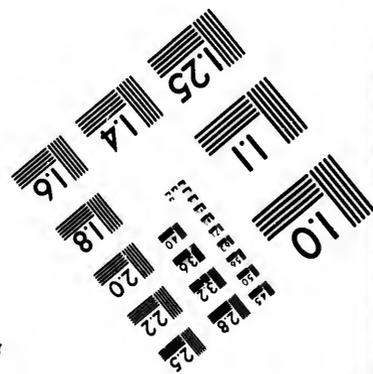
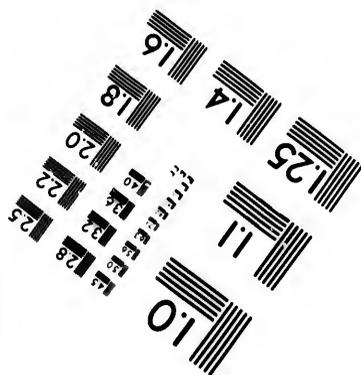
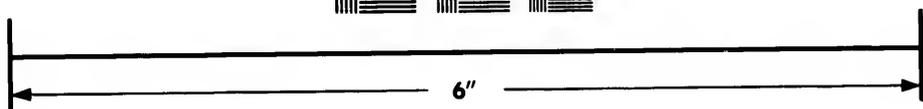
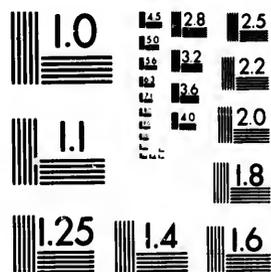


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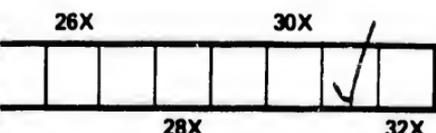
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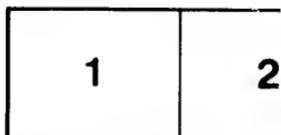
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An Act to amend "The Indian Act, 1880."

[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*.

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.

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.

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.

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.

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.

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.

8. Section 23 of "The Indian Act, 1880," is hereby repealed, and the following substituted therefor:—

"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 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 30 of "The Indian Act, 1880," is hereby repealed, and the following substituted therefor:—

"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."

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."

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."

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.

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.

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.

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:—

1. 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:

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.]

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

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:

(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 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.

(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.

(4.) Three davits properly constructed and placed shall be considered sufficient for lowering two boats.

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.

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:—

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 or 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.

An Act to amend the Petroleum Inspection Act 1880.

[Assented to 21st March, 1881.]

IN 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:—

1. The second section of the said Act is hereby repealed and the following substituted:—

"2. Except as herein otherwise provided, petroleum shall not be sold or offered for sale for use in Canada for illuminating purposes:—

"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—

"2. If it weighs more than eight pounds and five hundredths of a pound per gallon; or—

"3. If it weighs less than seven pounds and seventy-five hundredths of a pound per gallon."

2. The third section of the Act first cited is hereby repealed.

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:—

"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.

"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:—

"(a) The flash test;

"(b) The weight per gallon in pounds and decimal parts of a pound;

"(c) The gross weight of the package and its contents;

"(d) The number of gallons computed to be in each package;

"(e) The word "Inspected," with the date of inspection;

"(f) The name of the Inspector, with the name of his port or district."

5. Section seven of the said Act is hereby repealed and the following substituted :—

"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

6. Section eleven of the said Act is hereby repealed and the following substituted :—

"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.

"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."

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.

8. The following sub-section is hereby added to section twenty-five of the said Act :—

"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 and 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."

9. This Act shall be construed and read as one Act with "The Petroleum Inspection Act, 1880," above cited.

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 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 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.]

WHEREAS doubts have arisen as to the true intent and meaning of the word "capital" in the eleventh subsection 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:—

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.

(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.

And whereas it is expedient to amend section thirty of the Railway Act; therefore, the words "three months 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."

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:—

"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 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.

"5. 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."

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.

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 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.—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 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 Bonds Granted.	Amount of Sub- scription to Shares.	Amount of Sub- scription to Bonds.	Rate of Interest.	Date of Re-pay- ment.
	\$ 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 Realised.
\$ cts.	\$ cts.		\$ cts.

NO. 5.—SALES OF LAND MADE BY THE COMPANY.

Acres sold.	Price per Acre.	Amount.
	\$ cts.	\$ cts.

