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TREATIES

BETWEEN

HER MAJESTY, THE QUEEN,

AND

FOREIGN POWERS.



OTTAWA:

PRINTED BY BROWN CHAMBERLIN,
LAW PRINTER (FOR CANADA) TO THE QUEEN'S MOST EXCELLENT MAJESTY,
ANNO DOMINI, 1881.

TREATIES.

DECLARATION BETWEEN GREAT BRITAIN AND RUSSIA, RELATIVE TO THE DISPOSAL OF THE ESTATES OF DECEASED SEAMEN OF THE TWO NATIONS.

[Signed at London, August 9, 1880.]

The Government of Her Majesty the Queen of the United Kingdom of Great Britain and Ireland, and the Government of His Majesty the Emperor of all the Russias, having judged it expedient to make arrangements for the disposal of the estates of seamen, being subjects of the one State, who shall die on board a ship or on the territory of the other State, have agreed as follows :—

ARTICLE I.

The estate of any Russian or Finnish seaman who shall die, either on board a British ship or at any place within British territory, shall, if not exceeding fifty pounds sterling (50*l*) in value, be delivered to the Russian Consul-General in London without being subject to any of the formalities usually required by English law on succession to property.

On the other hand, the estate of any British seaman who shall die, either on board a Russian or Finnish ship, or within Russian territory, if not exceeding three hundred and fifty silver roubles (350 roubles) shall be delivered to the nearest British Consul without undergoing any of the forms usually required by Russian or Finnish law on succession to property.

ARTICLE II.

If the deceased, a Russian subject, shall have served in the Royal Navy of Great Britain, any assets which may be payable by the British Admiralty shall be dealt with according to the law of Great Britain.

On the other hand, if the deceased, a British subject, shall have served in the Imperial Navy of Russia, any assets which may be payable by the Russian authorities shall be dealt with according to Russian law.

ARTICLE III.

The term "seaman" in this Declaration includes every person (except masters and pilots) employed or engaged in any capacity on board any merchant ship, or who has been so employed or engaged within six months before his death, and every person, not being a commissioned, warrant or subordinate officer or assistant engineer, borne on the books of, or forming part of the complement of any public ship of war.

Declaration between Great Britain and Russia—Estates of Deceased Seamen.

The term "estate" includes all "property, wages due, money and other effects" left by a deceased seaman on board a ship.

The term "Consul" includes Consul-General, Consul, Vice-Consul, and every person for the time being discharging the duties of Consul-General, Consul or Vice-Consul.

ARTICLE IV.

The present Declaration shall be concluded for a term of three years, to date from the day of its signature. At the expiration of this term and of each successive term of three years it shall be continued for a further term of three years, unless one of the High Contracting Parties shall give notice for its termination one year before the expiration of any such term of three years.

In witness whereof the undersigned, duly authorized to that effect, have signed the present Declaration, and have affixed thereto the seal of their arms.

Done in duplicate at London, the ninth day of August 1880.

[L.S.] GRANVILLE.

[L.S.] LOBANOFF.

AT THE COURT AT WINDSOR, THE 16TH DAY OF DECEMBER, 1880.

Present :

THE QUEEN'S MOST EXCELLENT MAJESTY.

Lord President.
Lord Chamberlain.

Secretary Sir William
Vernon Harcourt.
Mr. Gladstone.

WHEREAS by the Extradition Acts of 1870 and 1873, 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 Acts 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, one thousand eight hundred and seventy-four, between Her Majesty and the Swiss Confederation, for the Mutual Extradition of Fugitive Criminals.*

* *Vide Canada Gazette*, Vol. XIII, p. 1025.

Extradition Treaty with Swiss Confederation prolonged.

And whereas on the eleventh day of December, one thousand eight hundred and eighty, a further Convention was entered into between Great Britain and Switzerland in the terms following:—

“The Swiss Federal Council having denounced by their note of the 22nd December, 1877, the Treaty of Extradition of the 31st March, 1874, existing between the United Kingdom of Great Britain and Ireland and the Swiss Confederation, and the new Treaty of Extradition, signed on the 26th November, 1880, not having yet received the necessary ratifications, the High Contracting Parties, being desirous of prolonging the duration of the Treaty which is still in force, have named as their Plenipotentiaries with this object:

“Her Majesty the Queen of the United Kingdom of Great Britain and Ireland, Francis Carew, Esquire, Her Britannic Majesty’s Chargé d’Affaires at Berne; and

“The Federal Council of the Swiss Confederation, the Federal Councillor, M. Fridolin Anderwert, Chief of the Federal Department of Justice and Police;

“Who, after having reciprocally proved their full powers, have concluded the following Convention:—

“The duration of the Treaty of Extradition of the 31st March, 1874, between the United Kingdom of Great Britain and Ireland and the Swiss Confederation shall be prolonged from the 22nd December, 1880, until the moment when the new Treaty of Extradition of the 26th November, 1880, shall come into force in the two countries.

“Done at Berne, the 11th day of December, 1880.

(Signed) FRANCIS CAREW.
“ ANDERWERT.

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 Acts, doth order, and it is hereby ordered, that the said Acts shall apply in the case of Switzerland and of the said Treaty and Protocol, and Conventions with the Swiss Confederation.

C. L. PEEL.

ORDERS IN COUNCIL,
PROCLAMATIONS AND REGULATIONS,

HAVING FORCE OF LAW

IN THE

DOMINION OF CANADA,

ISSUED DURING THE YEARS 1880 AND 1881.



HIS EXCELLENCY

THE RIGHT HONORABLE SIR JOHN DOUGLAS SUTHERLAND CAMPBELL,

(Commonly called THE MARQUIS OF LORNE,)

GOVERNOR GENERAL.

OTTAWA:

PRINTED BY BROWN CHAMBERLIN

LAW PRINTER TO THE QUEEN'S MOST EXCELLENT MAJESTY,

ANNO DOMINI, 1881.

IMPERIAL DESPATCHES AND ORDERS IN COUNCIL.

DOWNING STREET,
17th June, 1880.

SIR,—I have the honour to inform you that in pursuance of a notice given by the President of the Republic of Honduras, the following Treaties between that country and Great Britain expired on the undermentioned dates.

1. That of January 6th, 1874, relating to Extradition, on the 28th of February, 1878.

2. That of August 27th, 1856, one of Friendship, Commerce and Navigation, on the 28th of August, 1878.

I regret that through an oversight this information was only communicated to the West Indian Colonies, and I have now to request that you will cause the termination of the Treaties in question to be made known in the Colony under your Government.

I have, &c.,

KIMBERLEY.

The Officer Administering
The Government of Canada.

AT THE COURT AT OSBORNE HOUSE, ISLE OF WIGHT, THE 31st
DAY OF JULY, 1880.

Present :

THE QUEEN'S MOST EXCELLENT MAJESTY,

LORD PRESIDENT,

LORD STEWARD,

LORD CHAMBERLAIN.

WHEREAS it is expedient that all British Territories and Possessions in North America, and the Islands adjacent to such Territories and Possessions which are not already included in the Dominion of Canada, should (with the exception of the Colony of Newfoundland and its dependencies) be annexed to and form part of the said Dominion.

And whereas, the Senate and Commons of Canada in Parliament assembled, have, in and by an Address, dated the 3rd day of May, 1878, represented to Her Majesty " That it is desirable that the Parliament of Canada, " on the transfer of the before-mentioned Territories being completed, should " have authority to legislate for their future welfare and good government, " and the power to make all needful rules and regulations respecting them,

Imperial—British Possessions in North America, &c,

“the same as in the case of the other territories (of the Dominion); and that
 “the Parliament of Canada expressed its willingness to assume the duties
 “and obligations consequent thereon :”

And whereas, Her Majesty is graciously pleased to accede to the desire expressed in and by the said Address :

Now, therefore, it is hereby ordered and declared by Her Majesty, by and with the advice of Her Most Honourable Privy Council, as follows :—

From and after the first day of September, 1880, all British Territories and Possessions in North America, not already included within the Dominion of Canada, and all Islands adjacent to any of such Territories or Possessions, shall (with the exception of the Colony of Newfoundland and its dependencies) become and be annexed to and form part of the said Dominion of Canada; and become and be subject to the laws for the time being in force in the said Dominion, in so far as such laws may be applicable thereto.

C. L. PEEL.

AT THE COURT AT BALMORAL, THE 20TH DAY OF NOVEMBER,
 1880.

Present :

THE QUEEN'S MOST EXCELLENT MAJESTY IN COUNCIL.

WHEREAS by “The Merchant Shipping Act Amendment Act, 1862,” it is enacted that whenever it is made to appear to Her Majesty that the rules concerning the measurement of tonnage of merchant ships for the time being in force under the principal Act have been adopted by the Government of any foreign country, and are in force in that country, it shall be lawful for Her Majesty by Order in Council, to direct that the ships of such foreign country shall be deemed to be of the tonnage denoted in their certificate of registry or other national papers, and thereupon, it shall no longer be necessary for such ships to be re-measured in any port or place in Her Majesty's dominions; but such ships shall be deemed to be of the tonnage denoted in their certificates of registry or other papers, in the same manner, to the same extent, and for the same purposes, in, to, and for which the tonnage denoted in the certificates of registry of British ships is to be deemed the tonnage of such ships :

And whereas it has been made to appear to Her Majesty, that the rules concerning the measurement of tonnage of merchant ships now in force under “The Merchant Shipping Act, 1854,” have been adopted by the Governments of Russia and the Grand Duchy of Finland, with the exception, as regards Russian Steamships, of a slight difference in the mode of estimating the allowance for engine room, and such rules are now in force in those countries, having come into operation at the following dates, viz ; in Russia on the 20th day of December, 1879, and in the Grand Duchy of Finland on the first day of June, 1877 ;

Imperial—Merchant Shipping.

HER MAJESTY is hereby pleased, by and with the advice of Her Privy Council, to direct as follows :

1. As regards sailing ships ; that merchant sailing ships of the said Russian Empire, the measurement whereof after the said 20th day of December, 1879, has been ascertained and denoted in the registers and other national papers of such sailing ships, testified by the date thereof, and merchant sailing ships of the said Grand Duchy of Finland, the measurement whereof has, after the said 1st day of June, 1877, been ascertained, denoted, and testified as aforesaid, shall be deemed to be of the tonnage denoted in such registers and other national papers in the same manner and to the same extent and for the same purpose, in, to, and for which the tonnage denoted in the certificate of registry of British sailing ships is deemed to be the tonnage of such ships :

2. As regards steam ships ; that merchant ships belonging to the said Russian Empire which are propelled by steam or any other power requiring engine room, the measurement whereof shall, after the said 20th day of December, 1879, have been ascertained and denoted in the registers and other national papers of such steam ships, testified by the dates thereof, and that merchant steam ships belonging to the said Grand Duchy of Finland, the measurement whereof has, after the said 1st day of June, 1877, been ascertained, denoted, and testified, as aforesaid, shall be deemed to be of the tonnage denoted in such registers or other national papers in the same manner, and to the same extent, and for the same purpose, in, to, and for which the tonnage denoted in the certificate of British ships is deemed to be the tonnage of such ships ; provided, nevertheless, that if the owner or master of any such Russian steam ship desires the deduction for engine room in his ships to be estimated under the rules for engine room measurement and deduction applicable to British ships instead of under the Russian rule, the engine room shall be measured and the deduction calculated according to the British rules.

C. L. PEEL.

ORDERS IN COUNCIL, &c.

CANADA.

Agriculture, &c.

By Proclamation dated 10th December, 1880, it was directed that the Census operations are to begin on or about the first Monday in April, 1881, being the fourth day of the said month, and that the population to be recorded shall be the population in existence on the fourth of April, 1881, and that other information to be gathered shall also have reference to the said date ;

That the procedure to be followed for the obtaining thereof should be after the system known by the name of the *de jure* system, or of the domiciled population.

Vide Canada Gazette, Vol. XIV, p. 714.

Customs.

By an Order in Council of Saturday, 19th day of June, 1880, the duty to be exacted on Tomatoes in cans and on Canned Meats, was fixed at the rate of two cents per pound, which rate includes the duty on the cans, and the weight on which duty is payable includes the weight of the cans.

Vide Canada Gazette, Vol. XIII, p. 1776.

By an Order in Council of Saturday, 19th day of June, 1880, the rates of duty to be exacted on Car-Wheels and Axles of steel or of iron and steel, were fixed at twenty-five per cent. *ad valorem*—and on Rolled beams, Channels and Angle and T steel or iron and steel, fifteen per cent. *ad valorem*.

Vide Canada Gazette, Vol. XIII, p. 1776.

By an Order in Council of Wednesday, 8th day of September, 1880, the Port of Port Rowan was reduced to the rank of Out-Port, and placed under the survey of the Collector of Customs at the Port of Port Dover,—to take effect from the 1st of October then next.

Vide Canada Gazette, Vol XIV, p. 292.

Customs.

By an Order in Council of Friday, 15th day of October, 1880, subject to the following regulations, any boxes, barrels, crates and similar packages complete, or the materials of which—known as shooks, staves or slats, cut to shape and dimensions and finished ready for setting up, and upon which no drawback has been allowed—have been duly exported under regular export entry, to the Bermudas or any West India Islands, and when there perfected, by being nailed, hooped or otherwise fastened, and filled with the products or manufactures of the said Islands, and from thence directly re-imported into Canada, shall be free of Customs duty on proof of the Canadian origin of said articles or materials.

Regulations.

In order to be entitled to free entry, such packages or packages completed from such shooks, staves or slats, must have been returned to Canada within eighteen months from the date of first exportation therefrom.

On such first exportation they shall have been so marked and numbered, and such marks and numbers and the quantity so expressed in the entry outwards, that the Customs Officers may be enabled to identify them on their return to Canada.

On the return of such packages, or of packages completed from such shooks, staves or slats, the importer shall be required to declare in his import entry thereof the quantity, number and other distinguishing marks thereon, and the present contents thereof, and the name and date of clearance of the vessel by which, and the name of the Port from whence originally exported from Canada.

The proper Customs Officer shall in every case report to the Collector the distinguishing marks and numbers found on the imported packages; the Collector will compare the same with the marks, etc., stated in the entry outward on which they are claimed to have been exported, or with a copy thereof duly certified by the Collector of the Port from whence exported, and if such marks, etc., do not agree and the identity of such package is not fully established, free entry thereof shall be refused.

If the packages or packages completed from the shooks, staves or slats are returned to the Port from whence they were originally exported, such re-importation shall be endorsed on the original export entry thereof, and if they are returned to another Port, the Port from whence exported must be advised in order that the endorsement may be properly made on the original export entry. The importer must make affidavit that no drawback has been allowed on the original exportation of such articles, which affidavit must be duly executed on the face of the import entry, and in the following form :—

“I do solemnly and truly swear that the several packages containing the merchandise named in the entry for hereto annexed are, to the best of my knowledge and belief, truly and *bonâ fide* the production or manufacture of Canada, and that they were truly exported therefrom as above stated, or as stated in the

Customs.

copy of original export entry hereto attached, and that no drawback or allowance had been admitted or allowed thereon, or on any part thereof.

“Subscribed and sworn to before me at this
day of 18 . Collector.

Vide Canada Gazette, Vol. XIV, p. 423.

By an Order in Council of the 5th day of November, 1880, the Out-Port of Ship Harbour, under the Port of Halifax, was abolished.

Vide Canada Gazette, Vol. XIV, p. 506.

GOVERNMENT HOUSE, OTTAWA,
Tuesday, 30th November, 1880.

Present :

HIS EXCELLENCY THE GOVERNOR GENERAL IN COUNCIL.

WHEREAS the Customs Tariff imposes a duty on cans containing imported fish; and whereas, under certain restrictions, a drawback is payable on materials used in the manufacture of packages or cans containing canned fish exported; and whereas difficulties have arisen in respect to the identification of canned fish arriving in one Province of the Dominion, *in transitu* through the United States, from another Province of the Dominion, and in determining its legal status with regard to the payment of duty or non-payment of drawback on the cans containing same,—

Therefore, in order the more effectually to guard against error in the collecting or non-collecting of duty, and in the payment or non-payment of drawback on cans containing such fish, His Excellency the Governor General in Council has been pleased to order, and it is hereby ordered, that, on the shipment of canned fish, the product of one Province of the Dominion to another, through the United States, the shipper thereof shall make at the time, and at the Port of such shipment, a *Transitu Report* of such shipment, in the form hereto annexed, or in such other form as the Minister of Customs may require; which said Report shall be made in triplicate, one copy whereof to be retained on file at the Port of shipment, the second to be forwarded forthwith by the Collector of Customs at such Port to the Collector at the Port of destination, and the third to the Customs Department, under cover to the accountant of said Department.

Failing the receipt of such a Report, fully identifying any canned fish received at his Port *via* the United States, the Collector of Customs shall consider the cans containing such canned fish as subject to duty and collect the same accordingly:—

Customs.

Transitu Report

of canned fish the product of the Province of _____ shipped this
 day of _____ 188 , from the Port of _____
 by _____ per _____ for the Port of _____ in the
 Province of _____ vid _____ and _____

Cases containing each 48 one-pound cans.		Consigned to.	Where.
Number of	Marked.		

I _____ of _____ do solemnly and truly swear that I am the proprietor of the establishment for canning fish situate at _____ and that the above Transit Report contains a just and true account of all the canned fish laden on board said _____ for shipment to _____ and thence *in transitu* through the United States to the Port and Province above named, and of the names and places of business of the respective consignees of said canned fish; and further that the said canned fish is the product of _____ and was canned at the said establishment at _____ and that the packages or cans containing said fish were wholly manufactured in the Dominion of Canada, and that in the manufacture thereof there was used Sheet Tin or Tin Plates imported into Canada and on which duty was paid at the Port of _____ as follows, viz: Boxes on the _____ day of _____ 188 , as per Entry No. _____ being _____ of the Boxes named in said entr _____ ; and I further swear that no drawback of the duty paid on the Tin or other materials used in the manufacture of the said packages or cans has been or will be claimed.

Subscribed and sworn to before me at
 this _____ day of _____ 188 .

 Collector of Customs.

By Order of His Excellency the Governor General in Council of the 16th day of December, 1880, a drawback was directed to be allowed on Cotton

Customs, &c.

used in packing Bacon and Hams for export, subject in all cases to the same restrictions and regulations as were imposed by Order in Council of the 11th June, 1879, governing the payment of drawback on Tin used in the manufacture of packages for articles exported.

Vide Canada Gazette, Vol. XIV, p. 723.

UNDER authority of the Act 40 Vict., chap 10, sub-section 11 of section 125 and section 136, and subject to the same regulations and restrictions as were imposed by Order in Council of the 11th June, 1879, governing the payment of drawback on Tin used in the manufacture of packages for articles exported,—

His Excellency in Council on the 21st day of February, 1881, ordered that a drawback be allowed of duty paid on all imported Cheese Cloths, Cottons and like materials used in the manufacture of packages, bands or coverings for Cheese or other similar products of Canada exported therefrom.

Vide Canada Gazette, Vol. XIV, p. 1164.

By Order in Council of Friday, 4th day of March, 1881, His Excellency ordered, that Sugar and Melado purchased by importers resident in the Province of British Columbia, at the place of growth and production thereof, and imported thence into the Province of British Columbia *via* San Francisco, California, should be held to be a direct importation from such place of growth and production, and that the duty should be levied and collected thereon accordingly.

Vide Canada Gazette, Vol. XIV, p. 1196.

Inland Revenue.

By Order in Council of Wednesday, 7th day of July, 1880, the Inland Revenue Division theretofore known as the Inland Revenue Division of Goderich is hereafter known as the Inland Revenue Division of Stratford.

Vide Canada Gazette, Vol. XIV, p. 65.

By Order in Council of Tuesday, 17th day of August, 1880, under authority of the Act 41 Vic, chap. 7, section 74, manufacturers of Tobacco who at the time of the passing of the Inland Revenue Act of 1880, were using kegs as packages for Tobacco manufactured by them, shall not be subject to any fines, penalties or forfeitures for continuing to use packages of the same description, unless such packages or any one of them contain more than one hundred and ten pounds (110 lbs) of tobacco.

Vide Canada Gazette, Vol. XIV, p. 241.

Inland Revenue.

By Order in Council of Tuesday, 31st day of August, 1880, the Inland Revenue Division of Sarnia comprising the County of Lambton, in the Province of Ontario, is attached to the Inland Revenue Division of London.

Vide Canada Gazette, Vol. XIV, p. 265.

By Order in Council of Tuesday, 5th October, 1880, under authority of the Act 41 Vict., chap. 7, sec. 74, manufacturers of Tobacco who, at the time of the passing of the Inland Revenue Act of 1880, were using kegs as packages for "pressed" Tobacco, commonly known as "Negro head," manufactured by them, shall not, until the first day of January, 1882, be subject to any fines, penalties or forfeitures for continuing to use packages of the same description, unless such packages or any one of them contains more than one hundred and ten pounds (110 lbs) of tobacco.

The Order in Council of the 17th of August last, upon the same subject, was rescinded.

Vide Canada Gazette, Vol. XIV, p. 422.

By an Order in Council of the 30th day of November, 1880, Sections one and two of the Order in Council of the 7th of January, 1871, regarding the payment of duties of Excise, were cancelled and the following substituted :—

1. All payments for Excise duties on semi-monthly returns and entries for duty when not paid in current money shall be paid by an accepted cheque on a chartered Bank made "payable to the order of the Bank in which the money is to be deposited for account of the Receiver General."

2. Collectors will receive the cheques so drawn as cash for which they will give official receipts on the authorized forms, deposit the cheques in the Bank, and thereafter forward the voucher for the deposit to the Department as has heretofore been done.

Vide Canada Gazette, Vol. XIV, p. 632.

By Order in Council of Monday, 7th day of February, 1881, the Town of Barrie, in the Province of Ontario, was constituted a Port of Entry at which raw or leaf tobacco may be imported into Canada in bond.

Vide Canada Gazette, Vol. XIV, p. 1123.

By Order in Council of Monday, 28th day of February, 1881, Queen's County, in the Province of Nova Scotia, was constituted an Inspection Division for the purposes of the Act, 37 Vict., chap. 45, intituled "*An Act*

Inland Revenue, &c.

to make better provision extending to the whole Dominion of Canada, respecting the inspection of certain staple articles of Canadian produce."

Vide Canada Gazette, Vol. XIV, p. 1164.

By Order in Council of Wednesday, 23rd day of March, 1881, the Town of Simcoe, in the Province of Ontario, was constituted a Port of Entry at which Raw or Leaf Tobacco may be imported into Canada in bond.

Vide Canada Gazette, Vol. XIV, p. 1261.

Interior.

By Order in Council of the 19th day of June, 1880, the 7th section of the Order in Council of the 24th October, 1879, regulating the disposal of the lands for one hundred and ten miles on each side of the Canadian Pacific Railway was repealed; and the scrip now outstanding, as also that which may yet require to be issued to satisfy claims so far authorized, is to be accepted at its par value in the purchase of Railway and Pre-emption Lands, as well as in the purchase of Dominion Lands under the provisions of the law. The scrip in question consists of the following, that is to say:—

1. Military Bounty Warrants;
2. Police Bounty warrants;
3. Scrip issued to Half-Breed Heads of Families;
4. Scrip issued to Old Settlers;
5. Scrip issued in commutation of Hay and Common Rights in Manitoba;
6. Scrip issued in commutation of claims to Dominion Lands.

Vide Canada Gazette, Vol. XIV., p. 38.

By a Proclamation bearing date 13th November, 1880, the Act of the Parliament of Canada passed in the forty-third year of Her Majesty's reign, chaptered seven, and intituled "*An Act for the final settlement of claims to Lands in Manitoba by occupancy, under the Act thirty-third, Victoria, chapter three,*" was made public and put in force.

Vide Canada Gazette, Vol. XIV., p. 713.

By a Proclamation bearing date 25th November, 1880, His Excellency set off and formed four additional Registration Districts, in the North-West Territories, to be severally described and designated as follows, that is to say:—

Interior, &c.

1. *Turtle Mountain District*, embracing townships one to ten, both inclusive, and lying between the west line of the Province of Manitoba and the line or limit extending northerly from the International Boundary between the twenty-sixth and twenty-seventh ranges west of the first principal meridian ;

2. *Little Saskatchewan District*, embracing townships eleven to twenty-two, both inclusive, lying between the line between ranges twelve and thirteen, west of the first principal meridian and the line or limit extending northerly from the International Boundary between the twenty-sixth and twenty-seventh ranges west of the first principal meridian, also all the townships from eighteen to twenty-two, both inclusive, lying between the said line between ranges twelve and thirteen west of the first principal meridian and the west shore of Lake Manitoba ;

3. *Touchwood Hills District*, embracing the townships lying between the fifth and tenth bases and extending westerly from the line or limit extending northerly from the International Boundary between the twenty-sixth and twenty-seventh ranges west of the first principal meridian, to and including the twentieth range west of the principal meridian ;

4. *Prince Albert District*, embracing townships from thirty-seven to fifty, both inclusive, and being bounded on the east by the line between the sixteenth and seventeenth ranges west of the second principal meridian, and on the west by the line between the fourth and fifth ranges west of the third principal meridian.

Vide Canada Gazette, Vol. XIV., p. 869.

Justice.

By a Proclamation, bearing date 5th July, 1880, the building lately erected at or near Dorchester, in the Province of New Brunswick, for the Penitentiary of the Maritime Provinces, upon lands purchased for that purpose, together with the land surrounding the said building to the distance on every side thereof of two hundred feet, was declared a Penitentiary and is to be so held within the meaning of the "*Act respecting Penitentiaries and the inspection thereof, and for other purposes.*"

Vide Canada Gazette, Vol. XIV., p. 34.

By a Proclamation, bearing date 7th October, 1880, it was declared that the Penitentiary situate near the City of Halifax, in the Province of Nova Scotia, known as the Halifax Penitentiary, together with all the land appertaining to the same, according to the metes and bounds thereof as now known and defined, and all the buildings and property thereon belonging to the same, should, from and after the twelfth day of October, 1880, cease to be a Penitentiary.

Vide Canada Gazette, Vol. XIV., p. 388.

Justice.

By a Proclamation, bearing date 11th October, 1880, it was declared that the Penitentiary situate near the City of Saint John, in the Province of New Brunswick, known as the Saint John Penitentiary, together with all the land appertaining to the same, according to the metes and bounds thereof as now known and defined, and all the buildings and property thereon belonging to the same, should, from and after the eighteenth day of October, 1880, cease to be a Penitentiary.

Vide Canada Gazette, Vol. XIV., p. 451.

THE SUPREME COURT OF CANADA.—GENERAL RULE.

WEDNESDAY, the 16th day of March, A.D. 1881.

It is Ordered :

1. That Rule eleven be and the same is hereby amended by striking out the word "immediately" at the beginning of such Rule.

2. That Rule fourteen be and the same is hereby amended by striking out the words "one month" therein contained, and by inserting in lieu thereof the words "fifteen days."

3. That Rule fifteen be and the same is hereby amended by inserting after the words "and mailing" where they occur in such Rule, the words "on the same day," and by striking out the words "in sufficient time to reach him in due course of mail before the time required for service."

4. That Rule twenty-three be and the same is hereby amended by striking out the words "one month" at the beginning of said Rule, and by inserting in lieu thereof the words "fifteen days."

5. That Rule thirty-one be and the same is hereby amended by striking out the words "one month" where they occur in said Rule, and by inserting in lieu thereof the words "fourteen days"; And by adding at the end of said Rule the words "but no Appeal shall be so inscribed which shall not have been filed twenty clear days before said first day of said Session without the leave of the Court or a Judge."

6. That Rule sixty-two be and the same is hereby amended by striking out the words "one month" and by inserting in lieu thereof the words "fifteen days."

7. That Rule sixty-three be and the same is hereby amended by striking out the words "two weeks" where they occur in said Rule, and by inserting in lieu thereof the words "one week."

W. J. RITCHIE, C.J.
S. H. STRONG, J.
T. FOURNIER, J.
W. A. HENRY, J.
JOHN W. GWYNNE, J.

Marine and Fisheries.

(*Fisheries.*)

By Order in Council of Tuesday, 29th day of June, 1880, under the provisions of the Act passed in the Session of the Parliament of Canada, held in the thirty-first year of Her Majesty's Reign, chaptered 60, and intituled "*An Act for the regulation of Fishing and protection of Fisheries,*" and the Act 36 Vict., chap. 65, relating to saw-dust in rivers, the Nashwaak River, in the Province of New Brunswick, was exempted from the operations of the said Acts as affecting saw-dust.

Vide Canada Gazette, Vol. XIV, p. 35.

By Order in Council of Thursday, 8th day of July, 1880, under the provisions of the 19th 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 60 and known as "*The Fisheries Act,*" the Order in Council of 13th March, 1879, prescribing a close time for the Lobster Fishery, was amended by extending the fishing season, in the current year, for ten days.

Vide Canada Gazette, Vol. XIV, p. 65.

By Order in Council of Thursday, 24th day of March, 1881, 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,*" the Order in Council of 4th October, 1879, prohibiting the use of Trawls or Bottom Lines in the waters of Chedabucto and St Peter's Bays, Lennox Passage and all waters around Isle Madame, in the Counties of Guysboro' and Richmond, Nova Scotia, was rescinded.

Vide Canada Gazette, Vol. XIV, p. 1262.

By Order in Council of Wednesday, 23rd day of March, 1881, 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,*" the following Fishery Regulation was adopted:—

"Fishing with nets or seines is prohibited during a period of two years, from the present date, in that part of the River Ottawa and its tributaries, and the Lake of Two Mountains, fronting on the Counties of Jacques Cartier, Vaudreuil, Two Mountains, and that portion of the County of Argenteuil extending from Carillon downwards to the eastern boundary of said County."

Vide Canada Gazette, Vol. XIV, p. 1262.

*Marine and Fisheries.**(Marine.)*

By a Proclamation bearing date 23rd June, 1880, "*An Act to provide for the appointment of Harbour Masters for certain ports in the Provinces of Nova Scotia and New Brunswick,*" and the Acts amending the same, were declared to apply to the Port of Mabou, in the County of Inverness, in the Province of Nova Scotia.

Vide Canada Gazette, Vol. XIV, p. 34.

By Order in Council of Tuesday, 29th day of June, 1880, a shipping office under the provisions of the Act 36 Vict., chap. 129, was established at Bear River, in the County of Annapolis.

Vide Canada Gazette, Vol. XIV, p. 34.

REGULATIONS for the guidance of Ship Masters loading vessels in the Ports of Prince Edward Island.

Vessels loading grain in bulk to have dunnage ten inches clear of ceiling in bottom of ship and to extend to first futtock heads, and to have shifting boards of three inch material from keelson to main deck to extend full length of vessel.

Vessels to be ballasted according to the discretion of the Port Warden or his deputy.

Fees.

First survey of hatches, and certificate.....	\$3 00
Each subsequent survey of cargo and certificate.....	2 00
Survey of cargo where hatches have not been previously surveyed, and certificate.....	5 00
Every survey of damaged goods on the wharf or in store, value under \$200, and certificate.....	3 00
Each subsequent survey from \$200 to \$500.....	4 00
Survey of vessel damaged or arriving in distress, and certificate.....	8 00
Survey of cargo reported to have shifted, and certificate....	5 00
Extra copies of certificate and seal.....	1 00
Hearing and settling disputes between Master and Consignee of ship and owners of cargo, \$200 value.....	2 00
From \$200 to \$1,000.....	3 00
Filing papers of Auctioneers.....	0 25
Ascertaining if vessel is seaworthy, and certificate.....	8 00
Survey that repairs ordered if not seaworthy have been made, and certificate.....	4 00
General superintending of a ship loading for Europe, and certificate, under 100 tons register	5 00

Marine and Fisheries

100 tons and under 150 tons register.....	6 00
150 " " 200 "	7 00
200 " " 300 "	8 00
300 " " 400 "	9 00
400 " and upwards.....	10 00
Vessels putting in in distress from any port other than a port in Prince Edward Island as under,--	
For every 1,000 bushels Wheat and Peas.....	0 10
" " " " Barley.....	0 8
" " " " Oats.....	0 13
" " " " Corn	0 5
" " brls. Flour.....	0 70
Coal Oil, per barrel.....	0 0½
Ores and Minerals, per ton.....	0 2
Lumber and all other descriptions of timber per ton weight	0 2

H. P. WELSH,
Port Warden.

Charlottetown, P.E.I., 28th June, 1880.

PRIVY COUNCIL CHAMBER,
OTTAWA, 14th July, 1880.

I hereby certify that the foregoing Regulations and Tariff of Fees have been approved by His Excellency the Governor General in Council on the 7th day of July, 1880.

J. O. COTÉ,
Clerk, Privy Council.

By a Proclamation bearing date the 5th July, 1880, "*An Act to provide for the appointment of Harbour Masters for certain Ports in the Provinces of Nova Scotia and New Brunswick,*" and the Acts amending the same, were declared to apply to the Port of Beaver Harbour, in the County of Halifax, in the Province of Nova Scotia.

Vide Canada Gazette, Vol. XIV, p. 97.

At a meeting of the Board of Pilot Commissioners for the County of Charlotte, held at Saint Andrews the eleventh day of July, A.D. 1879,—
Resolved, that rule IX of the rules and regulations passed by the Board the twenty-ninth day of April, A.D. 1874, and approved June seventeenth,

Marine and Fisheries.

1874, *having been pronounced by the proper authorities illegal, the said rule be and is hereby rescinded.

Resolved, that rule XVI of the regulations passed by the Board in April, 1874, be rescinded.

The following additional rules and regulations were passed by the Board :—

Resolved, that all pilots, on being licensed by the Commissioners, shall pay for said license a fee of six dollars, and all pilots requiring a new copy of regulations shall pay for same a fee of one dollar.

Resolved, that masters and mates entitled to receive license under the law shall pay, on obtaining the same, a fee of six dollars.

Resolved, that all fees received by the Commissioners for licenses be applied by them towards payment of necessary expenses of conducting the pilotage business of the District.

(Signed), SAMUEL JOHNSON,
 C. B. EATON,
 C. E. O. HATHEWAY,
 Commissioners.

PRIVY COUNCIL CHAMBER,
OTTAWA, 1st day of August, 1879.

I hereby certify that the foregoing amendments, and additional rules and regulations made by the Pilotage Authority for the County of Charlotte, in the Province of New Brunswick, were this day approved by His Excellency the Governor-General in Council.

W. A. HIMSWORTH,
Clerk, Privy Council.

By a Proclamation bearing date the 10th day of August, 1880, "*An Act to provide for the appointment of Harbour Masters for certain Ports in the Provinces of Nova Scotia and New Brunswick*" and the Acts amending the same, were declared to apply to the Port of Tidnish, in the County of Cumberland, in the Province of Nova Scotia.

Vide Canada Gazette, Vol. XIV., p. 212.

By a Proclamation bearing date the 10th day of August, 1880, "*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,*" and the Acts amending the same, were declared to apply to the Port of New Westminster, in the Province of British Columbia, as defined

* *Vide Statutes, Vol. of 1875, p. CXXVI.*

Marine and Fisheries.

by Order in Council passed on the tenth day of August, in the year of Our Lord one thousand eight hundred and eighty, designating the limits of the said Harbour for Harbour Master's purposes to be held to extend from an imaginary line drawn north and south (true) across Point Sebastian, the Eastern end of Manson or Douglas' Island situated in the river at the mouth of the Pitt River to either shore of the Fraser River, thence down stream through all its channels to lines drawn across the points of land forming the mouths of its outlets emptying into the Gulf of Georgia.

Vide Canada Gazette, Vol. XIV., p. 213.

SCHEDULE of rates of toll to be collected for the use of Government Wharf, at Clifton, in Gloucester County, New Brunswick.

<i>Articles.</i>	<i>Rates.</i>
	cts. per.
Flour, meal, apples, lime, calcined plaster, hydraulic cement, salt fish, etc.....	1 barrel.
Potatoes, carrots and like articles.....	$\frac{1}{2}$ do
All articles contained in casks, hogsheads or puncheons.....	2 cask, &c
Coal, iron, building stone, grindstones, salt and the like.....	5 ton.
Chains and anchors.....	10 do
Salt, meal, oats, potatoes, apples, Indian corn and like articles in bags.....	$\frac{1}{2}$ bag.
Dried fish, in bulk.....	1 quintal.
Rough plaster from quarry.....	2 ton.
Timber, lumber, boards and deals of all kinds.....	5 thousand
Cordwood and bark.....	5 cord.
Goods in cases, boxes, bales, etc.....	4 ton of 40 c. feet.
Naval stores, paints, oil, &c., and articles of a similar nature..	5 ton.
Stone and gravel or earth ballast, for shipping.....	2 do
Unenumerated articles.....	4 do
Gravel for use of roads.....	Free.
Vessels under 50 tons.....	10 day.
“ of 50 tons and under 100 tons.....	15 “
“ 100 “ 200 “.....	20 “
“ 200 “ 300 “.....	30 “
“ 300 “ 400 “.....	40 “
“ 400 “ 500 “.....	50 “
“ 500 “ 800 “.....	75 “
“ 800 “ 1200 “.....	1.00 “
“ 1200 “ 1500 “.....	1.25 “

Special arrangements to be made with the wharfinger for vessels lying at the wharf during winter.

Vessels lying with moorings attached for shelter and a harbour, to pay $\frac{1}{2}$ per cent. per registered ton for every 24 hours or portion thereof.

Marine and Fisheries.

No goods to remain on the wharf for longer than seven days, unless by special permission of, and agreement with the wharfinger.

The ton weight mentioned shall be two thousand pounds.

PRIVY COUNCIL OFFICE,
OTTAWA, 2nd September, 1880.

I hereby certify that the foregoing schedule of rates of toll has been approved by His Excellency the Governor General in Council, on the 31st day of August, 1880.

J. O. COTÉ,
Clerk, Privy Council.

AT a meeting of the Commissioners of the Victoria and Esquimalt Pilotage District held at Victoria, B.C., on the 12th July, 1880, the following resolution to the "By-Laws 1880," was adopted:—

"Whereas the pilotage dues as provided for in section 18 of the By-Laws 1880, fall heavily upon steamers making regular voyages to British Columbia waters, and whereas in the interests of the trade of Victoria and Esquimalt it is desirable to obviate the burden referred to:—Be it therefore resolved, that steamers making regular trips to Victoria and Esquimalt, and having paid \$3 per foot into and out of either harbour on the inward voyage and returning again to either of said harbours within a period of 20 days, shall only pay \$1.50 per foot additional dues on said vessels on the outward voyage (*i.e.* 75 cts. per foot inwards and 75 cts. per foot outwards) for pilotage service tendered or rendered until said vessels pass to the westward of a line drawn from Race Rocks to Point Angelos, *i.e.* to seaward again.

R. FINLAYSON,
H. W. CLAKE,
R. P. RITHET,
Commissioners.

EDGAR CROW BAKER,
Secretary.

Victoria, B.C., 14th July, 1880.

PRIVY COUNCIL OFFICE,
OTTAWA, 4th October, 1880.

I hereby certify that the foregoing By-Law of the Victoria and Esquimalt Pilotage District, British Columbia, has been approved by His Excellency the Governor General in Council, on the 30th September last.

J. O. COTÉ,
Clerk, Privy Council.

Marine and Fisheries.

By a Proclamation bearing date the 30th day of October, 1880, "*An Act to provide for the appointment of Harbour Masters for certain Ports in the Provinces of Nova Scotia and New Brunswick,*" and the Acts amending the same, were declared to apply to the Port of Glasgow and Cape Breton Pier, in the Province of Nova Scotia, and that for Harbour Master's purposes the said Port of Glasgow and Cape Breton Pier shall include that portion of the Harbour of Sydney to the south of an imaginary straight line drawn from Battery Point to Amelia Point.

Vide Canada Gazette, Vol. XIV, p. 504.

By a Proclamation bearing date 30th October, 1880, "*An Act to provide for the appointment of Harbour Masters for certain Ports in the Provinces of Nova Scotia and New Brunswick,*" and the Acts amending the same, were declared to apply to the Port of Parrsborough, in the County of Cumberland, in the Province of Nova Scotia; the said Port to have for Harbour Master's purposes the extended boundaries defined in the Order in Council of the thirtieth day of October in the year of Our Lord one thousand eight hundred and eighty, providing that the limits of the jurisdiction of the Harbour Master for the Harbour of Parrsborough should be extended to Cape Sharp, so called, so as to include West Bay, so called, and Easterly to Moose Creek, so called.

Vide Canada Gazette, Vol. XIV, p. 504.

By a Proclamation bearing date 30th October, 1880, "*An Act to provide for the appointment of Harbour Masters for certain Ports in the Provinces of Nova Scotia and New Brunswick,*" and the Acts amending the same, were declared to apply to the Port of International Pier, within the Harbour of Sydney, in the Province of Nova Scotia, and that for Harbour Master's purposes, the said Port of International Pier shall include that portion of the Harbour of Sydney aforesaid between an imaginary straight line drawn from Battery Point to Amelia Point and the southern boundary of the Harbour of North Sydney.

Vide Canada Gazette, Vol. XIV, p. 504.

TARIFF of Tolls and Dues leviable by the Wharfinger at Port Greville, in the County of Cumberland, in the Province of Nova Scotia, in accordance with the provisions of the Act 40 Vic., chap. 17.

<i>Articles.</i>	<i>Rates.</i>
Flour, meal, apples, lime, calcinated plaster, hydraulic cement, salt fish, &c.....	1c. per barrel.
Potatoes, carrots and like articles.....	½c. do
Articles contained in casks, hogsheads or puncheons	2c. per cask.

Marine and Fisheries.

Coal, iron, building stone, salt and the like.....	5c. per ton.
Chains and anchors.....	10c. do
Salt, meal, oats, potatoes, apples, corn, and like articles in bags.....	½c. per bag.
Dried fish, in bulk.....	1c. per qtl.
Rough plaster, from quarry.....	2c. per ton.
Timber, lumber, boards, deals of all kinds.....	5c. per M.
Cordwood and bark.....	5c. per cord.
Goods in cases, boxes, bales, &c.....	4c. per ton of 40 cub. feet.
Naval stores, paints, oil, &c., and articles of a similar nature.....	5c. per ton.
Stone and gravel or earth ballast for shipping.....	2c. do
Unenumerated articles	4c. do
Gravel for use of roads.....	Free.
Vessels under 50 tons.....	10c. per day.
do 50 tons and under 100 tons.....	15c. do
do 100 do 200 do	20c. do
do 200 do 300 do	30c. do
do 300 do 400 do	40c. do
do 400 do 500 do	50c. do
do 500 do 800 do	75c. do
do 800 do 1,200 do	\$1 00 do
do 1,200 do 1,500 do	1 25 do

Vessels lying at the wharf during the winter season, by special arrangement with the Wharfinger.

Vessels lying with moorings attached for shelter and a harbour to pay ½ cent. per registered ton for every 24 hours or less.

No goods to remain on the wharf longer than 7 days, unless by special permission and agreement as to tolls with the Wharfinger.

The tolls and dues payable on any vessel or article arriving at or using the wharf at Port Greville aforesaid, and on any article shipped or unshipped thereat upon or from off any vessel, are hereby imposed upon such vessel or article, and are authorized to be levied and collected by the Wharfinger on and from such vessel or article, and on and from the master or person in charge of or owner of such vessel or article.

PRIVY COUNCIL OFFICE,

OTTAWA, 5th January, 1881.

I hereby certify that the foregoing Tariff of Tolls and Dues leviable by the Wharfinger at Port Greville, in the County of Cumberland, in the Province of Nova Scotia, has been made and adopted by His Excellency the Governor General in Council, on the 4th day of January, 1881, under the provisions of the Act 40 Vict., chap. 17.

J. O. COTÉ,
Clerk, Privy Council.

Marine and Fisheries.

TARIFF of Fees to be paid to the Port Warden for Port Hawkesbury, in Nova Scotia, under the provisions of the 25th section of the Act 37 Vict., chap. 32, intituled "*An Act to provide for the appointment of Port Wardens at certain ports in the Dominion.*"

	\$ cts.
First survey of hatches, and certificate.....	2 50
Every subsequent survey of cargo, and certificate.....	2 00
Survey of cargo when hatches have not been previously surveyed, and certificate.....	5 00
Every survey of damaged goods on the wharf or in store, value \$200, and certificate.....	3 00
Every survey of damaged goods on the wharf or in store, value \$200 and under \$500, and certificate.....	4 00
Every survey of damaged goods on the wharf or in store, value \$500 and over, and certificate.....	5 00
Survey of vessel damaged or arriving in distress, and certificate.....	8 00
Every subsequent survey and certificate.....	5 00
Valuation of a vessel for average, under 200 tons, and certificate.....	5 00
Valuation of a vessel for average, of 200 tons and under 500 tons, and certificate.....	7 50
Valuation of a vessel for average, of 500 tons and upward..	10 00
Survey of cargo reported to have shifted, and certificate....	5 00
All extra copies of certificates when requested.....	0 50
Certificate under seal.....	1 00
Hearing and settling disputes between master and consignee of ship and owners of cargo \$200 value, \$2.00; \$200 to \$500, \$3.00; \$500 to \$1,000, \$4.00; \$1,000 and over, \$5.00.	
Filing papers of auctioneers, &c.....	0 25
Ascertaining if vessel is seaworthy, and certificate.....	8 00
Survey that repairs ordered if not seaworthy have been made, and certificate, 200 tons and under, \$3.00; all over 200 tons, \$5.00.	
General superintendence of a vessel loading, and certificate.	5 00

Vessels putting in in distress with cargo as under :—

For every 1,000 bushels of wheat or pease.....	0 15
do do of barley	0 12
do do of oats.....	0 10
do do of corn.....	0 10
do barrels of flour.....	0 75
Coal oil per barrel.....	0 00½
Ores and minerals per ton, ballast excepted.....	0 04
Lumber and all other description of timber, per ton weight	0 02

Marine and Fisheries.

PRIVY COUNCIL OFFICE,
OTTAWA, 5th January, 1881.

I hereby certify that the foregoing Tariff of Fees to be paid to the Port Warden for Port Hawkesbury, in the Province of Nova Scotia, has been approved by His Excellency the Governor General in Council, on the 4th day of January, 1881, under the provisions of the 25th section of the Act 37 Vict., chap. 32.

J. O. COTÉ,
Clerk, Privy Council.

By a Proclamation bearing date 24th January, 1881, "An Act to provide for the appointment of Harbour Masters for certain Ports in the Provinces of Nova Scotia and New Brunswick," and the Acts amending the same, were declared to apply to the Port of St. Peters, in the County of Richmond, in the Province of Nova Scotia aforesaid.

Vide Canada Gazette, Vol. XIV, p. 967.

By Order in Council of Monday, 24th day of January, 1881, a Pilotage District was established for the Port of Parrsboro', in the County of Cumberland, in the Province of Nova Scotia, the limits of such district to extend from Harrington's River on the east, to Isle Haute on the west; and the payment of Pilotage Dues were made compulsory within the limits of the said District.

Vide Canada Gazette, Vol. XIV, p. 968.

PICTOU HARBOUR.

Scale of Fees.

First survey of hatches, and certificate.....	\$2 50
Every subsequent survey of cargo, and certificate.....	2 00
Survey of cargo when hatches have not been previously surveyed, and certificate.....	5 00
Every survey of damaged goods, on wharf or in store, value \$200, and certificate.....	3 00
Every survey of damaged goods on wharf or in store, value \$200 and under \$500, and certificate.....	4 00
Every survey of damaged goods, on wharf or in store, value \$500 and over, and certificate.....	5 00
Survey of vessel damaged on arriving in distress, and certificate.....	8 00
Every subsequent survey and certificate.....	5 00

Marine and Fisheries.

Valuation of a vessel for average, under 200 tons, and certificate.....	\$ 5 00
Valuation of a vessel for average, over 200 tons and under 500 tons, and certificate.....	7 50
Valuation of a vessel for average, 500 tons and upwards, and certificate.....	10 00
Survey of cargo reported to have shifted, and certificate.....	5 00
All extra copies of certificates when required.	0 50
For certificate under seal.....	1 00
Hearing and settling disputes between master and consignee of ship and owners of cargo—\$200 value, \$2; 200 to \$500, \$3; \$500 to \$1,000, \$4; \$1,000 and over, \$5.	
Filing papers of auctioneers, &c	0 25
Ascertaining if vessel is seaworthy and certificate.....	8 00
Survey that repairs ordered if not seaworthy have been made and certificate,—200 tons and under, \$3; all over 200 tons, \$5.	
General superintendence of a vessel loading.....	5 00
Vessels putting in in distress or otherwise, from Foreign Ports, for every 1,000 bushels and every proportionate quantity of wheat and peas, 15c. For every 1,000 bushels and every proportionate quantity of barley, 12c. For every 1,000 bushels and every proportionate quantity of oats, 10c. For every 1,000 bushels and every proportionate quantity of corn, 10c. For every 1,000 barrels of flour, 75c. Coal oil, per barrel, ½c. Ores and minerals per ton, ballast excepted, 4c.	
Lumber and all other descriptions of timber per ton weight	0 02

PRIVY COUNCIL OFFICE,
OTTAWA, 25th January, 1881.

I hereby certify that the foregoing Tariff of Fees to be paid to the Port Warden for the Harbour of Pictou, in the Province of Nova Scotia, has been approved by His Excellency the Governor General in Council, on the 24th day of January instant, under the provisions of the 25th Section of the Act 37th Vict., chap. 32.

J. O. COTÉ,
Clerk, Privy Council.

By Order in Council of Monday, 28th day of February, 1881, a Pilotage District was formed for Louisburg, in the County of Cape Breton, in the Province of Nova Scotia, to include Main-à-Dieu and Gabarouse in said County, and the payment of Pilotage dues was made compulsory within the limits of the said District.

Vide Canada Gazette, Vol. XIV, p. 1163.

*Marine and Fisheries.***TARIFF of Fees to be paid to the Port Warden for the Port of Cow Bay, Cape Breton :—**

First survey of hatches, and certificate.....	\$3 00
Every subsequent survey of cargo, and certificate.....	2 00
Survey of cargo when hatches have not been previously surveyed, and certificate	5 00
Every survey of damaged goods on the wharf or in store, value under \$200, and certificate....	3 00
Every survey of damaged goods on the wharf or in store, value \$200 and under \$500, and certificate.....	4 00
Every survey of damaged goods on the wharf or in store, value \$500 and over, and certificate.....	5 00
Survey of vessel damaged or arriving in distress, and certificate	8 00
Every subsequent survey and certificate.....	5 00
Valuation of a vessel for average, under 200 tons, and certificate	5 00
Valuation of a vessel for average, of 200 tons and under 500 tons, and certificate.....	7 50
Valuation of a vessel for average, of 500 tons and upwards, and certificate.....	10 00
Survey of cargo reported to have shifted, and certificate	5 00
All extra copies of certificate when required.....	0 50
Certificate under seal.....	1 00
Hearing and settling disputes between master and consignee of ships and owners of cargo,—\$200 value, \$2; \$200 to \$500, \$3; \$500 and over \$5.	
General superintendence of a vessel loading, and certificate..	5 00
Ascertaining if vessel is seaworthy, and certificate.....	8 00
Survey that repairs ordered if not seaworthy have been made, and certificate.....	5 00
Filing auctioneers' papers.....	0 25
Vessels putting in in distress from any port, as under :—	
For every 1,000 bushels of wheat and peas	0 15
“ “ “ “ barley	0 12
“ “ “ “ oats.....	0 10
“ “ “ “ corn.....	0 10
For every 1,000 barrels of flour.....	0 75
Coal oil, per barrel.....	0 01
Ores and mineral, per ton.....	0 04
Lumber and all other description of timber, per ton weight.	0 02

JOSEPH MACPHERSON,

Port Warden.

Cow Bay, C.B., 1st March, 1881.

Marine and Fisheries, &c.

PRIVY COUNCIL OFFICE,
OTTAWA, 15th March, 1881.

I hereby certify that the forgoing Tariff of Fees has been approved by His Excellency the Governor General in Council, on this 15th day of March, 1881.

J. O. COTÉ,
Clerk, Privy Council.

Secretary of State.

By Order in Council of Wednesday, 30th day of June, 1880, the second part of "*The Canada Temperance Act, 1878*" was declared to be in force and take effect in the City of Charlottetown upon, from and after the day on which the annual or semi-annual licenses for the sale of spirituous liquors then in force in the said City should expire, provided such day were not less than ninety days from the day of the date above, and if less, then on the like day in the following year.

Vide Canada Gazette, Vol. XIV, p. 35.

By Order in Council of Thursday, 4th day of November, 1880, the second part of "*The Canada Temperance Act, 1878*" was declared to be in force and take effect in the County of Northumberland, New Brunswick, upon, from and after the day on which the annual or semi-annual licenses for the sale of spirituous liquors then in force in the said County should expire, provided such day were not less than ninety days from the day of the date above, and if less, then on the like day in the following year.

