aforesaid, shall be subject to be dealt with in all respects as any person appearing as a witness before any justice or court in obedience to a summons or subpoena and refusing without lawful cause or excuse to be sworn or to give evidence, may by law be dealt with.

Magistrate, &c., may require any of the persons apprehended to be sworn and give evidence.

Penalty for refusing to be sworn.

Every person so required to be examined as a witness as aforesaid, who upon such examination shall make true discovery to the best of his knowledge of all things as to which he is so examined, shall receive from the judge, justice, magistrate, examiner or other judicial officer, before whom such proceeding is had, a certificate in writing to that effect, and shall be freed from all criminal prosecutions and penal actions and from all penalties, forfeitures and punishments to which he may have become liable for anything done before that time in respect of the matters touching which he has so been examined; but such certificate shall not be effectual for the purpose aforesaid, unless it states that such witness made a true disclosure touching all things as to which he has been examined; and upon the production and proof of such certificate as aforesaid, any action, indictment, or proceedings pending or brought in any court against such witness in respect of any act of gaming touching which he was so examined, shall be stayed upon summary application to the court in which such action, indictment or proceeding is pending, or any judge thereof, or any judge of any of the superior courts of any Province, to stay the proceedings aforesaid.

Persons required to be examined as witnesses, and making a full discovery, to be freed from all penalties, &c., on certificate.

Proviso: what the certificate must show.



## CHAP. 42.

An Act to prevent Cruelty to animals while in transit by Railway or other means of conveyance within the Dominion of Canada.

[Assented to 8th April, 1875.]

Preamble.

**W**HEREAS the transportation of cattle, by railway or vessels for long distances without rest, food, or water is liable to cause suffering from hunger, thirst and fatigue, and whereas it is expedient to make provisions for the regulation of the transportation or conveyance of live stock over the lines of railway, and by vessels, within the Dominion of Canada: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Interpretation,—  
"Cattle."

1. In this Act the term "Cattle" shall include any horse, mule, ass, swine, sheep, or goat, as well as any neat cattle or animal of the bovine species, and whatever be the age or sex of the animal, and by whatever technical or trivial name it may be known, and shall apply to one animal as well as many.

Cattle, &c.,  
on Railways  
and Vessels  
not to be  
kept more  
than 28 hours  
without un-  
loading them  
for food, rest,  
&c.

2. No railway company within the Dominion of Canada, whose railway forms any part of a line of road over which cattle are conveyed from one Province to another Province, or from the United States to or through any Province or from any part of a Province to another part of the same, nor the owner or master of any vessel, carrying or transporting cattle, from one Province to another Province, or within any Province, or from the United States through or to any Province, shall confine the same in any car, or vessel of any description, for a longer period than twenty-eight consecutive hours without unloading the same for rest, water and feeding for a period of at least five consecutive hours, unless prevented from so unloading and furnishing water and food by storm or other unavoidable cause or by necessary delay or detention in the crossing of trains. In reckoning the period of confinement, the time during which the cattle have been confined without such rest and without the furnishing of food and water, on any connecting railways or vessels from which they are received, whether in the United States or in Canada, shall be included,—it being the intention of this Act to prevent their continuous confinement beyond a period of twenty-eight hours, except upon the contingencies hereinbefore stated.

Exception.

Time, how  
reckoned.

To be properly  
fed, &c., dur-  
ing such rest.

3. Cattle so unloaded shall be properly fed and watered during such rest by the owner or person having the custody thereof.

thereof, or in case of his default in so doing, then by the railway company or owner or master of the vessel transporting the same, at the expense of the owner or person in custody thereof; and the company, owner or master shall, in such case, have a lien upon such cattle for food, care and custody furnished, and shall not be liable for any detention of such cattle.

At whose  
expense.  
Lien for  
expense.

4. Where cattle are unladen from cars for the purpose of receiving food, water and rest, it shall be the duty of the railway company then having charge of the cars in which they have been transported, to clear the floors of such cars, and to litter the same properly with clean saw-dust or sand before reloading them with live stock, except during a period of frost.

Cars to be  
cleaned out.

5. Any railway company, owner or master of a vessel, having cattle in transit as aforesaid, who shall knowingly and wilfully fail to comply with the provisions contained in the second section of this Act, shall for each and every such failure to comply with its provisions, forfeit and pay as a penalty a sum not exceeding one hundred dollars for each case in which such provisions are disregarded: Provided however, that when cattle are carried in any car or vessel, in which they can and do have proper space and opportunity for rest and proper food and water, the foregoing provisions in the second section contained in regard to their being unladen shall not apply.

Penalty for  
contraven-  
tion.

Proviso when  
food and  
space are fur-  
nished.

6. Any peace officer or constable may at all times enter on premises where he has reasonable grounds for supposing that any car, truck, or vehicle in respect whereof any company or person has failed to comply with the requirements of this Act, is to be found, or enter on board any vessel in respect whereof he has reasonable grounds for supposing that any company or person has on any occasion so failed; and if any person refuses admission to such peace officer or constable acting under this section, such person shall be deemed guilty of an offence against this Act.

Constable  
may enter  
premises to  
see if Act is  
complied  
with.

7. If any person is guilty of any offence against this Act, as in the last preceding section mentioned, he shall, for every such offence, forfeit and pay such a sum of money not exceeding twenty dollars, nor less than five dollars, with costs, as to any one Justice of the Peace, for the district, county or place in which the offence has been committed, may seem meet.

Penalty for  
contraven-  
tion of s. 6.

8. The offender shall in default of payment be committed to the common jail or other place of confinement for the district, county or place in which the offence was committed; there to be imprisoned for any time not exceeding thirty days.

Imprisonment  
in default of  
payment

Right of suit  
for damages  
not affected.

9. Nothing in this Act contained shall prevent or abridge any remedy by action against the offender or his employer where the amount of the damage is not sought to be recovered by virtue of this Act.

Application  
of penalty and  
limitation of  
suits.

10. Every penalty recoverable under this Act shall belong to the Crown; and every proceeding for the recovery of such penalty shall be commenced within one month next after the committing of the offence.

Act 32-33  
V. c. 31 to  
apply.

11. Every offence against the seventh section of this Act may be prosecuted in the manner directed by the "*Act respecting the duties of Justices of the Peace out of Sessions in relation to summary convictions and orders*," so far as no provision is hereby made for any matter or thing which may be required to be done with respect to such prosecution; and all the provisions contained in the said Act shall be applicable to such prosecutions in the same manner as if they were incorporated in this Act.

## CHAP. 43.

An Act to amend the Act respecting Procedure in Criminal Cases and other matters relating to Criminal Law.

[Assented to 8th April, 1875.]

Preamble.

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

New Section  
substituted  
for Section  
98 of 32 and  
33 Vict. c. 29.

1. Section ninety-eight of the Act passed in the Session held in the 32nd and 33rd years of the reign of Her Majesty, entitled "*An Act to amend the Act respecting Procedure in Criminal Cases and other matters relating to Criminal Law*," is hereby repealed, and the following substituted therefor:—

Juvenile  
offenders may  
be sent to  
Reformatory  
Prison.

"98. Provided always that the court before which any offender whose age at the time of his trial does not, in the opinion of the court, exceed sixteen years, is convicted, whether summarily or otherwise, of any offence punishable by imprisonment, may, in its discretion, sentence such offender to imprisonment in the reformatory prison (if any) in the Province in which such conviction takes place; and such imprisonment shall in such case be substituted for the imprisonment in the penitentiary or other place of confinement

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ment by which the offender would otherwise be punishable under any Act or law relating thereto, which shall be construed subject to this provision: Provided that in no case shall the sentence be less than two years or more than five years confinement in such reformatory prison, and in every case where the term of imprisonment is fixed by law to be more than five years, then such imprisonment shall be in the penitentiary.

Proviso as to length of confinement.

## CHAP. 44.

An Act respecting Penitentiaries and the Inspection thereof, and for other purposes.

[Assented to 8th April, 1875.]

**WHEREAS** "The British North America Act, 1867," Preamble. places the penitentiaries of the Provinces forming the Dominion of Canada, under the control of the Government of Canada, and it is expedient to make better provision for the proper management and maintenance of the same: Therefore, Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

**1.** The Act passed by the legislature of the late Province of Canada, in the twenty-second year of Her Majesty's reign, being chapter one hundred and ten of the Consolidated Statutes of the said Province, intituled: "*An Act respecting Inspectors of Public Asylums, Hospitals, the Provincial Penitentiary of Canada, and of all Common Gaols and other Prisons*;" and the Act passed by the said legislature in the same year of Her Majesty's reign, being chapter one hundred and eleven of the Consolidated Statutes of the said Province, intituled: "*An Act respecting the Provincial Penitentiary of Canada*,"—shall remain repealed:

Cap. 110 Con. Stat. Can. and Cap. 111, Con. Stat. Can. to remain repealed.

And such parts of the Act passed by the legislature of the Province of Nova Scotia, in the twenty-seventh year of Her Majesty's reign, intituled: "*An Act for revising and consolidating the Statutes and Laws of the Province*," Part one, Title five, Chapter twenty-two,—and also such parts of the Act passed by the legislature of the Province of New Brunswick, in the seventeenth year of Her Majesty's reign, intituled: "*An Act to revise and consolidate the Public Statutes of New Brunswick*," Part one, Title sixteen, Chapter ninety-one,—as relate to the Penitentiary in each of the said last mentioned Provinces and are repealed by the Acts of the Parliament of Canada

N. S., 27 V., c. 22, and N. B., 17 V., c. 91 to remain repealed in part as by 31 V., c. 75, Canada.

And other parts inconsistent with this Act.

Canada hereinafter repealed, shall remain repealed, and such other parts thereof as are inconsistent with the provisions of this Act, are hereby repealed :

Acts of Canada, 31 V., c. 75, and 33 V., c. 30, and 36 V., c. 52 repealed.

The Act passed by the Parliament of Canada in the thirty-first year of Her Majesty's reign, chapter seventy-five, and intituled: "*An Act respecting Penitentiaries and the Directors thereof and for other purposes*;" and the Act passed by the said Parliament in the thirty-third year of Her Majesty's reign, chapter thirty, intituled: "*An Act to amend 'The Penitentiary Act of 1868,'*" and the Act passed in the thirty-sixth year of Her Majesty's reign, chapter fifty-two, intituled: "*An Act to extend the Act passed in the thirty-third year of Her Majesty's reign, intituled 'An Act to amend the Penitentiary Act of 1868,'*" are hereby repealed.

Effect of repeal limited.

2. The repeal of the Acts and parts of Acts above set forth, shall not operate so as to revive any former Act, or any part or portion of any former Act, of which the said Acts or parts of Acts may have been an amendment or amendments, nor shall such repeal affect anything heretofore done under the said Acts or parts of Acts, nor any claim, suit or action arising therefrom, and now pending in any court of law or equity in virtue of such repealed Acts or parts of Acts, or any of them; but such thing, claim, suit or action shall remain the same as if this Act had not been passed.

#### INSPECTOR.

Penitentiaries, prisons, &c., to be under control of Minister of Justice.

3. All the penitentiaries in Canada and such other prisons, hospitals, asylums and other public institutions as may, from time to time, be designated for that purpose by the Governor in Council, by proclamation in the *Canada Gazette*, and all prisoners and other persons confined therein and inmates thereof, shall be under the control of the Minister of Justice, who shall exercise over them complete administrative power.

Governor to appoint Inspector, &c., under the Minister.

4. It shall be lawful for the Governor in Council to appoint some fit and proper person to be Inspector of all penitentiaries and of such other prisons, hospitals, asylums and other public institutions as may, from time to time, be designated by the Governor in Council,—and who shall, as such Inspector, act as the representative of the Minister of Justice, and hold office during pleasure.

Inspector to be an officer of Department of Justice. Salary, &c.

5. The said Inspector shall be an officer of the Department of Justice, and shall receive a salary of two thousand dollars per annum, exclusive of his travelling expenses which shall be determined by the Governor in Council.

Inspector to visit Peniten-

6. The said Inspector shall, at least twice a year, and oftener if ordered by the Minister of Justice so to do, visit, examine

examine and report to him upon the state and management of all the penitentiaries, and all suggestions which the Wardens thereof may have made for their improvement.

penitentiaries and report to Minister.

7. The said Inspector shall keep an exact record of all minutes of inspection made by him in the inspection books of the various institutions, together with all his proceedings in connection therewith, and shall transmit monthly a copy thereof under his hand to the Minister of Justice.

To keep and transmit minutes of his proceedings.

8. The said Inspector shall, by virtue of his office, without any property qualification, be a Justice of the Peace for any and every district, county, city or town of Canada, but shall have power to act in matters connected with the criminal law of Canada only.

Inspector to be a justice of the peace.

9. The Inspector shall have power, and it shall be his duty to make rules and regulations for the management, discipline and police of the penitentiaries, and for the duties and conduct of the Wardens thereof, and of every other officer or class of officers or servants employed therein, and for the diet, clothing, maintenance, employment, instruction, discipline, correction, punishment and reward of convicts imprisoned therein, and to annul, alter or amend the same from time to time, subject to the approval of the Governor in Council, which rules and regulations so approved, the Wardens of the penitentiaries, and every other officer and servant employed in or about the same, shall be bound to obey: Provided always, that until such rules and regulations are made as aforesaid, the rules and regulations existing in each penitentiary at the passing of this Act shall remain in force. It shall also be the duty of the Inspector to audit the accounts of the penitentiaries monthly, and to transmit the same duly certified as to correctness to the Minister of Justice, and to administer to the Wardens and Accountants the following oath:—

Inspector to make rules and regulations, &c., and may alter them subject to approval.

Existing rules continued, &c.

Audit of accounts, &c.

I, \_\_\_\_\_, Warden, and I, \_\_\_\_\_, Accountant of the \_\_\_\_\_ Penitentiary, make oath and say, that the foregoing statement of receipts and expenditure on account of the \_\_\_\_\_ Penitentiary, for the month of \_\_\_\_\_ 18 \_\_\_\_\_, is true and correct.

Oath of warden and accountant.

Sworn before me, at the \_\_\_\_\_ Penitentiary, the \_\_\_\_\_ day of \_\_\_\_\_

Inspector.

It shall also be his duty to inquire into the money transactions and financial affairs of the penitentiaries, prisons, hospitals, asylums or other public institutions supported wholly or in part by the Dominion, and to exact a statement of their receipts and expenditures every year.

To inquire into money transactions.

Minister of Justice to require from the Inspector an annual report, &c., to be laid before Parliament, and comprising;—

**10.** It shall be the duty of the Minister of Justice to require and obtain from the Inspector an annual report on or before the first day of February in each year, to be laid before Parliament at the then next session,—which report shall contain a full and accurate report on the state, condition and management of the penitentiaries under his control and supervision, and inspected during the preceding year, together with such suggestions for the improvement of the same as he may deem necessary and expedient, and accompanied by copies of the annual reports of the officers of the penitentiaries, and by such financial and statistical statements and tables as the books kept by them may supply,—and which report shall also comprise and embrace the following particulars, viz. :—

Statistics of Penitentiaries, and facts as to working of penal system, &c. ;

1. Such statistical information in respect to each penitentiary, and the whole in condensed form, as is embraced in the registers of such penitentiaries, together with any facts which may have come to his knowledge with respect to the working of the criminal laws and penal system of the Dominion, or any injustice or hardship which, in his opinion, has arisen therefrom, and such suggestions for the improvement or amendment of the same, and for the prevention of crime or the reformation of criminals, as he may deem expedient ;

Inventory of property ;

2. An inventory and valuation of all the property belonging to the penitentiaries respectively, movable and immovable ; distinguishing the estimated value of the several descriptions of property ;

Receipts, expenditure, and statement of debts ;

3. A detailed statement showing the money receipts of the penitentiaries, and the sources from which they have been derived ; also the expenditures, together with a statement of all debts due by the penitentiaries, showing the names of the parties to whom each is due, and showing also the debts, if any, due to the institution, with the amount and nature of each debt ;

Estimate for coming year.

4. An estimate of the expense of the penitentiaries for the ensuing year, distinguishing the ordinary from the extraordinary.

Special reports as to improvements, repairs, &c.

**11.** In case the Inspector finds at any time that any penitentiary is out of repair, or does not possess the proper and requisite sanative arrangements, or has become unsafe or unfit for the confinement of prisoners, or that the same does not afford sufficient space or room for the number of prisoners confined therein, or the requisite amount of shop and yard space for the proper industrial employment of the prisoners, he shall forthwith report the fact to the Minister of Justice, and



and shall at the same time furnish a copy of such report to the Minister of Public Works.

#### POWERS OF THE INSPECTOR.

**12.** For the better enabling the Inspector efficiently to discharge the duties herein set forth, or at any time assigned to him by the Minister of Justice, he shall have power—

Special powers of inspector.

1. At all times to enter into, and remain within any penitentiary or other public institution placed under his control as aforesaid, and have access to every part and portion of the same, and to examine all papers, documents, vouchers, records and books of every kind belonging thereto ;

Entry, and examination of papers, &c.

2. To investigate the conduct of any officer or servant employed in or about any penitentiary, or other such public institution as aforesaid, or of any person found within the precincts thereof: and for that purpose the Inspector shall have power to summon before him any person by *subpœna* issued by him, and to examine such person upon oath,—which oath the said Inspector shall have power to administer, whether the fact relate to a breach of the law of the land or of the rules of the prison, or to any matter affecting the interests of the institution,—and to compel the production of papers and writings before him; and if any person duly summoned neglects or refuses to appear at the time and place specified in the *subpœna* upon him legally served, or refuses to give evidence or to produce the papers demanded of him, the Inspector may cause the said person by warrant under his hand, to be taken into custody and to be imprisoned in the common gaol of the locality, as for contempt of court, for a period not exceeding fourteen days.

Inquiries into conduct of officers, &c.

Summoning of witnesses, compelling attendance.

**13.** It shall be lawful for the Minister of Justice to appoint at any time when he may deem it necessary, a person or persons to make a special report on the state and management of any penitentiary; and in such case the person or persons so appointed shall have, in order to enable him or them to make such special report, the powers given to the Inspector by the next preceding section.

Minister of Justice may cause special reports to be made by others than Inspector.

#### ESTABLISHMENT OF PENITENTIARIES.

**14.** The penitentiary situate near the City of Kingston, in the Province of Ontario, to be known as the Kingston Penitentiary; the penitentiary situate at St. Vincent de Paul, in the Province of Quebec, to be known as the St. Vincent de Paul Penitentiary, the penitentiary situate near the City of St. John, in the Province of New Brunswick, to be known as the St. John Penitentiary, and the penitentiary situate near the City of Halifax, in the Province of Nova Scotia, to be known

Penitentiaries enumerated and described.

as

as the Halifax Penitentiary, together with all the land appertaining to the same respectively, according to the respective metes and bounds thereof as now known and defined, and all the buildings and property thereon belonging to the same, are all and each of them hereby declared to be penitentiaries of Canada.

Governor may annex tracts of land to penitentiaries as part thereof.