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 do steel		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	St.	
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 Railway		
do do junctions with other Railway		
do do branches		
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 labor 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.—OPERATING EXPENSES—WORKING AND REPAIRS
OF ENGINES

	\$	cts.
1. Wages of engineer, 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		

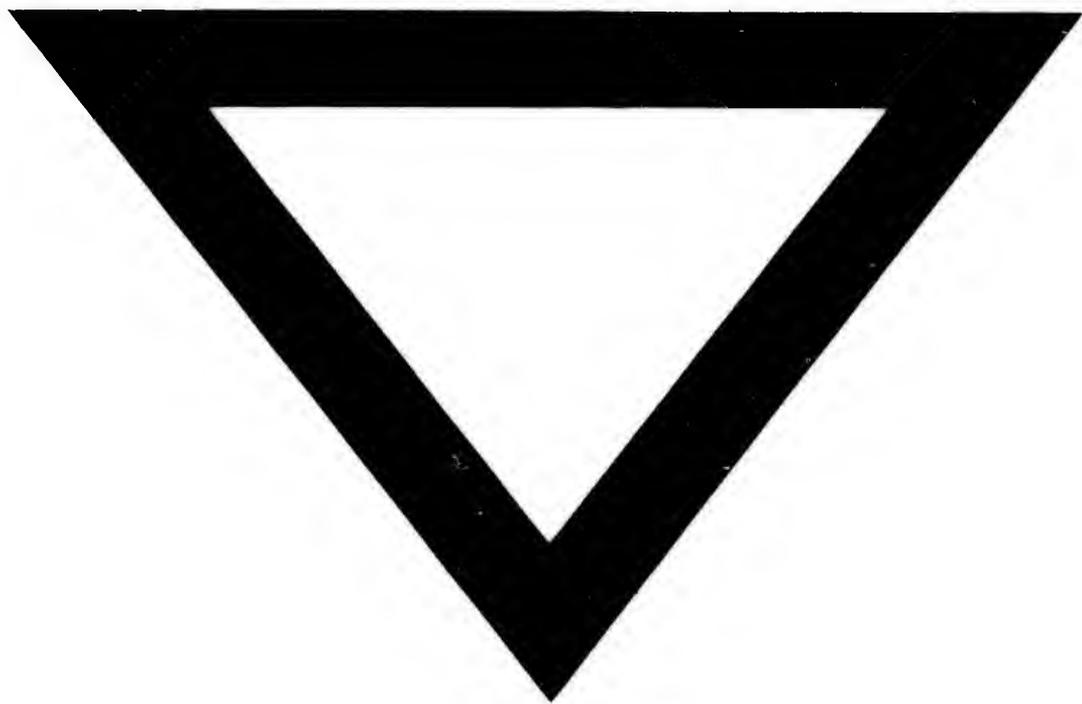
No. 14, C.—WORKING AND REPAIRS OF CARS.

	\$	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 OPER-
ATING CHARGES.

	\$	cts.
1. Office expenses, including directors, auditors, management, travelling expenses, stationery, &c.....		
2. Station agents, clerks, porters, &c.....		
3. Conductors, baggage-men 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.



h having been raised to the proper temperature, tested is introduced into the petroleum cup, and is slowly until the level of the liquid just above the point of the gauge which is fixed in the cup. Whether the temperature of the room in which the thermometer tested have been kept should be observed in any instance, and if it exceeds sixty-five degrees the thermometer tested should be cooled down (to about sixty-five degrees) by immersing the bottles containing them in water, or by any other convenient method, or if the thermometer is below that temperature, it should be raised to be less than sixty degrees when placed in the petroleum cup. The lid of the cup, with the slide closed, is then placed on the cup is placed into the bath or heating vessel. The thermometer in the lid of the cup has been adjusted so that its bulb just immersed in the liquid, and its position is not under any circumstances to be altered. The petroleum cup has been placed in the proper position, the thermometer faces the operator. The lamp is then placed in position upon the lid of the petroleum cup, the pendulum beating seconds or a lead or plumb line hanging thirty-nine inches from its point of suspension. The centre of the plumb weight, fixed in a convenient position in front of the operator, is set in motion, and the needle of the thermometer in the petroleum cup is exposed. When the temperature has reached about ninety degrees the operation of testing is to be commenced, the lamp being applied once for every rise of one degree, in the following manner:—

The lamp is slowly drawn open while the pendulum performs its oscillations, and is closed during the fourth oscillation.

CHAP. 24.

To amend the Consolidated Railway Act.

[Assented to 21st March, 1881.]

Some doubts have arisen as to the true intent and meaning of the word "capital" in the eleventh subsection of the seventeenth section of "The Consolidated Railway Act," hereinafter called "The Railway Act," and in order to remove such doubts: Therefore Her Majesty, by and with the advice and consent of the Senate and the House of Commons of Canada, enacts as follows:—

The word "capital" as used in the said sub-section means the paid up stock and share capital of the company, and the interest added for periods during which no interest has been paid, to the exclusion of all subsidies and grants, and as regards the Canadian Pacific Railway Company, the word "capital" shall apply to the amount of the company contracted on the pledge of the company 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 other sub-section of the said section in which the said word "capital" is or shall be incorporated with the special provisions of any railway company.

The word "or" in the third line of the said eleventh subsection 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 the Parliament.