Vide Canada Gazette, Vol. XIV, p. 505.

By Order in Council of Thursday, 25th day of November, 1880, the second part of "*The Canada Temperance Act, 1878*" was declared to be in force and take effect in Queen's County, Prince Edward Island, upon, from and after the day on which the annual or semi-annual licenses for the sale of spirituous liquors then in force in the said County should expire, provided such day were not less than ninety days from the day of the date above, and if less, then on the like day in the following year.

Vide Canada Gazette, Vol. XIV, p. 596.

By Order in Council of Friday, 3rd day of December, 1880, the second part of "*The Canada Temperance Act, 1878*" was declared to be in force and take effect in the County of Marquette upon, from and after the day on which

Secretary of State.

the annual or semi-annual licenses for the sale of spirituous liquors then in force in the said County should expire, provided such day were not less than ninety days from the day of the date above, and if less, then on the like day in the following year.

Vide Canada Gazette, Vol. XIV, p. 633.

By Order in Council of Monday, 10th day of January, 1881, the second part of "*The Canada Temperance Act, 1878*" was declared to be in force and take effect in the County of Digby upon, from and after the day on which the annual or semi-annual licenses for the sale of spirituous liquors then in force in the said County should expire, provided such day were not less than ninety days from the day of the date above, and if less, then on the like day in the following year.

Vide Canada Gazette, Vol. XIV, p. 901.

REGULATIONS

Respecting Petitions under "*The Canada Temperance Act, 1878*," approved by His Excellency the Governor General in Council on the 31st day of January, 1881.

I.

All petitions to the Governor General in Council under "*The Canada Temperance Act, 1878*," whether the same be for the bringing of the second part of the Act into force in any County or City in Canada; or for the revocation of any Order in Council bringing the said second part of the Act into force as aforesaid, or for the repeal of a by-law passed by the Council of any County or City in Ontario or Quebec under the authority and for the enforcement of "*The Temperance Act of 1864*," are required to be executed and attested in the form following or to the like effect, viz:—

Petition as per Schedule A, of Act.

No.	Genuine signature of elector.	Name distinctly written.	Description or addition of elector.	Polling district or division of Voters List where name may be found.	Witness to signature.

It is particularly requested that the signatures to the petition be correctly and consecutively numbered.

Secretary of State.

as I verily believe qualified and competent to vote at the election of a Member of the House of Commons in the said _____ of _____

And I make this solemn declaration, &c., (*remainder as in form "a."*)

N.B. The above declaration may relate to the whole or part of a petition. If it be made with respect to part of the Petition only it should be varied accordingly.

Where a difference in spelling or otherwise exists between the signature as on the Petition and the name as on the Voters List which it is desired to explain, a special declaration in explanation should be given.

c.

A declaration or certificate by the Registrar, City or Town Clerk, Clerk of the Peace or other proper custodian of the Voters Lists, as to the number of electors in the County or City qualified and competent to vote at the election of a Member of the House of Commons at the time of the deposit of the petition with the Sheriff or Registrar of Deeds.

d.

A copy of the Revised Voters List in force in the County or City at the time of the deposit of the Petition with the Sheriff or Registrar of Deeds.

e.

A declaration or certificate by the Sheriff or Registrar of Deeds of or in the County or City named in the Petition as to the date of the deposit of the Petition and the time it remained in his office for public examination by any parties.

f.

Two copies of two newspapers containing the notice previous to deposit as required by section 6.

J. O. COTÈ,

Clerk, Privy Council.

By Order in Council of Tuesday, 8th day of March, 1881, the second part of "*The Canada Temperance Act, 1878*" was declared to be in force and take effect in the County of Queens, Nova Scotia, upon, from and after the day on which the annual or semi-annual licenses for the sale of spirituous liquors, then in force in the said County should expire, provided such day were not less than ninety days from the day of the date above, and if less, then on the like day in the following year.

Via Canada Gazette, Vol. XIV, p. 1196.

Secretary of State.

Letters Patent of Incorporation under the Joint Stock Companies Act, 1877, have been issued to the following companies :—

Canadian Telephone Company (limited), capital \$300,000 ; on the 16th day of July, 1880.

British and North-West Colonization Company (limited), capital \$200,000 ; on the 16th day of July, 1880.

Canada Publishing and News Company (limited) supplementary, extending character of operations ; on the 21st day of July, 1880.

Canada Lake Superior Transit Company (limited), capital \$150,000 ; on the 2nd day of September, 1880.

Niagara District Fruit Growers Stock Company (limited), capital \$10,000 ; on the 2nd day of September, 1880.

Trenton and Bay of Quinté Navigation Company (limited), capital \$8,500 ; on the 17th day of September, 1880.

Great Northern Transit Company (limited), capital \$200,000 ; on the 17th day of September, 1880.

Imperial Oil Company (limited), capital \$500,000 ; on the 17th day of September, 1880.

Hull Iron Company (limited), capital \$48,000 ; on the 22nd day of September, 1880.

Montreal News Company (limited), capital \$10,000 ; on the 22nd day of September, 1880.

Deseronto Navigation Company (limited), capital \$20,000 ; on the 12th day of October, 1880.

Souris Coal and Fuel Company (limited), capital \$300,000 ; on the 3rd day of December, 1880.

Sarnia Transportation Company (limited) capital \$30,000 ; on the 3rd day of December, 1880.

New Brunswick Land and Lumber Company (limited), capital \$1,500,000 ; on the 4th day of January, 1881.

Petrolia Oil Company (limited) capital \$40,000 ; on the 17th day of February, 1881.

Temiscamingue Steamboat Company (limited), capital \$10,000 ; on the 18th day of February, 1881.

Canada Co-operative Supply Association (limited), capital \$150,000 ; on the 10th day of March, 1881.

Canada Clock Company (limited), capital \$50,000 ; on the 17th day of March, 1881.

Canada Lithographic and Card Company (limited), capital \$75,000 ; on the 18th day of March, 1881.

Also under the Act 44 Vict., chap. 1, to—

The Canadian Pacific Railway Company, capital \$25,000,000 ; on the 16th day of February, 1881.

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ACTS
OF THE
PARLIAMENT
OF THE
DOMINION OF CANADA,

PASSED IN THE
FORTY-FOURTH YEAR OF THE REIGN OF HER MAJESTY
QUEEN VICTORIA,

AND IN THE
THIRD SESSION OF THE FOURTH PARLIAMENT,

*Begun and holden at Ottawa, on the ninth day of December, 1880, and
closed by Prorogation on the twenty-first day of March, 1881.*



HIS EXCELLENCY
THE RIGHT HONORABLE SIR JOHN DOUGLAS SUTHERLAND CAMPBELL,
(Commonly called THE MARQUIS OF LORNE,)
GOVERNOR GENERAL.

VOL. I.
PUBLIC GENERAL ACTS.

OTTAWA:
PRINTED BY BROWN CHAMBERLIN,
LAW PRINTER TO THE QUEEN'S MOST EXCELLENT MAJESTY,
ANNO DOMINI, 1881.



44 VICTORIA.

CHAP. 1.

An Act respecting the Canadian Pacific Railway.

[Assented to 15th February, 1881.]

WHEREAS by the terms and conditions of the admission Preamble.
of British Columbia into Union with the Dominion of
Canada, the Government of the Dominion has assumed the
obligation of causing a Railway to be constructed, connect-
ing the seaboard of British Columbia with the Railway
system of Canada ;

And whereas the Parliament of Canada has repeatedly Preference of
Parliament
for construc-
tion by a com-
pany.
declared a preference for the construction and operation of
such Railway by means of an incorporated Company aided
by grants of money and land, rather than by the Govern-
ment, and certain Statutes have been passed to enable that
course to be followed, but the enactments therein contained
have not been effectual for that purpose ;

And whereas certain sections of the said Railway have Greater part
still uncon-
structed.
been constructed by the Government, and others are in
course of construction, but the greater portion of the main
line thereof has not yet been commenced or placed under
contract, and it is necessary for the development of the
North-West Territory and for the preservation of the good
faith of the Government in the performance of its obliga-
tions, that immediate steps should be taken to complete and
operate the whole of the said Railway ;

And whereas, in conformity with the expressed desire of Contract en-
tered into.
Parliament, a contract has been entered into for the construc-
tion of the said portion of the main line of the said Railway,
and for the permanent working of the whole line thereof,
which contract with the schedule annexed has been laid
before Parliament for its approval and a copy thereof is
appended hereto, and it is expedient to approve and ratify
the said contract, and to make provision for the carrying out
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 :—

Contract approved.

1. The said contract, a copy of which with schedule annexed, is appended hereto, is hereby approved and ratified, and the Government is hereby authorized to perform and carry out the conditions thereof, according to their purport.

Charter may be granted.

2. For the purpose of incorporating the persons mentioned in the said contract, and those who shall be associated with them in the undertaking, and of granting to them the powers necessary to enable them to carry out the said contract according to the terms thereof, the Governor may grant to them in conformity with the said contract, under the corporate name of the Canadian Pacific Railway Company, a charter conferring upon them the franchises, privileges and powers embodied in the schedule to the said contract and to this Act appended, and such charter, being published in the *Canada Gazette*, with any Order or Orders in Council relating to it, shall have force and effect as if it were an Act of the Parliament of Canada, and shall be held to be an Act of incorporation within the meaning of the said contract.

Publication and effect of charter.

Certain grants of money and land may be made to the company chartered.

3. Upon the organization of the said Company, and the deposit by them, with the Government, of one million dollars in cash or securities approved by the Government, for the purpose in the said contract provided, and in consideration of the completion and perpetual and efficient operation of the railway by the said Company, as stipulated in the said contract, the Government may grant to the Company a subsidy of twenty-five million dollars in money, and twenty-five million acres of land, to be paid and conveyed to the Company in the manner and proportions, and upon the terms and conditions agreed upon in the said contract, and may also grant to the Company the land for right of way, stations and other purposes, and such other privileges as are provided for in the said contract. And in lieu of the payment of the said money subsidy direct to the Company, the Government may convert the same, and any interest accruing thereon, into a fund for the payment to the extent of such fund, of interest on the bonds of the Company, and may pay such interest accordingly; the whole in manner and form as provided for in the said contract.

Conversion of money grant authorized.

Certain materials may be admitted free of duty.

4. The Government may also permit the admission free of duty, of all steel rails, fish plates and other fastenings, spikes, bolts and nuts, wire, timber and all material for bridges to be used in the original construction of the said Canadian Pacific Railway, as defined by the Act thirty-seventh

Victoria, chapter fourteen, and of a telegraph line in connection therewith, and all telegraphic apparatus required for the first equipment of such telegraph line, the whole as provided by the tenth section of the said contract.

5. Pending the completion of the eastern and central sections of the said railway as described in the said contract, the Government may also transfer to the said Company the possession and right to work and run the several portions of the Canadian Pacific Railway as described in the said Act thirty-seventh Victoria, chapter fourteen, which are already constructed, and as the same shall be hereafter completed; and upon the completion of the said eastern and central sections the Government may convey to the Company, with a suitable number of station buildings, and with water service (but without equipment), those portions of the Canadian Pacific Railway constructed, or agreed by the said contract to be constructed by the Government, which shall then be completed; and upon completion of the remainder of the portion of the said railway to be constructed by the Government, that portion also may be conveyed by the Government to the Company, and the Canadian Pacific Railway defined as aforesaid shall become and be thereafter the absolute property of the Company; the whole, however, upon the terms and conditions, and subject to the restrictions and limitations contained in the said contract.

Company to have possession of completed portions of the railway.

Conveyance thereof to company when the contract is performed.

6. The Government shall also take security for the continuous operation of the said railway during the ten years next subsequent to the completion thereof in the manner provided by the said contract.

Security may be taken for operation of the railway.

SCHEDULE.

THIS CONTRACT AND AGREEMENT MADE BETWEEN HER MAJESTY THE QUEEN, acting in respect of the Dominion of Canada, and herein represented and acting by the Honorable SIR CHARLES TUPPER, K.C.M.G., Minister of Railways and Canals, and George Stephen and Duncan McIntyre, of Montreal, in Canada, John S. Kennedy of New York, in the State of New York, Richard B. Angus and James J. Hill, of St. Paul, in the State of Minnesota, Morton, Rose & Co., of London, England, and Kohn, Reinach & Co., of Paris, France,

Witnesses:

That the parties hereto have contracted and agreed with each other as follows, namely:—

1. For the better interpretation of this contract, it is hereby declared that the portion of railway hereinafter called the Eastern section, shall comprise that part of the Canadian Pacific Railway to be constructed, extending from the Western

Interpretation clause. Eastern section.

Lake Superior section.

Central section.

C. P. Railway.

Company.

Government.

Western terminus of the Canada Central Railway, near the East end of Lake Nipissing, known as Callander Station, to a point of junction with that portion of the said Canadian Pacific Railway now in course of construction extending from Lake Superior to Selkirk on the East side of Red River; which latter portion is hereinafter called the Lake Superior section. That the portion of said railway, now partially in course of construction, extending from Selkirk to Kamloops, is hereinafter called the Central section; and the portion of said railway now in course of construction, extending from Kamloops to Port Moody, is hereinafter called the Western section. And that the words "the Canadian Pacific Railway," are intended to mean the entire railway, as described in the Act 37th Victoria, chap. 14. The individual parties hereto, are hereinafter described as the Company; and the Government of Canada is hereinafter called the Government.

Security to be given by the company.

Conditions thereof.

2. The contractors immediately after the organization of the said Company, shall deposit with the Government \$1,000,000 in cash or approved securities, as a security for the construction of the railway hereby contracted for. The Government shall pay to the Company interest on the cash deposited at the rate of four per cent. per annum, half-yearly, and shall pay over to the Company the interest received upon securities deposited,—the whole until default in the performance of the conditions hereof, or until the repayment of the deposit; and shall return the deposit to the Company on the completion of the railway, according to the terms hereof, with any interest accrued thereon.

Eastern and central sections to be constructed by company described.

Standard of railway and provision in case of disagreement as to conformity to it.

3. The Company shall lay out, construct and equip the said Eastern section, and the said Central section, of a uniform gauge of 4 feet 8½ inches; and in order to establish an approximate standard whereby the quality and the character of the railway and of the materials used in the construction thereof, and of the equipment thereof may be regulated, the Union Pacific Railway of the United States as the same was when first constructed, is hereby selected and fixed as such standard. And if the Government and the Company should be unable to agree as to whether or not any work done or materials furnished under this contract are in fair conformity with such standard, or as to any other question of fact, excluding questions of law, the subject of disagreement shall be, from time to time, referred to the determination of three referees, one of whom shall be chosen by the Government, one by the Company, and one by the two referees so chosen, and such referees shall decide as to the party by whom the expense of such reference shall be defrayed. And if such two referees should be unable to agree upon a third referee, he shall be appointed

at

at the instance of either party hereto, after notice to the other, by the Chief Justice of the Supreme Court of Canada. And the decision of such referees, or of the majority of them, shall be final.

4. The work of construction shall be commenced at the eastern extremity of the Eastern section not later than the first day of July next, and the work upon the Central section shall be commenced by the Company at such point towards the eastern end thereof on the portion of the line now under construction as shall be found convenient and as shall be approved by the Government, at a date not later than the 1st May next. And the work upon the Eastern and Central sections, shall be vigorously and continuously carried on at such rate of annual progress on each section as shall enable the Company to complete and equip the same and each of them, in running order, on or before the first day of May, 1891, by which date the Company hereby agree to complete and equip the said sections in conformity with this contract, unless prevented by the act of God, the Queen's enemies, intestine disturbances, epidemics, floods, or other causes beyond the control of the Company. And in case of the interruption or obstruction of the work of construction from any of the said causes, the time fixed for the completion of the railway shall be extended for a corresponding period.

Commencement and regular progress of the work.

Period for completion.

5. The Company shall pay to the Government the cost, according to the contract, of the portion of railway, 100 miles in length, extending from the city of Winnipeg westward, up to the time at which the work was taken out of the hands of the contractor and the expenses since incurred by the Government in the work of construction, but shall have the right to assume the said work at any time and complete the same, paying the cost of construction as aforesaid, so far as the same shall then have been incurred by the Government.

As to portion of central section made by Government.

6. Unless prevented by the act of God, the Queen's enemies, intestine disturbances, epidemics, floods or other causes beyond the control of the Government, the Government shall cause to be completed the said Lake Superior section, by the dates fixed by the existing contracts for the construction thereof; and shall also cause to be completed the portion of the said Western section now under contract, namely, from Kamloops to Yale, within the period fixed by the contracts therefor, namely, by the thirtieth day of June, 1885; and shall also cause to be completed, on or before the first day of May, 1891, the remaining portion of the said Western section, lying between Yale and Port Moody, which shall be constructed of equally good quality in every respect with the standard hereby created for the portion hereby contracted for. And the said Lake Superior section, and the portions

Government to construct portions now under contract within periods fixed by contract.

portions of the said Western section now under contract, shall be completed as nearly as practicable according to the specifications and conditions of the contracts therefor, except in so far as the same have been modified by the Government prior to this contract.

Completed railway to be property of company.

7. The railway constructed under the terms hereof shall be the property of the Company: and pending the completion of the Eastern and Central sections, the Government shall transfer to the Company the possession and right to work and run the several portions of the Canadian Pacific Railway already constructed or as the same shall be completed. And upon the completion of the Eastern and Central sections, the Government shall convey to the Company, with a suitable number of station buildings and with water service (but without equipment), those portions of the Canadian Pacific Railway constructed or to be constructed by the Government which shall then be completed; and upon completion of the remainder of the portion of railway to be constructed by the Government, that portion shall also be conveyed to the Company; and the Canadian Pacific Railway shall become and be thereafter the absolute property of the Company. And the Company shall thereafter and forever efficiently maintain, work and run the Canadian Pacific Railway.

Transfer of portions constructed by Government.

Company to operate the railway for ever.

Company to equip portions transferred to them.

8. Upon the reception from the Government of the possession of each of the respective portions of the Canadian Pacific Railway, the Company shall equip the same in conformity with the standard herein established for the equipment of the sections hereby contracted for, and shall thereafter maintain and efficiently operate the same.

Subsidy in money and land.

9. In consideration of the premises, the Government agree to grant to the Company a subsidy in money of \$25,000,000, and in land of 25,000,000 acres, for which subsidies the construction of the Canadian Pacific Railway shall be completed and the same shall be equipped, maintained and operated,—the said subsidies respectively to be paid and granted as the work of construction shall proceed, in manner and upon the conditions following, that is to say:—

Apportionment of money..

a. The said subsidy in money is hereby divided and appropriated as follows, namely:—

CENTRAL SECTION.

Assumed at 1,350 miles—

1st.—900 miles, at \$10,000 per mile.....	\$ 9,000,000	
2nd.—450 " " 13,333 " "	6,000,000	
		\$15,000,000

EASTERN SECTION.

Assumed at 650 miles, subsidy equal to \$15,381.61 per mile..	10,000,000	
		\$25,000,000

And the said subsidy in land is hereby divided and appropriated as follows, subject to the reserve hereinafter provided for :-- And of land.

CENTRAL SECTION.

1st.—900 miles, at 12,500 acres per mile.....	11,250,000	
2nd.—450 “ “ 16,666.66 “ “ “	7,500,000	
	18,750,000	

EASTERN SECTION.

Assumed at 650 miles, subsidy equal to 9,615.35 acres per mile.....	6,250,000	
	25,000,000	

b. Upon the construction of any portion of the railway hereby contracted for, not less than 20 miles in length, and the completion thereof so as to admit of the running of regular trains thereon, together with such equipment thereof as shall be required for the traffic thereon, the Government shall pay and grant to the Company the money and land subsidies applicable thereto, according to the division and appropriation thereof made as hereinbefore provided; the Company having the option of receiving in lieu of cash, terminable bonds of the Government, bearing such rate of interest, for such period and nominal amount as may be arranged, and which may be equivalent according to actuarial calculation to the corresponding cash payment,—the Government allowing four per cent. interest on moneys deposited with them. When to be paid or granted.
Option of company to take terminable bonds.

c. If at any time the Company shall cause to be delivered on or near the line of the said railway, at a place satisfactory to the Government, steel rails and fastenings to be used in the construction of the railway, but in advance of the requirements for such construction, the Government, on the requisition of the Company, shall, upon such terms and conditions as shall be determined by the Government, advance thereon three-fourths of the value thereof at the place of delivery. And a proportion of the amount so advanced shall be deducted, according to such terms and conditions, from the subsidy to be thereafter paid, upon the settlement for each section of 20 miles of railway,—which proportion shall correspond with the proportion of such rails and fastenings which have been used in the construction of such sections. Provision as to materials for construction delivered by company in advance.

d. Until the first day of January, 1882, the Company shall have the option, instead of issuing land grant bonds as hereinafter provided, of substituting the payment by the Government of the interest (or part of the interest) on bonds of the Company mortgaging the railway and the lands to be granted by the Government, running over such term of years as may be approved by the Governor in Council, in lieu of the cash subsidy Option of the company during a certain time to substitute payment of interest on certain bonds instead of issuing land grant bonds.

- sidy hereby agreed to be granted to the Company or any part thereof—such payments of interest to be equivalent according to actuarial calculation to the corresponding cash payment, the Government allowing four per cent. interest on moneys deposited with them ; and the coupons representing the interest on such bonds shall be guaranteed by the Government to the extent of such equivalent. And the proceeds of the sale of such bonds to the extent of not more than \$25,000,000, shall be deposited with the Government, and the balance of such proceeds shall be placed elsewhere by the Company, to the satisfaction and under the exclusive control of the Government ; failing which last condition the bonds in excess of those sold shall remain in the hands of the Government. And from time to time as the work proceeds, the Government shall pay over to the Company : firstly, out of the amount so to be placed by the Company,—and, after the expenditure of that amount, out of the amount deposited with the Government,—sums of money bearing the same proportion to the mileage cash subsidy hereby agreed upon, which the net proceeds of such sale (if the whole of such bonds are sold upon the issue thereof, or, if such bonds be not all then sold, the net proceeds of the issue, calculated at the rate at which the sale of part of them shall have been made,) shall bear to the sum of \$25,000,000. But if only a portion of the bond issue be sold, the amount earned by the Company according to the proportion aforesaid, shall be paid to the Company, partly out of the bonds in the hands of the Government, and partly out of the cash deposited with the Government, in similar proportions to the amount of such bonds sold and remaining unsold respectively ; and the Company shall receive the bonds so paid, as cash, at the rate at which the said partial sale thereof shall have been made.
- Deposit of proceeds of sale of such bonds.** And the Government will receive and hold such sum of money towards the creation of a sinking fund for the redemption of such bonds, and upon such terms and conditions, as shall be agreed upon between the Government and the Company.
- Payments to company out of such deposits.** *e.* If the Company avail themselves of the option granted by clause *d*, the sum of \$2,000 per mile for the first eight hundred miles of the Central section shall be deducted *pro rata* from the amount payable to the Company in respect of the said eight hundred miles, and shall be appropriated to increase the mileage cash subsidy appropriated to the remainder of the said Central section.
- Payment by delivery of bonds.**
- Sinking fund.**
- Alteration in apportionment of money grant in such case.**
- Grant of land required for railway purposes.** 10. In further consideration of the premises, the Government shall also grant to the Company the lands required for the road bed of the railway, and for its stations, station grounds, workshops, dock ground and water frontage at the termini on navigable waters, buildings, yards and other appurtenances required for the convenient and effectual construction and working of the railway, in so far as such land

land shall be vested in the Government. And the Government shall also permit the admission free of duty, of all steel rails, fish plates and other fastenings, spikes, bolts and nuts, wire, timber and all material for bridges, to be used in the original construction of the railway, and of a telegraph line in connection therewith, and all telegraphic apparatus required for the first equipment of such telegraph line; and will convey to the Company, at cost price, with interest, all rails and fastenings bought in or since the year 1879, and other materials for construction in the possession of or purchased by the Government, at a valuation,—such rails, fastenings and materials not being required by it for the construction of the said Lake Superior and Western sections.

Admission of certain materials free of duty.

Sale of certain materials to company by Government.

11. The grant of land hereby agreed to be made to the Company, shall be so made in alternate sections of 640 acres each, extending back 24 miles deep, on each side of the railway, from Winnipeg to Jasper House, in so far as such lands shall be vested in the Government,—the Company receiving the sections bearing uneven numbers. But should any of such sections consist in a material degree of land not fairly fit for settlement, the Company shall not be obliged to receive them as part of such grant; and the deficiency thereby caused and any further deficiency which may arise from the insufficient quantity of land along the said portion of railway, to complete the said 25,000,000 acres, or from the prevalence of lakes and water stretches in the sections granted (which lakes and water stretches shall not be computed in the acreage of such sections), shall be made up from other portions in the tract known as the fertile belt, that is to say, the land lying between parallels 49 and 57 degrees of north latitude, or elsewhere at the option of the Company, by the grant therein of similar alternate sections extending back 24 miles deep on each side of any branch line or lines of railway to be located by the Company, and to be shown on a map or plan thereof deposited with the Minister of Railways; or of any common front line or lines agreed upon between the Government and the Company,—the conditions hereinbefore stated as to lands not fairly fit for settlement to be applicable to such additional grants. And the Company may with the consent of the Government, select in the North-West Territories any tract or tracts of land not taken up as a means of supplying or partially supplying such deficiency. But such grants shall be made only from lands remaining vested in the Government.

Provision respecting land grant.

Case of deficiency of land on line of railway provided for.

Selection by Company in such case, with consent of Government.

12. The Government shall extinguish the Indian title affecting the lands herein appropriated, and to be hereafter granted in aid of the railway.

As to Indian title.

Location of railway between certain terminal points.

13. The Company shall have the right, subject to the approval of the Governor in Council, to lay out and locate the line of the railway hereby contracted for, as they may see fit, preserving the following terminal points, namely: from Callander station to the point of junction with the Lake Superior section; and from Selkirk to the junction with the Western section at Kamloops by way of the Yellow Head Pass.

Power to construct branches.

14. The Company shall have the right, from time to time, to lay out, construct, equip, maintain and work branch lines of railway from any point or points along their main line of railway, to any point or points within the territory of the Dominion. Provided always, that before commencing any branch they shall first deposit a map and plan of such branch in the Department of Railways. And the Government shall grant to the Company the lands required for the road bed of such branches, and for the stations, station grounds, buildings, workshops, yards and other appurtenances requisite for the efficient construction and working of such branches, in so far as such lands are vested in the Government.

Lands necessary for the same.

Restriction as to competing lines for a limited period.

15. For twenty years from the date hereof, no line of railway shall be authorized by the Dominion Parliament to be constructed South of the Canadian Pacific Railway, from any point at or near the Canadian Pacific Railway, except such line as shall run South West or to the Westward of South West; nor to within fifteen miles of Latitude 49. And in the establishment of any new Province in the North-West Territories, provision shall be made for continuing such prohibition after such establishment until the expiration of the said period.

Exemption from taxation in N. W. territories.

16. The Canadian Pacific Railway, and all stations and station grounds, work shops, buildings, yards and other property, rolling stock and appurtenances required and used for the construction and working thereof, and the capital stock of the Company, shall be forever free from taxation by the Dominion, or by any Province hereafter to be established, or by any Municipal Corporation therein; and the lands of the Company, in the North-West Territories, until they are either sold or occupied, shall also be free from such taxation for 20 years after the grant thereof from the Crown.

Land grant bonds.

Their nature, and condi-

17. The Company shall be authorized by their Act of incorporation to issue bonds, secured upon the land granted and to be granted to the Company, containing provisions for the use of such bonds in the acquisition of lands, and such other

other conditions as the Company shall see fit,—such issue to be for \$25,000,000. And should the Company make such issue of land grant bonds, then they shall deposit them in the hands of the Government; and the Government shall retain and hold one-fifth of such bonds as security for the due performance of the present contract in respect of the maintenance and continuous working of the railway by the Company, as herein agreed, for ten years after the completion thereof, and the remaining \$20,000,000 of such bonds shall be dealt with as hereinafter provided. And as to the said one-fifth of the said bonds, so long as no default shall occur in the maintenance and working of the said Canadian Pacific Railway, the Government shall not present or demand payment of the coupons of such bonds, nor require payment of any interest thereon. And if any of such bonds, so to be retained by the Government, shall be paid off in the manner to be provided for the extinction of the whole issue thereof, the Government shall hold the amount received in payment thereof as security for the same purposes as the bonds so paid off, paying interest thereon at four per cent. per annum so long as default is not made by the Company in the performance of the conditions hereof. And at the end of the said period of ten years from the completion of the said railway, if no default shall then have occurred in such maintenance and working thereof, the said bonds, or if any of them shall then have been paid off, the remainder of said bonds and the money received for those paid off, with accrued interest, shall be delivered back by the Government to the Company with all the coupons attached to such bonds. But if such default should occur, the Government may thereafter require payment of interest on the bonds so held, and shall not be obliged to continue to pay interest on the money representing bonds paid off; and while the Government shall retain the right to hold the said portion of the said land grant bonds, other securities satisfactory to the Government may be substituted for them by the Company, by agreement with the Government.

tions of issue by the company.

Deposit with Government; for what purposes and on what conditions.

If the company make no default in operating railway.

In case of such default.

18. If the Company shall find it necessary or expedient to sell the remaining \$20,000,000 of the land grant bonds or a larger portion thereof than in the proportion of one dollar for each acre of land then earned by the Company, they shall be allowed to do so, but the proceeds thereof, over and above the amount to which the Company shall be entitled as herein provided, shall be deposited with the Government. And the Government shall pay interest upon such deposit half-yearly, at the rate of four per cent. per annum, and shall pay over the amount of such deposit to the Company from time to time, as the work proceeds,

Provision if such bonds are sold faster than lands are earned by the company, and deposit on interest with Government, and payments by Government to company.

ceeds, in the same proportions, and at the same times and upon the same conditions as the land grant—that is to say: the Company shall be entitled to receive from the Government out of the proceeds of the said land grant bonds, the same number of dollars as the number of acres of the land subsidy which shall then have been earned by them, less one fifth thereof, that is to say, if the bonds are sold at par, but if they are sold at less than par, then a deduction shall be made therefrom corresponding to the discount at which such bonds are sold. And such land grant shall be conveyed to them by the Government, subject to the charge created as security for the said land grant bonds, and shall remain subject to such charge till relieved thereof in such manner as shall be provided for at the time of the issue of such bonds.

Lands to be granted subject to such bonds.

Company to pay certain expenses.

19. The Company shall pay any expenses which shall be incurred by the Government in carrying out the provisions of the last two preceding clauses of this contract.

If land bonds are not issued, one-fifth of land to be retained as security.

How to be disposed of.

Substitution of other securities.

20. If the Company should not issue such land grant bonds, then the Government shall retain from out of each grant to be made from time to time, every fifth section of the lands hereby agreed to be granted, such lands to be so retained as security for the purposes, and for the length of time, mentioned in section eighteen hereof. And such lands may be sold in such manner and at such prices as shall be agreed upon between the Government and the Company; and in that case the price thereof shall be paid to, and held by the Government for the same period, and for the same purposes as the land itself, the Government paying four per cent. per annum interest thereon. And other securities satisfactory to the Government may be substituted for such lands or money by agreement with the Government.

Company to be incorporated as by schedule A.

21. The Company to be incorporated, with sufficient powers to enable them to carry out the foregoing contract, and this contract shall only be binding in the event of an Act of incorporation being granted to the Company in the form hereto appended as Schedule A.

Railway Act to apply.

Exceptions.

22. The Railway Act of 1879, in so far as the provisions of the same are applicable to the undertaking referred to in this contract, and in so far as they are not inconsistent herewith or inconsistent with or contrary to the provisions of the Act of incorporation to be granted to the Company, shall apply to the Canadian Pacific Railway.

In

In witness whereof the parties hereto have executed these presents at the City of Ottawa, this twenty-first day of October, 1880.

(Signed) CHARLES TUPPER,
 Minister of Railways and Canals.
 " GEO. STEPHEN,
 " DUNCAN McINTYRE,
 " J. S. KENNEDY,
 " R. B. ANGUS,
 " J. J. HILL,
 Per pro. Geo. Stephen.
 " MORTON, ROSE & Co.
 " KOHN, REINACH & Co.,
 By P. Du P. Grenfell.

Signed in presence of F. BRAUN,
 and Seal of the Department
 hereto affixed by Sir CHARLES
 TUPPER, in presence of

(Signed) F. BRAUN.

SCHEDULE A, REFERRED TO IN THE FOREGOING CONTRACT.

INCORPORATION.

1. George Stephen, of Montreal, in Canada, Esquire; Duncan McIntyre, of Montreal, aforesaid, Merchant; John S. Kennedy, of New York, in the State of New York, Banker; the firm of Morton, Rose and Company, of London, in England, Merchants; the firm of Kohn, Reinach and Company, of Paris, in France, Bankers; Richard B. Angus, and James J. Hill, both of St. Paul, in the State of Minnesota, Esquires; with all such other persons and corporations as shall become shareholders in the Company hereby incorporated, shall be and they are hereby constituted a body corporate and politic, by the name of the "Canadian Pacific Railway Company." Certain persons incorporated. Corporate name.

2. The capital stock of the Company shall be twenty-five million dollars, divided into shares of one hundred dollars each,—which shares shall be transferable in such manner and upon such conditions as shall be provided by the by-laws of the Company; and such shares, or any part thereof, may be granted and issued as paid-up shares for value *bond fide* received by the Company, either in money at par or at such price Capital stock and shares. Paid up shares.

price and upon such conditions as the Board of Directors may fix, or as part of the consideration of any contract made by the Company.

Substitution of company as contractors; and when.

Effect of such substitution.

Notice in Canada Gazette.

Further instalment to be paid up.

And rest of \$5,000,000.

Necessary franchises and powers granted.

Proviso.

First directors of the company.

3. As soon as five million dollars of the stock of the Company have been subscribed, and thirty per centum thereof paid up, and upon the deposit with the Minister of Finance of the Dominion of one million dollars in money or in securities approved by the Governor in Council, for the purpose and upon the conditions in the foregoing contract provided, the said contract shall become and be transferred to the Company, without the execution of any deed or instrument in that behalf; and the Company shall, thereupon, become and be vested with all the rights of the contractors named in the said contract, and shall be subject to, and liable for, all their duties and obligations, to the same extent and in the same manner as if the said contract had been executed by the said Company instead of by the said contractors; and thereupon the said contractors, as individuals, shall cease to have any right or interest in the said contract, and shall not be subject to any liability or responsibility under the terms thereof otherwise than as members of the corporation hereby created. And upon the performance of the said conditions respecting the subscription of stock, the partial payment thereof, and the deposit of one million dollars to the satisfaction of the Governor in Council, the publication by the Secretary of State in the *Canada Gazette*, of a notice that the transfer of the contract to the Company has been effected and completed shall be conclusive proof of the fact. And the Company shall cause to be paid up, on or before the first day of May next, a further instalment of twenty per centum upon the said first subscription of five million dollars, of which call thirty days notice by circular mailed to each shareholder shall be sufficient. And the Company shall call in, and cause to be paid up, on or before the 31st day of December, 1882, the remainder of the said first subscription of five million dollars.

4. All the franchises and powers necessary or useful to the Company to enable them to carry out, perform, enforce, use, and avail themselves of, every condition, stipulation, obligation, duty, right, remedy, privilege, and advantage agreed upon, contained or described in the said contract, are hereby conferred upon the Company. And the enactment of the special provisions hereinafter contained shall not be held to impair or derogate from the generality of the franchises and powers so hereby conferred upon them.

DIRECTORS.

5. The said George Stephen, Duncan McIntyre, John S. Kennedy, Richard B. Angus, James J. Hill, Henry Stafford

ford Northcote, of London, aforesaid, Esquires, Pascoe du P. Grenfell, of London, aforesaid, Merchant, Charles Day Rose, of London, aforesaid, Merchant, and Baron J. de Reinach, of Paris, aforesaid, Banker, are hereby constituted the first directors of the Company, with power to add to their number, but so that the directors shall not in all exceed fifteen in number; and the majority of the directors, of whom the President shall be one, shall be British subjects. And the Board of Directors so constituted shall have all the powers hereby conferred upon the directors of the Company, and they shall hold office until the first annual meeting of the shareholders of the Company.

Number limited.

Majority to be British subjects.
Powers and term of office.

6. Each of the directors of the Company, hereby appointed, or hereafter appointed or elected, shall hold at least two hundred and fifty shares of the stock of the Company. But the number of directors to be hereafter elected by the shareholders shall be such, not exceeding fifteen, as shall be fixed by by-law, and subject to the same conditions as the directors appointed by, or under the authority of, the last preceding section; the number thereof may be hereafter altered from time to time in like manner. The votes for their election shall be by ballot.

Qualification of directors.

Alteration of number by by-law.

Ballot.

7. A majority of the directors shall form a quorum of the board; and until otherwise provided by by-law, directors may vote and act by proxy,—such proxy to be held by a director only; but no director shall hold more than two proxies, and no meeting of directors shall be competent to transact business unless at least three directors are present thereat in person, the remaining number of directors required to form a quorum being represented by proxies.

Quorum.

Provis.

Three must be present.

8. The Board of Directors may appoint, from out of their number, an Executive Committee, composed of at least three directors, for the transaction of the ordinary business of the Company, with such powers and duties as shall be fixed by the by-laws; and the President shall be *ex officio* a member of such committee.

Executive committee.

President to be one.

9. The chief place of business of the Company shall be at the City of Montreal, but the Company may, from time to time, by by-law, appoint and fix other places within or beyond the limits of Canada at which the business of the Company may be transacted, and at which the directors or shareholders may meet, when called as shall be determined by the by-laws. And the Company shall appoint and fix by by-law, at least one place in each Province or Territory through which the railway shall pass, where service of process may be made upon the Company, in respect of any cause of action arising within such Province or Territory,

Chief place of business.
Other places.

Places for service of process, &c.

and may afterwards, from time to time, change such place by by-law. And a copy of any by-law fixing or changing any such place, duly authenticated as herein provided, shall be deposited by the Company in the office, at the seat of Government of the Province or Territory to which such by-law shall apply, of the clerk or prothonotary of the highest, or one of the highest, courts of civil jurisdiction of such Province or Territory. And if any cause of action shall arise against the Company within any Province or Territory, and any writ or process be issued against the Company thereon out of any court in such Province or Territory, service of such process may be validly made upon the Company at the place within such Province or Territory so appointed and fixed; but if the Company fail to appoint and fix such place, or to deposit, as hereinbefore provided, the by-law made in that behalf, any such process may be validly served upon the Company, at any of the stations of the said railway within such Province or Territory.

How to be notified.

Service of process thereat.

And if company fail to appoint places.

SHAREHOLDERS.

10. The first annual meeting of the shareholders of the Company, for the appointment of directors, shall be held on the second Wednesday in May, one thousand eight hundred and eighty-two, at the principal office of the Company, in Montreal; and the annual general meeting of shareholders, for the election of directors and the transaction of business generally, shall be held on the same day in each year thereafter at the same place unless otherwise provided by the by-laws. And notice of each of such meetings shall be given by the publication thereof in the *Canada Gazette* for four weeks, and by such further means as shall, from time to time, be directed by the by-laws.

First and other annual meetings.

Notice.

11. Special general meetings of the shareholders may be convened in such manner as shall be provided by the by-laws: and except as hereinafter provided, notice of such meetings shall be given in the same manner as notices of annual general meetings, the purpose for which such meeting is called being mentioned in the notices thereof; and, except as hereinafter provided, all such meetings shall be held at the chief place of business of the Company.

Special general meetings: notice.

Place.

12. If at any time before the first annual meeting of the shareholders of the Company, it should become expedient that a meeting of the directors of the Company, or a special general meeting of the shareholders of the Company, should be held, before such meeting can conveniently be called, and notice thereof given in the manner provided by this Act, or by the by-laws, or before by-laws in that behalf have been passed, and at a place other than at the chief place of business of the Company in Montreal before the enactment of a by-law

Provision if a meeting be necessary before notice as aforesaid can be given.

by-law authorizing the holding of such meeting elsewhere; it shall be lawful for the President or for any three of the directors of the Company to call special meetings either of directors or of shareholders, or of both, to be held at the City of London in England, at times and places respectively, to be stated in the notices to be given of such meetings respectively. And notices of such meetings may be validly given by a circular mailed to the ordinary address of each director or shareholder as the case may be, in time to enable him to attend such meeting, stating in general terms the purpose of the intended meeting. And in the case of a meeting of shareholders, the proceedings of such meeting shall be held to be valid and sufficient, and to be binding on the Company in all respects, if every shareholder of the Company be present thereat in person or by proxy, notwithstanding that notice of such meeting shall not have been given in the manner required by this Act.

Notices in such case.

Meetings always valid if all shareholders or their proxies are present.

13. No shareholder holding shares upon which any call is overdue and unpaid shall vote at any meeting of shareholders. And unless otherwise provided by the by-laws, the person holding the proxy of a shareholder shall be himself a shareholder.

Limitation as to votes and proxies.

14. No call upon unpaid shares shall be made for more than twenty per centum upon the amount thereof.

And as to calls.

RAILWAY AND TELEGRAPH LINE.

15. The Company may lay out, construct, acquire, equip, maintain and work a continuous line of railway, of the gauge of four feet eight and one-half inches; which railway shall extend from the terminus of the Canada Central Railway near Lake Nipissing, known as Callander Station, to Port Moody in the Province of British Columbia; and also, a branch line of railway from some point on the main line of railway to Fort William on Thunder Bay; and also the existing branch line of railway from Selkirk, in the Province of Manitoba, to Pembina in the said Province; and also other branches to be located by the Company from time to time as provided by the said contract,—the said branches to be of the gauge aforesaid: and the said main line of railway, and the said branch lines of railway, shall be commenced and completed as provided by the said contract; and together with such other branch lines as shall be hereafter constructed by the said Company, and any extension of the said main line of railway that shall hereafter be constructed or acquired by the Company, shall constitute the line of railway hereinafter called THE CANADIAN PACIFIC RAILWAY.

Line and gauge of railway.

And of certain branches thereof.

Commencement and completion.

Other branches.

Name of railway.

Company may construct lines of telegraph or telephone, and work them and collect tolls.

Subject to Con. Stat. Can., c. 67, ss. 14, 15, 16.

As to future inventions.

16. The Company may construct, maintain and work a continuous telegraph line and telephone lines throughout and along the whole line of the Canadian Pacific Railway, or any part thereof, and may also construct or acquire by purchase, lease or otherwise, any other line or lines of telegraph connecting with the line so to be constructed along the line of the said railway, and may undertake the transmission of messages for the public by any such line or lines of telegraph or telephone, and collect tolls for so doing; or may lease such line or lines of telegraph or telephone, or any portion thereof; and, if they think proper to undertake the transmission of messages for hire, they shall be subject to the provisions of the fourteenth, fifteenth and sixteenth sections of chapter sixty-seven of the Consolidated Statutes of Canada. And they may use any improvement that may hereafter be invented (subject to the rights of patentees) for telegraphing or telephoning, and any other means of communication that may be deemed expedient by the Company at any time hereafter.

POWERS.

Application of 42 V., c. 9.

17. "*The Consolidated Railway Act, 1879*," in so far as the provisions of the same are applicable to the undertaking authorized by this charter, and in so far as they are not inconsistent with or contrary to the provisions hereof, and save and except as hereinafter provided, is hereby incorporated herewith.

Exceptions as to such application.

18. As respects the said railway, the seventh section of "*The Consolidated Railway Act, 1879*," relating to POWERS, and the eighth section thereof relating to PLANS AND SURVEYS, shall be subject to the following provisions:—

As to lands of the Crown required.

a. The Company shall have the right to take, use and hold the beach and land below high water mark, in any stream, lake, navigable water, gulf or sea, in so far as the same shall be vested in the Crown and shall not be required by the Crown, to such extent as shall be required by the Company for its railway and other works, and as shall be exhibited by a map or plan thereof deposited in the office of the Minister of Railways. But the provisions of this sub-section shall not apply to any beach or land lying East of Lake Nipissing except with the approval of the Governor in Council.

Plans and book of reference.

b. It shall be sufficient that the map or plan and book of reference for any portion of the line of the railway not being within any district or county for which there is a Clerk of the Peace, be deposited in the office of the Minister of Railways of Canada; and any omission, mis-statement or erroneous description of any lands therein may be corrected by

by the Company, with the consent of the Minister and certified by him; and the Company may then make the railway in accordance with such certified correction.

c. The eleventh sub-section of the said eighth section of the Railway Act shall not apply to any portion of the railway passing over ungranted lands of the Crown, or lands not within any surveyed township in any Province; and in such places, deviations not exceeding five miles from the line shown on the map or plan as aforesaid, deposited by the Company, shall be allowed, without any formal correction or certificate; and any further deviation that may be found expedient may be authorized by order of the Governor in Council, and the Company may then make their railway in accordance with such authorized deviation.

Deviations from line on plan.

d. The map or plan and book of reference of any part of the main line of the Canadian Pacific Railway made and deposited in accordance with this section, after approval by the Governor in Council, and of any branch of such railway hereafter to be located by the said Company in respect of which the approval of the Governor in Council shall not be necessary, shall avail as if made and deposited as required by the said "*Consolidated Railway Act, 1879*," for all the purposes of the said Act, and of this Act; and any copy of, or extract therefrom, certified by the said Minister or his deputy, shall be received as evidence in any court of law in Canada.

Deposit of plan of main line, &c.

And of branches.

Copies thereof.

e. It shall be sufficient that a map or profile of any part of the completed railway, which shall not lie within any county or district having a registry office, be filed in the office of the Minister of Railways

Registration thereof.

19. It shall be lawful for the Company to take from any public lands adjacent to or near the line of the said railway, all stone, timber, gravel and other materials which may be necessary or useful for the construction of the railway; and also to lay out and appropriate to the use of the Company, a greater extent of lands, whether public or private, for stations, depots, workshops, buildings, side-tracks, wharves, harbours and roadway, and for establishing screens against snow, than the breadth and quantity mentioned in "*The Consolidated Railway Act, 1879*,"—such greater extent taken, in any case being allowed by the Government, and shown on the maps or plans deposited with the Minister of Railways.

Company may take materials from public lands; and a greater extent for stations, &c. than allowed by 42 V. c. 9.

Proviso.

20. The limit to the reduction of tolls by the Parliament of Canada provided for by the eleventh sub-section of the 17th section of "*The Consolidated Railway Act, 1879*," respecting TOLLS, is hereby extended, so that such reduction may be to such an extent that such tolls when reduced shall not produce

Limit of reduction of tolls by Parliament under 42 V., c. 9, s. 17, extended.

Reduction by Governor in Council extended in like manner.

produce less than ten per cent. per annum profit on the capital actually expended in the construction of the railway, instead of not less than fifteen per cent per annum profit, as provided by the said sub-section; and so also that such reduction shall not be made unless the net income of the Company, ascertained as described in said sub-section, shall have exceeded ten per cent. per annum instead of fifteen per cent. per annum as provided by the said sub-section. And the exercise by the Governor in Council of the power of reducing the tolls of the Company as provided by the tenth sub-section of said section seventeen is hereby limited to the same extent with relation to the profit of the Company, and to its net revenue, as that to which the power of Parliament to reduce tolls is limited by said sub-section eleven as hereby amended.

Restriction as to transfers of stock.

21. The first and second sub-sections of section 22, of "*The Consolidated Railway Act, 1879*," shall not apply to the Canadian Pacific Railway Company; and it is hereby enacted that the transfer of shares in the undertaking shall be made only upon the books of the Company in person or by attorney, and shall not be valid unless so made; and the form and mode of transfer shall be such as shall be, from time to time, regulated by the by-laws of the Company. And the funds of the Company shall not be used in any advance upon the security of any of the shares or stock of the Company.

Advances on, by company forbidden.

Transfer or transmission to non-shareholders subject to veto of directors until completion of contract.

22. The third and fourth sub-sections of said section 22 of "*The Consolidated Railway Act, 1879*," shall be subject to the following provisions, namely,—that if before the completion of the railway and works under the said contract, any transfer should purport to be made of any stock or share in the Company, or any transmission of any share should be effected under the provisions of said sub-section four, to a person not already a shareholder in the Company, and if in the opinion of the board it should not be expedient that the person (not being already a shareholder) to whom such transfer or transmission shall be made or effected should be accepted as a shareholder, the directors may by resolution veto such transfer or transmission; and thereafter, and until after the completion of the said railway and works under the said contract, such person shall not be, or be recognized as a shareholder in the Company; and the original shareholder, or his estate, as the case may be, shall remain subject to all the obligations of a shareholder in the Company, with all the rights conferred upon a shareholder under this Act. But any firm holding paid-up shares in the Company may transfer the whole or any of such shares to any partner in such firm having already an interest as such partner in such shares, without being subject to such veto. And in the event of such veto being exercised, a note shall

Proviso: as to transfer by a firm to a partner.

be taken of the transfer or transmission so vetoed in order that it may be recorded in the books of the Company after the completion of the railway and works as aforesaid ; but until such completion, the transfer or transmission so vetoed shall not confer any rights, nor have any effect of any nature or kind whatever as respects the Company.

Note of transfer to be made and for what purpose.

23 Sub-section sixteen of section nineteen, relating to PRESIDENT AND DIRECTORS, THEIR ELECTION AND DUTIES ; sub-section two of section twenty-four, relating to BY-LAWS, NOTICES, &c., sub-sections five and six of section twenty-eight, relating to GENERAL PROVISIONS, and section ninety-seven, relating to RAILWAY FUND, of "*The Consolidated Railway Act, 1879,*" shall not, nor shall any of them apply to the Canadian Pacific Railway or to the Company hereby incorporated.

Certain other provisions of 42 V., c. 9, not to apply.

24. The said Company shall afford all reasonable facilities to the Ontario and Pacific Junction Railway Company, when their railway shall be completed to a point of junction with the Canadian Pacific Railway, and to the Canada Central Railway Company, for the receiving, forwarding and delivering of traffic upon and from the railways of the said Companies, respectively, and for the return of carriages, trucks and other vehicles ; and no one of the said Companies shall give or continue any preference or advantage to, or in favour of either of the others, or of any particular description of traffic, in any respect whatsoever ; nor shall any one of the said Companies subject any other thereof, or any particular description of traffic, to any prejudice or disadvantage in any respect whatsoever ; and any one of the said Companies which shall have any terminus or station near any terminus or station of either of the others, shall afford all reasonable facilities for receiving and forwarding all the traffic arriving by either of the others, without any unreasonable delay, and without any preference or advantage, or prejudice or disadvantage, and so that no obstruction may be offered in the using of such railway as a continuous line of communication, and so that all reasonable accommodation may, at all times, by the means aforesaid, be mutually afforded by and to the said several railway companies ; and the said Canadian Pacific Railway Company shall receive and carry all freight and passenger traffic shipped to or from any point on the railway of either of the said above named railway companies passing over the Canadian Pacific Railway or any part thereof, at the same mileage rate and subject to the same charges for similar services, without granting or allowing any preference or advantage to the traffic coming from or going upon one of such railways over such traffic coming from or going upon the other of them, reserving, however, to the said Canadian Pacific Railway Company the right of making special rates for purchasers of land, and immigrants

Company to afford reasonable facilities to and receive the like from certain other railway companies.

As to rates of carriage of traffic in such cases.

Reservation as to purchasers of land, and emigrants.

immigrants or intending immigrants, which special rates shall not govern or affect the rates of passenger traffic as between the said Company and the said two above named Companies or either of them. And any agreement made between any two of the said companies contrary to the foregoing provisions, shall be unlawful, null and void.

Contrary agreements void.

Company may purchase or acquire by lease or otherwise certain other railways or amalgamate with them.

25. The Company, under the authority of a special general meeting of the shareholders thereof, and as an extension of the railway hereby authorized to be constructed, may purchase or acquire by lease or otherwise, and hold and operate, the Canada Central Railway, or may amalgamate therewith, and may purchase or acquire by lease or otherwise and hold and operate a line or lines of railway from the City of Ottawa to any point at navigable water on the Atlantic seaboard or to any intermediate point, or may acquire running powers over any railway now constructed between Ottawa and any such point or intermediate point : And the Company may purchase or acquire any such railway, subject to such existing mortgages, charges or liens thereon as shall be agreed upon, and shall possess with regard to any lines of railway so purchased, or acquired, and becoming the property of the Company, the same powers as to the issue of bonds thereon, or on any of them, to an amount not exceeding twenty thousand dollars per mile, and as to the security for such bonds, as are conferred upon the Company by the twenty-eighth section hereof, in respect of bonds to be issued upon the Canadian Pacific Railway. But such issue of bonds shall not affect the right of any holder of mortgages or other charges already existing upon any line of railway so purchased or acquired ; and the amount of bonds hereby authorized to be issued upon such line of railway shall be diminished by the amount of such existing mortgages or charges thereon.

And borrow to a limited amount on bonds in consequence.