**15.** It shall be lawful for the Governor in Council, at any time hereafter, if he sees fit, to declare by proclamation, to be published in the *Canada Gazette*, that any tract of land within the Dominion, of which the boundaries shall be particularly defined in the proclamation, is a penitentiary, and is to be so held within the meaning of this Act; and it shall be lawful for the Governor in Council to annul the same by any subsequent proclamation, published as aforesaid, declaring that the tract of land so established as a penitentiary shall cease to be so held and considered, from and after a certain day to be named in such subsequent proclamation.

What shall be included as part of a penitentiary.

**16.** Every penitentiary now established, and every penitentiary hereafter to be established by virtue of this Act, shall be held to include all carriages, waggons, sleighs or other vehicles for land carriage, and all boats, scows or other vessels for water carriage, being property belonging to such penitentiary, or employed by hire or otherwise in its service; and likewise any wharf at or near the said penitentiary, although not within the limits mentioned in the proclamation establishing the same, but used for the accommodation of such craft when so employed in or about any work or labor connected with such penitentiary.

Streets, roads, &c.

**17.** Every street, highway or public thoroughfare of any kind, along or across which it may be necessary that convicts should pass in going to and returning from their work, shall, while so used, be considered as a portion of the tract of land forming the penitentiary; and any escape, or attempt at escape, and any rescue, or aid in rescue, shall be held as if such escape or attempt at escape, and such rescue or aid in rescue had taken place within the prison walls or penitentiary limits.

Escapes.

Inspector under Minister's orders may authorize the construction of tram roads.

**18.** It shall be lawful for the Inspector with the approval of the Minister of Justice, to authorize the Warden of any penitentiary, to construct rail or tram roads to communicate between any part of the penitentiary and another, and to carry the same across, upon or along any public road or street intervening, in such manner, however, as to cause the least possible inconvenience to passengers or carriages using such road or street: But it shall not be lawful for the Warden of such penitentiary to break ground upon any public road or street for the purpose of constructing such rail or tram roads, in virtue of such order by the Inspector.

Notice to municipality.

the land apper-  
the respective  
defined, and  
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penitentiaries

council, at any  
proclamation,  
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until after the lapse of one month after a copy of such order, certified by the said Warden, shall have been served upon the officer or person charged with the care or supervision of such public road, together with a plan showing the line which such rail or tram roads are to occupy.

#### CONVEYANCE OF CONVICTS.

The Sheriff or Deputy Sheriff of any county or district, or any bailiff, constable, or other officer, or other person, by his direction or by the direction of a court, or any officer appointed by Government and attached to the staff of a penitentiary for that purpose, may convey to the penitentiary named in the sentence, any convict sentenced or liable to be imprisoned therein, and shall deliver him to the Warden thereof, without any further warrant than a copy of the sentence taken from the minutes of the court before which the convict has been tried, and certified by a judge or by the clerk or acting clerk of such court.

What shall be  
sufficient  
authority for  
conveying  
convicts.

20. In all cases where a prisoner is ordered by competent authority to be conveyed to any penitentiary from any other penitentiary, or from a reformatory prison, or from a Common gaol, there shall be delivered to the Warden of the penitentiary receiving such prisoner, along with all other necessary documents, a certificate signed by the medical officer of the institution from which such prisoner has been taken, and countersigned by the Warden, if the prisoner has been taken from a penitentiary or a reformatory prison, or by the Sheriff or his deputy if from a common gaol, declaring that such prisoner is free from any putrid, infectious or cutaneous disease, and that he is fit to be removed.

When  
brought from  
any other  
penitentiary  
or gaol.

#### CONVICTS TO BE RECEIVED.

21. The Warden shall receive into the penitentiary every convict legally certified to him as sentenced to imprisonment therein, and shall there detain him, together with those already lawfully confined therein, subject to all the rules, regulations, and discipline thereof, until the term for which he has been sentenced be completed, or until he is otherwise discharged in due course of law.

Duty of  
warden.

#### REMOVAL FROM AND TO A PENITENTIARY.

22. It shall be lawful for the Governor by warrant signed by the Secretary of State of Canada, or by such other officer as may be, from time to time, authorized by the Governor in Council, to direct the removal of any convict from any one penitentiary to another; and the Warden of the penitentiary having the custody of any convict so ordered to be removed, shall,

Governor  
may authorize  
removal from  
or to any  
penitentiary.

Proceedings  
in such cases.

shall, when required so to do, deliver up the said convict to the constable or other officer or person who shall produce the said warrant, together with a copy, attested by the said Warden, of the sentence and date of conviction of such convict as given to him on reception of such convict into his custody; and the constable or other officer or person shall give a receipt to the Warden for the convict, and shall thereupon, with all convenient despatch, convey and deliver up such convict, with the said attested copy, into the custody of the Warden of the penitentiary mentioned in the warrant, who shall give a receipt in writing for every convict so received into his custody, to such constable or other officer or person, as his discharge; and the convict shall be kept in custody in the penitentiary to which he has been so removed, until his removal to another penitentiary, or until the termination of his sentence, or until his pardon or release, or discharge by law.

Powers of  
sheriff or  
officer  
conveying  
convicts to a  
penitentiary.

**23.** The sheriff or other officer or other person employed by competent authority, to convey any convict to any penitentiary to which such convict is ordered to be taken, either by sentence of a court or by order of the Secretary of State, or other officer, as in the next preceding section mentioned, may secure and convey him through any county or district through which he may have to pass in any of the Provinces of Canada; and until the convict has been delivered to the Warden of such penitentiary, such sheriff, officer or person shall have, in all territorial divisions or parts of Canada through which it may be necessary to convey such convict, the same authority and power over and with regard to such convict, and to command the assistance of any person in preventing his escape, or in recapturing him in case of an escape, as the sheriff of the territorial division, in which he was convicted, would himself have in conveying him from one part to another of that locality.

Power to  
convey a con-  
vict whose  
sentence has  
been com-  
muted, and  
effect of com-  
mutation.

**24.** In any case, in which sentence of death has been passed upon any convict, by any court in Canada, and the Governor, on behalf of Her Majesty, has been pleased to commute such sentence for imprisonment for life, or for any term of years, such commutation shall have the same effect as the judgment of a competent court legally sentencing such convict to such imprisonment for life or other term, would have; and the sheriff, or other officer, or other person having such convict in custody, on receipt of a letter from the Secretary of State, or such other officer as aforesaid, notifying him of the fact of such commutation, and directing him to convey such convict to a penitentiary therein named, shall forthwith convey such convict thereto, and shall have the same rights and powers in conveying such convict to such penitentiary, as if the conveyance took place by virtue of the sentence of a competent court.

**25.**

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release, or dis-

**25.** In order to commute any sentence of death as aforesaid for imprisonment for life, or for a term of years, it shall not be held to be necessary, nor to have been at any time necessary, for the purpose of commuting such sentence, or of authorizing the conveyance of a prisoner to any penitentiary, or for his reception and detention therein for the commuted period, that a copy of any pardon should be or should have been in the possession of the Warden of such penitentiary; a letter, signed by the Secretary of State, or such other officer as aforesaid, notifying the Warden of the fact of such commutation, and of the term of years or life term for which the sentence has been commuted, shall be and shall have been sufficient authority for the Warden to receive such convict into the penitentiary, and to deal with him as if he had been sentenced by a competent court to confinement therein for the period or life term in the said letter mentioned.

What shall  
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the warden  
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**26.** Every prisoner who being ordered to be detained in any penitentiary escapes from the person or persons having the lawful custody of such prisoner, when being conveyed thereto, shall be guilty of felony, and being convicted thereof, shall have not less than two years added to the original term of his imprisonment: and any prisoner who at any time breaks prison or escapes, or attempts to escape from the custody of any officer, guard, or other servant of the penitentiary while at work, or passing to or from work, either within or beyond the prison walls or penitentiary limits, shall, on conviction thereof, be punished by an addition not exceeding three years to the term of his imprisonment, besides forfeiting the whole of the period of remission of sentence hereinafter mentioned, which he may have earned, and he may also be again confined in the penal prison or solitary cells, if any, attached to such penitentiary as in the prison rules may be prescribed.

Escape  
during con-  
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felony.

Punishment  
of prisoners  
escaping or  
attempting to  
escape, while  
at work, &c.

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**27.** Every prisoner in any penitentiary who, at any time, attempts to break prison, or who forcibly breaks out of his cell, or makes any breach therein with intent to escape therefrom, whether successful or not, shall, on conviction thereof, be punished by an addition, not exceeding one year, to the term of his imprisonment, besides forfeiting the whole of the period of remission of sentence earned by him, and being again confined as in the next preceding section mentioned.

Punishment  
for breaking  
prison or out  
of cell &c.

**28.** If any convict, confined in any penitentiary, assaults any officer or servant employed therein, he shall be guilty of at least an aggravated assault, and shall also forfeit the whole of the period of remission of sentence which he may have previously earned, and shall be again confined, as in the twenty-sixth section mentioned.

For assault  
ing any  
officer.

Rescuing or attempting to rescue any prisoner.

**29.** Every person who rescues or attempts to rescue any prisoner, while being conveyed to any penitentiary, or while being imprisoned therein, or while passing to or from work at or near any penitentiary, and every person who, by supplying arms, tools or instruments of disguise or otherwise, in any manner aids any such prisoner in any escape or attempt at escape, shall be guilty of felony.

Keepers, &c., allowing prisoners to escape;

**30.** Every person having the custody of any such prisoner as aforesaid, or being employed by the person having such custody, as a keeper, turnkey, guard or assistant, who carelessly allows any such convict to escape, shall be guilty of a misdemeanor, and, on conviction thereof, shall be liable to fine or imprisonment or to both, at the discretion of the court: and every such person as aforesaid, who knowingly or willingly allows any such convict to escape shall be guilty of felony.

Felony.

Allowing money, spirits, letters, &c., to be brought into the penitentiary.

**31.** Every officer, guard or servant of any penitentiary, or any other person who brings in or carries out, or endeavours to bring in or carry out, or knowingly allows to be brought in or carried out to or from any convict, or carries to any convict while employed outside the prison walls, any money, clothing, provisions, tobacco, spirits, letters, papers or other articles whatsoever not allowed by the rules of the said prison, shall, if an officer or servant of the prison, be guilty of a misdemeanor, and may, if thought fit by the Warden or Deputy Warden, be apprehended and carried before a Justice of the Peace,—who is hereby empowered to hear and determine any such offence in a summary way; and every such officer, guard or servant or other person, upon conviction of such offence before a Justice of the Peace, shall be liable to pay a penalty not exceeding one hundred dollars, or, in the discretion of the justice, to be imprisoned in the common gaol, there to be kept at hard labour for any term not exceeding three months.

Misdemeanor.

Punishment.

#### TRANSFER OF JUVENILE OFFENDERS FROM AND TO REFORMATORY PRISONS.

Juvenile offenders found incorrigible may be removed from reformatory prison to penitentiary;

**32.** In any case where a juvenile offender has been ordered by competent authority to be imprisoned in any reformatory prison, and after his being imprisoned therein has become incorrigible, and is so certified by the Warden and one of the Chaplains it shall be lawful for the Lieutenant-Governor of the Province in which the reformatory prison is situate, by a warrant under his hand, addressed to the Warden of such reformatory prison, setting forth the sentence or order by which the juvenile offender was imprisoned therein, and the fact that he is incorrigible, to direct that such juvenile offender be removed to any penitentiary named in the said warrant: and the said warden, or any other officer of the prison, or any other person authorized by him, shall have the same

same



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same powers in conveying such juvenile offender to such penitentiary as are hereinbefore given to a Sheriff or other person in like cases :

And it shall be lawful for the Warden of the penitentiary therein named, to receive such juvenile offender and deal with him for the unexpired term of the sentence or order by which he was ordered to be imprisoned in such reformatory prison, as if he had been sentenced to such penitentiary by a competent court ; Provided that along with the said offender there be delivered to the Warden of the penitentiary a copy of the said sentence or order, attested by the Warden of the reformatory prison, and also an order from the Lieutenant-Governor aforesaid, directing the Warden of such penitentiary to receive such juvenile offender.

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**33.** The Governor may at any time, in his discretion, by warrant under his hand, cause any convict in a penitentiary, whose sentence is for not less than two years, and who may appear to the Inspector to be under sixteen years of age, and susceptible of reformation, to be transferred to the reformatory prison, if any there be, of the Province where such convict was sentenced, for the remainder of his term of imprisonment.

Juvenile  
convicts may  
be transferred  
to reforma-  
tory prison.

#### TREATMENT OF CONVICTS.

**34.** In the treatment of convicts in a penitentiary, the following general rules shall be observed :—

Treatment of  
convicts.

1. Every convict shall, during the term of his confinement, be clothed at the expense of the penitentiary, in suitable prison garments ;

Clothing.

2. He shall be fed on a sufficient quantity of wholesome Food. food ;

3. He shall be provided with a bed and pillow with sufficient covering, varied according to the season ;

Bedding.

4. Every convict shall be kept in a cell by himself at night and during the day when not employed, except in case of sickness.

Solitary  
confinement  
when not  
employed.

**35** Convict labor may be of two categories :—

Two kinds.

1. Obligatory, viz : Every convict, except during sickness or other incapacity, shall be kept constantly at hard labor, the kind of which shall be determined by the Warden, every day not exceeding ten hours, exclusive of hours for meals, except Sunday, Good Friday and Christmas Day, and such other days as the Governor may set apart for days of fasting or thanksgiving, and such days as may be designated

Labor.

Holidays.



nated in the rules made by the Inspector in that behalf: Provided that no Roman Catholic convict shall be compelled to labor on any of the obligatory holidays of his Church; that is to say, Circumcision, Epiphany, Annunciation, Corpus Christi, Saint Peter and Saint Paul, All Saints, Conception and Ascension, or other festival days of obligation:

Voluntary labor; over hours and payment therefor.

2. Voluntary, viz: A convict of exemplary conduct, may be allowed by the Warden, if he see fit, to work over hours at such work as can be conveniently done in the institution, and at such rates as shall be fixed by the Inspector, the value of which overwork, at such rates, may either be paid to the convict's family during his imprisonment, should he so desire it, or be credited to him in the books of the Institution to be paid him on his discharge, subject, however, to any general rules which the Inspector may make upon the subject:

Letting out labor of convicts.

The convicts may be employed either in labour or at trades under the control of the Government, or their labour may be let out to a company or private person, offering the requisite guarantees.

#### PRISON OFFENCES.

Prison rules.

36. The Inspector shall draw up a list of prison offences, by way of general warning to the convicts as to their conduct in the prison, among which it shall specially be declared that no convict shall be permitted to speak to another convict upon any pretence whatever, nor to any officer or guard, or other servant of the institution, except with respect to the work at which he is employed, and then only in the fewest words and in a respectful manner. Such list of offences shall be printed, and a copy of the same placed in every cell of the penitentiary.

No talking allowed.

Posting up rules.

#### PUNISHMENTS.

Inspector, with approval, to make rules for discipline and correction.

37. It shall be lawful for the Inspector, subject to the approval of the Minister of Justice, to make and, from time to time, to alter rules for the discipline and correction of convicts confined in any penitentiary as hereinbefore provided; but in case any convict is accused of having committed any offence which, if proved, would be followed by the infliction of corporal punishment or a remand to the penal prison, where such penal prison is established, it shall be the duty of the Warden to make investigation upon oath into the facts of the case, before awarding such punishment or remand and to make a minute of the evidence taken by him, to be forwarded forthwith to the Inspector: Provided also that the Surgeon of the penitentiary shall have certified that the prisoner is in a physical condition to bear such punishment, and that the Surgeon shall be present during its

Proviso.

Investigation in certain cases.

Proviso.

its infliction, and that no more than sixty lashes shall be inflicted upon any prisoner for any such offence.

## OFFICERS.

**38.** It shall be lawful for the Governor to appoint for any penitentiary a Warden, a Deputy Warden, (who in the absence or incapacity of the Warden shall exercise all the functions of the Warden,) a Protestant Chaplain, an Assistant Protestant Chaplain when required, a Roman Catholic Chaplain, an Assistant Roman Catholic Chaplain when required, a Surgeon, and an Accountant, all of whom shall hold their offices during pleasure; but the Inspector shall have power summarily to suspend any of the above named officers for misconduct, until the circumstances of the case, of which the Minister of Justice shall be at once notified, have been decided upon by him; and the Inspector may, until such decision has been so intimated, cause any officer so suspended to be removed beyond the precincts of the prison; and generally, the Inspector shall have power and it shall be his duty, to recommend the removal of any of the above-named officers whom he may deem incapable, inefficient or negligent in the execution of his duty, or whose presence in the Penitentiary he considers detrimental to the interests thereof.

What officers the Governor may appoint for each penitentiary.

Power of Inspector to suspend any officer.

General powers.

**39.** It shall be lawful for the Minister of Justice to appoint for any penitentiary, a Schoolmaster, a Schoolmistress, a Storekeeper, a Steward, a Chief Keeper, (who in the absence or incapacity of the Deputy Warden, shall exercise all the functions of such Deputy Warden,) a Matron, a Deputy Matron, and such and so many trade instructors as may, from time to time, be required, to hold their offices during pleasure; but the Warden shall have power summarily to suspend for misconduct any of the officers named in this section, until the next visit of the Inspector, when he shall submit to him a report of the circumstances of the case, to be dealt with as to him may seem meet.

Minister of Justice to appoint certain officers.

Power of Warden to suspend any of them.

**40.** It shall be lawful for the Warden to appoint for any penitentiary, an Assistant Deputy Matron and a clerk, and such and so many keepers and guards and other servants as by order of the Inspector may be authorized, for the proper protection and care of the Institution, and to suspend any of them for neglect of duty, for such time as he shall see fit, or dismiss them, without further charge than that of inefficiency in his opinion, but such suspension or dismissal shall be reported forthwith to the Inspector.

Warden may appoint certain officers, guards, &c., and suspend or dismiss them.

**41.** The pay of every officer so suspended by the Inspector or by the Warden, shall cease during the period of his suspension; but the Minister of Justice shall nevertheless have power to direct payment of the same, if he sees fit.

As to pay in case of suspension.

Fines for neglect of duty.

**42.** It shall be lawful for the Warden to impose a fine payable in money, upon any officer or servant appointed by him or the Minister of Justice, for any act of negligence or carelessness by him committed, of such reasonable amount, not exceeding one month's pay, as the said Warden under the circumstances of the case may think fit.

Warden to be the chief executive officer; his power.

**43.** The Warden of a penitentiary shall be the chief executive officer of the same; and as such shall have the entire executive control and management of all its concerns, subject to the rules and regulations duly established, and the written instructions of the Inspector authorized by the Minister of Justice; and in all cases not provided for, and where the said Inspector cannot readily be consulted, the Warden shall act in such manner as he shall deem most advantageous for the penitentiary; and he may be held responsible for the faithful and efficient administration of the affairs of every department of the institution: he shall reside in the penitentiary; and shall receive such allowance of fuel and light as the Governor in Council may see fit to make.

To reside in penitentiary and have fuel and light.

#### DISCHARGE OF CONVICTS.

Convicts not to be discharged at certain times, except by their request.

**44.** No convict shall be discharged from a penitentiary on the termination of his sentence, or otherwise, if labouring under any contagious or infectious disease; nor, unless at his own request, during the months of November, December, January, February or March, nor if labouring under any acute or dangerous disease; but he shall be permitted to remain in the Penitentiary until he recovers from such disease, or until the first day of April following the termination of his sentence: Provided always that a convict remaining from any cause in a penitentiary after the termination of his sentence, shall be under the same discipline and control as if his sentence were still unexpired:

Proviso.

Order of discharge of convicts in April.

2. On the first day of April a list shall be made of all the prisoners whose sentences have expired during the five preceding months, and who may be still in prison, according to the dates when their sentences expired; and according to such order they shall be discharged, one convict on the said first day of April, and one on every day thereafter, until the whole shall have been discharged:

Sentence expiring on Sunday.

3. Whenever the term of any prisoner's sentence expires on a Sunday, he shall be discharged on the Saturday preceding, unless he desire to remain until the Monday following:

Clothing and money to convicts discharged.

4. Every convict under sentence for life or for not less than two years, upon his discharge, either by expiration of sentence, or otherwise, shall be furnished at the expense of the penitentiary with a suit of clothing other than prison clothing,

clothing, and with such sum of money as shall be sufficient to pay his travelling expenses to the place at which he received his sentence, and such other sum in addition, not exceeding twenty dollars, as the Warden may deem proper: should any sum remain at his credit for earnings for over-work, such sum shall be paid to him at such times, and in such amounts, as the prison rules may direct. Money for over-work.

#### PRISONERS' EFFECTS.

**45.** Every article found upon the person of a convict at the time of his reception into the penitentiary, which may be considered worthy of preservation, shall be taken from him and a description thereof entered in a book to be kept for that purpose; and if the convict does not see fit otherwise to dispose of it at the time, it shall be carefully put away until the day of his discharge, when it shall be delivered up to him again in the state in which it may then be; but the Warden shall not be liable for any deterioration which may have taken place in such article in the interval. If at the time of his reception the convict desires to dispose of any such article and it is so disposed of, a memorandum of the fact shall be noted in the said book, and signed by the proper officer having charge of the said book, and also by the convict; and any money received therefor shall be placed to his credit. Articles found on convict on entry to be kept for him.  
If he desires to dispose of any.

#### PRIVILEGED VISITORS.

**46.** The following persons, other than the Inspector or person or persons specially appointed by the Minister of Justice, may visit any Penitentiary at pleasure, namely,—the Governor General of Canada, the Lieutenant-Governor of any of the Provinces composing the Dominion of Canada, any Member of the Privy Council of Canada, any Member of the Executive Council of any of the said Provinces, any Member of the Parliament of Canada or of any of the Local Legislatures, any Judge of any Court of Record in Canada or in any of the said Provinces, and any Queen's Counsel; but no other person shall be permitted to enter within the walls where the prisoners are confined, except by the special permission of the Warden, and under such regulations as the Inspector may prescribe. Who shall have the right of visiting.

**47.** Any person who is found trespassing upon any grounds, buildings, yards, offices or other premises whatsoever belonging or pertaining to any penitentiary, or who enters the same, not being an officer or servant of the said prison, or authorized by leave of the Warden, shall, upon conviction thereof before a Justice of the Peace for the city, county or district in which such penitentiary may be situate, be adjudged to pay a fine not exceeding for the first offence ten dollars, Punishment of persons trespassing on penitentiary grounds.

dollar,—to be recovered in the usual way; or in default of payment, the offender may be sent to the common gaol, with or without hard labor, for any period not exceeding one month; and for a second or subsequent offence, the offender may be fined in any sum not exceeding fifty dollars, to be recovered in the same usual way, or in default shall be liable to imprisonment, with or without hard labor, for a period not exceeding three calendar months.

## CORONER'S INQUESTS.

Inquests on  
convicts  
dying in a  
penitentiary.

**48.** Whenever a convict dies in a penitentiary, and the Inspector or the Warden, or the Surgeon, or a Chaplain, have, or any one of them has reason to believe, that the death of such convict arose from any other than ordinary causes, it shall be their or his duty to call upon a coroner having jurisdiction, to hold an inquest upon the body of such deceased convict; and upon such requisition by one or more of the officers above named, the said coroner shall hold such inquest, and, for that end, he and the jury and all other persons necessarily attending such inquest, shall have admittance to the prison for that purpose.

## DECEASED CONVICTS.

How the body  
shall be  
disposed of.

**49.** The body of every convict who dies in a penitentiary shall, if claimed by the relatives of the deceased, be given up to and shall be taken away by them; but, if not so claimed, the body may be delivered up to an Inspector of Anatomy, duly appointed under any Act authorizing such appointment, or to the Professor of Anatomy in any college wherein medical science is taught; or if not so delivered shall be decently interred at the expense of the institution.

## FEMALE PRISON AND PRISONERS.

Female con-  
victs.

**50.** The female convicts shall be kept distinct and secluded from the male convicts, and shall be under the charge of a matron, with such and so many female officers as the Inspector may, from time to time, see fit to order to be employed,—reference being had to the number of such convicts, and the kinds of work in which they may be engaged.

## MISCELLANEOUS PROVISIONS.

Exemption of  
officers, &c.,  
from certain  
services.

**51.** The Warden and every officer and servant employed permanently in a penitentiary shall, during his continuance in office, be exempt from serving as a militiaman, except within the bounds of the penitentiary.

Security to be  
given by  
officers, &c.

**52.** Every Warden, every Accountant, every Storekeeper, and every Steward, shall severally execute bonds to Her Majesty.

Majesty, with sufficient sureties, that is to say, the Warden in the penal sum of eight thousand dollars, the Accountant in the penal sum of four thousand dollars, the Storekeeper in the penal sum of two thousand dollars, and the Steward in the penal sum of one thousand dollars, conditioned for the faithful performance of the duties of their respective offices, according to law,—which bonds shall be filed in the office of the Secretary of State of Canada.

**53.** Every Warden, and every other officer and servant employed permanently in a penitentiary, shall severally take and subscribe in a book to be kept for that purpose by the Accountant in his office, the oath of allegiance to Her Majesty, and the following oath of office, viz:—

"I (A. B.) do promise and swear that I will faithfully, Form. diligently and justly serve and perform the office and duties of in the Penitentiary, to the best of my abilities; and that I will carefully observe and carry out all the regulations of the prison. So help me God."

Which oaths the Inspector is hereby authorized to ad- Before whom. minister.

**54.** No Inspector, Warden, or other officer or servant employed in a penitentiary, shall either in his own name or in the name of, or in connection with any other person, provide, furnish or supply any materials, goods or provisions for the use of any penitentiary, nor shall be concerned directly or indirectly in furnishing or supplying the same, or in any contract relating thereto, under pain of forfeiting the sum of five hundred dollars, with full costs of suit, to any person who may sue for the same in any of Her Majesty's Courts in the Province in which such penitentiary is situated.

**55.** No Warden, officer, or servant, excepting the Surgeon, shall be allowed to carry on any trade or calling of profit or emolument other than his office in the penitentiary; nor shall any officer buy from or sell to or for any convict, (except under section forty-five) any thing whatever; or take or receive for his or her own use, or for that of any other person, any fee or gratuity or emolument from any convict or visitor or any other person; nor shall he employ any convict in working for him.

**56.** It shall be lawful for the Governor in Council, from time to time to fix the sums to be annually paid to the Warden and the other officers and servants of any penitentiary established under the provisions of this Act,—regard being had to the number of convicts confined therein, and the consequent responsibility attaching to their offices respectively, and to the length of service and amount of labour devolved upon



upon them; but such salaries shall not exceed the sums specified in the schedule hereto annexed.

Warden to be  
a corporation  
sole, &c.

**57.** The Warden shall be a corporation sole known by the name of the "Warden of the Penitentiary," (designating the place as named in this Act, or named in any proclamation establishing it as a penitentiary), and by that name he and his successors shall have perpetual succession, and may sue and be sued, may plead and be pleaded unto in any of Her Majesty's Courts.

Contracts,  
&c., to be in  
his name.

**58.** All dealings and transactions on account of any penitentiary, and all contracts for goods, wares, or merchandise necessary for maintaining and carrying on the institution, or for the sale of goods prepared or manufactured in or by the institution, shall be entered into and carried out in the corporate name of the Warden; and all personal property belonging to the same shall be held in the corporate name of the Warden for behoof of Her Majesty.

Real property  
how vested  
and managed.

**59.** The real property of every penitentiary, as well as all the other property thereto belonging shall remain vested in Her Majesty, but the Warden and his successors in office shall have the custody and care thereof under the provisions of this Act; and all such property, real and personal, shall be exempt from all taxes.

Construction  
and repairs of  
buildings to  
be Public  
Works.

**60.** From the time this Act takes effect the construction and repairs of buildings and other works in the penitentiaries shall take place under the control of the Department of Public Works.

#### ARBITRATORS.

Arbitration  
in case of  
difference  
between war-  
den and con-  
tractors, &c.

**61.** Whenever any difference may arise between the Warden, and any person having dealings with him on account of the penitentiary, such difference may, by order of the Inspector and the consent of the party in difference, be referred either to one arbitrator, selected by the Warden and the party in difference, whose decision shall be final; or to three arbitrators, one of whom shall be named by the Warden, and another by such other person, and a third by the two so named as aforesaid; and the award of any two of them shall be final.

Warden to  
collect debts,  
&c.

**62.** The Warden of a penitentiary shall exercise due diligence in enforcing the payment of debts due to the penitentiary, and with as little expense as possible to the institution; but he may, on the report of the Inspector, sanctioned by the Governor in Council, accept of such security from any debtor on granting time, or such composition in full settlement, as may be thought conducive to the interests of the institution.



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63.

**63.** All books of account and other books, bills, registers, returns, receipts, bills of parcels and vouchers, and all other papers and documents of every kind relating to the affairs of the penitentiary, shall be considered the property of the institution, and shall remain therein; and the Warden shall preserve therein at least one set of copies of all official reports made to the Parliament respecting the same, for which purpose, and for the purpose of enabling him to distribute such official reports in exchange for like documents from other similar institutions abroad, he shall be furnished by the Clerk of the House of Commons with fifty copies of such reports as printed by order of the House, and so soon as they are printed.

Books, ac-  
counts, &c.,  
to be property.

Reports.

**64.** No raft, boat, vessel or craft of any kind, shall moor or anchor within three hundred feet of the shore or wharf bounding the lands of any penitentiary towards any lake, arm of the sea, bay or river, without the permission of the Warden thereof, being first had and obtained; and any person violating the provisions of this section shall, upon conviction thereof before a Justice of the Peace, be subject to a penalty of twenty dollars, to be levied in the usual manner upon such raft, boat, vessel or craft, in whomsoever the property thereof may be, as well as on the offender's own goods and chattels; and in default of payment of the same with the costs of suit, he shall be imprisoned at hard labor for a period not exceeding two months.

Penalty on  
vessels moor-  
ing, &c., on  
penitentiary  
wharves, &c.

#### LIQUORS.

**65.** No spirituous or fermented liquors shall, on any pre-  
tence whatever, be brought into the penitentiary for the use  
of any officer or person in the institution, (except the Warden  
or Deputy Warden if the latter shall be resident therein) or  
for the use of any convict confined therein, except under the  
rules of the institution; and any person giving any spirit-  
uous or fermented liquor or tobacco or snuff or cigars to  
any convict, except under the rules of the institution, or  
conveying the same to any convict, shall forfeit and pay the  
sum of forty dollars to the Warden to be by him recovered  
for the use of the prison, in any court of competent  
jurisdiction.

No spirits or  
tobacco  
allowed.

Penalty.

#### PENAL CELLS.

**66.** Whereas no system of discipline in a penitentiary can  
be effectual for punishment, or for reformation of the crimi-  
nal, unless it be combined with strict separate confinement  
during some period of the time for which the court has  
sentenced him to be imprisoned, and it is therefore expedi-  
ent that provision should be made in all the penitentiaries  
named in this Act, and in all others hereafter to be established  
by virtue of this Act, for the separate confinement of  
every

Recital.

every convict for a certain period of the time mentioned in the sentence of the court by which he has been tried; therefore—

Penal cells  
may be  
constructed.

It shall be lawful for the Governor, whenever he shall deem it expedient, to order that such and so many penal cells shall be constructed from time to time at any penitentiary, as he may see fit.

#### SHORTENING OF SENTENCE.

Notes of be-  
haviour of  
convicts to be  
kept, and for  
what purpose.

**67.** In order to encourage convicts to good behaviour, diligence and industry, and to reward them for the same, it shall and may be lawful for the Inspector of Penitentiaries to make rules and regulations, under which a correct record may be kept of the daily conduct of every convict in any penitentiary, noting his industry, diligence and faithfulness in the performance of his work, and the strictness with which he observes the prison rules,—with a view to permit such convict, under the prison rules, to earn a remission of a portion of the time for which he is sentenced to be confined, not exceeding five days for every month during which he shall have been exemplary in industry, diligence and faithfulness in his work, and shall not have violated any of the prison rules :

Case of  
sickness pro-  
vided for.

If any convict be prevented from labour by sickness or any other infirmity, not intentionally produced by himself, he shall be entitled, by good conduct, to two and a half days remission from his sentence every month.

Period for  
reception of  
short term  
convicts, in  
N.S. and  
N.B. limited,  
under 32-33  
V., c. 29, s. 96,  
extended.

**68.** For and notwithstanding anything to the contrary contained in the Act made and passed by the Parliament of Canada, in the session held in the thirty-second and thirty-third years of Her Majesty's reign, chaptered twenty-nine, and intituled "*An Act respecting Procedure in Criminal Cases and other cases relating to the Criminal Law*," or in any other Act of the Parliament of Canada, no person sentenced in New Brunswick or Nova Scotia to imprisonment with hard labor for less than one year, shall be received or imprisoned in the penitentiary from and after the first day of May, which will be in the year one thousand eight hundred and seventy eight; nor, after the first day of May, which will be in the year one thousand eight hundred and seventy-eight, shall any one sentenced in either of the said Provinces to imprisonment with hard labor for less than two years, be received or imprisoned in the penitentiary.

#### ROCKWOOD LUNATIC ASYLUM.

Rockwood  
Asylum to be

**69.** It is hereby declared, that the lunatic asylum situate at Rockwood, near Kingston, in the County of Frontenac, in

in the Province of Ontario, together with all the tract and parcel of land belonging thereto, as now known to be measured and bounded, and all buildings on the said piece of land erected, or hereafter to be erected, shall be, and form part of the Kingston Penitentiary, but not subject to the control or authority of the Warden, and be called "Rockwood Asylum."

part of the  
penitentiary ;  
Proviso.

**70.** Every piece or parcel of land hereafter to be acquired by Her Majesty, for the uses and purposes of Rockwood Asylum, upon proclamation by the Governor, published in manner hereinabove set forth, defining the limits and boundaries thereof, shall also form part of the Kingston Penitentiary.

And any  
further  
ground ac-  
quired for it.

**71.** It shall be lawful for the Inspector to have, use and exercise all the privileges and powers granted to him by this Act, and he shall perform all the duties made incumbent upon him hereby, with respect to the government, management and maintenance of Rockwood Asylum, and of the lunatics confined therein, as are conferred or rendered obligatory upon him with respect to the penitentiaries, subject to such instructions as shall be, from time to time, by him received from the Minister of Justice.

Duties and  
powers of  
Inspector as  
to asylum.

**72.** Should it at any time appear to the Surgeon of the Kingston Penitentiary, that any convict confined therein is insane, and that it is desirable that such convict should be removed to Rockwood Asylum, he shall report the fact to the Warden of the penitentiary, who upon receipt of such report, shall immediately desire the Medical Superintendent of Rockwood Asylum to meet the said Surgeon of the penitentiary, at the said penitentiary, at an early day by the Warden fixed for the purpose, and the Surgeon and the Medical Superintendent shall consult together, and determine as to the sanity or insanity of such convict, either at their first or at any subsequent consultation as they may see fit; and should they be jointly of opinion that such convict is of unsound mind and ought to be removed to Rockwood Asylum, they shall report the same in writing to the Warden of the Penitentiary, on which report the said Warden shall forthwith remove such convict to Rockwood Asylum, and shall report the whole proceedings taken in the case to the Inspector without delay: and such convict shall be received into Rockwood Asylum, and be there safely kept, until he is remanded back to the penitentiary, or until the expiration of his sentence, or until he is otherwise discharged, as hereinafter provided.

Removal of  
insane convicts  
to the  
asylum; how  
to be deter-  
mined and  
effected.

**73.** If at any time before the termination of the sentence of such convict, it be certified to the said Warden by the Medical Superintendent of Rockwood Asylum, that such convict has recovered his reason, and is in a fit state to be sent back to the penitentiary, the said Warden shall desire the

Case of re-  
covery of  
convict before  
the expiration  
of his sen-  
tence.

the Surgeon of the penitentiary to meet the said Medical Superintendent at Rockwood Asylum; and after examination of such convict by the said Surgeon and Medical Superintendent, if they are jointly of opinion that such convict has again become of sound mind, they shall make report of the same to the Warden, who thereupon shall convey such convict back to the penitentiary, therein to be detained until the expiration of his sentence.

Expiration thereof while still in the asylum.

**74.** If the term of imprisonment of any convict expires while such convict is detained in Rockwood Asylum as insane, he may nevertheless continue to be detained therein, but the fact of and reason for his detention shall be notified in writing by the Medical Superintendent to the Secretary of State, and to the Warden.

Convict becoming sane after expiration of his sentence.

**75.** Should the said convict at any time after the termination of his sentence become of sound mind, it shall be the duty of the Medical Superintendent, thereupon, to discharge him and to report the fact to the Secretary of State; or if at any time after the termination of his sentence and before his recovery, it seems fit to the Governor to order his being given up to any person or persons named in a warrant signed by the Secretary of State, the Medical Superintendent shall, upon receipt thereof, deliver the said convict to such person or persons; and the receipt of such person or persons for the body of such convict, shall be sufficient discharge to the said Medical Superintendent.

Governor may authorize the use of asylum for insane persons other than convicts.

**76.** It shall be lawful for the Governor, by Order in Council, to direct that the Rockwood Asylum may be used as the asylum or place for the safe keeping and treatment of any lunatic or class of lunatics (in addition to the insane convicts from the Kingston Penitentiary), to be named or specially designated in such Order in Council, and upon such terms and conditions as shall be therein set forth; and a certified copy of such Order in Council shall be communicated by the Secretary of State to the Medical Superintendent of the asylum and to the Minister of Justice.

Governor may appoint:

**77.** It shall be lawful for the Governor in Council to appoint the following officers of Rockwood Asylum, to wit:—

Officers of Rockwood Asylum.

Medical.

The Medical Superintendent, the Assistant Medical Superintendent (whenever there shall be a sufficient number of lunatic patients in the asylum to render, in the opinion of the Governor, the services of such an officer necessary), and an Accountant; and it shall be lawful for the Inspector to suspend from office any one of the officers named in this section for misconduct, incapacity or inefficiency, but he shall make immediate report of such suspension and the cause thereof to the Secretary of State, for the information of the Governor in

said Medical  
examination  
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such convict  
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detained until

convict ex-  
wood Asylum  
be detained  
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State; or if at  
nd before his  
er his being  
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ad'or speci-  
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Council to  
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Medical Sup-  
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in.

in Council; and such officer shall be and remain so suspended until the pleasure of the Governor shall be made known to the Minister of Justice.