Not to affect prior mortgages.

Company may have docks, &c, and run vessels on any navigable water their railway touches.

26. The Company shall have power and authority to erect and maintain docks, dockyards, wharves, slips and piers at any point on or in connection with the said Canadian Pacific Railway, and at all the termini thereof on navigable water, for the convenience and accommodation of vessels and elevators ; and also to acquire and work elevators, and to acquire, own, hold, charter, work and run steam and other vessels for cargo and passengers upon any navigable water, which the Canadian Pacific Railway may reach or connect with.

BY-LAWS.

By-laws may provide for certain purposes.

27. The by-laws of the Company may provide for the remuneration of the president and directors of the Company, and of any executive committee of such directors ; and for the transfer of stock and shares ; the registration and inscription

inscription of stock, shares, and bonds, and the transfer of registered bonds; and the payment of dividends and interest at any place or places within or beyond the limits of Canada; and for all other matters required by the said contract or by this Act to be regulated by by-laws: but the by-laws of the Company made as provided by law shall in no case have any force or effect after the next general meeting of shareholders which shall be held after the passage of such by-laws, unless they are approved by such meeting.

Must be confirmed at next general meeting.

BONDS.

28. The Company, under the authority of a special general meeting of the shareholders called for the purpose, may issue mortgage bonds to the extent of ten thousand dollars per mile of the Canadian Pacific Railway for the purposes of the undertaking authorized by the present Act; which issue shall constitute a first mortgage and privilege upon the said railway, constructed or acquired, and to be thereafter constructed or acquired, and upon its property, real and personal, acquired and to be thereafter acquired, including rolling stock and plant, and upon its tolls and revenues (after deduction from such tolls and revenues of working expenses), and upon the franchises of the Company; the whole as shall be declared and described as so mortgaged in any deed of mortgage as hereinafter provided. Provided always, however, that if the Company shall have issued, or shall intend to issue land grant bonds under the provisions of the thirtieth section hereof, the lands granted and to be granted by the Government to the Company may be excluded from the operation of such mortgage and privilege: and provided also that such mortgage and privilege shall not attach upon any property which the Company are hereby, or by the said contract, authorized to acquire or receive from the Government of Canada until the same shall have been conveyed by the Government to the Company, but shall attach upon such property, if so declared in such deed, as soon as the same shall be conveyed to the Company. And such mortgage and privilege may be evidenced by a deed or deeds of mortgage executed by the Company, with the authority of its shareholders expressed by a resolution passed at such special general meeting; and any such deed may contain such description of the property mortgaged by such deed, and such conditions respecting the payment of the bonds secured thereby and of the interest thereon, and the remedies which shall be enjoyed by the holders of such bonds or by any trustee or trustees for them in default of such payment, and the enforcement of such remedies, and may provide for such forfeitures and penalties, in default of such payment, as may be approved by such meeting; and may also contain, with the approval aforesaid, authority to the trustee or trustees,

Amount of bonds limited.

Mortgages for securing the same on all the property of the company.

Proviso: in case land grant bonds have been issued under section 30.

Evidence of mortgage and what conditions the bonds may contain.

Remedies of holders in default of payment.

tees, upon such default, as one of such remedies, to take possession of the railway and property mortgaged, and to hold and run the same for the benefit of the bondholders thereof for a time to be limited by such deed, or to sell the said railway and property, after such delay, and upon such terms and conditions as may be stated in such deed : and with like approval any such deed may contain provisions to the effect that upon such default and upon such other conditions as shall be described in such deed, the right of voting possessed by the shareholders of the Company, and by the holders of preferred stock therein, or by either of them, shall cease and determine, and shall thereafter appertain to the bondholders, or to them and to the holders of the whole or of any part of the preferred stock of the Company, as shall be declared by such deed : and such deed may also provide for the conditional or absolute cancellation after such sale of any or all of the shares so deprived of voting power, or of any or all of the preferred stock of the Company, or both ; and may also, either directly by its terms, or indirectly by reference to the by-laws of the Company, provide for the mode of enforcing and exercising the powers and authority to be conferred and defined by such deed, under the provisions hereof. And such deed, and the provisions thereof made under the authority hereof, and such other provisions thereof as shall purport (with like approval) to grant such further and other powers and privileges to such trustee or trustees and to such bondholders, as are not contrary to law or to the provisions of this Act, shall be valid and binding. But if any change in the ownership or possession of the said railway and property shall, at any time, take place under the provisions hereof, or of any such deed, or in any other manner, the said railway and property shall continue to be held and operated under the provisions hereof, and of "*The Consolidated Railway Act, 1879,*" as hereby modified. And if the Company does not avail itself of the power of issuing bonds secured upon the land grant alone as hereinafter provided, the issue of bonds hereby authorized may be increased to any amount not exceeding twenty thousand dollars per mile of the said Canadian Pacific Railway.

Right of voting may, in such case, be transferred to bondholders.

Cancellation of shares deprived of voting power. Enforcing conditions.

Further provisions under mortgage deed.

Provision in case of change of ownership, &c., of Railway, in such case.

Increase of borrowing power if no land grant bonds are issued.

Provision if such bonds are issued before completion of railway.

29. If any bond issue be made by the Company under the last preceding section before the said railway is completed according to the said contract, a proportion of the proceeds of such bonds or a proportion of such bonds if they be not sold, corresponding to the proportion of the work contracted for then remaining incomplete, shall be received by the Government, and shall be held, dealt with and, from time to time, paid over by the Government to the Company upon the same conditions, in the same manner and according to the same proportions as the proceeds of the bonds, the issue of which is contemplated by sub-section *d.* of Clause 9 of the said contract, and by the thirty-first section hereof.

30. The Company may also issue mortgage bonds to the extent of twenty-five million dollars upon the lands granted in aid of the said railway and of the undertaking authorized by this Act; such issue to be made only upon similar authority to that required by this Act for the issue of bonds upon the railway; and when so made such bonds shall constitute a first mortgage upon such lands, and shall attach upon them when they shall be granted, if they are not actually granted at the time of the issue of such bonds. And such mortgage may be evidenced by a deed or deeds of mortgage to be executed under like authority to the deed securing the issue of bonds on the railway; and such deed or deeds under like authority may contain similar conditions and may confer upon the trustee or trustees named thereunder and upon the holders of the bonds secured thereby, remedies, authority, power and privileges and may provide for forfeitures and penalties, similar to those which may be inserted and provided for under the provisions of this Act in any deed securing the issue of bonds on the railway, together with such other provisions and conditions not inconsistent with law or with this Act as shall be so authorized. And such bonds may be styled Land Grant Bonds, and they and the proceeds thereof shall be dealt with in the manner provided in the said contract.

Provisions as to issue of land grant mortgage bonds.

Evidence of mortgage and conditions.

Name of and how dealt with.

31. The Company may, in the place and stead of the said land grant bonds, issue bonds under the twenty-eighth section hereof, to such amount as they shall agree with the Government to issue, with the interest guaranteed by the Government as provided for in the said contract; such bonds to constitute a mortgage upon the property of the Company and its franchises acquired and to be thereafter acquired—including the main line of the Canadian Pacific Railway, and the branches thereof hereinbefore described, with the plant and rolling stock thereof acquired and to be thereafter acquired, but exclusive of such other branches thereof and of such personal property as shall be excluded by the deed of mortgage to be executed as security for such issue. And the provisions of the said twenty-eighth section shall apply to such issue of bonds, and to the security which may be given for the payment thereof, and they and the proceeds thereof shall be dealt with as hereby and by the said contract provided.

Issue of bonds in place of land grant bonds under agreement with Government.

To include franchise as well as property of company.

Section 28 to apply.

32. It shall not be necessary to affix the seal of the Company to any mortgage bond issued under the authority of this Act; and every such bond issued without such seal shall have the same force and effect, and be held, treated and dealt with by all courts of law and of equity as if it were sealed with the seal of the company. And if it is provided by the mortgage deed executed to secure the issue of any bonds, that any of the signatures to such bonds or to the coupons thereto

Facilities for issue of mortgage bonds as to seal and signatures.

thereto appended may be engraved, stamped or lithographed thereon, such engraved, stamped or lithographed signatures shall be valid and binding on the Company.

"Working expenses" defined. ;

33. The phrase "working expenses" shall mean and include all expenses of maintenance of the railway, and of the stations, buildings, works and conveniences belonging thereto, and of the rolling and other stock and moveable plant used in the working thereof, and also all such tolls, rents or annual sums as may be paid in respect of the hire of engines, carriages or waggons let to the Company; also, all rent, charges, or interest on the purchase money of lands belonging to the Company, purchased but not paid for, or not fully paid for; and also all expenses of and incidental to working the railway and the traffic thereon, including stores and consumable articles; also rates, taxes, insurance and compensation for accidents or losses; also all salaries and wages of persons employed in and about the working of the railway and traffic, and all office and management expenses, including directors' fees, agency, legal and other like expenses.

Currency on which bonds may be issued.

34. The bonds authorized by this Act to be issued upon the railway or upon the lands to be granted to the Company, or both, may be so issued in whole or in part in the denomination of dollars, pounds sterling, or francs, or in any or all of them, and the coupons may be for payment in denominations similar to those of the bond to which they are attached.

Price and conditions of sale.

May be exchanged for inscribed stock, &c.

And the whole or any of such bonds, may be pledged, negotiated or sold upon such conditions and at such price as the Board of Directors shall, from time to time, determine. And provision may be made by the by-laws of the Company, that after the issue of any bond, the same may be surrendered to the Company by the holder thereof, and the Company may, in exchange therefor, issue to such holder inscribed stock of the Company,—which inscribed stock may be registered or inscribed at the chief place of business of the Company or elsewhere, in such manner, with such rights, liens, privileges and preferences, at such place, and upon such conditions, as shall be provided by the by-laws of the Company.

Bonds need not be registered.

35. It shall not be necessary, in order to preserve the priority, lien, charge, mortgage or privilege, purporting to appertain to or be created by any bond issued or mortgage deed executed under the provisions of this Act, that such bond or deed should be enregistered in any manner, or in any place whatever. But every such mortgage deed shall be deposited in the office of the Secretary of State,—of which deposit notice shall be given in the *Canada Gazette*.

Mortgage deed how deposited.

And agreements under s. 36.

And in like manner any agreement entered into by the Company, under section thirty-six of this Act, shall also be deposited

sited in the said office. And a copy of any such mortgage deed, or agreement, certified to be a true copy by the Secretary of State or his deputy, shall be received as *prima facie* evidence of the original in all courts of justice, without proof of the signatures or seal upon such original.

Certified
copies.

36. If, at any time, any agreement be made by the Company with any persons intending to become bondholders of the Company, or be contained in any mortgage deed executed under the authority of this Act, restricting the issue of bonds by the Company, under the powers conferred by this Act, or defining or limiting the mode of exercising such powers, the Company, after the deposit thereof with the Secretary of State as hereinbefore provided, shall not act upon such powers otherwise than as defined, restricted and limited by such agreement. And no bond thereafter issued by the Company, and no order, resolution or proceeding thereafter made, passed or had by the Company, or by the Board of Directors, contrary to the terms of such agreement, shall be valid or effectual.

Agreement
with bond-
holders, &c.,
for restrict-
ing issues.

Effect
thereof.

37. The Company may, from time to time, issue guaranteed or preferred stock, at such price, to such amount, not exceeding ten thousand dollars per mile, and upon such conditions as to the preferences and privileges appertaining thereto, or to different issues or classes thereof, and otherwise, as shall be authorized by the majority in value of the shareholders present in person or represented by proxy at any annual meeting or at any special general meeting thereof called for the purpose,--notice of the intention to propose such issue at such meeting being given in the notice calling such meeting. But the guarantee or preference accorded to such stock shall not interfere with the lien, mortgage and privilege attaching to bonds issued under the authority of this Act. And the holders of such preferred stock shall have such power of voting at meetings of shareholders, as shall be conferred upon them by the by-laws of the Company.

Company
may issue
guaranteed
or preferred
stock to a
limited
amount.

Not to affect
privileges of
bondholders.

Voting.

EXECUTION OF AGREEMENTS.

38. Every contract, agreement, engagement, scrip certificate or bargain made, and every bill of exchange drawn, accepted or endorsed, and every promissory note and cheque made, drawn or endorsed on behalf of the Company, by any agent, officer or servant of the Company, in general accordance with his powers as such under the by-laws of the Company, shall be binding upon the Company; and in no case shall it be necessary to have the seal of the Company affixed to any such bill, note, cheque, contract, agreement, engagement, bargain or scrip certificate, or to prove that the same was made, drawn, accepted or endorsed, as the case may be, in pursuance

Contracts,
bills, &c., by
its agents to
bind the com-
pany.

Proof thereof.

Non-liability
of such
agents.

Proviso: as
to notes.

pursuance of any by-law or special vote or order; nor shall the party so acting as agent, officer or servant of the Company be subjected individually to any liability whatsoever, to any third party therefor: Provided always, that nothing in this Act shall be construed to authorize the Company to issue any note payable to the bearer thereof, or any promissory note intended to be circulated as money, or as the note of a bank, or to engage in the business of banking or insurance.

GENERAL PROVISIONS.

Reports to
Government.

39. The Company shall, from time to time, furnish such reports of the progress of the work, with such details and plans of the work, as the Government may require.

Publication
of notices.

40. As respects places not within any Province, any notice required by "*The Consolidated Railway Act, 1879*," to be given in the "Official Gazette" of a Province, may be given in the *Canada Gazette*.

Form of
deeds, &c., to
the company.

41. Deeds and conveyances of lands to the Company for the purposes of this Act, (not being letters patent from the Crown) may, in so far as circumstances will admit, be in the form following, that is to say:--

Form.

"Know all men by these presents, that I, A. B., in consideration of paid to me by the Canadian Pacific Railway Company, the receipt whereof is hereby acknowledged, grant, bargain, sell and convey unto the said The Canadian Pacific Railway Company, their successors and assigns, all that tract or parcel of land (*describe the land*) to have and to hold the said land and premises unto the said Company, their successors and assigns for ever.

"Witness my hand and seal, this day of
one thousand eight hundred and

"Signed, sealed and delivered } A. B. [L.S.]
in presence of

"C. D.

"E. F."

Obligation of
the grantor.

or in any other form to the like effect. And every deed made in accordance herewith shall be held and construed to impose upon the vendor executing the same the obligation of guaranteeing the Company and its assigns against all dower and claim for dower and against all hypothecs and mortgages and against all liens and charges whatsoever and also that he has a good, valid and transferable title thereto.

CHAP. 2.

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, 1881, and the 30th June, 1882, and for other purposes relating to the public service.

[Assented to 21st March, 1881]

MOST GRACIOUS SOVEREIGN,

WHEREAS it appears by messages from His Excellency Preamble.
the Right Honorable Sir John Douglas Sutherland Campbell, commonly called the Marquis of Lorne, 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 eighty-one, and the thirtieth day of June, one thousand eight hundred and eighty-two, and for other purposes connected with the public service; May it therefore please Your Majesty that it may be enacted, and be it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, that :—

1. 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 one million two hundred and fourteen thousand, three hundred and twenty-eight dollars and twenty-five 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 eighty, to the thirtieth day of June, in the year of Our Lord one thousand eight hundred and eighty-one, 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 1880-1 \$1,214,328.25

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 eighty-two thousand two hundred and fifty-seven dollars and sixty-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 eighty-one to the thirtieth day of June, in the year of Our Lord one thousand eight hundred and eighty-two, not otherwise provided for, and set forth in Schedule B to this Act, and for other purposes in the said Schedule mentioned. Sum granted for 1881-2 \$27,082,267.66

Account to
be rendered.

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.

SCHEDULE A.

SUMS granted to Her Majesty by this Act for the Financial Year ending 30th June, 1881, and the purposes for which they are granted.

SERVICE.	Amount.	Total.
CIVIL GOVERNMENT.		
	\$ cts.	\$ cts
Department of the Secretary of State—To provide for the salary of one Third-Class Clerk, from 24th February to 30th June, 1881, at \$600 per annum.....	\$212 00	
To provide for the salary of a Private Secretary, from the 8th November, 1880, to the 30th June, 1881, at \$600 per annum.....	386 75	
	598 75	
Customs Department—To provide for one promotion in Correspondence Office, as per Order in Council of 9th November, 1880	100 00	
To provide for the salary of a Private Secretary, previously estimated for in contingencies, but now required to be shown in salaries	600 00	
	700 00	
Department of Indian Affairs—To provide for the promotion of two Junior Second-Class Clerks to the Senior Second Class	100 00	
To provide for the salary of one Junior Second-Class Clerk, from 1st January to 30th June, 1881, at \$900 per annum.....	450 00	
	550 00	
Department of Marine and Fisheries—To provide for the salary of a Senior Second-Class Clerk	1,100 00	
Contingencies—Amount required to pay Sir Alex. Galt, expenditure incurred by him in establishing his office in London, over and above amount already voted	1,294 07	
		4,242 82
ADMINISTRATION OF JUSTICE.		
To pay additional salary for six months to the Hon. George Baby, Judge <i>ad hoc</i> , Court of Queen's Bench, Quebec.....	500 00	
To pay arrears of salary to County Court Judge Sanders, British Columbia	600 00	
Amount required to pay Commissioners under "Better Prevention of Crime Act of 1878"	300 00	
		1,400 00
PENITENTIARIES.		
Manitoba—To provide for the salary of the Engineer and Keeper, six months, at \$60	360 00	
Prince Edward Island—To pay the Government of Prince Edward Island for maintenance of penitentiary prisoners in the jails of the Island	1,110 75	
Lorchester—To pay the salaries of the Warden, \$1,000, and the Deputy-Warden, \$600, from the 1st September, 1879, to the 1st July, 1880	1,600 00	
		3,070 75
Carried forward.....		8,713 57

SCHEDULE

SCHEDULE A—Continued.

SERVICE.	Amount.	Total.
	\$ cts.	\$ cts.
Brought forward		8,713 57
LEGISLATION.		
House of Commons—Additional amount to cover the cost of the publication of debates	10,000 00	
Library—Additional amount required for salaries	50 00	
To provide for abatements of superannuation, Senate Officials, 1880-81	\$454 00	
To provide for abatements of superannuation, Library Officials, 1880-81	243 00	
	697 00	
To pay the families of the late Hon. Jas. Shaw, Hon. D. Christie and J. S. Thompson, Esq., M.P., equivalent sessional allowance in full, and of the late Joseph Keeler, Esq., M.P., and G. H. Connell, Esq., M.P., equivalent of sessional allowances and mileage, from the dates of their decease to the date of prorogation	3,752 00	14,499 00
IMMIGRATION AND QUARANTINE.		
To pay Intercolonial Railway for transport of immigrants arrived at Halifax during the winter of 1879-80, not contemplated nor provided for in the ordinary vote for Immigration		9,134 68
PENSIONS.		
To pay the pension of J. Robinson, formerly a gunner in the Ottawa Field Battery, from 1st November, 1880, to 30th June, 1881, at the rate of \$50 per annum		33 32
MILITIA.		
Salaries of Military Branch and District Staff—To provide for increase of salary to the Deputy Adjutant-General in Manitoba	300 00	
Contingencies—To provide for gratuities on retirement to the under-mentioned officers:		
Lt.-Col. W. S. Durie, Deputy Adjutant-General, Military District No. 2	3,400 00	
Lt.-Col. J. Fletcher, C.M.G., Deputy Adjutant-General, Military District No. 5	3,400 00	
Lt.-Col. J. H. Gray, Deputy Adjutant-General, Military District No. 12	1,700 00	
Lt.-Col. J. Moffatt, Brigade-Major, Military District No. 1	2,400 00	
To provide for removal allowance to Deputy Adjutants-General and Brigade-Majors	5,683 16	
To provide for personal travelling expenses and cost of transport of luggage of each officer	1,816 84	
	18,400 00	
To pay balance of contract for converting ordnance	3,000 00	
Special service, North-West Territories—Amount required to cover cost of transport of Military stores for equipment of Mounted Rifle Companies, organized for the protection of settlers in the North-West	645 75	22,345 75
Carried forward		54,726 33

SCHEDULE A—Continued.

SERVICE.	Amount.	Total.
	\$ cts	\$ cts.
Brought forward		54,726 33
RAILWAYS AND CANALS.		
(Chargeable to Capital.)		
RAILWAYS.		
<i>Intercolonial Railway</i> —Amount required to cover salary of Chief Engineer appointed for the settlement of old claims, salaries of assistants, travelling expenses, shorthand writer, &c.....	12,000 00	
Halifax Extension, additional amount required.....	27,800 00	
Rivière du Loup and Hadlow Section, additional improvements.....	60,000 00	
To pay D. O'Connor for professional services, Fairbairn Engineering Co. vs. The Queen.....	143 00	
To pay D. McPherson in full of claim for damages to property by reason of extension of railway from Richmond depot to North Street, Halifax, N.S.....	500 00	
To pay Alexander Forbes amount of official arbitrators' award in respect of his contract for the erection of fencing in 1873, 1874 and 1876.....	172 18	
To pay Mr. G. A. Girouard for railway ties lost in transit in 1872....	2,640 00	
To pay T. B. Smith for fencing erected in 1872.....	1,894 50	
Rivière du Loup Branch—Additional amount required for repairs and improvements.....	140,000 00	
<i>Canadian Pacific Railway</i> —Amount required for purchase of Prince Arthur's Landing and Kaministiquia Railway.....	14,000 00	
Fort William to English River.....	11,000 00	
Pembina Branch.....	15,500 00	
Telegraph lines, British Columbia.....	8,600 00	
CANALS.		
St. Peter's Canal.....	35,000 00	329,249 68
RAILWAYS AND CANALS.		
(Chargeable to Income.)		
CANALS.		
Baie Verte Canal—To pay J. W. Lawrence, Esq., Commissioner, balance of amount payable to him.....		700 00
PUBLIC WORKS AND BUILDINGS.		
(Chargeable to Capital.)		
PUBLIC BUILDINGS.		
Departmental Buildings, Eastern Block—Construction of fire and burglar-proof vault, additional amount required.....	4,000 00	
West Block Extension—For balance due to Messrs. Strachan, Beckett & Aspell on final estimate in connection with their contract for carpenter and joiner work, plastering, painting, roofing, &c.....	402 71	4,402 71
Carried forward.....		389,078 72

SCHEDULE A—Continued.

SERVICE.	Amount.	Total.
Brought forward.....		\$ cts. 389,078 72
PUBLIC WORKS AND BUILDINGS.		
<i>(Chargeable to Income.)</i>		
PUBLIC BUILDINGS.		
<i>New Brunswick</i> —Woodstock Post Office, Custom House, &c., additional amount required for site	2,700 00	
Partridge Island Hospital—Amount required for repairs...	250 00	
<i>Quebec</i> —Grosse Isle Quarantine Station—To pay Messrs Piton & Co, in full settlement of all claims made in connection with buildings erected by them since June, 1873.....	2,215 99	
Montreal Custom House—Additional amount required.....	4,500 00	
St. Vincent de Paul Penitentiary	800 00	
<i>Ontario</i> —Kingston Fortification—To pay John Waddell for extra work performed in 1877 in connection with his contract for stables at Tête du Pont Barracks.....	416 53	
Ottawa Drill Shed—Amount required.....	550 00	
Ottawa Geological Museum.....	9,250 00	
Windsor Post Office, Custom House, &c.—To pay balance of claims, &c.....	1,800 00	
Toronto Immigrant Shed—Amount required.....	375 00	
<i>Manitoba</i> —Winnipeg Immigrant Reception House—Amount required for extension	4,500 00	
Penitentiary—Additional sum required	7,400 00	
MAINTENANCE, REPAIRS, FURNITURE, HEATING, &c.		
Rideau Hall—Additional amount required for fuel and light	1,012 10	
To pay T. B. Donaldson for services as Caretaker of His Excellency the Governor General's quarters, Citadel, Quebec, from 1st July, 1878, to 30th June, 1879, inclusive.....	78 25	
		35,847 87
HARBOURS AND RIVERS.		
<i>Quebec</i> —Grosse Isle—To pay Messrs. Piton & Co, for six rock-selm fenders, bolted to new wharf in 1873	240 00	
Escoumains, amount required.....	200 00	
Bagotville, Ha Ha Bay, River Saguenay.....	2,000 00	
<i>Ontario and Quebec</i> —To pay Wm. Kingsford, Esq., Civil Engineer, as compensation for loss of employment as engineer in charge of Harbour and River Works, Ontario and Quebec, &c., at the rate of \$3,300 per annum.....	1,650 00	
General Repairs and Improvements.		
<i>Maritime Provinces</i> —To reimburse Mr. G. A. Brown the amount contained in a bag of silver, stolen from a valise during his journey from St. John, N.B., to Cape Breton, for the purpose of making payments in connection with Cow Bay Breakwater and Gabarus Harbour.....	150 09	
		4,240 09
ROADS AND BRIDGES.		
To pay D. Fraser in full and final settlement of his claim, for repairing and keeping open during winter, in 1875-76, 82 miles of Metapedia Military Road.....		223 80
Carried forward.....		40,311 76 389,078 72

SCHEDULE A—Continued.

SERVICE.	Amount.	Total.
	\$ cts.	\$ cts.
Brought forward.....	40,311 76	389,078 72
PUBLIC WORKS AND BUILDINGS—Concluded.		
<i>(Chargeable to Income.)</i>		
TELEGRAPHS.		
Additional amount required for the extension of the coast telegraph system of the Lower River and Gulf of St. Lawrence, from Bay St. Paul to Bersimis and branch to Chicoutimi	3,000 00	
Additional amount required for laying of cable on new submarine cable route, between Vancouver Island and mainland, <i>via</i> Nanaimo and Point Grey	1,500 00	
Submarine cable route between Vancouver Island and the mainland <i>via</i> Nanaimo and Point Grey—Extra cost of fitting up telegraph barge "Electron" and working S.S. "Sir James Douglas"	3,750 00	
	8,250 00	48,561 76
OCEAN AND RIVER SERVICE.		
Amount required to complete payment for Mail Service between Victoria, British Columbia and San Francisco.....	4,760 00	
Amount required to cover expenses connected with the bringing out of the screw-corvette "Charybdis"	5,000 00	
To provide for the triennial publication of the list of vessels registered in the Dominion	750 00	
Montreal Water Police—To pay gratuity on retirement to J. Wilson..	347 70	
do do do R. Sandiland	219 60	
		11,077 30
GEOLOGICAL SURVEY.		
Additional amount required to complete Geological Survey.....		10,000 00
DOMINION LANDS.		
<i>(Chargeable to Capital.)</i>		
Amount required to enable the Dominion Lands Department to push forward land surveys without waiting until the 1st July.....		100,000 00
INDIANS.		
MANITOBA AND NORTH-WEST.		
Additional amount required to complete the service of the year... ..		168,079 00
MISCELLANEOUS.		
Amount required to cover the cost of publishing and circulating 3,000 copies of a Trade Letter on Brazil, together with 400 circulars to editors of newspapers, enclosing such Trade Letter and requesting attention thereto.....	161 90	
Carried forward.....	161 90	726,798 78

SCHEDULE

SCHEDULE A—Continued.

SERVICE.	Amount.	Total.
Brought forward.	\$ cts. 161 90	\$ cts. 726,796 78
MISCELLANEOUS—Concluded.		
To pay for 206 copies of "The Annual Register and Review"	515 00	
Amount required to cover expenditure incurred by Pacific Railway Commission	12,500 00	
To refund to the representatives of the late A. M. Delisle, Shipping Master's fees paid into the Treasury by him in error whilst acting as Collector of Customs at Montreal	2,457 29	
Amount required to pay Sir Alex. Galt for services and expenses during June, July, August and September, 1879, whilst continuing trade negotiations with France, Spain, &c.	4,058 32	
To cover expenses connected with the Civil Service Commission.	5,000 00	
Amount required for Civil Service Commission, including printing and other services	5,000 00	
Amount required to cover travelling expenses of Niagara Falls Commissioners, and cost of procuring survey and plan of land in the immediate vicinity of the Falls	1,000 00	
Amount required to cover payments made to the Hon. Hector Fabre for expenditure connected with special services in France.	2,931 11	
To enable the Department of Inland Revenue to pay law costs incurred in certain cases	1,800 00	
To repay Mr. Geo. G. Dunstan for expenses incurred in connection with the preparation of the Tariff	453 75	
To enable the Department of Marine and Fisheries to pay legal expenses incurred in the case of the Queen vs. Bourassa	78 90	
To pay Major Hebert, "B" Battery, compensation for loss of property caused by fire at the Tête du Pont Barracks, Kingston	550 00	
		36 506 27
COLLECTION OF REVENUES		
EXCISE.		
To provide for the cost of obtaining stamps, and for the stamping of imported and Canadian tobacco, under the provisions of 43 Victoria, chapter 19, and for other expenditure in connection with securing the duty on tobacco	\$12,000 00	
Additional amount required for contingencies	2,000 00	
To pay Collectors of Customs allowance on duties collected by them	500 00	
To enable the Department to purchase wood naphtha and similar articles for issue to Bonded Manufacturers, under provisions of 43 Victoria, chapter 19, section 21, the cost of which will be recouped by the Manufacturers to whom they are supplied	2,000 00	
To enable the Department to purchase instruments for testing Petroleum, and to pay expenses in connection therewith, under the Petroleum Inspection Act	7,500 00	
To pay commission of 5 per cent. to persons employed to sell stamps for Canada twist tobacco	1,000 00	
		25,000 00
GAS INSPECTION.		
Amount required to provide for salaries of Gas Inspectors, not estimated for in vote for 1880-81	400 00	
Carried forward.....	25,400 00	763,303 05

SCHEDULE

SCHEDULE A—*Concluded.*

SERVICE.	Amount.	Total.
Brought forward.....	\$ cts. 25,400 00	\$ cts. 763,303 05
COLLECTION OF REVENUES—<i>Concluded.</i>		
RAILWAYS.		
Intercolonial Railway—Locomotive power.....	\$68,000 00	
Car expenses.....	44,000 00	
Station expenses.....	24,000 00	
General charges.....	16,000 00	
Maintenance.....	48,000 00	
	200,000 00	
CANALS.		
Maintenance and Repairs—Lachine Canal.....	\$9,900 00	
Beaubarnois.....	5,200 00	
St. Ours.....	300 00	
Chambly.....	12,500 00	
Williamsburgh.....	1,000 00	
	28,900 00	
PUBLIC WORKS.		
Telegraph Lines, British Columbia—Additional amount required.....	8,000 00	
POST OFFICE.		
Additional amounts for Mail Service generally.....	\$9,000 00	
do Quebec and Lake St. John Road..	1,500 00	
do Salaries.....	16,000 00	
do Miscellaneous.....	17,000 00	
	43,500 00	
DOMINION LANDS.		
Additional amounts required for pay of Dominion Land Guides.....	2,500 00	
To cover expenditure connected with the establishment of two new Land Agencies and the removal thereto of the Agents.....	6,000 00	
To cover salaries and expenses of certain Land Guides whose services are continued during the winter.....	4,000 00	
Amount required to pay for cost of ascertaining longitude of the Capital.....	500 00	
	13,000 00	
		318,800 00
UNPROVIDED ITEMS.		
Unprovided items of 1879-80, <i>vide</i> Auditor-General's Report, page 221.....		132,225 20
Total.....		1,214,328 25

SCHEDULE

SCHEDULE B.

SUMS granted to Her Majesty by this Act, for the Financial Year ending 30th June, 1882, and the purposes for which they are granted.

SERVICE.	Amount.	Total.
CHARGES OF MANAGEMENT.		
	\$ cts.	\$ cts.
Financial Inspector.....	2,600 00	
Office of Assistant Receiver-General, Toronto	8,100 00	
do do Montreal	5,500 00	
Auditor and do Halifax	10,100 00	
do do St. John, N.B.	11,400 00	
do do Winnipeg	3,050 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.....	12,700 00	
London Agents:		
Commission of 1 per cent. on \$2,632,380.00, amount of debt to be redeemed in London during the year.....	26,323 80	
Commission on payments of \$5,984,059.69, interest on debt.	58,000 00	
Commission and brokerage on \$441,607 90, Consolidated Canadian Loan Sinking Fund.....	4,416 08	
Brokerage on \$253,096.19, Intercolonial Loan Sinking Fund.	632 74	
do on \$25,671.51, Rupert's Land Loan Sinking Fund.....	64 18	
do on \$67,428.81, British Columbia Loan Sinking Fund.....	163 57	
do on Sinking Funds Loans of 1874, 1875, 1876, 1878 and 1879, \$536,346 41	4,022 59	
Stamps, postages and telegrams	2,000 00	
Expenses in connection with the issue and redemption of Dominion Notes.....	30,000 00	
Printing, advertising, inspection, express charges, &c., including the printing of Dominion Notes.....	25,000 00	
To provide for a Savings Bank Agent at Wallace, N.S.....	200 00	
		215,277 96
CIVIL GOVERNMENT.		
Governor General's Secretary's Office.....	11,100 00	
Office of the Queen's Privy Council for Canada.....	14,662 50	
Department of Justice.....	14,150 00	
do Penitentiaries Branch.....	5,350 00	
Department of Militia.....	35,690 00	
do Secretary of State.....	3,985 00	
do Interior.....	54,580 00	
do Indian Affairs	17,500 00	
Office of the Auditor-General.....	18 825 00	
Department of Finance.....	52,925 00	
Office of the Treasury Board	2,750 00	
Department of Inland Revenue.....	32,880 00	
do Customs	33,010 00	
do Postmaster-General.....	110,400 00	
do Agriculture	34,270 00	
do Marine and Fisheries	30,190 00	
do Public Works	30,500 00	
do Railways and Canals.....	40,584 00	
Carried forward.....	578,351 50	215,277 96

SCHEDULE

SCHEDULE B—Continued.

SERVICE.	Amount.	Total.
	\$ cts.	\$ cts.
Brought forward.....	578,351 50	215,277 96
CIVIL GOVERNMENT—Concluded.		
Civil Service Board, amount required to cover salaries of	600 00	
Departmental Contingencies.....	159,750 00	
Stationery Office, for stationery.....	5,000 00	
To meet the possible amount required for new appointments by an extension of the staff or any other change	5,000 00	
Amount required to provide for contingent expenses of the High Commissioner of Canada in London	4,000 00	
Department of Indian Affairs:		
Providing for the Promotion of one First-Class Clerk to a Chief Clerkship, at \$2,000.....	300 00	
Providing for the appointment of one Junior Second Class Clerk	900 00	
Providing for the statutory annual increase to two Junior Second-Class Clerks, each \$50.....	100 00	
Providing for the appointment of one Messenger	300 00	
	1,600 00	
Department of Militia:		
Statutory increase to salary of Chief Accountant.....	50 00	
Department of Agriculture:		
Statutory increases to salaries of two Clerks, Patent Branch, omitted	100 00	
Department of Secretary of State:		
Statutory increase to salary, one Clerk, Queen's Printer's Branch, omitted.....	50 00	
		734,501 50
ADMINISTRATION OF JUSTICE.		
Miscellaneous Justice, including North-West Territories.	15,000 00	
Travelling expenses of Stipendiary Magistrates in the North-West Territories	4,500 00	
Circuit Allowances, British Columbia.....	6,000 00	
do Manitoba	1,500 00	
Precis Writer of the Supreme Court of Canada and the Exchequer Court.....	2,000 00	
Clerk in the office of the Registrar of the Supreme Court of Canada and the Exchequer Court.....	700 00	
Second Clerk in the office of the Registrar of the Supreme Court of Canada and the Exchequer Court.....	500 00	
Senior Messenger of the Supreme Court of Canada and the Exchequer Court.....	500 00	
Second Messenger of the Supreme Court of Canada and the Exchequer Court.....	360 00	
Third Messenger of the Supreme Court of Canada and the Exchequer Court.....	300 00	
Contingencies and disbursements, including printing, binding and distributing Reports, Judges' travelling expenses; also salaries of officers (Sheriff, Usher, &c.) in the Supreme and Exchequer Courts of Canada, and \$150 for books for Judges	5,000 00	
Sundry disbursements connected with the Maritime Court of Ontario, Judges' travelling expenses, &c.	100 00	
Salary of Registrar of Vice-Admiralty Court, Quebec.....	668 66	
Salary of Marshal of Vice-Admiralty Court, Quebec	333 34	
		37,460 00
Carried forward.....		987,239 46

SCHEDULE

SCHEDULE B—Continued.

SERVICE.	Amount.	Total.
	\$ cts.	' \$ cts.
Brought forward.....		987,239 46
POLICE.		
Dominion Police.....		13,500 00
PENITENTIARIES.		
Kingston.....	126,894 29	
St. Vincent de Paul.....	82,740 69	
Dorchester.....	44,285 67	
Manitoba.....	21,541 28	
British Columbia.....	17,523 68	
		292,985 61
LEGISLATION.		
SENATE.		
Salaries and contingent expenses of the Senate.....	55,938 00	
HOUSE OF COMMONS.		
Salaries per Clerk's Estimate.....	59,000 00	
Expenses of Committees, Extra Sessional Clerks, &c.....	12,800 00	
Contingencies.....	20,500 00	
Publishing Debates.....	18,562 50	
Salaries and Contingencies, per Sergeant-at-Arms' Estimate.....	27,475 00	
MISCELLANEOUS.		
Grant to Parliamentary Library.....	3,500 00	
Amount required for the re-adjustment of the salaries of three Library Clerks and Chief Messenger, <i>vide</i> report of Library Committee.....	550 00	
To defray expenses of extra services in making new Catalogues of the Historical and General Departments.....	920 00	
Salaries of Officers (additional), and Contingencies of Library.....	5,250 00	
Printing, binding and distributing the Laws.....	12,000 00	
Printing, printing paper and book-binding.....	70,000 00	
Salary of the Clerk of the Crown in Chancery.....	2,000 00	
Contingencies of the Clerk of the Crown in Chancery.....	1,200 00	
Miscellaneous printing.....	2,000 00	
		291,695 50
ARTS, AGRICULTURE AND STATISTICS.		
To meet expenses in connection with care of Public Archives.....	5,000 00	
To meet expenses in connection with Patent Record.....	7,200 00	
To meet expenses in connection with preparation of Criminal Statistics.....	5,000 00	
To meet expenses in connection with the Census.....	200,000 00	
To meet expenses in connection with Dominion Exhibition.....	5,000 00	
		222,200 00
IMMIGRATION AND QUARANTINE.		
Salaries of Immigration Agents and Employés, viz. :—		
Agent, Quebec.....	1,600 00	
Assistant do.....	1,000 00	
Carried forward.....	2,600 00	1,807,620 57

SCHEDULE

SCHEDULE B—Continued.

SERVICE.	Amount.	Total.
	\$ cts.	\$ cts.
Brought forward.....	2,600 00	1,807,620 57
IMMIGRATION AND QUARANTINE—Concluded.		
Salaries of Immigration Agents and Employés, viz:—		
Clerk, Quebec	1,000 00	
Norwegian Interpreter, Quebec	500 00	
Messenger, Quebec.....	200 00	
Agent, Montreal	1,200 00	
do Ottawa.....	1,200 00	
do Kingston.....	1,200 00	
do Toronto.....	1,400 00	
do Hamilton.....	1,100 00	
do London, Ont.....	800 00	
do Halifax.....	1,000 00	
do St. John.....	1,000 00	
do Manitoba.....	2,400 00	
do North-West.....	1,200 00	
Clerks and Messengers in London (England) Office.....	4,300 00	
Salaries of Special Agents in Europe	6,000 00	
Contingencies of Canadian and other agencies	24,000 00	
Travelling expenses of Travelling Agents in Europe.....	7,000 00	
Towards assisting Immigration and Immigration expenses	100,000 00	
	158,100 00	
Medical Inspection, Quebec	1,300 00	
Quarantine, Grosse Isle	9,568 00	
do St. John, N.B.....	2,400 00	
do Pictou, N.S.....	800 00	
do Halifax, N.S.....	3,200 00	
do Charlottetown, P.E.I.....	1,000 00	
Towards assisting in the maintenance of the Tracadie Lazaretto	3,000 00	
To meet expenses of precautionary measures for Public Health:—		
Public Health	5,000 00	
Cattle Quarantine.....	10,000 00	
For repairs and additions to Cattle Quarantine Buildings, Quebec.....	3,000 00	
	39,266 00	197,366 00
PENSIONS.		
John Bright, Messenger, House of Assembly.....	80 00	
NEW MILITIA PENSIONS.		
Mrs. Caroline McEachern and four children	238 00	
Janet Anderson	110 00	
Margaret McKenzie	80 00	
Mary Ann Richey and one child.....	288 00	
Mary Morrison	80 00	
Louise Prud'homme	110 00	
Virginie Charron and four children.....	150 00	
Paul M. Robins.....	146 00	
Charles T. Bell.....	73 00	
Alex. Oliphant.....	109 50	
Chales Lu gsdan.....	91 25	
Thomas Charters.....	91 25	
Charles T. Robertson.....	110 00	
Carried forward.....	1,677 00	80 00 2,004,986 57

SCHEDULE B—Continued.

SERVICE.	Amount.	Total.
	\$ cts.	\$ cts.
Brought forward.....	1,677 00	2,004,986 57
PENSIONS— <i>Concluded.</i>		
NEW MILITIA PENSIONS.		
Percy G. Routh	400 00	
Richard S. King.....	400 00	
George A. McKenzie	73 00	
Edwin Hilder	146 00	
Fergus Schofield	73 00	
John Bradley.....	109 50	
James Bryan.....	109 50	
Ensign W. Fahey.....	200 00	
Mary Hodgins and three children	191 00	
John Martin	110 00	
Mrs. J. Thorburn	150 00	
Mrs. P. T. Worthington and three children	378 00	
Mrs. J. H. Elliott and one child	120 00	
Ellen Kirkpatrick and three children	226 00	
Mrs. George Prentice and children.....	352 00	
Mary Hannah Tempest and child.....	293 00	
T. Robinson	50 00	
	5,063 00	
To meet the probable amount required for Pensions to Veterans of war of 1812	25,000 00	
Compensation to Pensioners in lieu of land.....	5,500 00	
Amount required to provide for the retiring allowances of five County Court Judges, British Columbia.....	8,866 66	
Amount short estimated to provide for the retiring allowances of five County Court Judges, British Columbia.....	266 66	
		44,776 32
MILITIA.		
Salaries of Military Branch and District Staff.....	22,100 00	
Brigade Majors, salaries, transport expenses, &c.....	14,400 00	
Allowances for Drill Instruction.....	40,000 00	
Ammunition	25,000 00	
Clothing	50,000 00	
Military Stores	40,000 00	
	115,000 00	
Public Armouries and care of Arms, including pay of Storekeepers, Caretakers and Storemen.....	52,000 00	
Drill pay and all other incidental expenses connected with the Drill and Training of the Militia	250,000 00	
Contingencies and general service, not otherwise provided for, including grants to Artillery and Rifle Associations and Bands of efficient Corps	46,000 00	
Drill Sheds and Rifle Ranges.....	10,000 00	
Care and Maintenance of Military Properties transferred from the Ordnance and Imperial Government.....	8,000 00	
Royal Military College.....	59,000 00	
Military Schools and Drill Instructors in Colleges.....	6,000 00	
Pay, Maintenance and Equipment of "A" and "B" Batteries, Garrison Artillery, and Schools of Gunnery at Kingston and Quebec.....	119,000 00	
		741,500 00
Carried forward.....		2,791,282 89

SCHEDULE

SCHEDULE B—Continued.

SERVICE.	Amount.	Total.
	\$ cts.	\$ cts.
Brought forward.....		2,791,262 89
RAILWAYS AND CANALS.		
<i>(Chargeable to Capital.)</i>		
RAILWAYS.		
<i>Intercolonial Railway—</i>		
Construction Account.....	15,000 00	
Flour Shed, St. John, deep water terminus.....	8,000 00	
Construction of Wharf and Elevator, Halifax terminus.....	130,000 00	
Rivière du Loup Branch, Rolling Stock.....	291,600 00	
To pay A. Johnson & Co. amount of Official Arbitrators' award respecting their contract for the Engine House, Truro, N.S.....	2,068 88	
<i>Canadian Pacific Railway—</i>		
Canada Central Extension (subsidized).....	260,000 00	
Railway between Prince Arthur's Landing and Red River, including Pembina Branch, as follows:—		
Fort William to English River.....	45,000 00	
English River to Eagle River.....	940,000 00	
Eagle River to Keewatin.....	2,000,000 00	
Keewatin to Selkirk.....	350,000 00	
Pembina Branch.....	22,000 00	
	3,357,000 00	
British Columbia.....	3,000,000 00	
Telegraph Lines and Roadway.....	70,000 00	
Station and terminal accommodation.....	50,000 00	
Subsidy to Canadian Pacific Railway Company.....	4,000,000 00	
CANALS.		
Lachine.....	800,000 00	
Cornwall.....	40,000 00	
St. Lawrence River and Canals.....	175,000 00	
Welland.....	1,065,000 00	
St. Anne's Lock and Canal.....	300,000 00	
Carillon Canal, Dam and Slide.....	350,000 00	
Grenville.....	470,000 00	
Culbute Canal, improving approaches.....	30,000 00	
St. Peters.....	3,000 00	
Murray Canal, towards construction of.....	25,000 00	
do do.....	25,000 00	
Miscellaneous.....	10,000 00	
		14,476,668 88
RAILWAYS AND CANALS.		
<i>(Chargeable to Income.)</i>		
RAILWAYS.		
<i>Canadian Pacific Railway—</i>		
Compensation to the St. Boniface Hospital on account of a large increase in the number of patients between the years 1876-1880, inclusive, in consequence of the proximity of the Canadian Pacific Railway works.....	1,786 20	
Carried forward.....	1,786 20	17,267,931 77

SCHEDULE B—Continued.

SERVICE.	Amount	Total.
	\$ cts.	\$ cts.
Brought forward.....	1,786 20	17,267,931 77
RAILWAYS AND CANALS—Concluded.		
<i>(Chargeable to Income.)</i>		
CANALS.		
<i>Lachine Canal.</i>		
Construction of roadway leading to St. Gabriel flour sheds.....	3,000 00	
<i>Chambly Canal.</i>		
Raising banks and lowering bottom of canal.....	26,000 00	
<i>Trent Works.</i>		
Survey of Trent Valley navigation.....	6,000 00	
<i>Welland Canal.</i>		
To re-build a bridge on the line of Canal street, Dunville.....	5,500 00	
<i>Burlington Bay Canal.</i>		
Renewal of piers.....	10,000 00	
<i>River Tay.</i>		
Survey of the River Tay and Canal.....	750 00	
<i>Williamsburgh Canal.</i>		
Towards the construction of waste weir.....	5,000 00	
<i>Miscellaneous.</i>		
Miscellaneous works not otherwise provided for.....	5,000 00	
Arbitrations and awards.....	5,000 00	
Surveys and inspections.....	10,000 00	
	20,000 00	78,036 20
PUBLIC WORKS AND BUILDINGS.		
<i>(Chargeable to Capital.)</i>		
PUBLIC BUILDINGS, OTTAWA.		
Departmental Buildings, Western Block Extension.....	5,000 00	
Addition to Conservatory in Public Grounds.....	1,350 00	
Conversion of Government workshops into Supreme Court.....	12,500 00	
Grounds.....	4,000 00	
TELEGRAPHS.		
For land and cable telegraph lines for the sea coast and islands of the lower River and Gulf of St. Lawrence, &c.....	10,000 00	
		32,850 00
Carried forward.....		17,378,817 97

SCHEDULE B—Continued.

SERVICE.	Amount.	Total.
	\$ cts.	\$ cts.
Brought forward		17,378,817 97
PUBLIC WORKS AND BUILDINGS.		
(Chargeable to Income.)		
PUBLIC BUILDINGS.		
<i>Nova Scotia.</i>		
Sydney Quarantine Hospital	\$2,000 00	
Halifax Dominion Building—Repairs of ..	5,000 00	
Pictou Marine Hospital	6,000 00	
New Glasgow Public Building.....	4,000 00	
<i>Prince Edward Island.</i>		
Charlottetown Marine Hospital	4,600 00	
do Dominion Building—Repairs.....	2,450 00	
<i>New Brunswick.</i>		
St. John Custom House	10,000 00	
Fredericton Post Office ..	1,800 00	
Dorchester Penitentiary	77,000 00	
Woodstock Post Office, Custom House, &c	9,200 00	
St. John Marine Hospital	10,000 00	
do Military Buildings.....	2,500 00	
Sussex Post Office, Custom House and Inland Revenue Offices	5,000 00	
St. John Post Office, to complete contracts.....	10,000 00	
do Custom House do	12,000 00	
<i>Quebec.</i>		
Grosse Isle Quarantine Station, New Hospital, Grosse Isle—Shifting buildings.....	3,000 00	
Quebec Fortifications ..	17,000 00	
Lévis Fortifications	8,000 00	
Durham Terrace Extension	20,000 00	
Three Rivers—Fitting up Old Barracks for public offices...	6,500 00	
Sherbrooke—Post Office, Custom House, Inland Revenue and Weights and Measures Offices	15,000 00	
Montreal Inland Revenue Offices, addition to present building	11,000 00	
St. Vincent de Paul Penitentiary.....	15,500 00	
Citadel.....	15,000 00	
Chicoutimi Marine Hospital	6,000 00	
St. Helen's Island Military Buildings	4,000 00	
Hull Post Office, Inland Revenue and Weights and Measures Offices.....	7,000 00	
Dufferin Improvements, Quebec, to pay contractor for gates, balance of contract, &c	7,550 00	
<i>Ontario.</i>		
Ottawa Drill Shed	1,800 00	
Bellefeuille Public Buildings.....	15,000 00	
Carried forward.....	313,900 00	17,378,817 97

SCHEDULE

SCHEDULE B—Continued.

SERVICE.	Amount.	Total.
	\$ cts.	\$ cts.
Brought forward	313,900 00	17,378,817 97
PUBLIC WORKS AND BUILDINGS—Continued.		
<i>(Chargeable to Income.)</i>		
PUBLIC BUILDINGS—Continued.		
<i>Ontario—Continued.</i>		
Kingston Fortifications and Military Buildings	6,000 00	
do Penitentiary	12,000 00	
St. Catharine's Post Office	15,000 00	
Brantford Post Office, Custom House, &c., to complete....	1,230 00	
Windsor Post Office and Custom House, to complete.....	6,000 00	
Rideau Hall, Rose and Stove House for Conservatory.	2,250 00	
Cornwall Post Office, Custom House, &c. (site, &c.).....	8,000 00	
Toronto Military Buildings	2,000 00	
Stratford Public Buildings	15,000 00	
Towards improving ventilation, Public Buildings.....	10,000 00	
Chatham Public Building.....	8,000 00	
Hamilton Public Building, site	36,500 00	
Brockville Public Building.....	8,000 00	
St. Thomas do	8,000 00	
<i>Manitoba.</i>		
Manitoba Penitentiary	5,500 00	
Winnipeg Shed and Immigrant Hospital.....	6,600 00	
Winnipeg Post Office	1,700 00	
Immigration Office, Emerson	400 00	
Parliament Buildings, Winnipeg	30,000 00	
Lieutenant-Governor's Residence.....	10,000 00	
Winnipeg Post Office, additional amount required for fittings.....	2,100 00	
Manitoba Penitentiary, for building, walls, &c.....	3,300 00	
<i>North-West Territories.</i>		
Immigration Shed, west of Winnipeg	8,000 00	
Public Buildings generally	10,000 00	
Dominion Lunatic Asylum or Hospital	10,000 00	
<i>British Columbia.</i>		
Custom House, Storehouse and Wharf, Victoria	5,000 00	
Post Office, Victoria	5,000 00	
British Columbia Penitentiary	2,400 00	
New Westminster Public Buildings	10,000 00	
Nanaimo Post Office, Custom House and Inland Revenue Offices, the local authorities furnishing the site.....	8,000 00	
<i>Public Buildings Generally.</i>		
Public Buildings generally.....	15,000 00	
	584,880 00	
Carried forward.....	584,880 00	17,378,817 97

SCHEDULE

SCHEDULE B—Continued.

SERVICE.	Amount.	Total.
Brought forward.....	\$ cts. 584,880 00	\$ cts. 17,378,817 97
PUBLIC WORKS AND BUILDINGS—Continued.		
<i>(Chargeable to Income.)</i>		
REPAIRS, FURNITURE, HEATING, &C.		
Repairs, Furniture, Heating, &c.	\$150,000 00	
Grounds	4,000 00	
Removal of snow, Public Buildings, Ottawa	1,800 00	
Heating Public Buildings, Ottawa.....	40,000 00	
Gas, Public Buildings, Ottawa.....	23,000 00	
Water, Public Buildings, Ottawa	12,000 00	
Allowance for fuel and light, Rideau Hall	8,000 00	
Telephonic service, Public Buildings, Ottawa	2,500 00	
To pay F McAvity & Sons for hardware supplied, &c., in 1873-74-76 79	63 40	
	241,363 40	
HARBOURS AND RIVERS.		
<i>Nova Scotia.</i>		
Cow Bay.....	\$ 6,000 00	
Parrsboro' or Partridge Island River.....	2,500 00	
Benacadie Pond.....	3,000 00	
Indian Island Beach.....	1,100 00	
Brooklyn or Herring Cove	10,000 00	
Hampton.....	2,300 00	
Great Village River, Londonderry, locality furnishing \$4,000.....	8,000 00	
Mabou.....	4,000 00	
Ragged Pond, to complete	1,500 00	
South Ingonish—Repairs	1,500 00	
Burying Island, Canso Harbour—To complete protection to works	4,000 00	
Main-à-Dieu—To complete works under contract.....	7,000 00	
Petit Degrat—To complete works under contract	1,000 00	
North Sydney Harbour (on Harbour Commissioners spend- ing like amount)	2,000 00	
Cape St. Mary.....	2,000 00	
<i>Prince Edward Island.</i>		
Miminigash Breakwater	1,500 00	
Tignish.....	8,500 00	
Rustico Harbour.....	18,500 00	
Campbell's Cove, local authorities having already spent \$4,100	10,000 00	
Colville Bay, Souris East	5,000 00	
<i>New Brunswick.</i>		
St. John Harbour, Breakwater at Negro Point.....	35,000 00	
Po'nte du Chêne	6,000 00	
Shippegan, to complete	3,000 00	
River Tobique and River St. John, above Grand Falls.....	2,000 00	
River St. John, River des Chutes to Bear Island	2,000 00	
St. Andrew's Harbour.....	2,000 00	
Quaco.....	15,000 00	
Carried forward.....	164,400 00	826,243 40
		17,378,817 97

SCHEDULE

SCHEDULE B—Continued

SERVICE.	Amount.	Total.
	\$ cts.	\$ cts.
Brought forward.....	164,400 00	826,243 40 17,378,817 97
PUBLIC WORKS AND BUILDINGS—Continued.		
(Chargeable to Income.)		
HARBOURS AND RIVERS—Continued.		
!New Brunswick—Continued.		
Cocaigne.....	5,000 00	
Richibucto Harbour.....	1,000 00	
Madawaska River.....	1,000 00	
<i>Maritime Provinces Generally.</i>		
General repairs and improvements, Harbours and Rivers, Maritime Provinces.....	10,000 00	
<i>Quebec.</i>		
New Carlisle—Municipality having voted \$1,000.....	1,000 00	
Carleton—Locality providing \$2,500.....	1,000 00	
Isle aux Coudres, Havre Laprairie—Municipality furnish- ing \$4,000.....	1,500 00	
Grosse Isle.....	2,500 00	
Anse St. Jean.....	1,050 00	
River St. Lawrence, removal of chains, anchors, boulders, &c.....	10,000 00	
Etang du Nord, Magdalen Islands.....	8,000 00	
Rivière Ouelle.....	2,500 00	
Trois Pistoles.....	3,500 00	
Rivière du Loup (<i>en bas</i>).....	4,000 00	
Isles aux Grues, Havre de la Pointe aux Pins.....	4,500 00	
Tadouac Fish-hatching Establishment, dams, &c.....	2,500 00	
River Saguenay, improvement of channel below Chicou- timi.....	5,000 00	
River Saguenay, enlargement of La Grande Décharge from Lake St. John.....	4,000 00	
Baie St. Paul—Local authorities furnishing \$3,000.....	6,000 00	
Les Ecureuils.....	1,500 00	
Yamachiche—Local authorities furnishing \$3,000.....	3,000 00	
Rivière Nicolet—Harbour of refuge.....	15,000 00	
Rivière Richelieu, below St. Ours Village.....	2,000 00	
River St. Lawrence, improvement of steamboat channel between Montreal and Lake St. Francis.....	5,000 00	
River Ottawa, improvements between Bristol and Portage du Fort.....	4,000 00	
River Yamaska.....	15,000 00	
Ste. Famille—To complete work in progress.....	5,000 00	
Percé Breakwater, Examination and survey.....	500 00	
New Carlisle—Additional amount required.....	2,000 00	
Berthier (<i>en haut</i>).....	2,000 00	
General repairs and improvements, Harbours and Rivers, Quebec.....	10,000 00	
<i>Ontario.</i>		
Cobourg Harbour.....	10,000 00	
Rondeau Harbour.....	8,000 00	
Kincardine Harbour.....	4,000 00	
Carried forward.....	325,450 00	826,243 40 17,378,817 97

SCHEDULE B—Continued.

SERVICE.	Amount.	Total.
Brought forward	325,450 00	\$ cts. 826,243 40
PUBLIC WORKS AND BUILDINGS—Continued.		
<i>(Chargeable to Income.)</i>		
HARBOURS AND RIVERS—Continued.		
<i>Ontario—Continued.</i>		
Owen Sound Harbour, municipality having deposited \$13,000	12,000 00	
Collingwood Harbour	1,500 00	
Toronto Harbour	12,500 00	
Port Albert, Lake Huron	1,000 00	
River Ottawa, removal of reef from main channel below Union Suspension Bridge	5,000 00	
Portsmouth Harbour (locality furnishing \$1,500)	3,500 00	
Belleville	5,000 00	
Goderich	8,000 00	
Southampton	2,500 00	
Port Elgin	10,000 00	
Neebish Rapids	2,000 00	
Wellington Harbour	2,000 00	
Port Hope Harbour	6,000 00	
Bridge at Des Joachims Rapids, Ottawa River (Ontario and Quebec each paying \$4,000)	8,000 00	
Port Stanley, Lake Erie	1,000 00	
Collingwood, Lake Huron—Additional amount required for dredging	7,000 00	
Thornbury, Lake Huron, locality furnishing an equal amount	7,000 00	
General repairs and improvements, Harbours and Rivers, Ontario	6,000 00	
<i>Manitoba.</i>		
Red River, mouth of river	7,000 00	
Fairford and Partridge Crop River (examination of question of overflow)	4,000 00	
General repairs and improvements, Harbours and Rivers, Manitoba	1,000 00	
<i>North-West Territories.</i>		
River Saskatchewan, improvement of	20,000 00	
<i>British Columbia.</i>		
General repairs and improvements, Harbours and Rivers, British Columbia	2,000 00	
Courtenay River	500 00	
Victoria Harbour—To complete removal of Beaver Rock	6,500 00	
<i>Harbours and Rivers Generally.</i>		
Harbours and Rivers generally	6,000 00	
	472,450 00	
Carried forward		\$ cts. 1,298,693 40
		17,378,817 97

SCHEDULE

SCHEDULE B—Continued.

SERVICE.	Amount.	Total.
Brought forward.....	\$ cts. 1,298,693 40	\$ cts. 17,378,817 97
PUBLIC WORKS AND BUILDINGS—Continued.		
(Chargeable to Income.)		
DREDGING.		
New dredging plant.....	\$14,200 00	
Dredge vessels—Repairs.....	22,000 00	
Nova Scotia.....	} 42,000 00	
Prince Edward Island.....		
New Brunswick.....		
Quebec.....	20,000 00	
Ontario.....	12,000 00	
British Columbia.....	7,500 00	
General service.....	5,000 00	
	122,700 00	
SLIDES AND BOOMS.		
Slides and Booms.....	14,550 00	
ROADS AND BRIDGES.		
Union Suspension Bridge, Ottawa.....	4,000 00	
TELEGRAPHS.		
Land and cable telegraph lines for the sea coasts and islands of the Lower Rivers and Gulf of St. Lawrence, and the Maritime Provinces, viz. :—		
Extension of the coast telegraph system of the Lower Rivers and Gulf of St. Lawrence, from Baie St. Paul to Bersimis, and branch to Chicoutimi.....	\$10,000 00	
New submarine cable route between Vancouver Island and mainland, <i>via</i> Nanaimo and Point Grey.....	4,800 00	
Semaphores to connect the line of telegraph between Canso and Halifax, east coast of Nova Scotia, with the islands off that coast..	12,500 00	
Telegraph line to connect the lighthouse at Port aux Basques with the lighthouse and telegraph station at Cape Ray, Newfoundland...	1,750 00	
Laying cable across Strait of San Juan de Fuca, from Beachy Bay, Vancouver Island, to Crescent Bay.....	2,500 00	
Telegraph and signal service generally.....	5,000 00	
	36,550 00	
MISCELLANEOUS.		
Miscellaneous works not otherwise provided for.....	\$10,000 00	
Surveys and inspections.....	25,000 00	
Arbitrations and awards.....	5,000 00	
Fort Dufferin, Negro Point, N.B.....	5,000 00	
Military Works and Buildings—Repairs, improvements and construction of.....	35,682 00	
	80,682 00	
		1,557,175 40
Carried forward.....		18,935,993 37

SCHEDULE B.—Continued.

SERVICE.	Amount.	Total.
	\$ cts.	\$ cts.
Brought forward.....		18,935,993 37
OCEAN AND RIVER SERVICE.		
DOMINION STEAMERS.		
Maintenance and repairs of steamers "Napoleon III," "Newfield," "Druid," "Glendon," "Sir James Douglas" and "Northern Light".....	\$120,000 00	
Amount required for the maintenance of a steamer in place of the "Lady Head".....	15,000 00	
	135,000 00	
MAIL SUBSIDIES.		
Steam communication between Halifax and St. John, <i>via</i> Yarmouth	\$10,000 00	
Steam communication on Lakes Huron and Superior	10,000 00	
Steam service between San Francisco and Victoria, British Columbia.....	17,640 00	
Steam communication with the Magdalen Islands	7,800 00	
Steam communication between Grand Manan, N.B., and Mainland, Mail Service	1,500 00	
To provide for one year's subsidy, to be granted at the rate of \$50,000 per annum, to line of steamers to trade between Canada and West Indies and Brazil, provided a like amount be paid by the Brazilian Government.....	50,000 00	
For subsidy to line of steamers to run fortnightly between France and Quebec, provided the French Government appropriates \$100,000 for the same service...	50,000 00	
For subsidy to line of steamers to run alternately between Liverpool and St. John, N.B., and Liverpool and Halifax, N.S.....	25,000 00	
Subsidy to steamer between Campbellton and Gaspé, and intermediate ports	8,000 00	
Additional subsidy to steamer between Grand Manan, N.B., and mainland.....	1,500 00	
For steam communication from Port Mulgrave, at the terminus of the Eastern Extension Railway to East Bay, Cape Breton.....	6,000 00	
For steam communication between Cape Canseau and Port Hood, daily, touching at railway terminus, Port Mulgrave, and such other places within above limits as may be agreed upon.....	2,000 00	
For steam communication from Halifax to Murray Harbour and Charlottetown, alternately.....	3,000 00	
For steam communication between Halifax and St. Pierre.....	2,000 00	
To provide for a subsidy of \$1,500 a voyage for five voyages of steamers from Prince Edward Island to Great Britain and back	7,500 00	
	201,940 00	
To provide for the examination of Masters and Mates	4,250 00	
For purchase of life-boats, life-preservers, and rewards for saving life.	3,000 00	
To provide for investigations into wrecks and casualties, and collection of information relating to disaster to shipping.....	1,500 00	
Expenses in connection with Canadian registration of shipping.....	500 00	
Montreal Water Police and River Police, Quebec.....	35,500 00	
Removal of obstructions in navigable rivers.....	1,500 00	
	383,190 00	
Carried forward.....		19,319,183 37

SCHEDULE

SCHEDULE B—Continued.

SERVICE.	Amount.	Total.
	\$ cts.	\$ cts.
Brought forward		19,319,183 37
LIGHTHOUSE AND COAST SERVICE.		
Salaries and allowances of lighthouse keepers.....	159,456 00	
Agencies, rents and contingencies	20,000 00	
Maintenance and repairs to lights, fog-whistles, buoys and beacons, human establishments and provision depots.....	260,000 00	
Cape Race light	900 00	
Completion and construction of lighthouses and fog-alarms	40,000 00	
To complete construction of a new lighthouse on Sands Head, entrance to Fraser River, B.C.....	8,000 00	
		488,356 00
FISHERIES.		
Salaries and disbursements of Fishery Overseers and Wardens:—		
Ontario.....	12,500 00	
Quebec.....	15,000 00	
Nova Scotia.....	15,500 00	
New Brunswick.....	12,000 00	
Prince Edward Island.....	3,000 00	
British Columbia.....	2,000 00	
Manitoba	1,000 00	
Fish-breeding, fishways and oyster beds.....	30,000 00	
To provide for legal and incidental expenses connected with the fisheries.....	800 00	
Advertising.....	1,000 00	
		92,800 00
SCIENTIFIC INSTITUTIONS.		
OBSERVATORIES.		
Observatory, Quebec.....	2,400 00	
do Toronto.....	4,800 00	
do Kingston.....	500 00	
do Montreal.....	500 00	
do New Brunswick	1,200 00	
		9,400 00
Grant for Meteorological Observatories, including Instruments and cost of telegraphing weather warnings.....	37,500 00	
		46,900 00
MARINE HOSPITALS AND SICK AND DISTRESSED SEAMEN.		
MARINE HOSPITALS.		
Marine and Immigrant Hospital, Quebec	20,000 00	
St. Catharines Hospital, Ontario.....	500 00	
Kingston do	500 00	
		1,000 00
Hospitals in the Provinces of Quebec, Nova Scotia, New Brunswick, Prince-Edward Island and British Columbia.....	35,000 00	
Carried forward.....	58,000 00	19,947,239 37

SCHEDULE B—Continued.

SERVICE.	Amount.	Total.
Brought forward.....	\$ cts. 56,000 00	\$ cts. 19,947,239 37
MARINE HOSPITALS AND SICK AND DISTRESSED SEAMEN—Continued.		
DISTRESSED SEAMEN.		
Expenses for Shipwrecked and Disabled Seamen.....	8,000 0	64,000 00
STEAMBOAT INSPECTION.		
To provide for expenses of Steamboat Inspection.....		15,000 00
SUPERINTENDENCE OF INSURANCE COMPANIES.		
To meet expenses in connection with the Inspection of Insurance Companies.....		6,000 00
GEOLOGICAL SURVEY.		
Geological Survey.....		50,000 00
DOMINION LANDS.		
<i>(Chargeable to Capital.)</i>		
Amount required for Surveys of Dominion Lands.....		300,000 00
INDIANS.		
<i>Ontario and Quebec.</i>		
Annual Grants:—		
For Indians of Quebec.....	\$4,200 00	
For purchase of blankets for aged and infirm Indians of Ontario and Quebec.....	1,600 00	
For Indian Schools in Ontario and Quebec.....	5,000 00	
For annuities under the Robinson Treaty.....	13,000 00	
Surveys of Reserves in older Provinces.....	3,000 00	
For grant to complete a road now partially opened through the Lake St. John Indian Reserve in the Township of Quiatchouan, P. Q.....	500 00	
	27,300 00	
<i>Nova Scotia.</i>		
Indians of Nova Scotia generally.....		4,500 00
<i>New Brunswick.</i>		
Indians of New Brunswick generally.....		4,500 00
<i>Prince Edward Island.</i>		
Indians of Prince Edward Island generally.....		2,000 00
Carried forward.....	38,300 00	20,382,239 37

SCHEDULE

SCHEDULE B — *Continued.*

SERVICE.	Amount.	Total.
	\$ cts.	\$ cts.
Brought forward	38,300 00	20,382,239 37
INDIANS—Continued.		
<i>British Columbia.</i>		
Indians of British Columbia generally	23,300 00	
Surveys	7,660 00	
Reserve Commission	11,249 31	
	42,209 31	
<i>Manitoba and the North-West.</i>		
Annuities	202,025 00	
Agricultural Implements (including tools in 1880-81).....	11,298 58	
Tools	2,683 04	
Cattle	10,593 00	
Seed grain	5,560 00	
Ammunition and twine.....	7,250 00	
Provisions for use during annuity payments.....	20,814 00	
Supplies of a general nature for destitute Indians.....	102,000 00	
Clothing.....	2,400 62	
Schools.....	11,000 00	
do additional.....	12,668 00	
Surveys	19,500 00	
Farms, wages and maintenance	60,000 00	
do additional	23,700 00	
Sioux	7,000 00	
General expenses	67,215 00	
Commissioner's house and office.....	12,000 00	
Grist mill.....	2,000 00	
	579,737 24	
		680,246 55
NORTH-WEST MOUNTED POLICE.		
Pay of North-West Mounted Police Force, including staff and extra pay to farmers and artisans	110,000 00	
Rations	45,000 00	
Forage	40,000 00	
Fuel and Light	7,000 00	
Clothing	20,500 00	
Repairs and renewals, replacement of horses, arms and ammunition	37,000 00	
Medicines and medical comforts.	1,500 00	
Books and Stationery.....	1,500 00	
Transport and freight charges, guides, teamsters, &c.....	24,500 00	
Contingencies.....	3,000 00	
		290,000 00
MISCELLANEOUS.		
Canada Gazette.....	4,000 00	
Miscellaneous Printing	10,000 00	
Unforeseen Expenses: expenditure thereof to be under order in Council, and a detailed statement to be laid before Parliament during the first fifteen days of the next Session	50,000 00	
Commutation in lieu of remission of duties on articles imported for the use of the Army and Navy.....	4,000 00	
Carried forward.....	68,000 00	21,332,485 92

SCHEDULE

SCHEDULE B.—Continued.

SERVICE.	Amount.	Total.
Brought forward	\$ 68,000 00	\$ 21,332,485 92
MISCELLANEOUS—Continued.		
For the expenses of Government in the North-West Territories.....	30,000 00	
do do District of Keewatin.....	7,500 00	
To meet expenditure estimated to be required to put into force the Act respecting the traffic in intoxicating liquors.....	5,000 00	
Amount required to provide for the erection of permanent headquarters of the North-West Mounted Police.....	20,000 00	
Expenses of Dominion Government Agency at Rio Janeiro	1,250 00	
To meet expenses connected with the consolidation of the Dominion Statutes	5,000 00	
For expenses of Commissions of enquiry	10,000 00	
To provide for the cost of a monument to the memory of the late Sir George Et. Cartier, Bart	10,000 00	
To pay for ten Babcock fire extinguishers for Public Buildings	500 00	
To pay balance due for conveying His Excellency the Earl of Dufferin and his party in steamer "J. W. Steinhoff," from Windsor to Sarnia and Goderich, in August, 1874.....	152 98	
		157,402 98
COLLECTION OF REVENUES.		
CUSTOMS.		
Salaries and Contingent Expenses of the several Ports—		
In the Province of Ontario.....	\$224,485 00	
do Quebec	197,515 00	
do New Brunswick.....	91,070 00	
do Nova Scotia.....	108,225 00	
do Manitoba	15,000 00	
do North-West Territories	5,000 00	
do British Columbia	22,454 00	
do Prince Edward Island	22,370 00	
Salaries and travelling expenses of Inspectors of Ports, and travelling expenses of other officers on inspection	18,000 00	
Contingencies of Head Office, covering printing, stationery, advertising, telegraphing, &c., for the several Ports of Entry	13,000 00	
To meet expenditure in connection with the Board of Customs and Outside Detective Service	15,000 00	
		732,119 00
EXCISE.		
Salaries of Officers and Inspectors of Excise, including salaries of Officers employed on probation	\$200,208 66	
To provide for increase of pay of Chief Officers at large distilleries and factories	1,400 00	
Travelling expenses, rent, fuel, stationery, &c	42,250 00	
To pay Collectors of Customs allowance on duties collected by them	2,500 00	
Preventive Service	6,500 00	
To provide for the cost of obtaining stamps and for the stamping of imported and Canadian Tobacco, under the provisions of 43 Victoria, chapter 19, and for other expenditures in connection with the securing of the duty on tobacco.....	12,000 00	
Commission to sellers of stamps, Canada twist tobacco.....	1,000 00	
Carried forward.....	265,856 66	732,119 00
		21,489,888 90

SCHEDULE

SCHEDULE B—Continued.

SERVICE.	Amount.	Total.
Brought forward.....	\$ cts. 265,856 66	\$ cts. 21,489,888 90
COLLECTION OF REVENUES—Continued.		
EXCISE—Continued.		
<i>Special.</i>		
To enable the Department to purchase wood naphtha and similar articles, for issue to bonded manufacturers, under provisions of 43 Victoria, chapter 19, section 21, the cost of which will be recouped by the manufacturers to whom they are supplied.....		
2,000 00	267,856 66	
CULLING TIMBER.		
<i>Quebec Office.</i>		
Supervisor.....	2,000 00	
Deputy Supervisor and Book-keeper.....	1,600 00	
Cashier.....	1,200 00	
Specification Clerks.....	1,800 00	
Messenger.....	400 00	
Specification Clerks—1 at \$1,000, 1 at \$700, 4 at \$600, 2 at \$500 (8 months).....	5,100 00	
Assistant Book-keeper.....	1,000 00	
Pay of Cullers.....	45,000 00	
Contingencies.....	4,000 00	
<i>Montreal Office.</i>		
Deputy Supervisor.....	900 00	
Book-keepers and Specification Clerks.....	1,000 00	
Pay of Cullers.....	2,500 00	
Contingencies.....	300 00	
	66,800 00	
WEIGHTS AND MEASURES AND GAS.		
Salaries of Inspectors and Assistant Inspectors of Weights and Measures.....	45,850 00	
Readjustment of salaries.....	5,000 00	
Salaries of Inspectors of Gas.....	9,000 00	
Rent, fuel, travelling expenses, postage, stationery, &c....	23,500 00	
	83,350 00	
INSPECTION OF STAPLES.		
For the purchase and distribution of Standards of Flour, &c., and other expenditure under the Act respecting the inspection of staples.....		
	3,000 00	
ADULTERATION OF FOOD.		
To meet expenses under the Act respecting adulteration of food.....		
	10,000 00	
Carried forward.....	1,163,125 66	21,489,888 90

SCHEDULE B—Continued.

SERVICE.	Amount.	Total.
Brought forward	\$ cts. 1,163,125 66	\$ cts. 21,489,888 90
COLLECTION OF REVENUES—Continued.		
MINOR REVENUES.		
Department of Inland Revenue in connection with the collection of Minor Revenues.....	\$8,000 00	
Department of the Interior in connection with the collection of Minor Revenues.....	2,000 00	
	10,000 00	
RAILWAYS.		
<i>Under Traffic.</i>		
Maintenance and Repairs :—		
Intercolonial Railway	\$1,600,000 00	
Prince Edward Island Railway	186,000 00	
Windsor Branch.....	12,000 00	
	1,798,000 00	
CANALS.		
Maintenance and Repairs :—		
Repairs and working expenses	\$411,550 00	
Salaries and contingencies of Canal Officers.....	32,770 00	
	474,320 00	
PUBLIC WORKS.		
Maintenance and Repairs :—		
Collection of Slide and Boom Dues	\$20,845 00	
Repairs and working expenses, Harbours and Slides..	81,900 00	
Telegraph lines between Prince Edward Island and the main land.....	2,000 00	
Telegraph lines, British Columbia, <i>via</i> Nanaimo and Point Grey	19,000 00	
Land and cable telegraph lines of the sea coasts and islands of the Lower Rivers and Gulf of the St. Lawrence and the Maritime Provinces.....	5,000 00	
Agent and contingencies, British Columbia.....	4,000 00	
To pay Geo. Levéque arrears of salary as caretaker of the wharf, lighthouse and gate at River Ouelle, 20th Sept., 1870, to 1st March, 1874, and for disbursements made by him.....	211 50	
	132,956 50	
POST OFFICE.		
For Ontario.....	\$875,000 00	
Quebec	507,000 00	
New Brunswick.....	174,500 00	
Nova Scotia.....	200,000 00	
Prince Edward Island	49,000 00	
British Columbia.....	63,000 00	
North-West Territory.....	32,000 00	
Manitoba.....	43,000 00	
	1,943,500 00	
Carried forward	5,621,902 16	21,489,888 90

SCHEDULE

SCHEDULE B--*Concluded.*

SERVICE.	Amount.	Total.
	\$ cts.	\$ cts.
Brought forward	5,521,902 16	21,489,888 90
COLLECTION OF REVENUES--<i>Concluded.</i>		
DOMINION LANDS.		
Dominion Lands (Outside Service), covering salaries and contingent expenses of Land and Timber Agencies, Inspections, &c.....	\$32,000 00	
Extra Clerks at Head Office, Ottawa, maps and other printing and advertising expenses and other similar charges.....	20,000 00	
Outside Service, British Columbia, staff, contingent expenses, inspections, &c.....	10,645 00	
Land Guides in Manitoba and the North-West.....	6,621 60	
Salary and allowance for expenses of Commissioner to try conflicting claims under Manitoba Act.	1,200 00	
	70,466 60	5,592,368 76
Total		27,082,257 66

CHAP. 3.

An Act to authorize the raising by way of loan of certain sums of money required for the public service.

[Assented to 21st March, 1881.]

WHEREAS it is expedient to raise by way of loan a sum of money not exceeding that hereinafter mentioned, to provide for the payment of the sums granted to Her Majesty during the present session of Parliament for the construction of the public works now being undertaken by the Dominion, and also for the payment of liabilities now outstanding and maturing prior to the thirtieth day of June, 1882: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

1. In addition to the sums now remaining unborrowed and negotiable of the loans authorized by Parliament as set forth in the fourth section of the Act of Supply passed in the forty-third year of Her Majesty's reign and chaptered ten, the Governor in Council is hereby authorized and empowered to raise by way of loan such sum of money not exceeding

Authority to raise eighteen million dollars by loan, in addition to certain sums remaining unborrowed

under supply
Bill of 1880,
s. 4.

35 V., c. 6.

38 V., c. 4.

exceeding in the whole eighteen million dollars, as may be required for the purposes above set forth, 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 the Act passed in the thirty-eighth year of Her Majesty's reign, intituled "*An Act to amend the Act respecting the Public Debt, and the raising of Loans authorized by Parliament,*" and the sums so raised shall form part of the Consolidated Revenue Fund of Canada.

CHAP. 4.

An Act to extend the Act establishing one Uniform Currency for the Dominion of Canada to the Provinces of British Columbia and Prince Edward Island.

[Assented to 21st March, 1881.]

Preamble.

WHEREAS by the Act hereinafter cited, it was enacted that on and after the first day of July in the year of our Lord one thousand eight hundred and seventy-one, the currency of the Province of Nova Scotia should be the same as that of the Provinces of Quebec, Ontario and New Brunswick; and whereas the provisions of the said Act extend also to the Province of Manitoba which formed part of the Dominion at the time of its passing, but have not been extended to the Provinces of British Columbia and Prince Edward Island which have been incorporated into the Dominion since the passing thereof; and whereas it is expedient that they should be so extended: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

The Act 34
V., c. 4, ex-
tended to
British Col-
umbia and
P. E. Island,
on and after
1st July, 1881.

I. On and after the first day of July in the present year of our Lord one thousand eight hundred and eighty-one, the provisions of the said Act passed in the thirty-fourth year of Her Majesty's reign, chaptered four, and intituled "*An Act to establish one Uniform Currency for the Dominion of Canada,*" shall extend and apply to the said Provinces of British Columbia and Prince Edward Island: Provided always, that any debt or obligation contracted before the said day in the currency then lawfully used in either of the said Provinces, shall, if payable thereafter, be payable by an equivalent sum in the currency hereby established.

CHAP. 5.

An Act to provide for the salaries of an additional Judge of the Court of Queen's Bench, and an additional Judge of the Superior Court, in the Province of Quebec.

[Assented to 21st March, 1881.]

WHEREAS by an Act passed by the Legislature of the Province of Quebec, in the year one thousand eight hundred and eighty, chaptered four, and intituled "*An Act to amend the law respecting the Court of Queen's Bench*," it is enacted, that the said Court shall be composed of six Judges instead of five, that is to say, of one Chief Justice and five Puisné Judges; and whereas by another Act passed by the said Legislature in the same year, chaptered five, and intituled "*An Act to amend the law respecting the constitution of the Superior Court*," it is enacted, that such said Court shall be composed of twenty-seven Judges, instead of twenty-six, that is to say, of one Chief Justice and twenty-six Puisné Judges; and whereas it is necessary to make provision for the salaries of such additional Judges: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Preamble

Acts of
Quebec, 43
V., chaps. 4
and 5, cited.

1. The salary of the additional Judge of the said Court of Queen's Bench shall be five thousand dollars per annum, and the salary of the additional Judge of the said Superior Court shall be five thousand dollars per annum; and the said salaries shall be payable out of any unappropriated moneys forming part of the Consolidated Revenue Fund of Canada.

Salaries of
two addi-
tional Judges
provided.

CHAP. 6.

An Act to increase the salaries of the Judges of the Supreme Court of Prince Edward Island.

[Assented to 21st March, 1881.]

IN amendment of the Act passed in the thirty-seventh year of Her Majesty's reign, intituled "*An Act to amend the Act thirty-sixth Victoria, chapter thirty-one, for the re-adjustment of the salaries of Judges, and other purposes*," and the Act thirty-sixth Victoria, chapter thirty-one, thereby amended, Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Preamble.

37 V., c. 4.

36 V., c. 31.

Salaries
increased.

1. The salaries of the Judges of the Supreme Court of Judicature of the Province of Prince Edward Island, shall be as follows, viz. :—

Chief Justice.

Of the Chief Justice, being also Judge of the Court of Vice-Admiralty, four thousand dollars per annum ;

Assistant
Judge.

Of the assistant Judge, being also Master of the Rolls in Chancery, three thousand two hundred dollars per annum ;

Assistant
Judge.

Of the assistant Judge, being also Vice-Chancellor, three thousand two hundred dollars per annum.

From what
time.

2. The increase of salaries mentioned in the foregoing enactments, shall take effect as from the first day of July, one thousand eight hundred and eighty-one.

CHAP. 7.

An Act to amend the Act thirty-sixth Victoria, chapter sixty, respecting the Montreal Harbour Commissioners.

[Assented to 21st March, 1881.]

Preamble.

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

Rate of interest under 36 V., c. 60, reduced, and payments for sinking fund dispensed with.

1. In order to assist the Montreal Harbour Commissioners in the improvement of the navigation of the St. Lawrence below Montreal, the Act thirty-sixth Victoria, chapter sixty, intituled "*An Act to make further provision for the improvement of the River St. Lawrence between Montreal and Quebec,*" is hereby so amended that the rate of interest payable by the said Harbour Commissioners to the Receiver General upon the sums raised under the said Act shall be four per cent. per annum, instead of five ; and the provisions in the said Act contained, relating to payments by the said Harbour Commissioners for the formation of a Sinking Fund, are hereby repealed.

CHAP. 8.

An Act further to amend an Act respecting certain Savings Banks in the Provinces of Ontario and Quebec, and to continue for a limited time the charters of certain Banks to which the said Act applies.

[Assented to 21st March, 1881.]

WHEREAS it is expedient further to amend the Act Preamble. passed in the thirty-fourth year of Her Majesty's 34 V., c. 7. reign, chapter seven, and intituled "*An Act respecting certain Savings Banks in the Provinces of Ontario and Quebec,*" and to continue for a limited time the charters of certain Banks to which it applies, subject to the provisions hereinafter made: 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 shall apply to those Banks to which the Act Application cited in the preamble applies, and to such Banks and their of Act. branches in every part of the Dominion.

2. Section fourteen of the said Act is hereby amended by S. 14 of 34 striking out the words "less than four nor" in the ninth V., c. 7, line of the said section. amended.

3. Public notice shall be given by the Directors of any Public notice, such Bank of the holding of annual or other meetings, by meetings of publishing the same at least four weeks in a newspaper at shareholders. the place where the head office of such Bank is situate, and if such head office be in the Province of Quebec, then such notice shall be given both in the French and English languages.

4. It shall be the duty of the Directors of any such Bank Half-yearly to make half-yearly dividends of so much of the profits of dividends, the Bank as to the majority of them may seem advisable, and notice and as shall not be inconsistent with the provisions of the thereof. Act hereinbefore cited, and to give public notice of the payment of such dividends in the manner aforesaid, at least thirty days previously.

5. The charters of the several Banks to which the Act here- Charters by amended applies, are hereby continued and shall remain in continued, force, subject to the provisions of the said Act as amended subject to by the Act thirty-sixth Victoria, chapter seventy-two, 34 V., c. 7 and of this Act, until the first day of July in the year 36 V., c. 72 and this Act, and this Act, until 1st until 1st of July, 1891, of July, 1891.

of Our Lord one thousand eight hundred and ninety-one, except in so far as they or any of them may be or become forfeited or void under the terms thereof, or of the Acts aforesaid, or of this Act, or of any other Acts passed or to be passed in that behalf, by non-performance of the conditions of such charters respectively, insolvency or otherwise.

List of shareholders to be furnished yearly.

6. The said Banks shall each of them furnish annually to be laid before Parliament within fifteen days after the opening of each session, certified lists of the shareholders, with their additions and residences, and the number of shares they respectively hold, and the amounts paid up thereon.

CHAP. 9.

An Act to correct a clerical error in Schedule B to the Act forty-third Victoria, chapter twenty-two, amending "The Bank Act," and continuing the charters of certain Banks.

[Assented to 21st March, 1881.]

Preamble.
43 V., c. 22.

WHEREAS by a clerical error in the Schedule B to the Act passed in the forty-third year of Her Majesty's reign, and intituled "*An Act to amend 'An Act relating to Banks and Banking,' and to continue for a limited time the charters of certain Banks to which the said Act applies,*" the name of "*La Banque de St. Jean,*" incorporated by the Act thirty-sixth Victoria, chapter fifteen, was accidentally omitted, the said Bank being entitled to have its charter continued in like manner with those of the other Banks therein mentioned: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Schedule B amended by inserting "La Banque de St. Jean."

1. The said Schedule B to the Act hereinbefore firstly mentioned is hereby amended by inserting therein the name of "*La Banque de St. Jean*" aforesaid, and the charter of the said Bank shall continue in force until the first day of July, in the year of Our Lord one thousand eight hundred and ninety-one, subject to the provisions of the Act firstly above cited, as if its name had been included in the said schedule at the time of the passing of the said Act.

CHAP. 10.

An Act further to amend the Acts forty-second Victoria, chapter fifteen, and forty-third Victoria, chapter eighteen, as respects duties of Customs.

[Assented to 21st March, 1881.]

IN amendment of the Act passed in the forty-second year of Her Majesty's reign, chaptered fifteen, and intituled "An Act to alter the Duties of Customs and Excise," hereinafter referred to as the Act first cited, and of the Act passed in the forty-third year of Her Majesty's reign, chaptered eighteen and intituled "An Act to amend the Act forty-second Victoria, chapter fifteen, intituled 'An Act to alter the duties of Customs and Excise,'" hereinafter referred to as the Act secondly cited Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows :—

1. Section four of the Act first cited is amended by inserting between the word "duty" and the word "be" in the twelfth line, the words "*or a specific and ad valorem duty,*" and by inserting between the word "duty" and the word "and" in the thirteenth line, the words "*and shall be charged with the same rate of ad valorem duty as is to be levied and collected on the goods they contain.*"

2. The schedule A to the Act first cited headed "GOODS SUBJECT TO DUTIES," as amended by the Act secondly cited, is hereby amended by striking out of it the words, expressions and figures hereinafter mentioned as to be struck out, and by inserting therein the words, expressions and figures hereinafter mentioned as to be so inserted, with the letters and figures in the outer column having reference to the amount or rates of the duties payable under such amendments respectively, striking out of the said outer column the letters and figures referring to the former duty, and by making in the said schedule to the Act first cited (as amended by the Act secondly cited), the other changes hereinafter mentioned, that is to say :—

In the item "Agricultural Implements," after the word "implements" and before the word "not" insert the words "*including mower and reaper knives.*"

Items amended or added.

Under the heading "BOOKS," in the sixth item, after the word "Books" insert the words "*and other printed matter not elsewhere specified.*"

- After the item "Cocoa Nuts" insert the item
*"Cocoa nuts, when imported from the place of
 growth by vessel direct to a Canadian port, fifty
 cents per hundred."*..... 50 c. per 100
- In the item "Cordage, all other," after the word
 "other" insert the words "*including Manila
 marline, when not imported for ships' purposes.*"
- Under the heading "COTTON, MANUFACTURES OF,"
 in the second item, strike out the word
 "Jeans"; and after the said second item, insert
 the following item: "*White or Dyed Cotton
 Jeans, Coutilles, Cambrics, Silicias, Casbans and
 printed Calicoes, twenty per cent. ad valorem,*" 20 p. cent
 and add the following item: "*Cottons over
 thirty-six inches wide, when imported by manu-
 facturers of window shades for use in their fac-
 tories, exclusively for the manufacture of oiled
 window shades, fifteen per cent. ad valorem.*"..... 15 p. cent.
- Under the heading "GLASS AND MANUFACTURES
 OF," in the first item, after the word "pressed"
 insert the words "*or moulded,*" and before the
 word "Jars" strike out the words "and fruit;"
 and in the second item, after the word
 "Chimneys" insert the words, "*side lights and
 head lights.*"
- Under the heading "IRON AND MANUFACTURES OF,"
 in the thirteenth item, after the word "Axles,"
 insert the words "*of iron or steel.*" Strike out
 the fourteenth item and substitute the follow-
 ing in lieu thereof: "*Rolled beams, channels,
 and angle and T iron, steel or iron and steel,
 twelve and one-half per cent. ad valorem.*"..... 12½ p. cent
- In the item "Wrought iron tubing," after the
 word "manufactured," insert the words "*over
 two inches in diameter,*" and after the words "per
 cent." add the words "*two inches in diameter, or
 under, coupled and threaded or not, twenty-five
 per cent. ad valorem*"..... 25 p. cent.
- In the twenty-fourth item, after the word "rivets,"
 insert the words "*of iron or steel.*"
- In the thirtieth item, after the word "over," strike
 out the word "half" and insert the words "*nine-
 sixteenths of.*"
- In the thirty-fourth item, after the word "nuts,"
 insert the words "*of iron or steel.*"
- Strike out the item concerning "Lead, old and
 scrap, and in pigs, bars, blocks and sheets," and
 substitute the following in lieu thereof: "*Lead,
 old, scrap and pig, forty cents per one hundred
 pounds*..... 40c. p. 100 lbs.
- Bars, blocks and sheets, sixty cents per one hundred
 pounds* 60c. p. 100 lbs.
- Under

- Under the heading "Leather," strike out the third item concerning "Sole and Belting Leather," and substitute the following in lieu thereof: "*Sole and belting leather, and all upper leather, including kid, lamb, sheep, buck, antelope and calf, tanned or dressed, but not waxed or glazed, fifteen per cent. ad valorem* 15 p. cent.
- In the fourth item "Leather as above," after the word "waxed" insert the words "*or glazed.*"
- In the item "Liquorice root and paste extract of," after the word "root" strike out the word "and."
- Under the heading "Marble," in the fourth item, respecting "Finished marble," strike out the words "twenty-five," and the words and figures in the outer column, and insert the word "*thirty*" 30 p. cent.
- Strike out the items respecting "Oil-cloth," and substitute the following in lieu thereof: "*Oil-cloth for floors, table covers, window blinds and scenery, in the piece, cut or shaped, oiled, enamelled, stamped, painted or printed, thirty per cent. ad valorem*" 30 p. cent.
- In the item concerning "Plaster of Paris or Gypsum, ground," after the word "ground" insert the words "*not calcined,*" and strike out the words "twenty per cent. ad valorem," and the words and figures in the outer column, and insert the words "*ten cents per one hundred pounds*" ..10c p.100 bs
- In the item concerning "Plated ware," after the words "of all kinds" insert the words "*including cutlery, plated wholly or in part.*"
- In the item concerning "Printing presses," strike out the word "fifteen," and the figures in the outer column, and insert the word "*ten*" 10 p. cent.
- Strike out the items concerning "Silk in the gum," and substitute the following in lieu thereof: "*Silk in the gum or spun, not more advanced than singles, tram and thrown organzine, not coloured, fifteen per cent. ad valorem*" 15 p. cent.
- In the item "Silver, rolled, and German silver," after the word "German" insert the words "*and Nickel.*"
- Under the heading "Spirits and Strong Waters," in the fifth item, after the words "other denomination" insert the words "*including Medicinal Elixirs and Fluid extracts and wine preparations, in bulk or bottle.*"
- In the item "Steel and manufactures of," strike out the figures "1882" and insert "1883."
- Under the heading "Wools and Woollens," strike out the word "Shawls," in the third line; and in the second item concerning "Clothing," after

the word "Caps," insert the words "*and horse clothing shaped.*"

After the respective items concerning Canned fruits, tomatoes and meats, paying specific duty, insert the following: "*the rate to include the duty on the cans, and the weight on which duty shall be payable to include the weight of the cans.*"

The following items are added to the Schedule A of goods subject to duties:

Acids, Sulphuric and Nitric, in a combined state. twenty per cent. ad valorem.....	20 p. cent.
Breadstuffs, grain and flour and meal of all kinds, when damaged by water <i>in transitu</i> , twenty per cent. ad valorem upon the appraised value, —such appraised value to be ascertained as pro- vided by Sections 44, 45, and 46, of the Act 40 Victoria, Chapter 10, intituled " <i>An Act to amend and consolidate the Acts respecting the Customs,</i> " as amended by any Act passed in the present Session.	20 p. cent.
Britannia Metal, in pigs and bars, ten per cent. ad valorem.....	10 p. cent.
Manufactures of, not plated, twenty-five per cent. ad valorem	25 p. cent.
Clothing of any material, including horse cloth- ing shaped, not otherwise provided for, thirty per cent. ad valorem.....	30 p. cent.
German and Nickel Silver, manufactures of, not plated, twenty-five per cent. ad valorem.....	25 p. cent.
Gun, Rifle and Pistol Cartridges, and Cartridge cases, of all kinds and materials, thirty per cent. ad valorem.....	30 p. cent.
Laces, braids, fringes and other trimmings, twenty per cent. ad valorem.....	20 p. cent.
Musical instruments of all kinds, not otherwise provided for, twenty-five per cent. ad valorem.	25 p. cent.
Oils, Lubricating, of all kinds, twenty-five per cent. ad valorem	25 p. cent.
Paints, white lead in pulp, not mixed with oil, five, per cent. ad valorem	5 p. cent.
Ribbons of all kinds and materials, thirty per cent. ad valorem.....	30 p. cent.
Screws of iron, steel, brass or other metal, not otherwise provided for, thirty per cent. ad valorem	30 p. cent.
Shawls of all kinds and materials, except silk, twenty-five per cent. ad valorem	25 p. cent.
Slates, roofing slate, black or blue, eighty cents per square; red, green and other colours, one dollar per square.....	80c. p. sq. \$1 p. sq.
Telephones,	

Telephones, telegraph instruments, electric and galvanic batteries, and apparatus for electric lights, twenty-five per cent. ad valorem	25 p. cent.
Umbrellas, parasols and sunshades of all kinds and materials, twenty-five per cent. ad valorem	25 p. cent.
Velveteens and cotton velvets, twenty per cent. ad valorem	20 p. cent.
Winceys, plain, of all widths, when the material is not over one-fourth wool, twenty per cent. ad valorem	20 p. cent.
Checked, striped or fancy, not over twenty-five inches wide, twenty per cent. ad valorem	20 p. cent.
Checked, striped or fancy dress winceys, over twenty-five inches wide and not over thirty inches, when the material is not more than one-fourth wool, two cents per square yard and fifteen per cent. ad valorem.....	15 p. cent.
But all checked, striped or fancy winceys over thirty inches wide, shall be subject to duty as woollen goods, when the material is partly wool.	
Cocoa matting, twenty-five per cent. ad valorem.	25 p. cent.

3. The schedule to the Act first cited headed "FREE GOODS," as amended by the Act secondly cited, is hereby amended by striking out of it the words and expressions hereinafter mentioned as to be so struck out, and by inserting therein the words and expressions hereinafter mentioned as to be so inserted or added; that is to say :—

In the item concerning "Bones, Crude, &c.," after the word "Crude," strike out the word "and."

Schedule of free goods amended.

Items amended or added.

Strike out the item concerning "Colours," and substitute the following in lieu thereof: "*Colours, dry, viz., Blue Black, Blanc Fixé, Chinese Blue, Prussian Blue and Raw Umber. In Pulp, viz., Carmine, Cologne, Marjacca and Rose Lakes, Scarlet and Maroon, Satin and fine-washed White, and Ultramarine Blue.*"

In the item concerning "Potash," after the word "Muriate," insert the words "*and Bichromate.*"

In the item concerning "Steel in ingots, &c.," strike out the figures "1882" and insert "1883."

The following items are hereby added to the said Schedule of free goods, viz. :—

Beans, Vanilla and Nux Vomica.

Belladonna Leaves.

Books, Educational, imported by and for the use of schools for the deaf and dumb exclusively.

Cinchona Bark.

Ergot.

Ergot.

Horn Strips, when to be used in making Corsets.

Quercitron, or extract of Oak Bark.

Roots, Medicinal, *viz.*, Aconite, Calumba, Ipecacuanha, Sarsaparilla, Squills, Taraxacum, Valerian.

Trees, Forest, when imported into the Province of Manitoba, or the North-West Territories, for planting.

After the words "Cotton seed cake" add the words "and meal," in the item "Oil cake."

Addition to
schedule of
prohibited
goods.

4. The following item is hereby added to schedule D to the Act first cited:—

Foreign reprints of British Copyright Works Copyrighted in Canada, and of Canadian Copyrighted Works.

And the articles mentioned in the said item are prohibited to be imported, under the penalty and forfeiture imposed by the said schedule for the importation of articles therein mentioned.

From what
time the fore-
going amend-
ments shall
be held to
have been in
force.

5. The foregoing sections of this Act shall be held to have come into force, and the alterations thereby made in the schedules aforesaid and in the duties of Customs, and as to the goods subject thereto or free from duty or prohibited to be imported, shall be held to have been made, and the said schedules as hereby amended to have been in force on and after the twenty-sixth day of February, in the present year of Our Lord one thousand eight hundred and eighty-one, and to have applied and to apply to all goods imported or taken out of warehouse for consumption on or after the said day; and the laws now in force respecting the Customs, as amended by any Act passed during the present session of Parliament shall apply to the duties payable under the Acts firstly and secondly cited, and the schedules aforesaid as hereby amended, and to the prohibition therein contained.

CHAP. II.

An Act to amend the Act fortieth Victoria, Chapter ten, intituled "An Act to amend and consolidate the Acts respecting the Customs."

[Assented to 21st March, 1881.]

Preamble.

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

1. The twenty-third section of the Act fortieth Victoria, chapter ten, intituled "*An Act to amend and consolidate the Acts respecting the Customs,*" is hereby repealed, and the following section substituted therefor:—

Sect. 23 of 40 V., c. 10, repealed.

"**23.** If any goods imported by water, on which *ad valorem* duties are payable, receive damage during the voyage of importation between the actual departure of the vessel in which they are laden from the foreign port of exportation and her actual arrival at her port of destination in Canada, whereby such goods have become lessened in value, an abatement may be made in the value for duty of such goods, or in case duty has been paid thereon a refund of a part of such duty may be made, proportionate to the damage sustained; provided the claim therefor is made in due form and properly substantiated at the first landing from such vessel of the said goods, and while they are in the custody of the Crown, or as soon after such first landing as they can be examined; provided such examination be completed and certified by the Collector of Customs, Customs Appraiser or other proper officer whose duty it shall be to assess such damage, within ten days of such landing.

Abatement of *ad valorem* duties on goods imported by water and damaged.

Time for making claim limited.

"If any goods imported by railway or by any other land conveyance, on which *ad valorem* duties are payable, receive damage during the course of transportation, after they are laden on such railway or other vehicle, and before they arrive at the Canadian port of destination, whereby they become lessened in value, an abatement may be made in the value for duty of such goods, provided the claim for such abatement is made in due form within ten days of the arrival of such goods at the Canadian port of destination, and substantiated to the satisfaction of the Minister of Customs.

If imported by railway or other land conveyance.

Time for claim.

"The Collector of Customs or Appraiser or other proper officer whose duty it may be to examine and assess the amount of damage sustained on voyage of importation, shall do so with all possible despatch on being notified to that effect, and shall certify to the exact cause and extent of such damage with reference to the value of the goods in the principal markets of the country whence imported, and not according to the value in Canada; nor shall he regard as evidence of the existence or amount of damage any price realized at an auction or forced sale thereof; nor shall he estimate nor shall any damage be allowed which may have originated from decay, dampness or other cause existing before the voyage commenced, and which may have rendered the goods unfit to withstand the ordinary risks of the voyage of importation; nor shall he estimate nor shall any allowance be made for or duty refunded for rust on iron or steel or any manufacture thereof, except on polished Russia iron and Canada plates, and on such only to the extent of fifty per cent.; nor shall

Duty of Collector or Appraiser.

As to value of goods.

What shall not be regarded as evidence of damage.

No allowance for damage to be made in certain cases.

shall any allowance be made for stains or injury to any packages holding liquids or to the labels thereon, unless the contents of such packages have, at the same time, received actual specific damage by the admixture therewith of water or other foreign substance."

Section 41 repealed.

2. The forty-first section of the said Act is hereby repealed, and the following section and sub-sections substituted therefor :—

Before whom attestation of invoice or bills of entry may be made.

" 41. The oath required under the six foregoing sections may be made in Canada before the collector, sub-collector, surveyor or chief clerk at the port where the goods are entered, or if the person making such oath is not resident there, then before the collector of some other port; and when such oath is required to be made out of the limits of Canada, it may be made at any place within the United Kingdom or at any place in her Majesty's possessions abroad, before the collector or before the mayor or other chief municipal officer of the place where the goods are shipped, and at any other place before the British Consul at such place, or if there is no such consul, then before some one of the principal merchants at such place, not interested in the goods in question :

Certain officers may administer any oath, and receive any declaration required by this Act.

" 2. The Commissioner of Customs or other person acting as Deputy Head of the Department, and all officers holding under Order in Council, the rank of chief clerk of the Inside Service in the said Department, and all duly appointed Inspectors of Customs ports, shall, by virtue of their office, have full authority to administer all oaths and receive all declarations required or authorized by this Act or any section thereof; and the Governor in Council may, from time to time, by regulation, appoint or designate such other and additional persons, officers or functionaries, as he sees fit, by name, or by their name of office, and in Canada or out of it, as those before whom such oath may be validly taken, and may, by any Order in Council, relax or dispense with the provisions of this Act touching such oath, in or with regard to goods imported by land or inland navigation, or to any other class of cases to be designated in such regulation :

No person but the owner, &c., to take oath, except in certain cases.

" 3. No person other than the owner, consignee or importer of the goods of which entry is to be made, shall be allowed to take any oath under the said foregoing sections, unless there be attached to the bill of entry therein referred to, a declaration by the owner, consignee or importer of the said goods (or his legal representative under section one hundred and forty-one of this Act), to the same effect as the oath (adapting the form and words to the case), distinctly referring to the invoice presented with such bill

of

of entry, and signed by such owner, importer or consignee (or by his legal representative), either in presence of the agent making the entry, who shall attest the signature, or of some Justice of the Peace or Notary Public, who shall attest the same; and such declaration shall be kept by the collector; and for any wilfully false statement in such declaration, the person making the same shall incur the same penalty as if it were made in the oath; but such written declaration may be dispensed with under the order of the Governor in Council, where it may be deemed advisable, in the interests of commerce, to dispense therewith.

Before whom.

Penalty if false.

Proviso.

“4. The Governor in Council may, by regulation, authorize the alteration of any of the forms of oaths in the schedule to this Act, by abbreviating the same or omitting any of the allegations therein contained which may appear to him unnecessary; and he may, with or on any bill of entry of any goods, or on the invoice presented therewith, require any further oaths, affirmations or declarations than those prescribed in the schedule to this Act, as may appear to him expedient; and any new or amended form prescribed by any such regulation shall be of the same effect as the form in the said schedule for which it is substituted, and shall thereafter be held to be the form referred to in this Act; and any such regulation may, from time to time, be repealed or amended as other regulations in matters relating to the Customs.”

Governor in Council may alter oaths in schedule, from time to time, or require further oaths.

3. The first paragraph of section forty-five of the said Act is hereby repealed, and the following substituted therefor:—

Part of sect. 45 repealed.

“45. If the importer, owner, consignee or agent, having complied with the requirements of this Act, is dissatisfied with the appraisement made, as aforesaid, of any such goods, he may forthwith give notice in writing to the collector, of such dissatisfaction,—on the receipt of which notice the collector shall select two discreet and experienced merchants, familiar with the character and value of the goods in question, to examine and appraise the same, agreeably to the foregoing provisions; and if they disagree, all invoices, entries and other papers connected with the appraisement, and all evidence taken by or before the appraiser, or Collector of Customs acting as such, and by or before the said merchants, shall be transmitted without delay to the Commissioner of Customs, who, after due examination of the same, shall decide and determine the proper rate and amount of duty to be collected and paid, and his decision shall be final and conclusive; and the duty shall be levied and collected accordingly:”

Importer dissatisfied with appraisement may appeal in certain cases.