**78.** It shall be lawful for the Inspector to appoint a Steward <sup>Steward.</sup> for the said asylum, who may, for cause, be suspended from office by the Medical Superintendent, by whom a report of the facts of the case shall be made to the Inspector for his consideration and decision.

**79.** It shall be lawful for the Medical Superintendent to <sup>Matron, &c.</sup> appoint a Matron and such and so many other male and female officers, with the consent in writing of the Inspector, as the Inspector may consider necessary for the service of the institution, any of whom may be removed by the Medical Superintendent at pleasure, or by the Inspector for cause.

**80.** The salary of the Medical Superintendent shall be as <sup>Salary of medical su-</sup> set forth in the Schedule to this Act annexed, and he shall <sup>perintendent.</sup> receive such allowance for fuel and light as to the Governor in Council may seem fit.

**81.** It shall be lawful for the Governor in Council to fix <sup>Other</sup> such salaries and allowances to the officers of the Rockwood <sup>salaries, &c.</sup> Asylum other than the Medical Superintendent, as the Governor may, from time to time, think reasonable,—regard being had to the number of insane persons confined in the asylum, and to the officer's length of service: and in the event of the Dominion dispossessing itself of Rockwood <sup>Proviso in certain events.</sup> Asylum it shall be lawful to provide suitable and sufficient accommodation for insane convicts within the walls of the Kingston Penitentiary.

And whenever the building to be constructed for a <sup>A certain building now being constructed in N. S. and N. B. to be a Penitentiary.</sup> joint penitentiary for the Provinces of Nova Scotia, New Brunswick and Prince Edward Island shall be completed, and the Governor in Council shall have declared by proclamation, to be published in the *Canada Gazette*, that such building and any tract of land within either of the said Provinces shall, upon, from and after a day named in such proclamation be a penitentiary, the same shall be a penitentiary, and shall be so held within the meaning of any Act then in force relating to the penitentiaries.

**82.** This Act may be cited as "*The Penitentiary Act of* <sup>Short title.</sup> 1875."

## SCHEDULE.

<i>Warden</i> , not exceeding .....	\$2,600
and not less than.....	\$1,000
<i>Deputy Warden</i> , not exceeding.....	1,400
and not less than.....	600
<i>Chief Keeper</i> , not exceeding.....	800
and not less than.....	500
<i>Chaplains</i> , each, not exceeding .....	1,200
and not less than.....	400
<i>Assistant Chaplains</i> , not exceeding .....	500
and not less than.....	300
<i>Surgeon</i> , not exceeding.....	1,200
and not less than.....	400
<i>Accountant</i> , not exceeding.....	1,000
and not less than.....	500
<i>Schoolmaster</i> , not exceeding.....	600
and not less than.....	250
<i>Storekeeper</i> , not exceeding.....	700
and not less than.....	400
<i>Steward</i> , not exceeding .....	650
and not less than.....	400

(If the above two offices be combined, the salary may be that of the Storekeeper.)

<i>Trade Instructor</i> , not exceeding.....	700
and not less than.....	500
<i>Keeper</i> , not exceeding.....	500
and not less than.....	400
<i>Guard</i> , not exceeding.....	450
and not less than .....	350
<i>Other Male Servants</i> , not exceeding per day.....	1
<i>Matron</i> , not exceeding.....	500
and not less than.....	250
<i>Deputy Matron</i> , not exceeding.....	300
and not less than.....	200
<i>Assistant Deputy Matron</i> , not exceeding.....	250
and not less than.....	175
<i>School Mistress</i> , not exceeding.....	250
and not less than.....	120

*Officers of Rockwood Asylum.*

<i>The Medical Superintendent</i> , not exceeding.....	2,000
and not less than.....	1,600

## CHAP. 45.

An Act to amend the Act for the more speedy trial, in certain cases, of persons charged with Felonies and Misdemeanors in the Provinces of Ontario and Quebec.

[Assented to 8th April, 1875.]

**I**N amendment of the Act cited in the title to this Act, Preamble. passed in the Session held in the thirty-second and thirty-third years of Her Majesty's reign and chaptered thirty-five; Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

1. Any judge, junior judge or deputy judge trying any person under the said Act, in the Province of Ontario, may in his discretion reserve any question of law arising on such trial, for the consideration of the Justices of one of Her Majesty's Superior Courts of Common Law of the said Province, in the same manner and to the same extent as is now done by the Court of General Sessions of the Peace under chapter one hundred and twelve of the Consolidated Statutes for Upper Canada, and the said last named Act shall form and be taken and read as part of the said Act, in the title to this Act mentioned.

Judge trying case under the said Act in Ontario, may reserve questions of law for Court of Queen's Bench or Common Pleas.

2. The powers conferred and imposed upon the Judge, to be exercised and performed under the Act cited in the title to this Act, with and after the consent of the person charged, may be exercised and performed, notwithstanding that the court before which, but for such consent, the said person would be triable for the offence charged, or the grand jury thereof, may then be in session.

Powers of Judge exercisable though Court be sitting.

3. If one of two or more prisoners charged with the same offence, demands a trial by jury, and the other or others consent to be tried by the judge without a jury, the judge in his discretion, may remand the said prisoners to gaol to await trial, in all respects as if the Act cited in the title had not been passed.

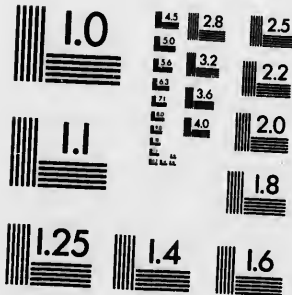
As to several prisoners charged with same offence.





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## CHAP. 46.

An Act to make further provisions respecting the Central Prison for Ontario.

[Assented to 8th April, 1875.]

Preamble.

36 V., c. 69.

**I**N amendment of an Act passed in the thirty-sixth year of Her Majesty's reign, intituled "*An Act respecting the Central Prison for the Province of Ontario*," Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Temporary detention of convict in a common gaol provided for.

**1.** Any sheriff or other person having the custody of an offender sentenced to imprisonment in the said central prison, may detain the offender in the common gaol of the county or district in which he is sentenced, or other place of confinement in which he may be, until a central prison bailiff or other person lawfully authorized in that behalf requires his delivery for the purpose of being conveyed to the central prison.

Convict too ill to be able to perform labor may be so detained.

**2.** In case the gaol surgeon, or other medical practitioner acting in this behalf, shall certify that any offender sentenced as aforesaid is in such a weak state of health that he is unable to perform hard labour, such offender may be detained in the common gaol or other place of confinement in which he may be, until he is sufficiently recovered to be employed at hard labour.

Time of any such detention to be reckoned as time served.

**3.** The time for which any person sentenced to imprisonment in the central prison is held in custody, under the provisions of this Act, shall be reckoned in computing the time served by such person in the said central prison.

## CHAP. 47.

An Act for the more speedy trial before Police and Stipendiary Magistrates in the Province of Ontario of persons charged with Felonies or Misdemeanors.

[Assented to 8th April, 1875.]

Preamble.

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

**1.**

1. In case any person is charged in Ontario before a Police Magistrate or before a Stipendiary Magistrate in any county, district or provisional county in Ontario, with having committed any offence for which he may be tried at a Court of General Sessions of the Peace, or in case any person is committed to a gaol in the county, district or provisional county under the warrant of any Justice of the Peace for trial on a charge of being guilty of any such offence, such person may with his own consent be tried before such magistrate, and may, if found guilty, be sentenced by the magistrate to the same punishment as he would have been liable to if he had been tried before the Court of General Sessions.

Trial before Magistrate instead of Court of General Sessions, by consent of accused.

2. The proceedings upon and subsequent to such trial shall be, as nearly as may be, the same as upon a trial under the Act of the Parliament of Canada passed in the Session held in the thirty-second and thirty-third years of Her Majesty's reign, intituled "*An Act respecting the prompt and summary Administration of Criminal Justice in certain cases.*"

Proceedings as under 32 and 33 V., c. 32.

3. Every conviction under this Act shall have the same effect as a conviction upon indictment for the same offence would have had, save that no conviction under this Act shall be attended with forfeiture beyond the penalty (if any) imposed in the case.

Effect of conviction.

4. Every person who obtains a certificate of dismissal, or is convicted under this Act, shall be released from all further or other criminal proceedings for the same cause.

Certificate of dismissal or conviction.

5. No conviction, sentence or proceeding under this Act shall be quashed for want of form; and no warrant of commitment upon a conviction shall be held void by reason of any defect therein if it be therein alleged that the offender has been convicted, and there be a good and valid conviction to sustain the same.

Conviction, &c., not to be quashed for want of form.

6. If any person has, under this Act or under the said Act passed in the session held in the thirty-second and thirty-third years of Her Majesty's reign, chaptered thirty-two or under any other Act giving such election, been asked to elect whether he should be tried by the Magistrate or before a jury, and has elected to be tried before a jury, then in case such election is stated in the warrant of committal for trial or upon the depositions, the sheriff or the County Judge, or Junior or Deputy Judge, shall not be required to take the proceedings directed by the Act passed in the said Session, and chaptered thirty-five, intituled "*An Act for the more speedy trial in certain cases of persons charged with Felonies and Misdemeanors in the Provinces of Ontario and Quebec;*" and in all such cases it shall be the duty of the committing Magistrate

Effect of election of trial before a jury, under 32 and 33 V., c. 32.

32-33 V., c. 35.

Magistrate to state in the warrant the fact of such election having been made.

Magistrate  
not bound to  
adjudicate  
summarily.

If he does not,  
County Judge  
may try.

7. If the magistrate is of opinion, from any circumstances appearing in the case, that the charge cannot be properly disposed of before him, he may, at any time before the person charged has made his defence, decide not to adjudicate summarily thereon; and may thereupon deal with the same as if this Act had not been passed: and in such case such prisoner may be afterwards tried summarily by his own consent at the County Judge's Criminal Court.

## CHAP. 48.

An Act to repeal certain provisions of an Act of the Legislature of Nova Scotia, respecting petty offences, trespasses and assaults.

[Assented to 8th April, 1875.]

Preamble.  
Chap. 147 of  
Rev. Statutes  
of Nova  
Scotia.

WHEREAS the sections hereinafter mentioned, of chapter one hundred and forty-seven of the Revised Statutes of Nova Scotia, third series, intituled "*Of petty offences, trespasses and assaults*," contain provisions which are inconsistent with the Acts of the Parliament of Canada, passed in the session held in the thirty-second and thirty-third years of Her Majesty's reign, respecting the criminal law, or have become unnecessary and inconvenient since the passing of the said Acts: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

First 10 sects.  
repealed.  
Proviso.

1. The first ten sections of the first Act mentioned in the preamble of this Act, are hereby repealed: Provided that the express repeal of the said sections by this Act shall not be construed as declaring that the said sections were, or were not virtually repealed by the passing of the Acts mentioned in the preamble.

## CHAP. 49.

An Act to amend and consolidate the Laws respecting the North-West Territories.

[Assented to 8th April, 1875.]

**W**HEREAS it is expedient to amend and consolidate the laws respecting the North-West Territories; Therefore, Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Preamble.

## GOVERNMENT AND LEGISLATION.

1. The Territories formerly known as "Rupert's Land" and the North-Western Territory, (with the exception of such portion thereof as forms the Province of Manitoba), shall continue to be styled and known as the North-West Territories; and the word "Territories," in this Act, means the said Territories.

North-West Territories defined.

2. For the North-West Territories there shall be an officer styled the Lieutenant-Governor, appointed by the Governor General in Council, by instrument under the great seal of Canada, who shall hold office during the pleasure of the Governor General; and the Lieutenant-Governor shall administer the government under instructions from time to time given him by Order in Council, or by the Secretary of State of Canada :

Lieutenant-Governor.

His instructions.

2. Every Lieutenant-Governor so appointed shall, before assuming the duties of his office, make or subscribe before the Governor General or some person duly authorized to administer such oaths, an oath of allegiance or office similar to those prescribed to be taken by a Lieutenant-Governor, under "*The British North America Act, 1867.*"

Oath of office.

3. The Governor-General, with the advice of the Queen's Privy Council for Canada, by warrant under his privy seal, may constitute and appoint such and so many persons from time to time, not exceeding in the whole five persons,—of which number the Stipendiary Magistrates hereinafter mentioned shall be members *ex officio*,—to be a Council to aid the Lieutenant-Governor in the administration of the North-West Territories, with such powers, not inconsistent with this Act, as may be, from time to time, conferred upon them by the Governor General in Council; and a majority shall form a *quorum*.

Council may be appointed.

Number, powers and quorum.

4.

Seat of Government.

4. The seat of government of the North-West Territories shall be fixed, and may, from time to time, be changed by the Governor General in Council.

Salaries and allowances.

5. There shall be payable out of the Consolidated Revenue Fund of Canada, the following sums, annually, that is to say :—

To the Lieutenant-Governor, not exceeding.....	\$7,000
To the Stipendiary Magistrates, each, not exceeding .....	3,000
To two members of Council, each, not exceeding .....	1,000
To the Clerk of the Council, who shall also act as and perform the duties of Secretary to the Lieutenant-Governor, not exceeding.....	1,800

Together with such sums of money as may, from time to time, be fixed by the Governor in Council in respect of travelling allowances for any of the officers above named.

Existing laws continued.

6. All laws and ordinances now in force in the North-West Territories, and not repealed by or inconsistent with this Act, shall remain in force until it is otherwise ordered by the Parliament of Canada, by the Governor in Council, or by the Lieutenant-Governor and Council under the authority of this Act.

Lieutenant-Governor and Council may make ordinances for certain purposes.

7. The Lieutenant-Governor, by and with the advice and consent of the Council of the North-West Territories, may make, ordain and establish ordinances as to matters coming within the classes of subjects next hereinafter enumerated, that is to say :—

- (1.) Taxation for local and municipal purposes ;
  - (2.) Property and civil rights in the Territories ;
  - (3.) The administration of justice in the Territories, including maintenance and organization of courts, both of civil and criminal jurisdiction, and including procedure in civil matters in these courts, but the appointment of any judges of the said courts shall be made by the Governor General in Council ;
  - (4.) Public health ;
- The licensing of inns and places of refreshment ;
- Landmarks and boundaries ;
- Cemeteries ;
- Cruelty to animals ;

Game



Game and wild animals and the care and protection thereof;

Injury to public morals;

Nuisances;

Police;

Roads, highways and bridges;

The protection of timber;

Gaols and lock-up houses;

(5.) Generally, all matters of a merely local or private nature;

(6.) The imposition of punishment, by fine or penalty or imprisonment, for enforcing any ordinance of the Territories made in relation to any matter coming within any classes of subjects herein enumerated:

(7.) Provided that no ordinance to be so made by the Lieutenant-Governor with the advice and consent of the Council of the said Territories, shall,—(1) be inconsistent with or alter or repeal any provision of any Act of the Parliament of Canada in Schedule B. of this Act, or of any Act of the Parliament of Canada, which may now, or at any time hereafter, expressly refer to the said Territories, or which or any part thereof may be at any time made by the Governor in Council applicable to or to be in force in the said North-West Territories; or,—(2) impose any fine or penalty exceeding one hundred dollars;

Proviso: restrictions to be observed as to such ordinances.

(8.) And provided that a copy of every such ordinance made by the Lieutenant-Governor and Council shall be mailed for transmission to the Governor General within ten days after its passing, and may be disallowed by him at any time within two years after its passing; provided also, that all such orders in Council, and all ordinances so to be made as aforesaid, shall be laid before both Houses of Parliament as soon as conveniently may be after the making and enactment thereof respectively.

Copies to be sent to Governor-General.

Ordinances may be disallowed.

And must be laid before Parliament.

8. The Governor in Council may, by proclamation, from time to time, direct that any Act of the Parliament of Canada, or any part or parts thereof, or any one or more of the sections of any one or more of any such Acts shall be in force in the North-West Territories generally, or in any part or parts thereof to be mentioned in the said proclamation for such purpose.

Governor in Council may apply Acts, &c., of Canada to North-West Territories.

Taxes for local purposes in electoral districts when established.

**9.** Provided further, that when and so often as any electoral district shall be established as hereinafter provided, the Lieutenant-Governor by and with the consent of the Council or Assembly, as the case may be, shall have power to pass ordinances for raising within such district by direct taxation, or on shop, saloon, tavern or any other such licenses, a revenue for local and for municipal purposes of such district, and for the collection and appropriation of the same in the promotion of such purposes respectively.

On what conditions electoral districts may be made municipalities, and with what powers.

**10.** Whenever any electoral district shall be found to contain not less than one thousand inhabitants, the Lieutenant-Governor, by and with the consent of the Council or Assembly, as the case may be, may pass ordinances erecting the same into a municipal corporation or corporations as they may think fit: and thenceforth the power of the Lieutenant-Governor and Council or Assembly as herein conferred in respect of taxation for municipal purposes shall cease; and every such municipal corporation shall thenceforth have the right to pass by-laws for raising within such municipality by taxation a revenue for municipal purposes in such district, and for the collection and appropriation of the same in the promotion thereof; and the Lieutenant-Governor and Council or Assembly, as the case may be, shall pass an ordinance or ordinances prescribing the powers and authorities which may be exercised by any such municipal corporation and the mode and extent of such taxation: Provided that the power herein given to the Lieutenant-Governor and Council or Assembly, as the case may be, of taxation for local purposes of such district shall not be prejudiced by the erection of the same into a municipality or municipalities, but such power shall continue vested in them in respect of local purposes not comprised within such municipal purposes as to which powers may be conferred by any ordinance or ordinances as aforesaid.

Proviso: as to taxation for local purposes.

Ordinances respecting education,—when they may be passed and what provisions they must contain. Separate schools.

**11.** When, and so soon as any system of taxation shall be adopted in any district or portion of the North-West Territories, the Lieutenant-Governor, by and with the consent of the Council or Assembly, as the case may be, shall pass all necessary ordinances in respect of education; but it shall therein be always provided, that a majority of the rate-payers of any district or portion of the North-West Territories, or any lesser portion or sub-division thereof, by whatever name the same may be known, may establish such schools therein as they may think fit, and make the necessary assessment and collection of rates therefor; and further, that the minority of the rate-payers therein, whether Protestant or Roman Catholic, may establish separate schools therein, and that, in such latter case, the rate-payers establishing such Protestant or Roman Catholic separate schools shall

be

be liable only to assessments of such rates as they may impose upon themselves in respect thereof.

12. Any copy of any proclamation or order made by the Governor in Council, or ordinance, proclamation or order made by the Lieutenant-Governor and Council or Assembly, as the case may be, of the North-West Territories, printed in the *Canada Gazette*, or purporting to be printed by the Queen's Printer at Ottawa, or Printer to the Government of Manitoba at Winnipeg, or to the Government of the North-West Territories, shall be *prima facie* evidence of such proclamation or order, and that it is in force.

#### ELECTION OF MEMBERS OF COUNCIL OR ASSEMBLY.

13. When and so soon as the Lieutenant-Governor is satisfied by such proof as he may require, that any district or portion of the North-West Territories, not exceeding an area of one thousand square miles, contains a population of not less than one thousand inhabitants of adult age, exclusive of aliens or unenfranchised Indians, the Lieutenant-Governor shall, by proclamation, erect such district or portion into an electoral district, by a name and with boundaries to be respectively declared in the proclamation, and such electoral district shall thenceforth be entitled to elect a member of the Council, or of the Legislative Assembly, as the case may be.

2. The Lieutenant-Governor shall thereafter cause a writ to be issued by the Clerk of the Council in such form and addressed to such Returning Officer as he thinks fit; and until the Lieutenant-Governor and Council of the Province otherwise provides, he shall by proclamation prescribe and declare the mode of providing voters' lists, the oaths to be taken by voters, the powers and duties of Returning and Deputy Returning Officers, the proceedings to be observed at such election, and the period during which such election may be continued, and such other provisions in respect to such election as he may think fit.

3. The persons qualified to vote at such election shall be the *bona fide* male residents and householders of adult age, not being aliens, or unenfranchised Indians, within the electoral district, and shall have respectively resided in such electoral district for at least twelve months immediately preceding the issue of the said writ.

4. Any person entitled to vote may be elected.

Or be elected.

5. When and so soon as the Lieutenant-Governor is satisfied as aforesaid, that any electoral district contains a population of two thousand inhabitants of adult age, exclusive of aliens

aliens or unenfranchised Indians, he shall issue his writ for the election of a second member for the electoral district.

Legislative  
Assembly,  
when to be  
constituted  
in lieu of  
Council.

6. When the number of elected members amounts to twenty-one, the Council hereinbefore appointed shall cease and be determined, and the members so elected shall be constituted and designated as the Legislative Assembly of the North-West Territories, and all the powers by this Act vested in the Council shall be thenceforth vested in and exercisable by the said Legislative Assembly.

Number of  
members and  
term of  
service.

7. The number of members so to be elected, as hereinbefore mentioned, shall not exceed twenty-one, at which number the representation shall remain; the members so elected shall hold their seats for a period not exceeding two years.

#### DESCENT OF REAL ESTATE.

Succession to  
real estate:

14. Whenever any person dies seized in fee simple or for the life of another, of any real estate in the North-West Territories, without having lawfully devised the same, such real estate shall descend or pass by way of succession in manner following, that is to say:—

*Firstly*, To his lineal descendants, and those claiming by or under them, *per stirpes*;

*Secondly*, To his father;

*Thirdly*, To his mother; and

*Fourthly*, To his collateral relatives,—

Subject in all cases to the rules and regulations hereinafter prescribed.

Descendants  
in equal de-  
grees of con-  
sanguinity.

15. If the intestate leaves several descendants in the direct line of lineal descent, and all of equal degree of consanguinity to such intestate, the inheritance shall descend to such persons in equal parts, however remote from the intestate the common degree of consanguinity may be.

Division  
among chil-  
dren and  
their descend-  
ants.

16. If any one or more of the children of such intestate be living, and any one or more be dead, the inheritance shall descend to the children who are living, and to the descendants of such children as have died, so that each child who shall be living shall inherit such share as would have descended to him if all the children of the intestate who have died leaving issue, had been living; and so that the descendants of each child who shall be dead shall inherit in equal shares the share which their parent would have received if living.

17.

**17.** The rule of descent prescribed in the last preceding section shall apply in every case where the descendants of the intestate, entitled to share in the inheritance, shall be of unequal degrees of consanguinity to the intestate, so that those who are in the nearest degree of consanguinity shall take the shares which would have descended to them, had all the descendants in the same degree of consanguinity who have died leaving issue, been living, and so that the issue of the descendants who have died, shall respectively take the shares which their parents, if living, would have received.

Rule of descent defined in case of unequal degrees of consanguinity.

**18.** In case the intestate dies without lawful descendants, and leaving a father, then the inheritance shall go to such father, unless the inheritance came to the intestate on the part of his mother, and such mother be living; and if such mother be dead, the inheritance descending on her part shall go to the father for life, and the reversion to the brothers and sisters of the intestate and their descendants, according to the law of inheritance by collateral relatives, hereinafter provided; and if there be no such brothers or sisters or their descendants living, such inheritance shall go to the father.

Succession in case there are no descendants.

**19.** If the intestate dies without descendants and leaving no father, or leaving a father not entitled to take the inheritance under the last preceding section, and leaving a mother and a brother or sister, or the descendant of a brother or sister, then the inheritance shall descend to the mother during her life, and the reversion to such brother or sister of the intestate as may be living, and the descendants of such as may be dead, according to the same law of inheritance hereinafter provided; and if the intestate in such case leaves no brother or sister, nor any descendant of any brother or sister, the inheritance shall descend to the mother.

Succession if father be not living, or cannot inherit.

**20.** If there be no father or mother capable of inheriting the estate, it shall descend, in the cases hereinafter specified, to the collateral relatives of the intestate; and if there be several of such relatives, all of equal degree of consanguinity to the intestate, the inheritance shall descend to them in equal parts, however remote from the intestate the common degree of consanguinity may be.

If neither father and mother be living or entitled to inherit.

If all the brothers and sisters of the intestate be living, the inheritance shall descend to such brothers and sisters; and if any one or more of them be living, and any one or more be dead, then to the brothers and sisters and every of them who are living, and to the descendants of such brothers and sisters as have died, so that each brother or sister who may be living shall inherit such share as would have descended to him or her, if all the brothers or sisters of the intestate who have died leaving issue, had been living, and

Succession of brothers and sisters, and their descendants.

so that such descendants shall inherit in equal shares the share which their parent, if living, would have received.

As to lineal descendants in unequal degree.

**22.** The same law of inheritance as prescribed in the last section shall prevail as to the other direct lineal descendants of every brother and sister of the intestate, to the remotest degree, whenever such descendants are of unequal degree.

If there be no heir under foregoing provisions.

**23.** If there be no heir entitled to take under any of the preceding nine sections, then the inheritance, if the same came to the intestate on the part of his father, shall descend—

*Firstly.* To the brothers and sisters of the father of the intestate in equal shares, if all be living;

*Secondly.* If one or more be living, and one or more have died leaving issue, then to such brothers and sisters as are living, and to the descendants of such of the said brothers and sisters as have died, in equal shares.

*Thirdly.* If all such brothers and sisters have died, then to their descendants; and in all such cases the inheritance shall descend in the same manner as if all such brothers and sisters had been the brothers and sisters of the intestate.

Further provision.

**24.** If there be no brothers or sisters, or any of them, of the father of the intestate, and no descendants of such brothers or sisters, then the inheritance shall descend to the brothers and sisters of the mother of the intestate, and to the descendants of such of the said brothers and sisters as have died, or if all have died, then to their descendants, in the same manner as if all such brothers and sisters had been the brothers and sisters of the father.

If the estate came by the mother's side.

**25.** In all cases not herein provided for, where the inheritance came to the intestate on the part of his mother, the same, instead of descending to the brothers and sisters of the intestate's father, and their descendants, as prescribed in the preceding twenty-third section, shall descend to the brothers and sisters of the intestate's mother, and to their descendants, as directed in the last preceding section; and if there be no such brothers and sisters or descendants of them, then such inheritance shall descend to the brothers and sisters, and their descendants, of the intestate's father as before prescribed.

If it came neither on father's or mother's side.

**26.** In cases where the inheritance has not come to the intestate on the part of either the father or the mother, the inheritance shall descend to the brothers and sisters both of the father and mother of the intestate in equal shares, and to their descendants, in the same manner, as if all such brothers and sisters had been the brothers and sisters of the intestate.

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in equal shares the whole of the estate which he would have received.

prescribed in the last section, the direct lineal descendant of the intestate, to the remotest degree, of unequal degree.

take under any of the provisions of this Act, the inheritance, if the same shall descend to the father, shall descend to the father of the father of the father;

and one or more have died, the inheritance shall be divided among the brothers and sisters as tenants in common.

brothers and sisters as tenants in common, in proportion to their respective rights.

brothers and sisters have died, the inheritance shall be divided among the brothers and sisters as tenants in common.

brothers and sisters have died, the inheritance shall be divided among the brothers and sisters as tenants in common.

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brothers and sisters have died, the inheritance shall be divided among the brothers and sisters as tenants in common.

**27.** Relatives of the half-blood shall inherit equally with those of the whole blood in the same degree, and the descendants of such relatives shall inherit in the same manner as the descendants of the whole blood, unless the inheritance came to the intestate by descent, devise or gift of some one of his ancestors; in which case all those who are not of the blood of such ancestors shall be excluded from such inheritance.

*As to relatives of half-blood.*

**28.** On failure of heirs under the preceding rules, the inheritance shall descend to the remaining next of kin of the intestate, according to the rules in the English statute of distributions of personal estate.

*In case of failure of heirs.*

**29.** Whenever there is but one person entitled to inherit according to the provisions hereinbefore contained, he shall take and hold the inheritance solely; and wherever an inheritance or a share of an inheritance shall descend to several persons under such provisions, they shall take as tenants in common, in proportion to their respective rights.

*Co-heirs to be tenants in common.*

**30.** Descendants and relatives of the intestate begotten before his death, but born thereafter, shall in all cases inherit in the same manner as if they had been born in the lifetime of the intestate, and had survived him.

*Posthumous heirs to inherit.*

**31.** Children and relatives who are illegitimate shall not be entitled to inherit under any of the provisions of this Act.

*Illegitimates not to inherit.*

**32.** The estate of a widow as tenant in dower, shall not be affected by any of the provisions hereinbefore contained.

*Dower.*

#### OTHER PROVISIONS AS TO REAL ESTATE.

**33.** Aliens may acquire, inherit, grant, lease and devise real estate within the North-West Territories.

*Aliens.*

**34.** All lands, tenements and hereditaments, and any share or interest therein shall, as regards the conveyance of the immediate freehold thereof, be deemed to lie in grant as well as in livery. Deeds of grant shall be executed and delivered in duplicate attested by one witness, and the execution and delivery thereof duly proved on oath, for the purpose of registration.

*Lands to lie in grant.*

*Deeds of grant.*

**35.** A feoffment, otherwise than by deed, shall be void at law; and no feoffment shall have any tortious operation.

*Feoffment.*

**36.** Any corporation aggregate in the North-West Territories capable of taking and conveying land, shall be deemed to be capable of taking and conveying land by deed or bargain.

*Corporations may hold and convey.*



bargain and sale in like manner as any person in his natural capacity.

Enrolment  
or registra-  
tion not  
necessary to  
validity of  
deed.

**37.** No deed of bargain and sale of land in the North-West Territories, shall require enrolment or registration to supply the place of enrolment, for the mere purpose of rendering such bargain and sale a valid and effectual conveyance for passing the land thereby intended to be bargained and sold.

#### WILLS.

Wills and  
intestacy.

**38.** Every person may devise, bequeath, or dispose of, by will executed in manner hereinafter mentioned, all real estate and personal estate which he shall be entitled to, either at law or in equity, at the time of his death, and which, if not so devised, bequeathed or disposed of, would devolve upon his heir at law, or upon his executor or administrator.

Testator must  
be of age.

**39.** No will made by any person under the age of twenty-one years shall be valid.

Execution of  
wills.

**40.** No will shall be valid unless it shall be in writing, and executed in manner hereinafter mentioned; that is to say, it shall be signed at the foot or end thereof by the testator, or by some other person in his presence, and by his direction; and such signature shall be made or acknowledged by the testator in the presence of two or more witnesses, present at the same time; and such witnesses shall attest and shall subscribe the will in the presence of the testator—but no form of attestation shall be necessary.

No other pub-  
lication re-  
quired.

**41.** Every will executed in manner hereinbefore required, shall be valid without any other publication thereof.

Subsequent  
incompetency  
of witness.

**42.** If any person who attests the execution of a will shall, at the time of the execution thereof, or at any time afterwards, be incompetent to be admitted a witness to prove the execution thereof, such will shall not on that account be invalid.

Executor may  
be witness.

**43.** No person shall, on account of his being an executor of a will, be incompetent to be admitted a witness to prove the execution of such will, or a witness to prove the validity or invalidity thereof.

Devise or  
legacy to  
witness, to be  
void, and  
witness may  
prove execu-  
tion.

**44.** If any person shall attest the execution of any will, to whom, or to whose wife or husband, any beneficial devise or legacy affecting any real or personal estate (other than charges for payment of debts) shall be thereby given,—such devise or legacy shall so far only as concerns such person attesting the execution

execution of such will, or the wife or husband of such person, or any person claiming under such person, wife or husband, be utterly null and void; and such person so attesting shall be admitted to prove the execution of such will, or the validity or invalidity of such will, notwithstanding such devise or legacy.

No will or codicil, or any part thereof, shall be revoked otherwise than by marriage or by another will or codicil executed in manner hereinbefore required, or by some writing declaring an intention to revoke the same, and executed in the manner in which a will is hereinbefore required to be executed, or by the burning, tearing or otherwise destroying the same, by the testator, or by some person in his presence and by his direction with the intention of revoking the same.

Revocation of Wills.

46. Every will shall be construed with reference to the real and personal estate comprised in it to speak and take effect as if it had been executed immediately before the death of the testator, unless a contrary intention appears by the will.

How Will shall be construed.

47. Where any real estate is devised to any person without any words of limitation, such devise shall be construed to pass the fee simple, or other the whole estate or interest, which the testator had power to dispose of by will, in such real estate, unless a contrary intention shall appear by the will.

When no limitation, fee simple to pass.

#### AS TO MARRIED WOMEN.

48. The real estate of any married woman, which is owned by her at the time of her marriage, or acquired in any manner during her coverture, and the rents, issues and profits thereof respectively, shall without prejudice, and subject to the trusts of any settlement affecting the same, be held and enjoyed by her for her separate use, free from any estate or claim of her husband during her lifetime, or as tenant by the courtesy, and her receipt alone shall be a discharge for any rents, issues and profits; and any married woman shall be liable on any contract made by her respecting her real estate, as if she were a *feme sole*.

Separate rights of married women in real estate.

49. All the wages and personal earnings of a married woman, and any acquisitions therefrom, and all proceeds or profits from any occupation or trade which she carries on separately from her husband, or derived from any literary, artistic or scientific skill, and all investments of such wages, earnings, moneys or property, shall hereafter be free from the debts or dispositions of the husband, and shall be held and enjoyed by such married woman, and disposed of with-

Her own earnings to be hers absolutely.

out

No order for  
protection re-  
quired.

out her husband's consent, as fully as if she were a *feme sole*; - and no order for protection shall hereafter become necessary in respect of any such earnings or acquisitions; and the possession, whether actual or constructive, of the husband, of any personal property of any married woman, shall not render the same liable for his debts.

Deposits in  
banks.

**50.** A married woman may make deposits of money in her own name in any savings or other bank, and withdraw the same by her own check; and any receipt or acquittance of such depositor, shall be a sufficient legal discharge to any such bank.

Fraud to  
affect validity  
of deposit or  
investment.

**51.** Nothing hereinbefore contained in reference to moneys deposited, or investments by any married woman, shall, as against creditors of the husband, give validity to any deposit or investment of moneys of the husband made in fraud of such creditors; and any money so deposited or invested may be followed as if this Act had not passed.

As to liability  
for her debts  
before her  
marriage.

**52.** A husband shall not by reason of any marriage, be liable for the debts of his wife contracted before marriage, but the wife shall be liable to be sued therefor, and any property belonging to her for her separate use shall be liable to satisfy such debts as if she had continued unmarried; and a husband shall not be liable for any debts of his wife in respect of any employment or business in which she is engaged on her own behalf, or in respect of any of her own contracts.

Suits by and  
against a  
married  
woman.

**53.** A married woman may maintain an action in her own name for the recovery of any wages, earnings, money and property, declared by this Act or which may be hereafter declared to be her separate property, and shall have in her own name the same remedies, both civil and criminal, against all persons whomsoever for the protection and security of such wages, earnings, money and property, and of any chattels or other her separate property, for her own use, as if such wages, earnings, money, chattels and property belonged to her as an unmarried woman; and any married woman may be sued or proceeded against separately from her husband, in respect of any of her separate debts, engagements, contracts or torts as if she were unmarried.

#### REGISTRATION OF DEEDS.

Registrar of  
deeds, his  
appointment,  
duties and  
salary.

**54.** The Governor may appoint a Registrar of Deeds in and for the North-West Territories, who shall hold office during pleasure, and who shall reside and keep his office in a place to be named for that purpose in his commission, or at such other place as may be appointed for that purpose from time to time by the Governor in Council, and who shall

38 VICT.

shall register all deeds and other instruments relating to lands situate in any part of the North-West Territories, and which have been laid out and surveyed by the Crown: and the Governor in Council may order an annual salary, not exceeding two thousand dollars, to be paid to the said registrar: and the Lieutenant-Governor and Council shall fix the fees to be paid for the registration of all such deeds and instruments, —which fees shall be collected by the registrar, and being first verified on oath, shall by him be paid over to the Lieutenant-Governor, at the end of every quarter in each year, on account of the Consolidated Revenue Fund of Canada; and the forms incident to, and effect of such registration shall be governed by laws to be made under this Act.

How his fees shall be fixed and accounted for.

## ADMINISTRATION OF JUSTICE.

55. The Governor may appoint a Sheriff in and for the North-West Territories, who shall hold office during pleasure, and who shall reside, and keep his office in a place to be named for that purpose in his commission; or at such other place as may, from time to time, be named by the Governor in Council, and who shall perform the duties of such office under the laws then in force in the said Territories. The Governor in Council may order an annual salary not exceeding twelve hundred dollars to be paid to such sheriff.

Sheriff: his appointment, duties and salary.

56. The Lieutenant-Governor shall, (but subject to any orders in that behalf from time to time of the Governor General), have the local disposition of the Police Force in and for the North-West Territories, established under "*An Act respecting the Administration of Justice, and for the establishment of a Police Force in the North-West Territories*," and of any Act passed or to be passed in amendment thereof; and may exercise such power in aid of the administration of civil and criminal justice, and for the general peace, order and good government of the said Territories, and for or in aid of the performance of all duties which are now, or may at any time, by any law or ordinance, or by order of the Lieutenant-Governor, be assigned to sheriff's officers, bailiffs, constables or other officers in connection with the orders or process of any Justice of the Peace, Stipendiary Magistrate, or court.

Police force: disposal of.

36 V., c. 25,  
37 V., c. 22.

57. The Lieutenant-Governor may appoint Justices of the Peace for the North-West Territories, who shall have jurisdiction as such throughout the same.

Justices of the Peace.

58. The Lieutenant-Governor and Council or Assembly, as the case may be, may, by ordinance, subject to the provisions of this Act, from time to time, set apart any portion of the said Territories as and for a judicial district, and may, from time to time, alter the limits and extent of any such district.

Judicial Districts.

Courts of  
civil and  
criminal  
jurisdiction.