Two merchants to be appointed to appraise the goods.

Report to the Commissioner of Customs: his decision to be final.

4. Section forty-six of the said Act is hereby repealed, and the following section substituted therefor:—

Section 46 repealed.

“46.

Additional duty in cases of under-valuation.

"46. If in any case the actual value for duty of any goods, as finally determined by the appraiser, or Collector acting as such, or under the next preceding section in the case there-in mentioned, exceeds by twenty per centum, or more, the value for duty as it would appear by the invoice and bill of entry thereof, then in addition to the duty otherwise payable on such goods, when properly valued, there shall be levied and collected upon the same a further duty equal to one-half of the whole duty so payable on such goods when properly valued."

Sub-s. 5 of section 56 repealed.

5. Sub-section five of section fifty-six of the said Act is hereby repealed, and the following sub-section substituted therefor:—

Bonds for duties in warehouse may be dispensed with in certain cases.

Proviso: conditions to be observed.

Penalty on collector, &c., allowing payment to be avoided or deferred.

"5. The Governor in Council may, by regulations to be from time to time, made in that behalf, dispense with or provide for the cancelling of bonds for the payment of duties on goods actually deposited in warehouse under the Crown's lock, on such terms and conditions and in such cases as he thinks proper: but it shall not be lawful for any person to make, or any officer of Customs to accept, any bond, note or other document for the purpose of avoiding or deferring the actual payment of duties legally accruing on goods imported into Canada, nor to arrange for deferring payment of such duties in any way, unless such goods are entered for warehouse and duly deposited therein according to the laws and regulations governing the warehousing of such goods; and any Collector or other officer of Customs who shall be convicted of having allowed the payment of such duties to be so avoided or deferred for any cause or consideration whatever, shall be and become liable to forfeit the full value of such goods, and in addition thereto the amount of duty accruing thereon, which shall be recoverable from him or his sureties, or either of them, in the Exchequer Court or any court of competent jurisdiction in Canada; and any goods on which payment of duty may have been so avoided or deferred shall be liable to seizure and be dealt with as goods unlawfully imported into Canada."

Section 64 repealed

6. Section sixty-four of the said Act is hereby repealed, and the following substituted therefor:—

Not less than a certain quantity of goods to be taken out of warehouse at one time.

"64. The Governor in Council may, from time to time, make regulations for the ex-warehousing of goods, either for consumption, removal, exportation or ship's stores, in any quantity not less than a whole package as originally warehoused, unless the said goods be in bulk, and then in quantities not less than one ton in weight, except when a less weight may be the balance remaining of the original entry thereof for warehouse."

7. Section seventy-six of the said Act is hereby repealed, and the following section substituted therefor :—

Section 76
repealed.

“76. If any person, knowingly and wilfully, with intent to defraud the revenue of Canada, smuggles or clandestinely introduces into Canada any goods subject to duty, without paying or accounting for the duty thereon, or makes out or passes or attempts to pass through the Custom House any false, forged or fraudulent invoice, or in any way attempts to defraud the revenue by evading the payment of the duty, or of any part of the duty on any goods, every such person, his, her or their aiders or abettors shall, in addition to any other penalty or forfeiture to which they may be subject for such offence, be deemed guilty of a misdemeanor, and on conviction shall be liable to a penalty not exceeding two hundred dollars, or to imprisonment for a term not exceeding one year, or both, in the discretion of the court before whom the conviction is had ; and the said goods shall be forfeited.”

Penalty on
persons smug-
gling goods,
using false
invoices, &c.

Misdemeanor.
Fine.
Imprison-
ment.

8. The first paragraph of section eighty-one of the said Act is hereby repealed, and the following substituted therefor :—

Part of
section 81
repealed.

“81. If any warehoused goods are concealed in or removed from any public or private warehouse in Canada, such goods shall be forfeited ; and any person concealing or removing any such goods, or aiding or abetting such removal, shall incur the penalties imposed on persons illegally importing or smuggling goods into Canada : and on discovery by the proper officer of Customs of such concealment or removal, all goods belonging to such importer or owner, then remaining in the same or any other warehouse, shall be placed under detention until the duty due on the goods so concealed or removed, and all penalties incurred by him shall have been paid ; and if such duties and penalties are not paid within one month after the discovery of the concealment or removal of such goods, the goods so detained shall be dealt with in the same manner as goods unlawfully imported or smuggled into Canada.”

Penalty on
persons com-
mitting cer-
tain offences
with regard
to warehous-
ed goods.

If duty and
penalty be
not paid.

9. The first paragraph ending with the word “contrary” in section ninety-one of the said Act is hereby repealed, and the following substituted therefor :—

Part of s. 91
repealed.

“91. Every officer and person employed under the authority of the ‘Act respecting the collection and management of the Revenue, the Auditing of Public Accounts, and the liability of Public Accountants,’ passed in the thirty-first year of Her Majesty’s reign, or of any Act passed in amendment thereof or substituted therefor, or of the ‘Act to provide for the better auditing of the Public Accounts,’ passed in the forty-first year of Her Majesty’s reign, or in the collection of the revenue within

Officers em-
ployed under
31 V., c. 5,
or 41 V., c. 7,
in the Cust-
oms, to be
deemed em-
ployed for
the preven-
tion of smug-
gling.

What averment of such employment shall suffice.

within the meaning of any such Act, or under the direction of any officer or officers in the Customs Department, or being an officer of the said department, shall be deemed and taken to be duly employed for the prevention of smuggling; and in any suit or information, the averment that such party was so duly employed shall be sufficient proof thereof, unless the defendant in such suit or information shall prove to the contrary:—

Sections 119, and 120 repealed.

§ 10. Sections one hundred and nineteen and one hundred and twenty of the said Act are hereby repealed, and the following sections substituted therefor:—

How goods claimed to be exempt from duty must be described for entry.

“119. Goods claimed to be exempt from duty under any Act relating to duties of Customs, shall, in the entry thereof, be described and set forth in the words by which they are described to be free in the Act or Schedule; and goods not answering such description shall be seized and forfeited,—or if the collector, under the circumstances, deems it expedient, he may detain the goods and report the case for the action of the Commissioner of Customs and the decision of the Minister of Customs, as provided in the next following section of this Act.

Collector to notify Commissioner of Customs, whenever any goods, &c., have been seized or detained.

“120. When any goods, ship, boat, vessel, car or other vehicle have been, in any case whatever, seized or detained for any breach of the Customs Laws, by any collector or other proper officer of Customs, or when any fine or forfeiture has been incurred, the same shall be immediately reported by such collector or other proper officer of Customs to the Commissioner of Customs, who shall forthwith notify the party or parties from whom such seizure has been made, or who have become subject to any fine or forfeiture as aforesaid, of all the particulars of the offence, and call upon him or them to furnish such evidence, within thirty days from the date of such notice, by affidavit or declaration to be sworn to or affirmed before any Justice of the Peace or Collector of Her Majesty's Customs, by him or themselves or by any person or persons competent to give evidence in any of Her Majesty's Courts of Justice, as may be possible in the case, in rebuttal of the charge so preferred against him or them; and the said Commissioner of Customs shall then examine and weigh the evidence so presented, and shall report his decision thereon to the Minister of Customs, who shall confirm or alter the same as may, to him, appear to be in accordance with law and justice; and such decision shall be final, as it respects the Customs Department: and if the party or parties from whom such seizure or detention has been made, or who have become subject to any fine or forfeiture as aforesaid, accept such decision, he or they shall have no action on account of the seizure or detention, nor shall any proceedings be had for condemnation, and the terms

Commissioner of Customs shall notify the parties.

Commissioner of Customs shall examine evidence and report to Minister of Customs: who shall decide.

If parties accept the decision.

terms of the decision may be enforced by or on behalf of the Crown; but such party or parties may, in such case, within thirty days after such decision is communicated to him or them, give notice in writing to the said Minister of Customs that he or they will not accept or comply with such decision, and the Minister of Customs shall then proceed to enforce the full penalties of the law in some court of competent jurisdiction, as provided in this Act."

Parties to notify Minister of Customs in case they do not accept his decision.

Minister shall proceed to enforce law.

11. The eleventh sub-section of section one hundred and twenty-five of the said Act is hereby repealed, and the following substituted therefor:—

Sub-s. 11 of s. 125 repealed.

"11. For transferring to the list of goods which may be imported into Canada free of duty, any or all articles (whether natural products or products of manufactures) used as materials in Canadian manufactures; and any such materials transferred to the free list by such Order in Council, shall be free of duty of Customs for the time therein appointed for that purpose: And for granting a drawback of the whole or part of the duty paid on articles which may have been used in Canadian manufactures; or for granting a certain specific sum in lieu of any such drawback:"

Materials used in Canadian manufactures may be transferred to free list.

Drawback on such articles.

CHAP. 12.

An Act to provide for the allowance of drawback on certain articles manufactured in Canada, and used by the Canadian Pacific Railway Company.

[Assented to 21st March, 1881.]

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

Preamble.

1. The Governor in Council may, from time to time, make regulations for ascertaining the quantities and values of fish-plates and other fastenings, spikes, bolts, nuts and iron bridges manufactured in Canada and used by the Canadian Pacific Railway Company in the original construction of the Canadian Pacific Railway, as defined by the Act thirty-seven Victoria, chapter fourteen, and also the quantities and values of all telegraphic apparatus manufactured in Canada and used by the said Railway Company in the original construction and in the first equipment of a telegraph line in connection with the Canadian Pacific Railway.

Governor in Council may make regulations for ascertaining the value of certain articles used by the C. P. R. Company.

2. The Governor in Council may, also, from time to time, make regulations for ascertaining the persons in Canada from

And the persons from

whom they
are procured.

from whom such fish plates and other fastenings, spikes, bolts, nuts, iron bridges and telegraphic apparatus respectively, shall have been procured by the said Company.

And may
allow a draw-
back to such
persons.

3. The Governor in Council, with the assent of the Treasury Board, and upon such terms and conditions as may be thought proper, may pay over to the person or persons in Canada from whom such articles as aforesaid, manufactured in Canada, have been procured by the said Company, sums of money not exceeding the amount of customs duty which would have been payable on such articles respectively if imported into Canada at the time the same were so procured by the said Company.

CHAP. 13.

An Act respecting Naturalization and Aliens.

[Assented to 21st March, 1881.]

Preamble.

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

INTERPRETATION CLAUSE.

Interpreta-
tion.

1. In this Act, if not inconsistent with the context or subject-matter thereof,—

Disability.

“Disability” means the status of being an infant, lunatic, idiot, or married woman:

Officer in
diplomatic
service of
H.M.

“Officer in the Diplomatic Service of Her Majesty” means any Ambassador, Minister or Chargé d’Affaires, or Secretary of Legation, or any person appointed by such Ambassador, Minister, Chargé d’Affaires, or Secretary of Legation to execute any duties imposed by *The Naturalization Act, 1870*, (Imperial) on an officer in the Diplomatic Service of Her Majesty:

Officer in
consular ser-
vice of H.M.

“Officer in the Consular Service of Her Majesty” means and includes Consul-General, Consul, Vice-Consul and Consular Agent, and any person for the time being discharging the duties of Consul-General, Consul, Vice-Consul or Consular Agent:

Oath.

“Oath” includes affirmation in the case of a person allowed by law to affirm in judicial cases:

County.

“County” includes a union of counties and a judicial district or other judicial division:

Alien.

“Alien” includes a statutory alien:

“Subject”

“Subject” includes a citizen when the foreign country referred to is a republic. Subject.

2. This Act shall not come into force until on, from and after a day to be appointed in that behalf by proclamation of the Governor published in the *Canada Gazette*. When this Act shall be in force.

3. This Act may be cited for all purposes as “*The Naturalization Act, Canada, 1881.*” Short title.

STATUS OF ALIENS IN CANADA.

4. Real and personal property of every description may be taken, acquired, held and disposed of by an alien in the same manner in all respects as by a natural-born British subject; and a title to real and personal property of every description may be derived through, from, or in succession to an alien, in the same manner in all respects as through, from, or in succession to a natural-born British subject: Provided,— Aliens may hold and transmit property of any kind.

1. That this section shall not qualify an alien for any office, or for any municipal, parliamentary, or other franchise; Not to vote on it.

2. That this section shall not entitle an alien to any right or privilege as a British subject, except such rights and privileges in respect of property as are hereby expressly given to him; To have only rights expressly given.

3. That this section shall not affect any estate or interest in real or personal property to which any person has or may become entitled, either mediately or immediately, in possession or expectancy, in pursuance of any disposition made before the coming into force of this Act, or in pursuance of any devolution by law on the death of any person dying before the passing of this Act; Act not to affect dispositions made before its passing.

4. That this section shall not qualify an alien to be the owner of a British ship. As to owning ships.

5. Where Her Majesty has entered into a convention with any foreign State to the effect that the subjects of that State who have been naturalized as British subjects may divest themselves of their status as British subjects, and where Her Majesty, by Order in Council, passed under the third section of *The Naturalization Act, 1870*, (Imperial) has declared that such convention has been entered into by Her Majesty,—then, from and after the date of such Order in Council, any person being originally a subject of the State referred to in such Order, who has been naturalized as a British subject within Canada may, within such limit of Declaration of alienage in cases within convention with a foreign state.

Effect of such declaration.

of time as may be provided in the convention, make a declaration of alienage, and from and after the date of his so making such declaration such person shall, within Canada, be regarded as an alien, and as a subject of the State to which he originally belonged as aforesaid.

Before whom such declaration may be made.

6. A declaration of alienage may be made as follows:—If the declarant be in the United Kingdom, in the presence of any Justice of the Peace; if elsewhere in Her Majesty's dominions, in the presence of any judge of any court of civil or criminal jurisdiction, or of any Justice of the Peace, or of any other officer for the time being authorized by law, in the place in which the declarant is, to administer an oath for any judicial or other legal purpose: If out of Her Majesty's dominions, in the presence of any officer in the diplomatic or consular service of Her Majesty.

Declaration of alienage by persons being H.M.'s subjects, by birth, but also subjects of a foreign state by the law thereof.

7. Any person who by reason of his having been born within the dominions of Her Majesty is a natural-born subject, but who also at the time of his birth became, under the law of any foreign State, a subject of such State, and is still such subject, may, if of full age and not under any disability, make a declaration of alienage in manner aforesaid, and from and after the making of such declaration of alienage such person shall within Canada cease to be a British subject. Any person who is born out of Her Majesty's dominions of a father being a British subject may, if of full age, and not under any disability, make a declaration of alienage in manner aforesaid, and from and after the making of such declaration shall within Canada cease to be a British subject.

Juries *de medietate abolished.*

8. From and after the coming into force of this Act, an alien shall not be entitled to be tried by a jury *de medietate linguæ*, but shall be triable in the same manner as if he were a natural born subject.

EXPATRIATION.

Alienage in Canada of British subject naturalized in a foreign State.

9. Any British subject who has, at any time before, or may at any time after the coming into force of this Act, when in any foreign State and not under any disability, voluntarily become naturalized in such State, shall, from and after the time of his so having become naturalized in such foreign State, be deemed within Canada to have ceased to be a British subject, and be regarded as an alien: Provided,—

Proviso How such subject may remain a British subject in Canada.

1. That where any British subject has before the coming into force of this Act voluntarily become naturalized in a foreign State and yet is desirous of remaining a British subject within Canada, he may, at any time within two years after the coming into force of this Act, make a declaration that he is desirous

desirous of remaining a British subject, and upon such declaration (hereinafter referred to as a declaration of British nationality) being made, and upon his taking the oath of allegiance, the declarant shall be deemed to have been continually a British subject within Canada, with this qualification, that he shall not, when within the limits of the foreign State in which he has been naturalized, be deemed within Canada to be a British subject, unless he has ceased to be a subject of that State in pursuance of the laws thereof, or in pursuance of a treaty to that effect.

Declaration and its effect.

Except when he is within such foreign State.

2. A declaration of British nationality may be made, and the oath of allegiance be taken as follows:—If the declarant be in the United Kingdom in the presence of a Justice of the Peace; if elsewhere in Her Majesty's dominions in the presence of any judge of any court of civil or criminal jurisdiction, or of any Justice of the Peace, or of any other officer for the time being authorized by law, in the place in which the declarant is, to administer an oath for any judicial or other legal purpose; if out of Her Majesty's dominions, in the presence of any officer in the diplomatic or consular service of Her Majesty.

Where and before whom such declaration may be made.

NATURALIZATION AND RESUMPTION OF BRITISH NATIONALITY.

10. An alien who, within such limited time before taking the oaths or affirmations of residence and allegiance and procuring the same to be filed of record as hereinafter prescribed, as may be allowed by order or regulation of the Governor in Council, has resided in Canada for a term of not less than three years, or has been in the service of the Government of Canada or of the Government of any of the Provinces of Canada, or of two or more of such governments, for a term of not less than three years, and intends, when naturalized, either to reside in Canada, or to serve under the Government of Canada or the government of one of the Provinces of Canada, or two or more of such governments, may take and subscribe the oaths of residence and allegiance or of service and allegiance in form A in the schedule hereto or to the like effect, and apply for a certificate in the form B in said schedule.

Alien having resided in Canada, or been in the service of a Canadian Government, not less than three years within the time to be limited by the Governor in Council, may take oaths and apply for certificate as a British subject.

11. Every such oath shall be taken and subscribed by such alien, and may be administered to him by any of the following persons, viz.:—A judge of a court of record in Canada, a commissioner authorized to administer oaths in any court of record in Canada, a commissioner authorized by the Governor General to take oaths under this Act, a Justice of the Peace of the county or district where the alien resides, a Notary Public, a Stipendiary Magistrate, a Police Magistrate.

Where and before whom such oaths may be taken.

Evidence of residence or service required.

12. The alien shall adduce in support of his application such evidence of his residence or service, and intention to reside or serve, as the person before whom he takes the oaths aforesaid may require; and such person, on being satisfied with such evidence, and that the alien is of good character, shall grant to such alien a certificate in the form B in the schedule hereto or to the like effect.

Presentation of certificate in Ontario.

13. Such certificate shall be presented,—
In Ontario, to the Court of General Sessions of the Peace of the county within the jurisdiction of which the alien resides, or to the Court of Assize or *Nisi Prius* during its sitting in such county;

In Quebec.

In Quebec, to the Circuit Court in and for the circuit within the jurisdiction of which the alien resides;

In Nova Scotia.

In Nova Scotia, to the Supreme Court or to the Circuit Court during its sittings in the county within the jurisdiction of which the alien resides, or to the County Court of such county;

In New Brunswick.

In New Brunswick, to the Supreme Court or the Court of Assize or *Nisi Prius* during its sitting in the county within the jurisdiction of which the alien resides, or to the County Court of such county;

In British Columbia.

In British Columbia, to the Supreme Court during its sittings in the electoral district within the jurisdiction of which the alien resides, or to the Court of Assize or *Nisi Prius* during its sittings in such electoral district, or to the County Court of such electoral district;

In Manitoba.

In Manitoba, to the Court of Queen's Bench during its sittings in the county within the jurisdiction of which the alien resides, or to the Court of Assize or *Nisi Prius* during its sittings in such county, or to the County Court of such county;

In Prince Edward Island.

In Prince Edward Island, to the Supreme Court during its sittings in the county within which the alien resides, or to the Court of Assize or *Nisi Prius* during its sittings in such county, or to the County Court of such county,—

To be in open Court.

In open court, on the first day of some general sitting of such court; and thereupon such court shall cause the same to be openly read in court; and, if during such sitting the facts mentioned in such certificate are not controverted, or any other valid objection made to the naturalization of such alien, such court, on the last day of such sitting, shall direct that such certificate be filed of record in the court.

To be filed of record if not invalidated.

In the North-West Territories, &c.

14. In the North-West Territories and in the District of Keewatin, such certificate shall be presented to such authorities

thorities or persons as may be provided by order or regulation of the Governor General in Council, and thereupon such authority or person shall take such proceedings with respect to such certificate, and shall cause the same to be filed of record in such way as may be provided by such order or regulation.

15. The alien shall, after the filing of such certificate, be entitled, under the seal of the Court if such certificate has been presented to a Court, to a certificate of naturalization in the form C in the schedule hereto annexed or to the like effect; and if the certificate has been presented to an authority or person, as provided by order or regulation of the Governor General in Council, the alien shall be entitled to receive from such authority or person a certificate of naturalization authenticated as may be provided by such order or regulation.

Certificate of naturalization from a Court.

From an authority duly empowered by the Governor in Council.

16. The certificate granted to an alien who applies for naturalization on account of service under the Government, as provided by the tenth section hereof, shall be filed of record in the office of Her Majesty's Secretary of State for Canada; and thereupon the Governor General in Council may authorize the issue of a certificate of naturalization to such alien in the form D in the schedule hereto or to the like effect.

If certificate of naturalization be on account of service.

17. An alien to whom a certificate of naturalization is granted shall, within Canada, be entitled to all political and other rights, powers and privileges, and be subject to all obligations, to which a natural born British subject is entitled or subject within Canada, with this qualification, that he shall not, when within the limits of the foreign State of which he was a subject previously to obtaining his certificate of naturalization, be deemed to be a British subject unless he has ceased to be a subject of that State in pursuance of the laws thereof, or in pursuance of a treaty or convention to that effect.

Rights of alien so naturalized.

Exception when he is within the State of which he was a subject.

18. A special certificate of naturalization may, in manner aforesaid, be granted to any person with respect to whose nationality as a British subject a doubt exists, and such certificate may specify that the grant thereof is made for the purpose of quieting doubts as to the right of such person to be deemed a British subject; and the grant of such special certificate shall not be deemed to be any admission that the person to whom it was granted was not previously a British subject. Such special certificate may be in the form E in the schedule hereto annexed or to the like effect.

Certificate of naturalization where nationality is doubtful.

Effect thereof.

19. An alien who has been naturalized previously to the coming into force of this Act may apply for a certificate of naturalization under this Act, and such certificate may be granted

As to aliens naturalized before this Act.

granted to such naturalized alien upon the same terms and subject to the same conditions upon which such certificate might have been granted if such alien had not been previously naturalized.

And as to British subject by birth who has become an alien.

20. A natural born British subject who has become an alien in pursuance of this Act or of any Act or law in that behalf, and is, in this Act, referred to as a "statutory alien," may, upon the same terms and subject to the same conditions as are required in the case of an alien applying for a certificate of naturalization, apply to the proper Court or authority or person in that behalf for a certificate, hereinafter referred to as a "certificate of re-admission to British nationality," re-admitting him to the status of a British subject within Canada. Such certificate may be in the form F in the schedule hereto annexed or to the like effect.

Certificate of re-admission within Canada.

Registration of certificate in Land Registry office.

21. A copy of the certificate of naturalization may be registered in the Land Registry Office of any county or district or registration division within Canada, and a copy of such registry certified by the registrar or other proper person in that behalf, shall be sufficient evidence of the naturalization of the person mentioned therein, in all courts and places whatsoever.

Fees on issue of certificate by a Court.

22. The clerk of the court by which the certificate of naturalization is issued shall, for all services and filings in connection with such certificate, be entitled to receive from such person the sum of twenty-five cents, and no more; and no further or other fee shall be payable for or in respect of such certificate. The registrar shall, for recording a certificate of naturalization be entitled to receive from the person producing the same for registry, the sum of fifty cents, and a further sum of twenty-five cents for every search and certified copy of the same, and no more.

And to Registrar for recording it.

Rights of statutory alien re-admitted within Canada.

23. A statutory alien to whom a certificate of re-admission to British nationality within Canada has been granted shall, from the date of the certificate of re-admission, but not in respect of any previous transaction, resume his position as a British subject within Canada,—with this qualification, that within the limits of the foreign State of which he became a subject he shall not be deemed to be a British subject within Canada, unless he has ceased to be a subject of that foreign State according to the laws thereof, or in pursuance of a treaty or convention to that effect.

Provision in case of certain convention by H.M. with a foreign State.

24. Where any foreign State has, before or after the coming in force of this Act, entered into a convention with Her Majesty to the effect that the subjects of that State who have been naturalized as British subjects may divest themselves

selves

selves of their status as subjects of such foreign State, and where such convention or the laws of such foreign State require a residence in Canada of more than three years or a service under the Government of Canada or of any of the Provinces of Canada, or of two or more of such Provinces, of more than three years, as a condition precedent to such subjects divesting themselves of their status as such foreign subjects—an alien being a subject of such foreign State, who desires to divest himself of his status as such subject, may, if at the time of taking the oath of residence or service he has resided or served the length of time required by such convention or by the laws of the foreign State, instead of taking the oath shewing three years residence or service, take an oath shewing residence or service for the length of time required by such convention or by the laws of the foreign State; and the certificate to be granted to the alien under the twelfth section hereof shall state the period of residence or service sworn to. The certificate of naturalization shall likewise state the period of residence or service sworn to, and the statement in such certificate of naturalization shall be sufficient evidence of such residence or service in all courts and places whatsoever.

How alien subject of such State may obtain certificate of naturalization.

What the certificate shall show and its effect.

25. An alien who, either before or after the coming into force of this Act, has, whether under this Act or otherwise, become entitled to the privileges of British birth in Canada, and who is a subject of a foreign State with which a convention to the effect above mentioned has been entered into by Her Majesty, and who desires to divest himself of his status as such subject, and who has resided or served the length of time required by such convention or by the laws of the foreign State, may take the oath of residence or service shewing residence or service for the length of time required by such convention or by the laws of the foreign State, and apply for a certificate (or a second certificate, as the case may be) of naturalization under this Act.

As to aliens in such case of convention, who have become entitled to privileges of British birth in Canada.

NATIONAL STATUS OF MARRIED WOMEN AND INFANT CHILDREN.

26. A married woman shall, within Canada, be deemed to be a subject of the State of which her husband is for the time being a subject.

Married woman.

27. A widow being a natural born British subject, who has become an alien by or in consequence of her marriage, shall be deemed to be a statutory alien, and may, as such, at any time during widowhood, obtain a certificate of re-admission to British nationality, within Canada, in manner provided by this Act.

Widow being a British subject by birth who has become an alien by marriage.

28. Where the father being a British subject, or the mother being a British subject and a widow, becomes an alien in pursuance

Children of British subjects who

have become
aliens.

pursuance of this Act, every child of such father or mother who during infancy has become resident in the country where the father or mother is naturalized, and has, according to the laws of such country, become naturalized therein, shall, within Canada, be deemed to be a subject of the State of which the father or mother has become a subject, and not a British subject.

Children of
parents who
have been
re-admitted
to British
nationality.

29. Where the father, or the mother being a widow, has obtained a certificate of re-admission to British nationality within Canada, every child of such father or mother who during infancy has become resident within Canada with such father or mother, shall be deemed to have resumed the position of a British subject within Canada, to all intents.

Where the
parents have
obtained cer-
tificates of
naturaliza-
tion.

30. Where the father, or the mother being a widow, has obtained a certificate of naturalization within Canada, every child of such father or mother who during infancy has become resident with such father or mother within Canada shall, within Canada, be deemed to be a naturalized British subject.

Act not to
affect ac-
quired rights
of married
women.

31. Nothing in this Act contained shall deprive any married woman of any estate or interest in real or personal property to which she may have become entitled previously to the coming into force of this Act, or affect such estate or interest to her prejudice.

Regulations
by Governor
in Council as
to—

32. The Governor General in Council may by regulation provide for the following matters:—

Declaration.

1. The form and registration of declarations of British nationality;

Registration.

2. The form and registration of certificates of naturalization in Canada,

Re-admission.

3. The form and registration of certificates of re-admission to the British nationality within Canada;

Alienage.

4. The form and registration of declarations of alienage;

Transmission
of evidence
for purposes
of this Act.

5. The transmission to Canada for the purpose of registration or safe keeping, or of being produced as evidence of any declarations or certificates made in pursuance of this Act, out of Canada, or of any copies of such declarations or certificates, also of copies of entries contained in any register kept out of Canada in pursuance of or for the purpose of carrying into effect the provisions of this Act;

Fees on regis-
tration.

6. With the consent of the Treasury Board, the imposition and application of fees in respect of any registration author-
ized

ized to be made by this Act, and in respect of the making any declaration or the grant of any certificate authorized to be made or granted by this Act ;

7. The persons by whom the oaths may be administered Oaths.
under this Act ;

8. Whether or not such oaths are to be subscribed as well Subscription
as taken, and the form in which such taking and subscrip- of oaths.
tion are to be attested ;

9. The registration of such oaths ; Registration.

10. The persons by whom certified copies of such oaths Copies.
may be given ;

11. The transmission to Canada for the purpose of registra- Transmission
tion or safe keeping, or of being produced as evidence, of any of oaths, &c.,
oaths taken in pursuance of this Act out of Canada, or of taken out of
any copies of such oaths, also of copies of entries of such Canada.
oaths contained in any register kept out of Canada in
pursuance of this Act ;

12. The proof, in any legal proceeding, of such oaths ; Proof.

13. With the consent of the Treasury Board, the imposition Fees.
and application of fees in respect of the administration or
registration of any such oath.

The Governor General in Council, by a further regu- Repealing or
lation, may repeal, alter or add to any regulation pre- altering re-
viously made by him in pursuance of this section. Any gulations.
regulation made by the Governor General in Council in Presumption
pursuance of this section shall be deemed to be within as to regula-
the powers conferred by this Act, and shall be of the same tions.
force as if it had been enacted in this Act.

33. Any declaration authorized to be made under this Proof of de-
Act may be proved in any legal proceeding by the pro- clarations.
duction of the original declaration, or of any copy thereof
certified to be a true copy by the Clerk or acting clerk of the
Queen's Privy Council for Canada, or by any person author-
ized by regulations of the Governor General in Council to
give certified copies of such declaration ; and the production
of such declaration or copy shall be evidence of the person
therein named as declarant having made the same at the
date in the said declaration mentioned.

34. A certificate of naturalization, or of re-admission Proof of cer-
to British nationality, may be proved in any legal tificates.
proceeding by the production of the original certificate,
or of any copy thereof certified to be a true copy by the
Clerk

Clerk or acting clerk of the Queen's Privy Council for Canada, or by any person authorized by regulations of the Governor General in Council to give certified copies of such certificate; and the statement of the period of residence or service in a certificate of naturalization shall be sufficient evidence of such residence or service in all courts and places whatsoever.

Proof of entries of registration.

35. Entries in any register authorized to be made in pursuance of this Act may be proved by such copies and certified in such manner as may be directed by regulation of the Governor in Council, by the Clerk or acting clerk of the Queen's Privy Council for Canada, or by the Secretary of State; and the copies of such entries shall be evidence of any matters by this Act or by any regulation of the Governor in Council authorized to be inserted in the register.

Application of a certain Act of this session.

36. Any Act passed during the present session touching documentary evidence, shall apply to any regulation made by the Governor General in Council, in pursuance of or for the purpose of carrying into effect any of the provisions of this Act.

MISCELLANEOUS.

As to acts done before naturalization.

37. Where any British subject has, in pursuance of this Act, become an alien, he shall not thereby be discharged from any liability in respect of any acts done before the date of his so becoming an alien.

As to aliens naturalized in any part of Canada before this Act.

38. Each and every person who, being by birth an alien, had, on or before the coming into force of this Act, become entitled to the privileges of British birth, within any part of Canada, by virtue of any general or special Act of Naturalization in force in such part of Canada, shall hereafter be entitled to all the privileges by this Act conferred on persons naturalized under this Act.

Act not to affect Act of U.C., 51 Geo. 3, c. 9.

39. Nothing in this Act contained shall repeal or in any manner affect the Act of the legislature of Upper Canada, passed in the fifty-fourth year of the reign of His late Majesty King George the Third, intituled "*An Act to declare certain persons therein described Aliens, and to vest their estates in His Majesty,*" or any proceedings had under the said Act.

Nor certain Acts of Province of Canada.

4, 5 V., c. 7.

40. Nor shall anything in this Act contained repeal or in any manner affect the Act of the legislature of the late Province of Canada, passed in the session held in the fourth and fifth years of Her Majesty's reign, chapter seven, intituled "*An Act to secure to and confer upon certain inhabitants of this Province, the civil and political rights of Natural born*"

born British Subjects," or the first, second or third section of the Act of the said legislature passed in the twelfth year of Her Majesty's reign chapter one hundred and ninety-seven, intituled "*An Act to repeal a certain Act therein mentioned and to make better provision for the Naturalization of Aliens,"*—or impair or affect the naturalization of any person naturalized under the said Acts, or either of them, or any rights acquired by such person or by any other party by virtue of such naturalization, all which shall remain valid and be possessed and enjoyed by such person or party respectively.

12 V., c. 197.

Or the rights of those naturalized under them.

41. Every person who, being by birth an alien, did, prior to the first day of January, 1868, take the oaths of residence and allegiance required by the naturalization laws then in force in that one of the Provinces now forming the Dominion of Canada, in which he then resided, shall, within Canada, be admitted to all the rights and privileges of a natural born British subject conferred upon naturalized persons by this Act; and the certificate of the Judge, Magistrate, or other person before whom such oaths were taken and subscribed, shall be evidence of his having taken them; or he may take and subscribe the oath in form G in the schedule hereto before some judge, justice, or person authorized to administer the oaths of residence and allegiance under this Act, in the county or district in which he resides.

As to persons entitled to be naturalized before January, 1868, under the law of any Province of Canada.

42. All aliens who had their settled place of abode in either of the late Provinces of Upper Canada or Lower Canada or Canada, or in Nova Scotia or New Brunswick, on or before the first day of July, A.D. 1867, or in Rupert's Land or the North-West Territories on or before the fifteenth day of July, A.D. 1870, or in British Columbia, on or before the 20th day of July, A.D. 1871, or in Prince Edward Island, on or before the first day of July, A.D. 1873, and who are still residents in Canada, shall be deemed, adjudged, and taken to be, and to have been entitled to all the privileges of British birth within Canada as if they had been natural born subjects of Her Majesty, subject to the following provision, that is to say:—That no such person (being a male) shall be entitled to the benefit of this Act, unless nor until he shall take the oaths of allegiance and residence in the form prescribed by this Act, before some Justice of the Peace or other person authorized to administer oaths under this Act.

Aliens who had their settled abode in certain Provinces, on certain named days, to be British subjects on taking oaths of allegiance, and residence.

43. The oaths taken under the last preceding section shall be filed of record,—if the person making them resides in the Province of Ontario, with the Clerk of the Peace of the county in which he resides,—if he resides in the Province of Quebec, with the Clerk of the Circuit Court of the circuit within which he resides,—if he resides in Nova Scotia, with the

Where the oaths required by s. 42 shall be filed of record.

Clerk

Clerk of the Supreme Court,—and if he resides in New Brunswick, with the Clerk of the Supreme Court,—if he resides in British Columbia or Prince Edward Island, with the Clerk of the Supreme Court,—if he resides in Manitoba with the Clerk of the Court of Queen's Bench, or with the Clerk of the County Court of the county in which he resides,—if he resides in the North-West Territories or in the District of Keewatin, with such person or authority as may be provided by order or regulation of the Governor General in Council; and upon its being so filed, the person making it shall be entitled to the benefit of this Act and of the privileges of British birth within Canada, and shall also, upon payment of a fee of twenty-five cents, be entitled to a certificate from the person with whom the oaths have been filed, in the form H of the schedule hereto or to the like effect; and the production of such certificate shall be *prima facie* evidence of his naturalization under this Act, and that he is entitled to and enjoys all the rights and privileges of a British subject.

Effect of filing: fee for certificate, and its effect.

Commissioners for administering oaths.

44. The Governor in Council may appoint, from time to time, Commissioners to take and administer oaths under this Act.

PENALTY FOR FALSE SWEARING.

Punishment for false swearing or affirming.

45. Any person wilfully swearing falsely, or making any false affirmation under this Act, shall be deemed guilty of wilful and corrupt perjury, and shall, on conviction, in addition to any other punishment authorized by law, forfeit all the privileges or advantages which he or she would otherwise, by making such oath or affirmation, have been entitled to under this Act; but the rights of others in respect to estates derived from or held under him or her, shall not thereby be prejudiced, excepting always such others as shall have been cognizant of the perjury at the time the title by which they claim to hold under him or her was created.

Proviso; Saving rights of others.

Future naturalization only under this Act.

46. After the coming into force of this Act, no alien shall be naturalized within Canada, except under the provisions of this Act.

SCHEDULE OF FORMS.

A. (*See Section 10.*)

THE NATURALIZATION ACT, CANADA, 1881.

Oath of Residence.

I, A. B., do swear (*or, being a person allowed by law to affirm in judicial cases, do affirm*) that, in the period of _____ years

years preceding this date I have resided three (*or five, as the case may be*) years in the Dominion of Canada with intent to settle therein, without having been, during such three years (*or five years, as the case may be*) a stated resident in any foreign country. So help me God.

Sworn before me at _____ }
 on the _____ } A. B.
 day of _____ }

THE NATURALIZATION ACT OF CANADA, 1881.

Oath of Service.

I, A. B., do swear (*or, being a person allowed by law to affirm in judicial cases, do affirm*) that, in the period of _____ years preceding this date, I have been in the service of the Government of Canada (*or, of the Government of the Province of _____, in Canada, or as the case may be*) for the term of three years, and I intend, when naturalized, to reside in Canada (*or to serve under the Government of _____ as the case may be*).

Sworn before me at _____ }
 on the _____ } A. B.
 day of _____ }

THE NATURALIZATION ACT, CANADA, 1881.

Oath of Allegiance.

I, A. B., do sincerely promise and swear (*or, being a person allowed by law to affirm in judicial cases, affirm*) that I will be faithful and bear true allegiance to Her Majesty Queen Victoria, as lawful Sovereign of the United Kingdom of Great Britain and Ireland and of the Dominion of Canada, dependent on and belonging to the said Kingdom, and that I will defend Her to the utmost of my power against all traitorous conspiracies or attempts whatever which shall be made against Her Person, Crown and Dignity, and that I will do my utmost endeavour to disclose and make known to Her Majesty, Her Heirs or Successors, all treasons or traitorous conspiracies and attempts which I shall know to be against Her or any of them; and all this I do swear (*or affirm*) without any equivocation, mental evasion or secret reservation. So help me God.

Sworn before me at _____ }
 this _____ } A. B.
 day of _____ }

B.

B. (*See Section 12*).

THE NATURALIZATION ACT, CANADA, 1881.

Certificate under Section 12.

I, C. D. (*name and description of the person before whom the oaths have been taken—See Section 11*), do certify that A. B., an alien, on the day of , subscribed and took, before me, the oaths (*or affirmations*) of residence and allegiance (*or service and allegiance, as the case may be*), authorized by the tenth section of *The Naturalization Act, Canada, 1881*, and therein swore (*or affirmed*) to a residence in Canada (*or service, &c.*), of years; that I have reason to believe and do believe that the said A. B., within the period of years preceding the said day, has been a resident within Canada for (*three or five, as the case may be*) years (*or has been in the service of the Government of Canada for three years; or, as the case may be*), that the said A. B. is a person of good character, and that there exists, to my knowledge, no reason why the said A. B. should not be granted all the rights and capacities of a natural born British subject.

Dated at , the day of .

C.D.

If the above Certificate be applied for by a person, with respect to whose nationality a doubt exists, and who desires a special Certificate of Naturalization under Section eighteen, add the following:—

“I further certify that the said A. B. has doubts as to his nationality as a British subject, and desires a special certificate of naturalization under section eighteen of said Act.”

If the above certificate be applied for by a person previously a natural born British subject, but who became an alien by naturalization, an appropriate statement to that effect should be inserted in the certificate.

C. (*See Section 15*).

THE NATURALIZATION ACT, CANADA, 1881.

Certificate of Naturalization.

Dominion of Canada, }
Province of . }

In the (*name of Court*):

Whereas, A. B., of, &c. (*describing him as formerly of such a place, in such a foreign country, and now of such a place in Canada,*

Canada, and adding his occupation or addition), has complied with the several requirements of *The Naturalization Act, Canada, 1881*, and has duly resided in Canada for the period of (three or five, as the case may be) years. And whereas the certificate granted to the said A. B., under the twelfth section of the said Act has been duly read in open Court, and thereupon, by order of the said Court, has been filed of record in the same pursuant to the said Act (¶). This is therefore to certify to all whom it may concern, that under and by virtue of the said Act, A. B. has become naturalized as a British subject (§) and is, within Canada, entitled to all political and other rights, powers and privileges, and is subject to all obligations to which a natural born British subject is entitled or subject within Canada, with this qualification that he shall not, when within the limits of the foreign State of which he was a subject, (or citizen) previous to the date hereof, be deemed to be a British subject unless he has ceased to be a subject (or citizen) of that State in pursuance of the laws thereof or in pursuance of a treaty or convention to that effect.

Given under the seal of the said Court, this
day of _____, one thousand eight hundred and

E. F.
Judge, Clerk (or other proper
officer of the Court.)

This form may be altered so as to apply to the North-West Territories or District of Keewatin.

D (See Section 16).

THE NATURALIZATION ACT, CANADA, 1881.

Certificate of Naturalization to a person after service under Government

Whereas A. B., of (*describing him, and adding his occupation or addition*) has complied with the several requirements of *The Naturalization Act, Canada, 1881*, and has been in the service of the Government of Canada (*or, as the case may be*) for a term of not less than three years, and intends, when naturalized, to reside in Canada (*or to serve under the Government of _____, as the case may be*); and whereas the certificate granted to the said A. B., under the twelfth section of the said Act, has been duly filed of record in the office of Her Majesty's Secretary of State for Canada pursuant to the said Act; and whereas the Governor General in Council has duly authorized the issue of this Certificate
of

he became an alien by being naturalized as a subject (or citizen) of _____ has complied with the several requirements of *The Naturalization Act, Canada, 1881*, and has duly resided in Canada for the period of three (or five, as the case may be) years; and whereas the certificate granted to the said A. B., under the twelfth section of the said Act, has been duly read in open Court, and thereupon by order of the said Court has been filed of record in the same pursuant to the said Act: This is therefore to certify to all whom it may concern that under and by virtue of the said Act the said A. B., from the date of this certificate, but not in respect of any previous transaction, is re-admitted to the status of a British subject - (then follow form C from the sign § to the end.)

Form D to be altered in a similar way when necessary.

Where the applicant is a widow the form must be modified accordingly and recite that she became an alien by marriage with her late husband, L. M., a subject (or citizen) of _____

G. (See Section 43).

THE NATURALIZATION ACT, CANADA, 1881.

I, A. B., of _____, do swear (or affirm) that on or about the _____ day of _____, one thousand eight hundred and _____, at _____, in the (County, &c.) of _____, in the Province of _____, I did take and subscribe before (a Judge, Magistrate or other person, naming him) the oaths (or affirmations) of residence and allegiance required by the laws respecting the naturalization of aliens then in force in the said Province. So help me God.

A. B.

Sworn before me at _____ on }
the _____ day of _____ 18 }

G 1. (See Section 44).

THE NATURALIZATION ACT, CANADA, 1881.

I, A. B., of _____, do swear (or affirm) that I had a settled place of abode in (Upper Canada, Lower Canada, Nova Scotia, or New Brunswick, as the case may be) on the first day of July, A.D. 1867, (or in Rupert's Land or the North-West Territories, on the fifteenth day of July, A.D. 1870) (or in British Columbia, on the twentieth day of July, A.D. 1871) (or in Prince Edward Island, on the first day of July,

July, A.D. 1873), and I resided therein with intent to settle therein; and I have continuously since resided in the Dominion of Canada. So help me God.

A. B.

Sworn before me at _____, on }
the _____ day of _____ 18 _____ }

H. (See Section 45).

THE NATURALIZATION ACT, CANADA, 1831.

I hereby certify that A. B., of _____, has filed with me as (Clerk of the Peace, _____, or as the case may be) the oath (or affirmation) of which the following is a copy:—

(Copy the Oath or Affirmation.)

This certificate is issued pursuant to the forty-fifth section of *The Naturalization Act, Canada, 1831*, and is to certify to all to whom it may concern that

(Follow Form C.)

CHAP. 14.

An Act to provide for the extension of the boundaries of the Province of Manitoba.

[Assented to 21st March, 1881]

Preamble.

Act of Manitoba.

WHEREAS, by an Act of the Legislature of the Province of Manitoba, passed during the session thereof held in the present year of Her Majesty's reign, and intituled "*An Act to provide for the extension of the boundaries of the Province of Manitoba*," the Legislature of that Province hath consented to the increase of the same by the alteration of its limits, as hereinafter enacted, upon the terms and conditions hereinafter expressed: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Boundaries of Manitoba defined. Extent increased.

1. The Province of Manitoba shall be increased as hereinafter defined, that is to say, so that the boundaries thereof shall be as follows:—"Commencing at the intersection of the International Boundary dividing Canada from the United States of America by the centre of the Road Allowance between _____ between

between the twenty-ninth and thirtieth ranges of townships lying west of the first principal meridian in the system of Dominion Land Surveys; thence northerly, following upon the said centre of the said road allowance as the same is or may hereafter be located, defining the said range line on the ground across Townships one to forty-four, both inclusive, to the intersection of the said centre of the said road allowance by the centre of the road allowance on the twelfth base line in the said system of Dominion Land Surveys; thence easterly along the said centre of the road allowance on the twelfth base line, following the same to its intersection by the easterly limit of the District of Keewatin, as defined by the Act thirty-ninth Victoria, Chapter twenty-one, that is to say, to a point where the said centre of the road allowance on the twelfth base line would be intersected by a line drawn due north from where the westerly boundary of the Province of Ontario intersects the aforesaid International Boundary Line dividing Canada from the United States of America; thence due south, following upon the said line to the International Boundary aforesaid; and thence westerly, following upon the said International Boundary Line dividing Canada from the United States of America, to the place of beginning," and all the land embraced by the said description not now within the Province of Manitoba shall, from and after the passing of this Act, be added thereto, and the whole shall, from and after the said date, form and be the Province of Manitoba

2. The terms and conditions upon which such increase is made are as follows:—

Terms and conditions of increase.

(a) All the enactments and provisions of all the Acts of the Parliament of Canada which have, since the creation of the Province of Manitoba, been extended into and made to apply to the said Province, shall extend and apply to the territory by this Act added thereto, as fully and effectually as if the same had originally formed part of the Province and the boundaries thereof had, in the first instance, been fixed and defined as is done by this Act,—subject, however, to the provisions of section three of this Act.

Dominion Acts extended to Manitoba, to apply to new limits, subject to s. 3.

(b.) The said increased limit and the territory thereby added to the Province of Manitoba shall be subject to all such provisions as may have been or shall hereafter be enacted, respecting the Canadian Pacific Railway and the lands to be granted in aid thereof.

And to all provisions respecting C.P. Railway.

3. All laws and ordinances in force in the territory hereby added to the Province of Manitoba at the time of the coming into force of this Act, and all courts of civil and criminal jurisdiction, and all legal commissions, powers and authorities, and all officers, judicial, administrative and ministerial,

Laws, courts, commissions, officers, &c, in force in territory added by this

Act to remain in force there, until otherwise provided.

ministerial, existing therein at the time of the coming into force of this Act, shall continue therein as if such territory had not been added to the said Province; subject, nevertheless, with respect to matters within the legislative authority of the Legislature of the Province of Manitoba, to be repealed, abolished or altered by the said Legislature.

When this Act shall be in force.

4. This Act shall come into force only upon, from and after a day to be appointed in that behalf by proclamation of the Governor published in the *Canada Gazette*.

CHAP. 15.

An Act to continue in force for a limited time the Act forty-third Victoria, chapter thirty-six.

[Assented to 21st March, 1881.]

Preamble.

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

Act 43 V., c. 36, continued.

1. The Act passed in the forty-third year of Her Majesty's reign, chapter thirty-six, and intituled "*An Act respecting the Administration of Criminal Justice in the Territory in dispute between the Governments of the Province of Ontario and of the Dominion of Canada,*" shall continue in force until the end of the now next ensuing session of Parliament.

CHAP. 16.

An Act to amend the Dominion Lands Acts.

[Assented to 21st March, 1881.]

Preamble.
42 V., c. 31,
(1879.)
43 V., c. 26,
(1880.)

IN amendment of the Dominion Lands Acts of 1879 and 1880, Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

S. 3, 1879,
repealed.

1. Section three of "*The Dominion Lands Act, 1879,*" is hereby repealed, and the following is substituted therefor:—

System of
survey.

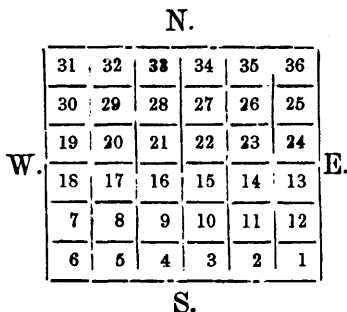
"3. Subject always to the provisions hereinafter made with respect to special cases,—

"1.

“1. The Dominion lands shall be laid off in quadrilateral townships, containing thirty-six sections of one mile square in each (except in the case of those sections rendered irregular by the convergence or divergence of meridians as hereinafter mentioned), together with road allowances of one chain and fifty links in width, except as hereinafter provided, between all townships and sections :

Townships to contain 36 sections of one square mile each.

“2. The sections shall be bounded and numbered as shewn by the following diagram :—



“3. The township therefore will, subject to deficiency or surplus from converging or diverging meridians, as the case may be, and excepting as the same may be affected by any reduction in the number or the width of the road allowances therein, as hereinafter provided, measure on each side, from centre to centre of the road allowances bounding the same, four hundred and eighty-nine chains: Provided that the Governor in Council may, hereafter, should the same be deemed expedient, reduce the number of road allowances in any township, and may indicate the particular section lines in such township on which no allowance for road shall be laid out in the survey, and may also reduce the width of the road allowances on township and section lines from one chain and fifty links, to one chain, in Keewatin and the North-West Territories, or in any portion of the same, as may be deemed expedient.”

Measurement of sides of a township, 489 chains.

Proviso: Reduction of road allowances in certain places.

2. Section seven of “*The Dominion Lands Act, 1879*,” is hereby repealed, and the following is substituted therefor :—

S. 7, 1879, repealed.

“7. The townships shall be laid out and given their width of four hundred and eighty-nine chains, as aforesaid, or as the case may be, on the base lines hereinafter mentioned; and the meridians between townships shall be drawn from such bases, north or south to the depth of two townships, that is to say, to the correction lines hereinafter mentioned.”

Width on the base lines.

3. Section sixteen of “*The Dominion Lands Act, 1879*,” is hereby repealed, and the following is substituted therefor :—

S. 16, 1879, repealed.

Proviso as to laying out and describing lands in certain locations.

"16. Provided that nothing in this Act shall be construed to prevent the lands upon the Red and Assiniboine Rivers, surrendered by the Indians to the late Earl of Selkirk, from being laid out in such manner as may be necessary in order to carry out section thirty-two of the Act thirty-third Victoria, chapter three, or to prevent fractional sections or lands bordering on the Saskatchewan, or any river, or lake, or other water course, or on a public road, from being laid out and divided into lots of any certain frontage or depth, in such manner as may appear desirable; or to prevent the subdivision of sections or other legal subdivisions into wood lots as hereinafter provided, or the describing of the said lands upon the Red and Assiniboine Rivers, or such subdivisions of fractional sections or lands bordering as above, or other lots, or wood lots, for patent, by numbers according to a plan of record, or by metes and bounds, or by both, as may seem expedient."

S. 30, 1879, repealed.

4. Section thirty of "*The Dominion Lands Act, 1879*," is hereby repealed, and the following is substituted therefor:—

As to sale or lease of surveyed lands.

"30. Unappropriated Dominion Lands, the surveys of which may have been duly made and confirmed, shall, except as otherwise hereinafter provided, be open for purchase at such prices and on such terms and conditions regarding settlement or otherwise as may be fixed from time to time by the Governor in Council: Provided that no such purchase shall be permitted at a less price than one dollar per acre: Provided also, that except in special cases where otherwise ordered by the Governor in Council, no such purchase of more than a section, or six hundred and forty acres, shall be made by the same person: Provided further, that where deemed expedient by the Governor in Council such purchase shall be restricted to the odd-numbered sections in each township: And provided, also, that whenever so ordered by the Minister, such unoccupied lands as may be deemed by him expedient, from time to time, may be withdrawn from ordinary sale and settlement, and sold at public auction to the highest bidder.

Proviso.

Proviso.

Proviso.

Proviso.

Sale by auction.

Proviso as to water powers, &c.

"2. Provided further, that any legal sub-division or other portion of unappropriated Dominion land, which may include a water power, harbour or stone-quarry, shall be reserved from ordinary sale, to be disposed of in such manner and on such terms and conditions as may be fixed by the Governor in Council on the report of the Minister of the Interior."

Part of sect. 34, 1879, repealed.

5. The first two paragraphs of section thirty-four of "*The Dominion Lands Act, 1879*," are hereby repealed, and the following are substituted therefor:—

"34.