**59.** A Court or Courts of Civil and Criminal Jurisdiction shall be held in the said Territories, and in every judicial district thereof when formed, under such names, at such periods and at such places as the Lieutenant-Governor may from time to time order.

Clerk.

**60.** For every such court there shall be a clerk, who may be appointed by the Governor, who shall hold office during pleasure, and be paid an annual salary, not exceeding five hundred dollars.

Stipendiary  
Magistrates.

**61.** The Governor may, from time to time, appoint, by commission under the great seal, one or more fit and proper person or persons, not exceeding three, to be and act as a Stipendiary Magistrate or Stipendiary Magistrates within the North-West Territories, who shall hold office during pleasure, and who shall reside at such place or places as may, from time to time, be ordered by the Governor in Council.

Functions.

**62.** Each Stipendiary Magistrate shall have jurisdiction throughout the North-West Territories, as hereinafter mentioned, and shall also have jurisdiction and may exercise within the North-West Territories, the magisterial, judicial and other functions appertaining to any Justice of the Peace, or any two Justices of the Peace, under any laws or ordinances which may, from time to time, be in force in the North-West Territories.

Jurisdiction  
and oath of  
office.

**63.** Each Stipendiary Magistrate shall preside over such courts in the North-West Territories as shall, from time to time, be assigned to him by the Lieutenant-Governor, and to qualify him to do so, he shall take the following oath before the Lieutenant-Governor or any Stipendiary Magistrate, that is to say:—

“I do swear that I will truly and faithfully execute the several powers, duties and trusts committed to me by or under ‘*The North-West Territories Act, 1875*,’ without fear, without favor, and without malice. So help me God.”

Court for  
trial of cer-  
tain offences,  
how to be  
held.

**64.** The Chief Justice or any Judge of the Court of Queen's Bench of the Province of Manitoba, with any one of the Stipendiary Magistrates as an associate, shall have power and authority to hold a court under section fifty-nine, and therein to hear and determine as hereinafter mentioned, any charge preferred against any person for any offence alleged to have been committed within the North-West Territories, viz:—

Without a  
jury.

1. In any case in which the maximum punishment for such offence does not exceed five years imprisonment,—in a summary way, and without the intervention of a jury;

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2. In any case in which the maximum punishment for such offence exceeds five years imprisonment but is not punishable with death,—then either in a summary way and without the intervention of a jury, if the accused assents thereto; or, if the accused demands a jury, then with the intervention of a jury not exceeding six in number, who shall be then and there, or as soon thereafter as can be, chosen and sworn by the Judge or Stipendiary Magistrate, as a jury in such case; <sup>With a jury of six.</sup>

3. In any case in which the punishment for such offence is death,—then with the intervention of a jury not exceeding eight in number, who shall be then and there or as soon thereafter as can be, chosen and sworn by the judge as a jury in such case; <sup>With a jury of eight.</sup>

4. And every such court shall be a court of record; and if imprisonment in gaol for not less than two years or in a penitentiary, be awarded in any case, the court may order the convict to be imprisoned in the North-West Territories, or to be conveyed to the penitentiary in the Province of Manitoba; and he shall in any such case, undergo such punishment therein, as it convicted in the Province of Manitoba; <sup>To be of record. Imprisonment for 2 years or more.</sup>

5. The Lieutenant-Governor and Council or Assembly, as the case may be, may, from time to time, make any ordinance in respect to the mode of calling juries, and when and by whom and how they may be summoned or taken, and in respect of all matters relating to the same; but no grand jury shall be called in the North-West Territories; <sup>Ordinance respecting juries. No C. and Jury.</sup>

6. On the first day of January and June in each year, each Justice of the Peace, Stipendiary Magistrate, and other Judge residing in the North-West Territories, or who has presided at any court therein, shall send in to the Lieutenant-Governor, in such form as he may prescribe, a return shewing all trials and proceedings, civil and criminal, had before him during the preceding six months. <sup>Returns by Judges, &c.</sup>

65. A person convicted of any offence punishable by death may appeal to the Court of Queen's Bench of Manitoba, which shall have jurisdiction to confirm the conviction or to order a new trial; and the mode of such appeal and all particulars relating thereto, shall be determined from time to time by ordinance of the Lieutenant-Governor and Council or Assembly, as the case may be. <sup>Appeal to Q. B. Manitoba.</sup>

66. Any Stipendiary Magistrate of the said Territories, or the Chief Justice or any Judge of the Court of Queen's Bench of the Province of Manitoba, shall have power and authority to commit and cause to be conveyed to gaol in the <sup>Persons charged with certain offences may be committed to the</sup>

and tried in  
Manitoba.

the Province of Manitoba, for trial by the Court of Queen's Bench according to the laws of criminal procedure in force in the said Province, any person or persons at any time charged with the commission of any offence against any of the laws or ordinances in force in the North-West Territories, punishable by death or imprisonment in the penitentiary; and the said Court of Queen's Bench or any judge thereof, shall have power and authority to have any person arraigned before the said court on any such charge; and the jury laws and laws of criminal procedure of the said Province shall apply to any such trial, except that the punishment to be awarded upon conviction of any such person, shall be according to the laws in force in the North-West Territories: and the sentence may be carried into effect in a penitentiary or other place of confinement in the North-West Territories, or in the said Province, as if the same were in the North-West Territories.

N. W. T.  
Laws to  
govern as to  
punishment.

Conveyance  
of prisoners.

**67.** Whenever any convict or accused person is ordered to be conveyed to gaol or to the penitentiary in Manitoba, any constable or other person in whose charge he is to be so conveyed, shall have the same power to hold and convey him, or to re-take him in case of an escape, and the gaoler or warden of the penitentiary in Manitoba shall have the same power to detain and deal with him, in the said Province, as if it were within the North-West Territories, or as if the said convict or accused person had been ordered to be conveyed to such gaol or penitentiary by some competent court or authority in the said Province.

Imprisonment  
at a distance  
from a gaol.

**68.** Where it is impossible or inconvenient, in the absence or remoteness of any gaol or other place of confinement, to carry out any sentence of imprisonment, any Justice of the Peace, or Stipendiary Magistrate, or the Chief Justice or any Judge of the Court of Queen's Bench of Manitoba, may, according to their several powers and jurisdictions, sentence such person so convicted before him or them, and sentenced, as aforesaid, to such imprisonment, to be placed and kept in the custody of the police force of the North-West Territories, with or without hard labour, the nature and extent of which shall be determined by the Justice of the Peace or Stipendiary Magistrate or Judge, by or before whom such person was convicted.

Gaols and  
lock-ups.

**69.** The Governor in Council may cause to be erected, in any part or parts of the North-West Territories, any building or buildings, or enclosure or enclosures, for the purpose of a gaol or lock-up, for the confinement of prisoners charged with the commission of any offence, or sentenced to any punishment therein; and confinement or imprisonment therein shall be held lawful and valid, whether under sentence of imprisonment in a penitentiary, gaol or other place of confinement.



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**70.** Whenever in any Act of the Parliament of Canada in force in the North-West Territories, any officer is designated for carrying on any duty therein mentioned, and there shall be no such officer in the North-West Territories, the Lieutenant-Governor and Council may order by what other person or officer, such duty shall be performed; and anything done by such person or officer, under such order, shall be valid and legal in the premises; or if it be in any such Act ordered that any document or thing shall be transmitted to any officer, court, territorial division or place, and there is then in the said North-West Territories no such officer, court or territorial division or place, then the Lieutenant-Governor and Council may order to what officer, court or place such transmission shall be made, or may dispense with the transmission thereof.

Lieutenant Governor may supply absence of officers required to carry out Acts of Canada.

#### ADMINISTRATION OF CIVIL JUSTICE.

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**71.** Every Stipendiary Magistrate of the said Territories, and the Chief Justice and any Judge of the Court of Queen's Bench of Manitoba, or any one of them, shall respectively have power, jurisdiction, and authority to hear and determine within the North-West Territories, and at a court held under section fifty-nine, any claim, dispute or demand as hereinafter mentioned, viz:—

Powers of courts in civil cases.

1. Where the claim, dispute or demand is for a tort, wrong or grievance, in which the amount claimed does not exceed five hundred dollars, or if for a debt or on contract, in which the amount claimed does not exceed one thousand dollars, in a summary way and without the intervention of a jury;

Limit of summary trial.

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2. In all other claims, disputes or demands than those above-mentioned, or for the recovery of the possession of real estate, if neither party demands a jury, in a summary way and without the intervention of a jury; but if either party demands a jury, then with the intervention of a jury not exceeding six in number, who shall be returned instantly by the clerk of the court to try the facts of the matter in dispute; and the Stipendiary Magistrate or Judge shall make such orders, judgments and decrees as appear to him just and agreeable to equity and good conscience: but neither the Stipendiary Magistrate nor any other judge or the court shall have cognizance of any action for any gambling debt or for any intoxicating liquor or intoxicant, or of any action by any person on a note of hand or other document, the consideration or any part of the consideration for which was for a gambling debt or for any such intoxicating liquor or intoxicant.

Trials in other cases.

No action for gambling debt, liquor, &c.

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**72.** Every judgment of the Stipendiary Magistrate or presiding judge shall be openly pronounced in court as soon as

Judgment, how to be given.

as may be after the hearing of the case, except that in any case where the Stipendiary Magistrate is not prepared to pronounce judgment *instantly*, he may postpone judgment and name a subsequent day and hour for the delivery thereof at the clerk's office in writing; and at such day and hour it shall be lawful for the clerk to read the judgment to the parties or their agents if present, and if not, then to enter the said judgment in their absence; and such judgment shall be as effectual as if rendered in court at the trial:

**Execution.**

2. Execution of any such judgment shall be carried into effect in the manner prescribed by any ordinance of the Lieutenant-Governor and Council or Assembly, as the case may be,—or if no such ordinance be then in force, then in like manner as a judgment to the same amount in the Province of Manitoba.

**Appeal in certain cases.**

73. Any person feeling himself aggrieved by the decision of any Stipendiary Magistrate, or presiding judge, or court, in a claim, dispute or demand under the second subsection of the seventy-first section of this Act, may appeal to the Court of Queen's Bench of Manitoba, which shall have jurisdiction to confirm the decision or to order a new trial; and the mode of such appeal and all particulars relating thereto, shall be determined from time to time by ordinance of the Lieutenant-Governor and Council or Assembly, as the case may be.

**PROHIBITION OF INTOXICANTS.**

**Manufacture of intoxicants prohibited, or importation without special permission.**

74. Intoxicating liquors and other intoxicants are prohibited to be manufactured or made in the said North-West Territories, except by special permission of the Governor in Council, or to be imported or brought into the same from any Province of Canada, or elsewhere, or to be sold, exchanged, traded or bartered, except by special permission in writing of the Lieutenant-Governor of the said Territories: and if any such intoxicating liquor or intoxicant is imported or manufactured or made in the said Territories, or brought into the same, or is sold, exchanged, traded or bartered, in contravention of this Act, it shall be absolutely forfeited, and may be seized by any officer of the customs or excise, or by any constable or other duly qualified person wheresoever found; and on complaint made before him, any Judge, Stipendiary Magistrate, or Justice of the Peace, may, on the evidence of one credible witness that this Act has been contravened in respect thereof, order the said intoxicating liquor or intoxicant so seized, to be forthwith destroyed; or in case of the same not having been seized, then on complaint as aforesaid, such Judge, Stipendiary Magistrate, or Justice of the Peace, may issue a search warrant, as in cases of stolen goods under the Acts in force respecting the duties

**Search for, seizure and forfeiture thereof, and of stills, packages, &c., used for making or importation.**

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of Justices of the Peace out of Sessions in relation to persons charged with indictable offences, and upon the same being found, may cause them to be forthwith destroyed and the still, machinery, keg, barrel, case, box, package or receptacle whence or in which any intoxicating liquor or intoxicant has been manufactured, imported or made, sold, exchanged, traded or bartered, and as well that in which the original supply was contained as the vessel wherein any portion of such original supply was supplied as aforesaid, and the balance of the contents thereof, if such still, machinery, barrel, keg, case, box, package, receptacle or vessel aforesaid, respectively, can be identified, may be seized by any officer of the customs or excise, or by any constable or other duly qualified person, where-soever found within the said Territories; and on com-plaint before any Judge, Stipendiary Magistrate or Justice of the Peace, he may on the evidence of any credible witness, that this Act has been contravened in respect thereof, declare such intoxicating liquor or intoxicant, still, machinery, vessel, or receptacle forfeited, and cause the same to be forthwith destroyed: and the person in whose pos-session any of them were found may be condemned to pay a penalty not exceeding one hundred dollars, nor less than fifty dollars, and the costs of prosecution; and one-half of such penalty shall belong to the prosecutor, and the other half to Her Majesty.

Penalty and  
costs.

1. Any person who manufactures, makes, imports, sells, exchanges, trades or barter any intoxicating liquor, or intoxicant, except by special permission as aforesaid, or in whose possession, or on whose premises such intoxicating liquor or intoxicant of any kind may be or may have been found, shall be liable to a penalty not exceeding two hundred dollars, nor less than fifty dollars,—one-half of which shall go to the informer.

Penalty for  
manufacturing or  
importing.

2. Any person who knowingly has in his possession any article, chattel, commodity or thing purchased, acquired, exchanged, traded or bartered, either wholly or in part, for any intoxicating liquor or intoxicant, shall forfeit and pay for each offence a penalty not exceeding two hundred dollars, nor less than fifty dollars,—one-half of which shall go to the informer.

Penalty for  
having the  
same in pos-  
session.

3. Every article, chattel, commodity or thing, in the purchase, acquisition, exchange, trade or barter of which, the consideration either wholly or in part may be any in-toxicating liquor or intoxicant, shall be forfeited to Her Majesty, and shall be seized as hereinbefore mentioned, in respect to any receptacle of any intoxicating liquor or in-toxicant.

Forfeiture  
of accessories  
to offence.

Penalty for  
refusing to  
assist con-  
stable, &c.

4. Every person who refuses or neglects to aid any constable, sub-constable, or other duly authorized person, in the execution of any act or duty required by this section, or who knowingly refuses to give information, or gives false information in respect to any matter arising therefrom, shall be subject to a penalty not exceeding two hundred dollars, nor less than fifty dollars,—one-half of which shall go to the informer.

Intoxicating  
liquor de-  
fined.

5. The expression "intoxicating liquor" shall mean and include all spirits, strong waters, spirituous liquors, wines, fermented or compounded liquors, or intoxicating fluids; and the expression "intoxicant" shall include opium, or any preparation thereof, and any other intoxicating drug or substance, and tobacco or tea mixed, compounded or impregnated with opium, or with any other intoxicating drug, spirit or substance, and whether the same or any of them be liquid or solid.

Recovery of  
penalties.

6. Any penalty incurred under this section shall be recoverable, with costs of prosecution, by summary conviction on the evidence of one credible witness, before any Judge, Stipendiary Magistrate or Justice of the Peace having jurisdiction in the North-West Territories,—who shall, on payment of the same, pay the informer his share thereof; and in case of non-payment of the penalty and costs immediately after conviction, the convicting judge, magistrate or justice may, in his discretion, levy the same by distress and sale, or commit the person so convicted and making default in payment of the said penalty and costs, to any common gaol or house of correction or lock-up house within the North-West Territories for a period not exceeding six months, unless the said penalty and costs be sooner paid.

Second  
offence.

7. And upon conviction for a second offence, the offender shall be liable to a penalty, not less than two hundred and not exceeding four hundred dollars, and, in the discretion of the convicting judge, magistrate or justice, to imprisonment for a period not exceeding six months.

Want of  
form not to  
invalidate.

8. No seizure, prosecution, conviction or commitment under this Act shall be invalid on account of want of form so long as the same is according to the true intent and meaning of this Act.

Excise and  
Customs  
laws to apply.

9. Intoxicating liquors imported or brought into the North-West Territories from any Province of Canada, or elsewhere, by special permission in writing of the Lieutenant Governor of the said Territories, are subject to the several customs and excise laws of Canada, if in excess of one gallon.

**75.** Nothing in this Act shall affect the provisions of an Act not to ;  
 Act passed in the thirty-seventh year of Her Majesty's reign, affect 37 V.,  
 entitled "*An Act to amend certain Laws respecting Indians,* c. 21.  
*and to extend certain Laws relating to matters connected with*  
*Indians, to the Provinces of Manitoba and British Columbia.*"

**76.** The several Acts and parts of Acts mentioned and Acts in  
 contained in Schedule A., of this Act, if not expired, are Schedule A.  
 hereby repealed; but such repeal shall not affect any duty repealed.  
 accrued, right acquired, or penalty, forfeiture or liability Saving  
 incurred under the said Acts, or any of them, or any offence clause.  
 committed under any or either of them.

**77.** The several Acts and parts of Acts mentioned and Acts in  
 contained in Schedule B, of this Act, as limited in the said Schedule B.  
 schedule, shall apply to and be in force in the North-West to be in force  
 Territories; but except the Acts mentioned and contained in N.W. Ter-  
 in Schedule B to this Act, and except such Acts of the Parli- ritories.  
 ament of Canada or any part or parts thereof as may, under  
 the eighth section of this Act, be made applicable to the  
 North-West Territories, no Act of the Parliament of Canada  
 heretofore passed, and no part thereof, shall apply to or be in  
 force in the said Territories; and no Act of Parliament here- Provision as  
 after to be passed and no part thereof, shall apply to or be to Acts not  
 in force in the said Territories, unless the same be, by any mentioned  
 such Act or under the eighth section of this Act, made appli- in B.  
 cable to or of force in the said Territories.

**78.** This Act shall come into force and effect upon, from Commence-  
 and after such day as shall be named in a proclamation to ment of Act.  
 be issued by the Governor in Council for that purpose.

**79.** This Act may be cited as "*The North-West Territories* Short title.  
*Act, 1875.*"

## SCHEDULE A.

*Acts and parts of Acts of the Parliament of Canada, expired or repealed.*

Section.	Chapter.	TITLE.
		32, 33 <i>Victoria</i> , 1869.
5 and 6	3	An Act for the temporary government of Rupert's Land and the North-Western Territory, when united with Canada.
		33rd <i>Victoria</i> , 1870.
35	3	An Act to amend and continue the Act 32 and 33 <i>Victoria</i> , Chapter 3, and to establish and provide for the government of the Province of Manitoba.
		34th <i>Victoria</i> , 1871.
5	10	An Act to amend the Acts relating to duties of Customs.
	16	An Act to make further provision for the government of the North-West Territories.
2	29	An Act to continue for a limited time the Acts therein mentioned.
		36th <i>Victoria</i> , 1873.
	5	An Act to amend the Act entitled: "An Act to make further provision for the Government of the North West Territories."
	34	An Act further to amend the "Act to make further provision for the government of the North West Territories"
1 to 3	35	An Act respecting the Administration of Justice, and for the establishment of a Police Force in the North-West Territories.

SCHEDULE A.

## SCHEDULE A.—Concluded.

Section.	Chapter.	TITLE.
		36th Victoria, 1873.
1	39	An Act to make further provision as to duties of Customs in Manitoba and the North-West Territories. ( <i>In so far as the same refers to the North-West Territories.</i> )
		37th Victoria, 1874.
2	7	An Act to amend "An Act to make further provision as to duties of Customs in Manitoba and the North-West Territories," and further to restrain the importation or manufacture of Intoxicating Liquors into or in the North-West Territories.