"34. Any person, male or female, who is the sole head of a family, or any male who has attained the age of eighteen years, shall be entitled to be entered for one hundred and sixty acres, or for a less quantity, of unappropriated Dominion lands, for the purpose of securing a homestead right in respect thereof. (Forms A and B, also A 1 and B 1, in the Schedule to this Act.)

Entry for homestead right.

"But a person obtaining such homestead entry shall be liable to the forfeiture thereof should he not become a *bonâ fide* occupant of the land so entered within six months of the date of entry: Provided that the Governor in Council may, in case of intending immigrants, or of persons from abroad desiring to settle near each other, vary the above rule, as may be deemed expedient, but in no case shall a longer period than twelve months be allowed between the date of entry and the due occupation of the land, and the occupant shall thenceforth continue to occupy and cultivate the same as hereinafter provided."

Condition of settlement.

Proviso: in the case of certain immigrants.

6. Sub-section eight of the said section thirty-four is hereby repealed, and the following is substituted therefor:—

Sub-s. 8 of s. 34 repealed.

"8. Except as hereinafter provided, a person applying for leave to be entered for lands with a view of securing a homestead right therein, shall make affidavit before the Local Agent, according to the form B in the Schedule to this Act: Provided that any person duly authorized thereto by the Minister of the Interior, may apply for and receive homestead entries on behalf of immigrants or of persons proposing to settle together, in advance of the arrival in the Territories of such immigrants or other persons; but in such case the person acting as such agent, shall apply and make affidavit in each case in accordance with the respective forms A 1, B 1, in the Schedule to this Act."

Affidavit on entry for homestead right.

Proviso: in case of entry in advance of arrival of immigrants.

7. The two several provisos of sub-section eleven of the said section thirty-four of the said "*Dominion Lands Act, 1879*," are hereby repealed, and the following substituted therefor:—

Provisos to sub-s. 11, repealed.

"(a.) Provided that the right of the claimant to obtain a patent, under the said sub-section as amended, shall be subject to the provisions of section fifteen of this Act:

Proviso.

"(b.) Provided also that, in the case of settlements being formed of immigrants in communities, the Minister of the Interior, in his discretion, may vary or waive altogether the foregoing requirements as to residence and cultivation on each separate quarter-section entered as a homestead: and—

Proviso: immigrants in communities.

"(c.) Provided further, that when a certain number of homestead settlers other than immigrants, embracing not less

Proviso: in case of settlements by non-

immigrants,
forming a
village, &c.

less than twenty families, with a view to greater convenience in the establishment of schools, churches, &c., ask to be allowed to settle together in a hamlet or village, the Minister of the Interior may, in his discretion, vary the foregoing requirements as to residence, but not as to the cultivation of each separate quarter-section entered as a homestead."

Sect. 35, 1879,
repealed.

S. Section thirty-five of "*The Dominion Lands Act, 1879*," is hereby repealed and the following is substituted therefor:—

"GRAZING LANDS.

Special provision as to leases of grazing lands.

Conditions of lease.

"**35.** The Governor in Council may, from time to time, grant leases of unoccupied Dominion lands for grazing purposes to any person or persons whomsoever, for such term of years and at such rent in each case as may be deemed expedient; but every such lease shall, among other things, contain a condition by which, if it should thereafter be thought, by the Governor in Council, to be in the public interest to open the land, covered by such lease, for settlement, or to terminate the said lease for any reason, the Minister of the Interior may, on giving the lessee two years' notice, cancel the said lease at any time during the term."

S. 66, 1879,
amended.

Proviso.

9. Section sixty-six of "*The Dominion Lands Act, 1879*," is hereby amended by adding thereto the following words:—
"Provided that such land shall not be situated within the limits of any lands reserved or allotted to assist railways, or for any railway purposes."

Provision for charging expenses of passage, &c., on lands of immigrants.

10. If any person or persons undertake to place immigrants as settlers on homestead lands in Manitoba or the North-West Territories free of expense to the Government, the Governor in Council may order that the expenses, or any part thereof, incurred by such person or persons, for the passage money or subsistence in bringing out such immigrants, or for aid in erecting buildings on the homestead, or in providing farm implements or seed grain for any such immigrants, may, if so agreed upon by the parties, be made a charge upon the homestead of such immigrant; and in such case the expense incurred on behalf of such immigrant, as above, together with interest thereon, must be satisfied before a patent shall issue for the land: Provided as follows,—

Conditions.

(a) That the sum or sums charged for the passage money and subsistence of such immigrant shall not be in excess of the actual cost of the same, as proved to the satisfaction of the Minister of the Interior;

Acknowledgment.

(b) That an acknowledgment by such immigrant of the debt so incurred shall have been filed in the Dominion Lands Office;

(c)

(c) That in no case shall the charge for principal moneys advanced against such homestead exceed in amount the sum of five hundred dollars; Amount limited.

(d) That no greater rate of interest than six per cent. per annum shall be charged on the debt so incurred by such immigrant. Interest.

11. Section one hundred and eleven of "*The Dominion Lands Act, 1879*," is hereby repealed and the following substituted therefor:— S. 111, 1879, repealed.

"**111.** With respect to all matters relating to the settlement, occupation or possession of Dominion Lands, and to the survey of lands, and for better ascertaining the original corner or limits of any township, section or other legal subdivision, lot or tract of land, every Dominion Land Surveyor acting in that capacity, may examine witnesses on oath, and administer such oath or oaths to each and every person whom he may examine concerning the same." D.L. Surveyors may examine witnesses on oath.

12. Every chain-bearer employed in the survey of Dominion Lands shall, before he commences his chaining or measuring, take an oath or affirmation that he will discharge such duty with exactness according to the best of his judgment and abilities, and render a true account of his chaining or measuring to the surveyor by whom he has been appointed to such duty; and every Dominion Land Surveyor is hereby authorized to administer such oath or affirmation. Chain-bearers to be sworn.

13. Any discoverer of minerals upon surveyed or unsurveyed lands who had applied for a grant of such lands before the passing of the Act forty-third Victoria, chapter twenty-six, or his assigns and associates shall be held to have the same rights as if that Act had not been passed. Rights of certain discoverers of minerals saved.

14. The schedule to the said Dominion Lands Act, so far as relates to Form A and Form B, is hereby repealed, and the following is substituted therefor:— New schedule forms A and B, 1879.

"FORM A.—*See Section 34.*

APPLICATION FOR A HOMESTEAD RIGHT.

I, _____ of _____ do hereby apply to be entered, under the provisions of the "*Dominion Lands Acts*," for quarter quarter-sections, numbers _____ and _____ forming part of section number _____ of the Township of _____ containing _____ acres, for the purpose of securing a homestead right in respect thereof.

"FORM B.

"FORM B.—See Section 34, Sub-section 8.

AFFIDAVIT IN SUPPORT OF CLAIM FOR HOMESTEAD RIGHT.

I, A. B., do solemnly swear (*or affirm as the case may be*) that I am over eighteen years of age, that I have not previously obtained a homestead under the provisions of the "*Dominion Lands Acts*;" that the land in question belongs to the class open for homestead entry; that there is no person residing or having improvements thereon, and that the application is made for my exclusive use and benefit, with intention to reside upon and cultivate the said land. So help me God. (*This affidavit to be varied so as to meet the case of parties applying for a second entry under the fourteenth sub-section, of section thirty-four, of the said Dominion Lands Act.*)

"FORM A 1.

APPLICATION FOR A HOMESTEAD RIGHT BY AN AGENT.

I, A. B., do hereby apply for and on behalf of
of to be entered under the
provisions of the "*Dominion Lands Acts*," for quarter quarter-
sections numbers and forming part of
section number of the Township
containing acres; for the purpose of securing a
homestead right in respect thereof.

"FORM B 1

AFFIDAVIT IN SUPPORT OF CLAIM FOR HOMESTEAD RIGHT
BY AGENT.

I, A. B., do solemnly swear (*or affirm, as the case may be*) that of for whom I am acting herein as agent, is over eighteen years of age, that he has not previously obtained a homestead on Dominion lands, that the land in question belongs to the class open for homestead entry, that there is no person residing or having improvements thereon, and that the application is made for the exclusive use and benefit of the said and with the intention of his residing upon and cultivating the said land. So help me God."

CHAP. 17.

An Act to amend "The Indian Act, 1880."

[Assented to 21st March, 1881.]

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

1. The Governor in Council may make such provisions and regulations as may, from time to time, seem advisable for prohibiting or regulating the sale, barter, exchange or gift, by any band or irregular band of Indians, or by any Indian of any band or irregular band, in the North-West Territories, the Province of Manitoba, or the District of Keewatin, of any grain or root crops, or other produce grown upon any Indian Reserve in the North-West Territories, the Province of Manitoba, or the District of Keewatin; and may further provide that such sale, barter, exchange or gift shall be absolutely null and void unless the same be made in accordance with the provisions and regulations made in that behalf. All provisions and regulations made under this Act shall be published in the *Canada Gazette*.

Preamble.

Governor in Council may make regulations for prohibiting or regulating sale of produce by Indians.

Publication.

2. Any person who buys or otherwise acquires from any such Indian, or band, or irregular band of Indians, contrary to any provisions or regulations made by the Governor in Council under this Act, is guilty of an offence, and is punishable, upon summary conviction, by fine, not exceeding one hundred dollars, or by imprisonment for a period not exceeding three months, in any place of confinement other than a penitentiary, or by both fine and imprisonment.

Penalty for buying from Indians contrary to such regulations.

3. If any such grain or root crops or other produce as aforesaid, be unlawfully in the possession of any person, within the intent and meaning of this Act, and of any provisions or regulations made by the Governor in Council, under this Act, any person acting under the authority, either general or special, of the Superintendent General may, with such assistance in that behalf as he may think necessary, seize and take possession of the same, and he shall deal therewith as the Superintendent General or any officer or person thereunto by him authorized, may direct.

Superintendent General may direct seizure of produce unlawfully possessed by any person.

4. The Governor in Council may make such provisions and regulations as may, from time to time, seem advisable, for prohibiting the cutting, carrying away or removing from any reserve or special reserve, of any hard or sugar-maple tree or sapling.

Governor in Council may prohibit cutting of trees on reserves.

Penalty for
contraven-
tion of such
regulations.

5. Any person who cuts, carries away or removes from any reserve or special reserve any hard or sugar-maple tree or sapling, or buys or otherwise acquires from any Indian or non-treaty Indian or other person, any hard or sugar-maple tree or sapling so cut, carried away or removed from any reserve or special reserve, contrary to any provisions or regulations made by the Governor in Council under this Act, is guilty of an offence, and is punishable upon summary conviction by fine not exceeding one hundred dollars, or by imprisonment for a period not exceeding three months, or by both fine and imprisonment.

Who may act
as a Justice,
or as two
Justices of
the Peace.

43 V., c. 28.

6. Any one Judge, Judge of Sessions of the Peace, Recorder, Police Magistrate, District Magistrate or Stipendiary Magistrate, sitting at a police court or other place appointed in that behalf, for the exercise of the duties of his office, shall have full power to do alone whatever is authorized by "*The Indian Act, 1880,*" to be done by a Justice of the Peace or by two Justices of the Peace.

Jurisdiction
in city or
town to give
jurisdiction
in surround-
ing county or
district.

7. Any Recorder, Police Magistrate or Stipendiary Magistrate, appointed for or having jurisdiction to act in any city or town shall, with respect to offences and matters under "*The Indian Act, 1880,*" have and exercise jurisdiction over the whole county or union of counties or judicial district in which the city or town for which he has been appointed or in which he has jurisdiction, is situate.

Section 23 of
43 V., c. 28,
repealed.

8. Section twenty-three of "*The Indian Act, 1880,*" is hereby repealed, and the following substituted therefor:—

New section.

Removal of
persons or
Indians set-
tling, &c,
illegally on
Indian re-
serves.

"23. If any person or Indian other than an Indian of the band, without the license of the Superintendent General (which license, however, he may at any time revoke) settles, resides, or hunts upon, or occupies, or uses, any such land or marsh; or settles, resides upon, or occupies any such roads or allowances for roads, on such reserve; or if any Indian is illegally in possession of any land in a reserve,—the Superintendent General, or such officer or person as he may thereunto depute and authorize, shall, on complaint made to him, and on proof of the fact to his satisfaction, issue his warrant, signed and sealed, directed to any literate person willing to act in the premises, commanding him forthwith to remove from the said land, or marsh, or roads or allowances for roads or land, every such person or Indian and his family, so settled, residing, or hunting upon, or occupying, or being illegally in possession of the same, or to notify such person or Indian to cease using as aforesaid the said lands, marshes, roads or allowances for roads; and such person shall accordingly remove or notify every such person or Indian, and for that purpose shall have the same powers as in the execution of criminal process; and the expenses incurred in any such removal

removal or notification shall be borne by the party removed or notified, and may be recovered from him as the costs in any ordinary suit."

9. Section thirty of "*The Indian Act, 1880*," is hereby repealed, and the following substituted therefor:—

Section 30 repealed.

30. All sheriffs, gaolers or peace officers, to whom any such process is directed by the Superintendent General, or by any officer or person by him deputed as aforesaid, and all other persons to whom such process is directed with their consent, shall obey the same; and all other officers shall, upon reasonable requisition, assist in the execution thereof."

New section. Sheriffs, &c. to assist in such removal.

10. Section ninety of the said Act is hereby amended by adding after the words, "or non-treaty Indian," in the ninth line thereof, the words, "or of any person, or upon any other part of the reserve or special reserve, or sells, exchanges with, barter, supplies or gives to any person on any reserve or special reserve, any kind of intoxicant—."

Section 90 of 43 V., c. 28, amended.

11. Section ninety-one of "*The Indian Act, 1880*," is hereby amended by striking out of the eleventh line thereof the word "may," and inserting in lieu thereof the words, "or suspected to be upon any reserve or special reserve, may, upon a search warrant in that behalf being granted by any Judge, Stipendiary Magistrate or Justice of the Peace—."

Section 91 of 43 V., c. 28, amended.

12. Every Indian Commissioner, Assistant Indian Commissioner, Indian Superintendent, Indian Inspector or Indian Agent shall be *ex officio* a Justice of the Peace for the purposes of this Act.

Indian Commissioner, &c., to be *ex officio* Justices of the Peace.

13. In all cases in "*The Indian Act, 1880*," where it is provided that the conviction must take place on the evidence of one credible witness other than the informer or prosecutor, the informer or prosecutor shall nevertheless be allowed to give evidence.

Informer may give evidence under 43 V., c. 28.

14. The Governor in Council may appoint an Assistant Indian Commissioner for Manitoba, Keewatin and the North-West Territories or an Assistant Indian Commissioner for Manitoba and Keewatin, and an Assistant Indian Commissioner for the North-West Territories, with such of the powers and duties of the Commissioner, and such other powers and duties as may be provided by Order in Council.

Appointment of Assistant Indian Commissioners.

CHAP. 18.

An Act relating to the Canada Military Asylum at Quebec.

[Assented to 21st March, 1881.]

Preamble.

Recital.

Lease to
Canada
Military
Asylum.Property
described.Conditions
of lease.

WHEREAS, by a deed passed in the City of Montreal, on the second of October, eighteen hundred and sixty-two, before J. S. Hunter and another, Public Notaries, William Tyrone Power, Esquire, Companion of the Bath, Commissary General, Controller of Army Expenditure in Canada, acting therein for, on behalf and in the name of Her Majesty's Principal Secretary of State for War, did lease, demise, and cede *à titre de bail emphytéotique*, for the space and term of ninety-nine years, to be computed from the first of December, eighteen hundred and sixty-one, unto the Canada Military Asylum, a body politic incorporated by an Act of the legislature of the late Province of Canada for the purpose of affording relief to the widows and orphans, resident in that Province, of soldiers in Her Majesty's service, and of discharged soldiers residing in that Province, a certain lot of land in the City of Quebec, in the said deed described as follows, that is to say, "all that tract or parcel of land commonly known as the Commandant's Garden, situated on the south-east side of *La Grande Allée*, Saint Louis Road, near number two Martello Tower, in the suburbs of the City of Quebec, Canada East, having a frontage on the said road of three hundred English feet, by the depth which may be found to the fence at the south-east extremity of the said garden, and on which ground it is proposed to erect buildings for the 'Canada Military Asylum;' bounded in front by Saint Louis Road, in rear and to the south-west by property of the Corporation of Quebec, and to the north-east by the property of the War Department; the limits and bounds of which being more particularly shown, edged yellow and lettered A, B, C, D, on the plan hereon endorsed, drawn and signed by Charles Walkem, Surveyor and Draftsman, Royal Engineer Department, dated at Montreal 25th day of April, 1862;" to have and to hold the same for the purpose of erecting thereon a building or buildings to be used and occupied by the said Canada Military Asylum, and for no other purpose; and whereas in and by the said deed it was agreed and declared that Her Majesty's Principal Secretary of State for War should, at all times during the said term, have the power to resume possession of the said lot of land should it be used for any purpose other than for the actual use and accommodation of the inmates and other persons connected with the said Canada Military Asylum, in which case the said lessees, or others pretending to hold the same, should

should not be entitled to any compensation for the value of any buildings erected on the said lot, all which buildings should be forfeited with the said lot; and whereas the legal title to the said lot and buildings, subject to the said lease, was revested in Her Majesty the Queen for the purposes of Canada, by the "*Act respecting certain Ordnance and Admiralty Lands in the Provinces of Ontario and Quebec*," passed in the fortieth year of Her Majesty's reign, chapter eight; and by an order made by the Governor General in Council, under the provisions of the said Act, the said lot has been placed in the class of lands not required for the defence of Canada, and which may be sold; and whereas the said lot, and the buildings thereon, have long ceased to be used or required for the purpose for which the said lot was so leased, and have long been, and now are, with the assent of the Crown and of the Canada Military Asylum, in the actual occupation of the "Church of England Female Orphan Asylum," of the City of Quebec, also a body politic incorporated by an Act of the legislature of the late Province of Canada, and improvements thereon have been made by the said last mentioned corporation, who have paid therefor an annual rent of three hundred and sixty dollars to be applied to the purposes for which the said Canada Military Asylum was incorporated, the said rent being at the rate of six per cent. on the sum of six thousand dollars and being paid with an ulterior view to the purchase thereof for that sum, being the highest offered in answer to advertisements, and it is desirable that the said lot and buildings should be sold to the said Church of England Female Orphan Asylum for the said sum, and that the pensions heretofore payable by the said Canada Military Asylum should in future be paid by Canada; and whereas, owing to the corporation of the Canada Military Asylum having been largely composed of the holders for the time being of military offices in the garrison of Quebec, as *ex-officio* members, which offices have long since ceased to exist, and by reason of one of the fundamental rules of the said Corporation requiring that one-half at least of its General Committee of Management, also to be largely composed of such *ex-officio* members, should be military, it is impossible to obtain a formal abandonment of the said lease by the said Corporation: Therefore Her Majesty, by and with the advice and consent of the Senate and House of -Commons of Canada, enacts as follows:—

Property revested in the Crown under 40 V., c. 8, and not required for defences.

Lease to Church of England Female Orphan Asylum with agreement for purchase.

Sale to said F. O. Asylum desirable, and technical impediment to it.

1. It shall be lawful for the Minister of the Interior, or for the Minister of Militia, at any time after the commencement of this Act, by a deed executed before any Public Notary at any place in the Province of Quebec, to revoke, cancel, annul, set aside and make void the deed of lease recited in the preamble of this Act; and thereupon the said deed of lease shall become and be null and void, and of no effect

Revocation of lease mentioned in preamble authorized.

effect whatever, and the lease thereby contracted shall end, and the lot of land thereby conveyed may be resumed by, and the buildings thereon shall belong without indemnification, to Her Majesty the Queen, for the purposes of Canada.

And sale to
F. O. Asylum.

2. The Crown may then, by private contract, sell the said lot of land and buildings to the said Church of England Female Orphan Asylum for six thousand dollars, without resorting to public auction.

Proceeds how
to be dealt
with.

3. The money arising from the said sale shall be paid over to the Receiver General, and shall form part of the Consolidated Revenue Fund of Canada; and a separate account shall be kept thereof.

Certain pen-
sions charged
on the pro-
perty to be
paid.

4. The pensions payable by the Canada Military Asylum at the date of the deed in the first section of this Act authorized to be passed shall, from that date, be paid, so long as the same respectively shall remain payable according to the Act of incorporation and rules of the Canada Military Asylum, out of any unappropriated moneys forming part of the Consolidated Revenue Fund of Canada.

CHAP. 19.

An Act further to amend the Acts therein mentioned respecting the Militia and Defence of the Dominion of Canada.

[Assented to 21st March, 1881.]

Preamble.

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

French ver-
sion of sect.
80 of 31 V.,
c. 46 cor-
rected.

1. In correction of the French version of the eightieth section of the Act passed in the thirty-first year of Her Majesty's reign, chaptered forty, and intituled "*An Act respecting the Militia and Defence of the Dominion of Canada*," the words "*ou soldat*" shall be inserted after the words "*si c'est un sous-officier*" in the seventh and eighth lines of the said section.

Section 1 of
43 V., c. 2,
repealed and
new section
substituted.

2. The first section of the Act passed in the forty-third year of Her Majesty's reign, chaptered two, and intituled "*An Act further to amend the Acts therein mentioned respecting the Militia and Defence of the Dominion of Canada*," is hereby repealed and the following substituted therefor:—

" 1.

"1. The sub-section of the first section of the Act passed in the forty-second year of Her Majesty's reign, and intituled '*An Act further to amend the Acts therein mentioned respecting the Militia and Defence of the Dominion of Canada,*' is hereby repealed and the following substituted therefor:—

Part of s. 1
of 42 V., c.
35, repealed.

"2. The next enrolment of the Militia under the Act passed in the thirty-first year of Her Majesty's reign, intituled '*An Act respecting the Militia and Defence of the Dominion of Canada,*' shall be made and completed on or before the twenty-eighth day of February, one thousand eight hundred and eighty-three; and such enrolment shall be made and completed on or before the like day in every fifth year thereafter, in the manner provided by the same Act; and so much of the sixteenth section of the said Act as would require such enrolment to be made at any earlier or other time is hereby repealed: Provided always, that in case of war or other emergency, the enrolment mentioned in the said section may be made at any time, by Order of the Governor in Council."

Next enrolment under 31 V., c. 40, to be made in 1883, and enrolment in every fifth year thereafter

Proviso: in case of war, &c.

CHAP. 20.

An Act to provide for the correspondence of certain provisions of the Act respecting the navigation of Canadian waters with the provisions for like purposes in force in the United Kingdom.

[Assented to 21st March, 1881.]

WHEREAS Her Majesty, acting on the joint recommendation of the Admiralty and the Board of Trade, by Order in Council of the twenty-fourth day of March, 1880, suspended until the first day of September, 1881, the operation of certain provisions of the regulations for preventing collisions on navigable waters, which, by Order of Her Majesty in Council of the fourteenth day of August, 1879, were substituted for those theretofore in force for like purposes in the United Kingdom, and continued during such suspension certain provisions on the same subject theretofore in force in the United Kingdom; and it is expedient to make corresponding provision as respects the navigation of Canadian waters, and to vest certain powers in the Governor in Council for like purposes in case of any future alteration of the Imperial regulations: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Preamble.
Suspension of certain provisions in United Kingdom.

Article No. 10 of s. 2 of 43 Vic., c. 29, suspended, and Article No. 9 of s. 2 of 31 Vic., c. 58 revived, during such suspension, in U. K.

. During the suspension of the said provisions in the United Kingdom, the operation of the Article numbered ten of the second section of the Act passed in the forty-third year of Her Majesty's reign, and intituled "*An Act to make better provision respecting the Navigation of Canadian Waters.*" shall be suspended, and the article numbered nine of the second section of the Act passed in the thirty-first year of Her Majesty's reign, and intituled "*An Act respecting the Navigation of Canadian Waters,*" shall be revived and be in force :

Governor in Council may make corresponding provision in case of further alteration of Imperial Regulations.

2. And if Her Majesty, acting as aforesaid, should be pleased hereafter to annul or modify any of the said regulations of the fourteenth August, 1879, or to make new regulations in addition thereto or in substitution therefor, then the Governor in Council may, from time to time, make corresponding changes as respects Canadian waters in the regulations contained in the second section of the Act first above cited, or any that may have been substituted for them, or may suspend them or any of them, and make others in their stead, or may revive all or any of the said regulations in the Act secondly above cited, as he may deem best for ensuring the correspondence of the Canadian and Imperial regulations.

CHAP. 21.

An Act in amendment of the Acts respecting Steam-boats.

[Assented to 21st March, 1881.]

Preamble.

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

Act 31 V., c. 65, amended.

1 For and notwithstanding any thing to the contrary in the Act passed in the thirty-first year of Her Majesty's reign, intituled "*An Act respecting the inspection of Steamboats and for the greater safety of Passengers by them,*" or in any Act amending it :—

Minister may allow boats of dimensions other than those in s. 16.

(1.) The Minister of Marine and Fisheries may authorize the use in individual specified cases, of boats of different dimensions from those specified in section sixteen of the Act above cited, and upon such authorization being granted, it shall be sufficient that boats of the dimensions specified in such

such authorization be provided for and carried on the steamboat to which such authorization relates.

(2.) In cases where an iron tube or tubes equal in diameter to the hose carried by the steamboat, connected with a force-pump or pumps, and extending at least one half of the length of the steamboat, is or are fixed under the hurricane deck thereof, and provided with nozzles placed at distances of not more than thirty feet from each other or from either end of the steamboat, to which nozzles the hose carried by the steamboat can be readily attached, it shall not be necessary that the hose should be of greater length than will be sufficient to reach from some one of such nozzles to either end of the steamboat.

Length of hose may be shortened in certain cases.

(3.) In steamboats under one hundred tons measurement, one steam pump of suitable size, or if steam cannot be employed, one force-pump of suitable size worked by hand, shall be sufficient.

Pumps in small steamers.

(4.) Three davits properly constructed and placed shall be considered sufficient for lowering two boats.

Davits.

2. The words "and with an efficient fog-horn to be sounded by a bellows or other mechanical means," in the third, fourth and fifth lines of article twelve of section two of the Act passed in the forty-third year of Her Majesty's reign and intituled "*An Act to make better provision respecting the navigation of Canadian Waters,*" are hereby repealed.

Art. 12 of s. 2 of 43 V., c. 29, amended.

CHAP. 22.

An Act to amend "The General Inspection Act, 1874," and the Acts amending it.

[Assented to 21st March, 1881.]

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

Preamble.

1 The Act passed in the forty-third year of Her Majesty's reign, intituled "*An Act to amend 'The General Inspection Act, 1874,' and the Act amending it,*" is hereby amended by repealing the tariff of fees to be collected for the inspection

Tariff of fees under s. 3 of 43 V., c. 20, reduced.

of smoked herrings, contained in the third section of the said Act, and substituting the following:—

- (a) For each box of smoked herrings—one cent ;
- (b) For each half-box of smoked herrings—one-half cent ;
- (c) For each quarter-box of smoked herrings—one-quarter cent.

CHAP. 23.

An Act to amend the Petroleum Inspection Act 1880

[Assented to 21st March, 1881.]

Preamble. 43 V., c. 21. **I**N amendment to the Act passed in the forty-third year of Her Majesty's reign, intituled "*An Act to amend the Act respecting the Inspection of Petroleum,*" and chaptered twenty-one : Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

New sec. 2 of 43 V., c. 21. **1.** The second section of the said Act is hereby repealed and the following substituted:—

Tests of Petroleum for sale. "2. Except as herein otherwise provided, petroleum shall not be sold or offered for sale for use in Canada for illuminating purposes—

Flash tests. "1. If at a lower temperature than ninety-five degrees by Fahrenheit's thermometer when tested by the pyrometer described in the schedule to this Act (which test for the purposes of this Act is to be deemed equal to a test at one hundred and fifteen degrees by instruments heretofore used under the Act hereby amended,) it emits a vapour that will flash ; or—

Gravity test. "2. If it weighs more than eight pounds and five hundredths of a pound per gallon ; or—

The same. "3. If it weighs less than seven pounds and seventy-five hundredths of a pound per gallon."

Section 3 repealed. **2.** The third section of the Act first cited is hereby repealed.

Section 5 amended. **3.** The fifth section of the said Act is hereby amended by striking out the word "signature" in the eighth sub-section and substituting the word "name" in lieu thereof.

4. The sixth section of the said Act is hereby repealed and the following substituted :— New sec. 6.

“ 6. The quantity and quality of imported petroleum or naphtha in each package shall be ascertained by weighing and testing by the Inspector, and the allowance for the tare of the package shall be in accordance with Departmental regulations in that behalf. Inspection, how to be performed.

“ 2. It shall be the duty of the inspecting officer at the port of entry to cause the following marks to be correctly placed upon the end or side of each package of imported petroleum in the presence of the importer or owner thereof, or of his authorized agent, who shall provide all necessary appliances for weighing the packages and their contents, and all labour necessary for moving, piling or handling such packages, and who shall also cause one end of each cask or one side of each package of any other description to be properly cleaned or otherwise prepared for receiving the marks herein required to be placed on such packages, that is to say :— Duty of inspecting officer in marking packages.

- “ (a) The flash test ; Flash.
- “ (b) The weight per gallon in pounds and decimal parts of a pound ; Weight.
- “ (c) The gross weight of the package and its contents ; Weight.
- “ (d) The number of gallons computed to be in each package ; Gallons.
- “ (e) The word “ Inspected,” with the date of inspection ; Date.
- “ (f) The name of the Inspector, with the name of his port or district.” Signature.

5. Section seven of the said Act is hereby repealed and the following substituted :— New sec. 7.

“ 7. Naphtha shall not be inspected for flash test, but only as to its gravity and quantity, but the marks on the packages in which it is contained shall be the same as on packages containing petroleum, except that the word ‘ Naphtha ’ shall be substituted for the flash test ; and the importer shall provide all necessary means for enabling the inspecting officer to inspect such naphtha in the same way as is herein required with reference to imported petroleum.” Rules for inspecting and marking naphtha.

6. Section eleven of the said Act is hereby repealed and the following substituted :— New sec. 11 of 43 V., c. 21.

Regulations respecting storage of petroleum or naphtha.

“11. The Governor in Council may, from time to time, make such regulations respecting the storage and possession of petroleum and naphtha as he may deem necessary for the public safety—special regulations being made as to the importation or possession of naphtha; and no person shall have in his possession any such article without having first obtained a permit to that effect from the Minister of Inland Revenue, under such restrictions and regulations as may be made from time to time by the Governor in Council, for the storage and possession of such articles; and such permit must be produced to the proper officer of the Customs before the importation of any such articles above mentioned shall be permitted.

Penalties for offences against this Act.

“2. Any person who shall keep or store any petroleum or naphtha, in respect of which the provisions of this Act or the provisions of any Order of the Governor in Council or of any Departmental regulations made by authority of this Act, have not been complied with, shall be guilty of an offence against this Act, and for every such first offence, incur a penalty of twenty-five dollars, and for any second or subsequent offence, a penalty of fifty dollars; and the petroleum or naphtha so illegally imported, stored or kept shall be seized by any Revenue officer or Inspector having a knowledge thereof and forfeited to Her Majesty.”

Sections 16, 20, 22, 23, 25 and 26 of 43 V., c 21, amended.

7. The sixteenth, twentieth, twenty-second, twenty-third, twenty-fifth and twenty-sixth sections of the said act are hereby amended by inserting the word “or naphtha” immediately after the word “petroleum” wherever it occurs in the said sections without the said words following it immediately.

Section 25 amended.

8. The following sub-section is hereby added to section twenty-five of the said Act:—

Marks on casks emptied to be obliterated. Penalty.

“8. So soon as any package of petroleum has been emptied, all marks or brands placed on it in pursuance of the requirements of this Act shall be obliterated; and every such package from which such marks or brands have not been obliterated as herein required shall be seized and forfeited to the Crown; and the party in whose possession they are found shall be guilty of an offence against this Act, and on conviction shall pay a penalty of not less than one dollar, nor more than ten dollars for each and every such package.”

Act how to be construed.

9. This Act shall be construed and read as one Act with “*The Petroleum Inspection Act, 1880*,” above cited.

SCHEDULE.

SCHEDULE.

MODE OF TESTING PETROLEUM SO AS TO ASCERTAIN THE TEMPERATURE AT WHICH IT WILL GIVE OFF INFLAMMABLE VAPOUR.

Specification of the Test Apparatus or Pyrometer.

The following is a description of the details of the apparatus:—

The oil cup consists of a cylindrical vessel two inches in diameter, two and two-tenths in height (internal), with outward projecting rim five-tenths of an inch wide, three-eighths of an inch from the top, and one and seven-eighths of an inch from the bottom of the cup. It is made of gun metal or brass (17 B.W.G.) tinned inside. A bracket consisting of a short stout piece of wire bent upwards and terminating in a point, is fixed to the inside of the cup to serve as a gauge. The distance of the point from the bottom of the cup is one and one-half inch. The cup is provided with a close-fitting overlapping cover made of brass (22 B.W.G.), which carries the thermometer and test lamp. The latter is suspended from two supports from the side by means of trunnions upon which it may be made to oscillate; it is provided with a spout, the mouth of which is one-sixteenth of an inch in diameter. The socket which is to hold the thermometer is fixed at such an angle and its length is so adjusted that the bulb of the thermometer when inserted to its full depth shall be one and one-half inch below the centre of the lid.

The cover is provided with three square holes, one in the centre, five-tenths by four-tenths of an inch, and two smaller ones, three-tenths by two-tenths of an inch, close to the sides and opposite each other. These three holes may be closed and uncovered by means of a slide moving in grooves, and having perforations corresponding to those on the lid.

In moving the slide so as to uncover the holes, the oscillating lamp is caught by a pin fixed in the slide, and tilted in such a way as to bring the end of the spout just below the surface of the lid. Upon the slide being pushed back so as to cover the holes, the lamp returns to its original position.

Upon the cover, in front of and in line with the mouth of the lamp, is fixed a white bead, the dimensions of which represent the size of the test flame to be used.

The bath or heated vessel consists of two flat-bottomed copper cylinders (24 B.W.G.), an inner one of three inches in diameter and two and one-half inches in height, and an outer one of five and one-half inches in diameter and five and three-quarter inches in height; they are soldered to a circular copper plate (20 B.W.G.) perforated in the centre, which

which forms the top of the bath, in such a manner as to enclose the space between the two cylinders, but leaving access to the inner cylinder. The top of the bath projects both outwards and inwards about three-eighths of an inch; that is, its diameter is about three fourths of an inch greater than that of the body of the bath, while the diameter of the circular opening in the centre is about the same amount less than that of the inner cylinder. To the inner projection of the top is fastened, by six small screws, a flat ring of ebonite, the screws being sunk below the surface of the ebonite, to avoid metallic contact between the bath and the oil cup. The exact distance between the sides and bottom of the inner cylinder and of the oil cup is one-half of an inch. A split socket similar to that on the cover of the oil cup, but set at a right angle, allows a thermometer to be inserted into the space between the two cylinders. The bath is further provided with a funnel, an overflow pipe, and two loop handles.

The bath rests upon a tripod stand, to the ring of which is attached a copper cylinder or jacket (24 B.W.G.) flanged at the top, and of such dimensions that the bath, while firmly resting on the ring, just touches with its projecting top the inward-turned flange. The diameter of this outer jacket is six and one-half inches. One of the three legs of the stand serves as support for the spirit lamp attached to it by means of a small swing bracket. The distance of the wick holder from the bottom of the bath is one inch.

Two thermometers are provided with the apparatus, the one for ascertaining the temperature of the bath, the other for determining the flashing point. The thermometer for ascertaining the temperature of the water has a long bulb and a space at the top. The scale (in degrees of Fahrenheit) is marked on the tube. It is fitted with a metal collar, fitting the socket, and the part of the tube below the collar should have a length of about three and one-half inches measured from the collar to the end of the bulb. The thermometer for ascertaining the temperature of the oil is fitted with collar and the scale is cut on the tube in a similar manner to the one described. It measures from end of the collar to end of bulb two and one-quarter inches.

NOTE.—A model apparatus is deposited at the Weights and Measures branch of the Inland Revenue Department.

Directions for Applying the Flashing Test.

1. The test apparatus is to be placed for use in a position where it is not exposed to currents of air or draughts.

2. The heating vessel or water bath is filled by pouring water into the funnel until it begins to flow out at the spout of the vessel. The temperature of the water at the commencement

mencement of the test is to be one hundred and forty degrees Fahrenheit, and this is attained in the first instance either by mixing hot and cold water in the bath, or in a vessel from which the bath is filled, until the thermometer which is provided for testing the temperature of the water gives the proper indication ; or by heating the water with the spirit lamp (which is attached to the stand of the apparatus) until the required temperature is indicated.

If the water has been heated too highly, it is easily reduced to one hundred and forty degrees by pouring in cold water little by little (to replace a portion of the warm water) until the thermometer gives the proper reading.

When a test has been completed, this water bath is again raised to one hundred and forty degrees by placing the lamp underneath, and the result is readily obtained while the petroleum cup is being emptied, cooled, and refilled with a fresh sample to be tested. The lamp is then turned on its swivel from under the apparatus, and the next test is proceeded with.

3. The test lamp is prepared for use by fitting it with a piece of flat plaited candle wick, and filling it with colza or rape or fine sperm oil up to the lower edge of the opening of the spout or wick tube. The lamp is trimmed so that when lighted it gives a flame of about fifteen hundredths of an inch in diameter, and this size of flame which is represented by the projecting white bead on the cover of the oil cup is readily maintained by simple manipulation from time to time with a small wire trimmer.

When gas is available it may be conveniently used in place of the little oil lamp, and for this purpose a test-flame arrangement for use with gas may be substituted.

4. The bath having been raised to the proper temperature, the oil to be tested is introduced into the petroleum cup, being poured in slowly until the level of the liquid just reaches the point of the gauge which is fixed in the cup. In warm weather the temperature of the room in which the samples to be tested have been kept should be observed in the first instance, and if it exceeds sixty-five degrees the samples to be tested should be cooled down (to about sixty-five degrees) by immersing the bottles containing them in cold water, or by any other convenient method, or if the sample is much below that temperature, it should be raised so as not to be less than sixty degrees when placed in the test cup. The lid of the cup, with the slide closed, is then put on, and the cup is placed into the bath or heating vessel. The thermometer in the lid of the cup has been adjusted so as to have its bulb just immersed in the liquid, and its position is not under any circumstances to be altered. When the cup has been placed in the proper position, the scale of the thermometer faces the operator.

5. The test lamp is then placed in position upon the lid of the cup, a pendulum beating seconds or a lead or plumb line measuring thirty-nine inches from its point of suspension to the centre of the plumb weight, fixed in a convenient position in front of the operator, is set in motion, and the rise of the thermometer in the petroleum cup is watched. When the temperature has reached about ninety degrees the operation of testing is to be commenced, the test-flame being applied once for every rise of one degree, in the following manner:—

The slide is slowly drawn open while the pendulum performs three oscillations, and is closed during the fourth oscillation.

CHAP. 24.

An Act to amend the Consolidated Railway Act.

[Assented to 21st March, 1881.]

Preamble.

42 V., c. 9.

WHEREAS doubts have arisen as to the true intent and meaning of the word "capital" in the eleventh sub-section of the seventeenth section of "*The Consolidated Railway Act, 1879*," hereinafter called "*The Railway Act*," and it is expedient to remove such doubts: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Capital defined.

Exception.

Application of definition.

1. The said word "capital" as used in the said sub-section meant and means the paid up stock and share capital of the company with interest added for periods during which no dividend is paid, to the exclusion of all subsidies and bonuses. and, as regards the Canadian Pacific Railway, of any debt of the company contracted on the pledge thereof, or of any part thereof: And this interpretation of the said word shall apply to all railway companies affected by the said sub-section or by any amendment of the said sub-section in which the said word is used, which is or shall be incorporated with the special act or charter of any railway company.

Error corrected.

(2.) The word "*or*" in the third line of the said eleventh sub-section, as printed in the Statute book, is declared to have been inserted by a clerical error and shall be struck out, and shall be held to have been inserted contrary to the intention of Parliament.

Section 30 amended.

2. And whereas it is expedient to amend section thirty of the Railway Act; therefore, the words "three months after

after the end of the calendar year" are hereby struck out of said section thirty, and the words "three months after the first day of July in each year" are substituted for them; and the returns of capital, traffic, working expenditure and all other information to be furnished to the Minister of Railways and Canals shall be in the form contained in schedule One appended to this Act, which is hereby substituted for schedule One appended to the said Railway Act, schedule Two remaining in force for the weekly returns required by the said Act; and such returns shall be dated and signed by and attested upon the oath of the Secretary or some other chief officer, and of the President, or in his absence of the Vice-President or Manager of the company; and such returns shall be made for the period included from the date to which the then last yearly returns made by the same company extended, or from the commencement of the operation of the railway, if no such return has been made, to the last day of June in the then current year; and shall, in addition to the information contained in the schedule hereto, furnish such other information and returns as shall, from time to time, be required by the Governor in Council.

Form and time of yearly returns.

Attestation of returns,

What period shall be included in returns.

Further information.

3. And whereas it is expedient to amend sub-section five of section fifteen of the Railway Act; therefore the said sub-section five is hereby repealed, except as to things done or offences committed before the passing of this Act, and the following substituted for it:—

Sub-section 5 of section 15 repealed and new sub-section substituted.

"5. Every bridge or other erection or structure over or through or under which any railway to which this Act applies, passes, and every tunnel through which any such railway passes, existing at the time of the passing of this Act, of which the lower beams, members or portions of that part of such bridge, erection, structure or tunnel which is over the railway, are not of a sufficient height from the surface of the rails to admit of an open and clear headway of at least seven feet between the top of the highest freight cars used on the railway and the bottom of such lower beams, members or portions, shall, with suitable approaches thereto where necessary, be reconstructed or altered within twelve months from the passing of this Act so as to admit of an open and clear headway of at least seven feet between the top of the highest freight cars used on the railway and the bottom of such lower beams, members or portions, and shall at all times thereafter be so maintained as to admit of such open and clear headway of at least seven feet. Such bridges or other erections, structures or tunnels shall be reconstructed or altered at the cost of the company, municipality or other owner thereof as the case may be. The company before using higher freight cars than those used on the railway at the time of the passing of this Act, or of the reconstruction or alteration as aforesaid, of any such bridge

Clear headway of 7 feet above highest freight cars to be provided in all existing bridges, &c., over the railway.

Cost by whom defrayed.

Provision when company wishes to use higher freight cars.

bridge or other erection, structure or tunnel as the case may be, shall, after having first obtained the consent of the municipality or of the owner of such bridge or other erection, structure or tunnel, reconstruct or alter such bridge or other erection, structure or tunnel, and the approaches thereto if necessary, so as to admit of an open and clear headway of not less than seven feet between the top of the highest freight cars used on the railway and the bottom of such lower beams, members and portions aforesaid. Provided always, that the Governor may, by Order in Council, exempt any bridge, erection, structure or tunnel now existing from the operation of this section.

Proviso.

Case of bridges, &c., hereafter constructed or re-constructed provided for in like manner.

“*b.* And whenever any such bridge, erection, structure or tunnel shall hereafter be constructed over or on the line of a railway, or whenever it shall become necessary to reconstruct any such bridge, erection, structure or tunnel already built over or on the line of a railway, or to make large repairs to the same, the lower beams, members or portions of the superstructure of any such bridge, erection, structure or tunnel, and the approaches thereto if necessary, shall be constructed or reconstructed at the cost of the company or of the municipality or other owner of the bridge, erection, structure or tunnel, as the case may be, and shall, at all times, be maintained at a sufficient height from the surface of the rails of the railway to admit of an open and clear headway of not less than seven feet between the top of the highest freight cars then used on the railway and the lower beams, members or portions of such bridge, erection, structure or tunnel: and thereafter, the company, before using higher freight cars than those used on their railway at the time of the construction or reconstruction of, or large repair to such bridge, erection, structure or tunnel, shall, after having first obtained the consent of the municipality, or of the owner of such bridge, erection, structure or tunnel, raise the said bridge or other erection structure, or tunnel, and the approaches thereto, if necessary, so as to admit, as aforesaid, of an open and clear headway of not less than seven feet over the top of the highest freight car then about to be used on the railway.”

And when company intends to use higher freight cars.

To what railways certain provisions shall apply.

4. Section thirty of the Railway Act, as amended by this Act, and sub-section five of section fifteen of said Act, as amended by this Act, shall apply to every railway and railway company subject to the legislative authority of the Parliament of Canada.

Error in French version corrected.

5. And in correction of the French version of sub-section six of section sixty-one of the Act hereby amended, the word “*plus*” shall be substituted for the word “*moins*” in the last line but one thereof.

SCHEDULE

SCHEDULE ONE.

Form of Yearly Returns to the Minister of Railways and Canals, required from Railway Companies under the "*Consolidated Railway Act, 1879,*" as amended by this Act.

RETURNS made by the (*corporate name of the Company*) in pursuance of the Act 44 Victoria, chap. 24, for the period included between the (*insert the day to which the last Returns extend, or the date of the commencement of operations, as the case may be*), to the last day of June, in the year 18 .

LOCATION AND GENERAL DESCRIPTION OF RAILWAY.

Showing the County or Counties through which the Railway runs, the Terminal Points, Connections, if any, and giving a general description of the Line and the Country through which it passes.

Statement containing copies of all contracts made by the Company, for the construction of any part of the railway.

No. 1.

RETURNS of the Capital Account of the said Railway, also the Revenue and Expenditure, &c.

No. 2.

No. 2.—CAPITAL ACCOUNT.

—	Autho- rized.	Sub- scribed.	Paid up.	*Rate of Interest or Dividend.
	\$ cts.	\$ cts.	\$ cts.	\$ cts.
Total amount of ordinary share capital.....				
Total amount of preference share capital.....				
do do				
do do				
do do				
Total amount of ordinary bonds...				
do do				
do do				
do do				
do do				
Total amount of Government loans...				
do do bonuses				
Total amount of Government sub- scription to shares.....				
Total amount of Government sub- scription to bonds.....				
Total amount of municipal loans.....				
do do bonuses...				
do of municipal subscrip- tion to shares....				
do of municipal subscrip- tion to bonds.....				
do from other sources.....				
Total capital				

This statement must agree with the totals shown in the report of the Company, a copy of which is to be transmitted also. If there are more than one issue of preference shares or bonds, state them and the amount of each class. If any floating debt exists it must be stated so as to make the total agree with the published report.

*State whether dividend is cumulative or not.

No. 3.—LOANS OR BONUSES FROM GOVERNMENTS OR MUNICIPALITIES.

From what source.	Amount of Loan Granted.	Amount of Bonus Granted.	Amount of Subscription to Shares.	Amount of Subscription to Bonds.	Rate of Interest.	Date of Re-payment.
	\$ cts.	\$ cts.	\$ cts.	\$ cts.	\$ cts.	
Governments.						
Total.....						
Municipalities.						
Total.						

No 4.—BONDS OR OTHER SECURITIES NEGOTIATED BY THE COMPANY.

Amounts.	Rate of Interest.	Date of Sale.	Prices Realized.
\$ cts.	\$ cts.		\$ cts.

No. 5.—SALES OF LAND MADE BY THE COMPANY.

Acres sold.	Price per Acre.	Amount.
	\$ cts.	\$ cts.

No. 6.

No. 6.—FLOATING DEBT.

Amount.		Rate of Interest.	Remarks,
\$	cts.	\$	cts.

No. 7.—CHARACTERISTICS OF ROAD, &c.

OWNED.		Miles.
*Length of main line from	to	
do branch from	to	
do do	to	
do do	to	
do do	to	
LEASED.		
Length of railway from	to	
do do	to	
do do	to	
do do	to	
Total mileage worked		
Length of road laid with iron rails		
do do steel rails		
do of sidings		
do of double-track (if any)		
Weight of rail per yard, main line, iron		Lbs.
do do do steel		do
do do branches, iron		do
do do do steel		do
Number of engine-houses and shops		
do of engines owned by Company		
do do hired		
do of first-class passenger cars owned by Company		
do do do hired		
do of second-class and emigrant cars owned by Company		
do do do hired		
do baggage, mail and express cars owned by Company		
do do do hired		
do cattle and box freight cars owned by Company		
do do do hired		
do platform cars owned by Company		
do do do hired		
do coal cars owned by Company		
do do do hired		
do ties to mile, main line		
do do branches		
Nature of fastenings used to secure joint of rail		
Number of grain elevators		
†Capacity of do at		
do do		
do do		
Number of level road crossings at which watchmen are employed		
do do without watchmen		
do overhead bridges		
Height of do above rail level		
Number of level crossings of other Railways		
do junctions with other Railways		
do do branch lines		
Radius of sharpest curve		
Number of feet per mile of heaviest gradient		
Gauge of Railway		

* If the line or any portion of it is under construction, the length being constructed to be given.

† State where these are situated, and the capacity of each.

NO. 8.—ACTUAL COST OF RAILWAY AND ROLLING STOCK

	\$	cts.
1. Cost of land and land damages.....		
2. Cost in connection with the administration of the Land Grant in aid, if any.....		
3. Cost of grading, masonry and bridging, station buildings, &c., &c.		
4. Cost of rolling stock of all kinds, including workshops.....		
Total.....		

The above total to show the real cash cost of construction and rolling stock.

NO. 9.—OPERATIONS OF THE YEAR AND NUMBER OF MILES RUN.

1. Miles run by passenger trains.....	
2. do freight trains.....	
3. do mixed trains.....	
4. Total miles run by trains.....	
5. do engines.....	
6. Total number of passengers carried.....	
7. do tons of freight (of 2,000 lbs.) carried.....	
8. Average rate of speed of passenger trains.....	
9. do freight trains.....	
10. Average weight of passenger trains in motion.....	
11. do freight trains in motion.....	

NO. 10.—DESCRIPTION OF FREIGHT CARRIED.

	Weight in Tons.
1. Flour in barrels, No.....	
2. Grain in bushels, No.....	
3. Live stock, No.....	
4. Lumber of all kinds, excepting firewood, ft.....	
5. Firewood, number of cords of 128 cubic ft.....	
6. Manufactured goods.....	
7. All other articles.....	
Total weight carried.....	

No. 11.—EARNINGS OF THE RAILWAY.

—	\$	cts.
1. From passenger traffic.....		
2. From freight traffic.....		
3. From mails and express freight.....		
4. From other sources.....		
Total		

No. 12.—GENERAL TARIFF OF TOLLS ESTABLISHED BY THE COMPANY.

No. 13.—SPECIAL RATES OF TOLLS ESTABLISHED BY THE COMPANY.

No. 14, A.—OPERATING EXPENSES—MAINTENANCE OF LINE BUILDINGS, &c.

—	\$	cts.
1. Wages, &c., of labour employed on track, including sidings		
2. Cost of iron rails and fastenings		
3. Cost of steel rails and fastenings		
4. Ballasting		
5. Repairs of bridges and culverts.....		
6. Repairs and renewals of buildings		
7. Repairs of fencing.....		
8. Clearing snow		
9. Engineering superintendence		
Total.....		

No. 14, B.

No. 14, B.—OPERATING EXPENSES—WORKING AND REPAIRS OF ENGINES

—	\$	cts.
1. Wages of engineers, firemen and cleaners		
2. Cost of coal for fuel		
Cost of wood for fuel		
3. Repairs of engines and tenders		
4. Oil, tallow, waste, &c., for engines		
5. Pumping engines		
6. Repairs of tools and machinery		
7. Superintendence		
Total		

No. 14, C.—WORKING AND REPAIRS OF CARS.

—	\$	cts.
1. Wages and material for repairs of passenger cars		
2 do do freight cars and snow ploughs		
3. Superintendence		
Total		

No. 14, D.—OPERATING EXPENSES—GENERAL AND OPERATING CHARGES.

—	\$	cts.
1. Office expenses, including directors, auditors, management, travelling expenses, stationery, &c.....		
2. Station agents, clerks, porters, &c.....		
3. Conductors, baggagemen and brakemen		
4. Compensation for personal injuries		
5. Loss or damage to freight		
6. Cattle killed.		
7. Cost of ferries and ferry-boats.....		
8. Cost of foreign agencies		
9. Small stores, including lights, lamps and signals.....		
10. All other charges		
11.		
12.		
13.		
Total		

Blanks are left for any other items of Expenditure not included above.

No. 15.—SUMMARY OF OPERATING EXPENSES.

	\$	cts.
A. Maintenance of line, buildings, &c		
B. Cost of working and repairs to engines		
C. Cost of working and repairs to cars		
D. Cost of general operating expenses		
Total cost of operating Railway		

The above statement to include the full cost of operating the railway, and the total to correspond with the published return of the company.

No. 16.—ACCIDENTS.

Cause of Accident.	Passengers.		Employés.		Others.		Total.	
	Killed.	Injured.	Killed.	Injured.	Killed.	Injured.	Killed.	Injured.
Fell from cars or engine.....								
Jumping on or off trains or engine when in motion.....								
Walking, standing, lying, sitting or being on track.....								
At work on or near the track, making up trains.....								
Putting arms or heads out of windows.....								
Coupling cars								
Collision, or by trains thrown from track								
Explosions.....								
Striking bridges								
Total								

Date.	Name and Place.	Nature of Accident or Cause.

The following is a Statement of the date of each Accident, the place where it occurred, the train, the cause of the accident, the extent of the injury to each person injured, and the name of such person.

No. 17.—NAMES AND RESIDENCES OF DIRECTORS AND OFFICERS OF THE COMPANY.

Names of Directors.	Residences.
President..... Secretary and Treasurer..... General Manager..... Engineer..... Superintendent.....	

The following is the official name and address of the Company:—

CHAP. 25.

An Act to amend and consolidate the Laws relating to Government Railways.

[Assented to 21st March, 1881.]

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 as "The Government Railways Act, 1881." Short title.

2. The provisions of this Act shall apply to all railways which are vested in Her Majesty, and which are under the control and management of the Minister of Railways and Canals. Application of Act.

INTERPRETATION.

3. In this Act the following words and expressions shall have the meaning hereby assigned to them, unless there be something in the subject or context repugnant to such construction, that is to say:—

(1.) The term "Conveyance" shall include a "surrender" to the Crown; and any conveyance to the Crown, or to the Minister, or any officer of the Department, in trust for or to the use of the Crown, shall be held to be a surrender; and no surrender, conveyance, agreement or award shall require registration or enrolment to preserve the rights of the Crown under it, but may be registered in the Registry Office of Deeds for the place where the lands lie, if the Minister deems it advisable: Conveyance.

(2.) The word "Minister" shall mean the Minister of Railways and Canals; the word "Deputy," the Deputy Minister. Minister.

Minister of Railways and Canals ; the word "Secretary," the Secretary of the Department of Railways and Canals ; and the word "Department," the Department of Railways and Canals :

Superintendent.

(3.) The words "Superintendent" or "Chief Superintendent" in this Act or in the Regulations relating to Government Railways, shall mean the Superintendent of the Government Railway or Railways over which he has, under the Minister, the charge and direction, and his powers shall be the same in regard to the railway or railways so under his charge and direction, whether he is called "Superintendent" or "Chief Superintendent."

Engineer.

(4.) The word "Engineer" shall mean any engineer or person permanently or temporarily employed by the Department to perform such work as is ordinarily performed by a civil engineer :

Arbitrators.

(5.) The words "Arbitrators" or "Official Arbitrators," shall mean the official Arbitrators appointed under any Act relating to the Public Works of Canada :

Lands.

(6.) The word "Lands" shall include all granted or ungranted, wild or cleared, public or private lands, and all real estate, messuages, lands, tenements and hereditaments of any tenure, and all real rights, easements, servitudes and damages, and all other things for which compensation is to be paid by the Crown under this Act :

Lease.

(7.) The word "Lease" shall include any agreement for a lease :

Toll.

(8.) The word "Toll" shall include any rate or charge or other payment payable for any passenger, animal, carriage, goods, merchandise, matters or things conveyed on the railway :

Goods.

(9.) The word "Goods" shall include things of every kind that may be conveyed upon the railway, or upon steam or other vessels connected therewith :

County.

(10.) The word "County" shall include any union of counties, county, riding or like division of a county in any Province, or any division thereof into separate municipalities in the Province of Quebec :

Highways.

(11.) The word "Highways" shall mean all public roads, streets, lanes and other public ways and communications :

Railway.

(12.) The word "Railway" shall mean any railway, and all property and works connected therewith, under the management and direction of the Department.

Powers exercised by deputies.

4. Whenever the powers herein given to the Minister are exercised by the Chief Superintendent or Superintendent, or
by

by any other person or officer, employee or servant of the Department thereunto specially authorized by the Minister, acting Minister, or his Deputy, or an acting Deputy, the same shall be presumed to be exercised by the direction of the Minister, unless the contrary be made to appear.

POWERS.

5. The Minister shall have full power and authority by himself, his engineers, superintendents, agents, workmen and servants,— Powers of Minister.

(1.) To explore and survey the country through which it is proposed to construct any Government railway ; To explore.

(2.) And for that purpose to enter into and upon any public lands or the lands of any corporation or person whatsoever ; To enter on lands.

(3.) To make surveys, examinations or other arrangements on such lands necessary for fixing the site of the railway, and to set out and ascertain such parts of the lands as shall be necessary and proper for the railway ; To fix the site of railway.

(4.) To fell or remove any trees standing in any woods, lands or forests where the railway shall pass, to the distance of six rods on either side thereof ; To fell timber.

(5.) To enter upon and take possession of any lands, real estate, streams, waters and water-courses, the appropriation of which is in his judgment necessary for the use, construction, maintenance or repair of the railway ; To take possession of lands, &c.

(6.) To enter with workmen, carts, carriages and horses, upon any lands, and deposit thereon soil, earth, gravel, trees, bushes, logs, poles, brushwood or other material found on the line of railway or works connected therewith, or for the purpose of digging up, quarrying and carrying away earth, stones, gravel, or other material, and cutting down and carrying away trees, bushes, logs, poles and brushwood therefrom for the making, constructing, maintaining or repairing such railway, for which compensation shall be made at the rate agreed upon or appraised and awarded as herein provided ; and the Minister may make and use all such temporary roads to and from such timber, stones, clay, gravel, sand or gravel pits, required by him for the convenient passing to and from the works during their construction and repair, and may enter upon any land for the purpose of making proper drains to carry off the water from any railway, or for keeping such drains in repair, making compensation as aforesaid ; To enter on lands and deposit or carry away materials. Making compensation. To construct temporary roads, drains, &c. Making compensation.

(7.)

To construct
all necessary
works.

(7.) To make or construct in, upon, across, under or over any land, streets, hills, valleys, roads, railways or tramroads, canals, rivers, brooks, streams, lakes or other waters, such temporary or permanent inclined planes, embankments, cuttings, aqueducts, bridges, roads, sidings, ways, passages, conduits, drains, piers, arches or other works as he may think proper ;

To alter
courses of
rivers, roads,
&c.

(8.) To alter the course of any river, canal, brook, stream or water-course, and to divert or alter as well temporarily as permanently the course of any such rivers, streams of water, roads, streets or ways, or raise or sink the level of the same, in order to carry them over or under, on the level of, or by the side of, the railway, as he may think proper ; but before discontinuing or altering any public road he shall substitute another convenient road in lieu thereof ; and the land theretofore used for any road, or part of a road, so discontinued may be transferred by the Minister to, and shall thereafter become the property of the owner of the land of which it originally formed a part ;

On certain
conditions.

To make con-
duits or
drains, and
remove walls
or fences.
Conditions.

(9.) To make conduits or drains into, through or under any lands adjoining the railway, for the purpose of conveying water from or to the railway ; and whenever it is necessary in the building, maintaining or repairing of any railway to take down or remove any wall or fence of any owner or occupier of lands or premises adjoining such railway, or to construct any back ditches or drains for carrying off water, such wall or fence shall be replaced as soon as the necessity which caused its being taken down or removed has ceased ; and after the same has been so replaced, or when such drain or back ditch is completed, the owner or occupier of such lands or premises shall maintain such walls or fences, drains or back ditches to the same extent as such owner or occupier might be by law required to do if such walls or fences had never been so taken down or removed, or such drains or back ditches had always existed ;

To cross or
unite with
other rail-
ways.

Conditions.

(10.) To cross, intersect, join and unite the railway with any other railway at any point on its route, and upon the lands of such other railway, with the necessary conveniences for the purposes of such connection ; and in case of disagreement upon the amount of compensation to be made therefor, or upon the point or manner of such crossing and connection, the same shall be determined by the official arbitrators ;

To carry
railway
across
streams, &c.

(11.) To construct, maintain and work the railway across, along, or upon any stream of water, water-course, canal, highway or railway which it intersects or touches ; but the stream, water-course, highway, canal or railway so intersected or touched, shall be restored to its former state, or to such state as not to impair its usefulness ;

(12.)

(12.) To make, complete, alter and keep in repair the railway, with one or more sets of rails or tracks, to be worked by the force and power of steam, or of the atmosphere, or of animals, or by mechanical power, or by any combination of them ;

To make and work railway.

(13.) To erect and maintain all necessary and convenient buildings, stations, depots, wharves and fixtures, and from time to time to alter, repair or enlarge the same, and to purchase and acquire stationary or locomotive engines and carriages, waggons, floats and other machinery necessary for the accommodation and use of the passengers, freight or business of the railway ;

To erect necessary buildings, &c.

(14.) To take, transport, carry and convey persons and goods on the railway, and to construct, make and do all other matters and things necessary and convenient for the making, extending and using the railway ;

To convey persons and goods.

(15.) To contract and agree with all persons, corporations, seigneurs, guardians, tutors, curators and trustees whatsoever, not only for themselves, their heirs, successors and assigns, but also for and on the behalf of those whom they represent, whether infants, absentees, lunatics, married women or other persons otherwise incapable of contracting, for the purchase of any land or other property necessary for the constructing, maintenance and use of the railway, at such prices as may be agreed upon ; and also to contract and agree with all such persons and corporations on the amount of compensation to be paid for any damages sustained by them by reason of anything done under and by authority of this Act ; and when any such owner or occupier refuses or fails to agree for conveying his estate or interest in any land, or other property as aforesaid, the Minister may tender the reasonable value in his estimation of the same, with notice that the question will be submitted to the official Arbitrators hereinafter mentioned ; and in every case, the Minister may, three days after such agreement, or tender and notice, authorize possession to be taken of such land or other property, required as aforesaid ;

To contract with corporations, &c., owning lands required.

Or for damages

And take possession after tender.

(16.) Between the first day of November in any year and the fifteenth day of April next following, to enter into and upon any lands of Her Majesty, or into and upon the lands of any corporation or person whatsoever, lying along the route or line of railway, and to erect and maintain temporary snow fences thereon, subject to the payment of such land damages (if any) as may be thereafter established, in the manner herein provided, to have been actually suffered : Provided always, that any such snow fences so erected shall be removed on or before the fifteenth day of April so next following ;

To erect snow fences on adjoining lands.

Proviso.

To change location of line in certain cases.

(17). At any time to change the location of the line of railway in any particular part for the purpose of lessening a curve, reducing a gradient, or otherwise benefiting such line of railway, or for any other purpose of public advantage; and all and every the provisions of this Act shall refer as fully to the part of such line of railway, so at any time changed or proposed to be changed, as to the original line.

To make branch railways for certain purposes.

6. For the purpose of connecting any city, town, village, manufactory or manufactories, mine or mines, or any quarry or quarries of stone or slate, or any well or spring, with the main line of the railway, or with any branch thereof, or for the purpose of giving increased facilities 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 Minister, by and with the authority of the Governor in Council, to build, make and construct, and to work and use, sidings, or branch lines of railway, not to exceed in any one case six miles in length. For any and every such purpose the Minister and those acting under him shall have and may exercise all the powers given them with respect to the main line; and each and all provisions of this Act which are applicable to such extension shall extend and apply to every such siding or branch line of railway: Provided always, that where the branch or siding does not exceed one mile in length, the Minister may construct such branch or siding without an Order in Council; and, in case of his so constructing a branch or siding not exceeding one mile in length, all the provisions of this Act which are applicable to extensions as aforesaid shall likewise apply in the manner aforesaid.

Proviso: as to short branches.

Not to impede navigation.

7. The Department shall not cause any obstruction in or impede the free navigation of any river, stream or canal to or across or along which their railway is carried.

Provision in case railway crosses a navigable river.

8. If the railway be carried across any navigable river or canal, the Department shall leave openings between the abutments or piers of their bridge or viaduct over the same, and shall make the same of such clear height above the surface of the water, or shall construct such draw-bridge or swing-bridge over the channel of the river, or over the whole width of the canal as will not obstruct or impede the free navigation of the river or canal, subject to such regulations as to the opening of such swing-bridge or draw-bridge as the Governor in Council from time to time may make.

Bridges to be properly floored.

9. No train shall be allowed to pass over any canal, or over the navigable channel of any river, without such proper flooring being first laid under and on both sides of the railway track over such canal or channel as shall be deemed by the Minister sufficient to prevent anything falling from the railway

railway into such canal or river, or upon the boats or vessels, or craft or persons navigating such canal or river.

MANNER OF TAKING LANDS, ETC., TITLES, BOUNDARIES.

10. Lands taken for the use of Government Railways shall be laid off by metes and bounds; and where no proper deed or conveyance thereof to the Crown is made and executed by the person having the power to make such deed or conveyance, or where a person interested in such lands is incapable of making such deed or conveyance, or where for any other reason the Minister shall deem it advisable so to do, a plan and description of such lands signed by the Minister, his Deputy or Secretary, or by the Superintendent or by an engineer of the Department, or by a land surveyor duly licensed and sworn in and for the Province in which the lands are situate, shall be deposited of record in the office of the registry of deeds for the county or registration division in which the lands are situate, and such lands by such deposit shall thereupon become and remain vested in the Crown :

Proceedings on taking possession of lands in cases where no proper conveyance to H.M.

Deposit of plan.

(2.) In case of any omission, misstatement or erroneous description in such plan or description, a corrected plan and description may be deposited with like effect :

Correction of plan allowed.

(3.) Such plan and description may be deposited at any time either before* entry upon the lands, or within twelve months thereafter :

When to be deposited.

(4.) A plan and description of any lands now in the occupation or possession of the Crown and used for the purposes of any Government railway may be deposited at any time, in like manner and with like effect as herein provided, saving always the lawful claims to compensation of any person interested therein :

Deposit of plan of lands now in possession of H.M.

(5.) In all cases where any such plan and description, purporting to be signed by the Deputy Minister, or by the Secretary, or by the Superintendent or by an engineer of the Department, or by a land surveyor duly licensed as aforesaid, is deposited of record as aforesaid, the same shall be deemed and taken to have been deposited by the direction and authority of the Minister, and as indicating that in his judgment the lands therein described are necessary for the purposes of the railway ; and the said plan and description shall not be called in question except by the Minister or by some person acting for him, or for the Crown :

Attestation of plan deposited.

(6.) A copy of any such plan and description certified by the Registrar of Deeds, or his Deputy, to be a true copy thereof shall, without proof of the official character or handwriting

Effect of copy certified.

writing of such registrar or deputy, be deemed and taken in all courts as *prima facie* evidence of the original, and of the depositing thereof:

Notwithstanding
decease of
certifying
officer.

(7.) A copy of any such plan and description, certified by the Registrar of Deeds, or by his Deputy, as in the last preceding sub-section mentioned, shall be good and sufficient for the purposes thereof, and shall be deemed and taken as *prima facie* evidence of the original and of the depositing thereof, although such registrar or deputy, at the time the same is so offered in evidence, may be dead, or may have resigned or have been removed from office:

When Provin-
cial Crown
lands are
taken.

(8.) Where the lands taken are Crown lands, under the control of the Executive Government of the Province in which such lands are situate, a plan of such lands shall also be deposited in the Crown Land Office of the Province:

As to plans
of lands
taken for
Intercolonial
Railway,
under 31
V., c. 13.

(9.) Where lands were taken for the Intercolonial Railway, under an Act made and passed in the thirty-first year of Her Majesty's reign, intituled "*An Act respecting the construction of 'The Intercolonial Railway,'*" and plans of such lands were deposited of record in the office of the Registrar of Deeds for the county or registration division in which the lands were situate, without any description of the land being deposited of record, with such plans thereof, as in the seventh section of the said Act required, the filing of the plans only shall be held, taken and construed to have been a sufficient compliance with the provisions of the said section; and the depositing of such plans only shall be held and taken to have operated as a dedication to the public of such lands, whereupon the same became and were vested in the Crown. A certified copy of any such plan may be used, and shall be evidence in like manner and effect, and under the like circumstances as herein provided in regard to the plans and description hereinbefore mentioned:

Effect of cer-
tified copies.

Plans of lands
taken for the
same in N.S.
and N.B.,
under local
Acts.

(10.) Where any lands now in the possession of Her Majesty for the said railway were taken under any Act or Acts of the Provinces of Nova Scotia or New Brunswick, by the provisions of which Acts, plans and descriptions of the lands so taken should have been recorded, filed or deposited in the office of the Registrar of Deeds of the county in which such lands were situate, and plans only without any description were recorded, filed or deposited as aforesaid, or where plans and descriptions or plans only of lands taken were recorded, filed or deposited as aforesaid, although the Act or Acts under which they were taken did not require them to be so recorded, filed or deposited, the recording, filing or depositing of the plans and descriptions or plans only, as the case may be, shall be taken and construed to have been a sufficient compliance with the provisions of any such Act or Acts; and

and the recording, filing or depositing of such plans and descriptions or plans only, as the case may be, shall be held and taken to have vested in the Crown such an interest in the lands taken as would now be vested in the Crown had the provisions of such Act or Acts been fully and literally complied with. A certified copy of any such plans and descriptions or plans only, as the case may be, may be used and shall be evidence in like manner and effect and under like circumstances as herein provided in regard to the plans and descriptions hereinbefore mentioned.

Effect of certified copies.

11. Any contract or agreement made by any party authorized by this Act to convey lands, and made before the deposit of the plans and description, and before the setting out and ascertaining of the lands required for the railway, shall be binding at the price agreed upon for the same lands, if they are afterwards so set out and ascertained within one year from the date of the contract or agreement, and although such land may, in the meantime, have become the property of a third party; and possession of the land may be taken, and the agreement and price may be dealt with, as if such price had been fixed by an award of arbitrators, as hereinafter provided; and the agreement shall be in the place of an award.

Effect of contracts made before deposit of plan, &c.

12. Whenever any gravel, stone, earth, sand or water is taken as aforesaid, at a distance from the line of the railway, the Department may lay down the necessary sidings, water-pipes or conduits or tracks over or through any lands intervening between the railway and the lands on which such material or water is found, whatever the distance may be; and all the provisions of this Act, except such as relate to the filing of plans and descriptions, shall apply and may be used and exercised to obtain the right of way from the railway to the land on which such materials are situate; and such right may be acquired for a term of years, or permanently, as the Minister may think proper; and the powers in this section contained may, at all times, be exercised and used in all respects, after the railway is constructed, for the purpose of repairing and maintaining the railway.

Power to make sidings, &c., to lands whence materials or water are taken.

And for maintaining the railway.

13. Whenever, for the purpose of procuring sufficient lands for stations or gravel-pits, or for constructing, maintaining and using the railway, any land may be taken under this Act, and by purchasing the whole of any lot or parcel of land over which the railway is to run, or of which any part may be taken under the said provisions, the Minister can obtain the same at a more reasonable price, or to greater advantage than by purchasing the roadway line only, or only such part as aforesaid, he may purchase, hold, use or enjoy the whole of such lot or parcel, and also the right of way thereto, if the same be separated from the railway,

Provision where whole lot can be more advantageously purchased than a part.

way,

way, and may sell and convey the same, or any part thereof, from time to time, as he may deem expedient; but the compulsory provisions of this Act shall not apply to the taking of any portion of such lot or parcel not, in the opinion of the Minister, necessary for the purposes aforesaid.

What persons may be employed to make surveys, &c., of land required.

Boundaries.

Effect thereof.

Proviso: as to witnesses.

Further proviso.

14. The Minister may employ any person duly licensed or empowered to act as a surveyor for any Province in Canada, or any engineer, to make any survey, or establish any boundary and furnish the plans and descriptions of any property acquired or to be acquired by Her Majesty for the use of any Government railway; and such surveys, boundaries, plans and descriptions shall have the same effect as if the operations pertaining thereto or connected therewith had been performed by a land surveyor duly licensed and sworn in and for the Province in which the property is situate; and the boundaries of such properties may be permanently established by means of proper stone or iron monuments, planted by the engineer or surveyor so employed by the Minister, and shall be of the same effect to all intents and purposes, as if such boundaries had been drawn, and such monuments planted by a land surveyor duly licensed and sworn for the Province in which the property is situate; and such boundaries shall be held to be the true and unalterable boundaries of such property, provided they are so established, and such monuments of iron or stone are planted after due notice thereof has been given in writing to the proprietors of the lands to be thereby affected, and that a *Procès-verbal* or written description of such boundaries is approved and signed, in the presence of two witnesses, by such engineer or surveyor on behalf of the Minister, and by the other parties concerned; or that in case of the refusal of any party to approve or to sign the same, such refusal is recorded in such *Procès-verbal* or description; and provided such boundary marks or monuments are planted in the presence of at least one witness, who shall sign the said *Procès-verbal* or description: and provided also that it shall not be incumbent on the Minister or those acting for him, to have the boundaries established with the formalities in this section mentioned, but the same may be resorted to whenever he deems it necessary so to do.

COMPENSATION FOR LAND DAMAGES AND PAYMENT THEREOF.

Tender of compensation and arbitration if tender is refused.

15. Whenever the Minister, or the person acting for him in that behalf, fails to agree with any person or corporation as to the value to be paid for any lands taken, or for compensation as aforesaid, the Minister, or the person acting for him, may tender the reasonable value, in his estimation, of the same, with a notice that if the offer is not accepted the question will be submitted to the official Arbitrators; and in case such person does not reside,

or

or such corporation has not its office, on or near the property so required or used, the notice of submission shall be published in the *Canada Gazette* and in two newspapers published in or near the district or county in which such property is situate.

16. The arbitrators shall consider the advantage as well as the disadvantage of any railway, as respects the land or real estate of any person through which the same passes or to which it is contiguous, or as regards any claim for compensation for damages caused thereby; and the arbitrators shall, in assessing the value of any land or property taken for the purpose of any railway, or in estimating and awarding the amount of damages to be paid by the Department to any person, take into consideration the advantages accrued or likely to accrue to such person or his estate, as well as the injury or damages occasioned by reason of such work.

Arbitrators to consider advantages as well as disadvantages of railway to claimant.

17. The arbitrators, in estimating and awarding the amount to be paid to any claimant for injury done to any land or property, and in estimating the amount to be paid for lands taken by the Minister under this Act, or taken by the proper authority under any former Act, shall estimate or assess the value thereof at the time when the injury complained of was occasioned, and not the value of the adjoining lands at the time of making their award.

Value to be estimated as at time of taking possession.

18. The compensation money agreed upon or awarded by the official Arbitrators for any lands or property acquired or taken by the Minister shall stand in the stead of such lands or property; and any claim to or incumbrance upon such lands or property shall, as respects the Crown, be converted into a claim to such compensation money or to a proportionate amount thereof, and shall be void as respects the lands or property themselves, which shall, by the fact of the taking possession thereof, become and be absolutely vested in the Crown,—subject always to the determination of the compensation to be paid and to the payment thereof when such conveyance, agreement or award shall have been made.

Compensation to stand in place of land taken, and how to be dealt with.

19. If the party conveying such lands or property could not, without this Act, have conveyed the same or agreed for the compensation to be paid therefor, or if any owner or party to whom the compensation money or any part thereof is payable, refuses to execute the proper conveyance or other requisite instrument of transfer of the premises, or if the party entitled to claim the same cannot be found or is unknown to the Minister, or if the Minister has reason to fear any claim or incumbrance, or if for any other reason he deems it advisable,—then if the lands or property so acquired or taken are situate in any of the Provinces of Canada other than Quebec, the Minister may pay such compensation money

As to clearing incumbrances on lands in other Provinces than Quebec.

Payment into Court.

money or award, or if there has been no compensation money agreed upon or amount awarded, then such sum of money as, in the opinion of the Minister, shall be sufficient compensation for such lands or property, into the office of one of the superior courts for the Province in which the lands are situate (with the interest thereon for six months), and may deliver to the clerk of the court a copy of the conveyance or of the agreement or award, or a certified copy of the plan and description.

Interest.

Notice to be given of such payment.

20. A notice in such form and for such time as the court may appoint, shall be inserted by the clerk in some newspaper, if there be any published in the district or county in which the lands are situate,—which shall state that the title of the Crown, namely, the conveyance, the depositing of the plan and description or the agreement or award, or if there be none such, then that the notice of the Minister to the clerk of the court, is under this Act, and shall call upon all persons entitled to the lands or to any part thereof, or representing or being the husbands of any parties so entitled, or claiming to hold or represent incumbrances thereon or interests therein, to file their claims to the compensation money or any part thereof; and all such claims shall be received and adjudged upon by the court, and the said proceedings shall forever bar all claims to the compensation or any part thereof, including any claim in respect of dower as well as in respect of all mortgages or incumbrances upon the same; and the court shall make such order for the distribution, payment or investment of the compensation money and for the securing of the rights of all parties interested, as to right and justice and according to the provisions of this Act and to law shall appertain.

Claims on compensation to be adjudged on by Court.

If the lands are in the Province of Quebec.

21. If the lands or property so acquired or taken are situate in the Province of Quebec, the Minister may pay such compensation money or award, or if there have been none such, then such sum of money as, in the opinion of the Minister, shall be sufficient compensation for such lands or property, into the hands of the Prothonotary of the Superior Court for the district in which the land is situate (with the interest thereon for six months), and deliver to the said prothonotary an authentic copy or a copy verified by him of the conveyance or of the agreement or award, or a certified copy of the plan and description; and the same shall be deemed the title of the Crown to the lands or property therein mentioned; and proceedings shall be had for the confirmation of such title of the Crown in like manner as in other cases of confirmation of title,—except that in addition to the usual contents of the notice in such cases, the prothonotary shall state that the title of the Crown, that is the conveyance, the depositing of the plan and description or the agreement or award, or if there has been none such, then

Proceedings for confirmation of title.

then the notice of the Minister to the clerk of the court, is under this Act, and shall call upon all persons entitled to the lands or property or any part thereof, or representing or being the husband of any party so entitled, to file their claims to the compensation money or any part thereof; and all such claims shall be received and adjudged upon by the court: and the said proceedings shall forever bar all claims to the compensation or any part thereof (including dower not yet open) as well as in respect of any mortgage, hypothec or incumbrance upon the same, and the court shall make such order for the distribution, payment or investment of the compensation money and for the security of the rights of all parties interested as to right and justice and the provisions of this Act and to law shall appertain.

Judgment to bar all claims not filed.

22. The costs of the proceedings or any part thereof shall be paid by the Minister or by any other party, as the court may order, and if the order of distribution be obtained in less than six months from the payment of the compensation money into the court or to the prothonotary, the court shall direct a proportionate part of the interest to be returned to the Minister; and if, from any error, fault or neglect of the Minister, it is not obtained until after six months have expired, the court shall order the Minister to pay into court or to the prothonotary the interest for such further period as may be right.

As to costs of proceedings and interest.

23. Provided always, that in any case where the price or compensation money agreed for or awarded does not exceed one hundred dollars, it may, in any Province, be paid to the party who under this Act can lawfully convey the lands or property or agree for the compensation to be made in the case, with the same effect as if it had been paid into court under this Act; saving always the rights of any other party to such compensation money as against the party receiving the same.

When the price does not exceed \$100.

24. If any party entitled to any compensation as aforesaid is dissatisfied with the amount so paid by the Minister into a court or to the prothonotary of a court as aforesaid, the question of the amount of compensation may be referred to the Board of Arbitrators or to one or to any greater number of arbitrators as he may see fit, and proceedings thereon shall be had according to this Act; and the Minister may pay the amount of any award thereon into a court or to the prothonotary of a court, as the case may be, and the court shall make such order as to the same as if it had been paid in as compensation as hereinbefore mentioned.

If any party concerned is dissatisfied with amount paid in.

25. The compensation agreed on between the parties, or appraised and awarded in the manner herein set forth, shall be paid for such land, real property, streams, water and water-

Within what time compensation

awarded shall be paid.

Certain sections to apply.

water-courses, timber, stone or other material, to the owners or occupiers of such lands or property, or to the persons suffering such damage as aforesaid, or into court as aforesaid, within six months after the amount of such compensation has been agreed on or appraised and awarded; and all the foregoing provisions of sections sixteen to twenty-four, both inclusive, shall apply to any lands or property taken, or the compensation for which was agreed upon or awarded before the passing of this Act; but in such last mentioned case the compensation money, if paid into court, shall be so paid within six months after the passing of this Act.

Provision as to Manitoba and the N.-W. Territories.

26. As respects the North-West Territories, the Court of Queen's Bench in the Province of Manitoba shall, unless and until there be a superior court therein, be held to be the court referred to in sections nineteen to twenty-five, both inclusive.

WHAT OTHER CASES MAY BE REFERRED TO ARBITRATION.

How and in what cases claims may be made in the several Provinces respectively.

Action of the Minister thereon. Tenders by him.

27. If any person or body corporate has any claim for property taken, or for alleged, direct or consequent damage to property, arising from or connected with the construction, repair, maintenance or working of any Government railway undertaken, commenced, completed or purchased at the expense of the Dominion, or of the late Province of Canada, or of the Provinces of Nova Scotia or New Brunswick or Prince Edward Island, or any claim arising out of or connected with the execution or fulfilment, or on account of deductions made for the non-execution or non-fulfilment of any contract for the construction or maintenance of any such railway, made and entered into with the said Minister, either in the name of Her Majesty, or in any other manner whatsoever, or with any other Minister, board or commissioners lawfully authorized to enter into the same on behalf of the Dominion of Canada, or the late Province of Canada, or of the said Provinces of Nova Scotia or New Brunswick, or Prince Edward Island, such person or body corporate may give notice in writing of such claim to the said Minister,—stating the particulars thereof, and how the same has arisen: and thereupon the Minister may, at any time within thirty days after such notice, tender what he considers a just satisfaction for the same, with notice that the said claim will be submitted to the decision of the arbitrators acting under this Act, unless the sum so tendered is accepted within ten days after such tender, which shall be deemed to be legally made by any written authority for the payment of such sum given under the hand of the Minister or the person acting for him in that behalf, and notified to the person or body corporate having such claim: and a tender so made shall be sufficient likewise in case of tender
of

of compensation by the Minister under any other section of this Act.

(2.) But before any claim under this or any other section of this Act shall be arbitrated upon, the claimant shall give security to the satisfaction of the official Arbitrators (or any one of them) for the payment of the costs and expenses incurred by the arbitration in the event of the award being against such claimant, or of its not exceeding the sum so tendered as aforesaid.

Security to be given by claimant.

(3.) If any person or body corporate now has or shall hereafter have any supposed claim upon the Government of Canada for property taken, or for alleged direct or consequent damage to property arising from the construction, or connected with the maintenance or repair of any Government railway undertaken, commenced, completed or purchased at the expense of the said Government, or of the Government of the late Province of Canada, or of Nova Scotia, or of New Brunswick, or of Prince Edward Island, or any claim arising out of or connected with the execution or fulfilment, or on account of deductions made for the non-execution or non-fulfilment of any contract for the construction, maintenance or repair of any Government railway, or arising out of any death or any injury to person or property on any such railway, such person or body corporate may give notice of such claim to the Minister, stating the particulars thereof and how the same has arisen; and in case the Minister, from want of sufficient or reliable information as to the facts relating to the claim, or on account of conflicting statements of facts, does not consider the case one in which a tender of satisfaction should be made, he may refer the claim to one or more of the official Arbitrators for examination and report, both as to matters of fact involved, and as to the amount of damages, if any, sustained; and thereupon the arbitrator or arbitrators to whom the claim has been referred shall have all the powers in reference thereto that he or they would have if such claim had been one coming within the purview of the first part of this section, and had been referred after tender of satisfaction made; but the arbitrators' duty in such case shall be confined to reporting his or their findings upon the questions of fact, and upon the amount of damages, if any, sustained, and the principles upon which such amount has been computed.

Parties having claims may notify the Minister.

Who may, in certain cases, refer claims to arbitration without previous tender.

28. The Minister may refer any of the claims aforesaid either to one or to any greater number of arbitrators as he may see fit; and except in case of appeal as hereinafter provided, when the claim has not been referred to the whole Board, the award of the sole arbitrator shall be binding, if there be only one; and the award of the majority of the said arbitrators if there be three or more acting in the case, shall be binding as

Claim may be referred to one or more arbitrators.

One may take the evidence and hear the parties. if made by all the arbitrators: and in any case where the claim is referred to more than one of the arbitrators, any one of them may receive the evidence and hear the parties, and may exercise all the powers of the arbitrators preliminary or incident to the hearing and to the taking of the evidence, which shall thereafter be submitted to all the arbitrators to whom the case is referred, and the award of the majority of whom shall be binding, except in case of appeal as aforesaid.

To be submitted to all.

No arbitration when otherwise provided in contract.

29. No arbitration shall be allowed in any case where by the terms of the contract therein it is provided that the determination of any matters of difference arising out of or connected with the same shall be decided by the Minister, or the architect, or by any engineer or officer of the Department.

Limitation of time within which claim must be made.

30. No claim for land or other property alleged to have been taken for, or injured by the construction, improvement, maintenance, or management of any Government railway, or for damages alleged to have been occasioned directly or indirectly to any such lands or other property by the construction, maintenance or management of any such Government railway,—and no claim arising out of, or connected with the execution or agreement for the construction or maintenance of any such Government railway, or of any part thereof, shall be submitted to, or be entertained by the arbitrators under this Act, unless such claim and the particulars thereof have been filed with the Secretary of the Department, within twelve calendar months next after the loss or injury complained of, when such claim relates to the taking of or damage occasioned to land or other property,—and when such claim relates to, or is alleged to arise out of, the execution or fulfilment of any contract or agreement for the construction or maintenance of any Government railway, or any part thereof, or some work, building or undertaking connected therewith, or for the supply of materials therefor, unless the same has been filed as aforesaid, within three calendar months next after the date of the final estimate made under such contract; but nothing in this section shall prevent the arbitrators from entertaining, investigating, or awarding upon any claims filed in the proper office within the delay allowed by any Act then in force in the Province in which such work was constructed.

Proviso: when further delay is allowed by any Act.

POWERS OF THE ARBITRATORS, AND PROCEEDINGS BY OR BEFORE THEM.

Power to summon witnesses.

31. The said arbitrator or arbitrators may, by summons or order in writing, signed by any one of them or by their clerk or secretary, to be left at the usual or last place of residence of the party to whom it is addressed, command the attendance from any part of Canada, of all witnesses, or the production

production of any documents required by any of the parties, and may swear the said witnesses to testify truly respecting the matters on which they are to be interrogated; and the disobedience of such summons or order in writing, or neglect to attend and produce such documents shall subject the party disobeying, neglecting or refusing to a penalty of not less than five dollars, nor more than twenty-five dollars, to be recovered before any Justice of the Peace and levied under the warrant of such justice, by distress and sale of the goods and chattels of the offender, unless the party establishes a reasonable cause for such disobedience, neglect or refusal :

Penalty for non-attendance on summons.

(2.) But no person shall be compelled to produce any document that he would not be compelled to produce at a trial in the Queen's Bench, Common Pleas, Supreme Court or Superior Court, or to attend as a witness more than three consecutive days; and every witness shall be allowed in addition to his reasonable travelling expenses, a sum not exceeding one dollar a day at the discretion of the arbitrators; and such remuneration shall be paid by the party requiring his attendance.

As to documents to be produced.

Allowance to witnesses.

32. In awarding upon any claim arising out of any contract in writing, the arbitrators shall decide in accordance with the stipulations in such contract, and shall not award compensation to any claimant on the ground that he expended a larger sum of money in the performance of his contract than the amount stipulated therein; nor shall they award interest on any sum of money which they consider to be due to such claimant, in the absence of any contract in writing, stipulating payment of such interest; and no clause in any such contract in which a drawback or penalty is stipulated for the non-performance of any condition thereof, or any neglect to complete any work, or to fulfil any covenant in such contract, shall be considered as comminatory, but it shall be construed as importing an assessment by mutual consent, of the damages caused by such non-performance or neglect.

Awards upon contracts; restrictions respecting.

How penalties in contracts shall be construed.

33. In the investigation of any claim the arbitrators shall cause all legal evidence offered on either side to be taken down and recorded in writing, and shall make and keep a list of all plans, receipts, vouchers, documents and other papers which may be produced before them during such investigation; but they may, with the consent in writing of the Minister and of the opposite party, take the testimony of the witnesses adduced on either side orally, and in such case need not reduce it to writing :

Evidence to be taken in writing.

Except by consent.

(2) With the consent of the Minister or his agent and of the opposite party, the testimony of the said witnesses may be taken down in shorthand by a stenographer, who shall be

Stenographer may be employed by consent: his duty.

be previously sworn before one of the arbitrators faithfully to take down and transcribe the testimony, and who shall, at the conclusion of the examination of a witness, read over the same to him; and such testimony shall, when transcribed in ordinary writing and signed by the witness, if he can write, and if not, then attested by the stenographer, form the record of his testimony :

Costs in such cases.

(3.) The expenses incurred under this section in any case shall be costs therein, and taxed and paid as such; and the provisions hereof shall apply to cases now pending.

Copies of award to be given to parties.

34. The arbitrators shall deliver to the Minister a copy of their award in each case, and to each individual claimant a copy of so much thereof as relates to his particular claim, within one month after they have agreed to the same.

Appeal to whole board when all the arbitrators have not acted.

35. If in any case where a claim has, under the twenty-eighth section, been referred to one arbitrator, or to more than one arbitrator, but not to the whole Board, the claimant is dissatisfied with the award made, such claimant may, by notice in writing delivered to any arbitrator who has joined in the award, or to the Clerk or Secretary of the Board, within one month after the award has been notified to the claimant, pursuant to the last preceding section of this Act, appeal to the Board of Arbitration, and it shall be the duty of the Board to hear the appellant, and to make such decision and award as to them, or a majority of them, may seem just.

Duty of the board.

When new evidence may be adduced on appeal.

36. In case of such appeal, the appellant shall have no right to adduce further evidence than that already given on the original reference, unless he shows to the satisfaction of the Board that his knowledge of the existence of such further evidence has arisen since the first hearing of the case, or unless the Board shall think it right on hearing the claimant to admit further evidence.

Copies of depositions, &c.

37. The Clerk or Secretary to the arbitrators shall, on payment at the rate of ten cents for every hundred words and twenty cents additional for every certificate, deliver to any person requiring the same, certified copies of any depositions or papers taken or filed before the arbitrators.

Costs, by whom paid.

38. If the sum awarded in any case is greater than the sum tendered, the Minister shall pay the costs of arbitration, but if less, the costs shall be paid by the person who refused the tender.

If the award is in favor of claimant.

39. And such costs shall, in other cases where the award is in favour of the claimant, be paid by the Minister, in addition to the sum awarded, and shall, in either

taxed

taxed by the proper officer of the Court of Queen's Bench, Supreme Court or Common Pleas, in the Provinces of Ontario, Nova Scotia, New Brunswick, Prince Edward Island, Manitoba, and British Columbia, and in the Province of Quebec by a Judge of the Superior Court.

APPEAL TO THE EXCHEQUER COURT.

40. The Exchequer Court of Canada shall have appellate jurisdiction over all cases of arbitration arising under this Act or any Act by which it may be amended, when the claim exceeds in value the sum of five hundred dollars according to the *bonâ fide* belief of the party or parties complaining of such arbitration, as shown on affidavit. Appellate jurisdiction of the Court.

41. In any such case the submission, whether compulsory or by consent, may be made a rule of the said court upon motion and affidavits setting forth the facts. Submission may be made a rule of Court.

42. The court shall have power, at any time and from time to time, to set aside the award made and to remit the matters referred, or any or either of them, to the reconsideration and re-determination of the arbitrators, as the case may require, upon such terms as to costs or otherwise as the court shall deem proper. Power of Court in such cases.

43. All applications to set aside any award made, or to have the matter thereof remitted for re-consideration, shall be made to the court within three months after the publication of the award and notice to the parties: Provided that the time of the vacations of the court shall not be counted as part of such time. Time for application limited. Proviso.

44. The court may, if they think proper, upon the evidence taken before the arbitrators, or upon the same and any further evidence which they may order to be adduced before them, make such final order and determination of the matters referred as they shall deem just and right between the parties; and such final order and determination shall be ordered to be performed and shall be enforced by the court, and the same shall be taken and dealt with as a final award under the authority hereof. Court may finally determine the case. Execution of order.

45. No application shall be entertained by the court to set aside any award made, or to remit the subject-matter thereof for re-consideration, until a deposit of fifty dollars shall have been paid to the Registrar of the court as security for any costs that may be incurred, to be subject to the order of the court. Deposit required as security for costs.

46. The court shall have and may exercise all the powers contained in the Supreme and Exchequer Court Acts which, according Further powers of Court.

according to the nature of the case, are applicable to cases of reference under this Act.

Appeal to
Supreme
Court.

47. An appeal shall lie from the Exchequer Court to the Supreme Court from all judgments, orders, rules and decisions, in like cases and upon the same terms and conditions as are provided in the Supreme and Exchequer Court Acts.

Costs ; and
enforcement
of process.

48. All costs on appeal, whether for or against the claimant or claimants, or for or against the Crown, shall be in the order and discretion of the court, and are to be taxed and allowed by its proper officer ; and all judgments, orders and decisions of the court shall be enforced by its process

HIGHWAYS AND BRIDGES.

Railway not
to be carried
along a high
road unless
by leave of
municipality.

49 The railway shall not be carried along an existing highway, but merely cross the same in the line of the railway, unless leave has been obtained from the proper municipal or local authority therefor ; and no obstruction of such highway with the works shall be made without turning the highway so as to leave an open and good passage for carriages, and, on the completion of the works, replacing the highway ; but in either case, the rail itself, provided it does not rise above or sink below the surface of the road more than one inch, shall not be deemed an obstruction : Provided always, that this section shall not limit or interfere with the powers of the Minister to divert or alter any road, street or way, where another convenient road is substituted in lieu thereof, as provided in the eighth sub-section of section five.

Proviso : if
road is di-
verted under
s. 5.

Rise of rail
above road
limited.

50. No part of the railway which crosses any highway without being carried over by a bridge, or under by a tunnel, shall rise above or sink below the level of the highway more than one inch ; and the railway may be carried across or above any highway within the limits aforesaid.

Span and
height of
arch over
highway.

51. The span of the arch of any bridge erected for carrying the railway over or across any highway, shall at all times be, and be continued of the open and clear breadth and space, under such arch, of not less than twenty feet, and of a height from the surface of such highway to the centre of such arch of not less than twelve feet ; and the descent under any such bridge shall not exceed one foot in twenty feet.

Ascent of
bridge car-
rying high-
way over
railway.

52. The ascent of all bridges erected to carry any highway over any railway shall not be more than one foot in twenty feet increase over the natural ascent of the highway ; and a good and sufficient fence shall be made on each side of every

every bridge, which fence shall not be less than four feet above the surface of the bridge.

53. Every bridge or other erection or structure over or through or under which any railway to which this Act applies, passes, and every tunnel through which any such railway passes, existing at the time of the passing of this Act, of which the lower beams, members or portions of that part of such bridge, erection, structure or tunnel which is over the railway, are not of a sufficient height from the surface of the rails to admit of an open and clear headway of at least seven feet between the top of the highest freight cars used on the railway and the bottom of such lower beams, members or portions, shall, with suitable approaches thereto, where necessary, be reconstructed or altered within twelve months from the passing of this Act so as to admit of an open and clear headway of at least seven feet between the top of the highest freight cars used on the railway and the bottom of such lower beams, members or portions, and shall, at all times thereafter, be so maintained as to admit of such open and clear headway of at least seven feet. Bridges shall be reconstructed at the cost of the Department, municipality or other owner thereof as the case may be. The Department, before using higher freight cars than those used on the railway at the time of the passing of this Act, or of the reconstruction or alteration as aforesaid, of any such bridge or other erection, structure or tunnel as the case may be, shall, after having first obtained the consent of the municipality or of the owners of such bridge or other erection, structure or tunnel, raise every such bridge or other erection, structure or tunnel, and the approaches thereto if necessary, so as to admit of an open and clear headway of not less than seven feet between the top of the highest freight cars used on the railway and the bottom of such lower beams, members and portions as aforesaid: Provided always that the Governor may, by Order in Council, exempt any bridge, erection, structure or tunnel now existing from the operation of this section.

Height of lowest members of any structure over railway prescribed as to existing railways and structures.

Cost of reconstruction.

Provision if higher freight cars are hereafter used on railway.

Proviso: as to existing bridges, &c.

(2.) And whenever a highway bridge or any other erection or structure or tunnel shall hereafter be constructed over or on the line of a railway, or whenever it shall become necessary to reconstruct any highway bridge or other erection or structure or tunnel already built over or on the line of a railway, or to make large repairs to the same, the lower beams, members or portions of the superstructure of any such tunnel, highway or overhead bridge, or of any other erection or structure over any railway, and the approaches thereto, shall be constructed or reconstructed at the cost of the Department or of the municipality or other owner of the bridge, erection or structure, or tunnel, as the case may be, and

Highway bridges, &c., hereafter constructed over railways to have a certain clear height above the rails.

and shall, at all times, be maintained at a sufficient height from the surface of the rails of the railway, to admit of an open and clear headway of not less than seven feet between the top of the highest freight cars then used on the railway and the lower beams, members or portions of such bridge or other erection or tunnel; and thereafter, the Department, before using higher freight cars than those used on the railway at the time of the construction or reconstruction of, or large repair to, such bridge or other erection or structure, or tunnel, shall, after having first obtained the consent of the municipality, or of the owners of such highway bridge, or other erection or structure or tunnel, raise the said tunnel or bridge, or other erection or structure, and the approaches thereto, if necessary, so as to admit, as aforesaid, of an open and clear headway of not less than seven feet over the top of the highest freight cars then about to be used on the railway.

Provision if the Department uses higher freight cars thereafter.

Sign boards at railway crossings.

54. Signboards stretching across or projecting over the highway crossed at a level by any railway, shall be erected and kept up at each crossing at such height as to leave sixteen feet from the highway to the lower edge of the signboard, and having the words "Railway Crossing" painted on each side of the signboard, in letters not less than six inches in length.

FENCES.

Fences on each side of railway with gates and crossings.

55. Within six months after any lands have been taken for the use of the railway, the Minister, if thereunto required by the proprietors of the adjoining lands, shall erect and maintain on each side of the railway, fences at least four feet high and of the strength of an ordinary division fence, with swing gates, or sliding gates commonly called hurdle gates, with proper fastenings, at farm crossings of the railway, for the use of the proprietors of the lands adjoining the railway; and also cattle-guards at all public road crossings, suitable and sufficient to prevent cattle and animals from getting on the railway.

Liability of Department until fences and cattle guards are made.

56. Until such fences and cattle-guards are duly made, the Department shall, subject to the provisions of sections sixty, sixty-two and sixty-four, be liable for all damages which may be done by their trains or engines to cattle, horses or other animals on the railway which have gained access thereto for want of such fence and cattle-guards.

But not afterwards.

57. After the fences or guards have been duly made, and while they are duly maintained, no such liability shall accrue for any such damages, unless negligently or wilfully done.

58. If any person rides, leads or drives any horse or any other animal, or suffers any such horse or other animal to enter upon such railway, and within the fences and guards, without the consent of some officer or employee of the Department, he shall for every such offence forfeit a sum not exceeding forty dollars, and shall also pay to the party aggrieved all damages sustained thereby: Provided always, that no person shall be liable to the said penalty where he rides, leads or drives any horse or other animal over a farm crossing, unless he allows such horse or other animal to loiter unnecessarily or remain upon the railway or the appurtenances thereof.

Prohibition against going on the track, &c., with cattle, &c.

Proviso.

59. If any person other than those connected with or employed by the Department walks along the track of the railway, except where the same is laid across or along a highway, he shall for every such offence forfeit a sum not exceeding twenty dollars.

And against walking on the track.

CATTLE CLAIMS.

60. No horses, sheep, swine or other cattle shall be permitted to be at large upon any highway within half a mile of the intersection of such highway with any railway on grade, unless such cattle are in charge of some person or persons to prevent their loitering or stopping on such highway at such intersection.

Cattle not to be at large within certain distance of railway.

61. All cattle found at large in contravention of the last preceding section may, by any person finding the same at large, be impounded in the nearest pound to the place where the same are so found, and the pound-keeper with whom the same are so impounded shall detain the same in the like manner, and subject to the like regulations as to the care and disposal thereof, as in the case of cattle impounded for trespass on private property.

Cattle found at large may be impounded.

62. If the cattle of any person, being at large contrary to the provisions of section sixty, are killed or injured by any train at such point of intersection, he shall not have any action or be entitled to compensation in respect of the same, unless the same are killed or injured through the negligence or wilfulness of some officer, employee or servant of the Department.

If killed, &c., department not liable.

Exception.

63. At every road and farm crossing on the grade of the railway, the crossing shall be sufficiently fenced on both sides so as to allow of the safe passage of trains.

Crossings to be fenced.

64. Neither the Department, nor any officer, employee or servant thereof (except where the killing or injuring is negligent or wilful) shall be liable for any damage which may be

Non-liability of department in certain cases.

be done by any train or engine to cattle, horses or other animals, on the railway,—

Cattle at large.

(1.) Where they, being at large contrary to the provisions of section sixty, are killed or injured by any engine or train at such point of intersection ;

Coming from certain lands.

(2.) Where they gain access to the railway from property other than that of the owner, or in which the owner has a right of pasturage ;

Or through gates left unfastened.

(3.) Where they gain access to the railway through a gate of a farm or private crossing, the fastenings of which are in good order, unless such gate is left open by an employee of the Department ;

Or through fence properly made.

(4.) Where they gain access to the railway through or over a fence constructed in accordance with section fifty-five ;

Or in contravention of s. 60.

(5.) Where they, being at large contrary to the provisions of section sixty, gain access to the railway from the highway at the point of intersection.

WORKING THE RAILWAY.

Best known contrivances for immediate communication between conductors and engine-drivers, and for stopping or disconnecting, to be used.

65. There shall be provided and used in and upon trains run for the conveyance of passengers, such known apparatus and arrangements as best afford good and sufficient means of immediate communication between the conductors and the engine-drivers of such trains while the trains are in motion, and good and sufficient means of applying, by the power of the steam-engine or otherwise, at the will of the engine-driver or other person appointed to such duty, the brakes to the wheels of the locomotive or tender, or both, or of all or any of the cars or carriages composing the trains, and of disconnecting the locomotive, tender and cars or carriages from each other by any such power or means, and also such apparatus and arrangements as best and most securely place and fix the seats or chairs in the cars or carriages.

Precautions at crossing on a level.

66. Every locomotive or railway engine or train of cars, on any railway, shall, before it crosses the track of any other railway on a level, be stopped for at least the space of one minute.

And on crossing a draw or swing bridge.

67. In all cases where a railway passes any draw or swing-bridge over a navigable river, canal or stream which is subject to be open for the purposes of navigation, the trains shall in every case be stopped at least three minutes before crossing, to ascertain from the bridge tender that the said bridge is closed and in perfect order for passing.

68. An officer shall be stationed at each point on the line crossed on a level by any other railway, and no train shall proceed over such crossing until signal has been made to the conductor thereof that the way is clear.

Officer at level crossings.

69. No locomotive or railway engine shall pass in or through any thickly-peopled portion of any city, town or village at a speed greater than six miles per hour, unless the track is properly fenced.

Reduced speed through cities, &c.

70. Whenever any train of cars is moving reversely in any city, town or village, the locomotive being in the rear, there shall be stationed on the last car in the train a person who shall warn parties standing on or crossing the track of such railway, of the approach of such train.

Precautions when moving reversely.

71. Every servant of the Department employed in a passenger train or at a station for passengers, shall wear upon his hat or cap, a badge which shall indicate his office; and he shall not, without such badge, be entitled to demand or receive from any passenger any fare or ticket, or to exercise any of the powers of his office or to interfere with any passenger or his baggage or property.

Servants of department to wear badges.

72. The trains shall be started and run at regular hours to be fixed by public notice, and shall furnish sufficient accommodation for the transportation of all such passengers and goods as are within a reasonable time previous thereto offered for transportation at the place of starting, and at the junctions of other railways, and at usual stopping-places established for receiving and discharging way-passengers and goods from the trains.

Trains to be run at regular hours.

73. Such passengers and goods shall be taken, transported and discharged at, from and to such places, on the due payment of the toll, freight or fare legally authorized therefor.

Passengers and goods to be carried.

74. The Department shall not be relieved from liability by any notice, condition or declaration, in case of any damage arising from any negligence, omission or default of any officer, employee or servant of the Department; nor shall any officer, employee or servant be relieved from liability by any notice, condition or declaration, if the damage arise from his negligence or omission.

Department and servants always liable for neglect.

75. The baggage, freight, merchandise or lumber cars shall not be placed in rear of the passenger cars, and if any such be so placed, the officer or agent directing or knowingly suffering such arrangement, and the conductor of the train, shall be guilty of a misdemeanour, and shall be punished accordingly.

Baggage cars not to be in rear.

Penalty for contravention.