## SCHEDULE B.

*of the Parliament of Canada extended to the North-West Territories.*

Chapter.	TITLE.
	81st Victoria, 1867-1868.
1	An Act respecting the Statutes of Canada.
6	An Act respecting the Customs.
7	An Act imposing duties of customs with the tariff of duties payable under it. <i>As amended by subsequent Acts.</i>
8	An Act respecting the Inland Revenue.

SCHEDULE B.



SCHEDULE B.—*Continued.*

Chapter.	TITLE.
	31st Victoria, 1867-1868.
10	An Act respecting the regulation of the Postal service. <i>Or any Act amending it or substituted for it.</i>
12	An Act respecting the public works of Canada. <i>As amended by any subsequent Act.</i>
14	An Act to protect the inhabitants of Canada against lawless aggression from subjects of foreign countries at peace with Her Majesty.
15	An Act to prevent the unlawful training of persons to the use of arms, and the practice of military evolutions, and to authorize Justices of the Peace to seize and detain arms collected or kept for purposes dangerous to the public peace.
36	An Act respecting commissions, and oaths of allegiance and of office.
69	An Act for the better security of the Crown and of the Government. <i>As amended by 32, 33 Vict., chap. 17.</i>
70	An Act respecting riots and riotous assemblies.
71	An Act respecting forgery, perjury and intimidation in connection with the Provincial Legislatures and their Acts.
72	An Act respecting Accessories to and Abettors of indictable offences.
73	An Act respecting the Police of Canada.
74	An Act respecting persons in custody charged with high treason or felony.
94	An Act respecting the Treaty between Her Majesty and the United States of America, for the apprehension and surrender of certain offenders. <i>As amended by 33 Vict., chap. 25.</i>

SCHEDULE B.

SCHEDULE B.—*Continued.*

Chapter.	TITLE.
	32, 33 <i>Victoria</i> , 1869
18	An Act respecting offences relating to the Coin.
19	An Act respecting Forgery.
20	An Act respecting Offences against the Person.
21	An Act respecting Larceny and other similar offences. <i>As amended by any subsequent Act.</i>
22	An Act respecting Malicious Injuries to Property. <i>As amended by 35 Vict., chap. 34.</i>
23	An Act respecting Perjury. <i>As amended by 38 Vict., chap. 26.</i>
24	An Act for the better preservation of the peace in the vicinity of Public Works. <i>As amended by 38 Vict., chap. 28.</i>
27	An Act respecting Cruelty to Animals. <i>As amended by 33 Vict., chap. 29.</i>
29	An Act respecting Procedure in Criminal Cases, and other matters relating to Criminal Law,—sections 1 to 7, both inclusive, relating to the apprehension of offenders; sections 81 to 87, both inclusive, relating to the punishment of offences; and sections 125 to 138, both inclusive, relating to pardons, undergoing sentence, limitation of actions and prosecutions, and general provisions. The whole Act will apply in Manitoba, to offences committed in the North-West Territories, but triable in Manitoba, and to the persons committing them.
30	An Act respecting the duties of Justices of the Peace out of Sessions in relation to persons charged with indictable offences,—so far as respects indictable offences, committed in the North-West Territories and triable in Manitoba, or committed in some Province of Canada, and the offender is apprehended in the North-West Territories.

SCHEDULE B.

SCHEDULE B.—*Continued.*

Chapter.	TITLE
	32, 33 <i>Victoria</i> , 1869
31	An Act relating to the duties of Justices of the Peace out of Sessions in relation to summary convictions and orders. Except so much of this Act (or of any Act amending it) as gives any appeal from any conviction adjudged or made under it.
	33rd <i>Victoria</i> , 1870.
9	An Act to amend the Acts respecting Customs and Inland Revenue; and to make certain provisions respecting vessels navigating the Inland waters of Canada above Montreal.
25	An Act to amend the "Act respecting the extradition of certain offenders to the United States of America."
28	An Act to amend "An Act for the better preservation of the peace in the vicinity of Public Works."
29	An Act to amend "An Act respecting cruelty to animals."
	34th <i>Victoria</i> , 1871.
4	An Act to establish one uniform currency for the Dominion of Canada.
	35th <i>Victoria</i> , 1872.
1	An Act to amend the Act respecting the Statutes Canada.
23	An Act respecting the Public Lands of the Dominion.
24	An Act to remove doubts under the Act respecting the Public Works of Canada.
83	An Act for the avoidance of doubts respecting Larceny of Stamps.
34	An Act to correct a clerical error in the "Act respecting malicious injuries to property."

SCHEDULE B.

SCHEDULE B.—*Concluded.*

Chapter.	TITLE.
	<i>36th Victoria, 1873.</i>
3	An Act to amend the "Act respecting Procedure in Criminal Cases."
50	An Act to amend the "Act respecting Offences against the Person."
51	An Act further to amend the law respecting certain matters of procedure in Criminal Cases.
	<i>37th Victoria, 1874.</i>
13	An Act to amend "An Act respecting the Public Works of Canada."
14	An Act to provide for the construction of the Canadian Pacific Railway.
19	An Act to amend the "Dominion Lands Act."
	<i>38th Victoria, 1875.</i>
	Any Act of the present Session amending or substituted for any Act mentioned in this Schedule.

## CHAP. 50.

An Act further to amend "An Act respecting the Administration of Justice, and for the establishment of a Police Force in the North-West Territories."

[Assented to 8th April, 1875.]

Preamble.

36 V., c. 35.

IN amendment of the Act cited in the title to this Act (thirty-sixth Victoria, chapter thirty-five) as the same is amended by an Act passed in the thirty-seventh year of Her Majesty's reign, chaptered twenty-two, Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

New section,  
substituted  
for section 22,  
of 36 V., c. 35.

1. The section substituted by the last mentioned Act, in lieu of section twenty-two of the first mentioned Act, is hereby repealed, and the following section is substituted in lieu thereof, and shall be read as if originally enacted as section twenty-two of the Act first above mentioned:—

Offences by  
members of  
the force.

"22. Any member of the force convicted of,—

Disobeying the lawful command of, or striking his superior,—or

Oppressive or tyrannical conduct towards his inferior,—or

Intoxication, however slight,—or

Having intoxicating liquor in his possession, or concealed,—or

Directly or indirectly receiving any gratuity without the Commissioner's sanction, or any bribe,—or

Wearing any party emblem,—or

Otherwise manifesting political partizanship,—or

Overholding any complaint,—or

Mutinous or insubordinate conduct,—or

Unduly overholding any allowances or any other public money entrusted to him,—or

Misapplying any money or goods levied under any warrant or taken from any prisoner,—or

Divulging

Divulging any matter or thing which it may be his duty to keep secret,——or

Making any anonymous complaint to the Government or the Commissioner,——or

Communicating without the Commissioner's authority, either directly or indirectly, to the public press, any matter or thing touching the force,——or

Wilfully or through negligence or connivance allowing any prisoner to escape,——or

Using any cruel, harsh or unnecessary violence towards any prisoner or other person,——or

Leaving any post on which he has been placed as a sentry or on other duty,——or

Deserting or absenting himself from his duties or quarters without leave,——or

Scandalous or infamous behaviour,——or

Disgraceful, profane or grossly immoral conduct,——or

Violating any standing order, rule or regulation, or any order, rule or regulation hereafter to be made,——or

Any disorder or neglect to the prejudice of morality or discipline, though not specified in this Act, or in any lawful rules or regulations——

Shall be held to have committed a breach of discipline,——and

To be  
breaches of  
discipline.

The Commissioner, Assistant Commissioner or the Inspector commanding at any post, or a Stipendary Magistrate, shall, forthwith, on a charge in writing of any one or more of the foregoing offences being preferred against any member of the force, other than a commissioned officer, cause the party so charged to be brought before him; and he shall then and there, in a summary way, investigate the said charge or charges on oath, and if proved to his satisfaction, shall thereof convict the offender, who shall suffer such punishment, either by fine not exceeding one month's pay, or imprisonment for a term not exceeding six months in any gaol at hard labor, or both, as the convicting officer or magistrate shall in his discretion order, in addition to and besides any punishment to which the offender may be liable under any law in force in the North-West Territories, or in any Province in which the offence may be committed, in respect of such offence."

Trial and  
punishment  
for the same.

New section substituted for section 25 of the said Act.

2. Section 25 of the Act firstly above mentioned is hereby repealed, and the following substituted therefor:—

Refusing to deliver arms, &c.

"25. If any person unlawfully disposes of, receives, buys or sells, or has in his possession without lawful cause, or refuses to deliver up when thereunto lawfully required, any horse, vehicle, harness, arms, accoutrements, clothing or other thing used for police purposes, such person shall thereby incur a penalty of double the value thereof, and be subject to a further fine not exceeding twenty-five dollars, and in default of payment forthwith, to imprisonment for any period not exceeding three months.

Deserting or refusing to do duty.

"2. If any constable or sub-constable during his engagement in the said force, having deserted, absented himself from his duties without leave, or refused to do duty therein, be found in any part of Canada, other than the North-West Territories, and on being served with a notice signed by any commissioned officer of the force, requiring him to return to his duty, or being orally so required by such officer, neglects or refuses to return to his duty; such offender shall, on conviction thereof, be liable to forfeit and pay for every such offence, any sum not exceeding one hundred dollars, or to be imprisoned and kept to hard labor for any period not exceeding twelve months, or both; and upon the trial of any offender under this section it shall not be necessary to produce or give in evidence the original engagement or agreement to serve in the force, signed by such offender, but such engagement may be proved by parol evidence, or by a certificate purporting to be signed by the Commissioner, Assistant Commissioner, or any Inspector of the force, giving the date and period of such engagement; and it shall not be necessary *prima facie* to prove the signature to such certificate, which shall be held to be genuine, unless it be expressly alleged by the offender not to be so.

Prosecution under 32-33 V., c. 31.

"3. Offenders under this section may be prosecuted before the Commissioner, or a Stipendiary Magistrate, or any Justice of the Peace, in any part of Canada; and the several provisions of the laws in force respecting the duties of Justices of the Peace, out of sessions, in relation to summary convictions and orders, shall apply to such prosecutions."

Constable or sub-constable resisting authority of officer.

3. Any constable or sub-constable refusing to obey an order distinctly given by, or resisting the authority of a superior officer of the force, may be forthwith and without altercation, placed under arrest and detained, to be dealt with under the provisions of this Act.



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## CHAP. 51.

An Act to extend to the Province of British Columbia  
"The Dominion Lands Acts."

[Assented to 8th April, 1875.]

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

1. The Act passed in the Session held in the thirty-  
fifth year of Her Majesty's reign, and the Act passed in the  
Session held in the thirty-seventh year of Her Majesty's  
reign, and known as "*The Dominion Lands Acts*," and the  
several provisions thereof, are hereby extended and shall  
apply to all lands to which the Government of Canada are  
now or shall at any time hereafter become entitled, or which  
are or shall be subject to the disposal of Parliament, in the  
Province of British Columbia, whether the title thereof be  
legally vested in Her Majesty the Queen for the Dominion  
of Canada, or howsoever otherwise.

35 Vic., c. 23  
and 37 Vic.,  
c. 19 extended  
to British  
Columbia.

## CHAP. 52.

An Act to amend "An Act respecting the appropriation  
of certain Lands in Manitoba."

[Assented to 8th April, 1875.]

WHEREAS it is expedient to amend the third section of Preamble.  
the Act passed in the thirty-seventh year of Her  
Majesty's reign, and intituled: "*An Act respecting the*  
*appropriation of certain Dominion Lands in Manitoba*," and  
thereby to afford further facilities to parties claiming lands  
under the third and fourth sub-sections of the thirty-second  
section of the Act thirty-third Victoria, chapter three, to  
obtain Letters Patent for the same: Therefore Her Majesty,  
by and with the advice and consent of the Senate and House  
of Commons of Canada, enacts as follows:—

37 V., c. 20.  
33 V., c. 3.

1. The third section of the Act passed in the thirty-seventh  
year of Her Majesty's reign, intituled: "*An Act respecting*  
*the appropriation of certain Dominion Lands in Manitoba*,"  
is hereby repealed, and the following shall be taken and  
substituted

New section  
substituted  
for 37 V.,  
c. 20, s. 3.

substituted therefor, and read in lieu of the section hereby repealed :—

“3. Whereas it is expedient to afford facilities to parties claiming land under the third and fourth sub-sections of the thirty-second section of the Act thirty-third Victoria, chapter three, to obtain Letters Patent for the same :—

Who shall be  
entitled to  
Patents under  
33 V., c. 3,  
s. 32.

“Be it enacted, that persons satisfactorily establishing undisturbed occupancy of any lands within the Province prior to, and being by themselves or their servants, tenants or agents, or those through whom they claim, in actual peaceable possession thereof, on the fifteenth day of July, one thousand eight hundred and seventy, shall be entitled to receive Letters Patent therefor, granting the same absolutely to them respectively in fee simple.”

## CHAP. 53.

An Act respecting Conflicting Claims to Lands of Occupants in Manitoba.

[Assented to 8th April, 1875.]

Preamble.

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

Commission  
to issue for  
report on  
such claims.

1. The Governor may, from time to time, issue a commission under the Great Seal, to such person or persons as he shall see fit, empowering him or them, or a majority of them, to investigate such cases as may be referred to them by the Minister charged with the administration of Dominion Lands, in respect of the following matters :—

In what cases.

1. Any such cases as may arise under the first and second sub-sections of the thirty-second section of the Act thirty-third Victoria, chapter three, and

The same.

2. Any cases of adverse or conflicting claims between different persons to lands mentioned in the third and fourth sub-sections of the last-mentioned Act, as the same are defined by the Act passed in the present session of Parliament, intituled: “*An Act to amend an Act respecting the appropriation of certain lands in Manitoba*,” in respect of which also it has been previously established to the satisfaction

38 V., c. 52.

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faction of the Minister charged with the administration of Dominion lands, that there has been undisturbed occupancy of the same as defined as last aforesaid ;

And to report the evidence in respect of such claims, and To report  
who is the person to whom in their opinion the patent ought  
to issue for the lands to which the claims shall respectively  
relate.

2. The sittings of the Commissioners shall be held at Sittings of the  
the place of the sittings of the County Court in each of the Commission.  
counties of Manitoba, and the time and place of such sittings  
shall be advertised by the Commissioners for a period of  
three months in some newspaper in Manitoba, together with Notice.  
a list of claims to be heard before them, and they shall give  
such other notice of the time and place of such sitting as  
will best tend to inform parties interested in the same.

3. The claimant, or the heir, devisee or assignee of any Claim and  
claimant may bring any such adverse or conflicting claim evidence to  
before the said Commissioners either personally or by agent be submitted.  
or attorney, and produce before the said Commissioners all  
such documents, proofs and evidence, as he may have  
to advance in support of such claim ; and such evidence  
may be given *vivâ voce* before the said Commissioners or by  
written affidavits or affirmations sworn or affirmed before  
any one entitled to administer an oath or affirmation in the  
place where the same is sworn or affirmed.

4. All certificates of the Hudson Bay Company, or of Certain docu-  
any Chief Factor of the Hudson Bay Company, or of the ments to be  
Clerk of the Executive Council of Manitoba, or copies certified received in  
by them respectively, of documents in their custody, shall evidence.  
be received in evidence before the said Commissioners.

5. The Commissioners may summon before them, by Examination  
summons under the hand of any one of them, the claimant of claimants  
or claimants or any person interested in the case, or any and others.  
other person whom they deem it expedient to examine as a  
witness, or whom they have reason to believe to be in posses-  
sion of any document by the production of which the ends  
of justice may be better attained ; and may require such  
claimant or party, or such witness to submit to such oral  
examination upon oath, or to answer on oath and to sign his  
answers to interrogatories or cross interrogatories in writing,  
or to produce such books, papers or documents in his pos-  
session, as to the said Commissioners appear requisite.

6. The Commissioners may cause such interrogatories Commission  
or cross interrogatories as they deem requisite to be served to examine  
upon and answered by any such claimant, party, or witness, witnesses,  
or any witness whose deposition may be produced in and issue  
for that  
evidence purpose.

evidence before them; and may cause commissions to be issued for the examination of any witness not resident in Manitoba, and for requiring such witness to produce such books, papers, or other documents as he may have in his possession; and may at their discretion delay the proceedings in the case until such evidence and answers have been adduced and given, and returned with the commission.

Claim must be sworn to be just before being received.

7. The Commissioners shall not receive or proceed upon any claim until each of the adverse or conflicting claimants has made and produces before the Commissioners, an affidavit or affirmation in writing signed by him, that such claim is just and well founded to the best of his knowledge and belief, and that he has at least one month before the making of such affidavit or affirmation, caused to be served on the party having, or supposed to have, such adverse claim, notice in writing of his claim and of his intention to bring the same before the said Commissioners, and of the time when it is intended to be so brought; and a copy of such notice shall be annexed to the affidavit or affirmation.

Surveyor-General to make list of lands within the provisions of this Act.

8. A list of all lands coming within or believed to come within the purview of this Act, shall, from time to time, as may be necessary, be prepared by the Surveyor General of Dominion Lands; and such list shall specify the name or names of the person or persons in possession together with the number of the section, part of section, range and number of township of which the land consists or forms part, or some other adequate description thereof, and of the township or place in which the same lies; and copies of such list shall be put up in some conspicuous place in the office of each of the County Courts of the Province of Manitoba, and in the office of the Registrar of each of the said counties, during at least three months before the claim comes to be heard before the Commissioners; and no claim shall be heard by the said Commissioners, unless a certificate of compliance with the provisions of this section from the Clerk of the Court and Registrar of the county shall be produced to the Commissioners, and for each certificate the Clerk of the County Court and Registrar of the county may each demand and receive the sum of fifty cents, and no more.

Copies to be posted up.

Power to adjourn proceedings.

9. The Commissioners may defer, delay or adjourn the proceedings on any claim brought before them, and may give such further or enlarged time for the production of evidence, or for any other purpose relative to such claim, and for the decision thereon, as they may deem expedient for the attainment of the ends of justice.

Commissioners not bound by forms.

10. The Commissioners shall be guided in their proceedings and report by the justice and equity of the case, without regard to legal forms or to the strict letter of the law,

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law, or legal rules of evidence; and shall report their decision to the Minister charged with the administration of Dominion Lands, who may, if he thinks fit, thereupon cause Her Majesty's Letters Patent under the Great Seal to issue, for granting the lands in question to the party who has been reported by the Commissioners as entitled to the same, or otherwise at his discretion to submit the same for the consideration and approval of the Governor in Council.

To report to  
the Minister.

No Letters Patent shall issue on any decision and report of the said Commissioners until after the expiration of three months from the time such report has been transmitted to and marked as received by the Minister aforesaid.

When only  
the Patent  
may issue.