Lien of department for freight and charges on goods carried.

Sale of such goods in default of payment.

Risk of owners.

Enforcing payment on unclaimed goods.

Public notice.

Disposal of proceeds.

Bell and whistle.

How and when to be used.

Penalty for neglect.

Passengers to produce their tickets, or be removed.

Proviso.

76. The Department shall have a lien on all goods transported over the railway, for the freight and charges thereon, as well as for any balance which may be previously due for freight or otherwise by the owner or consignee; and the said goods shall be liable to be sold by public auction for the payment of the charges thereon and other balances which may be due; and if the owner or owners, or his or their agent, do not, within ten days after the arrival of the goods at the place of destination, pay the freight and other charges due thereon, or payable in respect thereof, and take possession of and remove such article from the railway premises, the 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 claims and all expenses incurred thereon, and in the meantime the said goods shall be at the risk of the owners thereof.

77. If any goods remain in the possession of the Department unclaimed for the space of twelve months, the superintendent may thereafter, and on giving public notice thereof by advertisement for six weeks in the *Official Gazette* of the Province in which such goods are, and in such newspapers as he may deem necessary, sell such goods by public auction at a time and place to be mentioned in such advertisement, and may, out of the proceeds thereof, defray the railway claims and all expenses incurred thereon,—the balance of the proceeds, if any, being kept and applied to the general purposes of the railway until claimed by the party entitled thereto.

78. Every locomotive engine shall be furnished with a bell of at least thirty pounds weight, and with a steam whistle.

79. The bell shall be rung, or the whistle sounded at the distance of at least eighty rods from every place where the railway crosses any highway, and be kept ringing or be sounded at short intervals, until the engine has crossed such highway; and the Department shall be liable for all damages sustained by any person by reason of any neglect thereof; and one-half of such damages shall be chargeable to and be deducted from any salary due to the engineer having charge of such engine, and neglecting to sound the whistle or ring the bell as aforesaid, or shall be collected from such engineer.

80. Passengers are required to produce and deliver up their railway tickets to the conductor or other person in charge of the train, whenever requested so to do by such officer. Should they refuse to do this, or to pay the proper fare, they may be removed from the train,—the train being first stopped and no unnecessary force being used: Provided always, that the place of removal is not more than half a mile

mile distant from a station, or not more than half a mile distant from a dwelling-house in sight of the place of removal and accessible therefrom.

81. Any person injured while on the platform of a car, or on any baggage, wood or freight car, in violation of the printed regulations posted up at the time in a conspicuous place inside of the passenger cars then in the train, shall have no claim for the injury, provided room inside of such passenger cars, sufficient for the proper accommodation of the passengers, was furnished at the time.

Non-recourse of passengers injured while standing on platforms.

82. No passenger shall be entitled to carry or to require any officer, employee or servant of the Department to carry upon the railway, aquafortis, oil of vitriol, gunpowder, dynamite, nitro-glycerine, or any other goods which may be of a dangerous nature; and if any person sends by the railway any such goods without, at the time of sending the said goods, distinctly marking their nature on the outside of the package containing the same, and otherwise giving notice in writing to the station master or other servant of the Department with whom the same are left, he shall forfeit to the Crown the sum of five hundred dollars for every such offence.

As to goods of a dangerous nature.

Penalty if sent without being properly marked.

83. Any officer, employee or servant of the Department may refuse to take any package or parcel which he suspects to contain goods of a dangerous nature, or may require the same to be opened to ascertain the fact; and it shall not be lawful to carry any such goods of a dangerous nature except in cars specially designated for that purpose, on each side of each of which shall be plainly marked in large letters the words "dangerous explosives."

Such goods may be refused.

Cars containing them to be so marked.

84. All thistles and other noxious weeds growing on the cleared land or ground adjoining the railway and belonging to the railway shall be cut down and kept constantly cut down, or rooted out of the same.

Noxious weeds to be cut down.

TOLLS.

85. The Governor may, by Order in Council to be issued and published as hereinafter provided, impose and authorize the collection of tolls and dues upon any railway vested in Her Majesty, or under the control or management of the Minister, and from time to time in like manner may alter and change such dues or tolls, and may declare the exemptions therefrom; and all such dues and tolls shall be payable in advance, if so demanded by the collector thereof.

Governor in Council to fix tolls.

How payable.

86. All such tolls and dues may be recovered, with costs, in any court having civil jurisdiction to the amount, by the collector

Recovery of tolls.

collector or person appointed to receive the same, in his own name or in the name of Her Majesty, and by any form of proceeding by which debts to the Crown may be recovered.

To be paid over to Receiver General.

87. All tolls, dues or other revenues imposed and collected on any Government railway, shall be paid by the persons receiving the same to the Receiver General of Canada, in such manner and at such intervals as may be appointed by him; but such intervals shall in no case exceed one month.

RULES AND REGULATIONS.

Governor in Council may make regulations.

88. And for the due use and proper maintenance of Government railways, and to advance the public good, the Governor may, by Order in Council, enact from time to time such regulations as he may deem necessary for the management, proper use and protection of all or any such railways, including station houses, yards and other property in connection therewith, or for the ascertaining and collection of the tolls, dues and revenues thereon, or to be observed by the conductors, engine drivers and other officers and servants of the Department, and by all companies and persons using such railways or relating to the construction of the carriages and other vehicles to be used in the trains on such railways.

May impose fines for infraction of regulations.

89. The Governor may, by such orders and regulations, impose such fines, not exceeding in any one case four hundred dollars, for any contravention or infraction of any such order or regulation, as he deems necessary for insuring the observance of the same and the payment of the tolls and dues to be imposed as aforesaid; and may also by such orders and regulations provide for the detention and seizure, at the risk of the owner, of any carriage, animal, timber or goods, on which tolls or dues have accrued and have not been paid, or in respect of which any such orders or regulations have been contravened or infringed, or any injury done to such railways and not paid for, or for or on account of which any fine has been incurred and remains unpaid; and for the sale thereof, if such tolls, dues, damages or fine be not paid by the time to be fixed for the purpose, and for the payment of such tolls, dues, damages or fine out of the proceeds of such sale,—returning the surplus, if any, to the owner or his agent; and for the retention out of the salary of any officer, employee or servant of the Department of the amount of any forfeiture incurred by him for contravention of any such order or regulation; but no such provision shall impair the right of the Crown to recover such tolls, dues, fines or damages in the ordinary course of law; and any such tolls, dues, fines or damages may always be recovered under the eighty-sixth section of this Act; and such orders and regulations shall be taken and read as part of this Act.

And seize goods as to which infraction takes place.

Sale of such goods in case of non-payment.

Rights of Crown saved, &c.

90. All rules, regulations and orders relating to Government railways in Canada, or to any of them, heretofore ordained by Orders in Council under and by virtue of an Act passed in the thirty-first year of Her Majesty's reign, intituled "*An Act respecting the Public Works of Canada*," and in so far as the same are consistent with this Act and have not been rescinded or repealed, shall continue in force the same as though they had been ordained under the provisions of this Act, subject to being altered, amended, added to or rescinded, by any Order or Orders in Council made under the power and authority herein given :

Existing regulations, &c., continued.

(2.) A copy of the *Canada Gazette* purporting to be printed by the Queen's Printer, or a volume purporting to be so printed and containing Orders in Council, or Orders in Council and Acts of Parliament, and containing any such rules, regulations or orders, shall be evidence of such rules regulations or orders.

Proof of regulations.

91. All Proclamations, Regulations or Orders in Council made under this Act, shall be published in the *Canada Gazette*, and a copy of such *Gazette*, purporting to be printed by the Queen's Printer, or a volume containing Orders in Council, or Orders in Council and Acts of Parliament, and purporting to be printed by the Queen's Printer, and containing any such Proclamation, Order or Regulation, shall be evidence thereof.

Publication in *Canada Gazette*.
Proof.

GENERAL PROVISIONS.

92. All Government railways are, and shall be taken and deemed to be, public works belonging to the Dominion of Canada.

Railways to be public works.

93. The Governor may, from time to time, require any person or corporation, or any provincial authority, having the possession or custody of any maps, plans, specifications, estimates, reports or other papers, books, drawings, instruments, models, contracts, documents or records, not being private property, and relating to any railway, building or property connected therewith, which is now or which may hereafter be placed under the control of the Department, to deliver the same without delay to the Secretary of the Department.

Recovery of maps, plans, &c., relating thereto.

94. The Governor may, at any time, cause a line or lines of electric telegraph to be constructed along the line of the railway for the use of the Government, and for that purpose may enter upon and occupy such lands as may be necessary for the purpose.

Construction of lines of telegraph.

95. Any company shall, when required so to do by the Governor in Council, or any person authorized by him, place any

Use of companies' tele-

graphs by
Government.

any electric telegraph, and the apparatus and operators they may have, at the exclusive use of the Government, receiving thereafter reasonable compensation for such service.

Conveyance
of H. M.'s
forces, mails,
&c., and on
what condi-
tions.

96. Her Majesty's naval or military forces, and all artillery, ammunition, baggage, provisions or other stores for their use, and all officers and others travelling on Her Majesty's naval, military or other service, and their baggage and stores, shall, at all times, when thereunto required by one of Her Majesty's Principal Secretaries of State, or by the Commander of Her Majesty's Forces in Canada, or by the Chief Naval Officer on the North American or North Pacific Station, be carried on the railway on such terms and conditions, and under such regulations as the Governor in Council shall, from time to time, make, or as shall be agreed upon, between the Government of Canada and one of Her Majesty's Principal Secretaries of State.

Lands, &c.,
acquired for
railway,
vested in
H. M.

97. All lands, streams, water-courses and property, whether acquired before or after the passing of this Act for the use of any Government railway shall be vested in Her Majesty; and the same or any portion thereof, not required for the purpose of the railway, may be sold or leased by the Minister, and the proceeds of all such sales and leases shall be accounted for as public money.

What deeds
or writings
shall be bind-
ing on the
department.

98. No deeds, contracts, documents or writings shall be deemed to be binding upon the Department unless signed or signed and sealed by the Minister, or unless signed or signed and sealed by his Deputy and countersigned by the Secretary, or unless signed or signed and sealed by some person specially authorized by him in writing for that purpose: Provided always, that the granting or existence of such authority from the Minister, to any person professing to act for him, shall not be called in question except by the Minister, or by some person acting for him or for the Crown.

Proviso.

Evidence on
oath may be
required as
to claims.

The Minister or his Deputy, or any officer of the Department whose duty it is to investigate or pay or certify for payment any claim, may require any account sent in by any contractor, or any person in the employ of the Department, or any claim for damages, to be attested on oath,—which oath, as well as that to be taken by any witness, the Minister, his Deputy or such officer may administer.

Persons and
papers may
be sent for in
inquiry.

100. The Minister may send for, and examine, on oath, all such persons as he deems necessary, touching any matter upon which his action is required, and may cause such persons to bring with them such papers, plans, books, documents and things as it may be necessary to examine with reference to such matter, and may pay such persons a reasonable compensation for their time and disbursements; and

and such persons shall attend to the summons of the Minister after due notice, under the penalty of twenty dollars in each case.

101. The Minister, or any person acting for him, in investigating or making enquiry into any accident upon the railway, or relating to the management of the railway, may examine witnesses under oath; and for that purpose shall have full power to administer such oath.

Witnesses may be examined on oath.

102. The Minister shall make and submit to the Governor, an annual Report on all the railways under his control, to be laid before both Houses of Parliament within twenty-one days from the commencement of each session, showing the state of each railway, and the amounts received and expended in respect thereof, with such further information as may be requisite.

Annual report by Minister.

103. It shall be the duty of the Minister to invite tenders, by public advertisement, for the execution of all works, except in cases of pressing emergency where delay would be injurious to the public interest, or where, from the nature of the work, it could be more expeditiously and economically executed by the officers and servants of the Department.

Tenders to be invited for work.

Exception.

104. The Minister, in all cases, or where any public work, under his control, is being carried out by contract, shall take all reasonable care that good and sufficient security be given to and in the name of Her Majesty, for the due performance of the work, within the amount and time specified for its completion; and also, in all cases where it seems to the Minister not to be expedient to let such work to the lowest bidder, it shall be his duty to report the same and obtain the authority of the Governor previous to passing by such lowest tender; but no sum of money shall be paid to the contractor on any contract, nor shall any work be commenced, until the contract has been signed by all the parties therein named, nor until the requisite security shall have been given.

Security to be required.

Report when lowest tender is not accepted.

Conditions previous to payment.

105. No warrant shall be issued for any sum of the public money appropriated for any railway under the management of the said Minister, except on the certificate of the Minister or his deputy that such sum ought to be paid to any person named in the certificate, in whose favour a warrant may then issue,—which warrant shall in all cases be deemed a legal tender to such person.

Conditions previous to issue of warrant.

106. Moneys in the hands of an officer, employee or servant of the Department, as an officer or servant of the Crown or otherwise in the employ of her Majesty, due or payable by the Crown to any person, or out of which any payment by the Department is to be made, and given to, or being

Money in hands of officers of department not liable to attachment.

being in the possession of such officer, employee or servant for that purpose, shall not be subject to any execution, attachment or garnishee process, and in case any such officer, employee or servant is served with any execution, attachment or garnishee process in regard to such moneys the same shall be set aside with costs by any court or judge having jurisdiction in the matter

As to actions for enforcing contracts, &c.

107. All actions, suits and other proceedings at law or in equity, for the enforcement of any contract, agreement or obligation in respect of any railway, building or property under the control of the Department, or in respect of the construction, maintenance, working or repair of the same, may be instituted in the name of Her Majesty's Attorney-General for Canada.

Limitation of actions for damages by reason of railway.

108. All claims for indemnity for any damage or injury sustained by reason of the railway shall be made within six months next after the time of such supposed damage sustained, or if there be continuation of damage, then within six months next after the doing or committing such damage ceases, and not afterwards.

PROTECTION OF OFFICERS

Limitation of actions against officers of department.

109. No action shall be brought against any officer, employee or servant of the Department for anything done by virtue of his office, service or employment, unless within three months after the act committed, and upon one month's previous notice thereof in writing; and the action shall be tried in the county or judicial district where the cause of action arose.

RAILWAY CONSTABLES.

Constables may be appointed to act on the line of any railway, and how.

110. The Justices of the Peace for any county in the Provinces of Ontario, Prince Edward Island, British Columbia, Manitoba and the North-West Territories, assembled at any General or Quarter Sessions of the Peace, and any two Justices of the Peace, or a Stipendiary or Police Magistrate, in the Provinces of Nova Scotia and New Brunswick, and any Judge of the Court of Queen's Bench or Superior Court, or Clerk of the Peace, or Clerk of the Crown, or Judge of the Sessions of the Peace in the Province of Quebec, on the application of the Superintendent of any railway which passes within the local jurisdiction of such Justices of the Peace, magistrate, judge, clerk, or Judge of the Sessions of the Peace, as may be, may, in their or his discretion, appoint any persons recommended to them for that purpose by such Superintendent, to act as constables on and along such railway; and every person so appointed shall take an oath or make a solemn declaration in the form or to the effect following, that is to say:—

“ I,

“ I, A B., having been appointed a constable to act upon and Oath of office.
 “ along (*here name the railway*) under the provisions of (*here*
 “ *insert the title of this Act*), do swear that I will well and
 “ truly serve our Sovereign Lady the Queen, in the said
 “ office of constable, without favour or affection, malice or ill-
 “ will ; and that I will, to the best of my power, cause the
 “ peace to be kept, and prevent all offences against the peace ;
 “ and that, while I continue to hold the said office, I will to
 “ the best of my skill and knowledge, discharge the duties
 “ thereof faithfully, according to law. So help me God.”

(2) Such oath or declaration shall be administered in By whom to be administered in the several Provinces.
 either of the Provinces of Ontario, Nova Scotia, New Brunswick, Prince Edward Island, British Columbia or Manitoba and the North-West Territories, by any one such justice or magistrate, and in the Province of Quebec by any such judge, clerk, or Judge of the Sessions of the Peace ; and every constable so appointed, and having taken such oath or made such declaration, shall have full power to act Powers of such constables and to what localities they shall extend.
 as a constable for the preservation of the peace, and for the security of persons and property against felonies and other unlawful acts on such railway, and on any of the works belonging thereto, and on and about any trains, roads, wharves, quays, landing-places, warehouses, lands and premises thereof, whether the same be in the county, city, town, parish, district or other local jurisdiction within which he was appointed, or in any other place through which such railway passes, or in which the same terminates, and in all places not more than one-quarter of a mile distant from such railway ; and shall have all such powers, protections, and privileges for the apprehending of offenders, as well by night as by day, and for doing all things for the prevention, discovery and prosecution of felonies and other offences, and for keeping the peace, which any constable duly appointed has within his constable-wick ; and it shall be lawful for any such constable to take such persons as may be punishable by summary conviction for any offence against the provisions of this Act, or of any of the Acts, rules or regulations affecting any such railway, before any justice or justices appointed for any county, city, town, parish, district or other local jurisdiction within which any such railway may pass ; and every such justice shall have authority to deal with all such cases, as though the offence had been committed and the person taken within the limits of his own local jurisdiction. Further powers and duties of such constables

(3.) Any two Justices of the Peace, in either of the Provinces of Ontario, Nova Scotia, New Brunswick, Prince Edward Island, British Columbia, or Manitoba and the North-West Territories, and any Judge of the Court of Queen's Bench or Superior Court, or Clerk of the Peace, or Clerk of the Crown, or Judge of the Sessions of the Peace, in the Province Who may dismiss any such constable.

Superintendent may dismiss. Effect of dismissal.

vince of Quebec, may dismiss any such constable, who may be acting within their several jurisdictions; and the Superintendent may dismiss any such constable who may be acting on such railway; and upon every such dismissal, all powers, protections and privileges belonging to any such person by reason of such appointment, shall wholly cease; and no person so dismissed shall be again appointed or act as constable for such railway, without the consent of the authority by which he was dismissed.

Names of constables to be recorded with certain particulars, at the instance of the Superintendent.

(4) The Superintendent shall cause to be recorded in the office of the Clerk of the Peace for every county, city, town, parish, district or other local jurisdiction through which such railway may pass, the name and designation of every constable so appointed at his instance, the date of his appointment, and the authority making it, and also the fact of every dismissal of any such constable, the date thereof, and the authority making the same, within one week after the date of such appointment or dismissal, as may be; and the Clerk of the Peace shall keep such record, in a book to be open to public inspection, charging such fee or fees as the Governor in Council may, from time to time, authorize, and in such form as the Governor in Council may, from time to time, direct

Punishment of constables neglecting their duty.

Penalty.

Imprisonment.

(5) Every such constable who is guilty of any neglect or breach of duty in his office of constable, shall be liable, on summary conviction thereof, within any county, city, district or other local jurisdiction through which such railway may pass, to a penalty of not more than eighty dollars, the amount of which penalty may be deducted from any salary due to such offender, if such constable be in receipt of a salary from the Department, or to imprisonment, with or without hard labour, for not more than two months, in the gaol of such county, city, district or other local jurisdiction.

Punishment for resisting constables.

(6) Every person who assaults or resists any constable appointed as aforesaid, in the execution of his duty, or who incites any person so to do, shall, for every such offence, be liable, on summary conviction, to a penalty of not more than eighty dollars, or to imprisonment, with or without hard labour, for not more than two months.

PENALTIES AND FORFEITURES.

Driver or conductor intoxicated.

111. Any person in charge of a locomotive engine or acting as the conductor of a car or train of cars, who is intoxicated, shall be guilty of a misdemeanour.

Punishment of officers or servants contravening re-

112. If any officer or servant of, or any person employed by the Department on any railway under the control of the Department, wilfully or negligently contravenes any rule, order

order or regulation of the Department, or any Order in Council, lawfully made or in force respecting the railway on which he is employed, and of which a copy has been delivered to him, or has been posted up or open to his inspection in some place where his work or his duties, or any of them, are to be performed,—then, if such contravention causes injury to any property or to any person, or exposes any property or any person to the risk of injury, or renders such risk greater than it would have been without such contravention, although no actual injury occurs, such contravention shall be a misdemeanour, and the person convicted thereof shall, in the discretion of the court before whom the conviction is had, and according as such court considers the offence proved to be more or less grave, or the injury or risk of injury to person or property to be more or less great, be punished by fine or imprisonment or both,—so as no such fine exceeds four hundred dollars, nor any such imprisonment the term of five years; and such imprisonment, if for two years or upwards, shall be in the penitentiary for the Province or Territory in which the conviction takes place.

regulations of the department, &c.

If any person is thereby injured, or exposed to injury.

Imprisonment.

113. If such contravention does not cause injury to any property or person, nor expose any property or person to the risk of injury, nor make such risk greater than it would have been without such contravention, then the officer, servant, or other person guilty thereof, shall thereby incur a penalty not exceeding the amount of thirty days' pay, nor less than fifteen days' pay of the offender from the Department, in the discretion of the Justice of the Peace before whom the conviction is had; and such penalty shall be recoverable with costs before any one Justice of the Peace, having jurisdiction where the offence has been committed or where the offender is found, on the oath of one credible witness other than the informer.

If no injury or exposure to injury.

Penalty.

How recoverable.

114. Every person who, by any means or in any manner or way whatsoever, obstructs or interrupts the free use of the railway, or the carriages, vessels, engines or other works incidental or relative thereto, or connected therewith, shall be guilty of a misdemeanour, and on conviction thereof, shall be punished by imprisonment in the common gaol of the district or county where the conviction takes place, for any term less than two years, or in the penitentiary, for a term not to exceed five years, and not less than two years.

Penalty for obstructing free use of railway.

115. Every person wilfully and maliciously, and to the prejudice of the railway, breaking, throwing down, damaging or destroying the same, or any part thereof, or any of the buildings, stations, depots, wharves, vessels, fixtures, machinery or other works or devices incidental or relative thereto, or connected therewith, or doing any other wilful hurt

Offence of damaging railway or works in any way.

hurt or mischief, or wilfully or maliciously obstructing or interrupting the free use of the railway, vessels or works, or obstructing, hindering or preventing the carrying on, completing, supporting and maintaining the railway, vessels or works, shall be guilty of a misdemeanour,—unless the offence committed amounts, under some other Act or law, to a felony, in which case such person shall be guilty of a felony; and the court, by and before whom the person is tried and convicted, may cause such person to be punished in like manner as persons guilty of misdemeanour or felony, as the case may be, are directed to be punished by the laws in force in Canada.

Misdemeanor
or felony.

Punishment.

If done with
intent to in-
jure person
or property.

116. If any person wilfully and maliciously displaces or removes any railway switch or rail of any railway, or breaks down, rips up, injures or destroys any railway track, or railway bridge or fence of any railway or any portion thereof, or places any obstruction whatsoever on any such rail or railway track or bridge, with intent thereby to injure any person or property passing over or along such railway, or to endanger human life, such person shall be guilty of a misdemeanour, and shall be punished by imprisonment with hard labour in the common gaol of the territorial division in which such offence is committed or tried, for any period not exceeding one year from conviction thereof; and if in consequence of such act done with the intent aforesaid, any person so passing over and along such railway, actually suffers any bodily harm, or if any property passing over and along such railway be injured, such suffering or injury shall be an aggravation of the offence, and shall render the offence a felony, and shall subject the offender to punishment by imprisonment in the penitentiary for two years, or in any other prison or place of confinement for any period exceeding one year and less than two years.

Misdemeanor.

Punishment.

And if mis-
chief is done,
felony.

Punishment.

Placing ob-
struction on
railway or
moving
points, &c.,
with intent
to endanger
life or pro-
perty.

117. Whosoever unlawfully and maliciously puts or throws upon or across any railway, any wood, stone or other matter or thing, or unlawfully and maliciously takes up, removes or displaces any rail, sleeper or other matter or thing belonging to any railway, or unlawfully and maliciously turns, moves or diverts any point or other machinery belonging to any railway, or unlawfully and maliciously makes or shows, hides or removes any signal or light, upon or near to any railway, or unlawfully or maliciously does or causes to be done any other matter or thing, with intent, in any of the cases aforesaid, to endanger the safety of any person travelling or being upon such railway, is guilty of a felony, and shall be liable to be imprisoned in the penitentiary for life, or for any term not less than two years, or to be imprisoned in any other gaol or place of confinement for any term less than two years with or without hard labour.

Felony.

Punishment.

118. If any person wilfully and maliciously does or causes to be done any act whatever whereby any building, fence, construction or work of any railway or any engine, machine or structure of any railway, or any matter or thing appertaining to the same is stopped, obstructed, impaired, weakened, injured or destroyed, the person so offending shall be guilty of a misdemeanour, and be punished by imprisonment with hard labour not exceeding one year, in the common gaol of the territorial division in which the offence was committed or has been tried.

Committing any injury or stoppage to be a misdemeanour.

119. Every person who bores, pierces, cuts, opens or otherwise injures any cask, box or package, containing wine, spirits or other liquors or any case, box, sack, wrapper, package or roll of goods, in or about any car, waggon, boat, vessel, warehouse, station-house, wharf, quay or premises of or belonging to any Government railway, with intent feloniously to steal or otherwise unlawfully to obtain or to injure the contents, or any part thereof, or who unlawfully drinks, or wilfully spills or allows to run to waste, any such liquors, or any part thereof, shall, for every such offence, be liable, on summary conviction before one or more Justices of the Peace, to a penalty of not more than twenty dollars, over and above the value of the goods or liquors so taken or destroyed, or to imprisonment, with or without hard labour, for not more than one month.

Punishment for boring casks or breaking packages, &c. on railway.

120. Every person wilfully obstructing any officer or employee in the execution of his duty, shall, on conviction before a Justice of the Peace having jurisdiction in the place where the offence has been committed, forfeit and pay for every such offence any sum not exceeding forty dollars; and in default of payment of any penalty so adjudged, immediately or within such time as the said Justice of the Peace appoints, the same justice, or any other justice having jurisdiction in the place where the offender resides, may commit the offender to prison for any period not exceeding three months; but such commitment shall be determined on payment of the amount of the penalty; and every such penalty shall be returned to the next ensuing Court of General or of Quarter Sessions in the usual manner.

Punishment for obstructing officers or employees in the execution of their duty.

Return to Quarter Sessions.

21. Except as herein otherwise provided, all pecuniary penalties imposed by this Act, or by any regulation made or continued under the authority hereof, shall be recoverable with costs before any Justice of the Peace for the district, county or place in which the offence was committed, upon proof by confession, or by the oath of any one credible witness, and may, if not forthwith paid, be levied by distress and sale of the goods and chattels of the offender, by warrant under the hand and seal of such justice; and if sufficient distress cannot be found, and such penalty be not forthwith

Recovery of pecuniary penalties imposed under this Act.

Imprisonment if not paid.

Payment.

Application
of penalties.

forthwith paid, such justice may, by warrant under his hand and seal, cause the party offending to be committed to the common gaol of the district or county, there to remain without bail or mainprize, for such time as such justice may direct, not exceeding thirty days, unless a longer time is, by this Act, in that behalf, provided, and in that case not exceeding the time so provided. The party offending may be discharged at any time on payment of the penalty and costs. One moiety of any penalty shall belong to Her Majesty for the public uses of Canada, and the other moiety to the informer, unless he be an officer or servant of, or person in the employ of the Department,—in which case he shall be a competent witness and the whole penalty shall belong to Her Majesty for the uses aforesaid.

INTERCOLONIAL RAILWAY.

Intercolonial
Railway de-
fined.

122. The line of railway from the City of Halifax to Pictou in the Province of Nova Scotia, and the line of railway from the City of Saint John to Point du Chêne in the Province of New Brunswick, together with the line from Hadlow in the Province of Quebec to Moncton in the Province of New Brunswick, and from Painsec Junction in the Province of New Brunswick to Truro in the Province of Nova Scotia, and all branches, works and property thereto appertaining are hereby declared to constitute and form the Intercolonial Railway.

REPEAL.

Repeal of
sections 2 and
4 of 42 V., c.
9, as to Gov-
ernment rail-
ways:
Saving as to
things done.

Proviso: as
to construc-
tion and effect
of the provi-
sions of this
Act.

123. The second and fourth sections of an Act made and passed in the forty-second year of Her Majesty's reign intitled "*An Act to amend and consolidate 'The Railway Act, 1868,' and the Acts amending it,*" in so far as the same relate to Government railways, and all other Acts and parts of Acts inconsistent herewith, are hereby repealed; saving always all acts lawfully done and all rights acquired, and all penalties, liabilities and forfeitures incurred; and provided also that anything heretofore done in pursuance of or in contravention of any provision in any Act heretofore in force and applying to Government railways, which is repeated without material alteration in this Act, may be alleged or referred to as having been done in pursuance of or in contravention of the Act in which such provision was made or of this Act; and every such provision shall be construed not as a new enactment, but as having and as having had the same effect and from the same time as under such Act; and any reference, in any former Act or document, to any such Act or to any provision in any such Act, shall hereafter be construed as a reference to this Act or to the corresponding provision in this Act.

CHAP.

Registration
of declara-
tion, &c.

4. All declarations taken under the foregoing provisions of this Act shall be forwarded to the Department of Public Works, and shall there be kept on file; and a register thereof shall be kept in the said Department.

Punishment
of operators
so declaring
and divulging
information.

5. Any person who has made the declaration above mentioned, and who either directly or indirectly divulges to any person whatsoever, except when lawfully authorized or directed to do so, any information which he may acquire by virtue of his employment shall be guilty of an offence against this Act, and shall, on conviction thereof, in a summary way before a Stipendiary Magistrate or a Justice of the Peace, be liable to a fine of not less than fifty dollars, nor more than one hundred dollars, or to imprisonment of not more than six months, or to both fine and imprisonment, in the discretion of such magistrate or justice.

How
enforced.

Punishment
of other operators
divulging contents
of telegram.

6. Any telegraph operator or other person in the employ of a telegraph company who divulges the contents of any telegram, except when lawfully authorized or directed to do so, shall be guilty of an offence against this Act, and shall, on conviction thereof in a summary way before a Stipendiary Magistrate or a Justice of the Peace, be liable to a fine of not less than fifty dollars nor more than one hundred dollars, or to imprisonment for not more than six months, or to both fine and imprisonment, at the discretion of the magistrate or justice.

Sect. 16 of
Con. Stat.
Can., c. 67,
repealed.

7. Section sixteen of the Act, chapter sixty-seven of the Consolidated Statutes of the late Province of Canada, is hereby repealed.

All prior
enactments
for punishing
such offence
repealed.

8. All provisions of any Act of the Parliament of Canada or of the legislatures of the late Provinces of Upper Canada, Lower Canada, and Canada, and of the Provinces of Nova Scotia, New Brunswick, British Columbia or Prince Edward Island, which provide for the punishment of an operator or other person in the employ of a telegraph company who divulges the contents of a telegram, are hereby repealed.

CHAP. 27.

An Act to amend "*The Insolvent Act of 1875, and amending Acts.*"

[Assented to 21st March, 1881.]

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

Preamble.

1. The fourteenth and fifteenth sections of the Act passed in the fortieth year of Her Majesty's reign, chapter forty-one, intituled "*An Act to amend the Insolvent Act of 1875, and the Act amending the same,*" are hereby repealed, and the fifty-eighth section of "*The Insolvent Act of 1875*" is hereby revived.

Certain sections of 40 V., c. 41, repealed, and s. 58 of 38 V., c. 16, revived.

2. This Act shall apply only to proceedings under "*The Insolvent Act of 1875, and amending Acts*" in any case where the estate of an insolvent has been vested in an official assignee before the passing of the Act passed in the forty-third year of Her Majesty's reign, chapter one, intituled "*An Act to repeal the Acts respecting insolvency now in force in Canada.*"

To what cases only this Act shall apply.

43 V., c. 1.

CHAP. 28.

An Act to amend the Law respecting Documentary Evidence in certain cases.

[Assented to 21st March, 1881.]

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

Preamble.

1. *Primâ facie* evidence of any proclamation, order, regulation or appointment, made or issued before or after the passing of this Act by the Governor General or by the Governor in Council, also of any proclamation, order or regulation or appointment made or issued before or after the passing of this Act by or under the authority of any Minister or Head of any Department of the Government of Canada, may be given in all courts of justice established by the Parliament of Canada, and in all legal proceedings whatsoever, civil or criminal, over which the Parliament of Canada has legislative authority in all or any of the modes hereinafter mentioned, that is to say :—

Modes in which *primâ facie* evidence of proclamations, &c., of Governor General, &c., may be given.

Canada Gazette.

1. By production of a copy of the *Canada Gazette* purporting to contain a notice of such proclamation, order, regulation or appointment ;

Copy printed by Q. P.

2. By the production of a copy of such proclamation, order, regulation or appointment purporting to be printed by the Queen's Printer for Canada ;

Production of Order in Council, copy or extract certified.

3. By the production in the case of any proclamation, order or regulation issued by the Governor General or by the Governor in Council of a copy or extract purporting to be certified to be true by the Clerk, or assistant or acting Clerk of the Queen's Privy Council for Canada, and in the case of any proclamation, order, regulation or appointment made or issued by or under the authority of any such Minister or Head of a Department, by the production of a copy or extract purporting to be certified as true by the Minister, or by his Deputy or acting Deputy, or by the Secretary or acting Secretary of the Department over which he presides.

Modes in which *prima facie* evidence of proclamations, &c., by Lieutenant-Governors of Provinces, &c., may be given.

2. *Primâ facie* evidence of any proclamation, order, regulation or appointment made or issued before or after the passing of this Act by a Lieutenant-Governor of any Province in Canada, or by his Executive Council, or by or under the authority of any member of such Executive Council, being the Head of any Department of the Provincial Government of the Province, may be given in all courts of justice established by the Parliament of Canada and in all legal proceedings whatsoever, civil or criminal, over which the Parliament of Canada has legislative authority in all or any of the modes hereinafter mentioned, that is to say :—

Official Gazette.

1. By the production of a copy of the official gazette for the Province purporting to contain a notice of such proclamation, order, regulation or appointment ;

Copy by Government Printer.

2. By the production of a copy of such proclamation, order, regulation or appointment purporting to be printed by the Government Printer for the Province ;

Certified copy, extract, &c.

3. By the production of a copy or extract of such proclamation, order, regulation or appointment certified to be true by the Clerk or assistant or acting Clerk of the Executive Council, or by the Head of any Department of a Provincial Government, or by his Deputy or acting Deputy, as the case may be.

Proof of hand writing, &c., not requisite.

3. No proof shall be required of the handwriting or official position of any person certifying, in pursuance of this Act, to the truth of any copy of or extract from any proclamation, order, regulation or appointment ; and any such copy or extract may be in print or in writing, or partly in print and partly in writing.

4. If any person—

1. Prints any proclamation, order, regulation or appointment, or notice thereof and causes the same falsely to purport to have been printed by the Queen's Printer or the Government Printer for any Province of Canada, as the case may be, or tenders in evidence any copy of any proclamation, order, regulation or appointment, which falsely purports to have been printed as aforesaid, knowing that the same was not so printed; or—

Certain offences in relation to such proclamations, &c., to be felony; and punishment of offenders.

False statement as to printing.

2. Forges, or tenders in evidence knowing the same to have been forged, any certificate authorized to be made or given by this Act or by any Act of Parliament, or by any Act of a Provincial Legislature, for the purpose of certifying or verifying any copy or extract of any proclamation, order, regulation, appointment, paper, document or writing of which a certified copy may lawfully be offered as *prima facie* evidence, he shall be guilty of a felony, and shall on conviction be liable to be imprisoned in the penitentiary for five years, or for any term not less than two years, or to be imprisoned in any other gaol or place of confinement for any term less than two years.

Forging or tendering forged certificate, &c.

5. The provisions of this Act shall be deemed to be in addition to and not in derogation of any powers of proving documents given by any existing statute or existing at common law.

How this Act shall be construed.

6. This Act may be cited as "The Documentary Evidence Act, Canada, 1881."

Short title.

CHAP. 29.

An Act further to continue in force for a limited time
"The better Prevention of Crime Act, 1878."

[Assented to 21st March, 1881.]

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

Preamble.

1. The Act passed in the forty-first year of Her Majesty's reign, chapter seventeen, and intituled "*An Act for the better prevention of crimes of violence in certain parts of Canada, until the end of the next session of Parliament,*" which was continued by the Act passed in the forty-third year

Act 41 V., c. 17, continued to end of next Session.

As to any
proclamation
under it.

year of Her Majesty's reign, chapter five, shall further continue in force until the end of the now next ensuing session of Parliament; and any proclamation heretofore issued thereunder shall continue in force until such proclamation is revoked by proclamation in the manner provided by the said Act, or until the expiration of the said Act, whichever shall first happen.

CHAP. 30.

An Act respecting Prize Fighting.

[Assented to 21st March, 1881.]

Preamble.

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

Prize fight
defined.

1. "Prize Fight" means an encounter, or fight with their fists or hands, between two persons who have met for such purpose by previous arrangement made by or for them.

Punishment
for challeng-
ing to or pre-
paring for a
prize fight.

2. Whoever, within Canada, sends or publishes, or causes to be sent or published, or otherwise made known, any challenge to fight a prize fight, or accepts any such challenge, or causes the same to be accepted, or goes in training preparatory to such fight, or acts as trainer or second to any person who intends to engage in a prize fight, is guilty of an offence against this Act, and upon summary conviction thereof, is liable to a fine of not less than one hundred dollars, nor more than one thousand dollars, or to imprisonment of not more than six months, or to both fine and imprisonment, in the discretion of the court.

Fine and im-
prisonment.

Punishment
for engaging
as a principal
in a prize
fight.

3. Whoever, within Canada, engages as a principal in a prize fight is guilty of an offence against this Act, and on summary conviction thereof is liable to imprisonment for not less than three nor more than twelve months.

Punishment
for being
present at as
an aid, &c.,
or advising,
&c., a prize
fight.

4. Whoever is present at a prize fight as an aid, second, surgeon, umpire, backer, assistant or reporter, or advises, encourages or promotes such fight, is guilty of an offence against this Act, and on summary conviction thereof, is liable to a fine of not less than fifty dollars, nor more than five hundred dollars, or to imprisonment of not more than twelve months, or to both fine and imprisonment, in the discretion of the court.

5. Whoever, being an inhabitant or resident of Canada, leaves Canada with intent to engage in a prize fight without the limits thereof is guilty of an offence against this Act, and on summary conviction thereof is liable to a fine of not less than fifty dollars, nor more than four hundred dollars, or to imprisonment of not more than six months, or to both fine and imprisonment, in the discretion of the court.

Punishment for leaving Canada to engage in a prize fight.

6. If, at any time, the sheriff of any county, place or district in Canada, any chief of police, any police officer, or any constable, or other police officer, has reason to believe that any person within his bailiwick or jurisdiction is about to engage as principal in any prize fight within Canada, he shall forthwith arrest such person and conduct him before some person having authority to try offences against this Act, and shall forthwith make complaint in that behalf, upon oath, before such person; and thereupon such person shall enquire into the charge, and if he be satisfied that the person so brought before him was, at the time of his arrest, about to engage as a principal in a prize fight, he shall require the accused to enter into a recognizance, with sufficient sureties, in a sum not less than one thousand dollars, nor more than five thousand dollars, conditioned that the accused will not engage in any such fight within one year from and after the date of such arrest; and in default of such recognizance, the person before whom the accused has been brought shall commit the accused to the gaol of the county, district or city within which such enquiry takes place, or if there be no common gaol there, then to the common gaol which is nearest to the place where such enquiry is had, there to remain until he gives such recognizance with such sureties.

Provisions for the arrest, trial and binding over or imprisonment of persons about to engage in a prize fight.

7. If any sheriff has reason to believe that a prize fight is taking place, or is about to take place, within his jurisdiction as such sheriff, or that any persons are about to land or cross into Canada at a point within his county, from any place outside of Canada, with intent to engage in, or to be concerned in, or to attend any prize fight within Canada, he shall forthwith summon a force of the inhabitants of his district or county sufficient for the purpose of suppressing and preventing such fight, and he shall, with their aid, suppress and prevent the same, and arrest all persons present thereat, or who may land in or cross into Canada as aforesaid, and shall take them before some person having authority to try offences against this Act, to be dealt with according to law, and fined or imprisoned, or both, or compelled to enter into recognizances with sureties, as hereinbefore provided, according to the nature of the case.

Power to sheriffs to suppress or prevent prize fights in counties, &c., by force.

All offenders except principals, to be competent witnesses.

8. Every person offending against any of the provisions of this Act, except the principals engaged or intending to engage in a prize fight, shall be a competent witness in any proceedings under this Act, and may be compelled to appear and give evidence in the same manner and to the same extent as other persons; and no person examined as a witness shall be excused from answering any question on the ground that his answer will tend to criminate him; but his answers or evidence shall not be used against him in any proceeding or prosecution whatever, and he shall not be liable to punishment for the offence respecting which he is required to testify.

Provision in case the fight prove to have been not a prize fight but an actual quarrel, &c.

9. If after hearing evidence of the circumstances connected with the origin of the fight or intended fight, the person before whom a complaint is made under this Act is satisfied that such fight or intended fight was *bonâ fide* the consequence or result of a quarrel or dispute between the principals engaged or intended to engage therein, and that the same was not an encounter or fight for a prize or on the result of which the handing over or transfer of money or property depends, then such person may in his discretion, discharge the accused or impose upon him a fine not exceeding fifty dollars.

Provisions of 32 & 33 V., c. 31, to apply; and certain judges, &c., to have powers of justices of the peace.

10. The provisions of the Act passed by the Parliament of Canada in the session held in the thirty-second and thirty-third years of Her Majesty's reign, chapter thirty-one, and intitled "*An Act respecting the duties of Justices of the Peace out of Sessions in relation to summary convictions and orders,*" and any amendments thereof, shall apply to and govern proceedings against any person for any offence against this Act; and any judge of a superior or of a County Court, any Judge of the Sessions of the Peace, any Stipendiary Magistrate, any Police Magistrate, and any Commissioner of Police of Canada shall, within the limits of his jurisdiction as such judge, magistrate or commissioner, have all the powers of a Justice of the Peace under the said Act.

CHAP. 31.

An Act to remove doubts as to the power to imprison with hard labour under the Acts respecting Vagrants.

[Assented to 21st March, 1881.]

Preamble.

FOR the removal of doubts under the Acts hereinafter mentioned; Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, declares and enacts as follows:—

1. The imprisonment of an offender convicted under the Act passed in the session held in the thirty-second and thirty-third years of Her Majesty's reign, intituled "*An Act respecting Vagrants*" as amended by the Act passed in the thirty-seventh year of Her Majesty's reign, intituled "*An Act to amend an Act respecting Vagrants,*" may be either with or without hard labour in the discretion of the convicting magistrate or justices.

Imprisonment under the Acts 32-33 V., c. 28, and 37 V., c. 43, may be with or without hard labour.

CHAP. 32.

An Act with reference to the Andrew Mercer (Ontario) Reformatory for Females, and the Central Prison for the Province of Ontario.

[Assented to 21st March, 1881.]

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

Preamble.

1. The first section of the Act passed in the forty-second year of Her Majesty's reign, intituled "*An Act respecting the Andrew Mercer (Ontario) Reformatory for Females,*" is hereby repealed, and the following substituted therefor:—

42 V., c. 43, s. 1, repealed and new substituted.

"1. Every court in Ontario, before which any female is convicted of an offence against the laws of Canada, punishable by imprisonment in the common gaol for the period of two months, or for any longer time, may sentence such female to imprisonment in the said reformatory instead of the common gaol of the county or judicial district where the offence was committed or was tried. This section shall not authorize the imposition of such sentence by a Justice of the Peace, but such sentence may be imposed by a Police or Stipendiary Magistrate."

In what cases female convicts may be sent to the Reformatory.

2. The second section of the said Act is hereby repealed, and the following substituted therefor:—

Section 2 repealed and new substituted.

"2. Any female from time to time confined in any common gaol in the said Province, under sentence of imprisonment for any offence against the laws of Canada, may, by direction of the Provincial Secretary, be transferred from such common gaol to the said reformatory, to be imprisoned for the unexpired portion of the term of imprisonment to which such female was originally sentenced or committed to the common gaol; and such female shall thereupon be imprisoned in the reformatory aforesaid, for the residue of the said term, and shall be subject to all the rules and regulations of the reformatory."

Transfer of convicts from common gaol to Reformatory to complete their terms.

As to female convicted under 32-33 V., c. 28, or under 32-33 V., c. 32.

3. Where any female is convicted under either of the Acts passed in the session of the Parliament of Canada held in the thirty-second and thirty-third years of Her Majesty's reign, intituled respectively, "*An Act respecting Vagrants,*" and "*An Act respecting the prompt and summary administration of Criminal Justice in certain cases,*" she may be sentenced to the said reformatory for any period less than two years; but in case any term exceeding six months is inflicted, no fine shall be imposed in addition.

Sentence to Reformatory or Central prison to be taken to include hard labour, &c.

4. Where any person is sentenced to imprisonment in the said reformatory, or in the Central Prison for the Province of Ontario, such sentence shall be taken to include hard labour, although hard labour is not expressly imposed; and any person so sentenced shall be subject to all the rules and regulations of the place of confinement to which he or she is sentenced.

Removal to Central Prison although imprisonment was for non-payment of fine.

5. Any person sentenced to imprisonment in any common gaol in the Province of Ontario, may be removed to the Central Prison for the said Province, notwithstanding such imprisonment or any part thereof is imposed in default of the payment of a fine or penalty in money, and that such offender is entitled to be discharged upon payment of such fine or penalty. In case the fine and penalty is paid after the removal of the offender, the same shall be paid to the proper officer of the said Central Prison to defray the expense of the removal of the said offender to the said Central Prison and otherwise for the uses of the said Central Prison; but nothing herein contained shall affect the right of any private person to the said fine or any part thereof.

Provision in case of subsequent payment of fine.

Proviso.

Section 1 of 36 V., c. 69 repealed and new substituted.

6. The first section of the Act passed in the thirty-sixth year of Her Majesty's reign, intituled "*An Act respecting 'The Central Prison for the Province of Ontario'*" is hereby repealed, and the following substituted therefor:—

In what cases convicts may be sent to Central Prison.

"**1.** Every court in Ontario, before which any person is convicted for an offence against the laws of Canada, punishable by imprisonment in the common gaol for the period of two months, or for any longer time, may sentence such person to imprisonment in the said Central Prison instead of the common gaol of the county or judicial district where the offence was committed, or was tried. This section shall not authorize the imposition of such sentence by a Justice of the Peace, but such sentence may be imposed by a Police or Stipendiary Magistrate."

Proviso.

CHAP. 33.

An Act to provide for the incorporation of a Company to establish a Marine Telegraph between the Pacific Coast of Canada and Asia.

[Assented to 21st March, 1881.]

WHEREAS it would be of great advantage to Canada that telegraphic communication should be established between Canada and Asia, and that certain facilities and advantages should be granted to any company willing and able to establish and maintain 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 Canada Joint Stock Companies' Act, 1877," hereinafter referred to as "the Act first cited," and the Act passed in the thirty-eighth year of Her Majesty's reign, and intituled "An Act to regulate the construction and maintenance of Marine Electric Telegraphs," hereinafter referred to as "the Act secondly cited," shall extend and apply to the Company hereinafter mentioned, except in so far only as they may be inconsistent with the provisions of this Act and the charter to be granted under it: And the eighth, ninth, sixteenth, seventeenth, eighteenth, nineteenth, twentieth, twenty-first, twenty-second and twenty-third sections of the sixty-seventh chapter of the Consolidated Statutes of the late Province of Canada, intituled "An Act respecting Electric Telegraph Companies," hereinafter referred to as "the Act thirdly cited," (which said sections are hereby extended as respects the said Company to the whole Dominion of Canada,) shall extend and apply to the Company hereinafter mentioned, except in so far only as they may be inconsistent with the provisions of this Act, and the charter to be granted under it, or with those of either of the Acts firstly and secondly cited; and the expression "its certificate" in the second line of the said eighth section of the Act thirdly cited shall, as respects the said Company, be construed as meaning their charter and this Act, and the expression "this Province" in the seventh line of the said section shall be construed as meaning the Dominion of Canada.

Preamble.

Acts 40 V.,
c. 43, 38 V.,
c. 26 and cer-
tain sects.
of Con. Stat.
Can., c. 67,
to apply to
the company
hereinafter
mentioned.

2. If Sandford Fleming, of the City of Ottawa, Esquire, who has submitted a plan for the purposes mentioned in the preamble, which has met the approval of the Governor in Council, and such persons not less than five in number as may be associated with him, do within twelve months from the passing of this Act, apply for letters patent under the Act firstly cited, incorporating them as a company for the purposes aforesaid, and show to the satisfaction of the Governor

Company
may, on cer-
tain condi-
tions, be in-
corporated
by Letters
Patent.

- nor in Council that they have complied with the preliminary requirements of the said Act, and are able and ready to establish such telegraphic communication as aforesaid, letters patent (herein referred to as the charter of the Company) may be issued, incorporating them for that purpose, under the said Act and the Act secondly cited; and the said Company so incorporated shall have the powers and privileges, and be subject to the obligations provided by the said Acts, and by the sections hereinbefore mentioned of the Act thirdly cited, and shall have the privilege of landing and operating a telegraphic cable or cables on Vancouver Island or the main land of British Columbia, or both, but subject also to the following conditions:—
- Powers and privileges of company.**
- Conditions of the charter.** 1. The telegraphic communication by one or more cables, between Canada and Japan, or the Continent of Asia or one or more of the islands adjacent thereto, by way of the Pacific Ocean, shall be completed within five years from the date of the charter, and shall be thereafter (saving accidents beyond the control of the Company), regularly and efficiently maintained; and a substantial commencement of the work incidental to the purposes aforesaid, shall be made within two years from the date of the charter:
- Time for construction.**
- Rates.** 2. The rates to be charged for the transmission of messages or despatches, shall be moderate and subject to the approval and to the revision, from time to time, of the Governor in Council:
- Further conditions.** 3. The charter shall be subject to any further conditions contained therein, not inconsistent with this Act or the Acts referred to herein:
- Penalty for default.** 4. Default on the part of the Company to perform the said conditions shall subject them to the forfeiture of their charter.
- Line of telegraph.** 3. The line of telegraph to be constructed by the said Company shall commence at some point on the Pacific Coast of Canada, and shall extend to Japan or to the Continent of Asia, or some one or more of the islands adjacent thereto, or to all or any of the said places, and may touch or be carried over any island or islands lying between the Pacific Coast of Canada and Japan, with the consent of the Government of the country to which such islands may belong; and the Company may connect their said line of telegraph with any line belonging to the Government of Canada, or with any line in Canada belonging to any Company with the consent of such Company, and with any line of telegraph in Japan, the Continent of Asia, or the United States of America, or may purchase or lease such line or any right of user over the same.
- Connection with other lines.**

4. The corporate name of the Company and the amount of their capital stock in currency shall be fixed by their charter, subject to be increased or reduced in the manner provided by the Act first cited, and the division thereof into shares shall be prescribed in like manner; but the Directors may convert such stock or shares or any part thereof into equivalent sums of sterling money, and may issue certificates for stock or shares either in currency or sterling.

Corporate name; capital and shares.

May be sterling or currency.

5. The Directors may, from time to time, appoint honorary Directors in any city or place either in British territory or any foreign country, such honorary directors being duly registered shareholders of the Company.

Honorary directors.

6. The Government of the United Kingdom or of any foreign country which shall have granted permission to the Company to land their telegraphic cable or cables on its territory, shall, as regards the preferential transmission of messages or despatches, under the thirteenth section of the Act secondly cited, have equal rights with the Government of Canada, provided such transmission be required by some person officially charged with the administration of justice, or authorized to require such transmission by a Secretary of State, or by some officer holding a corresponding position in such foreign country.

Preferential transmission of Government messages.

7. The charges for the transmission of Government messages shall be reasonable and uniform.

Charges.

8. The order of precedence as respects the despatch of telegraphic business, shall be as follows:

Order of precedence of messages

- (1.) Government messages;
- (2.) Telegraphic business of the Company;
- (3.) General business.

The line shall be kept open for daily business and all messages shall, in the above order, be transmitted according to the time of receipt.

9. The last two preceding sections and the twelfth section of the Act secondly cited, shall extend and apply to messages to and from the Governments of the foreign countries referred to in section six, and the subjects or citizens thereof.

Extent of certain sections of Act

10. The charter of the Company, or any exemplification or copy thereof, under the Great Seal of Canada, shall be *prima facie* evidence thereof, and of every matter and thing therein set forth, and that all the requirements of this Act and of the law for the validity thereof have been observed and complied with.

Proof of charter.

OTTAWA :
PRINTED BY BROWN CHAMBERLIN,
LAW PRINTER (FOR CANADA) TO THE QUEEN'S MOST EXCELLENT MAJESTY,
ANNO DOMINI, 1881.

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TO

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THIRD SESSION, FOURTH PARLIAMENT, 44 VICTORIA, 1881.

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