12. If, before the expiration of such three months, the Commissioner, or in case there be more than one, a quorum of the Commissioners, or a majority of them, find reason to believe that such decision and report were obtained by surprise or erroneously made in any respect, and that justice requires that the issuing of the Letters Patent should be stayed, then the said Commissioner or Commissioners, or a majority of them, although it be not then the regular period of their sitting, may report accordingly to the said Minister, and issuing of the Letters Patent shall be thereupon stayed until the Commissioners again report upon the case; and the said Commissioners may re-hear the case, or let in any new claim, and receive or insist upon any new evidence, as to them may appear expedient to enable them to do justice in the case; and may thereafter decide and report thereon as if no prior report had been made, and with like effect.

Re-hearing  
and new  
report allow-  
ed in certain  
cases.

13. The Commissioners for the time being may, from time to time, make and establish such rules and forms, with regard to any proceedings to be had before them, and to such notices, papers and other documents as may be required in the conduct of such proceedings, as to them may appear expedient, for the better attainment of the purposes of justice.

Rules and  
forms of  
proceeding.

14. The word "Commissioners" shall mean the Commissioner in cases in which the commission may be issued to one person only.

Interpre-  
tation.

15. Nothing in this Act contained shall limit the right of the Minister, charged with the administration of Dominion Lands to investigate, or cause to be otherwise investigated, than is hereinbefore mentioned, such adverse or conflicting claims as aforesaid, and to cause Letters Patent to issue therefor to the party appearing to him to be entitled thereto.

Right of  
Minister  
saved.

16. The Act passed in the thirty-sixth year of Her Majesty's reign, intituled: "*An Act respecting claims to lands in Manitoba, for which no patents have issued*," is hereby repealed.

36 V. c. 6,  
repealed.

## CHAP. 54.

[Assented to 8th April, 1875.]

An Act to extend to the Province of Manitoba the  
 “Act for the more speedy trial, in certain cases, of persons charged with felonies and misdemeanors in the Provinces of Ontario and Quebec.”

Preamble.

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

Act 32 & 33,  
 Vict. c. 35, ex-  
 tended to  
 Manitoba.

1. The Act passed in the session held in the thirty-second and thirty-third years of Her Majesty's reign, intituled: “*An Act for the more speedy trial in certain cases of persons charged with felonies and misdemeanors, in the Provinces of Ontario and Quebec,*” is hereby extended and shall apply to the Province of Manitoba.

Interpreta-  
 tion clause.

2. As respects the Province of Manitoba, the expression “a Court of General Sessions of the Peace” in the said Act shall mean and include the Court of Queen's Bench of that Province, and the expression “the Judge” shall mean “the Chief Justice” or “a Puisne Judge” of the said Court of Queen's Bench, and the expression “County Attorney or Clerk of the Peace” shall mean the Prothonotary of the said Court of Queen's Bench.

## CHAP. 55.

An Act respecting the Trinity House and Harbour Commissioners of Quebec.

[Assented to 8th April, 1875.]

Preamble.

WHEREAS it is expedient that the powers and authorities of the Trinity House of Quebec, together with its property, (except as hereinafter provided), should be transferred to and vested in the Quebec Harbour Commissioners, and that the said Corporation of the Trinity House of Quebec should be dissolved and should cease to exist; and whereas it is expedient to transfer the administration of the Pilot Fund from the said Trinity House to the Corporation of Pilots for and below the Harbour of Quebec; and

whereas

whereas it is also expedient to amend "*The Act further to amend the Acts to provide for the management and improvement of the Harbour of Quebec*:" Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

1. Upon, from and after the first day of January next after the passing of this Act, so much of the Act of the legislature of the late Province of Canada, passed in the twelfth year of Her Majesty's reign, chapter one hundred and fourteen, and of any Act of the said legislature of the late Province of Canada, or of the Parliament of Canada amending the same, as provides for the existence and continuance of a body corporate and politic for the purposes of the said Act, by the name of the Trinity House of Quebec, and so much of the said Acts as makes it lawful for the Governor to appoint a Master and Wardens, to compose such corporation, and officers, clerks and bailiffs of the same, shall be, and the same is hereby repealed; and upon, from, and after the said day, the said corporation shall be, and the same is hereby dissolved and extinguished, so that the same shall thenceforth wholly and entirely cease to exist, either in name or in deed, and the persons who shall then be respectively the Master and Wardens of the Trinity House of Quebec, or officers of the said corporation, shall be and they are hereby thenceforward relieved, exonerated and discharged from their and each of their obligation to execute the powers vested in them and each of them by the Act in this section first mentioned or any Act amending the same.

Corporation of Trinity House, under 12 V., c. 114, to cease on 1st Jan., 1876.

2. Upon, from and after the said day all and every the powers, authority and jurisdiction, rights, duties and liabilities of the said Trinity House of Quebec, under the said Act, twelfth Victoria, chapter one hundred and fourteen, and any Act or Acts amending the same, or under any Act, or Acts of the legislature of the said late Province, or of the Parliament of Canada, shall become and be transferred to and vested in and shall be exercised and enjoyed, assumed and discharged by the said corporation of the Quebec Harbour Commissioners, created by the Act of the legislature of the said late Province of Canada passed in the twenty-second year of Her Majesty's reign, chapter thirty-two,—who shall thenceforth be a body corporate and politic, for all and every the purposes of so much of the said Act, twelfth Victoria, chapter one hundred and fourteen, and the Acts amending the same as shall then be and remain unrepealed, as well as for the purposes of the said Act, twenty-second Victoria, chapter thirty-two, and the Acts amending the same; and may use their own common seal in every case requiring the use of a seal under the provisions of the said Act, twelfth Victoria, chapter one hundred and fourteen, as amended by this Act, or by any former Act, in the execution of the powers thereby and hereby conferred

Powers and duties of Trinity House transferred to Quebec Harbour Commissioners, on and after the said day.

22 V., c. 32.

12 V., c. 114.



Officers of one  
corporation  
substituted  
for those of  
the other.

ferred upon them; and may do in their own name all and whatsoever the said Trinity House of Quebec are by so much of their said Act of incorporation and Acts amending the same as shall then remain unrepealed, authorized and empowered to do in their said corporate name; and all and every the provisions of so much of the said Act of incorporation and Acts amending the same shall apply to the said Quebec Harbour Commissioners in lieu and stead of the said Trinity House of Quebec: and in and for the performance and discharge of all and every the duties and functions of their respective positions and offices, the Chairman of the Corporation of the Quebec Harbour Commissioners shall be substituted for the Master of the said Trinity House, the other Commissioners for the Wardens, the Secretary-Treasurer of the said Harbour Commission for the Secretary-Treasurer of the said Trinity House, and the person employed by the said Harbour Commission to perform the duties of a Harbour Master for the Harbour Master of the said Trinity House.

Property of  
Trinity House  
vested in  
Harbour  
Commission-  
ers, except  
Pilot Fund,  
and to be  
delivered  
accordingly.

3. Upon, from and after the said day, all moneys and securities for money, and all property belonging to or vested in the said corporation of the Trinity House of Quebec, in trust or otherwise, except such as belong to the Decayed Pilot Fund, as hereafter mentioned, shall be transferred to and become and be vested in and belong to and be the property of the said corporation of the Quebec Harbour Commissioners, in trust or otherwise, as the case may be, in the same manner and to the same extent, and under and subject to the same trusts (if any) as the same shall immediately, before the said day have been vested in or belonged to or been the property of the said corporation of the Trinity House of Quebec: and within three days after the said day all and every the moneys, bonds, debentures and other vouchers of security for money, of or belonging to the said corporation of the Trinity House of Quebec, shall be duly delivered into the hands and possession of the proper members and officers of the said corporation of the Quebec Harbour Commissioners, by the members and officers of the Trinity House of Quebec, or other persons whomsoever in whose hands, custody or possession the same may then be respectively; and the seal of the said last mentioned corporation shall be delivered to the Chairman of the corporation of the Quebec Harbour Commissioners, who is hereby authorized and empowered to break the same.

Decayed  
Pilot Fund  
transferred to  
Corporation  
of Pilots.

4. The administration of the fund created by the Act of the late Province of Canada, twelfth Victoria, chapter one hundred and fourteen, and other Acts for the support and maintenance of decayed pilots, their widows and children, shall be transferred to the "Corporation of Pilots for and below the harbour of Quebec," and shall be vested in the said corporation, which shall have the same rights and powers as the

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the Trinity House of Quebec now possesses in relation to the said fund, and shall administer the same conformably to the Acts hereinbefore referred to.

5. The Treasurer of the said corporation of the Trinity House of Quebec, in office immediately before the dissolution of that corporation, shall within three days after such dissolution pay over and deliver to the "Corporation of Pilots for and below the harbour of Quebec," all the money, securities for money, and other property of any kind belonging to the said fund for the support of decayed pilots, their widows and children; and shall render to the said last mentioned corporation a full and particular account of such moneys, securities and property, in such form and extending over such period as may be necessary to the full understanding of the state of the said fund, its assets and liabilities; and in default of his so doing, he, or his legal representatives, may, at the suit of the corporation last mentioned, be constrained to perform the obligations hereby imposed upon him, in any way in which an administrator may be compelled to render an account of his administration after the close thereof, and to pay over the balance shown by such account to be in his hands; and the corporation last mentioned shall, within seven days next after the first day of January in each year, render to the Minister of Marine and Fisheries an account of the assets and liabilities of the said fund, in such form as the Minister shall prescribe from time to time: Provided always, that the said corporation shall not invest any moneys belonging to the said fund, otherwise than in Dominion stock or securities, or in stock of one or more of the chartered banks of Canada, approved by the said Minister.

Trinity House to account to Corporation of Pilots for the said Fund.

Account to Minister of Marine and Fisheries.

Provido as to investments.

6. From and after the first day of January next after the passing of this Act, the members of the corporation of the Quebec Harbour Commissioners, elected by the Council of the Quebec Board of Trade, the Council of the Lévis Board of Trade, and by the owners, consignees and agents having paid harbour dues on vessels, goods, wares and merchandise, or otherwise, to the amount required by the Act thirty-sixth Victoria, chapter sixty-two, shall cease to form part of the said corporation of the Quebec Harbour Commissioners; and so much of the Act cited in the preamble to this Act as is inconsistent with this section is hereby repealed.

Certain members of Harbour Commission to cease to be such from Jan. 1876.

7. The said corporation shall thereafter be constituted and consist of nine members, five of whom shall be appointed by the Governor; and the remaining four shall consist of one member to be elected by the Council of the Board of Trade of the City of Quebec, one member to be elected by the Council of the Board of Trade of the Town of Lévis and two members representing the shipping interest as defined in the Act

Constitution of the Corporation thereafter.

Act

Chairman of Corporation of Pilots to be a member for pilotage matters.

Act cited in the preamble of this Act, and elected in the manner provided by the said Act. The Chairman of the Corporation of Pilots for and below the Harbour of Quebec shall be *ex-officio* a member of the Corporation of the Harbour Commissioners, so far only as respects pilotage matters, to which alone his powers as a commissioner shall extend.

As to next election of member for shipping interest.  
36 V., c. 62.

8. On the first Wednesday in August in the present year 1875, (or if that day should be a legal holiday, then on the next following day, not being such holiday,) at a meeting to be held in the manner prescribed by the fourth section of the last cited Act (thirty-sixth Victoria, chapter sixty-two), the shipping interest, as defined by the second section of the said Act, shall elect one person only to fill the office of Harbour Commissioner; and the said shipping interest shall thereafter be represented by one commissioner instead of two as theretofore.

Term of office :  
Section 5,  
36 V., c. 62,  
repealed.

9. The person so elected under the next preceding section shall hold office for two years, but may be re-elected; and the fifth section of the Act last cited is hereby repealed.

As to certain existing officers of Trinity House and their salaries.

10. Upon, from and after the said first day of January next, the Quebec Harbour Commissioners shall have power, in their discretion, to dispense with the services of the Harbour Master of the Harbour of Quebec, and of the Superintendent of Pilots of the same port, or to retain them, or either of them in their present capacities respectively; but if so retained, the salaries attached to their offices shall be paid out of the revenue of the Quebec Harbour Commissioners, and not by the Government of Canada.

By-laws, &c., continued until altered.

11. Nothing in this Act shall be construed to affect the validity of any by-law, rule, order or regulation heretofore lawfully made by the Corporation of the Trinity House of Quebec; and all such by-laws, rules, orders and regulations in force at the time of the passing of this Act shall, so far as may be applicable, remain and continue to be as good, valid and effectual as if this Act had not been passed, until annulled or altered under the authority of this Act.

Actions, &c., by or against Trinity House continued.

12. Nothing in this Act shall affect the continuance of any suit, or action, or other legal proceeding to which the said Corporation of the Trinity House of Quebec is or shall be a party, or which may be pending before it on the first day of January, one thousand eight hundred and seventy-six; but every such suit, action and legal proceeding, shall be thenceforth deemed to have been taken up by and in the name of, and may be continued by or against or may be carried on, continued and prosecuted before the said Corporation of the Quebec Harbour Commissioners in the room and stead of the Trinity House of Quebec; and all

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all matters and things which might have been done, and all proceedings which might have been taken or prosecuted, by or before the Trinity House of Quebec relating to any offences which shall have been committed, or to any matters which shall have happened, or to any pilotage or other moneys which shall have become due, or to any fines or penalties which shall have been incurred, before the said first day of January next, may be done, taken and prosecuted, and the offences may be dealt with and punished, and the pilotage and other moneys may be recovered and dealt with, and the fines and penalties may be enforced and applied, thereafter, by or before the Quebec Harbour Commissioners.

And other  
proceedings.

**13.** Nothing in this Act shall be construed as making the Quebec Harbour Commissioners a new corporation.

No new Cor-  
poration.

**14.** The Quebec Harbour Commissioners shall within seven days after the first of January in every year, make a report of their doings in office during the preceding calendar year to the Minister of Marine and Fisheries, and shall also furnish him with an account in detail of their receipts and expenditure during the same period, in such form as the Minister may direct.

Yearly report  
to Minister of  
Marine and  
Fisheries.

**15.** The Corporation of Pilots for and below the Harbour of Quebec shall, within seven days after the first day of January in each year, after the year one thousand eight hundred and seventy-six, make a report to the Minister of Marine and Fisheries of their doings in relation to the Decayed Pilot Fund, with an account shewing in detail their receipts and expenditure with respect to the same, and their investments of any moneys belonging thereto, with such further information and in such manner and form as the said Minister may direct.

Corporation  
of Pilots to  
account to  
said Minister  
for Pilot  
Fund.

## CHAP. 56.

An Act respecting the Graving Dock in the Harbour of Quebec, and authorizing the raising of a loan in respect thereof

[Assented to 8th April, 1875.]

**W**HEREAS, by an Act passed in the thirty-sixth year of Her Majesty's reign, intituled "*An Act further to amend the Acts to provide for the management and improvement of the Harbour of Quebec*," the corporation of the Quebec Harbour Commissioners were authorized to borrow, at a rate of interest

Preamble.  
36 V., c. 62.

not

not exceeding six per cent. per annum, such sums of money as, with any sums voted by the Parliament of Canada or granted for the purpose by Her Majesty's Imperial Government, would be sufficient to defray the cost of constructing a graving dock in the Harbour of Quebec, as therein mentioned; And whereas it is expedient that the loan for such purpose should be raised by the Government of Canada, and that the power in respect thereof granted to the Quebec Harbour Commissioners by the above recited Act, should be repealed: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Sect. 23 of  
38 V., c. 62,  
repealed.

1. The twenty-third section of the Act hereinbefore firstly recited, is hereby repealed.

Governor in  
Council may  
authorize a  
loan not  
exceeding  
\$500,000,  
at not over  
5 per cent.  
interest.

2. It shall be lawful for the Governor in Council to raise, by way of loan, such sum not exceeding five hundred thousand dollars, as may, with other sums voted by the Parliament of Canada or granted by Her Majesty's Imperial Government for the same purpose, be requisite to defray the expense of constructing a graving dock in the Harbour of Quebec,—such loan to be raised by the issue of debentures bearing interest payable half yearly at a rate not exceeding five per cent. per annum.

Condition of  
advance for  
dock.

3. The Minister of Finance shall not pay to the Quebec Harbour corporation any moneys under this Act until the location and dimensions of the said graving dock, and the location, plan and specifications and proposed contract for the construction thereof, shall have been approved by the Governor in Council, upon the joint report and recommendation of the Ministers of Marine and Fisheries and of Public Works; and any moneys to be hereunder paid to the Quebec Harbour corporation shall be so paid from time to time as the work proceeds, upon the report of the Minister of Public Works that such progress is satisfactory.

Power to levy  
tolls for use  
of dock.

4. The Quebec Harbour corporation may, from time to time, by by-law, impose tolls, duties and dues upon vessels using the said graving dock; and every such by-law to impose tolls, duties and dues as aforesaid, shall be subject to the approval of the Governor General in Council; and all provisions in any Acts in force, conferring power upon the said Quebec Harbour corporation in respect to tolls, shall apply to the by-laws to be passed under this section.

Application  
of net pro-  
ceeds of tolls.

5. The net income to be received from any such tolls, rates, duties or dues as aforesaid, shall be paid over to the Receiver General, and by him applied in the first instance to the payment of the interest, at a rate of not exceeding five per cent. per annum, upon the said sum of five hundred thousand

Interest.

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sand dollars, or such amount thereof as may have been paid by the Minister of Finance, under this Act; and, secondly, to the formation of a sinking fund for payment of the principal sum of five hundred thousand dollars, or such amount thereof as may have been so paid by the Minister of Finance; and the same shall, in the order of priority previously hereinbefore mentioned, be respectively charged upon the net income of the Quebec Harbour corporation in respect of such graving dock.

6. In case the net income received in respect of the use of the said graving dock be not in any year sufficient to meet the interest upon the principal sum of five hundred thousand dollars, or such amount thereof as may have been paid by the Minister of Finance, the Quebec Harbour Commissioners shall, out of the general funds of the said corporation, pay a sum not exceeding ten thousand dollars per annum, until the debt to the Government is paid, in respect of the same; and such sum of ten thousand dollars per annum shall be a charge upon the moneys and funds of the Quebec Harbour corporation next after the charges now existing upon the same, under any Act or Acts in force relating to the said corporation.

7. Any ships belonging to Her Majesty, or to the Dominion of Canada, shall at all times have precedence in the use of the said graving dock, when required by the Minister of Marine and Fisheries.

8. The Act passed in the thirty-fifth year of Her Majesty's 35 V., c. 6, to reign, entitled "*An Act respecting the Public Debt and the raising of loans authorized by Parliament*," shall apply to any loan to be raised as aforesaid, subject to the special provisions of this Act.

9. In this Act the words "Quebec Harbour corporation," shall mean the Corporation of the Quebec Harbour Commissioners.

Sinking  
Fund.

If the net  
proceeds will  
not pay  
interest and a  
sinking fund.

Precedence of  
H.M. ships in  
use of dock.

apply to loan.

Interpreta-  
tion.

OTTAWA:  
PRINTED BY BROWN CHAMBERLAIN,  
LAW PRINTER TO THE QUEEN'S MOST EXCELLENT MAJESTY.  
1875.



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SECOND SESSION, THIRD PARLIAMENT, 33 VICTORIA;

AND

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